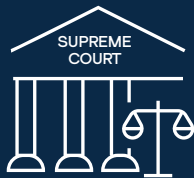


FOL



REPORT ON MONITORING THE PUBLICATION OF JUDGMENTS



JANUARY - DECEMBER

2021

**REPORT ON
MONITORING
THE PUBLICATION
OF JUDGMENTS**

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Title: **Report on Monitoring the Publication of Judgments
(January - December 2021)**

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*The views expressed in this paper do not necessarily reflect those of the Bureau of International Narcotics and Law Enforcement Affairs (INL).

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1. Executive Summary

The publication of judgments, in addition to being in the service of fulfilling the obligations deriving from the relevant legal provisions, it is also an important step in respecting the values of the contemporary judiciary. Consequently, in order to fulfill this mission, from January 2019, courts are obliged to publish within 60 days all judgments on the official website of the KJC, as acts that mark the epilogue of a litigation.

The Report on Monitoring the Publication of Judgments (January–December 2021) contains data derived from the systematic monitoring of the publication of judgments on the official website of the Kosovo Judicial Council during this one-year period.

The purpose of this report is to present the factual situation of the publication of judgments by the courts of the Republic of Kosovo, to identify problems and challenges in the publication of judgments, as well as to provide a list of recommendations for actions that judicial bodies must undertake to improve the rate and quality of the publication of judgments.

During the monitoring we collected data on the number of published judgments and the quality of their publication by the courts. Since the beginning of the monitoring, there has been a continuous increase in their publication by the seven basic courts (including their branches), the Court of Appeals, and the Supreme Court. In the following we will describe some of the main findings of this monitoring.

- During the period January–December 2021, a total of 24,593 judgments were published on the official website of the Kosovo Judicial Council. This level of publication has increased by 31% compared to the previous year (2020), where 18,755 judgments were published on the KJC website. It must be noted that these figures do not include 161 decisions (which can be found on the KJC website), as some of them have been repeated two or more times; some contained data that did not match the data listed on the KJC website; some were judgements published before the entry into force of the Administrative Instruction; and some have been minutes.
- The three courts with the most judgments published during this monitoring period are: **Basic Court of Prishtina** with 5,593 judgments published; **Court of Appeals** with 3,069 judgments, as well as *the Basic Court of Mitrovica* with 3,054 judgments.
- The branches of the courts with the most published judgments are: **Vushtrri Branch** with 723 judgments, **Suhareka Branch** with 712 judgments, as well as **Rahovec Branch** with 702 judgments.

- During this monitoring period, *the Mitrovica Appeals Division*, as part of the Court of Appeals, did not publish any judgment. Whereas as of May 2019, this division had published only a total of 22 judgments (6 of which in 2020).
- Judges of the Basic Court of Mitrovica lead in the number of judgments published during this period. The judges with the most judgments published during this period are: **Agron Maxhuni** (from the Basic Court of Mitrovica–Vushtrria Branch) with 334 judgments published; **Shefqet Baleci** (Basic Court of Prishtina - Drenas Branch) with 291 judgements published, and **Ferki Xhaferi** (from the Basic Court of Mitrovica) with 273 judgments.
- The website of the Kosovo Judicial Council continues to face problems of a technical nature regarding the automatic counting of judgments. This is because, if all published judgments are manually counted on a monthly basis, the number turns out to be higher than the total number of judgments automatically counted by the website system. *For example*, in the Supreme Court there are a total of 2,200 judgments, while if we count the judgments published on a monthly basis, there are 2,232 judgments. Also during the monitoring FOL has encountered judgments with identical case numbers, which in content have been completely different.
- The seven basic courts have published significantly more judgments of a criminal nature, while the Supreme Court and the Court of Appeals lead with the publication of civil judgments. Of the total number of judgments published during this year, 12,282 judgments (or 50%) are judgments of criminal nature; 9,735 are judgments of a civil nature (close to 40%); 2,348 are administrative (close to 10%) and only 202 judgments are for economic issues (close to 1%).
- During this one-year period, only 65 judgments related to corruption offenses were published, as well as 1,004 judgments of gender-based violence. Thus, the publication of corruption judgments continues to be low, while compared to the previous year, the publication of judgments based on gender-based violence has doubled.
- During this monitoring period, the implementation of the KJC Decision on Standardization of Judgment Forms by the seven basic courts was evidenced in 17,665 judgments, or 92% of the judgments published by the seven basic courts (19,292 judgments). While in the remaining 1,549 judgments, respectively in 8% of them, omissions were observed in the implementation of this decision. Most omissions were recorded in the Basic Court of Mitrovica, where a total of 739 judgments were published without respecting the requirements of this decision.

- During this period, most of the judgments, or 22,666 of them (92%) were published in Albanian, while 1,927 judgments (8%) were published in Serbian. Most of the judgments in Serbian were published by the Basic Court of Mitrovica (1,406 judgments), while the Basic Courts of Peja, Prizren and Gjakova during this period did not publish any judgments in Serbian.
- Out of the total number of judgments published during this year, 445 judgments (2%) were published without hiding the personal data of the parties or other necessary subjects based on the Administrative Instruction, while in the part of 24,148 judgments (98%), personal data are completely anonymous. The number of un-anonymized judgments has increased significantly compared to the period January–December 2020, when 353 un-anonymized judgments were published. The largest number of judgments without hiding their personal data during 2021 was published by the Basic Court of Prizren (140 judgments). Most omissions in hiding personal data are evidenced in hiding the data of experts, witnesses, vehicle registration plates, or any other personal document. Although in the enacting clauses of the judgments these data were completely hidden, omissions in their concealment were noticed during the part of the reasoning.
- Regarding the observance of the legal deadline for the publication of judgments, it was noted that the courts took an average of 71 days to publish the judgments on the official website of the KJC, calculated from the day of their announcement. This average contradicts the time provided by the Law on Courts, which states, “Courts publish all judgments on their official website, within sixty (60) days from the date of issuance of the judgment, in accordance with applicable law.”.

The following table presents the general data regarding the number of judgments published on the official website of the KJC during the period January–December 2021 by all Courts of the Republic of Kosovo.

TABLE 1 Judgments published by all Courts of the Republic of Kosovo during the period January-December 2021.

	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL
Supreme Court	131	134	177	119	184	103	121	188	245	207	278	345	2232
Court of Appeals	91	81	115	107	45	134	140	270	243	400	602	841	3069
Basic Court of Prishtina	342	296	243	320	388	405	432	415	746	480	668	858	5593
Basic Court of Ferizaj	148	142	195	216	237	256	174	194	195	207	240	305	2509
Basic Court of Mitrovica	165	96	150	116	120	157	142	46	690	441	355	576	3054
Basic Court of Prizren	120	212	265	233	197	194	102	85	174	197	215	286	2280
Basic Court of Gjakova	205	152	248	203	184	179	158	191	240	176	161	349	2446
Basic Court of Peja	302	252	200	307	235	166	195	106	11	169	141	105	2189
Basic Court of Gjilan	124	44	91	118	33	54	60	0	73	140	275	209	1221
TOTAL	1,628	1,409	1,684	1,739	1,623	1,648	1,524	1,495	2,617	2,417	2,935	3,874	

FOL Movement has started the systematic monitoring of the publication of judgments on the KJC website since May 2019. Since then, there has been a significant increase in the publication of judgments. This can be confirmed by the fact that during the period May 2019 - December 2020, a period of almost 2 years, the Courts of the Republic of Kosovo had published a total of 29,001 judgments on the KJC website.

TABLE 2 Judgments published by all Courts of the Republic of Kosovo during the period May 2019 - December 2020.

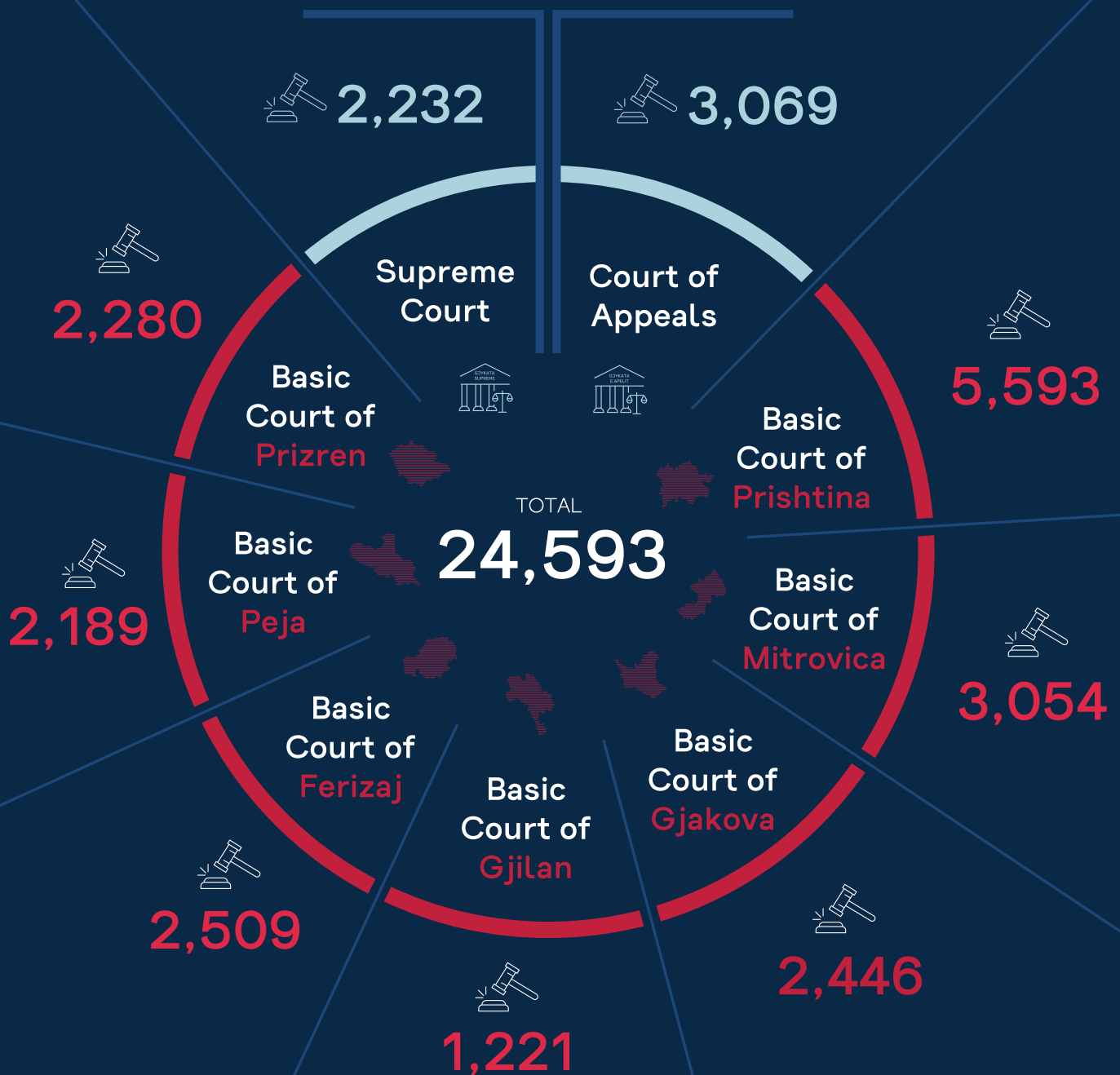
	Year 2019									January	Year 2020											
	May	June	July	August	September	October	November	December	February		March	April	May	June	July	August	September	October	November	December		
Supreme Court	1	67	114	8	14	63	148	53	124	130	81	0	88	277	42	109	189	237	110	238		
Court of Appeals	392	80	198	90	204	144	238	200	154	220	120	43	62	242	202	150	113	149	139	138		
Basic Court of Prishtina	152	34	166	115	24	74	241	909	435	498	226	255	316	451	358	311	287	658	395	344		
Basic Court of Ferizaj	72	224	296	100	200	217	165	215	244	224	203	105	39	63	152	204	112	189	196	206		
Basic Court of Mitrovica	0	0	163	64	45	341	394	345	271	143	70	0	0	51	230	77	203	516	107	242		
Basic Court of Prizren	63	79	149	130	298	219	259	485	417	463	219	244	137	212	70	287	190	141	154	204		
Basic Court of Gjakova	16	95	148	120	166	159	159	169	281	176	79	8	86	115	177	102	138	200	216	164		
Basic Court of Peja	35	27	46	9	150	143	159	99	143	103	44	0	31	94	65	102	206	318	159	125		
Basic Court of Gjilan	0	0	0	38	75	86	44	51	104	134	117	43	43	125	95	98	92	95	41	160		
TOTAL	731	606	1,280	674	1,176	1,446	1,807	2,526	2,173	2,091	1,159	698	802	1,630	1,391	1,440	1,530	2,503	1,517	1,821		

Of these judgments, 10,246 judgments were published in the period May - December 2019, while 18,755 judgments in the period January - December 2020.¹ So these figures clearly show the multiplication of the trend of publishing judgments by the Courts of the Republic of Kosovo.

The general level of publication of judgments from the beginning of the monitoring of their publication by FOL Movement, respectively from May 2019 to December 2020, is presented in the table below.

¹To better reflect this increase, it must be noted that from January 1, 2016 to April 2019 (this 3-year period) 9,061 judgments were published on the KJC website.

Total of Judgments
published by Courts
of the Republic of Kosovo
during the period
January-December 2021



2. Methodology

FOL Movement, for the compilation of data of this report has used the method of continuous systematic monitoring, i.e. daily monitoring of the official website of the Kosovo Judicial Council. All courts have been informed in advance by e-mail that they will be subject to monitoring the number and dynamics of the publication of judgments, as well as whether the publication of judgments follows the special requirements of law, Administrative Instructions and other relevant decisions. The data collected from this monitoring process are presented for each month in the form of info graphics and are published on the social networks of the FOL Movement.

FOL movement during the monitoring of judgments has paid special attention to the judges who have published more judgments. In this regard, FOL has listed by 3 judges of each court with the most judgments published during the period January-December 2021.

From the published judgments, FOL Movement has created a database. Consequently, the decisions (until the entry into force of the new Administrative Instruction), and the same judgments recorded during this period are not attached to this database.

This database, among others, includes:

- the total number of judgments published by each court, for each month;
- the level of observance of the protocols and deadlines set for the publication of decisions, as well as the compliance of the published judgments with the Law on Courts and Administrative Instructions;
- the protection of personal data of the parties and other specifics which are regulated by law and Administrative Instruction No.04/2019 on the publication of processed judgments.
- the judges who have published the most judgments;
- the level of implementation of the Decision on Standardization of Judgment Forms;
- the language in which the judgments were published, as well as
- the format, type and nature of the published judgments.

At the end of the report, FOL has given a series of recommendations to relevant institutions, the implementation of which would contribute to increasing transparency and minimizing errors in the publication of judgments.

3. Legal basis of publication of judgments

Transparency of state institutions as a concept means leadership based on the principles of contemporary consolidated democracies. The judicial system of the Republic of Kosovo needs to create conditions for guaranteeing institutional transparency, as a necessary precondition towards building a high level of trust in its institutions. The administration of justice by the court is a mission in itself, which is not complete without the existence of transparency and publicity over the work of the courts. Only in this way can the strengthening of legal certainty in the trial process, the increase of the level of public credibility, as well as the concreting of the basic principles of the modern courts be achieved.

Public adjudication is also guaranteed by the provisions of *the European Convention for the Protection of Human Rights and Fundamental Freedoms*, which in Article 6 paragraph 1 provides that every person has the right to have his case heard fairly, publicly and within a reasonable time.

The principle of public trial, i.e. open trial, is incorporated in the Constitution of the Republic of Kosovo², where Article 31 provides that the trial is public, except in cases where the court considers that the exclusion of the public is necessary and is in the interest of justice.

