

KOSOVO JUDICIAL COUNCIL
ANNUAL REPORT

2013

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ACRONYMS

KJC	Kosovo Judicial Council
SKJC	Secretariat of the Kosovo Judicial Council
DC	Disciplinary Committee
ODC	Office of the Disciplinary Counsel
CPRU	Court Performance Review Unit
JIU	Judicial Integration Unit
OJAV	Office of Judicial Assessment and Verification
SC	Supreme Court
CA	Court of Appeals
BC	Basic Court
BF	Budget and Finance
AP	Administration and Personnel
ICT	Information and Communication Technology
EC	European Commission
MoJ	Ministry of Justice
EROL	USAID Effective Rule of Law Program
MEF	Ministry of Economy and Finance
RVL	Roadmap for visa liberalization
EUSR	European Union Special Representative
SAA	Stabilization – Association Agreement

INTRODUCTORY SPEECH

I have the special pleasure to present to you the Annual Report of the Kosovo Judicial Council for the year 2013. The report presents all of the achievements and challenges, through which the court system has passed during 2013. The report covers the work and activities of the Kosovo Judicial Council, Departments and Offices of the KJC Secretariat, Committees, Court Performance Review Unit and objectives and challenges for 2014.

No doubt that during 2013 a special attention was paid to the fulfilment of obligations arising from the assessment reports of domestic and international organizations, in order that initiated judicial reform becomes key to further success for an impartial and independent judiciary, as defined by the Constitution and laws of the Republic of Kosovo.



As chairperson of the KJC, I highly appreciate the independence of the judicial system as guarantor for the correct application of the applicable laws; I appreciate the cooperation between local and international institutions in order to obtain valuable experiences and increase the efficiency, quality and professionalism of judges.

The judicial system plays an important role in meeting our country's integration aspirations and its constant promotion would increase the prestige of Kosovo in the international arena.

In order to increase efficiency and transparency, the KJC has signed a memorandum of understanding with institutions and non - governmental organizations, which have been made public. KJC has organized activities with citizens and civil society organizations supported by local and international institutions.

However, in addition to successes, 2013 was also a year of many challenges and one of those which has followed us throughout the years is the backlog of cases in courts, in respect of which concrete steps were undertaken, such as the drafting of the National Strategy for Backlog Reduction (2013), a process that requires not only an increase of the capacity of the courts, but also financial support.

Given the perception among citizens in relation to the judiciary, I am confident that the judiciary in Kosovo will overcome any challenge, as it has done over the years after the war. Therefore, the success we aim to achieve through our work will restore the lost confidence, the hope that Kosovo has a secure and democratic future, and an independent and impartial judiciary.

Thank you
Chairperson of the Kosovo Judicial Council,
Enver Peci

INTRODUCTION

KJC Annual Report provides a description of the mandate, organizational structure, role and responsibilities of this institution, the activities conducted during 2013 and the challenges that KJC and judiciary face in their work in the future. In the first chapter the reader can be acquainted with the organization and activities of the KJC. The annual report is focused, in particular in the description of the activities undertaken by the KJC, acts adopted, memorandums, CMIS project. One chapter of the report describes the structure and activities of the KJC Secretariat, followed by the chapter on court activities. A separate section of this report is also the participation of the KJC in the European integration process of Kosovo and the cooperation of KJC with other local and international institutions. The final chapter presents the main achievements of this institution in 2013, as well as future objectives and challenges.

ORGANIZATION AND ACTIVITY OF THE KJC

ROLE AND POWERS OF THE KJC

KJC powers are defined in the Constitution and the Law on the Kosovo Judicial Council, on the basis of which the Council has a fundamental role in ensuring the independence and impartiality of the judicial system.

Kosovo Judicial Council is established by the Constitution of the Republic of Kosovo as the governing body of the judiciary. Its main responsibilities include:

- ensuring the independence and impartiality of the judicial system;
- recruitment of judges and proposal for their appointment;
- supervision of judicial inspection;
- management of court administration and budget as well as specification of rules for determining the proper functioning of the courts.

In its composition, KJC is expected to have thirteen (13) members: eight (8) members elected by the Assembly of the Republic of Kosovo, while five (5) members are directly elected by the judiciary. Mandate of the members of the Council shall be five (5) years.

KJC currently has eleven (11) members, of which five (5) are Albanians, four (4) of non-majority communities, while two (2) are international members.

Members of the Kosovo Judicial Council are:

- | | |
|--|-------------------|
| • Enver Peci Chairperson | • Malcolm Simmons |
| • Muharrem Shala Deputy
Chairperson | • Agim Maliqi |
| • Živojin Gojko Jokanović | • Asllan Krasniqi |
| • Valdete Daka | • Sali Mekaj |
| • Gerrit-Marc Sprenger | • Nebojsa Boričić |
| | • Raima Elezi |

KJC ACTIVITIES

During 2013, Kosovo Judicial Council has held 21 meetings, where 100 different issues were reviewed; including the issues addressed by KJC Committees and other stakeholders and has also conducted 85 operations for administration or regulation of

certain issues.

The KJC Organization imposes numerous activities to be conducted in the committees envisaged by law or established in the function of appointment, assessment or other ad hoc issues. In the following, we will present in detail the activities of the KJC Committees.

COMMITTEES OF THE KOSOVO JUDICIAL COUNCIL

KJC committees have been established to support the exercise of its mandate. Each committee has at least three (3) members, who are elected by KJC for a term of two (2) years. Committees have their president, who is elected from among the members of the committee. Committees support the KJC pursuant to their respective mandate.

Kosovo Judicial Council under article nine (9) of the Law for the KJC has established the following standing committees:

- Disciplinary Committee,
- Committee on Normative Issues,
- Committee on Budget, Finance and Personnel, and
- Committee on Court Administration.

In order to implement internal regulations, KJC has also established:

- Committee for appointment of judges and
- Committee for evaluation of performance of judges.

DISCIPLINARY COMMITTEE

Disciplinary Committee of the Kosovo Judicial Council, during 2013, has received a total of 19 final reports by the Office of the Disciplinary Prosecutor. With the purpose of reviewing these reports, the Disciplinary Committee held 11 disciplinary hearings, in which it reviewed all reports received. Moreover, the Disciplinary Committee has conducted procedures for suspension according to an initiation conducted by the ODC and two others were initiated ex officio by the KJC.

During the review of these reports, in the aforementioned hearings, a total of 23 decisions were taken and the following measures were imposed:

- Reprimand (7 decisions);
- Reprimand with Instruction for corrective action (1 decision);
- Temporary salary reduction to 50 % of monthly pay (2 decisions);

- Release from responsibility (11 decisions);
- Temporary Suspension from office of a judge or lay judge until the completion of the disciplinary investigation and termination of criminal proceedings against a judge (2 decisions);

Also, the Disciplinary Committee has revoked a decision on a temporary suspension, a decision by which the judge was reinstated in the office with all the rights and obligations he/she had before suspension.

COMMITTEE ON NORMATIVE ISSUES

During this period, the Committee reviewed and recommended to the Council several draft regulations and draft instructions, the majority of which were adopted in the KJC.

The bylaws which have passed and were recommended for approval in the Kosovo Judicial Council are:

- Regulation on Disciplinary Procedure for judges, (Adopted),
- Regulation for the Office of the Disciplinary Counsel;
- Regulation on the Organization of the KJC Secretariat;
- Standard Operating Procedures (SOP) for security of judges and courts, (Adopted);
- Administrative instruction on procedures for compensation of defence counsels ex officio;
- Administrative instruction on official trips abroad, (Adopted);
- Regulation on the organization and functioning of the Court Performance Review Unit;
- Administrative instruction on stamps of courts and the KJC Secretariat, (Adopted).

Bylaws expected to be drafted and reviewed by this committee are:

- Regulation on the procedure for promotion of judges;
- Regulation for the training of judges;
- Regulation on the procedure of appointment of presidents of the courts;
- Code of Ethics for judges; Revision of the Code of Ethics for administrative staff;
- Regulation for court interpreters;
- Regulation for court experts;
- Other acts arising from obligations of codification of criminal procedure code;
- Memorandums of Understanding with other institutions for backlog reduction.

