



**REPUBLIKA E KOSOVËS**  
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**NATIONAL STRATEGY FOR REDUCTION OF CASE  
BACKLOG  
August 2013**

Preface

Reducing the case backlog is one of the most critical issues facing the Kosovo judiciary. The purpose of this document is to present an overall strategic vision for addressing the case backlog that exist in the courts of Kosovo.

Rather than proposing specific actions, this Strategy will guide the formulation of policies, internal regulations, procedures, standards, and initiatives, interventions, and actions.

The aim of this comprehensive strategy is to develop a three-page approach in order to address the issue of reducing old cases through these institutions:

- 1) Kosovo Judicial Council - The Council will ensure the development of general policies, leadership and internal and external support for the implementation of the Strategy, and the initiatives and activities which are related to it.
- 2) Secretariat of the Kosovo Judicial Council - The Secretariat will provide operational, budgetary, technical, administrative and logistical support for the implementation of the Strategy and the initiatives and activities related to it.
- 3) Kosovo Courts - The courts will provide day-to-day judicial and managerial supervision of the implementation of the Strategy and related initiatives and activities.

In order to have this Strategy functioning, each institution must recognize, care for and commit to the interdependence they have with each other. Cooperation, regular and honest communication, as well as the preparation of initiatives for cooperation and coordination, are critical to the success of this Strategy.

### Strategic goals

The overall goal of this Strategy is to reduce as much as possible the case backlog faced by the courts of Kosovo. This includes cases that are classified as "backlog ones" and those cases that will become "as backlog" if no timely action is taken to resolve / close them. The Strategy already defines the case backlog as cases that were filed before 2012, i.e. all cases filed by December 2011. **As of August 2013, there are approximately 142,000 cases defined as old, including approximately 91,000 cases in execution.** Once the database is fully operational and the accuracy of the data is confirmed, the Council will consider the idea of defining old cases as cases that are older than two years.

In order to prepare specific actions needed to reduce obsolescence, this Strategy sets the following goals:

**Strategic Goal 1** - The Kosovo Judiciary has a set of defined terms and operational paradigms that govern the policies, work and administration of the courts. Therefore, each court, KJC and Secretariat can better coordinate and communicate about the number of cases and workload in each court.

**Strategic Goal 2** - The Kosovo Judiciary reports the cases on time, reliably and accurately, and has workload statistics. The KJC and the Courts cannot formulate appropriate operational policies and procedures without knowing the details of the cases that have been sent to the Courts. It is very important for the judiciary to know exactly how many cases there are in all courts in Kosovo, its type and to which judge such cases are assigned.

**Strategic Goal 3** - The Basic Courts have developed, initiated and are overseeing the implementation of action plans for the reduction of old cases for each court. While the KJC can set policies and guidelines, and the Secretariat can provide administrative, technical, and logistical support, each Basic court knows the number of pending cases and cases filed in the region of the respective court. It is critical that the Courts have the mandate to think creatively about drawing up individual action plans.

**Strategic Goal 4** - The KJC has established strategic and operational partnerships with external institutions such as the KPC, police, postal authorities, banks, mediation centres, international donors and other related organizations in order to increase the efficiency and effectiveness of procedures which will shorten the time and cost regarding notifications, information sharing and resolution of pending cases.

**Strategic Goal 5** - The KJC, with the assistance of the Secretariat, has developed policies for the allocation of resources and budget based on quantitative measurements. While the need to increase the number of judges and staff is often cited as the first response to the reduction of old cases, the Kosovo judiciary needs to be able to make political and procedural decisions within its current budget or resources, and sometimes with reduced resources and budget. In terms of this goal, all

initiatives and activities planned to address the case backlog should also include budgetary implications.

**Strategic Goal 6** - The Secretariat and Courts of Kosovo have adequate resources for automation, computerization and information management, so that the KJC and the Courts can take management decisions and make reasoned policies based on information and in a timely manner. This will include the preparation, dissemination and updating of reports related to pending cases.

**Strategic Goal 7** - The KJC in coordination with the Courts has prepared meaningful time standards for the speedy and fair resolution of all cases. Here it is intended that the number of backlog does not continue to increase.

