

FOL

Performance of the Prosecution and Judicial System in the Fight against Corruption during 2023

STATISTICAL ANALYSIS



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1. Introduction

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

The prosecutor's office, as the body responsible for the investigation, and the court, as the holder for bringing justice, have the obligation to face their duty in the fight against corruption. Thus, active citizenry and a justice system with predispositions for efficient action are the 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 cooperation built between the actions of the justice system bodies is the first important and essential step towards fighting 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 severe, taking into account the level of spread of corruption, a fact that is also mentioned in the findings given in the Kosovo Progress Report 2023 of the European Commission, where it is stated that during the respective year a limited progress has been achieved, including investigating and prosecuting high-level cases, confiscating assets, and establishing special departments that handle high-level corruption (and organized crime) cases in the courts.¹ Therefore, taking into account these factual circumstances, we can freely say that the systemic operation of the prosecution, built based on the highest professional standards and in compliance with the norms established by the main European Union bodies, are the goals on which the entire prosecutorial system in the Republic of Kosovo should work.

The judicial system is the link that brings justice. The courts of all levels of the Republic of Kosovo, given the state of corruption they are facing, must efficiently deal with 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 the reduction and serious prevention of criminal offenses of corruption.

¹ [COMMISSION STAFF WORKING DOCUMENT, Brussels, 8.11.2023.](#)

Another challenge within the justice system, that is, the judicial and prosecutorial system, is the measurement of quality, functionality, efficiency, transparency, the level of compliance with organizational standards, etc. The analysis of the defined parameters serves to assess the justice quality and effectiveness. 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 result of the data on the performance of the quality and effectiveness of the courts and prosecutor's offices 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, based on data on cases from corruption cases, will enable us to take into account the flow of cases faced by courts and prosecutors during a calendar year, the achieved rate of resolving cases, the assessment of the rate of the flow of cases, the leveling trend of cases, the procedural duration of handling of cases and the index of accumulated cases.

2. Methodology

This report addresses the issue of the performance and efficiency of the judicial and prosecutorial system in solving corruption cases, as well as 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 2023, whereas to measure the performance of these institutions on the basis of these official statistics, FOL has used the methodology of European Commission for the Efficiency of Justice (CEPEJ).²

All the 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’s corruption and criminal offenses against official duty”** and includes articles 414-430. These statistics include only criminal offenses with known perpetrators (PP).

The efficiency of the Special Prosecutor’s Office and the seven basic prosecutor’s offices (Prishtina, Mitrovica, Pejë, Prizren, Gjilan, Ferizaj, Gjakovë), on the one hand, and of the seven basic courts of Kosovo, on the other, have been part of the performance measurement and monitoring in this report. This measurement does not include the quality of the cases, the quality of the work of the prosecutor’s offices and courts, the quality of the 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 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) *accumulated case index*.

In the first part of the report, the performance of the prosecution system in handling/resolving corruption cases was 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 resolving corruption cases is analyzed through the CEPEJ methodology, also at the general level and for each court separately, as well as the number and type of decisions issued by the courts.

In the past, FOL has conducted such measurements from the statistics of the prosecution through CEPEJ methodology³, and it will continue the same periodically in the coming months.

2 The European Commission for the Efficiency of Justice (CEPEJ) is the body of the Council of Europe, which tries 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 the report of the FOL Movement is not authorized by the Council of Europe and that the formulas, even though they are identical, are not official.

3 In addition, 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 2020, Performance - in - Corruption-Cases - 2022

3. Executive summary

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

By the performance of the prosecutor's offices and courts, we mean the process of carrying out actions and tasks. The measurement of quality performance does not of course mean only obtaining statistical figures, but it is intended to objectively evaluate the work of the prosecutor's offices and courts in the Republic of Kosovo. The quality and effectiveness of the justice system must always be under the "magnifying glass" of observing their level. In this regard, only through a methodology of continuous analysis and evaluation of the justice system can the deficiencies that inevitably need to be improved be found.

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

- Out of 1,106 corruption cases that have been in process in the seven basic and special prosecutor's offices during 2023 (476 of which inherited from the previous year and 630 new cases), a total of 500 cases have been resolved, respectively 45% of all cases in process. Meanwhile, part of 606 cases remained unresolved and were carried over to 2024.
- Whereas during 2023, the basic courts of the Republic of Kosovo had a total of 128 corruption cases (104 of which were inherited from the previous year and 24 new cases), while they managed to resolve 56 cases, or 44% of all the cases they had in process.
- Carrying the large number of cases from year to year continues to be challenging. In 2023, a total of 476 corruption cases from the previous year, or 43% of cases in process, were transferred to the basic and special prosecutor's offices of the Republic of Kosovo.
- While in the basic courts of the Republic of Kosovo in 2023, 104 cases were transferred from the previous year, corresponding to 81% of the cases that were in process.
- The resolution rate of corruption cases in all prosecution offices of the Republic of Kosovo for the year 2023 turns out to be 79%, which means that the number of cases resolved during this period was lower than the number of new cases received during the year. While the resolution rate of corruption cases in all basic courts during 2023 was 233%, which means that the number of cases resolved during this period (56 cases) exceeds the number of new cases (24 cases) created during the year .

