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THE WESTERN BALKANS TRIAL MONITORING REPORT

From Paper to Practice 2.0



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REGIONAL TRIAL MONITORING PROJECT
COMBATTING ORGANIZED CRIME AND CORRUPTION
IN THE WESTERN BALKANS

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Contents

Introduction

I. Executive Summary 6

II. Why Now 7

III. From Recommendations to Reform Uptake 8

IV. Scope, Evidence Base and Methodological Limitations 10

V. Regional Patterns in Reform Uptake 13

VI. Priority Reform Actions Across the Region 19

VII. How To Read the Jurisdictional Chapters 21

Jurisdictions

Albania 22

Bosnia and Herzegovina 66

Kosovo* 147

Montenegro 267

North Macedonia 346

Serbia 431

Annexes

Annex I 488

*All references to Kosovo, whether to the territory, institutions or population, should be understood in compliance with United Nations Security Council Resolution 1244.

Abbreviations

BD BiH	Brčko District Bosnia and Herzegovina
BCC	Basic Criminal Court Skopje
BiH	Bosnia and Herzegovina
BPPO	Basic Public Prosecution Office (North Macedonia)
CC	Criminal Code
CCJE	Consultative Council of European Judges
CEPEJ	European Commission for the Efficiency of Justice
CMIS	Case Management and Information System (Kosovo)
CPC	Criminal Procedure Code
CPC	Conflict Prevention Centre (OSCE)
CSO	Civil Society Organisations
EC	European Commission
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
FBiH	Federation of Bosnia and Herzegovina
FIU	Financial Intelligence Unit
HJC	High Judicial Council (Albania)
HJPC BiH	High Judicial and Prosecutorial Council of Bosnia and Herzegovina
HPC	High Prosecutorial Council (Albania)
IPA	Instrument for Pre-Accession Assistance
KAJ	Kosovo Academy of Justice
KBA	Kosovo Bar Association
KJC	Kosovo Judicial Council
KPC	Kosovo Prosecutorial Council
MLA	Mutual Legal Assistance
MoJ	Ministry of Justice
NCA	National Chamber of Advocates (Albania)
NGP	Negotiated Guilty Plea Agreements
OCC	Organised Crime and Corruption
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
PBA	Plea Bargaining Agreement
PRIS	Case Management System (Montenegro)
RS	Republika Srpska
SCCOC	Specialised Courts for Corruption and Organised Crime (Albania)
SIMs	Special Investigative Measures
SPAK	Specialised Prosecution Office (Albania)
SPO	Special Prosecutor's Office (Montenegro)
SPO	Special Prosecution Office (Kosovo)
SSPO	Supreme State Prosecutor’s Office (Montenegro)
UNODC	United Nations Office on Drugs and Crime
WB	Western Balkans

I. Executive Summary

The fight against serious organized crime and corruption (OCC) across the Western Balkans has evolved to a new phase. The central question is no longer whether strategies, laws, guidelines, training, digital tools or institutional plans exist. It is whether these tools are beginning to change how serious cases are handled in practice.

This report examines that question through the Regional Trial Monitoring Project's (Project) evidence on serious OCC case-processing and reform uptake. Across more than 350 monitored cases in six jurisdictions, the Project combines courtroom observation, review of judicial acts, procedural-history analysis, structured consultations, recommendation tracking and targeted deep dives. This evidence base is used to substantiate patterns in institutional performance and to assess whether reform measures are moving beyond formal adoption into ordinary justice-sector practice.

This document builds on the Project's 2024 public report.[1] That report highlighted recurring systemic challenges in OCC case-processing and put forward recommendations to address them.

This current report assesses how those recommendations have moved through justice institutions. This allows credible progress to be recognized, while distinguishing reform activity from sustained practice that allows effective processing of serious and complex OCC cases.

The report reads effectiveness through three connected lenses: fairness, efficiency and capacity.This approach allows us to assess whether reforms are improving the way serious cases are prepared, managed, and reviewed in practice.

The regional analysis identifies five cross-cutting enabling conditions through which capacity, fairness and efficiency become observable in serious OCC case-handling. These conditions are clear reform ownership, consistent performance, capacity as an operating architecture, reform-useful data systems, and purposeful transparency.

The jurisdictional chapters apply this same logic in context. Each chapter assesses developments against that jurisdiction's own baseline, recommendations and implementation evidence. In short, they ask what has changed, what remains blocked or uneven, and what would most likely move reform to the next stage.

[1] https://www.osce.org/sites/default/files/documents/publications/2025/12/570156.pdf

II. Why Now

This report is released into a reform landscape that is constantly evolving. Across the Western Balkans, serious OCC reform is no longer just a question of whether strategies, laws, guidelines, training, digital tools or institutional plans exist. Many such measures are already in motion. The key question is whether they are changing the routine handling of serious and complex cases.

Serious OCC proceedings often last for years. A judgement issued during this reporting period may concern an indictment, investigation or procedural choice made under earlier legal, institutional or leadership arrangements. Reforms introduced during the reporting period may not yet have had an impact on final outcomes, appeal patterns or courtroom practices. This Report therefore aims to distinguish legacy patterns from current practice, recognize credible early reform movement without overstating it, and identify what must be monitored in future.

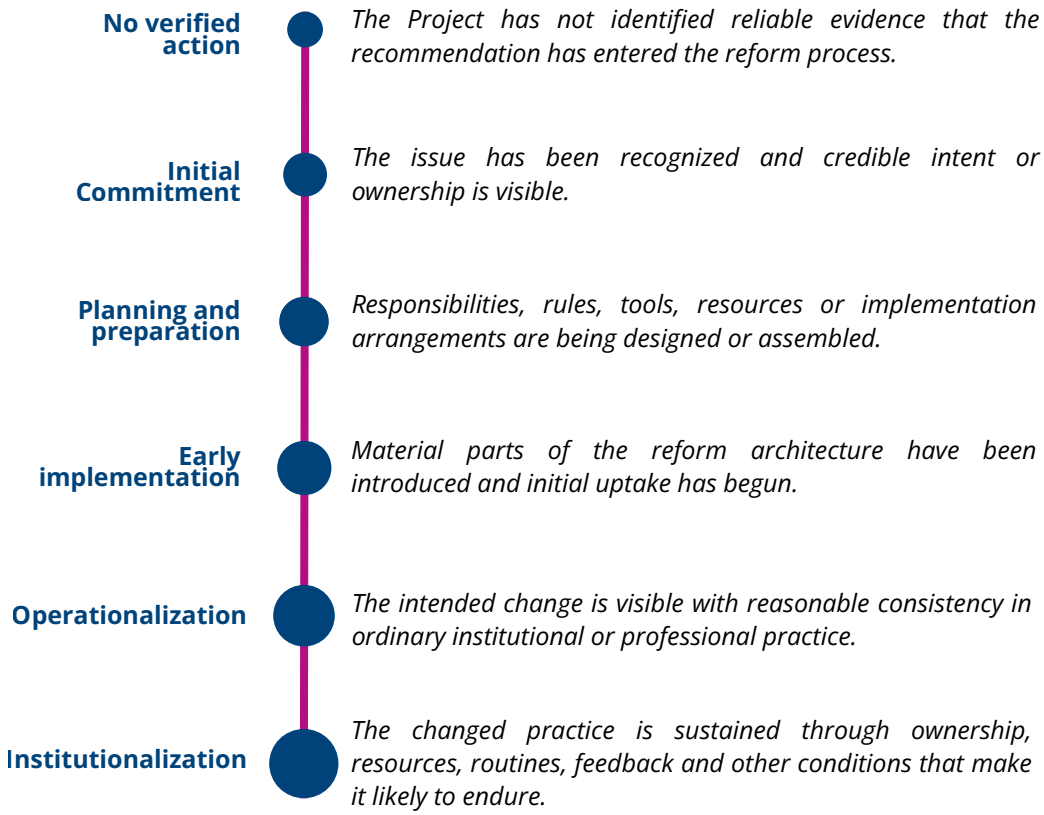
The Report is structured around reform uptake rather than findings alone. In this regard, the Project monitors cases to make practice visible; formulates recommendations to make the identified gap actionable; and tracks implementation to assess whether the response is entering ordinary professional routines. The focus is therefore not only what institutions have adopted, but what has begun to operate.

Serious OCC cases are a useful test of reform uptake. Because they are legally complex, publicly visible and institutionally demanding, they show whether reform measures are reaching the parts of the justice chain where they matter mosti.e. co-ordination, evidence preparation, trial management, reasoning, sanctioning and, where applicable, asset recovery. Serious OCC cases also make the temporal dimension of reform visible. Older cases may carry inherited deficiencies, while newer cases begin to show whether recent reforms have had an impact. Reform credibility depends on whether institutions can recognize, manage and learn from legacy problems while embedding new standards where the stakes are highest and public trust is most needed.

III. From Recommendations to Reform Uptake

From 2025, the Project began applying an implementation-stages framework, supported by milestones, to track how reform recommendations fare after they are issued. The concept rests on a simple idea: reform implementation is a pathway, not a 'yes-or-no' claim.

A recommendation may be recognized, planned, introduced, used unevenly, applied consistently or sustained as part of ordinary institutional practice. The Project therefore tracks progress against six measures:



Two thresholds are central. The first is the move from Early Implementation to Operationalization. A guideline, protocol, database, training programme or working group may show that reform machinery has been created, but it does not yet show that practice has changed.

Operationalization requires evidence that the new rule, tool or routine is being used in actual case handling.

The second threshold is the move from Operationalization to Institutionalization.

A changed practice may be visible in selected cases, courts, offices or periods without yet being durable. Institutionalization requires evidence that the change is supported by the conditions that allow it to last: ownership, resources, professional expectations, feedback mechanisms, and repeated application.

To track those transitions, the Project devised implementation milestones that capture a range of institutional activity from enabling steps such as assigning responsibility, adopting guidance or establishing a working group — to practice evidence, such as the use of a new procedure in monitored cases.

The framework also helps distinguish movement that matters from movement that is merely visible. The question is not only what institutions produce, but what they have begun to do differently. A large deliverable may have limited reform value if it does not change the relevant routine. And a smaller step may be more significant if it unlocks ownership, creates a usable workflow or allows a recommendation to enter ordinary institutional work.

The next section sets out the Project's scope, sources and methodological limits: what the monitoring can show, how it is triangulated and where the evidence must be read with caution.

IV. Scope, Evidence Base and Methodological Limitations

i. Scope

The Project's findings and implementation assessments are based on practice-based evidence collected between 1 June 2024 and 30 September 2026. Where possible, the same types of sources used to identify a problem are also used to assess whether a recommendation has begun to affect practice.

The Project monitors serious OCC cases selected by gravity of offence, status of the accused and public-interest profile, prioritizing cases where the stakes for legal certainty, institutional credibility and public trust are highest. This focuses attention on proceedings where institutional capacity, fairness, efficiency and public confidence are most clearly tested. The monitored sample is therefore designed for systemic diagnosis and should not be read as a random sample or as a basis for population-level statistical estimates.

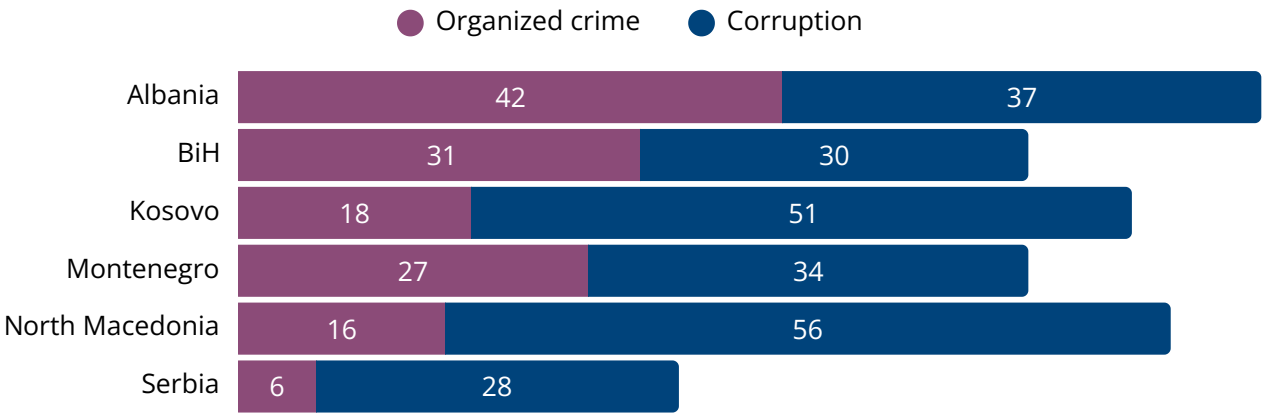


Figure 1: Number of cases monitored

Across cases, the Project interprets judicial effectiveness through three connected lenses: capacity, understood as the quality, consistency and support conditions of professional and institutional practice; fairness, understood through fair-trial guarantees, equality before the law and reasoned adjudication; and efficiency, understood as the management of complexity, time and resources without sacrificing fairness or quality. Legal and procedural instruments - including mutual legal assistance, financial evidence, confiscation and asset recovery — cut across these lenses because they test whether complex cases are built, managed, reasoned and enforced as a coherent chain. These lenses are connected rather than separate. A case-construction gap, for example, may first appear as an evidentiary issue, then as a trial-management problem, then as a judgement-reasoning or appeal issue, and finally as a public-confidence concern.

The purpose of the framework is to follow such patterns across the case chain rather than assign them to a single actor or procedural moment.

ii. Evidence base

Courtroom practice remains the anchor because it is where institutional performance becomes visible in primary form. Hearings show how cases are managed in practice; judicial acts show how decisions are reasoned and justified. Together, these sources show not only what happened in a case, but where recurring patterns begin to emerge across cases.

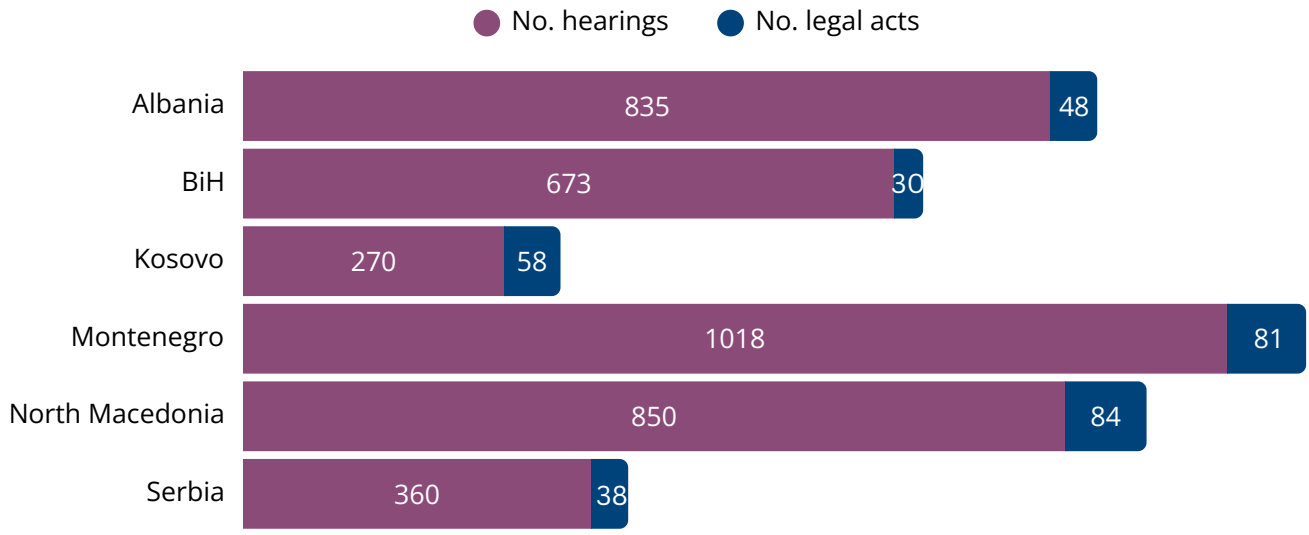


Figure 2: Number of hearings monitored and number of legal acts analyzed in the reporting period

But trial monitoring alone cannot answer every reform question. It can show that a hearing was postponed; it cannot, by itself, explain whether the reason was weak scheduling discipline, witness availability, service-of-summons problems, defence strategy, poor judicial control, courtroom capacity, or upstream investigative gaps. It can show thin reasoning in a judgement; it cannot, by itself, establish whether the driver is workload, template culture, insufficient legal support, weak appellate feedback, prosecutorial pleading, or professional norms that reward formal completeness over analytical clarity.

That is why the Project complements trial monitoring with media monitoring, structured consultations and targeted thematic deep-dive research.

iii. Methodological limitations

The Project's findings should be read within clear methodological limits. It monitors proceedings from the confirmation of indictment onwards and does not directly observe investigative, pre-indictment or prosecutorial decision-making phases. Where the report discusses investigative quality, indictment construction, financial tracing or inter-institutional co-ordination, it does so, based on what becomes visible later in the case journey: hearings, indictments, judgement, appellate decisions, as well as through consultations and publicly available data.

The monitored sample is also shaped by the Project's scope and selection logic. Cases are selected because they are serious, complex, publicly significant or institutionally demanding, not because they represent the full criminal caseload. The sample is intentionally weighted toward cases where legal certainty, fairness, efficiency, capacity and public trust are most likely to be tested. This strengthens the Project's ability to identify systemic risks and reform-relevant patterns, but it also means that the findings should not be read as population-level estimates.

Differences in case pipelines, case duration, access to documents, availability of final decisions and national procedural frameworks may affect what can be observed.

The analysis reflects the nature of serious OCC proceedings as long-running cases. The Project may therefore be reviewing indictments, procedural choices or case-management decisions that originated before recent reforms, guidance or institutional changes were adopted. Conversely, reforms introduced during the reporting period may not yet be visible in practice. This does not make the evidence irrelevant; it means the report must read it with temporal discipline.

The Project does not assess the merits of a case and does not substitute its analysis for judicial review. Its findings identify systemic patterns, implementation signals and reform-relevant risks.

V. Regional Patterns in Reform Uptake

Absence of reform is no longer the region's defining problem. Across the Western Balkans, strategies, guidelines, training, databases, digital tools and institutional plans are in motion. The harder question is whether these measures are becoming part of ordinary professional practice.

A strategy adopted is not yet a shared standard; a database created is not yet a database in use; a guideline issued is not yet routine application.

The five topics below identify recurring enablers of reform uptake.

Topic 1 — Ownership and the Shared Direction of Reform

Reform ownership remains one of the central conditions for effective uptake. The previous public report (2024) identified insufficient ownership and co-ordinated implementation as recurring barriers to reform. That concern remains relevant, but the question today is not just whether institutions agree with reform objectives, but whether those objectives are translated into assigned responsibility, internal procedures, timelines, feedback channels and decision points.

Across the region, justice-sector institutions have engaged with recommendations to varying degrees. In several areas, recommendations have been discussed in institutional meetings, incorporated into workplans, reflected in draft strategies, or linked to ongoing reform processes. This is meaningful movement. It shows that findings are not only being received as external criticism, but are increasingly entering domestic policy conversations.

At the same time, uptake remains uneven where responsibility is dispersed across several institutions. Serious OCC cases often sit at the intersection of courts, prosecution services, judicial and prosecutorial councils, ministries of justice, parliamentary committees, financial intelligence units, expert institutions, bar associations and judicial academies among many others. Where a recommendation requires several actors to move in tandem or sequence, implementation can become nobody's practical responsibility. The result is often agreement in principle, followed by slow or partial execution or even dissipation.

This suggests that ownership should be understood as an operating condition. Reform uptake depends less on whether institutions formally accept a recommendation and more on whether the recommendation has a clear place inside the institution's work.

Topic 2 — Consistency, uniform application of the law and predictability in serious OCC legal practice

Consistency is one of the central ways for reform to become visible in serious OCC cases. The issue is not whether individual judges, prosecutors or institutions produce good practice in isolated cases. It is whether similar legal and factual problems are handled in comparable, reasoned and explainable ways across the case chain.

This begins before judgement. It concerns how charges are framed, how facts are linked to legal elements, how evidentiary thresholds are understood, how defendant roles are individualized, how financial evidence is used, and how procedural choices are justified. It continues through adjudication, where judgements should explain why a case is decided in a particular way, how relevant prior practice is treated, why similar cases are followed or distinguished, and how sanctioning and confiscation correspond to the gravity of the offence, the role of the defendant and the evidence before the court.

Previous judicial practice is one important entry point into this broader question. The Project's comparative analysis on precedents demonstrates a judiciary increasingly receptive to the value of previous decisions as tools for legal reasoning and the uniform application of the law.

At the same time, this recognition is not yet consistently visible in judicial acts. Explicit references to previous judicial practice remain limited and uneven across jurisdictions. This does not mean that citation is the same as consistency. A judgement may apply the law consistently without citing a prior decision, and a citation may be formal rather than analytical. The point is narrower but important: visible engagement with relevant prior practice is one way in which institutions make consistency, predictability and legal learning observable.

The broader reform implication is that institutions handling serious and complex OCC cases need shared reference points for recurring legal and evidentiary issues, so that quality rests institutional memory rather than on individual professional judgement.

This affects all three effectiveness lenses. It affects fairness as comparable cases should be treated similarly, and differences should be explainable in legal terms. It affects efficiency as unclear reasoning can generate avoidable appeals, retrials and repeated litigation over issues that institutions should be learning from. It also affects practitioners' capacity to build consistent practice, because the standards, feedback and examples they need are scattered, inaccessible or not routinely used.

Consistency is also closely linked to public trust. Serious OCC cases are often high-profile and politically sensitive. Where similar cases appear to produce different outcomes without clear explanation, the public may read divergence as selective justice, even where the underlying issue is fragmented practice, weak reasoning, poor access to previous decisions or insufficient institutional learning.

Predictability therefore matters not only for doctrine, but for the credibility of the reform process itself.

This is where Topic 2 connects directly to the capacity question that follows. Consistency is the standard systems need to produce; capacity is the operating architecture that makes it possible to produce that standard repeatedly.

Topic 3 — Capacity, expertise and the quality of legal practice

In serious OCC cases, capacity is not only a question of the number of judges, prosecutors, legal associates or experts or number of training opportunities. It is also a question of whether institutions have the tools, routines and quality-control mechanisms needed to process complex cases consistently.
The previous public report identified shortcomings in indictments and judgements, including inadequate reasoning, inconsistencies between factual descriptions and legal qualifications, and weaknesses that can contribute to acquittals, retrials or limited asset recovery. These issues require a comprehensive solution. Training without institutional reinforcement often produces limited change.

Across the region, there are signs of movement.

The persistent friction is that available tools do not automatically become working habits. Guidelines may be underused. Judicial databases may be incomplete, difficult to search or inconsistently consulted. Training may not be connected to the actual defects seen in monitored cases. Appeal outcomes may not be systematically reviewed as learning material for first-instance courts or prosecution services. Individual experience may therefore remain individual, rather than becoming institutional knowledge.

This matters most in the parts of the case journey where errors travel. For instance, a judgementthat resolves a complex case without sufficient engagement with legal elements, evidence, precedent or proportionality does not only affect that case. It weakens predictability for future cases and reduces the ability of institutions to learn from adjudicated practice.

Efforts to address capacity issues should therefore start from the conditions that shape performance, not from the assumption that every gap is a training gap. In serious OCC cases, improved practice becomes feasible, consistent and repeatable only where practitioners have clear expectations and feedback, usable tools and workflows, sufficient time and staffing, specialized support, access to relevant data, incentives that reward quality as well as output, and professional routines that make the desired practice possible.

Topic 4 – Diagnostic data and meaningful track record

Performance data, and how they are used, remain among the most consequential regional reform areas. What institutions measure, they tend to reward. What they reward, professionals learn to optimize. If performance systems and related data frameworks value mainly volume, speed or case closure, they may encourage visible activity without improving the quality, durability or fairness of serious OCC case processing.

The previous public report from 2024 also identified fragmented and inconsistent data collection as a barrier to meaningful insight into institutional performance. That concern remains. Many justice institutions continue to face difficulty generating data that can explain how complex cases travel through the system: from investigation and indictment, through confirmation, trial, appeal, retrial, final outcome, sanction and confiscation. Without such data, decision-makers may know how many cases were processed, but not why proceedings are delayed, whether outcomes survive review, whether sanctions are proportionate, or whether confiscation follows conviction.

There are however, signs of movement. Several institutions have shown increased interest in data-driven reform, case-management systems, publication practices and performance indicators. The persistent challenge is that criminal justice data often remains too aggregated to support complex policy decisions. A conviction rate, acquittal rate, clearance rate or backlog figure may be useful as an entry point, but it cannot explain the performance of serious OCC case processing by itself.

The Project's Trial-to-Outcome Diagnostic[2] illustrates what becomes possible when existing case and monitoring data are structured in ways that can be analysed at greater resolution. It is not presented as a complete answer to the region's performance-data gaps. Rather, it is a proof of concept: without creating an entirely new data system, available information can be organized in a way that breaks complex outcome patterns into manageable analytical questions. Instead of asking only how many cases ended in conviction or acquittal, the diagnostic reads outcomes by defendant, charge, offence gravity, procedural route, first-instance and

[2] The analysis, published in Annex 1 of this Report.

final result, appeal history, sanction, confiscation and duration.

This matters because the aggregate conviction figure treats unlike outcomes as equivalent. A conviction following a contested trial is not the same reform signal as a conviction through a negotiated procedure. A conviction of a peripheral defendant on a lesser charge is not the same as conviction of a principal defendant on the gravest charges. A conviction that survives appeal is not the same as one later reversed or reworked. A conviction followed by proportionate sanctioning and confiscation is not the same as a conviction with limited practical consequence. Taken together, these outcomes may produce a legible figure, but not a meaningful track record.

The same caution applies to non-convictions. An acquittal may reflect the proper application of the presumption of innocence and the criminal standard of proof. It may also reflect evidentiary gaps, unclear legal qualification, insufficient individualization of responsibility, delay, or weaknesses that originated before the case reached trial. Case outcome data cannot answer those questions alone. Yet structured properly, it can show where explanation is needed and where trial-monitoring evidence, judicial-act review and institutional analysis should look next.

The reform implication is not that every institution needs a complex new methodology before it can construct reform-useful data structures. It is that existing data should be structured around the questions that matter for case quality, durability and accountability. Institutions need diagnostic information capable of showing how serious OCC cases move, where they lose momentum or durability, where financial accountability dissipates, and which professional practices require recalibration.

Topic 5 – Transparency, public trust and institutional memory

Transparency remains both a reform objective and a practical condition for other reforms. Public access to information, publication of judicial acts, availability of hearing schedules, access to case-law databases, and coherent institutional communication all affect public confidence. But transparency is part of the operating infrastructure of legal certainty, performance management and institutional memory.

The connection with the two thematic deep dives discussed above is direct. Uniform application of the law depends on access to relevant prior decisions. Case-outcome analysis depends on reliable data about charges, defendants, procedural routes, outcomes, sanctions, confiscation and appeal history. Reform tracking depends on information about what has been adopted, what is being used, and what effect it is having.

Without accessible and reliable information, institutions cannot easily learn from their own practice, and the public cannot understand whether reform is advancing.

Across the region, institutions continue to balance transparency with privacy, data protection and fair-trial concerns. Serious OCC cases may involve sensitive evidence, personal data, protected witnesses or ongoing proceedings. Transparency must still respect fair-trial, privacy, data-protection and security requirements. But these principles should lead to clear rules and workable safeguards, not fragmented access by default.

Signs of movement include efforts to improve court websites, publish decisions, develop communication strategies, strengthen databases, or refine rules on access to judicial acts. This matters because unexplained outcomes create space for speculation. When a serious OCC case collapses, when a high-profile defendant is acquitted, when confiscation is not ordered, when proceedings last for years, or when a conviction is reversed on appeal, the public needs more than a number. It needs an institution capable of explaining, within fair-trial limits, what happened and what the system learned from it.

VI. Priority Reform Actions Across the Region

The regional picture confirms that reform activity is visible across the Western Balkans, but that uptake depends on whether institutions can organize reform around implementation, practice change and learning. The priorities below translate the five regional patterns into policy frameworks. They are not intended as uniform prescriptions for every jurisdiction. They identify the regional conditions that should guide jurisdiction-specific reform planning, implementation tracking and follow-up dialogue.

1 Priority

Establish reform-uptake governance for serious OCC recommendations

Each priority recommendation should be translated into a practical implementation plan. This should identify the responsible function within an institution, the steps required, the expected timeline, the evidence that would show progress, and the route for escalating delays or blockages. Where implementation depends on several actors, co-ordination should be organized around the case chain rather than around institutional mandates alone. Ownership should not be understood only as formal acceptance of a recommendation. It should mean that the recommendation has a clear place within the area of responsibility of an institution.

2 Priority

Strengthen consistency and uniform application of the law

Courts, prosecutors' offices and other relevant institutions should strengthen the conditions for consistency and uniform application of the law in serious OCC cases. The objective is to make adjudication more predictable, reasoned and explainable, especially in complex and high-profile proceedings where public perceptions of fairness, equality before the law and institutional impartiality are most easily strained.

3 Priority

Conceptualise capacity-building as an operational architecture

Capacity-building for serious OCC cases should be organized as an operating framework for complex case handling. Training should be connected to the working conditions that determine whether improved practice is feasible, consistent and repeatable. The purpose is to ensure that complex-case quality does not depend mainly on individual experience or isolated good practice, but becomes supported by institutional routines.

4 Priority

Build diagnostic data systems that support complex reform efforts

Justice institutions should develop comprehensive data systems that allow serious OCC cases to be understood, having reform utility as a guiding principle. Data should help institutions answer operational questions: where delays arise, whether case outcomes survive appeal, whether retrials are recurring, whether sanctions are proportionate, whether confiscation follows conviction, whether similar cases are treated consistently. Such systems would have effects beyond data collection itself. They would support institutional-level performance management, resource planning, case management, transparency, reform implementation tracking and policy dialogue. The point is to understand what the system is producing, where quality risks arise, and what needs to change so that serious OCC cases are handled fairly, efficiently, competently and eventually effectively.

5 Priority

Strengthen transparency as reform infrastructure

Transparency should be designed as part of reform infrastructure, not only as public communication. Justice institutions should improve the availability, quality, accessibility and searchability of information on serious OCC cases, while respecting fair-trial, privacy, data-protection and security requirements. This includes access to judicial acts, publication of relevant decisions, usable case-law databases, coherent statistics, clearer communication on high-public-interest cases and information that allows institutions and the public to understand what changed, what remains unresolved and what the system learned. Transparency should make reform visible, institutional learning possible and public trust grounded.

VII. How to Read the Jurisdictional Chapters

Each chapter assesses developments against that jurisdiction's own recommendations and baseline. The chapters identify movement, friction and priority next steps in context.

For the five jurisdictions covered by the 2024 public report, the chapters assess implementation of recommendations issued in that report and refined through subsequent confidential engagement. For Serbia, the chapter should be read differently, as the jurisdiction entered the project 2024 (when the last public report was issued) and has had a shorter monitoring and recommendation-tracking period. Its chapter therefore focuses on baseline findings, early institutional engagement and initial signs of recommendation uptake.

The action points in each chapter should be read as practical next steps. They are intended to help institutions move from formal reform activity toward consistent practice, and to make good practice less dependent on individual initiative and more embedded in institutional standards, routines and feedback mechanisms.

The next phase of reform will depend on this shift. The region does not lack reform frameworks. It has strategies, guidelines, commitments and recommendations in abundance. The decisive question is whether those tools can be made operational where serious and complex OCC cases are actually built, tested and reasoned. That is where reform either becomes institutional practice or remains on paper.

Albania

1) Overarching Institutional and Policy Issues

Compared with the previous reporting period, Albania's specialized anti-corruption and organized crime judicial framework has continued to evolve from a phase focused primarily on institutional establishment towards one increasingly concerned with operational effectiveness. Monitoring findings indicate progress across several areas, including transparency, judicial administration, professional accountability, digitalization initiatives and the quality of judicial and prosecutorial acts. At the same time, implementation continues to be influenced by structural challenges affecting the specialized jurisdiction, including workload pressures, judicial capacity constraints, support-staff shortages and procedural practices that impact the efficiency of organized crime and corruption (OCC) proceedings. The reporting period (1 June 2024–30 September 2026) was characterized by growing institutional attention to improving the functioning of existing mechanisms. Discussions increasingly focused on how specialized institutions can prioritize complex cases, improve procedural efficiency, strengthen transparency and ensure that reforms become embedded in routine institutional practice.

The Project's additional deep-dive analysis which covered all finally adjudicated cases since the inception of the Project in 2021, further confirmed these developments by examining not only institutional outputs but also the quality, durability and sustainability of outcomes in monitored OCC-related cases. The analysis covered 54 monitored cases, 260 defendant entries and 444 charge-rows, of which 355 reached binding final results. The findings indicate that Albania's specialized jurisdiction has demonstrated a significant capacity to deliver final judicial outcomes, with 310 out of 355 final charge-level outcomes resulting in convictions (87.3 per cent). At the same time, the analysis confirms that the assessment of track record should go beyond conviction numbers alone and should also consider the quality of judicial reasoning, procedural fairness, durability of outcomes, proportionality of sanctions and the ability of institutions to process complex OCC cases effectively.

a. Institutional and Policy Developments Affecting Reform Uptake

Several developments during the reporting period demonstrate increasing institutional engagement with concerns previously identified by the Project. A notable development was the continued work of the High Judicial Council (HJC) on an Integrated Court Management Information System (ICMIS), which is expected to introduce case-prioritization functionalities and facilitate improved tracking of proceedings throughout their lifecycle. The HJC also adopted standardized timelines for court proceedings, including a maximum duration of 12 months for serious criminal offences punishable by more than ten years of imprisonment. These developments reflect growing institutional recognition of the need to improve case management and allocate resources more effectively. Progress was also observed in relation to transparency and access to information. The Special Court against Corruption and Organized Crime (SCCOC) of First Instance completed its transition to the unified judicial platform[3] and both specialized courts[4] continued expanding the information available through their institutional websites. Increased publication of hearing schedules, decisions and information of public interest reflects a broader commitment to improving public access to judicial information.

The reporting period also noted increased attention to professional accountability mechanisms. The National Chamber of Advocates (NCA) continued discussions concerning revision of its Code of Ethics, including measures aimed at addressing professional conduct that contributes to procedural delays. At the same time, and independently of the NCA process, monitoring findings indicate increased use of sanctions by courts in response to unjustified absences of defence counsels.

Improvements were also observed in the consistency, internal coherence and legal reasoning of judicial and prosecutorial acts. Monitoring findings demonstrate a significant reduction in the number of indictments and verdicts exhibiting serious analytical or structural shortcomings compared with the previous reporting period. These developments suggest increasing institutional awareness of the importance of coherent legal reasoning, evidentiary analysis and drafting practices in complex OCC proceedings.

[3] See https://www.gjp.gov.al/ (accessed on 13 August 2026).

[4] Based on Article 135 of the Constitution of the Republic of Albania and Article 75/a of the Criminal Procedure Code, the Specialized Courts Against Corruption and Organized Crime of First Instance and Appeal have jurisdiction to adjudicate, at first and second instance, cases involving organized crime-related and corruption-related offences, as well as criminal charges against high-level public officials, as defined by the applicable legislation.

b. System-wide Conditions Shaping Implementation

Despite positive developments, implementation continues to be shaped by several structural conditions affecting the specialized jurisdiction. Human resource constraints remain among the most significant challenges identified during the reporting period. The SCCOC courts continue to operate under considerable workload pressures, while shortages of legal assistants and specialized support staff negatively impacts the capacity of institutions to fully manage increasingly complex proceedings involving organized crime-related cases, corruption, money laundering and financial investigations. These pressures contribute to continued reliance on judges assigned through the mobility scheme.[5] While mobility arrangements remain an important mechanism for ensuring the operational continuity of the specialized courts, consultations conducted during the reporting period highlighted the need to ensure that temporarily assigned judges receive adequate preparation, specialized training and institutional support consistent with the demands of OCC adjudication.

Monitoring findings also indicate that procedural efficiency remains affected by hearing adjournments, workload pressures and the complexity of proceedings involving multiple defendants, extensive evidentiary records, international co-operation requests and financial investigations. While examples of good judicial practice were observed, positive approaches remain unevenly applied across proceedings.

The reporting period further highlighted the continuing absence of a formal framework for distinguishing high-level corruption and organized crime cases from other matters falling within the jurisdiction of the Special Structure against Corruption and Organized Crime (SPAK) and the SCCOC courts. This limits the ability of institutions to prioritize cases consistently for policy, operational and statistical purposes.

[5] Pursuant to Article 45 of Law no. 96/2016, ''On the Status of judges and prosecutors in the Republic of Albania“ and Decision no. 22, dated 07.02.2019, ''On the approval of the regulation on the criteria and procedure for the operation of the judge delegation scheme“, the term “mobility scheme” refers to the set of rules governing the temporary assignment of a judge from the court to which they are permanently appointed to the delegation scheme established by the High Judicial Council, for a specified period, during which the judge serves within the scheme and adjudicate cases at another court.

c. Priorities for Consolidating Progress

The reporting period demonstrated that many reforms have moved beyond the initial establishment phase and are increasingly focused on operational consolidation. The principal challenge moving forward is ensuring that positive developments become institutionalized and consistently applied across the specialized jurisdiction. Several priorities emerge from the monitoring findings, which include: strengthening case-prioritization mechanisms, improving trial-management practices, enhancing transparency and consistency in judicial communication, reinforcing quality control mechanisms for judicial and prosecutorial acts and addressing persistent human resource and support staff shortages.

The Project's deep-dive analysis also highlights that Albania's progress should increasingly be assessed through the capacity of institutions to produce sustainable and well-founded outcomes rather than solely through quantitative indicators. While the elevated percentage of final convictions in monitored cases can be interpreted as an important positive development, the analysis identified the importance of strengthening mechanisms that ensure consistency, quality control and institutional learning from case outcomes, including through improved case prioritization, stronger indictment quality assessment, effective trial management and systematic review of judicial outcomes.

The ongoing reform of the Criminal Code (CC) and Criminal Procedure Code (CPC) also presents an important opportunity to strengthen the coherence of the legal framework governing the specialized jurisdiction in charge of dealing with OCC cases. Stakeholders consulted during the reporting period frequently referred to this process as an opportunity to address issues relating to specialized jurisdiction, judicial mobility arrangements, procedural efficiency and institutional support structures.

Overall, compared with the previous reporting period, Albania demonstrated continued progress across several areas relevant to the investigation, prosecution and adjudication of organized crime and corruption cases. The extent to which this progress translates into sustainable improvements will depend on the ability of institutions to convert ongoing reforms into stable operational practices supported by adequate resources, coherent regulatory frameworks and strengthened institutional capacity.

2) Update on Key Findings and Recommendations

FAIRNESS

1

Recommendation

Ensure that court practice on the suspension of pre-trial detention time limits is in line with international standards and best practices on fair trial rights. For that purpose:

1.1. In the long term, Parliament should adopt amendments to Articles 265 and 93 of the CPC. More specifically:

a) Article 265 CPC should be amended so as to expressly exclude the extension of the suspension of pre-trial detention time limits to co-defendants who did not cause the suspension and who request the continuation of the proceedings through severance, where such severance is feasible;

b) Article 93 of the CPC should be amended accordingly to provide for the severance of proceedings where the pre-trial detention time limit is approaching expiration in respect of one or more co-defendants and no other legal grounds for detention exist, unless severance would be incompatible with the proper and comprehensive ascertainment of the facts;

1.2. Moreover, Parliament should consider amending Article 57 of the CC, which currently equates one day of pre-trial detention with one and a half days of imprisonment. Such reform could contribute to reducing incentives for dilatory tactics;[4][5]

1.3. In the short term, the SCCOC courts of First Instance and Appeal should adopt individualized reasoning when issuing decisions suspending pre-trial detention time limits pursuant to Article 265 CPC.

Implementation Stage:



Planning and Preparation

Implementation Milestones:

1.i. Percentage of monitored OCC cases with suspension of pre-trial detention time limits by courts to only co-defendants causing the suspension.
1.ii. Proposal of relevant legal amendments by the Ministry of Justice (MoJ) through the Council of Ministers.
1.iii. Completion and adoption of the CPC relevant legal amendments by the Parliament.
1.iv. Completion and adoption of the relevant CC legal amendments by the Parliament.

During the reporting period, institutional awareness of the suspension of pre-trial detention time limits has increased and relevant stakeholders have engaged in legal discussions concerning possible reforms. However, implementation remains at the planning and preparation stage since the legislative framework remains unchanged, judicial practice continues to apply suspension of pre-trial detention time limits broadly to all co-defendants in the same proceedings, and individualized approaches are not yet consistently reflected in judicial decisions. While important institutional discussions and constitutional review proceedings took place during the reporting period, these developments have not yet resulted in legislative amendments or measurable changes in judicial practice.

Findings:

Compared with the previous reporting period, the issue of the suspension of pre-trial detention time limits for co-defendants who did not cause procedural delays gained greater prominence within judicial practice and legal debate. During the current reporting period, the Project observed not only the persistence of this practice but also an increasing institutional awareness of its potential implications for the right to liberty, as reflected in judicial discussions, appellate litigation and constitutional scrutiny.

From June 2024 until September 2026, 25 out of 45 monitored cases involved defendants in pre-trial detention.

Judicial stakeholders have shown an emerging awareness of, and responsiveness to, the legal ambiguities surrounding the practice of the suspension of pre-trial detention time limits for all co-defendants involved in the same proceeding.In early January 2026, the SCCOC of Appeal initiated constitutional review proceedings concerning the compatibility of Article

265 of the CPC with Articles 17, 27, and 28 of the Constitution of the Republic of Albania, as well as with Article 5 of the European Convention on Human Rights and Fundamental Freedoms (ECHR). The referral specifically concerned the absence of provisions requiring that the suspension of pre-trial detention time limits does not apply in relation to co-defendants who did not cause the suspension.

The Constitutional Court ultimately decided not to refer the matter to the plenary session for adjudication.[6] However, this decision should not be interpreted as a definitive endorsement of the constitutionality of the way Article 265 CPC is applied in all circumstances. Rather, the non-referral merely indicates that the provision was not considered, *prima facie*, unconstitutional per se. At the same time, the Constitutional Court's position does not exclude the possibility that the interpretation and application of Article 265 in specific cases – particularly where time limits suspension effects are automatically extended to co-defendants without individualized judicial assessment – may be incompatible with the requirement of individualized determinations in matters involving deprivation of liberty under Article 5 of the ECHR.

Within the aforementioned framework, the Project identified concerns with the courts' practice of suspending the pre-trial detention time limits for co-defendants who did not cause the postponement of the proceedings. In ten cases monitored by the Project involving pre-trial detention as a security measure, courts suspended detention time limits for all co-defendants, regardless of individual responsibility for the delay (related milestone: 1.i).

This practice, while intended to preserve the unity of proceedings, effectively penalizes defendants who did not contribute to procedural delays, raising concerns under Article 5 of the ECHR, which protects the right to liberty and security.

The CPC provision allowing for the suspension of pre-trial detention time limits in cases of unjustified delay serves a legitimate purpose – namely preventing tactical abuse by defendants or their counsel that could undermine the trial process. Similarly, the CC – through its Article 57 – should incentivize efficiency by rewarding time spent in detention with reduced sentences.

[6] Decision of the meeting of the Constitutional Court Judges no. 86, dated 18 March 2026 (see, in particular, para. 23 of the decision, whose correct reading allows a human-rights oriented interpretation of Art. 265 of the CPC in applying the rules on the extension of pre-trial detention time limits). See https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2026/05/vend.mosk_.8626.pdf (accessed on 14 August 2026).

However, the current judicial practice of extending the suspension of detention time limits to all co-defendants – including those not responsible for the delay – risk misapplying these safeguards. Such a blanket approach subordinates the requirement of individualized procedural fairness and liability to the principle that all co-defendants should, where possible, be tried within a single judicial process to ensure efficiency.

The European Court of Human Rights (ECtHR) has consistently held that any interference with liberty must be strictly necessary, lawful and proportionate. Therefore, even if the intent behind the law is legitimate, its application must adhere to international standards requiring a nuanced, individualized assessment of delay responsibility. The relevant CPC provision does not clearly stipulate whether suspensions should apply to all defendants or individually, yet courts have largely adopted the former approach.

During the reporting period, the Project also observed that defence counsels increasingly challenged decisions suspending pre-trial detention time limits before the SCCOC Court of Appeal, despite a prevailing judicial practice of dismissing such appeals.

This trend reflects growing awareness among defence practitioners regarding the implications of blanket suspensions on the right to liberty and security.

The ECtHR criticized Albania's handling of pre-trial detention and it further argued that delays caused by the counsel of a co-defendant could not be considered, in itself, a justification for the length of custody imposed on the applicant.[7] Judges and prosecutors acknowledged this problem, attributing it to insufficient clarity in CPC provisions and to the challenges to balance needs of public interests with the defendants' rights. Suggestions included issuing decisions on case severance – where possible – and amending the CPC to address this issue.

Interviews conducted in 2026 with judges of the SCCOC of Appeal and of the First Instance – as well as their interventions during a broad discussion forum held in April 2026 with representatives of all judicial stakeholders of the Republic of Albania – confirmed an increasing recognition that the current wording of Article 265 CPC does not necessarily preclude the adoption of individualized decisions concerning the suspension of pre-trial detention time limits in situations where delays are attributable only to certain co-defendants.

[7] ECtHR, Mucaj v. Albania, Decision of 11 July 2023, para.23. In this case, the ECtHR found that the Albanian authorities had not handled the applicant's case with the special diligence required under Article 5(3) of the ECHR, resulting in a violation of his right to liberty.

It further emerged from these discussions that Article 265 CPC should be seen in conjunction with Article 93 CPC, which governs the severance of proceedings. In theory, severance may constitute one possible mechanism for addressing delays caused by specific co-defendants, thereby avoiding the automatic extension of the suspension's effects to all accused persons involved in the proceedings. At the same time, judicial stakeholders acknowledged the practical limitations of this approach in complex organized crime cases involving multiple defendants, where severance may prove difficult – or even impossible – due to the need to ensure a comprehensive and coherent establishment of the facts.

For this reason, participants emphasized that, while Article 93 CPC may offer a partial interpretative solution, legislative amendments would be advisable in order to enhance the internal coherence of the CPC and to clarify more explicitly the requirement for individualized assessments in decisions affecting personal liberty. Comparative analysis reveals that other jurisdictions, such as Italy, have addressed this issue through clearer statutory language. The Italian CPC clarifies that the suspension of time limits does not apply to co-accused persons who did not cause the suspension and who request separate trials.[8]

Furthermore, the Italian legislation has more specific provisions regulating the severance of the proceeding,[9] which remains anyway inapplicable if it goes against a proper ascertainment of the facts, an event often recurring in complex organized crime-related cases.

Last, but not least, judicial stakeholders interviewed within the framework of the Project expressed a broad consensus that Article 57 of the Criminal Code, which currently provides that one day of pre-trial detention is credited as one and a half days of imprisonment, should be amended in favour of a one-to-one equivalence ratio. According to the stakeholders consulted, such a reform could also produce indirect procedural benefits by reducing incentives for dilatory tactics on the part of certain co-defendants. In particular, it was observed that the current system established by Article 57 of the CC – originally envisaged to limit the recourse to pre-trial detention – may indirectly encourage procedural delays that can adversely affect co-defendants who are not responsible for the suspension or prolongation of the proceedings.

Overall, compared with the previous reporting period, institutional awareness of the implications of blanket suspension of pre-trial detention time limits has increased significantly.

[8] Article 304 para. 5 of the Italian Criminal Procedure Code.
[9] Art. 18 of the Italian Criminal Procedure Code.

Constitutional review proceedings, judicial consultations and legislative discussions demonstrate growing recognition of the issue. However, implementation remains at the planning and preparation stage because judicial practice has not yet demonstrably changed and the relevant legislative amendments have not been adopted (related milestones 1.ii–1.iv). To move beyond this stage, institutions would need to demonstrate both legislative progress and more consistent use of individualized reasoning in decisions affecting pre-trial detention, particularly in complex multi-defendant OCC proceedings. These actions would rectify ambiguity in law interpretation, safeguard defendants' rights and uphold fair trial principles in the Albanian criminal justice system (related milestones: 1.ii, 1.iii and 1.iv) in line with the ECHR requirements.

2

Recommendation

Ensure effective legal representation in line with international standards and best practices.

2.1. The MoJ and the National Chamber of Advocacy (NCA) should conduct a regulatory and budgetary review combined with a cost/benefit analysis – through an inter-institutional working group – to facilitate an adequate increase in the fees of ex officio lawyers. Emphasis should be placed on remuneration for ex officio lawyers appointed to represent defendants before the SCCOC courts.

2.2. The MoJ and NCA should develop a specialized list of ex officio lawyers to represent defendants before the SCCOC courts.

2.3. The MoJ should consider whether to propose an amendment to the Law on the Profession of Advocate introducing:

a) Specific criteria to be fulfilled by ex officio defence counsels to be appointed before the SCCOC of First Instance and Appeals;

b) A specific procedure in the NCA Statute for monitoring ex officio defence counsels' work in cases of mandatory defence.

2.4.The NCA should:

a) Actively promote the existing claims procedure to defence counsels and the public through targeted awareness initiatives;

b) Ensure its transparent and effective use by monitoring procedural accessibility and responsiveness;

c) Review and update the Code of Ethics of defence counsels to ensure that adequate measures are foreseen for defence counsels who do not ensure adequate representation in court proceedings.

Implementation Stage:



Initial Commitment

Implementation Milestones:

2.i. Percentage reduction in hearings with fair trial concerns due to inadequate legal representation.
2.ii. Number of consultations between MoJ, NCA and the courts on the issue of increasing the remuneration of ex officio lawyers.
2.iii. Inter-institutional working group to prepare the relevant report on the regulatory and budgetary review, ultimately established.
2.iv. Adoption of MoJ/NCA instruction increasing remuneration for ex officio lawyers.
2.v. Adoption of legal amendments to the Law on the Profession of Advocate introducing specific criteria to be fulfilled by ex officio lawyers to be appointed before the SCCOC courts.
2.vi. Completion and dissemination of the specialized list of ex officio lawyers who will represent defendants before the SCCOC courts.
2.vii. Procedure in place.
2.viii. Number of awareness raising activities (e.g., workshops, online publications, newsletters, public notices) conducted annually.
2.ix. Availability and accessibility of the claims' procedure on official platforms (e.g., NCA website, legal practitioner portals).
2.x. Adoption of a revised Code of Ethics of defence counsels with introduction of measures for those defence counsels not ensuring adequate representation.

During the reporting period, justice sector institutions demonstrated increased awareness of structural challenges affecting the provision of ex officio legal representation in proceedings before SCCOC courts. Discussions concerning remuneration, accountability mechanisms, professional standards and specialized representation became more prominent compared with the previous reporting period. However, implementation remains at the stage of initial commitment because the legislative framework governing ex officio representation remains unchanged, no specialized list of SCCOC ex officio lawyers has yet been established, remuneration levels have not been revised and mechanisms for monitoring the quality of mandatory defence representation remain limited in practice.

Findings:

Judicial and institutional stakeholders have increasingly acknowledged the systemic weaknesses in Albania's ex officio defence system, particularly its impact on fair trial guarantees in cases before the SCCOC. Following the Project's June 2024 Public Report, actors across the judiciary have demonstrated greater openness to dialogue on reform, indicating a growing consensus on the need for structural improvements, emphasizing its detrimental effect on the right to effective legal defence and the efficiency of trial proceedings.

In this reporting period, the Project observed that defence counsels (both appointed and ex officio) failed to attend 312 monitored hearings; it also observed that the defence counsel's performance was inadequate in 40 hearings, resulting in ineffective representation. These absences were the key reason behind 65 per cent of unproductive hearings (312 out of 479), thus leading to prolonged proceedings.[10] These deficiencies not only contributed to unproductive hearings and procedural inefficiencies, but also risked undermining equality of arms and the effective exercise of defence rights protected under Article 6 of the ECHR.

Furthermore, the Project observed that 181 hearings were held with the participation of ex officio defence counsels. Among them, the performance of the ex officio lawyer was deemed inadequate in 13 hearings (7 per cent), resulting in ineffective

[10] Article 31, paragraphs (b) and (c) of the Constitution of the Republic of Albania provides that: "During a criminal proceeding everyone has the right to have the time and sufficient facilities to prepare his defence," as well as "to be defended by himself or with the assistance of a defence counsel chosen by him; [and] to communicate freely and privately with him, as well as to be assured of free defence when he does not have sufficient means".

representation. In comparison, during the previous reporting period, nearly 48.1 per cent of unproductive hearings (265 out of 552) were attributed to the absence of defence counsels. During that period, the Project observed that, a total of 239 hearings involved ex officio lawyers, and in 19 of these (8 per cent), the performance of the ex officio lawyer was deemed inadequate, therefore resulting in ineffective legal representation.

A comparison between data in the two reporting periods underscores slight progress in the performance of ex officio lawyers (related milestone: 2.i). While this is encouraging, it is still noted that deficiencies have contributed to unproductive hearings, procedural inefficiencies and most critically, compromised defendants' right to effective legal assistance as protected under Article 6 of the ECHR. Courts have occasionally referred such cases back to the NCA, but in the absence of systemic oversight or sanction mechanisms, these interventions remain ad hoc and insufficient.

In this context, judicial stakeholders informed the Project that certain judges have already submitted draft proposals to the HJC advocating for an increase in the remuneration of ex officio defence counsels, particularly in proceedings before the SCCOC courts.

This is because one central cause of these persistent issues is the inadequate remuneration structure for ex officio lawyers. Current fees – ranging from ALL 36,000 to ALL 88,000 (approx. €360 to €880)[11] – are disproportionately low relative to the complexity of OCC cases and the higher demands placed on defence in these proceedings. Compared to other Western Balkan jurisdictions, Albania's compensation scheme provides weak financial incentives, undermining both the availability and quality of defence counsel. As a result, skilled lawyers often opt out of ex officio lists, leaving a vacuum in legal expertise in serious criminal matters.

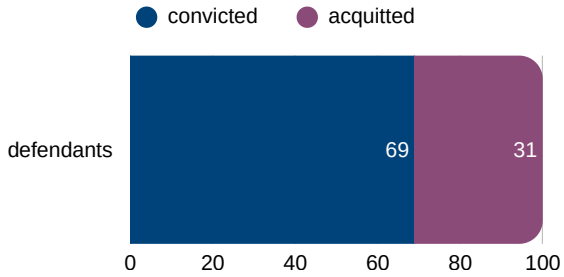


Figure 3: Final outcomes in all cases monitored, as of September 2026

In light of a 69 per cent overall conviction rate, ensuring effective legal representation is even more critical to safeguarding the fairness of proceedings. While no formal institutional steps have yet been taken to implement a regulatory or budgetary review, discussions among stakeholders

[11] The Common Order of the Minister of Justice and the Head of National Chamber of Advocacy no. 1284/3, dated 16 March 2005, "On the approval of payments and tariffs for providing legal support" envisages and determines the fees of ex officio lawyers.

suggest a growing awareness of potential reforms (related milestones: 2.ii-2.ix).

In particular, the following measures are under consideration: (i) increasing remuneration; (ii) creating a specialized list of qualified ex officio defence counsels for SCCOC proceedings; and (iii) introducing structured oversight mechanisms for mandatory defence performance. These elements are interdependent – financial incentives alone will not suffice without institutional tools to promote accountability and build capacity.

Some of these measures would require amendments to the Law on the Profession of Advocate, particularly to establish eligibility criteria for ex officio lawyers appearing before the SCCOC courts. In general terms, legislative amendments to the Law on the Profession of Advocate, alongside internal NCA regulations, will be critical to enable systematic performance monitoring, clarify disciplinary procedures and ensure timely redress of defence related complaints. Promoting awareness of existing complaint mechanisms and ensuring their accessibility, including via NCA platforms, also remains a priority.

In parallel, the NCA plans to review and update the Code of Ethics for defence counsels to ensure that appropriate measures are established for situations in which defence counsels fail to provide adequate legal representation or cause unjustified delays in court proceedings (related milestone: 2.x.).

The envisaged revisions aim to strengthen professional accountability, improve the quality and efficiency of legal representation and enhance public confidence in the administration of justice. The impact of these envisaged reforms would extend beyond ex officio representation and could contribute more broadly to improving professional accountability and courtroom discipline within the legal profession.

Overall, compared with the previous reporting period, Albania's justice institutions demonstrated greater institutional awareness of challenges affecting ex officio legal representation and increased willingness to consider reforms relating to remuneration, specialization, professional accountability and ethical standards. These developments represent important preliminary steps towards strengthening fair trial guarantees in organized crime and corruption-related proceedings. Nevertheless, implementation remains at the stage of initial commitment because proposed reforms have not yet been translated into legislative amendments, institutional mechanisms or measurable changes in practice (related milestones 2.ii–2.x).

To move beyond this stage, institutions would need to demonstrate concrete progress in establishing a specialized SCCOC roster of ex officio lawyers, revising remuneration arrangements, strengthening professional oversight mechanisms and adopting legislative amendments aimed at improving the quality, accountability and effectiveness of legal representation in mandatory defence cases.

3

Recommendation

Ensure that the HJC strengthens transparency and access to information in OCC cases by implementing the guidelines regulating the relationship of SCCOC courts with the public and media:

3.1. The HJC should ensure that accurate and timely information on OCC cases is published/updated regularly on the relevant public platforms, including the court schedule of public hearings.

3.2. The HJC should establish a mechanism to ensure that specialized courts respond to requests for information in a timely, consistent and comprehensive manner.

3.3. The HJC should ensure that SCCOC courts consistently publish shorter version of verdicts –and the full version where possible – while respecting privacy rights.

3.4. Consolidation of the appointment of one media judge per SCCOC court, i.e. one for the SCCOC of First Instance and one for the SCCOC of Appeal.

Implementation Stage:



Operationalization

Implementation Milestones:

3.i. Number of press briefings or public statements issued by the SCCOC courts on each of high-profile OCC cases.
3.ii. Percentage of scheduled OCC hearings that are publicly accessible via the official court platform.
3.iii. Dedicated track recording register to evidence the sender, content and replying time of the request for information on OCC cases.
3.iv. Percentage of monitored cases with verdicts published on website.
3.v. Number of judges per SCCOC court appointed to maintain relations with public and media.

Compared with the previous reporting period, the SCCOC courts continued to strengthen transparency and public communication practices. Both courts further developed mechanisms for the publication of information of public interest, designated officials responsible for communication with the public and media and increased the availability of information through their institutional websites.

At the same time, implementation remains at the operationalization stage because important aspects of transparency have not yet been applied consistently across the specialized jurisdiction, particularly with regard to the publication of judicial decisions and the interpretation of the applicable legal framework governing access to judicial acts.[12]

Findings:

Since the 2024 reporting period, judicial institutions have made visible progress in addressing transparency deficiencies flagged by the Project. The SCCOC courts respectively have an assigned media judge and a public and media co-ordinator (related milestone: 3.v).

The SCCOC of First Instance transitioned from an independent website to the unified judicial platform.

[12] The High Judicial Council's Standard Guidelines on the Relationship of the Courts with the Public and the Media, adopted on 6 December 2023, establish the general framework governing transparency and access to information in the courts' relations with the public and the media, including in respect of the SCCOC courts. Separately, on 17 July 2026, the SCCOC of First Instance adopted its Internal Regulation on Security, Order, Solemnity and Rules of Conduct in the Premises, which entered into force on 1 September 2026 and contains specific provisions concerning, inter alia, access by and relations with the public and the media. Certain provisions of the latter Regulation have raised concerns regarding media access and reporting. The Association of Journalists of Albania has challenged the Regulation before the Constitutional Court, and, at the time of drafting of the Public Report, the case remains pending. These developments further underscore the relevance of the recommendation that the HJC strengthen transparency and access to information in OCC cases through the effective and consistent implementation of the existing HJC Guidelines, including, where necessary, by clarifying their application to the SCCOC courts.

Both courts use their websites to provide updated information of public interest, including information on case allocation, court hearing schedules, relevant decisions from Council of the Court meetings and requests for information under the transparency programme (related milestone: 3.ii). The "Register of requests and replies" section provides a record of all information requests, including the sender and content (related milestone: 3.iii). Since the 2024 reporting period, the SCCOC of First Instance published 247 verdict announcements on its official website. From June 2024 to September 2026, the SCCOC of Appeal received 45 information requests. Announcements of proclaimed judgementss and other matters of high public interest are published on the website and distributed to the media via network communication platforms (related milestone: 3.i).

Despite these improvements, inconsistencies persist regarding the publication and anonymization of court judgements. The SCCOC of First Instance has made progress in publishing several full judgements and it has been working to publish all judgements retrospectively from 2020.

Considering the high public interest in OCC cases, judgementsare not published in an anonymized form, in accordance with of the HJC guidelines.[13] Differently, the SCCOC of Appeal has largely continued to limit the publication only to the proclamation of the verdict (related milestone: 3.iv).

After consulting a media judge and two public relations co-ordinators from both courts respectively, it emerged that there are different ways in which the two courts interpret the law and the relevant sublegal act in relation to the publication of judgements.

The SCCOC of Appeal currently interprets the applicable legal framework[14] as establishing restrictions on the publication of criminal judgements, except in cases where publication is expressly ordered by the court as part of the sentence pursuant to Article 43 of the CC. This restrictive interpretation of the right to information[15] has contributed to institutional caution and uncertainty regarding the extent to which judicial decisions may be made publicly accessible.

[13] ''Standard Guide to Court Relations with the Public and the Media'', Article 10(6).
[14] Article 103 of the Criminal Procedure Code (titled as ''Prohibition to publish a document'') and Article 43 of the Criminal Code of the Republic of Albania (titled as ''Publication of court decision'').
Article 43 of the Criminal Code reads as follows:
''The publication of the decision shall be ruled by the court sentence when it deems that the announcement of the decision content is of interest to legal and physical persons.
The publication of the court sentence consists in compelling the convict to publish the court decision, at his own expenses, in one or some newspapers or RTV stations, in its entirety or partially, according to the ruling of the court.
The court decides the publication date and duration.
The press and mass media are obliged to publish the court decision sent by the court.
The publication of court decision shall not be granted as long as it endangers the divulgence of a state secret, the violation of the privacy of people or sanctity of public moral.”
[15] Envisaged within the framework of Article 10 of the European Convention on Human Rights and Fundamental Freedoms and which has to be read in conjunction with the rights and guarantees envisaged by Article 8 of the same Convention.

At the same time, interviews conducted with judges of the SCCOC of Appeal indicate that, despite this interpretation of Article 43, a practical solution has gradually emerged through the proactive role of its media judge and the use of Article 383 of the CPC.[16] In practice, this approach enables the publication of an abbreviated or shorter version of the judgement containing the essential reasoning and elements of public interest, while avoiding the disclosure of data and sensitive information and the potential risks associated with the interpreted unauthorized publication of the full decision.

Conversely, the SCCOC of First Instance interprets the HJC's guidelines as a mandate to publish full judgements, especially in OCC cases of high public interest, without anonymization.

In the context of conducting in depth monitoring activities, the Project organized a survey related to the issue of transparency of judicial acts (judicial decisions and indictments), addressed to civil society organizations' (CSO) representatives, journalists, lawyers and law students. Survey respondents replied that publishing full judicial decisions, case progress updates and legal reasoning helps public to understand and evaluate judicial fairness. This transparency counters perceptions of corruption and reinforces the judiciary's role in serving the public interest.