To better fulfill this mission, *the Law on Courts (No. 06/L - 054)*³ that was adopted in December 2018 and is currently in force, has made progress in increasing the transparency of the judiciary, making it mandatory for all courts to publish all judgments within 60 days from the date of issuance of the judgment on their websites. This is provided in paragraph 3 of article 6 of this law.

Unlike the provisions of the current law, the *Law on Courts (No. 03/L-199)* which was previously in force, obliged the courts to publish the final judgments on their official websites, within a period of sixty (60) days from the date of reaching the finality of the judgment. This means that compared to the previous law, the current law has made progress by expanding the range of court decisions to be published. So, in addition to final judgments, those decisions that have not yet gained legal force must now be published.

For the protection of personal data during the publication of judgments, the Kosovo Judicial Council at the end of 2019 has issued a new Administrative Instruction on the Publication of Processed Judgments⁴ and the Manual for the Publication and Processing of Judgments⁵. At the end of 2021 this instruction has undergone some changes. Respectively, in December 2021, the Kosovo Judicial Council issued *Administrative Instruction No. 01/2021 on supplementing and amending the Administrative Instruction 04/2019 on the Publication of Processed Judgments*.⁶ As one of the essential changes foreseen in this amendment/supplement, was that in addition to the judgments, the courts are obliged to publish the decisions, respectively the meritorious decisions. So, unlike the Administrative Instruction that has been in force, now determines the manner of

² Constitution of the Republic of Kosovo, 2008, Article 31.

³ Law no. 06/L - 054 on Courts, 2018, Official Gazette of the Republic of Kosovo.

⁴ Kosovo Judicial Council, Administrative Instruction no. 04/2019 on the Publication of Processed Judgments, 2019

⁵ Ibid.

⁶ Kosovo Judicial Council, Administrative Instruction no. 01/2021 on supplementing and amending the Administrative Instruction 04/2019 on the Publication of Processed Judgments, 2021.

publication of decisions of the Supreme Court and the Court of Appeals of the Republic of Kosovo, as well as the publication of meritorious decisions of the basic courts of the Republic of Kosovo.

The Administrative Instruction in force, with amending/supplementing made, obliges the courts to publish all judgments on the official website of the Kosovo Judicial Council, with the exception of *criminal judgments which include juveniles in any capacity, judgments in marital disputes, judgments on financial maintenance and alimony, confirmation or challenge of paternity, and custody of a minor, as well as judgments on minor offenses.*⁷

Meanwhile, regarding the decisions, the basic courts are obliged to publish all meritorious decisions, except the decisions *for adoption, decisions for removal and return of capacity to act, for placement and retention of the mentally ill in the health institution, decisions by which the measure of psychiatric treatment at liberty or in detention health care institutions is changed, decisions on termination and extension of parental rights, on granting permission for marriage, decisions on cases of domestic violence and on precautionary measures in family matters, as well as in cases of closed sessions and other cases provided by the legislation in force.*⁸

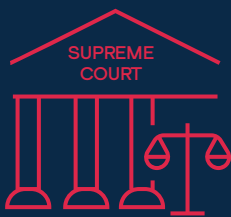
According to this instruction, the professional associate or legal official in each court and its branch, appointed by the president of the respective court, is responsible for the issue of anonymization of judgments. According to the instruction, judgements must be published within 60 days from the date of issuance of the judgment. This instruction also requires that judgments be posted on the website in PDF format.

To improve the quality of judgments and to ensure that they contain the essential elements, the Kosovo Judicial Council in 2018 issued a *Decision on Standardization of Judgment Forms and established a working group to create templates for standardization of forms.* In these templates are presented the forms of all criminal and civil judgments, and among others, it is required that at the beginning of the judgment be placed the Emblem of the Republic of Kosovo, and that the unique case number be placed on its right side, etc..

This decision aims to increase efficiency, improve the consistency of the publication of judgments, improve the quality of judgments, ensuring that they contain the essential elements.

⁷ Administrative Instruction no. 04/2019 on the Publication of Processed Judgments, Article 2.

⁸ Administrative Instruction no. 01/2021 on supplementing and amending the Administrative Instruction 04/2019 on the Publication of Processed Judgments, Article 5.



Supreme Court



2,232

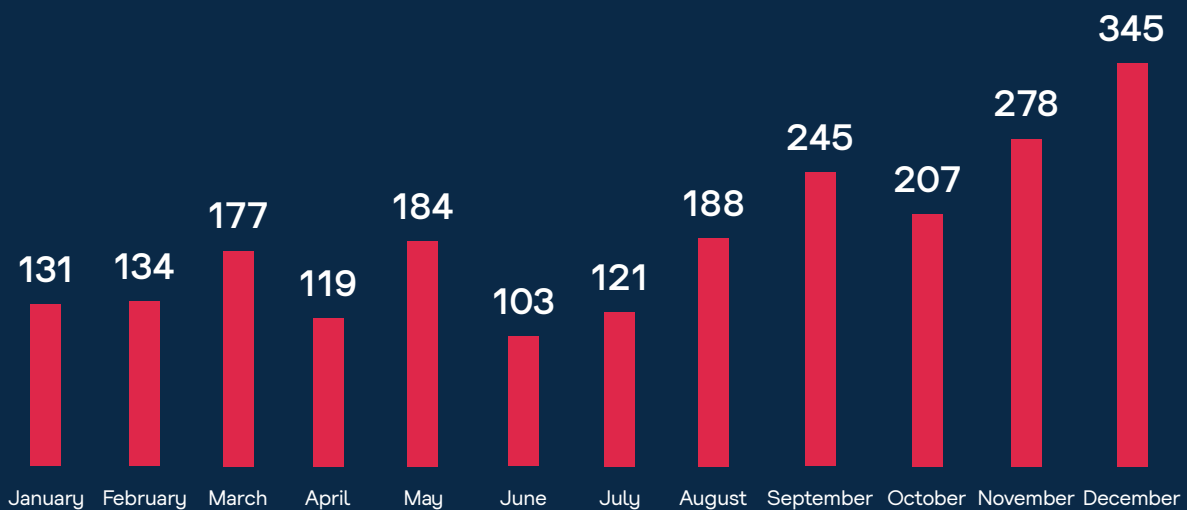
TOTAL JUDGMENTS

The Supreme Court, including the Appellate Panel and the Special Chamber, during the period January-December 2021 has issued a total of 2,232 judgments⁹. This level of publication shows a significant increase compared to the judgments published during the period January-December 2020¹⁰, where the Supreme Court had published 1,625 judgments, or 29% less than in 2021.

The following figure shows the level of publication of judgments by the Supreme Court during the period January - December 2021.

FIGURE 1

Level of publication of judgments on the KJC website by the Supreme Court during the period January-December 2021



⁹ If you look at the total number of judgments published on the website within 2021, there are 2,200 judgments in the Supreme Court. Where- as if they are counted on a monthly basis, it results in the same number as in the FOL database.

¹⁰ For more, see: Report on the publication of judgments, FOL Movement, January - December 2020 .

The Special Chamber and the Appellate Panel have also made a great contribution to this level of publication of judgments. **Special Chamber** during this period has published 1,357 judgments, respectively 49% more than in 2020 (910 judgments). Whereas **Appellate Panel** during 2021 has published 34 judgments, a number that in relation to 2020 (236 judgments) had suffered a significant decrease, respectively 79%.¹¹

The publication of judgments by the Special Chamber and the Appellate Panel for each month during 2021 is graphically presented in the figure below.

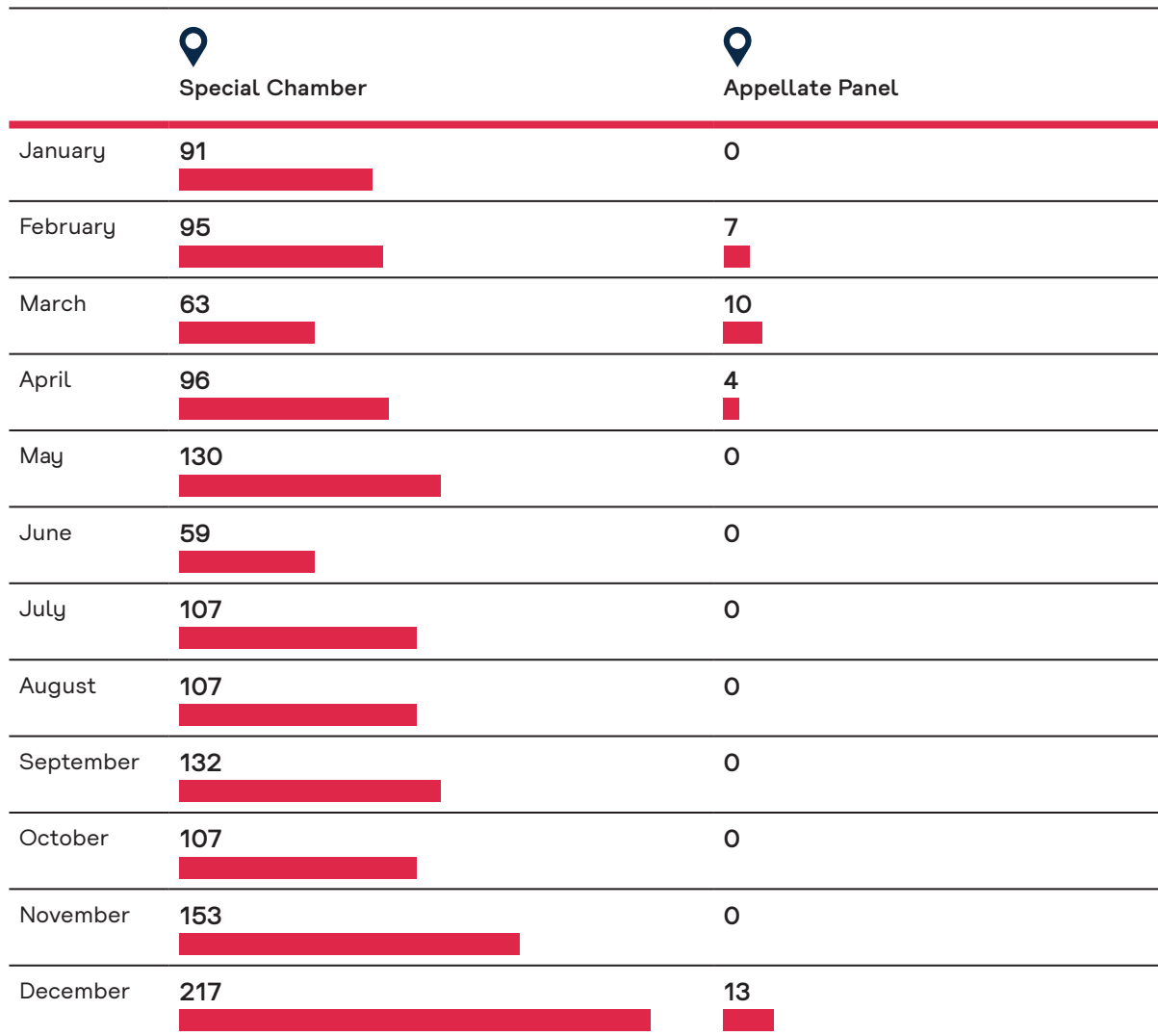


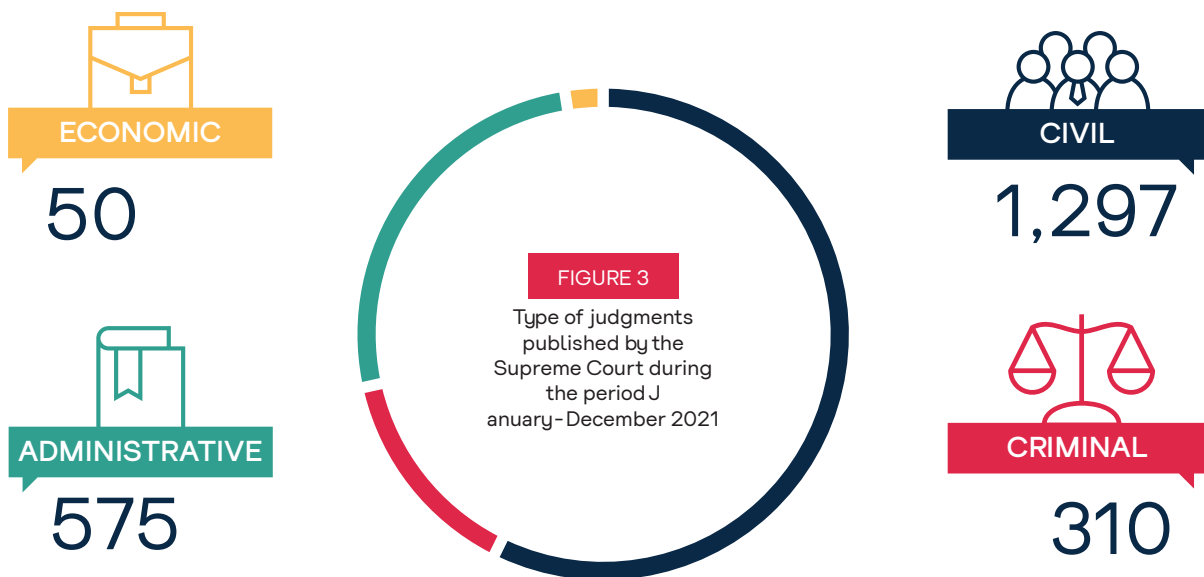
FIGURE 2 Level of publication of judgments by the Special Chamber and the Appellate Panel during the period January-December 2021

¹¹ Ibid.

As shown in the table above, the Appellate Panel during the 8 months (January, May, June, July, August, September, October and November) did not publish any judgment. The level of publication of the Appellate Panel during this period has decreased significantly compared to 2020, where this division had published a total of 163 judgments.

Most of the judgments published by the Supreme Court (including *the Appellate Panel* and *the Special Chamber*) are of a civil nature, respectively 1,297 civil judgments (58%), while 575 of them are of an administrative nature (26%), 310 judgments of a criminal nature (14%), as well as only 50 judgments on economic issues (2%).

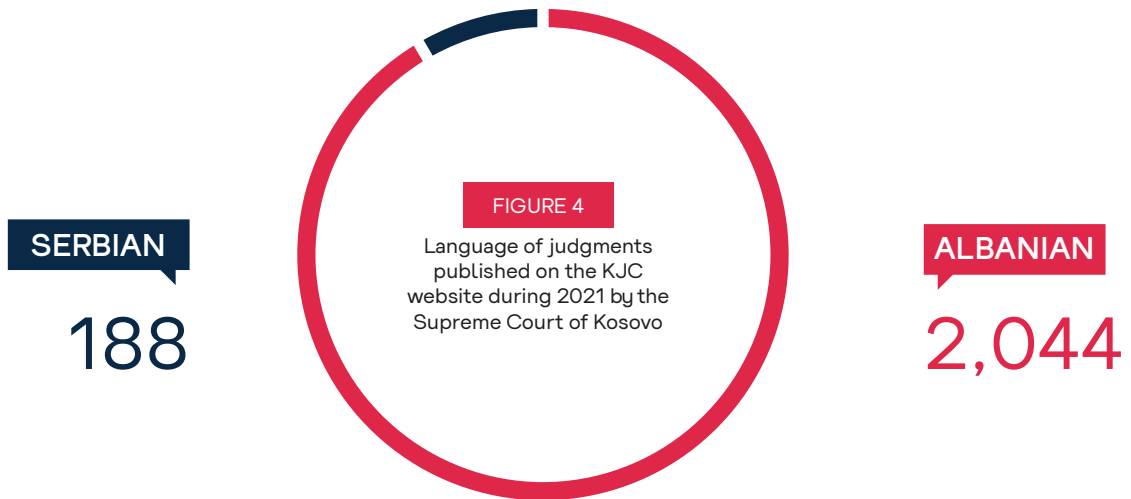
The following graph shows the type of judgments published by the Supreme Court during the period January - December 2021.



Out of the total number of judgments published by this court during this monitoring period, the Supreme Court has published only 4 judgments related to corruption offenses and 11 judgments of gender-based violence. So the publication of judgments of these natures by this court continues to be low.

