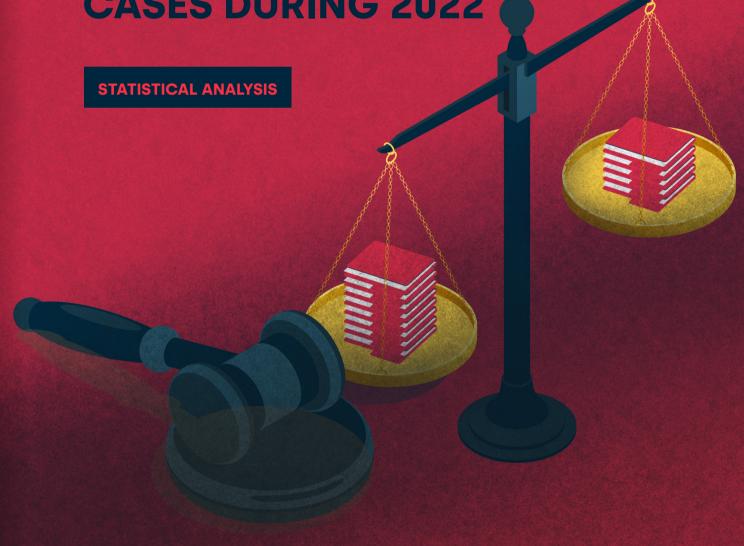
## **FOL**

PERFORMANCE OF THE PROSECUTORIAL AND JUDICIAL SYSTEM IN RESOLVING CORRUPTION CASES DURING 2022









# Performance of the prosecutorial and judicial system in resolving corruption cases during 2022

STATISTICAL ANALYSIS

Title: Performance of the prosecutorial and judicial system in resolving corruption cases during 2022 (statistical analysis)

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

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## 1. Introduction

One of the main challenges faced by the Kosovar society in general and the state apparatus in particular, continues to be the social perception of the large presence of corruption. Consequently, based on these researches, the methods and the fight against reducing the level of corruption must necessarily be systematic and well planned, adding here the alignment of our national legislation with the practices of the European Union legislation. The need to fight corruption as a negative phenomenon, apart from being a necessity, also reflects the desire for development and efficient functioning of state institutions.

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

It is known that the prosecution of perpetrators of criminal offenses falls under the responsibility of the State Prosecutor as an independent institution with authority and responsibility for the prosecution of persons accused of any criminal offense, regulated by law. This "right" of the prosecutorial system naturally becomes more serious, taking into account the level of spread of corruption, a fact that is also mentioned in the findings given in the European Commission Progress Report for Kosovo for the year 2022¹, where it is said that Kosovo is in the early phase of the fight against corruption. According to the report, during the reporting period some progress has been achieved with the adoption of important anti-corruption legislation, while there is a need to improve the implementation of the general legal framework. Continued efforts are needed to conduct more proactive investigations, obtain final judicial decisions and make final confiscation of assets. Finally, the report states that, despite the efforts already made, there is a need for strong political will to continue to effectively address the risks of systemic corruption, and a strong criminal justice response to high-level corruption is required.

The courts of all levels of the Republic of Kosovo, given the level of corruption they face, must efficiently deal with the high flow of corruption cases. The good result of the work of the courts is a real indicator of the state's seriousness in the fight against corruption. Therefore, the efficiency of the judiciary in resolving corruption cases in a reasonable time and in a professional manner means a great impact on the reduction and prevention of serious criminal offenses of corruption.

<sup>1</sup> European Commission, Report on Kosovo - 2022.

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

Taking into account what was said above, the only data with which we can analyze the performance of the courts and prosecutions are the official statistical data provided by the courts and prosecutions themselves. The construction of the data results on the performance of the quality and effectiveness of the courts and prosecutors of the Republic of Kosovo in this report is intended to be done using the methodology of the European Commission for the Efficiency of Justice (CEPEJ).

So, through the official data received by the Kosovo Judicial Council and the Kosovo Prosecutorial Council, interweaving them with CEPEJ's formulas, we will be able to evaluate the work of the courts and prosecutions on corruption cases specifically. Such assessment will enable us to take into account the flow of cases faced by the courts and prosecutions during a calendar year, the achieved rate of case resolution, assessment of case turnover rate, the trend of leveling of cases, the procedural duration of handling cases and the index of accumulated cases.

## 2. Metodologjia

This report addresses the issue of the performance and efficiency of the judicial and prosecutorial system in solving corruption cases, as well as it elaborates the level of workload of these institutions in solving these cases. The report is based on the official statistical data received by the Kosovo Prosecutorial Council (KPC) and the Kosovo Judicial Council (KJC) for the year 2022, whereas in order to measure the performance of these institutions on the basis of these official statistics, FOL has used the methodology of European Commission for the Efficiency of Justice (CEPEJ).<sup>2</sup>

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

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

The areas in which FOL was based on for measuring the performance of the prosecution and the judiciary are as follows: 1) case flow, 2) case resolution rate, 3) case turnover rate, 4) case handling duration, and 5) index of accumulated cases.

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

Such measuring from the statistics of the prosecution through the methodology of CEPEJ, FOL has done in the past<sup>3</sup>, and it will continue the same periodically also in the future.

<sup>2</sup> European Commission for the Efficiency of Justice (CEPEJ) is the body of the Council of Europe, which intends to improve the efficiency and functioning of justice in the member states and to develop and implement the practical instruments approved by the Council of Europe for this purpose. It should be noted that FOL Movement report is not authorized by the Council of Europe and that the formulas, even though they are identical, are not official.

<sup>3</sup> For more, see: Performance of the Prosecutor's Office in the Fight Against Corruption 2017; Performance of the Prosecutor's Office in the Resolution of Corruption Cases during 2021.