There is a general consideration that decisions should be published with only sensitive personal data anonymized. Further on, disclosing the names of public officials is required by the principle public interest, excluding other identification data (i.e., ID numbers). Respondents also criticized practices where courts anonymize the names of judges, prosecutors, defendants, monetary values and property details – making responses to information requests obsolete and ineffective. Further on, excessive or inconsistent anonymization, even of non-sensitive data, may suggest institutional opacity, recalling that the High Court publishes decisions without anonymization, making anonymization at lower court levels appear inconsistent and legally questionable.

Additional recommendations proposed by the respondents of the survey include modernizing digital infrastructure by: (i) adopting automated anonymization tools; (ii) improving search tools on judicial portals; (iii) introducing search engine databases with filters by year, court, case type and keywords; (iv) including statistics on publication rates, decision reasoning and average publication time; and (v) publishing official explanations when judicial decisions are withheld or lack reasoning.

[16] Art. 383 of the Criminal Procedure Code (titled as ''Elements of the decision'').

Some of the judges of the SCOOC of Appeal interviewed by the Project emphasized that the current legislative framework remains somewhat ambiguous and may create a chilling effect on judicial transparency. In their view, Article 43 of the CC should be revised within the ongoing criminal law reform process in order to clearly regulate the publication of court decisions and eliminate any potential risk of criminal liability arising from the publication of judgementsin the absence of a specific court order.

The Project recommends that the HJC initiates structured consultations with both courts to reconcile these interpretative disparities, thereby ensuring a harmonized application of the law, which would consider the needs of transparency and right to information on the one hand, and needs to comply with privacy and personal data-related rights on the other hand. Clarifying the scope of judgementspublication obligations and their relationship to norms will be essential to ensuring compliance with transparency and data protection standards. Uniformity on this issue will reinforce public trust and ensure that judicial communication is guided by coherent, rights-respecting practices.

Compared with the previous reporting period, the SCCOC courts made tangible progress in strengthening institutional transparency, public communication and access to information.

Important developments include the consolidation of transparency structures, expansion of online information and increased efforts to publish judicial acts and information of public interest. However, implementation remains at the operationalization stage because significant differences persist regarding the publication of judicial decisions and the interpretation of the applicable legal framework. Greater institutional co-ordination and a harmonized approach to balancing transparency, privacy and data-protection considerations would further strengthen consistency and legal certainty across the specialized jurisdiction. To advance implementation further, institutions should focus on clarifying the applicable framework governing publication of judicial decisions and promoting a more consistent approach to judicial transparency across both SCCOC courts.

EFFICIENCY

4

Recommendation

Strengthen the institutional framework for identifying, prioritizing and managing high-level corruption and organized crime-related cases across the specialized jurisdiction. Towards this end:

4.1. HJC and HPC should define and distinguish high-level corruption and OCC-related cases from other cases under the jurisdiction of the SCOOC and SPAK for statistical, policy and operational purposes through the establishment of clear regulatory criteria.

4.2. Based on this categorization, SPAK and SCOOC should prioritize the investigation, prosecution, and adjudication of high-level corruption and OCC-related cases, through:

a) dedicated work plans;
b) targeted resource allocation; and
c) the development of an integrated case-management system which should facilitate the consistent and systematic application of case registration and prioritization criteria.

4.3. The Parliament should consider revising the legal framework to narrow down the subject matter jurisdiction of SPAK and SCCOC courts, including raising thresholds for corruption-related offences through the amendment of Article 75/a of the CPC in combination with the relevant provisions of the CC and excluding low-level offences as defamation and insults by public officials.

4.4 The HJC and SCCOCs should adopt detailed guidelines on trial management for high-level corruption and OCC-related cases. These guidelines should promote proactive and efficient practices, including the use of case-management hearings at the outset of trials and the scheduling of consecutive hearings, with the objective of reducing delays and improving overall case processing efficiency.

Implementation Stage:



Planning and Preparation

Implementation Milestones:

4.i. Adoption of regulatory criteria for classification and prioritization of high-level corruption and OCC-related cases by HJC and HPC for statistical, policy and operational purposes.
4.ii. Number and proportion of relevant institutions applying classification criteria in their case registration systems.
4.iii. Operational integrated case-management system(s) generating disaggregated and reliable data on high-level corruption and OCC-related cases.
4.iv. Existence of dedicated work plans and resource allocation mechanisms prioritizing high-level corruption and OCC-related cases.
4.v. Proposal of legislative amendments revising jurisdiction of SPAK and SCCOC courts submitted to the Parliament.
4.vi. Completion and adoption of legislative amendments revising jurisdiction of SPAK and SCCOC courts.
4.vii. Adoption of trial-management guidelines for high-level corruption and OCC-related cases.
4.viii. Percentage of high-level corruption and OCC-related cases with pre-scheduled and consecutive hearings.
4.ix. Percentage increase of productive hearings in high-level corruption and OCC-related cases.
4.x. Percentage of high-level corruption and OCC-related cases processed within the timeframe established by Article 399/2 of the CPC regulating the reasonable time of the proceedings.

Compared with the previous reporting period, specialized justice institutions demonstrated increased awareness of the need to distinguish, prioritize and manage OCC cases more strategically. Progress was observed through ongoing efforts to develop an ICMIS, discussions concerning case prioritization, and initiatives aimed at improving trial-management practices. However, implementation remains at the planning and preparation stage because no formal classification framework currently exists to distinguish high-level corruption and OCC-related cases from other cases falling within the jurisdiction of SPAK and the SCCOC courts, relevant legislative reforms have not been adopted and trial-management reforms have not yet been institutionalized across the specialized jurisdiction.

Findings:

Progress Towards Case Prioritization

SPAK and the SCCOC courts have established themselves as central pillars of Albania's justice system. During the reporting period, some progress was observed towards the prioritization of high-level OCC-related cases.
Judges at the SCCOC have reportedly taken initiatives to prioritize complex and high-impact cases in their trial planning. At the institutional level, the HJC confirmed ongoing work on ICMIS, which is expected to include case prioritization functions (related milestone 4.i).

The system is also expected to assign a unique tracking number to each case throughout its lifecycle, from investigation to final adjudication and enforcement, thereby improving traceability and co-ordination across institutions. In addition, the HJC has adopted standardized timelines for court proceedings, including a maximum duration of 12 months for serious criminal offences punishable by more than ten years of imprisonment.[17]

These developments demonstrate growing institutional awareness of the need to direct judicial resources towards the most serious and complex proceedings.

The deep-dive analysis provides additional confirmation of this need. Albania's monitored sample includes a high proportion of serious and high-gravity OCC-related cases, with the specialized jurisdiction demonstrating strong outcome capacity. However, the analysis also shows that maintaining and strengthening this performance requires ensuring that institutional resources remain focused on the most complex and significant cases,

supported by reliable classification criteria, integrated case-management tools and mechanisms capable of measuring not only outcomes but also the quality and sustainability of those outcomes.

Despite these positive steps, a critical gap remains. No formal, system wide criteria currently exist to distinguish high-level corruption and OCC-related cases from other matters falling within the jurisdiction of SPAK and the SCCOC courts. The absence of such criteria limits the ability of institutions to prioritize cases consistently for statistical, policy and operational purposes.

[17] Decision no. 433, dated 22.07.2025 "On the establishment of minimum standard deadlines and minimum quantitative standards for the adjudication of cases".

Need for Classification Criteria and Data Infrastructure

To address this gap, the Project recommends that the HJC and HPC establish clear regulatory criteria for the classification and prioritization of high-level corruption and OCC-related cases (related milestone 4.i).

These criteria should go beyond formal offence classifications and incorporate qualitative indicators reflecting the strategic importance and complexity of a case. Relevant factors may include the position and public profile of the defendant, the scale of illicit financial gain, the use of special investigative measures, the involvement of transnational criminal activity and the need for mutual legal assistance or international co-operation.

The effectiveness of such a framework will ultimately depend on its integration into the daily work of specialized institutions, including case registration and management systems (related milestone 4.ii). In this regard, the development of the ICMIS represents an important opportunity. Once operational, the system should be capable of generating reliable and disaggregated data on high-level corruption and OCC-related cases (related milestone 4.iii), thereby supporting evidence-informed policy-making, resource allocation and performance monitoring.

A robust classification framework, combined with an effective data infrastructure, would enable SPAK and the SCCOC courts to implement dedicated work plans and targeted resource allocation mechanisms focused on the most significant cases (related milestone 4.iv).

Over-extended Specialized Jurisdiction

The Project continues to observe that the broad subject matter jurisdiction of SPAK and the SCCOC courts may limit their ability to concentrate resources on the most serious OCC cases.

The specialized jurisdiction currently encompasses not only high-level OCC-related offences but also lower-value c orruption cases and private criminal complaints involving defamation and insult by public officials. Consultations conducted by the Project indicate that these categories of cases can consume specialized judicial and prosecutorial resources that could otherwise be devoted to more complex proceedings. This concern is illustrated by cases

involving relatively low financial values. In one example monitored by the Project, a corruption case involving a public tender valued at less than €6,000 required more than 12 months to complete first instance and appellate proceedings. Judges and prosecutors consulted by the Project confirmed that such cases may absorb disproportionate resources and contribute to delays in higher-priority matters. SPAK has repeatedly advocated for an increase in the existing monetary thresholds triggering specialized jurisdiction,[18] while judges consulted during the reporting period also expressed support for revisiting the current framework. Various options may be considered, including linking thresholds to objective economic indicators such as the minimum wage.[19] The specific approach should be determined through consultation with relevant stakeholders and supported by legal, financial and international expertise.

Against this background, the Project recommends advancing legislative reforms aimed at narrowing the subject matter jurisdiction of SPAK and the SCCOC courts through amendments to Article 75/a of the CPC and the relevant provisions of the CC[20] (related milestones 4.v and 4.vi). The overarching objective should be to ensure that specialized resources are reserved for the most serious OCC cases.

Furthermore, Albania might want to consider the exclusion of private criminal complaints concerning defamation and insult by senior public officials from the jurisdiction of specialized institutions.

[18] During the 2024 annual reporting, SPAK repeated the need to increase the actual levels of €500 as a threshold for triggering the jurisdiction of the specialized institutions in corruption and organized crime-related cases; see https://ata.gov.al/2025/04/14/spak-ne-2024-dumani-33-ish-zyrtare-te-larte-nen-hetim-10-te-denuar-me-vendim-te-formes-se-prere/. These needs were, again, expressed in 2026 by the new Head of SPAK; see https://www.reporter.al/2026/04/27/braho-ne-klp-retorika-politike-mund-te-kthehet-ne-katalizator-per-dhune/.

[20] Currently, the jurisdiction of SPAK and the SCCOC courts is determined – in the ordinary legislation – through the combined application of Article 75/a of the CPC and the relevant provisions of the Criminal Code. The aggravating circumstances introduced in 2021—particularly the ALL 50,000-threshold applicable to several corruption-related offences (e.g., Articles 244/2, 245/1(2), 258/2, and 259/2 of the Criminal Code of the Republic of Albania) — are treated by the CPC as defining criteria for establishing SPAK and SCCOC jurisdiction.

At the same time, consultations with judges and prosecutors highlighted that such reforms may raise broader legal and constitutional questions, which should be carefully assessed during the legislative process.

Trial Management and Procedural Discipline

The deep-dive analysis further confirms that efficiency and quality of justice are closely connected. The analysis identified that a successful track record depends not only on reaching final decisions but also on ensuring that proceedings are managed effectively, that judicial acts are sufficiently reasoned and that outcomes remain durable after appeal. In this context, improvements in trial management, procedural discipline and quality assurance mechanisms remain essential to consolidating Albania's progress.

The Project continued monitoring complex OCC proceedings during the reporting period and observed that delays remain a significant challenge, particularly in cases involving extensive evidence, international co-operation and financial investigations.

An important positive development is the HJC's ongoing work on hearing management guidelines, which are expected to be incorporated into the Internal Rules of the Courts (related milestone 4.vii). This initiative represents a significant step towards institutionalizing effective trial-management practices.

The Project also observed examples of good judicial practice. In some proceedings, judges proactively scheduled consecutive hearings and circulated expert reports in advance, enabling parties to prepare more effectively and reducing avoidable delays. These measures demonstrate a growing awareness among judicial stakeholders of the importance of active case management.

Nevertheless, delays caused by hearing adjournments remain substantial. Monitoring conducted by the Project indicates that a significant proportion of hearings in OCC related cases continue to be unproductive (related milestone 4.x). From June 2024 to September 2026, the Project recorded an average of 1.9 hearings per month, with an average proceeding length of 14.8 months. Out of the 835 hearings monitored during this period, 479 were unproductive (related milestone 4.x), largely due to a lack of unified, formalized procedures, with a pattern that reflects similar trends comparable to the figures presented in the 2024 Public Report. The persistence of these challenges suggests that positive practices remain largely dependent on individual judicial

initiative rather than a uniform institutional approach.[21]

Stakeholders consulted during the reporting period identified case complexity, human resource constraints and procedural challenges as contributing factors. These concerns are particularly evident in money laundering and other complex OCC-related proceedings, where cross-border financial evidence, expert testimony and mutual legal assistance requests often create additional procedural burdens.

In light of these findings, the Project recommends that the HJC and the SCCOC courts move beyond ad-hoc practices and adopt comprehensive trial-management guidelines for high-level corruption and OCC-related cases (related milestone 4.vii). These guidelines should promote the systematic use of case-management hearings at the outset of proceedings and the scheduling of consecutive hearings throughout the trial process (related milestone 4.viii). By institutionalizing proactive trial-management practices, the judiciary can improve hearing productivity (related milestone 4.ix) and strengthen its capacity to resolve complex high-level cases within reasonable timeframes established by law (related milestone 4.x).

Compared with the previous reporting period, specialized institutions demonstrated increased awareness of the need to prioritize and manage high-level corruption and organized crime cases more strategically. Positive developments include ongoing work on the ICMIS, increased attention to case prioritization, discussions concerning jurisdictional reform and efforts to develop hearing management guidelines. Nevertheless, implementation remains at the planning and preparation stage because institutions have not yet adopted a formal classification framework, generated disaggregated data on high-level corruption and OCC-related cases, implemented dedicated prioritization mechanisms, or completed the legislative and regulatory reforms necessary to support a fully operational case prioritization system. Advancing implementation will require the adoption of classification criteria, the operationalization of integrated case-management tools, the development of dedicated resource allocation mechanisms and the institutionalization of proactive trial-management practices capable of improving hearing productivity and ensuring that high-level corruption and OCC-related cases are resolved within reasonable timeframes (related milestones 4.i–4.x).

[21] The ECtHR acknowledged that national courts should adopt reasonable measures to ensure the efficient administration of justice. More specifically, Article 6(1) of the ECHR imposes on the Contracting States the duty to organize their judicial systems in such a way that their courts can meet each of its requirements (see, e.g., already in Abdoella v. the Netherlands, Grand Chamber Judgement dated 25 November 1992, par. 24; and Dobbertin v. France, Judgement dated 25 February 1993, par.44). This general principle applies even in the context of the far-reaching justice system reforms and the understandable delay that might stem therefrom (Bara and Kola v. Albania, Judgement of 12 October 2021 – final on 28 February 2022, par. 94).

5

Recommendation

Adapt the judicial mobility scheme to the operational needs of the SCCOC courts, including through clearer assignment criteria, specialized training, institutional support and performance recognition of the complexity of OCC adjudication.

5.1. The HJC should adopt a separate regulation establishing specific criteria and procedures governing the functioning of the mobility scheme for judges assigned to the SCCOC courts, including provisions on assignment priorities, professional experience, training requirements, oversight and case management responsibilities.

5.2. The HJC, with the support of the School of Magistrates (SoM) should strengthen mandatory and continuous specialized training programmes on organized crime-related charges, corruption, money laundering, financial investigation and SCCOC courts practices for judges participating in the mobility scheme or temporarily assigned to adjudicate cases before the SCCOC courts.

5.3. The HJC should revise the judicial performance evaluation framework to ensure that judges handling OCC cases under the mobility scheme receive appropriate recognition for the complexity, workload and specialized responsibilities associated with such proceedings.

Implementation Stage:



Planning and Preparation

Implementation Milestones:

5.i. SCCOC specific regulation governing the mobility scheme is adopted.
5.ii. Specialized training programmes developed for judges participating in the mobility scheme for the SCCOC courts.
5.iii. Percentage of judges in the SCCOC mobility scheme of SCCOC courts who received specific training on organized crime and corruption-related offences.
5.iv. Revised judicial performance evaluation framework incorporates criteria related to the complexity of OCC proceedings handled by judges assigned through the mobility scheme.

Compared with the previous reporting period, limited progress was observed regarding the effective deployment, preparation and oversight of judges participating in the mobility scheme before the SCCOC courts. The HJC has maintained the general regulatory framework governing temporary judicial transfer and the SCCOC courts continue to rely extensively on judges assigned through the mobility scheme to manage complex and demanding OCC proceedings.

However, implementation remains at the planning and preparation stage because the current framework does not yet provide SCCOC specific criteria, tailored safeguards or operational arrangements sufficient to support the consistent and effective use of the mobility scheme in complex specialized proceedings.

Findings:

Since the 2024 reporting period, limited progress has been observed regarding the effective deployment, support and oversight of judges participating in the mobility scheme envisaged by Articles 15[22] and 45[23] of Law 96/2016 on the Status of Judges and Prosecutors in the Republic of Albania adjudicating cases before the SCCOC courts. These judges are not permanently assigned to the SCCOC courts but serve in other courts and are temporarily assigned to the specialized jurisdiction to adjudicate proceedings at specific stages, including as preliminary hearing judges or members of first instance and appellate trial panels.

The SCCOC courts continue to rely extensively on judges assigned through the mobility scheme due to their significant workload, particularly in complex high-level corruption and organized crime related proceedings involving multiple defendants. This pressure is further intensified by the severance of proceedings pursuant to Article 93 of the CPC, which often requires the constitution of additional judicial panels while maintaining compliance with incompatibility rules.

Since 2021, the Project has ascertained the presence of judges assigned through the mobility scheme to the SCCOC courts in 27 out of 79 monitored proceedings, at first instance and appeal levels, therefore in 34 per cent of monitored cases.[24] Of the overall number of monitored proceedings, 23 of concerned organized crime related cases and four involved high-level corruption related cases.

[22] Titled “Compensation of Magistrates in a Mobility Scheme”.
[23] Titled “Magistrates in a mobility scheme”.
[24] The data do not include information from preliminary hearings. Although this stage is particularly sensitive, as it is where the prosecution’s initial charges are reviewed and refined by the court, the Project does not monitor this stage of the proceeding because it is conducted in closed, non-public session. Therefore, potentially, the number could be higher.

Across the 27 monitored trial panels (counting both first instance and appeal proceedings),[25] the composition of panels[26] formed with the presence of judges from the mobility scheme was as follows:

-Ten panels included one judge assigned through the mobility scheme;
-Five panels included two judges assigned through the mobility scheme; and
-Twelve panels were composed entirely of judges assigned through the mobility scheme (three judges).

The continued existence of vacant permanent judicial positions within the specialized courts further increased the operational importance of the mobility scheme. Although filling permanent vacancies remains both a challenge and a priority, doing so would likely reduce – rather than eliminate—the need for temporary assignments. Recusal obligations, incompatibility rules and the procedural consequences of severed proceedings are likely to continue generating demand for supplementary judicial capacity. The effective functioning of the mobility scheme therefore remains essential to the long-term operation of the SCCOC courts.

The HJC has referred to the regulations adopted in 2019 governing the temporary transfer and appointment of judges as fulfilling its responsibilities in this area.

These regulations establish general rules and procedures applicable to judges participating in the mobility scheme throughout the judiciary, including those assigned to SCCOC courts.

However, the current framework does not adequately address the specific operational needs of the specialized jurisdiction. The regulations contain only one provision specifically concerning judges assigned through the mobility scheme to the SCCOC courts. This provision largely reiterates the statutory eligibility criteria relating to seniority and professional experience, without establishing additional safeguards or requirements tailored to the adjudication of complex OCC cases.

In particular, the framework does not contain SCCOC specific provisions concerning assignment priorities, co-ordination with the judge's court of origin, specialized training requirements, performance monitoring, institutional oversight or case management responsibilities. These gaps are significant because OCC proceedings frequently involve multiple defendants, voluminous evidence, protected witnesses, extensive criminal records, sophisticated financial transactions, encrypted communications and transnational legal issues. Such cases require a high degree of judicial specialization, continuity and organizational co-ordination.

[25]Ibid.
[26]Ibid.

Ensuring that judges assigned through the mobility scheme possess the necessary expertise and institutional support to adjudicate these proceedings effectively is therefore critical to maintaining the efficiency, consistency and integrity of the specialized jurisdiction (related milestone 5.i). The Project's monitoring and interviews conducted with SCCOC judges at First Instance and Appeal confirm the practical importance of these issue. Judges participating in the mobility scheme were assigned in 27 out of 79 proceedings monitored at the SCCOC of First Instance and Appeal during the reporting period. The information gathered illustrate how the absence of tailored assignment, preparation and support arrangements could affect trial management and procedural efficiency.

As an example, in two proceedings adjudicated by judges assigned through the mobility scheme monitored by the Project during the reporting period, criminal proceedings have exceeded legal deadlines set by the law due to various procedural issues, such as the absence or unpreparedness of defence counsels and defendants, regular postponements of hearings beyond the legal deadline of 15 calendar days due to the temporary assigned judges' excessive workload and the absence of prosecutors.

In the other two cases with judges assigned through the mobility scheme monitored by the project, the court did not resort to all the mechanisms provided for by the legal framework in a coherent manner in order to enhance the effectiveness of the proceedings: i.e., a high-level organized crime-related case has been tried in an abbreviated trial that the Project started monitoring in September 2021 in the same court with the same temporary assigned judges for 51 months, only after which the SCCOC of First Instance announced the decision. This latter proceeding was held with an average of one hearing per month.

Interviews conducted by the Project with all judges serving at the SCCOC Court of Appeal and several judges serving at the SCCOC Court of First Instance revealed recurring difficulties within the specialized jurisdiction, particularly in determining the applicable legal framework and appropriate charges in complex organized crime cases involving multiple defendants. Although these issues cannot be attributed exclusively to the participation of judges appointed through the mobility scheme, the findings suggest that the current framework does not adequately equip temporary appointees with the preparation, institutional support and operational guidance necessary to adjudicate complex OCC cases effectively.

The need for a more specialized mobility framework has become particularly evident in relation to cases involving complex financial crimes, including those with money-laundering charges. The Project's monitoring indicates that such cases involve sophisticated financial schemes, extensive use of mutual legal assistance mechanisms, complex confiscation proceedings, encrypted communications and transnational evidentiary issues.

Judges interviewed by the Project consistently highlighted shortcomings in institutional capacity, including limited access to financial expertise within the judiciary and insufficient specialized training in financial crime adjudication. Moreover, interviews conducted with judges serving at the SCCOC courts of First Instance and Appeal also emphasized the importance of the preliminary hearing phase, during which judges assess the legal sufficiency of the charges and indictment and may require the prosecution to amend or supplement the request for trial. Judicial stakeholders stressed that shortcomings at this stage can have significant consequences for the remainder of the proceedings, particularly in complex OCC-related cases involving multiple charges, defendants and evidentiary issues.

These findings underscore the need for judges participating in the mobility scheme to possess a level of readiness comparable to that of permanently assigned SCCOC judges. This requires not only appropriate professional experience but also continuous specialized training, institutional support and an evaluation framework that adequately recognizes the complexity and responsibilities associated with OCC adjudication (related milestones 5.ii–5.iv).

At the same time, the need to identify highly qualified judges capable of performing at the same level of professionalism and specialization as permanently assigned SCCOC judges intersects with the broader structural challenges affecting the Albanian judiciary, including significant backlogs in general jurisdiction courts. These circumstances may further complicate the identification and availability of suitably experienced judges for temporary assignment through the mobility scheme.

Ensuring that judges participating in the mobility scheme and expected to serve before the SCCOC courts are adequately trained, properly incentivized and institutionally supported is essential to safeguarding procedural integrity, ensuring compliance with ECHR standards and strengthening the long-term credibility and effectiveness of SCCOC courts. The inclusion of criteria reflecting both the complexity of the cases adjudicated and the quality of judicial performance within the judicial evaluation framework, represents a positive step towards addressing the concerns identified under this recommendation.

Nevertheless, the establishment of continuous and specialized training programmes for judges assigned – or expected to be assigned – to the SCCOC courts remains crucial, particularly in light of the evolving complexity of organized crime, corruption and financial crime proceedings.

Compared with the previous reporting period, limited progress was observed in adapting the mobility scheme to the operational realities of the SCCOC courts. The current general framework remains important for ensuring temporary judicial capacity, but it does not yet provide the specialized safeguards, training requirements, institutional support or oversight mechanisms needed for the consistent adjudication of complex OCC proceedings. Implementation therefore remains at the planning and preparation stage. Advancing this recommendation will require SCCOC specific assignment rules, better co-ordination with the judge's court of origin, structured training, stronger oversight and an evaluation framework that reflects both case complexity and judicial performance.

6

Recommendation

Ensure the effective and dissuasive use of fines against unjustified absences[27] by defence counsels, as prescribed in Article 350(4) of the CPC.

6.1. HJC should issue Guidelines or instructions to judges on the consistent application of fines for procedural delays.

6.2. MoJ should propose to increase the minimum threshold of fines applicable to lawyers as a repressive measure through legal amendments.

6.3. The NCA should review and update the code of ethics of defence counsels to ensure adequate measures are foreseen for lawyers who do not ensure adequate representation in court proceedings.

[27] For the purpose of this Report, absences resulting from the defence counsels' protest due to SCCOC of First Instance Internal Regulation (see, supra, footnote no. 12) is not considered as falling within the definition of "unjustified absences", nor statistics would include those absences in September 2026.

Implementation Stage:



Early implementation

Implementation Milestones:

6.i. Percentage of trials monitored where fines were requested and effectively imposed for unjustified absences of defence counsels.
6.ii. Amendments to the CPC increasing the threshold of fines.
6.iii. Adoption of a revised Code of Ethics of defence counsels with introduction of measures for intended delays to the proceeding to the detriment to the interest of their client.

Compared with the previous reporting period, Albania's justice institutions demonstrated measurable progress in addressing unjustified absences by defence counsels in OCC-related proceedings. Monitoring findings indicate improvements both in the proportion of unjustified absences and in the use of sanctions by courts.

At the same time, implementation remains at the early implementation stage because unjustified absences continue to contribute significantly to hearing postponements, sanctions are not yet applied consistently and legislative and regulatory reforms aimed at strengthening deterrence have not yet been adopted.

Findings:

Tangible progress has been noted in tackling unjustified absences by defence counsels since the issuance of the first Public Report. In that Report, the absence of defence counsels was cited as the main reason for nearly 48.1 per cent of unproductive hearings (specifically 265 hearings out of 552) and singled out as a major source of procedural delays in OCC trials. In 168 hearings out of those 265 (63.4 per cent), the Project assessed the absence as not duly justified.

However, fines were applied in only 49 instances, namely in 29.1 per cent instances of unjustified absence. The fines that were applied during this period ranged from ALL 5,000 (approximately €50) to ALL 100,000 (approximately €1,000).

As mentioned, the situation has improved in this reporting period (June 2024 and September 2026).

The absence of defence counsels continues to account for a large portion of unproductive hearings (65 per cent, i.e., 312 out of 479 instances). However, in only 40 per cent those absences can be considered as unjustified. This result compares positively to the 63.5 per cent of the previous reporting period (related milestone: 6.i). The positive trend is confirmed when considering the use of fines to tackle the unjustified absences. Fines were imposed in 81 cases, accounting for 65 per cent of unjustified absence hearings. This percentage is almost double than the one for the previous period.

On the other hand, leniency seems to prevail when it comes to the severity of the fines. Article 350(4) of the CPC empowers the trial panel to impose a fine ranging from ALL 5,000 to ALL 100,000 on the defence counsel for failing to appear at the hearing without reasonable cause. Considering the statutory ranges, the Project found that the majority of the fines were closer to the minimum threshold. This approach may undermine the effectiveness of sanctions in deterring undue conduct by the defence in OCC cases. By comparison, Article 34 of the CPC imposes a minimum fine of ALL 50,000 (approximately €500) in cases where parties knowingly abuse their rights during proceedings. This disparity underscores the need to recalibrate criminal procedure sanctions to match the seriousness of their impact in OCC trials.

Judges consulted by the Project supported a proportionality-based approach, suggesting that fines should be linked to the national minimum wage – a dynamic formula that would allow penalties to retain their deterrent value over time without requiring frequent legislative changes. At the same time, Judges interviewed by the Project acknowledged that purely repressive measures are often ineffective in OCC-related cases, particularly where defence counsels represent clients with substantial financial resources, which may diminish the practical impact of monetary sanctions.

Systemic change requires both normative and operational reforms at multiple levels. The HJC should issue detailed guidelines clarifying the conditions for imposing fines and encouraging their consistent and fair use. Meanwhile, the MoJ should initiate legal amendments to increase the statutory minimum fine under Article 350(4) CPC to reflect the gravity of delaying OCC trials (related milestone: 6.ii). During the reporting period, the Albania has undergone extensive legislative reforms that are expected to affect both the CC and the CPC. The Project recommends that these broader reform efforts also include the formal submission to Parliament of amendments related to Article 350(4) CPC.

The NCA acknowledged the existence of conduct by some defence counsels that unnecessarily delays proceedings, often contrary to the interests of their own clients or to those of co-accused in the same proceeding. In this context, the NCA demonstrated commitment and engagement in the planned initiative to revise the outdated code of ethics for defence counsels. The proposed revisions should include measures addressing intentional delays to proceedings that prejudice clients' interests and, indirectly, undermine the overall efficiency of judicial proceedings.

Compared with the previous reporting period, the reporting period demonstrates measurable progress in addressing unjustified absences by defence counsels. Monitoring findings indicate both a reduction in the proportion of unjustified absences and a substantial increase in the use of sanctions by courts.

These developments suggest growing institutional awareness of the impact that defence lawyer absences may have on the efficiency of OCC proceedings.

Nevertheless, implementation remains at the early implementation stage because unjustified absences continue to account for a significant proportion of unproductive hearings, sanctions remain concentrated near the lower end of the statutory range and broader legislative and regulatory reforms have not yet been adopted. Advancing implementation will require continued efforts to strengthen judicial practice, improve professional accountability mechanisms and consider reforms aimed at enhancing the deterrent effect and consistency of the existing framework (related milestones 6.i–6.iii).

CAPACITY

7

Recommendation

Strengthen the institutional conditions for high quality legal reasoning and drafting in complex OCC cases, including through structured drafting guidance, peer-to-peer consultation mechanisms, evaluation alignment and adequate legal and professional support to effectively manage the caseload and complexity of the cases that are handled. Towards this end:

7.1. The HJC should adopt structured templates and drafting guidelines for SCCOC verdicts in order to support judges to promote greater consistency and coherence in the description of facts; assessment and corroboration of evidence; analysis of defence arguments; legal qualification of offences; reasoning on individual criminal liability; sentencing and confiscation reasoning, besides and the overall analytical structure, clarity and accessibility of judicial acts.

7.2 The HPC should co-ordinate the development of structured templates and drafting guidelines for SPAK core elements of the indictments to ensure consistency in the presentation of facts, description of defendants' individual conduct, qualification of criminal liability, linkage between evidence and charges, analysis of evidence and the overall structure of indictments.

7.3. The SPAK should establish internal review and peer-consultation mechanisms aimed at supporting prosecutors in the preparation of indictments in complex cases and strengthening consistency in the elaboration of core indictment elements, while fully preserving prosecutorial independence and autonomy in decision-making;

7.4. The HJC should revise the judicial performance evaluation indicators to better reflect the new guidelines into the evaluation process of magistrates in a way that the assessment of elements such as the quality, consistency, clarity, analytical reasoning contained in judicial acts in OCC cases will be considered in the evaluation process, while also taking into account the complexity and workload associated with proceedings before the SCCOC courts;

7.5. The HJC should implement the legal provisions on appointing legal assistants and other specialized support staff to the SCCOC of First Instance and SCCOC of Appeal in order to provide judges with adequate professional assistance in the preparation and management of complex judicial acts;

7.6. The HJC and SPAK should request the staffing increase in legal assistants and other specialized support staff at the SCCOC courts and SPAK, respectively.

Implementation Stage:



Early implementation

Implementation Milestones:

7.i. Percentage of indictments with systemic issues (such as structural and analytical shortcomings) identified through trial monitoring (from RTM case list).
7.ii. Percentage of first instance verdicts as with systemic issues (such as structural, analytical, or reasoning-related shortcomings) identified through trial monitoring (from RTM case list).
7.iii. Percentage of Appeal verdicts as with systemic issues (such as structural, analytical, or reasoning-related shortcomings) identified through trial monitoring (from RTM case list).
7.iv. Adoption of the HJC template for SCCOC court verdicts & publication and dissemination of the template via official platforms.
7.v. Adoption of the template for drafting indictments by SPAK prosecutors and publication and dissemination of the template via official platforms.
7.vi. Issuance of internal review and quality-control mechanisms for indictments established within SPAK.
7.vii. Revision of the current sub-legal governing judicial evaluation to incorporate indicators related to legal reasoning, evidentiary analysis, and analytical coherence of judicial decisions.
7.viii. Number of additional legal assistants appointed for the SCCOC of First Instance.
7.ix. Number of additional legal assistants appointed to the SCCOC of Appeal.
7.x. Number of additional legal assistants/financial investigation experts appointed to the SPAK structure.

Compared with the previous reporting period, significant progress was observed in relation to the quality and consistency of judicial and prosecutorial acts issued by the SCCOC courts and SPAK. Monitoring findings indicate a substantial decrease in the number of indictments and verdicts exhibiting serious structural and analytical shortcomings.

At the same time, implementation remains at the early implementation stage because important challenges persist regarding consistency of drafting practices, institutional quality control mechanisms, standardization of legal acts and the availability of specialized professional support staff.

Findings:

The Project's analysis of judicial and prosecutorial acts in OCC cases demonstrates substantial improvements in the quality of those acts since the 2024 Public Report. The latter underscored systemic weaknesses in both indictments and verdicts, compromising the quality, clarity and integrity of legal proceedings in complex and high-stakes cases. Although some structural and institutional challenges continue to affect the consistency, analytical coherence and overall readability of legal acts issued by the SCCOC courts and SPAK, particularly in complex multi-defendant proceedings, the Project observed a significant decline, between June 2024 and September 2026, in the number of indictments and verdicts exhibiting serious shortcomings.

During this reporting period, the Project analysed 32 verdicts; out of those, only two lacked thorough analysis and only three were structurally flawed, particularly in addressing all defence claims and responding to their legal arguments (related milestone: 7.ii, 7.iii). In particular, one verdict issued by the SCCOC of First Instance and Appeal lacked a consistent analytical structure, particularly when presenting the court's legal reasoning, as well as the arguments of the defence. In a handful cases, the decisions did not clearly demonstrate how the evidence was corroborated or how it supported specific elements of the charged offences. The failure to explicitly link findings of fact to individual defendants, especially in multi-accused proceedings, weakened the clarity and persuasiveness of judicial conclusions.

Judges at the SCCOC of Appeal acknowledged these issues during consultations, citing the absence of a standardized approach to decision structuring. They further suggested that the HJC should strengthen quality control by integrating decision structure and reasoning into the professional evaluation criteria for judges. This said, the analysis for this reporting period shows a marked decrease in the percentage of verdicts with shortcomings compared with the previous period, where certain flaws were detected in only 22 out of 49 analysed verdicts.

Similarly, the Project ascertained a marked decrease in SPAK indictments with shortcomings, particularly in multi-defendant cases. Only two out of 16 indictments analysed lacked a comprehensive structure, thus affecting the overall consistency of the documents and legal reasoning (related milestone: 7.i). However, not all indictments contained a clear description of the facts, actions or omissions of the defendants and an analysis of the supporting evidence. Namely, five indictments involving multiple defendants failed to specify the mode of liability and to clearly set out the evidence establishing each defendant's individual criminal contribution to each offence charged.

These results compare favourably with those presented in the previous 2024 Public Report, where flaws were detected in 31 out of 42 analysed indictments.

While these trends are positive, more should be done to ensure that this progress is sustained and consolidated in the long term. Templates for verdicts and indictments tailored to the requirements of the CPC could provide a comprehensive structure to facilitate the drafting work of judges and prosecutors while containing all elements required by the CPC provisions and suggesting techniques and best practices for the drafting of acts in complex cases and be tailored to address the specific legal challenges of OCC cases (related milestone: 7.iv-7.vi).
In this regard, the Project considers that improving the "quality" and "consistency" of judicial and prosecutorial acts should involve more than standardizing the formatting of legal documents. These concepts should be understood through the substantive elements that determine whether indictments and judgementsare legally sound, analytically coherent and capable of ensuring procedural fairness and legal certainty. Overall, improving "quality" and "consistency" of judicial and prosecutorial acts – such as verdicts and indictments – should include:

-The clarity, completeness and logical organization of the description of facts;
-The clear identification of the conduct, actions or omissions attributable to each defendant individually;
-The clear explanation of the mode of criminal liability and individual criminal contribution of each defendant;
-The consistency and coherence of legal reasoning throughout the act;
-The systematic assessment, corroboration and presentation of evidence;
-The explicit linkage between evidence and each material element of the offence charged;
-The treatment and assessment of defence arguments and procedural objections;
-The clarity and consistency of legal qualification of offences;
-The adequacy and persuasiveness of reasoning related to the assessment of the available evidence;
-The consistency of reasoning between the factual findings, evidentiary analysis and final legal conclusions;
-The reasoning concerning confiscation measures, financial investigations and proceeds of crime where applicable;
-The clarity and justification of sentencing reasoning;
-The use of a coherent analytical structure facilitating readability, transparency and accessibility of legal acts;
-The avoidance of contradictions, fragmented reasoning, or unexplained conclusions; and
-The overall compliance of indictments and verdicts with CPC requirements, fair trial standards and principles of legal certainty.

Considering the above, structured templates and drafting guidelines tailored specifically to OCC proceedings could significantly improve the analytical quality, coherence and consistency of judicial and prosecutorial acts, while also facilitating the work of judges and prosecutors in increasingly complex cases. Such templates should not limit judicial or prosecutorial independence, but rather provide practical guidance and promote best practices in legal drafting, evidentiary analysis and legal reasoning. In addition, internal review and peer-consultation mechanisms within SPAK could further strengthen the quality control of indictments in complex OCC proceedings while preserving prosecutorial autonomy (related milestone 7.vi).

The practice of using verdict templates is also supported by the CEPEJ Guidelines[28] because of its positive effects in improving the overall process of case management. The above also stemmed from consultations of the Project with stakeholders from the ranks of the judiciary where it was emphasized that clear and instructive templates for both indictments and court decisions which ease the work of the magistrates would help in improving efficiency and efficacity.

[28] European Commission for the Efficiency of Justice (CEPEJ), "Guidelines in the field of efficiency of justice", Section V, point A, paragraph 3, 16809f007a (coe.int).

As a positive step in this direction, during the reporting period, the HJC has approved standardized templates for the courts of general and administrative jurisdiction.[29] The Project considers that a similar tool can be adopted also for the specialized courts. In addition, the Project recommends that a group of judges and prosecutors be involved by the HJC and HPC respectively in drafting these templates in order to obtain the best possible knowledge, consequently leading to tangible results in well-structured templates. Integrating these measures into existing evaluation frameworks (e.g., HJC Decisions No. 263 and 264 of 2019) will not only improve legal drafting but also promote accountability and procedural fairness across OCC adjudication (related milestone: 7.vii).

Additionally, the Project notes that the quality and consistency of judicial and prosecutorial acts are directly linked to broader institutional capacity constraints. Despite a legal mandate in place since 2021, the SCCOC courts and SPAK continue to face significant shortages of legal assistants and specialized professional support staff. Judges consulted by the Project consistently underlined the difficulties they face in managing voluminous case files, analysing complex financial evidence, meeting procedural deadlines and drafting comprehensive legal acts without sufficient professional assistance.

The Project notes that the lack of adequate legal support staff can have a direct impact not only on the efficiency of proceedings, but also on the analytical quality and consistency of legal acts. Additional legal assistants and specialized experts, particularly those with financial expertise, can substantially assist judges and prosecutors in organizing case materials, conducting legal research, analysing evidence, structuring legal reasoning and supporting the preparation of complex judicial and prosecutorial acts. This need is especially acute in proceedings involving money laundering, financial investigations, confiscation measures and international co-operation mechanisms, where technical and evidentiary complexity places additional burdens on judicial institutions.

At the moment, SCCOC courts still function under outdated staffing structures defined by earlier legal provisions, with recruitment delays exacerbated by the requirement that legal assistants complete the SoM – a path more suited to judges and prosecutors (related milestone: 7.viii-7.ix). The lack of clear career prospects for legal assistants required to complete the SoM has, according to interviews with several stakeholders, negatively affected both the number and quality of applicants in recent years.

[29] Decision No. 434, Dated 22.07.2025 on the Approval of Standard Models of Court Decisions.

Stakeholders consulted during this assessment emphasized that introducing career development opportunities through appropriate regulatory amendments could help attract stronger candidates to specialized institutions such as SPAK and the SCCOC courts. This approach could be complemented by measures aimed at further qualifying existing staff within SPAK and the SCCOC courts, thereby strengthening overall institutional capacity.

This staffing gap comes at a time of rising demand. Specifically, the SCCOC of First Instance experienced a seven per cent rise in incoming cases compared with the previous year and the SCCOC of Appeal saw a 30 per cent increase. The above mentioned 2024 Annual Report noted that both courts now face their highest caseloads since their establishment five years ago, underscoring the urgent need to enhance human resources and efficiency.

Although positive developments have been observed through the adoption of the HJC's "National Strategy on the Reduction of the Number of Backlogged Cases in Courts 2024 – 2027"[30] which proposes increasing the number of legal assistants up to two per judge in both first instance and appellate courts,[31] the said Strategy did not appear to specifically refer to the SCCOC courts.

SPAK also publicly exhorted the same urgent need for legal assistants and other professionals within their staffing demands (related milestone: 7.x). Until adequate measures are implemented, OCC-related judicial institutions will remain structurally under-resourced, limiting their ability to meet rising case complexity and public expectations of efficiency and justice.

The Project therefore recommends a combined institutional approach focused simultaneously on improving the analytical quality and consistency of legal acts and strengthening the professional support capacity of the SCCOC courts and SPAK. Such reforms would contribute not only to greater efficiency, but also to improved legal certainty, procedural fairness, transparency and public confidence in the adjudication of complex OCC cases.

Compared with the previous reporting period, substantial progress has been achieved in improving the quality and consistency of judicial and prosecutorial acts in OCC proceedings. Monitoring findings indicate a significant reduction in indictments and verdicts exhibiting serious structural and analytical deficiencies, demonstrating increased institutional capacity and improved legal drafting practices.

[30] National Strategy on the Reduction of the Number of Backlogged Cases in Courts 2024-2027"; see: strategjia-e-uljes-së-numrit-të-çështjeve-të-prapambetura-2024-2027.pdf (accessed on 22 July 2026).
[31] The Strategy also foresees the increase of legal assistants' financial treatment as an incentive for legal professionals to choose this career path, and facilitate their recruitment procedures by providing for the same procedure as for the recruitment of other civil judicial employees in the courts.

Nevertheless, implementation remains at the early implementation stage because important challenges persist regarding standardization, quality-control mechanisms, professional support structures and staffing levels. Sustaining and consolidating recent progress will require continued efforts to strengthen drafting practices, institutional quality-assurance mechanisms, specialized professional support and human-resource capacity within SPAK and the SCCOC courts.

Such measures would contribute not only to greater efficiency, but also to enhanced legal certainty, procedural fairness, transparency and public confidence in the adjudication of complex OCC cases.

3) Conclusion

The reporting period demonstrates that Albania's response to OCC continues to progress from a phase focused primarily on institutional establishment towards one increasingly concerned with operational effectiveness. Compared with the previous reporting period, specialized institutions have shown greater engagement with reform processes and increased efforts to address challenges relating to transparency, case management, professional accountability, judicial administration and the quality of judicial and prosecutorial acts. Several reforms have moved beyond policy commitments into early implementation. Positive developments were observed in the transparency practices of the SCCOC courts, in efforts to improve case management and prioritization mechanisms and in the increased use of measures addressing procedural delays.

Most notably, the quality and consistency of indictments and judicial decisions improved during the reporting period. These developments suggest that certain reforms are increasingly influencing institutional practice rather than remaining limited to formal frameworks.

At the same time, progress remains uneven across institutions and reform areas. Monitoring findings indicate that reforms have generally advanced further in the development of strategies, guidelines and institutional initiatives than in their consistent operationalization. Persistent challenges, particularly workload pressures, shortages of specialized support staff and reliance on temporary judicial assignments continue to affect the efficiency, consistency and fairness of OCC proceedings,

alongside related concerns regarding trial management practices, effective legal representation and the management of complex multi-defendant proceedings. The principal challenge facing Albania's specialized justice institutions is therefore no longer the identification of reforms, but their effective and sustainable implementation. Strengthening institutional quality assurance mechanisms, prioritization frameworks, specialized support capacity and operational consistency will be essential to consolidating progress and ensuring that specialized institutions can focus their resources on the most complex and high-impact OCC proceedings.

The findings of the Project's deep-dive analysis drawn from the review of 54 monitored cases, 260 defendant entries and 355 binding final decisions[32] reinforce this overall assessment. The analysis confirms measurable improvements in Albania's specialized jurisdiction compared with the previous reporting period and demonstrates that institutions have developed a significant capacity to process serious OCC-related cases, providing additional evidence that Albania has moved beyond an initial institutional building phase towards a stage focused on quality, sustainability and effectiveness of justice delivery.

At the same time, the analysis confirms that continued progress should be measured through the broader capacity of institutions to deliver fair, reasoned, durable and proportionate outcomes, rather than through conviction figures alone.

Overall, the Project assesses that Albania's judicial response to OCC continued to improve during the reporting period. The extent to which this progress translates into sustainable results will depend on the ability of institutions to convert existing reform commitments into coherent and consistent operational practice, a step that is essential not only to the efficient and fair delivery of justice in OCC cases, but to consolidating public confidence in the specialized institutions responsible for delivering it.

[32] Decisions of conviction, acquittal, dismissal of charges for each criminal charge raised against each defendant.

Bosnia and Herzegovina

1) Overarching Institutional and Policy Issues

During the reporting period, BiH judicial authorities demonstrated notable improvements in certain areas of response to OCC. These include enhanced legislative and regulatory frameworks related to the evaluation of the performance of judicial officeholders (JOHs) performance, transparency, plea-bargaining and indictment-review processes, as well as the expansion of capacity-building and professional exchange initiatives and the harmonization of practice approaches. These steps reflect a gradual transition from a fragmented approach to a more structured and performance-oriented system. In other areas, such as the efficiency of OCC proceedings, sentencing policy and the confiscation of property gain acquired through the perpetration of criminal offences (herein after referred to as 'confiscation of illicit gain') the Project observed only modest progress.

While the legislative and regulatory frameworks have been strengthened by introducing mechanisms aimed at enhancing the effectiveness and efficiency of OCC case processing, the main challenges with regard to the consistent implementation in practice and the consolidation of these reforms across BiH jurisdictions still persist. The Project considers that during the reporting period, BiH achieved substantive progress in enacting legislative and regulatory frameworks, establishing a solid foundation for absorption, consolidation and effective implementation of ongoing and future reforms. The overall impact of these developments relies upon their practical application and the adequacy of available institutional resources.

Institutional and Policy Developments Affecting Reform Uptake

Judicial institutions have demonstrated their commitment to reform advancement through the adoption of important regulatory instruments, including rulebooks, instructions and internal guidelines. These measures have contributed to a more structured approach to transparency, the integration of OCC case prioritization into institutional management frameworks, a shift towards quality-based performance evaluation, the establishment of internal prosecutorial indictment review mechanisms and the strategic use of plea-bargaining agreements (PBAs).

At the same time, a number of previously identified deficiencies, as reflected in the 2024 Regional Trial

Monitoring Public Report, continue to be observed. These include challenges in the preparation and judicial review of quality-based indictments, the excessive duration of criminal proceedings, lenient and insufficiently reasoned sentencing practices and the limited use of key judicial tools such as financial investigations, confiscation of illicit gain and anti-money laundering measures.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC BiH) has consistently demonstrated an evidence-based approach in policymaking by integrating the findings from the Project's trial monitoring and other external assessments into the respective regulatory instruments. Concrete examples include the adoption of the Rulebook on Internal Organisation of Prosecutor's Offices in the FBiH and Guidelines for adopting obligatory Instructions by Chief Prosecutor governing the application of PBAs. This practice reflects strengthened alignment between empirical evidence and legislative/regulatory frameworks, and contributes to the relevance and potential effectiveness of the adopted measures in addressing some of the existing systemic challenges.

Additionally, the BiH 2024–2028 Anti-Corruption Strategy sets out a policy framework for institutional co-ordination, prevention mechanisms, and monitoring of anti-corruption efforts. Complementary to this initiative is the BiH 2024–2028 Public Procurement Strategy focused on improving transparency and oversight in one of the most corruption-prone sectors. The effective impact of these measures will depend on their consistent and impartial implementation, as well as on sustained political commitment to upholding the rule of law across all levels of government.

System-wide Conditions Shaping Implementation

Judicial authorities made a visible shift toward a more structured and performance-oriented approach to improve the management of OCC cases. The introduction of one and two-year case resolution plans, the prioritization of OCC cases within institutional work plans, the enhanced reporting and intensified oversight by the HJPC BiH and the integration of OCC-related indicators into leadership appointment and evaluation processes indicate a transition from reactive to proactive case processing. However, in court practice, short and fragmented hearings are still present, as are frequent delays in the handling of complex cases. These patterns suggest that, while efficiency has been formally embedded within the system's regulatory framework, its full realization is constrained by enduring practices, institutional capacities and procedural culture. Their practical impact at the time of reporting remains limited, as progress continues to vary across cases and compliance is not consistent.

The progress in establishing transparency standards and expanding access to judicial decisions and legal opinions through centralized databases provides a solid foundation for more coherent and harmonized judicial practice. The increased availability of jurisprudence through institutional websites and HJPC BiH-managed platforms offer legal practitioners valuable reference material to support consistent legal reasoning in OCC cases. However, uneven publication practices and limited use of available jurisprudence in decision-making constrain their practical impact. In parallel, the current anonymization framework, while serving legitimate data protection objectives, allows for broad discretionary application of what is considered as public interest information, resulting in inconsistencies in the level of details redacted and reduced informational value of published documents. Coupled with variations across courts and prosecutors' offices in publication frequency, scope, and format, this creates a fragmented transparency landscape and unfulfilled potential.

Monitoring findings indicate that efforts to strengthen the consistency of judicial practice have yet to fully translate into a uniform and systemically embedded approach across the justice sector. Divergent practices continue to be observed in key areas, including sentencing policies, evidentiary standards, indictment drafting and review, and the use of financial investigations and confiscation of illicit proceeds. Lenient, insufficiently reasoned and inconsistent sentencing practices, together with the underutilization of available judicial tools, remained evident during the reporting period. Coupled with a high percentage of acquittals, largely attributable to insufficient evidence, these factors indicate that achieving overall effective outcomes in complex OCC proceedings continues to present a challenge for judicial authorities.

Priorities for Consolidating Progress

i) Active case management control of serious OCC cases: Future efficiency improvements are likely to depend less on the introduction of additional procedural tools and more on the consistent and disciplined application of those already in place. Notwithstanding the significant structural reforms and the availability of relevant procedural instruments, proceedings continue to be lengthy and fragmented. In this context, future priority efforts may focus on strengthening judicial control over hearings, conducting more concentrated trial proceedings and ensuring further strategic use of mechanisms such as PBAs.

ii) Advancing quality assurance of indictments: The indictment-review reforms represent a critical leverage point for improving case outcomes. Prosecutors' offices should prioritize effective application of the review mechanisms as routine and documented process prior to filing of the indictment. Structured professional exchanges and, where necessary, further capacity building should complement the implementation process. Courts should apply a more rigorous approach during the indictment confirmation stage, making full use of existing procedural instruments to ensure the quality of indictments, as a prerequisite for the effective processing of complex OCC cases. Over time, the impact of this reform should be measured through a reduction in recurring deficiencies in indictments and a corresponding decline in acquittals or collapsed charges linked to evidentiary or legal weaknesses.

iii) Translating identified sentencing inconsistencies into measurable progress: A further system-level priority is to move from recognition of sentencing inconsistencies towards measurable improvements in the coherence, reasoning and proportionality of sanctions in complex OCC cases. This entails more consistent application of sentencing standards, clearer and adequate judicial reasoning and structured application of aggravating and mitigating factors. In addition, the development and practical implementation of sentencing guidelines incorporating qualitative criteria and standards may contribute to greater consistency and coherence in sentencing practices across the courts in BiH. Strengthening sentencing practice is essential to enhancing the credibility and deterrent effect of the overall OCC enforcement framework.

iv) Unified application of transparency standards across judicial institutions: Transparency is becoming more regulated but less substantively accessible, which limits its effectiveness for accountability, legal coherence and confidence in the justice system. Courts and prosecutors' offices should focus on harmonized publication of their respective acts especially in landmark cases and cases of public interest. They should enable systematic and timely publication of their decisions and reduce discretionary variations in anonymization and dissemination practices. Strengthened monitoring of transparency obligations and assessment of the accessibility and quality of published acts would support further progress. The establishment of measurable indicators, periodic reviews and institutional feedback mechanisms would also assist judicial authorities in identifying remaining gaps.

Overall, the BiH judicial system has demonstrated important regulatory and institutional progress, particularly through the efforts of the HJPC BiH and other relevant judicial bodies. The next critical phase lies in ensuring effective

reform uptake by translating newly established rules, platforms, guidelines and reporting mechanisms into consistent, sustainable and measurable practices across judicial institutions and jurisdictions.

2) Update on Key Findings and Recommendations

FAIRNESS

1

Recommendation

Improve transparency and access to information on the processing of OCC cases.

1.1. HJPC BiH should develop and adopt updated rulebooks and guidelines setting minimum transparency standards for judicial acts, court schedules, and public communication during criminal proceedings.
1.2. HJPC BiH should establish a structured mechanism to monitor and enforce the implementation of transparency guidelines across courts and prosecution offices.

Implementation Stage:



Planning and preparation

Implementation Milestones:

1.i. Increased percentage of publicly available schedules of judicial hearings and key rulings after adoption of relevant sub-legislative acts (rulebooks, guidelines, instructions).
1.ii. Number of press briefings held by judiciary representatives on OCC cases (from RTM case list) in key procedural milestones.
1.iii. Increased percentage of reporting (press releases, information summaries) on OCC cases posted on judicial institutions' websites.

1.iv. Number of drafting sessions with relevant stakeholders to prepare amendments of the existing rulebooks and to develop guidelines for transparency.
1.v. Number of updated rules and guidelines within the relevant rulebooks and guidelines on judicial transparency are adopted and published.
1.vi. Official establishment of a media advisory body with a documented mandate and schedule.

In the reporting period, the judicial authorities undertook some steps to strengthen transparency and access to information in OCC cases related to amendments of the current legal framework. This formal progress is substantively limited and uneven, and remains dependent on the adequate implementation by the courts and prosecutor's offices. Institutional initiatives such as new guidelines, editorial boards and the establishment of a working group to follow the practical implementation of the regulatory framework testify to the authorities' intention for improvement. Yet, these actions have mainly focused on establishing standards rather than ensuring their consistent implementation in practice. As a result, although progress at the level of policy development and institutional activity is evident, the establishment of a transparent, predictable and uniformly applied system of judicial information remains fragmented.

Findings:

Since the Project's first 2024 Public Report, judicial stakeholders have shown an emerging awareness for the relevance of transparency in strengthening the public's confidence in processing high-profile OCC cases. The amended guidelines and instructions, and the establishment of editorial bodies for anonymization across most judicial institutions primarily enhance the discretionary powers of JOHs, leaving public access to case-related information subject to their discretion, rather than guaranteed. This has led to a fragmented landscape, where transparency standards vary significantly across institutions. Compared with the previous reporting period, some courts and prosecutor's offices have increased public outreach through reports, press releases and press briefings. However, these efforts remain uneven. (related to milestones 1.i and 1.v.). The absence of a functional centralized mechanism to create common public relation policies and enforce uniform transparency practices highlights a significant structural gap, calling into question the effectiveness of the introduced reforms (related to milestone 1.vi.).

Legislative Developments

In 2024, the HJPC BiH adopted a new set of documents intended to balance judicial transparency with personal data protection, including the Guidelines on Publication of Judicial Acts (Guidelines)[33] and Instructions for Anonymization,[34] which entered into force in April 2024. A change introduced by the Instructions for Anonymization is a requirement for full anonymization of defendants' names and identifying details in all final verdicts. While Article 10(1) of the Instructions for Anonymization provides for a public interest exception, allowing the publication of a defendant's name and basic biographical information, a provision that grants broad discretion to the judicial institutions (courts and prosecutor's offices) to determine what qualifies as public interest.[35] In practice, this has led to inconsistent anonymization and reporting across jurisdictions. Notably, this marks a departure from the earlier, more transparent model where high-profile or public interest cases were generally published without redaction. The current approach weakens transparency and the possibility for experts and the general public to have access to accurate information from the originator of the judicial documents.

The inconsistent implementation of the public interest exception further undermines efforts for building an open and transparent justice system in BiH. The same approach was applied in the Instructions for Anonymization and Publication of Disciplinary Decisions issued by the HJPC BiH in 2024.[36]

However, in practice, institutions have interpreted the Guidelines in different ways, resulting in diverse standards implementation and publishing approaches. Also, in October 2024, the RS Ministry of Justice adopted the Rulebook on the Publication of Court Decisions,[37] which echoes the HJPC BiH Guidelines. Nevertheless, the actual harmonization of these practices requires further assessment (related to milestone 1.v)

The Guidelines require publication of hearing schedules that include the name of the first defendant.[38] However, these changes have not been implemented in practice (related to milestone 1.i.). The hearing schedule in most courts continues to be published using the case number, with no identifying information regarding the defendant.

[33] HJPC BiH, Guidelines on Publication of Judicial Acts, available at: https://portalfo1.pravosudje.ba/vstvfo-api/vijest/download/128707.
[34] HJPC BiH, Instructions for Anonymization, BiH Official Gazette no. 25/24, available at: http://www.sluzbenilist.ba/page/akt/a8GmHN4l6s0=
[35] HJPC BiH, Instructions for Anonymization, Article 10(1): "If the institution assesses that it is in the public interest, it may publish the name, surname, nickname, year and place of birth of the suspect/accused/convicted/acquitted in criminal proceedings, or the names and surnames of the parties in civil and administrative proceedings."
[36] HJPC BiH, Instructions for Anonymization and Publication of Disciplinary Decisions, BiH Official Gazette no. 61/24, available at: http://www.sluzbenilist.ba/page/akt/h4alY8BYVZc=
[37] Ministry of Justice of Republika Srpska, Rulebook on the Publication of Court Decisions, RS Official Gazette no. 96/24
[38] HJPC BiH, Guidelines on Publication of Judicial Acts, page 15.

In early 2025, the HJPC BiH strengthened its oversight of the implementation of the Guidelines by establishing a Working Group on the Analysis and Improvement of the Publication of Judicial and Prosecutorial Decisions (Working Group) responsible for monitoring their application. The Working Group examined implementation trends relating to publication practices, identification of cases of public interest, annual reporting obligations, publication of hearing schedules and anonymization standards. The Working Group reported that editorial teams had been established in 99 per cent of judicial institutions and that a series of training events and workshops had supported the implementation of the Guidelines, particularly regarding the application of the public-interest test and the balancing of privacy and transparency considerations[39] (related to Recommendations 2 and 6).

Although the Guidelines and Instructions are not legally binding and lack enforcement mechanisms, they establish a framework intended to promote responsible transparency while balancing the protection of personal data with the public interest. However, based on current observations, the practical advancement toward a coherent and uniformly applied transparency remains limited (related to milestone 1.iii.).

Transparency and Accessibility of Judicial Hearings, Key Rulings and Other Information Related to OCC

The Project monitors high-level OCC cases in a total of 16 out of 77 courts in BiH, with almost all of the monitored courts regularly updating hearing schedules in an electronic form. When it comes to publication of key rulings, the approach differs among courts. For example, some courts publish verdicts per court's departments (Cantonal Courts Sarajevo and Mostar), some publish verdicts by chapters of criminal offences as envisioned in the respective criminal codes (Federation of Bosnia and Herzegovina (FBiH) Supreme Court, Republika Srpska (RS) Supreme Court, Cantonal Court Tuzla, District Court Banja Luka), others have made different categorization like second instance verdicts for corruption-related cases per year and all criminal cases per year (Cantonal Court Zenica).

Almost half of the courts where the Project monitored cases are not making OCC-related verdicts publicly accessible. However, FBiH and RS Supreme Courts, Cantonal Court Zenica, District Court Banja Luka, and Cantonal Court Tuzla, upload full-text verdicts. Yet, these practices remain inconsistent, particularly with regard to anonymization approaches (e.g., only

[39] HJPC BiH, 2024 Annual Report, page 20, available at: https://vstv.pravosudje.ba/vstvfo-api/vijest/download/144916 and HJPC BiH, 2025 Annual Report, page 19, available at: https://vstv.pravosudje.ba/vstvfo-api/vijest/download/161656.

initials of defendants and anonymized personal data, full name of first defendant and anonymized other defendants and their personal data) and the frequency and volume of publication. The Court of BiH demonstrates an advanced level of transparency, providing access to its verdicts through a structured, multi-criteria search interface, allowing queries based on factors such as the date of the decision, keywords, area of law, court department, and specified time periods. With respect to anonymization approaches, the Court publishes verdicts containing full defendant names with anonymized personal data, as well as verdicts with anonymized defendant names and personal data (related to milestone 1.i).

Notwithstanding the limited availability of verdicts in high-profile OCC cases on the official websites of the respective courts, the HJPC BiH database of court decisions provides a user-friendly search functionality, enabling access to verdicts across a broad range of case types, including those of significant public interest and high-profile OCC cases across all jurisdictions (related to Recommendation 2).

In general, the practice of publishing other information, related to the courts' work on OCC, as well as press releases or press briefings on OCC related issues on the websites of ten courts where the Project monitors cases, is on regular base, considering their different volume of OCC related work.[40] (related to milestone 1.iii.). The remaining six courts upload information sporadically with no determined criteria.

Based on its monitoring of the transparency practices of prosecutor's offices, the Project found that, in the reporting period, prosecutors' offices differed significantly in their publication of confirmed indictments on their websites, ranging from no publicly accessible OCC indictments to an approximate maximum of up to 62 published indictments for the period June 2024 September 2026.[41] The Prosecutor's Office of BiH (BiH PO) has the highest number of posted confirmed indictments, followed by the Cantonal Prosecutor's Office of Canton Sarajevo (CPO Sarajevo) and Cantonal Prosecutor's Office of the Zenica-Doboj Canton (CPO Zenica-Doboj). The practice of publishing indictments varies across prosecutors' offices. Some publish the entire indictment, while others publish the indictment with the defendant's name disclosed but other personal data anonymized or publish completely anonymized acts. Moreover, some prosecutors' offices do not publish the indictments at all, but

[40] Court of BiH; FBiH Supreme Court; RS Supreme Court; District Court Banja Luka; Cantonal Court Zenica; Cantonal Court Sarajevo; Cantonal Court Bihać; Cantonal Court Tuzla; Municipal Court Tuzla; Municipal Court in Gračanica.
[41] The information refers to ten prosecutor's offices – BiH PO; FBiH PO; RS RPPO; PPO Banja Luka; CPO Bihać, CPO Mostar; CPO Sarajevo; CPO Tuzla; CPO Zenica, CPO Siroki Brijeg that are competent to act before the courts where the Project monitors OCC cases. The published indictments refer to KTKV, KTK, KTO, KTKO, KTOV cases.

instead post a press release or information with a summary of selected confirmed indictments (related to milestone 1.i.).

