

FOL

REPORT ON THE MONITORING OF THE PUBLICATION OF JUDICIAL DECISIONS



JANUARY – DECEMBER
2022



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Title: **Report on the monitoring of the publication of judicial decisions (January – December 2022)**

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1. Executive Summary

The publication of decisions, in addition to being a legal obligation, also represents an important step in respecting the values of a modern and transparent judiciary. Consequently, in order to fulfill this mission, from January 2019 the courts are obliged to publish all decisions on their official websites within 60 days, as acts marking the epilogue of a judicial process.

The report on the monitoring of the publication of judicial decisions (January-December 2022) contains data derived from the systematic monitoring of the publication of decisions on the official website of the Kosovo Judicial Council during this one-year period.

The main findings arising from the monitored decisions are listed in the text below.

- During the period January-December 2022 on the official website of the Kosovo Judicial Council **a total of 34,694 decisions were published**. During this period, a total of 97,156 cases were solved, which means that about 36% of the solved cases were published.¹
- This level of publication shows a 41% increase in publication compared to 2021, where 24,593 decisions were published on the KJC website.
- The courts with the most published decisions in proportion to the cases resolved during the relevant period are:
 - **The Supreme Court**, which this year resolved 4,551 cases, while publishing 3,188 decisions (70% of cases);
 - **The Court of Appeals**, which this year resolved 15,013 cases, while publishing 7,451 decisions (50% of cases); and
 - **The Basic Court of Ferizaj**, which this year resolved 6,282 cases, while publishing 2,875 decisions (46% of cases);

¹ These figures do not include the same decisions that were recorded during monitoring as well as the minutes published by the courts, which in total constitute 482 such decisions.

- The branches of the courts with the most published decisions in proportion to the cases resolved during the monitoring period are:
 - **Kaçanik branch**, which this year resolved 974 cases, while publishing 601 decisions (61% of cases),
 - **The Rahovec branch**, which this year resolved 1,493 cases, while publishing 853 decisions (49% of cases), as well as
 - **The Malisheva branch**, which this year resolved 1,067 cases, while publishing 565 decisions (53% of cases).

- Judges of the Court of Appeal and the Basic Court of Ferizaj lead with the number of decisions published during this period. Judge *Mahir Tutuli* is the first in the ranking, who during this period has published 770 decisions. Next is the judge *Liridon Maloku*, who has published 639 decisions, as well as the judge from the Basic Court of Ferizaj, *Faton Ajvazi*, with 586 published decisions.

- Of the total number of published decisions, 30% are decisions of a criminal nature; 54% are decisions of a civil nature; 6% are administrative and 10% are economic in nature.

- During this one-year period, 92 decisions on abuse of official position and authority and 462 decisions on domestic violence were published.

- The courts that have published the most cases of criminal acts of domestic violence during this monitoring period are: *Basic Court of Prizren* with 124 decisions, *Basic Court of Gjakova* with 72 decisions and *Basic Court of Mitrovica* with 71 decisions. As for criminal offenses of the nature of corruption, the courts with the most published cases of this nature are: *Court of Appeal* with 21 published cases; *The Basic Court of Prishtina* with 15 published cases and *the Basic Court of Gjilan* with 13 published cases.

- During this monitoring period, the exact implementation of the KJC Decision on the Standardization of Judgement Forms has been evidenced in 29,572 decisions, or in 85% of all published decisions. In the rest of 5,122 decisions, namely in 15% of them, there was a delay in the implementation of this decision.

- During this period, 95% of the decisions were published in the Albanian language, while 5% of the decisions were published in the Serbian language.

- During 2022, all courts have recorded an increase in publication compared to 2021, with the exception of the Basic Court of Peja, which during 2022 has published 24% fewer judgments.

- As for the anonymization of personal data, during this monitoring period, the courts with the most omissions in the implementation of the *Administrative Instruction (02/2016) on the Anonymization and Publication of Plenipotentiary Decisions* are: the *Basic Court of Prishtina* with 304 non-anonymized decisions, then the *Basic Court of Gjakova* with 285 non-anonymized decisions, as well as the *Basic Court of Gjilan* with 158 non-anonymized decisions.

- It took the courts an average of **79 days** to publish the decisions 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 decisions on their official website, within sixty (60) days from the date of issuing the judgment in accordance with the legislation in force*". The *Basic Court of Prishtina*, the *Court of Appeal*, and the *Basic Court of Gjilan* took the most time to publish the decisions, calculated from the day they were issued. While the *Basic Court of Ferizaj*, the *Supreme Court* and that of *Gjakova* have strictly respected this deadline.

- The website of the Kosovo Judicial Council still has problems of a technical nature regarding the automatic counting of judgements. This is because, if all published judgments are counted manually on a monthly basis, the number turns out to be higher than the total number of judgments automatically counted by the website system.

The following table shows the data related to the number of resolved cases as well as the decisions published on the official website of the KJC during the period January-December 2022 by all Courts of the Republic of Kosovo.

TABLE 1

Resolved cases and decisions published by all courts of the Republic of Kosovo on the website of the Kosovo Judicial Council during the period January-December 2022.

Courts of the Republic of Kosovo	Number of resolved cases	The ratio between resolved and published cases, expressed as a percentage	Number of published judgments
Supreme Court	4,551	70%	3,188
Court of Appeals	15,013	50%	7,451
Commercial Court	1,038	40%	422
Basic Court of Prishtina	23,580	25%	5,784
Basic Court of Ferizaj	6,282	46%	2,875
Basic Court of Mitrovica	7,271	45%	3,254
Basic Court of Prizren	13,318	22%	3,011
Basic Court of Gjakova	8,600	45%	3,305
Basic Court of Peja	9,082	18%	1,660
Basic Court of Gjilan	8,421	44%	3,744
TOTAL	97,156	36%	34,694

While the following table shows the data related to the number of resolved cases as well as the decisions published on the official website of the KJC during the period January-December 2022 from all branches of the Courts of the Republic of Kosovo.

TABLE 2

Resolved cases and decisions published by all branches of the Courts of the Republic of Kosovo on the website of the Kosovo Judicial Council during the period January-December 2022.

Basic courts	Branches of basic courts	Number of resolved cases	Number of published judgments	The ratio between resolved and published cases, expressed as a percentage
Basic Court in Prishtina	Branch in Podujeva	2,648	202	8%
	Branch in Gracanica	627	1	0.20%
	Branch in Lipjan	2,029	772	38%
	Branch in Glllogoc	1,938	850	44%
Basic Court in Gjilan	Branch in Kamenica	1,073	347	32%
	Branch in Viti	1,885	470	25%
	Branch in Novobërdë	504	240	48%
Basic Court in Prizren	Branch in Suhareka	2,962	540	18%
	Branch in Dragash	559	147	26%
Basic Court in Mitrovica	Branch in Leposavic	236	101	43%
	Branch in Vushtrri	2,708	1,332	49%
	Branch in Zubin Potok	139	39	28%
	Branch in Skenderaj	1,336	432	32%
Basic Court in Gjakova	Branch in Malisheva	1,067	565	53%
	Branch in Rahovec	1,493	853	57%
Basic Court in Peja	Branch in Istog	1,871	693	37%
	Branch in Klina	1,176	272	23%
	Branch in Deçan	1,291	268	21%
Basic Court in Ferizaj	Branch in Kaçanik	974	601	61%
	Branch in Shterpce	520	127	24%
TOTAL		27036	8852	33%

The total number of judicial decisions published by the Courts of the Republic of Kosovo during the period January-December 2022



2. Methodology

FOL Movement has used the method of continuous systematic monitoring of all judgments and decisions published on the official website of the Kosovo Judicial Council to compile the data of this report. All these decisions published by the Courts of Kosovo during this period have been monitored one by one in terms of fulfilling the requirements that are determined by the by-laws in force.

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

Primarily, all courts have been informed via e-mail that they will be subject to monitoring for the number and dynamics of the publication of decisions, as well as whether the publication of decisions follows the special requirements of the law, administrative instructions and other relevant decisions in force. The data collected from this monitoring process has been published every month in the form of infographics and has been published on the social media account of the FOL Movement.

From the decisions published on the website of the Kosovo Judicial Council, the FOL Movement has created a database with data. Consequently, the same decisions recorded during this period are not attached to this database. This database, among others, includes:

- the total number of judgments and decisions published by each court, for each month;
- the level of compliance with the protocols and deadlines stipulated by the by-laws for the publication of decisions, as well as the compliance of published judgments/decisions 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 other acts;
- the judges who have published the most decisions;
- the level of implementation of the Decision on the Standardization of Judgement Forms;
- the language in which the decisions were published, as well as
- the type and nature of published decisions.

In order to extract an accurate percentage of the publication of decisions by the respective courts, we need to know the number of cases that received a judicial epilogue during the monitoring period. Therefore, FOL has compared the number of resolved cases in relation to the number of cases published in each court during 2022.

The number of cases resolved by all courts and their branches is taken from the Statistical Report of the Kosovo Judicial Council for the year 2022.²

From the number of resolved cases for each court, *decisions on minor offences and decisions on juveniles have been deducted*, decisions that, according to the Administrative Instruction for the Publication of Processed Decisions, should not be published on the website of the KJC. This is to reflect as accurately as possible the percentage of cases that have been published in relation to those that have been resolved.

Consequently, evaluating the proportion between resolved and published cases, FOL Movement has listed the three courts and the three branches with the most published judgements.

² Kosovo Judicial Council, Department of Statistics, Annual Statistical Report of the Courts for the year 2022.

3. Legal Basis of the Publication of Court Decisions

A fundamental principle of a healthy democracy is open dialogue and transparency. Open dialogue between courts and citizens means an open hearing and a public trial. This principle is embodied in Conventions and International Agreements which contain binding norms for all states. To achieve this, the judicial system must build mechanisms that would ensure transparency and raise the level of public trust.

The principle of public trial, i.e. trial with open doors, is also incorporated in the Constitution of the Republic of Kosovo³, where in its article 31 it is provided that the trial is public, with the exception of cases where the court considers that in the interest of justice it is necessary exclusion of the public.

In order to best fulfill this mission, the Law on Courts (No. 06/L – 054)⁴ that was approved 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 decisions within 60 days from the date of issuing the judgment on their websites.

In order to improve the quality of decisions and to ensure that they contain the essential elements, the Kosovo Judicial Council in 2018 issued *the Decision on the Standardization of Judgment Forms* and created the working group for the creation of *the Template for Standardization of Forms*. In this template, the forms of all criminal and civil decisions are presented and, among other things, it is required that the Emblem of the Republic of Kosovo be placed at the beginning of the judgment, and that the unique number of the case be placed on the right side of it, etc. It is also required that the publication of the decisions be published within 60 days from the day of the decision.

For the protection of personal data during the publication of decisions, the Kosovo Judicial Council at the end of 2019 issued the *new Administrative Instruction for the Publication of Processed Decisions and the Manual for the Publication and Processing of Decisions*. At the end of 2021, this instruction has undergone some changes. Accordingly, in December 2021, the Kosovo Judicial Council issued Administrative Instruction no. 01/2021⁵ for supplementing and amending the *Administrative Instruction 04/2019 for the Publication of Processed Decisions*. As one of the essential changes foreseen in this amendment/supplementing, it was that in addition to the decisions, the courts are obliged to publish the merit decisions as well.

³ Constitution of the Republic of Kosovo, 2008, Article 31

⁴ Law No. 06/L – 054 on Courts, 2018, Official Gazette of the Republic of Kosovo.

⁵ https://www.jjyqesori-rks.org/wp-content/uploads/lgs/60388_Administrative_Instruction_No_01_2021_for_completion_and_amendment_of_Administrative_Instruction_04_2019_for_publication_of_processed_decisions.pdf

During the year 2022, a turning point was marked for economic cases where citizens now have a door to turn to, that is, the Commercial Court was operationalized. With the creation of this court, the burden of the Basic Court of Prishtina is eased and the efficiency in solving these cases increases.

For this matter, KJC at the end of 2022 also approved *Administrative Instruction No. 01/2022 for amending and supplementing the Administrative Instruction No. 01/2021 for amending and supplementing the Administrative Instruction 04/2019 for the Publication of Processed Decisions*⁶, where it also obliges the Commercial Court to publish all the decisions, also complying with other requirements derived from other acts.

In the Republic of Albania, the issue of publication of judgments is regulated by *the Law on the Organization of the Judiciary (No. 98/2016) of the Republic of Albania*, which obliges each court to publish all decisions provided for by law, but deficiencies of this law is the failure to set a deadline for the publication of these decisions.

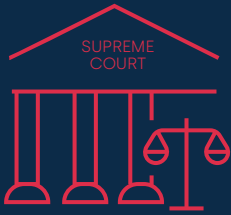
Croatia, as a state with a developed democracy, through the “E-Case” platform enables the public to access basic data on court cases, a free of charge service for parties, lawyers and other interested persons involved in court proceedings. The search by court and case file number allows the visitor to be informed about the progress and dynamics of the resolution of the cases.⁷ As the system refreshes the case file data on a daily basis, parties are given access to the current status of their case.

As for Finland, on the “FINLEX” page, summaries of the decisions of the Courts of Finland since 1944 have been published, in two languages, Finnish and Swedish. These summaries are accessible to all citizens of the country and they can also see the summaries of the decisions of the Supreme Administrative Court, considered valuable as precedents, and which have been published in the Year Book of the Court since 1918. Approximately one hundred cases are published in each volume of the Annual Book. Summaries are always written in the language used as the language of the proceedings in the case, i.e. in Finnish or Swedish.⁸

6 https://www.jjyqesori-rks.org/wp-content/uploads/decisions/30130_Vendimi_KGJK_se_Nr_510_2022.pdf

7 <https://sudovi.hr/en/citizens/e-case>, Courts of the Republic of Croatia.

8 <https://www.kho.fi/en/index/decisions.html#>



Supreme Court

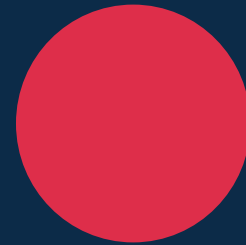
Resolved cases



Published decisions



4,551



3,188



FIGURE 1

The ratio between resolved cases and published decisions in the Supreme Court during the period January-December 2022.

The Supreme Court, including the Appeals College and the Special Chamber, during the period January-December 2022, has published a total of 3,188 judgments and meritorious decisions (in the following text: decisions).⁹

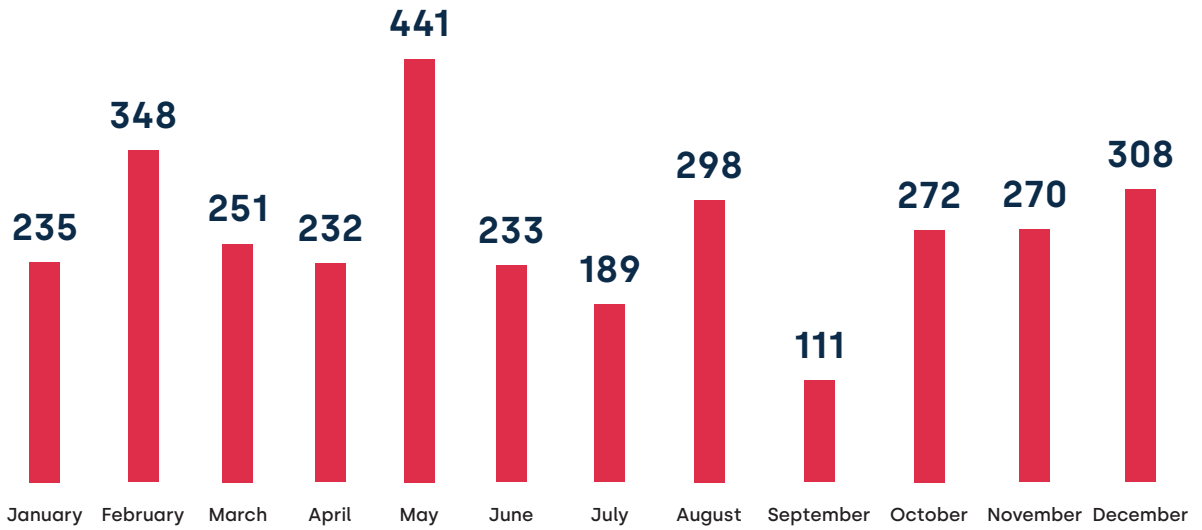
In relation to the number of cases resolved by this court during the year 2022, which during this period were a total of 4,551 cases, this court has managed to publish 70% of the decisions from the cases that received a judicial epilogue during this year.

This level of publication shows a marked increase compared to the previous year, where the Supreme Court had published a total of 2,232 decisions, respectively 42% more.

The chart below shows the level of publication of decisions by the Supreme Court during the period January - December 2022.

⁹ During the monitoring of the decisions on the website of the KJC, another 31 repeated decisions were identified, which are not included in these figures.

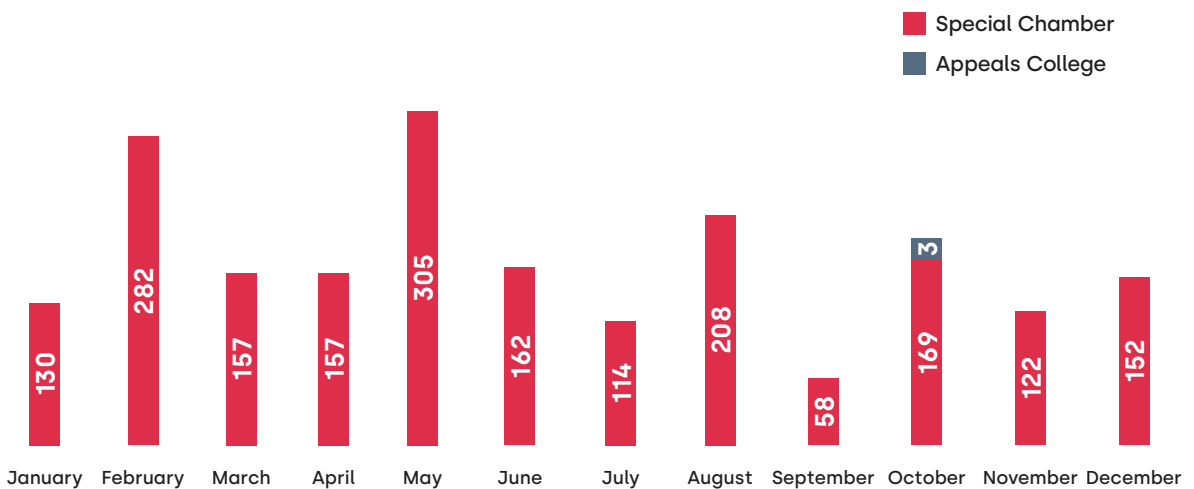
FIGURE 2 The level of publication of decisions during the period January-December 2022 in the Supreme Court.