## Performance of the prosecution system in handling corruption cases during 2022

## 3. Performance of the prosecution system in handling corruption cases during 2022

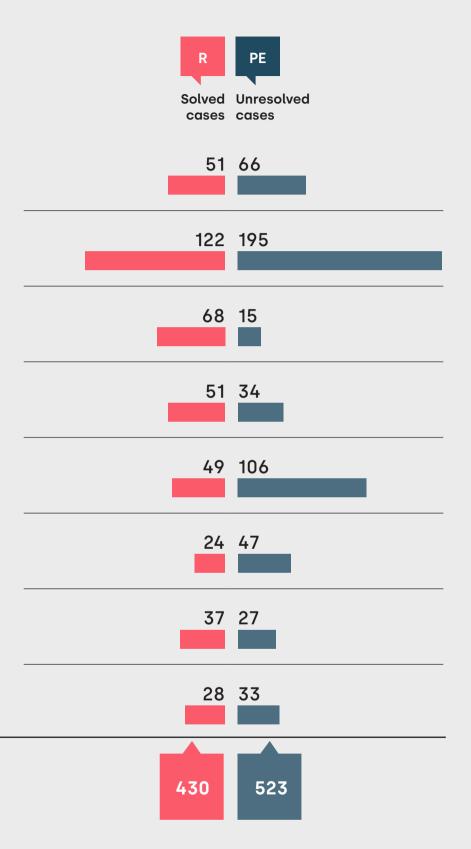
The result from the calculation of the performance of the prosecutions of the Republic of Kosovo in handling corruption cases is an indicator of the seriousness, willingness and determination of the prosecutorial system in preventing and fighting corruption.

By analyzing the advantages and revealing the weaknesses in the work of the prosecution during the handling of corruption cases, we will be able to contribute to reflecting the general situation of the fight against corruption. The good performance of the prosecution in handling corruption cases, i.e. the efficiency in the prosecution of persons involved in these criminal offenses, it implies the full respect of the laws and priorities set by the Kosovo Prosecutorial Council.

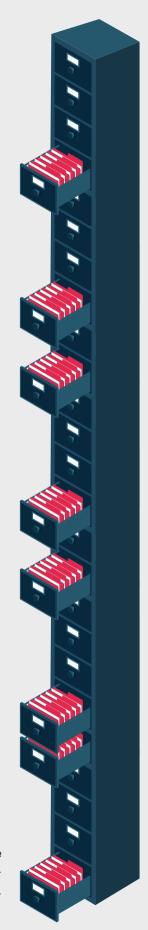
Table below presents the general overview with data of the prosecutorial system, on which these indicators are based.

	Inherited cases	New cases	Total cases in progress
Special Prosecution	60	57	117
Basic Prosecution in Prishtina	117	200	317
Basic Prosecution in Gjilan	14	69	83
Basic Prosecution in Prizren	17	68	85
Basic Prosecution in Mitrovica	105	50	155
Basic Prosecution in Gjakova	36	35	71
Basic Prosecution in Peja	25	39	64
Basic Prosecution in Ferizaj	19	42	61
TOTAL:	393	560	953

Overview of the performance of the Prosecution System in resolving corruption cases during 2022.



Whereas in the following text, the measuring indicators of the efficiency of the State Prosecution's work (Special Prosecution and seven basic prosecution offices) are presented in general in the resolution of corruption cases during 2022.



### 3.1 Case flow

An important part of the circle of difficulties for the most efficient and qualitative management of cases by the prosecutions is the greatest case flow. The case flow is a basic indicator of workload and includes new cases and cases inherited from previous periods.

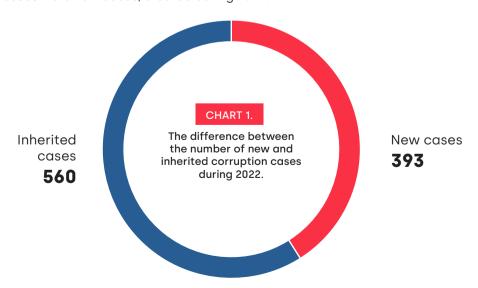
The number of new cases means the number of cases that are entered into the system and that require action by the prosecution offices, while the number of solved cases is the answer given by the prosecutorial system, that is, the number of cases that have been handled. Meanwhile, cases that are expected to be handled are the number of cases that remain to be resolved by the prosecution at a certain time and as such are cases that are carried over to the next year.

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

LP (case in progress) = PS (unresolved cases at the beginning of the reporting period) + I (new cases)

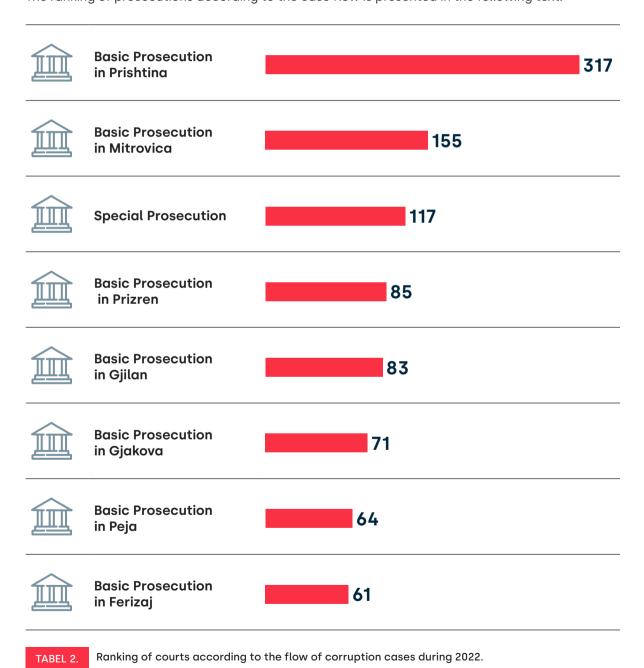
During the period January - December 2022, the total number of cases in the Special Prosecutions Office and in the seven basic prosecution offices related to the criminal offenses of Chapter XXXIII of the Criminal Code of the Republic of Kosovo (Official corruption and criminal offenses against official duty) were 953 cases.

Cases carried over from the previous year (393 cases), as well as the new cases created during the year (560 cases), contributed to this number. So, expressed as a percentage, 41% of the corruption cases of all courts that were in progress during 2022 were carried over from the previous year, while 59% of the cases were new cases, created during 2022.



This figure shows that the case flow during 2022 in all basic and special prosecutions was higher than in 2021, where there were a total of 802 cases in progress this year. So this year there was an increase in the flow of corruption cases by 17%.

The ranking of prosecutions according to the case flow is presented in the following text:



## According to the table presented above, it turns out that the highest flow of corruption cases during 2022 was faced by:

→ The Basic Prosecution Office of Prishtina, which during this period had 317 cases in progress, 117 of which were inherited from the previous year, while 200 cases were created during the year. This is the prosecution office with the largest number of new corruption cases created during 2022, as well as the largest number of cases carried over from the previous year.

