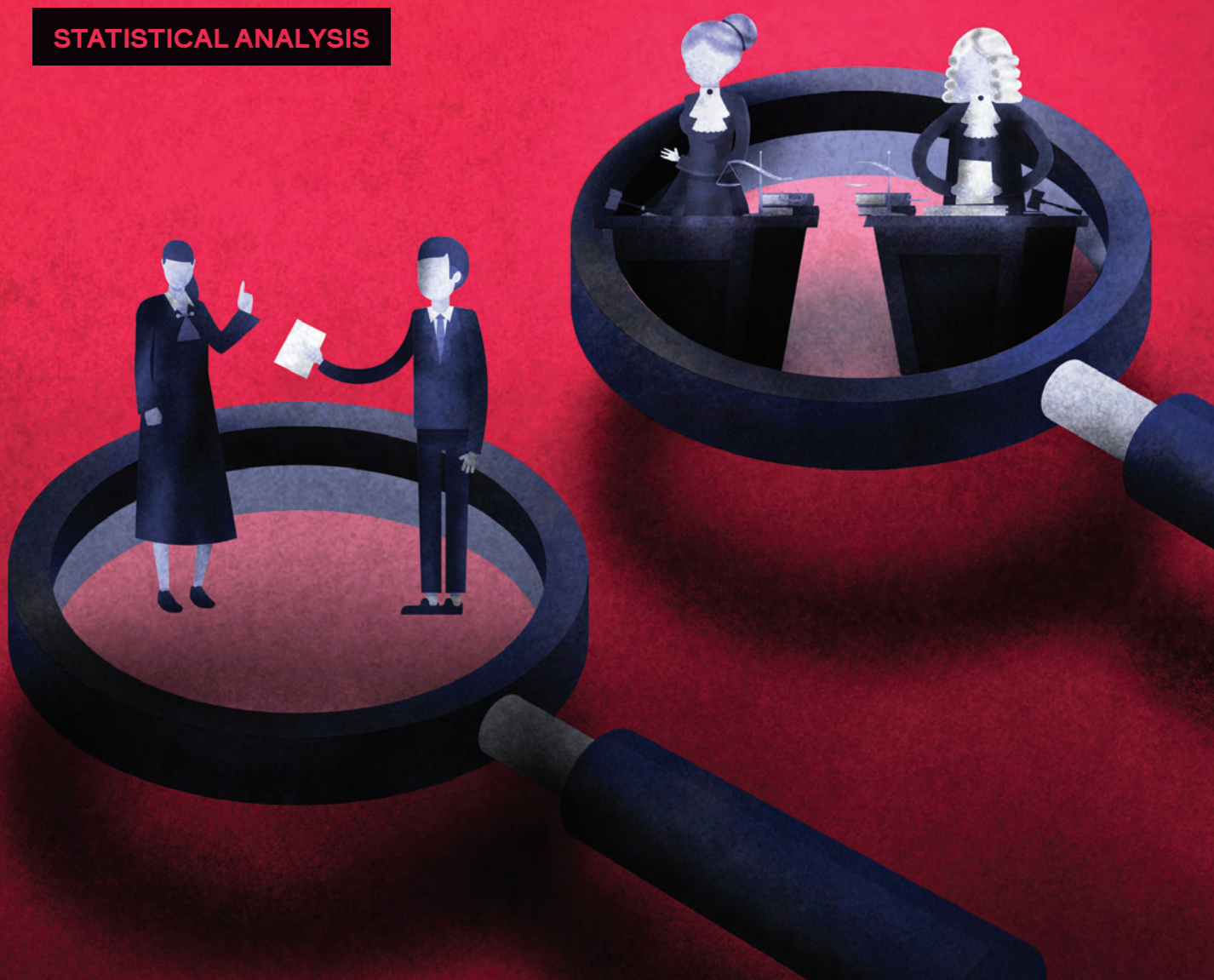


Performance of the Prosecution and Judicial System in the Fight against Corruption during 2021

STATISTICAL ANALYSIS



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Title: **Performance of the Prosecution and Judicial System in the Fight against Corruption during 2021 (statistical analysis)**

Author: **Albana Hasani**

Edited by: **Nora Bajrami**

Publication year: **March 2022**

Published by: **FOL Movement**

Andrea Gropa no.35 Prishtinë 10000, Republic of Kosova

info@levizjafol.org +383 (0)49 131 542

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This project is supported by the U.S. Department of State, through Bureau of International Narcotics and Law Enforcement Affairs (INL).

* The content of this publication is the sole responsibility of Lëvizja FOL and it does not reflect the U.S. Department of State opinion.

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1. Introduction

The social perception of the high level of presence of corruption continues to be one of the main challenges faced by the state apparatus in general and the Kosovar society in particular. Recent studies on corruption in the country show that in Kosovo society there is still a high perception of the presence of corruption in public institutions. Based on this research, methods and the fight against reducing the level of corruption must be systematic and well planned, adding here the harmonization of our national legislation with the practices of European Union legislation. The need to fight corruption as a negative phenomenon, in addition to being a necessity, also reflects the desire for development and efficient functioning of state institutions.

The prosecution, as the body responsible for the investigation, and the court, as the head of the administration of justice, have an obligation to carry out their task in the fight against corruption. Thus, active citizenship and a justice system with predispositions for efficient action are guarantees for reporting and resolving corruption cases. Fighting and preventing this negative phenomenon is done between institutional interaction, based on full compliance with legal standards. The synergy formed through the action of the justice system bodies is the first important and essential step towards the fight against corruption.

It is known that the prosecution of perpetrators of criminal offenses falls on the State Prosecutor as an independent institution, with the authority and responsibility for the prosecution of accused persons, regulated by law. This 'right' of the prosecutorial system naturally becomes heavier, given the level of corruption, a fact that is also mentioned in the findings presented in the Progress Report of the European Commission for Kosovo for 2021. It states that during the respective year is achieved limited progress, including investigating and prosecuting high-level cases, confiscating assets, and establishing special departments to handle high-level corruption (and organized crime) cases in the courts.¹ Therefore, taking into account these factual circumstances, we can freely say that the systemic functioning of the prosecution, built on the highest professional standards and the observance of the norms set by the main bodies of the European Union, those are the goals on which the entire prosecutorial system in the Republic of Kosovo should have worked on.

¹ [European Commission - Kosovo Report, 2021.](#)

While the judicial system is the link that makes the distribution of justice. The courts of all levels of the Republic of Kosovo, given the state of corruption they face, must deal effectively with corruption cases. The good result of the work of the courts is a real indicator of the state seriousness in the fight against corruption. Therefore, the efficiency of the judiciary in resolving corruption cases within a reasonable time and in a professional manner means the reduction and serious prevention of corruption offenses.

Another challenge within the justice system, i.e. the judicial and prosecutorial system, is the measurement of quality, functionality, efficiency, transparency, level of compliance with organizational standards, etc... Analysis of defined parameters serves to assess the quality and effectiveness of justice. By analyzing and evaluating such parameters, the shortcomings of the systematic action of the justice bodies are marked and comprehensive standards of strengthening the quality of justice are set.

Given the above, the only data with which we can analyze the performance of courts and prosecutors' offices are the official statistical data provided by the courts and prosecutors' offices themselves. The construction of the data result on the quality performance and effectiveness of the courts and prosecutors of the Republic of Kosovo in this report is intended to be done using the methodology of the *European Commission for the Efficiency of Justice (CEPEJ)*.

So, through the official data received from the Kosovo Judicial Council and the Kosovo Prosecutorial Council, combining them with the formulas of CEPEJ, we will be able to evaluate the work of courts and prosecutors' offices on corruption cases specifically. Such an assessment, based on data on cases from corruption cases, will enable us to take into account the flow of cases faced by courts and prosecutors during a calendar year, the achieved rate of resolving cases, the assessment of the rate of the turnover of cases, the trend of leveling of cases, the procedural duration of the treatment of cases and the index of collected cases.