- The rate flow of cases during this period in the basic and special prosecutions was 0.82, which is based on the fact that the number of cases resolved during this period was lower in relation to the cases that remained unresolved. While the rate flow of cases in the basic courts of the Republic of Kosovo during 2023 has reached 0.77, since the judicial system has managed to resolve only 56 cases out of 128 that it has had, namely only 44% of all cases that were in process, while 72 cases remained unresolved and were carried over to 2024.
- The duration of the completion of all corruption cases of the Special Prosecutor's Office and the seven Basic Prosecutor's Offices that have been carried over to 2024, according to the trend of their resolution, will be 445 days. This number was reached by taking as a basis the ratio between the rate of the flow of cases resolved by the prosecutor's offices during the year 2023 (0.82%) and the number of days in a year (365 days). While the duration of resolution of these cases in the basic courts of the Republic of Kosovo, which remained unresolved this year, according to the trend of their resolution, is 474 days.
- The index of accumulated cases at the State Prosecutor's Office during 2023 has reached 0.95 and resulted from the fact that the number of corruption cases inherited (carried over) from previous years is lower in relation to the number of resolved cases during this year. While the index of the resolution of cases in the basic courts of Kosovo has reached 1.85, because the number of cases inherited from the previous year was significantly greater than the number of cases resolved during this year.
- The Basic Prosecutor's Office of Prishtina faced the largest flow of corruption cases during this period, which had 466 cases in process. Meanwhile, the prosecution with the lowest flow of corruption cases during 2023 was the Basic Prosecutor's Office of Peja, which had a total of 56 corruption cases in process. As for the basic courts of the Republic of Kosovo, the Basic Court of Prishtina faced the largest flow of cases, with 38 cases in process, while the Basic Court of Gjakova faced the lowest flow of these cases, with a total of 4 cases in process.
- According to the statistics of the Kosovo Prosecutorial Council, the prosecutor's office that has achieved the best results in handling corruption cases during this period is the Basic Prosecutor's Office of Gjilan, which during this period has achieved the highest turnover rate of cases (3.71 %), the lowest index of accumulated cases (0.09) as well as the shortest time needed to resolve the cases that remained unresolved this year (98 days). In other words, out of the 66 corruption cases it has handled, this prosecutor has managed to resolve 52 of them, or 79%.
- Meanwhile, the prosecution with the weakest results in handling of corruption cases during 2023 was the Basic Prosecutor's Office of Mitrovica, which, out of 134 cases it had in process on this year, managed to resolve only 38 of them, or only 28% of all cases. During this period, this prosecutor's office achieved the lowest case turnover rate (41%), the lowest case resolution rate (0.39%) and the highest accumulated case index (2.42).

- While according to the data received by the Kosovo Judicial Council, the best results in resolving corruption cases during this period were achieved by the Basic Court of Prishtina, which during this period achieved the highest rate of resolving cases (2.33%) and the highest turnover rate (1.53). In other words, out of the 38 corruption cases that this court has dealt with, it has managed to solve 23 cases or 61% of corruption cases in process.

- While the court with the weakest results in handling of corruption cases during 2023 is also the Basic Court of Gjakova, which out of 33 cases it has handled during this year, has managed to resolve only 11 of them, or only 33% of all cases. During this period, this court has achieved the lowest rate of turnover of cases (0.45%), the largest index of accumulated cases (2.60), as well as the longest time needed to resolve the cases that at this time remained pending (811 days).

4 Performance of the prosecution system in handling corruption cases during 2023

4. Performance of the prosecution system in handling corruption cases during 2023

The result from the calculation of the performance of the prosecutor's offices of the Republic of Kosovo in handling corruption cases is an indicator of the seriousness, will and determination of the prosecutorial system in preventing and fighting corruption.

By analyzing the advantages and revealing the weaknesses in the work of the prosecutor's offices 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 prosecutor's offices in handling corruption cases, that is, the efficiency in the prosecution of persons involved in these criminal offenses, means the full respect of the laws and priorities set by the Prosecutor's Council.

Indicators measuring the efficiency of the State Prosecutor's work (Special Prosecutor's Office and seven basic prosecutor's offices) in general in resolving corruption cases in 2023 are presented below. While the general overview with the data of the prosecutorial system, on which these indicators are based, is presented in the table below.

	PS Inherited cases	I New cases	LP All cases in process
 Special Prosecution	73	44	117
 Basic Prosecutor's Office in Prishtina	178	288	466
 Basic Prosecutor's Office in Prizren	23	87	110
 Basic Prosecutor's Office in Peja	20	36	56
 Basic Prosecutor's Office in Gjilan	5	61	66
 Basic Prosecutor's Office in Mitrovica	92	42	134
 Basic Prosecutor's Office in Ferizaj	33	43	76
 Basic Prosecutor's Office in Gjakova	52	29	81
TOTAL:	476	630	1,106