#### While the lowest flow of corruption cases during 2022 was faced by:

→ **The Basic Prosecution Office of Ferizaj** which had a total of 61 cases in progress, 18 of which were inherited from the previous year, while 42 new cases were created.

Also, according to the measurement of the performance of the Prosecution System in the resolution of corruption cases made for 2021, the Basic Prosecution Office in Prishtina was faced with the largest flow of corruption cases (with a total of 245 cases in progress), namely 72 cases less than in the year 2022.

While the prosecution office with the lowest flow of corruption cases in 2021 was the Basic Prosecution Office of Gjilan, with a total of 54 cases in progress, or 29 cases less than in 2022.

#### 3.2 Case clearance rate

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

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

Consequently, according to this formula, the average clearance rate of corruption cases during 2022 in all basic and special prosecution offices is as follows:

So according to this formula, the number of corruption cases cleared during 2022 was 430, the number of new cases received during 2022 was 560, the clearance rate of corruption cases during 2022 turns out to be 77%. So the number of new cases received during 2022 was significantly higher in relation to the cases solved during this year, which means there is a lack of capacity for solving new cases which then creates a workload in the future with preliminary cases.

In other words, out of 953 corruption cases that were in progress during 2022, prosecutors managed to clear 430 cases, namely 45% of the cases, while the rest of 523 cases remained unresolved and were carried over to 2022.

This means that in relation to the year 2021, when the clearance rate of corruption cases in the prosecution offices of the Republic of Kosovo was 84%, this indicator has decreased in 2022.

Meanwhile, the clearance rate of corruption cases in each basic and special prosecution office during 2022 is shown in the table below.

BASIC AND SPECIAL PROSECUTION OFFICES OF THE REPUBLIC OF KOSOVO



Special **Prosecution** 

$$\frac{51}{57}$$
 x 100 = **89%**



Basic **Prosecution in** Prishtina

$$\frac{122}{200}$$
 x 100 = **61%**



Basic **Prosecution in** Gjilan

$$\frac{68}{69}$$
 x 100 = **99%**



Basic Prosecution in Prizren

$$\frac{51}{68}$$
 x 100 = **75%**



**Basic** Prosecution in Mitrovica



**Basic Prosecution in** Gjakova

$$\frac{24}{35}$$
 x 100 = **69%**



Basic Prosecution in Peja

$$\frac{37}{39}$$
 x 100 = **95%**



Basic Prosecution in Ferizaj

$$\frac{28}{42}$$
 x 100 = **67**%



TABLE 3.

TOTAL:  $\frac{430}{560} \times 100 = 77\%$ 

The clearance rate of corruption cases during the year 2022 in the seven basic and special prosecution offices.

According to the table presented above, it appears that the highest clearance rate of corruption cases in 2022 was achieved by:

→ The Basic Prosecution Office in Gjilan, which had 69 new cases created during the year, while it had managed to solve 68 cases, reaching the case clearance rate at 99%;

#### While the lowest clearance rate of corruption cases has been achieved by:

→ The Basic Prosecution Office in Prishtina, which had 200 new cases created during the year, while it had managed to solve 122 cases, reaching the case clearance rate at 61%.

Meanwhile, according to the measurement of the performance of the prosecutorial system in the fight against corruption made for 2021, the highest case clearance rate during this year was achieved by the Basic Prosecution Office in Prizren (120%), which out of 61 new cases created during the year, it managed to solve 73 cases, while the lowest case clearance rate was achieved by the Basic Prosecution Office in Gjakova (44%), which, out of 43 new cases created during the year, managed to solve only 19 cases.

### 3.3 Case turnover ratio

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

In other words, the case turnover rate measures how quickly the system (in this case the prosecution office) handles the cases it receives - which otherwise depends on how much time it takes for the system to resolve a case.

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

Consequently, from this formula, the average case turnover rate in all basic and special prosecution offices during 2022 is:

Case turnover rate = 
$$\frac{430}{523}$$
 = 0.82

The ideal case turnover rate should be at least 1, which means that the system clears as many cases as it receives during the year and has not carried over any cases to the next year. Whereas, in this case, the case turnover rate is slightly larger than 1, which means that in this particular case there is a small difference in relation to the ideal case turnover rate.

The case turnover rate has decreased compared to last year (year 2021), where this rate was 1.04.

The clearance rate of corruption cases during 2022 in each basic and special prosecution offices is presented in the table below.

THE REPUBLIC OF KOSOVO



Special Prosecution

$$\frac{51}{66}$$
 = **0.77**



**Basic Prosecution** Office in Prishting

$$\frac{122}{195} = 0.62$$



**Basic Prosecution** Office in Gjilan



**Basic Prosecution** Office in Prizren



**Basic Prosecution** Office in Mitrovica

$$\frac{49}{106} = 0.46$$



**Basic Prosecution** Office in Gjakova

$$\frac{24}{47} = 0.51$$



**Basic Prosecution** Office in Peja

$$\frac{37}{27} = 1.37$$



**Basic Prosecution** Office in Ferizaj

$$\frac{28}{33} = 0.84$$



The turnover rate of corruption cases during the year 2022 in the seven basic and special prosecution offices.

## According to the data presented in the table above, it turns out that the highest turnover rate of corruption cases in 2022 has been achieved by.

→ The Basic Prosecution Office in Gjilan, which reached the case turnover rate at 4.53. This prosecutorial office had managed to solve 68 cases, namely 82% of the cases it had in progress, while only 15 cases remained unresolved, which were carried over to 2023.

#### While the lowest case turnover rate has been achieved by:

→ The Basic Prosecution Office in Gjakova, which had reached the case turnover rate at 0.51. This prosecutorial office had managed to solve only 34 cases, namely 34% of the cases it had in progress, while 47 cases remained unresolved, which were carried over to 2023.

In relation to the year 2021, according to the measurement made for the performance of the prosecutorial system in resolving corruption cases, the highest case turnover rate was achieved by the Basic Prosecution Office in Prizren (4.29), which resolved 73 cases, namely 81 of cases, while only 8 were carried over to 2022.

While the lowest case turnover rate in 2020 was achieved by the Basic Prosecution Office in Mitrovica (0.26), which managed to resolve only 28 cases, while 108 cases were transferred to 2022.