2. Methodology

This report addresses the issue of performance and efficiency of the judicial and prosecutorial system in resolving corruption cases, as well as elaborates the level of workload of these institutions in resolving these cases. The report is based on official statistical data received from the Kosovo Prosecutorial Council (KPC) and the Kosovo Judicial Council (KJC) for 2021, while to measure the performance of these institutions on the basis of these official statistics, FOL has used the methodology of European Commission for the Efficiency of Justice (CEPEJ).²

All statistics presented in this report include only a specific group of criminal offenses, more precisely Chapter XXXIII of the Criminal Code of the Republic of Kosovo, entitled **“Official corruption and criminal offenses against official duty”** and includes Articles 414-430. These statistics only include criminal offenses with known perpetrators (PP).

The efficiency of the Special Prosecution and seven basic prosecutions (Pristina, Mitrovica, Peja, Prizren, Gjiilan, Ferizaj, Gjakova), on the one hand, and the seven basic courts of Kosovo, on the other, have been part of performance measurement and monitoring in this report. This measurement does not include the quality of cases, the quality of work of prosecutors and courts, the quality of administration service or the integrity and professionalism of prosecutors and judges, but only their numerical (quantitative) analysis.

The areas in which the FOL is based on measuring the performance of the prosecution and the judiciary are as follows: 1) *cases influx*, 2) *case resolution rate*, 3) *case turnover rate*, 4) *duration of treatment of cases*, as well as 5) *index of accumulated cases*.

The first part of the report measured the performance of the prosecutorial system in handling/resolving corruption cases, through indicators of the European Commission for the Efficiency of Justice (CEPEJ) at the general level and for each prosecutor separately. While in the other part, the performance of the judicial system in resolving corruption cases is analyzed through the methodology of CEPEJ, as well as in general and for each court separately, as well as the number and type of decisions issued by the courts.

FOL has made such measurements in the past from prosecution statistics through the methodology of CEPEJ³, and will continue to do so periodically in the coming months.

² The European Commission for the Efficiency of Justice (CEPEJ) is the body of the Council of Europe, which seeks to improve the efficiency and functioning of justice in the member states and to develop and implement practical instruments adopted by the Council of Europe for this purpose. It should be noted that the FOL Movement report is not authorized by the Council of Europe and that the formulas, although identical, are not official.

³ For more, see: Performanca e Prokurorisë në Luftën Kundër Korrupsion 2017; Performanca e Prokurorisë në Zgjidhjen e Lëndëve të Korrupsionit gjatë vitit 2020.

3. Executive Summary

Measuring the performance of justice bodies is a necessary activity in the analysis of systemic and functional interaction, where through the presented data, the concrete factors of functioning or structural and organizational dysfunction of the justice system are identified.

By the performance of prosecutors and courts, we mean the results achieved during the process of performing actions and tasks. Measuring quality performance, in essence, of course does not mean only obtaining statistical figures, but it aims at objective evaluation of the work of prosecutors and courts in the Republic of Kosovo. The quality and effectiveness of the justice system must always be under the "magnifying glass" of monitoring their level. In this regard, only through a methodology of continuous analysis and evaluation of the justice system can shortcomings be found which inevitably need to be improved.

Based on the data we have provided, and their design based on the methodology of the European Commission for the Efficiency of Justice (CEPEJ), in this summary we will describe some of the main findings of this report.

- Out of 802 corruption cases that have been pending in the seven basic and special prosecutions (317 of which inherited from the previous year and 485 new cases), a total of 409 cases have been resolved, respectively 51% of all pending cases. Meanwhile, the part of 393 cases have remained unresolved and have been transferred for 2022.
While the basic courts of the Republic of Kosovo during 2021 had a total of 383 corruption pending cases (281 of which were inherited from the previous year and 102 new cases), managed to resolve 108 cases, or 28% of all the cases they had pending.
- The transfer of large numbers of cases from year to year continues to be challenging. In 2021, a total of 317 corruption cases were transferred to the basic and special prosecutions of the Republic of Kosovo from the previous year or 40% of the pending cases.
While in the basic courts of the Republic of Kosovo, in 2021, 281 cases were transferred from the previous year, respectively 73% of cases that have been pending.
- The resolution rate of corruption cases in all prosecution offices of the Republic of Kosovo for 2021 turns out to be 84%, which means that the number of resolved cases during this period was lower than the number of new cases received during the year. While the resolution rate of corruption cases in all basic courts during 2021 was 106%, which means that the number of resolved cases during this period (108 cases) exceeds the number of new cases (102 cases) opened during the year.
- The turnover rate of cases during this period was 1.04, which is based on the fact that the number of cases resolved during this period was higher in relation to the cases that remained unresolved. While the turnover rate of cases in the basic courts of the Republic of Kosovo during 2021 has reached 0.39, as the judicial system has managed to resolve only 108 cases, respectively only 28% of all cases it has had pending, while 275 cases have remained unresolved and have been carried forward to 2022.

- The index of cases collected in the State Prosecutor during 2021 has reached 0.77 and has resulted from the fact that the number of inherited (transferred) corruption cases from the previous year is lower in relation to the number of resolved cases during this year. While the index of cases collected in the basic courts of Kosovo is significantly higher, respectively 2.60, because the number of cases inherited from the previous year was significantly higher than the number of cases resolved during this year.
- The Basic Prosecution of Prishtina faced the largest influx of corruption cases during this period, which had 245 pending cases. Meanwhile, the prosecution with the lowest flow of corruption cases during 2021 was the Basic Prosecution of Gjilan, which had a total of 54 corruption pending cases. Regarding the corruption cases in the basic courts of the Republic of Kosovo, the Basic Court of Prishtina faced the largest flow of cases, with 197 pending cases, while the lowest flow of these cases was faced by the Basic Court of Gjakova, with a total of 15 pending cases.
- According to the statistics of the Kosovo Prosecutorial Council, the prosecution that has achieved the best results in dealing with corruption cases during this period is the Basic Prosecution of Prizren, which during this period has achieved the highest rate of resolving cases (120%), the highest turnover rate of cases (4.29%) as well as the shortest time needed to resolve cases that had remained unresolved this year (85 days). In other words, out of 90 corruption pending cases, this prosecution has managed to solve 73 of them, or 81%.

Whereas according to the data received from the Kosovo Judicial Council, the best results in resolving corruption cases during this period have been achieved by the Basic Court of Prizren, which during this period has achieved the highest rate of turnover of cases (1.15), the lowest index of cases collected (1.13), as well as the shortest time needed to resolve cases that remained unresolved this year (317 days). In other words, out of 43 corruption cases that this court has had pending, it has managed to resolve 23 cases, or 53% of all cases

- Meanwhile, the prosecution with the worst results in handling corruption cases during 2021 (same as in 2020) was the *Basic Prosecution of Mitrovica*, which out of 133 cases it has had pending during this year, has managed to handle only 28 of them, or only 13% of all cases. This prosecution during this period has achieved the lowest rate of turnover of cases (0.26), the lowest rate of resolution of cases (44%) and the highest index of collected cases (2.96).

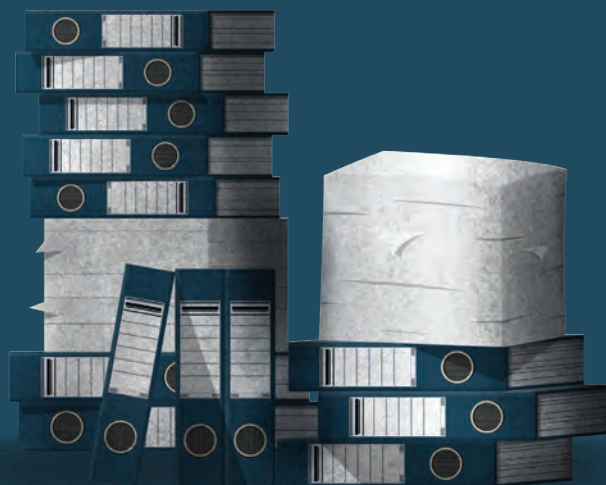
While the court with the worst results in handling corruption cases during 2021 is the *Basic Court of Prishtina*, which out of 197 cases it has had pending, has managed to resolve only 34 of them, or only 17%. This court during this period has achieved the lowest case turnover rate (0.20), the highest case collection index (4.61), as well as the longest time for resolving cases that remained unresolved this year.