As for the language in which they were published, 2,044 judgments or 91% of them were published in Albanian, while the remaining 188 judgments or 9% were published in Serbian.

The following figure graphically presents the language of judgments published by the Supreme Court of Kosovo during 2021.



While omissions in the implementation of the Administrative Instruction for Publication of Processed Judgments, respectively in the part where it comes to the processing of personal data, were found in only 19 judgments, or only in 1% of judgments published by this court. Meanwhile, in the rest of the judgments, this instruction has been fully implemented.

From the analysis of the observance of the legal deadlines for publication of the judgments of the Supreme Court on the website of the KJC, it was noticed that this court took an average of 48 days to publish the judgments from the day of their announcement. This means that this average of the publication of judgments by this court is in line with Article 6 of the Law on Courts, which requires that judgments be published on the official website 60 days after the announcement.

Meanwhile, the judges of the Supreme Court with the most judgments published during the period January-December 2021, as well as the number of judgments published by them, is presented in the table below.

FIGURE 5 Judges with the most judgments published by the Supreme Court during the period January- December 2021





Court of Appeals



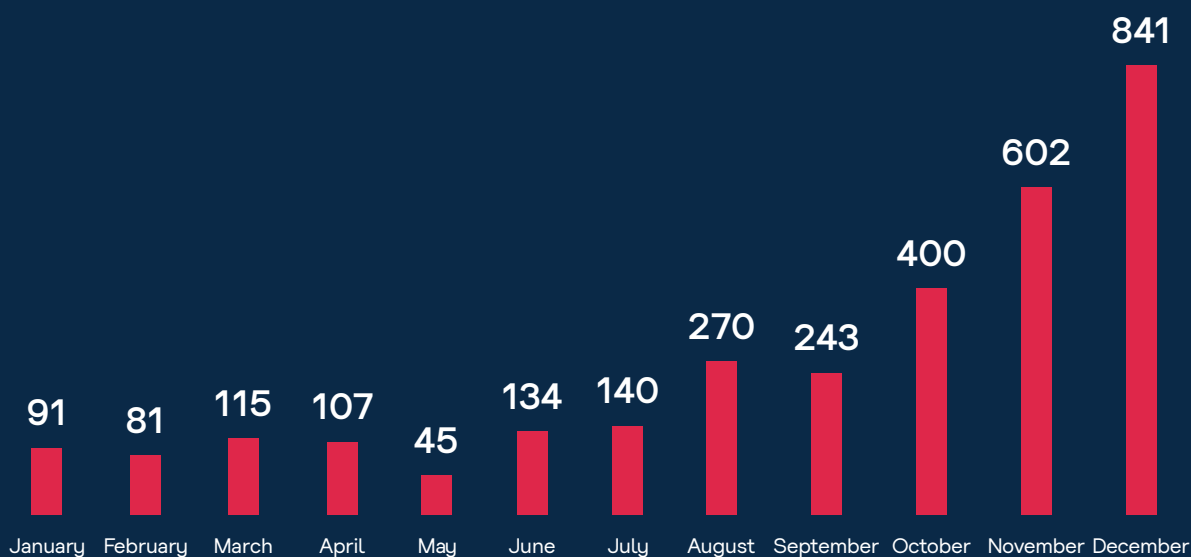
3,069

TOTAL JUDGMENTS

Court of Appeals, including the Mitrovica Appeals Division, during the period January - December 2021 has published a total of 3,069 judgments, or 77% more than in 2020 (1,732 judgments). This proves a great increase in the number of judgments published by this court, compared to the number of judgments published in the previous year. Even with these figures, during this monitoring period this court is ranked second in terms of the level of publication of judgments (after the Basic Court of Prishtina).

The following figure shows the level of publication of judgments by the Court of Appeals during the period January - December 2021.

FIGURE 6 Level of publication of judgments by the Court of Appeals during the period January-December 2021

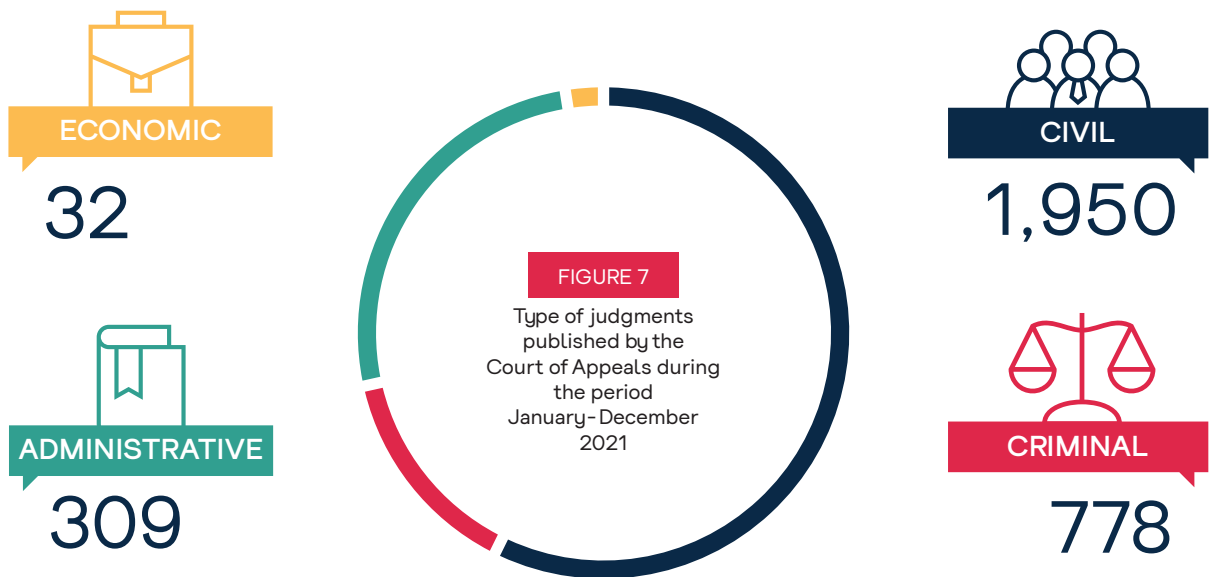


As shown in the table above, the trend of published judgments by the Court of Appeals has continued to increase periodically on a monthly basis, throughout the calendar period of 2021.

Whereas unlike the period January - December 2020, where **Mitrovica Appeal Division** had published 12 judgments, during 2021 this division had not published any judgment.

As for the type of cases published, the Court of Appeals has also published more judgments of a civil nature. Out of the total number of published judgments, 1,950 of them are for civil cases (64%), 778 for criminal cases (25%), 309 for administrative cases (10%), while only 32 judgments for economic cases (1%).

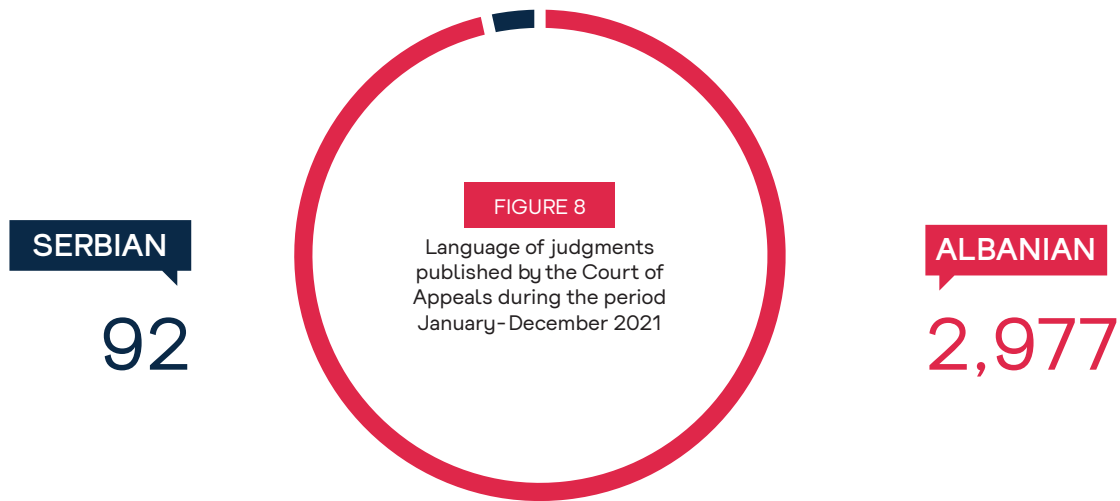
The following graph describes the publication of Judgments of the Court of Appeals, divided by type of cases.



Regarding the nature of the published judgments, the Court of Appeals during this period has published 17 judgments for corruption offenses and 20 judgments related to gender-based violence.

As for the language in which the judgments were published, the Court of Appeals published 92 judgments in Serbian, or 3%, while the remaining 2,977 judgments were published in Albanian (97%).

The language in which the judgments of the Court of Appeals during 2021 were published is presented in the figure below.



The Administrative Instruction on the Publication of Processed Judgments has been fully implemented in almost all Judgments of the Court of Appeals published during this period. Out of the total number of published judgments, respectively from 3,069 judgments, only 1 judgment was published without anonymity. This proves the great responsibility and dedication of the professional associates and legal officials of this court who deal with the publication of judgments for the concealment of personal data.

From the analysis of compliance with the legal deadlines for publication of judgments by the Court of Appeals, it was noted that this court took an average of 89 days to publish all judgments on the official website of the KJC, calculated from the day of announcement. This means that this average exceeds the time provided by the Law on Courts for the publication of judgments.

The judges with the most judgments published by the Court of Appeals during this period are presented in the table below.

FIGURE 9 Judges with the most judgments published in the Court of Appeals during the period January-December 2021





From the analysis of compliance with the legal deadlines for publication of judgments by the Court of Appeals, it was noted that this court took an average of 89 days to publish all judgments on the official website of the KJC, calculated from the day of announcement. This means that this average exceeds the time provided by the Law on Courts for the publication of judgments.



Basic Court of Prishtina



5,593

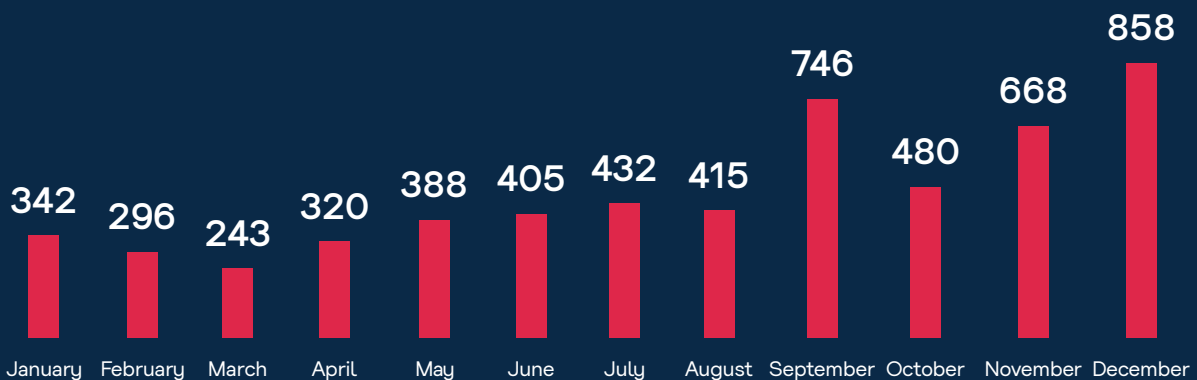
TOTAL JUDGMENTS

The Basic Court of Prishtina, including its 4 branches (Podujeva Branch, Gracanica Branch, Lipjan Branch and Glllogoc Branch) is the court with the most judgments published during the period January - December 2021. During this period, this court has published 5,593 judgments¹², or 23% more than in 2020¹³, when this court had published 4,534 judgments.

It should be noted that this number has multiplied compared to 2019, where this court on its official website had published only 1,912 judgments. So the statistics of recent years show the increase of transparency and awareness of the officials of this court regarding the importance of publication of judgments.

It is known that the Basic Court of Prishtina faces the largest influx of cases, because this court consists of three additional departments (Special Department, Department of Administrative Affairs and Department of Economic Affairs), which have territorial jurisdiction throughout the territory of Republic of Kosovo, therefore it is understandable the higher level of publication of judgments in relation to other courts. The following graph presents the data on the number of judgments published by the Basic Court of Prishtina during the period January - December 2021.

FIGURE 10 Level of publication of judgments in the Basic Court of Prishtina during the period January - December 2021



¹² The official website contains 5,724 judgments published by this court, respectively 131 judgments less than those in the FOL database obtained from monitoring. Their removal from the database was done because, 33 judgments were repeated, 88 judgments were identified as published in a way that did not correspond to the content of the attached judgment, 9 judgments (published before the entry of the new Administrative Instruction in force), as well as 1 minutes.

¹³ For more, see: Report on the Publication of Judgments, FOL Movement, 2021.

The branches of this court have also greatly contributed to this large number of publications. **Podujeva Branch** during this period has published 559 judgments, **Lipjan Branch** 498 judgments, **Glllogoc Branch** 318 judgments and **Gracanica Branch** 76 judgments.

The level of publication by the branches of the Basic Court in Prishtina is graphically presented in the following figure.

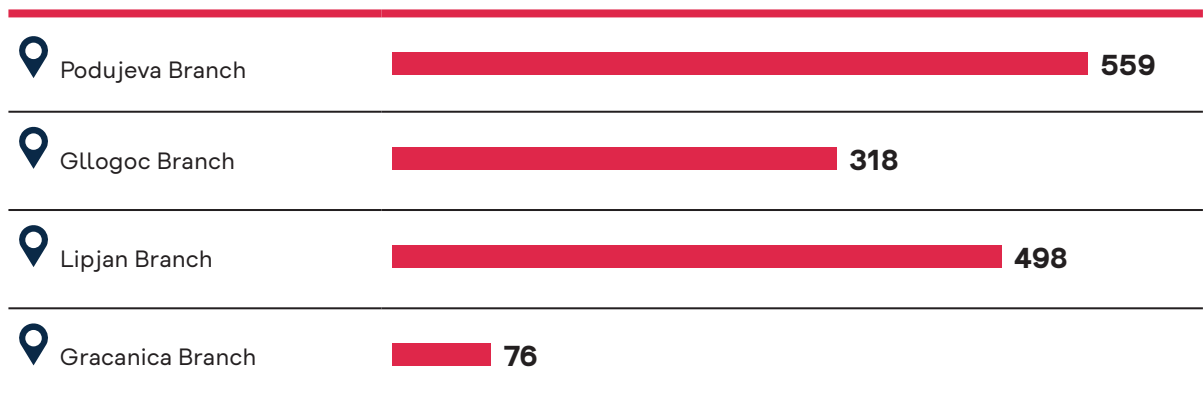


FIGURE 11 Level of publication of judgments by the branches of the Basic Court of Prishtina during the period January-December 2021

Meanwhile, regarding the nature of the published judgments, unlike the Supreme Court and the Court of Appeals, this court leads with the publication of criminal judgments. Respectively, out of the total number of publications, 2,333 judgments are of criminal nature (41%), 1,669 of civil nature (30%), 1,471 of them administrative (26%) and 120 judgments on economic issues (2%).

