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Report from
Group for Legal
and Political Studies

Rule of Law Performance Index in Kosovo.

5TH EDITION

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Group for Legal
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INTRODUCTION

The performance index of rule of law institutions in Kosovo (RoLPIK) is a monitoring mechanism designed to assess the performance of institutions, with a particular focus on the justice system in Kosovo. RoLPIK serves as an open access platform, accessible to the general public, where each year the performance of the justice system institutions in Kosovo is analyzed and reflected over years. This index contains indicators that provide data about the perceptions and experiences of Kosovo citizens with the rule of law institutions, as well as structural data that provide the reasons that condition efficient and independent functioning of these institutions.

The first edition of the performance index analyzed citizens' perception about justice institutions, and focused mainly on measuring courts' efficiency. The second index conducted during June 2016, assessed the performance of the prosecutorial system between 2013-2015, while continuously analyzing the data on citizen perception about responsible institutions for the rule of law. The third edition conducted during June 2017, continued with the measurements of civil perception as well as the performance of the justice system in investigating, adjudicating and resolving cases during the years 2013-2016. Whereas, in the fourth edition, the analysis of citizen perception data after the fourth survey conducted in June 2018, and the measurement of the performance of the justice system in relation to investigating, adjudicating and resolving cases during 2013-2017 were done.

The fifth edition aims to analyze the data of the civil perception from the survey conducted in September 2019, as well as to measure the performance of the justice system during 2018, by comparing these data with those from previous years. With citizens' perception it is meant the

impression of the citizens of a country about certain institutions, in this specific case of the institutions that have been created to implement legal norms, therefore this indicator is considered very important in the assessment of the state authorities' performance. In this regard, it should be mentioned that the justice system in Kosovo has been constantly characterized by various initiatives and reforms that have largely resulted in legislative

changes, creation of new mechanisms or their abolition, as well as the rearrangement of competences within several institutions. The latter have been characterized as changes that have failed to address the problems at their core, such as the serious shortcoming the justice system has in ensuring justice, independence, impartiality from political actors and the lack of professionalism prevalent in these institutions.

Part of this cycle of reforms were the two initiatives of the Ministry of Justice, which took place during 2018 - 2019, with the main aim of restoring citizens' confidence in justice. These are the "Justice 2020" agendas and the "Functional Review of the Justice Sector" which were parallel reforms launched by the Ministry of Justice, but due to the collapse of the Government, they have not been finalized yet. Moreover, the justice system overtook the January 2013 reform to form a new system of courts and prosecution offices throughout the Republic of Kosovo. The Law on Courts defines this system, consisting of the Supreme Court with its Special Chamber, as the highest judicial instance and with jurisdiction throughout the territory of the Republic of Kosovo; with the Court of Appeals as a second instance court, with jurisdiction throughout the territory; the Basic Courts, as courts of first instance distributed in seven regions, divided into further divisions and departments. The new prosecutorial system, the State Prosecutor's Office is organized by the Office of the Chief State Prosecutor as the highest instance with jurisdiction throughout the

territory of the Republic of Kosovo; the Appeals Prosecution as a second instance, also with a competence throughout the territory; Special Prosecution as a specialized prosecutorial body with jurisdiction throughout the territory of the Republic of Kosovo and Basic Prosecutions in the seven regions of Kosovo, divided into departments. Therefore, given the high number of reforms carried out in this sector, this report, through this index, enlightens the individual's experience with these institutions and assesses their performance through case resolution, aiming to use this data in the future for a complete functioning of the justice system, hoping that future reforms applied in this sector will begin once the findings of this type of study are taken into account and do not remain just as blanco reforms.

METHODOLOGY

This report is based on a primary data such as civic perception and those secondary official reports from the responsible and managing bodies of the justice system in Kosovo. Primary data include citizens survey of the Republic of Kosovo during September 2019, conducted in cooperation with UBO Consulting. The sample selected for this survey consists of 1071 respondents over the age of 18 years across the territory of Kosovo with Albanian (963), Serbian (54) and members of other communities (54). The sample was then weighted, to reflect the ethnic structure in Kosovo using population weights and to reflect the sample in urban and rural areas, from official data from the Kosovo Agency of Statistics (KAS). The third stratification is based on the number of surveys conducted in each settlement. The method used for this survey is based on random selection of families. The survey was conducted face-to-face with the family member who has the nearest first birthday and is over 18 years old. Before administering the field questionnaire, a test of the questionnaire to identify logical

and substantive issues was done, as well as the training of interviewers. Based on the data obtained from the survey, perception indicators were compiled that assess the perception of Kosovo citizens about the performance of the rule of law institutions: courts, prosecution, police and EULEX. All survey questions are grouped into nine indicators to evaluate the performance of the rule of law institutions from different perspectives.

Secondary data to assess the efficiency of work in courts and prosecutions are collected and analyzed from official reports of the Kosovo Judicial Council (KJC), the Kosovo Prosecutorial Council (KPC), and the Kosovo Budget Law. More precisely, the data related to the number of cases received within one year in each court and prosecution were analyzed; the number of cases inherited from the previous year; the number of judges and prosecutors in proportion with the population of Kosovo, as well as the budget allocated to the judicial and prosecutorial system during 2013, 2014, 2015, 2016, 2017 and 2018. Structural indicators reflect the capacities and resources of the prosecution offices and courts to carry out their duties, thereby enabling assessing the efficiency of their work. Since the new structure of the judiciary has come into force in January 2013, the indicators are based on data from the last six years (2013, 2014, 2015, 2016, 2017 and 2018). It must be emphasized that the assessment and analysis of the number of cases resolved or inherited within one year in each court and prosecution, was done without assessing the difficulty of resolving them, or dividing them into different court and prosecution departments. Mainly because the essential purpose in constructing structural indicators is to assess the overall performance efficiency of the courts, prosecution offices and the individual quantitative performance of prosecutors and judges.

CITIZEN PERCEPTION ON JUSTICE SYSTEM INSTITUTIONS

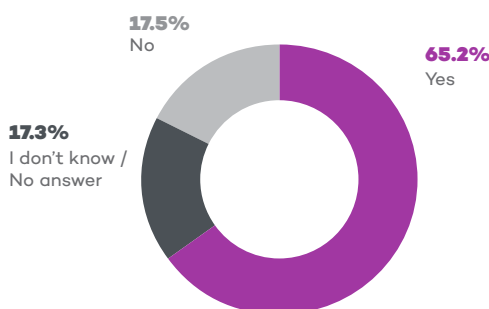
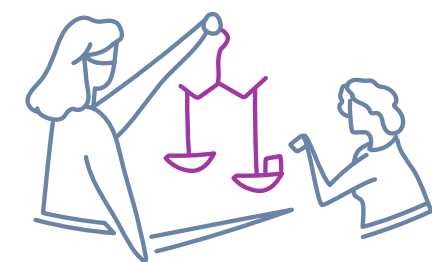
One of the main goals of this report is to assess citizens' perceptions concerning the performance of justice system institutions over the years, including the courts, prosecution, police and the European Union Rule of Law Mission in Kosovo (EULEX). The citizens' impression analyzed in this publication is based on the results of the fifth series of surveys conducted in 2019. These responses are intended to assess citizens' impression about the institutions. Their perceptions in this publication have been compared to track the differences over the years, reflecting the ups and downs of the image of the law enforcement bodies in Kosovo. As in the previous edition the focus of this publication, is the public insight about the performance of the institutions on the fight against corruption, assessing according to specific indicators the performance of the justice system institutions.