- According to data received from the Kosovo Prosecutorial Council, the seven basic prosecutions and the Special Prosecution during 2021 had filed indictments against 335 persons in connection with corruption offenses.
- Meanwhile, according to the data received from the Kosovo Judicial Council, out of 108 corruption cases resolved by the first instance of the judiciary during this year, 59 guilty verdicts, 26 acquittal judgments, 4 rejection verdicts, and 19 cases were resolved in another way. From the guilty verdicts, for most of them, respectively for 31 cases, fines were imposed, while for 22 cases prison sentences were imposed and for 6 cases with Conditional release.

----- Performance of the Prosecutorial System in the Treatment of Corruption Cases during 2021



By analyzing the strengths and weaknesses in the work of prosecutors in handling corruption cases, we will be able to contribute to the reflection of the overall situation in the fight against corruption.



4. Performance of the Prosecutorial System in the Treatment of Corruption Cases during 2021

The result from the calculation of the performance of the prosecutions of the Republic of Kosovo in handling corruption cases is an indicator of the seriousness, will and determination of the prosecutorial system in preventing and combating corruption.

By analyzing the strengths and weaknesses in the work of prosecutors in handling corruption cases, we will be able to contribute to the reflection of the overall situation in the fight against corruption. The good performance of the prosecutions in dealing with corruption cases, i.e. the efficiency in prosecuting persons involved in these criminal offenses, means full compliance with the laws and priorities set by the Prosecutorial Council.

The following are the measurement indicators of the work efficiency of the State Prosecutor (Special Prosecution and seven basic prosecutions) in general in resolving corruption cases in 2021. While the general overview with the data of the prosecutorial system, on which these indicators are based are presented in the table below.











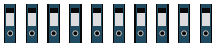


	<div>SP</div> Inherited cases	<div>I</div> New cases	<div>CP</div> Total pending cases	<div>R</div> Solved cases	<div>UC</div> Unresolved cases
<div> Special Prosecution</div>	44 <div></div>	69 <div></div>	113 <div></div>	53 <div></div>	60 <div></div>
<div> Basic Prosecution in Prishtina</div>	106 <div></div>	139 <div></div>	245 <div></div>	128 <div></div>	117 <div></div>
<div> Basic Prosecution in Prizren</div>	29 <div></div>	61 <div></div>	90 <div></div>	73 <div></div>	17 <div></div>
<div> Basic Prosecution in Peja</div>	21 <div></div>	35 <div></div>	56 <div></div>	31 <div></div>	25 <div></div>
<div> Basic Prosecution in Gjilan</div>	8 <div></div>	46 <div></div>	54 <div></div>	40 <div></div>	14 <div></div>
<div> Basic Prosecution in Mitrovica</div>	83 <div></div>	50 <div></div>	133 <div></div>	28 <div></div>	105 <div></div>
<div> Basic Prosecution in Ferizaj</div>	14 <div></div>	42 <div></div>	56 <div></div>	37 <div></div>	19 <div></div>
<div> Basic Prosecution in Gjakova</div>	12 <div></div>	43 <div></div>	55 <div></div>	19 <div></div>	36 <div></div>
TOTAL:	317	485	802	409	393

TABLE 1. Overview of the performance of the prosecutorial system in resolving corruption cases during 2021.

4.1 Case Influx

An important part of the circle of difficulties for the most efficient and quality of case management by prosecutors is the large influx of cases. Case influx is the basic indicator of workload and includes new cases, resolved cases and pending cases.

The number of new cases means the number of cases that enter the system and require action by prosecutors, while the number of solved cases is the answer given by the prosecutorial system, i.e. the number of cases that have been handled.⁴ Meanwhile, the cases that are expected to be treated are the number of cases that remain to be resolved by the prosecution at a certain time and as such are cases that are transferred to the next year. The analysis does not include the initial phase, i.e. the phase of investigation or collection of information before they turn into criminal charges. The report therefore includes only criminal reports sent to the prosecution and their addressing by the prosecutorial system.

The influx of cases through the methodology of the European Commission for the Efficiency of Justice (CEPEJ) is expressed through this formula:

$$\text{CP (pending cases)} = \text{PS (unresolved cases at the beginning of the reporting period)} + \text{I (new cases)}$$

During the period January – December 2021, the total number of pending cases in the *Special Prosecution Office* and in the seven basic prosecution offices related to the criminal offenses of Chapter XXXIII of the *Criminal Code of the Republic of Kosovo (official corruption and criminal offenses against official duty)* were 802 cases.

In this number, therefore, the cases transferred from the previous year (317 cases), as well as the new cases created during the year (485 cases) have contributed. So, expressed in percentage, on average 40% of corruption pending cases of all prosecutions were transferred from the previous year, while 60% of cases were new cases, created during 2021.

This figure shows that the number of pending cases during 2021 in all basic and special prosecutions, has been significantly higher than in 2020, where during this year a total of 646 cases were pending.⁵

The following table presents the flow of cases of the seven basic prosecution offices separately and of the Special Prosecution Office during 2021.

⁴ Treatment and resolution can serve as words that replace each other. The word "solve" is used for courts and "treated" for prosecutors. This is because the case in the prosecution is not considered resolved without a court decision.

⁵ For more, see: Prosecution Performance in the Fight Against Corruption, FOL Movement, April 2020.

$$CP \text{ (pending cases)} = PC \text{ (inherited cases)} + I \text{ (new cases)}$$



Special Prosecution

**113**

$= 44 + 69$

Basic Prosecution of
Prishtina**245**

$= 106 + 139$

Basic Prosecution of
Prizren**90**

$= 29 + 61$

Basic Prosecution of
Peja**56**

$= 21 + 35$

Basic Prosecution of
Gjilan**54**

$= 8 + 46$

Basic Prosecution of
Mitrovica**133**

$= 83 + 50$

Basic Prosecution in
Ferizaj**56**

$= 14 + 42$

Basic Prosecution in
Gjakova**55**

$= 12 + 43$

TOTAL:

**802**

$= 317 + 485$

TABLE 2.

The flow of corruption cases in the Special Prosecution Office and in the seven basic prosecution offices during 2021.

According to the table presented above, it turns out that with the highest influx of corruption cases was faced during 2021:

- **The Basic Prosecution of Prishtina**, which during this period had 245 pending cases, 106 of which were inherited from the previous year, while 128 were created during 2021. This is the prosecution with the largest number of new corruption cases created during 2021, as well as with the largest number of cases transferred from the previous year.

While with the lowest influx of corruption cases during 2021 is faced by:

- **The Basic Prosecution of Gjilan**, which had a total of 54 pending cases, 8 of which were inherited from the previous year, while 46 were new created cases. This prosecution is distinguished by the lowest number of new cases, created during 2021, as well as the lowest number of cases transferred from the previous year.

Also according to the measurement of the performance of the Prosecutorial System in resolving corruption cases for 2020⁶, the Basic Prosecution in Prishtina was faced with the largest influx of cases (with a total of 221 pending cases), respectively 24 cases less than in 2021.

While the prosecution with the lowest influx of corruption cases in 2020 was the Basic Prosecution of Gjakova, with a total of 27 pending cases, or 27 cases less than in 2021

⁶ For more, see: [Prosecution Performance in the Fight against Corruption during 2020, FOL Movement](#).

4.2 Case Resolution Rate (Clearance Rate)

Case resolution rate is an important indicator that measures the ratio between the numbers of new cases (I) and the number of cases resolved (R). So within the measurement, this indicator does not include the number of cases inherited from the previous year. As such, this indicator shows the performance of a prosecution expressed in percentage, as well as indicates the working capacity of prosecutors in resolving new cases. The ideal case resolution rate should be 100%, which means that the system solves as many cases as it receives during the year.