## 3.4 Case disposition time (disposition time)

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

First, the number of resolved cases during the reporting period is divided by the number of unresolved cases at the end of the reporting period, which is known as the case turnover rate.4

Secondly, this case turnover rate is divided by 365, so the indicator of the duration of the case resolution can be expressed by the number of days, for which CEPEJ suggests that it simplifies the understanding of the relationship between the number of cases resolved during the reporting period and the number of cases expected to be resolved (transferred cases).5

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

So the number 365 is the number of days in a year, which is divided by the case turnover rate of the seven basic prosecutions and the special prosecution, which for the year 2022 turned out to be 0.82.

The duration of the completion of cases that remained unresolved during 2022 in each basic and special prosecution office is presented separately in the following table.

<sup>4</sup> https://www.courtexcellence.com/\_\_data/assets/pdf\_file/0030/54795/GLOBAL-MEASURES-3rd-Edition-Oct-2020.pdf .

<sup>5</sup> Ibid.

BASIC AND SPECIAL PROSECUTION OFFICES OF THE REPUBLIC OF KOSOVO



Special Prosecution

$$\frac{365}{0.77} = 474$$



Basic Prosecution Office in Prishtina



Basic Prosecution Office in Gjilan



Basic Prosecution Office in Prizren



Basic Prosecution Office in Mitrovica

$$\frac{365}{0.46} = 793$$



Basic Prosecution Office in Gjakova



Basic Prosecution Office in Peja



Basic Prosecution Office in Ferizaj

TABLE 5. Case disposition time that have not been resolved during 2022 in the seven basic and special prosecution offices.

According to the table presented above, if the same trend of solving cases as in 2022 continues, it results that the shortest time for solving the corruption cases that remained unresolved this year is needed

→ The Basic Prosecution Office in Gjilan, , which needs an average of 81 days to resolve all corruption cases that remained unresolved this year. This is because, this prosecution office had 83 corruption cases, of which it managed to solve 68 cases, and only 15 cases were transferred to 2023.

#### While longer time for resolving these cases is needed for:

→ The Basic Prosecution Office in Mitrovica, which needs an average of 793 days to resolve all corruption cases that remained unresolved this year. This is because, as detailed on page 12 of this report, this prosecution office had achieved the lowest case turnover rate during this monitoring period (0.46), which is why this result was obtained.

Meanwhile, as regards the measurement of this indicator made for the year 2021 for corruption cases, the shortest time for the resolution of the corruption cases that had remained unresolved this year was taken by the Basic Prosecution Office in Prizren (85 days), while the longest time needed for resolving these cases even during 2021 was the Basic Prosecution Office in Mitrovica (1,403 days).

### 3.5 Index of accumulated cases

One of the main problems reported in the justice system in Kosovo is the large number of cases accumulated over the years. The prosecution offices, just like the courts, continue to deal with old cases that become a burden and a heavy workload, and that are carried over year after year.

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

So a key indicator of the prosecution's performance is the index of accumulated cases. This indicator is determined by the number of unresolved cases at the beginning of the reporting period, divided by the number of cases resolved during the reporting period.

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

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

Index of accumulated cases 
$$=$$
  $\frac{393}{430}$   $=$  0.91

A higher value of the index of accumulated cases indicates that it takes longer to solve a case. While in the specific case it is implied that the prosecution has resolved more cases than it inherited from the previous year.

Meanwhile, compared to the previous year (year 2021), the number of accumulated cases has undergone a significant increase, since during the year 2021 the index of accumulated cases was 0.77.

The index of accumulated cases in each basic and special prosecution office is expressed in the following table:



Special Prosecution



**Basic Prosecution** Office in Prishting



**Basic Prosecution** Office in Gjilan



**Basic Prosecution** Office in Prizren



**Basic Prosecution** Office in Mitrovica



**Basic Prosecution** Office in Gjakova

$$\frac{36}{24}$$
 = 1.5



**Basic Prosecution** Office in Peja

$$\frac{25}{37} = 0.67$$



**Basic Prosecution** Office in Ferizaj

$$\frac{19}{28} = 0.67$$



TOTAL:

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

→ The Basic Prosecution Office in Gjilan, with an index of accumulated cases at 0.20. This is because, from 14 cases inherited from the previous year and 69 cases created during the year, this prosecutor managed to solve 68 of them.

#### While the highest index of accumulated cases has been achieved by:

→ Basic Prosecution in Mitrovica, with index of accumulated cases in 2.14. This is because, out of 105 cases inherited from the previous year and 50 cases created during the year, this prosecutor managed to resolve only 49 of them.

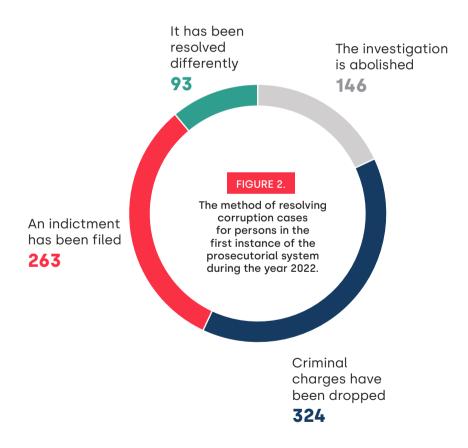
Meanwhile, according to the measurement made for corruption cases for 2021, during this year the lowest index of accumulated cases was also achieved by the Basic Prosecution Office in Gjilan (0.2), while with the highest index of accumulated cases during 2020 as well the Basic Prosecution Office in Mitrovica had achieved (2.96).

## 3.6 Method of resolving cases for persons at the first instance of the prosecutorial system

According to the data received from the Kosovo Prosecutorial Council, during the year 2022, the seven basic prosecution offices and the Special Prosecution Office have solved cases of 826 people.

From the available data, it can be observed that for most of the persons, or for 39%, criminal charges have been dropped. For 18%, or for 146 people, the investigation was abolished, while for 32%, or for 263 people, indictments were filed. While for 11% of people, cases were resolved in other ways.

Graphically, the way of solving corruption cases for persons in the first instance of the prosecutorial system as a whole is presented in the following chart.



Meanwhile, the way of solving corruption cases for persons during 2022, for each basic and special prosecution office, is presented in the table below.

