



**USAID**

NGA POPULLI AMERIKAN  
OD AMERIČKOG NARODA

**FOL**



# JUSTICE SYSTEM STRENGTHENING PROGRAM

## MONITORING THE PUBLICATION OF JUDGMENTS

**JUSTICE SYSTEM  
STRENGTHENING PROGRAM**

**MONITORING THE  
PUBLICATION OF  
JUDGMENTS**

DECEMBER, 2019

Disclaimer: This monitoring was made possible by the support of the American People through the United States Agency for International Development (USAID). This content is the sole responsibility of FOL Movement and does not necessarily reflect the views of the United States Agency for International Development or the United States Government.

**USAID's** Justice System Strengthening Program is a five-year rule of law activity in Kosovo, a continuation of USAID's earlier efforts to advance the rule of law in Kosovo and ensure that the justice system operates in a professional, efficient and accountable manner. The program focuses on promoting a judicial system that adheres to high standards of independence, impartiality, integrity, accountability, transparency and supporting the functioning and integrity of judicial structures in the municipalities in the north, as well as strengthening the efficiency and effectiveness of the administration of the judiciary in the provision of quality services. Through USAID, the Justice System Strengthening Program assists the Kosovo Judicial Council (KJC) and the courts in consolidating results, their effectiveness, and their management.

**FOL MOVEMENT**, with the support of the USAID/JSSP Program and in partnership with BIRN Kosovo, is implementing the "Demanding Transparency in Kosovo's Judicial System" project. By working in close cooperation with USAID/JSSP, FOL and BIRN aim to improve efficiency, transparency, accountability, and public trust in the judicial system.

The purpose of this monitoring report is to present the current state of publication of judgments, considering basic elements that should be in line with laws, regulations, and administrative instructions. Through this report we also aim to further strengthen the judicial system by promoting courts' commitment to transparency, accountability, and efficiency of courts in publishing judgments.

FOL's monitoring is based on judgments compliance with the Law on Courts, the Administrative Instruction on Anonymization and Publication of Final Court Judgments, as well as with the Decision on Standardization of Judgments Forms. New legislation has also come into force since January 2019, which allows the publication of court judgments that are not yet final. This legal amendment has contributed in increasing the number of publication of judgments by all Kosovo's courts.

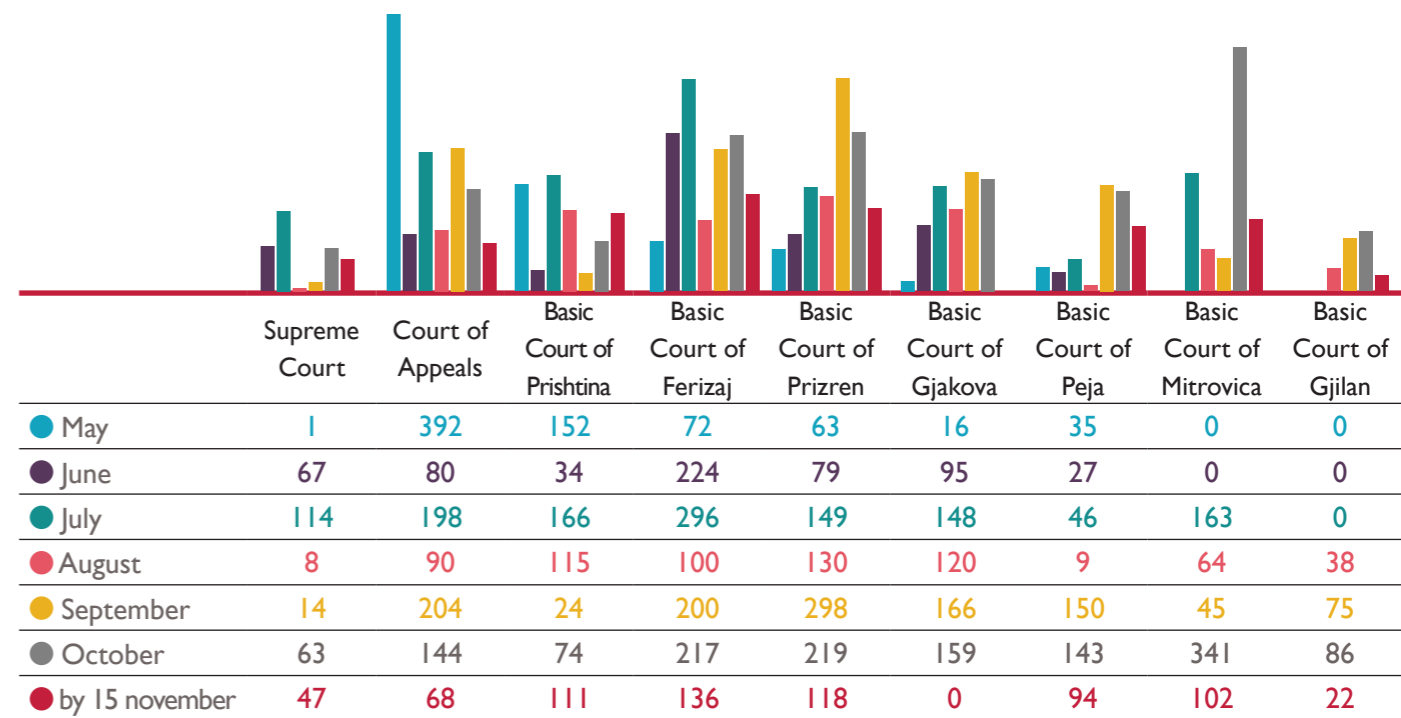
- From January 2016 to April 2019, Kosovo courts have published on average about 250 judgments per month. Since the start of monitoring on May 1, 2019, that number has multiplied with about 1,000 judgments published per month.
- Three courts that are leading with the highest number of published judgments:
  1. The Basic Court of Ferizaj (1,245)
  2. The Court of Appeals (1,176)
  3. The Basic Court of Prizren (1,056)
- During the six months of monitoring, the Basic Court of Mitrovica (715) and Basic Court of Gjakova (704) have seen a steady increase in the publication of judgments.
- The Supreme Court (314), the Basic Court of Pristina (674), the Basic Court of Peja (504), and the Basic Court of Gjilan (221), have published a smaller number of judgments compared to other courts.
- The branches of courts that have published the highest number of judgments are the Branch Court in Kaçanik (215), the Branch Court in Istog (172), and the Branch Court in Leposavic (145).
- The number of judges who have published judgments has increased by about 75% over the past six months. While in May 91 judges published judgments, that number increased to 159 in November.
- During the monitoring period, the Kosovo Judicial Council, for the first time since 2016, started to promote the publication of judgments on its own initiative.

