



REPUBLIKA E KOSOVËS
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National Backlog Reduction Strategy

August 2013

Preface

Backlog reduction is one of the critical issues facing the Kosovo judiciary. The purpose of this document is to provide an overall strategic vision for addressing the backlog of cases (the Backlog) pending in Kosovo courts.

Rather than providing proposed specific actions, this Strategy will guide the development of policies, internal regulations, procedures, standards, and implementation initiatives, interventions, and activities.

The overarching premise of this Strategy is to develop a three-prong approach to addressing backlog reduction through the following organizations:

- 1) Kosovo Judicial Council – The Council will provide overall policy development, leadership, and internal and external coordination support for implementation of the Strategy and its associated initiatives and activities.
- 2) Secretariat of the Kosovo Judicial Council – The Secretariat will provide operational, budgetary, technical, administration, and logistical support for implementation of the Strategy and its associated initiatives and activities.
- 3) Kosovo Courts – The Courts will provide day-to-day judicial and managerial oversight for implementation of the Strategy and its associated initiatives and activities.

For the Strategy to work, each organization must recognize, nurture, and commit to the interdependency each organization has to each other. Working in concert, communicating regularly and openly, as well as developing coordination and cooperation initiatives is critical to the success of this Strategy.

Strategic Goals

The overall goal of this Strategy is to reduce as much as possible the Backlog facing the Kosovo Courts. This includes both cases currently designated as ‘backlogged’ and those that will become ‘backlogged’ if timely actions are not taken to close/dispose them. The Strategy currently defines

the Backlog as all pending cases filed prior to 2012; that is all pending cases filed up through 31 December 2011. **As of August 2013, there were approximately 142.000 cases designated as backlogged, including approximately 91.000 execution cases.** Once the database is fully operational and the accuracy of data confirmed, the Council will entertain the idea of defining the backlog as all cases older than two years.

In order to develop the specific actions needed to contain and reduce the Backlog, this Strategy establishes the following goals:

Strategic Goal 1 – The Kosovo judiciary has a set of defined terms and operational paradigms that govern the policies, operations and administration of the Courts. Thus each Court, the KJC and the Secretariat can work more in concert and with improved communications regarding the caseloads and workloads at each court.

Strategic Goal 2 – The Kosovo judiciary has reliable, accurate, and timely reported case and workload statistics. The KJC and the Courts cannot develop appropriate operational policies and procedures without knowing the details of the cases that are filed at the Courts. It is critical to the judiciary that they know precisely how many, where, what types and who are the judges assigned to all cases in Kosovo.

Strategic Goal 3 – The Basic Courts have developed, initiated and are overseeing backlog reduction action plans for individual Courts. While the KJC can set policy and guidance, and the Secretariat can provide administrative, technical and logistical support, each Basic Court has specific and unmatched knowledge of the cases pending and filed in its respective court region. It is critical that Courts have a mandate to think creatively in developing their individual action plans.

Strategic Goal 4 – The KJC has developed strategic and operational partnerships with external organizations such as the KPC, police, postal authorities, banks, mediation centers, international donors and other related organizations in order to increase efficient and effect procedures that will reduce time and costs associated with notifications, information sharing, settlement and disposition of pending cases.

Strategic Goal 5 – The KJC, with assistance from the Secretariat, has developed resource allocation and budgetary policy based on quantitative measurements. While citing the need to increase the number of judges and staff is often a first response to backlog reduction, the Kosovo judiciary must be able to make policy and procedural decisions based on current, and sometimes reduced, budgets and/or resources. Keeping in line with this Goal, all initiatives and activities planned to address the Backlog should include budgetary implications.

Strategic Goal 6 – The Secretariat and Kosovo Courts have adequate automation, computerization and information management resources so that the KJC and the Courts can make timely, informed and reasoned policy and management decisions. This would include the development, distribution and updating of reports concerning pending case.

Strategic Goal 7 – The KJC has developed, in conjunction with the Courts, meaningful time standards for the prompt and just resolution of all cases. The purpose is to ensure the Backlog does not continue to grow.