POLITICAL INFLUENCE

Citizens of Kosovo hold the belief that justice institutions do not treat them equally. Survey results show that about 65.2% of citizens believe that persons with political influence are less likely to be punished for violating the law, while only 17.5% of respondents think that political position or influence does not generate inequalities in law enforcement. Compared to the last year, the trend of citizens who think that the justice system is influenced by a political position has decreased by 5.5%. This positive change should be judged without being separated from the whole, because data show that more than a half of the population believes that political influence makes you unreachable by the law.

Based on the questionnaire, it is shown that citizens perceive the Kosovo Police as among the least influenced institutions by politics, while courts and prosecution are perceived as the most influenced institutions by politics.

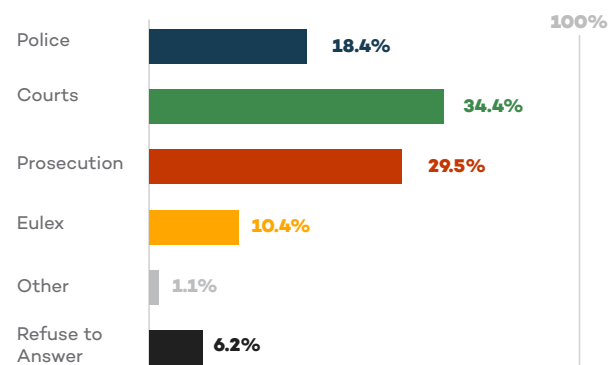
Do you think that people with political influence are less likely to be punished by law?



Concerning the question which institutions are most influenced by political influences, about 34.4% of the respondents marked courts, 29.5% Prosecution, and 18.4% Police. As politically influenced, around 10.4% of citizens also consider to be the EULEX International Mission. Overall, data comparing to last year show that citizens have started to have more trust in institutions, with 72.4% of citizens believing that courts used to be more influenced by politics, now we have only 34.4% of them which still hold this opinion. Concerning the prosecution from 68.3% the percentage has now been reduced to 29.5%; The same applies to the police, where from 47.8% we have a positive decrease to 18.4%. However, it must be noted that despite this image improvement of the institutions, Kosovo citizens continue to have a strong belief that politics is the invisible hand that determines whether a citizen is above or below the law.

Which of the following institutions is mostly impacted by political influence?

The respondent may provide more than one answer

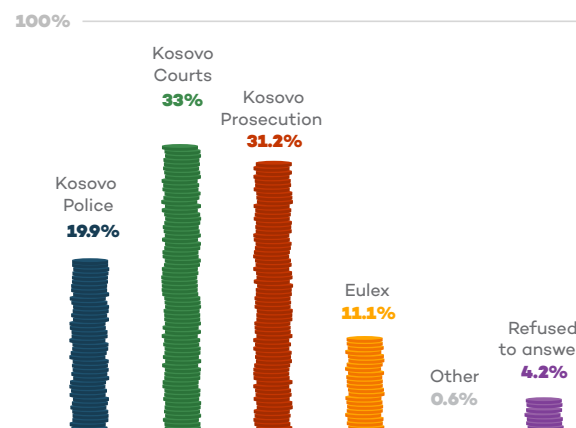


BRIBERY

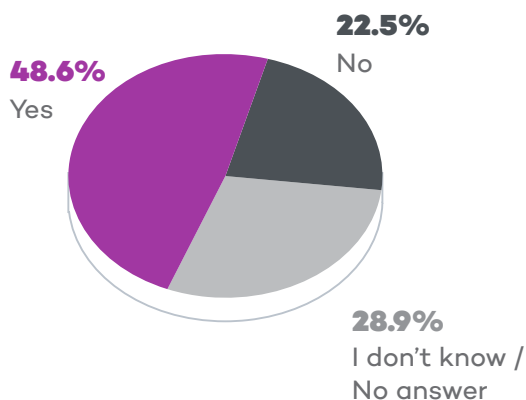
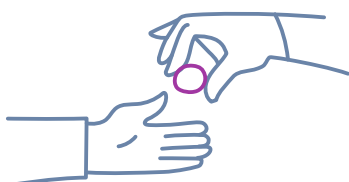
It is believed by the citizens of the Republic of Kosovo that Justice institutions continue to be affected by the phenomenon of bribery. From the results of the 2019 polls, the data show that 48.6% of the respondents think that the rule of law institutions accept and require bribes. Compared to the previous year the percentage decreased by 6.5%, but the negative perception remains in the majority of respondents. It is concerning that only 22.5% of respondents believe that law enforcement officials would not accept or require bribes. It is noteworthy that citizens' trust in institutions has started to increase, but this increasement is negligible compared to the general negative opinion. Respondents believe that the most affected institutions are courts and the prosecution with about 64.2%. And the practice of bribery according to citizens is less present in the Kosovo Police, with 19.9% and lower at EULEX with 11.2%. The belief that bribery is present in key institutions that should implement and enforce the law is a serious obstacle in the creation of the rule of law in Kosovo.

Which institution officials/employees continuously seek/accept bribes?

The respondent may provide more than one answer



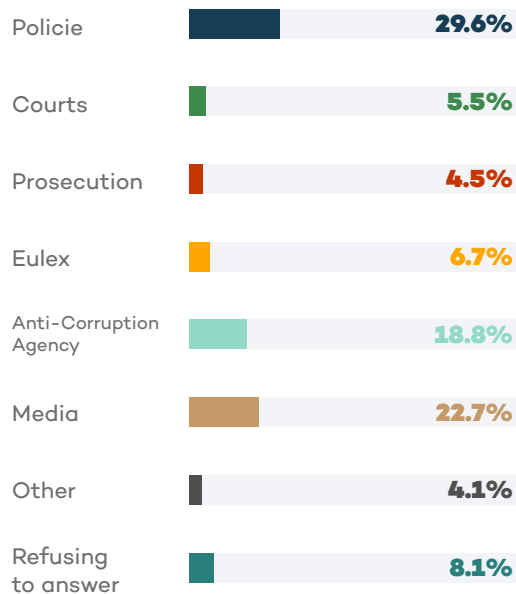
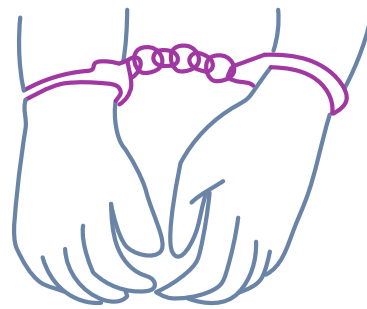
According to your opinion, do officials/employees of rule of law institutions seek/accept bribes?