The different approaches can be linked to the differences in institutional capacity, public visibility and available communication resources. For example, the Court of BiH and the BiH PO operate under significantly higher public and media scrutiny due to the nature of their cases, which has contributed to the development of more structured and proactive communication practices. By contrast, many other courts and prosecutor's offices have limited communication capacity and lack dedicated resources, resulting in a more reactive approach focused primarily on responding to information requests rather than proactively informing the public.

In addition to its monitoring, the Project conducted research on the transparency of judicial acts, using a combined methodology of desk research and a focus group consisting of eight participants: five representatives from civil society and the media, two law professors and a representative from a law students association. The focus group consultations showed that while the vast majority of the respondents believe publishing entire judicial decisions and indictments in high-level OCC cases would enhance judicial accountability, judicial independence and integrity, more than half also support anonymization, primarily to protect personal data.

The research carried out consistently underscored the demand for more timely and complete information on judicial proceedings. At the same time, focus group participants acknowledged the legal and ethical tension between transparency and the protection of individual rights. The importance of public access and the absence of timely publication was also emphasized.

Public Outreach and Communication

The expansion of centralized transparency tools managed by the HJPC BiH was an additional step towards improving public access to judicial information, during the reporting period. Alongside the ongoing upload of court decisions and legal positions in the existing two databases on BiH jurisprudence (see Recommendation 2 below), in 2025, the HJPC BiH expanded the previous War Crimes Case Map, adding OCC cases and renaming it the Public Interest Cases Map.[42] This platform enables the public to search summaries of final judicial decisions in war crimes and

[42] The initial War Crimes Case Map was developed by the OSCE Mission to BiH in February, 2014, available at: https://bih.osce.org/bih/118901

high-level corruption cases using multiple search criteria, including court, case type, function of the perpetrator and place of commission. This platform is linked to the existing Central Database of Court Decisions and provides a visual mapping of the place where a certain OCC case is being processed in the same manner as for war crime related cases. Most courts and prosecutors' office websites include a direct link to this feature. The Map's full potential remains to be assessed. Its added value will largely depend on whether it evolves beyond a primarily visual tool into a transparent mechanism capable of generating and presenting aggregated trends and comparative insights on the processing of high-profile OCC cases across different jurisdictions (related to milestone 1.iii.; also related to Recommendation 2).

The majority of cantonal and district courts publish their annual reports on their websites, including annual information on OCC, detailing the number of cases received, completed, and in some reports, the outcomes in terms of acquittals and convictions. A few judicial institutions have held press conferences to present their work to the public as well, such as the Brčko District BiH Prosecutor's Office and the Cantonal Court Zenica (related to Implementation Milestone 1.ii.).

In its Communication Strategy 2022-2025, the HJPC BiH notes a lack of continuous and proactive communication by judicial institutions with citizens through the media, citing, for example, the absence of annual conferences for media representatives.[43] To address these shortcomings and enhance transparency, the HJPC BiH developed a Media Action Plan in 2023 to strengthen the visibility and credibility of judicial institutions by reliably providing the public with information in a systematic manner.[44] Since the publication of its 2024 Public Report, the Project's monitoring indicates a noticeable increase in the frequency of press releases issued by prosecutor's offices and courts following the rendering of verdicts, marking an improvement compared to 2023 and 2022 (related to milestone 1.ii.).

The latest 2026-2029 Communication Strategy of the HJPC BiH establishes a strategic framework for improving communication between the judiciary and the public, with the aim of strengthening transparency, public trust and understanding of the work of courts and prosecutors' offices. It defines communication objectives, target groups, communication channels, internal and crisis communication mechanisms, and provides guidance for the wider judiciary as an "umbrella

[43] HJPC BiH, Communication Strategy 2022-2025, December 2021, available at: https://vstv.pravosudje.ba/vstvfo/B/141/article/109949
[44] HJPC BiH, Media Action Plan, February 2023, available at: https://portalfo2.pravosudje.ba/vstvfo-api/vijest/download/103061

strategy" to support more consistent and proactive public communication across judicial institutions in BiH.[45] Only a limited number of courts and prosecutor's offices have developed their own institutional communication strategies, such as the Court of BiH, the BiH PO and FBiH PO. The majority of other judicial institutions, including the FBiH and RS Supreme Courts, Cantonal Courts in Sarajevo and Zenica, and the Municipal Court in Tuzla, have largely adopted or replicated the HJPC BiH's Communication Strategy (related to milestone 1.v.).

However, institutional communication with the public remains ad hoc, and still lacks adequate implementation of the existing strategic framework. In July 2024, the Association of BiH Journalists formed a so-called Media Justice Group, which counts ten members consisting of four prosecutors and judges, one representative of HJPC BiH, four journalists, and a representative of the Press and Online Media Council in BiH. The main objective of their activities is to improve communication and the exchange of information between the judiciary and the media, as well as to enhance the efficiency of the judiciary in protecting the safety of journalists. However, during this reporting period, no further information about the Group's concrete activities was recorded.[46]

Although no media advisory body per se has been established to guide or co-ordinate outreach, in July 2026, the HJPC BiH did establish a Judicial Communications and Media Network to support judicial institutions in managing complex communications, improve public and media access to clear and timely information, and provide media with judicial representatives who can explain judicial proceedings and the functioning of the justice system.[47] (related to milestone 1.vi).

Future efforts related to this recommendation should prioritize the consistent application of existing transparency standards and established strategic framework, the reduction of variations in anonymization and publication practices, and the strengthening of monitoring and enforcement mechanisms. Ensuring the systematic publication of judicial decisions, the full implementation of hearing schedule transparency requirements, and the establishment of functional and structured institutional communication mechanisms is particularly important. Also, see Strategic Frameworks and Technical Enablers for Performance-based Decision-making part below under Recommendation 4 of this Report for potential future transparency approaches.

[45] HJPC BiH, Communication Strategy 2026-2029, February 2026, available at: https://portalfo2.pravosudje.ba/vstvfo-api/vijest/download/159251.
[46] BH Novinari, Media Justice Group, August 2026, available at: https://bhnovinari.ba/bs/2024/08/30/media-justice-group-vazna-inicijativa-za-saradnju-medija-pravosudja-i-gradjana/.
[47] HJPC BiH, Press release, July 2026, available at: https://vstv.pravosudje.ba/vstvfo/E/141/article/166358.

2

Recommendation

Ensure consistent and harmonized application of the laws in OCC cases to promote legal certainty, equal treatment, and coherent judicial practice.

2.1. Establishment of a judicial body that will ensure unified application of laws in BiH.

2.2. The HJPC BiH harmonization panel should meet regularly to address and provide clarifications in case of conflicting judicial positions for the same legal issue, and provide guidelines on complex legal issues in cases, especially in OCC cases.

2.3. Supreme and appellate courts in BiH continuously update and maintain the court jurisprudence database with new judicial acts and legal opinions in OCC cases.

2.4. HJPC BiH and respective Centres for education of judges and prosecutors organize regular training (CESTs), roundtables, or exchange forums to promote consistent legal interpretation and address conflicting legal positions.

2.5. Judicial office holders increase reference to, and reliance on, the court jurisprudence database set by higher courts in their verdicts and other decisions.

Implementation Stage:



Early implementation

Implementation Milestones:

2.i. Increased number of OCC-related legal opinions entered into the database.
2.ii. Increased number of OCC verdicts aligned with guidance or legal positions from higher courts in cases monitored by the Project.
2.iii. Regulatory framework for harmonized application of laws and by-laws (guidelines, instructions, legal commentaries, principled legal opinions) or other

forms of publications (higher court bulletins, collections of principled legal opinions, electronic databases) are available for all relevant judicial institutions.
2.iv. Legislative amendments that will regulate the establishment of state-level judicial body adopted.
2.v. State judicial body is established and operational.
2.vi. Number and frequency of co-ordination meetings structurally planned and held
2.vii. Number of adopted principled legal opinions related to OCC by the harmonization panel.
2.viii. Increased percentage of the uploaded OCC rulings.
2.ix. Number of the capacity-building events held.
2.x. Increase percentage of OCC verdicts citing jurisprudence.

Notwithstanding targeted institutional interventions, progress in ensuring the consistent application of the law in OCC cases remains limited and uneven across the judiciary. While measures such as the enhancement of jurisprudence databases and the convening of the HJPC BiH harmonization panel represent important steps towards greater coherence, their impact has yet to translate into systematic and uniform judicial practice.

Findings:

The Project's findings suggest that sustainable harmonization requires both technical infrastructure and a judicial culture that embraces the integration of established legal positions into routine adjudication. For example, the 2012 Venice Commission Opinion on Legal Certainty and Independence called for the creation of a "supreme judicial body" that "[…] would guarantee the unity of its legal order and the uniformity or at least the harmonization of its judicial and prosecutorial systems. […] Its creation is considered important both from the perspective of the judicial bodies themselves for which it would provide useful guidelines on how to proceed with the interpretation and application of certain legal provisions, as well as from the perspective of BiH citizens for whom it would provide legal certainty, foreseeability, and uniformity in the interpretation and application of the law in the country."[48] Subsequently, different EU reports on BiH

[48] CoE, CDL-AD(2012)014 Opinion on Legal Certainty and the Independence of the Judiciary in Bosnia and Herzegovina adopted by the Venice Commission at its 91st Plenary Session (Venice, 15-16 June 2012), pages 14-15, available at: https://www.coe.int/en/web/venice-commission/-/cdl-ad-2012-014-e[accessed 6 July 2026].

continuously referred to the relevance of such a judicial body, considering that it is the key priority 4.e of the 14 European Commission's reform benchmarks for BiH's accession to the EU.[49]

To date, such a permanent judicial body has not been established (related to milestones 2.iv. and 2.v.). Systematic referencing to jurisprudence in BiH and/or international jurisprudence (where applicable), is infrequent and inconsistent (related to milestone 2.x.).

Structured Mechanism for Harmonized Application of Laws in OCC Cases

Striving to achieve a more harmonized application of the law and comply with the principle of legal certainty across BiH, in 2014, the HJPC BiH established the Panel for the harmonization of judicial practice (harmonization panel), as part of the EU-BiH Structured Dialogue on Justice. The HJPC BiH considers the harmonization panel as "[...]an adequate model for horizontal harmonization of judicial practice in BiH."[50] In its 2024 and 2025 Annual Reports, it emphasized the significance of continuing work of the harmonization panel, referring to the respective annual EU Progress Reports for BiH, which reiterated that "[...]as a final outcome, Bosnia and Herzegovina needs to establish a judicial body that will ensure consistent interpretation of law and harmonization of judicial practice in the entire country"[51] (related to milestones 2.vi. and 2.vii.).

In July 2025, the HJPC BiH adopted new Rules for the Panel for Harmonization of the Court Practice (Rules) that should enable more structured and systematized work of this panel. The new concept of the harmonization panel's work envisages an increased number of annual meetings, with an obligation to have at least one meeting held in criminal, civil and administrative law respectively. The topics for discussion will be agreed upon at a preparatory meeting hosted by HJPC BiH at the beginning of each calendar year. The principled legal opinions adopted at harmonization panel meetings, once verified by the highest courts, become binding legal opinions for the respective departments of those courts and serve as guiding opinions for the lower courts across BiH[52] (related to milestone 2.iii.).

[49] EC, Commission Staff Working Document Bosnia and Herzegovina, 2022 Communication on EU Enlargement policy, 12 October 2022, page 21, available at: https://enlargement.ec.europa.eu/system/files/2022-10/Bosnia%20and%20Herzegovina%20Report%202022.pdf [accessed 6 July 2026].
EC, Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union, 29 May 2019, available at: https://enlargement.ec.europa.eu/document/download/6cbf9fa7-a288-4497-9e4a-17527bcbafc5_en?filename=20190529-bosnia-and-herzegovina-opinion.pdf [accessed 6 July 2026].
[50] Panel for harmonization of court practice in BiH, Harmonized Legal Opinions, page 4, available at: https://portalfo1.pravosudje.ba/vstvfo-api/vijest/download/123299 [accessed 6 July 2026].
[51] HJPC BiH, 2024 Annual Report, page 23 and 2025 Annual Report, page 23.
[52] HJPC BiH, Rules for the Panel for Harmonization of the Court Practice, 15 July 2025, article 18: "A harmonized legal opinion of the Panel, once verified by the departments, shall become a legal opinion of the courts and serve as guidance for the lower-instance courts." Available at: https://portalfo1.pravosudje.ba/vstvfo-api/vijest/download/147932 [accessed 6 July 2026].

These new rules envisage a more structured manner of operation of the harmonization panel, introducing preparatory meetings to define the frequency of sessions and topics to be discussed. In the reporting period, the harmonization panel held 14 meetings, during which 28 different topics relevant for the judiciary were discussed. As a result, five legal opinions were harmonized (three in civil law and two in administrative law), three legislative initiatives were put forth, and topics for continuing legal education of judicial officeholders (JOHs) were determined[53] (related to milestone 2.vi.). During these meetings, the harmonization panel engaged in discussions on several OCC-relevant legal questions, including:

-Elements of crimes perpetrated by legal entities;
-Utilization of electronic evidence in criminal proceedings;
-The rights of the suspect in the context of the fair trial principle;
-Statutory limitations for enforcement of accessory sanctions;
-Money laundering; and
-Harmonization of elements of organized crime and other forms of criminal associations in criminal law in BiH.[54]

The harmonization panels also discussed important OCC-related aspects; however only one OCC-related principled legal opinion was adopted during the reporting period.[55] This specific legal opinion concerns the criminal offence of money laundering, as the harmonization panels aimed to harmonize understanding of the legal qualification and elements of money laundering between all the judicial institutions and law enforcement agencies in BiH, following the recommendation of the MONEYVAL Report for BiH[56] (related to milestone 2.vii).

Alongside the principled legal opinions, the harmonization panels submitted three legislative initiatives aimed at harmonizing criminal law in BiH. These initiatives are also relevant to OCC and include the harmonization of criminal rules on statute of limitation in all applicable criminal codes in BiH, the clearer definition of criminal association, and the introduction of a

[53] RS Supreme Court, New Rules of Procedure of the Panel for the Harmonization of Judicial Practice in BiH, 07 July 2025, available at: https://kt-travnik.pravosudje.ba/vstvfo/S/118/article/151127.
[54] The listed topics were discussed at sessions of the HJPC BiH harmonisation panel hosted by different courts, available at: https://www.sudbih.gov.ba/Post/Read/Sud%20BiH%20doma%C4%87in%20Panela%20za%20ujedna%C4%8Davanje%20sudske%20prakse
https://vsud-fbih.pravosudje.ba/vstvfo/B/70/article/148761 and
https://csd.pravosudje.ba/vstvfo/B/142/article/160431 [all accessed 10 June 2026]
[55] HJPC BiH, 2024 Annual Report, pages 72-73, and 2025 Annual Report, page 23. All legal positions were adopted for civil law proceedings, available at: https://advokat-prnjavorac.com/sudska-praksa/odgovornost-drzave-za-stetu-koju-njen-organ-prouzrokuje-trecem-licu.html[accessed 10 June 2026].
[56] HJPC BiH, Legal qualification and elements of the criminal offence money laundering, 4 March, 2026, available at: https://csd.pravosudje.ba/vstvfo/B/142/article/160431 [accessed 10 June 2026].

legal definition of digital evidence and its presentation in court. These initiatives are yet to be considered by the respective legislative bodies.[57]

Use of Existing Practical Tools for Harmonized Jurisprudence in OCC Cases

The HJPC BiH has developed two databases related to BiH jurisprudence. The first database includes judicial verdicts available to all JOHs. The second database, launched at the beginning of 2022 by the HJPC BiH, is a database of legal positions issued by second-instance courts in BiH, including on OCC-related cases. This platform is intended to support early-phase legal harmonization by enabling courts to cross-reference similar legal issues. The database contains judgements, legal opinions and judicial reasoning from the Court of BiH, FBiH Supreme Court, RS Supreme Court and the Appellate Court of Brčko District, enabling all courts and the public to search related decisions and legal stances. This database is considered as an additional tool in the identification of discrepancies in judicial practice and their further review at the meetings of the harmonization panel.[58] It is available to JOHs and to the public.

During the reporting period, around 7,090 excerpts of judicial decisions, 5,790 judicial decisions, as well as 137 legal positions were available in this database. Out of the 7,090 excerpts of the judicial decisions, 1,924 are related to criminal law. Legal positions are uploaded in the database in continuity. Also, they are distributed regularly to all courts (related to milestone 2.i.).

Additionally, the HJPC BiH has prepared thematic compilations of jurisprudence from final instance courts, alongside summaries of European Court of Human Rights (ECtHR) case law.[59] Two major publications of jurisprudence of the final-instance courts in BiH have been published since May 2024.[60] However, the HJPC BiH acknowledged that improvements are needed in the methodology for systematizing and publishing legal positions in order to make them more user-friendly.[61] In October 2025, the HJPC BiH updated its website with the quarterly overviews of jurisprudence beginning in October 2022[62] (related to milestone 2.iii).

[57] HJPC BiH, Baza sudske prakse predstavljena učesnicima Pravosudnog foruma za BiH, 22 November 2021, available at: https://vstv.pravosudje.ba/vstvfo/B/141/article/107565; the Database is available at: https://sudskapraksa.pravosudje.ba/
[58] HJPC BiH, Baza sudske prakse predstavljena učesnicima Pravosudnog foruma za BiH, 22 November 2021, available at: https://vstv.pravosudje.ba/vstvfo/B/141/article/107565; the Database is available at: https://sudskapraksa.pravosudje.ba/
[59] Vera Bjelogrlić, Šeila Brković-Imamović, Novosti iz Odjela za sudsku dokumentaciju i edukaciju VSTV BiH, Pravna hronika // Broj 18 // Godina 9, available at: https://pravnahronika.org/wp-content/uploads/PH18/ph18-08.pdf
[60] HJPC BiH, Pregled pravnih stavova sudova najviše instance u Bosni i Hercegovini, 2025, available at: https://portalfo1.pravosudje.ba/vstvfo-api/vijest/download/145764
[61] HJPC BiH, 2024 Annual Report, page 71.
[62] HJPC BiH, Stavovi sudske prakse Bosne i Hercegovine, 2 October 2025, available at: https://vstv.pravosudje.ba/vstvfo/B/141/article/120099 [accessed 8 June 2026].

Several courts, including the Cantonal Court Sarajevo, have established internal judicial practice departments, with HJPC BiH aiming to replicate this model more broadly.[63]

Despite access to extensive jurisprudential resources, judicial referencing remains limited. During the reporting period, the Project obtained 29 verdicts rendered in the monitored OCC cases (both first instance and final), including four PBA verdicts issued in still ongoing multiple-defendant cases. Out of these 29 verdicts, ten made reference to jurisprudence in BiH and/or international jurisprudence (five first-instance and five final and binding verdicts). While nine verdicts make clear reference to decisions of higher courts/ECtHR, one verdict refers to jurisprudence in general, without linking to any particular decision or adopted legal opinion. PBA verdicts do not make reference to jurisprudence[64] (related to milestones 2.ii. and 2.x.).

While institutional infrastructure has significantly improved, practical reference to legal precedent into adjudication remains fragmented and inconsistent. The absence of a State-level judicial body and the low rate of referencing final instance court positions in OCC verdicts indicate a gap between structural capacity and practice.

The data shows the need for enhanced capacity-building and awareness-raising initiatives, for example, more focused training courses on use of databases and international platforms, available to all JOHs. Sustained institutional commitment, including through capacity-building and awareness-raising initiatives to stimulate stronger buy-in by JOHs, is essential to move from formal mechanisms towards a genuinely harmonized legal environment that enhances legal certainty, fairness, and predictability in high-stakes criminal proceedings (related to milestone 2.ix.).

Future steps in enabling sustained progress toward the harmonized application of the law should demonstrate consistent use in practice of the adopted rules, legal opinions or co-ordination mechanisms. This would require continued institutional efforts to address outstanding implementation measures, including structured exchanges among relevant judicial and prosecutorial actors, a systematic dissemination of interpretative guidance and the regular review of

[63] The information on establishing courts' internal judicial practice departments is 2024, available at: https://ksud-sarajevo.pravosudje.ba/vstvfo/B/25/article/134282.

[64] While the PBA verdicts are issued upon plea agreement and may or may not follow the presentation of evidence (usually they are issued in the early stage of proceedings), the criminal procedure codes in BiH do not differentiate between the verdicts upon trial and PBA verdicts regarding content, including reasoning. In OCC cases, referencing to the caselaw on complex material law issues (such as elements of crimes, money laundering etc.) or procedural law issues (special investigative measures, SKY/ANOM evidence etc.) may be of importance for the court to decide if the crime was proven enough for the defendant to admit guilt and sign the agreement.

areas where divergent practices persist. Where necessary, institutions should also consider consultations or legislative initiatives aimed at clarifying legal provisions that increase consistent interpretation. Consistent application of legal standards across the courts would demonstrate that harmonization efforts have become embedded in practice, rather than remaining solely a formal objective.

EFFICIENCY

3

Recommendation

Increase the efficiency of processing high-level OCC cases through strategic case planning and institutional prioritization mechanisms co-ordinated by the HJPC BiH, court presidents, and chief prosecutors

3.1. The HJPC BiH should enact trial management guidelines addressing the planning of high-level OCC trials, including identifying disputed facts and legal issues, availability of witnesses/expert witnesses, and scheduling back-to-back hearings.

3.2. Strengthen internal case tracking and OCC reporting systems in courts and prosecutor's offices.

3.3. The HJPC BiH and judicial/prosecutorial leadership should integrate the prioritization of high-level OCC cases into annual and backlog reduction plans, in co-ordination with other institutions.

3.4. Relevant judicial/prosecutorial institutions in BiH together with the respective Ministries of Justice should enable legislative, institutional and financial support to all specialized departments for prosecution and adjudication of OCC.

3.5. HJPC BiH should regularly assess the performance and operational challenges of specialized OCC departments, and share findings to improve institutional functioning.

Implementation Stage:



Early implementation

Implementation Milestones:

3.i. Increased percentage of high-level OCC trials (from RTM case list) scheduled with back-to-back or weekly hearing.
3.ii. Percentage decrease in backlog of high-level OCC cases (noting the backlog is defined as open cases with confirmed indictments from 2017 onwards) in courts and prosecutor's offices.
3.iii. Decreased average time between indictment confirmation and first hearing (baseline vs post-guideline).
3.iv. Trial management guidelines adopted.
3.v. Increased number of status conferences held to plan complex OCC trials (from RTM case list)
3.vi. Higher number of high-level OCC trials with trial plans developed prior to the main hearing.
3.vii. Existing tracking/reporting templates are updated.
3.viii. Percentage of courts and prosecutor's offices using updated OCC case tracking/ reporting templates.
3.ix. Number of joint actions or co-ordination meetings with other institutions focused on OCC backlog reduction.
3.x. Incorporating OCC-specific performance targets in institutional work plans.
3.xi. Updated/amended current legislative framework to improve efficiency of OCC specialized departments.
3.xii. Increased human and financial resources as per scope and volume of work of the OCC special departments.
3.xiii. Number of conducted co-ordination meetings or data-collection rounds with OCC departments.
3.xiv. Assessment report on the functioning of OCC departments produced.

Although judicial authorities undertook sustained institutional engagement, the advancement of measures aimed at enhancing the efficiency in processing of OCC cases remains constrained by implementation deficits. While the regulatory and strategic frameworks reflect a commitment to efficiency gains, their operationalization across judicial institutions is neither systematic nor uniform. As a result, measurable improvements — particularly in the adjudication of high-level OCC cases — remain limited to a subset of courts.

While trial management frameworks have undergone revision and internal reporting mechanisms have been strengthened, the uneven application of these instruments continue to produce procedural inefficiencies and delays.

Such a disconnect between regulatory and strategic framework design and practical execution at the courtroom level constitutes a principal impediment to the timely and effective administration of justice in OCC cases.

Findings:

Compared with the findings of the 2024 Public Report, the efficient adjudication of high-level OCC cases in this reporting period is facing similar challenges, including the overall increase in the length of criminal proceedings from the confirmation of the indictment until a final and biding adjudication, the practice of conducting brief hearings, adjournment of hearings mainly related to health reasons of the defence, and exceptional scheduling of back-to-back hearings.

The improvements are visible in the normative framework and development of diverse tools (such as one- and two-year case resolution plans, requirement for OCC related objectives in the work plan for candidates for future chief prosecutors) that should enable better efficiency in processing these cases. The actual impact of their implementation is yet to be assessed.

Legislative Developments

In 2023, the HJPC BiH amended its Guidelines for Drafting Case Resolution Plans, requiring regular court plans to include OCC cases, which were to be categorized by complexity and allocated one- or two-year resolution timelines. Cases involving high-level OCC are managed within the framework of dedicated two-year case management plans[65] (related to milestone 3.ii.). Courts are responsible for compiling lists of such cases and proposing a timeline for their resolution, which are in turn reviewed quarterly by the Standing Committee established per these Guidelines. This body evaluates progress in effective processing of cases, using indicators such as procedural discipline and hearing frequency[66] (related to milestone 3.ix.).

Amendments to the Instructions on the Preparation of Case Resolution Plans specifically provide for the prioritization of cases involving organized crime, corruption, money laundering and

[65] HJPC BIH, Instruction amending Guidelines for Drafting Case Resolution Plans no.12-08-6-4290-1/2023, 20 December 2023.
[66] Ibid.

terrorist financing.[67] These interventions are intended to reduce procedural delays, improve the efficiency of case resolution and strengthen public confidence in the administration of justice and the rule of law (related to milestone 3.x.).

A further innovation was introduced through updated Work Plan criteria for candidates applying for chief prosecutor roles (related to milestone 3.ix). Candidates must now specify OCC-related goals and planned activities in their applications for leadership roles, enabling the HJPC BiH to assess managerial commitment and institutional readiness to process complex OCC cases efficiently.[68]

These developments represent a structured effort to reduce procedural delays, improve the efficiency of case resolution, embed OCC case prioritization into institutional and individual performance systems, and ultimately to strengthen public confidence in the administration of justice and the rule of law. However, their effectiveness depends on systematic and diligent implementation by all stakeholders involved in processing these cases.

Length of Procedure in OCC Cases

Despite improved frameworks and undertaken institutional measures, the efficiency in processing OCC cases remains one of the major challenges facing the BiH judiciary.

In June 2025, as part of its regular review process on dynamics of trials in complex OCC cases, the HJPC BiH expressed concern about insufficient progress in many complex cases, warning that judges may fail to meet annual quotas without consistent progress on cases with two-year resolution plans. To address this, judges are now required to prioritize these cases to meet performance benchmarks.[69]

The HJPC BiH noted that: "[...] a significant number of hearings are limited in duration, often lasting less than one hour and, in some cases, less than thirty minutes."[70] Although the HJPC BiH did not reflect on the specific root causes, it further concluded that "[...]the Council therefore recommends that judges make full use of the procedural tools for conducting the main trial by concentrating the

[67] Ibid.
[68] HJPC BiH, Work Programme Form for Chief Prosecutors, available at: https://vstv.pravosudje.ba/vstvfo/B/141/article/129803.
[69] HJPC BiH, report from the sessions held on 18 and 19 June 2025, page 6, available at: XXX
[70] Ibid, page 24.

presentation of evidence and maximizing evidentiary activity at each hearing, bearing in mind the costs and inefficiencies associated with brief and fragmented proceedings. Judges should also utilize all legally prescribed measures to maintain procedural discipline and minimize delays and postponements of hearings."[71]

The Project has the same observations from trial monitoring it conducted in the reporting period: the practice of brief hearings, as noted in the 2024 Public Report, continues. The Project observed this practice in one of the four new cases taken for monitoring at the beginning of 2026, where three hearings scheduled consecutively in a time period of four months lasted between 20 and 40 minutes (related to milestone 3.i.).

On 26 March 2026, the HJPC BiH Standing Committee for Court Efficiency and Quality conducted a regular review of the performance of judges handling complex OCC cases included in their two-year work plans for 2025. The assessment showed that out of 35 OCC cases included in the two-year plans (not including one case that was exempt from evaluation, as the defendant was unreachable), 12 were resolved, while 23 remain ongoing.[72]

At its session held on 2 and 3 June 2026, the HJPC BiH concluded that in the first quarter of 2026, important progress in the efficiency and continuity of judges' performance was made within the two-year plans for processing OCC cases. It further concluded that, overall, this points to increased efficiency in the courts' work on complex OCC cases[73] (related to milestone 3.x.).

While the Project acknowledges these positive interventions, they should be understood as early and incremental progress rather than as fully established improvements. The efficient processing of high-profile OCC cases remains a complex and evolving process, requiring sustained efforts, systematic monitoring and consistent institutional engagement by all court instances. This assessment aligns with the broader patterns observed in the handling of such cases during the reporting period.

[71] Ibid, page 24.
[72] Materials for the HJPC BiH session on 26 March 2026 are not publicly available.
HJPC BiH, Report from the session held 2 and 3 June, 2026, page 7, available at:
https://vstv.pravosudje.ba/vstvfo/B/141/kategorije-vijesti/1172/1175/1284 [accessed 5 August 2026].
[73] HJPC BiH, Report from the session held 2 and 3 June, 2026, page 7, available at:
https://vstv.pravosudje.ba/vstvfo/B/141/kategorije-vijesti/1172/1175/1284 [accessed 5 August 2026].

In its 2025 Annual Report, the HJPC BiH noted that certain deficiencies related to recording of data from main hearings, particularly concerning hearing status and actual duration, were identified in the Case Management System (CMS). To address these shortcomings, the CMS was reconfigured to ensure the consistent and accurate recording of this information, supporting the uniform application of data quality standards

and enhancement of their reliability. Improved data quality is expected to strengthen the evidentiary basis for assessing judicial efficiency and contribute to reducing the overall duration of criminal proceedings[74] (related to milestone 3.vii.).

While internal court regulations establish foreseeable case duration targets, these are typically longer than the HJPC BiH's optimal time frames, which reflect the standards for efficient completion of proceedings. Foreseeable timeframes vary by court and are influenced by factors such as caseload, judicial staffing and courts' spatial capacities. All courts are expected to set annual targets accordingly, but in practice, the Project continues to observe avoidable delays in OCC proceedings across its monitoring.

Comparing the data from 2024 Public Report and the data from the reporting period, regarding the monthly average number of hearings in the high-level OCC proceedings in the respective periods, the Project observed that the trend of hearing scheduling remains infrequent. The Project observed that back-to-back hearings are scheduled on an exceptional basis, rather than as regular practice, while the weekly schedules are more frequent in this reporting period.

However, the Project also observed that compared to data in the 2024 Public Report, the average number of hearings held on a monthly basis increased during the period from June 2024 to September 2026. Across the average of 33 active cases monitored by the Project at all stages of criminal proceedings, courts held an average of 1.65 hearings per month (Figure 4). Although this represents a welcome improvement, it remains indicative of gradual progress, underscoring the need for continued efforts to achieve more sturdy scheduling plans, including regular weekly or consecutive hearings (related to milestone 3.i.).

[74] HJPC BiH, 2025 Annual Report, page 38.

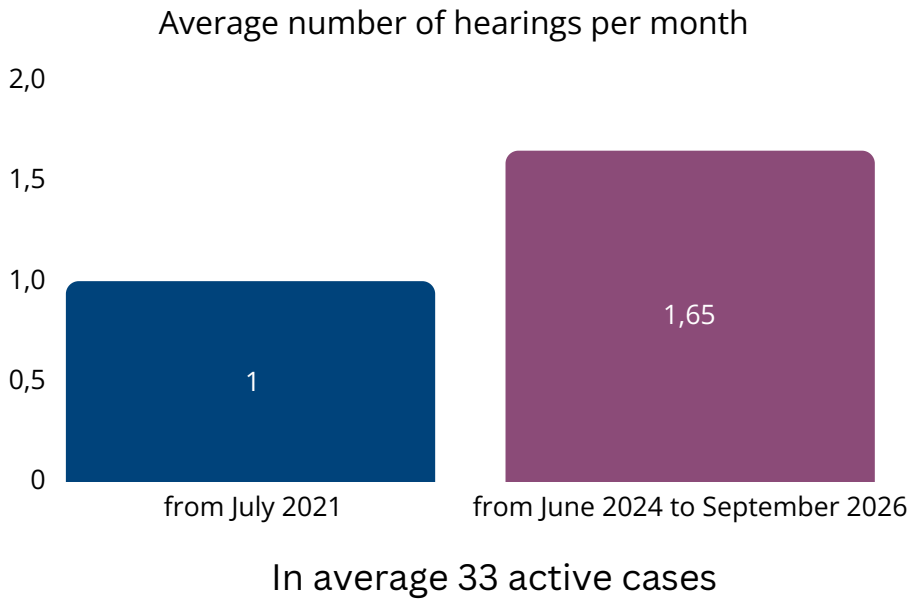


Figure 4: Compared figures of average number of hearings per month in cases monitored by the Project

With reference to the observed dynamics of productive hearings during the reporting period, the Project noted significant month-to-month fluctuations. The lowest frequency of productive hearings was recorded in June 2025 with a total of six hearings in 31 active cases. This contrasts markedly with the peak observed in October 2024, during which a total of 44 productive hearings were held in the 32 active cases being monitored in that month. These figures underscore considerable variability in procedural efficiency over time (related to milestone 3.i.).

Between June 2024 and September 2026, 20 cases were at some point in the main hearing phase. The average length of the first-instance proceedings in these 20 cases since the confirmation of the indictment is 1,464 days, or almost four years.

For a better overview of the first-instance length of the proceedings, Figure 5 presents the average length in two stages of the main trial:

a)From the confirmation of the indictment up to the beginning of the main trial (related to milestone 3.iii.);

b)From the beginning of the main trial until the first-instance verdict is rendered.

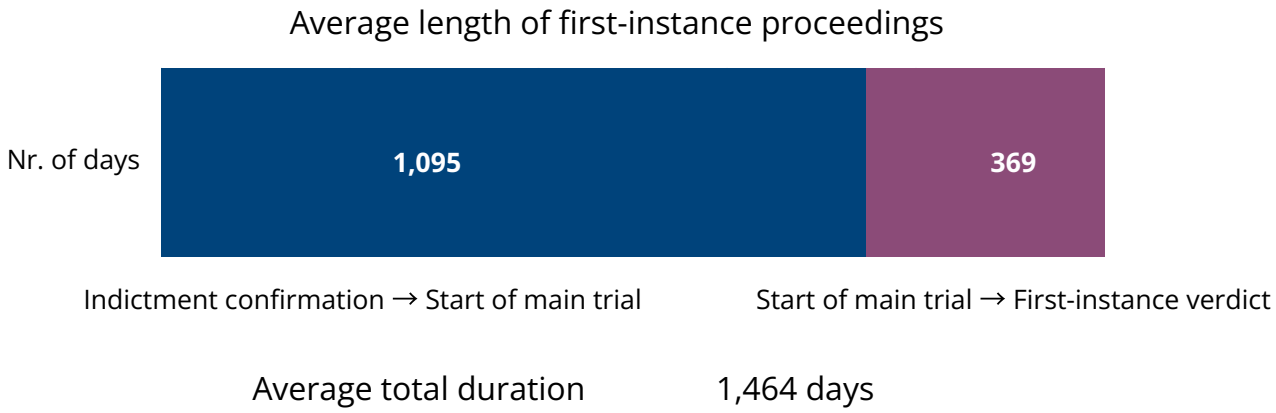


Figure 5: Average length of first-instance proceedings in 20 cases monitored by the Project from June 2024 to September 2026

Considering that the optimal timeframe for first-instance proceedings is between 140 and 342 days,[75] the data indicate that the average duration of 1,464 days per case significantly exceeds the recommended benchmarks. This represents almost ten times the upper recommended timeframe for first-instance courts and approximately four times the corresponding timeframe for the Court of BiH. Most of these cases are still ongoing, which means that the length of the proceedings will further increase.

While the causes of delay vary, including illness of defendants or counsel, overlapping defence schedules, or defendants absconding, the prevailing issue remains the insufficient application of trial-management techniques ensuring the frequency, duration or productivity of hearings.

The optimal timeframe for appellate proceedings in 2026 remains to 158 days for both, the FBiH and RS Supreme Courts. The optimal time frame for the Court of BiH remains 173 days as envisioned with the HJPC BiH regulatory framework. The latest foreseeable timeframes for the length of appellate proceedings for the FBiH Supreme

[75] HJPC BiH, Rulebook on Optimal Time Frames in Proceedings at Courts and Prosecutor's Offices in BiH, Official Gazette of BiH nos:5/13, 101/13 and 61/14, available at: https://vstv.pravosudje.ba/vstvfo/B/141/article/53437

Court is 270 days per case, for the RS Supreme Court is 537 days per case. No foreseeable timeframes are currently available for the Court of BiH.[76]
Between June 2024 and September 2026, 29 cases were at some point at the appellate stage of proceedings.[77] Out of these 29, in 22 cases excessive delays were observed. From these 22 cases, 16 are ongoing, and six cases were finally adjudicated. In two of those 16 ongoing cases, the appellate proceedings occurred twice, first following the main trial and then again following the retrial. While observations of the length of each appellate proceeding show that such proceedings were conducted within a reasonable timeframe, the total length of proceedings upon first-instance verdicts in both cases was excessive. (Figure 5)

The average duration of appellate proceedings in these 22 cases where excessive delays were observed is 1100 days per case. This average length is 6.9 times longer than the envisioned optimal time frames for length of appellate proceedings for the two Supreme Courts and 6.3 times longer for the Court of BiH. Considering that these 16 cases are ongoing, the length of appellate proceedings will only increase (Figure 6).

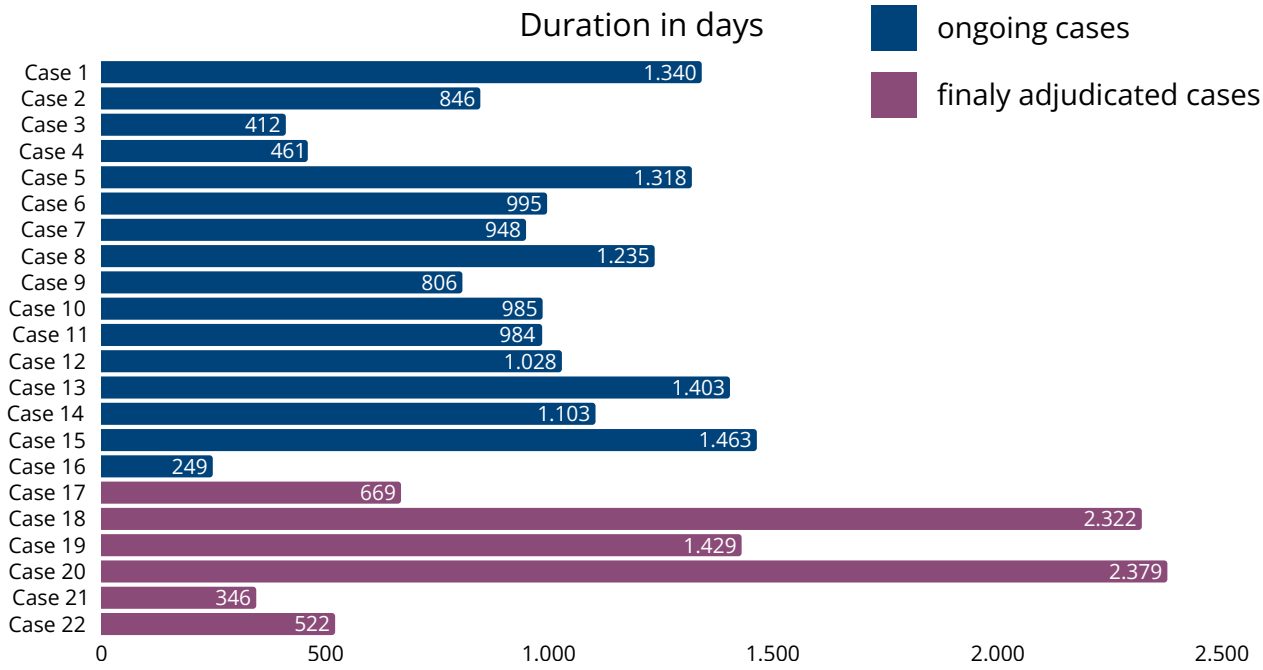


Figure 6: Excessive length of appellate proceedings in OCC cases monitored by the Project between June 2024 and September 2026

[76] All courts and prosecutor's offices in BiH should issue their annual foreseeable time frames for completing their cases. For example, the Court of BiH publishes their strategic medium-term working plans on biannual basis available at: https://sudbih.gov.ba/Content/Read/strateski-dokumenti-suda-bosne-i-hercegovine#6 and the foreseeable time frames for Court of BiH are envisioned with the Annex of the HJPC BiH Rulebook on Optimal Time Frames in Proceedings at Courts and Prosecutor's Offices in BiH, available at: https://vstv.pravosudje.ba/vstvfo/B/141/article/53437
Every year, supreme courts issue their own decisions on foreseeable time frames for completing certain types of cases: i) Supreme Court RS Decision for 2026, available at: https://portalfo1.pravosudje.ba/vstvfo-api/vijest/download/156907 and ii) Supreme Court FBIH Decision for 2026 available at: https://portalfo1.pravosudje.ba/vstvfo-api/vijest/download/157720 [accessed 30 September 2026]

[77] By September 2026, nine cases were adjudicated with final and binding verdicts.

As the optimal and foreseeable time frames are intended to ensure the efficient processing of OCC cases, particularly complex cases, the discrepancy between these standards and their practical implementation is evident.

In the reporting period, a total of nine cases were finally adjudicated through regular trial proceedings, out of which in six cases the Project observed delay in the appellate proceedings. The average duration of the appellate stage in these six finalized cases was 3.5 years.

Notwithstanding the limited sample size of nine cases finally adjudicated through a regular trial proceeding, the average duration of the overall proceedings from the confirmation of the indictment until the final verdict in these cases was 4.7 years, which reflects an increase of 1.2 years per case, compared to the 2024 Project findings, where the average duration was 3.5 years per case.

During the reporting period, those proceedings that were finalized by PBA-based verdicts against three defendants lasted on average 0.5 years, representing a decrease compared to the average length of one year presented in the 2024 Public Report.

Finally, the above findings indicate that the 2023 HJPC BiH Conclusion requiring courts to prioritize processing of OCC cases and hold weekly hearings in those cases continues to be implemented unsystematically and on an ad hoc basis.

Beyond procedural practices, institutional capacity constraints, including limited courtroom space, high caseloads, and staffing shortages, continue to hinder efficient proceedings, especially in multi-defendant OCC cases.

At the XIX Conference of Presidents of Courts in BiH, participants acknowledged these structural deficiencies.[78] Conclusions from the conference urged court leaders to adopt strategic and proactive resource allocation, referencing the positive practices of the Court of BiH and the pilot courts that undertook a staff restructuring to support OCC proceedings.[79]

In April 2026, the HJPC BiH, with the support of the OSCE Mission to BiH, hosted the Annual Conference of Chief Prosecutors in BiH[80] and the 20th Conference of Presidents of Courts in

[78] Association of Judges of FBiH, XIX Conference of Presidents of the Courts in BiH, 23 April 2025, Neum, BiH, conclusions available at: Zaključci 19. konferencije predsjednika sudova u BiH
[79] Association of Judges of FBiH, XIX Conference of Presidents of the Courts in BiH, 23 April 2025, Neum, BiH.
[80] HJPC BiH, press release https://vstv.pravosudje.ba/vstvfo/B/141/article/161740 [accessed 12 June 2026].

BiH,[81] at which participants discussed challenges in processing complex OCC cases. At both events, the Project presented its latest findings. The two conferences concluded with the adoption of a set of conclusions, which also reflected the Project's key findings. These covered concentrated hearings, procedural discipline, quality of decisions, case prioritization[82] and the strategic use of financial investigations and asset confiscation in OCC cases[83] (related to Recommendations 7 and 10).

Specialized Departments for Processing Complex OCC Cases

A significant institutional change occurred in May 2025, with the formal establishment of Special Departments for Organized Crime and Corruption (Special Departments) within the FBiH Prosecutor's Office and Supreme Court.[84] Initially, it was expected that these departments would take over between 400 and 450 OCC investigations previously managed by cantonal prosecutor's offices.[85]

However, by the end of February 2026, the Special Department of the FBiH Prosecutor's Office (POSKOK) had accumulated 1,156 cases. Out of this caseload, POSKOK resolved 192 criminal reports, completed 15 investigations and submitted seven indictments – four confirmed in 2025 and three more at the beginning of 2026. Out of those confirmed in 2025 two were considered as high-level OCC cases (one high-level corruption - KTKV and one high-level organized crime - KTKOV). By end of 2025, a total of 782 cases were transferred from the cantonal prosecutor's offices. The average number of cases assigned to each POSKOK prosecutor was between 142 and 177 cases. Although the number of cases transferred was almost twice the initially projected volume of 300–400 cases, POSKOK reported that the transfer process has not been fully completed, primarily due to its limited space capacity.[86]

According to POSKOK authorities, this almost triple increase of the initially expected case volume was due to a combination of factors, including inaccurate initial caseload assessments

[81] HJPC BiH, press release https://vstv.pravosudje.ba/vstvfo/B/141/article/161660 [accessed 12 June 2026].
[82] HJPC BiH, Conclusions from the XX Conference of of Presidents of Courts in BiH, 1 April 2026, available at: https://portalfo1.pravosudje.ba/vstvfo-api/vijest/download/160126[accessed 12 June 2026].
[83] HJPC BiH, Conclusions from the Annual Conference of Chief Prosecutors in BiH, 2 April 2026, available at: https://portalfo1.pravosudje.ba/vstvfo-api/vijest/download/160220 [accessed 12 June 2026].
[84] Law on Fighting Corruption and Organized Crime in FBiH, FBiH Official Gazette no. 59/14.
[85] Federalni USKOK ce od kantonalnih tuzilastava preuzeti oko 450 predmeta; Cabrajic: Nema selektivnog pristupa, klix.ba, 6 May 2025, available at: https://www.klix.ba/vijesti/bih/federalni-uskok-ce-od-kantonalnih-tuzilastava-preuzeti-oko-450-predmeta-cabrajic-nema-selektivnog-pristupa/250506088#google_vignette.
[86] FBiH PO, Report of the Chief Federal Prosecutor of the Federal Prosecutor's Office of the Federation BiH for 2025 on Resolving Corruption and Organized Crime Cases with Particular Focus on the High-Level Cases, February 2026, pages 19-21, available at: https://portalfo1.pravosudje.ba/vstvfo-api/vijest/download/161445

by certain cantonal prosecutors' offices and the continued inflow of new cases, after the transfer of cases. [87]

In theory, the establishment of the specialized federal departments could contribute to harmonized jurisprudence, a unified application of laws, and the creation of consistent policies for processing complex and high-level OCC cases. However, the practical impact remains to be seen, as it will depend on the readiness, professional capacities and willingness of JOHs to address these cases efficiently and effectively, as well as the political readiness to ensure the Special Departments are used to effectively prosecute and adjudicate OCC cases.

The Project further observed that a key contributing factor to the high rate of cases attributable to POSKOK lies in the broad subject-matter jurisdiction regulated under the Law on Fighting Corruption and Organized Crime in FBiH. When coupled with POSKOK's internal staffing organization and spatial constraints, this expansive mandate gives rise to a substantiated concern that this specialized body may become a bottleneck, rather than an effective mechanism for the prosecution of high-level OCC cases.

The FBiH Prosecutor's Office shares the same concern regarding the need for legislative amendments and expressed them in its Special Report on OCC for 2025,[88] as well as through multiple media addresses and discussions at conferences related to OCC[89] (related to milestones 3.xi. and 3.xii.).

During the reporting period, the Specialized Department for Combating Corruption, Organized Crime and Aggravating Types of Economic Crimes within the RS Republic Public Prosecution Office (RS RPPO SD) acted upon two cases of high-level corruption, as reported in the 2024 and 2025 Annual Reports of the RS RPPO. The reports note that this department was also working on organized crime-related criminal reports and investigations.[90]

In 2024, the RS RPPO SD handled 130 criminal reports concerning corruption offences, out of which decisions were rendered in 99 cases, while 31 criminal reports remained pending. With regard to organized crime cases, this department received nine criminal reports, out of which decisions were made for six reports. This department filed a total of 26 indictments (17

[87] Data obtained from POSKOK on 31 October 2025.
[88] Ibid note 86, pages 11, 19, 27, 32.
89 Press conference of the FBiH PO, available at: https://www.klix.ba/vijesti/bih/poskok-preopterecen-poslom-preuzeto-vise-od-1000-predmeta-na-sedam-tuzilaca/260428052
[90] RS RPPO, 2024 Annual Report, page 4, available at: https://rt-rs.pravosudje.ba/vstvfo/Sc/108/article/157747 and RS RPPO, 2025 Annual Report, page 4, available at: https://rt-rs.pravosudje.ba/vstvfo/Sc/108/article/161240 [accessed 10 June 2026].

related to corruption cases), out of which proceedings against one person were discontinued, while one indictment was withdrawn.[91]

For 2025, the RS RPPO SD also handled 130 criminal reports (118 corruption-related, 12 organized crime-related), of which 89 were resolved and 41 remained unresolved. Moreover, it filed 23 indictments, including 15 for corruption cases. In those cases, the RS courts rendered 11 verdicts convicting 15 and acquitting one defendant[92] (related to milestones 3.xi. and 3.xii.).

While the strategic framework for prioritizing OCC cases has changed and, in some places, matured, implementation continues to fall short of expectations. Although trial frequency improved during the reporting period, it generally remains low, procedural delays remain significant, and only a limited number of cases are completed each year. Recent institutional reforms, including the prioritization of OCC cases in courts' case resolution plans, closer monitoring of the implementation of the one and two-year work plans, and the integration of performance goals into prosecutorial leadership, have the potential to deliver important structural improvements and enhance the efficiency of processing complex OCC cases.

The next steps for judicial stakeholders should be to bridge the gap between institutional design and courtroom execution. Courts and prosecutors' offices should translate OCC prioritization into concrete case-level measures, including realistic hearing schedules, back-to-back hearing dates and early identification of procedural bottlenecks. The judicial authorities should further strengthen accountability through continuing assessment of measurable performance indicators and systematic monitoring of progress in delayed cases.

[91] RS RPPO, 2024 Annual Report, pages 5-9
[92] RS RPPO, 2025 Annual Report, pages 5-9.

IMPROVING PERFORMANCE

4

Recommendation

HJPC BiH, in co-operation with court presidents and chief prosecutors, should improve the monitoring, analysis, and public reporting of OCC cases to support data-driven decision-making and strengthen institutional performance.

4.1. HJPC BiH in co-operation with courts and prosecutor's offices develop unified monitoring system and reporting framework for processing OCC cases.

4.2. HJPC BiH, courts and prosecutor's offices institutionalize regular publication and use of OCC quantitative and qualitative reporting for policy decision-making (e.g., prioritization of high-level OCC cases, capacity-building, strengthening of internal capacities - human and financial, etc.).

Implementation Stage:



Planning and preparation

Implementation Milestones:

4. i. Percentage increase of courts/ prosecution offices applying the unified monitoring system and reporting framework for processing OCC cases.
4.ii. Percentage of courts and prosecutor's offices are producing OCC reports with harmonized quantitative disaggregated data and quality analysis applying the improved guidelines.
4.iii. HJPC BiH Guidelines for unified data collection/reporting are finalized and incorporated in courts and prosecutor's offices by-laws.

4.iv. TCMS (prosecutorial automated case management system) and CMS (case management system) systems in prosecutor's offices and courts include harmonized features on prioritizing actions related to processing of high-level OCC cases.
4.v. Percentage of OCC reports and analyses developed by the judicial stakeholders made publicly available.

The judiciary in BiH has taken important steps towards integrating OCC-related data into institutional planning and performance management. New digital tools, standardized reporting frameworks, and strategic planning documents increasingly reflect a commitment to data-informed oversight. Nonetheless, the use of OCC data to drive internal policy decisions, such as resource reallocation or capacity-building, remains inconsistent across institutions on different levels.

Findings:

Compared to the 2024 Public Report findings, the Project observed that judicial authorities have undertaken visible efforts to increase the uniformity in monitoring OCC processing and apply standardized reporting frameworks. The introduction of monitoring tools, such as one-year and two-year resolution plans for OCC cases and the obligation of the courts to regularly provide disaggregated data for these cases, in addition to specific reporting for the work of the FBiH special departments for processing OCC, reflect a growing institutional commitment to data-informed oversight (related to milestone 4.i. and related to Recommendation 3). However, although disaggregated data are publicly available, they are not used to improve the overall reporting on OCC cases in an effective manner (related to milestone 4.ii.).

Reporting on OCC Cases

Trial monitoring data collected by the Project continues to confirm the institutional gaps (efficient processing, resource reallocation, sentencing disparities), repeatedly highlighting inefficiencies and inconsistencies in the handling of OCC cases, including prolonged delays, weak trial management, and limited use of jurisprudence across courts. More effective internal reporting, analysis, and data use should be able to detect and address such issues. Opportunities remain for the judicial leadership to more systematically integrate monitoring outputs into institutional planning, rule-making, and training efforts (related to milestone 4.i.).

Courts and prosecutor’s offices continue to generate annual and bi-annual reports based on HJPC BiH guidelines. These reports, supported by the courts' and prosecutor’s offices'

case management systems, CMS and TCMS (prosecutorial automated case-management system), respectively, provide institutional data on selected OCC-relevant categories, such as confiscation of illicit gain and temporary measures (related to milestone 4.iv.). However, institutional decision-making is still constrained by limited access to more nuanced data that would inform OCC trends, such as:

-Investigative phase durations;
-Trends in types of offences and sanctions;
-Procedural outcomes across jurisdictions; and
-Patterns of delay or inefficiency.

These indicators are not systematically analysed or leveraged to inform planning, backlog reduction, or targeted interventions. While available in raw form within systems, the use of data for internal diagnostics and strategic management remains uneven (related to milestone 4.v.).

In addition, positive steps have been taken to strengthen the monitoring and reporting framework for asset-related actions. These include improvements in data collection within the prosecutorial case management system, incorporation of financial investigations as a distinct performance category and the adoption of revised HJPC BiH instructions requiring the collection of disaggregated confiscation data and enhanced internal co-ordination mechanisms. Despite these efforts, a measurable increase in strategic actions of confiscation of illicit gain remains limited. While most prosecutors' offices have implemented these requirements and regularly submitted reports, ongoing challenges related to data quality, reporting consistency, systemic assessment and timely access to financial information, the use of this information for performance improvement and data-based policymaking also remains limited (related to Recommendation 10).

Strategic Frameworks and Technical Enablers for Performance-based Decision-making

In June 2024, the Council of Ministers of BiH adopted the Strategy for Fighting Corruption 2024-2028 and its Action Plan. The Strategy highlights the need for policymaking based on quantitative and qualitative reporting and analysis. In this respect, the Action Plan provides a set of actions, including: a) improved reporting on investigations and trials in corruption cases; b) analysing judicial decisions in corruption cases; and c) targeted analysis of results of institutions in the fight against high corruption. The indicators include the number of investigations, indictments, verdicts, and public availability of reports.[93]

[93] Agency for Prevention of Corruption and Co-ordination of the Fight against Corruption, 2024-2028 Strategy for Fight against Corruption and Action plan, March 2024, available at: https://apik.ba/zakoni-i-drugi-akti/strategije/default.aspx?id=3232&langTag=bs-BA

While the Action Plan aligns directly with the Project's Main Recommendation 4, linkages between data collection, strategic planning, and leadership accountability remain insufficient. In many institutions, OCC data is compiled for compliance rather than performance improvement (related to milestone 4.ii.).

In order to address this issue, the HJPC BiH launched a new online platform in June 2025 that provides insight into the work of courts in BiH.[94] The platform is created as part of the new mechanism for tracking implementation of the Reform Agenda of the HJPC BiH for the period 2024-2026,[95] as well contributions of the donors, adopted by HJPC BiH in April 2025.[96] The platform contains data on the work of all courts in BiH for the last four years and is to be regularly updated with new data.

The platform tracks eight key indicators used to monitor the work of courts, including time required to resolve cases, ratio of resolved to unresolved cases, percentage implementation of the court's case resolution plan, collective case quota of the court, cost of cases, and number of judicial office holders. The platform enables cases to be filtered by different criteria, such as years, phase of the procedure, and type of case (criminal, litigation, corporate, administrative). This represents an important improvement with the potential to produce comparative data that can be used for future analyses and policymaking. However, the platform does not enable filtering by OCC case type, limiting its utility for targeted performance tracking.

Nonetheless, while foundational tools for OCC case monitoring have been established, their role in institutional performance management is not fully realized. Data exists but is not consistently transformed into strategic insight. Along these lines, the EU 2025 Progress Report on BiH recommends that: "[…] The HJPC needs to step up its oversight and management of the performance of the judicial system, including on case reallocations, on the basis of reliable statistical data. With this aim in mind, HJPC members, court presidents and chief prosecutors should receive tailored training with a component on data analysis."[97]

While the current reporting focus is rightly on internal data systems and planning processes, greater public availability of OCC specific data could play an important supporting role in

[94] HJPC BiH, platform for the work of courts, June 2025, available at: https://public.tableau.com/app/profile/hjpc/viz/DashboardsHJPCBH_17473883136560/1-OverallEfficiencyindicator
[95] HJPC BiH, Reform Agenda of the HJPC BiH for the period 2024-2026 available at: https://vstv.pravosudje.ba/vstvfo/B/141/article/135499
[96] HJPC BiH, New Monitoring Mechanism to Enhance Co-ordination of Justice Reform and Donor Support, 15 April 2025, available at: https://vstv.pravosudje.ba/vstvfo/E/141/article/147820
[97] EC, Commission Staff Working Document, Bosnia and Herzegovina 2025 Report, 2025 Communication on EU enlargement policy, 4 November 2025, page 31, available at: https://enlargement.ec.europa.eu/document/download/5d8fc547-f8f8-456f-84e3-b38998acfafd_en?filename=bosnia-and-herzegovina-report-2025.pdf [accessed 6 July 2026].

improving performance of judicial institutions. Open reporting on trial durations, backlogs, procedural outcomes, and sanction patterns in high-level OCC cases would allow policymakers, oversight bodies, and the public to identify structural hindrances and capacity gaps. In this context, transparency is not an end in itself, but an operational performance mechanism for accountability and better decision-making (related to milestone 4.ii.). When these performance mechanisms are in place, public reporting helps set case priorities, allocate workloads, build capacity and address identified issues.

Looking ahead, institutions would need to demonstrate that the regular collection of data is systematically used to inform management decisions and drive organizational improvement. This would require continued progress in the development of reliable monitoring frameworks, the production of timely and comprehensive reports and the establishment of mechanisms to ensure that identified challenges, trends and performance gaps are regularly reviewed and acted upon by decision makers. Embedding OCC performance indicators across platforms, and ensuring that they inform planning, resource allocation, staffing, capacity-building and policy-setting is essential to achieving the goals of this recommendation. Ultimately, a system in which monitoring data is both publicly disclosed and actively used for internal management is more likely to produce measurable improvements in efficiency, consistency and quality of case processing.

5

Recommendation

HJPC BiH should strengthen the effectiveness of judicial and prosecutorial performance evaluation by embedding clear, measurable standards that reflect the complexity of OCC cases and ensure adequate institutional capacity to process them.

5.1. HJPC BiH should amend performance evaluation regulations and quota-setting frameworks to reflect the time and effort required to process high-level OCC cases

5.2. HJPC BiH should assess the effect of the changes to the quantitative and qualitative aspects of performance evaluations through continued monitoring and analysis.

5.3. Relevant judicial institutions should organize training and knowledge-sharing for performance evaluators and ensure uniform application of revised evaluation standards.

Implementation Stage:



Implemented

Implementation Milestones:

5.i. Existence of amended performance evaluation by-laws that reference OCC cases.
5.ii Existence of institutional public documents (e.g., annual reports, public guidelines) that mention OCC-related workload or evaluation standards.
5.iii. Amendments to performance evaluation by-laws and quotas instruction adopted and implemented.
5.iv. HJPC BiH develops comparative assessment reports, reflecting the volume of OCC cases in different courts and prosecutor's offices, human and material capacities for their processing and the effect of the introduced amendments.
5.v. Evaluator training courses delivered

The judicial authorities have taken action and modified the performance evaluation systems through the introduction of revised criteria and a shift toward more qualitative assessment approaches. The new system has been implemented as of the beginning of 2025. Since then, the work performance of almost all judges and prosecutors has been evaluated through the new process. Main Recommendation 5 is considered to be implemented at the structural level, as the quality- and quantity-based performance evaluation system is in place. Nevertheless, the effectiveness of this evaluation system in capturing the specific demands of high-level OCC cases will depend on its consistent and adequate application in practice.

The Project will continue to follow developments related to potential quota adjustments for OCC cases and observe the effect of the modified performance evaluation in the future professional development of JOHs.

Findings:

The shift of the performance evaluation reflects an evolving understanding of JOHs' performance as not merely quantitative, but also requiring attention to the complexity, procedural quality, and integrity of judicial work (related to milestones 5.i. and 5.ii.).

Legislative Developments

The HJPC BiH is responsible for establishing the criteria and procedures for evaluating the performance of judges and prosecutors. Performance evaluations are conducted annually in accordance with these criteria, while evaluation results from the previous three years constitute a mandatory component in assessing the candidates' professional competence during appointment procedures. The HJPC BiH oversees the implementation of evaluation criteria, adopts relevant guidance and interpretative instructions, verifies annual performance ratings and analyses the evaluation process to identify trends and areas for improvement.[98]

The 2024 Rulebook on Orientational Quota for the Work for Judges and Legal Associates in Courts of BiH,[99] and the 2022 Rulebook on Orientational Quota for the Work of Prosecutors in the Prosecutor's Offices in BiH,[100] define expected annual workloads, including quotas for OCC (related to milestone 5.iii.). The Independent Report on Strengthening the Regulatory Role of the HJPC BiH in Efficient and Quality Processing of OCC Cases found that, in the Rulebook referring to prosecutors, the work on OCC cases receives a higher evaluation than the work on the majority of other types of cases. The same report noted that the Rulebook referring to judges provides a higher evaluation only for cases in organized crime and war crimes but not in corruption-related cases. This report concluded that existing orientation based quotas require refinement to reflect the actual burden and professional effort required for OCC adjudication.[101]

In December 2024, the HJPC BiH adopted new criteria for performance evaluation of the JOHs. An innovation in these criteria is the introduction of analysis of qualitative aspects of the work of judges and prosecutors. This complements the previous focus on quantitative results, aiming to provide a more comprehensive and quality-based evaluation of professional abilities.[102]

The quality of a judge's work and decisions is analytically evaluated by court presidents using a standardized form based on the court's jurisdiction and case type, considering factors such as consistency and clarity of court decisions, the quality of legal reasoning and evidence assessment, and

[98] Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, BiH Official Gazette, no. 25/04, 93/05, 48/07, 15/08, 63/23, 9/24 and 50/24, integral text available at: https://vstv.pravosudje.ba/vstvfo/B/141/article/8236 [accessed 10 June 2026].
[99] HJPC BiH, Rules on Orientation Measures for the Work of Judges and Expert Associates in Courts of BiH, BiH Official Gazette no.5/2024, available at: http://www.sllist.ba/page/akt/4NCSB4NQAmA=.
[100] HJPC BiH, Rules on Orientation Measures for the Work of Prosecutors in Prosecutors' offices in BiH, BiH Official Gazette no.6/2022, available at: http://sluzbenilist.ba/page/akt/qIzEUA4uzxw=.
[101] Lucid Linx, Independent Report on Strengthening the Regulatory Role of the HJPC BiH in Efficient and Quality Processing of OCC cases, June 2023, page 19, available at: https://portalfo1.pravosudje.ba/vstvfo-api/vijest/download/121341.
[102] HJPC BiH, Criteria for Evaluating the Performance of Judicial Office Holders in Courts and Prosecutor's Offices in Bosnia and Herzegovina, BiH Official Gazette no.90/24, available at: https://vstv.pravosudje.ba/vstvfo/B/141/article/65442.

procedural conduct. Evaluation sources include reports and opinions from court department presidents and final instance courts based on their monitoring, statistical data on case durations and hearings, and, where applicable, information from multiple courts if a judge served in more than one during the evaluation period.[103]

Similar provisions are included in the new criteria for prosecutors. When conducting the analytical evaluation of a prosecutor's performance, the chief prosecutor will consider the following aspects: ability to determine the key elements for enacting a prosecutorial decision; ability to prosecute complex cases; time frame for decision-making and respect of the legally prescribed deadlines; ability to organize and efficiently conduct investigations; professional level of the prosecutorial decision-making, legal knowledge and usage of legal remedies.[104]

Alongside the new evaluation criteria, the HJPC BiH also introduced a rulebook governing the evaluation process, including procedures for submitting objections and verifying performance assessments in accordance to the 2024 amendments to the Law on HJPC of BiH.[105]

In 2025, the HJPC BiH continued to strengthen the regulatory framework to ensure consistent implementation of the new criteria. In April 2025, the HJPC BiH adopted Instructions for the application of criteria for evaluating the performance of JOHs in courts and prosecutor's offices in BiH, enabling an appropriate, indicator-based analysis of work performance. In July 2025, the HJPC BiH adopted the Guidelines on algorithm for random selection of cases for analytical evaluation of JOH performance[106] (related to milestone 5.i.).

