



REPUBLIKA E KOSOVËS
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**ACTION PLAN ON COVID-19 PANDEMIC CRISIS
MANAGEMENT**

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Executive summary

The ongoing crisis management action plan from COVID 19 serves the Kosovo Judicial Council (hereinafter the Council) to continue its functionality in the circumstances presented. The objective of this action plan is to ensure the smooth running of the work in the judicial system of Kosovo. The plan is in accordance with the current decisions of the Government of Kosovo for the COVID 19 pandemic, as well as with point 4 of the Decision issued by the Council on 12.03.2020.

The Council has taken the decision to limit the work of the courts and the judiciary and the same decision has been distributed to the court presidents, administrators and the official website for public information.

As first step, the Council has drafted an emergency action plan, which provides for preventive and security measures in the judiciary, the continuity of work with custodial staff, starting the work from home for some staff, as well as an action plan for prevention of backlog cases. However, in terms of long-term planning, the Council has prepared this plan, which is divided into three main areas:

1. Crisis management that provides for the formation of the management team, decision-making and communication in the Council, with the courts as well as with government institutions and local and international partners;
2. Continuation of preventive and security measures, which envisage continuation of preventive and security measures for judicial and non-judicial staff and parties, planning and organization of return to work for Council and court staff, remote work planning (home) as well as the use of technology in the judiciary, identifying and prioritizing tasks and processes that have been affected by safeguards during the pandemic.
3. Development of communication strategy that provides for the hierarchy of communication within the institution and in relation to the parties and the public.

With this longer-term plan, the Council sets out the steps that need to be taken to address the impact that the pandemic has and will have on the work of the judiciary, and addresses the need to put in place a strategy for the gradual return of the judiciary to full functionality, in accordance with decisions of the Ministry of Health, and the World Health Organization,

Introduction

The Council's decision to substantially reduce the work of the judiciary, the emergency action plan and the statute of limitations prevention case have been a good basis for dealing with the situation immediately after the announcement of the pandemic, as a whole new reality has been created. However, having the time passed and the uncertainty that may follow the further work of the Council, the need for planning and preparation of the work of the courts for the management of work during the COVID -19 crisis is clearly seen. The council should have a longer-term plan outlining the steps to be taken to address the impact that the pandemic has and will have on the work of the judiciary, as well as to establish a strategy for the gradual return of the judiciary to full functionality.

The following plan is designed based on two hypotheses:

- that the pandemic situation may last in the coming months
- that the pandemic could have a second wave during 2020;

Therefore, the Council should be prepared to react in accordance with the decisions of the Ministry of Health, and the World Health Organization after May 4, when the prevention and safety measures at the state level will be potentially eased.

The Council's plan is divided into three main areas, which are explained in detail below:

1. Crise Management
 - Formation of management team
 - Decision-making
 - Communication
2. Continuation of preventive and security measures
 - Health security measures for the staff and parties
 - Planning and organizing the return of staff to work for the Council and courts
 - Planning the work from home as well as the use of technology in the judiciary
 - Identifying and prioritizing tasks and processes that have been affected by protection measures during the pandemic - the post-pandemic period in the judiciary.
3. Communication strategy development
 - hierarchy of communication within the institution as well as in relation to the parties and the public

Crisis Management in the Council

Formation of crisis management team and decision- making

The Council should analyze the impact that the pandemic has and has had and the restrictive measures in achieving the set objectives and tasks. The Council shall do so by establishing an ad-hoc committee under the Law on the Council, Article 16 (2). The mandate of the ad-hoc committee is to advise and support the chairperson and the Council in its work, drafting, proposing and supervising the implementation of the plan of protective, organizational and administrative measures, in order to exercise the activity and judicial services in the most efficient and safer way during pandemic period. The council sets measures and monitors its implementation through regular meetings with court presidents, as well as written reporting by presidents on a monthly basis on pandemic work.