COMMITTEE ON BUDGET, FINANCE AND PERSONNEL

Committee on Budget, Finance and Personnel has a mandate to draft and recommend policies for development, review and management of KJC budget. Budget and Finance Committee in a joint meeting with the Committee on Normative Issues drafted as follows:

- Draft regulation for the organization of the Secretariat of the Kosovo Judicial Council;
- Administrative Instruction on compensation procedures for ex - officio defense;
- Administrative Instruction for official trips abroad;
- Participated in reviewing the organizational structure of court staff.

COMMITTEE ON COURT ADMINISTRATION

Committee on Court Administration- in the course of its affairs has managed to successfully and timely fulfil its duties and responsibilities.

During this period, the Committee held two (2) meetings and professionally handled, with special care, all documents and submissions of different nature which were addressed to the Committee, either by other institutions, or by the courts.

Within its competence the Committee on Court Administration has issued three (3) Conclusions, four (4) proposals that were submitted to the KJC for approval, one (1) Recommendation.

Conclusions:

- Manner of enforcement of punitive orders when the identity of the convict is not known;
- Value of the tariff from (three) 3 € for all certificates of the C.A. issued by Minor Offenses Division for cases searched in the database, (cases dealing with Public Order and Peace, Traffic, etc.);
- Request for prior consent by the Panel and the application of Administrative Instruction No.12/12, when deciding on requests for Adoption filed in court by citizens living abroad or foreign nationals.

Proposals:

- Manner of archiving of civil cases in which the court fee has not been paid;
- Manner of enforcement of debts on the field by enforcement clerks;
- Measures to be undertaken to reduce the statute of limitation of the criminal cases in enforcement procedure;
- Unification of the provision of article 10.17 point a).of Administrative

Instruction No.2008/02 for Unification of Court Fees in Serbian language, with the provision of article 10.17 point a). of the same instruction in Albanian and English language, so that the word "detention on remand" shall be replaced with the word "enforcement";

Recommendations:

- Contents of the Unique Form/Certificate regarding evidence of convicts and persons against whom criminal proceedings are conducted.

COMMITTEE FOREVALUATION OF PERFORMANCE OF JUDGES

The KJC pursuant to article 9, point 2 of the Law nr.03/L-223 on Kosovo Judicial Council, article 17 of the Regulation of the Kosovo Judicial Council and article 10 of the Regulation on evaluation of performance of judges, by decision no: KJC 50/1-2012, dated April 2, 2012, and KJC no.85/2013, dated September 6, 2013 appointed members and deputy members of the Committee for the evaluation of performance of judges.

The Committee consists of eleven (11) members and three (3) deputy members of the Evaluation Committee, if members cannot attend for objective reasons or conflict of interest.

This Committee is composed as follows:

- | | |
|---------------------------------------|------------------------|
| • EmineMustafa, Head of the Committee | • Ferit Osmani, |
| • Ajser Skenderi, | • Ahmet Idrizaj, |
| • Nenad Llaziq, | • Sahit Krasniqi, |
| • Isa Kelmendi, | • Nesrin Lushta, |
| • Avdullah Ahmeti | • Nazmije Ibrahim, i, |
| | • Lumturije Muhaxheri, |

Whereas, as Deputy/Members of the Committee were elected:

- Hasim Sogojeva, deputy member of the Committee
- Shadije Gërguri, deputy member of the Committee.

The Committee evaluates the performance of the judges within the Kosovo judiciary, in full accordance with the evaluation criteria set out in the Regulation for evaluation of performance of judges.

Evaluation Committee in 2013 evaluated in total performance of 88 judges and this evaluation was phased as follows:

- The first phase - evaluation of two (2) judges was conducted, whose mandate in exercising the function of the judge ended on May 14, 2013;
 - The second phase - evaluation of ten (10) judges was conducted, whose mandate in exercising the function of the judge ended on June 28, 2013;
 - The third phase - evaluation of seventy six (76) judges was conducted, whose mandate in exercising the function of the judge ended on October 21, 2013.
- This evaluation process, after all evaluation reports were passed to the KJC, resulted to the submission of the recommendations for proposal for reappointment of all judges with a three-years mandate, except of a judge who was not recommended from the President's Office due to his low performance.

INSTITUTIONAL COOPERATION OF THE KOSOVO JUDICIAL COUNCIL

During 2013, KJC has signed a total of eleven (11) Memorandums of Understanding, five (5) of which were Memorandums of Understanding with government institutions and six (6) with non - governmental organizations.

More precisely were signed:

- Memorandum of Understanding between the Ministry of Justice and the Kosovo Judicial Council, which transferred the authority over the Conditional Release Panel from the Ministry of Justice to the Kosovo Judicial Council;
- Memorandum of Understanding regarding the 2013 elections between the Kosovo Judicial Council, Kosovo Prosecutorial Council, the Kosovo Police and the Elections Commission for Appeals and Submissions;
- Memorandum of Understanding between the Kosovo Judicial Council, Kosovo Prosecutorial Council and the Embassy of Norway regarding the implementation of the Case Management Information System for the Kosovo judiciary;
- Memorandum of Understanding for cooperation in the field of personal security of judges, in the event of threats to judges within the scope of their activities, signed between the Kosovo Judicial Council and the Kosovo Police, with the aim of increasing efficiency in the implementation of the law and security for judges;
- Memorandum of Understanding between the Kosovo Judicial Council and NGO "Kosovo Advocacy Development Centre" (KADC), in order to realize the project "Courts as a model to ban smoking";
- Memorandum of Understanding between the Kosovo Judicial Council and non-governmental organization "VKBIK" for implementation of the project "Citizens and Courts", with the aim of creating a platform for close and efficient cooperation between the Basic Court in Prizren and NGO "VKBIK", in monitoring the observance of the rights of women and Bosnian minority;
- Memorandum of Understanding for the project "Raising awareness and participation of citizens in the justice system" , between the Kosovo Judicial Council and NGO "Green Art", in order to monitor the Basic Court in Prizren and increase communication with citizens using electronic media for more efficient information to citizens on the work of this institution;
- Memorandum of Understanding signed between the Kosovo Judicial Council and the Center for Women "Prehja" for mutual cooperation, with the aim to increase the

transparency and accountability of the system of the Basic Court in Mitrovica - Branch in Skenderaj, through trial monitoring at this Court;

- Memorandum of Understanding between the Kosovo Judicial Council and non-governmental organization "Polis" from Lipjan, with the aim to implement the project "Access of citizens to judiciary for fair justice" in the Basic Court of Pristina - Branch in Lipjan;
- Memorandum of Understanding between CSS - Project for Integrative Mediation Berlin - Kosovo and the Kosovo Judicial Council for cooperation in the pilot project for referral of cases from the Basic Court in Mitrovica for mediation to mediation centers in Mitrovica;
- Memorandum of Understanding between the Prosecutorial Council, the Kosovo Judicial Council, Ministry of Justice, Ministry of Finance, Central Bank, Anti-Corruption Agency and the Kosovo Intelligence Agency to determine the basic principles regarding the establishment and functioning of the National Coordinator, with the aim to increase efficiency in prosecuting offenders, seizure and confiscation of proceeds of crime.

ICT/CMIS PROJECT

In accordance with the KJC Strategic Plan 2012-2017 for ICT (Information and Communication Technology) adopted by the Kosovo Judicial Council in March 2012, during 2013 the KJC has prepared the ICT/CMIS (Case Management Information System) Project, by which it has applied to the Norwegian Government for funding. In June 2013, an agreement was signed for financing the project, between the KJC and the Norwegian Government.

As an outcome, it was immediately started with the initiation of the project, which was preceded with the signing of a Memorandum of Understanding between the Kosovo Judicial Council (KJC), Kosovo Prosecutorial Council (KPC), the Ministry of Justice (MoJ) and the Norwegian Embassy. After signing of the memorandum, an Implementing Partner was selected, namely International Management Group (IMG) as the implementing partner for administrative and financial management of the ICT/CMIS project and the Project Manager. The project started with implementation in December 2013, after preliminary operational preparations were undertaken.



