



STATEMENT / MESSAGE OF THE
GENERAL DIRECTOR OF THE KOSOVO
POLICE FOR WHISTLEBLOWERS

&

PRACTICAL GUIDE FOR WHISTLEBLOWERS





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STATEMENT (MESSAGE) OF THE GENERAL DIRECTOR OF KOSOVO POLICE

As an institution built on the values of professional and organizational integrity and based on the principles of democratic policing, Kosovo Police will start implementing the whistleblowing system within the organization. This system aims to build the necessary law-enforcement mechanisms for the protection of whistleblowers.

As the General Director of Kosovo Police, I support the measures taken to strengthen the protection mechanisms of whistleblowers within Kosovo Police.

Whistleblowing as a process with its mechanisms will help Kosovo Police to fight against negative phenomena, maintain public interest, increasing and advancing trust among citizens, as well as better cooperation in early prevention and investigation of cases of wrongdoing and violations within our organization.

Kosovo Police always remains committed to maintaining and strengthening the integrity, trust of citizens and the positive image created over the years thanks to the professional work and commitments of all police officers.

Unethical and illegal actions damage our goal to have a safe society and provide a qualitative service to the community, therefore there will be zero tolerance for any circumstances, or actions that damage the integrity of the Kosovo Police.

The purpose of the creation of the mechanism for whistleblowing in Kosovo Police is to enable, prevent, handle reports of illegal actions of police officers to the detriment of the public interest and creation of the responsible structure for the implementation of this mechanism at all levels of responsibility.

This structure will be organized at the central and local level. In the capacity of the General Director of Kosovo Police, I have appointed officers responsible for whistleblowing who, based on the positive laws for the protection of whistleblowers, will handle all reports following the relevant procedures approved for this purpose.

These officers responsible for whistleblowing are responsible for collecting evidence, interviewing, and if they find violations, reporting the findings to the relevant authorities against officials who commit illegal actions against the public interest.

Officers responsible for whistleblowing are the point of contact for all whistleblowers. Contact with them will be easy, accessible and above all confidential.

Officers Responsible for Whistleblowing are trained in continuity according to the best practices of democratic countries.

This guide provides necessary information for whistleblowers on the way and manner of reporting, handling reports by officers responsible for whistleblowing, as well as the protection of whistleblowers from any form of mistreatment. Whistleblowers are a valuable asset to our organization in protecting the public interest. Any form of pressure, threat to the whistleblowers or interference in this process with the aim of violating it, will be handled and strict measures will be taken in accordance with the procedures determined and with the positive laws.

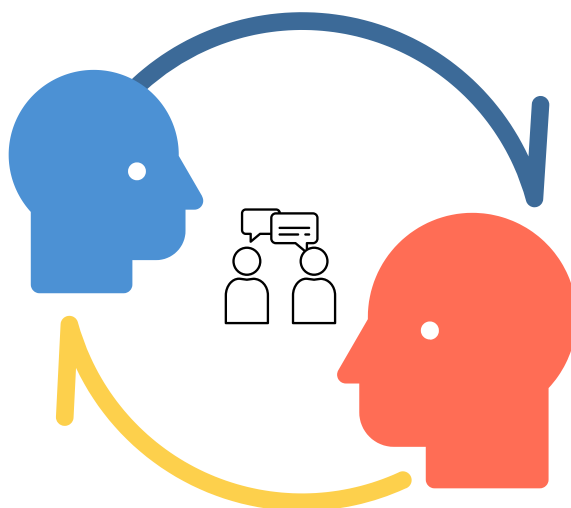
I, as the General Director of the Kosovo Police, encourage all Police employees to report all cases when they notice actions of police employees that contradict ethics, professionalism, rules, that damage the image of the Kosovo Police, and the public interest.

Reporting will contribute to the creation of an efficient and effective service, for a better and safer environment for all of us.

