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*Institutional Treatment  
of Corruption Cases:*

Challenges of the  
judicial system during  
a one-year period



Group for Legal  
and Political  
Studies



Group for Legal and Political Studies  
"Rexhep Luci" str. 16/1  
Prishtina 10 000, Kosovo  
Website: [www.legalpoliticalstudies.org](http://www.legalpoliticalstudies.org)  
E-mail: [office@legalpoliticalstudies.org](mailto:office@legalpoliticalstudies.org)  
Tel/fax.: +381 38 234 456

Institutional Treatment  
of Corruption Cases:

# Challenges of the judicial system during a one-year period

## **ACT NOW -**

Supporting the Reform of Public  
Administration and the Rule of Law  
through Combating Corruption and  
Improving the Delivery of Services

*Author: Dea Fetiu\**

*Contributors: Arton Hoxha, Elvana Hatashi, Gentril Kuqani,  
Jon Ramadani, Leotrim Pajaziti, Leostina Maloku, Rina Murseli*

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# Executive summary

This Annual Assessment Report reflects on the main findings stemming from data gathered during regular monitoring of court sessions and judgments monitored from 1 April 2023 until 31 March 2024, assessing court efficiency in dealing with corruption cases and identifying areas for improvement. This report is delivered within the framework of an EU-funded initiative titled "ACT NOW", a two-year project implemented by Group for Legal and Political Studies. One of the main components of ACT NOW initiative focuses on monitoring the judicial system in Kosovo, particularly in handling corruption and organized crime cases.

Data was collected through two main processes: monitoring court sessions and published judgments. Court sessions were monitored across five basic courts, with priority given to high-profile corruption cases. A total of 458 sessions were monitored, with 322 conducted and 127 delayed or canceled. Additionally, 143 judgments published on the Kosovo Judicial Council website were analyzed.

## Main Findings:

- The high number of canceled or delayed sessions contributes significantly to the prolongation of solving corruption cases.
- The main reason for these delays is the failure of parties to appear in trial.
- There are a lot of cases where the defendants do not appear in sessions. On the other hand, courts mostly fail to issue arrest orders for absent defendants, despite legal mandates.
- Inefficiencies in the prosecution's distribution of materials or the defense's failure to obtain necessary documents caused disruptions. Moreover, defense attorneys often use procedural tactics to delay proceedings, including unreasonable requests and frequent changes.
- Preventable technical and administrative issues, such as absence of key personnel and poor scheduling of court sessions further delayed them.
- Variations in adherence to procedural timelines and biases in judges' treatment of legal representatives were noted during the monitoring process.
- Prishtina had the highest number of published judgments (43) during the assessment time, followed by Mitrovica and Gjilan (25 each). The most common corruption offense was "Abusing official position or authority", encountered on 63 judgments.
- 87 per cent of the published judgments failed to specify the damages on the state budget, or illicit gains made by those in power, leaving limited room to analyze punitive policies.
- 88 per cent of the published judgments do not specify the amounts of confiscated or sequestered wealth.
- The average duration for resolving corruption cases was 688 days, with a typical procedure lasting 486 days. Several regional variations were observed, Prishtina had the longest typical procedure length, averaging 633 days.
- Longer procedures were correlated with judgments of acquittal or rejection, while shortest procedures ended with guilty verdicts.
- Cases involving multiple offenses also had took longer to resolve.
- Out of 143 judgments, 89 resulted in guilty verdicts, with fines being the most prevalent form of principal punishment. However, accessory punishments, such as prohibitions on exercising public functions, were infrequently applied.
- Four high-profile corruption cases were analyzed. The prolonged duration of these cases, high acquittal rates due to insufficient evidence, and minimal sentences in severe cases highlight inefficiencies in the judicial process and potential issues with sentencing guidelines.

# Introduction

In response to the need for an active involvement of civil society in monitoring institution's anti-corruption efforts, Group for Legal and Political Studies (GLPS) initiated the EU-funded project under the name "Act Now", under which initiative one of the main components includes regular court monitoring across several Basic Courts in Kosovo. This activity focuses primarily on analyzing how the judicial system is handling corruption and organized crime cases, with particular focus on high-profile corruption. ACT NOW aims to support the rule of law and anti-corruption efforts through systemic monitoring, and by directly engaging in enhancing institutional accountability and transparency, all while increasing efficiency in the fight against corruption, confiscation and management of criminal assets.

This Annual Assessment Report presents the findings of GLPS's monitoring of court sessions and judgments for the period of 1 April 2023 to 31 March 2024. This report's aim is twofold. First, it aims to present the data derived from systematic monitoring, assessing the efficiency of courts in handling corruption cases. Through this analysis, emerging trends and patterns are identified, providing insights into the effectiveness of judicial responses to corruption. Second, it seeks to highlight areas for improvement based on the identified trends and patterns. This twofold approach allows for a comprehensive examination of court efficiency and its contributing factors, aimed to help in informed decision-making in efforts to combat corruption.

The paper is structured in three chapters. The first chapter presents key findings and trends derived from the court monitoring process, exploring the efficiency of judicial proceedings and emerging patterns in corruption cases. The second chapter focuses on the monitoring of published judgments, highlighting inefficiencies, procedural delays, and punitive policies affecting the resolution of corruption cases. Finally, the third chapter presents the statistics from four high-profile cases which resulted first instance judgments during the monitoring period, offering insights into the court's effectiveness in handling complex corruption cases and other trends observed.