EFFICIENCY IN FIGHTING CORRUPTION

As the most effective institution in fighting corruption, citizens rank the Kosovo Police in 29.6% cases. There has been a change from the previous year's state where credibility towards the prosecution has decreased compared to the court. While previously the courts were thought to be least effective of all institutions in combating the corruption, the citizens now place the prosecution at the lowest rate of 4.5%. In terms of effectiveness in the fight against corruption, respondents listed the following institutions: Prosecution 4.5%; Courts 5.5%; EULEX 6.7%; The Anti-Corruption Agency 18.8%; Media 22.7% and Kosovo Police 29.6%. Thus, even this year, as in previous years, citizens do not believe that the prosecution and the courts fight corruption, not even EULEX, which was once considered the leader of this table. However, public opinion has improved concerning the Kosovo Police, surpassing the impressions of the positive role of the media and the Anti-corruption Agency in terms of their efficiency in their fight against this negative phenomenon.

According to your opinion, which institution is most effective in the fight against corruption?

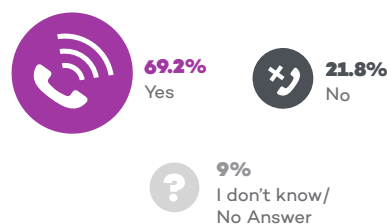


REPORTING CORRUPTION

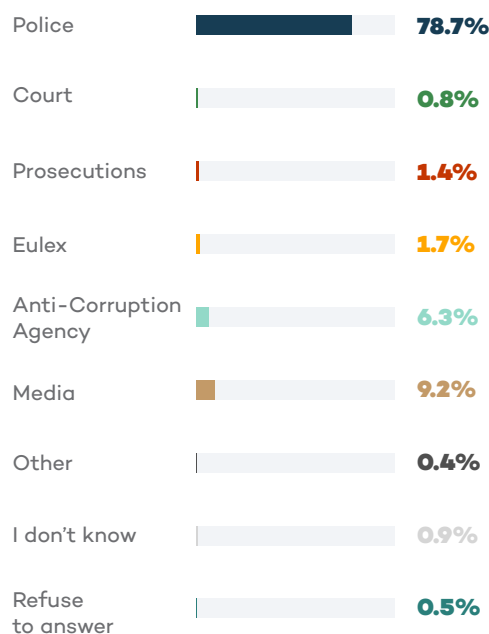
The readiness of Kosovo's citizens to report corruption and criminal offenses, exists to a large extent, despite the fact, that they are dissatisfied with the efforts of institutions in combating these phenomena in society. Asked if they would be willing to report a corruption or a crime case, 69.2% responded they were willing to report it, while 21.8% alleged that they were not willing to report it. From the past years tendency to report corruption of institutions has declined in the number of people who would report injustice or violations to the prosecution. This result of the polls shows that the police continue to be the most trusted address of citizens to report offenses. While previously, 15.6% of citizens said they were not ready to report, now the proportion of citizens who share this opinion is 21.8%. Number of citizens unsure whether to report in case of corruption, it is starting to decrease, from 17.5% last year to 9.2% this year. The decrease in the number of unsure citizens as a percentage seems to have been due to the shift in the proportion of those who would not report these negative phenomena. The number of those who would not be willing to report increased by 6.2%, compared to 2.3% of those who responded that they would report to help institutions fight corruption. This tendency of decreasing civil activism to contribute in addressing negative phenomena is indicative of personal past citizen experiences with the rule of law institutions in Kosovo. Declining readiness is a clear message that shows that citizens are dissatisfied with the way judicial bodies have handled and resolved cases in the past.

When asked in which institution they would report corruption, 78.7% of the citizens interviewed replied that they would report to the police. The percentage of respondents who would report corruption to the prosecution and courts remains low compared to those who would choose to make a report to the police.

If you would notice a case of corruption or crime (theft, violence, etc.), would you be willing to report it?



Which institutions would you report to?



SATISFACTION

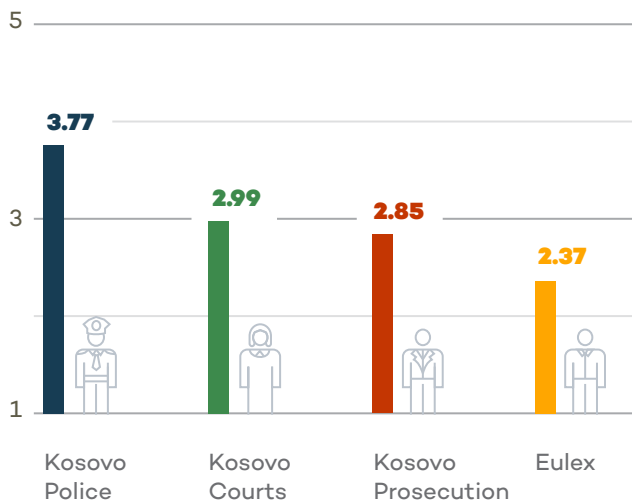
Satisfaction indicator shows how justice institutions act in accordance with citizens' expectations and responsibilities. Data for 2019, similar to those from previous years, show that citizens are more satisfied with the Kosovo Police, while less satisfied with EULEX. The question posed to the interviewers was: "how satisfied are you with the work or performance of these institutions". Whereas the answer could be derived from the value 1 corresponding to

not at all satisfied up to the value of 5 totally satisfied. According to the citizens' responses, the ranking of the institutions by average is as follows: Kosovo Police 3.77, Kosovo Courts 2.99, Kosovo Prosecutor's Office 2.85 and finally EULEX 2.37. However, small improvements were noted in citizens' satisfaction with each of the institutions, but with a higher percentage they appear with the judiciary with an increase of 0.26, while the lowest change was noted in the EULEX mission, at a value of 0.04

How satisfied are you with the work/performance of these institutions?



