

INVESTIGATION TASK FORCE

Investigation into allegations of Bribes for Visa Applications (Case No. 223/04)

I. Allegations

1. This report details the investigation into a written statement supplied to the Investigation Task Force (ITF) alleging that visa applications were made to a number of Liaison Offices by a person – or persons - purporting to be employed at the Pristina Airport. The allegation was initially provided to the ITF by a local businessman. It was then received from Pristina Airport Official 1 of who advised that the report originated from hearsay evidence supplied by Pristina Airport Official 2. The hearsay allegation suggested that money was exchanged for the production of Pristina Airport documents supporting visa applications and that once the visa was obtained, the Pristina Airport Identity Pass used in the scam was returned to the Security Officer of Pristina Airport, and destroyed along with the original letters of application.
2. The person who supplied the written statement mentioned above was interviewed on the specifics of his/her allegations and provided additional details, including names, circumstances and the amount required for the “services”. The ITF then commenced its investigation into the allegations.

II. Background information

3. In the course of the general Pristina Airport inquiries, the ITF learned of allegations that various European Countries were issuing travel visas to Kosovar nationals based on forged supporting documents. These supporting documents appeared to have been produced by Pristina Airport officials who were abusing their position by issuing false certificates and identification passes that identified individuals as Airport employees, when in fact they were not. It was alleged the same Airport officials were doing this in order to gain illegal enrichment.
4. The ITF came into possession of the above-mentioned official statements and also of a photocopy of supporting documents, issued in the name of an Individual, to support an application made to the Member State’s Liaison Office. The

application letter appeared signed by Staff Member 1, and was accompanied by an Identity Card issued by the Security Officer.

5. In mid autumn of 2004, the local press published an article disclosing significant details, including copies of the documents sent to the Member State's Liaison Office and names of individuals involved, about the case on which the ITF was conducting the investigation.

III. Applicable law

Provisional Criminal Code of Kosovo entered into force on the 06 April 2004

Art. 332 – Falsifying Documents

“(1) Whoever draws up a false document with the intent to use such document as genuine or knowingly uses a false or altered document as genuine shall be punished by a fine or by imprisonment of up to one year.”

IV. Methodology

6. The ITF conducted interviews of relevant witnesses, collected documents and records concerning the allegations and made contact with all the Liaison Offices that were likely to be subject to the fraud. The ITF also liaised with the Border Police at Pristina Airport.

V. Investigative details

7. The investigation focused on the following individuals and their related actions.

a) *The Individual*

8. On the 21st of October 2004 the ITF interviewed the Individual, who allegedly attempted to fraudulently obtain a visa through the Member State's Liaison Office in Pristina.

9. In that interview, the Individual acknowledged his/her responsibilities, recognizing the copies of the false documents. However, he/she described his/her attempt as having originated from a casual encounter with an unknown individual that he/she had met in front of the Member State's Office. The Individual stated that this person had expressed the possibility to help him/her obtain the visa by means of producing false supporting documents. The Individual was asked to pay €600 for this “assistance”.

10. According to the Individual, the attempt to obtain the visa was unsuccessful, therefore, the copies of the false documents were returned to the unknown person without any money being exchanged.

11. In his/her interview the Individual stated that in order to clarify his/her situation after it had been published in the local media, he/she went to the airport and spoke with the (Airport Police Officer) and explained his/her version of the facts. The Individual added that Staff Member 1 had also been present at that meeting.

12. The ITF learned that after this meeting, the Individual was allegedly physically assaulted on his/her way home. Staff Member 1 confirmed this to the ITF during his interview, but when the Individual was asked by the ITF about the assault, he/she denied that it had happened.

b) *Staff Member 1*

13. Staff Member 1 asked to meet with the ITF in October 2004 in order to provide information regarding this case. He/she denied the allegations raised in the local press and stated that he/she had not signed any documents related to the matter and denied his/her involvement in any part of the fraud. Staff Member 1 related a similar story to that of the Individual.

14. A review of the signatures on the photocopies of the false documents by the ITF suggested that the signature - purportedly that of Staff Member 1 - was in fact different to his/her normal signature. Without forensic review, this evaluation by ITF is simply based on a visual check of the signatures.

15. Staff Member 1, during his/her interview, advised the ITF that the false employment certificate used by the Individual was, according to the reference numbers, originally issued on behalf of Staff Member 2. Staff Member 1 stated that he/she, and the Airport Police Officer, had interviewed Staff Member 2 on the issue but had only obtained vague answers and different versions of the facts.

c) *Staff Member 2*

17. During the interview of Staff Member 2 by Staff Member 1 and the Airport Police Officer, Staff Member 2 admitted to have applied for the visa at the Member State's Office in Pristina. The visa was denied, but the documents issued by the airport that he/she had used for the application were displaced and subsequently allegedly lost.