Implementation of the New Quality-Based Evaluation of JOHs

The evaluation of JOH performance for 2024 was conducted during the first two months of 2025 in accordance with the criteria existing before the introduction of the new quality-based performance assessment.[107] A total of 1,338 judges and prosecutors were evaluated, while no performance rating was assigned to 146 office holders due to retirement, resignation, or insufficient tenure in office.

[103] HJPC BiH, Criteria for Evaluating the Performance of Judges in Bosnia and Herzegovina, Article 20, adopted 18 December 2024, BiH Official Gazette, no.90/24, available at: http://www.sluzbenilist.ba/page/akt/ZvmwtwvVpls=[accessed 10/06/2026].
[104] HJPC BiH, Criteria for Evaluating the Performance of Prosecutors in Bosnia and Herzegovina, Article 22, adopted 18 December 2024, BiH Official Gazette, no.90/24, available at: https://portalfo2.pravosudje.ba/vstvfo-api/vijest/download/142617 and http://www.sluzbenilist.ba/page/akt/UtUIK3Lfkxs= [accessed 10/06/2026].
[105] HJPC BiH, Rulebook on the Procedure for Evaluating the Performance of Judicial Office Holders, BiH Official Gazette, no. 28/24 and 90/24, available at: http://www.sluzbenilist.ba/page/akt/Kuq6NuvZn7Q=.
[106] HJPC BiH, Instructions for the application of criteria for evaluating the performance of judicial office holders in courts and prosecutor's offices in BiH, April 2025, available at: https://portalfo2.pravosudje.ba/vstvfo-api/vijest/download/144432 and Guidelines on algorithm for random selection of cases for analytical evaluation of JOHs performance, July 2025, available at: https://vstv.pravosudje.ba/vstvfo-api/vijest/download/147795 [accessed 10 June 2026].
[107] HJPC BiH, Criteria for Evaluating Performance of Judges in Bosnia and Herzegovina, adopted 21 December 2022, BiH Official Gazette, no.85/22, available at: http://sluzbenilist.ba/page/akt/fXgztz5k76kjn45hnPTcBmOQ=.
and Criteria for Evaluating Performance of Prosecutors in Bosnia and Herzegovina, adopted 21 December 2022, BiH Official Gazette no.85/22, available at: http://www.sluzbenilist.ba/page/akt/bKZHkzsCvDE= [accessed 10 June 2026].

Of the 24 appeals submitted against 2024 performance evaluations, 19 were rejected as unfounded, four were partially upheld and one was dismissed as incomplete[108] (related to milestone 5.ii.).

The newly introduced criteria for qualitative assessment, adopted in December 2024, are applied for performance evaluation of the JOHs as of the beginning of 2025. Court presidents and chief prosecutors will evaluate the performance of JOHs against the new criteria within the 90-day period following 31 December 2025. This suggests that information on the outcomes of the qualitative assessment framework may become publicly available at the end of 2026 (related to milestone 5.ii.).

Capacity-building of Evaluators

In October and November 2025, the HJPC BiH organized workshops on the implementation of analytical criteria for the performance evaluation of judges for its members and courts and prosecution offices[109] (related to milestone 5.v.).

6

Recommendation

Enhance needs-based professional development and institutional learning for JOHs handling OCC cases, ensuring that training, mentoring and operational support respond to the practical demands of complex proceedings.

6.1. Relevant judicial and prosecutorial training centres continue to develop, promote and deliver OCC-specialized training programmes tailored to the needs of judicial and prosecutorial staff.

Implementation Stage:



Operationalization

[108] HJPC BiH, 2025 Annual Report, pages 63-64.
[109] Ibid.

Implementation Milestones:

6.i. Percentage of judicial and prosecutorial staff dealing with OCC who have completed at least one specialized training module.
6.ii. Number and frequency of new or updated OCC-specific training modules are regularly offered.
6.iii. Increased number of tailored training programs developed for different judicial roles (judges, prosecutors, legal associates).
6.iv. Training needs assessments for judges and prosecutors are conducted by respective training centres and HJPC BiH.
6.v. Structured and regular co-ordination meetings and data collection between HJPC BiH, CESTs and OCC departments regarding existing training needs are conducted.
6.vi. Permanent training modules for initial and advanced capacity-building on OCC processing are offered for JOHs by respective training centres.

During the reporting period, judicial authorities intensified the provision of OCC-focused training and mentorship initiatives. Increased participation of JOHs in specialized training modules demonstrates strong institutional commitment to sustained capacity-building and the professionalization of the justice sector. These developments also constitute enhancement of professional competencies. The introduction of structured learning programmes that integrate up-to-date developments in OCC practice would result in a more coherent, data-informed and adaptive capacity-building framework.

Findings:

Trial monitoring and focus group discussions continue to highlight persistent gaps in courtroom management, evidentiary handling, and procedural co-ordination in complex OCC cases, pointing to the critical role of sustained, practical training.

Continuing legal education is one of the essential aspects for the professional development of JOHs and effective processing of OCC cases. Since the 2024 Public Report, the judiciary has made notable progress in delivering OCC-related training and mentorship (related to milestone 6.i.).

Specialized Training and Professional Development

In 2024, targeted training programmes were implemented in order to enhance the professional competencies of JOHs in BiH (related to milestone 6.ii.). The new mentoring system introduced in the FBiH and BD BiH courts provides professional support to newly appointed judges and expert associates, pairing them with experienced mentor judges during their initial period of work. Notably, this formal mentoring framework was not implemented in the RS due to the absence of relevant amendments to their Rulebook on Internal Court Operations[110] (related to milestone 6.iii.).

According to HJPC BiH data collected from the courts, almost all judges and legal assistants who were appointed to office for the first time in 2025 were assigned a mentor judge. As noted, mentoring is being carried out with special emphasis on strengthening practical knowledge, developing judicial skills and improving the quality of judicial decision-making.[111]

Similarly, the chief prosecutors of the prosecutors' offices where newly appointed prosecutors started working in 2025 report on the mentoring work of consultative prosecutors with newly appointed prosecutors. This information is regularly analysed to determine further training needs of newly appointed prosecutors and to improve the initial training system[112] (related to milestone 6.iv.).

The Centre for Education of Judges and Prosecutors of FBiH (CEST FBiH) and Centre for Education of Judges and Prosecutors of RS (CEST RS), in co-ordination with the HJPC BiH, prepare the programme of initial training and professional development of judges and prosecutors in BiH. In the 2024, 2025 and 2026 annual curricula of the two CESTs, around 49 specialized training courses and seminars for judges and prosecutors dealing with OCC cases were envisaged. Following the information provided by these training institutions, in the period between June 2024 and July 2026, the CEST FBiH offered 32 OCC-specific training courses and in 2024–2025 CEST RS offered 19. In addition, a substantial amount of training relevant for processing OCC cases was provided as part of other more general seminars, training courses or exchange conferences on criminal substantive and procedural law (related to milestone 6.iv.).

The Project has observed that tailored OCC training with a focus on practical examples is important for further strengthening of the capacities of JOHs processing these cases. In 2025, as part of the Project's research into institutional responses to money laundering, the Project surveyed a focus

[110] HJPC BiH, 2024 Annual Report, page 65.
[111] HJPC BiH, 2025 Annual Report, page 66.
[112] Ibid.

group of judges and prosecutors. The need for specialized training was articulated by 94.5 per cent of survey respondents. The necessity for continuous professional development, particularly in light of the rapid pace of technological advancement, was also emphasized. These requirements have already been reflected in the 2026 curricula of the two CESTs (related to milestone 6.iii.).

Later in 2025, the HJPC BiH continued strengthening the capacity of the judiciary through targeted training activities, mentoring and the development of specialized training programmes. Particular emphasis was placed on the implementation of MONEYVAL recommendations through continuous training on anti-money laundering and counter-terrorist financing (related to Recommendations 2 and 10). A specialized training programme for judges was developed, consisting of three thematic modules covering the legal and regulatory framework of OCC, effective case management and the legality and assessment of evidence. At the same time, specialized training programmes for prosecutors and law enforcement officers on economic crime and corruption were continued, with a strong focus on practical skills, financial investigations, analysis of business documentation and the prosecution of complex corruption cases[113] (related to milestone 6.iii.).

Most of the capacity-building interventions and professional development activities offered by HJPC BiH and CESTs are conducted with the support of different international organizations or projects/programmes, including various EU-supported projects in the rule of law area, Council of Europe, IPA 2022, ICEA III, Swedish Embassy in BiH, Swedish Enforcement Authority, Swedish National Courts Administration (SNCA), Norwegian Courts Administration, and the Council for the Judiciary of The Netherlands. The HJPC BiH considered the EU, Sweden, Norway, Switzerland and the OSCE Mission to BiH as the most important donors in 2025.[114]

The HJPC BiH also continued conducting training needs assessments based on recommendations from domestic and international bodies, as well as analyses of the most common reasons for the reversal and amendment of lower court decisions[115] (related to milestone 6.iv.).

[113] Ibid., pages 39 and 66.
[114] Ibid.
[115] Ibid., page 65.

Structured Co-ordination Among Stakeholders for Evidence-based Training Curricula

Despite advances in training, developing structured and regular co-ordination among the policymaker (HJPC BiH), service provider (CESTs) and the beneficiary (OCC departments in courts and prosecutors' offices) would help ensure that training and resourcing are aligned with real-world challenges and case trends. It would also facilitate feedback-driven curriculum updates and support performance-based decision-making within the judiciary (related to milestone 6.v.). Capacity-building opportunities related to OCC present a strong and sustained trajectory of progress and clear institutional commitment. At the same time, the Project's findings underscore that further consolidation is both needed and achievable.

The next steps should prioritize the institutionalization and sustainability of OCC judicial capacity-building. CESTs and relevant judicial institutions should develop and implement standardized, tiered OCC training programmes across jurisdictions and establish structured mechanisms for co-ordination and information-sharing. Particular focus should be given to regular assessment of training outcomes and strengthening the effectiveness of the evaluation of training and its impact on judicial performance. Judicial authorities should also ensure adequate and predictable budgetary resources and maintain the continuity of judicial mentoring programmes, to sustain professional development and institutional capacity.

7

Recommendation

Improve procedures for drafting, reviewing, and confirming indictments to support more consistent quality and efficiency in handling complex OCC cases.

7.1. Prosecutor's offices should revise their internal rulebooks to include detailed standards for the processes and the scope for indictments' review, particularly for OCC cases.

7.2. Chief prosecutors and their deputies should enhance the practice standards by consistently applying the review mechanism before finalizing indictments, especially in complex OCC cases.

7.3. Judicial experts working together with respective Ministries of Justice should assess the current practices and consider developing legislative amendments to the relevant criminal procedures to enhance the process of confirmation of the indictment.

Implementation Stage:



Early implementation

Implementation Milestones:

7.i. Number of prosecutors' offices that have implemented structured indictment review mechanisms.
7.ii. Percentage of acquittals due to weak indictments in OCC cases (from RTM case list).
7.iii. Percentage of prosecutors' offices whose internal regulations incorporate the amended indictment review procedures.
7.iv. Number of sessions with exchanges of know-how for the newly introduced amendments conducted.
7.v. Percentage of OCC indictments (from the newly taken cases for RTM monitoring) formally reviewed using new procedures.
7.vi. Number of legislative drafting sessions conducted.

The reporting period shows formal progress. Structured indictment-review procedures have been introduced and incorporated into internal by-laws across prosecutors' offices. However, the decisive question is no longer whether the reform exists on paper, but whether the new review mechanisms are being used consistently before indictments reach court, whether that use is documented and whether it is beginning to reduce recurring weaknesses in indictment quality. Based on the evidence currently available, the reform has moved beyond planning, but it has not reached full implementation.

Findings:

The current trial monitoring findings, although a limited sample is available, indicate that the real impact of the implementation of this new mechanism is still to be assessed.

Legislative Developments

In November 2024, amendments to the Rulebook on Internal Organisation of Prosecutor's Offices in the FBiH introduced structured procedures for drafting, reviewing, and controlling indictments. These amendments are intended to promote greater consistency in the quality of handling complex OCC cases by strengthening the practical conditions under which prosecutors apply existing standards, including clearer guidance for drafting, review processes and internal quality control. To date, all prosecutor's offices in FBiH have integrated these elements in their internal by-laws and initiated their implementation (related to milestone 7.i.).

Following the practice of the FBiH, in RS and BD BiH, similar processes were conducted, and by the end of September 2025, similar amendments were integrated in the RS and BD BiH prosecutor's offices (related to milestone 7.iii.).

This reform represents a targeted effort to standardize professional practice, enhance the overall institutional performance, and address identified systemic deficiencies. It marks a concrete step towards reinforcing structured procedures, encouraging professional exchange, and enabling learning from case outcomes, ultimately improving the overall integrity and effectiveness of criminal justice processes in BiH. The actual impact and effects of the reform absorption in practice remain to be assessed, as a time lag between adoption and consistent implementation is not unusual.

Practical Implementation and Operational Use

Despite important regulatory progress and introduction of structured review mechanisms, which were regularly applied in all prosecution offices since the second half of 2025, and as mentioned above, the real impact on professional practice needs time to be observed (related to milestone 7.v.).

Since its inception in June 2021, the Project reviewed the indictments in all 61 monitored OCC cases in accordance with its methodology. In 20 of all analysed indictments, certain deficiencies were identified, as presented in the 2024 Public Report, including unclear factual descriptions, absence of correlation between supporting evidence and the charges, insufficiency of facts and evidence to support the legal qualification, and lack of information on financial gain.[116]

Since the introduction of the amended procedures for indictment review, the Project added four new high-level cases to its monitoring. The analysis of the four new indictments showed that two were written according to standards and in a clear and understandable manner. The facts were described in detail and corresponded to the indictments' legal qualifications. The supporting evidence was aligned with the facts and the investigation results were consistent with the factual description. In the other two indictments, the Project identified certain deficiencies similar to those detailed in the Project's 2024 Public Report, including the absence of essential elements of the criminal offence, partially ambiguous legal qualification (as for one count the described actions explain an attempted criminal offence and the attempt is not included in the legal qualification part) and unclear calculation of the inflicted damage and illicit gain. Given the small sample, these observations should be treated only as early signals of the reform's initial effect, rather than evidence of a definitive trend. Nevertheless, they support the Project's core assessment, namely that the next stage of reform depends on consistent, documented use of indictment-review mechanisms before indictments are finalized and sent for confirmation (related to milestone 7.v.).

The indictment-confirmation stage remains a second critical control point. While the current procedural framework may warrant further review, existing provisions already appear to allow for a more substantive assessment of an indictment's structure and evidentiary foundation than is consistently applied in practice. The issue is twofold: whether prosecutors conduct an effective internal review before filing, and whether courts use the confirmation stage to test the indictment with sufficient discipline before the case moves further towards trial.

Overall, improving the application of existing review tools and reassessing the confirmation process remain key areas for strengthening the professional practice in the early stages of OCC proceedings.

[116] Ibid, page 56.

Status of Legislative Review of Indictment Confirmation Procedures

During the reporting period no steps have been taken towards initiating legislative amendments of the indictment confirmation process. Previously documented issues, including limited tools for reviewing or challenging indictment quality, and constrained timelines for conducting proper assessments, remain (related to milestone 7.vi.).

Legality of Evidence as an Evidentiary Standard in Support of Quality-based Indictments

Ensuring quality-based indictments depends on how effectively evidentiary standards are applied prior to trial. The ability to assess whether evidence is lawfully obtained and properly admissible is essential to building a strong prosecutorial case. Inadequately prepared indictments often collapse because they rely on evidence later excluded or insufficiently linked to the legal charges. To explore this relationship, the Project reviewed judicial rulings on evidence admissibility in high-level OCC cases, with a focus on procedural reasoning and use of special investigative measures.

While the practice standards in drafting indictments remain uneven, Project trial monitoring suggests that judicial practice around the admissibility of evidence, when applied, can be relatively robust. The Project observed that the issue of admissibility of evidence was addressed by judges in nine out of a total of 61 OCC cases. In 22 rulings across these nine cases, judges provided clearly written reasoning, especially where challenges involved special investigative measures. This reflects alignment with ECtHR fair trial standards and indicates that judicial safeguards are operational in some instances, even when prosecutorial inputs are weak.[117]

In the 22 rulings reviewed, challenges to the admissibility of evidence were raised by the defence. In six rulings, judges accepted these objections and ruled the evidence inadmissible. The judges ensured that the convictions were based only on legally valid evidence, providing substantiated and clearly articulated rationale in the reviewed sample. The Project commends the positive practice of prevalence of written decisions on legality of evidence, as it strengthens the quality and transparency of judicial decision-making. Written rulings encourage thorough legal reasoning and create a formal record that supports accountability and the right to appeal.

[117] Fair trial standards require that accused are given the opportunity to challenge the authenticity and use of evidence against them. The ECtHR highlights the importance of reasoned decisions, noting that such rulings show parties that their arguments were considered, promote acceptance of judicial outcomes, and require judges to ground their rulings in objective reasoning, protecting the rights of the defence. See, e.g., ECtHR, Ruiz Torija v. Spain, no. 18390/91, 9 December 1994, § 29.

In ten of the 22 rulings, the evidence challenged originated from special investigative measures, such as wiretapping or intercepted communication obtained via international co-operation. These sources tend to be more controversial and complex in legal terms, particularly across EU jurisdictions.[118]

The Project also observed examples where questions concerning the legality and admissibility of evidence derived from encrypted communications platforms were addressed by courts in the reasoning of first-instance verdicts, rather than through separate rulings issued during the course of the proceedings. In two reviewed cases, the court considered evidence obtained through the Anom and SKY ECC platforms to be legally admissible when obtained through international legal assistance mechanisms. The courts emphasized the existence of procedural safeguards, fair trial guarantees and the ability of the defence to challenge the evidence.

While the courts accepted such evidence as admissible, they did not treat encrypted communications as sufficient on their own to establish criminal responsibility. Instead, they assessed the evidence in conjunction with other material and expert evidence. Thus, in one monitored case, the court relied on Anom communications as there were additional material and expert evidence that corroborated the facts revealed in the respective communications. In another case, defendants were acquitted on certain counts where SKY ECC evidence was not supported by other evidence.

Since the SKY and Anom evidence became available to them in 2021, the BiH PO raised a total of 23 indictments against 114 persons. As of September 2026, an additional 40 investigations are ongoing.[119]

These examples suggest a cautious judicial approach to encrypted communications evidence, whereby its probative value is assessed within the broader evidentiary framework of the case. They also highlight the growing role of cross-border encrypted evidence in OCC prosecutions and the corresponding need for courts to assess its compatibility with domestic procedural and fair trial standards.

[118] See e.g., Garamvölgyi et al, Admissibility of Evidence in Criminal Proceedings in the EU Council of Europe, EUCRIM, Issue 3/2020, pp 201-208, available at https://eucrim.eu/articles/admissibility-evidence-criminal-proceedings-eu/. For discussion of the European Court of Human Rights case law in the context of special investigative measures and evidentiary admissibility, see Council of Europe, Deployment of Special Investigative Means (2013), available at: https://rm.coe.int/deployment-of-special-investigative-means-eng/16807828fa For a discussion of the use of special investigative measures in BiH, including questions of admissibility, see DCAF Geneva Center for Security Sector Governance, Special Investigative Measures in the Practice of Courts in Bosnia Herzegovina (2021) available at https://www.dcaf.ch/sites/default/files/publications/documents/SIM_CourtsBosniaHerzegovina_ENcompilation.pdf

[119] BiH PO, SKY and Anom cases, available at: https://www.tuzilastvobih.gov.ba/index.php?opcija=sadrzaj&kat=6&id=106&jezik=b [accessed 11 September 2026]

The limited number of challenges to more traditional evidence, including search-based findings or witness testimony, might suggest that these methods are generally well managed in BiH, at least in high-profile cases.

Similarly, the findings potentially point to a positive assessment of how BiH's judiciary handles admissibility of evidence, at least in high-profile cases. However, in both areas significantly more research is needed to draw concrete conclusions.

Acquittal Verdicts, Verdicts of Dismissal and Most Frequent Reasons for their Rendering in Cases Monitored by the Project.[120]

In the analysed sample of 269 criminal offences, in all 61 cases monitored by the Project since its inception in 2021, the appellate courts upheld all first-instance acquittals (128 charges on final instance/127 charges on first instance)[121] and almost all first-instance convictions (141 charges on final instance/142 charges on first instance). Such a high confirmation rate may derive from a range of potential reasons, including deficiencies in the prosecutorial practice of drafting indictments, the professional practice of first-instance reasoning, the scope and quality of appeals, procedural constraints on appellate review and limited corrective interventions.

The Project's statistical assessment showed that out of 127 defendants in the finalized cases monitored by the Project, 52 (41 per cent) were acquitted of all charges and three defendants (2.3 per cent) were dismissed.

The acquittals rest overwhelmingly on insufficient evidence, followed by acquittals on the ground that the act does not constitute a criminal offence under the law (nullum crimen sine lege). The Project's findings attribute the acquittals to evidentiary gaps, vague or flawed indictments and prosecutorial overreach in the theory of the case. Namely, 84.1 per cent of acquittals (101 from 120 charges) cited insufficient evidence as a reason, while the ground that the acts charged did not constitute a criminal offence under the law constitutes 15.8 per cent (19 from 120 charges). In 2.9 per cent of the charges (eight of 269 charges), the court dismissed the charges without assessing the merits of the case; reasons included statutory limitation (one), violation of human rights (four)[122] and the prosecutor withdrawing the charges (three) (Figure 7) (related to milestone 7.ii.).

[120] The data under this section are part of the RTM's diagnostic analysis of how serious OCC cases convert into durable, reasoned and enforceable judicial outcomes and should be read in conjunction with sub-section Sanctioning practices in cases monitored by the Project since its inception (June 2021 and September 2026) under Recommendation 8 of this Report.
[121] The number of appellate confirmed acquittals by charges (128) is bigger than the first-instance decided acquittals (127 charges) because for one charge the first-instance court rendered conviction verdict, but on appellate level this verdict was reversed to acquittal.
[122] This specific reason is included upon BiH Constitutional Court Decision AP-667/24 dated 14 November 2024, available at: https://www.ustavnisud.ba/uploads/odluke/_bs/AP-667-24-1427126.pdf [accessed 7 August 2026]

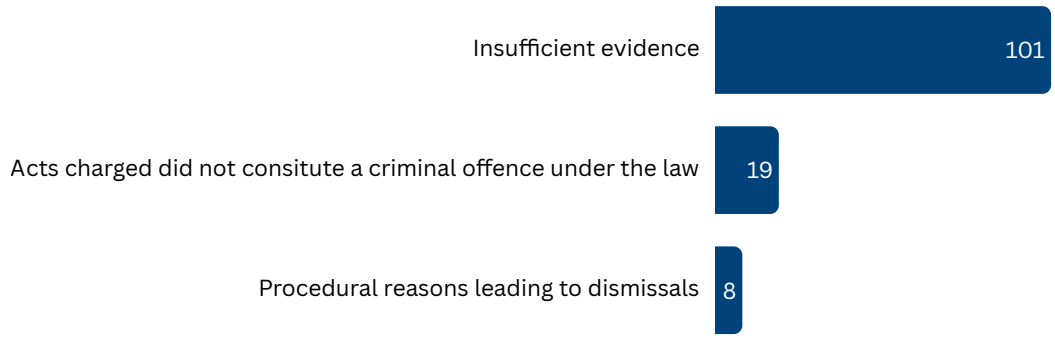


Figure 7: Multiple acquittal and dismissal reasons for 128 charges with acquittal and dismissal as final outcome

These findings emphasize the high relevance of the indictment-review reforms. It needs to be seen whether the review mechanisms are routinely used before indictments are filed, whether that use is documented and whether they reduce recurring acquittal grounds linked to insufficient evidence, unclear factual description, weak legal qualification or inadequate calculation of illicit gain.

For sustained reform momentum, the institutions would need to show progress at the operational level, moving from the formal adoption of indictment-review rules to evidence of their routine use and institutional learning. This would require progress on the outstanding implementation indicators, in particular structured exchanges on the newly introduced amendments, traceable evidence that new complex OCC indictments are formally reviewed under the amended procedures before filing and the initiation of a structured review of indictment-confirmation practice, including consultations or drafting work where legislative amendments are considered necessary.

Over time, the strongest evidence of reform absorption would be a measurable reduction in recurring indictment-related deficiencies and in acquittals or collapsed charges linked to these detected deficiencies. Without progress on these issues, indictment review risks remaining a formal quality-control reform rather than an early safeguard in the OCC case chain.

8

Recommendation

Improve the quality and practices related to imposing individualized and proportionate sanctions in OCC cases.

8.1. Sentencing guidelines should be developed to establish a unified framework for clear judicial reasoning in sentencing, including the use of aggravating/mitigating factors and suspended sentences, with the aim of supporting proportionality, consistency and deterrence

8.2. Respective Criminal Codes should be amended to restrict the option of converting short prison sentences to fines in high-level OCC cases.

8.3. The HJPC BiH and judicial training institutions should strengthen and institutionalize targeted training and exchanges on sentencing practices for judges adjudicating OCC cases.

Implementation Stage:



Initial commitment

Implementation Milestones:

8.i. Decrease in percentage of number of appeal decisions due to disproportionate and/or poorly reasoned sanctions in OCC cases (from RTM case list).
8.ii. Increased number of rendered sentences per defendant in high-level OCC cases (from RTM case list) that are no longer eligible for fine conversion.
8.iii. Existence of sentencing guidelines with clearer, qualitative and objective criteria.
8.iv. HJPC BiH develops and adopts sentencing guidelines.
8.v. Increased number of verdicts (from the RTM case list) that include clear and comprehensive sentencing reasoning.
8.vi. Courts consistently apply the sentencing guidelines.
8.vii. Amendments to the criminal codes adopted.
8.viii. Existence of training modules or exchange on sentencing harmonization (harmonization panels, working groups for sentencing practices) on OCC sentencing.

Sentencing in high-level OCC cases in BiH remains inconsistent, lenient and frequently insufficiently reasoned, affecting legal certainty, undermining deterrence and reinforcing perceptions that sanctions are disproportionate to the seriousness of the offences. The reporting period demonstrates increased institutional attention to sentencing practices, including analytical reviews conducted by the supreme courts, targeted judicial training activities and partial legislative developments concerning the conversion of prison sentences into fines. However, the reform initiatives undertaken in the reporting period resulted in limited changes in sentencing practices in high-level OCC cases.

Findings:

The findings below assess both the institutional steps taken during the reporting period and the broader sentencing patterns identified through Project trial monitoring.

Legislative Developments

The legal framework allowing for automatic sentence conversion to fines remains unchanged across the majority of criminal codes (BiH, FBiH – with the exception of some types of criminal offences, and BD BiH). Courts are required to approve conversion of prison sentences of up to one year upon the defendant's request, with no discretion or public interest test. The Project's trial monitoring observed that such conversion, during the reporting period was applied to three of five convicted defendants.

A recognizable step forward is reflected in the Decision of the RS Constitutional Court from 24 September 2025. In that Decision, the RS Constitutional Court found that Article 46a(3) of the RS Criminal Code, per which an imprisonment sentence not exceeding one year shall be replaced by a fine at the request of the convicted person, is not in accordance with the RS Constitution. The RS Constitutional Court found that the provision of the said article undermines judicial discretion, fairness and the principle of individualized sanctioning. The RS Constitutional Court found that the provision violates the principle of equality, as it favours wealthier convicted persons who can afford to pay fines, thereby creating unjust disparities based on financial status.[123] In March 2026, the RS National Assembly (RSNA) adopted the Law on Changes and Amendments to the RS Criminal Code, incorporating the 2025 Constitutional Court Decision, amending the former imperative norm and enabling the court to assess the circumstances and decide on each

[123] RS Constitutional Court, press release from the 328th session of the RS Constitutional Court, 24 September 2025, available at: https://www.ustavnisud.org/Doc.aspx?cat=12&subcat=27&id=894&lang=bos&tekst=2697

individual request whether it will allow conversion[124] (related to milestone 8.vii.).

In July 2025, the FBiH Criminal Code amended some aspects of the provisions regarding the conversion of a prison sentence to a fine, however these amendments did not include the mandatory conversion by the court, once it is requested by the convicted person.[125] The novel provisions increase the daily fine applicable when converting a prison sentence, as well as a prohibition for such conversion for certain types of crimes.[126] While the list of crimes for which the conversion is not allowed in FBiH does not include OCC, the amendment points to the commitment of FBiH authorities to ensure deterrence for crimes recognized by the public as most socially endangering. In the future, this approach may also be transferred to OCC (related to milestone 8.vii.).

In 2024, the HJPC BiH established a working group of judges to develop guidelines for issuing criminal sanctions. The working group has reportedly produced an initial draft of sentencing guidelines. However, its activities are currently on hold.[127] Notwithstanding this interruption, such initiatives reflect a commitment from policymaking institutions to address identified challenges related to the harmonization of sentencing practices across courts in BiH.

Institutional Assessment on Sentencing Policy

In response to concerns reflected in the 2024 Public Report about weak reasoning and disparity in sentencing, the HJPC BiH requested the Supreme Courts of FBiH and RS to analyse their sentencing trends. Both courts submitted reports, though with different levels of depth and timelines. The data received from the RS Supreme Court report indicate that 90 per cent of organized crime cases and 73 per cent of corruption cases (2021–2024) were completed with criminal sanction with limited reliance on suspended

[124] Law on Changes and Amendments to the Criminal Code of Republika Srpska, adopted 18 March 2026, RS Official Gazette no.25/26, available at: [1] RS Constitutional Court, press release from the 328th session of the RS Constitutional Court, 24 September 2025, available at: https://www.ustavnisud.org/Doc.aspx?cat=12&subcat=27&id=894&lang=bos&tekst=2697 [accessed 11 June 2026].

[125] Law on Amendments and Supplements to the Criminal Code of FBiH, articles 9 and 12, adopted 29 July 2025, FBiH Official Gazette no.28/2025, available at [1] RS Constitutional Court, press release from the 328th session of the RS Constitutional Court, 24 September 2025, available at: https://www.ustavnisud.org/Doc.aspx?cat=12&subcat=27&id=894&lang=bos&tekst=2697 [accessed 3 July 2026].

[126] Ibid. The amended provisions stipulate that instead of BAM 100 (approx. €51) per day of prison, the new amount to be calculated when conversion is made is BAM 150 (approx. €76) per day of prison. The adopted amendments prohibit the conversion for convicted persons that committed crimes against the constitutional system of BiH, trafficking in human beings, organized trafficking in human beings, crimes against sexual integrity, sexual crimes against children and crimes against marriage, family and youth.

[127] The Project obtained this information in June, 2026 from one of the leading members of this working group.

sentences or imprisonment sentence of up to one year. The RS Supreme Court analysed six final conviction verdicts; out of 11 convicted persons, one received a suspended sentence, one received a fine, one received imprisonment and a fine, and eight persons were sentenced to prison. Seven of these prison sentences were at the minimum range, while two were within the statutory range, however, below the medium range.

The FBiH Supreme Court report data (2023–2024) indicate the use of prison sentences in 89 per cent of OCC cases. The analysis of the FBiH Supreme Court shows a greater tendency towards mitigated and suspended sentences, as well as more frequent sentence reductions following appeals. Namely, the Court imposed prison sentences in 16 out of 18 OCC final conviction verdicts. The sentences against 12 convicted persons were mitigated below the minimum range, while the prison sentence against five convicted persons was at the minimum range prescribed by law. Only one convicted person received a prison sentence above the medium range prescribed by the law (related to milestone 8.iii.).

The FBiH Supreme Court report data from 2025 indicate a continued tendency towards mitigated sentences, with prison sentences generally imposed at or near the statutory minimum and, in some cases, below it.

Out of 12 final OCC decisions, three verdicts confirmed the first-instance prison sentences against six convicted persons, with one sentence below the statutory minimum, three at the minimum statutory range and two sentences imposed within the statutory range, slightly above the minimum. In three other decisions, the Court rejected prosecutorial appeals as unfounded and confirmed first-instance decisions that allowed one-year prison sentences to be converted into fines (related to milestone 8.iii.). As part of these 12 verdicts, three were acquittals, two were dismissals and one verdict was related to reopening of the criminal proceedings.[128]

Regarding the data and the differing assessment approaches applied in the reports of the two Supreme Courts, the respective statistics should be interpreted only within the institutional context of each court, rather than as a comparable basis for assessing sentencing policy. This is primarily due to disparity in the total number of cases processed at these courts during the reference periods. In particular, the RS Supreme Court assessed a relatively small number of cases (six) over a four-year period, whereas the FBiH Supreme Court drew on a substantially larger dataset (30 cases) within a shorter, three-year time frame.

The two supreme courts also proposed that targeted training sessions on

[128] FBiH Supreme Court, Assessment of the sentencing policy in OCC cases in 2025, adopted at the session of the Court's Criminal Department held on 17 September 2026.

sanctioning policies and determining sentences should be organized by respective centres for the training of JOHs. During the reporting period, at least three targeted sessions were delivered by judicial training centres.

Overall, the training modules related to OCC adjudication increasingly include content on sanctioning practices. However, these efforts are not integrated into a broader institutional strategy for sentencing harmonization (related to milestone 8.viii.).

Sentencing Trends During the Reporting Period (4 June 2024 and 30 September 2026)

During the reporting period, 12 high-level OCC cases were adjudicated.[129] Of the 35 defendants in these 12 cases, eight persons were convicted (seven convicted individuals and one convicted legal entity), 24 were acquitted and three were dismissed of charges. Despite the small sample of finally convicted persons, the rendered sentences were predominantly minimal or marginally above the statutory minimum (Figure 8). Among the seven prison sentences, three sentences were later converted to fines (related to milestone 8.ii.).

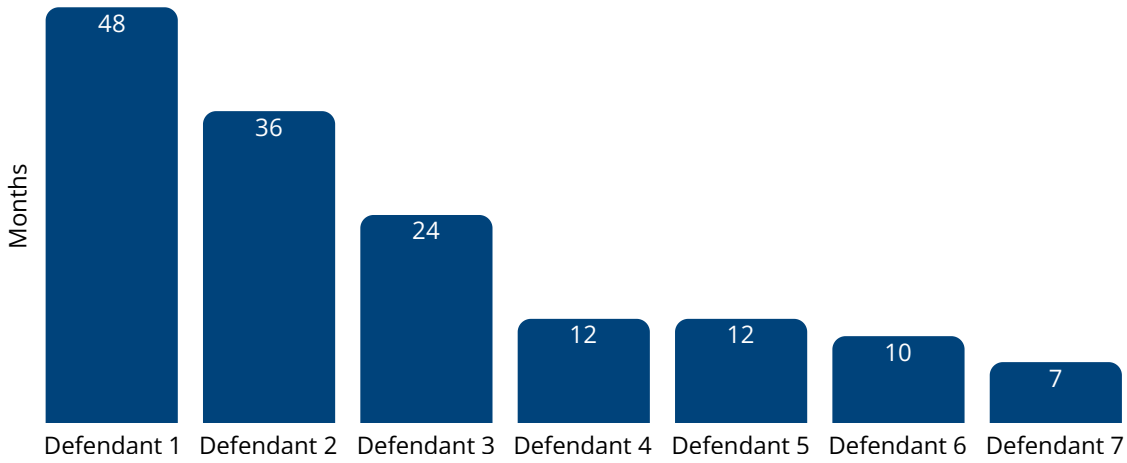


Figure 8: Imprisonment sentences rendered for seven convicted defendants during the reporting period

The Project observed that adequate judicial reasoning in support of the rendered sentences remained inconsistent in the reporting period.

Out of six final conviction verdicts, two provided sufficient reasoning for the given sentences. The other four verdicts provided partial justification for the sentence imposed, particularly in

[129] The number of 12 cases includes both final and binding verdicts upon main trial and upon PBA.

relation to aggravating and mitigating factors, or the application of suspended sentences[130] (related to milestones 8.v. and 8.i.). This limits transparency and weakens the legal rationale for sentencing outcomes, raising questions about the ultimate objectivity of judicial analysis.

Sanctioning Practices in Cases Monitored by the Project Since its Inception (June 2021 and September 2026)[131]

In the period since its beginning in June 2021 until September 2026, the Project assessed 28 finally adjudicated cases involving 127 OCC defendants charged with 269 criminal offences in total. The Project based its observations about sentencing practices on statistics disaggregated for 269 criminal offences. Out of 127 defendants in all finalized cases monitored by the Project, 72 were convicted.[132] The scheme below shows the outcomes in these 28 adjudicated cases (Figure 9).

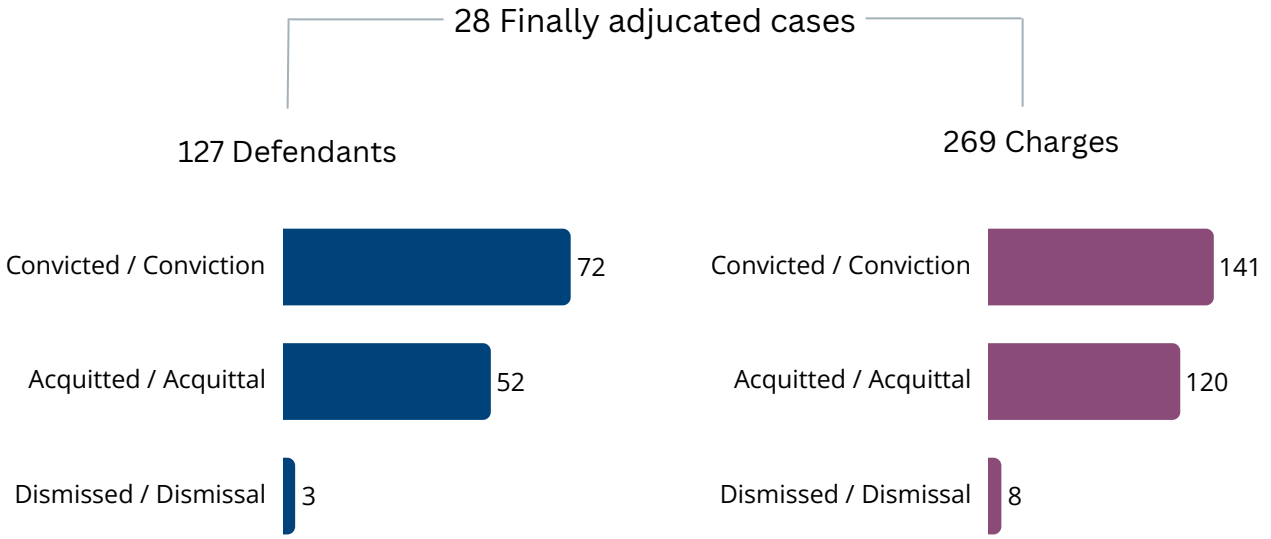


Figure 9: Outcomes per defendants and per charges in 28 finally adjudicated cases

[130] The verdicts only listed the mitigating factors without elaborating on how those factors apply to the particular defendants, or why the suspended sentence would be sufficient for deterrence purposes instead of custodial sanction.
[131] The data under this section and the methodology used for their processing are part of the RTM's diagnostic analysis of how serious OCC cases convert into durable, reasoned and enforceable judicial outcomes, see Annex 1 of this Report.
[132] Out of 72 convicted defendants, five were convicted on some charges (for six out of 25 charges), while 67 were convicted of all charges.

Of all convictions in the sample (total of 141 convictions from 269 criminal charges), 85.81 per cent of convictions were obtained by PBA (121 charges), making it the most common adjudication pathway in high-level OCC cases, increasingly used as the strategic means of securing a conviction in complex multi-defendant proceedings, as explained under Recommendation 9. In contrast, convictions reached through a contested court trial comprised just 14.18 per cent of total convictions, i.e., 20 charges of 141 convictions against a total of 15 defendants. (Figure 10)

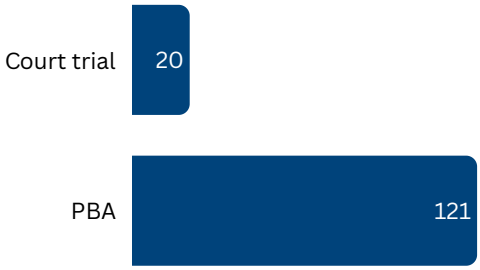


Figure 10: Final convictions per charges in PBAs and after court trial

The Project trial monitoring findings identified three recurring weaknesses that continue to undermine deterrence, legal certainty and public trust in judicial outcomes.

i) Lenient Sentencing Policy

The primary sanctions imposed against defendants in finalized cases from June 2021 until September 2026 are imprisonment, suspended sentence or fines. Aside from the principal penalties, courts have also imposed occupational bans as an accessory sanction, albeit in a limited number of cases.

Out of 72 defendants convicted in finalized cases, 45 involved prison sentences (30 in PBAs and 15 in court trial cases), 25 received a suspended sentence (all PBAs) and two defendants received a fine as the sole sentence (legal entities). If we compare PBAs to court trial cases, the leniency of sanctions is more frequent for defendants admitting guilt, which can be attributed to the strategic use of plea bargaining, as explained under Recommendation 9.

The median final prison term is 12 months. Only four received prison sentences of at least five years or more (over 60 months), while a further four received prison sentences of between three and five years (37-60 months). (Figure 11)

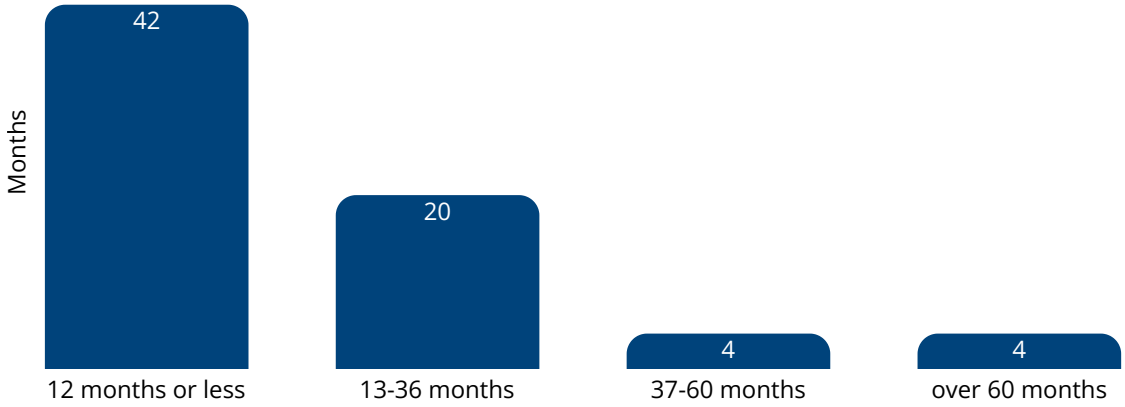


Figure 11: Length of imprisonment and suspended sentence

Trial monitoring data highlight that approximately two-thirds of imposed sentences fall at or are below the statutory minimum for the respective criminal offences. In the sample of 269 charges observed, as mentioned above, 141 resulted in convictions. Of these, 94 charges resulted in lenient sentences, 45 in medium-severity sentences, and only two in severe sentences. This distribution is further underscored by the findings that 42 of the 72 convicted defendants received prison sentences of less than 12 months (Figure 11).

These trends, when considered alongside the use of suspended sentences and the conversion of the prison sentence of up to one year, raise concerns regarding the capacity of the current sentencing framework and judicial practice to deliver credible deterrence and proportional sanctions in OCC cases.

Project assessment of the sentences in the monitored PBA cases revealed a mixed picture where apparent leniency is prevalent in about half of the cases. Out of the 57 defendants who entered PBAs, 27 received a sentence below the statutory minimum, 10 received the prescribed minimum, while for 19, the punishment was below the medium range. While this may reflect an attempt to incentivize co-operation, the frequency of below-minimum sentences raises concerns about proportionality and deterrence.

The overall trend of lenient and inconsistent sentencing policies in OCC cases inevitably has a profound impact on the overall sentencing practices when such cases are finalized through PBA. The imposition of a reduced sentence constitutes a legally sanctioned and normatively justified incentive granted to defendants in return for their co-operation with prosecutorial authorities.

It is vital for the prosecution to continue with the strategic use of PBAs and the court to provide sufficient reasoning in order to avoid potential perceptions that PBA may constrain the overall consistency in determination of sanctions. From another perspective, the overall lenient sentencing practices observed in regular trials constrain the prosecutorial capacity to offer balanced and legally justifiable sentence reductions within PBAs (also related to Recommendation 9). Courts should provide adequate reasoning for the sentence imposed in each case, regardless of whether it is decided through PBA or regular criminal proceedings.

ii) Deficiencies in Judicial Reasoning

The Project observed that approximately 57 per cent of the convictions did not provide sufficiently clear or substantiated reasoning (41 out of 72 convicted defendants). Identified deficiencies include inconsistencies in the application of sentencing principles and the articulation of judicial rationale. Out of 29 defendants who received sanctions below the legal minimum, for six of them, the courts did not establish extraordinary mitigating circumstances, as a precondition for lenient sentencing.[133]

The majority of insufficient sentencing reasoning are found in PBA cases, which has been observed as a trend in OCC cases monitored by the Project. The Project's observations indicate that, in approximately 63 per cent of PBA convictions and approximately 40 per cent in full-trial convictions courts provide insufficient or inappropriate judicial reasoning on the sentences. These findings suggest the need for more consistent application of sentencing standards and more rigorous reasoning to ensure that imposed sanctions are grounded in legally relevant and proportionate deliberations.

A further concern relates to the frequent use of the defendants' contribution to procedural efficiency as a mitigating circumstance. This factor was applied in relation to almost half of the 57 defendants convicted through PBA-based verdicts, although in many of these cases the defendants had not contributed meaningfully to the efficiency of the proceedings (not providing testimony or the PBA verdict was rendered at an advanced stage of the main trial). In most cases, the courts did not elaborate further on what constituted the alleged contribution. Additionally, in four instances the court cited remorse and confession of the

[133] The Project's trial monitoring observed different deficiencies in judicial reasoning, for example, in one instance, the court treated a constitutive element of the criminal offence as an aggravating circumstance, thereby conflating elements essential to the offence with factors relevant to sentencing. In two verdicts, the courts relied exclusively on mitigating circumstances, including considerations not directly relevant to the nature of the offence or to sentencing objectives, such as the defendant's status as a decorated war veteran. Furthermore, in another case, the court cited the passage of time as the sole mitigating factor and imposed a sentence significantly below the statutory minimum, although the delays in processing the respective case were the result of inadequate trial management.

crime as the only relevant mitigating circumstance, which is inconsistent with the ECtHR jurisprudence.[134] Finally, in nine PBA-based verdicts involving multiple-defendant OCC cases, the courts applied identical aggravating and mitigating circumstances to different defendants without sufficiently individualizing the sentencing reasoning according to each defendant's specific role. Overall, for only 15 out of these 57 defendants, courts adequately discussed specific requirements for negotiated lenient sentencing.

Although PBA cases do not undergo regular trial proceedings, the applicable legal framework does not distinguish between the required content standards for verdicts delivered following trial and those delivered pursuant to a PBA. Accordingly, the courts remain under an obligation to provide fully reasoned decisions, including with respect to the sanction imposed and whether the sentence proposed within the PBA was mitigated in accordance with the applicable rules of substantive criminal law. The provision of clear and well-substantiated reasoning on sentencing reflects the court's fundamental role as a guarantor of the legality of this inter partes process, contributing to proportionality, consistency in adjudication and overall legal certainty.

The Project observed that in cases where courts imposed occupational bans as an accessory sanction - both in verdicts issued following regular trial proceedings and those issued pursuant to PBA - judicial reasoning was frequently absent or insufficiently articulated. Although this is not a mandatory element to be included in the court verdict, an occupational ban is a measure that limits certain rights of the defendant. Clear and well-substantiated judicial reasoning in verdicts serves not only as a cornerstone of the quality and legitimacy of judicial decision-making, but also as an important incentive of overall public trust in the adjudication process.

iii) Variations in Conviction Rates for High-level Defendants[135]

Mid-level defendants (66 persons) were charged with a total of 154 criminal offences and convicted of a total of 97 charges (63 per cent). High-level defendants (49 persons) were charged with 78 criminal offences and convicted on 39 charges (50 per cent). Very high-status defendants (12 persons) were charged with a total of 37 criminal offences and four of these defendants were convicted on five charges (or 14 per cent) (Figure 12).

[134] Okkali v. Turkey, Application no. 52067/99, Judgement of 17 October 2006, para 74, available at: https://hudoc.echr.coe.int/eng?i=001-77522 [22.6.2022.]

[135] High+, according to the Project Methodology, is reserved for when at least one of the involved defendants is a high-ranking or high-profile elected public office holder. For example, heads of state or government, ministers and deputy or assistant ministers; Members of Parliament or similar legislative bodies; members of the governing bodies of political parties; mayors of the capital city and other main cities in each jurisdiction; or the highest-ranking officials of federal units.

The Project also observed that almost all cases against the highest-ranking defendants are challenged through a trial procedure. In contrast, most of the medium-status defendants received their convictions through PBAs. Out of 121 criminal offences that reached conviction through PBAs, 86 offences were attributed to medium-level defendants (71 per cent).

These data should not be interpreted as a direct allegation of influence or selective treatment. The dataset cannot prove why charges against high- or very high-level defendants collapse at the end of the criminal procedure, regardless of whether completed through PBA or through a court trial. However, such data shows a perception-sensitive gradient that the cases most likely to matter for public confidence are also the cases least likely to produce a final conviction in the court trial.

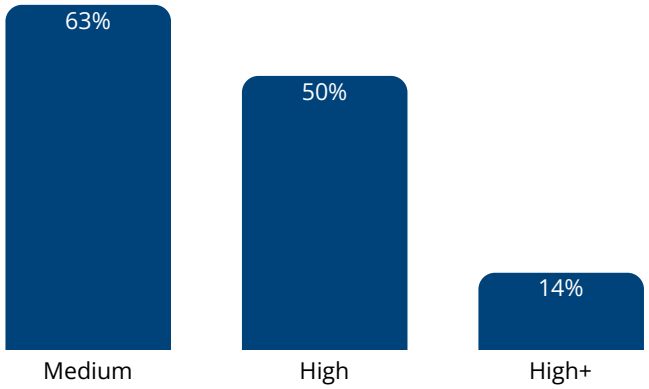


Figure 12: Conviction rates vs. status of defendant

Application of Conversion Prison Sentence of up to One Year into Fine

The conversion of sentences of up to one year of imprisonment into a fine is obligatory in all BiH jurisdictions if requested by the convicted person, with the exception of the RS. From the beginning of the Project in 2021 through September 2026, and in a total of 72 convicted defendants, 29 were eligible for conversion of sentence. From these 29 convicted defendants, 23 convicted defendants requested conversion and was granted by the respective courts. The granted 23 conversions constitute a high 79.3 per cent of low prison sentences converted to fines (related to milestone 8.ii.).

According to data provided by the HJPC BiH, FBiH courts adjudicated 14 requests to convert prison sentences of up to one year into fines in 2024, 15 in 2025, and nine by July 2026, for a total of 38 cases. RS courts adjudicated nine such cases in each of the same periods, for a total of 27 conversions of short prison sentences to fines.

In the context of OCC-related offences, limiting the conversion of short-term prison sentences into monetary fines warrants careful consideration. While the legislator may have considered that such conversion mechanisms may serve

proportionality in less serious cases, their application in OCC cases risks diminishing the deterrent effect of criminal sanctions. This is particularly significant given that, in all jurisdictions in BiH except RS, such conversion is mandatory upon request, limiting the courts' ability to assess its substantive justification. Reiterating the explanation of the RS Constitutional Court referenced above, the possibility for conversion may disproportionately benefit wealthier defendants, who are better positioned to satisfy converted fines without experiencing a punitive impact, weakening both general and specific deterrence. Restricting or more rigorously regulating such conversions in OCC cases would contribute to reinforcing the credibility, equity, and preventive function of the criminal justice response.

These trial monitoring insights confirm that Recommendation 8 is impacted by many of the systemic issues identified and addressed in the Project's recommendations. Weak sentencing practices are downstream symptoms of systemic problems tracked under other recommendations: practice standards in drafting indictments and their judicial review (Recommendation 7); insufficient integration of OCC-specific data and reasoning into judicial planning and monitoring frameworks (Recommendations 1, 4, 6 and 10); harmonized approach of PBA sentencing practices (Recommendation 9).

Future steps towards effective structural reform should be focused on a more consistent application of sentencing standards and enhanced judicial reasoning with the mandatory inclusion of structured, written elaborations that clearly connect aggravating or mitigating factors to sentencing outcomes. In parallel, the reform should include the development and validation of sentencing guidelines that contain clearer qualitative criteria and link case gravity and severity to appropriate sanction types, and the adoption of legislative amendments to restrict fine conversion in high-level OCC cases (related to milestones 8.iii., 8.vii and 8.v.).

These steps should be paired with regular training and peer exchanges to improve consistency and promote shared standards across jurisdictions (related to milestone 8.viii.).

9

Recommendation

Ensure that plea agreements are used strategically and fairly in OCC cases.

9.1. Chief prosecutors, deputy chief prosecutors and prosecutors ensure the co-operation of defendants in terms of obtaining information and evidence, and where applicable, require asset confiscation or payment of damages to the injured party.

9.2. The HJPC BiH and judicial/prosecutorial training centres should provide regular capacity-building on the use, assessment, and review of PBAs in OCC cases, including standards for reasoning, co-operation clauses, and victim compensation.

Implementation Stage:



Operationalization

Implementation Milestones:

9.i. Percentage of PBAs in OCC cases (from RTM case list) that include at least one strategic clause (e.g., co-operation, asset confiscation, or compensation of injured party).
9.ii. Percentage of prosecutor's offices that have adopted and implemented improved internal rules on PBAs.
9.iii. Percentage of OCC verdicts (from the RTM case list) based on PBAs that contain clear and specific reasoning on sanctions, co-operation, or compensation of injured party.
9.iv. Increased percentage of PBA based verdicts in OCC cases (from RTM case list) that refer to and explain the strategic clause in sentencing reasoning part.
9.v. Number of tailored training courses on PBAs delivered for judges and prosecutors.

The use of PBAs in OCC cases now represents one of the most common adjudication pathways in the high-level criminal cases monitored by the Project. This trend reflects a pragmatic shift in institutional strategy to secure convictions in complex, multi-defendant cases. The improved regulatory framework clearly demonstrated the commitment of the judicial authorities to ensure a solid foundation for strategic use of PBAs as a policy

instrument. While PBA regulations have improved in clarity, volume and structure, key gaps remain in terms of quality control, proportionality of sentencing, and alignment with strategic prosecutorial objectives, particularly in relation to defendants' co-operation, asset confiscation and reasoning standards. Legislative limitations and inconsistent implementation continue to restrict their full potential as an accountability tool.

Findings:

In BiH, PBAs represent the sole instrument of negotiated justice and are applicable to all categories of criminal offences. A PBA may be concluded at any stage from the filing of the indictment until the completion of the main trial and, unlike in some Western Balkan jurisdictions, even during the appellate hearing proceedings. While the relevant procedural provisions establish a framework broadly aligned with fair trial standards and international best practices, they do not set out sufficiently detailed requirements regarding the content of PBAs or the criteria and obligations to be met by the parties when entering into such agreements. This regulatory gap may contribute to a degree of inconsistency in practice.

Legislative Developments

In 2019, the HJPC BiH introduced the Guidelines for Issuing Binding Instructions on Additional Criteria for Concluding Plea Bargaining Agreements in Corruption, Organized Crime, and Other Cases (2019 PBA Guidelines). Subsequently, the BiH Prosecutor's Office, the FBiH Prosecutor's Office, RS Republic Public Prosecutor's Office and BD BiH Prosecutor's Office issued binding instructions on plea bargaining. The 2019 PBA Guidelines state that a sentence below the legal minimum may be agreed upon if: i) the proceeds of the crime are recovered or if the injured party is compensated during the proceedings; or ii) if the suspects or the accused co-operate with the prosecutor in the evidentiary procedure and in uncovering other criminal offences.

On 26 March 2026, the HJPC BiH adopted new Guidelines for adopting obligatory Instructions by Chief Prosecutor governing the application of plea-bargaining agreements (the 2026 PBA Guidelines). The analytical work of the Project has directly impacted this normative development. In its formal justification, the HJPC BiH Permanent Commission for Efficiency and Quality of Prosecutorial Offices explicitly referenced the Project's 2024 Public Report, as well as the subsequent 2025

Working Paper findings on the application of plea agreements in OCC cases, emphasizing that the recommendations from these reports provide concrete guidelines for the necessary changes in existing practices and a precise application of the PBA mechanism, that will further contribute to achieving greater efficiency and justice in criminal proceedings.[136]

The main purpose of the 2026 PBA Guidelines is to enable greater accountability, consistency, proportionality of sanction and effectiveness of the PBA in practice. The new Guidelines should assist the prosecutor to ensure strategic co-operation from the defendant and, where applicable, the confiscation of assets or compensation for injured parties. The Guidelines emphasize that the sanction proposed in a PBA should reflect its strategic use. Article 2(1)(2) of the 2026 Guidelines stipulates prosecutors, prior to entering negotiations, to consider the statutory sentencing range, the probability for mitigation, relevant mitigating circumstances and whether the accused has assisted in uncovering other criminal offences or perpetrators.

Moreover, for OCC cases, Article 3 of the said Guidelines provide stricter standards: prosecutors should generally not propose sentences below the statutory minimum or a more lenient type of sanction, and the agreed sentence should ordinarily be no less than two-thirds of the sentence reasonably expected after a full trial. In exceptionally complex cases where expedited resolution is justified, the proposed sentence should not be lower than one-half of the expected trial sentence. A sentence below the statutory minimum may be proposed only where the plea agreement facilitates the detection of other criminal offences or perpetrators.

The plea agreement should provide a detailed explanation of the reasons for entering into the agreement and the proposed sanction. The 2026 PBA Guidelines also address the oversight of plea negotiations by chief prosecutors; they mandate that the chief prosecutor collect data, compile reports and discuss plea negotiations with staff. The chief prosecutor should also use this data and staff feedback to harmonize plea negotiation practice and plea bargaining-related sentencing policy (related to milestone 9.ii.).

[136] The supporting material for adoption of the new Guidelines states that:
"[...] The necessity of the improvement of the practical adoption of this institute is highlighted, in order to achieve greater efficiency and justice in criminal proceedings. In that context, recommendations from OSCE Mission Report and the Peer Review report offer specific guidelines for the necessary changes in existing practices and a precise application of this institute." The official reasoning provided in the HJPC BiH materials for adoption of these new Guidelines quotes Project's findings on pages 61-63 of the OSCE Western Balkans Trial Monitoring Report: From Paper to Practice, "Evaluating the Effectiveness of the Judicial Responses to Serious Organized Crime and Corruption", review period June 2021-March 2024, https://www.osce.org/secretariat/570156 and on pages 61-65 of the OSCE Western Balkans Trial Monitoring Report: From Paper to Practice, "Evaluating the Effectiveness of the Judicial Responses to Serious Organized Crime and Corruption", review period June 2024-September 2025.

Project's Findings on the Use of PBAs in Monitored Cases

Project monitoring indicates that PBAs are widely used in high-level OCC cases, and have become a key mechanism for securing a minimum threshold of accountability, particularly in proceedings involving multiple defendants.

Since the beginning of the Project in 2021, PBAs have been used in 22 of 61 monitored OCC cases, representing 36 per cent of all cases, eight related to corruption and 14 to organized crime (Figure 13) (related to milestone 9.i.).

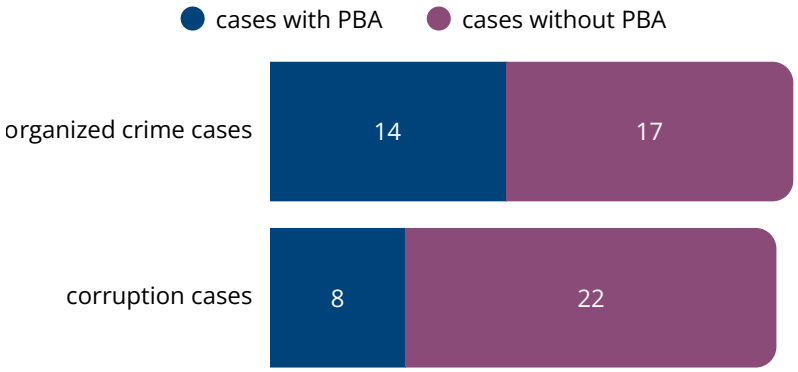


Figure 13: Use of PBA in OCC cases monitored by the Project since 2021

Of the 127 defendants with final and binding verdicts since 2021, 57 were convicted via PBAs (45 per cent), while 15 were convicted after trial (12 per cent), 52 were acquitted (41 per cent) and courts dismissed charges for three defendants (2 per cent) (Figure 14).

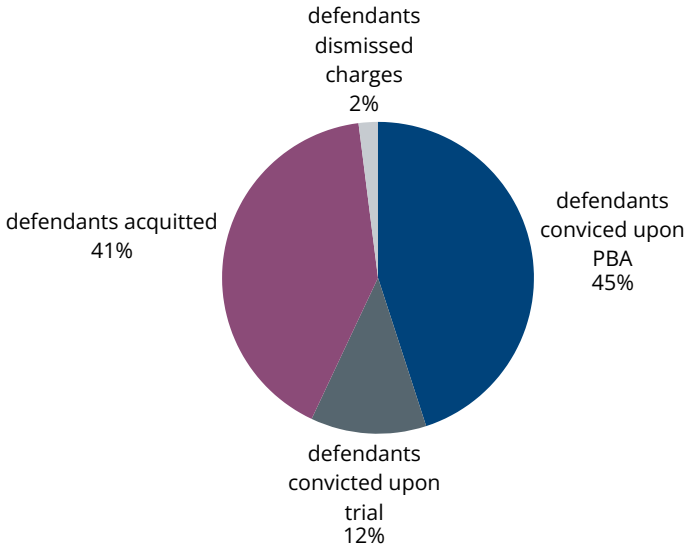


Figure 14: Outcomes for defendants in finally adjudicated cases, monitored by the Project since 2021

In the period between June 2024 and September 2026, three final and binding verdicts were issued based on plea agreements. One of the verdicts was issued after the introduction of the 2026 PBA Guidelines. In two cases, prosecutors used PBAs strategically, by ensuring that the defendants signed the agreements to provide co-operation and testify against their co-defendants, and that illegally gained assets were confiscated. Additionally, the third PBA was signed before the trial began, which contributed to the efficiency of case processing (related to milestone 9.i.). The sample of three PBA verdicts rendered during the reporting period is too limited to serve as a representative sample; however, it indicates that, although there was no regression in the strategic use of plea bargaining, the weaknesses identified below remained present.