# Methodology

The data gathering methodology involved two distinct processes: the monitoring of court sessions and the monitoring of published judgments. Each component involved specific procedures and data collection methods, which are detailed below.

First, the monitoring of corruption and organized crime sessions in courts commenced on 1 July 2023, covering the period until 31 March 2024. The Basic Courts of Prishtina, Peja, and Gjakova were continuously monitored, with the Basic Courts of Gjilan and Ferizaj also included for a five-month duration. Five full-time monitoring officers oversaw court sessions daily. Throughout this period, 458 sessions were monitored, with 322 conducted and 127 delayed or canceled. High-profile corruption cases received priority during the monitoring period. Quantitative data was collected using data gathering sheets, supplemented by qualitative insights from a focus group with monitoring officers at the end of the period.

Additionally, monitoring officers tracked all judgments published on the Kosovo Judicial Council (KJC) website for this assessment period. The focus was on judgments published during this period, rather than all judgments issued within the timeframe. A total of 143 judgments on corruption offenses were published during this timeframe, all regularly monitored by Act Now. Systematic data gathering and coding in a database were complemented by qualitative comments.

Lastly, four high-profile cases resulted in first-instance judgments during this monitoring period. Information was gathered from monitoring sessions, indictments, and media coverage to provide a comprehensive overview of these cases.

For the purposes of this report, corruption offenses are defined according to Chapter 31 of the Criminal Code of the Republic of Kosovo (hereinafter: CCRK), which outlines 17 distinct corruption offenses. These include: Abusing official position or authority (Article 414), The abuse and the fraud in public procurement (Article 415), Misusing official information (Article 416), Conflict of interest (Article 417), Misappropriation in office (Article 418), Fraud in office (Article 419), Unauthorized use of property (Article 420), Accepting bribes (Article 421), Giving bribes (Article 422), Giving bribes to foreign public official or foreign official persons (Article 423), Trading in influence (Article 424), Issuing unlawful judicial decisions (Article 425), Disclosing official secrets (Article 426), Falsifying official documents (Article 427), Unlawful collection and disbursement (Article 428), Unlawful appropriation of property during a search or execution of a court decision (Article 429), and Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations (Article 430). Organized crime is defined according to the Article 227 of the CCRK.

## Chapter 1

# Court Session Monitoring Results: a year in review

This chapter aims to analyze the results of GLPS's monitoring of court sessions during 1 July 2023- 31 March 2024. The first part of the chapter provides an overview of the monitored sessions, including the total number of sessions observed, their distribution between corruption and organized crime cases, and the proportion of sessions that were conducted as scheduled versus those that were cancelled or delayed. The second part discusses the factors contributing to session cancellations and delays, highlighting the systemic issues within the judicial system. Furthermore, it examines inconsistencies observed during the conducted sessions.

Within this timeframe, GLPS monitored a total of 458 sessions. 394 sessions were on offenses from the corruption chapter in the CCRK and 64 were on sessions on organized crime. Among these sessions, 322 were conducted as scheduled while 127 were cancelled or delayed.

	Number of monitored sessions	Number of cancelled/ delayed sessions	Number of conducted sessions
<b>Total</b>	<b>458</b>	<b>127</b>	<b>322</b>
Corruption	394	107	289
Organized crime	64	20	33

The high number of cancelled or delayed sessions during this period, contributes significantly to the prolongation of corruption cases in courts, which at last, resulted in an average of **688** days for a case to be solved.<sup>1</sup> The main reason for these delays is the failure of parties to appear in the trial. This includes the accused individuals, the defense legal representatives, the prosecutor, or the experts or witnesses. While there are many reasonable and unavoidable circumstances under which the sessions were cancelled, a prevalent number of the cancelled sessions derive from avoidable factors, as elaborated in the following paragraph.

First, First, a pattern where **the court neglects to issue arrest orders for defendants who are absent in proceedings** was noted. Despite the stipulations set in Article 302 of the Criminal Procedure Code of the Republic of Kosovo (hereinafter: CPCRK), which mandates the issuance of arrest orders for absent defendants<sup>2</sup> it was noted that the court did not issue arrest orders in many instances where the accused individuals failed to appear in the proceedings.<sup>3</sup> Furthermore, there are also cases of repeated absence of accused individuals.<sup>4</sup> The significant number of failed sessions due to the absence of accused individuals notably hinders courts' efficiency in resolving corruption cases. Moreover, it raises concerns regarding the enforcement and compliance with the legal procedures within the judicial system.<sup>5</sup>

Second, in numerous instances, **the failure of conducting court sessions occurs due to the absence of essential case materials provided to the defense by the prosecution**. This situation is a result of the prosecution's inefficient distribution of materials or the defense's failure to secure necessary documents.<sup>6</sup> Several cases have been reported where the parties asked for sessions to be postponed,

<sup>1</sup> See Chapter 1

<sup>2</sup> CPCRK, Article 302. Accessible at: <https://md.rks-gov.net/desk/inc/media/8750FE73-BA51-463C-BA88-31D0B8865840.pdf>

<sup>3</sup> Focus group held with the ACT NOW monitoring officers on 15 April 2024

<sup>4</sup> *Ibid.*

<sup>5</sup> Focus Group held with monitoring officers on 15 April 2024

<sup>6</sup> *Ibid.*



claiming for incomplete case dossier. Additionally, disruptions occur when defense lawyers are changed without proper communication, resulting in poor preparation and coordination.<sup>7</sup> Considering that the defense cannot proceed or present the case without access to key materials such as the indictment, holding a court session becomes impractical. These avoidable and highly technical reasons for session failures draw attention to systemic flaws that hinder the judicial process and the courts' efficiency, particularly in handling corruption cases. Such issues not only impede the timely handling of cases but also the public trust in the fairness and effectiveness of the legal system.

