

# JUSTICE MONITOR

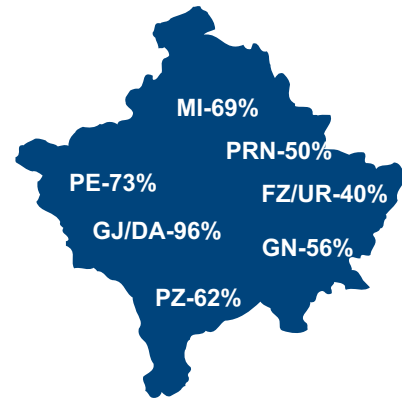
1 January 2016 to 30 November 2016

The OSCE Mission in Kosovo (OSCE) supports increased compliance of the justice sector in Kosovo with international fair trial rights and rule of law standards. To assist in this effort, the OSCE regularly monitors and reports on court proceedings. The Justice Monitor is an annual publication of the observations of OSCE monitors in the first instance courts in Kosovo (the Basic Courts), which are divided into seven regions: Ferizaj/Uroševac (FE/UR); Gjakovë/Đakovica (GJ/DJ); Gjilan/Gnjilane (GN); Mitrovicë/Mitrovica (MI); Pejë/Peć (PE); Prishtinë/Priština (PR) and Prizren (PZ). The Justice Monitor aims to provide policymakers and justice sector actors with indicators, not otherwise available, that would assist in the identification of compliance gaps in the administration of justice and the tracking of progress achieved in closing those gaps.

## OSCE MONITORING

Judicial Department	Hearings	Cases
General Department (Criminal Cases)	659	448
General Department (Civil Cases)	624	461
Serious Crimes Department	781	280
Administrative Department	77	42
Juveniles Department	50	26
<b>Total</b>	<b>2191</b>	<b>1257</b>

### PERCENTAGE OF JUDGES MONITORED\*

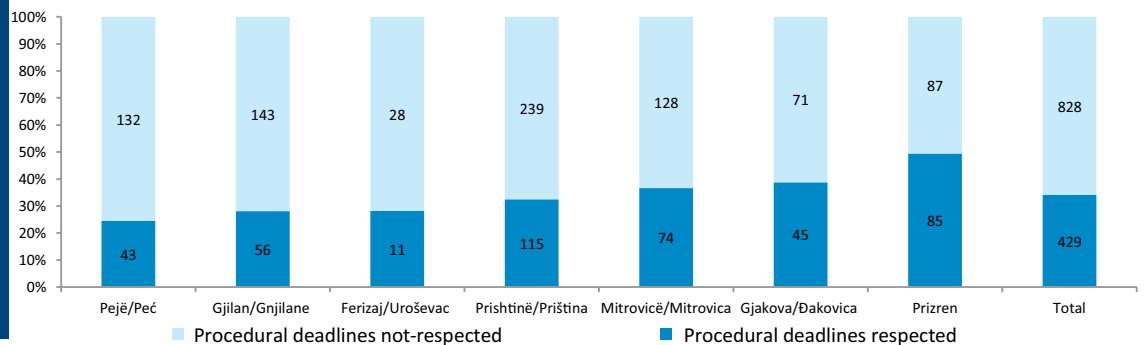


## TIMELY TRIAL

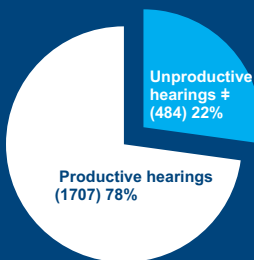
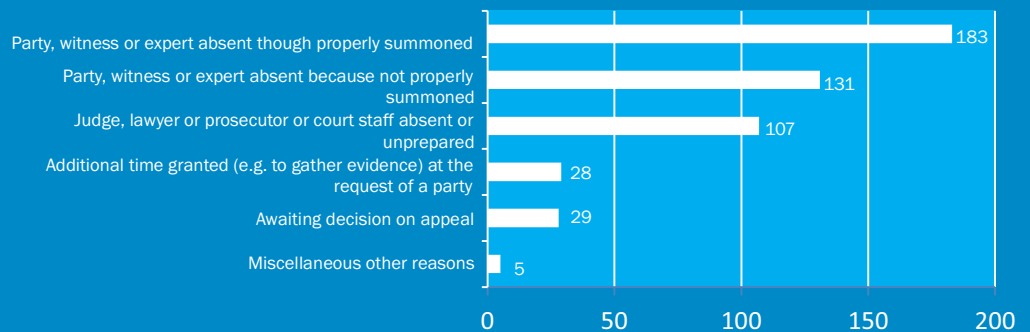
### Court Efficiency

In its statistical reports of the courts for the nine month reporting period of 2016, the Kosovo Judicial Council reported a backlog of 408,803 cases in the Basic Courts. Court Efficiency (defined as completed cases / received cases) was rated at 104.32%. Thus, for every 100 new cases filed, 105 cases were completed. At the end of nine month reporting period, the backlog was 394,739 cases+