While the Project's monitoring indicates that the BiH judiciary has baseline institutional capacity to apply PBAs effectively, at least in high-profile OCC cases, the main weakness observed was in the quality of reasoning in PBA verdicts.All PBAs concluded in 61 cases monitored by the Project since its inception in 2021 were accepted by the court but with different levels of reasoning.

The Project's assessment of the verdicts issued through a PBA indicates that the verdicts in 18 cases involving 23 defendants were well-reasoned. The courts elaborated on the content and probative value of specific pieces of evidence indicating the criminal responsibility of the defendant. This demonstrated that the court's reasoning for accepting the plea agreement was based on the available evidence. In contrast, 24 verdicts involving 34 defendants included only a list of evidence, with no substantive analysis or legal justification, such as establishing that the evidence proposed by the prosecution is sufficient to prove the guilt of the defendant, raising concerns about the quality of judicial review[137] (related to milestones 9.iii. and 9.iv.)

Although PBA cases do not undergo regular trial proceedings, the applicable legal framework does not distinguish between the required content standards for verdicts rendered following trial and those issued pursuant to a PBA. Accordingly, the courts remain under an obligation to provide fully reasoned decisions, yet in practice this is not consistently applied[138] (related to milestone 9.iii. and also related to Recommendation 8).

In addition, confiscation of illicit gain was ordered in 20 cases. In ten instances, the value of the confiscated assets was substantial (i.e., between €30,000 and €300,000).

[137] One verdict issued in May 2026 is pending to be assessed, as the Project is awaiting receipt from the respective court.
[138] For details see elaboration under Recommendation 8, point ii) Deficiencies in judicial reasoning.

The courts have imposed fines against 14 defendants who signed PBAs.[139] In four instances, the amount of the fine exceeded €10,000. Finally, in two instances, the court ordered that the substantive damage of the injured parties be compensated through trial proceedings.

Besides primary sanctions, confiscation of illicit gain and compensation of damage, other measures, such as the accessory sanction of suspension from duty, were ordered against nine defendants. However, in 14 of the below-minimum sentences, only primary sanctions (i.e., prison, suspended sentence or fine) were applied (related to milestone 9.iv.).

Although the strategic use of PBAs in cases monitored by the Project is evident, it still cannot be considered as institutionalized reform. Continuous training and guidance remain essential to ensure the consistent and appropriate balancing of sentencing leniency, co-operation and compensatory penalties (related to milestone 9.5.).

Overall, the increased use of co-operation clauses, confiscation orders, and compensation mechanisms reflects growing alignment with the broader use of PBAs in high-level OCC cases. However, the quality and consistency of reasoning in PBA-based verdicts remains uneven, with 61 per cent of reviewed cases lacking sufficient elaboration on sentencing, co-operation, or evidence.

Regarding the frequency of PBA use, data received from the HJPC BiH referring to all OCC cases in the period June 2024 to June 2026 show similar trends to those observed in cases monitored by the Project. In this period, according to HJPC BiH data, in a total of 115 OCC cases, adjudication through a PBA was made against 148 defendants in organized crime cases, and 114 in corruption cases (Figure 15).

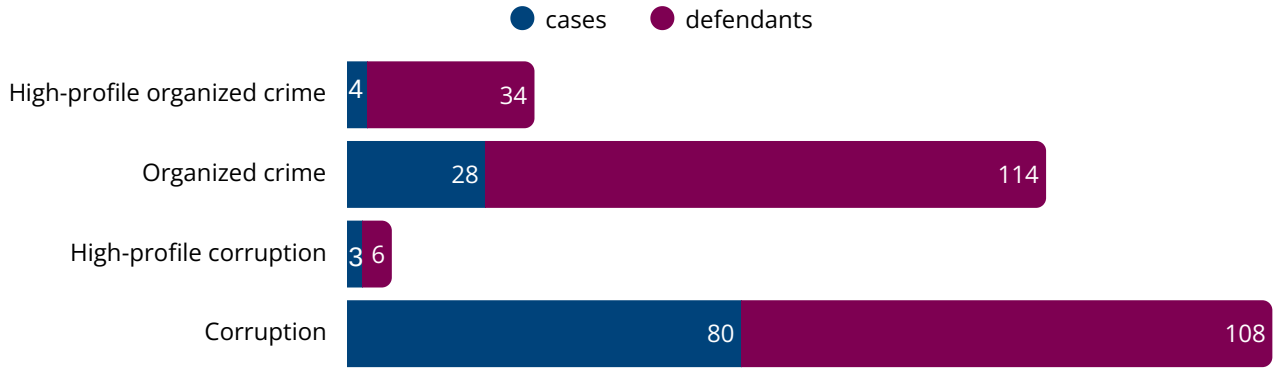


Figure 15: Number of cases/defendants adjudicated with PBA verdicts for the period 1 June 2024 - 30 July 2026, Source: HJPC BIH, August 2026

[139] In 13 PBA cases, fines were imposed as a secondary sanction besides prison or suspended sentence, and in one case, the fine was a sole sanction.

The judicial institutions have already demonstrated their commitment by adopting the 2026 PBA Guidelines, which provide a clear framework for the strategic use of PBAs as a policy instrument. The institutions are yet to ensure the consistent application of these Guidelines through training as well as mandatory and structured reviews, discussions and consultations at the institutional level, with a focus on their strategic application. In parallel, courts are expected to exercise appropriate oversight of plea-bargaining practices as reflected in well-reasoned verdicts that clearly articulate the rationale and specifics of such agreements.

Use of Judicial Tools

10

Recommendation

Increase the use of financial investigations, freezing, confiscation, and extended confiscation of illicit gain, and enable the effective use of expert testimonies in OCC proceedings.

10.1 HJPC BiH and chief prosecutors, in co-operation with land registry, tax authorities, financial institutions and other relevant stakeholders, should proactively define and implement modalities to access financial and ownership information relevant to OCC cases and determine effective modalities of operational co-operation.

10.2. HJPC BiH, with BiH, FBiH, RS, BD BiH chief prosecutors, should update binding instructions for financial investigations, covering challenges such as asset tracing, freezing, confiscation, and extended confiscation.

10.3. HJPC BiH, with relevant ministries and BD Judicial Commission, should ensure that prosecution offices have sufficient capacities to use financial investigation and introduce modalities for timely and quality-based financial expertise needed for effective investigation and prosecution of OCC cases.

10.4. Relevant authorities in BiH, including MoJs and HJPC BiH, in co-operation with courts and prosecutor's offices, should ensure that both the regulatory framework and judicial practice systematically support effective use of objective and quality-based expert opinions as evidence in OCC cases.

Implementation Stage:



Planning and preparation

Implementation Milestones:

10.i. Percentage of OCC indictments (from RTM case list) supported by evidence from financial investigations.
10.ii. Percentage increase of used measures (e.g., asset freezing, confiscation/extended confiscation) in OCC cases (from RTM case list).
10.iii. Percentage of prosecutor's offices using updated instructions and reporting asset-related actions annually.
10.iv. Number of cases (from RTM case list) in which courts explicitly confirm that expert evidence was methodologically clear, sufficiently substantiated and effectively clarified during testimony (as reflected in judgements or trial records).
10.v. Number of co-ordination meetings held with data-holding institutions.
10.vi. MoUs signed or updated with relevant institutions regulating access to financial and ownership information.
10.vii. Mechanism or protocol for operational co-ordination (e.g., SOPs, task force) with land registry offices, financial intelligence and law enforcement institutions formally agreed.
10.viii. Number of inter-institutional drafting sessions held.
10.ix. Revised binding instructions adopted and circulated.
10.x. Meetings and/or assessments conducted with prosecutor's offices to verify capacity gaps.
10.xi. Prosecutor's offices reflect in their annual reports that they have adequate capacities and access to financial experts to conduct financial investigations.
10.xii. Number of co-ordination meetings with representatives of the respective organizations of financial expert witnesses to enable better time management and standardized approach in preparation of the expert witness opinions.
10.xiii. Decrease in the average delay (in days) attributable to expert-related issues (availability, incomplete reports, or adjournments for clarification) in OCC cases (from RTM case list).
10.xiv. Adoption of improved regulatory framework (laws, by-laws, ethical code, guidelines, etc,) that safeguards objectivity, fairness, professional standards and accountability of expert witnesses.

The use of financial investigations and confiscation of illicit gain in OCC cases in BiH continues to fall short of its full potential as both a deterrent and an enforcement mechanism. Despite certain institutional efforts to enhance data collection and inter-institutional co-ordination, existing mechanisms are not applied in a systematic or consistent manner. Concurrently, while expert evidence often carries determinative weight in OCC proceedings, its effectiveness is constrained by operational deficiencies.

Findings:

The recommendation covers two interconnected areas: strengthening the strategic use of financial investigations and confiscation of illicit gain in OCC cases, and enhancing the quality, independence and effectiveness of expert evidence in criminal proceedings to improve adjudication outcomes. These judicial tools are combined as different sub-recommendations with a common goal to emphasize their particular relevance for improvement of the effective judicial response to OCC.

While there have been some institutional steps towards improving data collection and co-ordination, such as the efforts of judicial institutions to sign memoranda of understanding and agreements for co-operation with other relevant institutions, the use of financial investigation tools remains limited, uneven, and largely spontaneous (related to milestone 10.vi.). The actual implementation of other existing mechanisms remains a significant challenge. Trial monitoring confirms that illicit gain is frequently left unexamined or unconfiscated, with extended confiscation virtually absent from adjudicated cases. These shortcomings directly impact the strategic goal of depriving OCC structures of their illicit proceeds, as well as the strategic goal of deterrence in engaging in OCC, and the broader goal of reducing it.

In OCC criminal proceedings, expert findings frequently assume determinative evidentiary weight. The Project observed recurrent operational constraints, notably including broadly framed or insufficiently delineated expertise orders, incomplete transmission of evidentiary materials to appointed experts and procedural delays attributable to limitations in expert availability (related to milestones 10.iv. and 10.xiii.).

Legislative Developments

The implementation of the legal framework related to financial investigations, freezing, confiscation, and extended confiscation of illicit gain remains inconsistent and largely on an ad hoc basis, as previously reflected in the Project's 2024 Public Report (related to milestone 10.ix.).

In December 2022, the legislative drafting process of the Draft Law on Confiscation and Management of Assets Acquired through Criminal Activity at the level of BiH started and is still ongoing. The adoption of this legislative act is relevant for effective confiscation and management of proceeds and property benefits derived from criminal offences. A comprehensive legal framework that incorporates the standards of the EU Directive 2024/1260 on asset recovery and confiscation and the MONEYVAL recommendations is necessary to address shortcomings in the existing legislative regime (also related to Recommendation 2).

The data provided by HJPC BiH for 2024 and 2025 supports the Project's observations (see Figures 16 and 17), as it shows that harmonized and proactive use of asset confiscation tools is still the exception, not the rule.

Although some progress has been made, such as improved data collection in the prosecutorial case management system and recognition of financial investigations as a discrete, trackable activity within performance quotas, it has not translated into a measurable increase of the efforts to strategically confiscate illicit gain (related to milestone 10.iii.). Based on consultations with JOHs, access to timely and confidential financial data remains a major challenge, with prosecutors reporting delays that compromise the effectiveness of ongoing investigations.

In September 2024, the HJPC BiH adopted the Instruction for Chief Prosecutors in BiH to adopt a general binding instruction for their respective prosecutor's offices to collect disaggregated data on confiscation of illicit gain and establish internal co-ordination mechanisms.[140] Within 30 days of the adoption of the Instruction, Chief Prosecutors in BiH issued binding instructions and established mechanisms for monitoring their implementation (related to milestone 10.ix.).

[140] HJPC BiH, Instruction for Populating the Record for Cases related to Confiscation of illegally gained assets in 2024: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwisz8DlxOqOAxXMRfEDHczGM-AQFnoECBgQAQ&url=https%3A%2F%2Fvstv.pravosudje.ba%2Fvstvfo-api%2Fvijest%2Fdownload%2F116220&usg=AOvVaw0BAkoGOY-vDTmRLeBsmgmv&opi=89978449

In December 2025, the HJPC BiH analysed the implementation of the Guidelinesfor establishment of an internal co-ordination mechanism in prosecutor's offices regarding confiscation of illegally gained assets, that includes regular feedback by prosecutor's offices. The analysis showed that most prosecutor's offices regularly submitted reports. However, the reports included instances of incomplete or incorrect data, use of wrong forms and inconsistent data entry in the (T)CMS. To address these problems, the HJPC BiH Department for Judicial Analytics and Reporting provided guidance to prosecutor's offices, aiming to ensure consistent application of the Guidelines and reliable asset recovery data for 2025.[141]

The 2024 MONEYVAL Report recognizes that BiH made progress by completing a comprehensive National Risk Assessment. However, BiH should show tangible results in regards to the adoption of crucial legislative and sub-legislative frameworks related to asset confiscation, targeted financial sanctions, implementation of the anti-money laundering and combating the financing of terrorism (AML/CFT) legislative framework, establishment of a functional beneficial ownership register and implementation of effective inter-institutional co-ordination. In May 2026, BiH authorities adopted the Law on Restricting the Disposal of Property with the Aim of Preventing Terrorism, Financing of Terrorism and Financing the Proliferation of Weapons of Mass Destruction.

On 19 June 2026, BiH was placed under increased international financial supervision after the Financial Action Task Force (FATF) included the country on the so-called grey list of countries with deficiencies in the fight against money laundering and terrorist financing. One key requirement that BiH has not met relates to the Draft Law on Confiscation and Management of Assets Acquired through Criminal Activity at the level of BiH. In addition, authorities in the FBiH entity have not established a functional registry of beneficial owners of companies, which is considered a standard in the fight against financial abuse. Although BiH's placement on the FATF grey list does not result in sanctions, it can have economic consequences, such as increased supervision of financial flows and extended payment deadlines. BiH's removal from the grey list will depend not only on legislative changes, but also on the law enforcement agencies', and the ability of prosecutor's offices and the courts to effectively implement and enforce the needed measures in practice.[142]

[141] HJPC BiH, Information on implementation of the Guidelines for establishment of internal co-ordination mechanism in prosecutor's offices regarding confiscation of illegally gained assets, 11 December 2025, internal HJPC BiH document.
[142] FATF, Bosnia and Herzegovina's measures to combat money laundering and terrorist financing, available at: https://www.fatf-gafi.org/en/publications/Mutualevaluations/Bosnia-Herzegovina-MER-2024.html [accessed 24 June 2026].

Within BiH, the legislative framework governing expert testimony broadly aligns with best practices and standards; yet, it is inconsistent across the different entities and not adequately implemented in practice. It encompasses the four criminal procedure codes and two entity-level laws on experts that regulate the overall role and duties of the experts. The Law on Experts of FBiH and the Law on Experts of RS differ in structure and implementation, and there are no such laws at the State level or in BD BiH. The Prosecutor's Office of BiH, the Court of BiH and the respective judicial institutions in BD BiH apply the provisions from the respective CPCs and use expert witnesses from the existing entity directories. In parallel, there is an absence of a harmonized, system-wide ethical framework and consistent quality-assurance expectations for expert methodology and courtroom clarification across jurisdictions.

Practical Implementation of Financial Investigations, Freezing, Confiscation and Extended Confiscation of Illicit Gain

One of the key principles of criminal law is that nobody is allowed to retain property gain, income, profit or other form of benefit from the property gain acquired by the perpetration of a criminal offence.[143] Investigating the existence, chains and amounts of illicit gain acquired by the person suspected and charged with OCC, is an obligation by the actors involved in combating such crimes. In addition, requiring of and adjudicating on confiscation of illicit gain is promoted as a powerful and important weapon for combating OCC. When successfully applied, the confiscation of illicit gain has a potential of not only deterring others of committing crimes and preserving rule of law, but also to protect lawful business, boost public incomes and contributes to public by using the confiscated property for good public cause.[144]

In 2024, according to data provided by the HJPC BiH, out of 15 prosecutor's offices that were involved in different aspects related to confiscation of illicit gain, 53 per cent have initiated financial investigations. In the course of 2025, out of 18 such prosecutor's offices, 50 per cent have initiated a financial investigation.

Within the framework of financial investigations, the prosecutor may submit a reasoned motion to the competent court for the imposition of provisional measures to secure assets for the purpose of confiscation, where there are grounds for suspicion that such assets constitute proceeds of

[143] The grounds for confiscation of illicit gain are regulated in Article 110 (a) CC BiH, article 114 CC FBiH, article 8 CC RS and article 114 CC BD BiH.
[144] CPO of Tuzla Canton, roundtable "Confiscation of illicit gain as powerful weapon in countering serious crime and corruption", available at: https://pravosudje.ba/vstvfo/E/100/article/147521

crime. The provisional measures may include temporary freezing, impound, prohibition of use, alienation or disposal, in accordance with the applicable provisions governing the confiscation of proceeds of crime.

As per data provided by HJPC BiH, in the course of 2024, the prosecutor's offices requested a total of 24 provisional measures, out of which a total of 22 measures were ordered by the respective courts in BiH. In 2025, of the 23 requested provisional measures, the respective courts in BiH ordered a total of 28 measures.

Provisional measures enhance the likelihood of effective permanent confiscation of assets in the context of criminal proceedings resulting in convictions. However, their imposition does not necessarily lead to permanent confiscation in all cases; conversely, permanent confiscation may be ordered in cases where provisional measures were not previously imposed.

According to data on permanent confiscation ordered by courts in criminal proceedings during 2024 and 2025 as provided by the HJPC BiH, the first-instance courts in 2024 confiscated approximately a 13 times larger value of illicit gain compared to the second instance courts for the same 2024. In 2025, this variance was significantly reduced, having the first-instance courts confiscated approximately 2.3 times larger value of illicit gain in comparison with the second-instance courts. (See Figure 16).

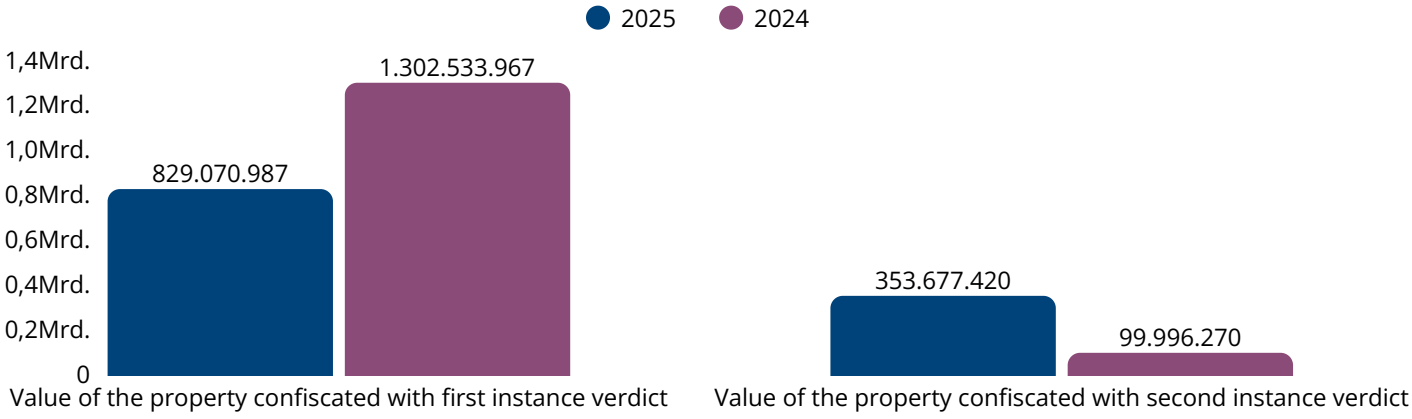


Figure 16: Value of proposed and finally confiscated property in 2024 and 2025, Source: HJPC BiH, August 2026

Among the seven convicted persons in the cases monitored in the reporting period, illegal gains were confiscated from three convicted individuals and one legal entity in the total amount of BAM 1,476,482 (€738,240). For the other convicted defendants, the confiscation did not materialize due to different reasons, including unquantified amount of the illicit gain by the prosecution in the indictment and the defendant did not obtain illicit gain with the committed criminal offence.

The adjudication practice of BiH courts on confiscation remains consistent in 2024 and 2025 with minor variations.

Extended confiscation was not applied in finally adjudicated cases in 2024 and in 2025 (see Figure 17).

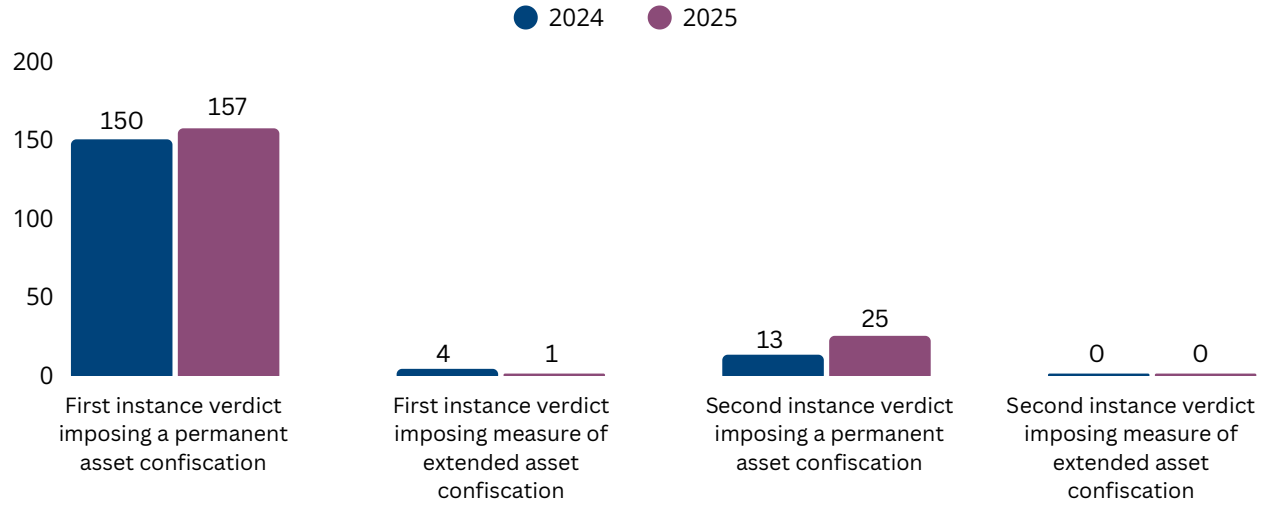


Figure 17: Adjudicated confiscation/extended confiscation in 2024 and 2025, Source: HJPC BiH, August 2026

An assessment of the sample of 141 convictions out of a total of 269 criminal charges in all cases monitored by the Project, indicates that confiscation was ordered in 45 instances, representing 31.9 per cent of the convictions. While its use is evident, confiscation appears to be applied unevenly and without an overall strategic approach. Although some of the criminal charges did not entail financial aspects (e.g., forging documents, breach of law by a judge, obstruction of justice, forging or destruction of trade books or documents, falsifying evidence, endangering security, etc.), the data still shows that financial investigations, confiscation and extended confiscation remain underutilized as strategic tools in addressing OCC.

Despite incremental progress, such as updated CMS functionality, increased freezing measures, and high-value confiscation in isolated cases, BiH institutions have not developed a consistent or strategic approach to financial investigations in OCC proceedings (related to milestone 10.iii.).

The near-total absence of extended confiscation and the uneven institutional application of basic investigative tools suggest that improvements in practice need to be addressed.

As next steps, competent authorities should undertake action to substantially

reinforce mechanisms for the identification, tracing, freezing, and confiscation of proceeds of crime, building upon established good practices and successful experiences developed by prosecutor's offices that have achieved positive results in this area. Inter-institutional co-operation should be furthered through strengthened co-ordination frameworks and enhanced data-sharing arrangements. Prosecutors need sustained access to expert financial analysis and faster, more secure channels to gather sensitive ownership and banking information, as well as, strengthening interagency co-operation and monitoring institutional implementation of binding instructions remain key priorities.Financial investigations should be systematically embedded as a proactive and routine component of investigative practice, rather than remaining predominantly reactive or ad hoc in nature. In parallel, increased attention should be devoted to the effective identification and recovery of illicit gains, including through the more consistent application of extended confiscation regimes. These measures are critical to advance the strategic objective of depriving criminal networks of their illicit proceeds and to reinforce the broader preventive and deterrent impact of the criminal justice response to organized crime and corruption.

Practical Implementation of Expert Testimony and Its Impact on Effective Adjudication

The lawful, impartial and professionally competent engagement of expert witnesses constitutes an important precondition for the effective administration of justice, serving as a bridge between complex financial/technical facts and legal qualification. Weaknesses at this junction can affect both procedural efficiency and the perceived fairness of proceedings.

Findings from the Project's trial monitoring indicate that the quality and courtroom usability of expert evidence can be outcome-relevant in high-level OCC proceedings. In 11 (or 25 per cent) of the OCC cases monitored by the Project,[145] courts' reasoning placed significant weight on whether expert findings were sufficiently precise, methodologically explained and effectively clarified through testimony, including in instances where weaknesses in expert evidence contributed to adverse evidentiary assessments.

[145] Calculation does not include the new cases undertaken for monitoring as they are in initial stage of the main trial.

Across the monitored caseload, the root causes for low-quality prepared expert opinions are multifaceted and may reflect different, sometimes overlapping, mechanisms including: (i) imprecise, unclear and/or overly broad prosecutorial/court orders; (ii) incomplete or poorly organized transmission of underlying material to experts; (iii) limited procedural planning for expert testimony (including insufficient time for clarification and adversarial testing); (iv) availability constraints affecting scheduling; and (v) weaknesses in institutional safeguards for independence and accountability of experts.

i) Trial monitoring observed that imprecise, unclear and/or overly broad prosecutorial/court orders can cause insufficient and unclear expert findings and, subsequently, inadequate performance of the expert in the courtroom. For example, in three out of 11 finally adjudicated cases, the court acquitted the defendants, primarily due to inadequate analysis and testimony from a prosecution-hired expert, as indicated either directly in the respective verdicts or based on the Project's analysis.

ii) Equally important is the capacity of the prosecution and the court (where relevant) to provide all relevant documentation and other material evidence to the expert witness. However, in practice this is not always the case.

iii) In three ongoing cases, out of the above mentioned 11, the Project also observed various issues with communication and co-ordination between the prosecution and expert during the investigation, that was later visible at the main hearing during the testimony of these experts as witnesses in the courtroom.

iv) In five ongoing cases, availability constraints and competing professional obligations of experts caused unnecessary delays in proceedings, as observed during trial monitoring. In these cases, the expert witnesses either needed additional time to finalize their expertise, or were unable to attend the hearings to which they were summoned due to other obligations.

v) Additional safeguards are needed to ensure expert independence and accountability, objectivity, and due diligence and to enable parties to test expert methodology and conclusions in an adversarial system. Transparent appointment and engagement practices are also needed to minimize the risk of perceived partiality and conflicts of interest.

In order to systematically support the effective use of objective and quality-based expert opinions in OCC proceedings, future steps should also focus on harmonization of the legal framework related to expert witnesses, establishment of a system of

disciplinary procedure and measures in cases of incompetence or serious professional misconduct, adoption of an ethical code for expert witnesses, the establishment of a system/regulations that will enable objective and transparent evaluation standards, enhancing the role of expert witnesses' professional associations in quality control and accountability.

3) Conclusion

The BiH judicial system has demonstrated commitment to advancing reforms aimed at strengthening the institutional response to organized crime and corruption. The period was marked by substantial formal and institutional developments, including the adoption of regulatory instruments, internal guidelines, case-management mechanisms, performance evaluation tools and enhanced needs-based learning initiatives. These measures reflect a gradual move towards a more structured, co-ordinated, and evidence-based justice system. The HJPC BiH and other relevant judicial bodies have contributed to this progress by supporting policy development based on monitoring findings, assessments and identified systemic needs.

The reforms introduced during this reporting period have established important foundations for improving the efficiency, quality and transparency of OCC proceedings. Judicial institutions have strengthened approaches to case prioritization, institutional oversight, prosecutorial quality assurance, professional development and access to judicial information. Increased availability of judicial decisions and legal materials through centralized platforms represents a positive step towards greater transparency and consistency of judicial practice.

At the same time, the consolidation of these reforms remains an ongoing process. While the normative and institutional framework has advanced considerably, implementation across judicial institutions and jurisdictions continues to develop at a slower pace. Challenges remain in ensuring the consistent application of new mechanisms, improving the quality of indictments, reducing delays in complex proceedings, strengthening the reasoning and consistency of sentencing practices and making more effective use of financial investigations, asset confiscation and other available judicial tools. Differences in transparency practices, including the publication and accessibility of judicial reasoning, also indicate the need for further practical refinement.

The next stage of reform should focus on translating the progress achieved at the institutional and regulatory level into sustained improvements in

everyday judicial practice. Overall, BiH has established important reform foundations and the effectiveness of future efforts will depend on the capacity of judicial institutions to consolidate these achievements and deliver measurable, consistent and sustainable results across the justice system.

Kosovo[146]

1) Overarching Institutional and Policy Issues

The reporting period was characterized by sustained efforts by justice institutions in Kosovo to strengthen judicial responses to organized crime and corruption (OCC) through strategic planning, regulatory reform, digitalization, and increased inter-institutional co-operation. Compared to previous reporting periods, institutions demonstrated greater ownership of reform processes, with several initiatives being developed and implemented domestically. While implementation remains uneven and numerous reforms are still at an early stage, the broader direction suggests a gradual shift from the adoption of reform measures towards their operationalization in practice.

Institutional and Policy Developments Affecting Reform Uptake

A notable development during the current reporting period was the increased reliance on strategic and policy frameworks to guide justice sector reforms. The implementation of the Strategic Plan for the Efficient Resolution of OCC Cases 2025 - 2027, the communication strategies of the judicial and prosecutorial systems, the Kosovo Judicial Council (KJC) Information Technology Strategic Plan 2024 - 2029, and reforms affecting specialized departments indicate a growing emphasis on structured and performance-oriented governance. Institutions also demonstrated stronger engagement with findings emerging from trial monitoring and other external assessments, incorporating recommendations into strategic planning, training programmes, and policy development processes.

The Supreme Court further strengthened its role in promoting consistency and predictability of judicial practice through legal opinions, judicial practice summaries, selected decisions, and increased engagement with lower courts. Together with the expansion of training activities by the Kosovo Academy of Justice (KAJ) and implementation-focused initiatives by the KJC and Kosovo Prosecutorial Council (KPC), these developments suggest growing institutional ownership and a greater willingness to address systemic challenges affecting OCC proceedings.

[146] "All references to Kosovo, whether to the territory, institutions or population, in this text should be understood in full compliance with United Nations Security Council Resolution 1244."

System-wide Conditions Shaping Implementation

Several cross-cutting developments were observed across the justice sector. These included continued digitalization of judicial processes, expansion of publication platforms and case-management tools, increased use of audio and video recording systems, strengthening of transparency and communication mechanisms, and enhanced co-operation between judicial and prosecutorial institutions. Justice institutions also demonstrated greater willingness to review monitoring findings, assess implementation challenges, and adapt policies and practices accordingly.

Simultaneously, monitoring findings indicate that efforts aimed at strengthening consistency of judicial practice have not yet fully translated into uniform approaches across the justice sector. Divergent approaches continue to be observed regarding: evidentiary standards; indictment drafting and review practices; sentencing, including application of accessory punishments; financial investigations; retrials; and interpretation of selected provisions of the Criminal Procedure Code. While important steps have been undertaken to strengthen harmonization of practice, ensuring greater consistency remains key in improving legal certainty, predictability, and public confidence in judicial responses to organized crime and corruption.

Despite significant institutional activity, a recurring challenge remains the translation of adopted reforms into consistent implementation. In many instances, justice institutions have adopted relevant strategies, regulations, and operational tools, yet practical implementation continues to lag behind policy commitments. This pattern is evident in areas such as transparency, bilingual access to proceedings and judgements, indictment drafting, judicial practice, financial investigations, asset confiscation, and performance management. Resource and financial constraints, specialized expertise gaps, interpretation and translation challenges, and uneven deployment of technological tools continue to affect implementation across the justice sector.

Beyond implementation challenges, several broader structural constraints continue to affect the justice system's capacity to establish a credible and sustainable track record in addressing OCC. These include: lengthy proceedings, particularly at the appellate level; uneven application of legal standards; delays in financial investigations; limited access to financial information; inconsistencies in sentencing practices; limited use of accessory punishments; and persistent weaknesses in the quality of investigations and indictments.

Priorities for Consolidating Progress

First, justice institutions in Kosovo may benefit from placing greater emphasis on implementation and accountability. While most key reform frameworks are now in place, the next phase will require stronger follow-up mechanisms, clearer institutional ownership, and more systematic monitoring of results to ensure that reforms translate into measurable improvements in practice.

Second, further efforts may be required to strengthen the quality and consistency of justice outcomes. Continuous attention to harmonization of judicial and prosecutorial practice, appellate delays, financial investigations, language services, and institutional interoperability will be important for improving legal certainty, predictability, and public confidence in the administration of justice.

Third, sustained investment in institutional capacities will remain critical. Increased budgetary support, digitalization, performance management systems, and institutional learning mechanisms could further strengthen transparency, accountability, and operational effectiveness. Building on existing co-operation and monitoring mechanisms, justice institutions are increasingly well positioned to translate policy commitments into measurable improvements in the efficiency, quality, consistency, and effectiveness of responses to organized crime and corruption.

On the whole, justice institutions in Kosovo have demonstrated increased institutional maturity, stronger ownership of reform processes, and greater willingness to address systemic challenges affecting OCC cases. While substantial implementation limitations remain, the reporting period suggests that the foundation for more sustainable and effective reforms is increasingly in place.

2) Update on Key Findings and Recommendations

FAIRNESS

1

Recommendation

Strengthen transparency and access to information in OCC cases:

1.1 The Kosovo Judicial Council (KJC) should ensure regular publication and updating of accurate and timely information on OCC cases, including court schedules and judgement;

1.2 The KJC, Kosovo Prosecutorial Council (KPC), judges, and prosecutors should improve communication with civil society by promptly, consistently, and comprehensively responding to requests for information. This should involve:

- Conducting regular press conferences and addressing cases of high public interest, particularly those related to OCC cases.
- Monitoring the implementation of the respective communication strategies.
- Establishing binding instructions outlining minimum standards for the publication of information on cases.

1.3 The KPC should establish mechanisms to ensure a consistent approach to the publication of indictments. These mechanisms should include sufficient safeguards to uphold privacy rights and protect sensitive information.

Implementation Stage:



Early implementation

Implementation Milestones:

1.i. Percentage of OCC case judgements (from Regional Trial Monitoring (RTM) case list) published within 30 days (60 days in exceptional cases) of the legally prescribed timeline.
1.ii. Number of meetings conducted to discuss the implementation of communication strategies.
1.iii. Number of courts adopting and actively maintaining a public case schedule for OCC cases (from RTM case list) via an established case management system (CMIS).
1.iv. Number of press releases and/or conferences held per OCC case (from RTM case list) informing about key procedural milestones.
1.v. Establishment of a guideline/instruction for minimum standards in publishing case information.
1.vi. Standardized protocol for publication of indictments, ensuring privacy safeguards are drafted.
1.vii. Number of working group meetings to establish a mechanism for consistent publication of indictments.

Kosovo judicial and prosecutorial institutions reported concrete regulatory, strategic and operational steps to strengthen transparency and access to information in OCC cases, reflecting structured institutional engagement on this topic.

However, implementation cannot yet be assessed as operationalized due to demonstrated deficiencies in predictable publication routines, timely access to judgements, reliable hearing schedules, consistent responses to information requests, and standardized indictment-publication criteria.

Findings:

In previous reporting periods, the Project identified shortcomings related to inconsistent publication of judicial information, limited access to indictments and judgements, incomplete hearing announcements, and uneven institutional responses to requests for information.[147]

During the current reporting period, Kosovo justice institutions undertook concrete regulatory and institutional steps aimed at strengthening institutional transparency, improving communication practices, and increasing public access to judicial and prosecutorial information.

[147] ExB Trial Monitoring Public Report 2024 *ExB Trial Monitoring Public Report 2024* 1] ExB Trial Monitoring Public Report 2024 [5] (accessed on 17 May 2026)

Publication of Judicial Decisions

The Assembly of Court Presidents and Supervising Judges discussed persistent deficiencies in publication practices and proposed amendments. On 5 March 2026, the KJC adopted Administrative Instruction No. 01/2026 amending the previous Administrative Instruction No. 01/2025 on the Publication of Judicial Decisions,[148] aimed at increasing accountability of judges and court staff in the anonymization and publication process (related milestone: 1.v).[149]

This followed concerns identified by KJC,[150] as well as findings from civil society and international reports[151] regarding the implementation of the previous Administrative Instruction on the Publication of Judicial Decisions.

Public Access to Hearings

The KJC confirmed that hearing schedules are published online and updated in real time through court websites, while courts continue to use CMIS/SMIL for case management and publication of procedural information (related milestone: 1.iii).[152] Trial monitoring observations during the current reporting period indicate that most monitored hearings in OCC cases remained open to the public. During the October 2025–September 2026 period, 106 out of 110 monitored hearings were public.[153] This represents a positive baseline for open justice.

However, a formal public hearing cannot be regarded as being practically accessible.

Practical access depends on whether hearing information is published in time, is complete, and can be reliably accessed and found by external users. Publication of hearing schedules through online platforms contributes to improving practical public access to hearings. However, trial monitoring data collected during the current reporting period indicated that only 149 out of 270 hearings monitored by the Project, were published on online court platforms, resulting in a 56 per cent publishing rate (related milestone: 1.iii).[154]

[148] Administrative Instruction No. 01/2026 Amending and Supplementing Administrative Instruction No. 01/2025 on the Publication of Judicial Decisions, Pristina, 5 March 2026, also available at: 34233_KGJK_Udhezimi_Administrativ_Nr_01_2026_per_Ndryshimin_dhe_Plotesimin_Udhezimit_Administrativ_Nr_01_2025.pdf (accessed on 18 May 2026).
[149] KJC responses to Project request for information, 27 April 2026.
[150] FOL, Report on the Monitoring of the Publication of Judicial Decisions (January–December 2023), p. 71, recommending that the Kosovo Judicial Council draft a new Instruction on the publication of judgements harmonized with the new Criminal Procedure Code, also available at: 57-Monitorimi-i-publikimit-te-vendimeve-gjyqesore-ENG03.pdf (accessed on 18 May 2026).
[151] European Commission, Kosovo Report 2024, noting the need for further strengthening of judicial digitalization and efficient case-management systems, available at: Kosovo Report 2024 (accessed on 18 May 2026).
[152] KJC responses to Project request for information, 27April 2026.
[153] Project trial monitoring observations.
[154] Official websites of the respective courts, “Hearing Schedule” sections, accessed 18 September 2026.

Publication of Judgements

Furthermore, the KJC has improved access to judgements, many of which can now be searched by keywords through its online platform. In addition, as of March 2025, under the Administrative Instruction No. 01/2025, a major improvement was introduced allowing judgements to be searched by the names of defendants (related to milestone 1.i).[155] During the current reporting period, 36 out of 41 judgements announced in high-level OCC cases selected for monitoring had been published on court websites.[156] Out of these 36 judgements, 16 are first-instance judgements of which nine were within the 60-day statutory deadline (61 per cent). Nevertheless, in seven cases, the period between the issuance of the first-instance written judgements and their publication online exceeded the 60-day legal deadline by an average of 42 days, ranging from two to 122 days beyond the deadline.[157]

Overall, the publication rate showed a considerable improvement compared with the previous reporting period. The Court of Appeals published all 20 monitored judgement (100 per cent), whereas first-instance courts published 16 out of 21 monitored judgements(76 per cent) of the monitored judgements.

In the previous reporting period, only 13 out of 54 first- and second-instance judgements were available online. Of these, 10 out of 38 first-instance judgements (26 per cent) and three out of 16 Court of Appeals judgements (19 per cent) were available online.

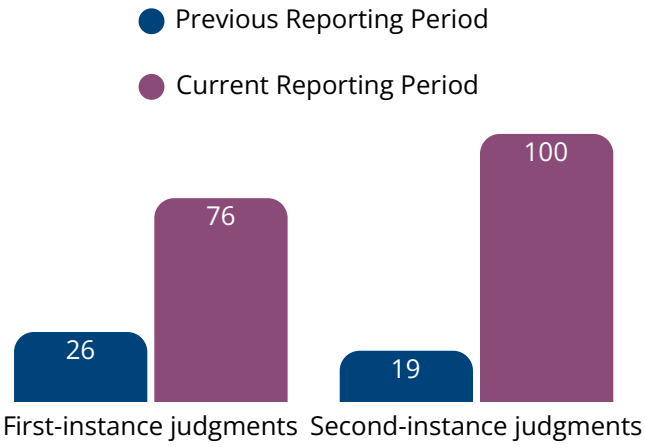


Figure 18: Publication rate

As illustrated in Figure 18, the publication rate increased by 44 per cent at the first-instance level and by 81 per cent at the Court of Appeals level compared to the previous reporting period.

The Project also observed discrepancies between the date of the written judgementand its entry into CMIS/SMIL, a step which generally precedes service of the parties. In four monitored cases, the entry of judgementsinto the system was delayed by as many as 46 days (4, 9, 34 and 46 days respectively), primarily in cases where the judgement were not published on court websites.

[155] Administrative Instruction No. 01/2025 on the Publication of Judicial Decisions, Article 5(1), Pristina, 28 February 2025, also available at: 67154_KGJK_Udhezimi_Administrativ_Nr_01_2025_per_Publikimin_Vendimeve_Gjyqesore.pdf (accessed on 18 May).
[156] CPC (2022), Article 370(1), "Publication of Court Decisions", requiring courts to publish all judgements online within 60 days from the date of their issuance.
[157] Project judicial acts analyses.

This distinction is important because publication in the case management system, public availability of the judgements, and service of the judgementon the parties serve different procedural and transparency-related functions and should not be treated as interchangeable. In practice, the value of digital publication depends on whether information is sufficiently complete, timely, and searchable for external users.

The implementation of CMIS/SMIL and related transparency measures continued to be discussed in workshops and meetings organized by the KJC and the courts throughout the reporting period.

This extends beyond an internal publication issue; predictable and consistent publication and anonymization practices are also important safeguards for strengthening integrity, accountability, and public trust in high-public-interest OCC cases. Clear and legally coherent rules regulating publication of judicial information help reduce risks of selective disclosure, inconsistent practices, and public perceptions of unequal treatment of cases. In this regard, continued efforts to establish routine publication capacity and harmonized access practices remain important for ensuring strategic transparency and reinforcing confidence in the administration of justice (related milestone: 1.v).

Judicial Communication and Transparency

Beyond the publication of individual judicial decisions, the KJC also reported full implementation of activities foreseen under the Communication Strategy 2025–2027 throughout 2025, including live streaming of KJC meetings and meetings of the Assembly of Court Presidents and Supervising Judges, publication of statistical reports and disciplinary information, regular updates of court websites, and increased engagement with the media, civil society, and citizens (related milestone: 1.ii).[158] The KJC further reported continuous publication of decisions of the Conditional Release Panel, publication of compensation decisions for wrongfully detained persons, and monitoring of public perception indicators linked to implementation of the Strategy.[159] These activities indicate a broader institutional effort to move transparency from passive disclosure towards more regular public communication. However, their reform value will depend on whether such communication becomes consistent and predictable and linked to measurable improvements in public access to judicial information.

[158] Ibid.
[159] Project judicial acts analyses.

Prosecutorial Communication and Transparency

A parallel strand of transparency reform concerns prosecutorial communication and public access to information held by the prosecutorial system. Following adoption of the Communication Strategy of the Prosecutorial System 2024–2026, the KPC established a Supervisory Group responsible for monitoring implementation of the Action Plan (related milestone: 1.ii).[160] According to the KPC, out of 36 planned activities, 19 were fully implemented, eight partially implemented, and nine remained unimplemented by the time of reporting.[161] Throughout the period under review, the KPC launched a new institutional web portal, live-streamed 28 KPC meetings, and intensified co-operation with media representatives, civil society organizations, and international partners.[162] In addition, the KPC reported holding 47 institutional co-ordination and monitoring meetings concerning communication and public engagement (related milestone: 1.vii).[163] These outputs indicate increased institutional activity but should be understood as enabling conditions rather than evidence of consistent and timely access to prosecutorial information.

This shift was also reflected in the Project's consultations with the KJC, KPC, court presidents, chief prosecutors, representatives of the Special Prosecution Office, and Ministry of Justice officials between March and September 2026, which indicated that transparency-related recommendations are now more firmly integrated into institutional dialogue. Several judicial interlocutors and civil society representatives acknowledged that increased transparency and public communication have contributed to strengthening public confidence in OCC proceedings and judicial accountability.[164]

Nevertheless, despite these developments, significant implementation challenges remain. The KJC acknowledged that full implementation of publication obligations continues to be affected by limited human and technical capacities, heavy caseloads, and challenges related to anonymization of judgements prior to publication.[165]

[160] KPC responses to Project request for information, 18 September 2026.
[161] Ibid.
[162] Ibid.
[163] KPC responses to Project request for information, 18 September 2026.
[164] See statements delivered during Judiciary Days 2025 by representatives of civil society organizations, including Kosovo Law Institute, BIRN Kosovo and Levizja FOL, commending the Kosovo Judicial Council for progress in transparency, publication of judgements, co-operation with civil society, and strengthening accountability within the judicial system, also available at: Pavarësia, cilësia dhe unifikimi i praktikës në fokus të Ditëve të Gjyqësorit 2025 – Këshilli Gjyqësor i Kosovës (accessed on 18 May 2026).
[165] KJC responses to Project request for information, 27 April 2026.

Monitoring observations further indicate that transparency practices continue to vary considerably among courts and prosecution offices, particularly in relation to the consistency and timeliness of publication of decisions and responses to requests for information (related milestones: 1.i and 1.iii).

Although both councils reported increased processing of requests for access to public documents, the data provided by the KJC indicate that a substantial number of requests remained unanswered throughout the reporting period. Between January 2025 and September 2026, the KJC reported 1,048 requests for access to public documents, of which 400 reportedly received no response during the respective reporting months.[166] While the KJC clarified that some requests were carried over to subsequent months in line with legal deadlines, the figures nevertheless indicate continuing operational challenges in responding consistently and promptly to requests for information (related milestone: 1.ii). For the purposes of assessing implementation, the key issue is not only the number of requests received or processed, but whether institutions demonstrate reliable response routines, clear tracking of deadlines, and consistent treatment across the justice sector.

Publication of Indictments

In relation to publication of indictments, the KPC confirmed that discussions concerning development of a standardized protocol regulating publication of indictments were ongoing, but no formal mechanism had yet been adopted by the time of drafting this report (related milestone: 1.vi).[167] As a result, prosecutorial practices concerning publication of indictments and information related to OCC proceedings continue to depend largely on institutional discretion and operational capacities, creating inconsistencies in the level and scope of information made publicly available in cases of high public interest.

[166] Ibid.
[167] KPC responses to Project request for information, 13 June 2025 and 27 April 2026.

Overall Assessment

The current reporting period demonstrates continued progress towards strengthening transparency and public access to information in OCC proceedings. Compared to the previous reporting period, implementation efforts appear more structured and institutionally co-ordinated, particularly regarding communication strategies, digital publication mechanisms, and public engagement initiatives (related milestones: 1.ii, 1.iii, 1.v). However, implementation remains uneven, with gaps in consistency, timeliness and monitoring of publication and communication practices across institutions (related milestones: 1.i, 1.iii, 1.vi).

The focus now shifts to whether these measures produce predictable, rights-compliant, and institution-wide access to information in high-public-interest OCC cases. To move from early implementation to operationalization, institutions need to apply publication and communication standards consistently across courts and prosecution offices, with measurable improvements in timely judgement publication, reliable public hearing schedules, prompt responses to information requests, and the adoption and application of a standardized indictment-publication protocol with privacy, data-protection and fair-trial safeguards.

2

Recommendation

Increase the capacity of courts to function effectively in both official languages.

2.1 The KJC and KPC should establish a systematic approach for the deployment, recruitment, and retention of professional interpreters and translators, prioritizing urgent cases.

2.2 The KJC and KPC should ensure that interpreters and translators receive standardized training and certification to improve quality and consistency in judicial proceedings.

Implementation Stage:



Early implementation

Implementation Milestones:

2.i. Percentage of hearings (from RTM case list) conducted with full bilingual interpretation available upon request.
2.ii. Percentage of court decisions and case documents available in both official languages of the parties within legal timeframes (from RTM case list).
2.iii. Adoption of clear guidelines for identifying urgent cases to ensure priority interpreter deployment (e.g., time-sensitive trials, defendants in custody, international co-operation cases).
2.iv. Number of training sessions for interpreters.

During the current reporting period, Kosovo judicial and prosecutorial institutions reported concrete steps to strengthen interpretation and translation services in OCC proceedings, including recruitment and certification of interpreters, establishment of centralized translation management systems, and expansion of training activities. However, these measures have not yet translated into consistent implementation in practice.

The availability of interpretation services, timely provision of translated case materials, bilingual access to judicial proceedings and decisions, and predictable deployment of interpreters in urgent cases remain uneven across the justice sector, continuing to affect hearing scheduling, defence access to case materials, and the timely publication of judgements.

Findings:

Since the publication of the Project's Regional Public Report in June 2024, judicial and prosecutorial institutions have continued with efforts to strengthen language equality in the judiciary and improve interpretation and translation services in OCC proceedings.[168] Compared with the previous reporting period, institutions demonstrated increased awareness of translation-related deficiencies affecting fairness, efficiency, and equal access to justice.

This has been particularly evident in complex OCC cases involving multiple defendants, extensive evidentiary records, and proceedings conducted in more than one official language.

[168] ExB Trial Monitoring Public Report, June 2024.

Interpreter Recruitment and Translation Systems

The KJC further developed implementing measures aimed at improving recruitment, certification, and management of interpreters and translators (related milestones: 2.iii). Building upon reforms initiated in 2024 and 2025, the KJC confirmed that three recruitment and certification rounds for interpreters and translators were conducted, including written evaluations and examinations covering 21 language pairs.[169] The KJC further reported establishment of a centralized translator distribution system and certification of 121 translators, while maintaining a registry of external interpreters for non-official languages.[170] In parallel, the KJC confirmed sustained use of the Centralized Translation System, operational since November 2024, for management of court translation requests and redistribution of translation workloads among courts.

The KJC also informed the Project that hearing schedules and procedural information continue to be managed through CMIS/SMIL systems, while the KJC Strategic IT Plan 2024–2029 foresees further development of centralized digital translation management tools aimed at improving efficiency and reducing delays related to translation and interpretation services (related milestones: 2.iii).[171] These measures indicate growing institutional recognition that predictable and timely translation practices are essential safeguards for equal access to justice, procedural fairness, and public confidence in judicial proceedings conducted in official languages and languages in official use.

Capacity-building and Training

The Kosovo Academy of Justice (KAJ) maintained implementation of specialized training sessions for interpreters and translators (related milestone: 2.iv). Throughout 2025, six training sessions were reportedly organized with a focus on courtroom interpretation, simultaneous interpretation equipment, legal terminology, translation techniques, and use of translation software.[172]

[169] KJC Website, Decision no.160/2024, published on 07 June 2024, also available at: https://www.gjyqesori-rks.org/vendimet-e-keshillit/

[170] KJC responses to Project request for information, 27 April 2026.

[171] IT Strategic Plan of the Kosovo Judicial Council 2024 – 2029, also available at: https://www.gjyqesori-rks.org/wp-content/uploads/reports/13969_KJC_IT_Strategic_Plan_of_the_Kosovo_Judicial_Council_2024_2029.pdf (accessed on 31 May 2026).

[172] Kosovo Academy of Justice, 2025 Continuous Training Program, also available at: PTV_2025ShQ__.pdf and KAJ communications with the Project

In addition, the KPC confirmed participation of translators from the prosecutorial system in training sessions organized jointly with the OSCE Mission in Kosovo and other partners, including specialized Albanian–Serbian translation programmes. These efforts represent progress compared to the previous reporting period, during which institutionalized training opportunities for translators and interpreters were significantly more limited.

The KPC also reported that prosecution offices continue to rely primarily on internal administrative co-ordination and KJC-managed interpreter resources to secure interpretation services.[173]

According to the KPC, the prosecutorial system currently employs 28 translators, including 25 for Serbian language interpretation and three for English language interpretation. For urgent and foreign-language cases, prosecution offices continue to rely on external licensed court interpreters from the KJC registry. However, the KPC also confirmed that the prosecutorial system still lacks a specific guideline regulating deployment of interpreters in urgent cases (related milestone: 2.iii).[174]

Monitoring Findings and Practical Challenges

Despite these institutional efforts, trial monitoring observations and institutional responses demonstrate that significant practical challenges remain. Since the launch of the Project in July 2021, language-related deficiencies were documented in 12 out of 13 OCC monitored cases which required interpretation. At least 28 hearing delays were directly attributed to the absence of interpreters, while 29 additional delays or disruptions were linked to malfunctioning interpretation equipment or lack of simultaneous interpretation tools (related milestone: 2.i).[175]

Although institutions have increased recruitment and certification efforts, these figures indicate that availability and deployment of language services remain a practical challenge in OCC proceedings. During the June 2024–September 2026 reporting period, the Project continued to observe language-related deficiencies, which included ten cases in which hearings were affected by issues related to the translation of case materials or interpretation services.

[173] KPC responses to Project request for information of 27 April 2026.
[174] Ibid.
[175] Project trial monitoring observations.

Of these cases, three resulted in adjournments due to the absence of an interpreter, while the remaining seven caused delays or disruptions to the proceedings due to inadequate interpretation or the failure to provide translated case materials in a timely manner. The number of hearings adjourned due to translation and interpretation issues decreased from 25 instances reported in the 2024 Public Report to only three during the current reporting period.[176] This may indicate improvements in the availability of interpretation services and the management of language-related challenges in court proceedings.

The impact of these deficiencies remains particularly significant regarding defence rights and access to translated case materials (related milestone: 2.ii). During the previous reporting period, the Project observed challenges in the provision of translated indictments and case files, causing delays of between two and six months in five high-level OCC cases. Trial monitoring observations conducted throughout the reporting period identified five instances in which defendants were not provided with indictments, hearing transcripts, or other key procedural documents in a language they understood. In one monitored case, the defendant was initially instructed to arrange and finance translation independently before the decision was reversed following objections by defence counsel. Such practices remain inconsistent with obligations under the Criminal Procedure Code and the European Convention on Human Rights (ECHR).

In the remaining four instances, the failure to provide translated materials resulted in the adjournment of hearings, causing delays ranging from one to two months. In one of these cases, the court sought to preserve procedural efficiency by proceeding with the presentation of the defence case for defendants who did not require translation, while postponing the defence of the affected defendant pending translation of the relevant materials.

Bilingual Publication of Judgements

Translation-related delays also continue to affect publication of judgementsand broader transparency of OCC proceedings. According to monitoring data collected during the reporting period, out of 52 first- and second-instance judgements, only one was published in both official languages (ten out of these judgements included defendants other than Albanian), while the remaining judgements were either unpublished or available only in Albanian (related milestone: 2.ii).

[176] ExB Trial Monitoring Public Report, June 2024, page 74.

Although the judgements were not subsequently published on the courts' websites, they were necessarily translated in cases involving defendants living outside of Kosovo; however, the translation process was accompanied by significant delays. In two monitored cases, the first-instance written judgements were issued 243 and 312 days after the announcement of verdicts, partly due to case complexity and translation requirements, and were not subsequently published on the court's website. These delays continue to undermine timely public access to judicial information and undesirably affect transparency and accountability in high-profile OCC proceedings.

Institutional responses further indicate that implementation of translation-related reforms remains uneven across institutions. Although the KJC developed centralised systems and increased certification efforts, no clear timeline has yet been publicly communicated regarding full operationalization of the centralized translation management platform envisioned under the KJC IT Strategic Plan 2024–2029. At the same time, the KPC acknowledged expanded reliance on KJC resources and absence of dedicated prosecutorial guidelines for urgent deployment of interpreters (related milestones: 2.iii).[177]

On the whole, compared to the previous reporting period, Kosovo justice institutions demonstrated increased institutional engagement and more structured reform efforts aimed at strengthening language equality in judicial proceedings. Recruitment and certification initiatives, introduction of centralized translation systems, and expanded training activities represent important progress toward improving interpretation and translation services in OCC cases (related milestones: 2.iii, 2.iv). Nevertheless, practical implementation gaps remain significant, particularly regarding timely provision of translated materials, quality and availability of courtroom interpretation, urgent interpreter deployment, and publication of judgements in both official languages (related milestones: 2.i, 2.ii, 2.iii).

As a next step, institutions could ensure full operationalization of translation reforms, institutionalize continuous interpreter training and oversight mechanisms, and adopt clear operational protocols ensuring predictable and equal language access throughout OCC proceedings.

[177] KPC responses to Project request for information, 27 April 2026.

3

Recommendation

Ensure effective legal assistance for defendants at all stages of criminal proceedings.

3.1 The KJC, KPC, and Kosovo Bar Association (KBA) should collaborate to establish binding instructions, including detailed timelines, to ensure that the defence has access to evidence and material during the pre-trial phase in accordance with the Criminal Procedure Code.

3.2 Courts should ensure that facilities are available for private lawyer-client consultations prior to hearings and allow sufficient time for such consultations.

3.3 The KBA should draft guidelines for defence lawyers that include minimum standards on case preparation, advice, and representation (as well as instances of trial in absentia).

3.4 The KBA should establish a mechanism for addressing complaints received from courts regarding member conduct and ensure that disciplinary findings are publicly available, while also upholding privacy rights.

Implementation Stage:



Early implementation

Implementation Milestones:

3.i. Percentage of monitored OCC cases where defence counsel had access to case materials.
3.ii. Develop a clear framework that outlines the roles and responsibilities of each party (KJC, KPC, and KBA) in ensuring defence access to evidence.
3.iii. Percentage of cases (from RTM case list) where defence received full access to evidence within prescribed legal timeframes.
3.iv. Number of court facilities with designated private consultation spaces.
3.v. Drafting of minimum standards for defence representation (case preparation, legal advice, courtroom advocacy).
3.vi. Percentage of defence counsel who complete mandatory training on defence standards.
3.vii. Existence and public availability of summary reports on complaints against defence counsel and disciplinary actions taken.

During the period under review, Kosovo justice institutions and the Kosovo Bar Association (KBA) reported concrete steps aimed at strengthening defence rights and legal assistance in OCC proceedings, including expansion of training programmes, establishment of disciplinary and complaints mechanisms, and increased institutional dialogue on defence standards. However, implementation cannot yet be assessed as operationalized because timely and predictable access to case materials, consistent application of defence standards, effective use of confidential consultation facilities, and transparent disciplinary oversight mechanisms are not yet ensured in practice. In addition, binding frameworks regulating defence access to evidence remain absent, while defence performance and access to procedural safeguards continue to vary across cases and institutions and have yet to ensure equal and effective legal assistance throughout all stages of criminal proceedings.

Findings:

Since the publication of the Project's Regional Public Report in June 2024, justice sector institutions and the KBA undertook additional measures aimed at improving legal assistance and strengthening defence standards in OCC proceedings.

Compared to the previous reporting period, institutional awareness of challenges affecting defence rights and equality of arms in complex OCC cases appears to have increased, particularly regarding professional accountability, legal training, and access to procedural materials.

Institutional Developments within the KBA

The KBA further expanded its institutional and disciplinary structures during the current reporting period. On 18 April 2026, the KBA launched the strategic initiative "KBA Digital 2030", inviting lawyers and legal trainees to submit proposals aimed at modernizing and strengthening the legal profession in Kosovo. According to the announcement, the initiative represents a long-term strategic framework focused on digital transformation, advancement of professional standards, integration of legal-tech and artificial intelligence into legal practice, and strengthening institutional governance, transparency, accountability, and disciplinary mechanisms.[178]

In parallel, the KBA announced plans for the development of a new official website as part of its broader digitalization efforts.[179] Furthermore, building on reforms initiated in 2024, the KBA established the Disciplinary Commission and the Complaints Commission aimed at strengthening professional accountability and oversight of defence counsel conduct (related milestone: 3.vii).[180] In parallel, on 29 August 2024, the KBA publicly supported the establishment of a working group tasked with drafting amendments to Law No. 04/L-193 on the Bar, reflecting increased institutional engagement concerning professional regulation and defence standards.[181]

Training and Professional Development

The KBA further expanded continuing legal education opportunities for defence lawyers (related milestone: 3.vi). During 2025, the Lawyers' Training Centre introduced specialized modules focusing on courtroom advocacy, defence rights, and trial in absentia proceedings, with support from the OSCE and Council of Europe.[182]

On 22 March 2025, the KBA further announced a more structured training schedule involving weekly sessions in Prishtinë/Priština and monthly sessions at regional branches.[183] Defence counsel were reportedly able to select topics aligned with their areas of practice, while continuing legal education credits were awarded upon completion of training sessions.

[178] Facebook page of KBA, 18 April 2026, also available at: Oda e Avokatëve të Kosovës | Pristina | Facebook (accessed on 14 May 2026).
[179] KBA on Facebook, 14 March 2026.
[180] KBA on Facebook, 26 June 2024 (accessed on 14 May 2026).
[181] KBA on Facebook, 29 August 2024 (accessed on 14 May 2026).
[182] KBA on Facebook, 22 March 2025 (accessed on 14 May 2026).
[183] KBA on Facebook, 22 March 2025 (accessed on 14 May 2026).

During meetings conducted by the Project with judicial stakeholders throughout 2025–2026, representatives of courts and justice institutions acknowledged the importance of strengthening defence standards and ensuring more effective communication and co-ordination among the KJC, KPC, courts, and KBA regarding defence rights and courtroom practices.

In particular, a number of interlocutors emphasized the importance of improving practical access to case materials and strengthening professional standards in complex OCC proceedings. All Basic Courts and Basic Prosecution Offices confirmed good co-operation with KBA regional offices and constructive dialogue on different regional platforms.

Access to Case Materials

Despite these developments, trial monitoring observations conducted by the Project during the current reporting period demonstrate that significant practical deficiencies continue to affect defence rights and effective legal representation. Delayed access to indictments and evidentiary materials remains one of the most persistent obstacles identified (related milestones: 3.i and 3.iii). Although the Criminal Procedure Code requires disclosure of materials no later than the filing of the indictment, prosecutors did not meet their disclosure obligations in 19 out of 69 monitored OCC cases (28 per cent).

As a consequence, 22 out of 191 unproductive hearings monitored between July 2021 and September 2026 (12 per cent) were directly linked to delayed disclosure or lack of access to case materials. Adjournments caused by disclosure-related deficiencies ranged from two to 24 weeks, adversely affecting procedural efficiency and equality of arms.