Third, there are numerous instances where the **defense attempts to prolong proceedings by canceling sessions, potentially to extend timelines or take advantage of statutory limitations and avoid a final verdict judgment.** In many high-profile cases monitored by GLPS, similar scenarios have been observed, involving defense attorneys making unreasonable requests that disrupt proceedings. Moreover, these requests often come unreasonably late during the proceedings, with numerous requests for the disqualification of judges also noted.<sup>8</sup> On another note, while the Criminal Procedure Code of the Republic of Kosovo (CPCRK) sets out a deadline for handling these requests by the competent bodies,<sup>9</sup> it was observed that, in some cases, the deadlines are not complied with, further prolonging the proceedings. While it is crucial to recognize that all parties have the right to request disqualification,<sup>10</sup> as fundamental component of a fair trial, the monitoring findings show that these requests are sometimes exploited to unduly prolong proceedings. Therefore, it is essential that such requests are prioritized and promptly handled by the competent bodies to prevent unnecessary delays.

Fourth, **several court sessions were disrupted by technical issues that could have been prevented.** For example, in one instance a detained individual could not be transported to court because the police officer responsible for the transfer was on leave and had not been replaced. This led to the session's cancellation. Additionally, there have been cases where judges scheduled sessions for the next day, knowing they would fail, as completing necessary tasks in one day was unfeasible. These examples highlight inefficiencies in the judicial process that slow down court proceedings and contribute to delays in justice administration.

However, even during regularly conducted sessions, inconsistencies are evident in the proceedings, which ultimately hinder the efficiency of courts in resolving corruption cases.

First, Act Now has identified some **cases of biased approach from judges to different legal representatives during the proceedings.**<sup>11</sup> These approaches are manifested with unequal allocation of time among parties or in unequal treatment and attention, where certain legal representatives enjoying greater respect from judges than others.<sup>12</sup> While there has been no indication to biased decisions yet, as to the short monitoring period time, it is important to keep in mind the principle of impartiality,<sup>13</sup> as a core principle of judicial proceedings. In this regard, the data from the focus group sessions reveals instances where judges display biases based on factors such as age or geographic origin. Younger lawyers, for instance, may be unfairly prejudiced by judges who question their competence.<sup>14</sup> Similarly, in some regions, lawyers from out-of-town might be subject to unequal respect, with judges in certain regions showing less consideration towards them.<sup>15</sup> No gendered disparities or biases in treatment of legal representatives were observed during this reporting period, however, it is important to acknowledge the potential presence of unconscious gender biases that

7 Ibid

8 Ibid

9 CPCRK, Article 41. Accessible at: <https://md.rks-gov.net/desk/inc/media/8750FE73-BA51-463C-BA88-31D0B8865840.pdf>

10 Id. Article 40

11 Ibid

12 Ibid

13 Constitution of the Republic of Kosovo, Article 31 and Article 102(2).

Accessible at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>

14 Focus group held with monitoring officers on 15 April 2024

15 Ibid

may still influence courtroom dynamics.<sup>16</sup> Moreover, this partiality has the potential to influence decisions in a biased manner, which would further lower the trust in the judicial processes. Moreover, such biases significantly undermine the inclusivity principle, which is crucial to developing a fair and encouraging justice system.

Second, a noticeable **tendency to avoid the planned session schedules was noticed, leading to incomplete agendas by the end of many sessions led by different judges.**<sup>17</sup> There are plenty of instances when the judges propose a different plan for the day's proceedings but fail to complete it by the end of the day, leaving the unfinished tasks for the next planned session. Moreover, a few sessions are marked by the approval of unconventional requests from the accused individuals, such as cigarette breaks, resulting in significant mismanagement of time and disorder in the courtroom, often accompanied by other disturbances such as noise.<sup>18</sup> This suggests a failure to allocate time and resources efficiently, contributing to harm the bigger picture of the court's effectiveness in handling corruption cases with high priority.

On the contrary, it should be noted that **there are certain judges that demonstrate compliance with predefined agendas and procedural timelines**, thus, minimizing opportunities for unexpected requests or procedural deviations. These judges employ proactive strategies, such as scheduling concentrated block sessions spanning a week to systematically address all evidentiary matters and witness testimonials.<sup>19</sup> Additionally, they plan sessions well in advance, ensuring sufficient time for the defense and prosecution to prepare their cases, while also minimizing scheduling conflicts that could arise from the unavailability of the defense or prosecutors<sup>20</sup>. Such approaches are highly effective to the expeditious resolution of cases, and they represent best practices within the judicial system.

In conclusion, the high number of cancelled or delayed sessions, averaging 688 days (about 2 years) for case resolution, point out significant challenges contributing to prolonged legal proceedings. Factors such as the failure to issue arrest orders for absent defendants, inadequate distribution of case materials, and unreasonable requests from defense attorneys contribute to session disruptions and hinder the timely administration of justice. Moreover, the observed inconsistencies within court proceedings, including deviations from planned session schedules and biased approaches from judges towards legal representatives, further impede the efficiency of corruption case resolution. While proactive strategies employed by some judges demonstrate promising practices, there remains a need for greater consistency and adherence to procedural timelines across all judicial proceedings. Addressing these challenges requires efforts to enhance accountability, transparency, and procedural precision within the judicial system.