Before beginning the monitoring activities, FOL collected data on the number of judgments published in all courts (including their branches) for the period January 2016 - April 2019. A total of **10,186 judgments** had been published, or an average of about **250 judgments** per month.

| Publication of judgments<br>January 2016 -April 2019 | 2016 | 2017 | 2018 | 2019 up until April |
|--|------|------|------|---------------------|
| Supreme Court  | 77   | 54   | 272  | 219                 |
| Court of Appeals                                     | 67   | 376  | 521  | 224                 |
| Basic Court of Prishtina                             | 68   | 508  | 1110 | 200                 |
| Basic Court of Ferizaj                               | 125  | 657  | 650  | 56                  |
| Basic Court of Prizren                               | 102  | 223  | 1291 | 235                 |
| Basic Court of Gjakova                               | 18   | 264  | 444  | 369                 |
| Basic Court of Peja                                  | 7    | 131  | 198  | 37                  |
| Basic Court of Mitrovica                             | 0    | 8    | 604  | 120                 |
| Basic Court of Gjilan                                | 169  | 448  | 330  | 4                   |
| Total for Court                                      | 633  | 2669 | 5420 | 1464                |

**Overall total 10,186**

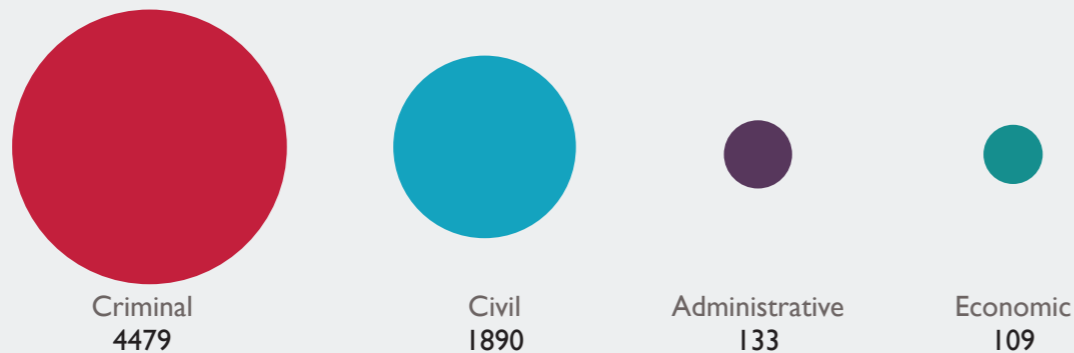
The monitoring period that started from May 1 to November 15, 2019 shows that a total of **6,611 judgments** were published during this period, or a total of **1,020 judgments** published per month



## FINDINGS FROM MONITORING THE PUBLICATION OF JUDGMENTS

During the monitoring period, **4,479 published judgments** are from the criminal departments across courts. This is followed by **1,890 judgments** from civil departments; **133 judgments** from the administrative departments, and **109 judgments** from the commercial departments.

The nature of cases published for the period of May 1 - November 15, 2019



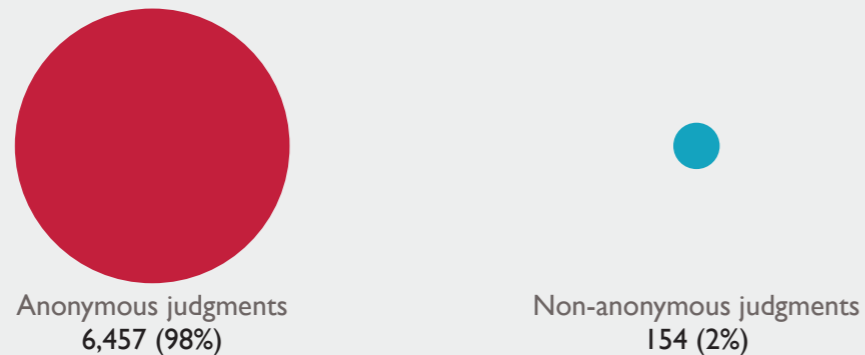
Out of **6,611 published judgments** during this period, **60 judgments** were cases involving corruption offenses, **62 judgments** were cases involving gender-based violence, and **21 judgments** were cases involving organized crime.