Monitoring conducted during the whole project reporting period of June 2024–September 2026 indicates that no binding instructions or operational framework regulating responsibilities of the KJC, KPC, and KBA regarding defence access to evidence had yet been adopted (related milestone: 3.ii). Chief Prosecutors reported that, although the Criminal Procedure Code (CPC) mentions sharing case files with the defence counsel once the indictment is filed, there is a need for detailed regulation of the physical hand-over process. They also noted that transfer of files of a different nature (paper, electronic, SIM-related evidence) and high-volume cases cause delays since the process is not regulated.[184] As a result, defence access to evidentiary materials in practice continues to depend largely on case-specific approaches and individual prosecutorial or judicial practices.

[184] Project consultations with Chief of SPO and BPOs.

Deficiencies in judicial infrastructure also continue to affect the quality of legal assistance and confidential communication between defence counsel and defendants (related milestone: 3.iv). According to monitoring observations and institutional responses, special consultation offices continue to serve as designated consultation spaces in five out of seven Basic Courts; however, these facilities remain underutilized due to limited functionality and outdated infrastructure.

On a positive note, during the current reporting period, one regional court building has been inaugurated, and construction of a new building for the court that currently operates from one of the oldest facilities is expected to begin soon.[185] Nevertheless, on 6 March 2025, the Assembly of Court Presidents and Supervising Judges reiterated its commitment to improving infrastructure for court users, including dedicated consultation areas for confidential lawyer-client communication.

Defence Representation and Courtroom Practice

At the same time, significant gaps remain regarding development of binding professional standards for defence representation (related milestone: 3.v). Although the KBA expanded training opportunities and institutional engagement, no binding guidelines regulating minimum standards on case preparation, legal advice, courtroom advocacy, or representation in trials in absentia had been adopted at the time of drafting this report. Trial monitoring observations continued to identify certain inconsistencies in the quality of defence representation across monitored OCC proceedings. In six monitored cases, defence counsel failed to maintain the level of professionalism and courtroom decorum expected of legal representatives.

In three monitored cases, defence counsel displayed conduct inconsistent with the standards of professionalism and courtroom decorum expected of legal representatives. These included unjustified absences resulting in hearing adjournments, repeated interruptions of proceedings, inappropriate comments directed at other parties, and conduct that contributed to unnecessary disputes during hearings. In two instances, defence counsel were fined by the court for their conduct, while in the other case, despite behaviour that disrupted the proceedings, no corrective measures were taken by the Trial Panel. Such incidents risk undermining the orderly conduct of proceedings and negatively affect perceptions of fairness and professionalism in the courtroom.

[185] Project consultations with BC President in Pejë/Peć and Project trial monitoring observation.

Other examples identified during monitoring include a high-level corruption case in which defence counsel failed to notify their client of the obligation to attend the hearing, resulting in an unproductive session. In another high-level organized crime case, a defence counsel left the courtroom earlier than communicated, without informing the court. Although the hearing was able to proceed after another counsel was identified on the premises by the court to represent the defendant for the remaining hours, the incident raised serious concerns regarding the quality of representation. In another case, defence counsel informed the court that, due to health issues, substitute counsel would attend the hearing; however, no replacement appeared, resulting in the adjournment of the hearing.

Accountability and Disciplinary Oversight

Monitoring also indicates that transparency and institutional accountability regarding disciplinary oversight remain limited (related milestone: 3.vii). Although the KBA established disciplinary and complaints mechanisms, summary reports concerning complaints against defence counsel and disciplinary outcomes remain unavailable to the public. To date, only selective public announcements have been issued concerning lawyers removed from the Register of Lawyers and deprived of the right to practice law.[186] These limit opportunities for institutional learning, consistency of disciplinary practice, and broader public confidence in professional accountability mechanisms (milestone 3.ii). International standards concerning independence of lawyers and legal professions emphasize that transparent disciplinary mechanisms remain important safeguards for integrity, accountability, and public trust in legal representation systems (related milestones: 3.ii, 3.iv, 3.vii).

Compared to the previous reporting period, Kosovo institutions demonstrated increased institutional engagement concerning defence rights, professional accountability, and legal training in OCC proceedings. Expanded training programmes, establishment of disciplinary structures, and discussions concerning legislative reform represent important developments (related milestones: 3.vi, 3.vii). Nevertheless, implementation remains at an early stage, and substantial deficiencies continue to affect timely defence access to evidence, consistency of legal representation, confidentiality of lawyer-client communication, and institutional accountability mechanisms (related milestones: 3.i, 3.iii, 3.iv, 3.v). Future efforts could focus on the adoption of binding operational frameworks regulating defence access to materials, institutionalization of minimum defence standards, improvement of court infrastructure, and strengthening transparency and oversight mechanisms within the legal profession.

[186] KBA on Facebook, 06 April 2026 (accessed on 14 May 2026).

4

Recommendation

4.The Supreme Court to ensure consistent and unified application of the law by reinforcing its role in this respect in accordance with international standards, particularly those set by the Consultative Council of European Judges (CCJE).

4.1 KJC and the Supreme Court should establish a structured mechanism for judicial co-ordination on OCC cases, ensuring regular case law discussions among judges from different court instances and maintenance of a repository of selected decisions to guide judges in handling high-level and complex OCC cases.

Implementation Stage:



Early implementation

Implementation Milestones:

4.i. Existence of Supreme Court-issued legal opinions/interpretations related to adjudication of OCC cases to be followed by lower court rulings.
4.ii. Number of documented judicial co-ordination sessions held on OCC cases (from RTM case list) per year.
4.iii. Existence of a publicly accessible and up-to-date repository of key OCC case law.

During the current reporting period, the Supreme Court and justice institutions undertook activities aimed at strengthening consistency of judicial practice more broadly, including issuance of legal opinions and guidelines, publication of summaries and selected decisions, establishment of monitoring structures, and co-ordination with lower courts.

However, their application to OCC-specific cases remains limited in practice. While some guidance and jurisprudence relevant to OCC cases have been developed, these measures were not specifically designed to address OCC-related interpretative challenges; only a limited number of decisions concern such cases;

and a comprehensive, publicly accessible repository of OCC jurisprudence has not yet been established. As a result, recurring interpretive challenges in OCC proceedings continue to emerge, indicating a need for more systematic dissemination, consolidation, and use of existing jurisprudential guidance.

Findings:

Since the publication of the Project's June 2024 Regional Public Report, the Supreme Court and other justice institutions have undertaken additional measures aimed at strengthening consistency and unification of judicial practice in OCC cases. Compared to the previous reporting period, institutional engagement in the harmonization of judicial interpretation appears more structured and operationally co-ordinated, reflecting greater recognition of the importance of legal certainty, predictability, and equal application of the law in complex criminal proceedings.

Supreme Court Publications and Legal Guidance

The Supreme Court further strengthened its co-ordination and interpretation role through the development of legal opinions, judicial practice publications, and institutional co-ordination activities (related milestones: 4.i and 4.iii). In November 2024 and December 2025, the Supreme Court issued two Summaries of the Practice of the Supreme Court in Civil and Criminal Matters to support the more uniform application of legal principles by lower courts.[187] The regular publication and use of such summaries and selected decisions remain important for the unification of judicial practice and strengthening lower courts' reliance on Supreme Court jurisprudence in similar cases.

During the same period, the Court also published two Selected Decisions of the Supreme Court[188] including decisions addressing important interpretative questions in OCC proceedings, such as legal standards, including on criminal intent, applicable to corruption cases and trials in absentia (related milestones: 4.i and 4.iii).[189] While these publications provide useful guidance to judges and practitioners, consultations with judicial stakeholders suggest that their practical use remains uneven across courts and judicial instances. The ongoing publication and broader use of selected decisions remain important for strengthening consistency in adjudication of complex OCC cases and promoting greater reliance on Supreme Court jurisprudence.

[187] Supreme Court official website, Summaries of the Practice of the Supreme Court of Kosovo in Civil and Criminal Matters, November 2024 and December 2025, also available at: Buletini i Praktikës Juridike – Gjykata Supreme (accessed on 14 May 2026).

The Supreme Court further informed the Project that it continues to issue legal opinions, guiding principles, and summaries of selected judicial decisions aimed at strengthening harmonization of judicial practice.[190] According to the Supreme Court, the newly established Office for Research, Publication and Monitoring was operationalized to identify inconsistencies in judicial interpretation, conduct legal analyses, and support development of unified judicial practice in accordance with European Court of Human Rights standards (related milestones: 4.i and 4.iii).[191] The establishment of this Office represents an important institutional development compared to the previous reporting period, during which monitoring and publication functions were less systematized.

The Supreme Court also strengthened its interpretative role during autumn 2025 through adoption of the Legal Opinion on the Dismissal of Indictments and Termination of Criminal Proceedings, aimed at addressing divergent application of provisions of the new Criminal Procedure Code (related milestone: 4.i).[192] During the same period, the Supreme Court adopted the Guideline on Judicial Practice in Cases Related to the Criminal Offence of Money Laundering, clarifying interpretation of evidentiary standards concerning predicate offences and unlawful origin of property.[193] These developments represent important progress toward strengthening consistency in adjudication of complex OCC-related offences.

Institutional Co-ordination and Judicial Dialogue

Institutional co-ordination concerning judicial practice also intensified during the current reporting period (related milestone: 4.ii). On 12 December 2024, the KJC, KPC, Supreme Court representatives, court presidents, chief prosecutors, and international partners participated in a joint session addressing recurring procedural and interpretative challenges in OCC proceedings, including hearing efficiency, absenteeism, plea agreements, evidentiary burdens, and use of substitute judges in high-profile trials.[194]

[188] Supreme Court official website, Selected Decisions of the Supreme Court of Kosovo, November 2024 and December 2025, also available Buletini i Praktikës Juridike – Gjykata Supreme (accessed on 14 May 2026).
[189] Ibid, Selected Decisions of the Supreme Court of Kosovo, November 2024, Judgementof the Criminal Panel of the Supreme Court of Kosovo, PML.No.253/2024, dated 18.06.2024, pp. 242–251; Judgementof the Criminal Panel of the Supreme Court of Kosovo, PML.No.179/2024, dated 26.03.2024, pp. 238–241 (accessed on 14 May 2026).
[190] Supreme Court responses to Project request for information, 23 April 2026.
[191] Ibid.
[192] The Legal Opinion makes it clear that indictments shouldn't be dismissed for purely procedural or technical reasons, such as when the police questioned the defendant without written authorization from the prosecutor, as long as the defendant's rights were respected throughout the process.
[193] Supreme Court official website, Guidelines, October 2025, also available at: 27217_4. Udhezues per pastrim te parave.pdf (accessed on 14 May 2026).
[194] KJC, Live video, Facebook 12 December 2024, also available at: https://www.facebook.com/share/v/1E2RKyfFMG/?mibextid=wwXIfr (accessed on 14 May 2026).

In March 2025, senior representatives of the Supreme Court and Constitutional Court additionally participated in a round table on jurisprudential coherence and establishment of judicial monitoring structures. Additionally, in June 2026 a Supreme Court-led workshop brought together the Chief Prosecutor, all Basic Court Presidents, all Basic Prosecution Offices Chiefs, Court of Appeals, and Appellate Prosecution Office to discuss institutional co-ordination on different criminal matters, including on OCC cases.

Between January and September 2026, KJC, courts at all levels, including the Supreme Court, Court of Appeals, and Basic Courts, conducted additional meetings and workshops focused on findings from the Project's trial monitoring reports, inconsistencies in judicial practice and implementation of the proposed recommendations.

According to information provided to the Project, the Supreme Court held regular meetings with Basic Courts, Court of Appeals judges, presidents of courts, and other judicial actors throughout 2024–2026 concerning implementation of legislation, challenges in judicial practice, and harmonization of legal interpretation.[195] In 2025 alone, the Supreme Court reportedly organized nine meetings and workshops with lower-instance courts and judicial stakeholders concerning the application of law and unification of judicial practice. In addition, the Supreme Court informed the Project that seven additional round tables and working meetings with lower courts on unification of law and practice were held in May and June 2026 in co-operation with the OSCE (related milestone: 4.ii).[196]

Remaining Challenges in Harmonization

Despite these positive developments, trial monitoring observations continue to reveal inconsistent interpretation and application of criminal procedure and substantive criminal law across courts in OCC proceedings. Divergent approaches continue to be observed regarding evidentiary standards, reasoning of judgements, sentencing practices, procedural safeguards, retrials, and interpretation of the Criminal Procedure Code provisions (more details in other recommendations' findings). Monitoring conducted during the June 2024–September 2026 reporting period further indicates that co-ordination efforts, while increasing, continue to rely largely on periodic workshops and project-supported initiatives rather than on institutionalized permanent mechanisms.

[195] KJC responses to Project request for information, 27 April 2026.
[196] Ibid.

Although the Supreme Court has significantly increased publication of selected judicial decisions and legal materials, Kosovo institutions still lack a fully comprehensive, publicly accessible, and regularly updated repository specifically dedicated to OCC-related jurisprudence (remaining gap under milestone: 4.iii). Existing publications and summaries continue to provide important guidance but do not yet offer systematic and searchable access to key jurisprudence, especially in OCC cases, capable of supporting consistent legal interpretation by judges, prosecutors, defence counsel, academics, and the public. In this regard, during consultations with the Project, the Supreme Court indicated that it is considering compiling a summary of judgements in high-level OCC cases. However, given the limited number of cases currently considered suitable for inclusion and the need to assess the quality and relevance of judgements, the process may require additional time.[197]

Consultations with Basic Court Presidents and judges clearly indicated non-uniform implementation of law and practice while adjudicating OCC cases. Areas most frequently identified included the assessment of *mens rea*, the use of circumstantial evidence, the dismissal of indictments, and sentencing practices.

Similar concerns were expressed by Chief Prosecutors and other prosecutors, who reported uneven application of the 2024 Sentencing Guideline across prosecution offices.[198]

At the same time, the Supreme Court confirmed that no specific guidelines had yet been planned regarding interpretation of retrials under Article 402 CPC, in absentia proceedings under Article 303 CPC, or accessory punishments, despite these issues continuing to generate practical inconsistencies during monitored OCC proceedings.[199] The limited use of accessory punishments by judges in high-level OCC cases was raised by all prosecutors with whom the Project has had consultations.[200] The Supreme Court also confirmed that no specific guideline on guilty pleas had yet been drafted.[201] These areas continue to represent important gaps in interpretative guidance affecting consistency and predictability of judicial practice, specifically in high-level OCC cases.

Compared to the previous reporting period, Kosovo justice institutions demonstrated significantly stronger institutional engagement aimed at harmonizing judicial practice and reinforcing the co-ordinating role of the Supreme Court in OCC cases (related milestones: 4.i, 4.ii).

[197] Project notes from the Local Steering Committee meeting, remarks by the President of the Supreme Court, 19 June 2025.
[198] Supreme Court official website, Guidelines, November 2024, also available at: 337 Udhezuesi per matjen e denimit Nentor 2024.pdf (accessed on 14 May 2026).
[199] Supreme Court responses to Project request for information, 23 April 2026.
[200] Project consultations with Chief Prosecutors, Special Prosecution and Basic Prosecution Offices prosecutors.
[201] Ibid.

Development of legal opinions, judicial practice summaries, judicial workshops, and monitoring structures represent important progress toward achieving greater legal certainty and predictability. Nevertheless, implementation remains partial, as inconsistencies in interpretation and application of criminal law and procedure continue to be observed in practice, and institutional mechanisms for permanent harmonization and publication of OCC jurisprudence remain underdeveloped (related milestone: 4.iii).

As a next step, justice institutions could institutionalize permanent judicial co-ordination mechanisms, expand publicly accessible jurisprudence repositories, and develop authoritative guidance addressing recurring interpretative challenges in OCC proceedings.

5

Recommendation

KJC, Supreme Court, and Court Presidents to ensure court impartiality and perceptions thereof:

5.1. KAJ and KJC to provide practical training sessions for judges on courtroom management and conducting proceedings in a professional and impartial manner in accordance with international standards.

Implementation Stage:



Early implementation

Implementation Milestones:

5.i. Percentage of monitored courtroom proceedings (from RTM case list) in which no instances of judicial bias or procedural unfairness were observed.
5.ii. Number of training sessions conducted annually focused on courtroom management in alignment with international standards.

Throughout the reporting period, justice institutions undertook concrete steps aimed at strengthening courtroom professionalism, ethical conduct, and safeguards supporting perceptions of impartiality, including the adoption of Regulation No. 14/2024 on audio and video recording of hearings and increased provision of training on courtroom management and professional ethics.

However, implementation remains at an early stage of implementation. The use of audio-video recording is not yet consistent in practice, training efforts are not yet systematic or fully institutionalized, and isolated concerns regarding courtroom conduct and perceptions of impartiality continue to arise in monitored proceedings.

Findings:

Since publication of the Project's June 2024 Regional Public Report, judicial authorities in Kosovo have expanded efforts aimed at strengthening courtroom professionalism, judicial ethics, and perceptions of impartiality in OCC proceedings. Compared to the previous reporting period, justice institutions demonstrated increased awareness of the importance of courtroom management, procedural fairness, and public confidence in the judiciary, particularly in complex and high-profile OCC cases.

Audio and Video Recording of Hearings

One of the most significant institutional developments during the current reporting period was the adoption by the KJC of Regulation No. 14/2024 on the Audio and Video Recording of Court Hearings on 10 October 2024.[202] The Regulation introduced mandatory audio and video recording of court hearings and integration of recordings within CMIS/SMIL systems across courts in Kosovo. It further obliges all users to conduct all case-related actions through the CMIS, while failure to use the system constitutes grounds for disciplinary liability.

[202] Regulation No. 25/2024 on Amending and Supplementing Regulation No. 11/2023 on the Use of the Case Management Information System (Prishtina, 27 December 2024), also available at: 46013_KGJK_Rregullore_Nr_14_2024_per_Incizimin_Audio_dhe_Incizimin_Audio_dhe_Video_Te_Seancave_Gjyqesore.pdf (accessed on 18 May 2026).

While primarily intended to improve procedural accuracy and evidentiary integrity, the measure also represents an important safeguard for strengthening transparency, accountability, and public trust in judicial impartiality and courtroom conduct (related milestone: 5.i). According to information provided during the current reporting period, all courts in Kosovo have now been equipped with audio and video recording systems for hearings.

Judicial Training and Professional Conduct

The KAJ and KJC also increased efforts to strengthen judicial training concerning courtroom management, ethics, and professional conduct (related milestone: 5.ii). Following consultations with the OSCE and discussions concerning implementation of the Project's recommendations, the KAJ confirmed incorporation of courtroom management and professional conduct modules into its 2025 and 2026 Training Programmes.[203] The Academy further reported inclusion of dedicated sessions on Professional Ethics for judges and prosecutors aimed at strengthening understanding of the Code of Ethics, addressing ethical dilemmas, and reinforcing impartiality through practical case-based exercises.[204]

According to information provided by the KAJ, 30 criminal justice training sessions were conducted during the period of June 2024–September 2026 for judges, prosecutors and their administrative staff, nine of which were directly linked to recommendations emerging from the Project's monitoring findings (related milestone: 5.ii).[205] Training topics included courtroom management, sentencing guidelines, retrials, trials in absentia, drafting of judgements and indictments, and offences against official duty. These initiatives represent important progress compared to the previous reporting period, during which no dedicated training on courtroom management or professional ethics had reportedly been organized by the KAJ since 2022.[206]

Furthermore, the Supreme Court and judicial leadership continued to engage in discussions and workshops aimed at strengthening consistency, professionalism, and judicial standards in courtroom proceedings.[207]

[203] Consultations of the Project with the Kosovo Justice Academy, 12 November 2024.
[204] Kosovo Justice Academy, Continuous Training Programme for 2025 and 2026, also available at: Akademia e Drejtësisë (accessed on 18 May 2026).
[205] Ibid.
[206] KAJ Training programmes for 2018-2024, available here: Akademia e Drejtësisë (accessed on 31 May 2026).
[207] KJC responses to Project request for information, 27 April 2026.

Throughout 2025 and 2026, several workshops and co-ordination meetings involving the Supreme Court, KJC leadership, court presidents, and judges addressed practical challenges related to courtroom management, judicial reasoning, efficiency, and application of procedural standards in OCC cases. Additionally, the draft Regulation on the Evaluation of Judges' Performance currently under preparation foresees the introduction of qualitative and quantitative performance indicators, including assessments of judges' personal competencies such as courtroom management, communication skills, and the use of information technology in judicial proceedings.[208]

Monitoring Findings on Judicial Impartiality

Trial monitoring observations also indicate a noticeable decrease in concerns affecting perceptions of judicial impartiality and equality of treatment (related milestone: 5.i). During the June 2024–September 2026 reporting period, Project monitors identified three instances in monitored OCC proceedings in which differences in judges' tone, engagement, or interactions with parties potentially affected perceptions of fairness. This is substantially lower than the 15 instances documented during the previous reporting period. However, these observations were related to courtroom management and in response to the performance of parties.

Despite this progress in infrastructure and regulatory framework, trial monitoring observations indicate that operational use of audio and video recording remains uneven across courts (related milestone: 5.i).

Trial monitoring also showed the limited use of existing audio-video recording of the hearings, despite the adoption of Regulation No. 14/2024 on the Audio and Video Recording of Court Hearings by KJC and a number of meetings with judges where the KJC leadership requested mandatory recording of all hearings. The KJC has installed audio recording systems in 27 courts, comprising a total of 88 pieces of equipment. In addition, seven Basic Courts (one courtroom per court) have been equipped with audio/video recording, simultaneous interpretation, and video-conferencing systems, including the possibility for protected witnesses to testify remotely during hearings. Mobile video-conferencing equipment has also been provided, enabling remote participation of parties unable to attend court proceedings in person. Furthermore, judges handling criminal cases have been equipped with transcription equipment, including the installation of 129 transcription devices.[209]

[208] Ibid.
[209] KJC responses to Project request for information, 19 May 2026.

In practice, Courts continue to rely primarily on written hearing summaries signed by the parties after each hearing, which serve as the main basis for review by the parties and the Court of Appeals, rather than the audio recordings themselves. Monitoring further identified instances in which judges did not explicitly inform the parties that the hearing was being audio recorded. This is despite the applicable Regulation specifying that audio recording of a court hearing begins upon the instruction of the single judge or the presiding judge of the trial panel during the hearing held in the courtroom.[210]

The existence and consistent use of audio and video of court recording systems constitute an important safeguard for appellate review and enable parties and appellate courts to verify the accuracy and completeness of trial proceedings.

Training Capacity and Sustainability

Monitoring observations further indicate that challenges persist regarding consistent operationalization of judicial ethics standards and disciplinary accountability mechanisms. While Codes of Ethics for judges and prosecutors remain in force, implementation and enforcement continue to vary in practice. The 2024 EU Kosovo Reports and discussions with stakeholders additionally highlighted concerns regarding the efficiency of disciplinary procedures and institutional capacities of ethics oversight bodies.[211] The 2025 EU Kosovo Report indicated that judicial and prosecutorial accountability should be strengthened through fair, transparent, and proportionate disciplinary proceedings, the establishment of clear institutional accountability mechanisms at all levels, and amendments to the legislative framework in line with the 2025 recommendations of the Venice Commission.[212]

At the same time, the KAJ acknowledged continuing staffing and resource-related challenges affecting its ability to provide regular and sustainable training programmes across the judiciary. The same concern was raised by some Court Presidents and Chief Prosecutors, who mentioned the inconsistent quality and non-interactive nature of training provided by the KAJ, with limited knowledge and skills obtained by the participating judges and prosecutors.[213] These limitations continue to affect institutional capacity to ensure recurring practical training on courtroom management, judicial ethics, and communication skills necessary for maintaining public confidence in impartiality and professionalism of judicial proceedings.

[210] Regulation No. 25/2024 on Amending and Supplementing Regulation No. 11/2023 on the Use of the Case Management Information System Article 8, (Prishtina, 27 December 2024).
[211] 2024 EU Kosovo Progress Report p. 28 (accessed on 11 May 2026).
[212] 2025 EU Kosovo Progress Report, p. 26-27 (accessed on 11 May 2026).
[213] Project consultations with judicial stakeholders.

On the whole, compared to the previous reporting period, Kosovo justice institutions demonstrated increased institutional engagement aimed at strengthening courtroom professionalism, ethical conduct, and safeguards supporting perceptions of judicial impartiality. Expansion of judicial training programmes (related milestone: 5.ii) and introduction of mandatory audio and video recording systems (related milestone: 5.i) represent important progress towards improving accountability and procedural integrity in OCC proceedings. Nevertheless, implementation remains partial, as isolated concerns regarding courtroom conduct continue to arise (related milestone: 5.i), and institutional capacities for sustainable ethics training and oversight remain limited (related milestone: 5.ii).

As a next step, justice institutions could ensure consistent use of audio and video recording in courtroom proceedings, further institutionalize practical training on courtroom management and judicial ethics, strengthen the effectiveness and transparency of disciplinary mechanisms, and address capacity constraints affecting delivery of continuous professional training, in line with international standards, including those of the Consultative Council of European Judges (CCJE).

EFFICIENCY

6

Recommendation

Enhance case monitoring to identify the root causes of delays and proactively follow up on lengthy trials.

6.1 The KJC should establish a mechanism to report cases that encounter severe delays, identify the cause of the delays, and determine remedial measures.

6.2 The KJC should review internal rules and regulations affecting the progress of cases. This should include assessing the practical application of rules on promotion, retirement, and reassignment to ensure that the availability of jurists does not delay proceedings.

6.3 The KJC, together with the Supreme Court and the Court of Appeals, should review lengthy appellate procedures in OCC cases and identify the causes of delays.

Implementation Stage:



Early implementation

Implementation Milestones:

6.i. Percentage of monitored cases (from RTM case list) exceeding 24 months where follow-up actions were triggered.
6.ii. Existence of a formal case delay tracking mechanism (in the SD) with documented and effective follow-up actions that promote accountability for judges and prosecutors handling the cases, and their managers.
6.iii. Procedural changes adopted to address case delay factors (promotion, retirement, reassignment).
6.iv. Assessment of the appellate procedures in OCC cases is conducted.

During the period under review, Kosovo justice institutions undertook a number of measures aimed at improving the monitoring and management of lengthy OCC proceedings, including adoption of a dedicated strategy for efficient case resolution, introduction of reporting practices on case progress, and regulatory changes related to the organization and functioning of the Special Department.

However, implementation remains in the early stages, as these measures have not yet resulted in a consistently applied mechanism for identifying and addressing the root causes of delays. Moreover, follow-up actions have yet to be clearly documented across delayed cases and patterns such as low hearing frequency, repeated adjournments, delayed written judgements, and uneven use of consecutive hearings continue to be observed in practice.

Findings:

Length of OCC Proceedings and Overall Trends

Since the publication of the Project's June 2024 Regional Public Report, Kosovo's justice institutions have taken important steps aimed at improving monitoring, oversight, and timely handling of OCC cases.

Compared to the previous reporting period, institutional engagement on case efficiency has become more structured, particularly through strategic planning, reporting obligations, and discussions on case management in the Special Department and other courts.

Nevertheless, monitoring data continue to show that lengthy proceedings remain a defining feature of many high-level OCC cases, and that the practical impact of recent reforms is not yet consistently visible in case progression.

Delays in Ongoing Cases

The baseline identified in the 2024 Public Report remains important for assessing progress. During the earlier reporting period, 25 out of 36 ongoing cases (69.4 per cent) exceeded 24 months from the filing of the indictment.

Observations during the current reporting period confirmed that this pattern continued after June 2024. According to the Project's case list, 34 out of 43 ongoing monitored cases, or 79 per cent, had exceeded 24 months. Demonstrated in Figure 19, these data indicate that despite the introduction of institutional measures, the proportion of lengthy OCC cases remained broadly comparable to the previous reporting period.

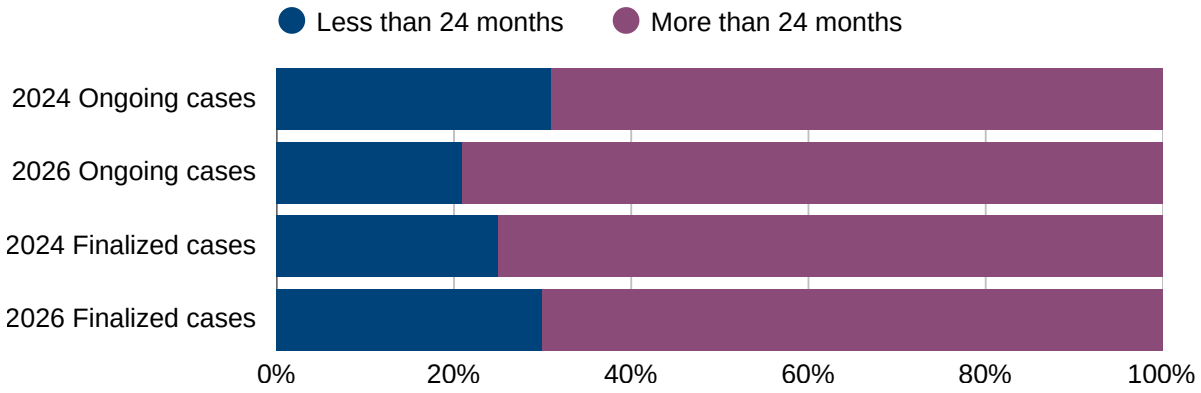


Figure 19: Cases finalized

Figure 19 shows a slight increase in the number of finalized cases that reached final judgement in less than 24 months, however the five per cent difference between the previous and current reporting periods comprises of less than one case in total.[214]

[214] Five per cent of ten finalized cases is 0.5 case.

Delays in Reaching a First-instance Judgement

Detailed analyses of trial monitoring observations showed that, in the previous reporting period, out of 52 cases selected for monitoring, 29 cases reached a first-instance judgement, with an average length of 45 months (ranging from one to 105 months).

During the current reporting period, out of 69 cases of the RTM case-list, 21 ongoing cases reached first-instance judgement,with an average length of 43 months (ranging from 19 to 106 months). This data indicates a slight decrease in the average time required to reach a first-instance judgement, however, the lowest and highest ranges still remain high. Of these, 14 cases have one or more appellate decisions.[215]

Delays at the Appellate Level

At the appellate level, monitoring data indicate a more nuanced picture. Out of 69 cases selected for monitoring, 33 cases went to the appeal level. There are 52 appellate decisions,[216] across 37 cases, and the average length of Court of Appeals proceedings was eight months, ranging from two to 28 months.[217]

In the previous reporting period, 15 cases at the Court of Appeals and Supreme Court were finalized. Appellate proceedings before the Court of Appeals took an average of six months (ranging from two to 16 months).

During the current reporting period, ten cases at the Court of Appeals and Supreme Court were finalized. Appellate proceedings before the Court of Appeals took an average of seven months (ranging from two to 28 months).

Delays at the Appellate Level

The Project found that, in all 26 finalized cases (out of 69 cases of the RTM case-list), the average time required to reach a first-instance judgement was 39 months (ranging from one to 105 months).

On the whole, the average duration of proceedings from the filing of the indictment until the final judgement was 51 months (ranging from one to 120 months as shown in the Figure 20).

[215] One case has three appellate decisions, to cases have two appellate decisions each and the remaining nine cases have one appellate decision each.
[216] Out of 69 cases selected for monitoring; 37 cases have appellate decisions. Nine cases have two appellate decisions each, while three cases have three appellate decisions each. These cases were all cases that were returned for retrial more than once.
[217] Project trial monitoring observations.

In the previous reporting period, 12 out of 16 finalized monitored cases (75 per cent) exceeded 24 months from the filing of the indictment to the issuance of a final judgement. Similarly, among the ten cases finalized during the current reporting period, seven cases (70 per cent) exceeded 24 months from filing of indictment to final judgement (related milestone: 6.i).

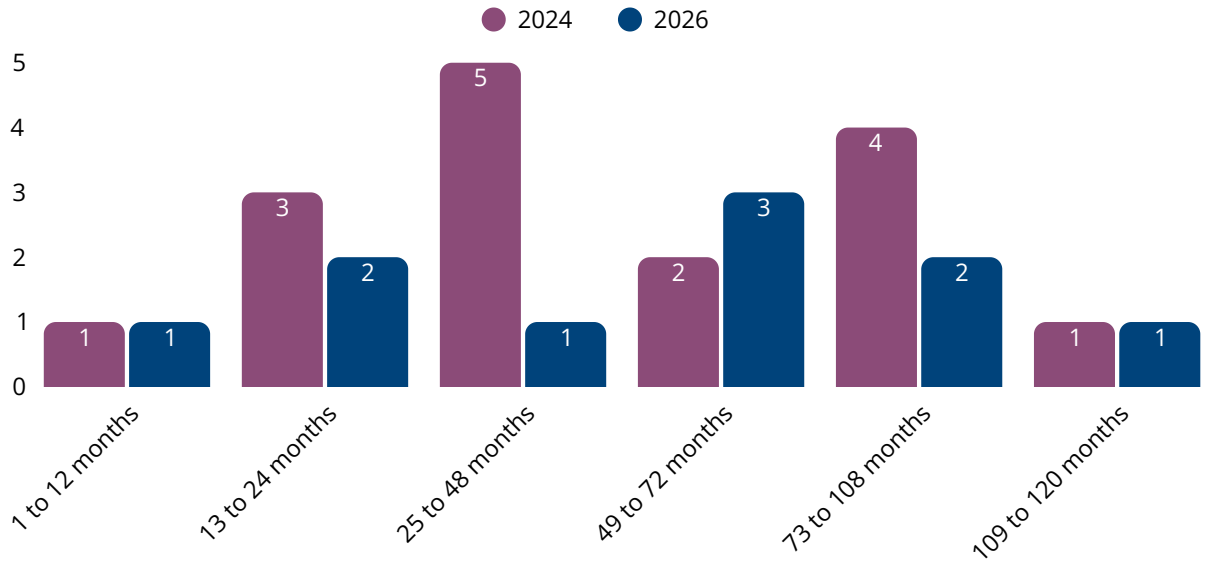


Figure 20: Average duration of proceedings

Hearing Frequency and Procedural Progression

The 2024 Public Report found that 29 per cent of all monitored hearings were either unproductive or rescheduled, demonstrating that delays were closely linked not only to the age of cases overall, but also to the limited procedural progress achieved during hearings.[218]

Across the current reporting period, quarterly monitoring data consistently show that lengthy OCC proceedings are closely linked to low hearing frequency and limited continuity of hearings.

In cases reaching judgement or key procedural decisions between June 2024 and September 2026, the average number of hearings per month frequently remained below one (ranging from 0.1 hearing a month). This includes complex high-level and high-plus-level corruption cases, at all levels, including initial hearings, main trials, retrials, and appellate proceedings.

[218] OSCE, The Western Balkans Trial Monitoring Report, official website, 4 June 2024. Available at: The Western Balkans Trial Monitoring Report | Organization for Security and Co-operation in Europe

Five out of 25 cases demonstrated more active scheduling (1.1, 1.2, 1.2, 1.4, 2), including one medium-level corruption case resolved through a Negotiated Guilty Plea Agreements (PBA) averaging two hearings per month, the overarching pattern indicates that hearings in many OCC cases continued to be scheduled infrequently, contributing to prolonged proceedings and reinforcing the need for systematic delay tracking, case-management follow-up, and consistent use of consecutive hearings.[219]

#	Average hearings per month	Case type / stage	Duration from indictment to current verdict or decision	Hearings	Quarter
1.	0.1	High-level corruption / PBA at main trial	723–988 days	4–5	Jan–Mar 2026
2.	0.2	High-level corruption / CoA indictment confirmation stage	390 days	3	Jul–Sep 2025
3.	0.3	High-level organized crime / first instance	3,350 days	34	Oct–Dec 2024
4.	0.3	High-level corruption / CoA indictment confirmation stage	195 days	2	Jul–Sep 2025
5.	0.4	High-plus corruption / retrial	1,826 days	21	Jan–Mar 2026

[219] Project trial monitoring and judicial acts analyses.

#	Average hearings per month	Case type / stage	Duration from indictment to current verdict or decision	Hearings	Quarter
6.	0.4	High-plus corruption / first-instance retrial	2,823 days	33	Apr–Jun 2026
7.	0.4	High-level corruption / first-instance retrial	2,359–2,496 days	28–30	Jul–Sep 2025
8.	0.4	High-level corruption / PBA at main trial	1,178 days	15	Jan–Mar 2026
9.	0.4	Medium-level corruption / second instance	1,943 days	26	Apr–Jun 2026
10	0.5	High-plus level corruption / first instance	658 days	10	Apr–Jun 2026
11	0.5	High-level corruption / second retrial	1,355 days	25	Apr–Jun 2025
12	0.5	High-level corruption / first instance judgement	1,624 days	26	Oct–Dec 2025
13	0.6	High-level corruption / second instance	1,180 days	23	Oct–Dec 2024

#	Average hearings per month	Case type / stage	Duration from indictment to current verdict or decision	Hearings	Quarter
14	0.7	High-level corruption / first-instance retrial	1,615 days	39	Jul–Sep 2025
15	0.8	High-level corruption / appeal	1,591 days	34	Apr–Jun 2024
16	0.8	High-level corruption / first instance	1,150 days	33	Apr–Jun 2024
17	0.8	High-plus corruption / first instance	886 days	22	Oct–Dec 2024
18	0.8	High-plus level corruption / retrial	1,665 days	44	Jul–Sep 2026
19	0.9	High-level corruption / first instance	960 days	28	Jan–Mar 2025
20	1	High-plus level corruption / second instance	796 days	25	Jul–Sep 2026

#	Average hearings per month	Case type / stage	Duration from indictment to current verdict or decision	Hearings	Quarter
21	1	High-level organized crime and corruption / first instance	1,179 days	45	Oct–Dec 2024
22	1	High-level organized crime and corruption / first instance	1,670 days	63	Apr–Jun 2024
23	1	High-plus-level organized crime case / first instance	590 days	24	Apr-Jun 2026
24	1	High-level organized crime / first instance	1,219 days	57	Jan–Mar 2026
25	2	Mid-level corruption / initial hearing / PBA	55 days	4	Apr–Jun 2024

These data suggest that the main efficiency concern is not only the length of proceedings in abstract terms, but also the limited procedural progression achieved over time. Across successive quarters, the Project observed that even complex and high-profile OCC cases often progressed through hearings scheduled at relatively low frequency. This pattern is directly relevant to milestone 6.i, as cases exceeding 24 months require not only identification but also documented follow-up measures to address the reasons for slow progression.

Institutional Monitoring and Delay-tracking Mechanisms

A key institutional development during the current reporting period was the adoption of the KJC Strategic Plan for the Efficient Resolution of Corruption, Abuse of Official Position and Organized Crime Cases 2025–2027.[220] The Strategy identifies OCC cases as a judicial priority and provides for monitoring, evaluation, reporting on case progression, improved case management, prompt scheduling, consecutive hearings, and regular co-ordination between the KJC, courts, and the Commission for Monitoring, Evaluation and Reporting of the Strategy (related milestone: 6.ii). Its adoption represents an important step towards moving from general recognition of delays to a structured framework for monitoring case progression.

The Strategy was complemented by internal reporting practices in the Special Department of the Basic Court in Prishtinë/Priština. Under the 2024 and 2025 Work Plans, judges in the Special Department were required to report on case progress to the Head of Department on a monthly basis, including delays, with consolidated reports submitted quarterly to the President of the Court.

Earlier quarterly monitoring also noted that this reporting practice applied particularly to the Special Department, while not yet extending in the same form to all other departments or Basic Courts in Kosovo. This represents progress towards milestone 6.ii, although implementation remains uneven across the court system.

Institutional KJC responses further indicate that a structured mechanism for monitoring delays exists within the Special Department of the Basic Court in Prishtinë/Priština, carried out through oversight by the Head of Department and the President of the Court, and regulated through the Special Department's work plan and monthly or annual reports. The KJC also reported that delay monitoring exists in other Basic Courts through internal court management, work plans, and quarterly reporting to the KJC.[221] However, the available information does not yet demonstrate that such reporting consistently results in documented remedial measures for each delayed case, or that follow-up actions are applied uniformly across courts (related milestone: 6.ii).

[220] Kosovo Judicial Council official website, Plani Strategjik per Efikasitetin e Trajtimit te Rasteve te Korrupsionit Keqperdorimit te Detyres Zyrtare dhe Krimit te Organizuar 2025 2027 sq.pdf (accessed on 22 May 2026).
[221] KJC responses to Project request for information, 27 April 2026.

Regulatory and Structural Measures Affecting Case Continuity

Regulatory developments also addressed some structural factors that may affect case progression. The new Regulation on the Organization and Functioning of the Special Department of the Prishtinë/Priština Basic Court and the Court of Appeals entered into force in February 2025.[222] The Regulation provides for measures such as case management plans, consecutive hearings, and mechanisms to ensure continuity in complex proceedings. The Regulation also introduced possibilities for temporary and mandatory transfer of judges to the Special Department in situations of backlog or where delays cannot be addressed by existing judges in the department (related milestone: 6.iii).

The KJC also informed the Project that Regulation No. 17/2024 on the Organization and Internal Functioning of Courts requires court presidents, supervising judges, judges, and administrative staff to develop annual court plans, including case management plans, by the end of January each year.[223]

According to the KJC, the regulation also allows reassignment of cases in specific circumstances to ensure continuity and avoid delays, including situations involving promotion, reassignment, or retirement of judges.[224]This is relevant to milestone 6.iii, although the practical effect of these provisions on prolonged OCC proceedings will require further monitoring.

Project consultations in 2026 also indicate growing attention to these issues at court-management level. The Basic Court in Prishtinë/Priština stated that where delays occur for subjective reasons, the responsible judge should be held accountable and that such cases are reported to the KJC within their managerial responsibilities. It was further indicated that the Special Department's 2026 Work Plan would categorize cases, including prolonged and complex cases, with the aim of identifying causes of delays and facilitating targeted measures. Possible measures related to promotions, including delayed commencement of new positions or requiring judges to complete pending cases before assuming new functions, were also discussed within the KJC.[225]

[222] Kosovo Judicial Council official website.
41770_KGJK_Rregullore_Nr_01_2025_per_Organizimin_dhe_Funksionimin_Departamentit_Special_ne_Gjykaten_Themelore_ne_Prishtine_dhe_Gjykaten_Apelit.pdf (accessed on 15 May 2026).
[223] Kosovo Judicial Council official website,
7390_KGJK_Rregullore_Nr_17_2024_per_organizimin_dhe_veprimatarine_brendshme_te_gjykatave_te_republikes_se_kosoves.pdf (assessed on 22 May 2026).
[224] KJC responses to Project request for information, 27 April 2026.
[225] Project notes.

Delays in Scheduling and Issuance of judgements

Despite these developments, trial monitoring continued to identify case-management and scheduling practices that affected timely progression. In one high-level corruption case, the indictment was filed on 13 December 2024, while the initial hearing was scheduled only for 13 March 2025, exceeding the 30-day timeframe foreseen by the CPC. In another case, although the Court of Appeals had rejected the defendant's request to dismiss the indictment on 3 June 2024, the Basic Court scheduled the first main trial hearing only on 2 July 2025, approximately 13 months later. These examples demonstrate that, although planning and reporting mechanisms have been introduced, scheduling practices are not yet consistently aligned with the objective of proactive case progression.

The Project also continued to observe delays linked to postponed judgement announcements and delayed written judgements. Monitoring noted instances where judgements did not include the date of issuance and where judgement announcements were delayed beyond the timeframe provided by the CPC.

During the current reporting period, the Project observed seven cases in which the verdict announcement was scheduled from six to 16 days after closing arguments, although the CPC permits postponement for a maximum of three days where the court is unable to render judgement on the same day. These instances show that delays in announcement and issuance of judgements remain relevant to the broader objective of identifying delay causes and ensuring follow-up action.

The Project also identified delays in issuing written judgements. In one case, the judgement was announced on 28 June 2024 but issued in writing more than ten months later, exceeding the CPC's maximum extension limit of 60 days.[226] Similar delays were recorded in three other first-instance cases, with periods between judgement announcement and issuance ranging from two to nine months. Such delays affect procedural certainty and timely exercise of appellate rights.[227]

[226] CPC 2023, Article 368.1 (Delivering of the Written Judgement).
[227] Project trial monitoring observations.

Appellate Proceedings and Retrials

The KJC reported that measures aimed at preventing delays in OCC cases at the Court of Appeals include prioritization of such cases, quarterly monitoring and periodic analysis, use of block hearings, improved case management, reduced non-productive hearings, electronic communication, prioritization of older cases and cases at risk of limitation, and increased number of judges in relevant departments.[228] These measures are relevant to milestone 6.iv. However, the available information does not yet indicate that a comprehensive assessment of lengthy appellate procedures in OCC cases has been completed jointly by the KJC, Supreme Court, and Court of Appeals (activities towards reaching milestone 6.iv).

Retrials remain an additional factor affecting case duration. During the current reporting period, the Project monitored ten Court of Appeals decisions returning cases for retrial, including high-level corruption and organized crime cases, 12 decisions to uphold the first-instance judgement, and two decisions in which the CoA amended the first-instance judgement. Although the average Court of Appeals processing time before retrial was broadly consistent with appellate trends overall, the cumulative time impact of retrials is not fully captured unless retrial duration is separately tracked. This reinforces the need for a more detailed monitoring mechanism that distinguishes between delays caused at trial, appeal, and retrial stages.

Adjournments and Procedural Interruptions

Trial-level observations also identified recurring causes of adjournments and procedural interruptions. During the current reporting period, the Project noted prosecution-related reasons for adjournments, including failure to deliver full case files to the defence, absence of prosecutors, scheduling conflicts, annual leave, sick leave, official commitments, and other availability issues.[229]

The Project also noted that late or repeated procedural actions, such as requests to recall witnesses already heard in previous proceedings, may affect the pace of retrials where not clearly linked to instructions from appellate courts.

[228] KJC responses to Project request for information, 27 April 2026.
[229] Project trial monitoring observations.

Consecutive Hearings and Good Practices in Case Management

Concurrently, monitoring identified examples of good practice that demonstrate how more structured case management can support efficiency. During the current reporting period, the Project observed cases in which judges scheduled consecutive hearings and provided parties with agendas setting out hearing dates, witnesses to be heard, and other procedural matters. This practice was linked to Article 10(3) of the Regulation on the Organization and Functioning of the Special Department, which requires presiding judges to prepare a case management plan and schedule continuous hearings to ensure effective handling. Furthermore, during the current reporting period, the Project also observed a high-plus-level corruption case in which the court provided parties with complex expert analysis 14 days before the hearing, allowing them sufficient time to prepare and reducing the risk of avoidable adjournments.[230]

These practices demonstrate that more predictable scheduling, advance sharing of procedural materials, and consecutive hearings can contribute to more focused case progression. However, the Project observed that such practices are not yet consistently applied across monitored OCC cases. During the current reporting period, only four presiding judges, from the RTM list, consistently scheduled consecutive hearings, despite the Strategy and Regulation promoting or requiring such practices.[231]

Inter-Institutional and Staff Turnover Factors Affecting Delays

Inter-institutional co-ordination also remains relevant to delay prevention. In one high-level corruption case, proceedings resumed after a ten-month gap, which was partly attributable to a complex analysis ordered by the court. The analysis could not be completed because the Ministry of Health neither provided necessary documents nor attended a meeting despite being served with the court's decision.[232] This example illustrates that delay monitoring should not focus only on judges and parties, but also on whether public institutions respond to court orders in a timely manner.

Judicial turnover also emerged as a recurring factor affecting the continuity of proceedings.

[230] bid.
[231] For the reporting purposes, hearings are counted as consecutive when judges systemically schedule three or more hearings in advance.
[232] Ibid.

In seven monitored high-level corruption and organized crime cases, proceedings were affected by the promotion, retirement, transfer, or appointment of the presiding judge to another position. Following these changes, hearings were not scheduled for periods ranging from more than six months to 18 months. In three cases, the presiding judge was promoted or appointed to another position, in three cases the presiding judge retired, and in one case the presiding judge was transferred to another court. All of these proceedings had already experienced delays prior to the reassignment of the case, resulting in further interruptions to already lengthy proceedings.

While promotions, retirements, transfers, and judicial appointments are a normal feature of the functioning of the judiciary, the monitored cases demonstrate that such employment transitions may contribute to lengthy interruptions in ongoing proceedings. The analysis suggests that efforts aimed at improving efficiency are likely to have the greatest impact when focused on trial-level case management, hearing continuity, and early identification of procedural bottlenecks.

Compared to the previous reporting period, Kosovo justice institutions demonstrated increased institutional engagement in monitoring and addressing lengthy OCC proceedings.

Adoption of the Strategy, internal reporting obligations, regulatory amendments, and the introduction of case-management tools represent important steps towards implementation of Project recommendations. Nevertheless, implementation remains at the stage of early implementation, as the available evidence does not yet demonstrate that cases exceeding 24 months consistently trigger documented follow-up actions (related milestone: 6.i), that formal delay-tracking mechanisms are applied uniformly across courts with clear remedial measures (related milestone: 6.ii), that procedural changes on promotion, retirement, and reassignment have yet to produce measurable improvements in continuity of proceedings (related milestone: 6.iii), or that a full assessment of lengthy appellate procedures in OCC cases has been completed (related milestone: 6.iv).

As a next step, the KJC, Supreme Court, Court of Appeals, and Basic Courts could strengthen institutional delay-tracking mechanisms by ensuring that cases exceeding 24 months systematically trigger documented follow-up measures and managerial review. Particular attention should be given to expanding consistent use of case-management plans and consecutive hearings, improving monitoring of retrials and appellate delays and analysing their underlying causes, ensuring timely issuance of written judgements, and strengthening inter-institutional co-ordination where delays are linked to external institutions or procedural follow-up.

7

Recommendation

Improve practices related to the use of regular and negotiated guilty pleas.

7.1 The Chief Prosecutor's Office should update the Instruction on Negotiated Guilty Plea Agreements (PBAs) and monitor its implementation.

7.2 The Supreme Court should draft guidelines on guilty pleas, including when courts should accept a guilty plea and the correct approach to sentencing.

Implementation Stage:



Planning and Preparation

Implementation Milestones:

7.i. Percentage of plea agreements in OCC cases (from RTM case list) that include judicial reasoning justifying their appropriateness.
7.ii. Existence of an updated Instruction on Negotiated Guilty Plea Agreements, with monitoring mechanisms in place.

During the period under review, prosecutorial and justice institutions took initial steps relevant to the use of negotiated guilty pleas in OCC cases, including recognition of plea agreements in prosecutorial planning, reporting requirements on their use, and limited reference to guilty pleas in the Supreme Court's General Sentencing Guideline.

However, implementation remains in the early stages. The prosecutorial Instruction on Negotiated Guilty Plea Agreements has not yet been updated and no dedicated judicial guidance on acceptance and sentencing in guilty plea cases has been issued. In addition, the use of plea agreements in monitored OCC cases remains limited and uneven, particularly in cases involving public officials.

Findings:

During the current reporting period, judicial and prosecutorial authorities continued to recognize negotiated guilty plea agreements as a tool that may contribute to more efficient case resolution in appropriate OCC cases, particularly in complex proceedings involving multiple defendants and extensive evidentiary records.

This represents continuity with earlier findings from the previous period, when the Project observed that regular and negotiated guilty pleas were used only to a limited extent in high-level OCC cases. This is despite their potential to reduce trial length, save court time, and avoid unnecessary witness attendance where evidence is sufficient and defendants accept responsibility.[233]

Prosecutorial Framework for Plea Agreements

On the prosecutorial side, the Chief Kosovo Prosecutor's planning framework continued to refer to guilty plea agreements as part of broader efforts to resolve cases through alternative and special procedures. The Chief Kosovo Prosecutor's Office informed the Project that one of the objectives of the 2026 Chief Kosovo Prosecutor's Work Plan is the handling of cases through guilty plea agreements, and that the Action Plan requires reporting on the number of guilty plea agreements, as well as on challenges and progress in applying this legal instrument (related milestone: 7.ii).[234] This is an important initial step toward monitoring use of PBAs. However, the Chief Kosovo Prosecutor's Office also indicated that the existing instruction remains in line with applicable legal provisions, and no information was provided indicating that an updated instruction had been adopted during the current reporting period.[235]

Use of Plea Agreements in OCC Cases

Trial monitoring data indicate that the use of PBAs in monitored OCC cases has remained relatively limited. Before June 2024, PBAs had been concluded in five monitored OCC cases, involving 18 defendants. During the June 2024–September 2025 period, no new PBAs were observed in monitored cases.[236]

More recent monitoring, however, identified four negotiated guilty pleas in one high-level corruption case during the January–March 2026 period, where four defendants were convicted following PBAs reached with the Special Prosecution.

[233] OSCE, The Western Balkans Trial Monitoring Report, official website, 4 June 2024. Available at: The Western Balkans Trial Monitoring Report | OSCE (accessed on 20 June 2026).
[234] Chief Prosecutorial responses to Project request for information, 23 April 2026.
[235] Ibid.
[236] Project judicial acts analyses.

Of these, one defendant was a public official.[237] These developments demonstrate that PBAs continue to be used in certain OCC proceedings where the parties consider them appropriate. At the same time, the monitoring sample suggests that their use remains concentrated in a limited number of cases and defendants, reflecting the case-specific nature of plea negotiations and the voluntary participation of the parties involved.

Practical Use and Procedural Challenges

Consultations with prosecutorial stakeholders further indicate that plea agreements are viewed as a practical tool for managing heavy caseloads and reducing the number of full trials. During a meeting with the Project, only one Chief Prosecutor stated that the number of plea agreements had increased during his term and that promoting their use forms part of his work plan.[238] He described plea agreements as a means to reduce the number of trials, manage prosecutors' demanding hearing schedules, and economize proceedings. At the same time, he noted that their use could still increase further and that the current procedure remains complicated, explaining that in some cases it may be easier for prosecutors to file an indictment than to complete the procedural steps required for a plea agreement.

Broader public reporting during the current reporting period also indicated an increased use of negotiated guilty plea agreements across the criminal justice system. Media sources reported that prosecutorial authorities in several regions observed a rise in the number of plea agreements compared to previous years, presenting this mechanism as a tool to expedite proceedings and support more efficient case management.[239]

Project consultations also indicate that PBAs are not used equally across defendant categories. Prosecutorial interlocutors noted that plea agreements appear to be used more often by private individuals than by public officials. One Chief Prosecutor observed that public officials may have greater resources and may be more willing to continue lengthy proceedings, while private individuals may be more inclined to resolve cases quickly.[240] This distinction is relevant to the strategic use of PBAs in OCC cases, as many high-level corruption cases involve both public officials and private individuals, and use of PBAs may affect both procedural efficiency and the coherence of case-resolution strategies.

[237] Ibid.
[238] Project notes from consultations with Chief Prosecutors.
[239] Radio Television of Kosovo, published on 2 December 2025, available at Numri i marrëveshjeve për pranimin e fajësisë është rritur ndjeshëm në nivel vendi (accessed on 20 May 2026).
[240] Ibid.

On the judicial side, the Supreme Court's General Sentencing Guideline includes a reference to guilty pleas as a mitigating circumstance. However, available information indicates that the Guideline does not provide detailed direction on when courts should accept a guilty plea, what reasoning should be included when approving PBAs, or how courts should approach sentencing, accessory punishments, asset confiscation, and proportionality in plea-based outcomes (related milestone: 7.i).[241] In the absence of more detailed guidance, judicial practice may continue to vary, particularly regarding the level of reasoning used to justify acceptance of plea agreements and the adequacy of sanctions in corruption-related cases. Public reporting during the current reporting period reflected concerns regarding inconsistent judicial approaches to sentencing in plea-based cases. A media report cited prosecutorial representatives stating that the use of PBAs may be influenced by the sentencing practices applied by courts, as defendants and defence counsel may be less inclined to enter plea agreements where they perceive that sanctions imposed following a full trial could ultimately be more lenient than those negotiated through a plea agreement.[242]

This is also complemented by Project consultations; prosecutors reported that defendants, former/current public officials, prefer going to trial rather than entering PBAs for the reasons expressed above.

Monitoring of plea-based outcomes indicates that procedural safeguards were respected in the PBA cases observed by the Project. No concerns were identified regarding voluntariness of guilty pleas, protection of defence rights, or basic fairness of proceedings. In some cases, PBAs contributed to faster resolution without compromising due process.[243] However, in one case where four defendants reached PBAs, the Court of Appeals returned the case for retrial regarding one defendant after finding that the first instance court had exceeded the terms of the plea agreement by imposing a more severe sentence than stipulated in the agreement. This confirms that, when properly scrutinized and supported by sufficient evidence, PBAs can contribute to procedural efficiency while preserving fair trial guarantees.

[241] Project trial monitoring observations.
[242] Betimi per Drejtesi, published on 10 January 2026, available at Politika e ulët ndëshkimore e gjyqësorit po pamundëson marrëveshjet e fajësisë me prokurorinë - Betimi për Drejtësi (accessed on 20 May 2026).
[243] Ibid.

At the same time, plea-based outcomes require careful judicial reasoning to preserve public confidence, especially in high-public-interest OCC cases. The Project's monitoring found that courts sometimes provided limited reasoning in plea-based judgements, including insufficient explanation of the evidentiary basis supporting the plea and limited analysis of why the agreement was appropriate.

This remains relevant for milestone 7.i, as judicial approval of PBAs should demonstrate that the defendant's admission is voluntary, informed, supported by evidence, and accompanied by sanctions that remain proportionate to the offence and the defendant's role.

Sanctions and Accessory Punishments

The sanctioning dimension also remains important. Monitoring data indicate that custodial sentences in PBA cases were often relatively short, while financial penalties, confiscation, or compensation measures were sometimes used to reinforce deterrence. However, accessory punishments, including prohibitions on exercising public functions, were applied infrequently in plea-based corruption cases despite their relevance to offences involving abuse of public office.[244] This suggests that further guidance would be useful to ensure that PBAs do not only resolve cases quickly, but also support accountability, proportionality, and prevention of future misconduct.

Compared to the previous reporting period, Kosovo prosecutorial institutions demonstrated greater recognition of negotiated guilty pleas as a tool for managing complex proceedings and reducing trial length. Reporting requirements in prosecutorial planning, recent consultations on procedural obstacles, and the observed use of PBAs in one monitored high-level corruption case represent initial implementation steps (related milestone 7.i).Nevertheless, implementation remains at an early stage, as the prosecutorial Instruction on Negotiated Guilty Plea Agreements has not yet been updated, dedicated judicial guidance remains absent, and monitored use of PBAs remains limited across OCC cases (related milestone: 7.ii).

As a next step, the Chief Kosovo Prosecutor's Office and Supreme Court could review and update the Instruction on Negotiated Guilty Plea Agreements, strengthen monitoring of plea-based outcomes, and develop judicial guidance on acceptance, reasoning, sentencing, accessory punishments, and safeguards in plea-based OCC cases.

[244] Project judicial acts analyses.

8

Recommendation

Ensure effective case management in OCC cases.

8.1 The KJC and Supreme Court should develop and enforce guidelines on trial management, including case preparation, pre-trial hearings, and measures to ensure timely evidence disclosure and party participation to enable:

- Development of a realistic timetable for the case.
- Identification of agreed and disputed factual and legal issues.
- Identification of agreed and disputed evidence.
- Directions on the disclosure of evidence.
- Identification of the need for expert evidence.

8.2 The KJC should develop and further promote the use of e-summons and online notifications to inform parties of hearing dates.

Implementation Stage:



Early implementation

Implementation Milestones:

8.i. Percentage of hearings in OCC cases (from RTM case list) where procedural delays due to poor trial management (e.g., absent parties, late disclosures, unstructured scheduling) were observed.
8.ii. Development and adoption of trial management guidelines, including case preparation and pre-trial procedures.
8.iii. Percentage of complex OCC cases (from RTM case list) with case-management hearings.
8.iv. Existence of percentage of e-summons and online notifications.

During the current reporting period, justice institutions introduced measures relevant to case management in OCC cases, including adoption of a strategic framework on efficient case resolution, regulatory obligations for case planning in Special Departments, and increased emphasis on consecutive hearings and structured scheduling. However, implementation remains at an early stage, as binding trial management guidelines have not yet been adopted; structured case management practices are not consistently applied across cases; and procedural delays linked to scheduling, party participation, and communication mechanisms continue to be observed.

Findings:

During the current reporting period, Kosovo justice institutions increased their focus on strengthening case management in OCC cases through strategic planning and regulatory measures. This builds on findings from the previous period, where delays were frequently linked to procedural factors such as scheduling gaps, late preparation, and absence of parties, rather than case complexity alone. A key development was the adoption of the Strategic Plan for the Efficient Resolution of Corruption, Abuse of Official Position and Organized Crime Cases (2025–2027), which emphasizes improved case preparation, consecutive hearings, and stakeholder co-ordination.[245] In parallel, the Regulation on Special Departments introduced requirements for judges to prepare structured case management plans, including timelines and evidentiary assessment.[246] These measures reflect progress under milestones 8.ii and 8.iii, although their application in practice remains uneven.

Procedural Delays and Unproductive Hearings

Monitoring data show that procedural delays linked to case management continue to affect a substantial proportion of hearings. During the previous reporting period, July 2021–May 2024, the most frequent cause of unproductive hearings was the absence of one or more parties, including the defendants, witnesses, defence counsel, or prosecutors. This reason accounted for 94 out of 134 unproductive hearings, representing 70 per cent. Compared to the previous reporting period, he latest reporting period confirms the persistence of these issues. The absence of one or more parties accounted for 39 out of 57 unproductive hearings, representing 68 per cent of all unproductive hearings.[247] The persistence of this trend across both reporting periods suggests that procedural delays are often linked to organizational and communication factors rather than the complexity of OCC cases alone. The graph shown in Figure 21 shows all causes of unproductive hearings for both reporting periods.

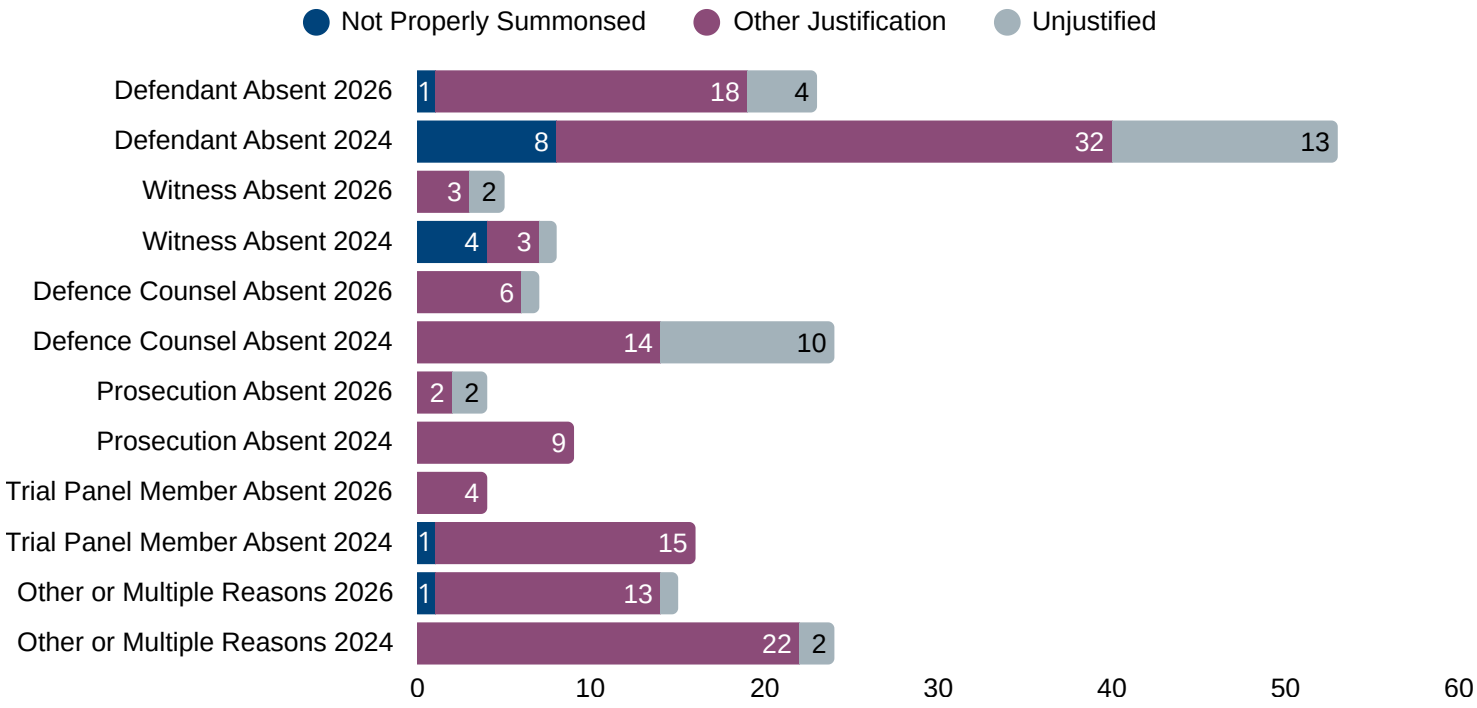


Figure 21: Reasons for Unproductive Hearings during both reporting periods (July 2021-May 2024 and June 2024-September 2026)

Subsequent Project monitoring for June 2024–September 2026 confirms the persistence of these patterns. Hearings continued to be affected by interruptions linked to scheduling, party availability, and preparation, although some cases demonstrated more structured planning and consecutive hearings.[248]

These observations indicate that a significant share of delays remains linked to the way hearings are planned and conducted.