The case resolution rate according to the methodology of the European Commission for the Efficiency of Justice (CEPEJ) is expressed through this formula:

$$\text{Case resolution rate \%} = \frac{\text{resolved cases (R)}}{\text{new cases (I)}} \times 100$$

Consequently, according to this formula, the average rate of resolving corruption cases during 2021 in all basic and special prosecutions is as follows:

$$\text{Case resolution rate \%} = \frac{409}{485} \times 100 = 84 \%$$

So according to this formula, the number of corruption cases resolved during 2021 was 409, the number of new cases received during 2021 was 485, the rate of the corruption cases resolved during 2021 turns out to be 84%. So the number of new cases received during 2021 was significantly higher compared to the resolved cases during this year, which means a lack of capacity to resolve new cases, which then creates a burden in the future with preliminary issues.

In other words, out of 802 corruption cases that were pending during 2021 (this includes cases inherited from previous years and new cases created during the year), prosecutors have managed to solve 409 cases, respectively 51% of cases, while the remaining 393 cases remained unresolved and were transferred to 2022.

This means that in relation to 2020, when the rate of resolving corruption cases in the prosecutor's offices of the Republic of Kosovo had turned out to be 87%, this indicator in 2021 had decreased to 84%.

Meanwhile, the rate of resolving corruption cases in each basic and special prosecutor's office during 2021 is presented in the table below.

$$\text{Case resolution rate \%} = \frac{\text{resolved cases (R)}}{\text{new cases (I)}} \times 100$$



Special Prosecution



$$\frac{53}{69} \times 100 = 77\%$$



Basic Prosecution of
Prishtina



$$\frac{128}{139} \times 100 = 92\%$$



Basic Prosecution of
Prizren



$$\frac{73}{61} \times 100 = 120\%$$



Basic Prosecution of Peja



$$\frac{31}{35} \times 100 = 89\%$$



Basic Prosecution of
Gjilan



$$\frac{40}{46} \times 100 = 87\%$$



Basic Prosecution of
Mitrovica



$$\frac{28}{50} \times 100 = 56\%$$



Basic Prosecution in
Ferizaj



$$\frac{37}{42} \times 100 = 88\%$$



Basic Prosecution in
Gjakova



$$\frac{19}{43} \times 100 = 44\%$$

TOTAL:



$$\frac{409}{485} \times 100 = 84\%$$

TABLE 3. Corruption resolution rate during 2021 in the seven basic and special prosecution offices

According to the table presented above, it turns out that the highest rate of solving corruption cases during 2021 was reached by:

- **The Basic Prosecution of Prizren**, which had 61 new cases created during the year, while it had managed to resolve 73 cases, reaching the case resolution rate of 120%;

While the lowest rate of solving corruption cases was reached by:

- **The Basic Prosecution of Gjakova**, which had 43 new cases created during the year, while it had managed to resolve 19 cases, reaching the case resolution rate of 44%

Whereas, according to the measurement of the performance of the prosecutorial system in the fight against corruption made for 2020⁷, the highest rate of resolving cases during this year was reached by the Basic Prosecution of Ferizaj (103%), which from 29 new cases created during the year, it managed to resolve 30 cases, while the lowest case resolution rate was reached by the Basic Prosecution of Peja (0.52), which out of 36 new cases created during the year, managed to resolve only 19 cases.

⁷ For more, see: [Prosecution Performance in the Fight against Corruption during 2020, FOL Movement](#).

4.3 Case Turnover Ratio

The case turnover ratio measures the rate between the number of resolved cases and the number of unresolved cases within a year. So this rate measures the frequency with which the system replaces the number of new cases. The European Commission's formula for measuring the efficiency of justice uses the number of cases resolved at the end of the reporting period and divides it by the number of cases pending, extracting the case turnover ratio.

In other words, the case turnover ratio measures how quickly the system (in this case the prosecution) handles the cases it receives – which otherwise determines how long does it take for the system to resolve a case.

The case turnover ratio through the methodology of the European Commission for Measuring the Efficiency of Justice (CEPEJ) is expressed through this formula:

$$\text{Case turnover ratio} = \frac{\text{Resolved cases (R)}}{\text{unresolved cases (PE)}}$$

Consequently, from this formula, the average case turnover ratio in all basic and special prosecutions during 2021 is:

$$\text{Case turnover ratio} = \frac{409}{485} = 1.04$$

The ideal case turnover ratio should be at least 1, which means that the system solves as many cases as it receives during the year and has not transferred any cases for the next year. Whereas, in this case the case turnover ratio is slightly higher than 1, which means that in this case there is a small difference compared to the ideal case turnover ratio.

The case turnover ratio has not changed significantly compared to last year (2020), where this rate had resulted in 1.03.⁸

The rate of resolving corruption cases during 2021 in each basic and special prosecutor's office is presented in the table below.

⁸ <https://levizjafol.org/ë p-content/uploads/2021/04/Performanca-E-Prokuroris% C3% AB-N% C3% AB-Luft% C3% ABn-Kund% C3% ABr-Korrupsionit.pdf>.

$$\text{Case turnover ratio} = \frac{\text{Resolved cases (R)}}{\text{unresolved cases (PE)}}$$



Special Prosecution

$$\frac{53}{60} = \mathbf{0.88} \quad \text{H} \rightarrow$$

Basic Prosecution of
Prishtina

$$\frac{128}{117} = \mathbf{1.09} \quad \text{H} \rightarrow$$



Basic Prosecution of Prizren

$$\frac{73}{17} = \mathbf{4.29} \quad \text{H} \rightarrow$$



Basic Prosecution of Peja

$$\frac{31}{25} = \mathbf{1.24} \quad \text{H} \rightarrow$$



Basic Prosecution of Gjiilan

$$\frac{40}{14} = \mathbf{2.85} \quad \text{H} \rightarrow$$

Basic Prosecution of
Mitrovica

$$\frac{28}{105} = \mathbf{0.26} \quad \text{H} \rightarrow$$



Basic Prosecution in Ferizaj

$$\frac{37}{19} = \mathbf{1.94} \quad \text{H} \rightarrow$$



Basic Prosecution in Gjakova

$$\frac{19}{36} = \mathbf{0.52} \quad \text{H} \rightarrow$$

TOTAL:

$$\frac{409}{393} = \mathbf{1.04} \quad \text{H} \rightarrow$$

TABLE 4. Case turnover ratio of corruption cases during 2021 in the seven basic and special prosecution offices

According to the data presented in the table above, it turns out that the highest level of case turnover ratio of corruption cases in 2021 was reached by:

- **The Basic Prosecution of Prizren**, which had reached the case turnover ratio of 4.29. This prosecution had managed to solve 73 cases, respectively 81% of the cases it had pending, while only 17 cases remained unsolved, which were transferred to 2022.

While the lowest case turnover ratio was reached by:

- **The Basic Prosecution of Mitrovica**, which had reached the case turnover ratio of 0.26. This prosecution had managed to solve only 28 cases, respectively 21% of the cases it had pending, while 108 cases remained unresolved, which were transferred to 2022.

In relation to 2020, according to the measurement made for the performance of the prosecutorial system in resolving corruption cases during this year, the highest case turnover ratio during this year was reached by the Basic Prosecution of Gjilan (4.12), which had resolved 33 cases, while only 8 were transferred for 2021. While the lowest case turnover ratio in 2020 was also reached by the Basic Prosecution of Mitrovica (0.2), which managed to resolve only 17 cases, while 83 were transferred to 2021.

4.4 Duration of Case Resolution (Disposition Time)

The European Commission for the Efficiency of Justice (CEPEJ) requires the justice system to report an indicator of the duration of completion of cases, which is calculated in two steps.