The overall objective of this project is to create a legal basis for a more efficient, transparent and accountable judiciary in Kosovo through the introduction of ICT, which includes:

- Transformation of the Kosovo courts in e-courts
- Proactive management of the courts based on reports and data in real time,

and

- Readiness of on-line services for citizens through the creation of a court web portal.

The Project is planned to be carried out in two main phases: a preparatory phase in duration of 12 months, and the main phase in period of 36 months.

The first phase of the project - the preparatory phase should create the preconditions for a successful realization of the main phase. The main objective of the preparatory phase is the development of detailed functional requirements for the case management system for the courts. In addition, all judges, prosecutors and support staff will be provided with basic ICT training and typing skills in all courts and prosecutions of Kosovo. The main phase of the project begins after completion of the preparatory phase and includes further - main activities:

- Development, piloting and testing of CMIS for courts;
- Preparation of functional specifications for the development, piloting and testing of CMIS for prosecutor offices;
- Placement of CMIS in courts and prosecutions;
- Training for the use of CMIS by judges, prosecutors and support staff;
- Procurement and installation of software and hardware in the courts and prosecutions;
- Creating access to the Internet and e- mail system; creating a web - portal.

BACKLOG REDUCTION STRATEGY

KJC, in the first quarter of 2013, analysed and evaluated the achievements in the implementation of the National Backlog Reduction Strategy by the courts in Kosovo, during the period from January 1, 2011 to December 31, 2012. During this period it was evaluated that 75 % of cases older than December 31, 2008, were completed, placing a duty to review the Strategy again in order to continue in the following years. In the second quarter of 2013, the KJC by the Decision no.52/2013 established the Committee for Reconsideration of the National Backlog Reduction Strategy, which Committee consisted of 5 local members and 3 international members (USAID, EULEX and EU Office Project in Kosovo).

In implementation of the Decision of the KJC no.52/2013, the Committee established working groups to identify the factors which posed a challenge to the work of the judiciary in implementation of the Strategy.

During May and June 2013, 20 members worked in five working groups that were engaged to work on the following issues:

- Harmonization with the KJC, KJCS and courts;
- Criminal;

- Civil;
- Execution of criminal decisions and
- Execution of civil decisions and other non-criminal decisions.

In September 2013, the KJC adopted the National Backlog Reduction Strategy, which required that each case older than two years to be considered as an old case. Reference was made on January 1 of each year, to see how many cases have remained uncompleted for two or more full years, counting as a full year also the year in which the case was received and recorded in the court, with an obligation to the court presidents to manage this process, monitored and assisted by the KJC mechanisms.

2013 EUROPEAN INTEGRATION PROCESS

Kosovo Judicial Council is one of the contributors to the European integration process, especially in the area of rule of law. KJC has given its contribution in many important aspects of the process of visa liberalization and on Stabilization and Association dialogue. Year 2013 brought many positive changes in terms of European integration and the judiciary, but also many challenges to be faced. It began with an agreement for the launch of the SAA dialogue in September 2013, which has been a positive incentive for all of Kosovo.

VISA LIBERALIZATION PROCESS

In July 2013, the rule of law sector has provided its contribution to current roadmap for visa liberalization. A clear focus for visa liberalization is the willingness of the judiciary to combat corruption and organized crime. In the framework of the Action Plan on Visa Liberalization, many challenges and deadlines were assigned for the Kosovo Judicial Council. In this regard, the Kosovo Judicial Council has established itself and is part of many working groups dealing with the fight against organized crime and corruption in the judiciary, and the protection of those who are affected by it. Second quarter of 2013 marked an increased coordination between Kosovo institutions in combating organized crime and corruption, where many working groups were established and important MOU's were signed to ensure safeguards for court personnel and judges in case of threats and intimidation, and the statistical data on organized crime and corruption cases were provided and harmonized.

KJC has also created the Criminal Records Database, software to record all persons convicted for criminal offenses in all courts in the country since 1999. The goal of this project is to digitalize the registry of persons convicted for criminal offenses. This database will include personal information for the convicted person, such as: information about the type of criminal offense; type of punishment and its duration and the deadline for deletion from the register of convicted persons as stipulated by relevant law.

Moreover, the KJC in close cooperation with the Kosovo Prosecutorial Council, Ministry of Justice, Kosovo Police, Ministry of Internal Affairs, Anti-Corruption Agency, Customs, the Financial Intelligence Unit, the Special Prosecutor Office of the Republic of Kosovo, the Agency for Confiscation of Assets, Kosovo Judicial Institute, Kosovo

Chamber of Advocates and the Correction Service, prepared Terms of references' for a joint mechanism to review the functioning of the restructured criminal justice system.

FEASIBILITY STUDY/DIALOGUE ON STABILIZATION AND ASSOCIATION AND PROGRESS REPORT

The fourth plenary meeting of the Dialogue Process on Stabilization and Association Agreement was held in Pristina on July 11, 2013. Kosovo, in particular the judiciary has now met their short-term priorities, such as demonstrating a clear commitment to deliver results in combating the corruption, where the KJC is part of the Anti-Corruption Strategy along with other institutions; it has restructured the courts and launched the first phase of the CMIS II project.

As another short-term priority KJC should provide continuous and genuine cooperation with EULEX. Regarding this, the KJC through a letter to EULEX allowed that EULEX representatives participate as observers in the recruitment and appointment of judges in higher positions. In terms of medium term priorities, the KJC has adopted a new strategy for backlog reduction; it has signed a MOU with the Kosovo Police to ensure the protection of judges in case of threats and intimidation and compiled three administrative instructions for ensuring effective security for court personnel and witnesses.

COOPERATION WITH INTERNATIONAL ORGANIZATIONS AND DONOR SUPPORT

KJC has had continuous support from various international organizations and various donors: US Embassy, the EU Office in Kosovo, EU project in support of the judiciary, the EULEX mission , and USAID and its EROL Project.

Programming the Instrument for Pre - Accession Assistance (IPA II) from 2014 to 2020 has begun, where the Ministry of European Integration has worked closely with all ministries in planning EU support for the period 2014-2020. Based on this, the country's strategic document was drafted in close cooperation between Kosovo and the European Commission and outlines priorities for EU assistance. Unlike the last programming, IPA 2014-2020 programming will be done by sectors, namely *justice, home affairs and fundamental rights*. Kosovo Judicial Council has presented its project ideas and is now awaiting the next phase of programming.

In November 2012, the EUSR, EULEX and Kosovo institutions have adopted together and have developed a series of actions titled 'Compact agreement on common objectives of the rule of law for the period up to June 2014'. Numerous actions described in this agreement establish certain obligations for the KJC and the Judiciary. KJC has started to implement the actions with EULEX assistance, particularly focusing on: institution-building measures as defined in the Law on KJC, completing the legal framework (bylaws deriving from the Law on KJC and the Law on Courts) and the process for evaluating judges' performance.

KJC DUTIES FROM THE COMPACT AGREEMENT FOR RULE OF LAW AGREED WITH EUSR AND EULEX

In November 2012, the European Union Special Representative (EUSR), EULEX Mission in Kosovo and Kosovo institutions jointly drafted and approved the entirety of actions called Compact Agreement for common objectives of the rule of law in the period up to June 2014^[1]. The actions described in this Compact create certain obligations for the KJC and the judicial system. Therefore, the KJC is committed to take the necessary actions to achieve the objectives outlined as follows:

- Strengthening judicial institutions throughout Kosovo, including the north of Kosovo, in order for all communities to benefit from this strengthening;
- Capacity building in the Kosovo judiciary to combat inter-ethnic crime, serious and organized crimes and corruption;
- Capacity building of Kosovo anti- corruption institutions, especially through the criminal justice system;
- Increase of awareness of the Kosovo Judicial Council to assume its role in accordance with the law;
- Consolidation of strategic capacity, operational and organizational management of Kosovo judiciary to advance the implementation of relevant legislation, strategies and action plans;
- Encouraging a greater degree of ethnic inclusion and gender equality in Kosovo judiciary;
- Improving the reaction of the Kosovo judiciary to concerns raised by minorities about public safety, access and transparency;
- Capacity building of the judiciary in addressing unresolved property claims;
- Implementation of the agreements reached in the dialogue mediated by the EU and any other agreements that may be reached in the future in the area of rule of law.