The nature of criminal offenses published for the period of May 1 - November 15, 2019



During the monitoring period, **154 non-anonymous judgments** were identified, a relatively good situation compared to the lack of human resources in courts. This number has dropped to **0** in the last 2 months of October and November. A reason for this is the help received by courts from students and interns engaged with them.

Respect of judgments anonymity during the publication period of May 1 - November 15, 2019

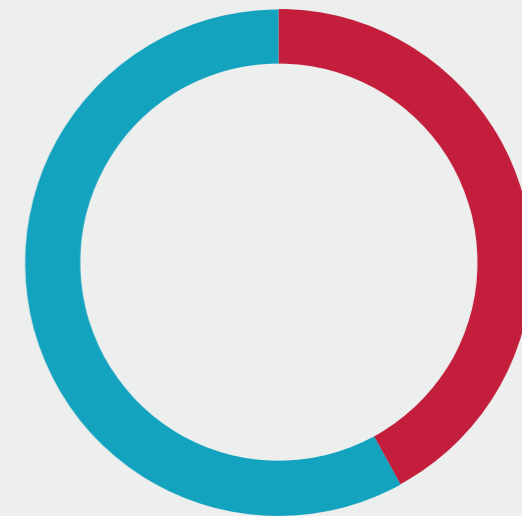


The implementation of the Standardized Template of Judgments by courts, during the monitoring period, has encountered difficulties. Out of **6,611 published judgments**, more than half, or **3,856 judgments** were published without using the standardized template.

Usability of Standardized Template of Judgments.

Not used  
**58%**

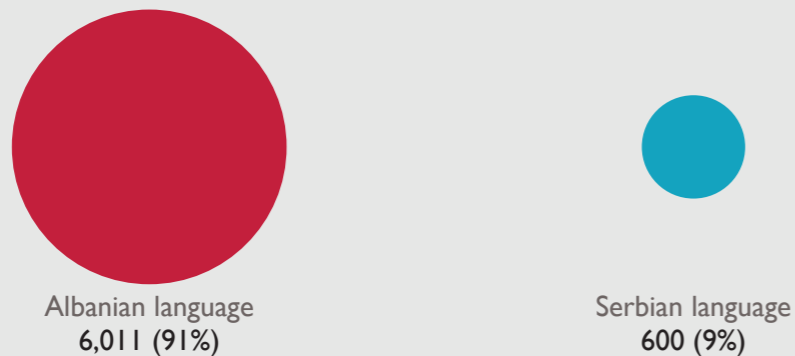
Used  
**42%**



## USE OF LANGUAGES

During the monitoring period, FOL has identified that out of **6,611 published judgments**, only **600** were published in Serbian language, while **6,011** were published in Albanian.

Judgments published for the period of May 1 -November 15, 2019



Monitoring by the FOL Movement has also revealed the most active judges in the publication of judgments.

Judges with the most published judgments for the period of May 1 - November 15, 2019