### RESPECT FOR PROCEDURAL DEADLINES IN CASES MONITORED

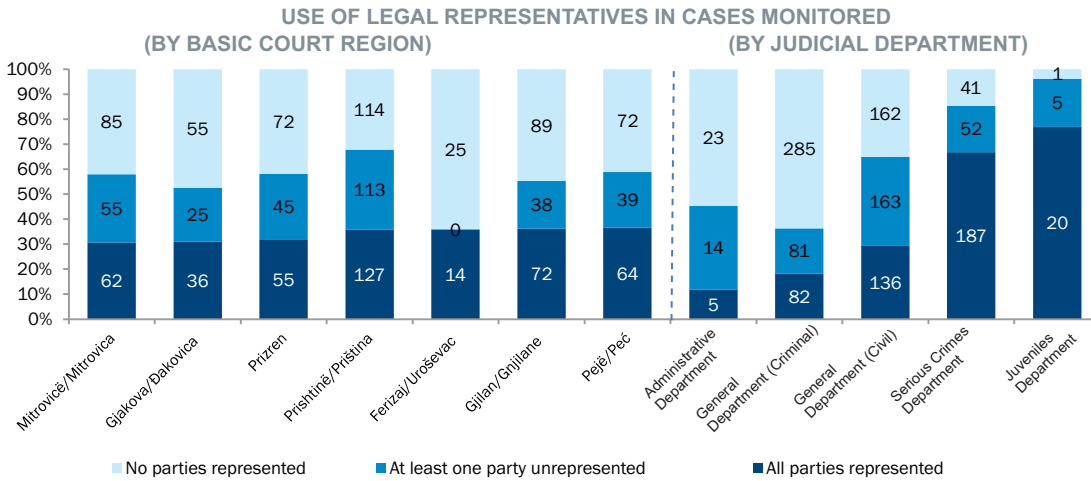


### REASONS FOR ADJOURNMENTS IN UNPRODUCTIVE HEARINGS



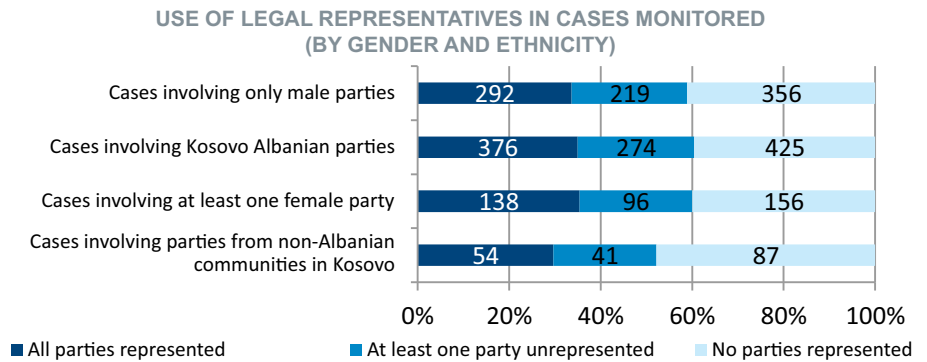
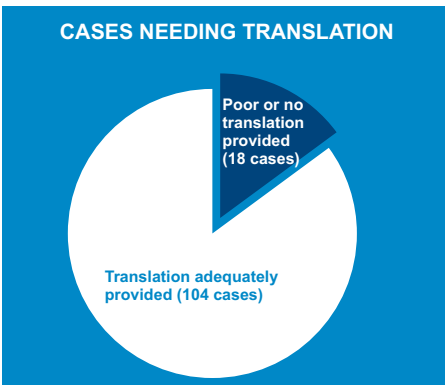
+ Based on the Kosovo Judicial Council's list of judges (dated 1 November 2016), excluding minor offences and commercial department judges, who were not monitored.  
 + Kosovo Judicial Council, "Statistical Report of the Courts: 9 months period 2016", available at <http://gjyqesori-rks.org/en/kjc/report/list/1>  
 ‡ In an "unproductive hearing" nothing of any value or substance occurred (no evidence taken, motions heard or decided, case management issues discussed, etc.)