First, the number of cases resolved during the reporting period is divided by the number of unresolved cases at the end of the reporting period, known as the case turnover ratio.⁹

Second, this case turnover ratio is divided by 365, so the case resolution duration indicator can be expressed by the number of days, which CEPEJ suggests that it simplifies the understanding of the relationship between the numbers of resolved cases during the reporting period and the number of cases expected to be resolved (transferred cases).¹⁰

Based on the case turnover ratio, the duration of case completion according to the methodology of the European Commission for the Efficiency of Justice (CEPEJ) is formulated as follows:

$$\text{Duration of case completion} = \frac{365}{\text{case turnover ratio}}$$

So the number 365 is the number of days within a year, which is divided by the case turnover ratio of the seven basic and special prosecution. As described on page 22 of this report, this number is derived as a result of divided number of resolved cases (409) by the number of unresolved cases (393).

The European Commission for the Efficiency of Justice (CEPEJ) requires from the justice system to report an indicator on the duration of the completion of cases which had remained unresolved during this period.

The duration of completion of cases that remained unresolved during 2021 in each basic and special prosecutor's office is presented separately in the table below.

⁹ https://www.courtexcellence.com/_data/assets/pdf_file/0030/54795/GLOBAL-MEASURES-3rd-Edition-Oct-2020.pdf.

¹⁰ Ibidem.

$$\text{Duration of case completion} = \frac{365}{\text{case turnover ratio}}$$



Special Prosecution

$$\frac{365}{0.88} = \mathbf{414}$$

Basic Prosecution of
Prishtina

$$\frac{365}{1.09} = \mathbf{334}$$

Basic Prosecution of
Prizren

$$\frac{365}{4.29} = \mathbf{85}$$

Basic Prosecution of
Peja

$$\frac{365}{1.24} = \mathbf{294}$$

Basic Prosecution of
Gjilan

$$\frac{365}{2.85} = \mathbf{128}$$

Basic Prosecution of
Mitrovica

$$\frac{365}{0.26} = \mathbf{1,403}$$

Basic Prosecution in
Ferizaj

$$\frac{365}{1.94} = \mathbf{188}$$

Basic Prosecution in
Gjakova

$$\frac{365}{0.52} = \mathbf{701}$$



TABLE 5.

Duration of resolving cases that have not been resolved during 2021 in the seven basic and special prosecutions.

According to the table presented above, it turns out that the shortest time for resolving corruption cases that had remained unresolved this year is needed for:

- **The Basic Prosecution of Prizren**, which needs an average of 85 days to resolve all corruption cases that had remained unsolved this year. This is because, as clarified on page 23 of this report, this prosecution had reached the highest case turnover ratio during this monitoring period (4.29

Whereas a longer time to solve these cases is needed for:

- **The Basic Prosecution of Mitrovica**, which needs an average of 1,403 days to resolve all corruption cases, which remained unsolved this year. This has come as a result of the low case turnover ratio that this prosecution had achieved during this monitoring period (0.26).

Whereas, regarding the measurement of this indicator made for 2020¹¹, a shorter time for resolving corruption cases that had remained unsolved this year was needed by the Basic Prosecution of Gjilan (88 days), while a longer time was needed for The Basic Prosecution of Mitrovica to resolve these cases even during 2020 (1,825 days).

¹¹ Prosecution performance in the fight against corruption during 2020, FOL Movement.

4.5 Index of Backlog of Cases

One of the main problems reported in the justice system in Kosovo is the large number of cases accumulated over the years. Prosecutions, like the courts, continue to face old cases that become a heavy burden, which are transferred year after year.

The prolongation of handling of cases and the large number of cases transferred increases the distrust of citizens in justice institutions, as they have to wait for years for the system to deal with their cases and deliver justice to them.

So the key indicator of the performance of prosecutions is the index of backlog cases. This indicator is determined by the number of unresolved cases at the beginning of the reporting period, divided by the number of cases resolved during the reporting period.

The index of backlog cases, through the methodology of the European Commission for the Efficiency of Justice is expressed through this formula:

$$\text{Index of backlog cases} = \frac{\text{Inherited cases (PS)}}{\text{resolved cases (R)}}$$

Consequently, according to this formula, the index of backlog cases of the seven basic and special prosecutions is as follows:

$$\text{Index of backlog cases} = \frac{317}{409} = 0.77$$

A value higher than 0 of the index of backlog cases indicates that it takes longer to solve a case. Respectively, if in this case 317 cases would be resolved, it means that the system has solved as many cases as it has inherited, and as such, the value would be 0. While in this case it means that the prosecution has solved more cases than it has inherited from previous year.

Meanwhile, compared to last year (2020), the number of backlog cases has decreased significantly, since during 2020 the index of backlog cases was 0.81.¹²

The index of backlog cases in each basic and special prosecutor's office is expressed in the following table

¹² Performance of the Prosecutorial System in Resolving Corruption Cases , page 12.

$$\text{Index of backlog cases} = \frac{\text{inherited cases (PS)}}{\text{resolved cases (R)}}$$



Special Prosecution

$$\frac{44}{53}$$

= **0.83**Basic Prosecution of
Prishtina

$$\frac{106}{128}$$

= **0.82**Basic Prosecution of
Prizren

$$\frac{29}{73}$$

= **0.39**Basic Prosecution of
Peja

$$\frac{21}{31}$$

= **0.67**Basic Prosecution of
Gjilan

$$\frac{8}{40}$$

= **0.20**Basic Prosecution of
Mitrovica

$$\frac{83}{28}$$

= **2.96**Basic Prosecution in
Ferizaj

$$\frac{14}{37}$$

= **0.37**Basic Prosecution in
Gjakova

$$\frac{12}{19}$$

= **0.63**

$$\text{TOTAL: } \frac{317}{409}$$

= **0.77**

TABLE 6. Index of backlog cases during 2021 in the seven basic and special prosecutions..

According to the data presented in the table above, it turns out that the lowest index of backlog cases was reached by:

- **Basic Prosecution of Gjilan**, with an index of backlog cases at 0.20. This is because, out of 8 cases inherited from the previous year and 46 cases created during 2021, this prosecution had managed to solve 40 of them.

Whereas the highest index of backlog cases was reached by:

- **Basic Prosecution of Mitrovica**, with an index of backlog cases at 2.96. This is because, out of 83 cases inherited from the previous year and 133 cases created during 2021, this prosecution had managed to resolve only 28 of them, while the remaining 105 cases were transferred to 2022.

Whereas, according to the measurement made for 2020, during this year the lowest index of backlog cases was with the Basic Prosecution of Peja and the Basic Prosecution of Gjilan (0.2), while with the highest index of backlog cases during 2020 was achieved by the Basic Prosecution of Mitrovica (4.47).

4.6 Number of Filed Indictments (for persons) by each Basic Prosecution and by Special Prosecution

During the official correspondence with the Office for Public Communication of the Kosovo Prosecutorial Council, where we requested the number of indictments filed during the 1 year period, they provided us with data only on the number of persons involved in these indictments, but not the number of indictments filed.

FOL has tried several times to get answers regarding these data (i.e. the number of indictments, as basic data of the prosecutorial system), but the answer was the same, i.e. that the prosecutorial system reflects the way of resolving cases only through persons, and not by number of cases.¹³

Consequently, according to the data received from the Kosovo Prosecutorial Council, the seven basic prosecutions and the Special Prosecution during 2021, they have filed indictments against a total of 335 persons involved in connection with the criminal offenses of Chapter XXXIII of the Criminal Code of the Republic of Kosovo, respectively official corruption and criminal offenses against official duty.

The largest number of persons prosecuted for corruption offenses were from the Basic Prosecution in Prishtina, respectively 95 persons, followed by the Basic Prosecution of Ferizaj, with 47 persons.

The number of indictments filed in relation to corruption offenses (for persons) by each basic and special prosecution during 2021, is presented in the table below.

¹³ The official response of the responsible persons of the Statistics Office of the KPC, sent on March 1, 2022, states, among other things: "... The Statistical Office collects and reflects data on the manner of resolving cases, according to persons, that there is no logic otherwise. In this case, the prosecutor has filed indictments against persons who have been implicated in these criminal offenses. The Statistics Office always reflects the data on the manner of resolving cases through persons ".