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16 Riger et al. "Gender Bias in Courtroom Dynamics." *Law and Human Behavior*, 1995, pp. 465–80.  
Accessible at: <http://www.jstor.org/stable/1394196>

17 Focus group held with monitoring officers on 15 April 2024

18 Ibid

19 In the case known as "Veterans" 25 witness statements were scheduled during 26 February-1March 2024.

More on: <https://drejtesiasot.com/archive/>

20 Focus group held with monitoring officers on 15 April 2024

## Chapter 2

# Judgment Monitoring Results

This chapter outlines the findings from the judgment monitoring process conducted by GLPS and is divided into three sections. The first section presents key data and insights from the analyzed judgments, including the regions with the most published judgments, prevalent corruption offenses, the number of accused individuals, and the types of verdicts. The next two sections explore specific factors and emerging trends. The second section examines the duration of legal proceedings for corruption offenses and related indicators. The third section discusses the punitive measures applied in guilty verdicts.

## 2.1. General Findings from the Monitored Judgments

GLPS has monitored all judgments published on the official KJC during this assessment period. Among these judgments, 143 pertained to the corruption chapter of the CPRK, encompassing Articles 414 to 430. The key observations from this monitoring process are outlined below.

Based on the published judgements during this monitoring period, Prishtina recorded the highest number with 43 published judgments, followed by Mitrovica and Gjilan with 25 each. Gjakova published 16 judgments, while Ferizaj and Prizren each had 12. Peja published 11 judgments.

Region	Number of published judgments
Prishtina	43
Mitrovica	25
Gjilan	25
Gjakova	16
Ferizaj	12
Prizren	12
Peja	11

The majority of these judgments addressed a single criminal offense from the corruption chapter, with only nine cases involving two offenses, and two cases involving three offenses. The average number of accused individuals per judgment was two, ranging from one to 13 individuals.

Among these judgments, the most common offense was 'Abusing official position or authority' appearing in 63 judgments. This was followed by 'Failure to report or falsely reporting property, revenue/income, gifts, other material benefits, or financial obligations' found in 40 judgments. Additionally, the offense of 'Giving bribes' appeared in 20 judgments.

Criminal Offense/Article	Number of judgments
Abusing official position or authority ( <b>Article 414</b> )	63
The abuse and the fraud in public procurement ( <b>Article 415</b> )	7
Misusing official information ( <b>Article 416</b> )	0
Conflict of interest ( <b>Article 417</b> )	6
Misappropriation in office ( <b>Article 418</b> )	3
Fraud in office ( <b>Article 419</b> )	0

Unauthorized use of property ( <b>Article 420</b> )	2
Accepting bribes ( <b>Article 421</b> )	8
Giving bribes ( <b>Article 422</b> )	20
Giving bribes to foreign public official or foreign official persons ( <b>Article 423</b> )	0
Trading in influence ( <b>Article 424</b> )	1
Issuing unlawful judicial decisions ( <b>Article 425</b> )	1
Disclosing official secrets ( <b>Article 426</b> )	0
Falsifying official documents ( <b>Article 427</b> )	3
Unlawful collection and disbursement ( <b>Article 428</b> )	1
Unlawful appropriation of property during a search or execution of a court decision ( <b>Article 429</b> )	0
Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations ( <b>Article 430</b> )	40

The number of the accused individuals during this period totaled 217. Out of this number, women constituted 17 percent (37 individuals), whereas men made up the remaining 83 percent (187 individuals). This showcases a significant gender disparity among individuals implicated in corruption cases in the judicial system.

<b>No. of accused individuals</b>	<b>225</b>
Women	37
Men	180

Among the monitored judgments, 89 of them contained guilty verdicts, 43 judgments were judgments of acquittal, and 17 were rejection judgments.<sup>21</sup>

<b>Type of judgment</b>	<b>Number</b>
Judgments of guilty	89
Judgments of acquittal	43
Rejection judgments	17

There was a total of 128 individuals detained for corruption, 72 were acquitted and 29 received rejection judgments. In terms of gender, 19 women were convicted compared to 101 men, 13 women were acquitted compared to 59 men, and 5 women and 24 men received rejected judgments.

A finding from the monitoring process is that **most judgments fail to specify the damages on the state budget, or illicit gains made by those in power**. Specifically, in 125 judgments, which account for 87 percent of the cases, the judges did not detail the financial harm caused by the corruption offenses or the illicit gains made by those in power. This omission presents significant challenges for analyzing and understanding the punitive measures applied in these cases. The lack of detailed financial impact may hinder the assessment of whether the penalties are proportional to the severity of the crimes.

<sup>21</sup> The sum does not correspond with the 143 monitored judgments, as there were four judgments containing both guilty and acquittal verdicts, and another two containing both rejection and acquittal verdicts (for distinct individuals, or for distinct offenses).