PRACTICAL GUIDE TO WHISTLEBLOWING

A. INTRODUCTION

This Practical Guide on Whistleblowing is a guide aiming to assist, clarify and serve all whistleblowers in the public interest. The document provides necessary clarifications and instructions for the way of reporting, the place and the persons who make the reporting, the officer responsible for whistleblowing, the content of reporting. The document also defines the authority responsible for the protection of the whistleblower in the event of any harm due to whistleblowing or retaliatory action, the guarantees that are provided for the preservation of identity, confidentiality and personal data, as well as the rights of whistleblowers to be informed of the process, its progress and its conclusion.



B. PURPOSE

This practical guide aims to sensitize and encourage all police personnel and other persons who can make a whistleblowing report, to provide them with the necessary information about the whistleblowing process and the completion of this process.

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DEFINITIONS

1. The expressions and terminology used below have the meaning according to the provisions of Article 3 of Law no. 06/L-085 On the Protection of Whistleblowers:

“1.1. Whistleblower – any person who reports or discloses information about a threat

or violation of public interest in the context of work relation in the public or private sector.

1.2. Reporting or disclosure in the public interest – means reporting or disclosing information about actions and omissions that pose a threat or harm to the public interest.

1.3. Reporting – means reporting within the public institution or private entity or to the competent authority.

1.4. Disclosure – means making information public.

1.5. Person in the context of the employment relationship – the natural person who is or has been:

1.5.1. in employment in a public institution or private entity regardless of the nature of the employment relationship, duration or payment;

1.5.2. external or casual collaborator, volunteer, professional practice or training;

1.5.3. candidate for employment, voluntary activities, professional practice or training;

1.5.4. in contractual relationship for works, services or other types of cooperation or use of the services of the public institution or private entity, including contracting or sub-contracting.

1.6. Employer – means any public institution and private entity that belongs to any of the categories defined under sub-paragraph 1.5 of this paragraph.

PRACTICAL GUIDE TO WHISTLEBLOWING

1.7. The Anti-Corruption Agency or any authority that has the right to receive reports in accordance with the positive laws, in relation to whistleblowing in the public sector, while regulators according to the field in which the whistleblowing is made in relation to whistleblowing in the private sector.

1.8. Public institution – means public bodies, authorities and agencies at the central and local level that exercise legislative, executive, administrative, judicial or prosecutorial powers or other public institutions defined by law.

1.9. Responsible officer – the person appointed by the public institution or private entity to receive and handle the whistleblowing.

1.10. Harmful action – any direct or indirect action or omission that harms the legitimate interest of the whistleblower or a person related to the whistleblower.

1.11. Person related to the whistleblower – the person who assists the whistleblower or can provide evidence related to the whistleblower or any other person who may be harmed due to any relation with the whistleblower.

1.12. Personal data – any information related to an identified or identifiable natural person as determined by the Law on Personal Data Protection.

1.13. Classified information – any information classified as determined by the Law on Classification of Information and Security Clearances".

INFORMATION FOR WHISTLEBLOWING

WHO CAN MAKE A REPORT?

1. The following persons may make a whistleblowing report:

Current or former police officers and civilian personnel, regardless of the nature of the employment relationship, its duration or payment.



Current or former external or casual collaborators, volunteers, persons in professional internship or training.

Candidates for employment, volunteer activities, professional practice or training. Persons in contractual work relations, services or other types of cooperation or use of Kosovo Police services, including contracting or sub-contracting.

WHAT CAN I REPORT?

The reporter can make the report in the following circumstances according to the provisions of Article 5 of the LAW No. 06/L-085 on Protection of Whistleblowers

11. Reporting and disclosure in the public interest is protected when it is done because:

- 1.1. the offense has been committed, is being committed or is likely to be committed;
 - 1.2. the person has failed, is failing or is likely to fail to fulfill any legal obligation;
 - 1.3. a maladministration of justice occurred, is occurring or is likely to occur;
 - 1.4. the health or safety of an individual has been endangered, is being endangered or is likely to be endangered;
 - 1.5. the environment has been damaged, is being damaged or is likely to be damaged;
 - 1.6. there has been a misuse of official duty or authority, of public money or resources of a public institution, this is happening or is likely to happen;
 - 1.7. an act or omission by or on behalf of a public institution is discriminatory, oppressive, is committed by negligence or constitutes a serious mismanagement;
 - 1.8. information intended to show any of the matters under any of the above sub-paragraphs has been, is or is likely to have been concealed or destroyed.
2. Reporting or disclosure will be presumed to be in the public interest, unless proven otherwise.