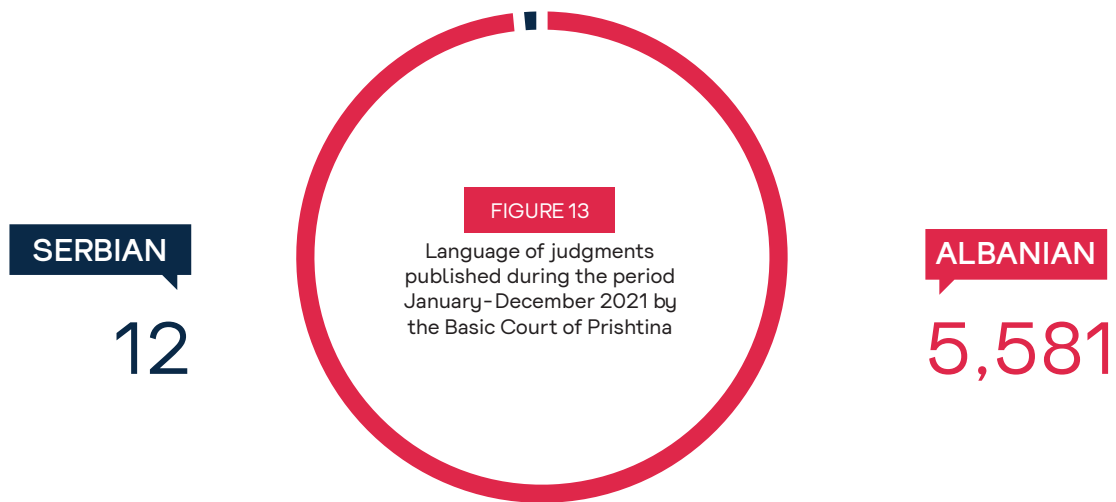
The type of judgments published by the Basic Court of Prishtina during this period is also reflected in the following graph.



FIGURE 12 Types of judgments published during the period January-December 2021 by the Basic Court of Prishtina

Of the criminal judgments, 7 judgments are for criminal offenses of abuse of official position and authority and 278 judgments of gender-based violence.

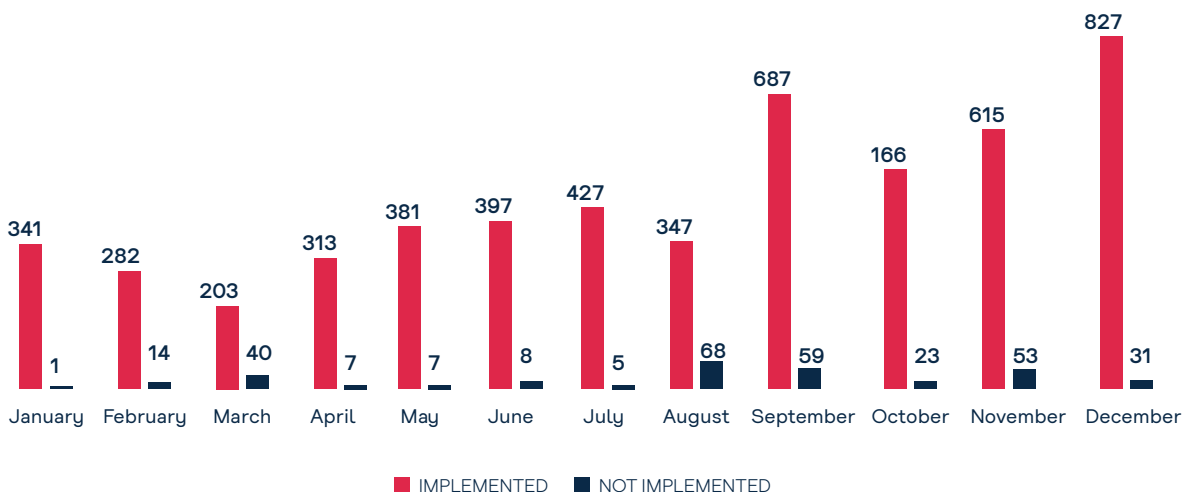
The Basic Court in Prishtina, including the branches, during the monitoring period published only 12 judgments in Serbian language, or 0.21%, while the rest of the judgments were published in Albanian language. Graphically, the language of the published judgments is also presented in the figure below.



In the implementation of the Decision of the Kosovo Judicial Council for Standardization of Judgment Forms, omissions were noticed in 316 judgments published by this court (6%). While in the remaining 5,277 judgments (94%), this decision has been fully implemented.

The following table graphically presents the implementation of this decision in the published judgments of this court.

FIGURE 14 Level of implementation of the Decision of the Kosovo Judicial Council on Standardization of Judgment Forms by the Basic Court of Prishtina during the period January-December 2021



Meanwhile, regarding the concealment of personal data in the published judgments, it should be noted that this is one of the courts with the most omissions identified. From the judgments published during 2021 by this court, 120 judgments have been published without hiding the personal data of the subjects required based on the Administrative Instruction. Most omissions in this regard have been identified in the concealment of personal data of experts, witnesses, vehicle registration plates, or any other personal document.

From the analysis of the observance of the legal deadline for the publication of judgments from the day of announcement, it was noticed that this court took an average of 100 days to publish the judgments. This means that the Basic Court of Prishtina also publishes judgments at the time provided in the Law on Courts.

The judges who have published the most judgments in the Basic Court in Prishtina during the period January-December 2021, as well as the number of judgments published by them, is presented in the following graph.

FIGURE 15 Judges with the most judgments published in the Basic Court of Prishtina during the period January-December 2021





Basic Court of Mitrovica



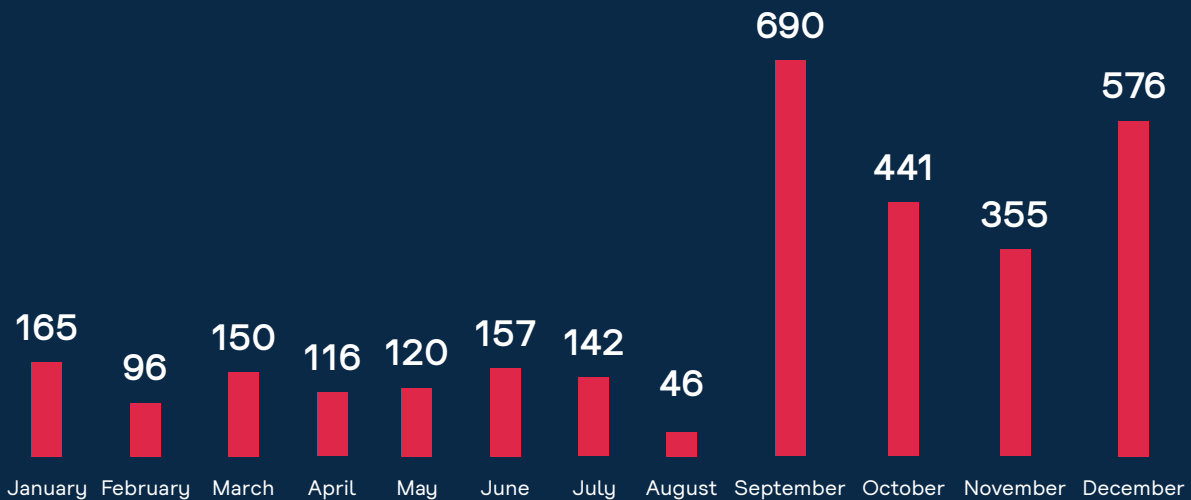
3,054

TOTAL JUDGMENTS

The Basic Court of Mitrovica, including its four branches (Skenderaj, Vushtrri, Leposavic and Zubin Potok) during the period January - December 2021 on the official website have published a total of 3,054 judgments, this number compared to the number of judgments published in 2020 (1,910 judgments), has increased by 60%. With this level of publication, this court enters the ranks of the three courts with the most judgments published during this period.

The publication of judgments by the Basic Court of Mitrovica during the period January-December 2021, is graphically shown in the figure below.

FIGURE 16 Level of publication of judgments by the Basic Court of Mitrovica during the period January-December 2021



As can be seen in the graph above, the level of publication of judgments by this court has increased significantly in the last 4 months of the year.

During this period, **Vushtrri Branch** has published 723 judgments, **Skenderaj Branch** has published 249 judgments, **Leposavic Branch** has published 76 judgments, while **Zubin Potok Branch** has published 70 judgments. Based on these figures, the Vushtrri Branch is ranked as the branch with the most judgments published during this period.

It should be noted that some of the branches of the Basic Court in Mitrovica during this period have not published any judgment for several months. We are talking about the Zubin Potok Branch and the Leposavic Branch, which have not published any judgement for 9 months.

The level of publication of judgments by the branches of the Basic Court in Mitrovica is shown graphically in the table below.





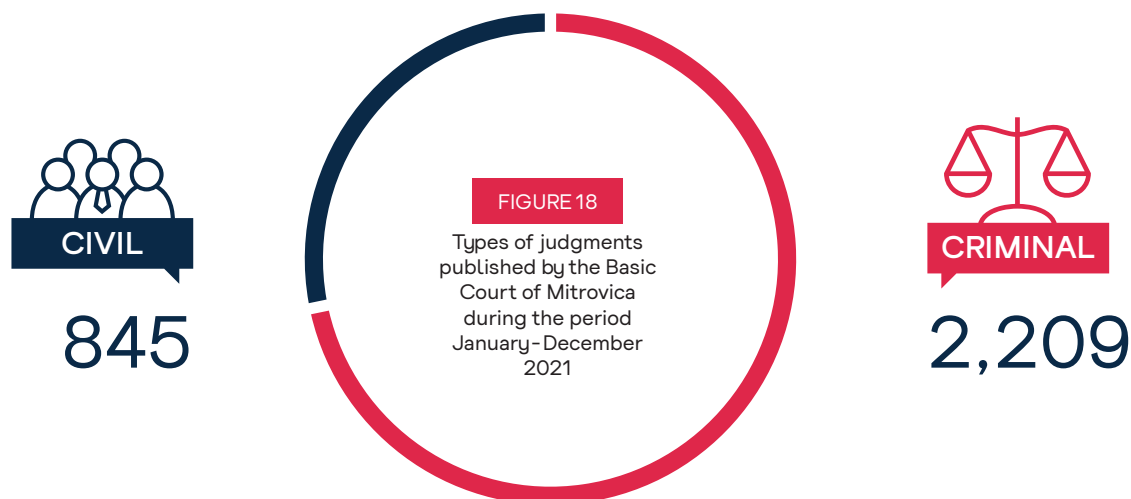
	 Skenderaj	 Vushtrri	 Leposaviq	 Zubin Potok
January	12	25	0	0
February	13	22	0	0
March	23	24	0	0
April	26	18	0	0
May	20	26	0	0
June	22	23	0	34
July	13	24	0	0
August	15	14	0	0
September	0	265	32	0
October	47	65	31	19
November	23	136	0	8
December	35	81	13	9

FIGURE 17

Level of publication of judgments by the branches of the Basic Court of Mitrovica during the period January-December 2021

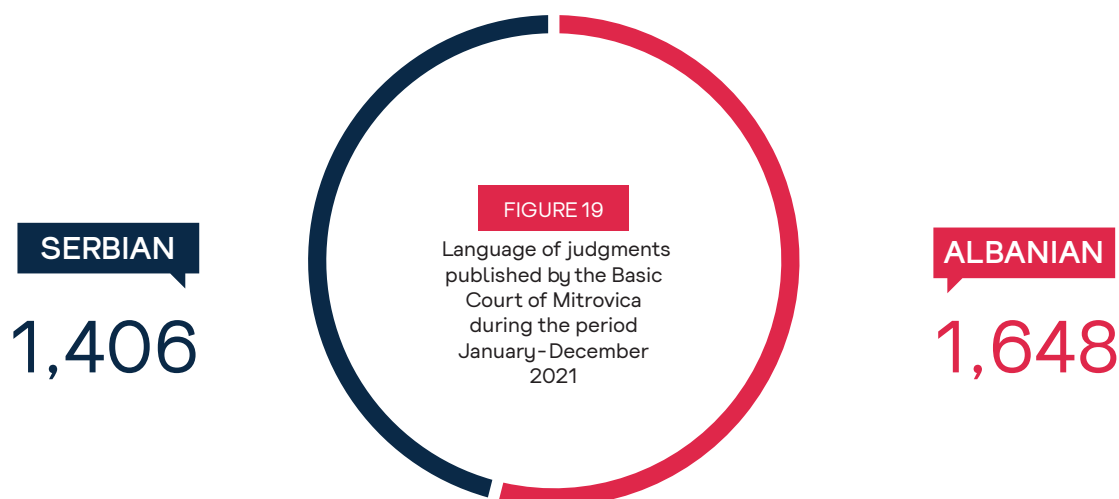
Most of the published judgments are of criminal nature, respectively 2,209 criminal judgments, or 72%, while 845 judgments, or 27%, are of civil nature. The following graph shows the nature of the judgments published by the Basic Court of Mitrovica during the period January–December 2021.



From the criminal judgments, this court during this period has published only 5 corruption judgments and 112 judgments with gender-based violence. So, although the level of publication of judgments based on gender-based violence by this court was high, the publication of corruption judgments remains very low.

Unlike other courts, the publication of judgments in the Serbian language in the Basic Court in Mitrovica is greater. Out of 3,054 judgments published in total by this court, 1,406 judgments or 46% of them are in Serbian, while 1,648 other judgments or 54% are published in Albanian.

The following graph shows the language in which the judgments were published in the Basic Court of Mitrovica during this monitoring period.



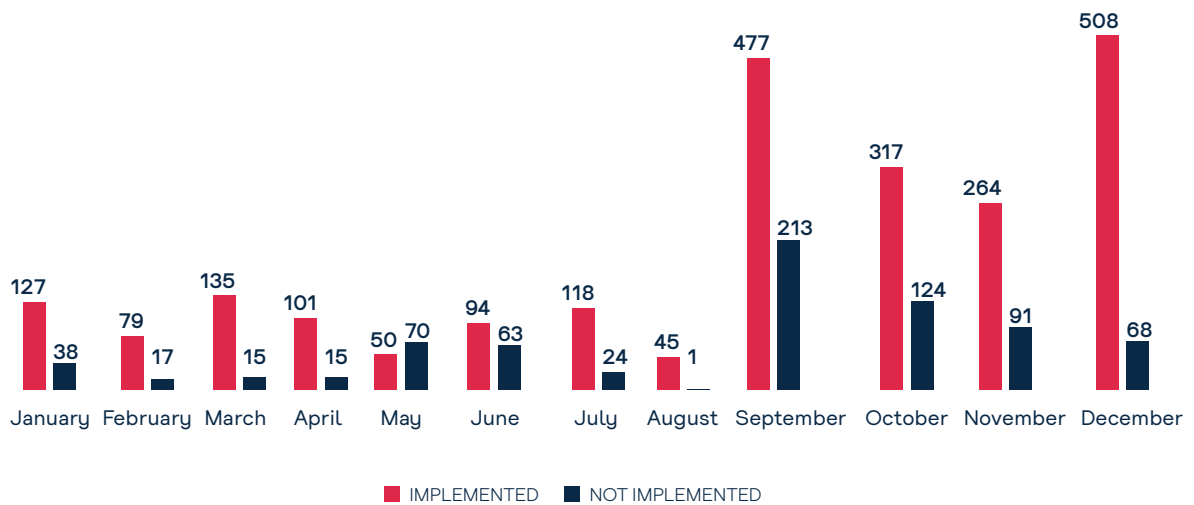
It should be noted that the Basic Court of Mitrovica has managed to significantly respect the Administrative Instruction of the Kosovo Judicial Council regarding the concealment of personal data. Omissions in compliance with this instruction have been identified in 30 judgments of this court.

Regarding the implementation of the Decision on Standardization of Judgment Forms, out of all judgments published by this court and its branches, omissions were found in 739 judgments (27%). So this is the court with the most omissions identified in the implementation of this decision.

The following table graphically shows the level of implementation of this decision by the Basic Court of Mitrovica for each month during this period.

FIGURE 20

Level of implementation of the Decision on Standardization of Judgment Forms in judgments published by the Basic Court of Mitrovica during 2021



From the analysis of the observance of the legal deadline for the publication of judgments from the day of their announcement, it was noticed that this court took an average of 92 days to publish the judgments on the KJC website. This means that the Basic Court of Mitrovica significantly exceeds the 60-day deadline for the publication of judgments, provided for in the Law on Courts.

The following table presents the judges with the most published judgments, as well as the number of judgments published by them during the period January-December 2021 in the Basic Court of Mitrovica.