Criminal

charges

dropped

have been abolished

The inves-

tigation is

TABLE 6.

			a punitive order)	been merged)
Special Prosecution	71	22	54	34
Basic Prosecution Office in Prishtina	78	36	99	1
Basic Prosecution Office in Prizren	33	15	3	25
Basic Prosecution Office in Peja	49	5	1	32
Basic Prosecution Office in Gjilan	37	26	36	0
Basic Prosecution Office in Mitrovica	28	23	38	0
Basic Prosecution Office in Ferizaj	15	14	21	0
Basic Prosecution Office in Gjakova	13	5	11	1

An indictment has

been filed (directly,

after conducting the

investigations, an

indictment for issuing

It has been

resolved

differently

(procedure has

been merged)

Unlike in 2021, where the first instance of the prosecutorial system had indicted 335 people for criminal offenses of corruption, this number in 2022 had decreased by 21%.

The method of resolving corruption cases during 2022 for persons in all basic prosecutions

separately, as well as in the special prosecution.

## Performance of the judicial system in resolving corruption cases during 2022

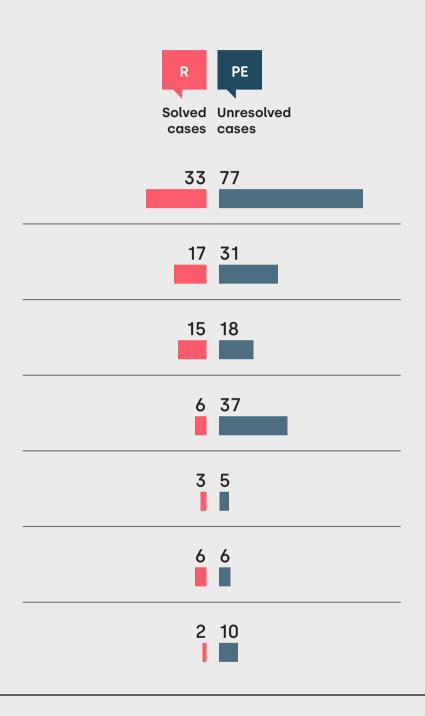
## 4. Performance of the judicial system in resolving corruption cases during 2022

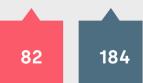
The work and determination of the courts of the Republic of Kosovo in the resolution of corruption cases can be observed in the periodic data which contain data from receiving cases until their final solution. These data must be processed in accordance with the adequate methodology, in order to create the general overview of the fulfillment of the mission of the judicial system in this specific field. The result of such processing will be a clear indicator of the level of resolution of cases and other indicators in the field of corruption.

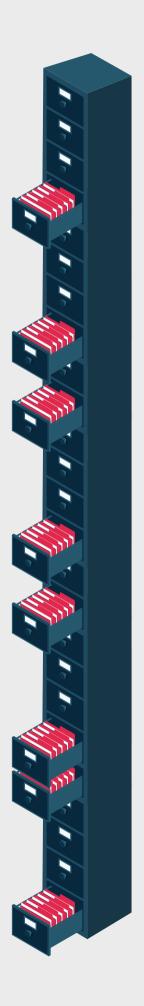
The following table presents the general overview with the data of the judicial system, on which these indicators are based.

Whereas in the following are presented results from the indicators measuring the efficiency of the work of the Courts of the Republic of Kosovo in the resolution of corruption cases during the year 2022, according to the methodology of the European Commission for the Measurement of the Efficiency of Justice (CEPEJ).







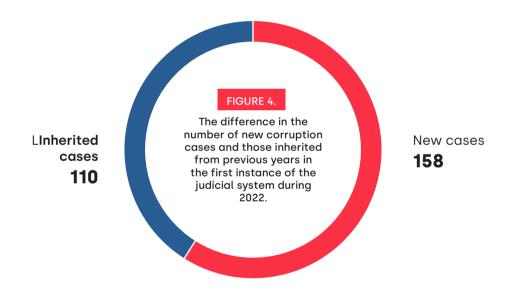


### 4.1 Case flow

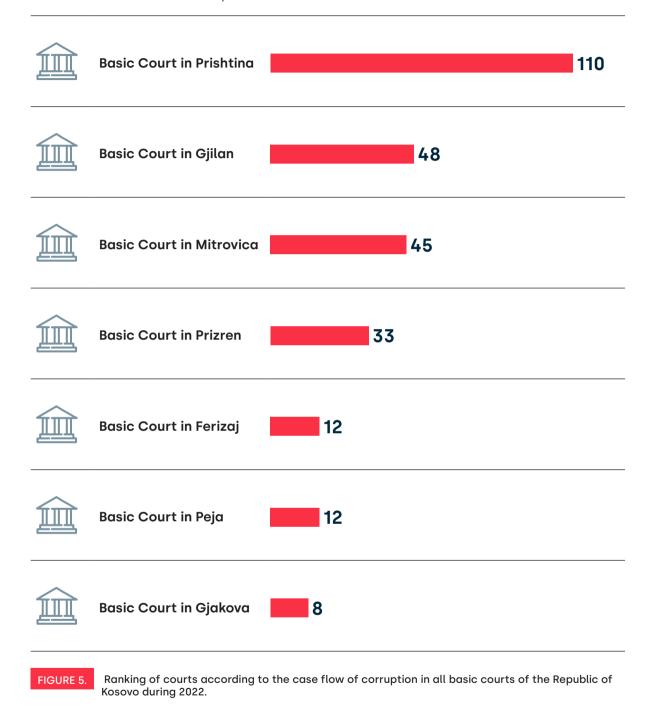
As explained in the first part of this report, the case flow is an indicator of the workload of the system with cases in progress and includes new cases created during the year and the inherited cases, respectively carried over from the previous year.

During January-December 2022, a total number of cases in progress in seven basic courts of the Republic of Kosovo related to criminal offenses of corruption, were 268 cases.

The cases carried over from the previous year (158 cases), as well as the new cases created during the year (110 cases), contributed to this number. Expressed as a percentage, 59% of the corruption cases of all courts that were in progress during 2022 were carried over from the previous year, while 41% of the cases were new cases, created during 2022.



Meanwhile, the following chart shows the ranking of courts according to the case flow of corruption in all basic courts of the Republic of Kosovo.



### From the table above, it can be seen that the largest case flow of corruption during 2022 was faced by:

→ **The Basic Court in Prishtina**, which had a total of 110 corruption cases in progress, 74 of which were inherited from the previous year, while 36 cases were created during 2022.

#### While the lowest case flow of corruption during 2022 was faced by:

→ **The Basic Court in Gjakova**, which had a total of 8 corruption cases in progress, 5 of which were inherited from the previous year, while 3 cases were created during 2022.