Moreover, **the sequestration or confiscation of illegally gained wealth was encountered in only 11 out of 89 judgments**, representing approximately 8 per cent of the cases. In only one of these instances did the confiscated wealth correspond to the actual damage caused, while in the remaining ten cases, the confiscated amounts were highly minimal. Specifying and ensuring the confiscation of illicitly gained wealth in every judgment is crucial for several reasons. It serves as a strong deterrent against corruption, signaling that such offenses will result in significant financial repercussions. Additionally, it promotes transparency and accountability, demonstrating that the judiciary is committed to addressing the financial aspects of corruption thoroughly. Through targeting the financial gains of corrupt individuals, the judicial system can make more efficient efforts in preventing corruption and reinforcing public trust in its ability to uphold justice.

Lastly, **the courts are not complying with the deadline of publication of the judgments in the KJC website**. The Administrative Instruction No. 04/2019 sets out a deadline of 60 days for judgments to be published in the KJC website.<sup>22</sup> However, during the monitoring process, many cases have been encountered on which judgments have been published many years after the final verdict arriving. This delay in publication undermines the transparency and accountability of the judicial process. Timely publication of judgments is essential for maintaining public trust in the legal system, providing necessary information for legal professionals, and ensuring that justice is seen to be done.

## 2.2. Correlation between Procedure Duration and Other Indicators

A significant observation from the monitoring process of the judgments is the **typical** and the **average**<sup>23</sup> duration of procedures for resolving corruption cases in courts. To measure each procedure duration, the difference between the date of the final verdict and the date of the indictment was calculated. The average procedure length was **688 days (almost 2 years)** with a procedure **typically lasting 486 days**. The case with the longest duration spanned 3,259 days (about 9 years).<sup>24</sup> Upon cross tabulating the variables, several indicators were found to correlate with procedure lengths.

First, it was observed that **the duration varied significantly depending on the outcome of the case**. Specifically, the typical procedure which resulted in guilty verdicts lasted 184 days. However, this duration increased notably in judgments of acquittal, typically lasting 864 days (almost 2 and a half years) and peaked in rejection judgments at 1,205 days. Additionally, the duration was evidently high for isolated cases involving both acquittal and rejection judgments, with a typical procedure of 1,079 days (about 3 years), and judgments of both guilty and acquitted, with 1,437 days (almost 4 years). Although the latter two scenarios may be attributed to the complexity of the verdicts and represent a much smaller sample size, the difference between the first three remains concerning. This trend suggests that prolonged procedures tend to result in judgments of acquittal or rejection.

Type of judgment	Number of judgments	Average Procedure Length (days)	Typical Procedure Length (days)
Guilty	85	406	184
Acquitted	37	971	864

<sup>22</sup> Administrative Instruction No. 04/2019, Article 8. Available at: [https://www.gjyqesori-rks.org/wp-content/uploads/lgs/79875\\_Udhezim\\_Administrativ\\_Nr\\_04\\_2019\\_per\\_Publikimin\\_Aktgjykimeve\\_te\\_Perpunuara\\_dhe\\_Manual\\_per\\_Publikimin\\_dhe\\_Perpunimin\\_Aktgjykimeve.pdf](https://www.gjyqesori-rks.org/wp-content/uploads/lgs/79875_Udhezim_Administrativ_Nr_04_2019_per_Publikimin_Aktgjykimeve_te_Perpunuara_dhe_Manual_per_Publikimin_dhe_Perpunimin_Aktgjykimeve.pdf)

<sup>23</sup> The **typical** procedure is represented by the **median** value, as data outliers were scattered. However, the **average** (arithmetic mean) was also used. The average duration, calculated by summing all procedure lengths and dividing by the number of cases, provides a general idea of how long cases take on average. The median duration, the middle value when all procedure lengths are arranged from shortest to longest, represents the "typical" case unaffected by outliers. Using both values offers a complete picture: the average shows overall trends, while the median highlights the typical experience for most cases. This dual approach ensures a balanced understanding of procedure lengths.

<sup>24</sup> The judgment can be accessed here: [https://www.gjyqesori-rks.org/wp-content/uploads/verdicts/PR\\_PKR\\_2019-092321\\_SQ.pdf](https://www.gjyqesori-rks.org/wp-content/uploads/verdicts/PR_PKR_2019-092321_SQ.pdf)

Rejected	15	1343	1205
Acquitted and rejected	2	1079	1079
Guilty and acquitted	4	1325	1437
Grand Total	143	688	486

Second, **different regions have notably different procedure durations.** Prishtina leads the list of courts with the longest duration, with a typical procedure lasting 633 days. Following Prishtina, Prizren and Gjakova exhibit averages of 595 days and 571 days. On another hand, Gjilan has the lowest procedure length, with a typical duration of 241 days. These substantial disparities between regions highlight inefficiencies within the judicial system. Prishtina's longest average can be primarily attributed to its handling of a significantly higher volume of criminal cases compared to other courts.<sup>25</sup> On another note, while Mitrovica and Gjilan have a similar number of published judgments, they have a notable difference in efficiencies. These disparities stress the need for courts to enhance their effectiveness in expeditiously resolving corruption cases. Furthermore, these findings also highlight the potential for greater efficiency within the court to expedite the resolution of corruption cases.

Region	Average Procedure Length (days)	Typical Procedure Length (days)
Prishtinë	992	633
Pejë	700	447
Prizren	671	595
Mitrovicë	657	517
Gjakovë	623	571
Ferizaj	483	516
Gjilan	362	241

Third, as expected, **case handling duration tends to be longer when multiple corruption offenses are involved in the procedure.** Despite the relatively small sample size of 11 judgments addressing multiple corruption offenses compared to the 133 judgments dealing with a single offense, significant differences were evident. Specifically, the average procedure length for cases involving more than one offense was 611 days, longer than the typical procedure for a single corruption case, which lasts 466 days.