Limited use of structured pre-trial planning, case-management hearings, and co-ordination between parties continues to contribute to fragmented proceedings and repeated adjournments (milestones 8.i and 8.iii). The consistency of these findings across both reporting periods suggests that improvements in case-management practices are likely to have a direct impact on the overall efficiency and continuity of OCC proceedings.

[245] KJC Strategic Plan for the Efficient Resolution of Corruption, Abuse of Official Position and Organized Crime Cases (2025-2027), Plani_Strategjik_per_Efikasitetin_e_Trajtimit_te_Rasteve_te_Korrupsionit_Keqperdorimit_te_Detyres_Zyrtare_dhe_Krimit_te_Organizuar_2025_2027_sq.pdf (accessed on 31 May 2026).
[246] Kosovo Judicial Council official website. 41770_KGJK_Rregullore_Nr_01_2025_per_Organizimin_dhe_Funksionimin_Departamentit_Special_ne_Gjykaten_Themelore_ne_Prishtine_dhe_Gjykaten_Apelit.pdf Regulation for Special Departments, Article 10, para.2 (Efficient and Effective Handling of Cases in the Special Department of the Prishtinë/Pristina Basic Court). (accessed on 17 May 2026).
[247] Project trial monitoring observations.
[248] Ibid.

Communication and Notification of Parties

Communication with parties remains a contributing factor. Despite the use of electronic administrative systems, no dedicated system for e-summons or automated notification of hearings was operational during the current reporting period.[249] This affects milestone 8.iv and contributes to scheduling inefficiencies, particularly in multi-defendant cases. Monitoring data consistently show that a share of hearings was affected by an absence of parties or lack of preparedness, indicating that existing notification and co-ordination practices do not yet ensure predictable participation in scheduled hearings.

The KJC informed the Project that electronic summonses are sent to prosecutors in real time through the CMIS, while this functionality has not yet been implemented for other parties. The KJC also reported that it has Memoranda of Understanding in place with the Advocacy Office and the Municipality of Prishtinë/Priština for sending summonses by email and is currently working with the KBA and the KPC on a co-operation agreement to enable electronic notification by email.[250] These developments represent partial progress under milestone 8.iv, although a comprehensive electronic notification system covering all parties is not yet operational.

At the same time, monitoring identified examples of more structured practices. In several cases, judges scheduled consecutive hearings, prepared case plans, and provided advance notice of procedural steps and evidence. These practices were associated with more focused hearings and fewer avoidable interruptions.[251] However, such approaches were not applied consistently across monitored cases, despite being encouraged by the Strategy and regulatory framework. These examples demonstrate that existing procedural tools can support more effective case progression when applied consistently and in conjunction with advance planning and communication measures.

Trial Management and Case Planning

The absence of binding trial management guidelines remains a central gap. Although the Supreme Court initiated drafting of guidelines on criminal case management in October 2024, they had not been adopted by the end of the reporting period. This affects milestone 8.ii and limits consistency in the application of existing procedural tools.

[249] Project trial monitoring observations.
[250] KJC responses to Project request for information, 18 September 2026
[251] Ibid.

Monitoring and consultations indicate that judges rely on existing Criminal Procedure Code provisions and various internal Basic Courts' practice when managing cases. While these provide a basis for planning and evidentiary organization, their application varies, particularly in complex OCC proceedings, resulting in differences in scheduling, preparation, and conduct of hearings.

Consultations with court leadership and trial monitoring data indicate that structured case-management or status conference hearings are not yet part of regular practice, with judges generally co-ordinating future hearing dates at the end of each hearing rather than through dedicated pre-trial planning sessions.[252] While this approach may function in less complex cases, judicial interlocutors acknowledged that in proceedings involving multiple defendants or extensive evidence, the absence of such hearings limits the ability to plan the course of proceedings in advance, including sequencing of evidence and long-term scheduling.[253]

During the consultation meetings, it was noted that although it is not formally referred to as a status conference, court leadership has recommended that the first main trial hearing following the confirmation of the indictment be used to plan the consecutive hearings.[254] These observations suggest that case-management hearings, consecutive scheduling, and timely communication with parties should be viewed as complementary tools. The effectiveness of one measure is likely to depend on the consistent application of the others.

At the same time, courts reported making use of consecutive hearings as a case-management tool, particularly in complex cases, and monitoring confirms that such practices can support more continuous proceedings. However, their application remains inconsistent, and judges highlighted practical constraints, noting that when one hearing in a consecutive schedule is adjourned, multiple planned hearings are often postponed, affecting court capacity and overall case progression.[255]

[252] Ibid.
[253] Project consultations with Court Presidents.
[254] Ibid.
[255] Ibid.

Institutional Performance Trends

Institutional data show improvement in total case resolution rates within the Special Department, increasing from 52 per cent in 2022 to 67 per cent in 2024. Moreover, as reported by the Special Department, during 2025 the complete case resolution rate was 101 per cent,[256] while for the first quarter of 2026 the clearance rate was 83 per cent. However, as these data are not disaggregated by OCC cases, they do not directly reflect trends observed in monitored proceedings.[257]

However, as these data are not disaggregated by OCC cases, they do not directly reflect trends observed in monitored proceedings.[258] While these figures suggest improved institutional productivity, they are not sufficient to demonstrate that delays in complex OCC proceedings are being systematically reduced.

Compared to the previous period, Kosovo's justice institutions have developed a more structured framework for case management in OCC cases. However, implementation remains at an early stage, as available evidence does not yet demonstrate consistent use of case-management hearings (milestone 8.3), adoption of binding operational guidance (milestone 8.ii), systematic reduction of procedural delays linked to hearing management (milestone 8.i), or operationalization of e-summons, automated notification systems, and hearing-scheduling tools (milestone 8.iv).

As a next step, the KJC, Supreme Court, and courts could finalize and implement trial-management guidelines, promote systematic use of case-management hearings in complex OCC cases, and strengthen integration of consecutive scheduling, case planning, and party co-ordination mechanisms. Particular attention could be given to operationalizing e-summons and automated notification systems, while monitoring whether these measures contribute to reducing procedural interruptions and improving continuity of proceedings. Consideration could also be given to further formalizing the use of early planning hearings in complex OCC cases to support long-term scheduling and evidentiary management.

[256] Kosovo Judicial Council official website, Statistical Report of the Courts – Annual Report 2025, page 9, 99300_KGJK_Raporti_Statistikor_Gjykatave_Vjetori_2025.pdf (accessed on 28 May 2026).
[257] Kosovo Judicial Council official YouTube channel, 366th meeting, timestamp 2:27:48, Takimi i 366-të, i Këshillit Gjyqësor të Kosovës - YouTube (accessed on 28 May 2026).
[258] The Special Department adjudicates high-level OCC, war crime, terrorism and other high-level cases.

9

Recommendation

Ensure implementation of provisions in the new CPC aimed at reducing delays, retrials and guidance on in absentia novella.

9.1 The Supreme Court should issue guidance on the interpretation of amendments to the provisions on retrials in Article 402 of the CPC.

9.2 The KJC to analyse continued use of retrials in OCC cases.

9.3 The Supreme Court should issue new guidance on in absentia provisions in Article 303 of the CPC.

Implementation Stage:



Initial Commitment

Implementation Milestones:

9.i. Percentage of retrial decisions that reference and apply Supreme Court guidance on Article 402 of the CPC and policy changes adopted by KJC based on retrial analysis reports.
9.ii. Guidance drafted and discussed by the end of 2026.
9.iii. Analysis reports published on retrial trends.
9.iv. Guidance issued and implemented in court cases.

Throughout the reporting period, justice institutions demonstrated increased attention to the application of amended Criminal Procedure Code provisions relevant to retrials and in absentia proceedings, including inter-institutional discussions, judicial workshops, and exchanges among judges from different court levels. However, implementation remains at the stage of initial commitment, as these efforts have not yet resulted in the development of formal guidance, analytical outputs, or structured planning processes to support consistent interpretation and application in practice.

Findings:

During the current reporting period, justice institutions increased their attention to the application of CPC amendments aimed at reducing delays in OCC proceedings, particularly those related to retrials and in absentia proceedings. This reflects improvement following the previous period, during which repeated retrials and procedural reversals were identified as key factors contributing to extended case duration.

Institutional Developments

A number of institutional discussions and workshops involving the KJC, KPC, court presidents, chief prosecutors, and judges from different court levels addressed challenges in applying amended CPC provisions relating to retrials and in absentia proceedings. These exchanges indicate growing institutional awareness of the need for clearer interpretation of Articles 402 and 303 and more consistent application across courts, contributing to progress under milestones 9.ii and 9.iv.[259] However, they have not yet resulted in formal guidance, analytical outputs, or structured follow-up mechanisms.

Despite this increased engagement, formal outputs remain limited. No authoritative Supreme Court guidance on the interpretation of Article 402 on retrials or Article 303 on in absentia proceedings had been adopted by the end of the current reporting period, and no analytical reports on retrial practices were published by the KJC (milestones 9.i, 9.iii, and 9.iv).

Retrial Trends in OCC Cases

Monitoring data confirm that retrials continue to affect the duration and progression of OCC cases. Analysis of monitored cases shows that retrials remain a recurring feature, with a number of cases undergoing multiple cycles of annulment and re-adjudication. In one high-level corruption case, first-instance convictions were annulled twice by the Court of Appeals and returned for retrial, with a third retrial verdict delivered more than six and a half years after the indictment was filed, while in another high-level corruption case, the first-instance convictions were annulled by the Court of Appeals three times, and each time the case was returned for retrial. It has now been four years and nine months since the indictment was filed, while the case is currently on retrial for the fourth time. Other monitored retrials resulted in different outcomes, including reduced sentences and acquittals, demonstrating the significant impact of appellate intervention on final case outcomes.[260]

[259] Project trial monitoring observations.
[260] Project judicial acts analyses and trial observations.

As of the end of the reporting period, eight ongoing OCC cases remained in retrial stages, indicating that retrials continue to contribute to overall case duration. These findings are consistent with earlier observations from the previous reporting period, where repeated retrials were identified as a structural factor affecting efficiency and finality of proceedings.

The quantitative analysis of the monitored case sample confirms the significant role of appellate intervention and retrials in undermining the finality of proceedings. The data shows that of the charges resulting in conviction at first instance, one in five (18.2 per cent) was overturned into an acquittal on appeal, while not a single first-instance acquittal was reversed into a conviction. This one-directional process means that appellate review consistently subtracts from the conviction record and drives the retrial cycle, which, as described above, is a primary factor in extended case duration. This finding directly underscores the urgency of the Supreme Court issuing interpretative guidance on Article 402 of the CPC to ensure that retrials are ordered only where absolutely necessary and are not used to remedy deficiencies that should be addressed at the appellate level or through prosecution quality control.

Legally, Article 402 of the CPC establishes the framework for retrials, including the circumstances under which the Court of Appeals may annul a first-instance judgement and return the case to the first instance for re-adjudication. However, monitoring and consultations indicate that the application of these provisions continues to vary, particularly in relation to the interpretation of substantial procedural violations and the threshold for ordering retrials. References to Article 384, which allows annulment due to procedural violations, are applied inconsistently across cases, contributing to differences in appellate reasoning.

Consultations with Court of Appeals judges indicate that retrials are frequently ordered in OCC cases, including in situations where specific factual or evidentiary issues could potentially be addressed at the appellate level. Judges have also noted that conducting trial sessions at the appellate stage requires additional time and resources, and that existing workload pressures influence how available procedural options are used in practice to minimize the number of cases to be sent back for retrials.[261]

Judicial consultations also indicate that retrials are sometimes ordered in situations involving procedural shortcomings that could potentially be addressed without returning the case for full re-adjudication. Judges participating in Supreme Court-led discussions noted the need for clearer interpretative guidance to support more consistent appellate practice and to ensure that retrials are used in a manner proportionate to the nature of procedural violations.

[261] Project consultations with CoA judges.

In Absentia Proceedings

In relation to in absentia proceedings under Article 303 of the CPC, similar implementation challenges were observed. While the legal framework permits trial in absentia under specific conditions, monitoring indicates that its application in OCC cases remains limited and lacks clear institutional guidance. In one monitored case, the Presiding Judge sought clarification from the Supreme Court regarding the applicability of Article 303, but no interpretative opinion was provided, reflecting the current practice of non-intervention in ongoing cases. Although the Supreme Court has included a case referencing Article 303 in its published "Selected Decisions", this has not yet resulted in broader guidance or consistent application in OCC proceedings. At the same time, trial in absentia has been applied in specific categories of cases, such as war crimes, indicating that the legal mechanism is operational but not yet systematically applied in OCC contexts. This suggests that the legal mechanism itself is operational, while questions regarding its interpretation and applicability in OCC proceedings remain under development.

Institutional discussions on both retrials and in absentia proceedings are ongoing. Statements by judicial leadership indicate that these issues remain under consideration, and that further work is expected to clarify interpretation and application. However, at the time of reporting, these discussions had not yet produced formal guidance or analytical outputs that would support consistent practice across courts.

Institutional Follow-up

Compared to the previous period, justice institutions demonstrated increased awareness of the impact of retrials and procedural uncertainty on case duration. However, implementation remains at the stage of commitment. Available evidence does not yet demonstrate adoption of formal interpretative guidance (related milestones: 9.ii and 9.iv), publication of analytical reports on retrial practices (related milestone: 9.iii), or consistent application of clarified standards in court decisions (related milestone: 9.i). As a result, retrials continue to contribute to lengthy proceedings, while uncertainty regarding interpretation of amended CPC provisions remains evident in practice.

As a next step, the Supreme Court and KJC could prioritize development of interpretative guidance on Articles 402 and 303 of the CPC, while complementing this work with analysis of retrial trends and their underlying causes. Particular attention could be given to identifying circumstances in which procedural deficiencies may be addressed without full retrial and to promoting more consistent application of in absentia provisions in OCC proceedings.

CAPACITY

10

Recommendation

Improve the standard of charges accuracy and legal precision of indictments and other legal acts.

10.1 The Chief Prosecutor's Office should enhance internal mechanisms to review indictments before finalization, while ensuring a balance between individual prosecutors' autonomy and supervisors' power to issue instructions in specific cases.

10.2 The Chief Prosecutor's Office should develop a mechanism to ensure internal review of high-level OCC cases resulting in acquittals or where indictments are dismissed/rejected.

10.3 The KAJ should strengthen targeted capacity-building activities for prosecutors related to drafting, structuring, and evidentiary substantiation of indictments in OCC cases.

10.4 The Chief Prosecutor's Office, KJC, KPC and KAJ should organize joint workshops with judges and prosecutors to discuss challenges related to elements of OCC criminal offences including criminal intent, and evidentiary findings.

Implementation Stage:



Early Implementation

Implementation Milestones:

10.i. Number of finalized acquittal cases (from RTM case list) where courts identified limitations in evidentiary substantiation or legal reasoning.
10.ii. Indictments' review mechanism established.
10.iii. Mechanism established (in acquittal cases).
10.iv. Number of training sessions held on indictment drafting for complex OCC cases.
10.v. Number of joint workshops with judges and prosecutors to discuss evidentiary findings and elements of OCC criminal offences.

During the current reporting period, Kosovo prosecutorial institutions and the KAJ undertook initial steps aimed at strengthening prosecutorial practice in OCC cases, including increased institutional discussions on indictment drafting, emerging practices of internal consultation and peer review, and targeted training activities. However, implementation remains at an early stage since these efforts have yet to be translated into formalized and consistently applied review mechanisms. In addition, structured approaches to analysing acquittal outcomes are not yet in place and practices related to evidentiary substantiation, legal reasoning, and drafting approaches continue to vary across prosecution offices. As a result, current measures do not yet ensure consistent and predictable application of standards in complex OCC cases.

Findings:

Since publication of the Project's June 2024 Regional Public Report, Kosovo prosecutorial institutions and the KAJ undertook limited but important steps aimed at improving the standard of indictments and strengthening prosecutorial effectiveness in OCC cases.

Compared to the previous reporting period, institutional awareness of structural limitations affecting indictment standard and evidentiary substantiation appears to have increased, particularly regarding acquittal rates, evidentiary weaknesses, and the need for greater internal prosecutorial review in complex OCC proceedings.

Internal Review of Indictments

During the current reporting period, prosecutorial representatives and institutional stakeholders increasingly acknowledged the need for more structured oversight and quality-control mechanisms regarding indictment drafting and prosecutorial decision-making (related milestones: 10.ii and 10.iii).[262]

According to information gathered by the Project, discussions concerning the establishment of structured pre-filing indictment review mechanisms intensified throughout late 2024, 2025 and 2026, including during consultations with Chief Prosecutors, prosecutorial forums and institutional meetings addressing implementation of the Project's recommendations.[263]

[262] Project trial monitoring observations.
[263] Ibid.

Participants emphasized that any future review mechanism should maintain an appropriate balance between prosecutorial autonomy and institutional accountability, including supervisory oversight in complex and high-profile OCC cases.

As a further step, the Chief Prosecutor's Office notified the Project that it intends to establish a mechanism composed of its prosecutors to provide professional guidance, upon request, in the drafting of indictments and to assess the quality of indictments that are dismissed or rejected (related milestone: 10.ii and 10.iii).[264] Furthermore, on 7 October, 2026, the Chief Prosecutor's Office issued a decision establishing a mechanism within the Chief Prosecutor's Office: a Supervisory Mechanism on the Work of Prosecutors, tasked with analysing the quality of indictments resulting in final verdicts, including acquittals or rejections, with a focus on priority cases, particularly high-level corruption.[265]

However, the Special Prosecution Office (SPO) informed the Project that introduction of mandatory indictment review procedures could raise concerns regarding prosecutorial independence and internal hierarchy, emphasizing the need to preserve autonomy of case prosecutors.[266]

Furthermore, the Chief Kosovo Prosecutor has requested that financial investigations be conducted alongside criminal investigations in OCC cases, to strengthen the quality and substance of indictments.[267] At the same time, the SPO reported that a number of internal review practices are already applied in complex OCC cases. The Chief Special Prosecutor reportedly reviews all cases under investigation on a monthly, quarterly and bi-annual basis. Moreover, each high-level indictment is discussed with special prosecutors in a peer-to-peer review manner.[268] The SPO further indicated that lessons learned from dismissed indictments are taken into account when preparing future indictments, including with regard to format, legal reasoning, justification of charges, articulation of criminal elements, financial investigation and analyses, and the use of Special Investigative Measures (SIM) for investigation purposes.

Meetings conducted by the Project with Chief Prosecutors of Basic Prosecution Offices revealed significant variation in internal practices related to review and supervision of indictments (related milestones: 10.ii and 10.iii).

[264] Chief Prosecutor's Office responses to the Project, 18 September 2026.
[265] Kosovo Chief Prosecutor's Office official website, available at: Zyra e Kryeprokurorit të Shtetit (accessed on 16 October 2026).
[266] Notes from the consultations with SPO.
[267] Chief Prosecutor's Office responses to the Project, 18 September 2026.
[268] Notes from the consultations with SPO.

While some Chief Prosecutors emphasized the autonomy of case prosecutors and reported that indictments are generally not subject to formal supervisory review prior to filing, others described more proactive approaches involving discussions with prosecutors on evidentiary challenges, legal qualification of offences, and review of draft indictments in corruption cases before submission to the court.[269]

In one prosecution office, the Chief Prosecutor reported systematically reviewing dismissed indictments and acquittal judgements in order to analyse judicial reasoning and identify recurring evidentiary or legal deficiencies relevant for future indictments. In another office, the Chief Prosecutor reported personally handling selected corruption investigations and indictments in complex cases.[270] Prosecutors also noted that there is no single template for drafting indictments and each prosecutor uses their own format, resulting in uneven outputs, inconsistent reasoning, and variable application of the same drafting procedure.

Several interlocutors further emphasized that clearer institutional guidance concerning indictment review procedures should be developed at the level of the Chief Prosecutor's Office or the KPC. According to stakeholders, the absence of standardized guidance contributes to inconsistent supervisory practices and uneven approaches among prosecution offices across Kosovo.[271] All agreed that more consistent professional practice in drafting indictments of OCC cases, including through clearer practice standards, structured peer exchange, and specialized support tools, is needed.

As a result, existing practices concerning review of indictments and prosecutorial decisions continue to rely largely on informal consultations and discretionary supervisory discussions rather than standardized institutional procedures and mechanisms for learning from case outcomes.

KPC reported that its Strategic Plan of the Prosecutorial System 2025–2027[272] has foreseen a strategy related to improving the quality and defence of indictments; however, it does not specifically address the indictments' review process.

[269] Notes from the consultations with Basic Prosecution Offices.
[270] Ibid.
[271] Ibid.
[272] KPC Official Website, Prosecutorial System Strategic Plan 2025-2027, available at: https://prokuroria-rks.org/uploads/2025/05/e2e22cb5-7799-4e26-a089-b8bcb8522786_Plani-Strategjik-i-Sistemit-Prokurorial-2025-2027.pdf (accessed on 13 May 2026)

In this regard, under Pillar II, Strategy I – Combating Crimes, a number of activities have been envisaged concerning this issue, including the implementation of advanced tools and techniques for evidence collection, the establishment of standards for drafting clear and well-reasoned indictments, the improvement of prosecutors' training, and regular evaluations.[273] This Strategy is currently in the process of monitoring the implementation, and a report on the implementation up to this stage is expected to be available shortly.[274]

Review of Acquittals and Dismissed Indictments

Similarly, no formal mechanism currently exists for systematic review of acquittal cases or dismissed indictments in high-level OCC proceedings (related milestone: 10.iii). Monitoring and institutional consultations indicate that discussions following acquittals continue to occur primarily on an informal basis between prosecutors and supervisors, without binding review procedures, structured lessons-learned analyses, or enforceable institutional follow-up measures. Although prosecution offices may seek extraordinary legal remedies before the Supreme Court in certain cases, such reviews remain case-specific and do not constitute a broader institutional quality-control mechanism.

Monitoring Findings on Indictments and Evidentiary Substantiation

Trial monitoring observations conducted by the Project continue to identify areas requiring consistency, robustness and further strengthening in indictments and evidentiary substantiation in OCC proceedings (related milestone: 10.i). According to Project monitoring data, indictments displayed noteworthy substantive and procedural limitations in all 18 acquittal cases out of 26 finalized OCC cases.[275] Difficulties included unclear links between evidence and legal charges, limited substantiation of criminal intent (*mens rea*), and inadequate legal reasoning connecting evidentiary findings with elements of criminal offences.[276]

Furthermore, Project interlocutors reported increased judicial attention to corruption-related cases, irrespective of the status of defendants or the gravity of the allegations.

[273] Ibid.
[274] KPC responses to Project request for information, 27 April 2026.
[275] Project trial monitoring observations and judicial acts analyses.
[276] Ibid.

Prosecutors indicated that corruption cases frequently rely on circumstantial evidence, with limited availability of direct evidence, while courts often require a higher degree of direct evidentiary substantiation to establish all constitutive elements of the criminal offence in line with the CPC. Prosecutors described their approach as presenting the court with a comprehensive body of interconnected evidence, whereas judges emphasized that, in some cases, reasonable doubts remain regarding the defendants' criminal responsibility, requiring acquittal in accordance with the principles of the adversarial system and fair trial guarantees.[277]

Both judges and prosecutors noted no challenges with proving factual circumstances, however continuing challenges related to the substantiation of the subjective elements of corruption offences, particularly criminal intent (*mens rea*). Prosecutorial interlocutors noted that while the formal standards for drafting indictments remain the same for all criminal cases, courts tend to apply a higher level of scrutiny in OCC proceedings, particularly in corruption-related cases involving complex evidentiary assessments.

At the same time, several interlocutors observed differing views regarding the scope of the court's role in clarifying evidentiary issues during proceedings.

The CPC provides judges with procedural competencies to seek additional clarifications where necessary, including through the appointment of experts, ordering financial expertise, requesting international legal assistance, recalling witnesses, or seeking clarification of financial documentation. Nevertheless, some judges expressed the view that such steps should primarily fall within the responsibility of the prosecution as part of the investigative phase, rather than the court's role during trial. Other interlocutors considered that a more proactive use of available procedural mechanisms by courts, aimed at clarifying outstanding evidentiary issues relevant to adjudication, could contribute to greater legal certainty and more comprehensive judicial assessment, without affecting the adversarial nature of proceedings.[278]

The Project has also observed that objections to indictments and evidentiary challenges were raised by the defence in all 69 monitored OCC cases during initial hearing stages; however, only three indictments were dismissed at the confirmation stage.[279] Of the 26 finalized cases monitored by the Project since 2021, 18 cases resulted in acquittals.

[277] Project consultations with interlocutors.
[278] Ibid.
[279] Project trial monitoring observation.

Of the 18 acquittals, 14 resulted in acquittals due to insufficient evidence; in two cases the indictments were dismissed at the initial hearing phase for the same insufficient evidence reason; in one additional case, the indictment was dismissed for being filed after the legal deadline; while another indictment was rejected due to the expiration of the statutory limitation period.

Disaggregating by reporting periods, during the period July 2021–May 2024, nine out of ten acquittal cases revealed limitations related to insufficient evidence. In contrast, during June 2024–September 2026, eight acquittal cases involved limitations in the indictments, while seven lacked sufficient evidence, both mentioned by either the Court of Appeals or the Supreme Court. In both reporting periods, challenges in indictments mainly included unclear factual descriptions, unsubstantiated charges, and limited demonstration of criminal intent (*mens rea*).

Monitoring findings indicate that indictments were frequently confirmed despite limitations in evidentiary substantiation later identified during trial proceedings, including limited financial evidence, insufficient proof of criminal intent, challenges related to assessment of witness testimony, and procedural shortcomings affecting admissibility of evidence.

Related to this, some judges from specialized OCC units indicated that, despite reservations regarding the evidentiary substantiation presented by the prosecution at the indictment stage, indictments may nevertheless be confirmed in order to allow the evidence to be fully examined during the main trial, which may be considered valid, knowing that the standard of proof for confirmation of indictments and for conviction is different. According to these interlocutors, this approach is also influenced by the importance of ensuring public adjudication and transparency in high-level OCC cases, including with regard to their eventual outcome.[280]

The Project's deep-dive analysis on the legality of evidence further demonstrated that evidentiary weaknesses often remained unaddressed during initial review phases, allowing cases with limited substantiation to proceed through lengthy and resource-intensive proceedings.[281] In several monitored cases, retrials were conducted using substantially the same evidentiary record despite earlier findings concerning insufficiency of evidence. Courts frequently concluded that prosecutors were not able to establish criminal intent to the standard required by the court, unlawful benefit, or direct evidentiary links between defendants and alleged criminal conduct.

[280] Project consultations with interlocuters.
[281] Project judicial acts analyses.

Another deep-dive analysis on outcomes of monitored OCC cases proved the above-mentioned observation and provided quantitative findings on the locus of the non-compliance. The systemic analysis of the monitored case sample quantifies the qualitative observations, demonstrating that the non-compliance lies almost exclusively in the pre-trial case-building phase. In final-stage acquittals, two grounds – "insufficient evidence" and "elements of the offence not proved or incorrectly characterized" – account for almost the entire picture, while procedural and rights-based grounds remain marginal. This statistical pattern confirms that case after case, the prosecution established the facts but did not establish the constitutive elements – the subjective element (criminal intent), individual criminal responsibility, the causal link to harm, or the unlawful benefit – that turn those facts into a crime.

This problem is concentrated in precisely the charge categories that should carry the anti-corruption and organized-crime track record. The conviction rates for core charges are:
-Abuse of office: 3.2 per cent
-Organized crime: 13.1 per cent
-Money laundering: 11.1 per cent

The analysis identifies two institutional features that allow this weakness to persist: (1) a confirmation stage that operates on a lower threshold and tends to pass indictments whose foundations are only tested – and found wanting – at trial; and (2) the absence of any feedback loop. Without systematic pre-filing review of indictments and structured analysis of acquittals, the reasons cases fail in courts are never returned to those who build them. This data provides a compelling empirical basis for the need for formal indictment review mechanisms (towards milestone 10.ii) and post-acquittal analysis systems (towards milestone 10.iii), moving them from desirable reforms to critical necessities.

Training and Professional Development

At the same time, the KAJ undertook certain steps aimed at strengthening prosecutorial capacities related to OCC indictments and evidentiary standards. In line with the Rule of Law Strategy 2021–2026, and following receipt of the Project's recommendations, the KAJ updated its 2025 and 2026 Work Plans to include additional OCC-related programming for judges and prosecutors.[282]

[282] KAJ official website, 2025 Continues Training Program available at: https://ad.rks-gov.net/media/PTV/PTV_2025ShQ__.pdf; 2026 Continues Training Program, available at https://ad.rks-gov.net/media/PTV2026_shqip.pdf (accessed on 13 May 2026).

Similarly, the KAJ is currently in the process of preparing its 2027 Work Plan, which is expected to include additional OCC-related training for judges and prosecutors, in line with the Project's recommendations.[283] Between June 2024 and September 2026, the KAJ reportedly organized 45[284] training sessions related to OCC proceedings; however, only three training sessions for prosecutors specifically addressed drafting, substantiation, and reasoning of indictments, while eight training activities for the administrative staff covered related topics.[285]

Feedback collected by the Project from prosecutors and judicial stakeholders further indicates continuing demand for practical and specialized training focused on evidentiary analysis, legal reasoning, drafting of indictments, financial crimes, and articulation of *mens rea* in complex OCC cases. Several judicial interlocutors additionally emphasized the need for more practice-oriented and interactive training methodologies, including increased use of case studies, simulation exercises, and discussion of practical courtroom challenges.[286]

According to prosecutors, judges, and court managers consulted by the Project, some training programmes continue to rely predominantly on lecture-based formats and recurring thematic approaches, with limited adaptation to emerging challenges identified in judicial practice.

Stakeholders noted that judges and prosecutors are generally required to attend several mandatory training sessions annually; however, some judicial interlocutors questioned the practical impact and operational usefulness of certain training sessions, particularly regarding their contribution to improving legal reasoning, evidentiary analysis, and drafting practices in complex OCC proceedings.[287]

Several supervisors, Chief Prosecutors, and Court Presidents further emphasized the importance of ensuring that judicial training programmes are closely aligned with practical challenges observed in court proceedings and prosecutorial practice. In this regard, strengthening the practical applicability, innovation, and responsiveness of training methodologies would contribute to more effective use of institutional resources, improved professional capacities, and greater consistency and efficiency in adjudication of OCC cases.[288]

[283] KAJ official website, News and Activities, available at: Akademia e Drejtësisë (Accessed on 18 September 2026).
[284] Broader topics calculated, including confiscation, special investigative measures, witness examination, and other related subjects.
[285] KAJ official website, News and Activities June 2024- September 2026, available at https://ad.rks-gov.net/sq/aktivitetet-dhe-lajmet?month=6&year=2024 (accessed on 30 September 2026).
[286] Project consultations with interlocutors.
[287] Project consultations with interlocutors.
[288] Project consultations with interlocutors.

At the same time, the KAJ acknowledged budgetary and staffing limitations affecting expansion of OCC-focused programming and specialized prosecutorial training sessions, a concern also highlighted in EU assessments of Kosovo's justice sector.[289]

Compared to the previous reporting period, Kosovo prosecutorial institutions demonstrated greater institutional awareness of challenges related to evidentiary substantiation, articulation of criminal intent, acquittal trends, and the need for stronger internal review mechanisms in OCC proceedings. Increased institutional discussions, strategic planning initiatives, and targeted training activities represent important initial developments towards strengthening prosecutorial practice (related milestone: 10.iv). At the same time, monitoring findings and consultations with judicial stakeholders continue to reveal substantial inconsistencies in indictment drafting practices, evidentiary assessment, legal reasoning, and supervisory approaches among prosecution offices (related milestones: 10.i and 10.ii). Implementation therefore remains at an early stage, as formalized indictment review mechanisms and structured post-acquittal analysis systems are still not yet established (related milestones: 10.ii and 10.iii), while recurring structural challenges in evidentiary substantiation and legal reasoning continue to affect OCC proceedings in practice (related milestone: 10.i).

As a next step, prosecutorial institutions could establish transparent and standardized mechanisms for reviewing indictments prior to filing (related milestone: 10.ii), institutionalize systematic analysis of acquittal cases (related milestone: 10.iii), develop clearer evidentiary assessment approaches at the indictment confirmation stages, and expand practical, case-oriented prosecutorial training focused on complex OCC litigation, legal reasoning, and evidentiary analysis (related milestone: 10.iv).

[289] EU Kosovo Report 2025 pg.28, available at: https://enlargement.ec.europa.eu/document/download/127563ea-4c03-44a4-b56c-2d569afd86a5_en?filename=kosovo-report-2025.pdf (accessed on 13 May 2026).

11

Recommendation

The KJC and KPC should ensure that performance evaluation criteria and workload expectations for judges and prosecutors accurately reflect the level of effort necessary to handle OCC cases.

11.1 The two councils should consider the weight given to qualitative indicators in the performance evaluation of judges and prosecutors.
11.2 Both quantitative and qualitative elements of evaluating performance should adequately consider the complexity and effort involved in handling high-level OCC cases.
11.3 The councils should continuously review performance evaluation criteria in OCC cases to ensure they incentivise good practice and appropriate prioritization of cases.

Implementation Stage:



Early implementation

Implementation Milestones:

11.i. Existence of publicly available policy documents stating that performance evaluations and workload distribution criteria for judges and prosecutors consider OCC case complexity.
11.ii. Existence of qualitative indicators in performance evaluation regulations.

During the current reporting period, Kosovo justice institutions undertook a range of activities aimed at strengthening performance evaluation frameworks, including legislative amendments, development of new regulations, and increased focus on integrating qualitative criteria into evaluation systems. However, implementation remains at the stage of early implementation, as these developments have not yet been consistently translated into practice; evaluation approaches continue to rely

predominantly on quantitative indicators; and mechanisms to systematically reflect the complexity and workload of OCC cases in performance assessments are not yet fully operationalized across the justice sector.

Findings:

Since publication of the Project's June 2024 Regional Public Report, Kosovo justice institutions initiated several legislative and institutional reform efforts aimed at improving performance evaluation and accountability mechanisms for judges and prosecutors.

Compared to the previous reporting period, institutional discussions concerning performance evaluation, judicial accountability, and qualitative assessment criteria became more structured and operationally focused, particularly in the context of handling complex OCC proceedings.

Legislative and Regulatory Developments

Within the framework of the Joint Initiative on Justice Reform, amendments to several justice-sector laws were proposed and revised, including amendments to the Law on the Kosovo Prosecutorial Council incorporating recommendations of the Venice Commission, which entered into force in June 2025. According to a number of interlocutors and institutional responses, the reform process sought to strengthen transparency, oversight, disciplinary safeguards, and performance evaluation mechanisms within the judiciary and prosecutorial system (related milestone: 11.i). Further legislative steps under the initiative remain ongoing.

The KJC additionally informed the Project that it is in the process of drafting a new Regulation on Judicial Performance Evaluation, together with accompanying guidelines. This regulation, in line with the draft Law on the Recruitment, Performance Evaluation, Integrity Control, and Status of Judges and Prosecutors foresees both qualitative and quantitative criteria, while also taking into account the handling of corruption cases and their specificities. As regards the KPC, it has not yet initiated the amendment of its regulation, pending the adoption of the respective law, while continuing to participate in the relevant working groups and provide its views and positions on the proposed legislation.[290]

[290] KPC responses to the Project, 17 September 2026.

Institutional stakeholders indicated that the revised framework aims to strengthen consideration of qualitative assessment criteria, including legal reasoning, complexity of cases, professional conduct, and application of human rights standards in judicial proceedings (related milestone: 11.i).

The Venice Commission's opinions issued during the current reporting period further emphasized the importance of strengthening judicial safeguards, transparency, accountability, and independence within performance evaluation and disciplinary systems. Recommendations supported greater clarity in disciplinary procedures, stronger safeguards in evaluation mechanisms, enhanced transparency of disciplinary processes, and increased institutional independence of the Kosovo Academy of Justice.[291] These recommendations were generally welcomed by the institutions and incorporated into broader institutional reform discussions.

Institutional consultations and monitoring throughout the reporting period conducted by the Project indicate that current regulations adopted by the KJC and KPC formally include both qualitative and quantitative evaluation criteria, including willingness to handle and resolve complex cases (related milestone: 11.i). However, the EU Kosovo Report 2025 highlighted some progress in the judges' performance evaluation system aimed at improving the objectivity and effectiveness of assessments.[292] Yet, both institutional stakeholders and external assessments, including the EU and reports from civil society actors, continue to identify the need to more effectively operationalize qualitative indicators within evaluation practices, particularly in relation to legal reasoning, management of complex OCC proceedings, and protection of procedural and human rights guarantees.[293]

Qualitative Indicators and Complexity of OCC Cases

During workshops and institutional consultations conducted throughout 2025 and 2026, justice-sector representatives discussed the need for evaluation methodologies that more accurately reflect the complexity and workload associated with high-level OCC proceedings. Particular emphasis was placed on factors such as management of multi-defendant and multi-jurisdictional proceedings, efficiency in handling complex cases,

[291] Opinion no.1220/2024, available at https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2025)010-e (accessed on 12 May 2025) (accessed on 15 May 2026).
[292] EU Kosovo Report 2025, pg.28, available at https://enlargement.ec.europa.eu/document/download/127563ea-4c03-44a4-b56c-2d569afd86a5_en?filename=kosovo-report-2025.pdf (accessed on 13 May 2026).
[293] EU Kosovo Report 2024, pg.28, available at https://enlargement.ec.europa.eu/document/download/c790738e-4cf6-4a43-a8a9-43c1b6f01e10_en?filename=Kosovo%20Report%202024.pdf; https://kli-ks.org/wp-content/uploads/2024/07/ENG_Integrity-of-Judges-and-Prosecutors-The-Constitutional-and-Legal-Issues-of-the-Current-Draft-Law-1.pdf (accessed on 18 May 2026).

prevention of procedural abuse and delays, legal reasoning in financial crime and corruption cases, use of financial investigation tools and digital evidence platforms, and application of accessory punishments (related milestone: 11.i).[294] The KJC's Judicial Performance Evaluation Commission additionally conducted workshops addressing operational challenges and evaluation methodologies applicable to complex judicial proceedings, including assessment of legal reasoning, practical courtroom management, professional experience, and respect for human rights standards in complex cases. These activities represent some progress compared to the previous reporting period, during which discussions concerning qualitative evaluation indicators and complexity-sensitive workload distribution were less developed.

Remaining Challenges in Performance Evaluation

Several interlocutors noted that existing performance evaluation frameworks continue to place primary emphasis on quantitative measurements, with comparatively less emphasis on aspects related to professional performance, consistency of practice, reasoning reflected in judicial acts, and professional competencies of judicial practitioners. Several interlocutors further observed that evaluations conducted by regional court and prosecution managers were frequently assessed positively, with limited accompanying analytical explanation or individualized assessment. Some Chief Prosecutors additionally indicated that the current evaluation framework, including the limited number of assessment questions available to first-level supervisors, may provide limited scope for a more comprehensive assessment of prosecutorial performance.

Some interlocutors also expressed concerns regarding the current annual planning and performance assessment framework for prosecutors, noting that it may not sufficiently reflect the complexity and scope of different categories of cases. All judicial interlocutors observed that similar performance expectations are applied across prosecution offices despite notable regional differences in caseloads and investigative demands. In particular, specialized prosecution offices dealing with organized crime and corruption cases were described as handling significantly more complex investigations compared to offices managing less complex case portfolios.

[294] Project trial monitoring observations from consultations with interlocutors.

Judicial stakeholders noted that performance evaluation systems and workload expectations should be more closely aligned with the actual institutional capacities and resource realities of courts and prosecution offices. In this regard, strategic prioritization of institutional needs, including allocation of human and financial resources to complex OCC cases, was identified as important for improving judicial performance, efficiency, and access to justice. Stakeholders additionally highlighted the importance of sustained policy dialogue among justice institutions, the Government, and the Assembly of Kosovo to support long-term budgeting, planning and implementation of justice-sector reforms affecting performance evaluation and workload management.

Nevertheless, monitoring observations and institutional consultations indicate that practical implementation of qualitative performance evaluation remains at an early stage of development. While formal evaluation frameworks increasingly reference qualitative criteria, workload expectations and evaluation practices continue to rely predominantly on quantitative indicators, including case completion statistics and productivity measures. Stakeholders consulted by the Project emphasized that existing evaluation methodologies do not yet consistently reflect the substantial time, evidentiary analysis, co-ordination efforts, and procedural management required in complex OCC proceedings.

These challenges were also reflected in monitored OCC proceedings. Trial monitoring identified numerous cases requiring extensive evidentiary review, analysis of financial and digital evidence, management of multiple defendants, co-ordination with expert witnesses, and international legal co-operation. Several proceedings involved prolonged hearings, repeated procedural motions, and complex legal questions that required substantial judicial and prosecutorial engagement over extended periods. While such efforts are central to the effective handling of complex OCC cases, monitoring findings suggest that they are not always readily captured through existing productivity-focused evaluation frameworks, which continue to place significant emphasis on quantitative outputs.

The Project additionally observed that prolonged and resource-intensive OCC proceedings continue to create tensions between quantitative workload expectations and practical realities of adjudicating complex cases. Several interlocutors emphasized that judges and prosecutors handling high-level OCC cases often face increased procedural burdens related to extensive evidentiary review, financial investigations, international legal co-operation requests, and repeated procedural motions that are not adequately reflected in existing performance assessment systems. This was also reflected across monitored OCC cases, where significant judicial

and prosecutorial effort was often devoted to managing complex evidentiary and procedural issues that extended well beyond what could be measured through case-completion statistics alone.

The systemic data obtained via judicial acts analyses and trial monitoring provides a powerful argument for reforming performance evaluation systems. The key patterns identified: the dominance of acquittals for insufficient evidence, the high rate of first-instance convictions overturned into acquittals (18.2 per cent), and the reliance on PBAs to boost conviction numbers suggest that a system that primarily rewards the quantity of cases filed and resolved can inadvertently incentivize prosecutors to confirm and file indictments on a lower evidentiary threshold, rather than investing the necessary effort to build a provable case.

This pattern is distinct from the processing of cases through PBAs, which are more efficient but serve a different purpose. Performance evaluation should not only reward volume, speed, or case closure. To address the systemic deficiencies revealed by the monitoring data, it must include quality-of-output indicators linked to final outcomes and appellate correction. This reinforces the need to operationalize qualitative performance criteria and ensure workload expectations reflect the complexity of OCC cases.

At the same time, the reform process itself continues to face operational and institutional challenges. Stakeholders noted delays in legislative reform processes, limited inclusivity during certain phases of consultation, and the absence of a fully functioning Assembly during part of the reporting period, which affected adoption and implementation of several legislative initiatives.[295]

Compared to the previous reporting period, Kosovo justice institutions demonstrated increased institutional engagement regarding reform of judicial and prosecutorial performance evaluation systems and greater recognition of the need to integrate complexity-sensitive qualitative indicators into evaluation methodologies for OCC proceedings. Legislative reform efforts, institutional consultations, and technical workshops represent important progress towards strengthening accountability and improving evaluation practices (related milestone: 11.i). Nevertheless, implementation remains at an early stage, as practical evaluation systems continue to rely predominantly on quantitative indicators, while the complexity, workload, and procedural demands associated with high-level OCC proceedings are not yet consistently or systematically reflected in performance assessments (related milestones: 11.i and 11.ii).

[295] Ibid.

As a next step, judicial and prosecutorial institutions could operationalize qualitative performance evaluation criteria in practice, ensure that workload expectations reflect the complexity of OCC cases, strengthen transparency and consistency of evaluation methodologies, and continue to refine institutional frameworks to align performance assessment systems with the realities of adjudicating and prosecuting complex organized crime and corruption cases.

12

Recommendation

KJC, Supreme Court, KPC, and the Chief Prosecutor's Office should better co-ordinate activities among stakeholders and donors to avoid duplication and maximize synergies.

12.1 Institutions should convene regular co-ordination meetings for international partners, civil society organizations, and others involved in the implementation of projects and activities in the field of the rule of law.

12.2 Institutions should conduct periodic "mapping" exercises to maintain an up-to-date record of activities that can be used to support co-ordination and assess implementation and impact.

Implementation Stage:



Initial commitment

Implementation Milestones:

12.i. Existence of action plans or follow-up reports from co-ordination meetings made publicly available.
12.ii. Number of co-ordination meetings held per year.

During the current reporting period, judicial and prosecutorial institutions maintained active engagement with international partners through high-level events, thematic discussions, and bilateral exchanges. However, implementation remains at the stage of initial commitment, as these activities have not yet been translated into a structured and recurring co-ordination mechanism, nor supported by systematic planning, mapping, or documented follow-up processes that would enable alignment and monitoring of joint efforts.

Findings:

During the current reporting period, judicial and prosecutorial institutions continued to engage with international partners through a range of high-level events and thematic discussions addressing reform priorities in the justice sector. These activities provided opportunities to present institutional strategies and exchange views with international stakeholders on ongoing and planned initiatives.

Institutional Co-ordination with International Partners

Notable examples include co-ordination discussions led by the KJC and events organized in the framework of the Days of the Judiciary in December 2024 and 2025, which brought together institutional representatives and international partners to present and discuss strategic priorities for the next few years. These activities contribute to milestone 12.ii, reflecting the sustained interaction between institutions and external stakeholders.

Prosecutorial institutions also engaged in thematic dialogue and bilateral exchanges with international partners. The Chief Kosovo Prosecutor and the KPC organized conferences and workshops during the current reporting period with participation of prosecutors, judges, and external partners, and continued to engage with donors on reform-related activities within their mandate. These interactions demonstrate an active level of engagement and contribute to the overall number of co-ordination-related events (related milestone: 12.ii).

A further initiative, launched in early 2026 by the Project together with the European Union Office in Kosovo and EULEX, focused on advancing implementation of selected recommendations that do not require additional financial or capacity-building support. It included meetings with the KJC, KPC, Chief Prosecutors, and Court Presidents, as well as focus group discussions with judges and prosecutors, identifying concrete short-term actions and enabling follow-up on commitments.

However, the initiative was led and facilitated by international partners, with institutional participation by judicial and prosecutorial actors. This indicates that co-ordination efforts are not yet embedded within an institution-led, standing mechanism with clear ownership. As a result, follow-up on commitments and alignment of activities continue to rely on externally driven processes, limiting the development of sustained institutional ownership and a structured, sector-led approach.

While engagement with international partners remains active, available information does not indicate the existence of a structured and recurring co-ordination mechanism supported by systematic planning, mapping, or documented follow-up. No consolidated action plans or publicly available summaries of outcomes were identified following co-ordination activities (related milestone: 12.i), limiting the ability to assess alignment, track implementation, or identify overlaps across initiatives. As a result, co-ordination continues to take place primarily through individual initiatives and project-based engagement, which constrains strategic prioritization and reduces visibility over the wider scope and impact of external support.

Co-ordination Mechanisms

Monitoring findings suggest that these limitations also have practical implications for the handling of OCC cases. Across several recommendations covered by the Project, including case management, performance evaluation, financial investigations, access to financial information, and international legal co-operation, similar challenges were identified by different institutions and addressed through separate donor-supported initiatives. In the absence of a structured mechanism for co-ordination and follow-up, opportunities to consolidate lessons learned, align reform efforts, and promote consistent implementation across institutions may be reduced. This can contribute to uneven progress in addressing systemic issues affecting the efficiency and effectiveness of OCC proceedings.

International standards, including the UN Rule of Law Indicators and the OSCE/ODIHR Kyiv Recommendations, underline that structured co-ordination with external actors contributes to improved coherence, reduces duplication, and strengthens accountability.[296] Regular co-ordination platforms and mapping of external support strategic oversight and reinforce institutional leadership in managing reform processes.

Overall, compared to the previous period, institutional engagement with international partners remains active,

[296] United Nations, The Rule of Law Indicators: Implementation Guide and Project Tools, 2011, available at https://peacekeeping.un.org/sites/default/files/un_rule_of_law_indicators.pdf; OSCE/ODIHR, Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia, 2010, para.27, available at https://www.osce.org/files/f/documents/a/3/73487.pdf(accessed on 17 May 2026).

but its structure has not substantially evolved. Implementation therefore remains at the stage of initial commitment. Advancing this recommendation will require establishment of a formal and recurring co-ordination platform, supported by mapping of external support and clear follow-up mechanisms, including action plans and publicly available summaries of outcomes (related milestone: 12.i). As a next step, institutions could formalize a co-ordination calendar, designate focal points for engagement, and ensure that each co-ordination meeting produces documented follow-up actions.

13

Recommendation

Strengthen and regularly evaluate the effectiveness of specialized OCC units.

13.1 The KJC and KPC should establish clearly defined performance indicators and continuously oversee, assess, and address the performance and efficiency of specialized departments responsible for high-level OCC cases.

13.2 KPC and the Chief Prosecutor's Office to improve the participation of appellate prosecutors in CoA hearings and consider establishing a specialized OCC unit within the Appellate Prosecutor's Office.

Implementation Stage:



Early implementation

Implementation Milestones:

13.i. Existence of publicly available reports assessing the capacity, needs, and efficiency of specialized OCC units.
13.ii. Annual performance review reports on special departments.
13.iii. Percentage of OCC-related appeal hearings attended by appellate prosecutors.

Throughout the reporting period, judicial and prosecutorial institutions introduced measures aimed at strengthening monitoring, reporting, and oversight of specialized OCC units, including new regulatory frameworks, expanded performance reporting, and adjustments to staffing structures. However, implementation remains at an early of implementation, as performance evaluation practices are not yet applied in a consistent and comparable manner across institutions, publication of performance data remains limited, and key operational aspects, particularly prosecutorial participation at the appellate level, are not yet systematically addressed.

Findings:

During the reporting period, Kosovo judicial and prosecutorial institutions increased their focus on monitoring and oversight of specialized OCC units. Compared to the previous period, this reflects a more structured institutional approach, with greater use of reporting and internal tracking of case-flow in Special Departments handling high-level organized crime and corruption cases.

Performance Monitoring of Specialized OCC Units

Performance reporting indicates persistent activity within specialized units. Annual reports show that specialized court departments and prosecutorial offices have maintained case throughput, including resolution of cases exceeding planned targets and increased reporting on prosecutorial outputs.[297] In addition, publication of performance information at the level of appellate judges and individual prosecutors represents a step toward greater institutional transparency and accountability (milestone 13.ii).[298]

A key development was the adoption of a regulatory framework governing the functioning of Special Departments at the Basic Court and the Court of Appeals, supported by annual work plans. These measures introduce requirements for case management planning, internal monitoring roles, and oversight responsibilities for court leadership.[299]

[297] KJC Official Website, 2025 Courts' Statistical Report, pg.9, available at: https://www.gjyqesori-rks.org/wp-content/uploads/reports/99300_KGJK_Raporti_Statistikor_Gjykatave_Vjetori_2025.pdf ,; 2024 Courts' Statistical Report. pg.9, available at: https://www.gjyqesori-rks.org/wp-content/uploads/reports/59474_KGJK_RAPORTI_PERGJITHSHEM_VJETOR_2024.pdf ; Prosecutorial System Official Website, Special Prosecution 2024 Report, available at: https://prokuroria-rks.org/uploads/2025/05/1c80171b-6b7e-467f-9951-9f5b27fc1981_44.pdf (accessed on 22 May 2026); 2025 Reports on corruption and organized crime departments shared with the Project by the Special Prosecution on 21 April 2026.

[298] Prosecutorial System Official Website, Special Prosecution 2024 Report, available at: https://prokuroria-rks.org/uploads/2025/05/1c80171b-6b7e-467f-9951-9f5b27fc1981_44.pdf (accessed on 22 May 2026).

[299] KJC official website, Regulation on Organization and Functioning of the Special Department within Prishtina/Pristina Basic Court and Court of Appeals, available at: https://www.gjyqesori-rks.org/wp-content/uploads/lgsl/41770_KGJK_Rregullore_Nr_01_2025_per_Organizimin_dhe_Funksionimin_Departamentit_Special_ne_Gjykaten_Themelore_ne_Prishtine_dhe_Gjykaten_Apelit.pdf; Prishtina/Pristina Basic Court, 2024 Special Department Work Plan, available at: https://prishtine.gjyqesori-rks.org/wp-content/uploads/reports/37300_GJTh_Prishtine_Plani_veprimit_per_Departamentin_Special.pdf; and 2025 Work Plan, available at: https://prishtine.gjyqesori-rks.org/wp-content/uploads/reports/66284_GjTh_Prishtine_Plani_Punes_per_vitin_2025.pdf (accessed on 22 May 2026).

This provides a basis for more structured performance monitoring and contributes to milestone 13.ii.

Consultations with court presidents and chief prosecutors indicate that internal monitoring practices are increasingly used to track case progression and workload within specialized units. However, such monitoring remains primarily focused on individual cases rather than on systematic evaluation of institutional performance.[300] Comparable performance indicators across institutions are not yet fully established, and monitoring results are not consistently translated into publicly available assessments or used to inform resource allocation decisions (milestones 13.i and 13.ii).

This is particularly relevant in the context of monitored OCC proceedings, which frequently involve multiple defendants, extensive evidentiary records, financial investigations, international legal co-operation requests, and prolonged trial schedules. The effectiveness of specialized units directly affects their capacity to manage these procedural and evidentiary demands, allocate resources appropriately, and ensure timely progression of complex cases. In the absence of systematic performance assessment and capacity reviews, institutions may face difficulties identifying operational bottlenecks, staffing needs, and practices that affect the efficiency and quality of OCC case handling.

The availability of detailed performance data remains limited. While annual reports provide aggregated figures, regular publication of comparable information on capacity, workload, and outcomes across specialized OCC units is not yet established, constraining transparency and trend analysis.

Capacity and Sustainability

Staffing capacity continues to influence the functioning of specialized units. Differences in the number of prosecutors and judges assigned to OCC cases remain evident across levels. At the central level, the number of prosecutors in the SPO exceeds the number of judges in the Special Departments, while at the regional level the situation is reversed, with more judges than prosecutors.[301] Recent recruitment and promotion measures, including additional judicial positions and promotions within prosecutorial structures, represent steps towards addressing these differences, although their impact on workload distribution and case progression will require further monitoring.

Consultations with institutional leadership further indicate that staffing challenges relate not only to numbers but also to sustainability and incentives. Specialized OCC roles require sustained engagement with complex and

[300] Project consultations with Chief Prosecutors and Court Presidents.
[301] Project trial monitoring observations and consultations with interlocutors.

resource-intensive cases, which affects both recruitment and retention. While financial incentives for judges in specialized departments have been introduced, stakeholders noted that maintaining adequate and stable staffing levels remains an ongoing consideration.

Co-ordination between judicial and prosecutorial institutions in relation to specialized OCC units continues to be shaped by issue-specific engagement. Meetings between institutional leaders have addressed practical matters such as scheduling, workload, and application of legal standards. However, consultations indicate that such engagement does not consistently result in structured follow-up actions or monitoring of agreed measures, limiting meaningful contribution to sustained improvements in the functioning of specialized units.

Appellate Prosecutor Participation

A key operational gap remains at the appellate level. Monitoring data show that participation of appellate prosecutors in Court of Appeals hearings is limited. Out of 41 cases being once or multiple times at Court of Appeals, 32 involved hearings. The appellate prosecutor attended only three of these hearings, including cases where the prosecution had filed the appeal (milestone 13.iii). During Project consultations and Supreme Court-led workshops involving Supreme Court and Court of Appeals judges, as well as prosecutors from the Chief Prosecutor's Office, participants highlighted the importance of appellate prosecutor attendance at appeal hearings. Judges noted that the direct participation would provide greater opportunities to clarify prosecutorial arguments, allow for more effective engagement with issues raised during appellate proceedings, respond to issues arising during appellate review, and contribute to the effective adjudication of complex OCC cases. Participants also emphasized that the presence of an appellate prosecutor serves an important accountability and ownership function, demonstrating active engagement with the appeal and familiarity with the case, rather than reliance solely on written submissions endorsing the position advanced at first instance. The Chief Prosecutors additionally suggested that, in cases where defendants were acquitted at first instance, the trial prosecutor should attend appeal hearings together with the appellate prosecutor. This approach is also reflected in the vision presented by the new Chief Kosovo Prosecutor before the KPC, which envisages greater participation of appellate prosecutors in appellate hearings, particularly in cases of special importance.[302]

[302] KPC responses to Project for information of 17 September 2026.

Consultations with the Appellate Prosecutor's Office indicate that this situation is linked to workload, staffing levels, and internal allocation of responsibilities. While written submissions are systematically prepared, participation in hearings is not ensured on a regular basis. Given the increasing number of appellate hearings, available staffing does not allow consistent attendance. In 2026, the KPC made a decision to designate two appellate prosecutors within the Appellate Prosecutor's Office to handle cases originating from the Special Prosecution Office. Later, in September, the KPC revoked its previous decision, noting that such an arrangement is not provided for in the legal framework and that, as second-instance prosecutors, appellate prosecutors are expected to have the professional competence to handle all types of criminal cases.[303]

Discussions are ongoing regarding targeted trainings for appellate prosecutors, while the current legal framework supports a general competence-based approach rather than providing for a separate specialisation within the Appellate Prosecutor's Office.[304] This remains a gap under milestones 13.iii and 13.iv.

The limited presence of appellate prosecutors in hearings affects the conduct of appellate proceedings, particularly in complex OCC cases where in-person clarification of legal and factual issues can support more focused adjudication. The limited presence of appellate prosecutors in hearings was also reflected in monitored OCC appeals. In cases involving complex evidentiary records or acquittals, the absence of prosecutorial representation reduced opportunities for the appeallate panel to seek clarification of arguments raised in written submissions or to engage directly with issues arising during the hearing. Participants in project consultations considered this particularly relevant in high-level OCC cases, where appellate review frequently involves complex factual and legal questions.

Improved participation of appellate prosecutors in Court of Appeals hearings should, however, be accompanied by more substantive and proactive engagement during appellate proceedings. Attendance alone is unlikely to address the broader challenges identified in appellate review, including repeated retrials and the limited number of first-instance decisions modified at second instance. In particular, appellate prosecutors should be prepared to actively engage with the factual and legal issues under review, especially in appeals concerning acquittals and other high-level or complex OCC cases. Prior consultation with the prosecutor who handled the

[303] KPC official website, https://prokuroria-rks.org/uploads/2026/09/c6fddaad-8699-4c75-8c4e-784e1bb70665_Vendim-Shfuqizohet%20Vendimi%20KPK.Nr.538.2025,%20i%20dat%C3%ABs%2017%20korrik%202025%20-Nr.1441.2026.pdf (accessed on 25 September 2026).
[304] KPC responses to Project for information of 17 September 2026.

case at first instance could further strengthen the appellate prosecutor's understanding of the evidentiary record and the prosecution's legal position. In addition, the Appellate Prosecutor's Office could systematically identify and review cases in which substantive prosecutorial engagement at second instance contributed to the effective adjudication of complex cases, with a view to developing and disseminating good practices among appellate prosecutors.

Compared to the previous period, Kosovo institutions have taken steps to strengthen monitoring, reporting, and oversight of specialized OCC units. However, implementation remains at an early stage. Available evidence does not yet demonstrate systematic publication of performance assessments (milestone 13.i), consistent application of performance evaluation frameworks (milestone 13.ii), or regular participation of appellate prosecutors in hearings (milestone 13.iii). Advancing this recommendation will require strengthening the use of performance data, ensuring sustainable staffing, and improving alignment between monitoring, operational practices, and participation across all levels of proceedings. As a next step, institutions could establish a unified performance monitoring framework, align staffing allocations with case demands, and ensure regular and substantive participation of appellate prosecutors through clearly defined responsibilities and reporting mechanisms.

14

Recommendation

Enhance the consistency of sentencing, reasoning, and preventive impact of judgements in high-level OCC cases.

14.1 The Supreme Court should enhance the updated Sentencing Guidelines to align with the new CPC and ensure they address complex OCC cases involving multiple defendants and sanctions. The Supreme Court should also develop case-law, legal opinions, or other guidance to set standards and clarify procedural practices and sentencing expectations, including the consistent application of accessory punishments.

14.2 Judges and prosecutors should ensure that sentencing and plea-bargaining decisions include clear, individualized reasoning and that accessory punishments are considered and expressly addressed where legally applicable. In all judgements and plea-based outcomes, the rationale for imposing or omitting such sanctions should be articulated.

14.3 The KJC, Prosecutorial Council, and the Chief Prosecutor's Office should co-ordinate efforts to monitor, promote, and oversee uniform practices in applying sentencing guidelines and accessory punishments, set standards for reasoning and drafting of judgements, and should support increased reference to international standards, including ECtHR case law.

Implementation Stage:



Early implementation

Implementation Milestones:

14.i. Publication and implementation of updated sentencing guidelines and legal opinions on accessory punishments.
14.ii. Percentage of monitored OCC judgements (incl. PBAs) that (a) provide detailed reasoning, including for acquittals and sentencing, and (b) include accessory punishments when legally applicable, with appropriate reasoning.
14.iii. Use of ECtHR jurisprudence in high-level OCC judgements.

During the current reporting period, justice institutions took initial steps relevant to strengthening sentencing consistency and judgement reasoning, including adoption and discussion of a revised Sentencing Guideline, judicial workshops on reasoning and sentencing practice, and planned training on the application of sentencing guidance, ECtHR jurisprudence, and judicial decision reasoning. However, implementation remains at an early stage of implementation, as application of the Sentencing Guideline is not yet consistent, no specific guidance or legal opinion on accessory punishments has been issued, and monitored judgements continue to show variation in individualized reasoning, use of accessory punishments, and reference to international standards.

Findings:

During the current reporting period, Kosovo justice institutions increased their attention to sentencing consistency, reasoning of judgements, and the preventive function of sanctions in high-level OCC cases. Compared to the previous period, there is stronger institutional engagement through judicial discussions, training, and Supreme Court-led activities. However, monitoring and consultations continue to indicate that reasoning in judgements, application of accessory punishments, and reference to ECtHR jurisprudence are not yet consistently embedded in practice.