The *Special Chamber* of the Supreme Court during this period has published 2,016 decisions out of 2,903 cases resolved in total during this period. So the *Special Chamber* has published 69% of the decisions resolved during this period. While *the Appeals College* has published only 3 decisions.¹⁰

The publication of decisions by the *Special Chamber* and the *Appeals College* for each calendar month during the year 2022 is graphically presented in the following chart.

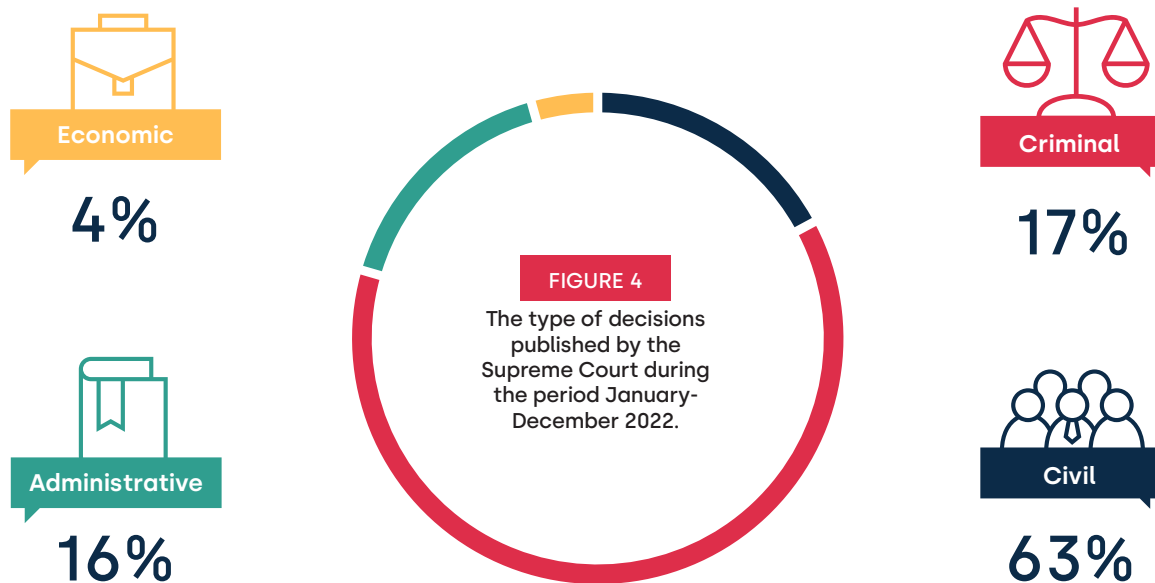
FIGURE 3 The level of publication of decisions by the *Special Chamber* and the *Appeals College* during the period January-December 2022.



¹⁰ The number of cases resolved by the *Appeals College* is not presented in the KJC Statistical Report.

Most of the decisions published by this court are of a civil nature, respectively 2,013 civil decisions, 553 of them are of a criminal nature, 502 decisions of an administrative nature and 120 decisions on economic matters.

The following chart shows the division of decisions published by the Supreme Court, according to the type of cases.



From the total number of published decisions, during this monitoring period, the Supreme Court has published 7 decisions related to criminal offenses of corruption, as well as only one judgment of domestic violence.

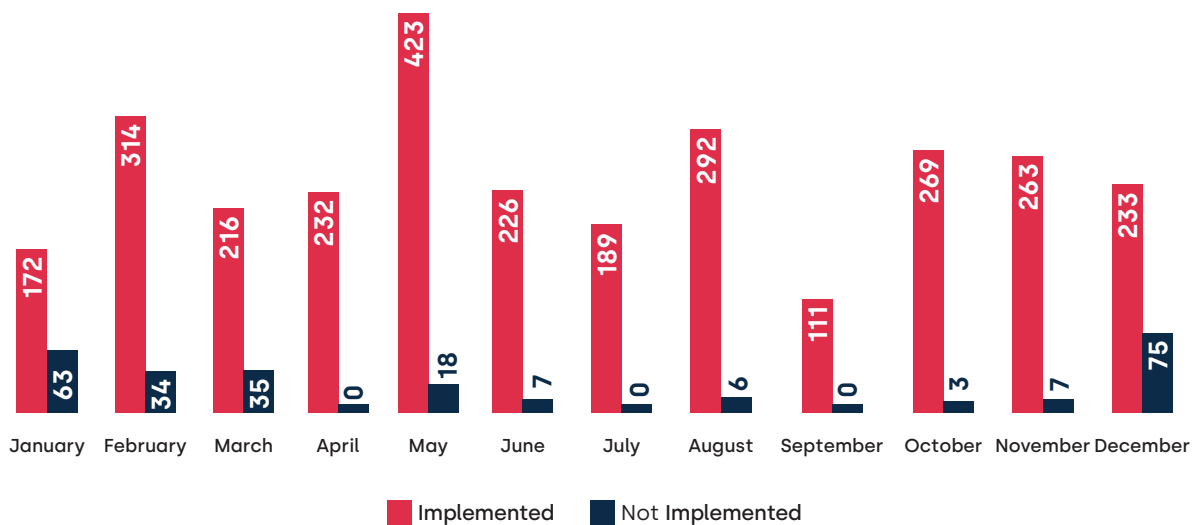
As for the language in which the decisions were published, 2,999 or 94% of them were published in the Albanian language, while 189 decisions or 6% of them were published in the Serbian language. The language in which the decisions of this court were published is presented graphically in the chart below.



The requirements defined in *the Decision of the Kosovo Judicial Council on the Standardization of the Judgement Forms* by this court have been implemented at a satisfactory level. From the total number of published decisions, this decision was implemented in 2,940 decisions, or 92%, while in the rest of 248 decisions, or 8%, omissions in its implementation were noted.

The following table graphically shows the implementation of the Decision of the Kosovo Judicial Council on the Standardization of the Forms of Decisions in the decisions published by the Supreme Court.

FIGURE 6 Use of the Template for the Standardization of Judgement Forms in the decisions published by the Supreme Court during the period January-December 2022.



Whereas, *the Administrative Instruction for the Publication of Processed Decisions* has not been strictly implemented in all the decisions published by this court. Of the 3,188 decisions published for the period January-December 2022, the personal data that have been carefully hidden are 3,109 decisions, while 169 of them are not anonymized.

From the monitoring of the publication of the decisions of the Supreme Court, it was observed that this court took an average of **38 days** to publish the decisions.

FOL movement has also monitored which judges have published the most decisions during the period January-December 2022. From this monitoring, we have listed 3 judges of each court who have tended to publish decisions.

The three judges who have published the most decisions in the Supreme Court during the period January-December 2022 is presented in the table below.

FIGURE 7

Judges with the most decisions published by the Supreme Court during the period January-December 2022.



So from the table above, it can be seen that the judges of the Supreme Court with the most published decisions are: Gazmend Sylaj with 284 published decisions, Sahit Sylejmani with 255 published decisions, as well as Shkelzen Sylaj with 234 published decisions.



Court of Appeals

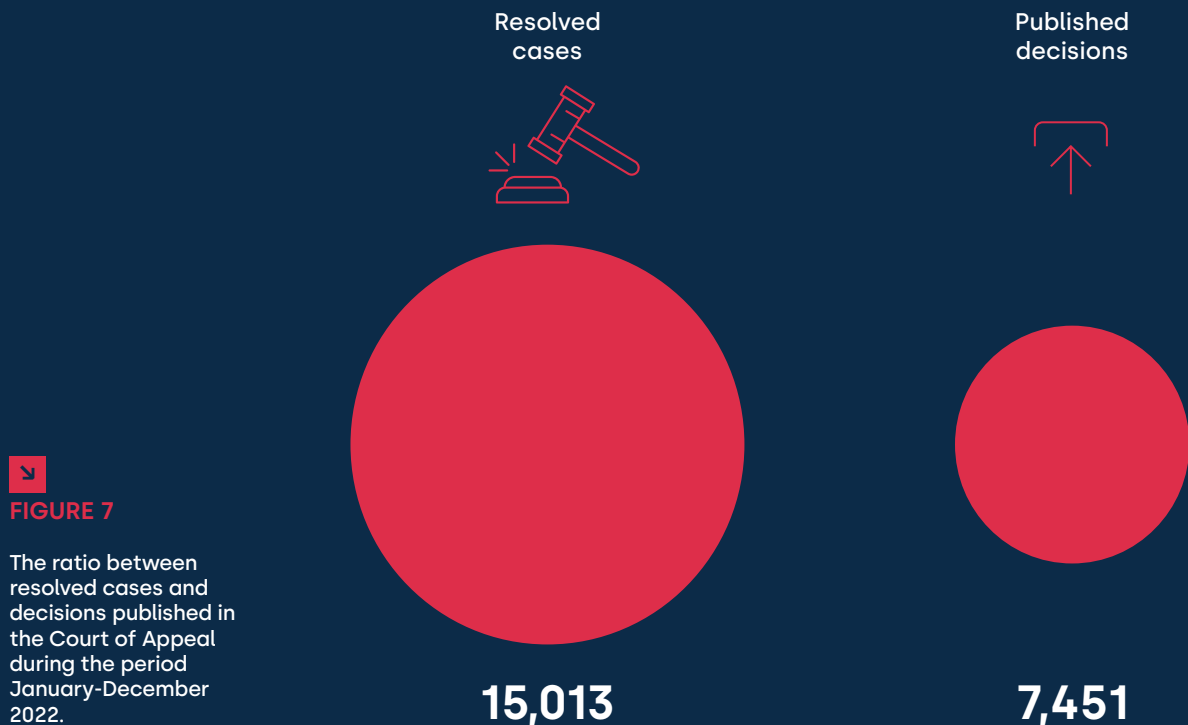


FIGURE 7

The ratio between resolved cases and decisions published in the Court of Appeal during the period January-December 2022.

The Court of Appeal, including the Mitrovica Appeal Division, during the period January - December 2022 has published a total of 7,451 decisions.¹¹

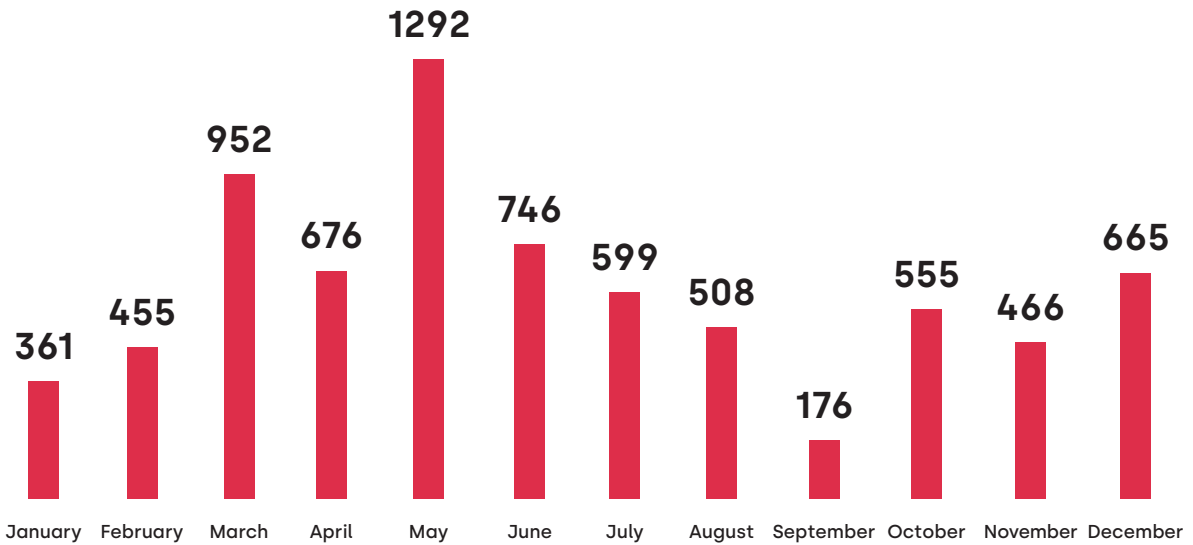
During this period, the Court of Appeal has resolved a total of 15,013 cases (excluding juvenile and minor offenses cases), and therefore, from the monitoring data, it appears that about 50% of the decisions from the cases that received a judicial epilogue during this year have been published.

Compared to the previous year, where the Court of Appeal had published 3,069 decisions, this year there was an increase in publication of 41% more. If the number of cases resolved during this period is not taken into account, with this level of publication of decisions, this court ranks first in terms of the number of publications.

The chart below shows the level of publication of decisions by the Court of Appeal during the period January - December 2022.

¹¹ During the monitoring of the decisions on the website of the KJC in this court, 38 other repeated decisions were identified, which are not included in these figures.

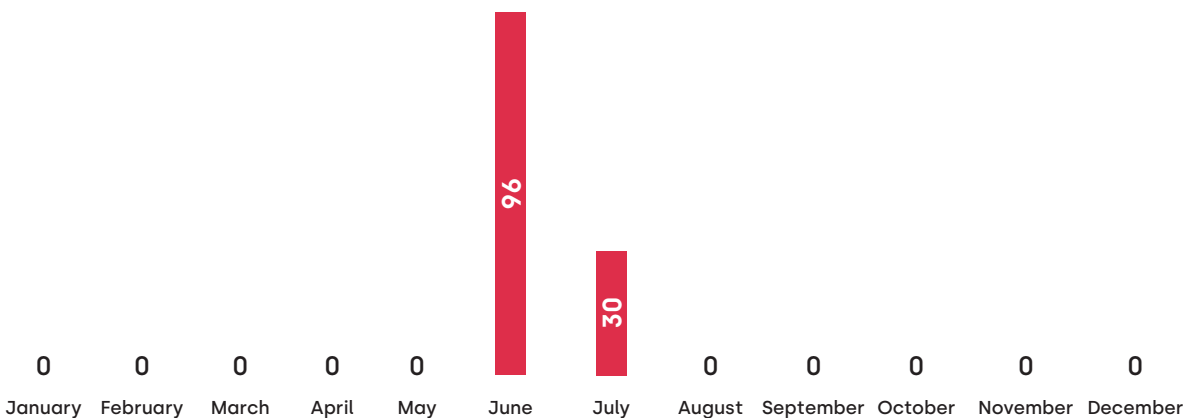
FIGURE 8 The level of publication of decisions during the period January-December 2022 in the Court of Appeal.



The Appeals Division of Mitrovica, as part of this court, this year has published a total of 126 decisions¹², these decisions were published only during the months of June and July.

In the table below, the level of publication of judgements by the Appeals Division of Mitrovica during the period January-December 2022 is graphically expressed.

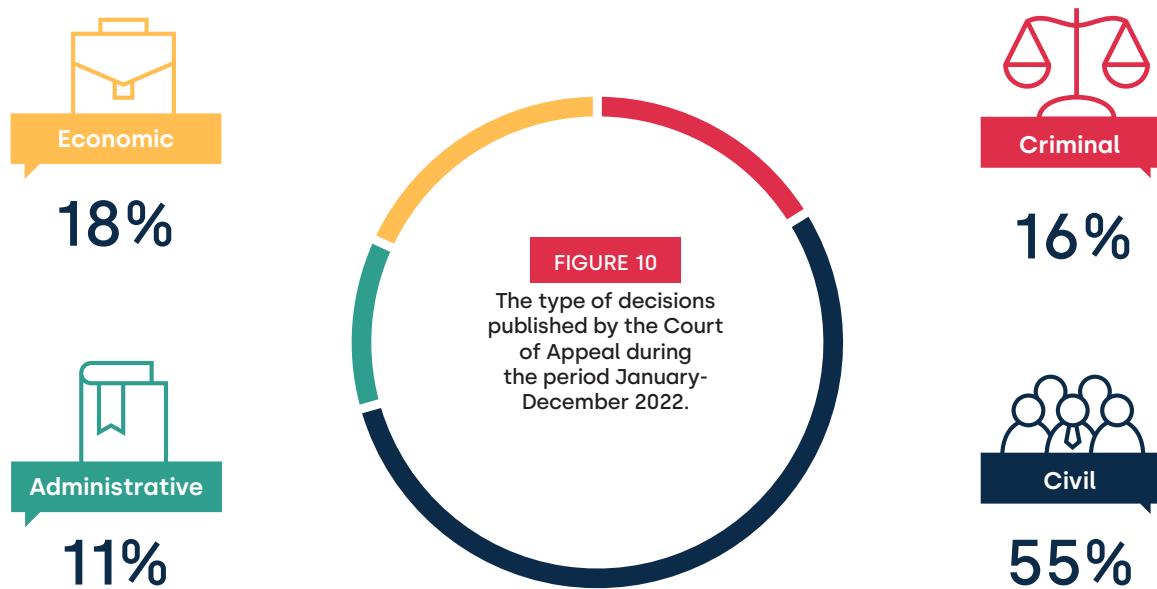
FIGURE 9 The level of publication of decisions during the period January-December 2022 in the Appeal Division of Mitrovica.



¹² The number of cases resolved by the Appeals Division of Mitrovica is not presented in the Statistical Report of the KJC.

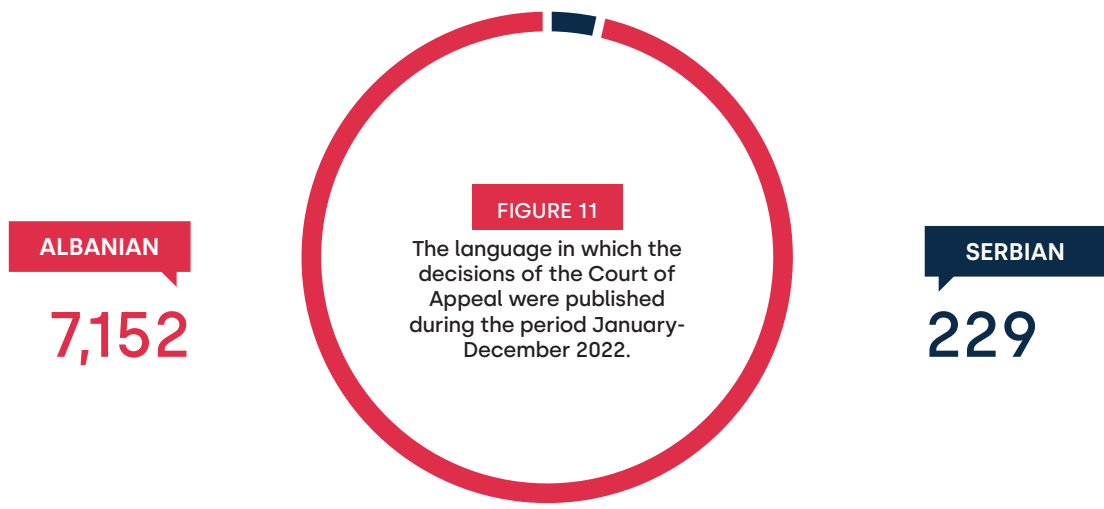
As for the nature of the cases, the Court of Appeal has also published more decisions of a civil nature. Of the total number of published decisions, 4,095 of them are of a civil nature, 1,154 of them are of a criminal nature, 825 are of an administrative nature, while 1,377 are decisions on economic matters.