Recommendation

It is recommended that you make your report as soon as possible, you are not obliged to prove the good faith and authenticity of the information. If you are unsure whether the matter is whistleblowing or not, you can contact the responsible Whistleblowing Officer for further advice."

WHAT YOU CANNOT REPORT!

"The practical guide is dedicated for reporting matters of public interest. Personal employment matters (such as complaints about grievances against colleagues or managers) will not normally be considered whistleblowing, unless the matter falls within the scope of article 5 of the Law (see previous part). You can report personal employment matters using other internal mechanisms. If you are not sure whether the matter is whistleblowing or not, you can contact a responsible officer for further advice.

WHERE CAN I REPORT?



Reports can be addressed to the responsible officer who evaluates it and investigates as necessary.

Each Regional Directorate and the General Directorate of the Kosovo Police (GDP) in Prishtina has a responsible officer appointed by a decision of the General Director. The responsible officer has a duty to receive and investigate whistleblowing reports and to maintain the confidentiality and identity of the whistleblower as well as any information

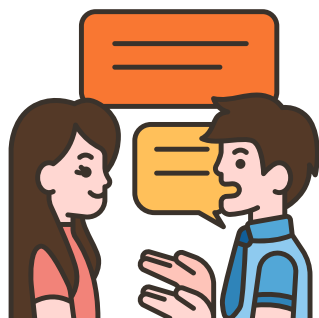
The name and contact details of each responsible officer are available on the police website and intranet. The whistleblower must make his report to the responsible officer in his area. In certain circumstances, it is also possible to report directly to the General Director. Further information on this is provided below.

The whistleblower addresses the report to the officer responsible for whistleblowing in the territory of the region where he works. The necessary data and information for the officer responsible for whistleblowing can be found on the intranet page (the internal network of the Kosovo Police) and the website of the Kosovo Police www.kosovopolice.com.

CAN I REPORT ANYWHERE (ANYONE) ELSE?