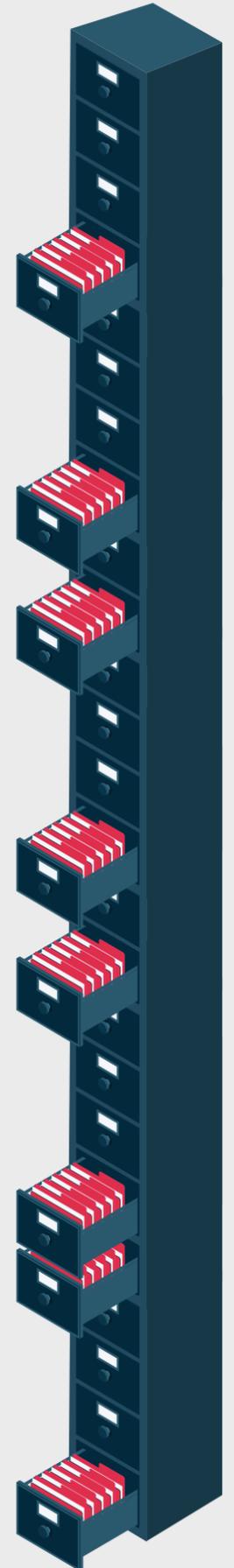
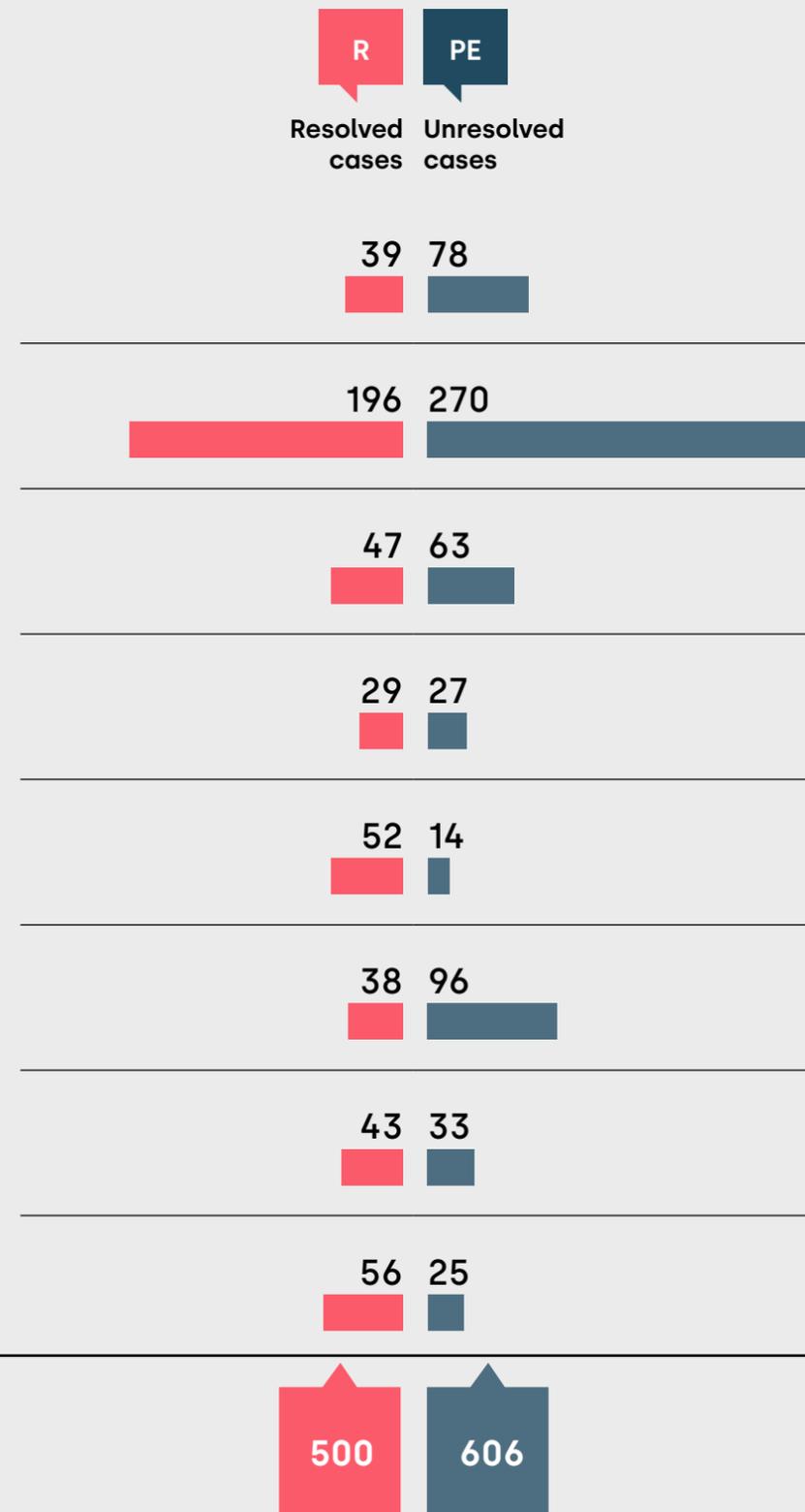


TABLE 1. General overview of the performance of the Prosecution System in resolving corruption cases during 2023.

4.1 Case flow

An important part of the circle of difficulties for the most efficient and qualitative management of cases by the prosecutor's offices is the large flow of cases. The case flow is a basic indicator of workload and includes new cases, resolved cases and pending cases.

The number of new cases means the number of cases that are entered into the system and that require action by prosecutors, while the number of resolved cases is the answer given by the prosecutorial system, that is, the number of cases that have been handled.⁴ Meanwhile, the 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 analysis did not include the initial phase, i.e. the phase of investigation or information gathering before they are turned into criminal charges. The report therefore includes only the criminal charges sent to the prosecutor's office and their handling by the prosecutorial system.

The flow of cases 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)

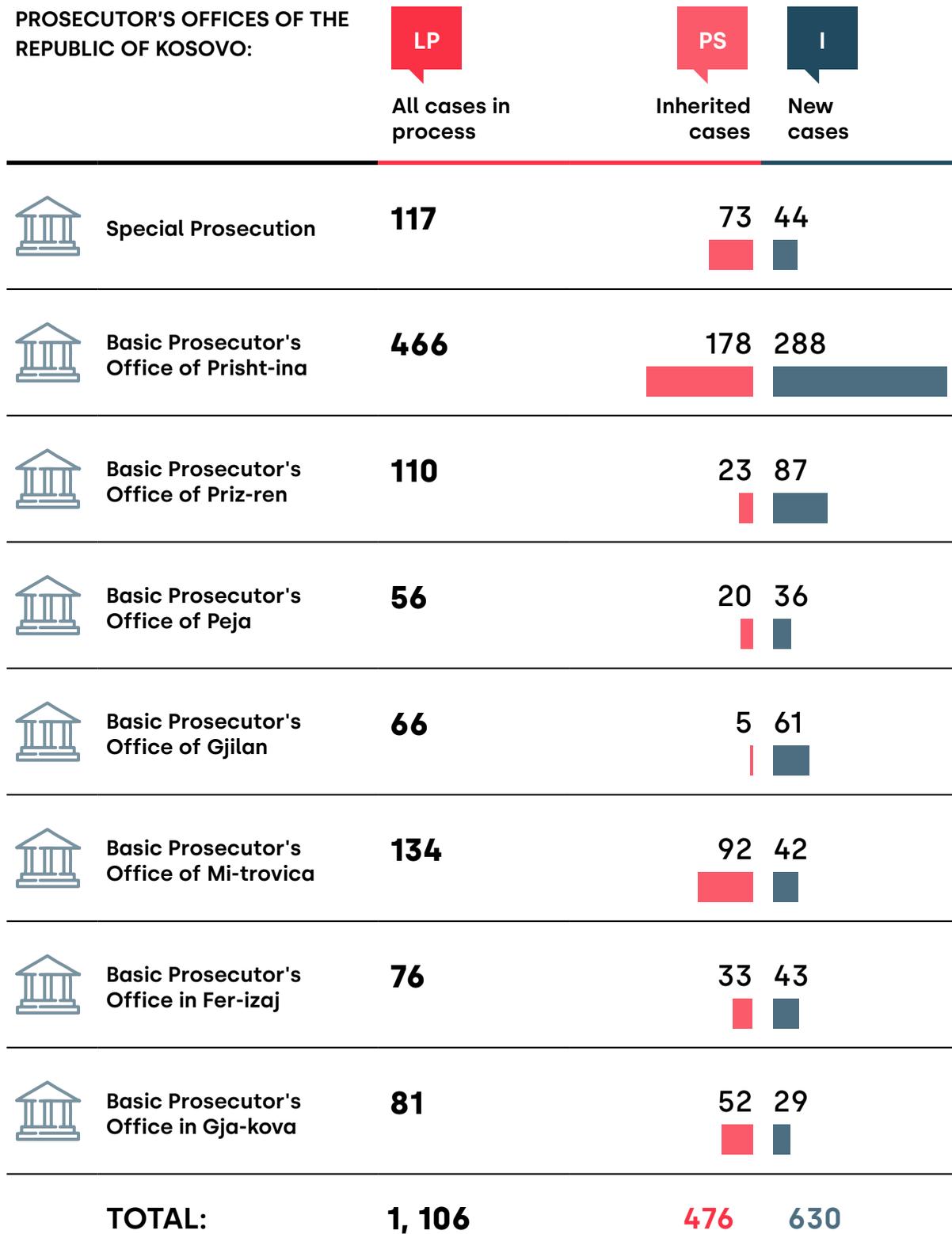
During the period January - December 2023, the total number of cases in process in the *Special Prosecutor's Office* and in the seven basic prosecutions related to the criminal offenses of Chapter XXXIII of the *Criminal Code of the Republic of Kosovo (Official corruption and criminal offenses against official duty)* were 1,106 cases.