1=Not at all satisfied and 5=Fully satisfied



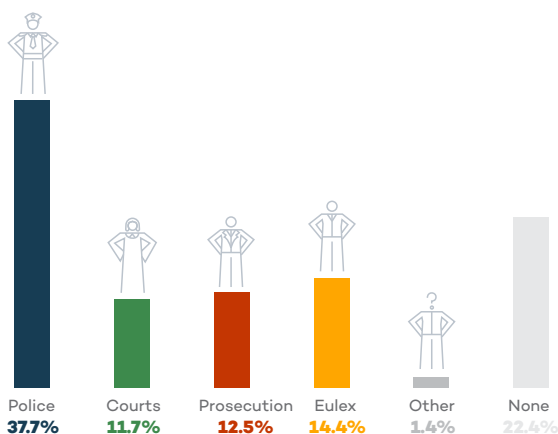
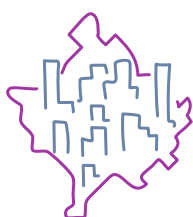
INDEPENDENCE IN DECISION MAKING

Independence and impartiality are principles and conditions of a state in order to have a functioning system of law. Regarding the independence of the institutions that protect the legality, 37.7% of the citizens still rank the police as an institution that can perform its duties and responsibilities independently. While only 11.7% of the respondents think that the courts can be independent in exercising their duty as well as for the prosecution, the percentage is only 12.5%. While the percentage of citizens who believe that police can do impartial work has increased by 2.4%, however, this is not the case for other institutions. The perception from 2018 is now lower for the courts, the prosecution and even EULEX. It is noteworthy that despite responding that they are satisfied with the work of the EULEX mission, the percentage of those who think that this mission can work independently has dropped drastically.

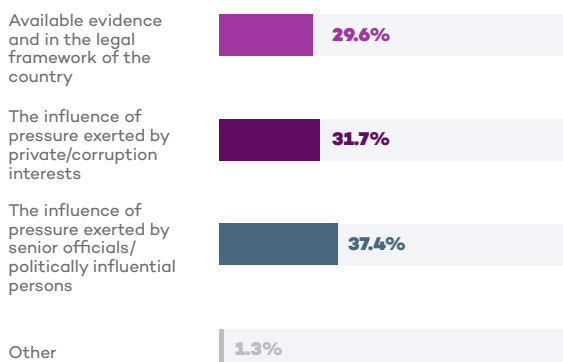
Citizens' perception shows that the principle of independence in decision-making seems to be less applicable by the rule of law institutions. The decrease in the confidence in the independence of institutions from 2018 to 2019 indicates that citizens perceive the independence in judicial and prosecutorial bodies as almost impossible. While citizens perceive the court as the least independent institution in the performance of legal duties, about 37.4% think that judges base their decision-making under the influence of the pressure exerted by senior officials or politically influential persons. The number of citizens who share this opinion from last year has increased by 6%. Less than 30% believe in decisions based on the legal framework, while 31.7% believe that judges are influenced by pressure, corruption and private interest. About 69.1% of Kosovo citizens think that the judiciary is influenced by private interests in decision-making, this indicator reflects their negative experiences with this institution.

In your opinion, which of the following Kosovo institutions are able to carry out their duties independently?

The respondent may provide more than one answer



In your opinion, when making a decision, most of Kosovo judges base their decision on:



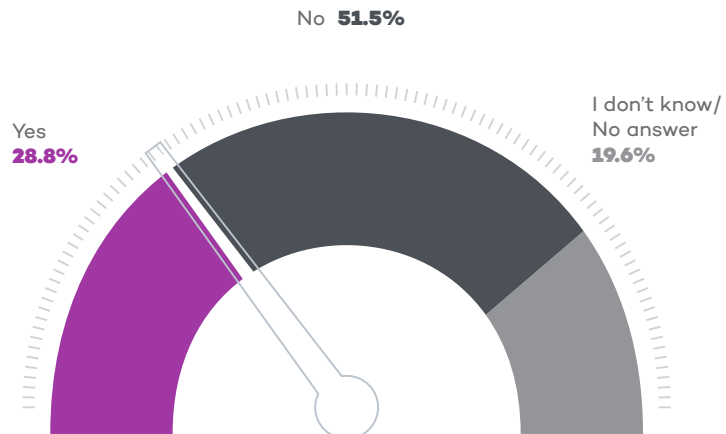
IMPROVING THE JUDICIARY

Despite the ‘Justice 2020’ agenda and the Functional Review process, both initiated by the Ministry of Justice, with the main aim to ensure the well-being and restoring citizens’ confidence in justice, more than half of the citizens deny having noticed any improvement in the justice system. Despite the functionality of the Special Department provided for by the Law on Courts since 2018, there seems to have been little change in citizens’ opinions on the improvement of the judiciary. Less than

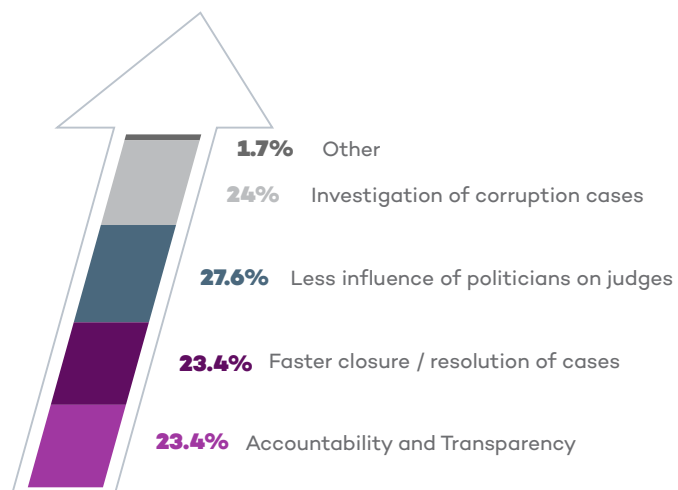
30% believe that they have noticed any positive effects, while 19.6% have given no response.

Among those 30% who believe that the judicial system has improved, 27.6% think that politicians have less influence over judges, 24% believe that investigations of corruption cases have improved, 23.4% believe that cases are resolved faster also equally think that the courts are now more transparent and accountable. The dimension of the justice system that seems to have improved the least, is the speed of closing and resolving cases as the percentage of citizens who believe that there have been improvements in this regard since last year has decreased from 42.4 % to 23.4% this year.

In your opinion, has the justice system improved in recent years?



Which of these areas of the justice system has improved the most?



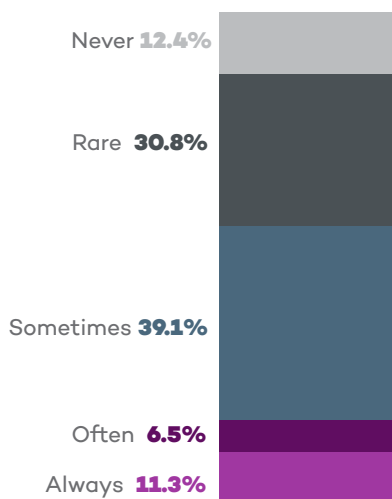
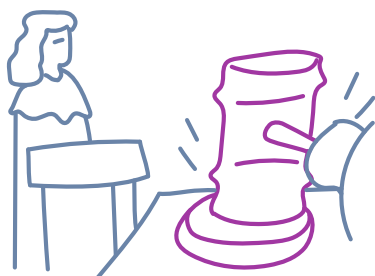
WORKING CONDITIONS

Very few citizens believe that disciplinary measures are taken – even dismissal of judges or prosecutors for violating the rules or procedures. Those who share this opinion make only 17.8%, of whom 6.5% believe that measures are often taken against judges and prosecutors, while 11.3% say that measures are always taken against them. It is important to note that compared to last year the perception has changed in a positive aspect, with 12.4% now believing that disciplinary measures are also taken against judges and prosecutors. However, it should be noted that 43.2% of

Kosovo citizens think that the probability of taking disciplinary actions against judges or prosecutors for rules or procedures violations is low, 14.2% of them think that neither judges nor prosecutors are ever punished, while 30.8% think that this is a very rare phenomenon.