FIGURE 21

Judges who have published the most judgments in the Basic Court of Mitrovica during the period January-December 2021





Basic Court of Peja



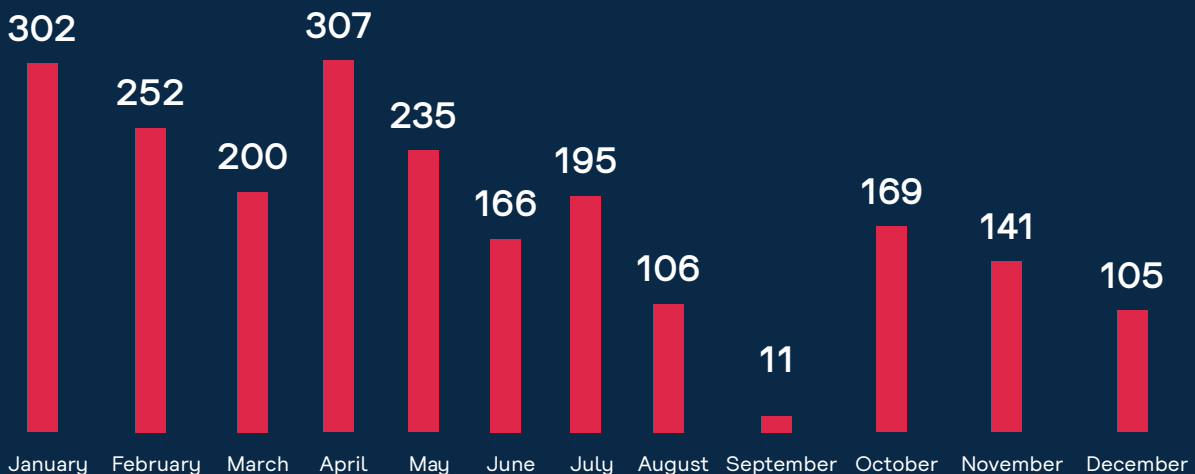
2,189

TOTAL JUDGMENTS

The Basic Court of Peja, including its three branches (*Deçan, Istog and Klina*) during the period January-December 2021 has published 2,189 judgments.¹⁴ Although this year is the penultimate in terms of publication of judgments, this court has marked a significant increase (57%) of publications compared to 2020¹⁵, where this court had published a total of 1,390 judgments.

The publication of judgments by this court during the period January-December 2021 is presented graphically in the table below.

FIGURE 22 Level of publication of judgments in the Basic Court of Peja during the period January-December 2021.



¹⁴ From the total number of judgments published by this court, 8 judgments have been removed from the FOL database, due to the fact that some of them have been published twice, while for the rest, other decisions have been published which should have not been published.

¹⁵ Report on the Publication of Judgments January-December 2020, FOL Movement

The branches of this court have also contributed to achieving this level of publication. **The Deçan Branch** during this period had published 368 judgments, **the Istog Branch** 328 judgments, while **the Klina Branch** 290 judgments.

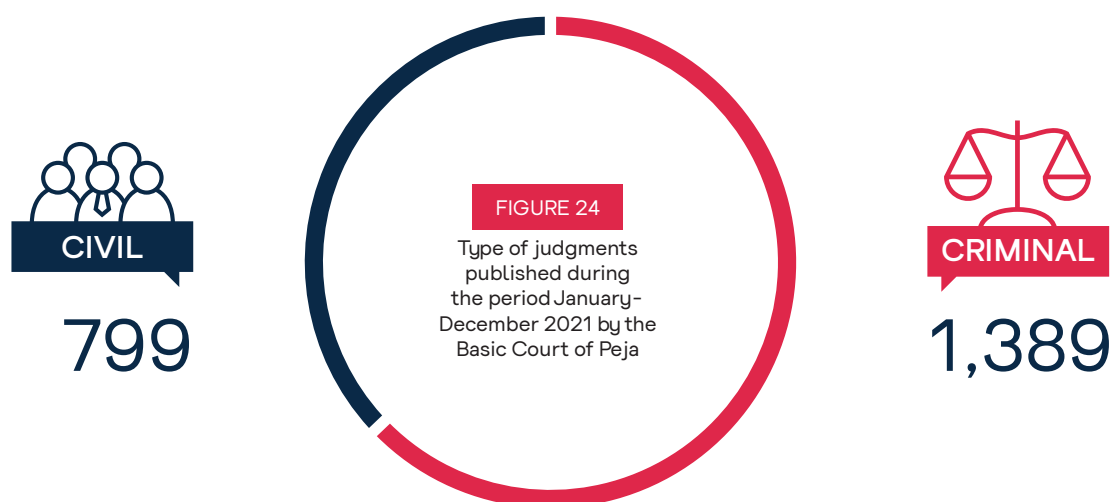
This level of publication of the branches of the Basic Court of Peja for each month during this period is presented in the table below.

	 Deçan	 Istog	 Klina
January	28	52	44
February	50	31	29
March	42	31	33
April	48	42	52
May	46	36	30
June	39	19	26
July	35	34	22
August	22	16	7
September	0	0	2
October	27	34	15
November	4	26	29
December	27	7	1

FIGURE 23

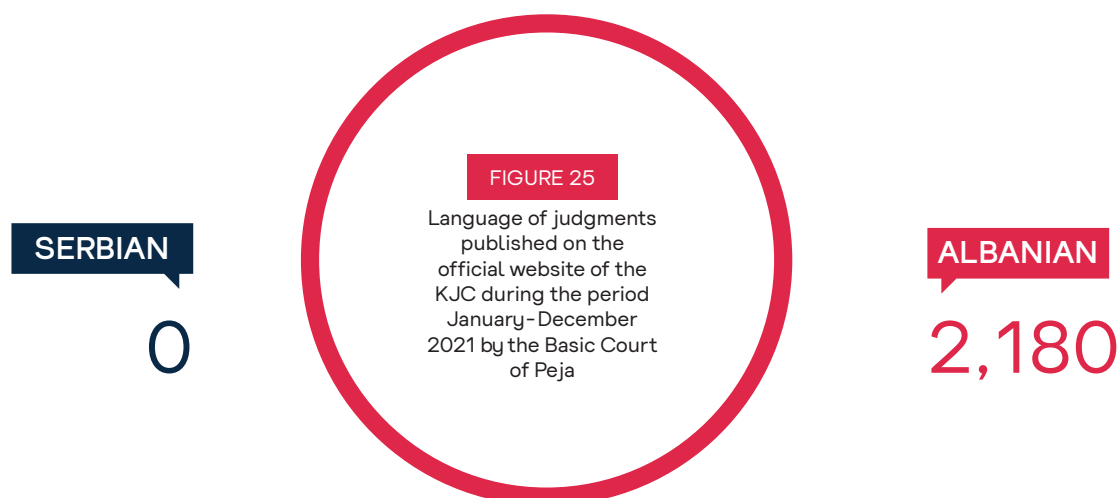
Level of publication of judgments by the Branches of the Basic Court of Peja during the period January-December 2021

Of the total number of published judgments, 1,389 judgments are of a criminal nature (63%), while 799 of them are of a civil nature (37%). The type of judgments published by this court is also described in the graph below.



Of all the published judgments, we have identified only 10 corruption judgments and 44 judgments of gender-based violence.

The Basic Court of Peja during this period, the same as in the previous year, had not published any judgment in Serbian. The following figure graphically shows the language in which the judgments of the Basic Court of Peja were published.



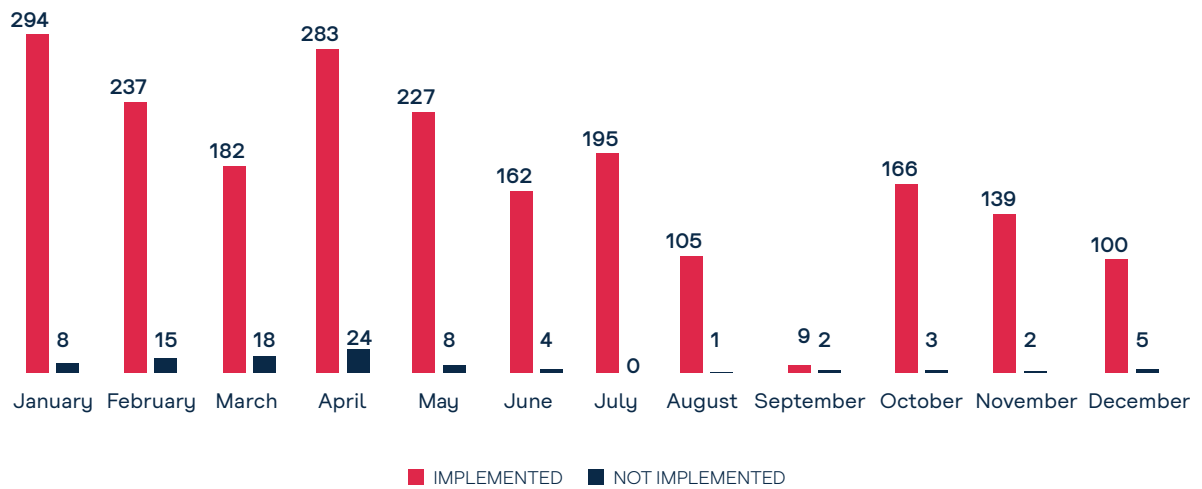
Regarding the concealment of personal data, this court has also shown extra care during this period. During the monitoring, from the total number of judgments published by this court, 35 un-anonymized judgments were identified.

The implementation of the KJC Decision on Standardization of Judgment Forms has been achieved to some extent in judgments published by this court. Omissions in the implementation of this decision were found in 90 published judgments.

The following table shows the level of implementation of this decision by the Basic Court of Peja during this period.

FIGURE 26

Level of implementation of the Decision on Standardization of Judgment Forms in judgments published by the Basic Court of Peja



From the analysis of the observance of the legal deadline for the publication of the judgments of this court, calculated from the day of their announcement, it was noticed that this court took an average of 67 days to publish the judgments. This means that this court exceeds the time provided in the Law on Courts for the publication of judgments.

The following table presents the judges with the most judgments published in the Basic Court of Peja, including the number of judgments published by them, during the period January–December 2021.

FIGURE 27

Judges with the most judgments published during the period January–December 2021 in the Basic Court of Peja





Basic Court of Prizren



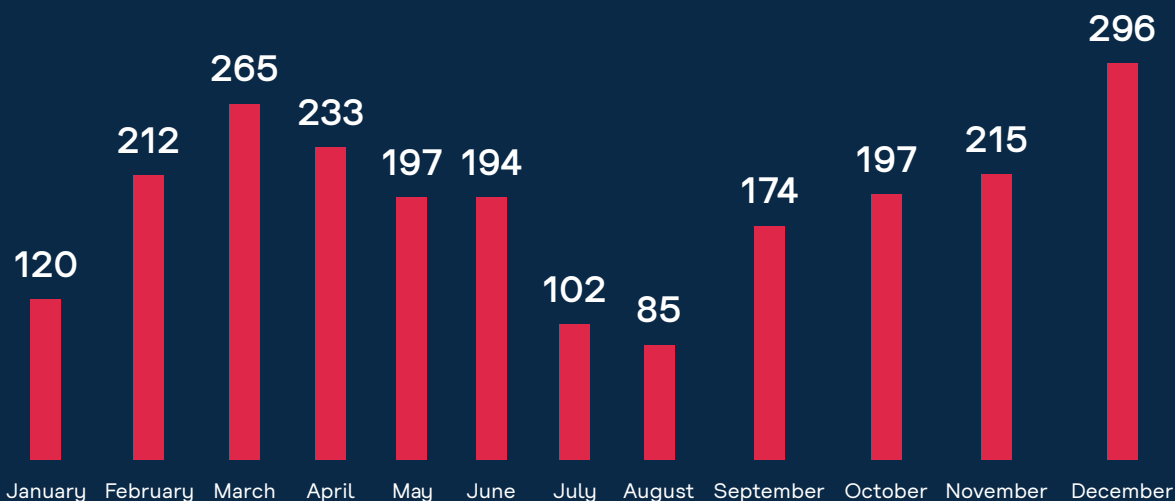
The Basic Court of Prizren, including its branches (Suhareka Branch and Dragash Branch), during the period January-December 2021 has published a total of 2,280, respectively 16% less than in 2020 (2,738 judgments). This is the only court that in 2021 has issued fewer judgments than previous year.

2,280
TOTAL JUDGMENTS

So, although during 2020 this court was ranked second in terms of the level of published judgments, during 2021 this court is ranked sixth.

The following table graphically shows the level of publication of judgments by this court during 2021.

FIGURE 28 Level of publication of judgments by the Basic Court of Prizren during the period January-December 2021



Its two branches have also made a great contribution to this level of publication of judgments within this court. It should be noted that **Suhareka Branch** is the branch with the most published judgments, respectively with 712 judgments published during this monitoring period. While **Dragash Branch** has published a total of 109 judgments on the website.

The publication of judgments by the branches of the Basic Court of Prizren is presented graphically for each month in the table below.

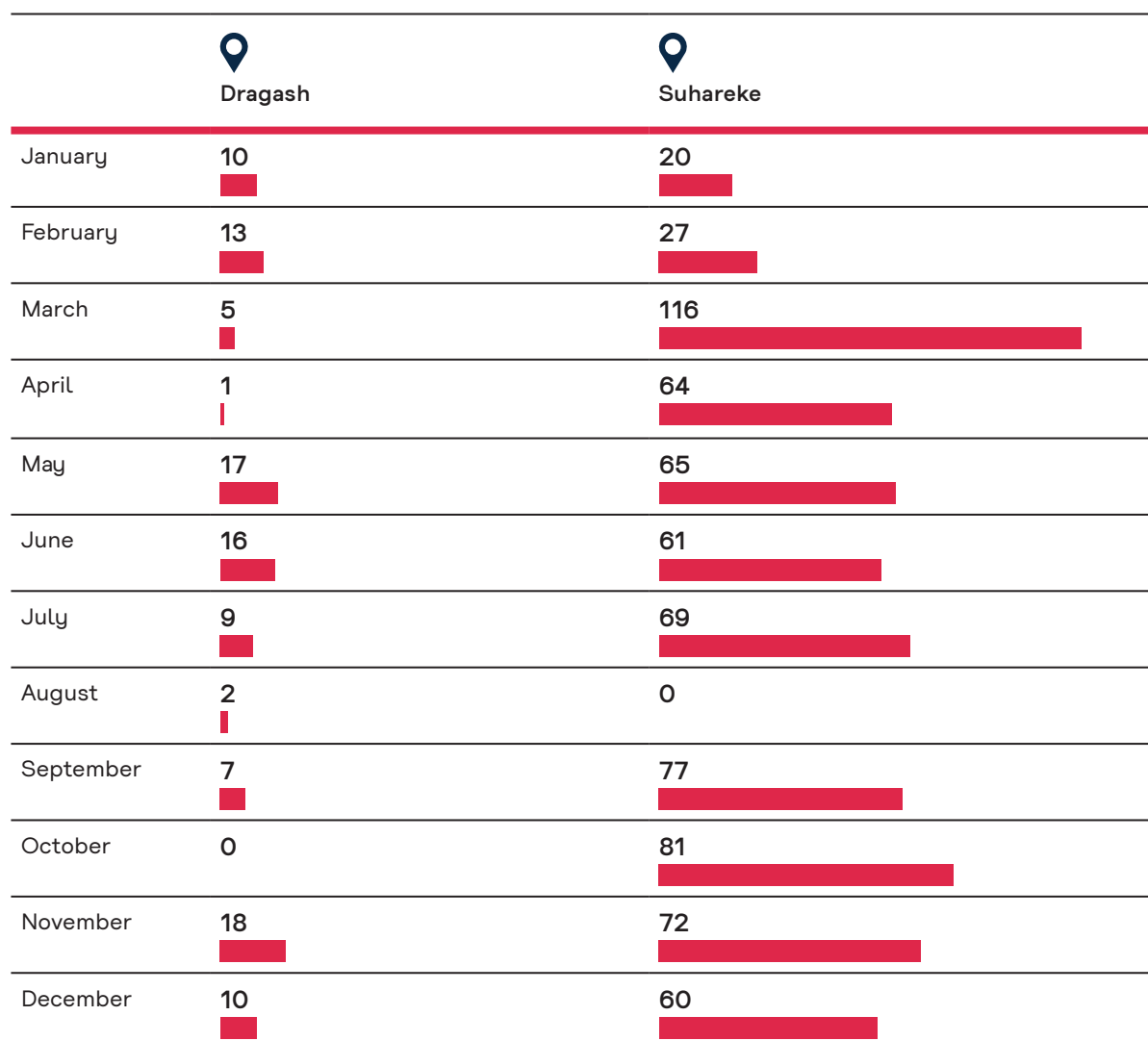
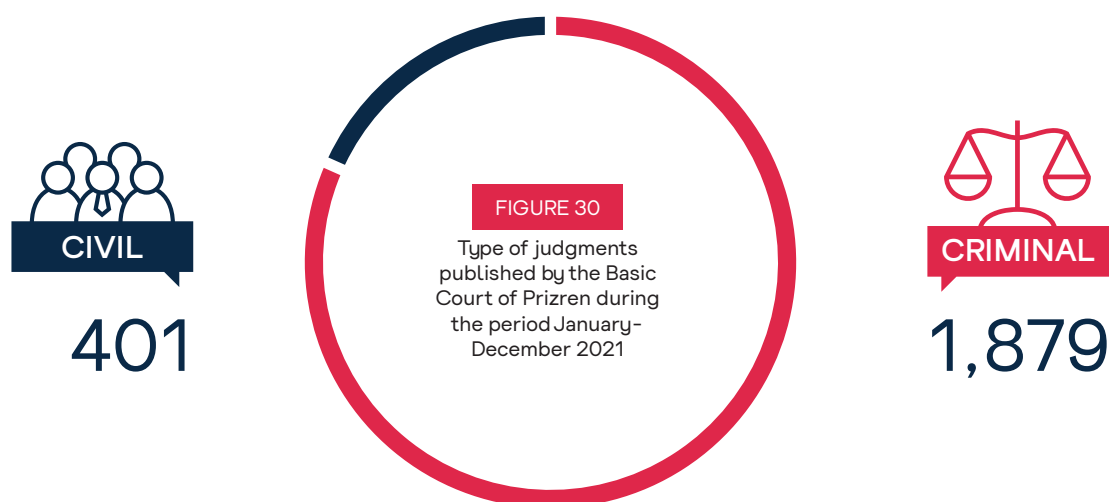