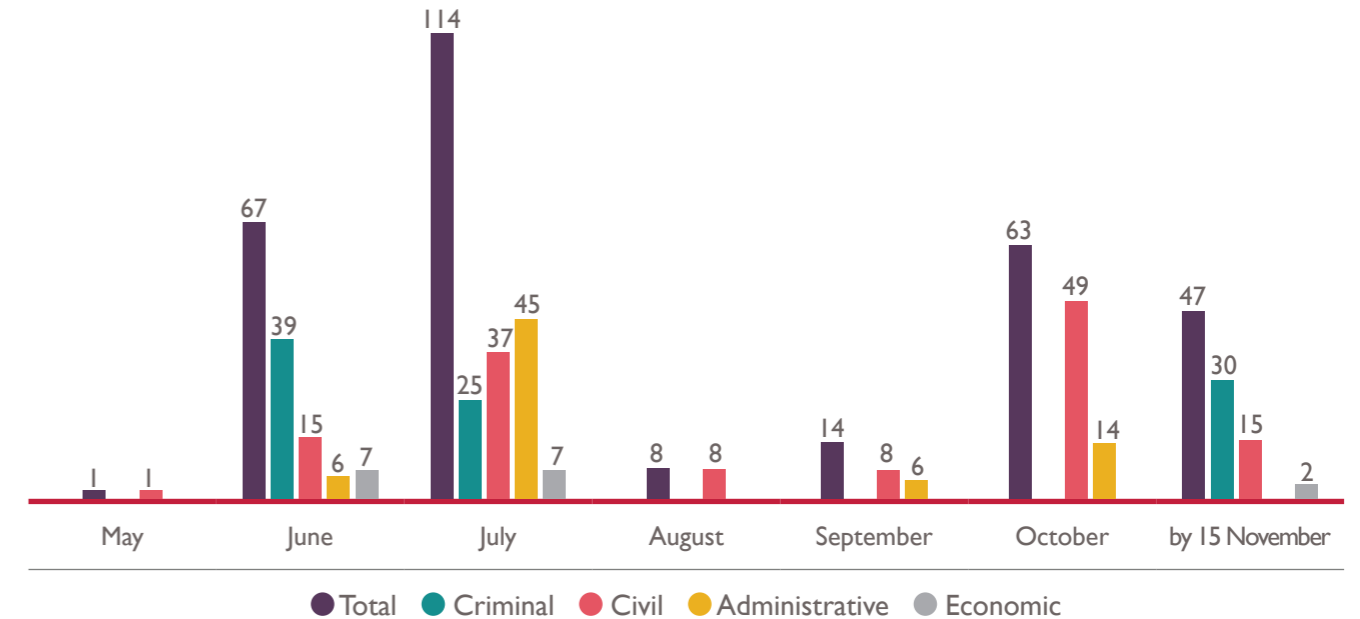




## SUPREME COURT

- Out of 314 published judgments, the Supreme Court has published only one judgment for corruption offences, three judgments for organized crime, and only one for gender-based violence.
- Only 36 judgments have been published using the judgments template.
- Out of 314 published judgments, only 17 are anonymized.
- The Supreme Court spent, on average, 130 days to publish a judgment, which passes the legal deadline of 60 days.

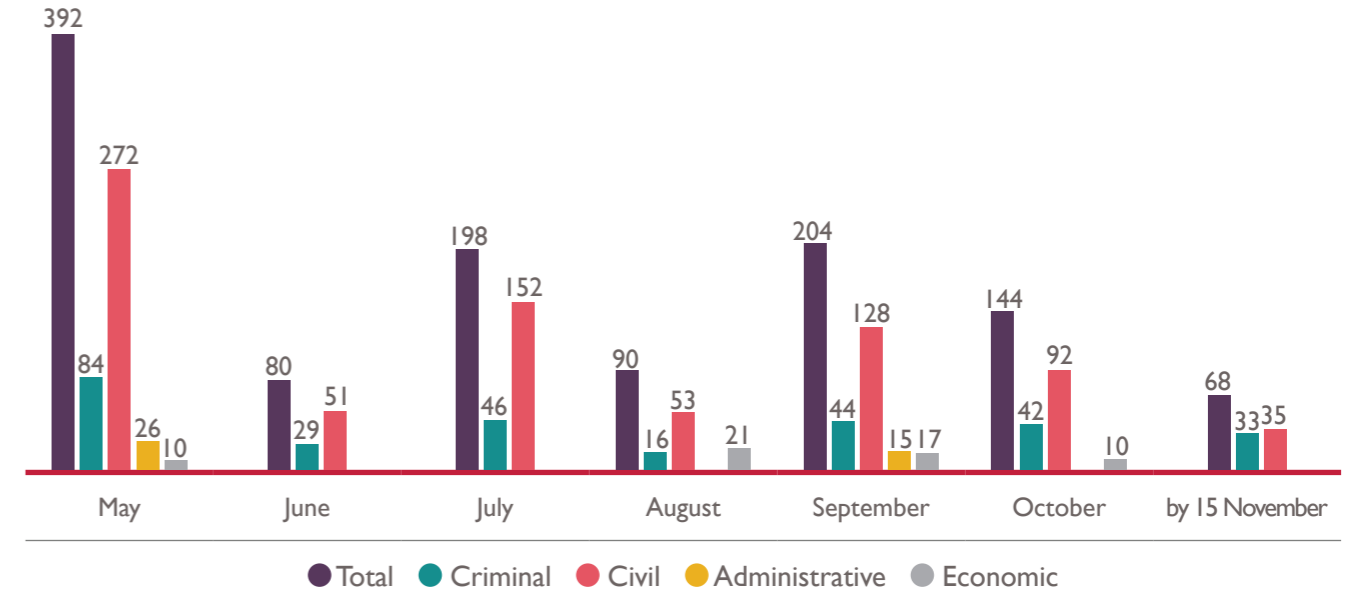
## Publication of Judgments by the Supreme Court | May - 15 November 2019



## COURT OF APPEALS

- Out of 1,176 judgments of criminal nature, 20 judgments for corruption offences, six judgments for gender-based violence, and four judgments for organized crime were published.
- Court of Appeals did not use the judgments template in any of its published judgments.
- Out of 1,176 judgments published by this court, only 18 of them have not been anonymized.
- This court spent, on average, 54 days to publish one judgment, which implies that this court stands best in respecting the 60-day legal deadline.