While most citizens perceive the judiciary and prosecution as unreachable by sanctions for their rule violation, yet the majority of citizens (44.7%) agree that both judges and prosecutors lack the means and resources needed to protect themselves from threats, harassments, assaults or intimidation.

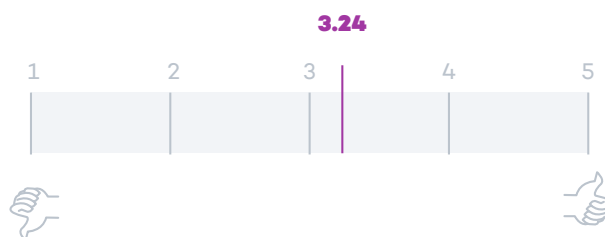
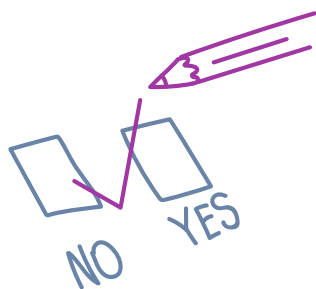
In your opinion, is it likely that disciplinary action will be taken or complete dismissal of judges/prosecutors who violate the rules of procedures?



Please let us know how much you do agree with the following statement:



“Courts/prosecution offices have the means and resources necessary to protect judges/prosecutors from threats, harassments, assaults of intimidations”



EULEX MANDATE

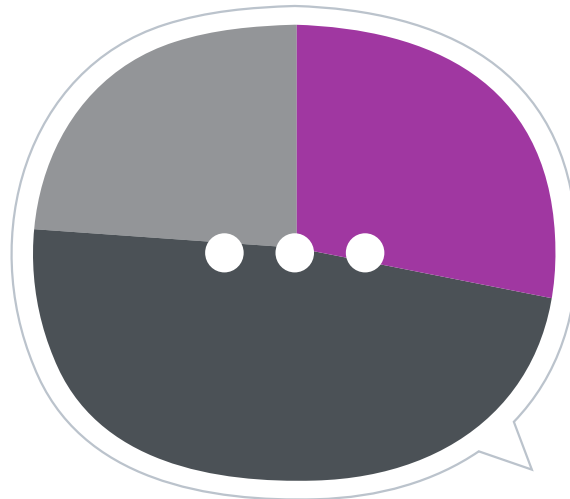
This year 3.9% more citizens were convinced that the mandate of EULEX should not be extended, while total 48.1% of the respondents hold this position. Though 23.8% were unsure how to proceed next with the international mission in Kosovo, hence only 28.1% of respondents think that the mandate should be extended. There has been a shift in the perception of citizens over the past years, with most of them now falling into the group of those who think that the EULEX mandate should not be extended, thereby reducing the number of citizens who were unsure how to proceed over the years with it. This is an indicator that shows that many citizens are skeptical about the necessity of this institution in Kosovo.

What is your opinion regarding the EULEX mandate?



I am not certain
23.8%

Should be extended
28.1%



Should be terminated
48.1%

**PERFORMANCE
ASSESSMENT OF
JUSTICE SYSTEM**

Performance Assessment of Justice System

The assessment of the work of the justice system in the first edition of the Index focused on assessing the efficiency of the judicial system in resolving cases, by analyzing data of each court during years 2013-2015. This publication focused on extracting data for this system following the application of the actual legislative and structural reform of the justice system at that time. The second edition concentrated on the efficiency of the performance of the Kosovo prosecutorial system as an impartial, independent body to prosecute criminal offenses and violations of legal norms. Subsequently, the third edition focused on an analysis of the performance of the courts and prosecution offices throughout 2016, whereas the fourth edition reflected the performance of these two institutions throughout 2017. The fifth edition aims to assess the performance of the justice system for 2018, comparing it with its performance during the preceding years.

Similar to the fourth edition, in order to make a correct assessment of the efficiency, the organizational structures under which the Kosovo prosecutorial and judicial system operate were followed. The assessment of the performance of the prosecutorial system is conducted for: Office of the Chief Prosecutor; Appeals Prosecution; Special Prosecution and Basic Prosecutions. Therefore, the data from the judicial system have also been analyzed based on the performance of the Supreme Court, the Special Chamber, the Court of Appeals and the Basic Courts. The efficiency of the work of the criminal prosecution system and the protection of

legality have been assessed by the official data provided by the Prosecutorial Council, Chief Prosecutor's Office, Kosovo Judicial Council, Kosovo Budget Law, etc. From these official data, structural indicators have been created that aim to evaluate the mechanisms of the justice system from different perspectives. Structural indicators show aspects of the performance of the prosecutorial and judicial system, from the assessment of the requests for legality protection, the number of cases resolved, the efficiency of performance, the workload of prosecutors and judges, the degree of overloading and the time that with a consistent work would the system manage to resolve current cases. Also, the analyzation of the budget allocation to assess the prioritizations of the justice system in Kosovo.

The analysis of the performance of the prosecution and courts depends on many external and internal factors. Thus, it should be borne in mind that this assessment cannot identify all relevant indicators that determine the volume of work of prosecutors and judges. In the following chapters, this report aims to reflect on the primary factors that quantitatively determine the performance of the prosecutorial and judicial system, comparing it with the effectiveness of these bodies throughout 2013 - 2018. Through this assessment, the report aims to elaborate on two sides of the coin, from the perspective of the citizen to the work being carried out in the judiciary, in order that in the future these deficiencies and obstacles to be used accordingly to eliminate them, with a more adequate planning for perfecting the rule of law system in Kosovo.