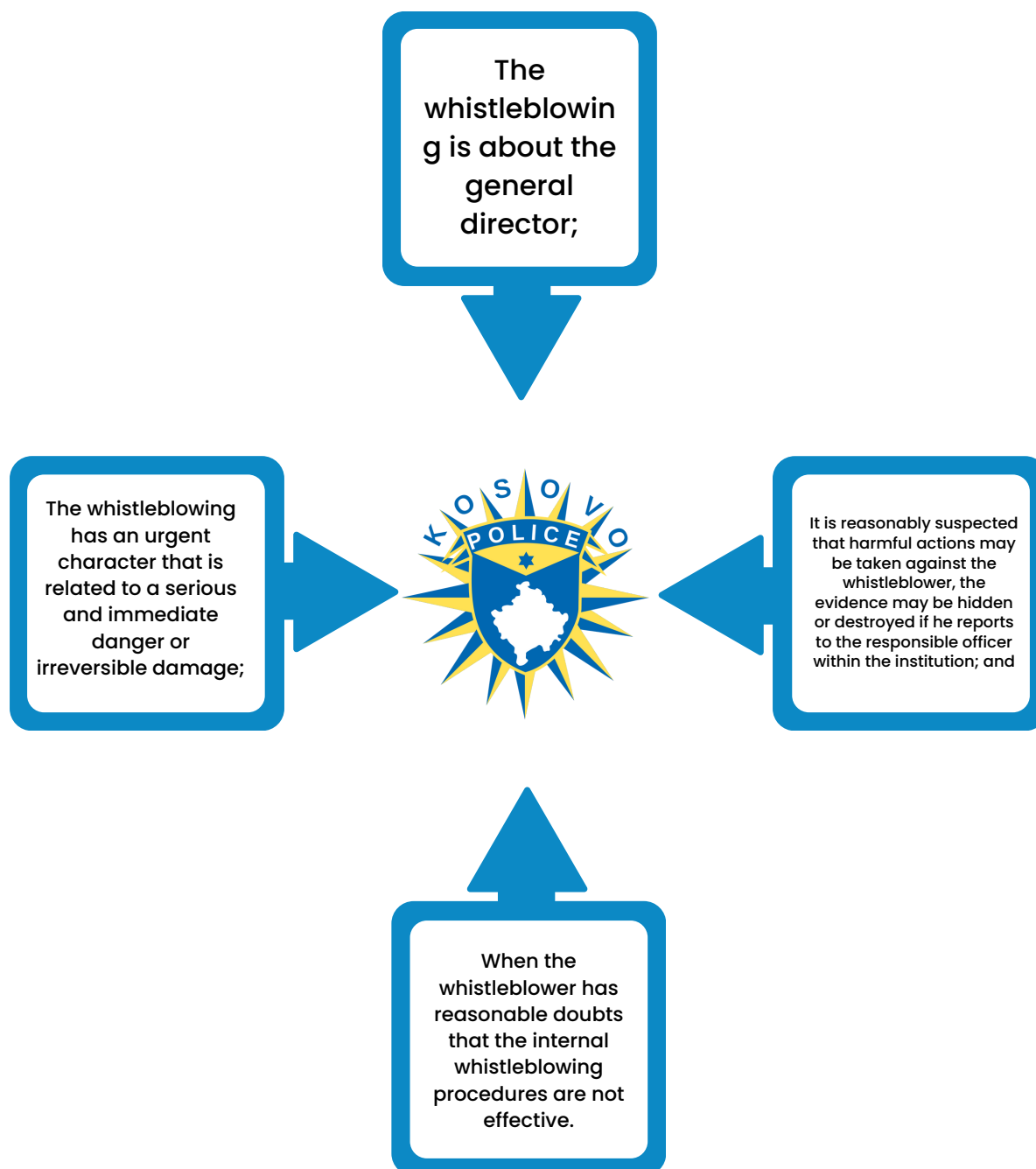
"In certain exceptional circumstances reports can be addressed to the General Director of the Kosovo Police. The General Director has the same legal obligations as responsible officers and must protect your identity, assess your report and investigate where necessary. Article 17 paragraph 4 of the Law on the Protection of Whistleblowers determines the extraordinary circumstances as follows as well as Article 5 paragraph 6 of Regulation (QRK) No. 03/2021 on Defining the Procedure for Receiving and Handling Whistleblowing Cases".

You can make a report in public interest to the General Director of Kosovo Police in case you have reasonable doubts that:



1. The employer does not have a responsible officer;
2. The employer has not defined and published internal procedures for receiving and handling whistleblowing;
3. The responsible officer is or may be involved in a suspected whistleblowing practice,
4. Because of any relationship or association with a person who is or may be involved in the case alleged in connection with the whistleblowing, he/she is not the proper person to be informed of the whistleblowing.
5. Internal whistleblowing procedures are not effective.
6. In case of absence of the responsible officer;
7. In case the report is submitted by or to the responsible officer,
8. Or in case the responsible officer has a conflict of interest.

The report can also be made to the Agency for the Prevention of Corruption according to the provisions of the article 18 paragraph 1 point 1-4 of Law No. 06/L-085 on the Protection of Whistleblowers if:





Important information

In the event that your reporting is related to classified information, national security, defense, intelligence and international relations, submit the report to the competent body of these fields as provided in Article 21 paragraph 1 of the Law No. 06/L-085 on Protection of Whistleblowers. You can find the information about the Director General of the Kosovo Police on the intranet (internal network of the Kosovo Police) emri.mbiemri@kosovopolic.com.

HOW CAN THE REPORTING (WHISTLEBLOWING) BE MADE?



Reporting can be made:

"There is a whistleblowing module called "whistleblowing" on the website and intranet. By clicking on this window, the information necessary for the whistleblower is opened and in the following steps it is possible to select the responsible officer of the nearest location for the whistleblower. There you will find the name, email address, landline and mobile phone.