The table below describes the publication of the decisions of the Court of Appeal, divided according to the type of cases.



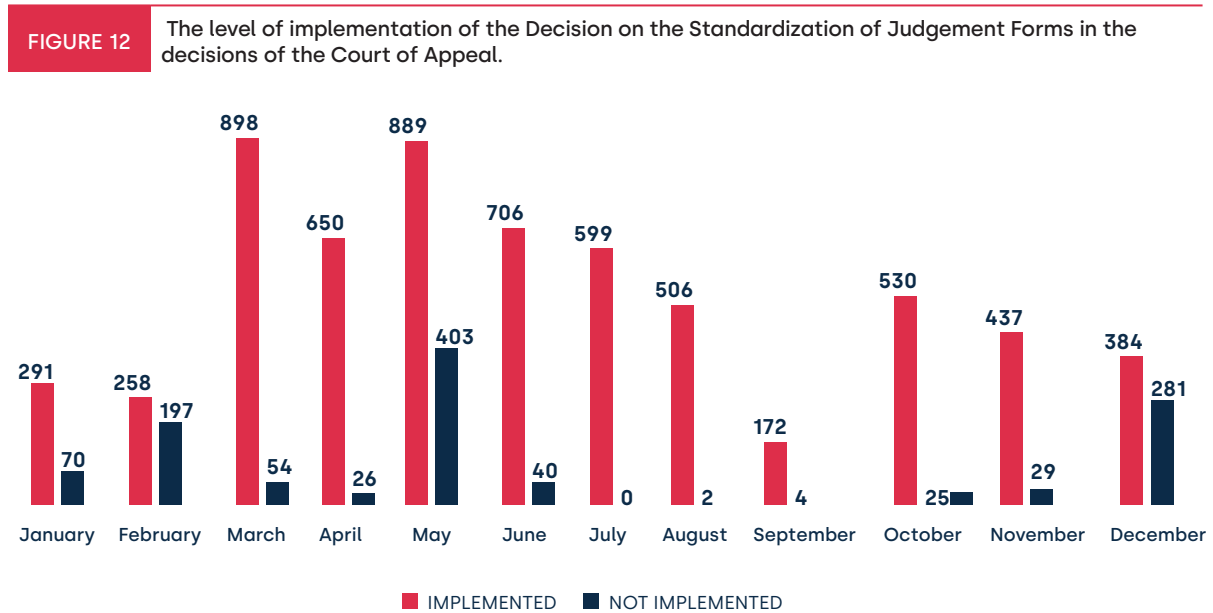
During this period, the Court of Appeal has published 30 decisions related to criminal offenses of corruption, while 10 decisions related to domestic violence.

As for the language in which the decisions were published, the Court of Appeal published 7,152 or 97% of the decisions in the Albanian language, while in the Serbian language 229 judgments or 3%. The language of the publication of judgments is graphically presented in the chart below.



The implementation of the Decision of the Kosovo Judicial Council on the Standardization of Judgement Forms by this court has been achieved at a satisfactory level. In 6,320 decisions, the decision was implemented precisely, while in 1,131 decisions this decision was not implemented in the prescribed manner.

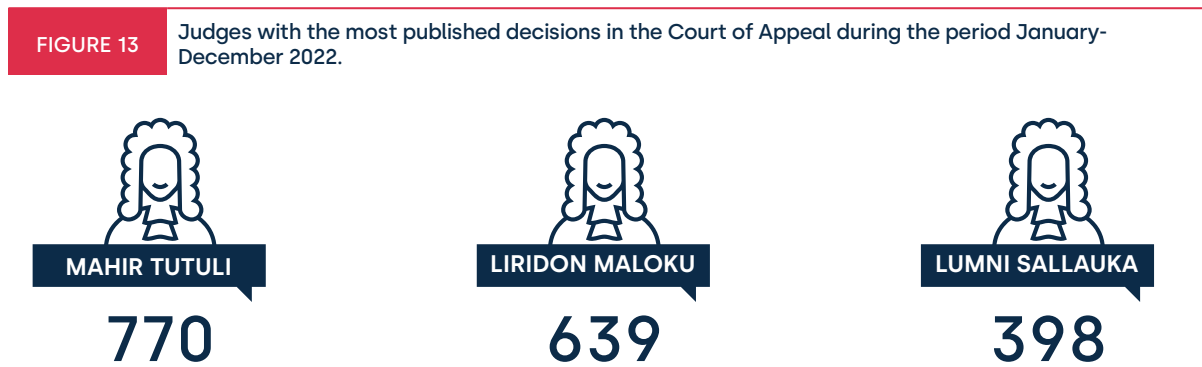
The following chart shows the level of implementation of the Decision on the Standardization of Judgement Forms in the decisions published by the Court of Appeal.



Regarding compliance with the Administrative Instruction for the Publication of Processed Judgments, the Court of Appeal has published 80 of 7,451 decisions without hiding the personal data of the entities as required by this instruction.

From the monitoring of the publication of the decisions of the Court of Appeal, it was observed that this court took an average of **140 days** to publish the decisions. This means that this court doubles the time stipulated in the Law on Courts for the publication of decisions, which expressly stipulates that court decisions must be published within 60 days from the issuance of the final decision.

Meanwhile, the judges with the most decisions published by the Court of Appeal during this period are presented in the table below.



So from the above table, it can be seen that the judges of the Court of Appeal with the most published decisions are: Mahir Tutuli with 770 published decisions, Liridon Maluku with 639 published decisions and Lumni Sallauka with 398 published decisions.

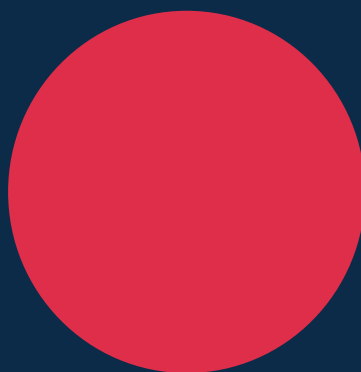


Commercial Court

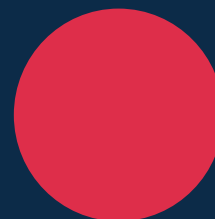
Resolved cases



Published decisions



1,038



422



FIGURE 14

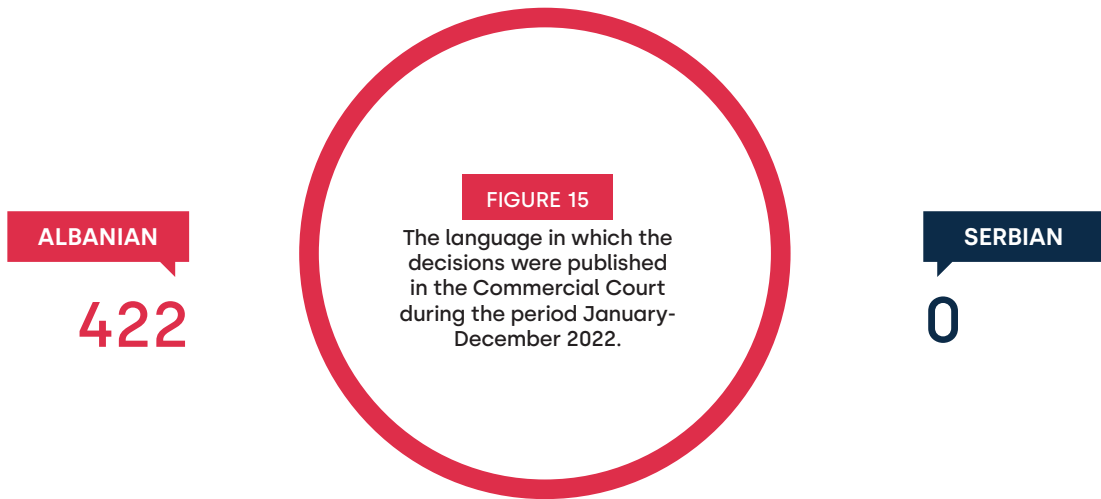
The ratio between resolved cases and decisions published in the Commercial Court during the period January-December 2022.

The Commercial Court, as a new court established in August last year, has managed to publish its first 422 decisions in December 2022.

Consequently, since the month of August, when it was operationalized, the Commercial Court has managed to resolve 1,038 cases, while in relation to the number of resolved cases, it results that the Commercial Court has managed to publish 40% of the decisions from the resolved cases during this period.

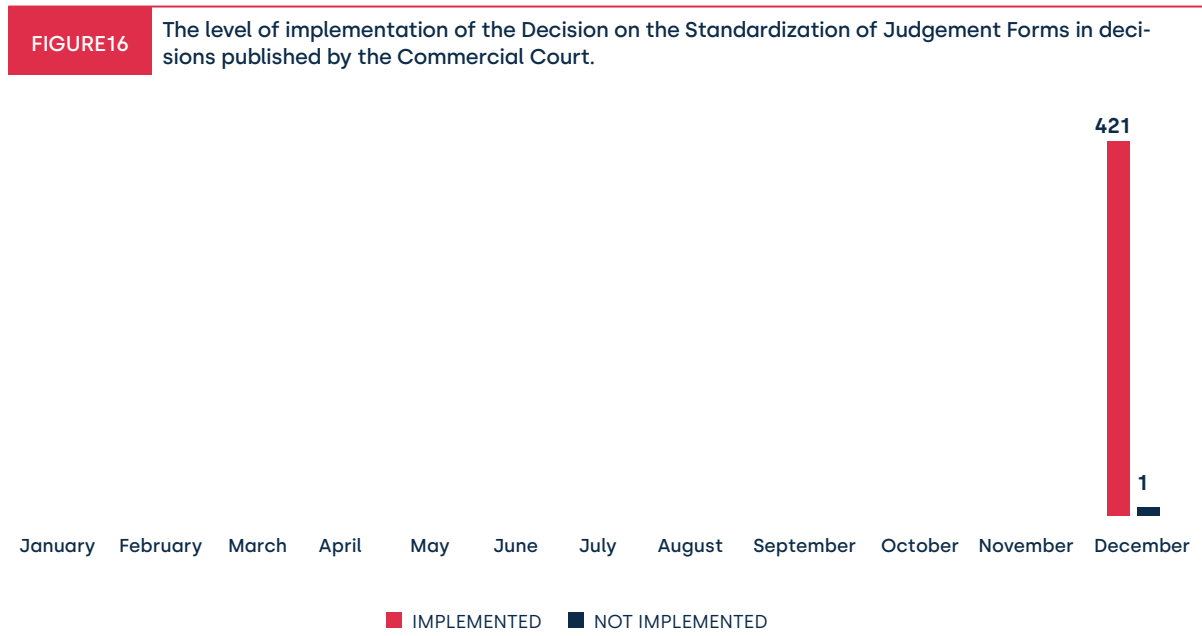
During this period, the First Instance Chamber of this court has published 197 decisions out of 605 resolved cases (32%), while the Second Instance Chamber has published 227 decisions out of 434 resolved cases (52%).

All decisions of the Commercial Court have been published in the Albanian language. The language of the published decisions is also presented in the chart below.



The decision of the Kosovo Judicial Council on the Standardization of Judgement Forms has been satisfactorily implemented by this court, because only 1 decision has been identified outside the rules provided by this decision.

Below you can see the chart of how the Commercial Court performed in terms of the Decision on the Standardization of Judgment Forms during this period.



As for anonymization, out of 422 decisions published by this court, 105 of them are not anonymized.¹³

From the monitoring of the publication of the decisions of the Commercial Court, it was observed that this court took an average of **71 days** to publish the decisions.

The judges with the most judgments published by the Commercial Court are presented in the chart below.

FIGURE 17

Judges with the most published decisions in the Commercial Court during the period January-December 2022.



So from the above table, it can be seen that the judges of the Commercial Court with the most published decisions are: Faton Bajrami with 70 published decisions, Krenar Berisha with 66 published decisions, as well as Verona Dibrani with 55 published decisions.

¹³ Omissions in this court have been found in the concealment of the data of the representatives of the parties.



Basic Court of Prishtina

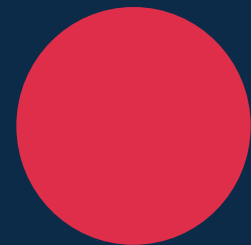
Resolved cases



Published decisions



23,580



5,784



FIGURE 18

The ratio between resolved cases and published decisions in the Basic Court of Prishtina during the period January-December 2022.

The Basic Court of Prishtina , including its 4 branches (Branch in Podujevë , Branch in Graçanicë, Branch in Lipjan and Branch in Glogoc), during this period has published 5,784 decisions.¹⁴

The Basic Court of Prishtina (as well as its branches) during 2022 had solved 23,580 cases, and consequently from the monitoring data it results that this court has published only about 25% of the decisions issued from the cases that during this year had received a judicial epilogue.

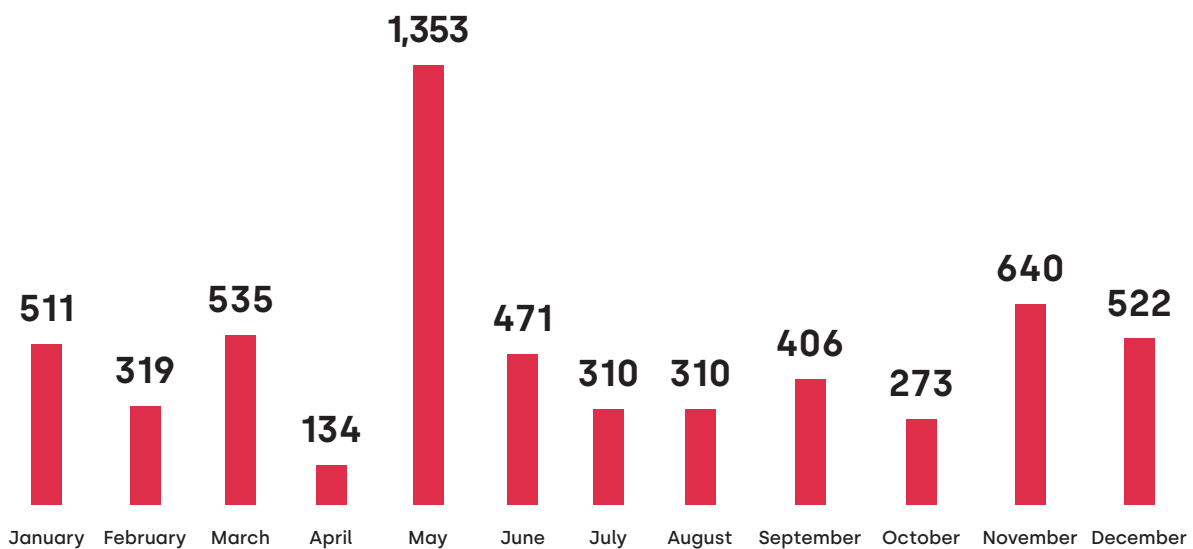
¹⁴ During the monitoring of the decisions on the website of the KJC in this court, 174 other repeated decisions and minutes, which are not included in these figures, were recorded.

In the previous year (2021), the Basic Court of Prishtina was the court with the largest number of published decisions, even though this year it published 191 more decisions than last year. As for the year 2022, if the number of cases resolved during this year is excluded, this is the second court with the most published decisions, right after the Court of Appeal.

The following chart shows the data on the number of decisions published by the Basic Court of Prishtina during the period January - December 2022.

FIGURE 19

The level of publication of decisions in the Basic Court of Prishtina during the period January-December 2022.



In this large number of publication of decisions by this court, the branches of this court have also contributed to a large extent. All branches of this court as a whole have published 1,825 decisions, corresponding to 31% of the decisions published by this court as a whole.

During this period, the Glllogoc branch has published 850 decisions out of 1,938 resolved cases (44%), the Lipjan branch has published 772 decisions out of 2,209 resolved cases (38%), the Podujeva branch has published 202 decisions out of 2,648 resolved cases (8%), while the Graçanica Branch has published only 1 decision out of 627 resolved cases (0.2%).

If we compare it with last year, the Podujeva Branch has significantly fewer published decisions for this year, namely 357 fewer decisions. Also, the Graçanica Branch last year had 76 decisions, while this year only 1 decision.

The publication figures of the branches of the Basic Court in Prishtina are graphically presented in the following chart.