FIGURE 29 Level of publication of judgments by the Branches of the Basic Court of Prizren during the period January-December 2021

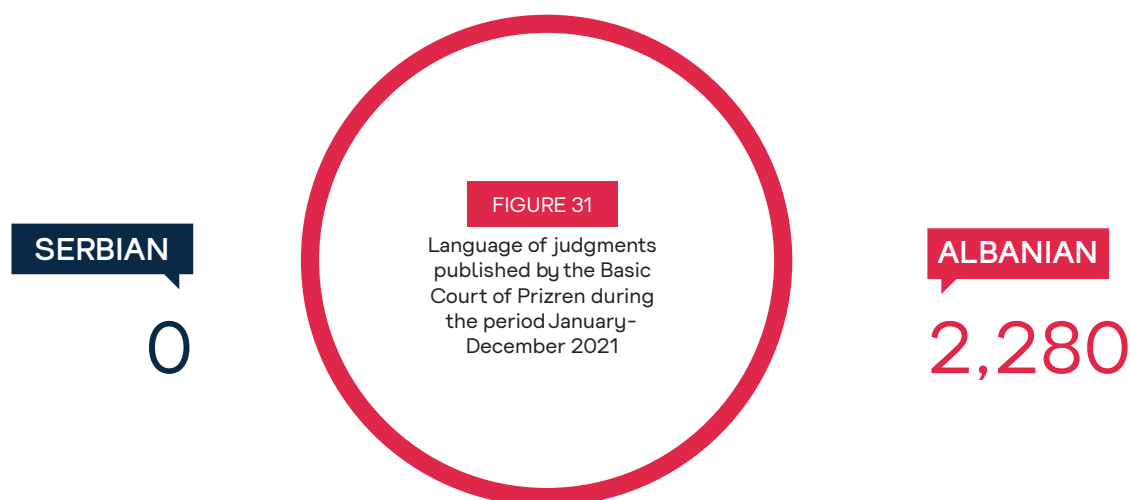
Regarding the nature of published judgments, this court leads with the publication of criminal judgments, with 1,879 of them (82%), while it has published only 401 civil judgments (18%). The type of judgments published by this court is also described in the table below.



Of the published criminal judgments, only 4 of them relate to criminal offenses of corruption, as well as 191 to gender-based violence. So, this is the court with the most published judgments of gender-based violence, while the number of published judgments related to corruption offenses continues to be low.

Regarding the language in which the judgments were published, it should be noted that during 2021, just like last year, no judgment was published in Serbian. So all the judgments of the Basic Court of Prizren during the period January-December 2021 have been published in Albanian.

The language in which the judgments of the Basic Court of Prizren were published graphically is presented in the figure below.



Regarding the concealment of personal data in the judgments published during this year, in 140 judgments omissions were identified in their publication. So this is the court with the most omissions in terms of concealment of personal data, but still progress has been observed in relation to 2020, where 318 un-anonymized judgments were identified.¹⁶

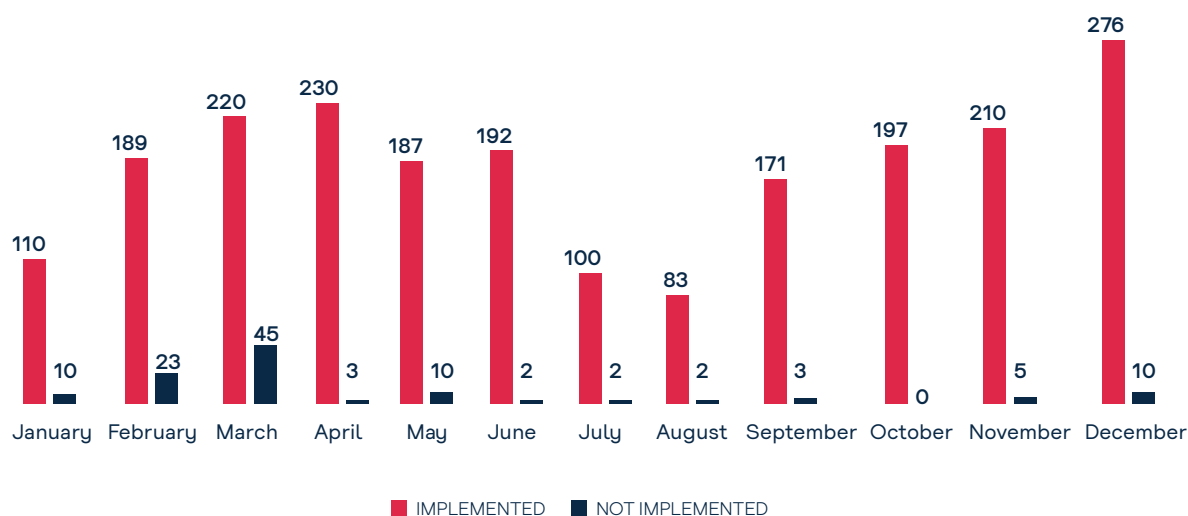
¹⁶ In some of these judgments, although personal data were hidden, they were easily identifiable, so they were listed in the context of un-anonymized judgments.

The decision of the Judicial Council for Standardization of Judgment Forms has been relatively applied in the published judgments of this court. Of all the judgments published by this court during this period, omissions in the implementation of this decision were noted in 115 judgments, or 5% of them.

The following graph describes the level of implementation of the Decision on Standardization of Judgment Forms in the judgments of the Basic Court of Prizren, for each month.

FIGURE 32

Level of implementation of the Decision on Standardization of Judgment Forms in judgments published during 2021 by the Basic Court of Prizren

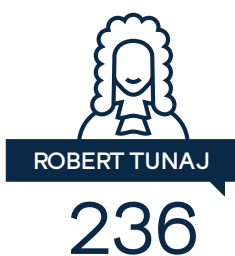


From the analysis of compliance with the legal deadline for publishing judgments of the Basic Court of Prizren calculated from the date of their publication on the KJC website, it was noted that this court took an average of 63 days to publish judgments. This means that this court has also exceeded the time provided in the Law on Courts for the publication of judgments.

The judges who have published the most judgments in the Basic Court of Prizren, including the number of judgments published by them, is presented in the table below.

FIGURE 33

Judges with the most judgments published in the Basic Court of Prizren during the period January- December 2021





Basic Court of Ferizaj



2,509

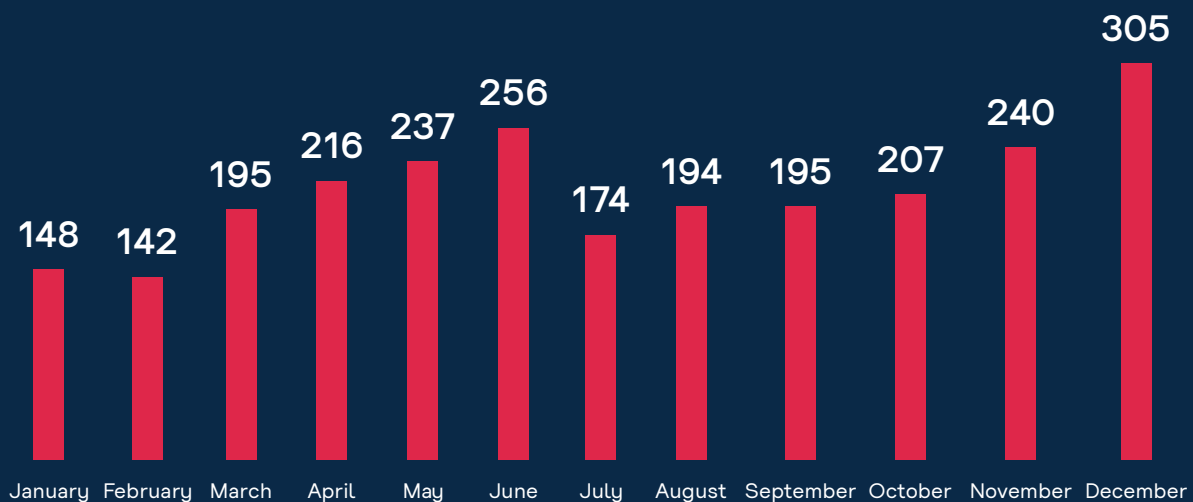
TOTAL JUDGMENTS

The Basic Court of Ferizaj, including the Kaçanik and Shterpce Branches, during the period January - December 2021 has published a total of 2,509 judgments¹⁷. The publication of judgments by this court has increased significantly compared to the previous year (January-December 2020), when this court had published 20% fewer judgments, respectively 1,937 judgments. In terms of the level of publication of judgments during 2021, this court is ranked fourth.

The following figure graphically shows the publication of judgments for each month by this court, during the period January-December 2021.

FIGURE 34

Publication of judgments by the branches of the Basic Court of Ferizaj during the period January-December 2021



¹⁷ This number did not include 9 judgments, because some of them were identified as repeated, while in some, the content of the attached judgments did not correspond to the judgments listed on the website.

The branches of this court have also published a relatively large number of judgments. **Kaçanik Branch** during this period has published 489 judgments, while **Shterpce Branch** has published 148 judgments.

The table below graphically shows the publication of judgments by the branches of the Basic Court of Ferizaj for each month.

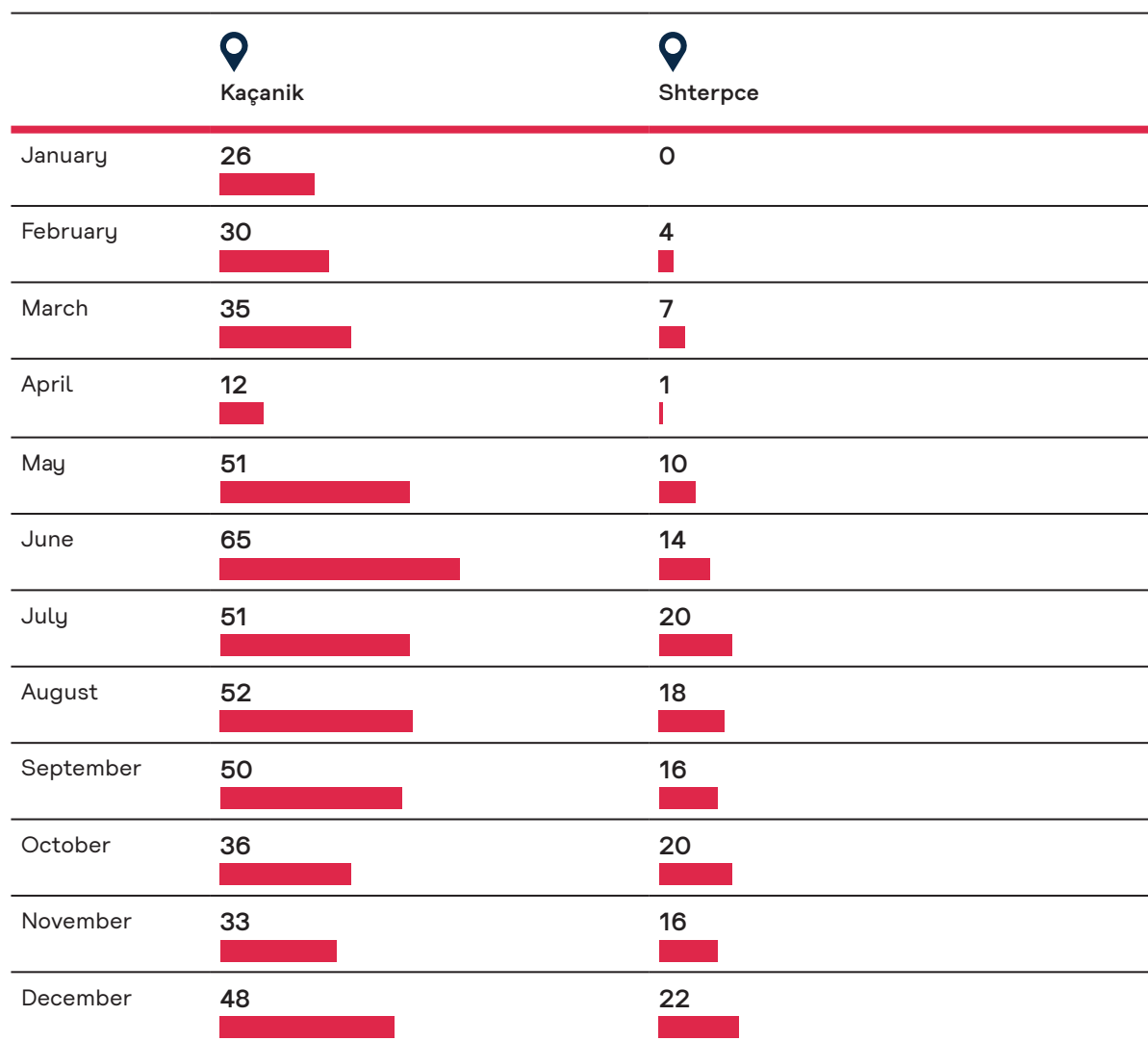
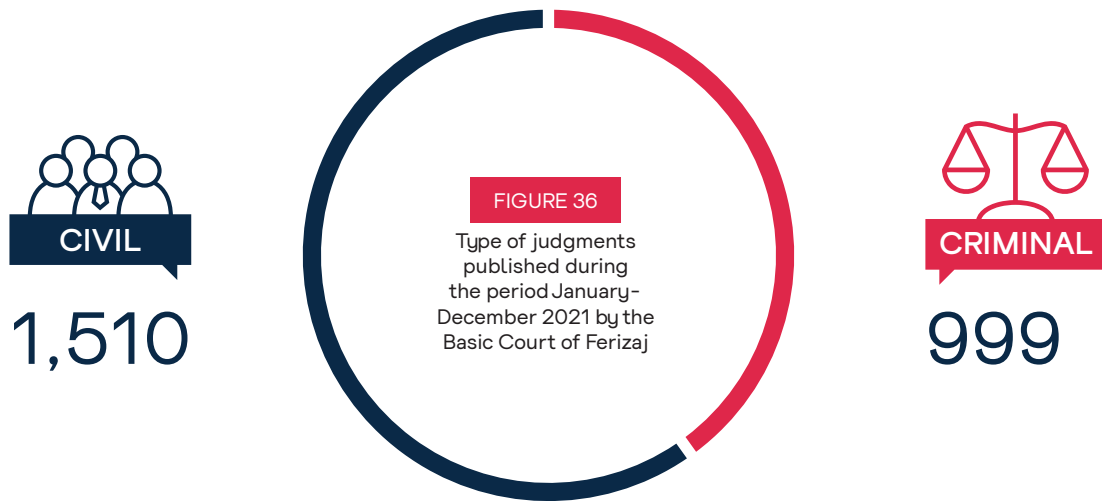


FIGURE 35 Publication of judgments by the branches of the Basic Court of Ferizaj during the period January-December 2021

The Basic Court of Ferizaj during the monitoring period has published significantly more judgments of a criminal nature than a civil one. Of the total number of judgments, 999 judgments are of a civil nature (40%), while 1,510 judgments are of a criminal nature (60%).