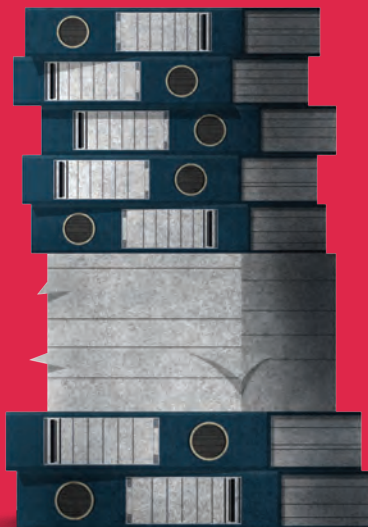
		Direct indictments	Indictment after the investigation
	Special Prosecution		
	Basic Prosecution in Prishtina	3 	92 
	Basic Prosecution in Prizren	0	44 
	Basic Prosecution in Peja	10 	11 
	Basic Prosecution in Gjilan	7 	27 
	Basic Prosecution in Mitrovica	5 	28 
	Basic Prosecution in Ferizaj	5 	42 
	Basic Prosecution in Gjakova	1 	17 
TOTAL		31 persons	304 persons

TABLE 7. Number of indictments for persons filed during 2021 in the seven basic and special prosecution offices.

----- Performance of the Judicial System in Resolving Corruption Cases During 2021



The work and determination of the courts of the Republic of Kosovo in resolving corruption cases can be seen in the periodic data which contain systematic data from the receipt of cases until their final resolution.



5. Performance of the Judicial System in Resolving Corruption Cases During 2021

The work and determination of the courts of the Republic of Kosovo in resolving corruption cases can be seen in the periodic data which contain systematic data from the receipt of cases until their final resolution. In order to create a large picture of the fulfillment of the mission of the judicial system in this specific area, data should be processed in accordance with the appropriate methodology. The result obtained from such processing will be a clear indicator of the resolution rate of cases and other indicators in the field of corruption.

The following are the results from the measurement indicators of the work efficiency of the Courts of the Republic of Kosovo in resolving corruption cases during 2021, according to the methodology of *the European Commission for Measuring the Efficiency of Justice (CEPEJ)*.

While the general overview with the data of the judicial system for 2021, on which these indicators are based, is presented in the table below.
































		PS	I			CP	R	UC
		Inherited cases	New cases			Total pending cases	Solved cases	Unresolved cases
	Basic Court in Prishtina	157 	40 			197 	34 	163 
	Basic Court in Gjilan	18 	9 			27 	14 	13 
	Basic Court in Prizren	26 	17 			43 	23 	20 
	Basic Court in Mitrovica	40 	14 			54 	11 	43 
	Basic Court in Gjakova	10 	5 			15 	7 	8 
	Basic Court in Peja	10 	7 			17 	6 	11 
	Basic Court in Ferizaj	20 	10 			30 	13 	17 
TOTAL: 281			102			383	108	275

TABLE 8. General overview of the performance of the judicial system in resolving corruption cases during 2021.

5.1 Case Influx

As elaborated in the first part of this report, the case influx is an indicator of the load of the system with pending cases, which includes also new cases created during the year and inherited cases, respectively transferred over from the previous year.

The following table shows the influx of corruption cases in all basic courts of the Republic of Kosovo.
















CP (pending cases) = PS (inherited cases) + I (new cases)			
	Basic Court in Prishtina		197 197=157+40
	Basic Court in Gjilan		27 27=18+9
	Basic Court in Prizren		43 43=26+17
	Basic Court in Mitrovica		54 54=40+14
	Basic Court in Gjakova		15 15=10+5
	Basic Court in Peja		17 17=10+7
	Basic Court in Ferizaj		30 30=20+10
TOTAL:			383 = 281+102

TABLE 9. The influx of corruption cases in all basic courts of the Republic of Kosovo during 2021.

This table shows that the basic courts of the Republic of Kosovo have handled a total of 383 corruption cases. The cases inherited from 2020, respectively 281 cases, as well as the number of cases created during 2021, respectively 102 cases, have contributed to the creation of these cases.

So, expressed in percentage, on average 73% of cases of corruption pending of all courts were transferred from the previous year, while 27% of cases were new cases created during 2021.

From the table above, it can be seen that the largest influx of corruption cases during 2021 was in:

- **The Basic Court of Prishtina**, which had a total of 197 corruption pending cases, 157 of which were inherited from the previous year, while 40 cases were created during 2021.

Whereas with the lowest influx of corruption cases during 2021 was:

- **The Basic Court of Gjakova**, which had a total of 15 corruption pending cases, 10 of which were inherited from the previous year, and 5 cases were created during 2021.

5.2 Case Resolution Ratio (Clearance Rate)

As emphasized in the first part of this report, the case resolution rate is an important indicator that shows the performance of courts in resolving corruption cases expressed in percentage, as well as indicates the working capacity of the courts. This rate does not include the number of inherited cases, but only the number of new cases created during the year.

As explained in the first part, the case resolution rate according to the methodology of the European Commission for the Efficiency of Justice (CEPEJ) is expressed through this formula:

$$\text{Case resolution rate\%} = \frac{\text{inherited cases (R)}}{\text{new cases (I)}} \times 100$$

Consequently, according to this formula, the average rate of resolving corruption cases in 2021 in all basic courts of the Republic of Kosovo was:

$$\text{Case resolution rate\%} = \frac{108}{102} \times 100 = 106 \%$$

According to this formula, where the number of corruption cases resolved during 2021 was 108 cases, while the number of new cases created during the year was 102 cases, the rate of resolved cases during 2021 was 106%. So the first instance of the judicial system in 2021 has managed to resolve 6 cases more than it received in 2021, therefore this is also reflected in the high rate of resolved cases.

Whereas, if we take into account the large number of cases transferred from 2020, respectively 281 cases, which together with the new cases include 383 pending cases, this means that the first instance of the judicial system has managed to resolve only 28% of corruption cases it had pending during 2021.

The following table shows the rate of resolved corruption cases in each of the basic courts of the Republic of Kosovo.

From this table, it can be seen that the highest rate of resolved corruption cases in 2021 has been reached by:

- **The Basic Court of Gjilan**, which had 9 new cases created during 2021, while it had managed to resolve 14 cases, reaching the case resolution rate of 156%;

Whereas the lowest rate of resolved corruption cases was reached by:

- **The Basic Court of Mitrovica**, which had 14 new cases created during 2021, while it had managed to resolve 11 cases, reaching the case resolution rate of 79%.

$$\text{Case resolution rate\%} = \frac{\text{resolved cases}}{\text{new cases}} \times 100$$



Basic Court in Prishtina

$$\frac{34}{40} \times 100 = 82\%$$



Basic Court in Gjilan

$$\frac{14}{9} \times 100 = 86\%$$



Basic Court in Prizren

$$\frac{23}{17} \times 100 = 140\%$$



Basic Court in Mitrovica

$$\frac{11}{14} \times 100 = 79\%$$



Basic Court in Gjakova

$$\frac{7}{5} \times 100 = 140\%$$



Basic Court in Peja

$$\frac{6}{7} \times 100 = 86\%$$



Basic Court in Ferizaj

$$\frac{13}{10} \times 100 = 130\%$$



TOTAL:

$$\frac{108}{102} \times 100 = 120\%$$



TABLE 10. Corruption case resolution rate in all basic courts of the Republic of Kosovo during 2021.

5.3 Case Turnover Ratio

The case turnover rate measures the ratio between the number of resolved cases and the number of unresolved cases. So this rate measures the frequency with which the judicial system replaces the number of new cases. In other words, the turnover rate measures how quickly the system (in this case the court system) handles the cases it receives - which otherwise determines how long it takes for the system to resolve a case.

The case turnover ratio through the methodology of the European Commission for Measuring the Efficiency of Justice (CEPEJ) is expressed through this formula:

$$\text{Case turnover ratio} = \frac{\text{resolved cases (R)}}{\text{unresolved cases (PE)}}$$

Consequently, according to this formula, the average turnover rate of corruption cases in 2021 in all basic courts of the Republic of Kosovo was:

$$\text{Case turnover ratio} = \frac{108}{275} = 0.39$$

The ideal case turnover rate should be at least 1, which means that the system resolves as many cases as it receives during the year and has not transferred any cases for the next year.