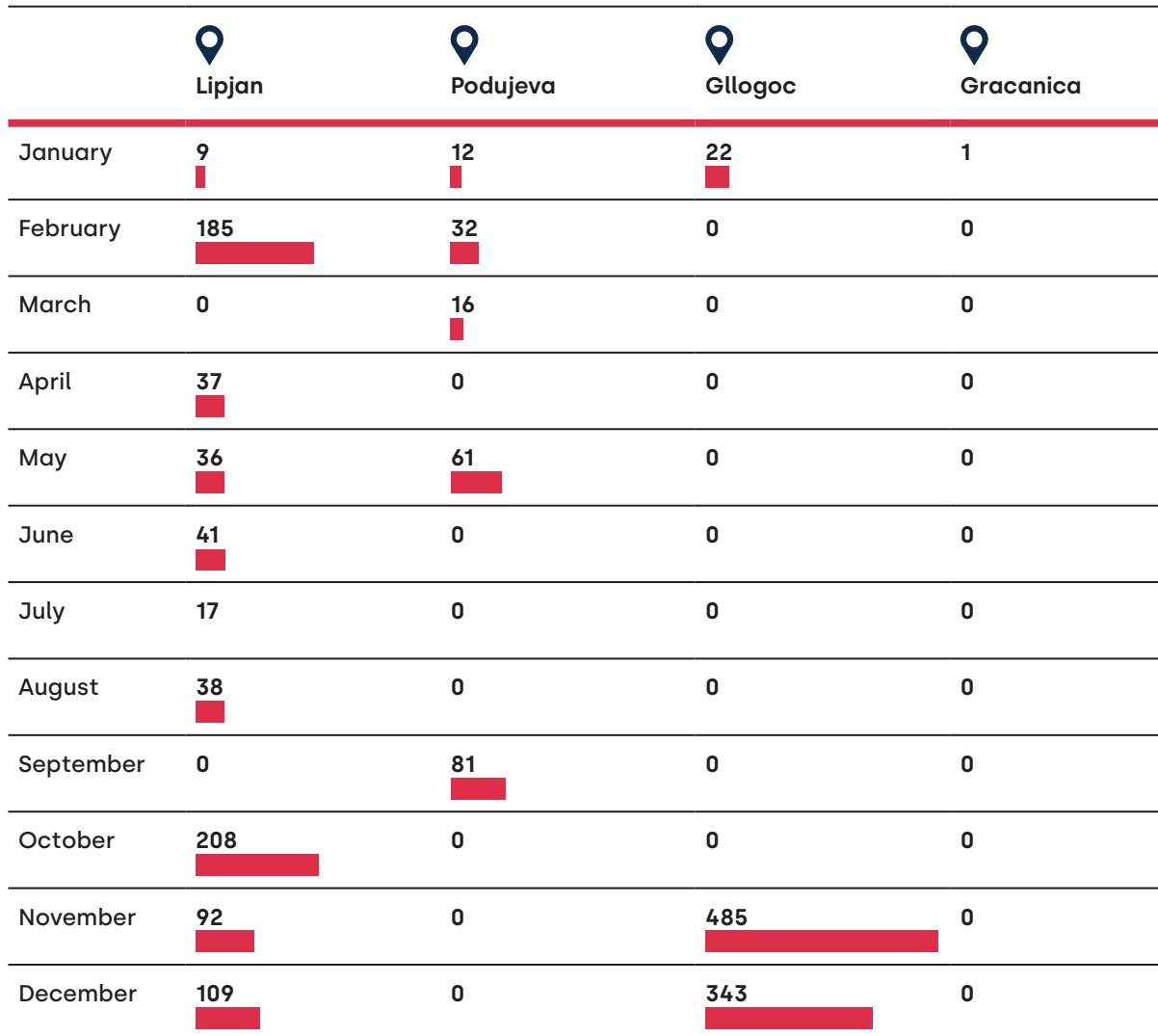
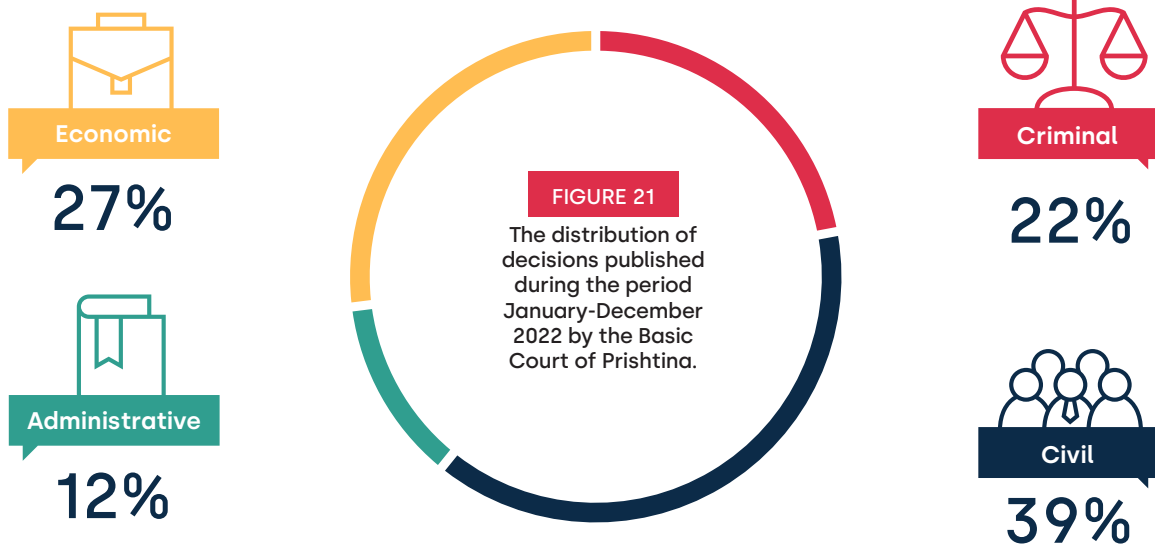


FIGURE 20

The level of publication of decisions by the branches of the Basic Court of Prishtina during the period January-December 2022.

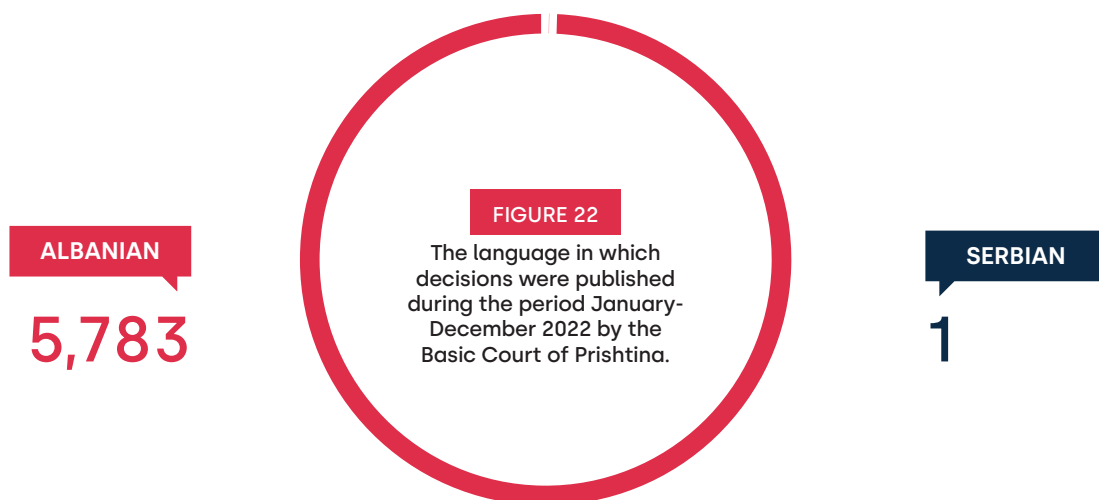
Whereas, regarding the nature of the published decisions, the Basic Court of Prishtina, as well as the Supreme Court and the Court of Appeal, lead with the publication of decisions of a civil nature. Respectively, from the total number of publications, 2,272 decisions are of a civil nature, 1,247 of a criminal nature, 701 of them administrative matters and 1,564 decisions on economic matters.

This classification of decisions published by the Basic Court of Prishtina is also reflected in the following chart.



Of the criminal decisions, 17 decisions are for criminal offenses of misuse of official position and authority, while 60 decisions are for domestic violence. We can say that we have a decrease in the publication of domestic violence decisions from last year because last year there were about 278 published domestic violence decisions.

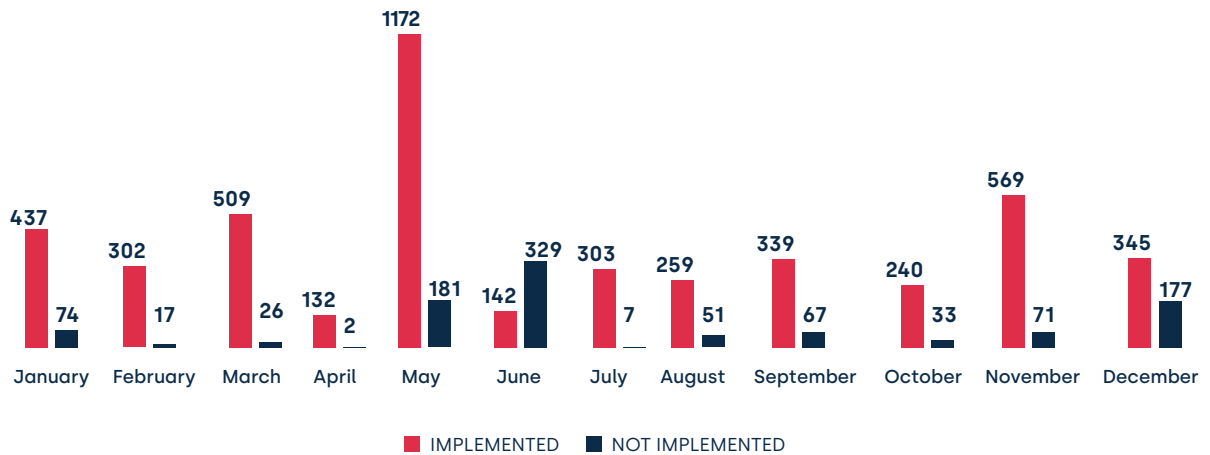
The Basic Court in Prishtina has published 1 decision in the Serbian language, while the rest of the decisions have been published in the Albanian language. Graphically, the language of publication of the judgments is presented in the table below.



The decision on the Standardization of Judgement Forms has been implemented to a considerable extent by this court. From the total number of published decisions, this decision has been implemented in 4,749 decisions, while in 1,035 other decisions omissions in its implementation have been observed. The following table graphically presents the implementation of this act in the published decisions of this court.

FIGURE 23

The level of implementation of the Decision on the Standardization of Judgement Forms by the Basic Court of Pristina during the period January-December 2022.



Whereas, regarding the concealment of personal data, from the total number of published decisions, 304 decisions were published non-anonymized.¹⁵

From the monitoring of the publication of the decisions of the Basic Court in Pristina, it was observed that this court took an average of **217 days** to publish the decisions. This means that this court also significantly exceeds the time provided in the Law on Courts for the publication of decisions. Last year, the Basic Court of Pristina needed 100 days to publish the decisions.

The judges who have published the most decisions in the Basic Court in Pristina during the period January-December 2022 are presented in the following chart.

FIGURE 24

Judges with the most published decisions in the Basic Court of Pristina during the period January-December 2022.

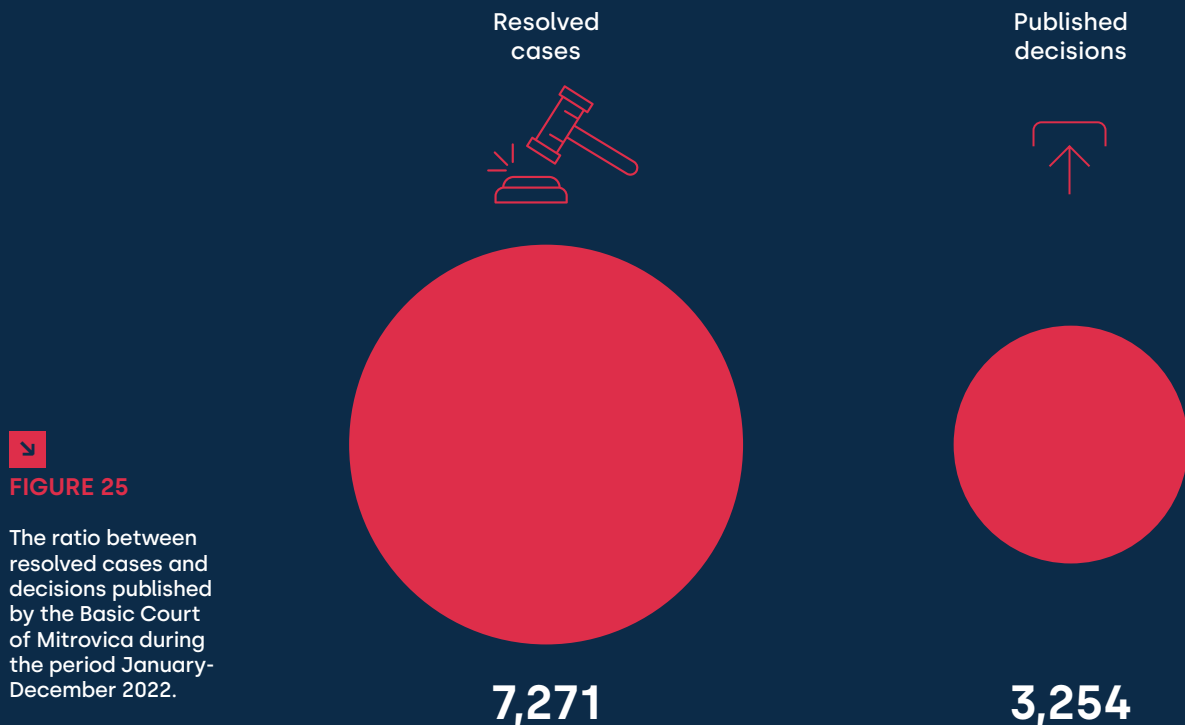


So from the table above, it can be seen that the judges of the Basic Court of Pristina with the most published decisions are: Rexhep Gashi with 312 published decisions, Adnan Konushevci with 293 published decisions and Bajram Miftari with 257 published decisions.

¹⁵ The most omissions in this court have been evidenced in the concealment of personal data of defendants, witnesses, as well as vehicle registration plates.



Basic Court of Mitrovica



The Basic Court of Mitrovica, including its four branches (*Skenderaj, Vushtrri, Leposaviq and Zubin Potok*) during the period January - December 2022, have published a total of 3,254 decisions on the website.¹⁶

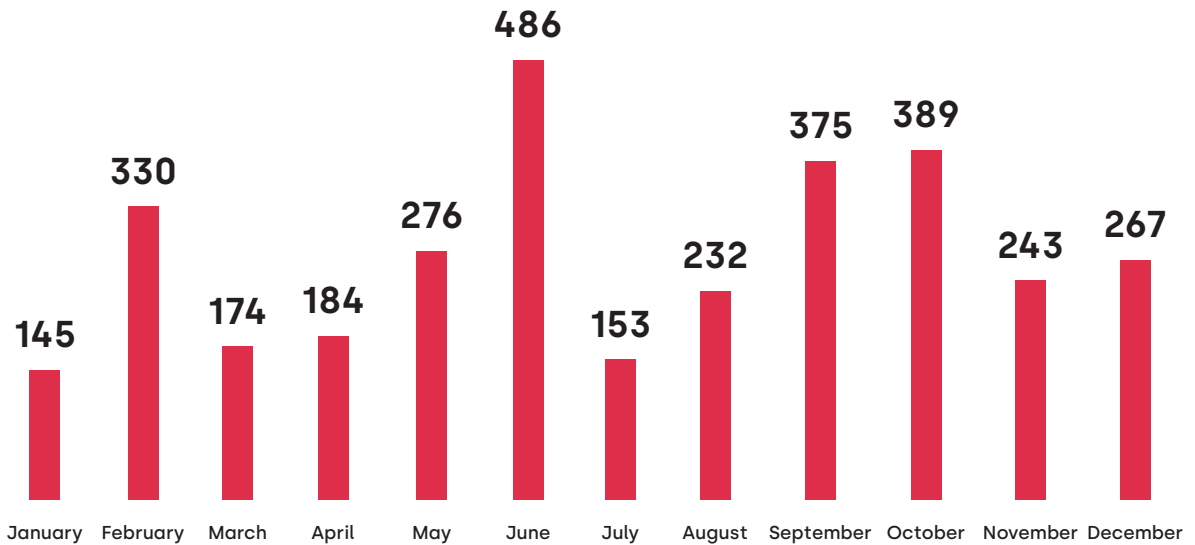
Consequently, compared to the number of cases resolved by the Basic Court of Mitrovica during the year 2022, this number during this period was 7,271 cases, it results that this court (including its branches) has published 45% of the decisions from the resolved cases.

In relation to the number of resolved cases, this is the second basic court with the most decisions published during this period. Compared to 2021, this court has published 200 more decisions this year.

The publication of the decisions by the Basic Court of Mitrovica for each month is shown graphically in the chart below.

¹⁶ During the monitoring of the decisions on the website of the KJC in this court, 11 other repeated decisions were identified, which are not included in these figures.

FIGURE 26 The level of publication of decisions by the Basic Court of Mitrovica during the period January-December 2022.



Most of the decisions published by this court, or 1,904 decisions (59% of the decisions), were published by the branches of this court.

The Vushtrri Branch has published 1,332 decisions out of 2,708 resolved cases (49%), the Skenderaj Branch has published 432 decisions out of 1,336 resolved cases (32%), the Leposaviqi Branch has published 101 decisions out of 202 resolved cases (43%), while Zubin Potok Branch 39 decisions out of 139 resolved cases (28%).

The publication of decisions from the branches of the Basic Court in Mitrovica is shown graphically in the table below.