Reports can be made to a responsible officer in the following ways:

- Physically meeting the responsible officer.
- By phone (in the office from 8:00 a.m. to 4:00 p.m.) while in urgent cases, by mobile phone at any time.
- Through the specially given email for whistleblowing.
- Through physical mail to the address of the officer responsible for whistleblowing

Instructions for using communication channels

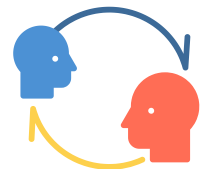
The whistleblower may use any form of communication with the officer responsible for whistleblowing listed in this section.

The whistleblower in order to report can personally contact the responsible officer at the work office or even outside the work premises at the place and time when he/she feels safer and more comfortable.

If the whistleblower wants to contact the responsible officer by phone to file a report, he can do so through one of the phone numbers he registered. If the whistleblowing was done by phone, the whistleblower must later sign the whistleblowing report prepared by the officer responsible for whistleblowing.

If the whistleblower wants to make the report via e-mail, the email of the responsible officer is dedicated only for whistleblowing.

If the whistleblower wants to make the report through external or internal mail, then the envelope must be closed and ensure that it cannot be read from the outside, and on the envelope, write only the name of the recipient, in this case the officer responsible for whistleblowing with correct address.



HOW WILL YOUR REPORT BE HANDLED?

"After receiving the report from the responsible officer, the information is recorded in the register. It must contain:

The date of receipt of the report;

Name and surname of the whistleblower;

Whistleblower's contact details;

The institution of the whistleblower;



The brief content of the information.



When making a report using one of the reporting channels, it would be helpful if you could provide the information listed above, as this will help the responsible officer complete the register and reduce delays in the process. It is important to note that the whistleblower's identity is protected by law. Whistleblowers are advised not to discuss their report with anyone so their identity is not revealed. Once the report has been received, the whistleblower will be provided with evidence of the report submitted and a list of any documents submitted within it.

For more information, see Article 15 of Law No. 06/L -085" Law on the Protection of Whistleblowers (2018)

WHAT HAPPENS AFTER A WHISTLEBLOWING IS RECEIVED?

6.1 What happens after a whistleblowing is received?

The internal administrative investigation procedure starts from the moment of reporting the whistleblowing. The whistleblower will be notified about the acceptance or rejection of the whistleblowing within fifteen (15) days from the day of receipt of the whistleblowing. If the whistleblowing is received, then the responsible officer will investigate. The investigation will be completed as soon as possible, but not later than forty-five days from the moment of reporting the whistleblowing (unless the circumstances of the case require an extension of the deadline, which cannot be longer than forty-five (45) days).

6.2. The investigative process

If the whistleblowing is accepted, an administrative investigation will be carried out by the responsible officer (or by the General Director in exceptional cases when the report is made directly to him). The responsible officer will review and evaluate the claims. During this process he/she may request additional information and relevant documents, order inspections or receive statements from persons on this matter. The responsible officer may also consult with experts in the relevant field. The whistleblower, third parties with knowledge of the reported information and those in possession of relevant documents may participate in the administrative investigation.

6.3. Due process guarantee

Each party participating in the administrative investigation is guaranteed due process in accordance with the Law on General Administrative Procedure. The party:

- Can provide a written statement;
- Can submit evidence or opinions;
- The investigation file can be consulted;
- Has the right to be heard about his/her claims;

Request to provide information

The employer is legally required to make data, documentation and evidence available to the investigation.

Requests for information must be answered as soon as possible and not later than seven (7) days.

If any person does not fulfill the legal obligations for cooperation in the administrative investigation, disciplinary proceedings will be initiated against him.

6.4. End of investigation

Upon completion of the investigation, the responsible officer will notify the whistleblower and the Director General of the completion of the investigation, findings and recommendations within 15 days. The General Director is required to take immediate measures to the extent possible to prevent or stop the continuation of harmful consequences of the suspected activity reported by the whistleblower. When necessary, disciplinary proceedings will be initiated against the alleged wrongdoer.