While in this case, the judicial system has managed to resolve only 108 cases, respectively only 28% of all cases that it has had pending, while 275 cases, or 72% have not managed to resolve and have transferred them in the year 2022, therefore it has reached this low case turnover ratio.

The following table presents the rate of resolved corruption cases in each of the basic courts of the Republic of Kosovo.

$$\text{Case turnover ratio} = \frac{\text{resolved cases (R)}}{\text{unresolved cases (PE)}}$$



Basic Court in Prishtina

$$\frac{34}{163}$$

$$= 0.20$$



Basic Court in Gjilan

$$\frac{14}{13}$$

$$= 1.07$$



Basic Court in Prizren

$$\frac{23}{20}$$

$$= 1.15$$



Basic Court in Mitrovica

$$\frac{11}{43}$$

$$= 0.25$$



Basic Court in Gjakova

$$\frac{7}{8}$$

$$= 0.87$$



Basic Court in Peja

$$\frac{6}{11}$$

$$= 0.54$$



Basic Court in Ferizaj

$$\frac{13}{17}$$

$$= 0.76$$



$$\text{TOTAL: } \frac{108}{275} = 0.39$$


TABLE 11. Turnover ratio of corruption cases in all basic courts of the Republic of Kosovo during 2021.

From this table, it can be seen that the highest turnover rate of corruption cases in 2021 was reached by:

- **The Basic Court of Prizren**, which this year had reached the turnover rate of 1.15. This court had managed to resolve 23 cases, respectively 53% of the cases it had pending, while 20 cases (47%) remained unresolved and were transferred to 2022.

While the lowest turnover rate of corruption cases was reached by:

- **The Basic Court of Prishtina**, which this year had reached the case turnover rate at 0.20. This court had managed to resolve 34 cases, respectively 17% of the pending cases it had during this year, while 163 cases (83%) remained unresolved and were transferred to 2022.

5.4 Duration of Resolution of Cases (Disposition Time)

The European Commission for the Efficiency of Justice (CEPEJ) requires the justice system to report an indicator of the duration of the completion of cases which had remained unresolved during this period.

The duration of completion of cases according to the methodology of the European Commission for the Efficiency of Justice (CEPEJ) is formulated as follows:

$$\text{Duration of case completion} = \frac{365}{\text{case turnover ratio}}$$

The following table presents the rate of resolving corruption cases in each of the basic courts of the Republic of Kosovo.

$$\text{Duration of case completion} = \frac{365}{\text{case turnover ratio}}$$



Basic Court in Prishtina

$$\frac{365}{0.20} = 1,825$$



Basic Court in Gjilan

$$\frac{365}{1.07} = 341$$



Basic Court in Prizren

$$\frac{365}{1.15} = 317$$



Basic Court in Mitrovica

$$\frac{365}{0.25} = 1,460$$



Basic Court in Gjakova

$$\frac{365}{0.87} = 419$$



Basic Court in Peja

$$\frac{365}{0.54} = 675$$



Basic Court in Ferizaj

$$\frac{365}{0.76} = 480$$

TABLE 12. Duration of completion of corruption cases in all basic courts of the Republic of Kosovo during 2021.

According to the table presented above, it turns out that the shortest time for resolving corruption cases that had remained unsolved this year is needed for:

- **The Basic Court of Prizren**, which needs an average of 317 days to resolve all corruption cases that had remained unsolved this year. This is because this court had reached the highest turnover rate during this monitoring period (1.15).

Whereas the longest time for resolving corruption cases is needed for::

- **The Basic Court of Prishtina**, which needs an average of 1,825 days to resolve all corruption cases that had remained unsolved this year. This is because this court had reached the shortest case turnover rate during this monitoring period (0.20), as well as the highest number of backlog cases, which have been transferred for 2022.

5.5 Index of Backlog Cases

One of the main problems reported in the justice system in Kosovo is the large number of backlog cases. These cases are transferred from year to year, creating an unbearable burden on the justice system.

This indicator is determined by the number of unresolved cases at the beginning of the reporting period, divided by the number of cases resolved during the reporting period.

The index of backlog cases, through the methodology of the European Commission for the Efficiency of Justice is expressed through this formula:

$$\text{Index of backlog cases} = \frac{\text{inherited cases (PS)}}{\text{resolved cases (R)}}$$

Consequently, according to this formula, the average index of backlog cases in all basic courts during 2021 is:

$$\text{Index of backlog cases} = \frac{281}{108} = 2.60$$

A value higher than the score 0 of this indicator, means that the system needs a longer time to resolve cases. Respectively, if in this case 281 cases would be resolved (as much as the number of inherited cases), it means that the system has resolved as many cases as it has inherited, and as such the value would be 0. In this case, the number of inherited cases from the previous year was significantly higher than the number of cases that the system could resolve during this year, therefore it is reflected in the high index of backlog cases.

The following table presents the average index of backlog cases of corruption in each of the basic courts of the Republic of Kosovo.

$$\text{Index of backlog cases} = \frac{\text{Transferred cases (inherited)}}{\text{resolved cases (R)}}$$



Basic Court in
Prishtina

$$\frac{157}{34}$$

= **4.61**



Basic Court in Gjilan

$$\frac{18}{14}$$

= **1.28**



Basic Court in Prizren

$$\frac{26}{23}$$

= **1.13**



Basic Court in
Mitrovica

$$\frac{40}{11}$$

= **3.63**



Basic Court in
Gjakova

$$\frac{10}{7}$$

= **1.42**



Basic Court in Peja

$$\frac{10}{6}$$

= **1.66**



Basic Court in Ferizaj

$$\frac{20}{13}$$

= **1.53**



TOTAL

$$\frac{281}{108}$$

= **2.60**



TABLE 13. Index of backlog cases in all basic courts of the Republic of Kosovo during 2021.

According to the data presented in the table above, it turns out that the lowest index of backlog cases during 2021 was reached by:

- **Basic Court of Prizren**, with an index of backlog cases at 1.13. This is because, out of 26 cases inherited from the previous year and 17 cases created during 2021, this court had managed to resolve 23 of them. Meanwhile, it has transferred only 20 cases for 2022.

While with the highest index of backlog cases during 2021 was reached by:

- **Basic Court of Prishtina**, with an index of backlog cases at 4.61. This is because, out of 157 cases inherited from the previous year and 40 cases created during the year, this court had managed to resolve only 34 of them. This court has transferred a total of 163 cases for 2022.

5.6 Manner of Resolving Corruption Cases by the Court of the Republic of Kosovo

Regarding the manner of resolving corruption cases by all basic courts of the Republic of Kosovo during 2021, out of 108 cases resolved during this year there were, 59 guilty judgements, 26 release judgements, 4 rejection judgements, and 19 cases were resolved in a different manner.

This means that most of the corruption cases that have been pending in all basic courts of the Republic of Kosovo during 2021, or 55% of them, have been resolved with guilty judgements.

Whereas for the rest of the cases, or for 49 of them, there were, release judgements (24%), rejection judgements (4%), or they were resolved in some other way (18%).

The following table presents the manner of resolved corruption cases during 2021 in each of the basic courts of the Republic of Kosovo.

Manner of Resolving Cases














Guilty Judgments				Release Judgments	Rejective Judgments	Have Been Resolved in Another Way
	Imprisonment penalties	Fine penalties	Conditional penalties			
						
 Basic Court in Prishtina	8	5	2	9	1	9
 Basic Court in Gjilan	2	5	0	5	0	2
 Basic Court in Prizren	7	8	1	7	0	0
 Basic Court in Mitrovica	1	3	1	3	2	1
 Basic Court in Gjakova	1	3	2	0	0	1
 Basic Court in Peja	2	3	0	1	0	0
 Basic Court in Ferizaj	1	4	0	1	1	6
TOTAL	22	31	6	26	4	19

TABLE 14. The manner of resolving cases in all basic courts of the Republic of Kosovo during 2021.