	Number of judgments	Average Procedure Length (days)	Typical Procedure Length (days)
One corruption offense	132	673	466
More than one corruption offense	11	822	611

#### Fourth, there is an evident variation in the typical procedure lengths across different corruption offenses.

In assessing potential correlations between the duration of procedures and specific criminal offenses, a focus was placed on analyzing the three most prevalent offenses in the sample of judgments. Notably, there were considerable variations in the average length of procedures associated with each offense. For example, the offense of 'Abusing official position or authority', stood out with the longest average procedure length, requiring approximately 873 days to reach a final verdict. In contrast, the second most common offense, 'Failure to report or falsely reporting property, revenue/income, gifts,

<sup>25</sup> KJC Statistical Report 2023. Accessible at: [https://www.gjyqesori-rks.org/wp-content/uploads/reports/1682\\_KGJK\\_Raporti\\_Statistikor\\_Gjykatave\\_Vjetori\\_2023.pdf](https://www.gjyqesori-rks.org/wp-content/uploads/reports/1682_KGJK_Raporti_Statistikor_Gjykatave_Vjetori_2023.pdf)

other material benefits, or financial obligations', exhibited the shortest typical procedure length at just 163 days. Meanwhile, the offense of 'Giving bribes,' maintained an average procedure length of 531 days. These disparities suggest that different corruption offenses entail distinct complexities and evidentiary requirements, therefore, influencing the overall duration of corruption procedures. However, the notably prolonged duration associated with the most frequently encountered offense outlined in Article 414 again raises concerns regarding the court's effectiveness in promptly handling corruption cases.

Offense	Number of judgments	Average Procedure Length (days)	Typical Procedure Length (days)
Abusing official position or authority ( <b>Article 414</b> )	60	1070	873
Giving bribes ( <b>Article 422</b> )	20	574	531
Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations ( <b>Article 430</b> )	39	255	163

The analysis of court session monitoring results from July 2023 to March 2024 points out significant systemic challenges contributing to prolonged legal proceedings in handling corruption cases. The average duration of 688 days, or the typical for case resolution highlights the urgent need for more prompt handling of such cases. Particularly concerning is the correlation between prolonged procedures and judgments of acquittal or rejection, which showcases that prolonged procedures tend to result in acquittals or rejections. Additionally, the fact that the most common offense, 'Abusing official position or authority,' also has the longest average implies that the court faces challenges in promptly resolving cases related to this offense, potentially resulting in delays in justice administration and a backlog for other offenses as well. These findings, in conjunction with the observation on the mismanagement of in sessions provided in the previous chapter, signify the potential for courts to address corruption issues more promptly.

### 2.3. Punitive measures

Out of the 143 monitored judgments, as previously noted, 89 resulted in a guilty verdict. Among these 89 judgments, 67 received principal punishments, while 21 received alternative punishments. There was also one case that received a judicial admonition.

Type of judgment	Number of judgments
Principal Punishment	67
Alternative Punishment	21
Judicial admonition	1

**Fines were the most prevalent form of principal punishments**, constituting 75 percent of the total principal punishments. Among these, there were nine cases of imprisonment, 51 cases of fines, six cases of both imprisonment and fines, and one case of a fine accompanied by a suspended sentence. Furthermore, among the 67 cases where individuals were found guilty, accessory punishment in the form of a prohibition on exercising public administration or public service functions was only imposed in 20 instances. In the remaining 47 cases, despite convictions for corruption, no such punishment was administered.

Type of punishment	Number of judgments
Imprisonment	9
Imprisonment and fine	6
Fine	51
Fine and a suspended sentence	1
<b>Total</b>	<b>67</b>

The three highest principal punishments administered included sentences for two individuals who each received 4.7 years of imprisonment, a 16,000 euro fine, and a 4-year prohibition on exercising any public functions, convicted under both Article 414 and Article 430 CCRK.<sup>26</sup> Another two individuals were sentenced to 5.5 years of imprisonment, a 1000 euro fine, and a 6-year prohibition on holding public service positions under Article 414 CCRK and Article 430 CCRK.<sup>27</sup> Additionally, two individuals received 5 years of imprisonment and a 2-year prohibition on holding any public service roles, with their convictions based on Article 414 of the CCRK.<sup>28</sup>

The three lowest principal punishments, all related to Article 430 CCRK, included a 150 euro fine for one individual and 200 euro fines for two separate individuals in different cases. Another two separate individuals each received a 150 euro fine.

Analyzing the punitive policies for offenses under Articles 414, 422, and 430 CCRK, given the higher number of available judgments for these articles, gives a closer look into the judicial response to corruption. However, punitive policies are closely linked to the damage caused by the offense, which in was not specified in 87 percent of the analyzed judgments.<sup>29</sup> Despite this limitation, the available data on Article 414, 422 and 430 offenses are summarized in the following paragraphs.

The punitive policies for corruption offenses under Article 414 of the CCRK stipulates that an official who abuses their position to gain a benefit or cause damage can be punished with imprisonment from one to eight years.<sup>30</sup> If the benefit or damage exceeds 5,000 euros, the punishment includes both a fine and imprisonment of three to ten years.<sup>31</sup> Analysis of the judgments under Article 414 shows that out of 63 judgments, 20 resulted in guilty verdicts. Among these, 18 involved principal punishments, with 8 being prison sentences and 9 being fines. Additionally, two cases involved alternative punishments. The data shows that 13 individuals received prison sentences, averaging 2.43 years, while another 13 individuals were fined, with the average fine amounting to 4,860 euros. These figures highlight the range of punitive measures applied and the relatively moderate penalties imposed for serious offenses involving significant financial damage.