KJC has started implementing the aforementioned actions with the EULEX assistance, particularly focusing on: measures on KJC institutional strengthening in accordance with the law, completing the legal framework (bylaws arising from Law on KJC and Law on Courts) and the process for evaluating the performance of judges.

SUPPORT BY EROL

During 2013 USAID Project-EROL has continued to supporting the KJC activities. Within the process of judicial evaluations, EROL has provided assistance through commitment of personnel in the form of assisting in individual data entry for each judge during the evaluation process for current judges.

In order to increase transparency KJC has initiated the creation of a comprehensive portal where information from all courts would be posted as well as by KJC itself. Thanks to this project, EROL has undertaken the creation of this portal and for this purpose has started the procedures for the development of the portal and collaboration started with KJC Secretariat.

Also as a result of the appointment of the *ad-hoc* Committee by KJC for Strategic Planning, EROL has provided logistical support to the Committee and the Committee and has led the meetings of the Committee, during which the assessment of needs was conducted. KJC then selected a small working group of the Committee to continue with their work plans, which will become part of the plan.

EROL project in cooperation with the KJC has provided a short-term expert and has enabled three-day workshop for new information officers in the new courts. The training also included crisis management plans for the courts. EROL in cooperation with the KJC has organized three regional roundtables with the media in Ferizaj, Mitrovica and Peja. These roundtables included members of the local media, local courts, police, and KJC officials. The purpose of this was to improve relations with the local media and provide a forum for ongoing dialogue between the courts and the local media. Similar workshops will be organized in other basic courts in 2014.

EROL project has also assisted in the drafting of bylaws: Organization of the Secretariat, Security of the courts and judges, Disciplinary Committee, etc. EROL has provided technical assistance, along with other international consultants in analyzing and suggesting changes to the bylaws.

EROL project has assisted KJC in the development of the Strategy for Backlog Reduction during a series of workshops with the KJC and court personnel. Workshops on legal drafting were held for legal staff of the Secretariat in collaboration with MoJ; a workshop was held for the Legal Department of the KJC and other institutions. Members of the Legal Department of the KJC have participated in this workshop, which was designed to increase the capacity of the legal department for drafting bylaws.

EROL project has provided basic, intermediate and advanced training on Excel for all court statistics officials and three (3) members of the KJC Department of Statistics, totalling over 90 hours of training which included three (3) weeks. The training was focused on the use of Excel to produce statistical reporting of the court and the displacement of data from the database - supported by EROL, in the reporting forms approved by the KJC.

By supporting KJC in the implementation of the new Law on Courts, EROL has undertaken the following activities: planning of work subgroups and implementation meetings - Human Resources, Administration and Logistics of the Courts; Inventories of materials and transfer; Timely providing seals on date/time; providing case file

folders;

EROL project has provided support continuously in the form of technical advisors for the working subgroups tasked with planning and implementation of the new Law on Courts and ensuring working group sessions and meetings; It has also provided technical advisors on inventory activities and transfer of cases; It has provided the supplies needed for the physical transfer of case files; Purchased and transferred ownership of the new stamps with date and time for all courts under the new structure and during the first six (6) months has provided supplies of case file folders for KJC to equip the courts.

EROL supported the renovation of courts buildings. Within this project, EROL has provided furniture for the new building of Basic Court in Gjilan and has realized complete renovations for nine (9) court buildings and completed the furnishing of 10 newly constructed courts. Renovation activities have brought all court buildings at the level of model courts standard and increased the efficiency and transparency of court operations.

EU OFFICE PROJECT IN KOSOVO IN SUPPORT TO KJC

The Project 'Support to the Kosovo Judicial/Prosecutorial Council' continued to assist KJC also in the year 2013 in different areas.

The Project was involved in the elaboration and adoption process of several legal acts of KJC, in particular the following:

1. REGULATION on the Performance of the Disciplinary Committee, adopted in December 2013
2. REGULATION on the Process of Appointment and Reappointment of Judges, adopted in April 2013
3. D E C I S I O N on amendment and supplement of the Regulation on Evaluation of Performance of Judges, 10 June 2013

In the course of the reporting year the project elaborated three Manuals regarding the areas of recruitment and appointment, performance evaluation and disciplinary liability of judges. These Manuals contain a wide range of Standard Operating Procedure, including forms and templates, in particular the following:

- Manual on Disciplinary Proceedings against Judges in Kosovo: 9 templates and forms
- Manual on Evaluation of Performance of Judges: 17 templates and forms
- Manual on Appointment of Judges: 34 templates and forms

Furthermore, assistance was provided in elaborating legal opinions on legal questions arising in the context of areas falling under the scope of the Project's Terms of Reference, inter alia on delimitating the competence between the training institution or ODC and the Council.

Finally the project carried out an analysis on the training needs of the Council

members and supporting staff in the area of appointment, evaluation and discipline. From November - December 2013 the following trainings were held:

- 12 and 13 November 2013- Workshop on for “Disciplinary Liability of Judge and Prosecutors”
- 26 and 27 November 2013- Training Seminar for ODC, KJC/KPC’ s supporting staff “Disciplinary Liability of Judge and Prosecutors”
- 4 December, 2013 - Training seminar for the KJC’s supporting staff on ‘Performance Evaluation of Judges in Kosovo’
- 5 and 6 December, 2013 - Workshop on ‘Performance Evaluation of Judges in Kosovo’ for the members of the KJC’s Evaluation Committee and supporting staff
- 12 and 13 December, 2013- Workshop ‘Process of Recruitment, Appointment and Reappointment of Judges in Kosovo’ for the KJC Appointment and Reconsideration Committees on appointment procedures.

ANNUAL JUDICIAL CONFERENCE

In November 2013, Kosovo Judicial Council (KJC), supported by the OSCE Mission in Kosovo, organized the Third Annual Judicial Conference.



Given the anniversary of the judicial reform, the entire structure of the judicial system in Kosovo participated in the conference and discussed challenges in the implementation of the new legislative framework, which regulates the work of the judiciary.

Also during the conference, trends and challenges related to the *Implementation of Reforms in the Justice System in Kosovo* were discussed, which are being implemented since 1 January 2013.

Introductory speech was given by the Chairperson of the KJC, Mr. Enver Peci, who spoke about the significance of the Conference, which is also a forum and serves as a meeting place for discussing and reflecting as to where do we stand now, and where will we head in the future. A key topic of the discussion was a reform process with emphasis on the restructuring, which among other things was aimed to increasing the efficiency of the courts in the fight against corruption and organized crime, transparency of court proceedings, by-laws issuing, improving infrastructure, strengthening independence and accountability of the judges. He made an appeal for all judges and employees of the judicial system that now is the moment to rise above

their personal interests, to protect the rule of law principles and to carry out their duty to the public, where more than necessary is regaining of public confidence in the judicial system. This action will show that judges are persons of high professional conscience and integrity, who were not, are not and will not be influenced by anyone, but are devoted and dedicated people when carrying out their duties.

Conference was honored by the presence of President of the Republic of Kosovo Mrs. Atifete Jahjaga, who in her speech emphasized that the judiciary has done a great job so far. The process of in-depth reform of the justice system has commenced and it should be completed. These reforms should be intensified not only within legislation, but also in building better policies for their implementation. Building a sustainable, professional, impartial and politically not influenced judiciary, marks our ceaseless efforts to operationalize them and to make them more acceptable and more trustworthy to citizens.

Also present was the Deputy Prime Minister and Minister of Justice, Mr. Hajredin Kuçi, who in his speech listed the achievements of the judicial system, especially in terms of the legal staff. Also, he pointed out the challenges, in particular the reduction of backlog of cases, in which case he mentioned establishment of a Task Force with possibility of hiring retired judges.