The Council ad-hoc committee will serve as managing team and composed by:

- Council's Chair;
- Head of the Committee for normative issues;
- Director of the Council Secretariat;

When necessary, other members of the Council, directors of units within the Council or staff with specific responsibilities who have a role in the situation, are invited to the meetings of the management team.

The Committee for Crisis Management during the Pandemic will meet as needed. Meetings are convened by the Council's Chair. As a rule, meetings are held on the premises of the Council, in cases where this is not possible, the meeting will be held through online platforms. The committee is obliged to keep minutes for each meeting, the minutes serve to inform the Council and the decision-making.

The measures proposed by the management team are presented to the Council. The council continues to make decisions as defined by law. For security reasons Council meetings will be held through online platforms until the situation is improved. Communication with Council members will continue through email, phone and online platforms such as Zoom, Skype, etc.

Continuity of work of the Council

The Council will continue its work by dividing the tasks and processes into three main categories:

1. Critical tasks and processes
2. Urgent tasks and processes
3. Tasks and processes that are not a priority

Of course, the focus during the pandemic period will be on the tasks and processes that fall into categories 1 and 2. For the implementation of critical tasks and processes the Council will take the following actions:

- The Council will appoint employees from each department on a rotation basis, so that protection measures are respected and work continuity is ensured in all services and processes. In cases where the Council decides that workers should work in rotation due to space (distance of 2 meters) and safeguards, then the list of on-duty staff should be prepared on a weekly basis by the staff office (every Friday), and the same monitored by the office of the Chairman of the Council. Employees assigned to duty should be notified by email and telephone.
- Engagement of Council staff; flexible engagement respecting two principles; -one- the principle of distance and –two- the principle of respecting the endangered categories as provided in the government decision. The council, based on the decision of the government, to identify the employees who fall into the endangered categories (employees over the age of 60, parents (one) with children under 16, and employees with chronic diseases) and release them from duty. Leave for being off-duty should be done on the basis of the request submitted by the employee to the supervisor, based on the legislation in force.

Employees, who are not in the office due to space and security measures and who have not received leave for being off-duty, should be willing to work from home. The office of the chairperson, the chairpersons of the committees and the heads of the departments may assign tasks to the staff working from home.

Employees who are not in the office due to space and protection measures and who have not received leave for dismissal, must be willing to work from home. The office of the chairperson, the chairpersons of the committees as well as the heads of the departments can assign tasks to the staff who work from home.

In order to carry out the work from home, the Council requests that:

- All Heads of committees to draw up plans for activities that can be done from home;

- All department heads identify tasks and works that can be performed from home in the circumstances presented by the staff;
- Maintain regular daily communication with staff regarding task assignment and progress reporting.

Logistics

The Council is obliged to provide logistical support, with special focus but not limited to:

- Ensure that all preventive measures are taken against the spread of the virus, including disinfection of Council facilities and courts;
- Ensure that the Council and the courts staff on duty are equipped with protective equipment (masks, gloves and disinfectant soap);
- Ensure that Council and court premises are monitored by security, and that the Council, courts and staff are not endangered by outside parties;

Chain of Supply

The Council is obliged to ensure that all courts are able to provide protective equipment to the incumbent staff:

- Masks
- Gloves
- Disinfectant soap
- Water

Finance

The council is obliged to take care of the regular functioning of procurement and the renewal of service contracts in time.

Communication

The Council is obliged to maintain regular communication within the judiciary as well as with parties and the public, taking the following actions:

- Inform the staff about the decision of the Council according to the internal communication protocol. Drafting the communication plan of the Council with the courts in emergency cases, according to the principle that each director / head of the department contacts his

subordinates. Communication is done via email as well as phone as it is considered reasonable;

- Make available the e-mail address and telephone number per pair, in case of need for urgent communication
- All information about Council decisions should be posted outside the Council and the courts, in both official languages. Information to be visible and accessible to citizens. Decisions should also be published on the Council's website.