# ACCESS TO JUSTICE



### Number of Lawyers

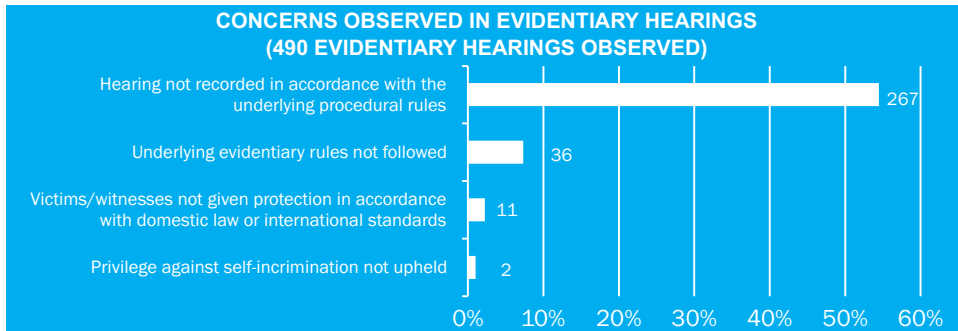
There are 709 advocates registered with the Kosovo Chamber of Advocates, or 40 lawyers per 100,000 residents. In 2016 the European Commission for the Efficiency of Justice evaluated the number of lawyers in different jurisdictions. Just 3 jurisdictions had fewer than 40 lawyers per 100,000 residents.\*



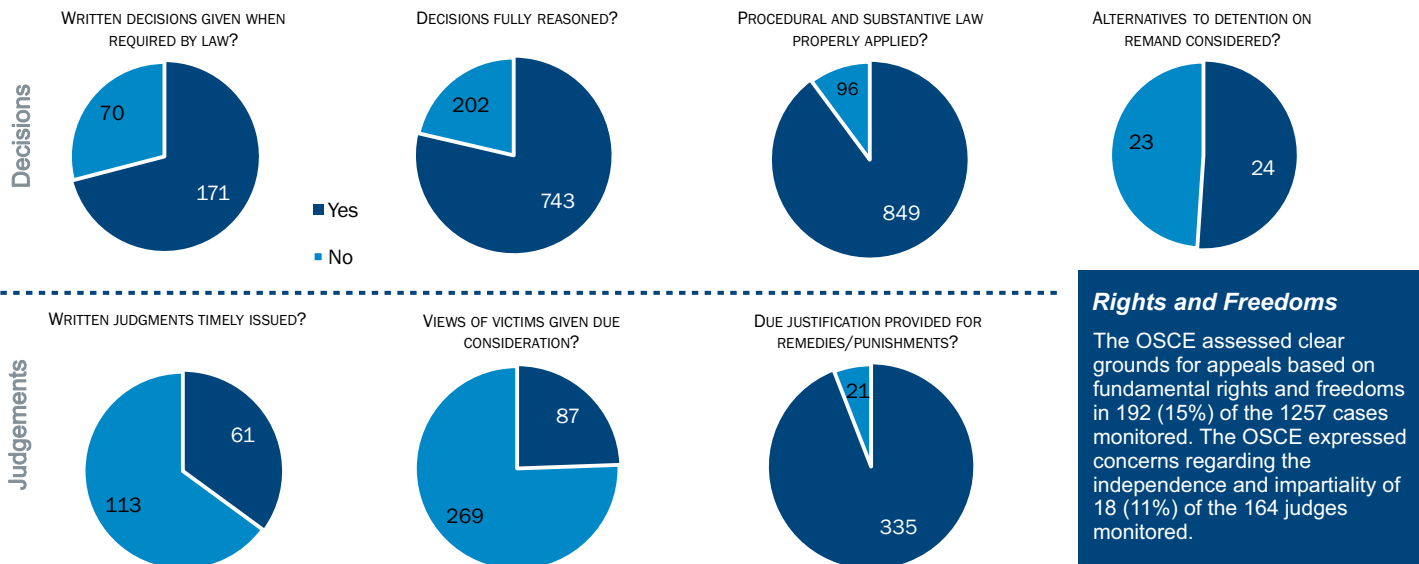
## EVIDENTIARY PROTECTIONS

### Recording of Criminal Trials

Article 315(2) of the Criminal Procedure Code requires that the "main trial shall be either audio- or video-recorded or recorded stenographically." The OSCE monitored 656 main trial sessions in criminal cases. 19 such sessions (3%) were audio-visually recorded. Stenographic or verbatim transcripts were kept in 74 (11%) sessions.



## REASONED DECISIONS



### Rights and Freedoms

The OSCE assessed clear grounds for appeals based on fundamental rights and freedoms in 192 (15%) of the 1257 cases monitored. The OSCE expressed concerns regarding the independence and impartiality of 18 (11%) of the 164 judges monitored.

\* European Commission for the Efficiency of Judicial Systems, "European judicial systems – Edition 2016 (2014 data): efficiency and quality of justice" available at [http://www.coe.int/T/dgh/cooperation/cepej/evaluation/2016/publication/REV1/2016\\_1%20-%20CEPEJ%20Study%202023%20-%20General%20report%20-%20EN.pdf](http://www.coe.int/T/dgh/cooperation/cepej/evaluation/2016/publication/REV1/2016_1%20-%20CEPEJ%20Study%202023%20-%20General%20report%20-%20EN.pdf)