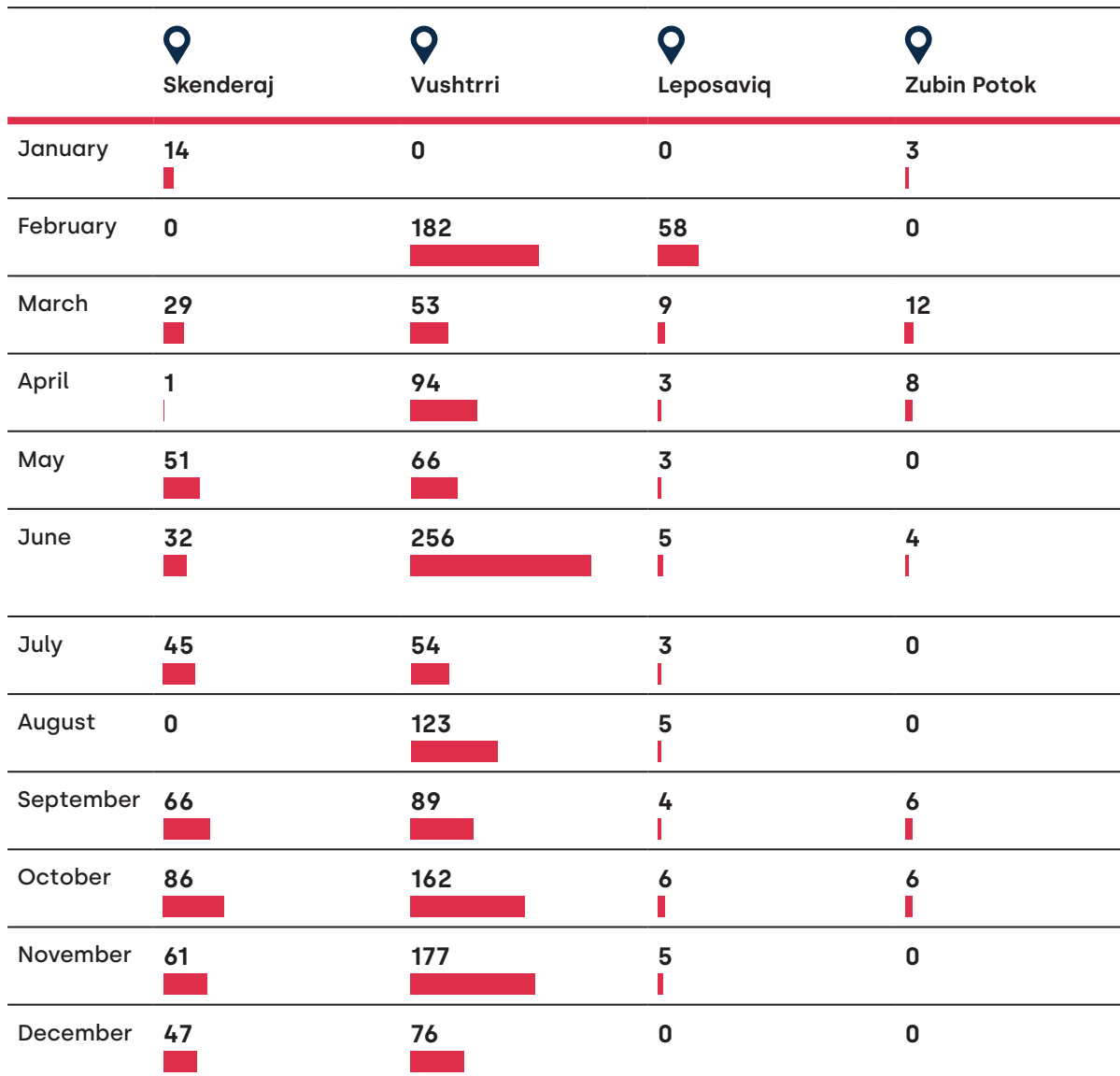
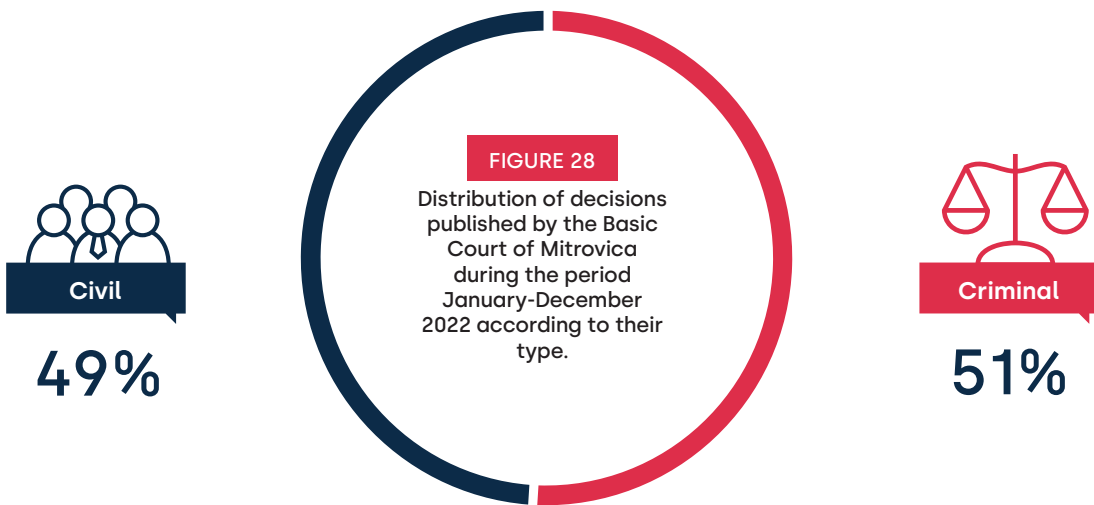


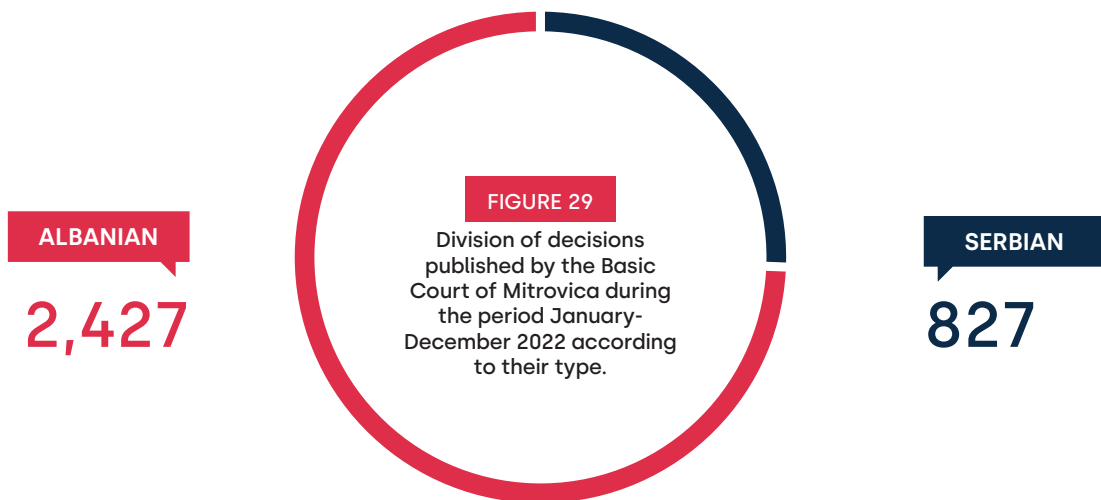
FIGURE 27 The level of publication of decisions by the branches of the Basic Court of Mitrovica during the period January-December 2022.

Most of the published decisions are of a criminal nature, namely 1,645 criminal decisions, while 1,609 decisions are of a civil nature. The following chart shows the division of decisions published by the Basic Court of Mitrovica during the period January-December 2022 according to the nature of the offense.



Of the criminal decisions, this court during this period has published 5 decisions on corruption and 72 decisions on domestic violence.

Of all the published decisions, 2,427 decisions were published in the Albanian language (75%), while another 827 decisions were published in the Serbian language (25%).



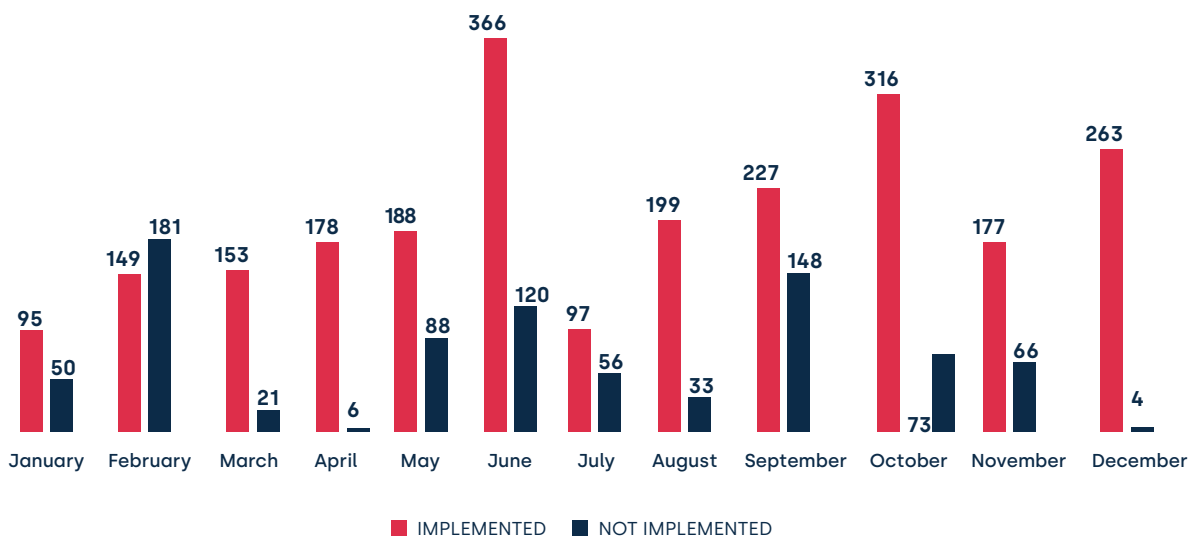
As for the anonymization of decisions, this court during this period has published 152 decisions without hiding personal data.¹⁷

Regarding the implementation of the Decision on the Standardization of Judgement Forms, from all the decisions published by this court and its branches, omissions were found in 363 decisions. While in the rest of the 2,942 decisions, this decision was implemented correctly.

In the table below, the level of implementation of this decision by the Basic Court of Mitrovica is shown graphically.

FIGURE 30

The level of implementation of the Decision on the Standardization of Judgement Forms in the decisions published by the Basic Court of Mitrovica.



From the monitoring of the publication of the decisions of the Basic Court of Mitrovica, it was observed that this court took an average of **50 days** to publish the decisions. This means that the Basic Court of Mitrovica, regarding the time of publication of decisions, fully respects the time provided in the Law on Courts for their publication.

The following table shows the judges with the most published decisions during this period in the Basic Court of Mitrovica.

¹⁷ The most omissions in this court were observed in concealing the name, surname and personal numbers of the parties.

FIGURE 31

Judges who have published the most decisions in the Basic Court of Mitrovica during the period January-December 2022.



So from the table above, it can be seen that the judges of the Basic Court of Mitrovica with the most published decisions are: Agron Maxhuni with 279 published decisions, Ferki Xhaferi with 186 published decisions, as well as Gezim Ademi with 167 published decisions.



Basic Court of Peja

Resolved cases



Published decisions

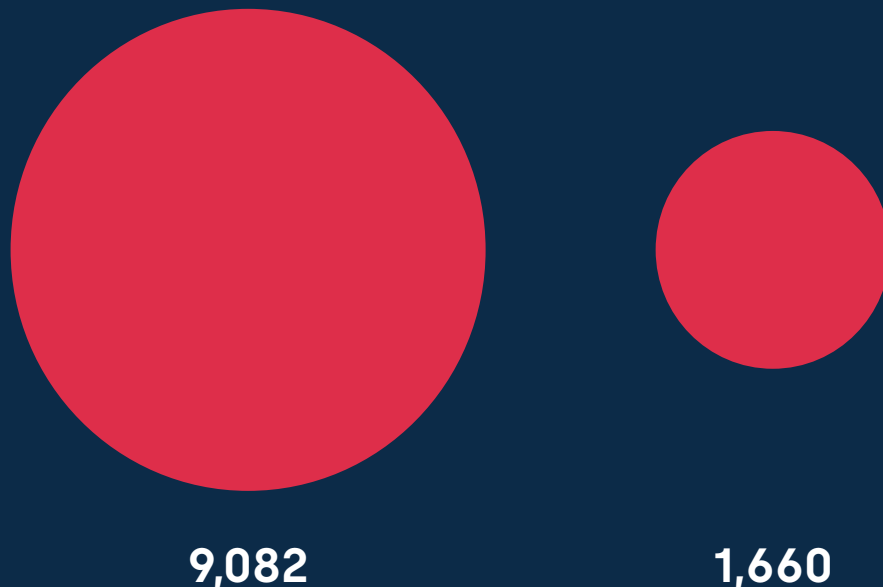


FIGURE 32

The ratio between resolved cases and published decisions in the Basic Court of Peja during the period January-December 2022.

The Basic Court of Peja, including its three branches (Deçan, Istog and Klina), during the period January-December 2022, has published 1,660 decisions.

Consequently, in relation to the number of resolved cases, which in 2022 was 9,082 cases, it turns out that only 18% of the decisions from resolved cases have been published. With these figures, this court ranks last in terms of the publication of decisions during this period.

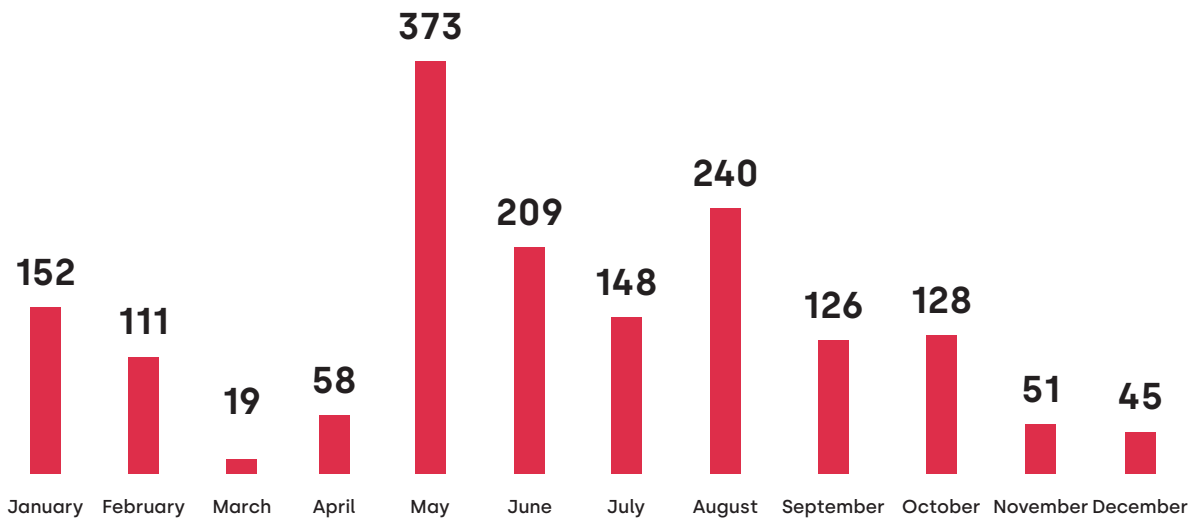
This court is the only one that marked a decrease in publication compared to 2021, because in the previous year this court had published 2,189 decisions (so 24% less decisions published this year).

This court published most of the decisions during the month of May, namely 373 decisions. While it published the fewest decisions in the month of March, namely 19 decisions.

The publication of decisions by this court during the period January-December 2022 is reflected graphically in the table below.

FIGURE 33

The number of decisions published in the Basic Court of Peja during the period January-December 2022.



Most of the decisions of this court, or 1,223 decisions (74%), have been published by the branches of this court.

During this period, the Deçan branch published 268 decisions, out of 1,291 resolved cases (21%), the Istog branch 693 decisions out of 1,871 resolved cases (37%), while Klina branch published 272 decisions out of 1,176 resolved cases (23%). The level of publication of the branches of the Basic Court of Peja for each month during this period is presented in the table below.

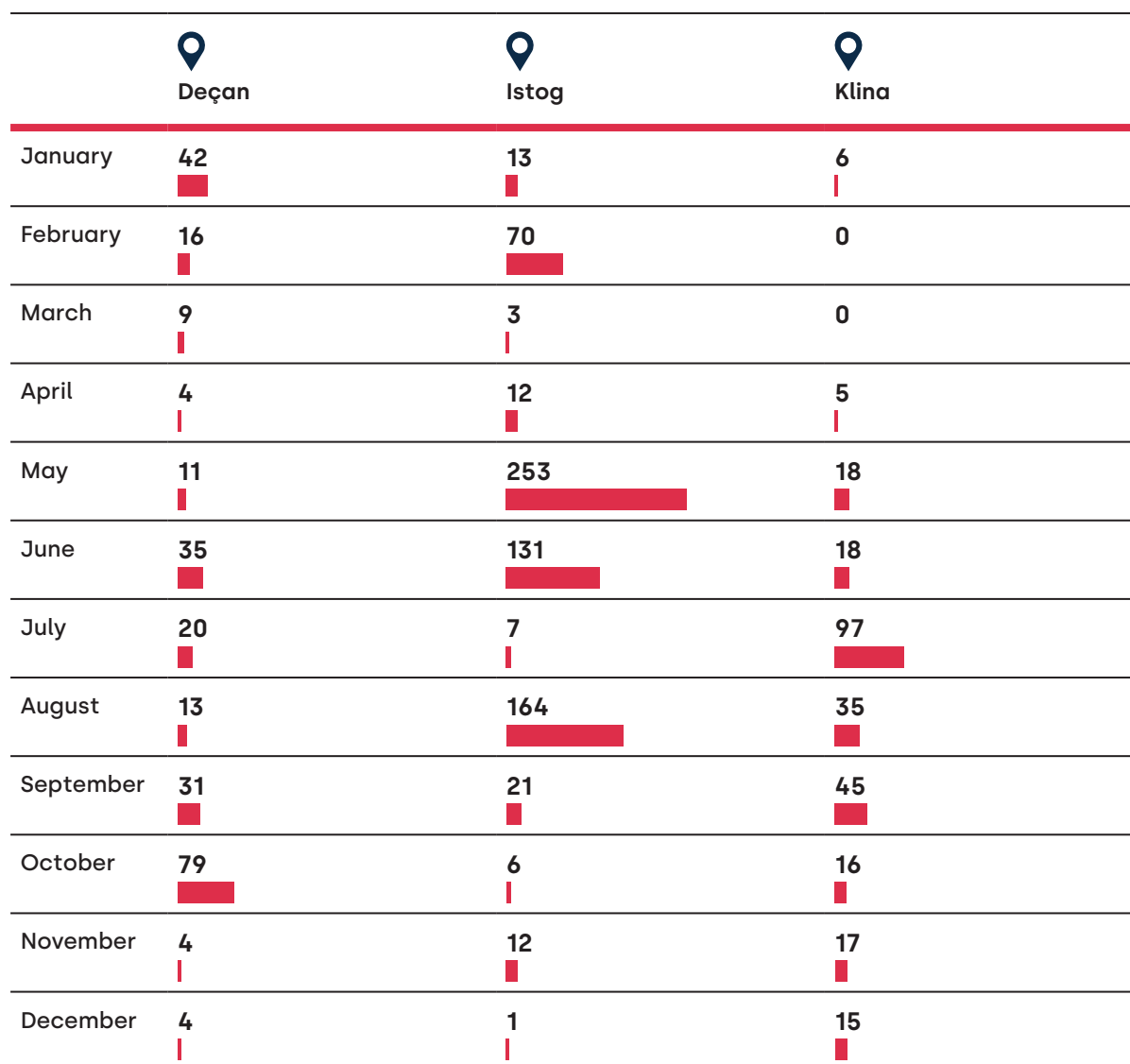
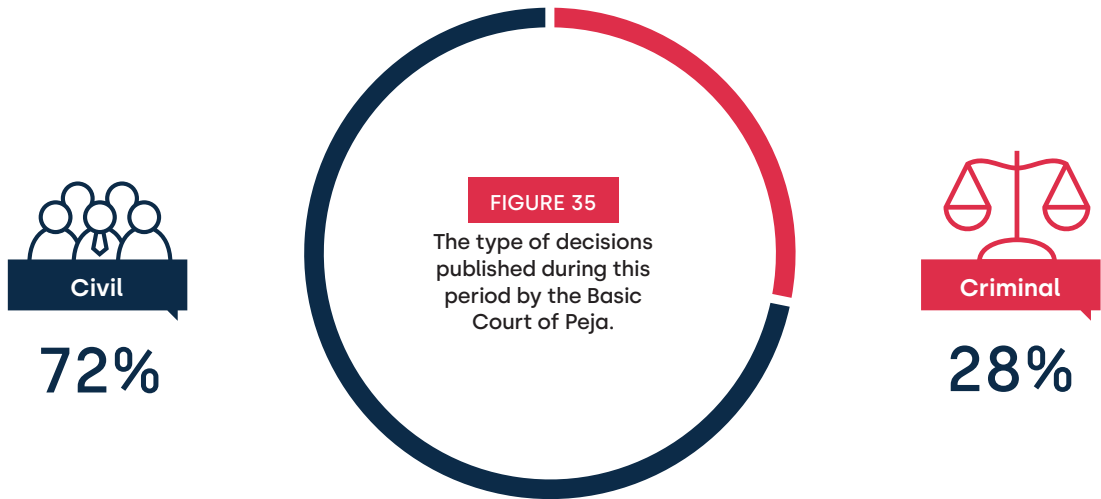


FIGURE 34

The level of publication of decisions by the branches of the Basic Court of Peja during the period January-December 2022.