The cases carried over from the previous year (476 cases), as well as the new cases created during the year (630 cases), contributed to this number. So, expressed as a percentage, on average 43% of corruption cases in process in all courts were carried over from the previous year, while 57% of the cases were new cases, created during 2023.

The following table shows the flow of cases of the seven basic prosecutions separately and of the Special Prosecution during 2023.

⁴ Handling and resolving can be used interchangeably. The word "resolve" is used for the courts, while "handle" is used for the prosecutor's office. This is because the case in the prosecutor's office is not considered resolved without a court decision.

PROSECUTOR'S OFFICES OF THE REPUBLIC OF KOSOVO:



According to the table presented above, it results that the highest flow of corruption cases during 2023 was faced by:

- **Basic Prosecutor's Office of Prishtina**, which during this period had 466 cases in process, 178 of which were inherited from the previous year, while 288 cases were created during the year. This is the prosecutor's office with the largest number of new corruption cases created during 2023, as well as the largest number of cases carried over from the previous year.

While the lowest flow of corruption cases during 2023 was faced by:

- **Basic Prosecutor's Office of Peja**, which had a total of 56 cases in process, 20 of which were inherited from previous years, while 36 were new cases created during the year.

4.2 Clearance rate

The clearance rate of case 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 prosecutor's office expressed as a percentage, as well as shows the working capacity of the prosecutor's office in resolving new cases. The ideal clearance rate of cases should be 100%, which means that the system resolves as many cases as it receives during the year.

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

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

Consequently, according to this formula, the average clearance rate of corruption cases during 2023 in all basic and special prosecutor's offices is as follows:

$$\text{Clearance rate of cases \%} = \frac{500}{630} \times 100 = \mathbf{79\%}$$

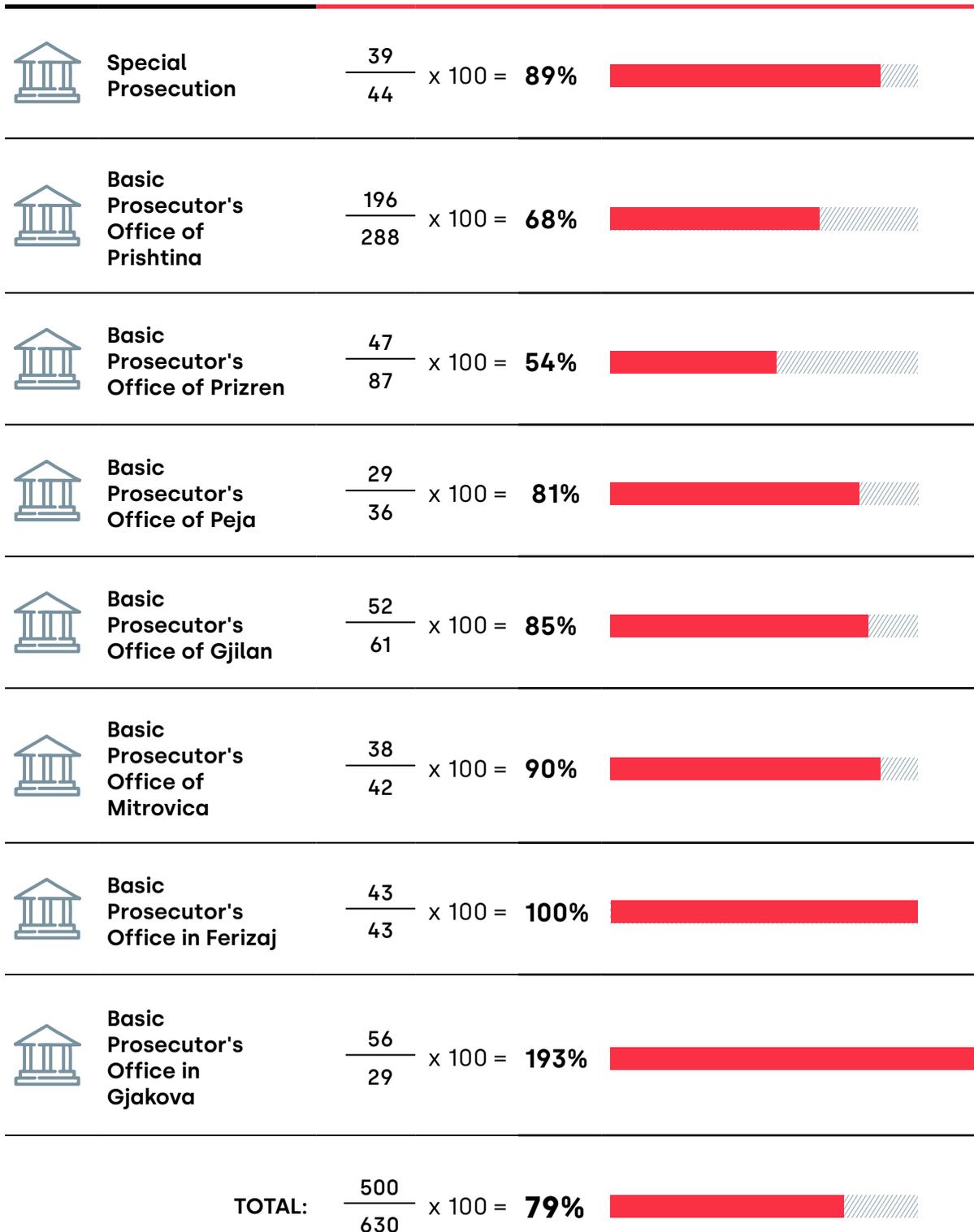
So according to this formula, the number of corruption cases resolved during the previous years was 500, the number of new cases received during 2023 was 630, the clearance rate of corruption cases during 2023 turns out to be 79%. **So the number of new cases received during 2023 was higher in relation to the cases resolved during this year, which means a lack of capacity for resolving new cases and creates a load in the future with pre-trial cases.**