Strategic Goal 8 – The KJC has developed meaningful judicial performance and assessment policies and procedures that are understood by judges, and reported to the public. The public must recognize that judges are accountable for the cases assigned to them; this will build confidence and a better understanding of the Courts.

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

Strategic Goal 10 – The Courts have a sufficient number of judges assigned to courts and departments in the most efficient and effect way within the laws governing judicial assignments.

Strategic Goal 11 – All civil execution cases will be disposed.

Strategy Implementation

While it is not the purpose of this Strategy to develop or create a list of activities for the KJC, the Secretariat or the Courts, there are some initiatives that would be beneficial to explore; these initiatives could include the following:

- Identify the Backlog (i.e., what cases are designated as “backlogged” cases). There is currently a database of pending cases that has reportable information on case types, ages, locations, parties, and so forth. This database can be used to generate a list/report of pending cases (including cases identified as “backlogged”) for every Court that identifies each case and reflects the current status of each case. Within these results, Courts can identify cases that require immediate disposal, such as cases beyond the statute of limitations, non-prosecuted cases, and so forth.
- Conduct a study to determine the primary causes of case backlog.
- Develop specific backlog reduction action plans by case type.
- Instruct President Judges, Supervisory Judges, and Court Administrators to ensure that case information is entered and updated on current database system.
- Review current judicial assignments to determine whether judges could be reassigned or transferred on a temporary basis to reduce excessive Backlog in other courts.
- Develop simplified, easy-to-read statistical reports on the number/type/status of Backlog cases at each Court to facilitate Backlog management by President Judges, Supervisory Judges, and Court Administrators.

- Courts (judges, administrators and clerks) develop localized plans to address the Backlog.
- Meet with KPC, police, postal authorities, banks, mediation centers, and other related organizations in order to identify and improve procedures or policies that reduce efficiency in case processing.

This Strategy to reduce the Backlog in Kosovo Courts is a guiding document for judges, court administrators, and judicial support staff. Backlog will be reduced and avoided only through their dedication and perseverance. While the numbers may seem daunting, the KJC, the Secretariat, and the Courts have the capability to develop creative, workable and sustainable solutions to address Backlog reduction.

National Backlog Reduction Strategy
Implementation Plan

The National Backlog Reduction Strategy will be implemented by carrying out the following tasks:

Preparatory Tasks

- Caseload analysis (statistics)
 - Determine the number and type of cases, including by judge and court, that are backlogged
 - Confirm backlog through review of cases
 - Review and determine if there are cases beyond the statute of limitations
- Ensure all procedural requirements are met for coordination with other government agencies, for example the MOJ
- Conduct a study to determine the main causes of case backlog
- Review overall caseload/workload for each judge, including the percentage of backlogged cases
- Review/analyze workload distribution within each court and within the judiciary overall
- Budgetary requirements addressed, including IT, facilities and human resources

Court Management Tasks

- Set target rates of backlogged case disposal by case type
 - Create backlog reduction committee
 - Each court and judge has an individualized backlog reduction plan
 - Judicial norms must be adjusted
 - Staffing levels and adjusted schedules for all staff
 - Judicial re-assignment
- For cases beyond the statute of limitation, develop judgment templates for multiple dismissals
- Develop specific budget requirements if needed
- Develop alternative dispute resolution initiatives

KJC Tasks

- Create/distribute statistical reports
- Re-assign judges as required
- Request additional resources as required
- Develop/implement/publicize potential performance/evaluation issues for judges who do not reduce their case backlog

- Develop/implement/publicize potential sanctions or penalties against attorneys/parties who fail to proceed in a timely manner or who fail to proceed as instructed by the court.
- Develop MOUs with stakeholders for procedural tasks, e.g. PTK – delivery of papers
- Develop/propose amendments to laws
- Develop procedural templates for cases ready for judgment, including those ready to settle or plea
- Provide additional low-cost resources such as interns