6.5. Additional important information

The whistleblower is not obligated to prove any claim he or she makes as a whistleblower.

The whistleblower must not be prejudiced if the threat or alleged violation of public interest is not materialized.

The whistleblower has the right to access the whistleblower's investigation file and may request this any time from the responsible officer.

RIGHTS OF WHISTLEBLOWER:

"The whistleblower has the right to protect his identity. The source of the whistleblowing will be kept confidential as required by Law. These rights are guaranteed by Law, during the administrative investigation, after the end of the administrative investigation and after the completion of the whistleblower's employment when, under reasonable circumstances, the whistleblower requested protection.

The whistleblower has the right to protection against harmful actions. The employer is obliged to protect the whistleblower from any harmful action and to take all necessary measures to stop the damage and eliminate its consequences.

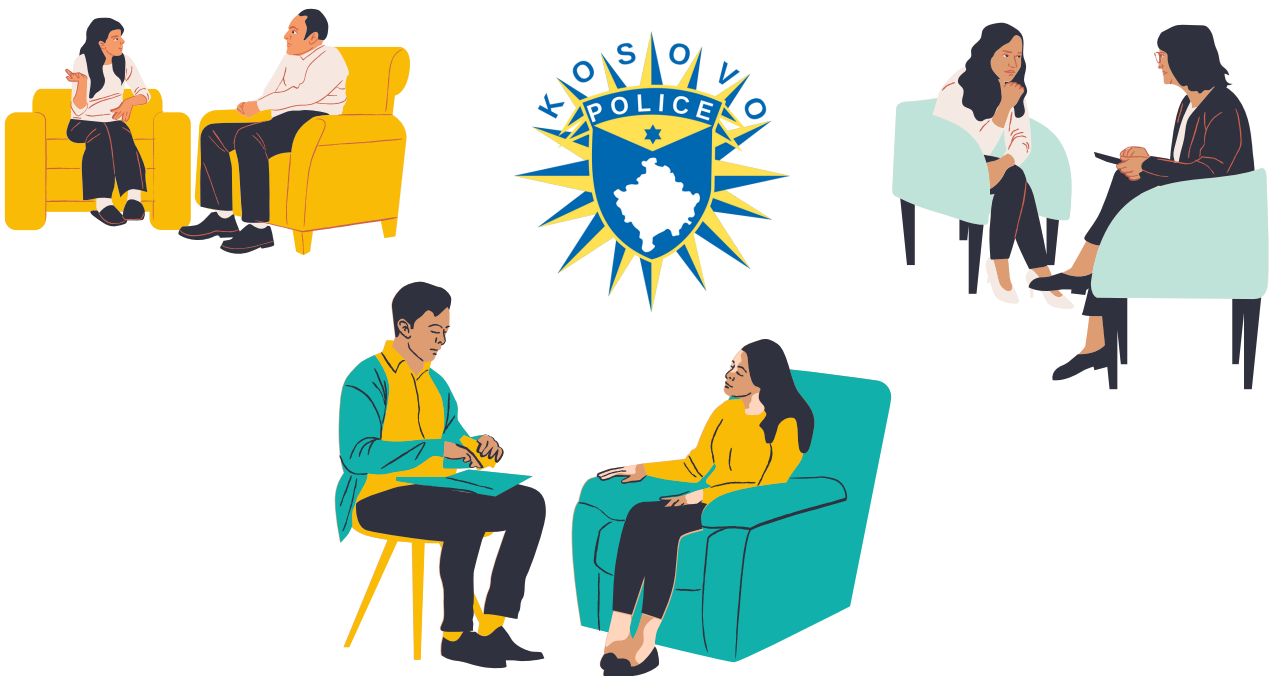
If a whistleblower believes that he is, was or will be a subject of a harmful action, he must report it to the responsible officer as soon as possible."