From the total number of published decisions, 531 decisions are of a criminal nature, while 1,342 are of a civil nature. The nature of the decisions published by this court is also described in the chart below.



Of all the published decisions, we have identified only 5 decisions related to criminal offenses of corruption and only 24 decisions of domestic violence.

This court had not published any decision in the Serbian language, the same as in the previous year. This is also shown graphically in the table below.

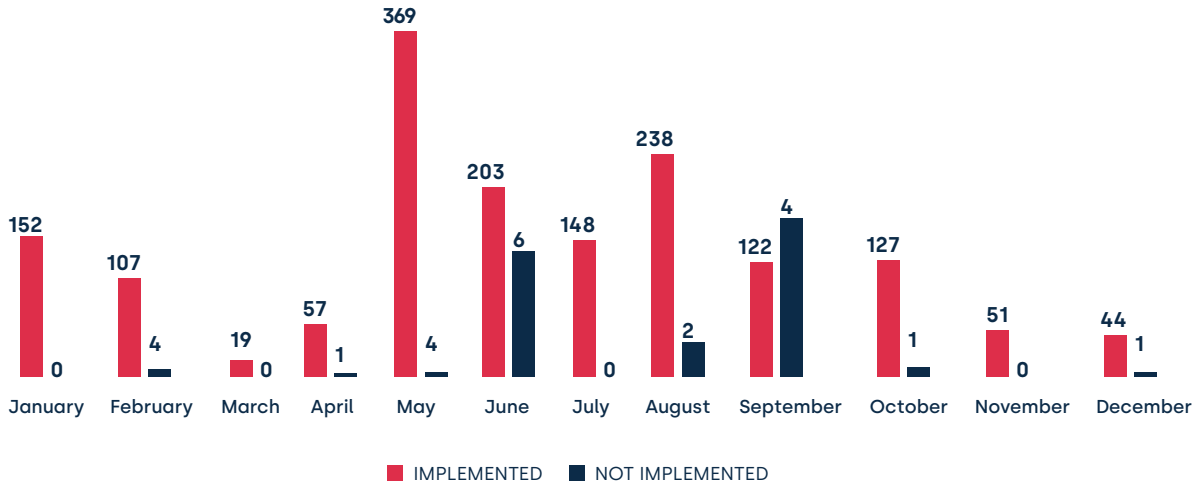


During monitoring, from the total number of decisions published by this court, we have identified 19 non-anonymized decisions.

The implementation of the Decision of the KJC on the Standardization of Judgement Forms has been achieved in most of the decisions published by this court. Gaps in the implementation of this decision were found in 23 published decisions. The table below shows the level of implementation of this decision by this court during this period.

FIGURE 37

The level of implementation of the Decision on the Standardization of Judgement Forms in the decisions published by the Basic Court of Peja.



From the monitoring of the publication of the decisions of the Basic Court of Peja, it was observed that this court took an average of **49 days** to publish the decisions. This means that this court has strictly respected the time provided in the Law on Courts for the publication of decisions.

The following table lists the judges with the most decisions published during the period January-December 2022 by the Basic Court of Peja.

FIGURE 38

Judges with the most published decisions during the period January-December 2022 in the Basic Court of Peja.



So from the table above, it can be seen that the judges of the Basic Court of Peja with the most published decisions are: Blerim Istrefi with 306 published decisions, Shemsedin Haxhijaj with 205 published decisions, as well as Bekim Avdimetaj with 203 published decisions .

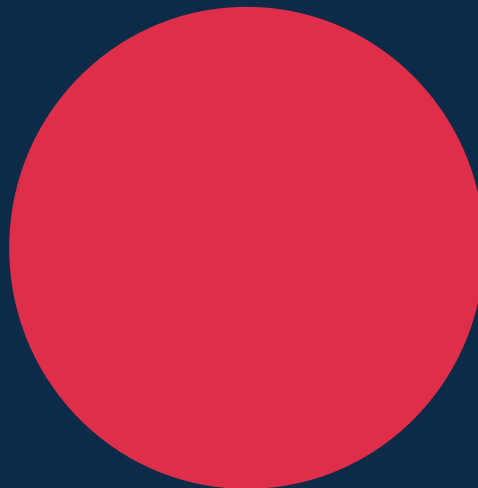


Basic Court of Prizren

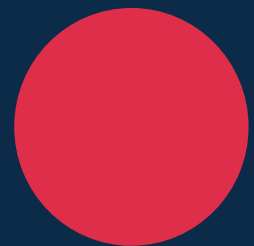
Resolved cases



Published decisions



13,318



3,011



FIGURE 39

The ratio between resolved cases and published decisions in the Basic Court of Prizren during the period January-December 2022.

January-December 2022, has published a total of 3,011 decisions¹⁸, and ranks sixth in terms of the number of published decisions.

During this period, this court had resolved a total of 13,318 cases, and therefore, from the monitoring data, it appears that this court has published only 22% of the decisions from the cases that during this period received a judicial epilogue.

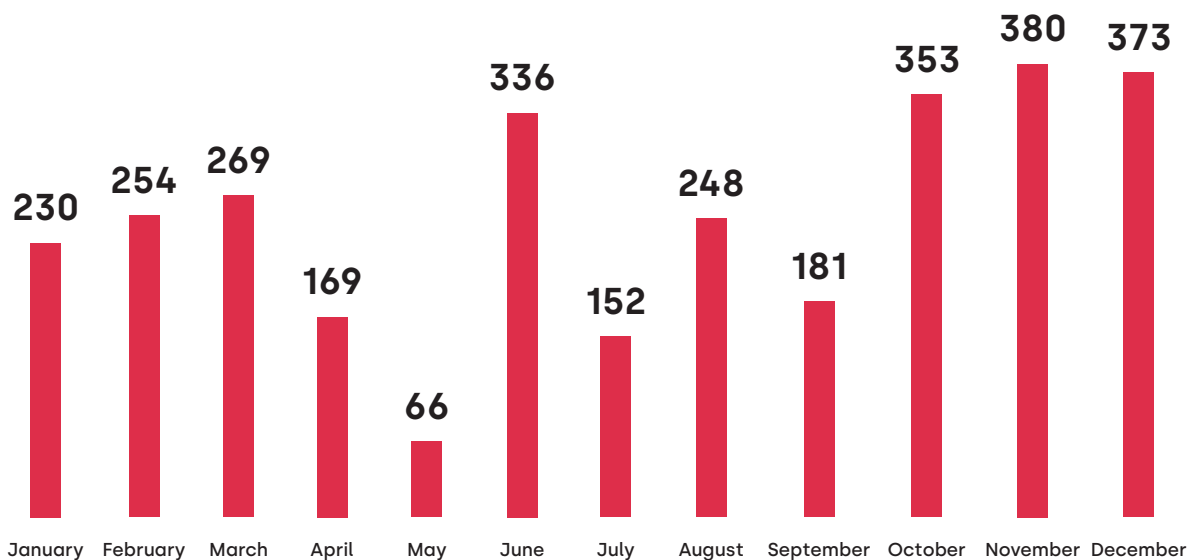
¹⁸ During the monitoring of the decisions on the website of the KJC in this court, 1 repeated decision was recorded, which was not included in these figures.

So, compared to the previous year when this court had published 2,280 decisions, this year this number had increased by 32% more.

In the following table, the ratio of publication of decisions by this court during this period is graphically reflected.

FIGURE 40

The level of publication of decisions of the Basic Court of Prizren during the period January-December 2022.



Its two branches have also made a great contribution to the increase in the publication of decisions within this court. During this period, they have published 1904 judgments, namely 63% of the judgments published by this court.

The Suhareka branch had published 540 decisions out of 2,962 resolved cases (18%), while the Dragash branch published a total of 147 decisions out of 559 resolved cases (26%) on the website.

The publication of decisions from the branches of the Basic Court of Prizren is displayed graphically for each month in the table below.

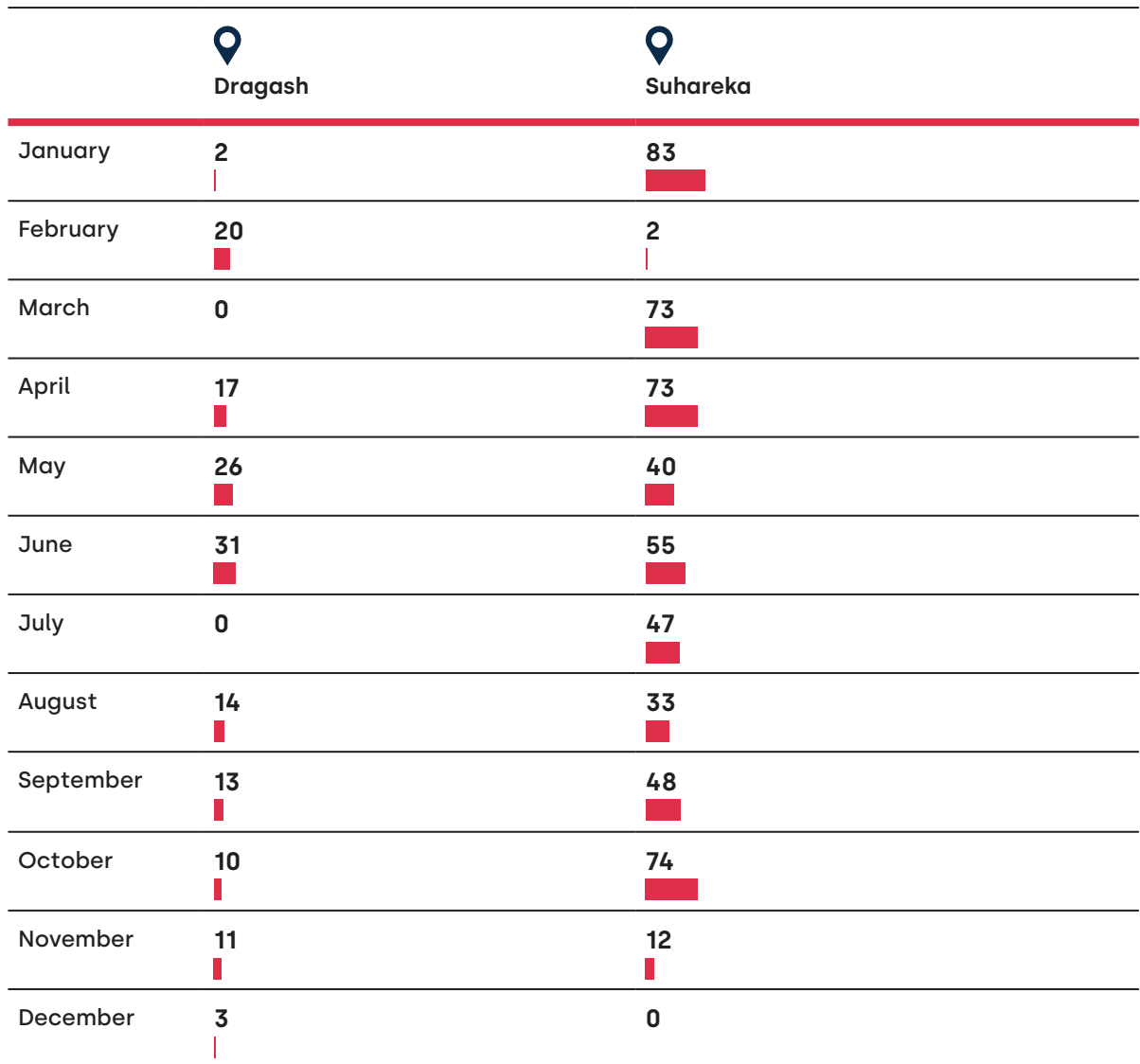


FIGURE 41

The level of publication of decisions by the Branches of the Basic Court of Prizren during the period January-December 2022.

As for the nature of the published decisions, this court leads with the publication of criminal decisions, with 1,638, while civil 1,373 decisions. The classification of decisions according to their type is also described in the table below.



Of the published criminal judgments, only 4 of them are related to criminal offenses of corruption, 124 to domestic violence. The Basic Court of Prizren ranks first in terms of the number of domestic violence judgements published.

As for the language in which the decisions were published, it should be noted that during this period, out of 3,011 published decisions, only 1 decision was published in the Serbian language. So, all other decisions of the Basic Court of Prizren were only in the Albanian language.

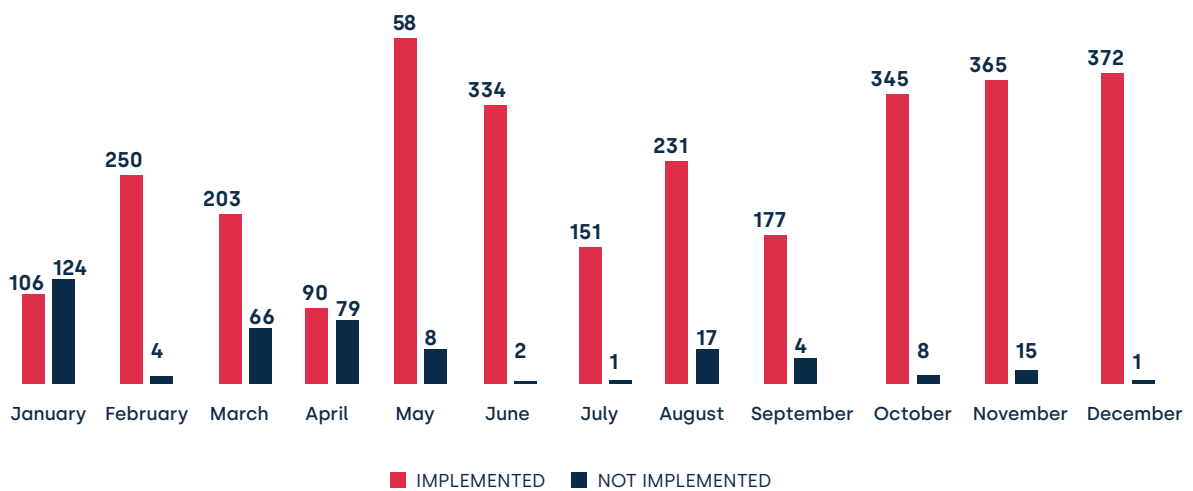


Regarding the protection of personal data, this court has shown special care compared to last year. This year, this court has improved and that out of all the decisions published by this court, only 43 of them have omissions. Mainly omissions were made in the personal data of the accused, the party's representatives, the residence of the parties, the witnesses, etc.

Of all the decisions published by this court, omissions in the implementation of the Decision of the Judicial Council on the Standardization of Judgement Forms were observed in 329 decisions. Meanwhile, in the rest of the 2,682 decisions, the template was applied precisely. The chart below describes the level of implementation of the Decision on the Standardization of Judgement Forms in the decisions of the Basic Court of Prizren, for each month.

FIGURE 44

The level of implementation of the Decision on the Standardization of Judgement Forms in the decisions published by the Basic Court of Prizren.



From the monitoring of the publication of the decisions of the Basic Court of Prizren, it was observed that this court took an average of **66 days** to publish the decisions.

The judges who have published the most decisions in the Basic Court of Prizren are presented in the table below.

FIGURE 45

Judges with the most published decisions in the Basic Court of Prizren during the period January-December 2022.



So from the table above, it can be seen that the judges of the Basic Court of Prizren with the most published decisions are: Fatmir Krasniqi with 212 published decisions, Qemajl Suka with 211 published decisions, and Refki Piraj with 181 published decisions.

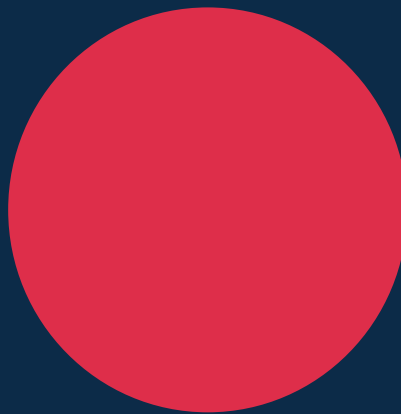


Basic Court of Ferizaj

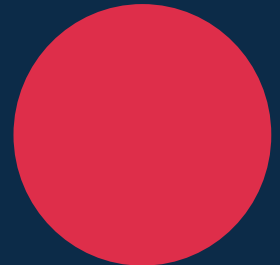
Resolved cases



Published decisions



6,282



2,875



FIGURE 46

The ratio between resolved cases and decisions published in the Court of Ferizaj during the period January-December 2022.

The Basic Court of Ferizaj, including the Kaçanik and Shtërpce Branches, during the period January - December 2022, has published 2,875 decisions.¹⁹

Consequently, of the 6,282 cases resolved during 2022 by this court, from the monitoring data, it follows that during this year, about 46% of the decisions from the cases that received a judicial epilogue this year were published.

With these figures, this court ranks first among the first instance courts in terms of the publication of judgments in relation to resolved cases.