18. After being requested to search for the documents, Staff Member 2 subsequently gave Staff Member 1 and the Airport Police Officer the certificate of employment he/she used for the application, but after a summary examination, both Staff Member 1 and the Airport Police Officer noticed that the documentation was not the original one.

19. When questioned on this issue, Staff Member 2 was confused and contradictory in his/her report of the facts and this general attitude raised suspicion that some sort of pressure or threat had been directed to him/her.

d) Security Officer

20. According to the confidential report that triggered the case, the Security Officer was allegedly the person responsible for providing the false documentation to the various fraudsters. He/she was supposed to be, de facto, the internal agent of the structure.

21. The ITF contacted the Security Officer prior to the matter becoming public and he/she denied any involvement or responsibility for the scam.

22. The ITF could find no evidence that the Security Officer had exclusive access to the relevant documents and offices: in fact, during a previous visit whose results were sent to KTA, the security conditions of the offices issuing IDs and certificates were found to be inadequate - granting access to unauthorized personnel as well. Therefore it is possible that an unauthorized person gained access to the ID Pass Office without the Security Officer's consent or awareness.

e) Original source

23. Due to the lack of other information, the ITF commenced inquiries on the sole source of information, namely the local businessman who supplied the allegation. A photocopy of the supporting documents delivered by the local businessman, who had received them from an Airport X-ray operator, sustained the allegations against the Security Officer and Staff Member 1.

24. The photocopied documents pertained to an application for a visa, through the Member State's Office of Pristina, apparently issued by the Individual. The origin of this photocopy was not ascertained due to the fact that the Airport X-ray operator denied to have ever delivered any internal document to anyone. The ITF concluded that he/she was not willing to mention the person (or the circumstances) that had provided him/her with the document in order to protect his/her position.

25. Bearing in mind that the above-mentioned documents were only photocopies the ITF sought to locate the originals that would allow the investigators to examine them and to develop evidence of the crime. Unfortunately it was not possible to find the original documents and it is assessed most likely that said documents would have been destroyed after the unsuccessful attempts to obtain the visas.

f) Member State's Office Observations

26. The ITF undertook a monitoring exercise on all persons to visit the Member State's Liaison Office in Pristina in order to identify the individual who offered the false documentation outside the Office. Due to the scant information in the

possession of the ITF, this activity was deemed more likely to provide leads, but unfortunately the case became public and ended any chance of success by monitoring the Member State's Liaison Office.

g) Local Press reporting of the case

27. In early October 2004, the local press published significant details of the allegations against the Individual and copies of the documents sent to the Member State's Liaison Office in Pristina. Copies of all these documents were already in possession of the ITF. The public disclosure of the visa fraud caused great harm to the conduct of the investigation. Additional options to uncover evidence of the offence disappeared with the public disclosure of the case. The ITF was not able to identify the source of the leak of the documentation to the Press.

VI. Conclusions

28. No evidence of complicity by Airport Personnel in the attempted visa fraud has been found. ITF had access only to photocopies of the false documents; therefore no clear source of those documents could be established. Due to a general sense of fear, witnesses and subjects were extremely unforthcoming.

29. ITF found that Staff Member 2's certificate of employment was left behind and used for the forging of the certificate. ITF therefore concludes that Staff Member 2 – at the least – did not apply sufficient attention regarding the use of his/her employment certificate. He/she may even deliberately have left his/her certificate of employment with a person not entitled to be in possession of it.

30. ITF found that the ID Pass Office – under supervision of the Security Officer – was in disarray when visited by investigators. ITF concludes that it was therefore easily possible for anyone – even outsiders – to get access to an Airport ID Pass.

31. ITF was able to establish the attempted visa fraud by Staff Member 1. The Individual – however – is not an airport employee. The offence committed by him/her does not fall within the jurisdiction of the ITF, as the subject matter does not relate to the airport as a Publicly Owned Enterprise, but rather to an attempted visa fraud against a foreign country (the Member State's). The Individual used false documents in Kosovo for official purposes in contravention of article 332 of the Provisional Criminal Code of Kosovo (Falsifying Documents).

VII. Recommendations

32. The ITF offers the following recommendations:

Recommendation No. 1: The ITF recommends that UNMIK review the security provisions and measures in place at PEAP in order to ensure that no unauthorized

certificates/files leave the ID pass office or any other office. ITF further recommends that UNMIK review the Security Officer's performance in light of the above findings and conclusions. (IV04/223/01)

Recommendation No. 2: The ITF recommends that the SRSG/UNMIK approve the transmittal of a copy of this report to the Department of Justice for further investigation/prosecution against the Individual. (IV04/223/02)

Recommendation No. 3: The ITF recommends that UNMIK place a copy of this report in Staff Member 2's personal file for further monitoring. (IV04/223/03)

Recommendation No. 4: The ITF recommends that UNMIK inform Staff Member 1 that no evidence was found to substantiate the allegation that he/she signed the forged documentation and is therefore cleared of any wrongdoing in this specific matter. (IV04/223/04)