Supreme Court's President, Mr. Fejzullah Hasani, in his speech concerning judicial reform, stressed that judicial reform, as assessed by all of us, can appear in different forms. It carries different meanings in different time and environment context. But what should be clear is that the main goal of any reform is installing efficiency, effectiveness and accountability in order to improve access to justice and serve the same.

Representative of the Organization for Security and Cooperation in Europe (OSCE) - Mission in Kosovo, Mr. Jean-Claude Schlumberger, in his speech highlighted some achievements in the judicial system and praised the immediate initiatives of relevant stakeholders, aimed at addressing some legal solutions, which experienced problems when implementing in practice.

During this Conference, was praised the dedication and devotion of all those judges and other court employees who tirelessly serve citizens of our country.

ACTIVITIES OF THE KJC SECRETARIAT

KJC's Secretariat supports the Council when implementing regulations and policies in terms of the management, budget and courts.

Under instructions of the Council and its Budget, Finance and Personnel Committee, Secretariat manages admin personnel and provides support to the judicial, including assignment of the admin personnel, as well as to the courts based on the workload. It also provides support to the courts in terms of maintenance of the staff registers, establishment of performance evaluation system, necessary disciplining of the courts staff as well as protection of the staff's rights.

KJC's Secretariat is managed by the Secretariat's Director. Secretariat has the following internal units:

- General Administration Department
- Budget and Finance Department
- Logistics Department
- IT Department
- Procurement Department
- Legal Department
- Statistics Department
- Internal Auditing Department
- Analyses and Research Department

ADMINISTRATION AND PERSONNEL

KJC Secretariat is employment body for administrative staff of Secretariat and of the courts as well. It is worth mentioning that the Secretariat as such, administers staff matters regarding allowed positions as follows:

- For the courts and Secretariat, there are 1591 allowed positions;
- For the Special Chamber of the Supreme Court there are 29 allowed positions;
- For the Office of Disciplinary Prosecutor Office, there are 20 allowed positions;
- For the Court Performance Review Unit, there are 7 positions;

Number of administrative staff positions in the courts and Secretariat compared to the last year increased by 61 positions (36 positions have increased due to the transfer of Judicial Integration Division of the Ministry of Justice to Kosovo Judicial Council), two (2) positions for professional adviser in the Fiscal Division of the Court of Appeal and four (4) positions for professional adviser in the Fiscal Division in the Court in Prizren, nine positions for the Special Chamber of the Supreme Court and ten (10) positions for

the Basic Court in Gjilan - branch Novo Brdo. In other Council units the number of positions has remained the same, despite the fact that new positions are required for administrative staff, they are not allowed (for the clerk position, interns, clerks and other).

Department of General Administration, along with the specified real needs and requirements, has distributed positions according to the necessary needs for the normal functioning of the courts.

Under the Law on Courts No.03/I-1999, the organizational structure of the courts and the proposition for assignment of the civil servants in judicial administration, approved by the Council, which has provided for systematization of all court administrative staff is operational as of 1 January 2013, and has proven satisfactory in the work of the courts with some exceptions.

In October of this year, the SKJC's Director has established an *ad hoc* Committee composed of staff of KJC Secretariat, General Administration Department and Judicial Administration respectively, to review its effects and a new administrative structure of the courts. It is in a finalizing stage and will be sent to the Council for approval.

During this year (2013) a total of 234 vacant positions were advertised: seven (7) positions in the Secretariat, 208 positions in the courts; two (2) position in the Office of Disciplinary Prosecutor; two (2) positions in the Courts Performance Review Unit, (2) positions in the Special Chamber of the Supreme Court two.

Announced were 64 voluntary court interns' positions for judicial practitioners for one-year-period, who were recruited in compliance with Procedure for Recruiting Interns in courts.

The number of interns in the courts and their branches has increased due to a huge need for them and the fact that such positions have no budgetary implications.

During 2013, we received several Training Plans for judges from KJI, and we are following training of judges and staff held at KJI and abroad.

SKJC Disciplinary Committee is operational. During this year were initiated five (5) disciplinary proceedings against civil servants alleged for violation of the Civil Servants Code of Ethics. Disciplinary Committee has imposed disciplinary measures in two (2) cases and that: first case, one month suspension of 1/3 of the basic pay, second case, suspension pending a final court decision of 50% of the basic payment, and three other, where procedure has commenced but is not yet completed.

2013 Work assessment forms almost all civil servants have been filed in personal records of each employee. There was no negative appraisal (evaluation) of any civil servant and consequently no need to initiate proceedings for failure to satisfactorily perform the duties.

BUDGET AND FINANCES

Under the Republic of Kosovo Constitution, the Law on the Kosovo Judicial Council, the Law on Public Financial Management and Accountability, KJC is responsible for overseeing the preparation and execution the annual budget for the entire Kosovo

Judicial System, and is responsible for monitoring whether expenditures of allocated funds and functions of accounting and financial control comply with the applicable law.

KJC plans, manages and is assisted by the Secretariat in the execution of the budget, which includes the budget for all courts in Kosovo and the Secretariat of the KJC, Judicial Performance Review Unit, Office of Disciplinary Prosecutor and the Special Chamber of the Supreme Court.

KJC Secretariat also manages procedures and revenue generation by the courts and court deposits of the Special Chamber of the Supreme Court. Revenues generated by the courts are: traffic fines, court fines, court fees, bails, deposits etc. Also, the Secretariat receives, prepares and processes payments (receipts) of budget expenditures incurred by internal Council's services according to the expenditures and procurement plan for services, supplies and works carried out by contractors of the Council, and other expenditures incurred by all courts Kosovo, such as payments for lay judges, *ex officio* lawyers, court experts, etc.

2013 BUDGET

The 2013 overall budget of the Kosovo Judicial Council, as a budget organization, and its four programs: Courts and KJC Secretariat, Judicial Performance Review Unit, Office of Disciplinary Prosecutor and the Special Chamber of the Supreme Court, excluding incomes and donations under the Law No.04/L-165, amounts to € 18,696,567, while when including the revenues and incomes above, amounts to € 19,910,467, and it covers a total of 1,995 positions, of which 404 are judges and 1,591 are administrative positions.

The 2013 overall budget of the KJC, excluding incomes and donations under the Law No.04/L-165, amounts to € 18,696,567, while when including the revenues and incomes above, it amounts to € 19,910,467, and it covers 1,995 positions, of which 404 are judges and 1,591 administrative positions. With the 2013 budget revision, the following changes were made: € 200,000 were transferred from the category of goods and services to the State Prosecutor's budget, for the payment of experts and *ex officio* lawyers. There is also budget cut of capital investment category for the following two projects:

- Design and Construction of the Court in Ferizaj - the amount of € 200,000 out of the € 750,000 project fund;
- Design and Construction Mitrovica Court Building - Branch Vushtri - € 190.500 out of the the project amount of € 300,000,
- Design and Construction of Gjakova Court Building - € 66,616.27 were reallocated for supply and installing of elevators in the Court in Gjilan. These budget cuts were done with no agreement and with no prior consent of KJC.

Also, by the end of 2013 there have been some changes in the budget as follows:

Upon request of the MF and with the prior consent of the KJC, savings in the category of wages and salaries are reduced to € 600,000.00. By the Government's Decision no.12/158, of 29 November 2013, the amount of € 493,266.58 of the wages and salaries category was not allocated. By the same decision, the Government have not allocated € 27,145.00 of its own revenues to the category of wages and salaries. These budget amounts are listed in the budget table, but are not allocated; there have been neither consultation nor agreement for non-allocation of funds. By the Government Decision no. 09/134, of 17 June 2013, the amount of € 57,612.00 from the Goods and Services category is not allocated, and although not allocated it appears on the budget table. There were neither consultations nor agreement for non-allocation of funds. Following these changes, the final 2103 KJC's Budget (excluding revenues and donations) amounts to € 17,506,067, while when including revenues and donations (including donations and revenues transferred) it amounts to € 19,072,192.19.