The following table shows the type of judgments published during this period by the Basic Court of Ferizaj.



Of all the criminal judgments published by this court, 9 of them are for corruption offenses and 144 judgments of gender-based violence. So this court also has a large number of published judgments related to gender-based violence, while the number of judgments related to corruption offenses continues to be low.

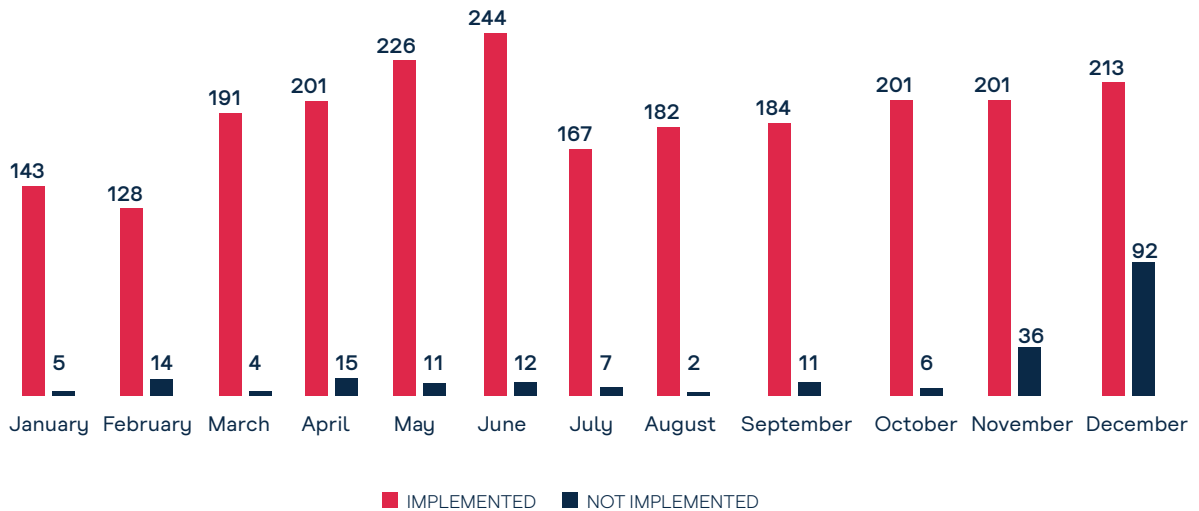
Regarding the language in which these judgments were published, this court during the period January-December 2021 has published 195 judgments in Serbian or 8%, while 2,314 other judgments in Albanian (92%). The language in which the judgments of the Basic Court of Ferizaj were published is also presented in the table below.



The Basic Court of Ferizaj together with its branches is among the courts with the most evidences identified in relation to the implementation of the KJC Decision on Standardization of Judgment Forms. During this period, 228 judgments were identified, in which the form was not respected, or 9% of all judgments, while in the remaining 2,281 judgments, this decision was fully implemented.

The following table presents the level of implementation of the Decision on Standardization of Judgment Forms by the Basic Court of Ferizaj.

FIGURE 38 Level of implementation of the Decision on Standardization of Judgment Forms by the Basic Court of Ferizaj



During this monitoring period, in the judgments published by the Basic Court of Ferizaj were identified 29 judgments without hiding personal data, while other judgments were completely anonymous.

From the analysis of the observance of the legal deadline for publishing the judgments on the KJC website from the day of their announcement, it was noticed that this court took an average of 53 days to publish the judgments. This means that this court publishes judgments within the time provided in the Law on Courts for their publication.

The following table lists the judges with the most judgments published during the period January–December 2021 by the Basic Court of Ferizaj.

FIGURE 39 Judges with the most judgments published by the Basic Court of Ferizaj during the period January–December 2021





Basic Court of Gjilan



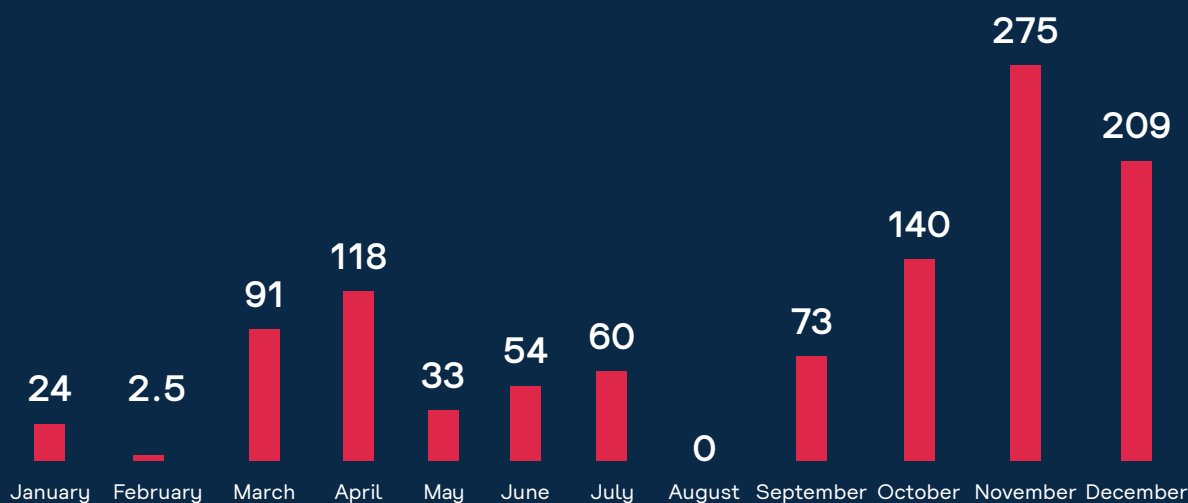
1,221

TOTAL JUDGMENTS

The Basic Court of Gjilan, including its three branches (*Kamenica, Viti and Novoberdo branches*) is the court with the least judgments published during the period January-December 2021. This court has published a total of 1,221 judgments¹⁸, a number that has been increased for 6% compared to the previous year (2020), when this court had published 1,147 judgments¹⁹. Despite this increase, during this period this court ranks last in terms of the level of published judgments.

The level of publication of judgments by this court during the period January - December 2021 is presented graphically in the table below.

FIGURE 40 Level of publication of judgments by the Basic Court of Gjilan during the period January-December 2021



¹⁸ 13 judgments were not included in this number, because some of them were repeated judgments, while in some, the number of cases listed on the KJC website did not match the attached judgments.

¹⁹ For more, see: Report on the publication of judgments, Lëvizja FOL, 2021

It should be noted that the branches of the Basic Court of Gjilan have continued to publish a small number of judgments. **Viti Branch** during this period has published 111 judgments, **Kamenica Branch** 97 judgments, while **Novoberdo Branch** has published 29 judgments.

The level of publication of judgments by the branches of this court for each month is shown graphically in the table below.

























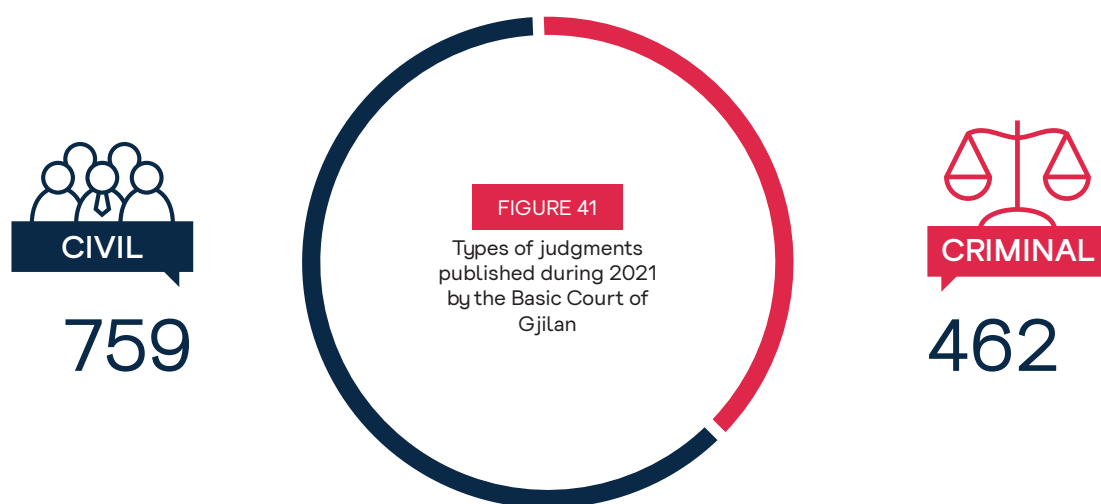
	 Viti	 Kamenica	 Novoberdo
January	22 	0	0
February	0	13 	7 
March	0	9 	4 
April	20 	8 	1 
May	0	8 	1 
June	0	12 	0
July	17 	7 	0
August	0	0	0
September	0	15 	0
October	34 	11 	0
November	0	8 	9 
December	18 	6 	7 

FIGURE 41 Level of publication of judgments in 2021 by the branches of the Basic Court of Gjilan

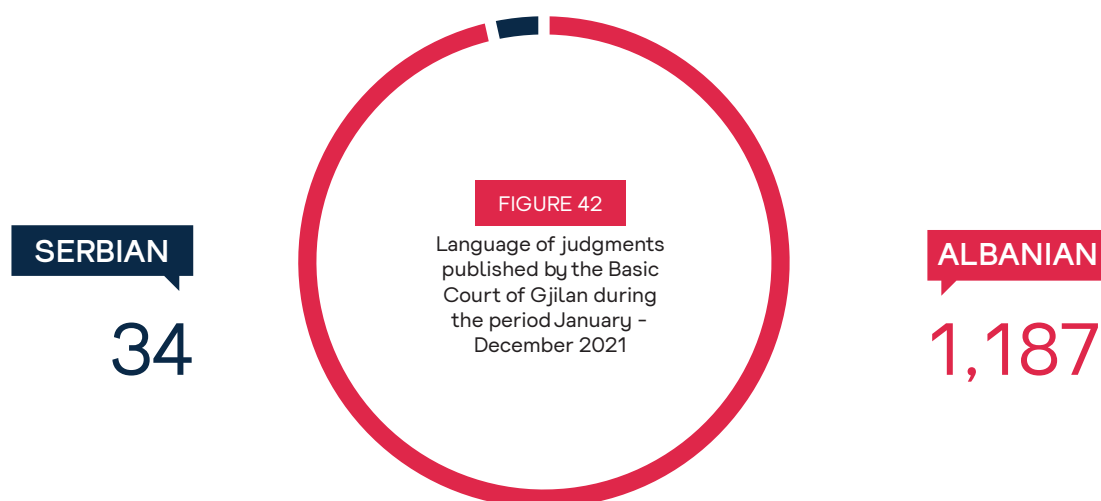
Most of the judgments published by this court, or 759 judgments, are of a civil nature (62%). While the remaining 462 judgments are of a criminal nature (38%). So this is the only court that has published significantly more judgments of a civil nature than a criminal one.

The type of judgments published during this period by this court can also be seen in the graph below.



From all criminal cases published on the KJC website, FOL has identified 3 corruption judgments and 27 judgments based on gender-based violence.

Of all judgments published during this period, only 34 of them were published in Serbian (3%), while the rest in Albanian. The language in which the judgments of this court were published is presented graphically in the table below.

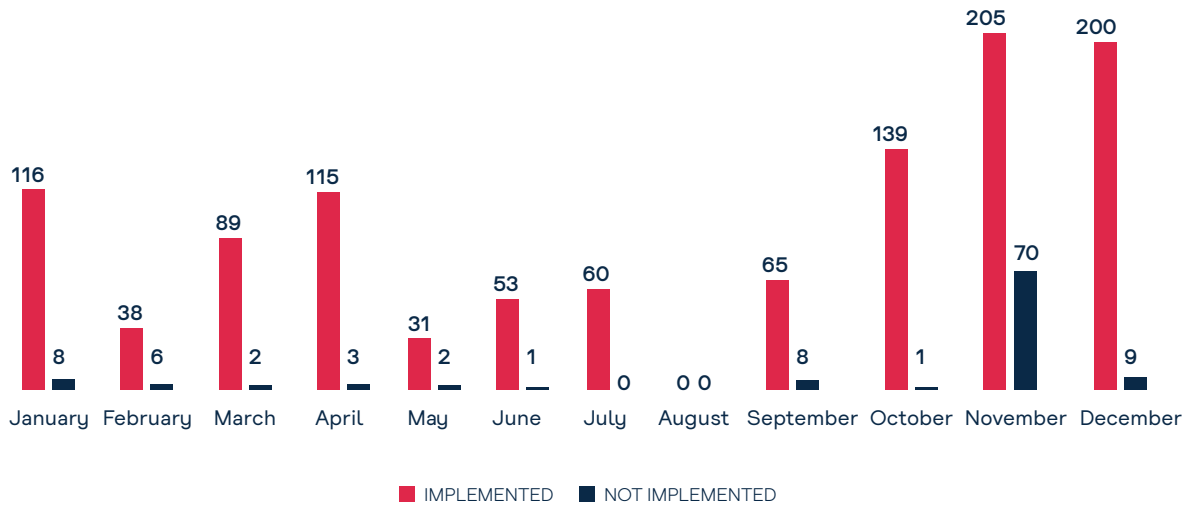


During the monitoring it was evidenced that this court has published 48 judgments without hiding the personal data of the subjects which is required based on the Administrative Instruction.

During the monitoring we have identified 110 judgments in which there were omissions in the implementation of the Decision of the Kosovo Judicial Council on Standardization of Judgment Forms. The level of implementation of this decision is graphically presented in the table below.

FIGURE 43

Level of implementation of the Decision on Standardization of Judgment Forms in judgments published by the Basic Court of Gjilan



From the analysis of the observance of the legal deadline for the publication of the judgments of the Basic Court of Gjilan on the website of the KJC calculated from the day of the announcement, it was noticed that this court took an average of 75 days to publish the judgments. This means that this court significantly exceeds the time provided in the Law on Courts for the publication of judgments.

The following table presents the judges with the most judgments published by the Basic Court of Gjilan during the period January-December 2021.