In other words, out of 1,106 corruption cases that were in process during 2023 (this includes cases inherited from previous years and new cases created during the year), prosecutors managed to resolve 500 cases, respectively 45% of the cases, while the rest of 606 cases remained unresolved and were carried over to 2024.

Meanwhile, the clearance rate of corruption cases in each basic and special prosecutor's office during 2023 is shown in the table below.

**PROSECUTOR'S OFFICE OF
THE REPUBLIC OF KOSOVO**

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


TABLE 3

The clearance rate of corruption cases during the year 2023 in the seven basic and special prosecutor's offices.

According to the table presented above, it appears that the highest clearance rate of corruption cases in 2023 was achieved by:

- **Basic Prosecutor's Office of Gjakova**, which had 29 new cases created during the year, while it managed to resolve 56 cases, reaching the clearance rate of cases at 193%;

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

- **Basic Prosecutor's Office of Mitrovica**, which had 42 new cases created during the year, while it had managed to resolve 38 cases, reaching the clearance rate of cases at 90%.

4.3 Case turnover ratio

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

In other words, the case turnover ratio measures how quickly the system (in this case the prosecutor's office) handles the cases it receives - which otherwise falls on how much time the system takes to resolve a case.

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

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

Consequently, from this formula, the average case turnover ratio in all basic and special prosecutor's offices during 2023 is:

$$\text{Case turnover ratio} = \frac{500}{606} = 0.82$$

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 ratio is lower than 1, which means that in this particular case there is a difference in relation to the ideal case turnover ratio.

The clearance rate of corruption cases during 2023 in each basic and special prosecutor's office is shown in the table below.

PROSECUTOR'S OFFICES OF
 THE REPUBLIC OF KOSOVO:

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

	Special Prosecution	$\frac{39}{78} = 0.5$	
	Basic Prosecutor's Office of Prishtina	$\frac{196}{270} = 0.72$	
	Basic Prosecutor's Office of Prizren	$\frac{47}{63} = 0.74$	
	Basic Prosecutor's Office of Peja	$\frac{29}{27} = 1.07$	
	Basic Prosecutor's Office of Gjilan	$\frac{52}{14} = 3.71$	
	Basic Prosecutor's Office of Mitrovica	$\frac{38}{96} = 0.39$	
	Basic Prosecutor's Office in Ferizaj	$\frac{43}{33} = 1.30$	
	Basic Prosecutor's Office in Gjakova	$\frac{56}{25} = 2.24$	
TOTAL:		$\frac{500}{606} = 0.82$	

TABLE 4. The turnover rate of corruption cases during the year 2023 in the seven basic and special prosecutor's offices.

According to the data presented in the table above, it turns out that the highest turnover rate of corruption cases in 2023 was achieved by:

- **Basic Prosecutor's Office of Gjilan**, which reached the turnover rate of 3.71 cases. This prosecutor's office had managed to solve 52 cases, namely 79% of the cases it had in process, while only 14 cases remained unresolved, which were carried over to 2024.

While the lowest case turnover rate has been achieved by:

- **Basic Prosecutor's Office of Mitrovica**, which reached the turnover rate of 0.39 cases. This prosecutor's office had managed to solve only 38 cases, namely 28% of the cases it had in process, while 96 cases remained unresolved, which were carried over to 2024.

4.4 Disposition time

The European Commission for the Efficiency of Justice (CEPEJ) requires the justice system to report an indicator of the duration of completion of cases, which is calculated in two steps. First, the number of 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.⁵

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 resolved cases during the reporting period and the number of cases that are expected to be resolved (carried over cases).⁶

Bazuar në normën e qarkullimit të lëndëve, kohëzgjatja e përfundimit të lëndëve sipas metodologjisë së Komisionit Evropian për Efikasitetin e Drejtësisë (CEPEJ) formulohet në këtë mënyrë:

$$\text{Disposition time} = \frac{365}{\text{case turnover ratio}}$$

Consequently, according to this formula, the average duration of the completion of corruption cases during 2023 in all basic and special prosecutor's offices is:

$$\text{Disposition time} = \frac{365}{0.82} = 445$$

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 one, which for the year 2023 turned out to be 0.82. As previously described, this number was derived as a result of dividing the number of resolved cases (500) by the number of unresolved cases (606).

So according to this formula, as well as based on the trend of solving cases during this year, the prosecutorial system needs an average of 445 days to deal with all the corruption cases that remained unresolved in 2023, which were 606 cases.

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

The duration of the completion of cases that remained unresolved during 2023 in each basic and special prosecutor's office separately is presented in the table below.

⁵ https://www.courtexcellence.com/_data/assets/pdf_file/0030/54795/GLOBAL-MEASURES-3rd-Edition-Oct-2020.pdf.

⁶ Ibidem.