Meanwhile, in comparison to 2021, the basic courts had a total of 383 corruption cases. The court with the highest case flow was also the Basic Court in Prishtina, with 197 cases in progress. While the Basic Court in Gjakova was faced with the lowest case flow, with a total of 15 cases of corruption in progress.

### 4.2 Case clearance rate

The case clearance rate is an important indicator that shows the performance of the courts in resolving corruption cases expressed as a percentage, it also indicates the working capacity of the courts. This rate does not include the number of inherited cases, but only the number of new cases created during the year.

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

Consequently, according to this formula, the average clearance rate of corruption cases in 2022 in all basic courts of the Republic of Kosovo was:

Case clearance rate % = 
$$\frac{82}{110}$$
 x 100 = **75%**

According to this formula, where the number of clearance rate of corruption cases during 2022 was 82 cases, while the number of new cases created during the year was 110 cases, the case clearance rate during 2022 turns out to be 75%.

So the first instance of the judicial system in 2022 managed to resolve 18 cases less than it received, therefore this is also reflected in the low case clearance rate.

The table below shows the clearance rate of corruption cases in each of the basic courts of the Republic of Kosovo.

BASIC COURTS OF THE REPUBLIC OF KOSOVO

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



Basic Court in Prishtina



Basic Court in Gjilan



Basic Court in Prizren

$$\frac{15}{20}$$
 x 100





Basic Court in Mitrovica





Basic Court in Gjakova

$$\frac{3}{3} = \times 100$$





$$\frac{6}{8} = \frac{\times 100}{100}$$
 75%





Basic Court of Ferizaj

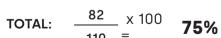


TABLE 8. The clearance rate of corruption cases in all basic courts of the Republic of Kosovo during the year 2022.

#### From this table, it can be seen that the highest clearance rate of corruption cases in 2022 was achieved by:

→ The Basic Court in Gjakova, which had 3 new cases created during the year, while it had managed to solve 3 cases, reaching the case clearance rate at 100%; as well as the Basic Court in Ferizaj, which had 2 cases created during the year and had managed to resolve 2 cases, reaching a 100% case clearance rate.

#### While the lowest clearance rate of corruption cases was achieved by:

→ The Basic Court in Mitrovica, which had 14 new cases created during the year, while it had managed to solve 6 cases, reaching the case clearance rate at 43%.

While in 2021, the seven basic courts had reached a significantly higher case clearance rate, namely 108%.

The court with the lowest case clearance rate in 2021 was the Basic Court in Gjilan, which reached a case clearance rate of 156%, while the court with the lowest case clearance rate was the Basic Court in Mitrovica, which had reached a 79% case clearance rate.

### 4.3 Case turnover ratio

As detailed in the first part of the report, the case turnover ratio measures the ratio between the number of resolved cases and the number of unresolved cases. So this rate measures the frequency with which the judicial system replaces the number of new cases. In other words, the case turnover rate measures how quickly the system (in this case, the court system) processes the cases it receives – which is otherwise how long it takes for the system to decide about a case.

The average turnover rate of corruption cases in 2022 in all basic courts of the Republic of Kosovo was:

Case turnover rate = 
$$\frac{82}{104}$$
 x 100 = 0.44

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

While in the specific case, the judicial system has managed to solve only 82 cases, namely only 31% of all the cases it has had in progress, while 184 cases, or 69%, has not managed to solve and has carried them over to the year 2023, therefore it has reached this case turnover rate.

The table below shows the clearance rate of corruption cases in each of the basic courts of the Republic of Kosovo.

#### **BASIC COURTS OF THE REPUBLIC OF KOSOVO**



**Basic Court in** Prishtina

$$\frac{33}{77} = 0.42$$



**Basic Court in** Gjilan

$$\frac{17}{31} = 0.54$$



**Basic Court in** Prizren

$$\frac{15}{18} = 0.83$$



**Basic Court in** Mitrovica

$$\frac{6}{37}$$
 = **0.16**



**Basic Court in** Gjakova

$$\frac{3}{5}$$
 = **0.6**



**Basic Court in** Peja



**Basic Court in** Ferizaj

$$\frac{2}{10} = 0.2$$



TOTAL: 
$$\frac{82}{104} = 0.44$$

### From this table, it can be seen that the highest turnover rate of corruption cases in 2022 was achieved by:

→ **The Basic Court in Peja**, which this year reached the case turnover rate in 1. This court managed to solve 6 cases, while 6 cases remained unresolved and were carried over to 2023.

#### While the lowest turnover rate of corruption cases has been achieved by:

→ The Basic Court in Mitrovica, which this year reached the case turnover rate of 0.16. This court managed to resolve 6 cases, while 37 cases remained unresolved and were carried over to 2023.

Meanwhile, in 2021, the seven basic courts had reached the case turnover rate of 0.39. The court with the highest case turnover rate was the Basic Court in Prizren (1.15), while the court with the lowest case turnover rate was the Basic Court in Prishtina with a turnover rate of 0.20.

### 4.4 Case disposition time (disposition time)

As it was emphasized in the first part of the report, the duration of the completion of the cases according to the methodology of the European Commission for the Efficiency of Justice (CEPEJ) is formulated as follows:

So the number 365 is the number of days within the reporting period, which is divided by the case turnover rate of the seven basic courts, which this year resulted in 0.44.

The table below shows the clearance rate of corruption cases in each of the basic courts of the Republic of Kosovo.

## BASIC COURTS OF THE REPUBLIC OF KOSOVO



Basic Court in Prishtina

$$\frac{365}{0.42} = 869$$



Basic Court in Gjilan



Basic Court in Prizren

$$\frac{365}{0.83} = 440$$



Basic Court in Mitrovica



Basic Court in Gjakova

$$\frac{365}{0.6} = 608$$



Basic Court in Peja



Basic Court in Ferizaj

TABLE 10.

Duration of completion of corruption cases in all basic courts of the Republic of Kosovo during 2022.

According to the table presented above, if the same trend of case clearance continues, it results that the shortest time for clearance of the corruption cases that were left unresolved this year is needed for:

→ The Basic Court in Peja, which needs an average of 365 days to resolve all the corruption cases that remained unresolved this year. This is because this court had achieved the highest case turnover rate during this monitoring period (1).

Whereas, if it is consistent with the same trend of clearance of corruption cases, it takes longer to resolve corruption cases:

→ The Basic Court in Mitrovica, which needs an average of 2,281 days to resolve all corruption cases that remained unresolved this year. This is because this court had achieved the shortest case turnover rate during this monitoring period (0.20).