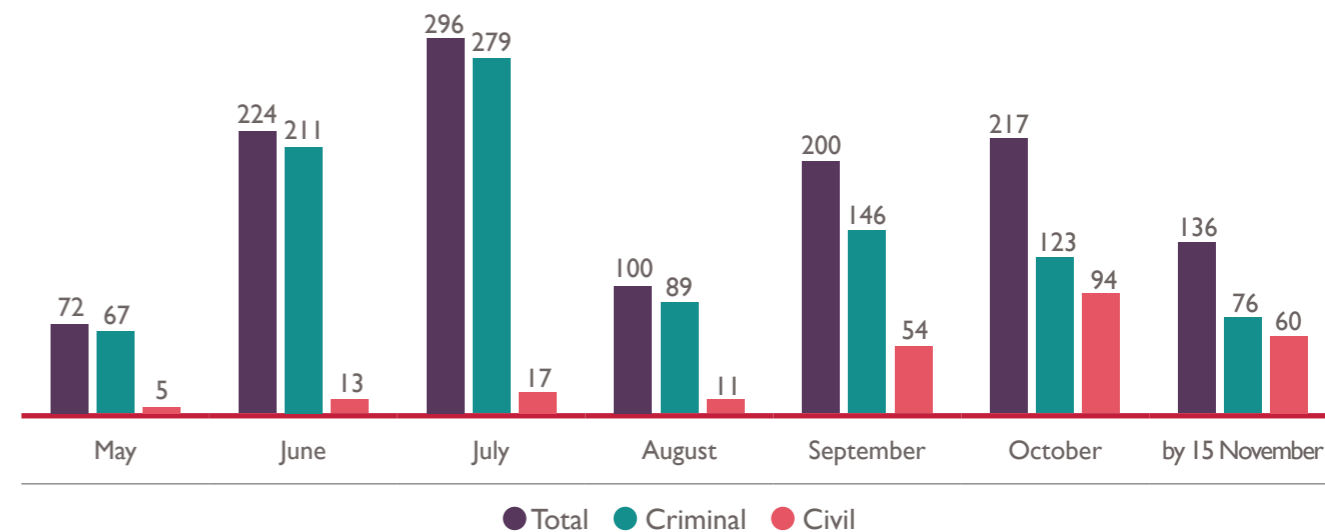
Publication of Judgments by the Court of Appeals | May - 15 November 2019



## BASIC COURT OF FERIZAJ

- Out of 1,245 of published judgments, seven judgments are identified cases of corruption, while 34 involve gender-based violence.
- All judgments published by the Basic Court of Ferizaj have been anonymized.
- The Basic Court of Ferizaj used the judgment template in 916 (or 74% of) published judgments, whereas this judgments template was not used in 329 judgments.
- With regards to compliance with the time limit of 60 days for publication of judgments on the website, during this monitoring period it has been observed that the court spent, on average, 85 days for their publication.

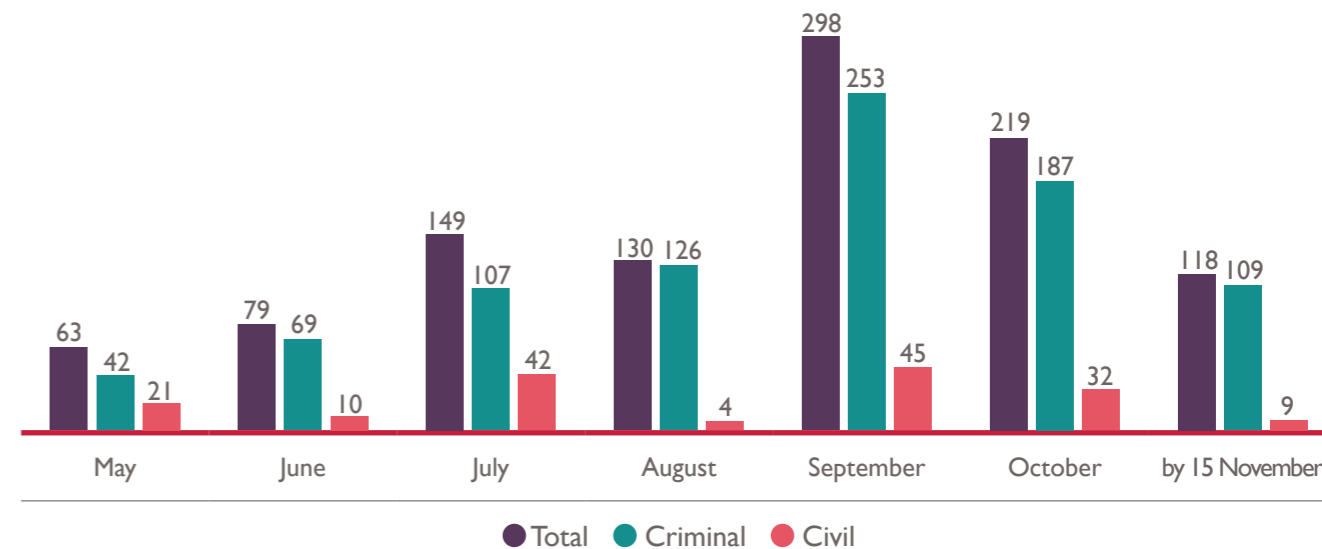
Publication of Judgments by the Basic Court of Ferizaj and its branches  
1 May - 15 November 2019



## BASIC COURT OF PRIZREN

- Out of 1,056 published judgments, three have been identified as involving corruption offences and seven involving organized crime.
- Out of 1,054 judgments, 64 have not been anonymized.
- Basic Court of Prizren used the standardized template in 583 judgments, out of the 1,056 judgments published in total.
- The Basic Court of Prizren spent, on average, 90 days to publish the judgments on the website, including the announcement date.