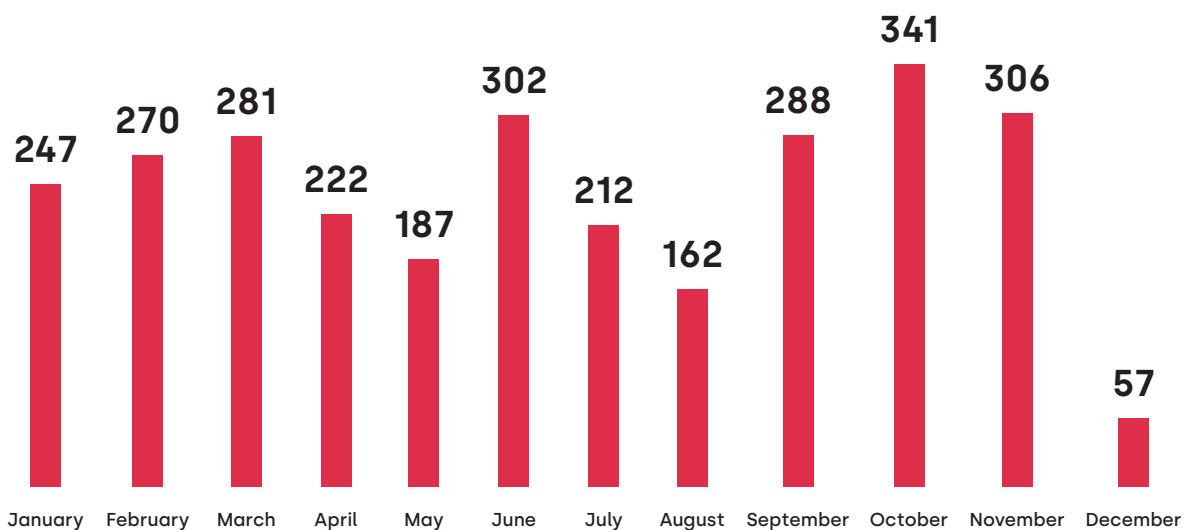
¹⁹ During the monitoring of the decisions on the website of the KJC in this court, 47 other repeated decisions and minutes, which are not included in these figures, were identified.

The publication of decisions by this court has increased by 14% compared to the previous year when this court had published 2,509 decisions.

The figure below graphically shows the publication of decisions for each month by this court, during the period January-December 2022.

FIGURE 47

The level of publication of decisions for each month by the Basic Court of Ferizaj during the period January-December 2022.



Even the branches of this court have published a relatively large number of decisions, publishing about 25% of the decisions of this court.

During this period, the Kaçanik branch has published 601 decisions out of 974 resolved cases (61%), thus marking the branch with the largest number of decisions published during this period in relation to resolved cases. While the Shtërpçe Branch has published 127 decisions out of a total of 520 cases resolved during this period (24%).

The table below graphically shows the publication of decisions from the branches of the Basic Court of Ferizaj, for each month.



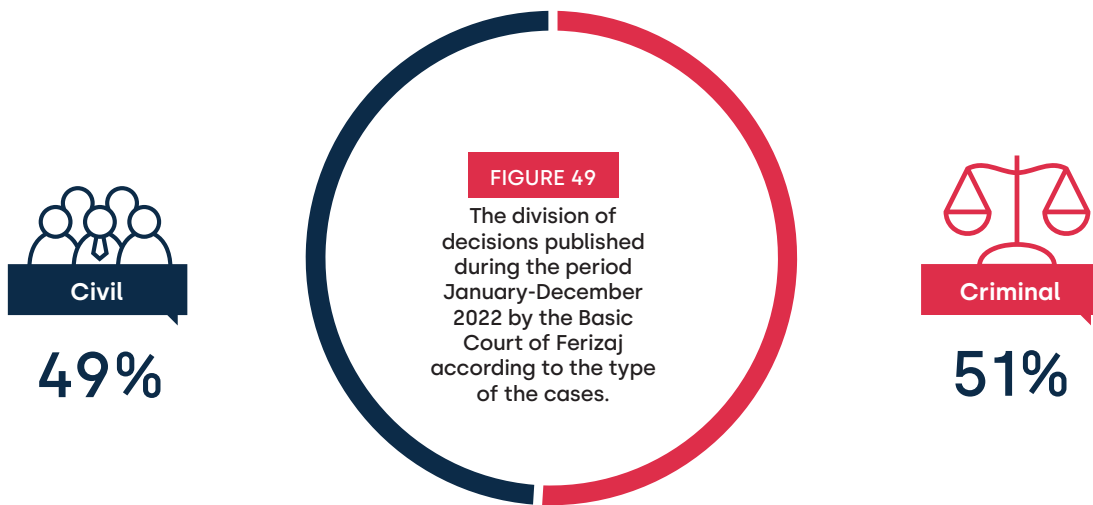
	 Kaçanik	 Shterpce
January	61	3
February	43	12
March	58	8
April	42	0
May	50	1
June	59	34
July	62	20
August	0	9
September	86	12
October	75	8
November	65	17
December	0	3

FIGURE 48

Publication of decisions from the branches of the Basic Court of Ferizaj during the period January-December 2022.

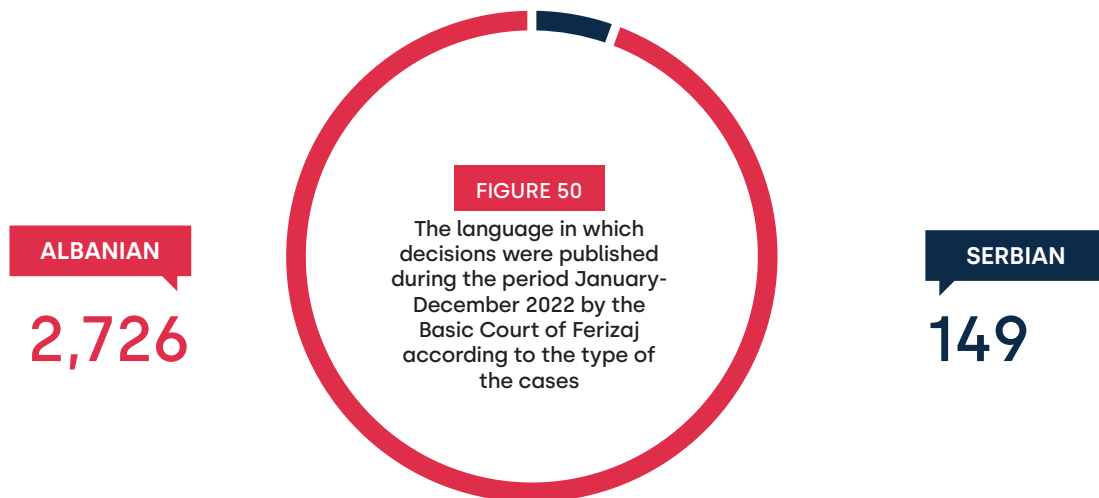
During the monitoring period, the Basic Court of Ferizaj has published more judgements of a criminal nature than civil ones. From the total number of judgments, 1,462 judgments are of a criminal nature, while 1,413 are of a civil nature.

The table below shows the division of decisions published during this period by the Basic Court of Ferizaj, according to their type.



Of all the criminal decisions published by this court, 7 of them are for criminal offenses of corruption, 46 decisions of domestic violence.

As for the language in which these decisions were published, this court during the period January-December 2022 published 2,726 in the Albanian language, while the other judgements were in the Serbian language.

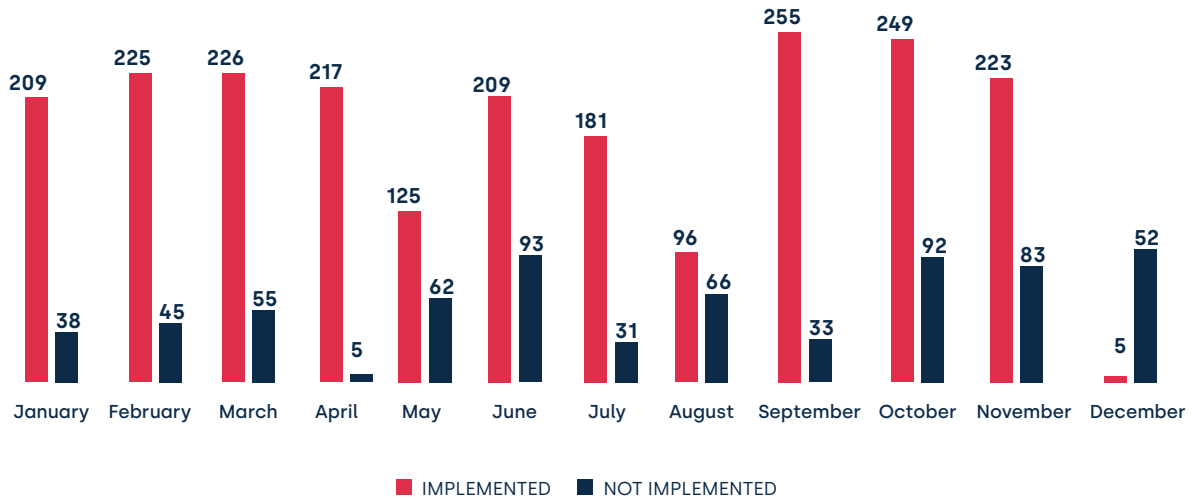


During this period, this decision was implemented in 2,220 decisions or 77% of the total, while in the rest of 655 or 23% decisions, omissions in its implementation were observed.

In the table below, is the implementation of the Decision on the Standardization of Judgement Forms by the Basic Court of Ferizaj.

FIGURE 51

The level of implementation of the Decision on the Standardization of Judgement Forms by the Basic Court of Ferizaj.



During the period January-December 2022, the Basic Court of Ferizaj has published only 34 decisions without hiding personal data, while other decisions have been completely anonymized.

From the monitoring of the publication of the decisions of the Basic Court of Ferizaj, it was observed that this court took an average of **36 days** to publish the decisions. This means that this court publishes its decisions within the time provided in the Law on Courts for their publication. Compared to last year, this Court took an average of 53 days, and this year this number has significantly decreased.

The following table lists the judges with the most published decisions during the period January-December 2022, from the Basic Court of Ferizaj.

FIGURE 52

Judges with the most decisions published by the Basic Court of Ferizaj during the period January-December 2022.



So from the above table, it can be seen that the judges of the Basic Court of Ferizaj with the most published decisions are: *Faton Ajvazi* with 586 published decisions, *Zajrete Muhaxheri* with 198 published decisions, as well as *Burim Caka* with 189 published decisions.

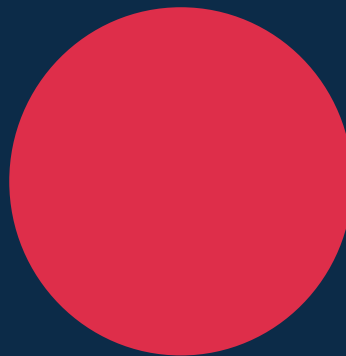


Basic Court of Gjilan

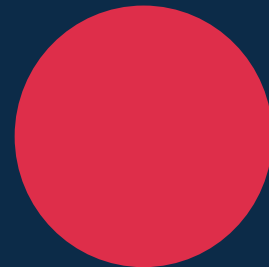
Resolved cases



Published decisions



8,421



3,744



FIGURE 53

The ratio between resolved cases and published decisions in the Basic Court of Gjilan during the period January-December 2022.

The Basic Court of Gjilan, including its three branches (*Kamenica*, *Vitia* and *Novobërda*) during this period has published a total of 3,744 decisions.²⁰

Consequently, from the 8,421 cases resolved by this court during 2022, it results that this court has managed to publish 44% of the decisions from the cases which during this period had received a judicial epilogue.

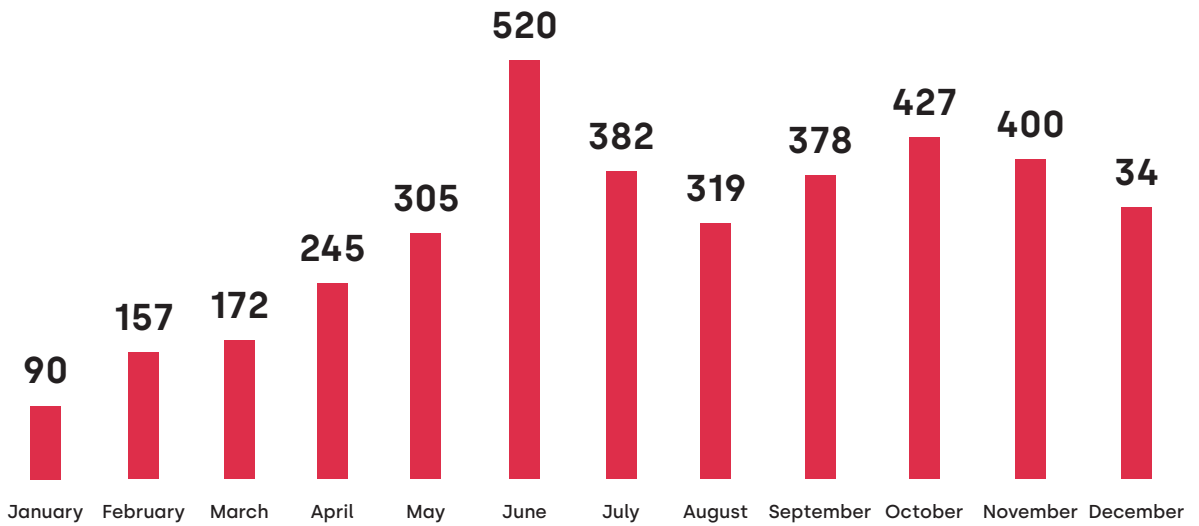
²⁰ During the monitoring of the decisions on the website of the KJC in this court, 175 other repeated decisions and minutes, which are not included in these figures, have been identified.

This level of publication of judgments during this year has tripled compared to 2021, when this court had published 1,221 decisions.

The level of publication of decisions by this court for each month is presented graphically in the table below.

FIGURE 54

The level of publication of decisions by the Basic Court of Gjilan during the period January-December 2022.



It should be noted that the branches of the Basic Court of Gjilan have started to become active in terms of publishing decisions in this monitoring period, accounting for 28% of the judgments published by this court as a whole.

The *Viti Branch* during this period has published 470 decisions out of 1,885 cases resolved (25%), the *Kamenica Branch* has published 347 decisions out of 1,073 cases resolved during this period (32%), while the *Novobërda Branch* has published 240 decisions out of 504 cases resolved during this period (48%)

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




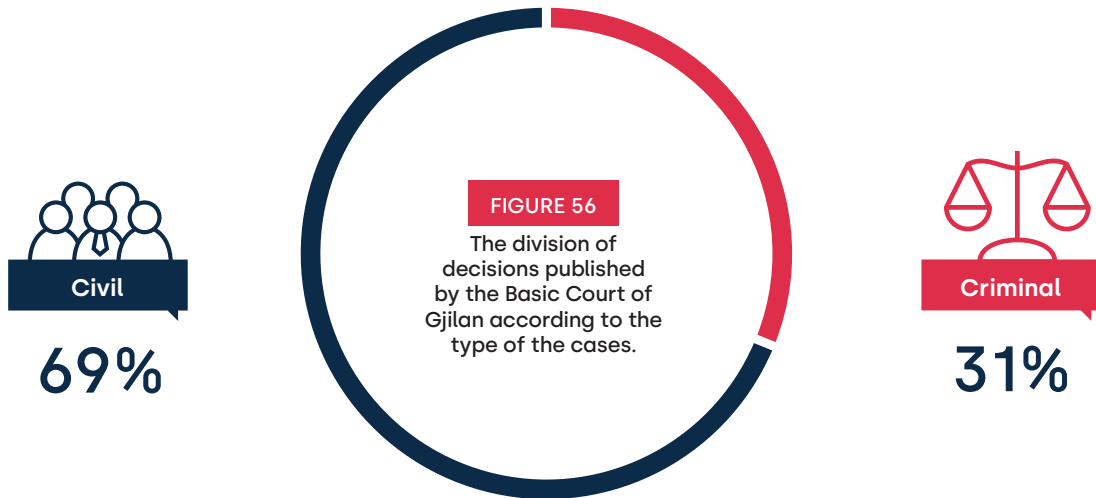
	 Viti	 Kamenica	 Novoberdo
January	0	6	0
February	14	11	0
March	0	15	14
April	88	5	8
May	9	38	4
June	81	71	45
July	69	62	34
August	0	10	22
September	34	21	37
October	28	21	18
November	59	46	44
December	88	41	14

FIGURE 55 The level of publication of judgements by the branches of the Basic Court of Gjilan.

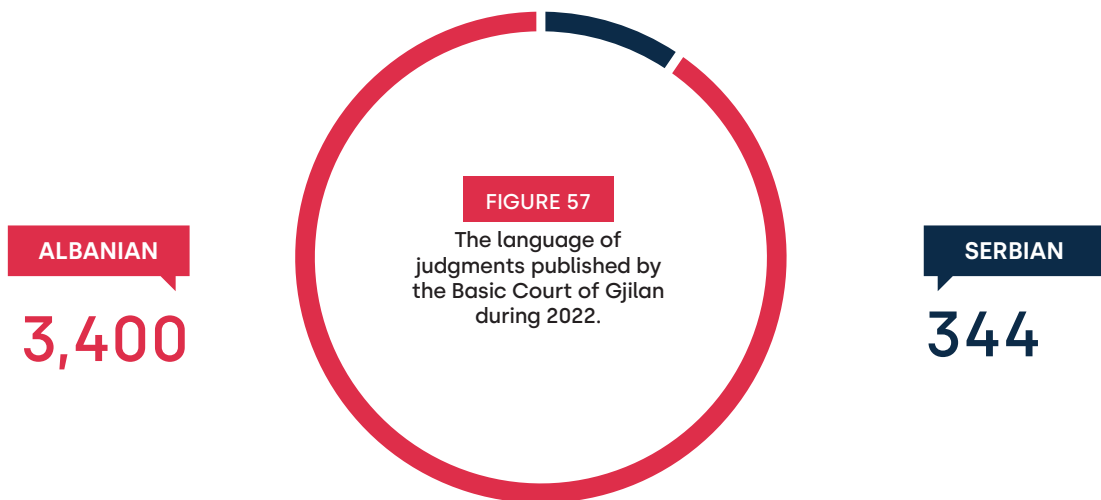
Most of the decisions published by this court, or 2,594 decisions, are of a civil nature. While the rest of 1,150 decisions are of a criminal nature. This division of decisions published during this

period by this court can also be seen in the chart below.



From all criminal cases published on the KJC website, FOL has identified 13 corruption decisions, 48 domestic violence decisions.

Of all the decisions published during this period, 344 of them were published in the Serbian language, while the rest were in the Albanian language.