Continuity of work in the courts

The plan aims to provide an organizational structure of judges and staff that the courts should have as a preparedness plan so that they can be activated to address and take immediate action during a pandemic situation, in order to ensure the continuity of work of the court during this period as well as to address the consequences after the passage of the state of emergency. Courts will be closed to the public in addition to holding urgent court hearings (as defined below). Judges who are currently loaded with cases in which measures and other cases of urgent nature are assigned, will take care ex-officio for the continuation, termination or change, respectively taking the necessary legal actions in these cases.

Urgent cases for the purposes of this plan are defined as follows:

- measures for securing the defendant in criminal proceedings
- measures for compulsory treatment
- cases of domestic violence
- Interim measures to secure the claim.

The council is obliged to review on a weekly basis the nature of the cases that can be handled, as well as how the judicial services can be expanded.

Each court president is obliged to appoint judges and staff on duty, ensuring that work continues in all departments. The list is sent on a weekly basis to the Council.

Judges and on- duty staff in the courts and in its branches

Department/ Division	Judges	Legal officers
Special	N.N	N.N
Serious crimes	N.N	N.N
Criminal	N.N	N.N
Civil	N.N	N.N
Minor offenses	N.N	N.N

For the juveniles	N.N	N.N
Administrative	N.N	N.N
Commercial	N.N	N.N

Branch in ...

Department / Division	Judges	Legal officers
Serious crimes	N.N	N.N
Criminal	N.N	N.N
Civil	N.N	N.N

On-duty administrative staff

Court administrator	N.N
Case management Office	N.N (head)
Clerk for SCD (Serious crime department)	N.N
Clerk for CD (criminal and for the juveniles)	N.N
Clerk for GD (Criminal dep.) (Civil)	N.N
Clerk for GD (Minor offenses)	N.N
Clerk for AD (Administrative dep.	N.N
Clerk for CD (Commercial dep.)	N.N
Logistics	N.N
Finance	N.N
Translators Common services	N.N
Common services	N.N
Drivers	N.N

Court activities

The incumbent judges of the relevant departments mentioned above will take care to carry out only activities of an urgent nature and that:

Department / Division	Actions
Special / Serious crimes / For the juveniles and Criminal division	<ul style="list-style-type: none"> · Setting the detention measure • Setting other measures to ensure the presence of defendants

	<ul style="list-style-type: none"> • Issuing an order for covert and technical measures of surveillance and investigation - Setting the measures for compulsory treatment
Civil division	<ul style="list-style-type: none"> · Setting the temporary security measures for claims • The imposition of a protection order, emergency protection order or temporary emergency protection order as well as the imposition of measures provided by the Law on Protection from Domestic Violence ·

Case management office	Activities
Serious crime department / for the juveniles/ Criminal	<ul style="list-style-type: none"> · Receipt of requests for setting measures and orders • Receipt of and • Registration of other documents which can be submitted by mail and electronically
Civil division	<ul style="list-style-type: none"> · Receipt of requests for interim measures for securing claims • Receipt of lawsuits • Registration of documents which can be submitted by mail and electronically
Administrative Department / Commercial	<ul style="list-style-type: none"> · Receipt of lawsuits

	<ul style="list-style-type: none"> • Registration of submissions that can be submitted by mail and electronically
Clerk of GD	<ul style="list-style-type: none"> · Issuance of criminal status certificates for requests submitted through the website

Judges who are currently in charge of cases in which measures and other cases of urgent nature are assigned, will each ex-officio take care of the continuation, termination or change, i.e. taking the necessary legal actions in these matters.

Access to the court

Case reception office will remain open to receive all paperwork that the parties may have while fully respecting the recommended measures. It is recommended that the receipt of documents be done by mail, e-mail or inbox at the entrance of each court.

Access to the courtroom for cases considered urgent is permissible only if the case can not be resolved by video-conference, because a court hearing through the use of electronic means of communication is not feasible for technical or other issues.