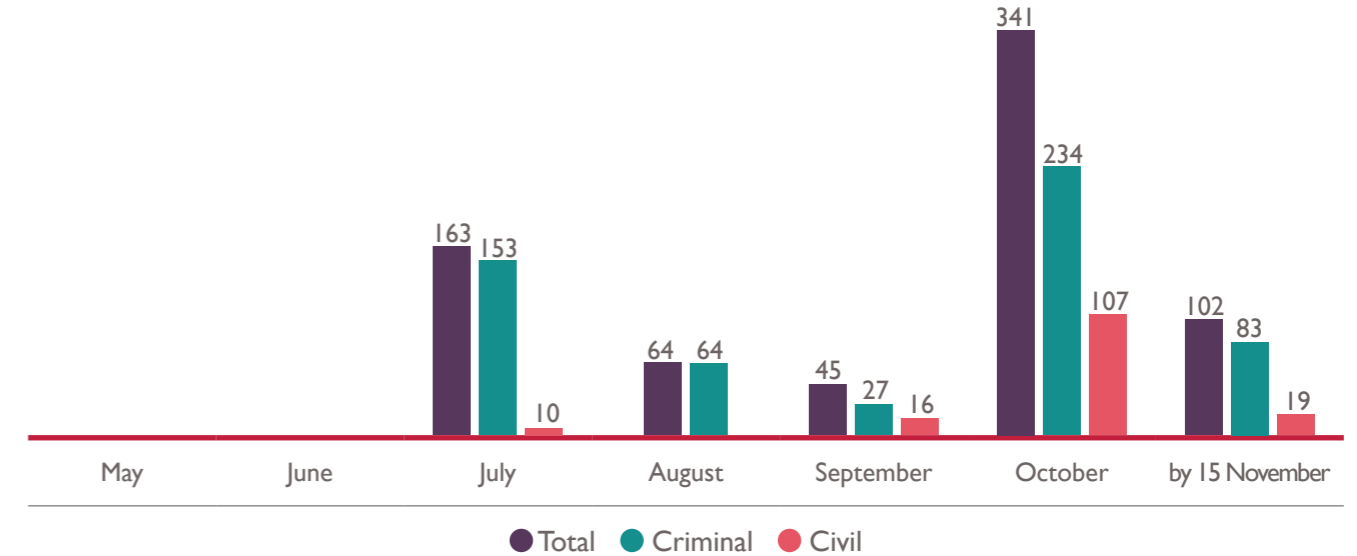
## Publication of Judgments by the Basic Court of Prizren and its branches 1 May - 15 November 2019



## BASIC COURT OF MITROVICA

- Out of 715 published judgments, three judgments involve corruption cases, and seven involve gender-based violence cases.
- During the reporting period, there was no non-anonymized judgments.
- The Basic Court of Mitrovica used the judgments template in 309 out of 715 of the published judgments.
- This court spent, on average, 190 days for publication of judgments on its website after their announcement, significantly exceeding the time limit set in the law.

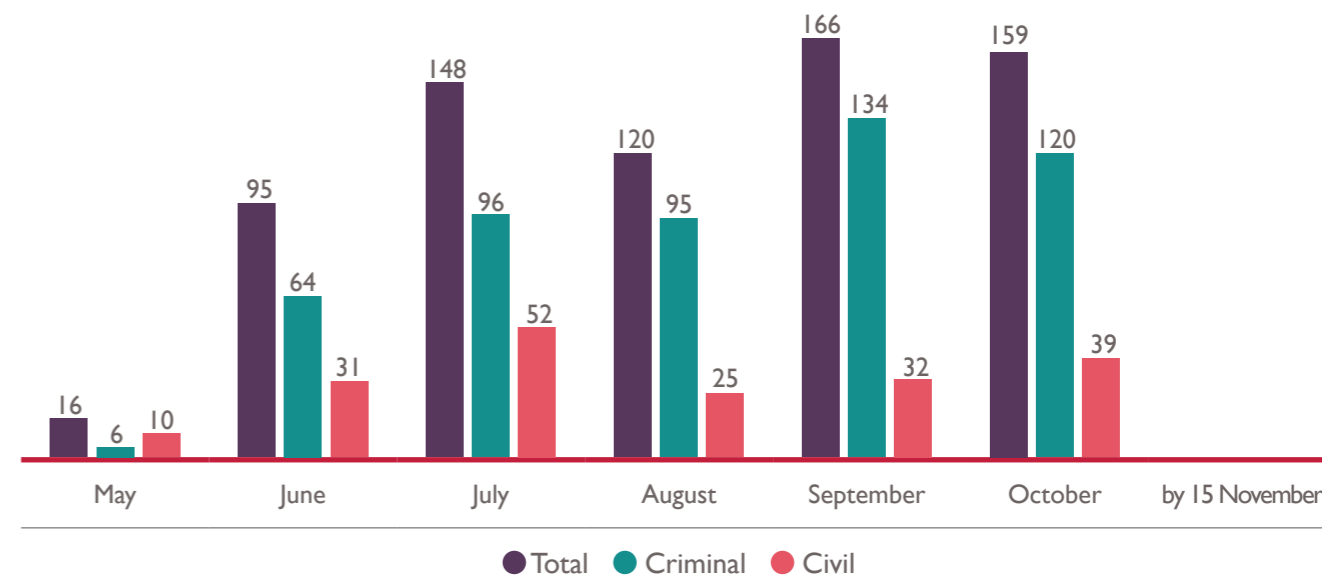
## Publication of Judgments by the Basic Court of Mitrovica and its branches 1 May - 15 November 2019



## BASIC COURT OF GJAKOVA

- Out of 704 judgments, the Basic Court of Gjakova published no judgment for corruption, four judgments involving cases of gender-based violence, and one judgment involving organized crime.
- Out of 704 judgments published by the Basic Court of Gjakova, 14 were not anonymized.
- Basic Court of Gjakova has used the judgments template in 521 judgments out of 704 in total.
- Due to the technical errors caused by responsible staff for publication of judgments, it was impossible to calculate the average time spent for publication of judgments for this court.