PROSECUTOR'S OFFICES OF
THE REPUBLIC OF KOSOVO:

$$\text{Disposition time} = \frac{365}{\text{case turnover ratio}}$$

	Special Prosecution	$\frac{365}{0.5} = 730$	
	Basic Prosecutor's Office of Prishtina	$\frac{365}{0.72} = 507$	
	Basic Prosecutor's Office of Prizren	$\frac{365}{0.74} = 493$	
	Basic Prosecutor's Office of Peja	$\frac{365}{1.07} = 341$	
	Basic Prosecutor's Office of Gjilan	$\frac{365}{3.71} = 98$	
	Basic Prosecutor's Office of Mitrovica	$\frac{365}{0.39} = 936$	
	Basic Prosecutor's Office in Ferizaj	$\frac{365}{1.30} = 281$	
	Basic Prosecutor's Office in Gjakova	$\frac{365}{2.24} = 163$	
	Total	$\frac{365}{0.82} = 445$	

TABLE 5. Duration of resolution of cases that have not been resolved during 2023 in the seven basic and special prosecutor's offices.

According to the table presented above, it turns out that the shortest time to resolve the corruption cases that remained unresolved this year was needed by:

- **Basic Prosecutor's Office of Gjilan**, which needs an average of 98 days to resolve all corruption cases that remained unresolved this year.

While longer time is needed to resolve these cases is needed by:

- **Basic Prosecutor's Office of Mitrovica**, which needs an average of 936 days to resolve all corruption cases that remained unresolved this year.

4.5 Index of backlogged cases

One of the main problems reported in the justice system in Kosovo is the large number of cases accumulated over the years. The prosecutor's offices, just like the courts, continue to face old cases that become a burden and a heavy load, 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 dispense 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:

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

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

$$\text{Index of backlogged cases} = \frac{476}{500} = 0.95$$

A higher value of the index 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.

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

PROSECUTOR'S OFFICES OF THE REPUBLIC OF KOSOVO:

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

	Special Prosecution	$\frac{73}{39} = 1.87$	
	Basic Prosecutor's Office of Prishtina	$\frac{178}{196} = 0.90$	
	Basic Prosecutor's Office of Prizren	$\frac{23}{47} = 0.48$	
	Basic Prosecutor's Office of Peja	$\frac{20}{29} = 0.68$	
	Basic Prosecutor's Office of Gjilan	$\frac{5}{52} = 0.09$	
	Basic Prosecutor's Office of Mitrovica	$\frac{92}{38} = 2.42$	
	Basic Prosecutor's Office in Ferizaj	$\frac{33}{43} = 0.76$	
	Basic Prosecutor's Office in Gjakova	$\frac{52}{56} = 0.92$	
TOTAL:		$\frac{476}{500} = 0.95$	

TABLE 6. Index of accumulated cases during 2023 in the seven basic prosecutions and in the special one.

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

- **Basic Prosecutor's Office of Gjilan**, with an index of accumulated cases at 0.09. This is because, from 5 inherited cases from the previous year and 61 cases created during the year, this prosecutor managed to solve 52 of them and left 14 cases unresolved and carried them over to 2024.

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

- **Basic Prosecutor's Office of Mitrovica**, with an index of accumulated cases in 2.42. This is because, out of 92 inherited cases from the previous year and 42 cases created during the year, this prosecutor managed to resolve only 38 of them, while 96 were carried over to 2024.

5 Performance of the judicial system in resolving corruption cases during 2023

5. Performance of the judicial system in resolving corruption cases during 2023

The work and determination of the courts of the Republic of Kosovo in solving corruption cases can be observed in the periodic data which contain systematic data from the time they received the cases until their final solution. These data must be processed in accordance with the adequate methodology, in order to create the big picture of the fulfillment of the mission of the judicial system on this specific field. The result of such processing will be a clear indicator of the case clearance rate and other indicators in the field of corruption.

Below are presented the 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 2023, according to the methodology of *the European Commission for Measuring the Efficiency of Justice (CEPEJ)*.

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

	PS Inherited cases	I New cases	LP All cases in process
 Basic Court in Prishtina	37	1	38
 Basic Court in Gjilan	12	6	18
 Basic Court in Prizren	6	5	11
 Basic Court in Mitrovica	27	6	33
 Basic Court in Gjakova	13	3	16
 Basic Court in Peja	5	3	8
 Basic Court in Ferizaj	4	0	4
TOTAL:	104	24	128