FIGURE 44

Judges with the most judgments published in the Basic Court of Gjilan during the period January-December 2021





Basic Court of Gjakova



2,446

TOTAL JUDGMENTS

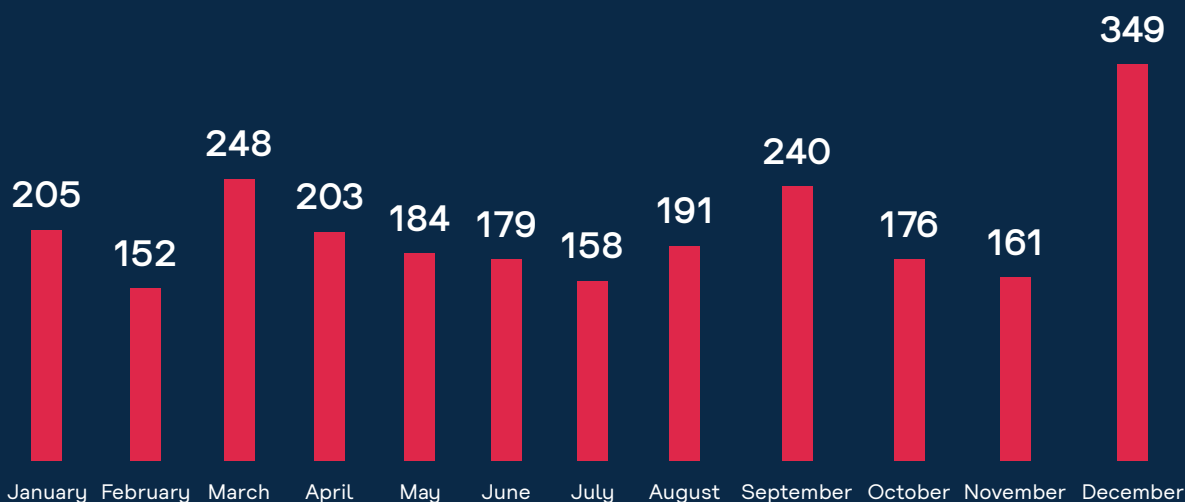
The Basic Court of Gjakova, including the Rahovec Branch and the Malisheva Branch, during this period has published a total of 2,446 judgments²⁰ on the official website.

This number of publications has increased significantly compared to 2020 (40%) when this court had published 1,742 judgments. With these statistical numbers it can be seen that there is a significant advancement of publication by this court, despite the fact that during this year it ranks fifth in terms of the level of publication of judgments on the official website of the KJC.

The level of publication of judgments by the Basic Court of Gjakova for each month of this period is shown graphically in the table below.

FIGURE 45

Level of publication of judgments for each month by the Basic Court of Gjakova during the period January-December 2021



²⁰ Out of the total number of published judgments, 6 judgments were removed because some were repeated judgments, while in some the number of judgments listed on the KJC website did not match the number of attached judgments.

The branches of this court have also contributed significantly to the increase of the publication of judgments within this court. During this period, **Malisheva Branch** published 408 judgments, while **Rahovec Branch** has published 702 judgments.

The following table graphically reflects the publication of judgments of the branches of the Basic Court of Gjakova during this period.

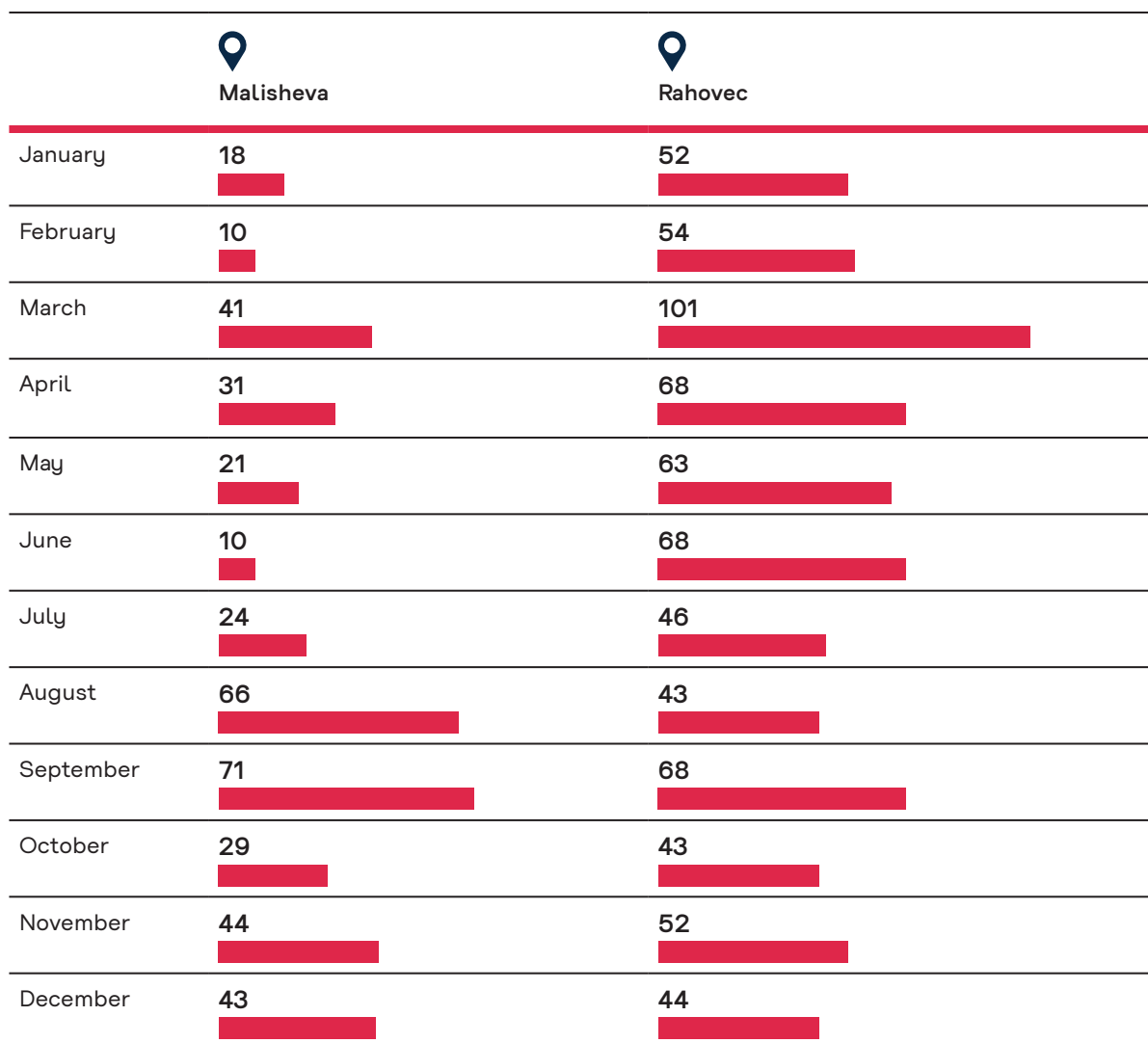
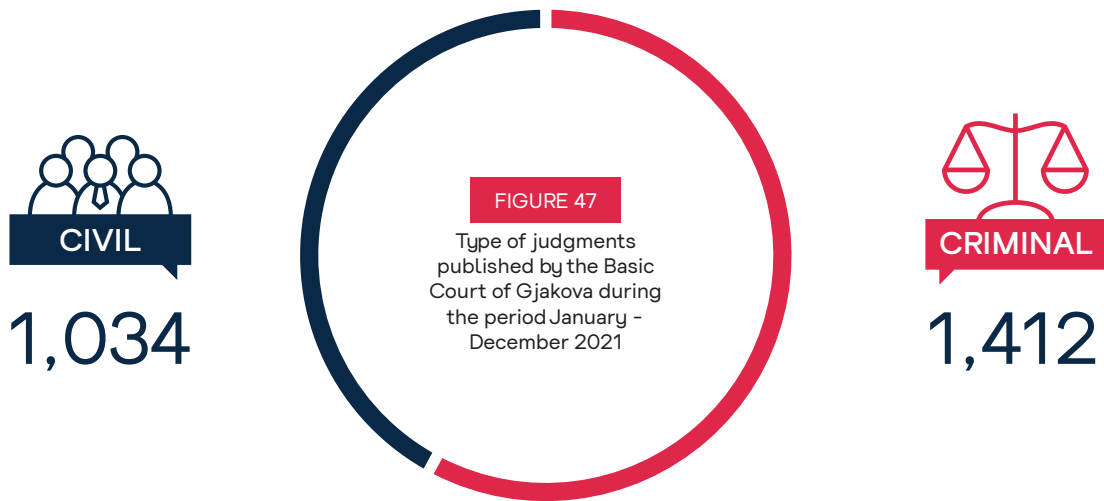


FIGURE 46 Level of publication of judgments by the branches of the Basic Court of Gjakova during the period January-December 2021

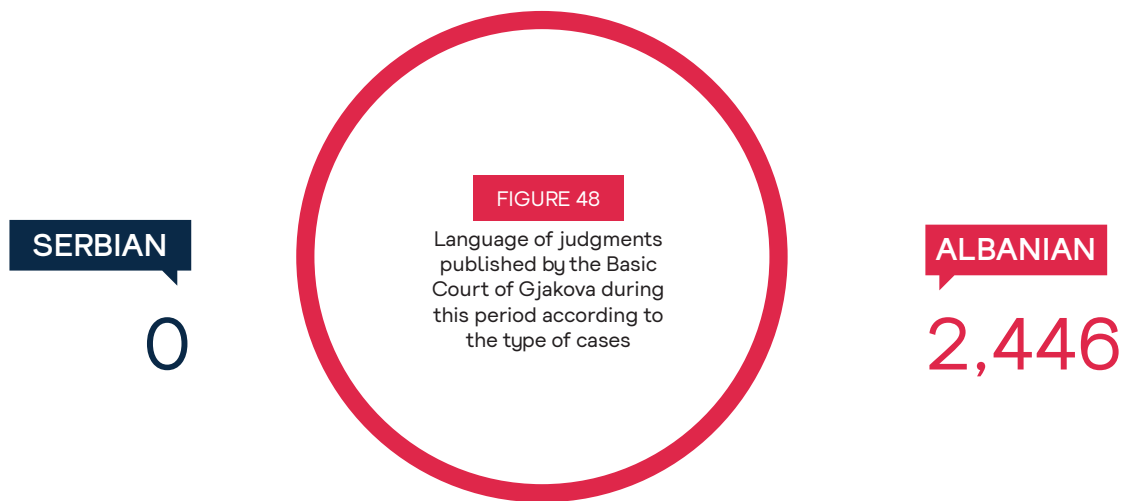
Regarding the type of published judgments, the largest number of them are of criminal nature, respectively 1,412 judgments of this nature (58%), while 1,034 judgments are of civil nature (42%).

The type of judgments published by the Basic Court of Gjakova is also presented in the chart below.



During this period, from the criminal offenses judgments, this court has published only 6 judgments of corruption and 177 judgments of gender-based violence.

Even in the Basic Court of Gjakova, all judgments were published in Albanian. The following figure shows the language of publication of the judgments of this court.

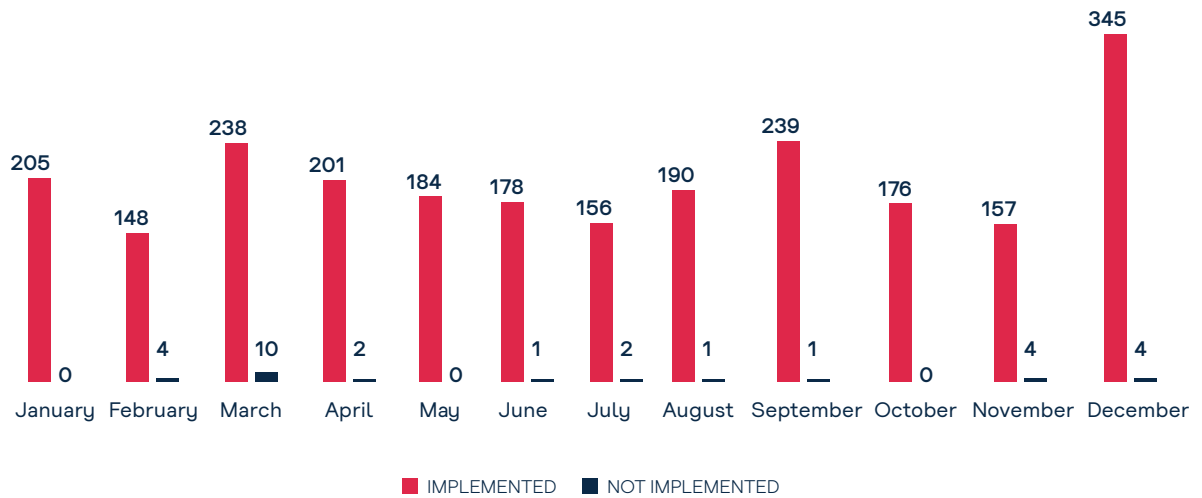


Regarding the concealment of personal data of judgments published by this court, during this period 23 un-anonymized judgments were identified, while for the rest of the judgments the concealment of personal data was done in full.

The decision of the Kosovo Judicial Council on Standardization of Judgment Forms has been implemented in most of the judgments published by this court. Omissions in the implementation of this decision have been identified only in 29 published judgments. The implementation of this decision by this court is presented graphically in the table below.

FIGURE 49

Level of implementation of the Decision on Standardization of Judgment Forms in judgments published by the Basic Court of Gjakova



From the analysis of the observance of the legal deadline for publishing the judgments of the Basic Court of Gjakova on the official website of the KJC, calculated from the day of their announcement, it was noticed that this court took an average of 49 days to publish the judgments. This means that this court also publishes judgments at the time provided in the Law on Courts for the publication of judgments.

The judges with the most judgments published in the Basic Court of Gjakova, including the number of judgments published by them, is presented in the graph below.

FIGURE 50

Judges with the most judgments published in the Basic Court of Gjakova during the period January-December 2021



Recommendations

Based on the findings of this monitoring report, the following recommendations are seen as necessary to improve the delays identified in the publication of judgments. These recommendations are as follows:

- The Kosovo Judicial Council must monitor the courts on the level of implementation of all KJC regulations and decisions, including the Decision on Standardization of Judgment Forms. At the same time, the KJC must require from court presidents to report on the reasons for non-implementation of the regulations and decisions in question.
- Avoid the publication of judgments involving minors in any capacity, judgments from marital disputes and other types of judgments and decisions excluded from publication, provided for in the Administrative Instruction on the Publication of Processed Judgments.
- Update the KJC website with new news and announcements, relevant to the public, including statistical reports on judgments published each month.
- Each judgment must be reviewed by information officials prior to its publication regarding the harmonization of the judgment with the Administrative Instruction on the Publication of Processed Judgments and whether the protection of personal data as a whole has been achieved.
- Increase the number of publication of judgments of abuse of official position and authority.
- Judgments must be published on time on the official website of the KJC, and not published in total on the last day of the month.
- Respect the deadline of 60 days for the publication of judgments on the KJC website from the day of its announcement, as provided in the Law on Courts.
- Each case must have its unique case number. During the monitoring, FOL also encountered judgments with identical case numbers, which were different in content.
- Each judgment must have the same case number as the one published on the KJC website and in the content of the judgment.
- All judgments to be published in PDF format.

Resources:

- *Constitution of the Republic of Kosovo*. April, 2008.
- *Council of Europe, European Convention on Human Rights*, October, 2013.
- *Assembly of the Republic of Kosovo, Law (no. 06/L-054) on Courts*, December, 2018.
- *Assembly of the Republic of Kosovo, Law (no. 04/L-032) on Amending and Supplementing the Law on Courts*.
- *Kosovo Judicial Council, Administrative Instruction (02/2016) on Anonymization and Publication of Final Judgments*, February 2016.
- *Kosovo Judicial Council, Administrative Instruction (04/2019) on the Publication of Processed Judgments*, December, 2019.
- *Kosovo Judicial Council, Administrative Instruction No. 01.2021 for supplementing and amending the Administrative Instruction 04/2019 for the publication of processed judgments*.
- *Kosovo Judicial Council. Standard Judgment Templates - Volume 1*, 2018.
- *FOL Movement, Report on Monitoring the Publication of Judgments during the period January - December 2020*.