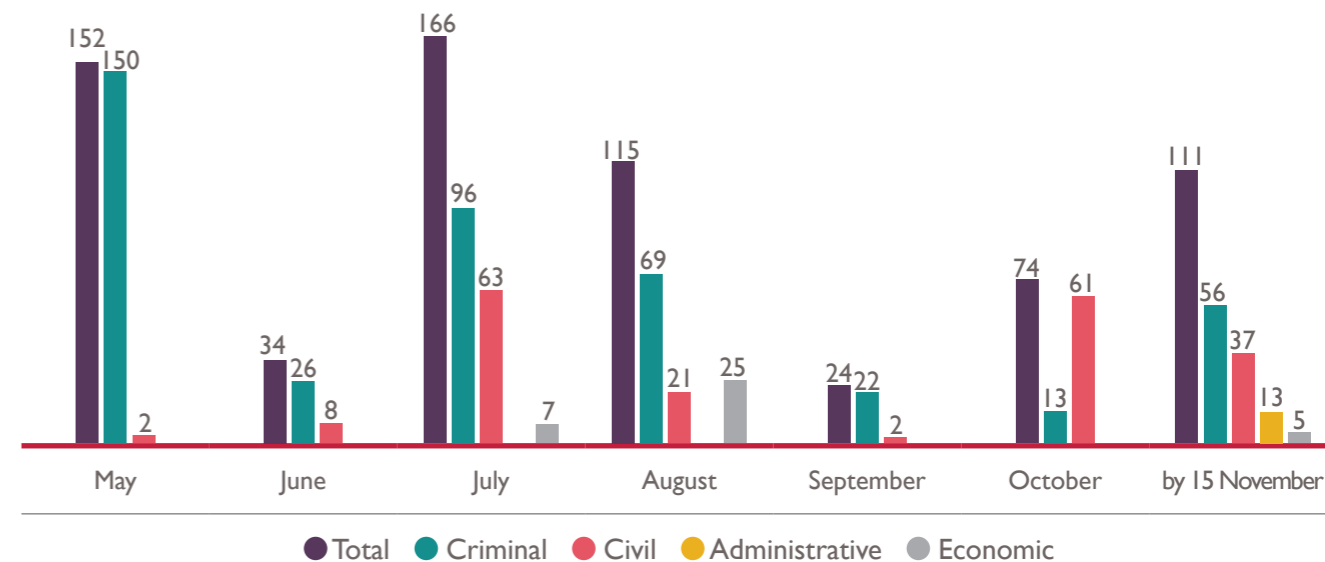
Publication of Judgments by the Basic Court of Gjakova and its branches  
1 May - 15 November 2019



## BASIC COURT OF PRISHTINA

- Out of 676 judgments published by this court, 23 judgments are for criminal offences involving corruption, three are for cases involving gender-based violence, and four involve organized crime.
- Out of 676 judgments, the judgments template was used only in 197 judgments.
- This court has published 16 non-anonymized judgments.
- This court spent, on average, more than 160 days for publication of judgments.

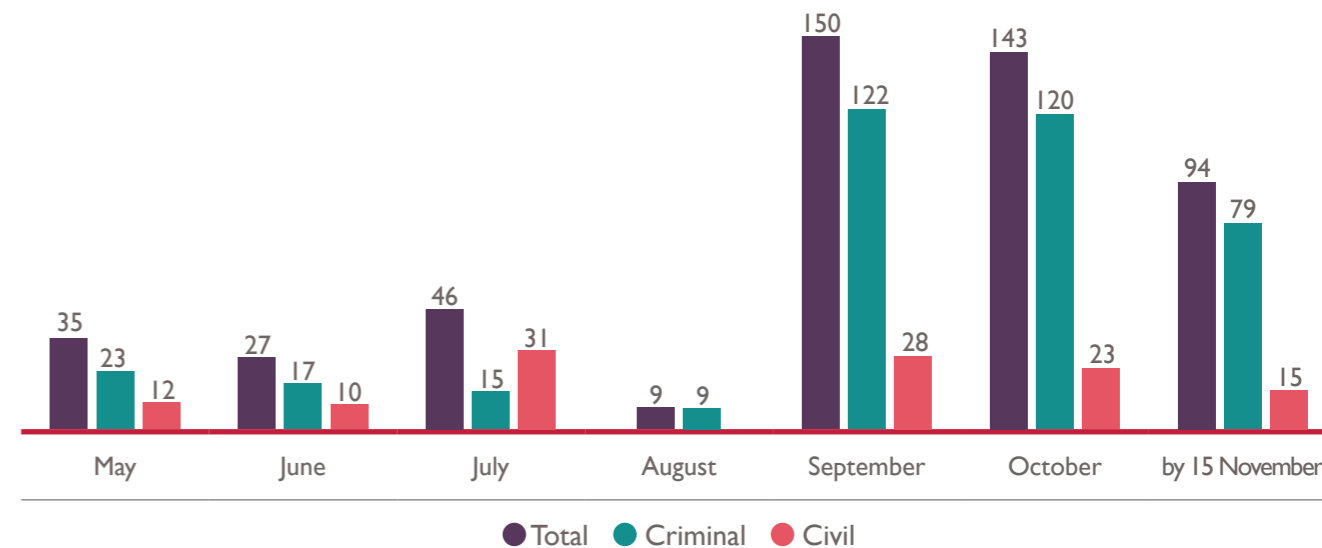
## Publication of Judgments by the Basic Court of Prishtina and its branches 1 May - 15 November 2019