While in 2021, the court that needed the most days to resolve corruption cases was the Basic Court of Prishtina, which needed 2,825 to resolve corruption cases that had remained unresolved in the previous year. While the court that needed fewer days to resolve these cases was the Basic Court of Prizren, which needed 317 days to resolve the corruption cases that remained unresolved in that period.

### 4.5 Index of accumulated cases

As elaborated in the first part of the report, the Index of accumulated cases, through the methodology of the European Commission for the Efficiency of Justice, is expressed through this formula:

Consequently, according to this formula, the average index of accumulated cases in all basic courts during 2022 is:

Index of accumulated cases = 
$$\frac{158}{82}$$
 x 100 = 1.92

The higher the value of this indicator, the longer the system needs to solve cases. In this particular case, the number of inherited cases from the previous year was significantly higher than the number of cases that the system was able to solve this year, which is why it is reflected in the high index of accumulated cases.

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



Basic Court in Prishtina

$$\frac{74}{33}$$
 = **2.24**





Basic Court in Giilan

$$\frac{21}{17}$$
 = **1.23**





Basic Court in Prizren

$$\frac{13}{15}$$
 = **0.86**





Basic Court in Mitrovica

$$\frac{31}{6}$$
 = **5.16**



Basic Court in Gjakova

$$\frac{5}{3}$$
 = 1.6





Basic Court in Peja

$$\frac{4}{6}$$
 = 0.66





Basic Court in Ferizaj

$$\frac{10}{2} = 5$$



### According to the data presented in the table above, it turns out that the lowest index of accumulated cases during 2022 was achieved by:

→ The Basic Court in Mitrovica, with an index of accumulated cases in 5.16. This is because, out of 31 inherited cases from the previous year and 14 cases created during the year, this court managed to resolve only 6 of them, while 37 have been transferred to 2023.

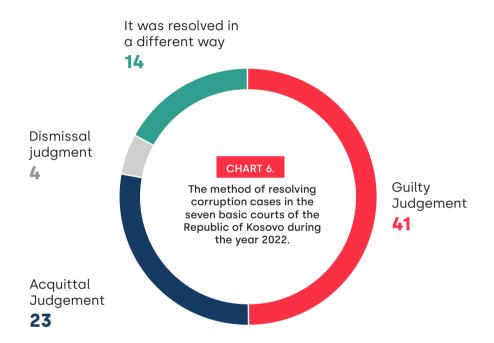
#### While with the highest index of accumulated cases during 2022, was reached by:

→ The Basic Court in Peja,, with an index of accumulated cases at 0.66. This is because, out of 4 inherited cases from the previous year and 8 cases created during the year, this court had managed to solve only 6 of them and carried over 6 to the year 2023.

While in 2021, the court with the highest index of accumulated cases was the Basic Court in Prizren (2.96). While the court with the lowest index of accumulated cases was the Basic Court in Gjilan (0.20).

# 4.6 Method of resolving corruption cases by the first instance of the judicial system

As for the way of resolving corruption cases by all basic courts of the Republic of Kosovo during 2022, out of 82 cases resolved this year, 41 guilty judgements (50%), 23 acquittal judgements (28%) were issued. 4 rejection judgements (5%), as well as 14 cases were resolved in another way (17%).



The table below shows the way corruption cases were resolved during 2022 in each of the basic courts of the Republic of Kosovo.

	Guilty Judgement	Acquittal Judgement	Dismissal judgment	It was resolved in a different way
Basic Court in Prishtina	15	12	2	3
Basic Court in Prizren	9	3	0	4
Basic Court in Peja	5	1	0	0
Basic Court in Gjilan	6	3	1	7
Basic Court in Mitrovica	3	2	1	0
Basic Court in Ferizaj	2	0	0	0
Basic Court in Gjakova	1	2	0	0

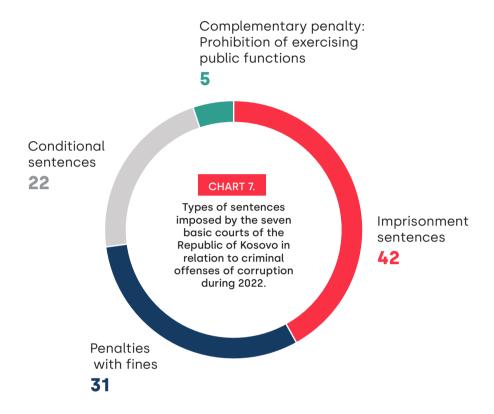
TABLE 12. The method of resolving cases in all basic courts of the Republic of Kosovo during the year 20 22.

Meanwhile, the types of punishments imposed for criminal offenses of corruption in each of these courts for the year 2022, is presented in the table below.

	Imprisonment sentences	Conditional sentences	Penalties with fines	Complementary penalty: Prohibition of exercising public functions
Basic Court in Prishtina	24	6	8	5
Basic Court in Prizren	2	6	8	0
Basic Court in Peja	3	3	5	0
Basic Court in Gjilan	4	2	5	0
Basic Court in Mitrovica	0	4	2	0
Basic Court in Ferizaj	9	0	2	0
Basic Court in Gjakova	0	1	1	0

Types of sentences imposed by each of the basic courts of the Republic of Kosovo during the year 2022 in relation to criminal offenses of corruption.

The following figure graphically presents the type of penalties imposed as a whole by the basic courts of the Republic of Kosovo in relation to corruption cases during the year 2022.



So in the table above it can be seen that from the guilty judgements imposed during this period, 42 people were sentenced to imprisonment, 22 people were sentenced to probation, 31 people were sentenced with a fine, while supplementary punishment was imposed for 5 people: prohibition of exercising functions in the public administration.