PERFORMANCE OF PROSECUTIONS

PERFORMANCE OF THE PROSECUTION

Number of new cases/resolved cases

The new cases the prosecution receives within a year indicate the capacity of work for each prosecution. Whereas the potential of cases to be resolved within one year is fulfilled only for the certain number of cases resolved. Data such as the “number of cases” indicate the workload of the respective prosecution offices, as well as the society expectation towards this institution. On the other hand, the “resolved cases” indicator indicates the capacity of this body to meet the requirements for the protection of legality. The data presented in the table show the average of new and resolved cases, divided for each prosecution body, which show the number of cases for that body in relation to the number of prosecutors engaged within a year. From the data collected, it appears that the Office of the Chief Prosecutor during 2018 had the lowest number of new cases per year for 1 prosecutor. The average of cases resolved this year was higher than the average of received cases. This may be an indication that the increasement in the number (for two) of prosecutors engaged from 2017 has resulted in an increasement in the performance margin by this body. The Special Prosecution Office this year had a higher average of cases resolved than the average of received cases. For the first time this year, the Appeals Prosecutor’s Office failed to follow the trend of completing all cases received within the year, due to the reduction number of prosecutors by two from last year. Basic Prosecutions have managed to record a higher average of resolved cases than the average of opened cases.

Table I. Average of new received cases versus resolved cases

Chief Prosecutor’s Office		
Year	Average of new cases	Average of resolved cases
2018	138	141
2017	201	198
2016	228	231
2015	396	403
2014	153	146
2013	212	215

Special Prosecution		
Year	Average of new cases	Average of resolved cases
2018	14	141
2017	15	198
2016	12	231
2015	9	403
2014	12	146
2013	11	215

Appellate Prosecution		
Year	Average of new cases	Average of resolved cases
2018	1148	1148
2017	724	724
2016	880	880
2015	645	645
2014	549	549
2013	584	584

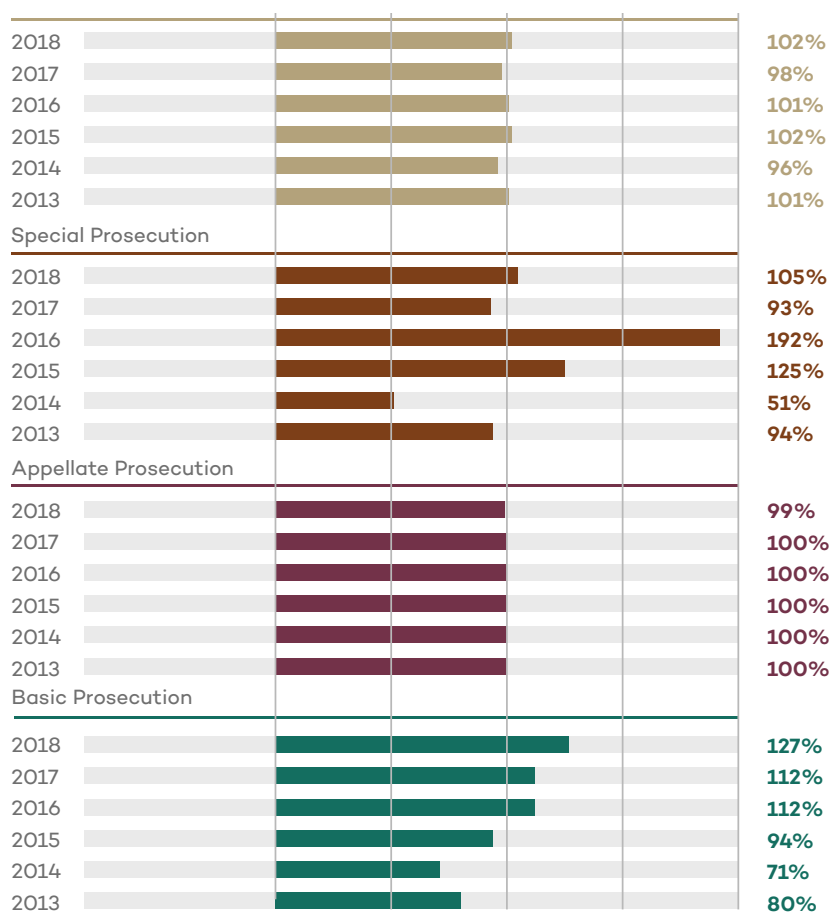
Basic Prosecutions		
Viti	Average of new cases	Average of resolved cases
2018	323	411
2017	375	475
2016	229	257
2015	250	234
2014	255	182
2013	320	255

Efficiency of prosecution in resolving cases

The evaluation of the efficiency of the prosecution's performance reflects the willingness of the prosecutorial system to respond to the requests for protection of the legality within one year. The efficiency of this year is also calculated by comparing the ratio of received cases by the prosecution institutions, compared to the number of resolved cases. The table shows efficiency percentages, where the value of 100% indicates that the prosecution was fully efficient in resolving all received cases during that year. When this percentage is less than 100% it indicates that that body has failed to complete all the received cases. Whereas, when the percentage is higher than 100%, it shows that the prosecution has resolved

even more cases than it has received, reducing the number of inherited cases from previous years. The Office of the Chief Prosecutor in 2018 has recorded a higher efficiency than in 2017, whereby it has reduced by 2% the number of inherited cases for 2019. The Special Prosecution and Basic Prosecutions for 2018 have shown the same tendency, therefore, have increased the efficiency to handle past inherited cases. While the Appeals Prosecution, after five years at the same rate of work, for the first time this year has shown a negative efficiency, failing to complete the cases it has received. However, it should be considered the number of reduced prosecutors engaged in one body, as it is the matter within the Appeals Prosecution in this case, compared to other prosecutions which have had an increase in the efficiency indicator.

Table II. Efficiency of prosecutors



Workload of Prosecutors

Through determination of the extent of prosecutors' workload, it would be identified the average number of cases a prosecutor is expected to resolve within one year. The calculation of this indicator is done through the sum of pending cases at the beginning of the year and new received cases, in relation to the number of prosecutors engaged during the same year. These cases are not examined in terms of quality of difficulty, but only in terms of the number of cases a prosecutor receives within a year. The number of cases received in previous years for the whole chain of the prosecutorial system decreased, in 2018 this did not apply to the Special Prosecution, Appeals and Basic Prosecutions, which had a larger number of cases. Consequently, this translates into a greater burden for prosecutors engaged in the first and second instances of the prosecutorial system.

According to the prosecutions' manner of organization, the largest caseload as an average for 2018 was seen in the Appeals Prosecution, followed by the Basic Prosecutions and the Special Prosecution. Whereas, the Office of the Chief Prosecutor has had a lower average of the number of cases pending to be resolved by prosecutors during 2018.

Table III. Workload of Prosecutors

Year	Chief Prosecutor's Office	Special Prosecution	Appellate Prosecution	Basic Prosecution
2018	142	116	1148	1047
2017	203	46	724	404
2016	234	72	880	506
2015	412	53	645	540
2014	155	50	549	463
2013	217	48	584	509

The prosecution's caseload

Data from this indicator predict how long it would take to complete all the collected cases within a year in a sector, if the amount of work by the prosecution would be constant. Based on the performance of the prosecution from previous years, through the degree of overloading we can roughly estimate the efficiency that prosecutors would need in the future to resolve all cases. The data in this table show the number of new and inherited cases in relation to the number of cases resolved. Apparently, the Office of the Chief Prosecutor and the Prosecutor's Office of Appeals would need just over a year of operational efficiency to complete all cases without accepting any new cases. On the other hand, the Special Prosecution Office would need more than 7 years to complete only the currently existing cases, while the Basic Prosecution Office would need more than 2 years in total.