1.19%

IS A SHARE OF THE KJC FINAL
BUDGET IN THE KOSOVO BUDGET

Court revenues, which are generated by the Council, namely the courts, the Secretariat and the Special Chamber for the period January - December 2013 amount to € 7,014,518.56 €. In this year, we have revenue's decline, because many services generating revenues are now provided by the notaries, such as authorizations and other certificates. Therefore revenues declined when comparing with the revenues generated last year and those planned for this year.

As shown in the following table, this budget is committed for the period January through December 2013, amounting to total of 18,032,040.46 €, and when expressed as a percentage it is 94.55 %, where the amount of € 16,760,413.18, or 87.88€, has been spent.

Economic Categories	Budget 2013	Reviewed Budget	Committed Budget	Committed Budget (%)	Spent Budget	Spent Budget (%)
Wages and Salaries	11,703,898	11,103,898	10,510,868	92.88	10,510,868	92.88
Goods and Services	4,285,694	4,085,694	4,053,128	99.18	3,472,71	84.97
Utilities	606,975	606,975	508,361	83.75	436,544	71.92
Subsidies and transfers (incomes)	250,000	341,675	311,663	91.22	266,374	77.96
Capital expenditures	2,100,000	1,709,500	1,709,422	100.00	1,135,560	66.43
Total	19,910,467	19,072,192	18,032,040	94.55	16,760,413	87.88

Pursuant to economic categories, the total KJC budget commitments and execution is as follows:

-Salaries and Per diems: From the annual budget amounting to € 12,327,25.69, commitments and executed budget were 11,449,463.62 €, in percentage 92.88 %.

-Goods and Services: From the annual budget amount of € 4,086,790.63 commitments were 4,053,128.57 €, in percentage 99.18 %, whereas executed were 3,472,471.07 €, in percentage 84.97 %.

-Utilities: From the annual budget amount of € 606,975.00 commitments were 508,361.96 € in percentage 83.75 %, whereas executed were 436,544.20 € , in percentage 71.92 %.

-Subsidies and Transfers: From the annual budget amount of € 341,675.87 commitments were €311,663.87 in percentage 91.22 %, whereas executed were 266,374.25 €, in percentage 77.96 %.

- Capital expenses: From the annual budget amount of € 1,709,500 commitments were 1,709,422.19€ almost all, in percentage 100 %, whereas executed were € 1,135,560.04 in percentage 66.43 %.

CAPITAL INVESTMENTS

It is worth mentioning that during 2013 KJC has in the Capital Investment category implemented several projects, mainly for construction and renovation of courts, such as:

Construction of the Basic Court in Gjilan was completed, also, completed is the construction of the building of the Basic Court in Ferizaj - Shterpce branch. Construction of the building of the Basic Court in Ferizaj and construction of the building of the Basic Court in Mitrovica - Vushtri branch, were initiated. Emergency repairs were done in some courts, the purchase of various equipment for KJC and courts. Furniture was purchased for most courts and a large part of the furniture for the Palace of Justice has been obtained, and also supplies with computers and other IT equipment for courts and KJC.

PUBLIC COMMUNICATION

Information Office of the KJC has had plenty of activities during the year related to the awareness of citizens and was a participant and has answered to almost all invitations and events either by institutions, media, NGOs, etc.

The Justice and Citizens Campaign in cooperation with the Kosovo Judicial Council held seven (7) workshops on Public Education in various municipalities entitled "Youth and the Justice System". These workshops gathered large number of participants.

KJC in cooperation with EROL organized three regional media and justice roundtables in the Basic Court in Ferizaj, Mitrovica and Peja. The purpose of this was to improve relations with the local media and establishment of a forum for ongoing dialogue between the courts and the local media.

Kosovo Judicial Council, during September and October 2013, supported by the OSCE Mission in Kosovo, has organized 14 consultative workshops in seven major centers in Kosovo, meetings with key stakeholders of the justice sector, including judges, prosecutors and lawyers in all regions of Kosovo. The topic that was discussed was

"Reform of the Justice System in 2013". The purpose of the Workshop was to review and discuss the progress of implementation of the Law on Courts, the advantages and challenges of this process and laws affecting the justice system. Therefore, the aim was to gather opinions of all relevant stakeholders on the reform process. All findings and recommendations were presented at the Annual Judicial Conference by the judges who were selected by the participants.

Therefore, on the occasion of the Third Annual Judicial Conference in Kosovo, on 30 November 2013, with the topic *"Justice System Reform in 2013"*, Information Office has been part of the morning shows in all mediums at central level, with the aim to raise the awareness of citizens, with particular focus on judicial reform, which started in January 2013.

Based on the new Law on Courts, the KJC has appointed information officers in the courts in order to increase transparency and awareness of citizens in relation to the judiciary. During this year, majority of information officers were appointed, but due to lack of professionals in this area, the overall target number has not been filled. However, vacancies are re-advertised and the process is ongoing.

Courts in which the information officers were appointed are: Court of Appeal Pristina; Basic Court Ferizaj; Basic Court Prizren; Basic Court Peja; Basic Court Gjilan; Basic Court Mitrovica.

KJC's INTERNAL AUDIT UNIT

Based on IAU 2013 Annual Work Plan, the unit has conducted audits in several areas, as follows:

- Management of court revenues, expenses of judicial proceedings and costs of enforcement: Basic Court in Ferizaj, Basic Court in Podujeve, Basic Court in Rahovec, Basic Court in Kamenica, Basic Court in Mitrovica and Basic Court in Viti.

- Audit of Procurement procedures for goods and services - SKJC's Procurement Office.

- Expenditures' Management for ex officio lawyers, experts, lay judges and expenses (compensation) of unlawful imprisonment: KJCS's Department of Budget and Finance, Court of Appeals Pristina, Basic Court Mitrovica, the Basic Court of Prizren, Basic Court in Gjilan, and the Basic Court Peja.

- KJC's Department of Administration and Personnel, where the focus was on the management of recruitment procedures, conducted at KJCS and the courts.

- Management and asset registration at KJC and courts: KJC's Budget and Finances Department, the Basic Court in Gjilan, Basic Court in Ferizaj and Basic Court in Gjakova. Monitoring the implementation of recommendations from the Audit Report for the period 2012-2013 - KJCS's Procurement Office.

COURT PERFORMANCE REVIEW UNIT

According to the Guidelines of the Council and its Committees for the administration of the courts, Court Performance Review Unit (CPRU) evaluates the work of the courts and the Council and proposes policies or guidelines for reforming or improving the work of the courts.

In 2013, CPRU has carried out several evaluations of the courts performance as follows:

- 2013/01 Courts Performance, with the topic "Review of Courts Hearings when Scrutinizing Claims and Appeals of the Workers Beneficiaries of 20 % out of Privatized Properties Amounts and for Unpaid Salaries to Former Workers of Privatized Former enterprises Kosovo Agency for Privatization".
- 2013/02 Courts performance, with the topic "Review of Completed Minor Offenses Cases for not Declaring their Assets - Pursuant to Anti - Corruption Agency Reporting."

With regard to this review, this Unit has received 179 cases sent by the co. The review of these cases is in progress. Subject to review of this performance are: Basic Court in Pristina with branches in Podujevo, Lipjan and Drenas, the Basic Court in Gjilan with branches in Kamenica and Viti; Basic Court in Prizren with branches in Suhareke and Dragash; Basic Court in Mitrovica with branch in Vushtrri; in Rahovec - branch of the Basic Court in Gjakova; the Basic Court in Peja with branches in Deçan and Klinë, as well as the Basic Court in Ferizaj with branch in Shtërpce. Additional and more detailed information can be found in the CPRU's Annual Report.

THE OFFICE OF DISCIPLINARY COUNSEL

Office of Disciplinary Counsel was established as a service in charge of inspection, audit and disciplinary investigations within Kosovo's Judicial System. Office of Disciplinary Counsel, when administering its functions, acts independently and impartially; ODC is an independent and separate body which serves both KJC and KPC.

ODC Mandate includes investigation of complaints against judges, prosecutors and lay judges and presents recommendations for imposing disciplinary measures against them. ODC respects the independence of the judiciary and prosecutorial system. ODC does not review submissions dealing with grievances against courts' decisions, as well as abusive submissions. Judicial Inspector is fully authorized for disciplinary inquiry, is entitled to questioning any individual who can give relevant information and to have access to any document and court procedure. ODC prepares its own annual report.