### 5. CONLUSIONS

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

#### The main findings regarding the first instance of the prosecutorial system are as follows:

- → The first instance of the prosecutorial system of Kosovo during 2022 had a total of 953 cases of corruption in progress, this number increased by 19% compared to 2021 (802 cases in progress). Of these cases of corruption in progress, 393 of them (41%) were carried over from previous years, while 560 cases (59%) were new cases created during the year.
- → Out of all cases of corruption in progress, the first instance has managed to resolve 430 cases, or only 45% of all cases it had in progress during 2022. While the rest of the 523 cases, or 55% of them, remained unresolved and were carried over to 2023. These figures indicate a decrease in the level of clearance of corruption cases by these institutions, compared to 2021, where these institutions had resolved 51% of the corruption cases they had in progress.
- → During 2022, the first instance of the prosecutorial system filed indictments for 263 people (direct indictments and indictments after investigations). This number of indictments for persons had experienced a decrease compared to 2021, where 335 people were accused of criminal offenses of corruption. Meanwhile, the criminal charges against 324 people were dropped, while the investigation was abolished for 146 people.
- → The average clearance rate of corruption cases during this period turned out to be 77%, a rate that only takes into account the number of cases resolved during this period (430 cases) and the number of new cases created during the year (560 cases). So the number of cleared cases during this period is significantly lower than the number of new cases created during the year, which is why it is also reflected in this low case clearance rate.
- → The average turnover rate of corruption cases in the first instance of the prosecutorial system during this period has turned out to be 0.82. This rate only takes into account the proportion between cases resolved during this period (430 cases) and unresolved cases (523 cases).
- → The average index of accumulated corruption cases in the first instance of the prosecutorial system during 2022 has reached 0.91. This has been achieved as a result of the fact that the number of corruption cases inherited from previous periods is lower (393 cases) than the

number of cases resolved during this period (430 cases).

→ From the general overview of the statistics received by the Kosovo Prosecutorial Council, as well as based on the results of measuring the indicators of the European Commission for the Efficiency of Justice (CEPEJ), it can be seen that the prosecution that has achieved the best results in resolving corruption cases (in quantitative terms) is the Basic Prosecution in Gjilan. Out of 83 corruption cases it has had in progress, this prosecution office has managed to solve 68 cases, or 82% of all the cases it has had in progress. With these figures, this prosecution office has achieved the highest case clearance rate (99%), the highest case turnover rate (4.53), the shortest time needed to resolve the cases that were left unresolved this year (81 days), as well as the lowest index of accumulated cases (0.20).

Meanwhile, the prosecution office that has achieved the weakest results in solving corruption cases (in quantitative terms), based on the statistics of the Kosovo Prosecutorial Council, is the Basic Prosecution Office in Mitrovica, which out of 155 corruption cases it has handled, has managed to solve 49 cases, or 32% of all cases. With these figures, this prosecution office has achieved the lowest case turnover rate (0.46), the longest time needed to resolve all cases that remained unresolved this year (793 days), as well as the highest index of accumulated cases (2.14).

## The main findings regarding the first instance of the judicial system are as follows:

- → The first instance of the judicial system of Kosovo during 2022 had a total of 268 cases of corruption in progress, this number was reduced by 20% compared to the year 2021 (383 cases in progress). Of these cases of corruption in progress, 158 of them (59%) were carried over from previous years, while 110 cases (41%) were new cases created during the year.
- → Out of all cases of corruption in progress, the first instance of the judicial system has managed to solve 81 cases, or only 31% of all cases it had in progress during 2022. While the rest of 184 cases, or 69% of them, have remained unresolved and have been carried over to 2023. These figures indicate a decrease in the level of resolution of corruption cases by these institutions, compared to 2021, where these institutions had resolved 38% of the corruption cases that were in progress.
- → Of the 82 cases resolved this year, 41 guilty judgements were issued (50%), 23 acquittal judgements (28%), 4 rejection judgements (5%), and 14 cases were resolved in another way (17%).
- → From the guilty judgements, 42 people have been sentenced to imprisonment, 22 people have been sentenced to probation, 31 people have been sentenced with a fine, while supplementary punishment has been imposed for 5 people: the prohibition of exercising functions in the public administration.
- → The average clearance rate of corruption cases during this period turned out to be 75%, a rate that only takes into account the number of cases resolved during this period (82 cases)

and the number of new cases created during the year (110 cases). So the number of cases resolved during this period was significantly lower than the number of new cases created during the year, which is why it is also reflected in this low case clearance rate.

- → The average turnover rate of corruption cases in the first instance of the judicial system during this period was found to be 0.44. This rate only takes into account the proportion between cases resolved during this period (82 cases) and unresolved cases (184 cases).
- → The average index of accumulated cases of corruption in the first instance of the judicial system during 2022 has reached 1.92. This has been achieved as a result of the fact that the number of corruption cases inherited from previous periods (158 cases) is much higher than the number of cases resolved during this period (82 cases).
- → From the general overview of the statistics received by the Kosovo Judicial Council, as well as based on the results of measuring the indicators of the European Commission for the Efficiency of Justice (CEPEJ), it can be seen that the court that has achieved the best results in resolving corruption cases during the year 2022 (in quantitative terms) it is the Basic Court in Peja. Out of 12 corruption cases it has handled, this court has managed to solve 6 cases, or 50% of all the cases it has handled. With these figures, this court has achieved the highest case turnover rate (1), the shortest time needed to resolve the cases that remained unresolved this year (365 days), as well as the lowest index of accumulated cases (0.66).
- → Meanwhile, the court that has achieved the weakest results in resolving corruption cases (in quantitative terms), based on the statistics of the Kosovo Judicial Council, is the Basic Court in Mitrovica, which out of 45 corruption cases it has handled, has managed to solve only 6 cases, or 13% of all cases. With these figures, this prosecution office has achieved the lowest case clearance rate (43%), the lowest case turnover rate (0.43), the longest time needed to resolve all cases that were left unresolved this year (2,281 days), as well as the highest index of accumulated cases (5.16).

## 6. RECOMMENDATIONS

Taking into account the purpose of compiling this report, during the process of data processing and finding results based on a pre-determined methodology, several views have derived on the objective of the research.

The findings of this report, in addition to presenting an overview of the work of the prosecution offices and courts, they present clear indicators of development, improvement and increasing efficiency.

Therefore, making the connection between the conclusions of this report and the intention to increase the efficiency of the work of the State Prosecutor and the judicial system, FOL Movement delivers the following recommendations:

- Increase the number of prosecutors and judges in the relevant departments for serious crimes that deal with corruption cases;
- Corruption cases, especially high-profile ones, should be treated with absolute priority by the institutions of the justice system;
- Strictly respect the obligations in the handling of corruption cases according to the deadlines and obligations defined in the law;
- Increase inter-institutional cooperation, as a basic premise for the success of the activity of the justice system in the successful fight against corruption;
- Continuously publish statistical reports on the official website of the prosecutorial and judicial systems regarding the flow of corruption cases and the number of resolved cases and, in general, the handling of corruption cases.

# **FOL**