As can be seen in the table above, from the guilty judgement, for most of them, respectively for 31 cases, penalty fines were imposed. While for 22 cases imprisonment judgements were imposed and for 6 cases with conditional judgement were issues. The largest number of guilty judgements during this period was issued by the Basic Court of Prizren, respectively 16 guilty judgements.

The following figure graphically presents the type of imposed penalties by the basic courts of the Republic of Kosovo in relation to corruption cases during 2021.

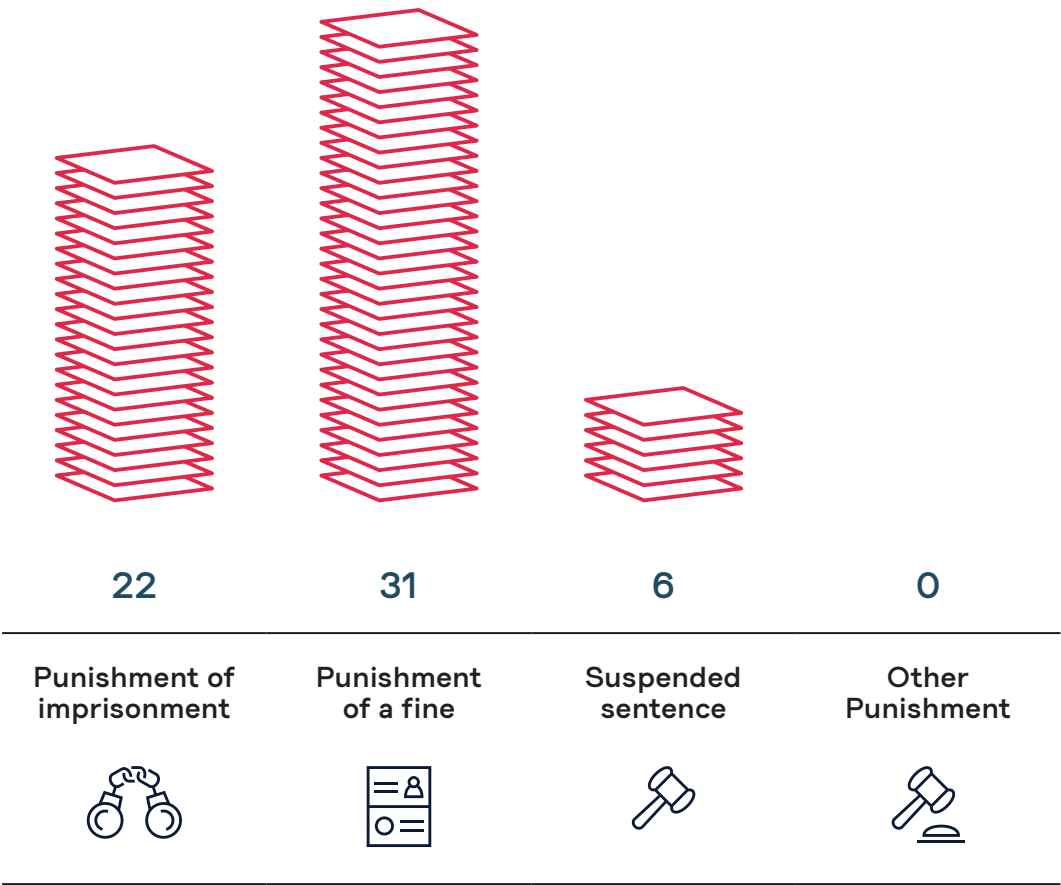


CHART 1. Types of penalties imposed by all basic courts of the Republic of Kosovo during 2021.

6. Conclusion

The results of the evaluation of the work performance of the institutions of the justice system reflect the will, professionalism, seriousness and readiness that these institutions have in the implementation of their constitutional and legal duties, the fulfillment of the goals of the mission of the justice system and the expectations of the citizens of the Republic of Kosovo. In this report, the measurement of the efficiency and performance of the work of the institutions of the judicial and prosecutorial system is not extended to the analysis of qualitative coordinates of professional work, but only in the context of evaluating the norms of work performed in quantitative terms.

In this regard, the State Prosecutor's Institution has managed to handle half of the cases it had in process during 2021. Respectively, out of 802 cases that the State Prosecutor had in process during 2021, it managed to handle 409 cases, or 51% of all corruption cases, as many as it had in process during this year.

The situation is not numerically different even in 2020, where out of 646 cases that the State Prosecutor had in process during this year, it managed to handle 51% of cases, or 329 cases.

Consequently, given the higher influx of cases that the State Prosecutor had faced during 2021, namely the large number of cases transferred over from 2020 (as a result of the spread of the COVID-19 pandemic), as well as the number of large number of new cases created during the year, it can be said that in 2021, a higher efficiency of handled cases was achieved compared to the previous year, despite the fact that the rate of case handling remains the same.

One of the main challenges that the justice system is facing with, and in particular the prosecutorial system, is the transfer of a large number of cases from year to year. Such a situation does not seem to be improving. This is because the number of cases transferred (inherited) by the seven basic and special prosecutions for 2022 has increased by 24%, compared to the number of cases inherited for 2021. In other words, in 2021, 317 cases were transferred from the previous year, whereas in 2022, 393 cases were transferred.

The largest workload of corruption cases during this period was with the Basic Prosecution of Prishtina, which had 245 cases in process, while it managed to handle 128 of them, respectively 52%. While the highest level of case handling was achieved by the Basic Prosecution of Prizren, which handled 73 cases, out of 90 cases in process.

Meanwhile, the first level of the judicial system during 2021 has reached a low level in resolving corruption cases. Out of 383 cases in total, the seven basic courts during 2021, had managed to resolve only 108 cases, or only 28% of all corruption cases.

As the main cause of this low rate of resolved cases, even for the judicial system, of course remains the large number of cases transferred from 2020, which have created a large burden on the judicial system.¹⁴

¹⁴ Cases of corruption during the period March - June 2020 could not be considered, due to the spread of the COVID-19 pandemic and the work of the justice system during this period was only in cases of urgent nature. As a result, these cases are transferred over to other months, creating a huge backlog on the system.

In this low rate of resolved cases, other factors that can be presented as a cause should not be left out, starting from the lack of human capacity, and in particular the small number of judges.

The Basic Court of Prishtina, of course, had the largest workload of corruption cases, with a total of 245 pending cases, while the highest rate of resolved cases in 2021 was achieved by the Basic Court of Prizren, which out of 43 pending cases, managed to resolve 23 of them, respectively 52%.

Regarding the manner of resolving cases and types of penalties imposed, during 2021 the first instance of the judicial system had issued 59 guilty judgements, 26 guilty judgements, 4 release judgements, and 19 cases were resolved in other ways. From the guilty judgements, for 31 cases, penalty fines were imposed, while for 22 cases, imprisonment penalties were imposed and for 6 cases, conditionally penalties were imposed.

7. Recommendations

Given the purpose of compiling this report, along the way of processing the data and finding the results based on a predetermined methodology, some views derived on the object of the research.

The findings of this report, in addition to presenting an overview of the work of prosecutors and courts, they present clear indicators of development, improvement and efficiency. Therefore, making the connection between the conclusions of this report and the intention to increase the efficiency of the work of the State Prosecutor and the judicial system, FOL Movement gives the following recommendations

- Establish a separate unit in the judicial system dealing with corruption cases, the same as the Economic Crimes and Corruption Unit in the Basic Prosecution in Prishtina;
- Cases of corruption, especially high-profile ones, must be treated with absolute priority by the justice system;
- To strictly respect the obligations in handling corruption cases according to the deadlines and obligations set out in the law;
- Continuously increase the transparency of the judicial and prosecutorial system regarding the provision of access to public documents in accordance with the obligations arising from the law;
- Increase inter-institutional cooperation, as a basic premise for the success of the justice system in the successful fight against corruption;
- Continuously publish statistical reports on the official website of the prosecutorial and judicial system regarding the number of resolved cases and the handled corruption cases.