SITUATION WITH CASES IN COURTS

During the 2013 Kosovo courts received 885, 677 cases.

It is important to note that out of 466,255 pending cases in total, included are cases received during 2013 and therefore not all can be considered as old cases¹.

CASES IN WORK	CASES INHERITED FROM PREVIOUS PERIOD	RECEIVED CASES	COMPLETED CASES	CASES PENDING IN THE END OF 2013
885,677	363,506	522,171	419,422	466,255

According to estimates, the rate of clearing cases on Republic's level is 80.3 %. However, it should be added that despite the lack of judges, the efficiency is not satisfactory, since it is known that in 2013, 321 judges were working, which means that there are 17 judges per 100,000 inhabitants. This rate is far below comparing with countries in the region.

The number of judges was affected by constitutional provisions that provide for reserved positions for minorities. Therefore, KJC was bound by these provisions and have not been able to hire more Albanian judges, but is rather keeping these positions vacant for judges from minorities.

According to available data, there are 363,506 old cases in total.

- 134,276 minor offences cases
- 108,657 cases for enforcement
- 102,743 that require full attention of the judges

Situation with cases in each level of the regular courts of the Republic of Kosovo in 2013 is described below.

¹ Old cases pursuant to the strategy of the KJC are cases older than two years, or received before 31.12.2011.

SUPREME COURT

The Supreme Court is the highest judicial instance in Kosovo and has jurisdiction throughout the territory of Kosovo. The Supreme Court also includes the Appellate Panel of the Kosovo Property Agency and the Special Chamber of the Supreme Court.

The President of the Court is Fejzullah Hasani. According to the Constitution (Article 103), the President of the Supreme Court shall be appointed and dismissed by the President of Kosovo, from among the judges of the Supreme Court, for a non-renewable term of seven years, following the proposal of the Kosovo Judicial Council for his/her appointment or dismissal.

Other judges of the Supreme Court are:

- Avdi Dinaj
- Emine Mustafa
- Emine Kaçiku
- Enver Peci
- Erdogan Haxhibeqiri
- Gyltene Sylejmani
- Marija Ademi
- Nazmije Ibrahim
- Nebojsa Boriçiq
- Nesrin Lushta
- Salih Toplica
- Shukri Sylejmani
- Valdete Daka

Within the Supreme Court we also have the Appellate College of the Kosovo Property Agency, and in this panel we have one judge: Sylejman Nuredini

The person in charge for administrative matters in the court is Mrs. Ajna Gashi.

The Supreme Court has its headquarter in Pristina.

POWERS OF THE COURT

Jurisdiction of the Supreme Court is set forth in the Law on Courts (03/L-199) and the Law on Amending and Supplement of the Law on Courts (04/I-171). Under these provisions, the Supreme Court is competent to decide on:

- Appeals in third instance as allowed by law,
- request for extraordinary legal remedies against final decisions of the courts of the Republic of Kosovo, as provided by law;
- revision against the decision of the court of second instance in contested issues, as provided by law;
- defines principled attitudes and legal opinions on issues that are important for implementation of the laws by the courts in Kosovo;
- cases of the Kosovo Property Agency, as provided by law;
- cases in Special Chamber regarding Privatization Agency of Kosovo or Kosovo

Trust Agency, as provided by law;

- other matters as provided by law.

Plenary Session of the Supreme Court

The Supreme Court may call a plenary session of all its judges to issue decisions that promote unique implementation of laws. Pursuant to the law, the Kosovo Judicial Council determines necessary regulations for proceedings of Plenary Sessions of the court.

SITUATION WITH CASES IN THE SUPREME COURT

Based on the new Law on Courts, the Supreme Court powers are reduced, and as a consequence the court has a lower caseload, more precisely in 2013 there were 3,917 cases less received, or in percentage - 83.3 % fewer cases than in 2012.

SITUATION WITH CASES IN 2013

Cases in process	Cases inherited from previous	Received cases during 2013	Completed cases	Uncompleted cases
1,574	904	784	1,575	113

SPECIAL CHAMBER OF THE SUPREME COURT

Special Chamber has exclusive power over all cases and procedures relating to:
- Requests and other issues related to the privatization process;

Special Chamber has five specialized panels, and an appellate panel. Each panel consists of a specialized international judge and two local judges.

Presiding judges in the panel are international judges.

Appellate panel consists of five (5) judges, three (3) of which are international judges and two (2) are local judges.

President of the Special Chamber serves as the presiding judge of appellate panel.

Special Chamber has its Presidium. The Presidium consists of the President and heads of five specialized panels.

The seat of the Special Chamber of the Supreme Court is in Pristina.

SITUATION WITH CASES IN 2013

Cases in process	Cases inherited from previous period (from former District Courts)	Received cases during 2013	Completed cases	Uncompleted cases
16,424	9,313	7,111	3,819	12,605

COURT OF APPEALS

The Court of Appeals is established as a court of second instance, with territorial jurisdiction throughout the Republic of Kosovo.

The Court of Appeals reviews and adjudicates cases in the panel of three (3) professional judges, unless otherwise provided by law.

The Court of Appeals has power to consider:

All appeals against the decisions of the Basic Courts.

Decide in the third instance, according to the appeal which is allowed by law and on conflict of jurisdiction between basic courts;

Decide on conflicts of jurisdiction among the Basic Courts;

other matters as provided by law.

The seat of the court is in Prishtina.

SITUATION WITH CASES IN 2013

Cases in process	Cases inherited from previous period (from former District Courts)	Received cases during 2013 ara	Completed cases	Uncompleted cases
18,980	7,613	11,367	11,698	7,282

The number of pending cases in 2013 (7282) was reduced to 4.3 % compared with 2012 (7613). *(The Court of Appeals is incomparable, because it did not exist earlier).*

BASIC COURT PRISHTINË/PRISTINA

Basic Court in Pristina has powers throughout the Republic in commercial, fiscal, administrative matters and international child abduction.

In terms of serious crimes, has power over the municipalities of Pristinë, Lipjan, Podujevë, Drenas, Gracanicë, FushëKosovë and Obiliq.

Said Court, in civil and criminal matters (the general department), covers the municipalities of Pristinë, FushëKosovë and Obiliq, while other municipalities have branches of the court that have power in civil and criminal matters within the general department.

SITUATION WITH CASES IN 2013

	Cases	Cases inherited from previous period (incl. former District Courts)	Received cases during 2013	Completed cases	Uncompleted cases
BASIC COURT PRISHTINË	193,714	90,370	103,344	80,313	113,401
BRANCH PODUJEVË	40,175	22,832	17,343	18,209	21,966
BRANCH GRAÇANICË	587	370	217	125	462
BRANCH LIPJAN	22,164	5,014	17,150	13,805	8,359
BRANCH DRENAS	19,131	8,003	11,128	11,036	8,095

BASIC COURT GJILAN/GNJILANE

Basic Court in Gjilan has powers to adjudicate in the first instance on all matters, unless otherwise provided by law.

This court has powers to grant international legal assistance and decide on the admission of foreign court decisions.

With the aim of assignment of cases by their nature, within this court established are the following departments: Serious Crimes Department, General Department and Department of Juvenile.

Basic Court in Gjilan has following branches: Branch in Kamenicë for Municipality of Kamenica and Ranillug, Branch in Viti for the Municipality of Viti and Klllokot; Branch in Novobërdë for the Municipality of Novobërdë.

SITUATION WITH CASES IN 2013

	Cases in work	Cases inherited from previous period (incl. former District Courts)	Received cases during 2013	Completed Cases	Uncompleted cases
BASIC COURT GJILAN	55,902	23,785	32,117	26,431	29,471
BRANCH KAMENICË	11,465	4,773	6,692	4,464	7,001
BRANCH VITI	17,991	6,393	11,601	5,975	12,016
BRANCH NOVOBËRDË	1,515		1,515	248	1,267

BASIC COURT PRIZREN

Basic Court in Prizren has powers to adjudicate in the first instance on all matters, unless otherwise provided by law.