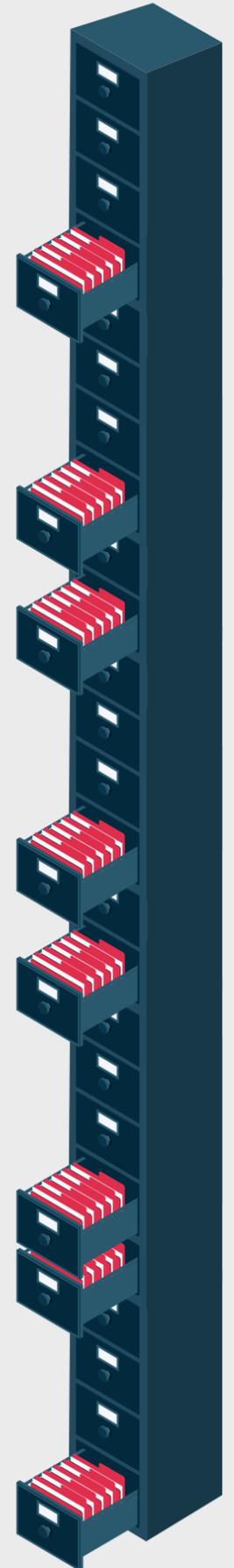
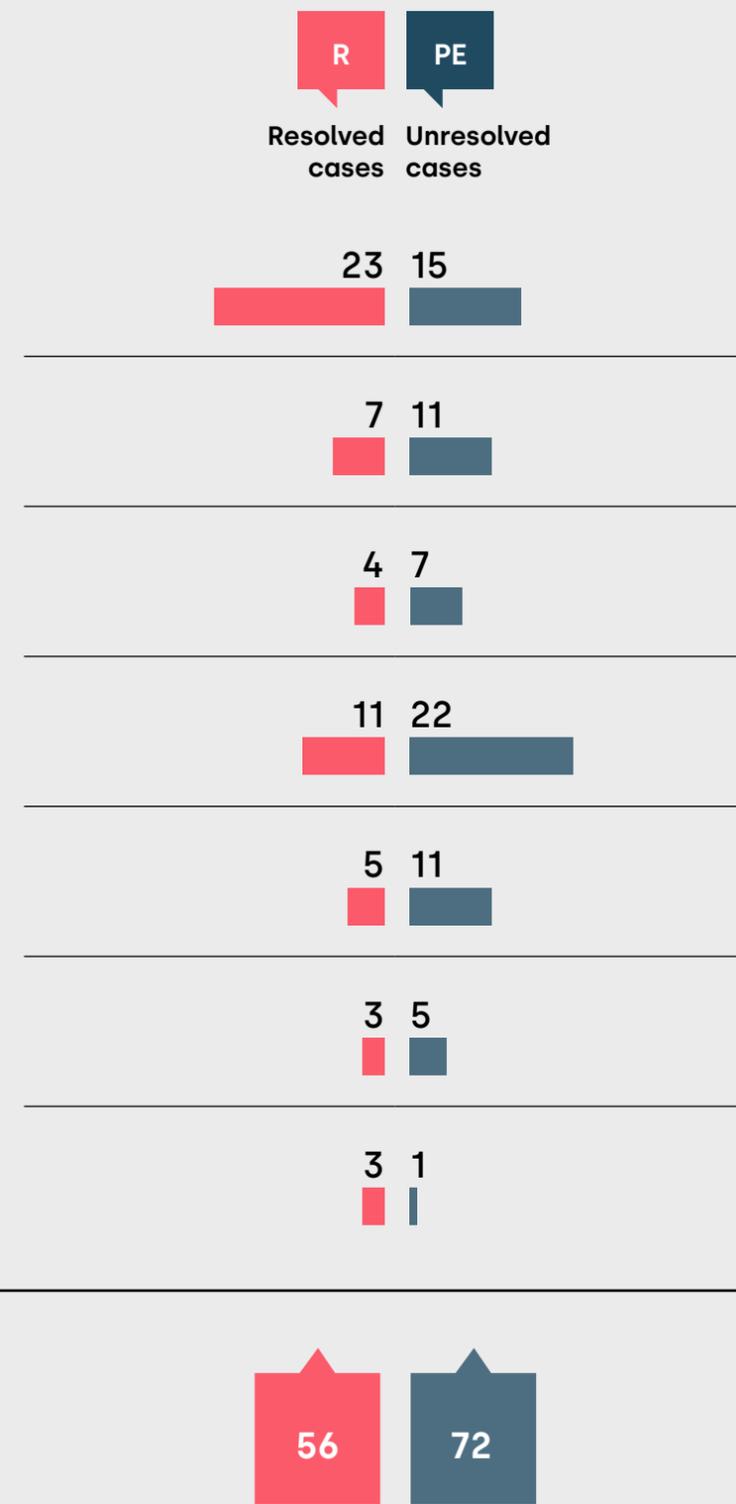


TABLE 7. Overview of the judicial system's performance in resolving corruption cases during 2023.

5.1 Case flow

As it was elaborated in the first part of this report, the case flow is an indicator of the load of the system with cases in process and includes new cases created during the year and the inherited cases, respectively carried over from the previous year.

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

BASIC COURTS OF THE REPUBLIC OF KOSOVO		LP Cases in progress	=	PS Inherited cases	+	I New cases
	Basic Court in Prishtina	38		37		1
	Basic Court in Gjilan	18		12		6
	Basic Court in Prizren	11		6		5
	Basic Court in Mitrovica	33		27		6
	Basic Court in Gjakova	16		13		3
	Basic Court in Peja	8		5		3
	Basic Court in Ferizaj	4		4		0
TOTAL:		128		104		24

TABLE 8. Flow of corruption cases in all basic courts of the Republic of Kosovo during 2023.

From this table it can be seen that the basic courts of the Republic of Kosovo had a total of 128 corruption cases. The inherited cases from 2022, namely 104 cases, as well as the number of cases created during the year 2023, namely 24 cases, contributed to the creation of these cases.

So, expressed as a percentage, on average 81% of corruption cases in process of all courts were carried over from the previous year, while only 19% of the cases were new cases created during 2023.

From the table above, it can be seen that the largest flow of corruption cases during 2023 was faced by:

→ **Basic Court of Prishtina**, which had a total of 38 corruption cases in process, 37 of which were inherited from the previous year, while 1 case was created during 2023.

While the lowest flow of corruption cases during 2023 was faced by:

→ **Basic Court of Ferizaj**, which had a total of 4 corruption cases in process, these cases were inherited from previous years, while there were no new cases created during the year.

5.2 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, as well as indicates the working capacity of the courts. This rate does not include the number of inherited cases, but only the number of new cases created during the year.

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

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

Consequently, according to this formula, the average clearance rate of corruption cases in 2023 in all basic courts of the Republic of Kosovo was:

$$\text{Case resolution rate \%} = \frac{56}{24} \times 100 = \mathbf{233\%}$$

According to this formula, where the number of corruption cases resolved during 2023 was 56 cases, while the number of new cases created during the year was 24 cases, the rate of cases resolved during 2023 was 233%. So, the first level of the judicial system in 2023 managed to resolve more cases than it received in 2023, therefore this is also reflected in the high 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**

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

	Basic Court in Prishtina	$\frac{23}{1} \times 100 = \mathbf{2,300\%}$	
	Basic Court in Gjilan	$\frac{7}{6} \times 100 = \mathbf{117\%}$	
	Basic Court in Prizren	$\frac{4}{5} \times 100 = \mathbf{80\%}$	
	Basic Court in Mitrovica	$\frac{11}{6} \times 100 = \mathbf{183\%}$	
	Basic Court in Gjakova	$\frac{5}{3} \times 100 = \mathbf{167\%}$	
	Basic Court in Peja	$\frac{3}{3} \times 100 = \mathbf{100\%}$	
	Basic Court in Ferizaj	$\frac{3}{0} \times 100 = \mathbf{0\%}$	
TOTAL:		$\frac{56}{24} \times 100 = \mathbf{233\%}$	

TABLE 9.

The clearance rate of corruption cases in all basic courts of the Republic of Kosovo during the year 2023.

From this table, it can be seen that the highest clearance rate of corruption cases in 2023 was achieved by:

- **Basic Court of Prishtina**, which had 1 case created during the year, while it had managed to resolve 23 cases, reaching the case clearance rate at 2,300%;

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

- **Basic Court of Ferizaj** which had no new cases created during the year, while it had managed to resolve 4 cases, reaching the case clearance rate at 100%.