All urgent cases will be handled within the hours of 8:00 to 16:00 and initially for these cases the real possibility of conducting hearings with videoconferencing or telephone conference call without the physical presence of the parties and other members of the public, in order to avoid person-to-person contact and the possibility of transmitting the virus. If such a court hearing cannot be held, then it will be held in the courtroom respecting the measures recommended by the decision-making health institutions. Judges and clerks ensure that all video-conferences or telephone conferences are recorded in the minutes.

This plan does not prevent the trial for non-urgent cases that can be resolved by decisions without scheduling a court hearing, video-conference or other similar means.

Court hearings

All planned trials are postponed until another decision or the creation of conditions for holding a court hearing through video conferencing or even holding it a courtroom with conditions to maximally respect the recommendations of health institutions.

Use of technology in courts and provision of judicial services

The Council is obliged, in cooperation with the president of the courts, to evaluate the capacities for the use of technology in the provision of judicial services. As a first step to gather information on judicial and non-judicial staff as well as the electronic equipment that is available:

- How many judges have access to a computer / laptop, who has access to the case management system?
- How many of them own the said equipment?
- How many judges have access to video conferencing (computer or telephone)
- How many other non-judicial staff members have access to a computer / laptop?
- How many of them own the said equipment?
- How many other non-judicial staff members have access to video conferencing (computer or telephone)?

The evaluation should be done by each court separately, the collected information should be sent to the Council and then the Council should make an estimate of the cost of equipping the courts with electronic means necessary for the provision of judicial services through technology.

The persons responsible for Information Technology in each court should be authorized to allow access for judicial and non-judicial staff to the case management system, to enable the work from distance (home).

Preventive measures and security

The president of the court¹ will appoint the employees from each department on a rotating basis, in order to respect the protection measures and to ensure the continuity of work in all judicial services. In cases where it is decided that workers work in rotation due to space (distance of 2 meters) and protective measures, then the list of staff on duty should be prepared on a weekly basis by the staff office (every Friday), and the same to be monitored from the office of the president of the court. Employees assigned to duty should be notified by email and telephone. Engagement of court staff; flexible engagement respecting two principles; -one- the principle of distance and –two- the principle of respecting the endangered categories as provided in the government decision. The Council, based on the decision of the government, to identify the employees who fall into the endangered categories (employees over the age of 60, parents (one) with children under 16, and employees with chronic diseases) and to release them from duty.

¹ Court presidents are also responsible for branches in coordination with supervising judges.

Release from duty should be done based on the request submitted by the employee to the supervisor, based on the legislation in force.

In all cases when it is possible and allowed by law, the employees of the judicial system to carry out the activities and work from their residences through various forms of electronic communication.

Principles of work from distance (home): To ensure the realization of work in emergency conditions and as far as possible, all staff should continue to perform the tasks.

- Identification of tasks that can be done from distance (home);
- Communication is done via e-mail and telephone. Meetings can be held via Skype or Google Meet if needed for better coordination;
- Communication with the public is done through the Council website and court websites. Therefore, there should be regular weekly announcements to the public regarding access to court services provided during this period.
- Tasks are individualized. Each employee is informed about his role and responsibility during this period.

Actions after the state of emergency

In case of removal of pandemic measures issued by the government, the Courts will start its activity in this way:

TM 1	<ol style="list-style-type: none">1. Return of all court staff with long work hours from 08:00 to 18:00, at the offices and the court building to continue the administrative and judicial work2. Commencement of scheduling the court hearings - 2 hearings per week for each judge3. Reduction of the orientating norm by 50%4. Continuation of receipt of new cases5. Engagement of staff with contract on deed as needed
TM 2	<ol style="list-style-type: none">1. Scheduling court hearings

	<ul style="list-style-type: none"> - 2 hearings per day for each judge 2. Reduction of orientating norm by 25% 3. Reception of new cases on a regular basis
TM 3	<ul style="list-style-type: none"> 1. Scheduling the hearings as required 2. Return of orientating norm
TM 4	<ul style="list-style-type: none"> 1. Commencement of implementation of Council strategies for reduction of old cases

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