**Strategic Goal 8** - The KJC has developed meaningful policies and procedures for the performance and evaluation of the judiciary that are understood by judges and reported to the public. The public needs to understand that judges are accountable for the cases assigned to them, and this will build better trust and understanding about the work of the courts.

**Strategic Goal 9** - Judges, in cooperation with the KJC and KJI, have received adequate training to perform their administrative, legal and judicial duties at the highest possible levels.

**Strategic Goal 10** - Courts have a sufficient number of judges assigned to departments in the most efficient and effective manner in accordance with the laws governing judicial appointments.

**Strategic goal 11** - All execution cases will be completed.

#### Strategy Implementation

While the purpose of this Strategy is not to compile a list of activities for the KJC, Secretariat or Courts, some initiatives are worth exploring. These initiatives may include:

- Identification of case backlog (e.g. which cases are defined as "backlog ones"). There is now a database of such backlog from which reports about the type of case, age, location, parties, and so on can be extracted. This database can be used to generate a list of case backlog / reports (including cases identified as "backlog") for each court that identifies each case and indicates the current status of every such case. Within these results, courts can identify cases that require immediate resolution, such as cases that have passed the statute of limitations, cases without a lawsuit, and so on.

- Conducting a study to determine the main causes of the creation of case backlog;
- Compilation of specific action plans for the reduction of case backlog by type;
- Instruction of Court presidents, supervising judges and court administrators to ensure that case information is entered and updated in the database;
- Review of current judicial appointments to see if judges can be reappointed or temporarily transferred in order to reduce the case backlog in other courts;
- Compilation of simplified statistical reports which are easy to read regarding the number / type / status of senior cases in each court, which helps in the management of senior cases by court presidents, supervising judges and court administrators;
- Courts (judges, administrators and clerks) draw up their own plans to deal with the burden of case backlog;
- Meeting with KPC, police, postal authorities, banks, mediation centres and other relevant organizations in order to identify and improve procedures or policies that reduce the efficiency in processing cases.

This Strategy for the reduction of case backlog in Kosovo Courts is a guiding document for judges, administrators and judicial staff. The number of backlog cases will be reduced and avoided only through the commitment and perseverance of the aforementioned. While the number of cases may seem daunting, KJC, Secretariat and Courts have the capacity to find creative, functional and sustainable solutions to address the case backlog reduction.

NATIONAL STRATEGY FOR REDUCTION OF CASE BACKLOG  
IMPLEMENTATION PLAN

The national strategy for the reduction of case backlog will be implemented through the following tasks:

Preparatory tasks-

- Analysis (statistics) of case backlog
  - o Find the number and type of cases, including the courts and judges where the case backlog are located
  - o Confirm case backlog through the case review
  - o Review and see if there are cases whose statute of limitations has expired
- Ensure that all procedural requirements for coordination with other government agencies are met, for example with the Ministry of Justice
- Conduct a study to see the main causes of the creation of case backlog.
- Review of workload / cases for each judge, including the percentage of case backlog out of the total
- Review / analysis of workload distribution within each court and within the judiciary in general
- Addressing budget requests, including IT, workspace and human resources.

Duties for the management of the courts

- To set the norm for case backlog that should be chosen according to the type of subject
  - o Establishment of a committee for the case backlog reduction;
  - o Each court and judge should have an individual plan for the reduction of case backlog;
  - o Judicial norms must be adapted;
  - o Adjust the level of staff and systematization of all staff;
    - Reappointments in the judiciary;
- Regarding the cases for which the statute of limitations has expired, to compile some templates of rulings to reject those cases;
- If necessary, prepare specific budget requests;
- Prepare initiatives for alternative dispute resolution.

Duties of the KJC

- Creation / distribution of statistical reports

- Reappointment of judges as needed;
- Seeking additional resources, if needed;
- Preparing / implementing / publishing of possible actions related to performance appraisal of judges who do not reduce the number of senior cases assigned to them;
- Preparation / implementation / publication of possible sanctions and penalties against lawyers / parties who do not act on time or who fail to act according to the court instructions;
- Preparation of memoranda of understanding with other actors related to procedural matters, e.g. PTK - for sending letters;
- Preparing and proposing amendments of laws;
- Preparation of procedural templates for any case ready for judgment, including those cases where there is a willingness to resolve or plead guilty;
- Providing additional sources of low-cost work, such as practitioners;