Article 422 of the CCRK stipulates that individuals who promise, offer, or give any undue gift or advantage to officials can face fines and imprisonment for up to five years.<sup>32</sup> If the offense results in a benefit exceeding 15,000 euros, the punishment can include imprisonment ranging from one to eight years, in addition to a fine.<sup>33</sup> Analyzing judgments under Article 422, we found that out of 18 cases, 13 resulted in guilty verdicts. Among these, 6 individuals received principal punishments, while 7 received alternative punishments. One case involved both imprisonment and a fine, while the rest were fined. The combined prison sentence and fine amounted to 8 months and 10,000 euros. Excluding this case, the average fine was 1,117 euros.

26 Case No. PKR.nr.484/21

27 Case No. PS.nr.74/19, Available at: [https://www.gjyqesori-rks.org/wp-content/uploads/verdicts/PR\\_2019-299272\\_SQ.pdf](https://www.gjyqesori-rks.org/wp-content/uploads/verdicts/PR_2019-299272_SQ.pdf)

28 Case No. 2019:084677, Available at: [https://www.gjyqesori-rks.org/wp-content/uploads/verdicts/PR\\_PKR\\_2019-084677\\_SQ.pdf](https://www.gjyqesori-rks.org/wp-content/uploads/verdicts/PR_PKR_2019-084677_SQ.pdf)

29 See Chapter 2.1

30 CCRK, Article 414 para 1

31 CCRK, Article 414 para 2

32 CCRK, Article 422 paras 1-2

33 CCRK, Article 422 para 3



Article 430 of the Criminal Code addresses the obligation to file declarations of property, income, gifts, and other financial information. Failure to file such declarations can result in fines or imprisonment for up to three years.<sup>34</sup> If a person falsifies or omits required information in the declaration, they may face fines and imprisonment ranging from six months to five years.<sup>35</sup> Analyzing judgments under Article 430, we found that out of 40 cases, 37 ended in guilty verdicts. Among these, 26 individuals received principal punishments, while 10 received alternative punishments, and one received a judicial admonition. No imprisonment sentences were imposed as principal punishments, and all individuals were fined. The average fine amounted to 527 euros.

## Chapter 3.

# High profile cases

This chapter offers concise summaries of four high-profile cases adjudicated during this period, showing key legal proceedings and outcomes. From these cases, four observations are drawn which explore trends and challenges on the judicial proceedings of high-profile corruption cases.

In the first case, known as the "**53 Million**", Pal Lekaj, Nebih Shatri, Eset Berisha, and Besim Tahiri were charged for abusing official position or authority. Pal Lekaj, then the Minister of the Ministry of Infrastructure, along with Nebih Shatri, the former General Secretary in the same ministry, and Besim Tahiri, Director of Public Procurement Department, were accused of causing financial damage to the budget of the Republic of Kosovo, amounting to approximately **38 million euros**, through an unlawful agreement signed in 2017. The indictment was issued on 4 February 2022, and the trial commenced on 20 April 2022, in the Basic Court in Pristina - Special Department. The whole proceeding encompassed a total of 23 sessions, and lasted **726 days (about 2 years)**, with the final verdict issued on 31 January 2024. The Basic Court of Prishtina found **all defendants guilty** and sentenced them to a total of **10.2 years of prison**.<sup>36</sup> Respectively, former minister Pal Lekaj received a sentence of 3 years and 8 months of effective imprisonment, coupled with a 3-year and 6-month prohibition from exercising a public function. Nebih Shatri and Besim Tahiri were both sentenced to 1 year and 8 months in prison, with a 2-year ban on holding public office, while Eset Berisha received a 3-year and 3-month prison term, alongside a 3-year prohibition from public office.

In the second case, known as "**Stenta 2**", 37 doctors from University Clinical Hospital Service of Kosovo (UCHSK), were accused of the criminal offense of 'Misuse of official position or authority'. The alleged offense occurred between 1 January 2011 and 31 December 2015. According to the indictment issued on 15 June 2016, these individuals, acting as doctors at the Cardiology Clinic in UCHSK, abused their positions by issuing referral letters for treatment outside public health institutions to at least 233 people, despite having performed the same medical treatments, to enable reimbursement from the Ministry of Health for medical treatment in private institutions. The alleged damage caused to the budget of Kosovo was estimated at approximately **four million euros**. The trial for this case took place in the Basic Court in Pristina - Special Department, commencing in February 2018. This procedure was exceptionally long, lasting **2698 days (about 7 and a half years)**. Throughout the monitoring period, 4 sessions were held, with no recorded violations. The court issued the final verdict, on 20 September 2023, resulting in **the acquittal of all accused individuals** due to lack of evidence. On another note, for one of the defendants, Daut Gorani, the procedure was separated from the original procedure. However, he was also acquitted due to the lack of evidence, on 4 December 2023.<sup>37</sup>

In the third case, "**Ukë Rugova and others 1&2**", the accused were charged with organized crime and smuggling with migrants between 2011 and 2014. Ukë Rugova, the primary defendant, was accused of managing a criminal group that facilitated obtaining EU Schengen visas through illegal means or