This court has powers to grant international legal assistance and decide on the admission of foreign court decisions.

With the aim of assignment of cases by their nature, within this court established are the following departments: Serious Crimes Department, General Department and Department of Juvenile.

Basic Court in Prizren has following branches: Branch in Dragash for the Municipality of Dragash and Branch in Suharekë for the Municipality of Suharekë.

SITUATION WITH CASES IN 2013

	Cases in process	Cases inherited from previous period (incl. ex District Courts)	Received cases during 2013	Completed cases	Uncompleted cases
BASIC COURT PRIZREN	73,171	23,575	49,596	44,563	28,608
BRANCH DRAGASH	4,305	1,099	3,206	3,011	1,294
BRANCH SUHAREKË	30,468	6,826	23,642	15,284	15,184

BASIC COURT MITROVICË/MITROVICA

Basic Court in Mitrovica has powers to adjudicate in the first instance on all matters, unless otherwise provided by law.

This court has powers to grant international legal assistance and decide on the admission of foreign court decisions.

With the aim of assignment of cases by their nature, within this court established are the following departments: Serious Crimes Department, General Department and Department of Juvenile.

Basic Court in Mitrovica has the following branches: Branch in Leposaviq for the Municipality of Leposaviq and Branch in Vushtrri for the Municipality of Vushtrri, Branch in ZubinPotok, Branch in Skenderaj.

SITUATION WITH CASES IN 2013

	Cases in work	Cases inherited from previous period (incl. former District Courts)	Received cases during 2013	Completed cases	Uncompleted cases
BASIC COURT MITROVICË	66,951	23,069	43,882	17,477	49,474
BRANCH VUSHTRRI	28,204	11,462	16,742	11,197	17,007
BRANCH SKENDERAJ	18,515	10,005	8,510	11,411	7,104
BRANCH ZUBINPOTOK	-	-	-	-	-
BRANCH LEPOSAVIQ	-	-	-	-	-

BASIC COURT GJAKOVË/DJAKOVICA

Basic Court in Gjakova has power to adjudicate in the first instance on all matters, unless otherwise provided by law.

This court has power to grant international legal assistance and decide on the admission of foreign court decisions.

With the aim of assignment of cases by their nature, within this court established are the following departments: Serious Crimes Department, General Department and Department of Juvenile Justice.

Basic Court in Gjakova has the following branches: Branch in Malishevë for the Municipality of Malishevë and Branch in Rahovec for the Municipality of Rahovec.

SITUATION WITH CASES IN 2013

	Cases in process	Cases inherited from previous period (incl. ex District Courts)	Received cases during 2013	Completed cases	Uncompleted cases
BASIC COURT GJAKOVË	33,171	14,736	18,381	17,225	15,892
BRANCH MALISHEVË	23,981	7,416	16,565	8,766	15,215
BRANCH RAHOVEC	19,099	5,706	13,393	11,975	7,124

BASIC COURT PEJË/PEC

Basic Court in Peja has power to adjudicate in the first instance on all matters, unless otherwise provided by law.

This court has power to grant international legal assistance and decide on the admission of foreign court decisions.

With the aim of assignment of cases by their nature, within this court established are the following departments: Serious Crimes Department, General Department and Department of Juvenile Justice.

Basic Court in Pejë has the following branches: Branch in Istog for the Municipality of Istog, Branch in Klinë for the Municipality of Klinë, Branch in Deçan, for the Municipality of Deçan and Junik.

SITUATION WITH CASES IN 2013

	Cases in process	Cases inherited from previous period (incl. former District Courts)	Received cases during 2013	Completed cases	Uncompleted cases
BASIC COURT PEJË	41,605	16,395	25,210	26,321	15,284
BRANCH ISTOG	13,453	5,533	7,920	7,140	6,313
BRANCH KLINË	20,337	8,535	11,802	11,858	8,479
BRANCH DEÇAN	9,695	2,714	6,981	6,345	3,350

BASIC COURT FERIZAJ/UROSEVAC

Basic Court in Ferizaj has power to adjudicate in the first instance on all matters, unless otherwise provided by law.

This court has power to grant international legal assistance and decide on the admission of foreign court decisions.

With the aim of assignment of cases by their nature, within this court established are the following departments: Serious Crimes Department, General Department and Department of Juvenile Justice.

Basic Court in Ferizaj has the following branches: Branch in Kaçanik, for the Municipality of Kaçanik and Hani i Elezit; Branch in Shtërpçë for the Municipality of Shtërpçë.

SITUATION WITH CASES IN 2013					
	Cases in process	Cases inherited from previous period (incl. former District Courts)	Received cases during 2013	Completed cases	Uncompleted cases
BASIC COURT FERIZAJ	82,865	42,218	40,647	34,249	48,616
BRANCH KAÇANIK	9,139	4375	4,764	4,398	4,741
BRANCH SHËTËRÇË	2,119	475	1,644	1,588	531

OBJECTIVES AND CHALLENGES

In the last year report, the KJC has listed some of the challenges which have followed in 2012 and continue to remain still as challenges, and simultaneously as objectives to be filled from its side.

WORK CONDITIONS IN BASIC COURTS

Work conditions in Basic Courts remain unfavourable yet, since the current facilities do not meet the needs of said courts and of new jurisdiction they have according to the law on courts. One of the biggest problems affecting directly the work efficiency is the conditions in Basic Court of Prishtinë which is spreading in three different buildings due to small pace in the former Municipal Court building. With the completion of the Palace of Justice (EU donation) it is believed that this problem will be solved regarding the the court in Prishtinë.

The KJC is in the process of addressing this issue by construction of Basic Courts buildings in all regional centres (Ferizaj, Gjakovë, Prizren, Pejë, and eventually in Mitrovicë), although under current budget ceilings, this major infrastructure problem cannot be solved before 2025.

As problem continues to be the holding of hearings in the judges' cabinets, although the courts are so much trying to hold the hearings in courtrooms, but there are not sufficient courtrooms in the courts.

During the year of 2013 and 2014, KJC will be supported by USAID regarding renovation of branches of Basic Courts.

APPOINTMENT OF JUDGES FROM MINORITY GROUPS

The judiciary, as a whole, has still problems in terms of appointment of judges from minority groups. However, with the dialogue between Kosovo and Serbia, Ministry of Finance of Kosovo has approved the budget for appointment of 30 judges and employment of 92 administrative staff for the courts in northern Kosovo.

CHALLENGES IDENTIFIED BY PROGRESS REPORT

In October 2013 it was published the Progress Annual report under which was also prepared action plan for SAA. Within this section plan, KJC needs still to improve the independency, accountability and its impartiality, complete the process of judges' appointment and fulfil the vacancies with candidates from minority groups, harmonize and improve the statistics data in the aspect of combating the corruption, establish mechanisms on necessarily reporting the conflict of interest, etc. This action plan will start to be implemented since Jan 2014 and further.

NORMATIVE STAFF

KJC should, during 2014, complete the cycle of adopting normative acts foreseen by the law on Courts and the one on Judicial Council as well as the new criminal codes entered into force in Jan 2013. Similarly, as challenges arising from integration

processes in EU, are also adjustment of competence of electronic registry for criminal cases and the issue of licensing the judicial interpreters, which will be regulated by amending the law on Courts.

DECENTRALISATION

One of the challenges of 2014 will be also initiating the delegation of responsibilities from KJCS to the courts. This is a process that requires a professional preparedness of all involving sectors and a proper planning.

CMIS

The donation of Norwegian Government enabled the KJC to launch its biggest project in the field of ICT dealing with CMIS. This Project will be as challenge not only in 2014, but will be followed in the coming years, but as essential element for this year is that the preparatory phase should be finished successfully in order to have additional funds allocated for the next phases of the project.

BACKLOG REDUCTION NEW STRATEGY

The KJC has already adopted the new National Backlog Reduction Strategy which will review and recommend the KJC and judiciary to have further access in the backlog reduction strategy. Through this strategy, the KJC has settled only action framework, while it remains to the courts to prepare its action plans depending on the load and specifics of each courts parately.



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