Table IV. Caseload

Chief Prosecutor's Office					
2018					101
2017					104
2016					101
2015					102
2014					106
2013					101
Special Prosecution					
2018					766
2017					395
2016					314
2015					462
2014					826
2013					479
Appellate Prosecution					
2018					101
2017					100
2016					100
2015					100
2014					100
2013					100
Basic Prosecution					
2018					255
2017					157
2016					197
2015					231
2014					255
2013					199

Budget

Through budget we can estimate for each year how much priority was given to justice system in previous years. Data on the budget allocated over the years for the Kosovo Prosecutorial Council show a steady increase since 2013, in proportion with the increase of the state budget of Kosovo. In 2018, it exceeded the amount of EUR €9.5 million allocated to the KPC during 2017, amounting to €11 million.

As a percentage, the allocation of Kosovo budget to the prosecutorial system does not reach even 1% of the state budget, despite the progressive increase in the amount allocated to the prosecution bodies. As in the past, revenue growth, planning and drafting of increased budget lines for the KPC haven't been done as a result of any policy prioritizing the justice system, or based on any needs assessment, but as a result of an increase of Kosovo's annual budget.

The planned budget for the prosecution in 2018 has been 65% distributed for salaries and per diems, 19% for goods and services, 2% for utilities and 14% for capital expenditures. This distribution shows that the priorities of the prosecuting management authorities are salaries and per diems, leaving little room for planning and funds allocation for capacity buildings, profiling of prosecutors and staff support.

Table V. Budget for the Prosecutorial system

	Budget of KPC	Republic of Kosovo Budget	Allocati in %
2018	11,092,826€	2,080,480,837€	0.53
2017	9,483,682€	2,001,020,484€	0.47
2016	8,013,619€	1,678,709,487€	0.48
2015	7,158,086€	1,682,486,849€	0.43
2014	6,872,000€	1,589,324,952€	0.43

Table VI. Allocation of Kosovo Prosecutorial Council Budget in %

ALLOCATION OF KOSOVO PROSECUTORIAL COUNCIL BUDGET IN %

Year	Wages and Salaries	Service and Goods	Municipality Expenses	Capital Expenses
2018	65.25	18.67	1.80	14.28
2017	69.59	15.04	2.10	13.26
2016	79.91	16.73	2.49	0.87
2015	75.27	19.95	2.79	2.00

PERFORMANCE ASSESSMENT OF COURTS

PERFORMANCE OF COURTS

Number of new cases/resolved cases

The number of new cases each court receives in Kosovo's judicial system within a year, accordingly determines the work that awaits these institutions in implementing and protecting the law. The number of new cases together with the number of inherited cases are indicators of the workload of judges during a calendar year. Also, the number of resolved cases is a factor that indicates their capacity to resolve cases that are entrusted to these institutions. The table depicts the average load of new cases for each court, in proportion to the number of judges employed in that court. The same applies to the average of resolved cases within a year. Data for 2018 show that the Supreme Court has had a greater caseload than in previous years. In this court the number of resolved cases is lower than those pending, despite the fact that, the number of judges engaged this year is four times higher than in the previous year. In the Special Chamber of the Supreme Court, the average number of cases is the lowest ever recorded, while the average of resolved cases is even lower than the cases that court received. The number of cases in the Court of Appeals was

lower compared to 2017 and 2016, and while the average of completed cases is lower than the number of new cases, the proportion of cases resolved in this court is higher compared to the two previous years. Besides, the increasement in the number of resolved cases compared to other years, it should be noted that the Court of Appeals has had the largest increase in the number of judges involved since the previous year, thus, the increasement as an indicator may be insignificant compared to the human potential growth in this institution. It is the Basic Courts which, by the average of resolved cases in 2018, have managed to significantly reduce the number of cases they have inherited in 2019, as the number of resolved cases is higher than newly received cases. It can be seen from the table that the Supreme Court, the Special Chamber, and the Court of Appeals have inherited cases from 2018 to 2019. Nevertheless, it is important to point out that this chart does not assess the difficulty of the cases nor the way of solving them, but only the quantitative aspect of the performance of the courts within one calendar year is considered.

Table I. Average number of new cases versus resolved cases

Supreme Court		
Year	Average of new cases	Average of resolved cases
2018	72	80
2017	89	88
2016	82	73
2015	74	78
2014	68	66
2013	56	113

Court of Appeals		
Year	Average of new cases	Average of resolved cases
2018	342	333
2017	367	330
2016	362	313
2015	320	286
2014	362	331
2013	334	344

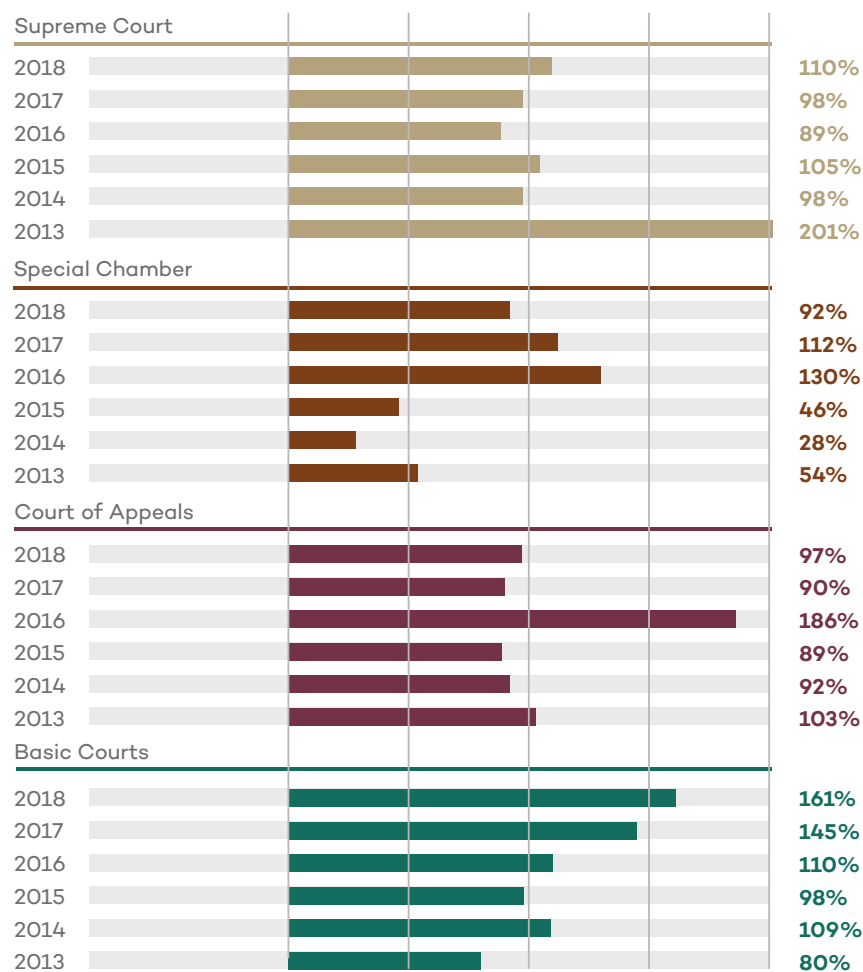
Special Chamber		
Year	Average of new cases	Average of resolved cases
2018	114	106
2017	177	198
2016	146	190
2015	378	173
2014	950	263
2013	356	191