5.3 Case turnover ratio

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

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

Consequently, according to this formula, the average turnover rate of corruption cases in 2023 in all basic courts of the Republic of Kosovo was:

$$\text{Case turnover rate} = \frac{56}{72} \times 100 = \mathbf{0.77}$$

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 resolve only 56 cases, namely only 44% of all the cases it has had in process, while 72 cases, or 56%, it has not been able to resolve them and has carried them over to the year 2024, which is why it has achieved this low 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

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

	Basic Court in Prishtina	$\frac{23}{15} = 1.53$	
	Basic Court in Gjilan	$\frac{7}{11} = 0.63$	
	Basic Court in Prizren	$\frac{4}{7} = 0.57$	
	Basic Court in Mitrovica	$\frac{11}{22} = 0.5$	
	Basic Court in Gjakova	$\frac{5}{11} = 0.45$	
	Basic Court in Peja	$\frac{3}{5} = 0.6$	
	Basic Court in Ferizaj	$\frac{3}{1} = 3$	
TOTAL:		$\frac{56}{72} = 0.77$	

TABLE 10. The turnover rate of corruption cases in all basic courts of the Republic of Kosovo during the year 2023

From this table, it can be seen that the highest turnover rate of corruption cases in 2023 was achieved by:

- **Basic Court of Prishtina**, which this year reached the turnover rate of 1.53 cases. This court had managed to resolve 23 cases, namely 61% of the cases it had in process, while 15 cases (39%) remained unresolved and were carried over to 2024.

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

- **Basic Court of Gjakova**, which this year reached the turnover rate of 0.45 cases. This court had managed to resolve 5 cases, namely 31% of the cases it had during this year, while 11 cases (83%) remained unresolved and were carried over to 2024.

5.4 Disposition time

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

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

$$\text{Disposition time} = \frac{365}{\text{case turnover ratio}}$$

Consequently, according to this formula, the average duration of the completion of corruption cases during the year 2023 in all basic and special prosecutor's offices is:

$$\text{Disposition time} = \frac{365}{0.77} = 474$$

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 0.77. So according to this formula, taking into account the low case turnover rate during this year, on average 474 days are needed by the judicial system to solve all the cases that were left unresolved this year.

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**

$$\text{Disposition time} = \frac{365}{\text{case turnover ratio}}$$

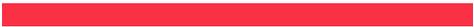
	Basic Court in Prishtina	$\frac{365}{1.53} = 239$	
	Basic Court in Gjilan	$\frac{365}{0.63} = 579$	
	Basic Court in Prizren	$\frac{365}{0.57} = 640$	
	Basic Court in Mitrovica	$\frac{365}{0.5} = 730$	
	Basic Court in Gjakova	$\frac{365}{0.45} = 811$	
	Basic Court in Peja	$\frac{365}{0.6} = 608$	
	Basic Court in Ferizaj	$\frac{365}{3} = 122$	
	TOTAL:	$\frac{365}{0.77} = 474$	

TABLE 11. Duration of completion of corruption cases in all basic courts of the Republic of Kosovo during the year 2023.

According to the table presented above, it turns out that the shortest time to resolve the corruption cases that were left unresolved this year is needed by:

→ **Basic Court of Ferizaj**, which needs an average of 122 days to resolve all corruption cases that remained unresolved this year.

While the longest time for the clearance of corruption cases is needed by:

→ **Basic Court of Gjakova**, which needs an average of 811 days to resolve all corruption cases that remained unresolved this year.

5.5 Index of backlogged cases

One of the main problems reported in the justice system in Kosovo is the large number of accumulated cases. These cases are carried over from year to year, creating an unbearable workload for the justice system.

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

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

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

Consequently, according to this formula, the average index of accumulated cases in all basic courts during 2023 is:

$$\text{Index of backlogged cases} = \frac{104}{56} = 1.85$$

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

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

**BASIC COURTS OF THE
REPUBLIC OF KOSOVO:**

$$\text{Index of backlogged cases} = \frac{\text{carried over cases (PS)}}{\text{resolved cases (R)}}$$

	Basic Court in Prishtina	$\frac{37}{23} = 1.60$	
	Basic Court in Gjilan	$\frac{12}{7} = 1.71$	
	Basic Court in Prizren	$\frac{6}{4} = 1.5$	
	Basic Court in Mitrovica	$\frac{27}{11} = 2.45$	
	Basic Court in Gjakova	$\frac{13}{5} = 2.6$	
	Basic Court in Peja	$\frac{5}{3} = 1.66$	
	Basic Court in Ferizaj	$\frac{4}{3} = 1.33$	
TOTAL:		$\frac{104}{56} = 1.85$	

TABLE 12. Index of accumulated cases in all basic courts of the Republic of Kosovo during the year 2023.

According to the data presented in the table above, it turns out that the lowest index of accumulated subjects during 2023 was achieved by:r:

- **Basic Court of Ferizaj**, with index of accumulated cases in 1.33. This is because, out of 4 cases inherited from the previous year, this court managed to resolve 23 of them.

While with the highest index of accumulated cases during 2023, it was reached by:

- **Basic Court of Gjakova**, with an index of accumulated cases at 2.60. This is because, out of 13 cases inherited from the previous year and 3 cases created during the year, this court managed to resolve only 5 of them.

6. Recommendations

Taking into account the purpose of compiling this report, during the process of data processing and findings of the results based on a previously defined methodology, several views have been extracted on the object of the research.

The findings of this report, in addition to presenting an overview of the work of the prosecutor's 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 provides the following recommendations:

- ▶ Increase the number of prosecutors and judges in the relevant departments for serious crimes, which deal with corruption cases;
- ▶ Continuously publish statistical reports on the official website of the prosecutorial and judicial systems regarding the number of resolved cases and the handling of corruption cases.
- ▶ Corruption cases, especially high-profile ones, should be treated with absolute priority by the justice system;
- ▶ Strictly respect the obligations in handling of corruption cases according to the deadlines and obligations defined in the law;
- ▶ Constantly increase the transparency of the judicial and prosecutorial system in relation to providing access to public documents in accordance with the obligations deriving from the law;
- ▶ Enhance the inter-institutional cooperation, as a basic premise for the success of the activity of the justice system in the successful fight against corruption;

FOL