For more information, see articles 7 and 16 of Law No. 06/L –085 for the Protection of Whistleblowers,

RIGHTS OF THE PERSON RELATED TO WHISTLEBLOWING:

- 1.The person related to the whistleblower enjoys the same protection as the whistleblower, if such person proves that a harmful action was taken against him/her because of his/her relationship with the whistleblower.
- 2.A person who proves that a harmful action was taken against him because the person who took the harmful action mistakenly believes that he/she is a whistleblower or a person related to him/her, enjoys the same rights and protections as the whistleblower.
- The responsible officer enjoys the same protection as the whistleblower if it is proven that harmful action has been taken against him regarding the receipt and handling of the whistleblowing.
- Article 8, paragraph 1,2&3 of the Law no. 06/L-085 on Protection of Whistleblowers

“If the above-mentioned persons believe that they are, have or will be subject of a harmful action, they should report this to their responsible officer as soon as possible.”



PROTECTION OF WHISTLEBLOWERS:

“Whistleblowers who make reports that qualify for protection under the Law are entitled to certain legal protections. These protections are included in article 9 paragraph 1,2,3,7 and 4 of the Law on the Protection of Whistleblowers, which provides as follows:”

1. The whistleblower who reports or discloses information in accordance with the provisions of this law cannot be subject to criminal or civil liability or disciplinary procedures.
2. The whistleblower has the right to protection according to this law, in cases where:
 - 2.1 reports or discloses information, as defined by this law.
 - 2.2. reasonably believes that the information reported or disclosed is true.
3. The whistleblower is not obliged to prove the good faith and authenticity of whistleblowing.
4. The protection guaranteed to the whistleblower under this law must not be prejudiced if the alleged threat or violation of the public interest is not materialized.

The whistleblower has the right to also seek institutional protection if harmful actions have been taken against him due to the whistleblowing provided for in Article 22, 23, 24, 25 & 26 of Law No. 06/L-085 on the Protection of Whistleblowers as follows:

1. Protection from harmful actions;
2. Compensation in case of harmful actions;
3. Judicial protection;
4. The burden of proof falls on the employer if the whistleblower was subject of harmful actions due to the whistleblower, as well as in case of disciplinary proceedings against the whistleblower regarding the claim that he submitted a report in public interest in bad faith, the employer has the burden of proving this bad faith.
5. Claim request and measure of insurance;

PRESERVATION OF CONFIDENTIALITY, IDENTITY AND DATA PROTECTION :

“The responsible officer and any other person who receives or processes reports received from whistleblowers must keep this information and the identity of the whistleblower confidential at all times. They must not distribute or transmit the information to third parties inside or outside the institution, as well as not use it for other purposes, except with the written consent of the whistleblower or for the fulfillment of a legal obligation related to:

effective investigation of legal violations;

preventing serious threats to state security, public health, public safety or the environment;

crime prevention or prosecution;

the need for disclosure in the public interest or when required by law.

The responsible officer and other persons must not inform the person mentioned in the whistleblowing, unless required by law. The responsible officer must obtain the whistleblower's written consent if required to provide information that may reveal the whistleblower's identity to a competent authority for actions that cannot be taken without disclosing the identity of the whistleblower. In cases where required by Law to disclose the identity of the whistleblower, the responsible officer must inform the whistleblower about this fact before revealing his/her identity.”



MISUSE OF WHISTLEBLOWING AND CONSEQUENCES

“The purpose of this practical guide is to support Kosovo Police personnel and persons in the context of the work relationship to make reports for the public interest. It should not be misused intentionally.

1. The protection of the whistleblower is excluded only in the cases determined by the Article 10, paragraph 1 of Law no. 06/L-085 on Protection of Whistleblowers as follows:
 - 1.1. Whistleblowing was not carried out for the reasons determined in Article 5 of the Law no. 06/L-085 on Protection of Whistleblowers;
 - 1.2. reporting or disclosure is carried out on the basis of facts, information or documents that are provided regarding the provision of legal assistance;
 - 1.3. the whistleblower reports or discloses information he/she knows or may know to be false.

Persons found to have abused the whistleblowing scheme may be subject to disciplinary measures. In the event that disciplinary proceedings are initiated against the whistleblower for the allegation that he submitted a public interest report in bad faith, the employer has the burden of proving this bad faith.”