Basic Courts		
Year	Average of new cases	Average of resolved cases
2018	361	582
2017	794	1153
2016	1621	1785
2015	1398	1376
2014	1422	1548
2013	1843	1474

The efficiency of courts in solving cases

The efficiency of the courts' performance in resolving cases is calculated by evaluating the ratio of cases received by each court at the beginning of the year, compared to the number of cases completed within that year. This form of measuring the efficiency of the judiciary does not assess the difficulty of completed cases as a content but only the number of completed cases as a form, i.e. as a quantity. From the data for 2018 it seems that the efficiency of the completion of cases has been more in the basic courts, where they have recorded the highest percentage of efficiency compared to previous years. Whereas the Special Chamber has shown lower efficiency compared to other levels of the judiciary, as well as the efficiency shown in 2017. The Supreme Court and the Court of Appeals this year had a higher percentage than the percentage of efficiency shown throughout 2017. The efficiency indicator of courts in resolving new cases shows that from the number of cases that Supreme Court and the Basic Courts have received during the year, they have left no case to be inherited for 2019, whereas this does not apply to the Special Chamber and the Court of Appeals.

Table II. The efficiency of courts



Workload of judges

The judge workload indicator determines the average load of a judge within a year by summing the total number of cases that are expected to be judged in proportion to the number of the judges employed. This indicator not only takes into account the number of new cases that receives the court during the reporting year, but also examines the caseload inherited from previous years, so as such, in relation to the efficiency indicator gives a more realistic picture of the work condition under which judges adjudicate cases. However, this indicator also does not consider the difficulty of the cases that judges face during the trial process.

Lower workload in 2018 compared to the previous year have had judges of the Supreme Court, the Special Chamber, the Court of Appeals and the basic courts. Thus, all levels of the judiciary were less loaded compared to previous years. This may be due to the increasement of the number of judges involved in each of the institutions of the judicial system. But despite this indicator, it can be noticed that the basic courts continue to be more loaded with the number of cases a judge is expected to resolve, compared to other institutions. Based on this fact, the number of future judges in the institutions should also increase. This indicator definitely shows the great need of increasing the number of judges in the Basic Courts and in the Special Chamber to reduce the workload and at the same time increase efficiency.

Table III. Workload of judges

Year	Supreme Court	Special Chamber	Court of Appeals	Basic Courts
2018	86	1519	649	13303
2017	106	1837	680	2224
2016	88	1850	644	3187
2015	83	1876	539	2848
2014	75	2211	583	3080
2013	121	821	558	3133

The Caseload of Courts

From the rate of the overload of the courts and from the yearly performance of each judiciary, it is assumed the time which according to the efficiency percentage all cases could be completed without receiving any new cases. This indicator also assumes that the efficiency of the courts would be uniform over the years. The rate for 2018 indicates that the Special Chamber and the Basic Courts have increased the time needed to resolve all cases compared to the past. The Special Chamber will need maximum work efficiency and more than 10 years to complete only the cases assigned to them. While the Court of Appeals and the Supreme Court have reduced the time needed for all cases to be resolved, without opening new cases, compared to preceding years. Whereas, the Court of Appeals and the Supreme Court need just over a year, and the Basic Courts need more than two years to complete all the cases at their disposal.

Table IV. Caseload

Supreme Court					
2018					108
2017					120
2016					120
2015					107
2014					113
2013					107
Special Chamber					
2018					1660
2017					926
2016					975
2015					1085
2014					841
2013					430
Court of Appeals					
2018					195
2017					205
2016					206
2015					188
2014					176
2013					132
Basic Courts					
2018					228
2017					192
2016					179
2015					207
2014					199
2013					213

Budget

Budget allocation always points out the priority that a governing system gives to a particular sector to develop and strengthen it. In this case the budget allocation over the years to the justice system, even to the budget planned for the Kosovo Judicial Council, shows that the state organization does not invest more than 1% of its budget in the justice system. In 2018, there was an increase in the allocation of the state budget to the KJC, but this increasement is petite in proportion to the state budget of Kosovo. The increase in the percentage allocation to the judiciary is not due to its prioritization but due to the progressive increases of the state budget of Kosovo. In previous years €21 million were allocated for the judiciary, whereas in 2018, €23 million were allocated. Such a growth in proportionality is small compared to other years, but as such it should be analyzed in more detail how it could be used in the future to enhance the performance of the justice system in Kosovo.

The budget allocation projected for the judicial system reveals that most of it is allocated for salaries and per diems sector. This phenomenon has been present since 2013, but the percentage already allocated for salaries goes up to 75% of the budget allocated to justice, leaving 17% going to goods and services. This indicator of overall budget allocation indicates that there is a lack of planning and focus of the justice management authorities on enhancing the performance and capacity of the judiciary in Kosovo. Therefore, from total 1% of the state budget allocated to the justice system, less than 17% is planned for activities to increase efficiency, performance, and human capacity in the courts.

Table V. Kosovo Judicial Council Budget

	Judicial Council Budget	Republic of Kosovo Budget	Allocation in %
2018	23,495,024€	2,080,480,837€	1.13
2017	21,793,948€	2,001,020,484€	1.09
2016	20,465,770€	1,678,709,487€	1.22
2015	21,288,771€	1,682,486,849€	1.27
2014	20,833,483€	1,589,324,952€	1.31
2013	19,910,467€	1,591,118,599€	1.25

Table VI. Allocation of Kosovo Judicial Council Budget in %

ALLOCATION OF KOSOVO JUDICIAL COUNCIL BUDGET IN %

	Wages and Salaries	Service and Goods	Municipality Expenses	Subvention and Transfers	Capital Expenses
2018	75.47	17.32	1.92	1.49	3.81
2017	75.53	17.49	2.06	1.15	3.76
2016	73.35	17.65	2.20	0.12	5.58
2015	70.75	17.43	2.42	1.17	8.22
2014	64.85	20.96	2.91	1.20	10.08

About RoLPIK

The main goal of RoLPIK is to promote better participation of civil society and citizens in demanding responsibility for the performance of the justice system through continuous monitoring, consultation and evaluation.

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