<sup>34</sup> CCRK, Article 30 para 1

<sup>35</sup> CCRK, Article 30 para 2

<sup>36</sup> <https://drejtesiasot.com/2024/01/31/shpallet-aktgjykimi-ne-rastin-e-pal-lekaj-dhe-te-tjereve/>

<sup>37</sup> <https://drejtesiasot.com/2023/12/04/lirohet-i-akuzuari-per-korrupsion-ne-rastin-stenta-2/>

corruption. The accused individuals included former government officials. The indictment was filed on 16 May 2016, while the trial commenced on 30 August 2016 at the Basic Court in Pristina. During the course of proceedings, the procedure was divided into two parts (1 and 2), with the high-profile individuals being tried in the Uke Rugova 1 case. The verdict for the high-profile individuals, was announced on 30 March 2023, after a **2453-day-long proceeding, acquitted Rugova and others of organized crime charges** but found them guilty of unauthorized possession of weapons. Rugova was fined €6,000, while two other defendants were fined €3,500 each, and another defendant's charges were rejected.

In the fourth case known as the "**Gulenists**", Driton Gashi, Valon Krasniqi, and Rrahman Sylejmani stand accused of various criminal offenses, including "Misuse of office or official authority" from the corruption chapter. The alleged offenses took place from 23 March 2018 to 29 March 2018 in Pristina. Driton Gashi, as the General Director of the Kosovo Intelligence Agency, is accused of illegally expelling Turkish citizens from Kosovo and handing them over to Turkish authorities. Rrahman Sylejmani, Director of the Directorate for Migration and Foreigners, is charged with issuing orders for the forced deportation of Turkish citizens. Valon Krasniqi, Director of the Department for Citizenship, Asylum, and Migration allegedly revoked legal residence permits contrary to the law. The indictment was filed on 24 February 2021 by the Special Prosecutor's Office of the Republic of Kosovo, and the trial began on 9 February 2022 in the Basic Court in Pristina - Special Department. On the judgment of 19 July 2023, Driton Gashi was **found guilty** of "Misuse of official position or authority" and sentenced to **4 years and 8 months in prison**, with an additional prohibition from public administration functions for 4 years, along with payment of court fees. Valon Krasniqi and Rrahman Sylejmani **were acquitted** due to lack of evidence. The procedure lasted **876 days**. The procedure in the first instance has been completed.

The analysis of these four cases underscores several observations. First, **the duration of legal proceedings was excessively lengthy, significantly exceeding typical timelines**. This prolongation in dealing with high-profile corruption raises concerns about the efficiency and efficacy of the judicial system in addressing complex cases of corruption and organized crime. This observation was noted by Act Now for other high-profile cases as well and is also related to the reasons mentioned in **Chapter 1** above.<sup>38</sup>

Second, **only one of the trials concluded with a verdict of guilty, while another ended in a partially guilty verdict**. Conversely, two other cases, which involved a significant number of accused individuals, ended in acquittals. Third, **all the judgments of acquittal were based on the grounds of insufficient evidence**. The prevalence of acquittals due to insufficient evidence calls into question the thoroughness of the investigations and the standards of evidence applied in these instances.

On a significant note, in the "53 million case", **a notably minimal sentence was imposed**, particularly given the substantial financial damage inflicted on the state budget. Article 414 of the CCRK, for which the defendants were found guilty, specifies that an official found guilty of offenses resulting in damages exceeding five-thousand euros is subject to a prison term ranging from three to ten years.<sup>39</sup> In the case at hand, former Minister Lekaj was given only 3 years and 8 months sentence, while the two other defendants were charged with 1 year and 8 months sentences each, for an estimated damage of 38 million euros. This disparity between the gravity of the offenses and the sentences emphasizes potential shortcomings in sentencing guidelines or judicial discretion for high-profile individuals.

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<sup>38</sup> Focus group held with monitoring officers on 15 April 2024

<sup>39</sup> CCRK, Article 414 para 2, accessed on: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18413>

# Recommendations

## **In order to improve efficiency and reduce session cancellations and delays:**

- Courts should take necessary measures when other parties do not appear before trial, or do not comply with their legal obligations to communicate important information, such as case materials.
- Courts should enforce attendance regulations strictly by issuing arrest orders for absent defendants as mandated by law.
- Courts must implement better scheduling practices and ensure that key personnel and all technical aspects are available and ready for court sessions.
- Judges and courts must ensure proper planification of sessions, and complete adherence to pre-set schedules, to achieve maximum efficiency in handling corruption cases.
- Judges should practice good examples of session schedules, such as scheduling concentrated block sessions when possible or planning an all-sessions schedule at the beginning of a proceeding.
- Courts should document and publicly share the reasons for session cancellations and delays.

## **In order to improve the transparency, accountability and the integrity of the judicial process:**

- Judges must ensure an unbiased approach towards all parties involved in the procedure, complying with the constitution and other laws.
- Judges should be required to specify the financial damages to the state budget and illicit gains made by those in power in their judgments. This will enhance the analysis of punitive measures and ensure that penalties are proportional to the severity of the crimes.
- Judges should specify the confiscated or sequestered wealth in judgments of guilty to ensure transparency and the effectiveness of these measures in order to provide a clear record of the financial consequences.
- Judges must impose more adequate punitive measures and add accessory punishments, such as prohibitions on holding public office. This is important to deter future offenses, ensure accountability, and restore public trust in the integrity of public institutions



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