## BASIC COURT OF PEJA

- Out of 504 judgments, one judgment is for a case involving corruption, three criminal offence cases of gender-based violence, and three are in organized crime.
- Out of 514 judgments published in total, the Basic Court of Peja published only 14 non-anonymized judgments.
- The judgments template has been used in 305 judgments, out of 504 published.
- This court spent, on average, around 140 days for publication of judgments, thus, significantly exceeding the deadline of 60 days.

Publication of Judgments by the Basic Court of Peja and its branches  
1 May - 15 November 2019

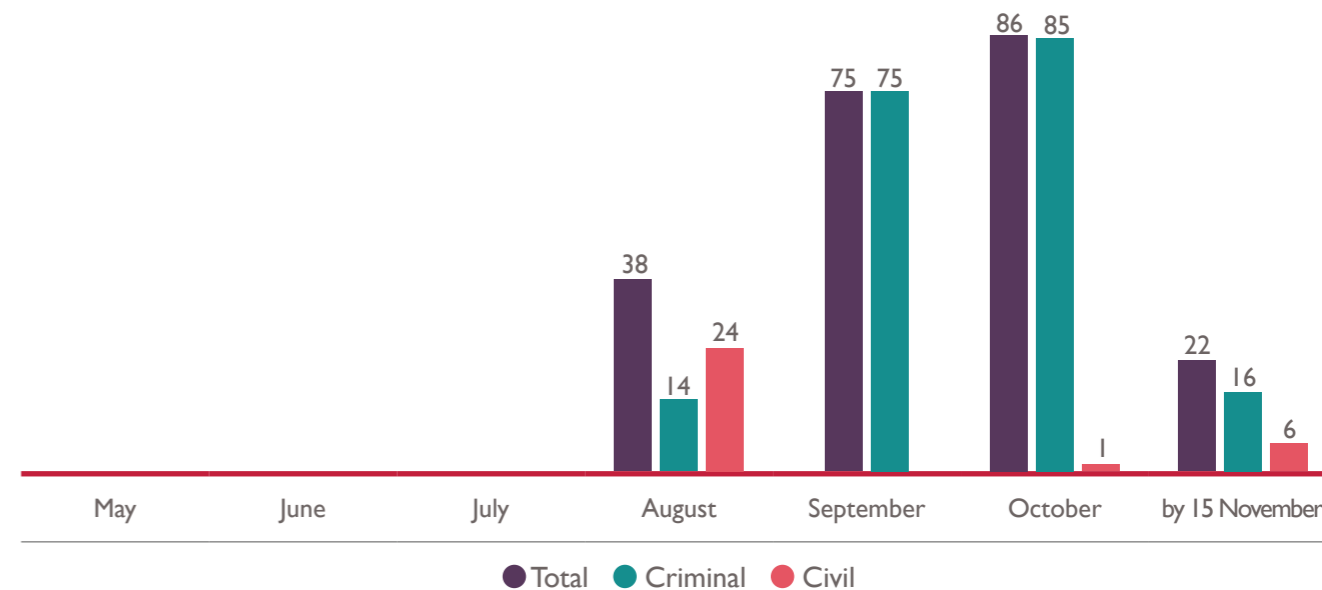




## BASIC COURT OF GJILAN

- Out of the 221 published judgments, none are related to corruption, gender-based violence or organized crime.
- With regards to the implementation of the Administrative Instruction on Anonymization and Publication of Final Court Judgments, only 15 out of 221 are not anonymized.
- Judgments template has been used in 162 judgments out of 221 in total.
- Basic Court of Gjilan spent, on average, 180 days to publish judgments from the day of their announcement.

Publication of Judgments by the Basic Court of Gjilan and its branches  
1 May - 15 November 2019



## RECOMMENDATIONS:

- 1 The Kosovo Judicial Council should assign information officers to all courts.
- 2 Basic Court of Mitrovica should provide both its branches, namely in Leposaviq and Zubin Potok, access to the internet.
- 3 Courts of Kosovo should implement all regulations and decisions of the Kosovo Judicial Council, including the decision of the Kosovo Judicial Council for Standardization of Judgments Template.
- 4 The KJC web portal should be updated with daily news and notices that are important to the public.
- 5 Building capacities of officers responsible for publication of judgments.
- 6 Every published judgment should be returned in the PDF format.
- 7 All judgments should be reviewed by information officers before publication with regards to the alignment of the judgment with the Administrative Instruction on Anonymization and Publication of Final Court Judgments.
- 8 Before publication, the written language of the judgment should be identified in order to avoid publishing the same judgment in other languages.
- 9 Unification of case number. Each case should be assigned a unique number, thus preventing different cases having an identical number.
- 10 All judgments should be assigned the prefixes of archive numbers, aiming to indicate the type of case (e.g. criminal case, civil case, etc.).