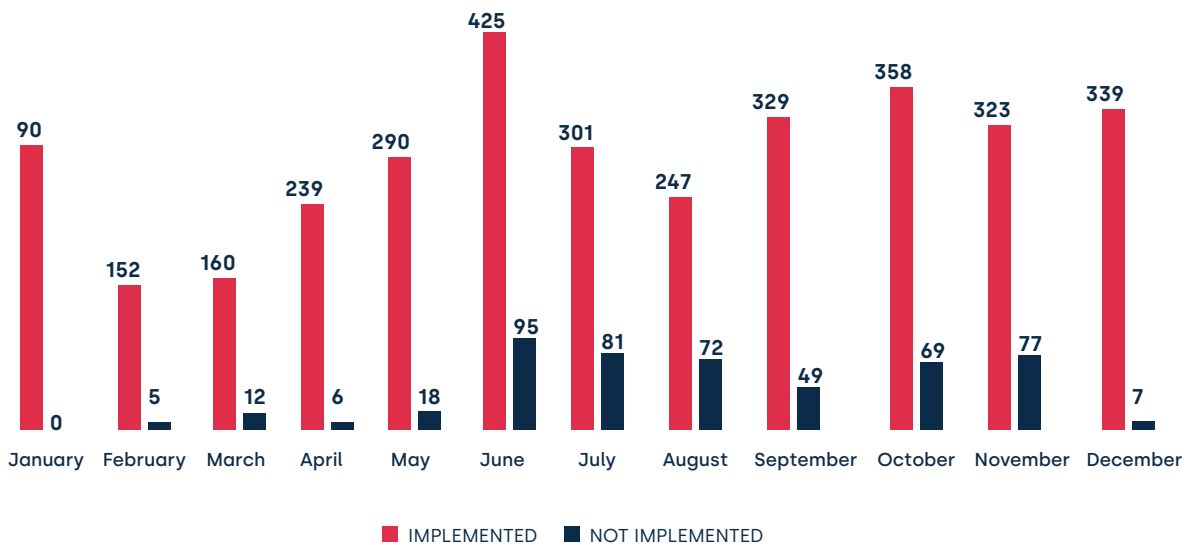


During monitoring, 158 non-anonymized decisions were recorded²¹. Meanwhile, regarding the Decision on the Standardization of Judgement Forms by this court, FOL has identified 491 decisions in which there were omissions in the implementation of this decision. The level of implementation of this decision is graphically presented in the table below.

²¹ Omissions in the concealment of data in this court have been evidenced in the concealment of the residence of the parties and witness data.

FIGURE 58

The level of implementation of the Decision on the Standardization of Judgement Forms in the decisions published by the Basic Court of Gjilan.



From the monitoring of the publication of the decisions of the Basic Court of Gjilan, it was observed that this court took an average of **80 days** to publish the decisions. This means that this court exceeds the time stipulated in the Law on Courts for the publication of decisions. As for last year, this court needed 75 days to publish the decisions.

The following table shows the judges with the most decisions published by the Basic Court of Gjilan, during the period January-December 2022.

So from the table above, it can be seen that the judges of the Basic Court of Gjilan with the most published decisions are: Besnik Pireva with 266 published decisions, Berat Spahiu with 238 published decisions, as well as Alush Sinani with 204 published decisions.

FIGURE 59

Judges with the most published decisions in the Basic Court of Gjilan during the period January-December 2022.





Basic Court of Gjakova

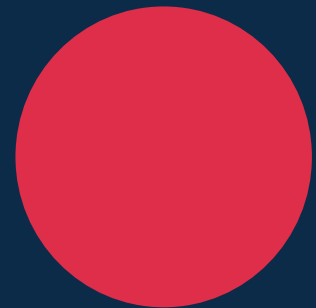
Resolved cases



Published decisions



8,600



3,305



FIGURE 60

The ratio between resolved cases and published decisions in the Basic Court of Gjakova during the period January-December 2022.

The Basic Court of Gjakova, including the Rahovec and Malisheva Branches, has published a total of 3,305 decisions on its official website during this period.²²

Consequently, out of 8,600 resolved cases by this court during 2022, monitoring data shows that this court has managed to publish about 38% of decisions from the resolved cases during this period.

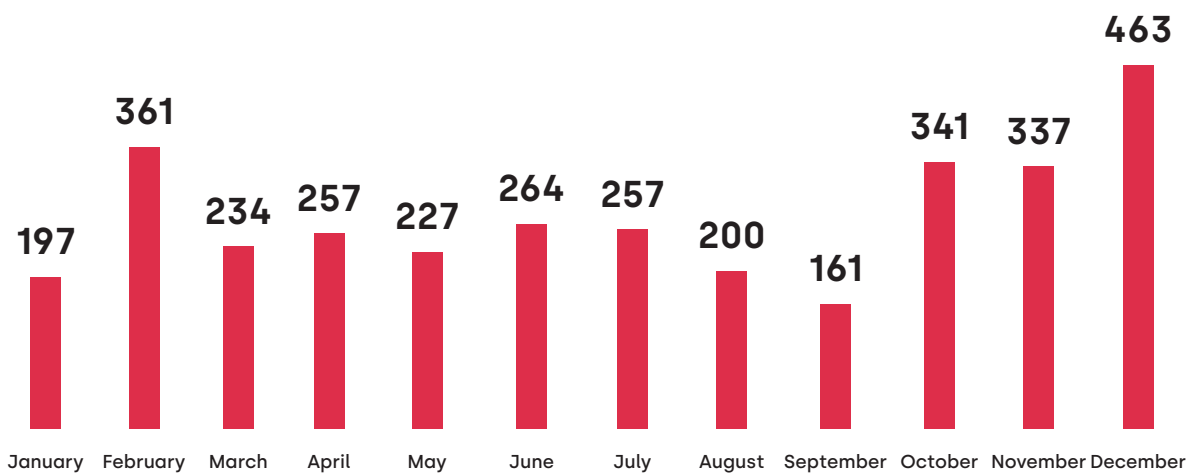
²² During the monitoring of the decisions on the website of the KJC in this court, 3 other repeated decisions were identified, which are not included in these figures.

This number of publications during this period has increased significantly, namely 46%, compared to the previous year (2021), where this court had published 2,246 decisions.

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

FIGURE 61

The level of publication of decisions for each month by the Basic Court of Gjakova, during the period January-December 2022.



The branches of this court have also contributed significantly to the increase in the publication of decisions within this court, publishing a total of 1,418 decisions, or 64% of all decisions published by this court.

During this period, *the Malisheva Branch* has published 565 decisions out of 1067 resolved cases (53%), while the *Rahovec Branch* has published 853 decisions out of 1493 resolved cases during this period (57%).

With these figures, these branches are among the branches with the most published decisions in relation to the cases resolved during this period.

The table below graphically reflects the publication of the decisions of the branches of the Basic Court of Gjakova during this period.

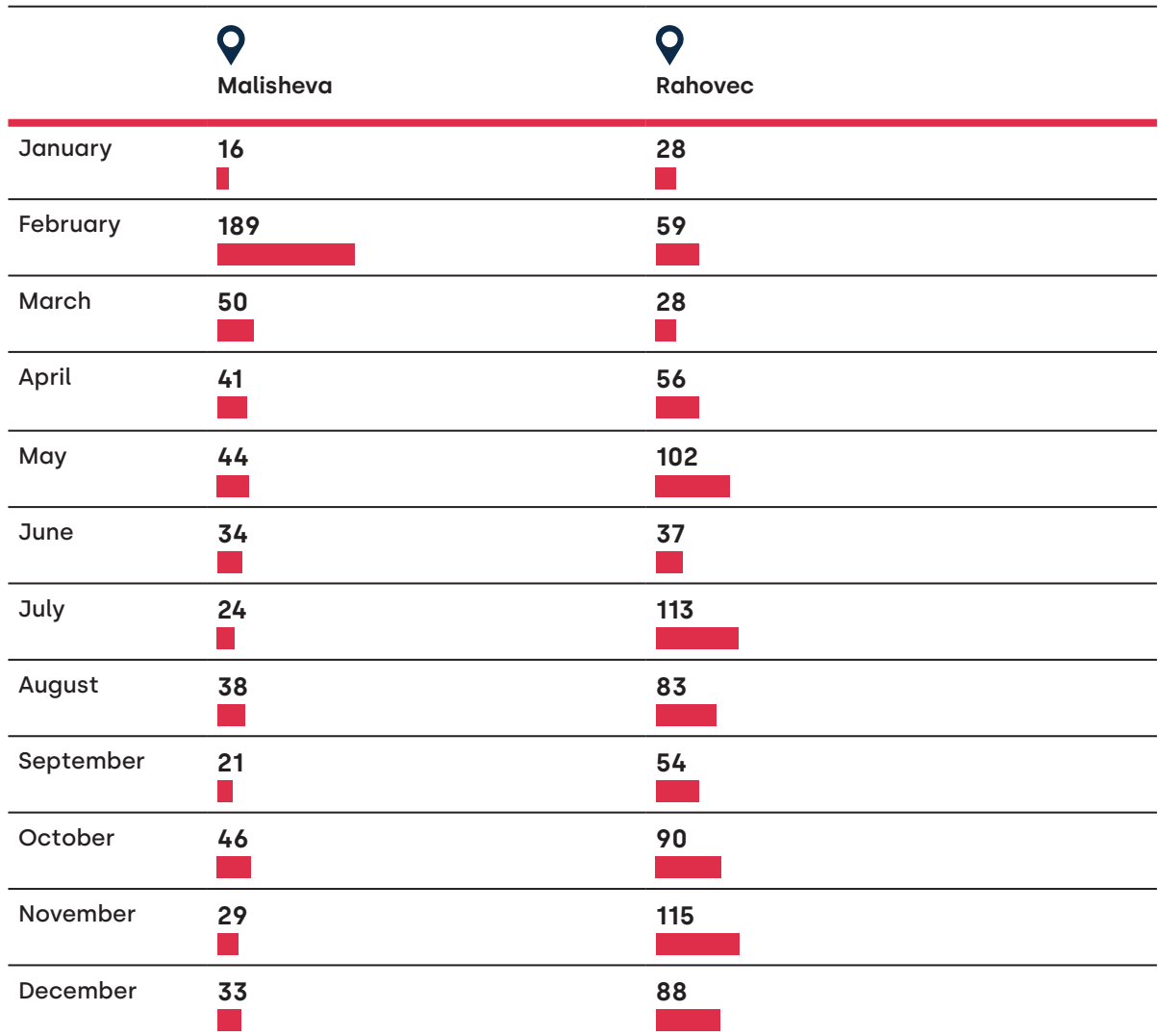
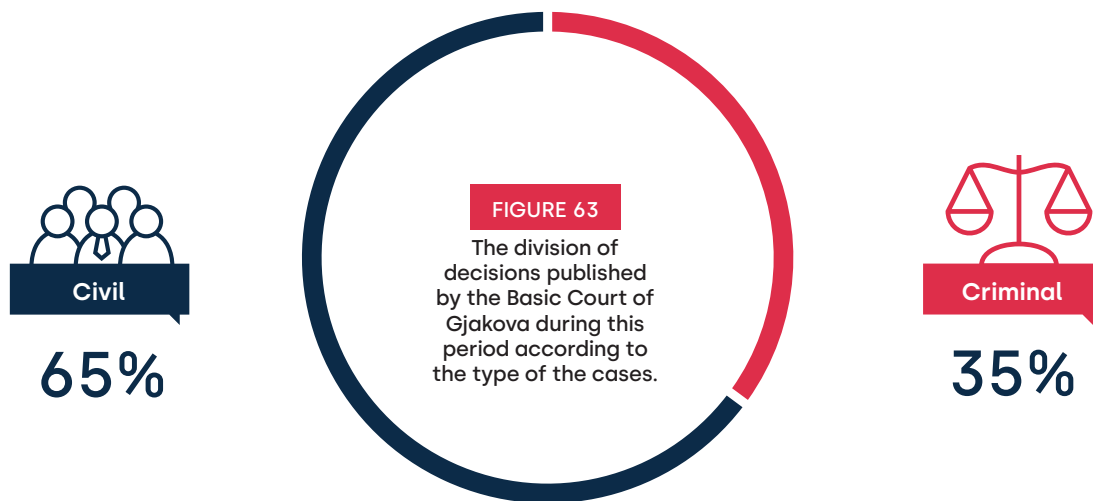


FIGURE 62 The level of publication of decisions by the Branches of the Basic Court of Gjakova during the period January-December 2022.

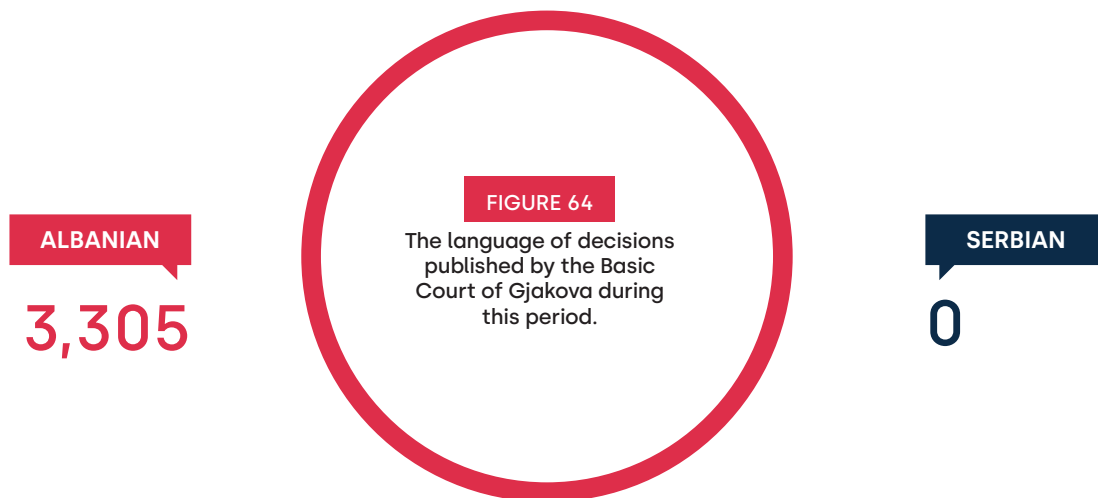
As for the type of published decisions, a multiple times greater number of them are of a civil nature, respectively 2,138 decisions of this nature, while 1,137 decisions are of a criminal offense nature.

This division of the decisions published by the Basic Court of Gjakova is presented in the chart below.



Of the criminal offense decisions, during this period this court has published 6 judgments related to criminal offenses of corruption and 72 judgments related to criminal offenses of domestic violence.

The Basic Court of Gjakova has published all decisions in the Albanian language.

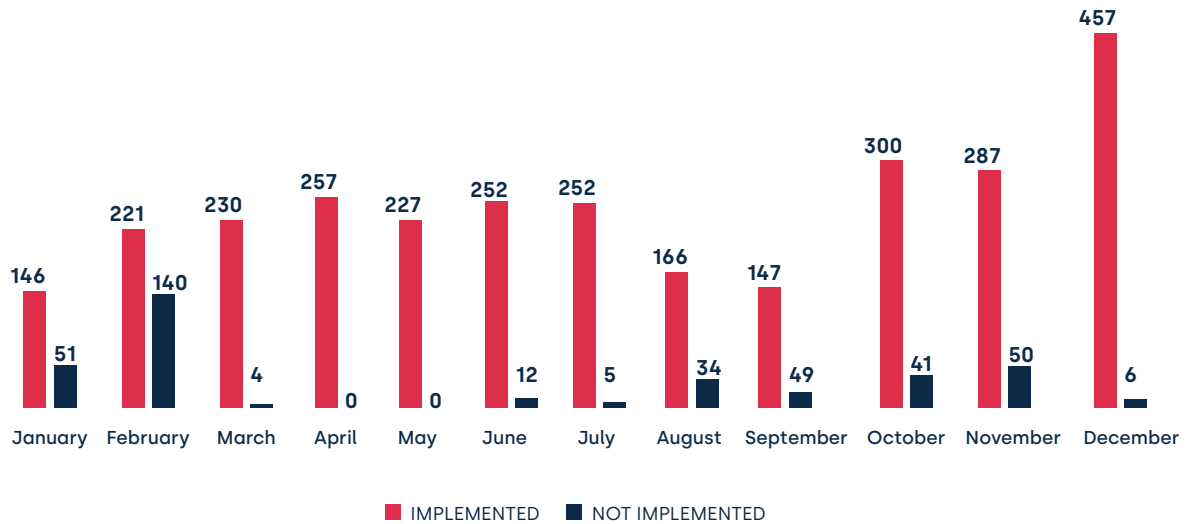


As for the anonymization of decisions by this court, during this period 289 non-anonymized decisions were recorded and the most expressed mistakes were the failure to hide the data of the party's representatives.

The decision of the Kosovo Judicial Council on the Standardization of Judgement Forms has not been sufficiently implemented by this court. Failures in the implementation of this decision have been identified in 363 published decisions. The implementation of this decision by this court is presented graphically in the table below.

FIGURE 65

The level of implementation of the Decision on the Standardization of Judgement Forms in the decisions published by the Basic Court of Gjakova.



From the monitoring of the publication of the decisions of the Basic Court of Gjakova, it was observed that this court took an average of **44 days** to publish the decisions. This means that the judgment was published within the deadline provided by law.

The judges with the most published decisions in the Basic Court of Gjakova are presented in the chart below.

FIGURE 66

Judges with the most published decisions in the Basic Court of Gjakova during the period January-December 2022



So from the table above, it can be seen that the judges of the Basic Court of Gjakova with the most published decisions are: Durim Balaj with 510 published decisions, Betim Behluli with 367 published decisions, as well as Mirjeta Shala with 338 published decisions.

Recommendations

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

- The level of implementation of all KJC regulations and decisions to be monitored by the Kosovo Judicial Council, including the Decision on the Standardization of Judgment Forms.
- Not to publish the same judgments.
- Update the website of the KJC with new news and announcements, important to the public, including the statistical reports related to the decisions published for each month.
- Avoid the publication of decisions from marital disputes, decisions involving juveniles, as well as other types of decisions that are excluded from publication, provided for in the Administrative Instruction for the Publication of Processed Judgments.
- Increase the number of information officials in courts with a large flow of cases.
- Each judgment before publication must be reviewed by the information officials regarding the harmonization of the judgment with the Administrative Instruction for the Publication of Processed Judgments and whether the protection of personal data has been achieved as a whole.
- Increase the publication of judgments of abuse of official position and authority.
- Decisions should be published on time on the KJC website, and not be published entirely on the last day of the month.
- Respect the deadline of 60 days for the publication of judgments, provided for in the Law on Courts regarding their publication.
- Each case to have a unique case number.
- All decision to be published in PDF format, as required in the Administrative Instruction for the Publication of Processed Judgments.

SOURCES:

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