Judicial Outcomes and Sentencing Trends

Institutional statistical data provided by the KJC and KPC generally corroborate the Project's monitoring findings, while also reflecting broader trends beyond the monitored high-level OCC case sample. During the previous reporting period, Project monitoring identified acquittals as the dominant outcome in finalized OCC cases, with a general acquittal rate of approximately 76 per cent. Updated monitoring data covering finalized cases through September 2026 continued to reflect high acquittal rates, although with a slight reduction compared to the earlier reporting period, with 108 out of 150 defendants (72 per cent) acquitted and 21 defendants (14 per cent) convicted in finalized monitored OCC cases.[305]

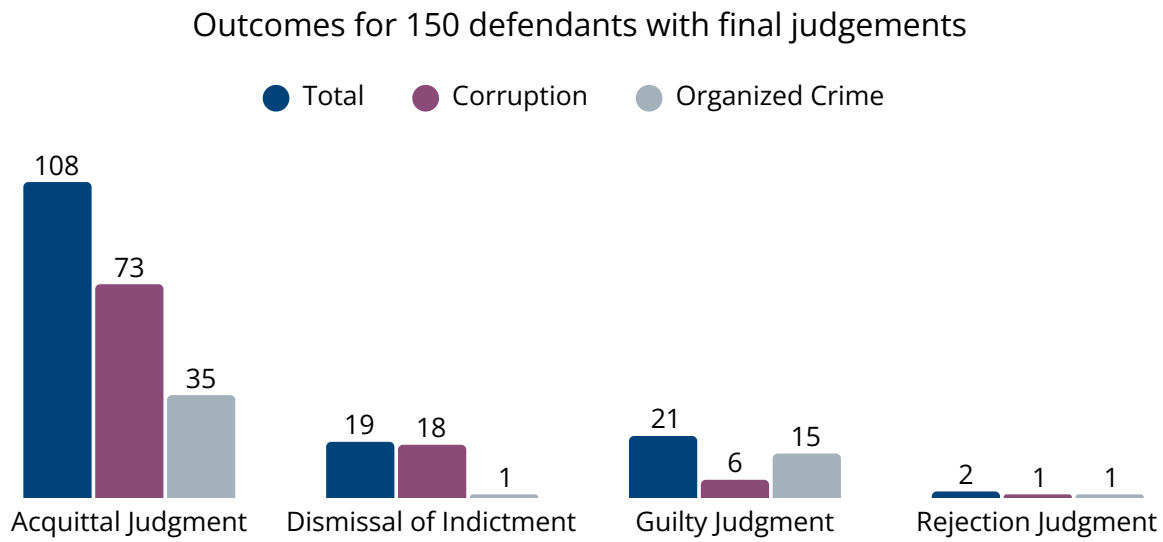


Figure 22: Outcomes for 150 defendants with final judgements

[305] Project analyses of judicial acts.

Findings:

During the current reporting period, Kosovo justice institutions increased their attention to sentencing consistency, reasoning of judgements, and the preventive function of sanctions in high-level OCC cases. Compared to the previous period, there is stronger institutional engagement through judicial discussions, training, and Supreme Court-led activities. However, monitoring and consultations continue to indicate that reasoning in judgements, application of accessory punishments, and reference to ECtHR jurisprudence are not yet consistently embedded in practice.

Judicial Outcomes and Sentencing Trends

Broader institutional statistics demonstrate a more mixed picture. KJC data for 2024, 2025, and January-August 2026 concerning organized crime and abuse of official position cases indicate a substantial number of both convictions and acquittals. In organized crime cases, KJC statistics recorded 57 convicted and 35 acquitted defendants during the above-mentioned period, while abuse of official position cases recorded 33 convicted and 29 acquitted defendants over the same period.[306] Similarly, KPC statistical data for broader corruption and organized crime proceedings recorded conviction judgements against 419 defendants and acquittals involving 238 defendants during 2024, 2025, and the first half of 2026 (see Figure 23).[307]

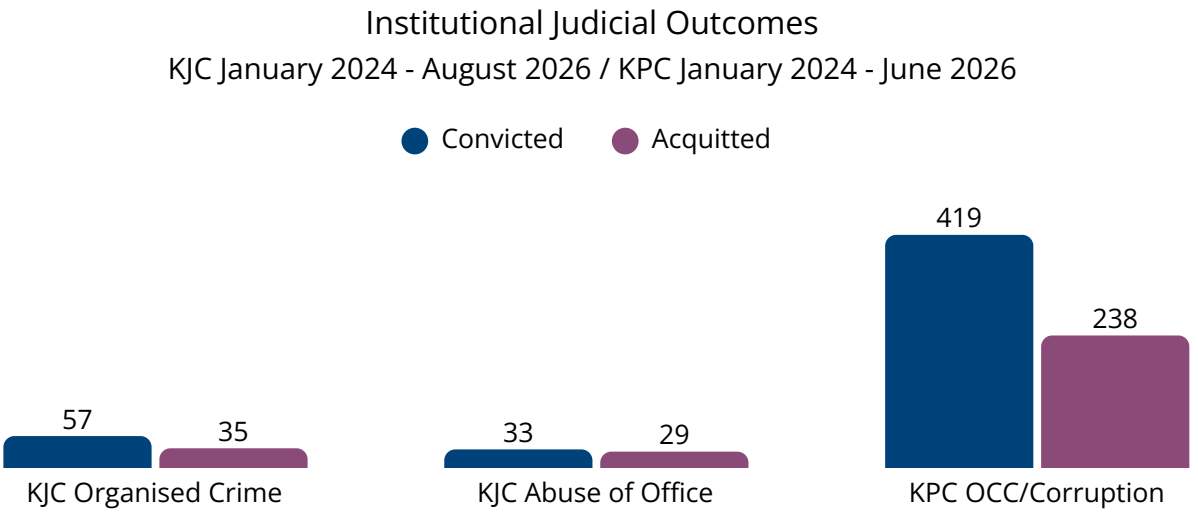


Figure 23: Institutional judicial outcomes (KJC January 2024 – August 2026, KPC January 2024 – June 2026)

[306] KJC official statistics for Special Department for 2024 - Q1 2026 of (response from 22 May 2026), and 1 April-31 August 2026 (response from 18 September 2026).
[307] KPC official statistics for Basic Prosecution Offices and the Special Prosecution Office 2024 - Q1 2026 of (response from 18 May 2026), and Q2 2026 (response from 17 September 2026).

While these datasets are not directly comparable due to methodological differences and the Project's focus on complex high-level OCC cases, they collectively indicate continuing challenges related to evidentiary substantiation, legal qualification of offences, and consistency of judicial outcomes. Project monitoring and KJC statistics also identified instances where organized crime charges were requalified into secondary offences, supporting findings that courts continue to distinguish between structured organized criminal activity and co-perpetration or individual criminal conduct where hierarchy, continuity, or defined organizational roles are not sufficiently established. Taken together, the monitoring and institutional data suggest that, despite some variations in conviction rates within broader judicial statistics, acquittals, requalification of offences, and variations in judicial outcomes continue to characterize a significant share of OCC proceedings. While broader institutional statistics reflect a more balanced distribution of convictions and acquittals, the Project's monitored high-level OCC cases continue to exhibit substantially higher acquittal rates, possibly reflecting the evidentiary, procedural, and legal complexity of the cases selected for monitoring.

Sentencing Guidelines and Institutional Practice

The Supreme Court's revised Sentencing Guideline represents an important development relevant to milestone 14.1. Judicial leadership has publicly noted that some judges apply the Guideline while others do not, and that the Supreme Court continues to monitor its implementation. In a later interview, the Supreme Court President also stated that implementation of the revised Sentencing Guideline remains limited.[308] This indicates that, although the framework exists, its practical application is still developing. During the reporting period, the Supreme Court also held several meetings with lower courts and prosecution offices to support the unification of judicial practice. These meetings provided an opportunity to discuss the consistent lower courts and prosecution offices to support the unification of judicial practice.[309] These meetings provided an opportunity to discuss the consistent application of legal standards and contribute to the further implementation of the revised Sentencing Guideline. Beyond the Supreme Court's efforts, the Court of Appeals has also engaged in discussions on sentencing consistency. The President of the Court of Appeals noted that sentencing policy is discussed in collegiums and workshops, and that where judges face challenges in deciding cases, issues may be referred to the head of department for

[308] Betimi per Drejtesi, Interview with the Supreme Court President (29 December 2025), min 12-14, available at https://www.youtube.com/watch?v=nFEnbmeUExE (accessed on 20 May 2026).
[309] SC responses to the Project, 9 September 2026.

discussion with other judges.[310] These practices indicate increased institutional attention to harmonization, but they do not yet amount to systematic guidance specifically addressing sentencing in complex OCC cases, including accessory punishments.

The Supreme Court has not planned specific guidance on accessory punishments. In its response to the Project, the Supreme Court confirmed that no specific guidelines were planned on retrials, trials in absentia, or supplementary punishments, explaining that these matters are addressed through judicial practice in individual cases.[311] This remains a key gap under milestone 14.i, particularly because monitored OCC cases continue to show different approaches to the use and reasoning of accessory punishments.

Accessory Punishments and Confiscation Measures

Project monitoring indicates some progress in the use of accessory punishments at first instance. In ongoing monitored cases with first-instance judgements, accessory punishments were imposed on a high proportion of applicable defendants in corruption cases. In 12 ongoing corruption cases, 53 defendants were found guilty: among them – 47 former officials; 31 out of 47 received accessory punishments prohibiting them from exercising public administration or public service functions for periods ranging from one to four years (Figure 24).[312] Of these 31, accessory punishments for 17 defendants were imposed during the June 2024–September 2026 reporting period.[313] This suggests increased recognition of the preventive function of accessory punishments in corruption cases involving abuse of public authority. At the same time, monitoring findings indicate progress in the use of accessory punishments has not yet been matched by equally consistent reasoning explaining why such sanctions are imposed in some cases and omitted in others.

Project monitoring further indicates that confiscation measures were regularly applied in organized crime cases involving proceeds or instrumentalities of crime. However, monitored judgements and consultations suggest that courts and practitioners do not always clearly distinguish between confiscation measures and accessory punishments within sentencing reasoning. Although confiscation contributes to the preventive objectives and restorative function in OCC proceedings, it remains a separate legal measure under the

[310] Betimi per Drejtesi, Interview with the CoA President (10 March 2026), min 16-18, available at: Betimi per Drejtesi, Interview with the Supreme Court President (29 December 2025), min 12-14, available at https://www.youtube.com/watch?v=nFEnbmeUExE (accessed on 20 May 2026).
[311] Supreme Court responses to Project request, 22 April 2026.
[312] Project judicial acts analyses.
[313] Five of them were again subject to accessory punishments following retrial during the above-mentioned period

Criminal Code and should be clearly distinguished from accessory punishments in judicial reasoning and sentencing practice. In six judgements, confiscation is mentioned as a separate measure, while in four cases, courts referred to confiscation as an accessory punishment.

The monitoring data also reveal variation in the application of accessory punishments across offence types and procedural outcomes. In addition to inconsistencies in terminology, differences were observed in sentencing practice. Of the 26 finalized monitored cases, eight resulted in convictions: four corruption and four organized crime cases. These eight cases involved 21 convicted defendants, of whom only three received accessory punishments. Such punishments were imposed in two of the four finalized corruption cases. Some defendants did not receive them even where the offences involved abuse of public funds or misuse official information.[314] Separately, confiscation of instruments used to commit the criminal offences and proceeds derived from the offence was imposed in all four finalized organized crime cases.

Among 34 defendants who entered PBAs or pleaded guilty -- 32 in corruption cases and two in organized crime cases -- 14 received accessory punishments, prohibition from exercising public functions.[315] Neither of the two defendants in organized crime cases received an accessory punishment (Figure 24).[316] These findings are directly relevant to milestone 14.ii.

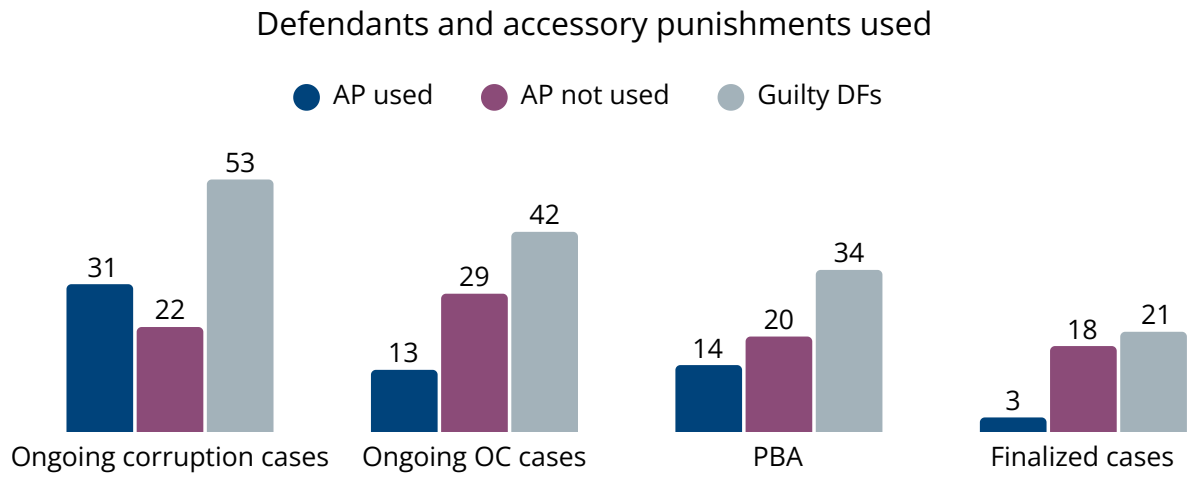


Figure 24: Defendants and Accessory Punishments Used

[314] Project's judicial acts analyses.
[315] No accessory punishments were applied in the organized crime-related two defendants
[316] Project judicial acts analyses.

Reasoning of Judgements

Limited reasoning regarding the imposition or omission of accessory punishments remains relevant. Monitoring data indicate that where applicable defendants did not receive accessory punishments, judgements did not always explain the rationale for their omission.[317] In nine ongoing and finalized conviction cases, the court did not impose accessory punishments on the defendants and did not provide reasoning for their omission. This affects both the preventive impact of sanctions and the ability to assess whether sentencing outcomes are proportionate, consistent, and responsive to the role of the defendant.

Prosecutorial practice shows some positive developments. In total, out of 69 indictments analysed by the Project, in 21 high-level corruption indictments, the prosecution expressly requested accessory punishments, including prohibition from exercising public functions, prohibition from exercising a profession, activity, and compensation for damage pursuant to Article 59 of the Criminal Code.[318] Similarly, 22 indictments included confiscation-related requests and cited relevant legal and sublegal acts in a manner that supported clarity of the prosecution's theory of the case.[319] This practice is relevant because consistent prosecutorial requests can assist courts in addressing accessory punishments and confiscation expressly in judgement sand plea-based outcomes.

Reasoning of judgements remains a central issue. During judicial consultations and workshops organized by the OSCE Mission in Kosovo and the Supreme Court, judges from different instances acknowledged that a notable share of judgements requires stronger reasoning.[320] Discussions identified recurring issues, including judgements that list aggravating and mitigating circumstances without clearly explaining their impact on sentencing, limited individualization in multi-defendant cases, verbatim repetition of witness testimonies, and reasoning that relies more heavily on descriptive summaries than legal analysis.

Project monitoring across the July 2021–September 2026 period also identified variations in the degree of individualization applied in sentencing reasoning across all first instance courts. In total, out of 24 multi-defendant conviction judgements, in ten judgements the court assessed the mitigating and aggravating circumstances jointly for all defendants. In eight judgements, while the reasoning addressed relevant factors, the assessment was only partly individualized, with some circumstances discussed separately for certain defendants but others considered

[317] Ibid.
[318] Kosovo Criminal Code 06/L-074, available at https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18413 (accessed on 20 May 2026)
[319] Project judicial acts analyses.
[320] Project consultations with interlocutors.

collectively. Only six judgements fully individualized the assessment for each defendant. This demonstrates that courts engage with relevant sentencing factors with varying levels of detail. Individualized sentencing is particularly important in multi-defendant OCC cases, as defendants often have different roles, level of responsibility, criminal histories, and personal circumstances. Where sentencing factors are assessed collectively, it may be less clear how the court determined the type and severity of the punishment imposed on each defendant. Individualization of reasoning is not yet consistent across monitored judgements. Judicial consultations further confirmed the need for case-specific reasoning, particularly in judgements involving acquittals, multiple defendants, and sentencing decisions. Judges agreed that judgements should comply with CPC requirements and include reasoning that reflects the circumstances of each defendant and the basis for the final outcome.[321] This is directly relevant to milestone 14.ii and supports the need for clearer institutional expectations on judgement drafting and sentencing reasoning.

Use of ECtHR Jurisprudence

Use of ECtHR jurisprudence remains limited in monitored OCC judgements. Earlier monitoring found that explicit reference to ECtHR jurisprudence in OCC judgements remained limited.[322] More recent civil society research found that ECtHR case law was cited in 13 per cent of all judgement sand 8.7 per cent of criminal cases,[323] while Project monitoring since mid-2021 identified only seven judgements, four first instance judgements, two Court of Appeals judgements, and one Supreme Court judgement referencing ECtHR jurisprudence. This suggests that, despite growing institutional attention to international standards, explicit engagement with ECtHR jurisprudence has not yet become a routine feature of judicial reasoning in high-level OCC cases.

The Supreme Court President stated that the lack of direct reference to the ECHR and ECtHR case law does not necessarily mean they are not applied, while also noting that ECtHR case law may be used where legal gaps arise.[324] The Supreme Court President also stated that a Monitoring and Publication Office is established within the Supreme Court, with the aim of supporting unification of judicial practice and alignment with ECtHR case law.[325]

[321] Ibid.
[322] Prroject judicial acts analyses.
[323] Kosovo Law Institute, "The Application of ECtHR Jurisprudence in Kosovo" May 2025, pg.13, https://kli-ks.org/aplikimi-i-jurisprudences-se-gjednj-se-ne-kosove/ (accessed on 20 May 2026).
[324] Betimi per Drejtesi, Interview with the Supreme Court President (29 December 2025), min 24-25, available at https://www.youtube.com/watch?v=nFEnbmeUExE (accessed on 20 May 2026).
[325] Betimi per Drejtesi, Interview with the Supreme Court President (7 March 2026), min 11-12, available at: https://betimiperdrejtesi.com/interviste-fejzullah-rexhepi-kryetar-i-gjykates-supreme-te-kosoves/ (accessed on 20 May 2026).

The Supreme Court President has stated that the reasoning of judgementsis regularly discussed in meetings and workshops with judges from different levels of the judiciary.[326] These activities are relevant, but their impact will depend on whether they translate into consistent reasoning practices in monitored OCC judgements. Institutional responses and public statements indicate that some measures are being taken to address the limited use of ECtHR jurisprudence.

The KAJ 2026 Continuing Training Programme foresees training sessions on the application of the Sentencing Guideline, ECtHR case law, and reasoning of judicial decisions.[327] Training activities also increased during the current reporting period. In February and March 2026, training sessions were held on applying ECtHR jurisprudence in domestic cases and on human rights protection in criminal proceedings.[328] These developments are relevant to milestone 14.iii, but monitored judgements do not yet demonstrate regular and explicit engagement with ECtHR jurisprudence in high-level OCC cases.

Compared to the previous period, Kosovo justice institutions have taken more visible steps to strengthen sentencing consistency, judicial reasoning, and engagement with international standards. The revised Sentencing Guideline, judicial discussions, training activities, and the planned Monitoring and Publication Office represent important developments relevant to milestone 14.i and 14.iii. However, implementation remains at an early stage. Available evidence does not yet demonstrate consistent implementation of sentencing guidance or issuance of specific guidance on accessory punishments (milestone 14.i), consistent individualized reasoning, including clear explanation of aggravating and mitigating circumstances and of the imposition or omission of accessory punishments in monitored OCC judgements and PBAs (milestone 14.ii), or regular use of ECtHR jurisprudence in high-level OCC judgements (milestone 14.iii).

Looking ahead, the Supreme Court, KJC, KPC, and Chief Kosovo Prosecutor could take steps to strengthen the harmonization of sentencing and judgement-reasoning practices in OCC cases through practical guidance, case-law summaries, and institutional monitoring of judgements and plea-based outcomes, including trends related to acquittals, requalification of offences, and application of sentencing and accessory punishment practices. Particular attention could be given to

[326] Betimi per Drejtesi, Interview with the Supreme Court President (7 March 2026), min 9-10, available at: https://betimiperdrejtesi.com/interviste-fejzullah-rexhepi-kryetar-i-gjykates-supreme-te-kosoves/ (accessed on 20 May 2026).
[327] The KAJ 2026 Continuing Training Program, pg.41, 59-60, 134-135, available at: https://ad.rks-gov.net/media/PTV2026_shqip.pdf (accessed on 20 May 2026).
[328] Council of Europe Office in Prishtina, available at https://www.facebook.com/share/p/19Tz1tDqLq/ (accessed on 20 May 2026); KAJ official website, https://ad.rks-gov.net/te-drejtat-e-njeriut-dhe-mbrojtja-efektive-ne-procedurat-penale (accessed on 20 May 2026).

improving individualized sentencing reasoning, clarifying application of accessory punishments and confiscation measures, and supporting more systematic reference to ECtHR standards through training and judicial practice discussions.

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Deep-Dive Analyses: Beyond the numbers – Judicial outcomes in high-level OCC cases in Kosovo (2021-2026)[329]

This analysis presents the Kosovo-specific outcomes of the Project, which aims to assess the effectiveness of judicial responses to complex OCC cases. The traditional reliance on conviction rates as the primary metric of success often fails to capture the full picture, masking patterns of requalified charges, lenient sentencing, and structural weaknesses in prosecutorial strategies. To overcome this, the Project applies a multidimensional framework that analyses key variables such as the gravity of charges, status of defendants, sentencing outcomes, and procedural integrity.

Data Scope: The conclusions from 32 cases, 183 defendant entries and 212 charge-rows that have reached a binding final result between June 2021 and May 2026 underscore persistent challenges in prosecuting organized crime structures and securing convictions under high-threshold legal standards. The analysis reveals important insights regarding evidentiary shortcomings, the gradient of seriousness, the two distinct routes to conviction, and systemic procedural lapses.

a) The Gap Between Facts and Elements

The most important pattern concerns not how often the system convicts but why it does not. When charges in the monitored sample end in acquittal, they do so for a remarkably consistent reason. Across the final-stage acquittals, "insufficient evidence" and "elements of the offence not proved or incorrectly characterized" account for almost the entire picture, while procedural and rights-based grounds remain marginal.

This statistical pattern confirms the core trial monitoring qualitative analysis. In case after case, the prosecution established the facts – that public money was spent, that a procurement was irregular, that property changed hands, that defendants were in contact – but did not establish the constitutive elements that turn those facts into a crime. The recurring deficiencies are the subjective element, or criminal intent, and in particular the purpose of conferring an unlawful benefit; individual criminal responsibility and the basis for

[329] The statistical methodology is grounded in a disaggregation per charge (rather than per case or per defendant), enabling a granular mapping of outcomes such as convictions, acquittals, plea bargains, and sentence severity for each specific offence charged. This approach recognizes that outcomes may vary widely within a single case and allows for more accurate identification of judicial trends and potential systemic issues. This is particularly important in the context of capturing conviction/acquittal rates, as key metric for assessing the "track record" of the judiciaries in effectively processing serious and complex OCC cases. Only analysing the percentage of convictions per case risks overlooking crucial nuances - defendants may be convicted only on lesser charges while the more serious offences go unaddressed; sentences may be unduly lenient, failing to serve as a meaningful deterrent; or high-profile figures may be treated with leniency compared to other offenders. The methodology aims to identify patterns and relationships—though not necessarily causality.

co-perpetration; the causal link between a defendant's conduct and the alleged harm; the existence of unlawful material benefit; the organizational element that distinguishes a structured criminal enterprise from mere association; and, in money-laundering charges, a sustainable predicate offence. Confronted with this gap, courts applied the principle of in *dubio pro reo* and drew the distinction that runs through the case law, between criminal conduct on the one hand and administrative, contractual, regulatory or civil matters on the other (Figure 25).

Two institutional features allow the weakness to persist: a confirmation stage that operates on a lower threshold than conviction and tends to pass indictments whose foundations are only tested, and found wanting, at trial; and the absence of any feedback loop, with no systematic pre-filing review of indictments and no structured analysis of acquittals, so that the reasons cases fail is never returned to those who build them. Performance evaluation that favours the quantity of cases over their quality completes the picture, rewarding the filing of charges rather than the building of provable ones.

Charge type	Final conviction rate	What it means
Abuse of office	2/62 = 3.2%	Core public-office corruption charges are weakening
Organized crime	11/84 = 13.1%	Serious organized-crime charges show weak final traction
Money laundering	2/18 = 11.1%	Financial-crime proof chain remains weak
Fraud in office and similar crimes	10/12 = 83.3%	Some office-related economic charges are more prosecutable

Figure 25: Why charges do not hold – grounds of final acquittal in the monitored sample

b) A Gradient of Seriousness: Conviction, Gravity and Effectiveness

Once the locus of non-compliance is understood, the system's central paradox becomes legible. Conviction is not equally difficult across the docket; it becomes progressively harder as the gravity of the offence rises. In the monitored sample the conviction rate among final-available charges falls from roughly three quarters (73 per cent) at medium gravity to about one in six (17 per cent) at high gravity, and to none (0 per cent) at the very-high-gravity tier (Figure 26). The interaction with defendant profile sharpens the point: medium-status defendants charged with medium-gravity offences are convicted in four of five cases, but holding status constant and raising gravity to high collapses the rate to roughly one in eight. In absolute terms, the serious end of the docket is, in outcome, predominantly a record of acquittal: at high gravity, 100 acquittals against 22 convictions; at very high gravity, no convictions at all.

Measured against the definition of effectiveness – whether institutions achieve the goals society has set for them – this gradient is close to a definitional difficulty, because the goal that justifies prioritizing OCC is precisely the accountability of the gravest offending, and that

is the band in which the response falls to zero. It also unsettles the logic of deterrence, which depends on the expected sanction, the product of the probability and the severity of punishment; where the probability of conviction declines as culpability rises, the deterrent signal is weakest where the conduct is most serious. The gradient is not, however, a phenomenon separate from the gap described above; it is its consequence. The gravest cases are the evidentially most demanding – they turn on intent, organizational structure, complex financial flows and causation across many defendants – and they are also the most vigorously contested. The deficiencies in indictment construction therefore impact the hardest exactly where the cases are the hardest to build.

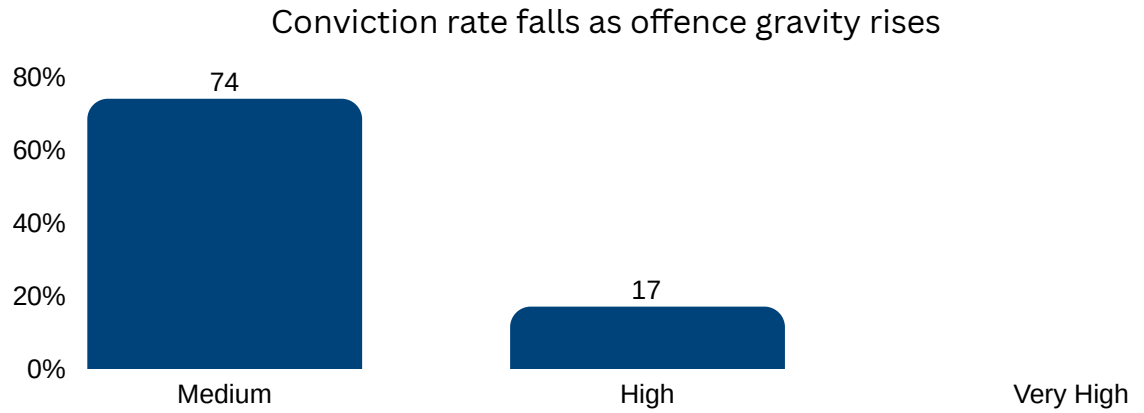


Figure 26: Conviction rate by offence gravity, final-available charges

Disaggregating outcomes by charge type exposes two justice systems operating under one roof. The charges that reach a contested trial are unsuccessful at scale: abuse of office records two convictions against 39 acquittals and 18 dismissals; organized crime, 11 convictions against 71 acquittals; money laundering, two against 16. By contrast, the corruption charges resolved by negotiated plea – passive corruption, active corruption, trading in influence, procurement-related corruption – record convictions with virtually no acquittals, because a plea agreement does not produce an acquittal.

The institutional reading is that the apparent conviction output of the system is generated largely on one track, plea agreements, predominantly for corruption, while the adjudicative track that tests contested guilt in the gravest matters is producing acquittals. This is the charge-level signature of the chapter's capacity finding (Recommendation 10): indictments that do not hold once their evidentiary foundations are examined at trial. It also explains why a headline count of convictions can move independently of whether the system is, in the effectiveness sense, achieving society's goal of holding serious offenders to account.

c) Status, Equality and the Question of Independence

Conviction probability also declines as the seniority and public profile of the defendant rises, from roughly a third of charges against medium-status defendants to around one in seven against high-status defendants, and fewer still against the most senior. The sentencing data point the same way: custodial sentences concentrate among medium-status defendants, while the highest-status tier is almost absent from the custodial column, and the single conviction recorded at that tier resulted in a fine rather than imprisonment.

This pattern invites, and must be handled with, care. A senior defendant who contests a charge through a full trial and the available appeals is exercising their rights, and such defendants are typically better resourced and more willing to litigate to the end; the status gradient is therefore not, in itself, evidence of unequal treatment by the courts. What disciplines the reading further is that the reasons charges fail do not change with status: insufficient evidence and unproved elements dominate the acquittals of high- and low-status defendants alike. The system does not fail its senior cases for different reasons; it fails them on the same evidentiary and element-mapping deficiencies, which better-resourced defendants are simply better placed to expose.

Crossing status with gravity shows that medium-status defendants charged with medium-gravity offences are convicted at a rate of 81 per cent; but for medium-status defendants with high-gravity offences, the rate collapses to 12 per cent. The conviction capability of the system is concentrated in mid-gravity, mid-status matters and dissipates as either dimension rises. For institutional design this is the most useful cut of all, because it tells reformers that the binding constraint is not a general incapacity but a specific inability to carry serious, high-status cases over the evidentiary threshold.

The Project's media monitoring reveals that conviction rates are strikingly flat across levels of media attention, roughly 27 per cent in average-salience charges, 21 per cent in high-salience, and 24 per cent in intense-salience matters. The visibility of a case does not, in this sample, move the probability of conviction. That is a useful finding: it offers little support for the intuition that public or media pressure is bending outcomes, and it points the explanation for the system's low conviction yield back towards structural and evidentiary factors rather than the external environment. The "trial-by-media" hypothesis, in either direction, finds no foothold here. For the fairness narrative this is reassuring; for the effectiveness narrative it is sobering, because it means the system's difficulty in securing convictions in serious cases is not an artefact of a few high-profile outliers but a general feature of how these cases are built and tested.

d) Two Routes to a Conviction

The convictions the system does secure are produced along two very different routes, and the distinction explains much of the apparent record. Organized-crime convictions are obtained almost exclusively through contested trial, where the conviction rate is about one in six; corruption convictions are obtained almost exclusively through negotiated guilty plea, where conviction follows by definition. The charge-level outcomes follow the same division: the trial-track offences (abuse of office, organized crime, money laundering) record heavy acquittals, while the plea-resolved corruption offences record convictions with virtually no acquittals. Roughly half of all convictions in the sample are plea agreements and, as the monitoring confirms, these are reached more readily with private individuals than with public officials, who tend to litigate.

The character of those convictions matters as much as their number. Among the final convictions the clear majority of custodial terms fall in the lowest severity band, 12 months or less, and the median term sits at exactly that threshold. Confiscation, the measure that removes illicit gain, is applied least often where the proceeds at stake are presumptively largest, falling as offence gravity rises and attaching to only a small fraction of the core

public-sector corruption charges; across defendant status it is, if anything, marginally more common against low-status defendants than against the most senior. The end-of-case assessments show this is not solely a judicial matter: in several cases the prosecution did not request confiscation, or the accessory punishment of disqualification from public office, at all. A successful corruption prosecution may therefore leave both the proceeds and the office untouched, so that the conviction, where it occurs, under-delivers on the restorative and preventive purposes that give it meaning. This is where the statistics meet the live reform agenda, the proposed "Bureau for the Verification and Confiscation of Unjustifiable Assets", and the prosecution's new data-sharing arrangement with the Tax Administration, both of which address the financial spine of the case that the monitoring repeatedly finds absent or introduced too late.

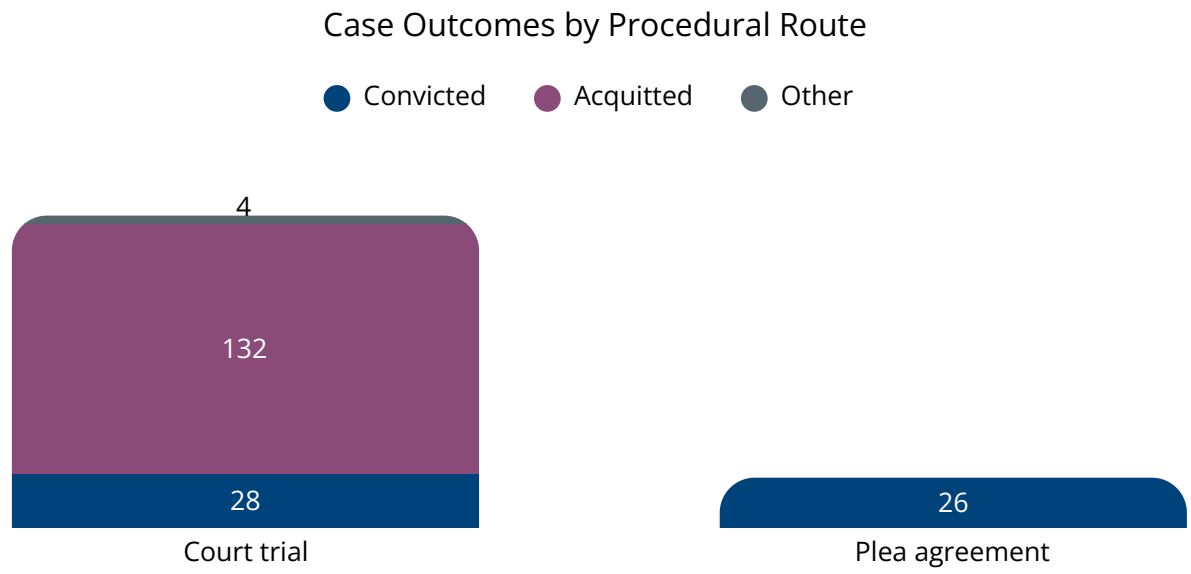


Figure 27: How a conviction is produced – outcomes by procedural route

e) Durability: Appeals, Retrials and Time

A track record is measured not only by the convictions entered but by those that survive. Here the monitored sample reveals a one-directional movement: of the charges convicted at first instance, roughly one in five (18.2 per cent) was overturned to acquittal on appeal, while not a single first-instance acquittal was reversed into a conviction. Appellate intervention subtracts from the conviction record and never adds to it.

The appellate and Supreme courts consistently performed the scrutiny of objective and subjective elements that first-instance reasoning had not – distinguishing criminal liability from administrative or contractual matters, and reversing convictions whose reasoning did not link the established facts to each element of the offence. The higher courts are, in effect, the quality-control mechanism the system lacks upstream, applied late and to destructive effect: the same gap between facts and elements that produces acquittals at trial produces reversals on appeal. Durability fails for the same reason volume does.

The retrial cycle compounds both. Cases are returned for retrial on substantially the same evidentiary record and re-adjudicated, sometimes repeatedly – the monitoring records

corruption and organized-crime cases annulled and retried two, three and four times over six, nine and almost ten years – yet repeated retrials cannot remedy a deficiency that lies in the indictment and the mapping of evidence to elements; they reproduce the original outcome at the cost of years, and the turbulence concentrates, predictably, among the most senior defendants, whose cases are the most contested. Around this sits a broader efficiency problem the monitoring documents in detail: hearings spaced months apart, main trials stalled for over a year, and appellate proceedings pending well beyond 18 months, aggravated by the promotion and reassignment of judges mid-case and by long intervals between deliberation and the issuance of written judgements. Efficiency, capacity and effectiveness converge on a single point: a case built without provable elements is not only more likely to fail, but more likely to fail slowly, several times over.

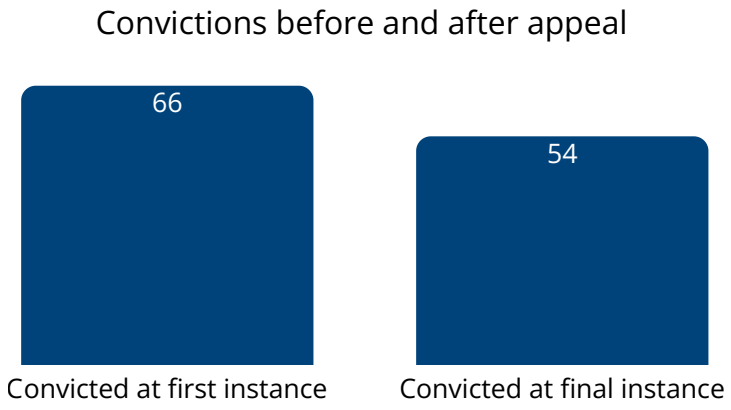


Figure 28: The durability of first-instance convictions through appeal

f) Sentencing and Confiscation

Where a sanction does appear, the system relies on immediate custody rather than suspended sentences or alternatives – so the leniency in the overall picture lies in the rarity of conviction, not in the softness of the sentence type chosen once guilt is established. Of the 54 final convictions, 50 resulted in prison and four in fines. The convicted-charge severity distribution reveals: 34 low, nine medium, five high, and six very high severity sentences (Figure 29). The average final prison months among convicted charges was 24.8 months, while the median was just 12 months.

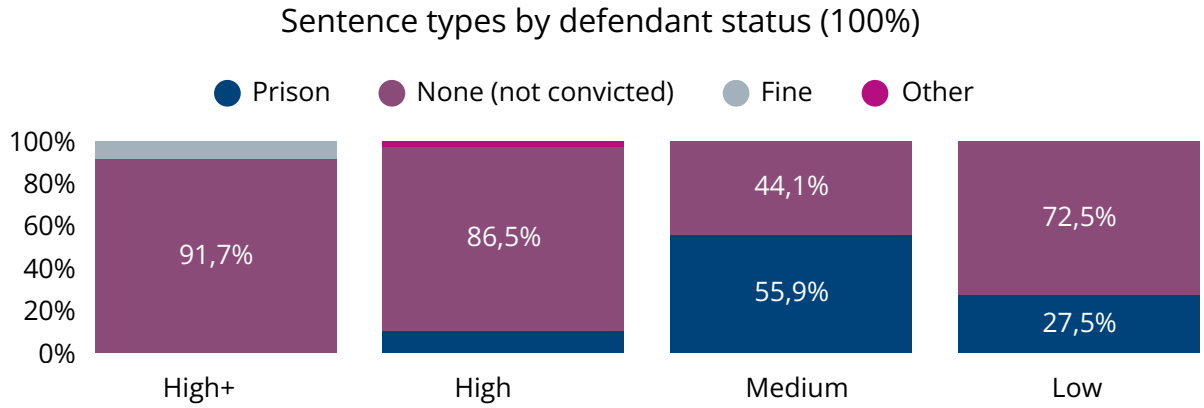


Figure 29: Sentence severity by defendant status

Sentence severity by charge confirms that even the convictions the system secures are sanctioned lightly. Across charge types, custodial terms cluster in the lowest severity band; the organized-crime convictions, the most numerous trial convictions, spread across the scale but sit predominantly in the lower bands, while the corruption convictions obtained by plea attract the lightest sanctions of all. PBA sentences are materially lower than court-trial sentences, with a median term of six months against 24 months. This compounds the confiscation finding: the system's rare convictions tend to be light on both imprisonment and asset recovery, so the sanction package as a whole under-deliver on the denunciatory and preventive goals that define effectiveness in this domain.

Confiscation was ordered in 23 out of 209 final-available charges (11.0 per cent). While the rate is higher among convictions (22/54 = 40.7 per cent), only three charges had positive confiscation amounts recorded, totalling just €53,300. The confiscation rate falls as offence gravity rises: 16.3 per cent at medium gravity, 11.4 per cent at high gravity, and 3.0 per cent at very high gravity (Figure 30).

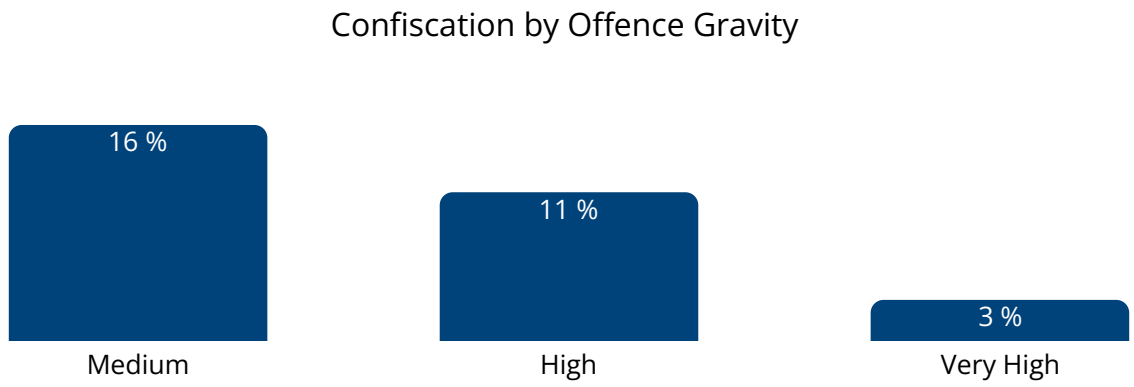


Figure 30: Confiscation ordered among final-available charges, by offence gravity

g) Acquittal Reasons vs Offence Gravity

When charges fail, they fail for one family of reasons. Across the final-stage acquittals, "insufficient evidence" (118 defendants) and "elements not proved/incorrect legal qualification" (113 defendants) overwhelm every other category; procedural and rights-based grounds are marginal. The failures concentrate at the top of the gravity scale: of the insufficient-evidence acquittals, 88 fall in high-gravity charges and 23 in very-high-gravity charges.

This is the diagnostic heart of the map, and it points squarely at capacity in the Project's sense – the professionalism, diligence and proficiency to prosecute cases to the required standard. The system is not losing its serious cases on technicalities or rights violations; it is losing them because the evidence and the legal characterization of the charge do not hold up. That is the same finding the chapter records qualitatively under Recommendation 10 – indictments confirmed despite evidentiary limitations, criminal intent under-substantiated in corruption cases built on circumstantial evidence – now quantified and located.

Reading the Track Record

The system logic looks like this: weak early financial/evidentiary strategy → weak indictment theory → trial evidentiary gaps → acquittal or reversal → appellate/retrial burden → delay → lower public confidence → more pressure for formal reforms → more strategies/training without feedback discipline.

Two final readings guard against misinterpretation. The first concerns visibility. Conviction rates are essentially flat across levels of media attention, and the binary comparison of intense-media charges against all others shows no meaningful difference. Whatever else may be said of the environment in which these cases are tried, the data give no support to the idea that public or media salience is moving conviction outcomes, and they direct the explanation back to the structural and evidentiary factors set out above.

The second concerns the headline figure itself. The conviction rate that accession dialogue tends to seek is not a single fact but a family of figures that move with the unit of analysis and the slice of the docket chosen: in this jurisdiction, in one period, the same system reports roughly one conviction in seven at the level of finalized monitored defendants, about one in four at the level of final-available charges, around one in three at the level of finalized cases, and a majority once the broad institutional statistics are pooled (Figure 31). That range is the most important caution the sanctioning map offers. A headline conviction count is a composition artefact, its value set by aggregation choices that bear little relation to rule-of-law performance – explaining exactly why it is at once both easily satisfied and easily misread.

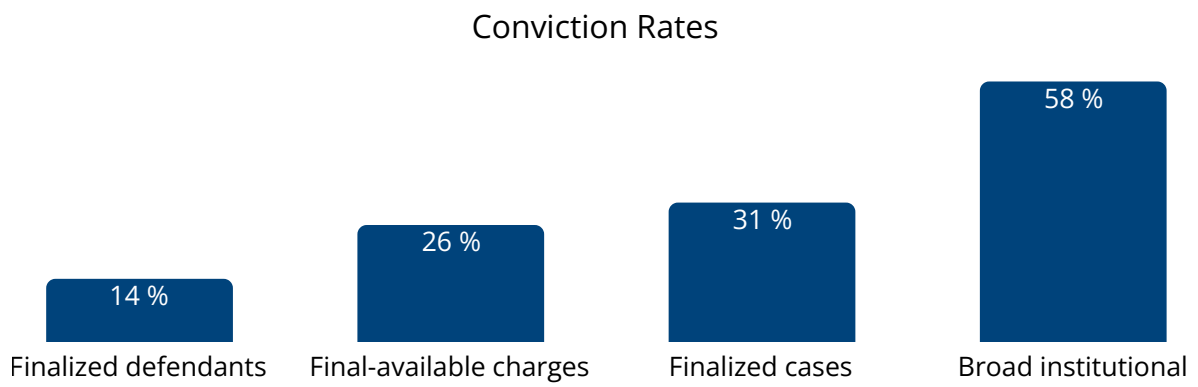


Figure 31: Conviction rates across different units of analysis

Conclusion

Read together, the figures describe a single chain rather than a set of independent findings. A capacity deficit at the point of charge propagates downstream as acquittals concentrated in the gravest and most senior cases; as a conviction record sustained largely by pleas and stripped of confiscation and disqualification; and as reversals and retrials that consume years, while the absence of any mechanism to learn from these failures allows the cycle to repeat. The highest-leverage intervention is therefore not at the courtroom but at the two ends of the loop: a structured review of indictments before filing, and a systematic analysis of acquittals, dismissals and reversals after, with measures of case quality fed into the performance evaluation of prosecutors and judges. Several reforms now under consideration, the draft laws on performance evaluation and integrity within the Joint Initiative on Justice Reform, the asset-verification Bureau, and improved access to financial data, touch parts of this loop; their value will depend on whether they are connected into one.

Use of Judicial Tools

15

Recommendation

Ensure effective use of advanced investigative and asset forfeiture tools in financial crime cases.

15.1 The KPC should ensure that prosecutorial performance evaluations and workloads reflect the application of the 2023 confiscation guidelines and the effective use of advanced investigation techniques.

15.2 The KAJ should ensure that capacity building on financial investigations and asset forfeiture is sufficient, effective and targeted at those to whom it is most relevant.

Implementation Stage:



Planning and preparation

Implementation Milestones:

15.i. Percentage of OCC cases (from RTM case list) where financial investigations led to asset seizures.
15.ii. Percentage of OCC cases (from RTM case list) where financial investigations were conducted according to guidelines and reflected in indictments as such.
15.iii. Prosecutorial evaluation frameworks that include financial investigation and confiscation criteria.
15.iv. Number of specialized training programmes conducted.

During the current reporting period, judicial and prosecutorial institutions increased attention to financial investigations and asset forfeiture through training, institutional discussions, and improved access to financial expertise. However, implementation remains at the stage of planning, as financial investigations are not yet systematically integrated into case strategies, their timing remains inconsistent, and performance frameworks do not yet reflect their application in practice.

Findings:

Kosovo institutions continued their efforts during the current reporting period to strengthen the use of financial investigations and asset forfeiture tools in high-level OCC cases. Compared to the previous period, there is increased institutional attention through training, co-ordination meetings, and improved access to financial expertise. However, monitoring and consultations indicate that these tools are not yet consistently embedded in prosecutorial and judicial practice.

Use of Financial Expertise in OCC Cases

Project monitoring shows that financial investigation continues to be used in a limited share of cases. Forty out of 69 analysed OCC cases included financial expertise and/or reports (bank statements, tax reports, etc), mainly in corruption cases, including five conducted as part of SIM.[330] While financial expertise is not necessary in all cases, this indicates that a significant share of OCC cases proceed without structured financial analysis (related milestones: 15.i and 15.ii).

Where financial expertise is used, its timing remains a central factor affecting case progression and outcomes. In most cases, financial reports were introduced at the indictment stage, while in some cases they were ordered during the trial. Monitoring and consultations indicate that financial analysis is not consistently initiated at the early stages of case preparation. Prosecutors noted that expertise is sometimes requested after evidentiary gaps emerge during proceedings, rather

[330] Project judicial acts analyses and trial observations.

than being embedded in the investigative strategy from the outset.[331] This affects the continuity of proceedings and the ability to present structured financial evidence in indictments (related milestone: 15.ii).

Consultations with judges and prosecutors, read together with trial monitoring data, indicate that reliance on external financial experts and delays in obtaining financial data affected case progression in both reporting periods, though the pattern evolved. During the previous period, challenges were most evident where financial expertise was absent, introduced late, or did not substantiate alleged damage or unlawful benefit. In several monitored high-level cases, financial expertise requested during the main trial or shortly before judgementled to reopening of proceedings or clarified that the alleged financial damage or gain was limited or unsupported, contributing to acquittals.

Timing and Impact of Financial Expertise

During the June 2024–September 2026 reporting period, financial expertise appeared more frequently in monitored cases, but its timing, completeness, and consistency continued to affect proceedings. By September 2026, financial expertise had been identified in 30 out of 69 monitored cases, with most reports introduced at the indictment stage; 26 financial expert assessments were introduced at the indictment stage, while four financial expert assessments were ordered during trial. During the Project's consultations conducted throughout 2025-2026, interlocutors from the SPO emphasized that, in practice, high-level cases, particularly those involving senior officials such as ministers, are generally expected to include financial expertise prior to the filing of the indictment.[332]

In the current reporting period, monitoring identified several instances where the timing and completeness of financial expertise directly affected proceedings. In one high-level corruption case, financial expertise significantly reduced the assessed damage shortly before the conclusion of proceedings, resulting in an acquittal. In another case, the need for financial expertise shortly before the verdict led to reopening of the trial and additional delays. Monitoring also identified cases where conflicting or additional expert reports required reopening of hearings or appointment of new experts, extending case duration. In one high-level corruption case, the next hearing was scheduled 477 days after the previous one due to delays in securing expert participation through mutual legal assistance. In another high-level corruption case, a productive hearing did not take place for 589 days for the

[331] Project consultations with prosecutors.
[332] Project consultations with the Special Prosecution.

same reason. During consultations, judicial interlocutors noted that many delays occur due to defence requests for additional expertise, which courts frequently approve in order to avoid the risk of the Court of Appeals returning the case for retrial on procedural grounds.[533]

These observations indicate that, although financial expertise is more frequently present in OCC cases, its timely integration, reliability, and co-ordination with institutional actors remain critical to ensuring continuity of proceedings and effective presentation of financial evidence (related milestone: 15.ii).

Institutional Framework and Capacity Building

Institutional steps have been taken to improve the framework for financial expertise. The introduction of an online list of certified financial experts has increased transparency in expert selection.[334] However, its effectiveness depends on consistent use and verification of expert qualifications in practice.

Capacity-building efforts increased during the current reporting period. The Kosovo Academy of Justice conducted seven training sessions on financial investigations, asset recovery, and related areas (related milestone: 15.4).[335] While these efforts reflect increased institutional attention, consultations indicate that training is not yet consistently translated into practice, particularly in early-stage case preparation.

Confiscation Guidelines and Performance Frameworks

The 2023 Confiscation Guidelines represent an important development in strengthening the use of financial investigations and asset recovery tools. Consultations with chief prosecutors indicate that the Guidelines are considered useful for structuring financial investigations and linking them to confiscation measures. At the same time, their application in practice remains limited.

Despite efforts by the Chief Prosecutor's Office to promote the Guidelines through meetings, workshops, and internal discussions, their use is not yet consistently reflected in case preparation, indictments, or courtroom practice. This indicates that, while the framework and institutional awareness are in place, further efforts are required to operationalize the Guidelines in day-to-day prosecutorial work, including

[333] Project consultations with interlocutors.
[334] KJC Website, List of Judicial Experts and Judicial Interpreter, May 2026, also available at: KGJK_Regjistri_eksperteve_gjyqesor_te_Republikes_se_Kosoves_13_05_2026.pdf (accessed on 25.05.2026)
[335] KAJ responses to Project request of 18.09.2026.

their systematic use in case preparation, integration into indictments, and inclusion in performance evaluation frameworks (towards implementation of milestones 15.ii and 15.iii).

Institutional discussions also addressed co-ordination in managing seized and confiscated assets. While these engagements indicate progress in inter-institutional dialogue, consultations suggest that financial investigation tools are still applied in a fragmented manner in day-to-day practice, rather than as a standard component of prosecutorial case strategy.

Monitoring data further indicate that the use of financial investigations does not consistently translate into stronger prosecutorial outcomes. Among cases involving financial expertise, only one finalized case and five ongoing cases resulted in conviction, while a significant proportion remain pending or resulted in acquittals. Notably, only in two of these conviction cases were compensation claims awarded within the criminal proceedings, whereas in other cases injured parties were referred to civil litigation to pursue compensation claims, indicating that one of the reasons for this is that the quality and effectiveness of financial expertise are not always fully satisfactory. While outcomes depend on multiple factors, the quality, timing, and integration of financial analysis continue to affect the strength of evidence and integration into the overall prosecutorial strategy (related milestones: 15.i and 15.ii).

At the institutional level, performance evaluation frameworks do not yet systematically reflect the use of financial investigations and asset forfeiture tools. Consultations with Chief prosecutors indicate that, while these tools are recognized as important, their application is not consistently integrated into workload planning or performance assessment (related milestone: 15.iii).

On the whole, compared to the previous period, Kosovo institutions have strengthened the framework for financial investigations through training, improved expert availability, and increased institutional dialogue. However, implementation remains at an early stage. Available evidence does not yet demonstrate consistent integration of financial investigations into case preparation (related milestone: 15.ii), consistent linkage to asset seizure outcomes (related milestone: 15.i), or incorporation into performance frameworks (related milestone: 15.iii).
As a next step, institutions could ensure that financial investigations are initiated at the earliest stages of OCC case preparation, strengthen oversight of expert engagement and reporting timelines, and integrate financial investigation and confiscation criteria into prosecutorial performance frameworks and case management practices.

16

Recommendation

The KPC and the Chief Prosecutor's Office are to improve access to financial information for law enforcement and prosecutors while respecting privacy rights.

16.1 Provide the SPO with access to data from official sources (e.g., police databases, the cadastre, and tax administration).

Implementation Stage:



Early implementation

Implementation Milestones:

16.i. Existence of data sharing agreements between the prosecutorial service and other institutions.
16.ii. Agreements or protocols enabling prosecutor access to financial databases or private sector financial records are in place.

During the latest reporting period, prosecutorial institutions reported initial steps toward improving access to financial information, including memoranda with public institutions, development of data-access initiatives, and strengthening of privacy-related frameworks. However, implementation remains at an early stage, as prosecutors do not yet have direct access to key institutional databases, and structured protocols for timely and consistent access to financial information, particularly from the private sector, are not yet operationalized.

Findings:

During the previous period, limited access to financial information was identified as a structural constraint affecting the effectiveness of financial investigations in OCC cases. Prosecutors, particularly within the SPO, relied on case-by-case requests and intermediary institutions to obtain financial data, including through the Financial Intelligence Unit (FIU). This approach affected the sequencing and timing of investigations and limited the ability to integrate financial analysis at early stages of case preparation.[336] At the same time, the absence of structured data-sharing arrangements and clear co-operation protocols contributed to delays and variation in practice.

Access to Public Institutional Databases

During the June 2024–September 2026 reporting period, these structural constraints largely persist, although some institutional developments are noted. Institutional responses confirm that prosecutors do not have direct access to key official databases, including tax administration records, cadastre data, and police systems. Instead, access continues to depend on written requests, often requiring court authorization under the Criminal Procedure Code. At the same time, on 22 April 2026, the Office of the Chief Prosecutor and the Tax Administration of Kosovo signed a Memorandum of Co-operation aimed at enabling direct, continuous and uninterrupted communication and data sharing in support of criminal investigations into corruption, organized crime and money laundering. The Memorandum therefore represents a development towards more direct access to tax administration data, while its implementation and the extent to which it has enabled such access in practice remain to be clarified.[337] Taken together, this indicates that direct and structured access to institutional data, as envisaged under milestone 16.i, has not yet been established.[338]

At the same time, the current reporting period shows increased institutional engagement compared to the earlier period. The Chief Kosovo Prosecutors Office reported the conclusion of memoranda with several public institutions, including the Civil Registration Agency and Kosovo Police, alongside ongoing work on a regulation on protection of personal data and privacy.[339] These developments are relevant in establishing a legal basis for

[336] Project Trial Monitoring Public Report 2024 Public Report_for publication_ENG (accessed on 18 May 2026).
[337] Chief Prosecutor institutional response to Project requests, 18 September 2026; available on the Office of the Chief State Prosecutor website: https://zkpsh.prokuroria-rks.org/artikulli/13590, accessed 18 September 2026.
[338] KPC institutional responses to Project requests, 18 September 2026; consultations with SPO prosecutors.
[339] KPC institutional responses to Project requests, 18 September 2026.

data-sharing, particularly in ensuring compliance with privacy safeguards. However, available information does not indicate that these arrangements provide operational or real-time access to financial or asset-related data for prosecutors.

A further development concerns efforts to improve access to tax and financial data. Institutional responses indicate that a programme is being developed in co-operation with the Tax Administration of Kosovo to facilitate access to data relevant for criminal investigations.[340] While this represents a concrete step forward, the programme remains under development and its practical application in ongoing investigations has not yet been demonstrated.

Consultations with prosecutors confirm that reliance on indirect access mechanisms continues to affect investigative practice. Prosecutors noted that the need to submit repeated requests for financial information delays investigative steps and limits the possibility of conducting parallel financial analysis alongside other investigative actions.[341]

At the same time, co-operation with the FIU remains effective, with timely responses often provided within short time frames. However, reliance on FIU-mediated access does not address the broader need for direct and structured access to financial information across institutions.[342] As a result, improvements in co-operation mechanisms have not yet translated into direct and systematic access to financial information for prosecutors.

Delays in obtaining financial information continue to affect case progression. In monitored OCC cases, requests for financial data from public institutions and private entities contributed to interruptions in proceedings and delayed evidentiary steps, particularly in complex cases involving multiple financial transactions or cross-institutional data.[343] This demonstrates that access to financial information remains closely linked to the timing and effectiveness of financial investigations, as reflected also in Recommendation 15.

Access to Private Sector Financial Information

Access to financial information from the private sector remains less developed compared to public data. There are no standardized protocols defining timelines, formats, confidentiality safeguards, or communication channels

[340] Ibid.
[341] Project consultations with prosecutors.
[342] Project consultations with prosecutors.
[343] Project trial monitoring observations.

for responding to prosecutorial requests. As a result, co-operation with banks and other financial institutions continues to vary in practice.[344] While prosecutors can obtain financial records through formal legal procedures, including court orders, the absence of structured protocols limits predictability and efficiency for obtaining data from other private institutions (related milestone: 16.ii).

The absence of structured access mechanisms also affects the usability of financial data. Consultations and monitoring findings indicate that prosecutors may face challenges in interpreting financial information obtained through fragmented channels, particularly where information is incomplete or delayed. This contributes to inconsistencies in financial analysis and may affect the strength of evidence in OCC cases.[345]

Institutional co-operation in asset-related matters shows some positive elements. Co-operation with the Agency for the Management of Seized and Confiscated Assets (AMSCA) continues in relation to asset management and early sale mechanisms. This co-operation is backed by a 2014 directive from the Chief Prosecutor and is aimed at preserving asset value and avoiding excessive public costs.[346] However, several obstacles persist: some prosecutors are reluctant to initiate asset sales due to potential liability, and judges occasionally reject these requests.[347] AMSCA itself suffers from overcrowded warehouses and a recent reduction in its storage capacity, as well as the broader capacity issues identified in the EU Kosovo Report 2024.[348] Moreover, this co-operation operates primarily at the stage of asset management and does not address the underlying need for systematic access to financial data during the investigative phase.

Reliability of Financial Expertise

Another persistent issue concerns the reliability and consistency of financial expert reports. Despite earlier recommendations to establish an evaluation mechanism for forensic financial experts, including selection criteria based on ethics, experience, and oversight, such a mechanism has not yet been implemented.[349] In 2024, responsibility for licensing court experts

[344] Project consultations with prosecutors.
[345] Project consultations; monitoring findings.
[346] Decision from the Chief Prosecutor (2014) and Guideline of 15 January 2024 (accessed on 27 May 2024).
[347] Project consultations with AMSCA and judicial stakeholders, 2025.
[348] EU Kosovo 2024 Report, p. 39, also available at: https://enlargement.ec.europa.eu/document/download/c790738e-4cf6-4a43-a8a9-43c1b6f01e10_en?filename=Kosovo+Report+2024.pdf
[349] Project monitoring data, 2024–2025; trial observation notes.

moved from the KJC to the Ministry of Justice. The relevant Commission licenses experts based on criteria set out in Article 10 of Law No. 08/L-191 on Court Experts, with licences valid for five years. During consultations with the Project, Commission members raised concerns about the absence of a mechanism to evaluate the performance of licensed experts. They noted that, although many expert reports meet formal requirements, differences in analytical depth and reliability may affect prosecutorial work and case progression.[350] This contributes to conflicting reports, delayed proceedings, and challenges in presenting financial evidence clearly in court.[351]

From a broader perspective, Kosovo institutions' alignment with EU and international standards in financial crime investigation, anti-money laundering, and asset recovery remains under development. While institutional efforts are ongoing, structural gaps in data access and inter-agency co-operation continue to limit the effectiveness of financial investigations. Nevertheless, the European Commission has acknowledged some institutional efforts, but emphasized that the Kosovo institutions have not yet implemented the Payment Services Directive 2, nor aligned their Law on operation on economic crime remains fragmented, and the absence of a dedicated confiscation fund or systematic asset recovery tools further weakens the impact of financial investigations.[353]

Compared to the previous period, Kosovo institutions have taken initial steps towards improving access to financial information, including memoranda with public institutions, development of data-access initiatives, and increased institutional awareness of the issue. However, implementation remains at an early stage. Available evidence does not demonstrate that prosecutors have direct and systematic access to key institutional databases (related milestone: 16.i), or that structured protocols for accessing private sector financial data are in place and functioning in practice (related milestone:16.ii). Progress will require binding data-sharing arrangements with relevant public institutions, operational protocols for private financial actors, and stronger oversight of forensic financial expertise.

As a next step, the KPC and Chief Kosovo Prosecutor could operationalize secure access mechanisms to key public registries, finalize data-sharing arrangements with relevant institutions, establish standard protocols for co-

[350] Project consultations with the Commission, 2025.
[351] CPC 2022, Article 140; absence of binding deadlines.
[352] EU Kosovo 2024 Report, Chapter 4 - Free movement of capital: c790738e-4cf6-4a43-a8a9-43c1b6f01e10_en (accessed 27 May 2024).
[353] Ibid., AML/CFT legal alignment observations.

operation with private financial actors, and introduce clear mechanisms for reviewing reliability and timelines of financial expert reports.

17

Recommendation

Strengthen regional co-operation in processing OCC cases.

17.1 Create an internal protocol for when to use informal networks for information exchange.

17.2 Ministry of Justice to ensure prompt responses to requests for mutual legal assistance, including:

- Clear guidelines and standard operating procedures for the timely and efficient handling of mutual legal assistance requests by the institutions.
- Designate points of contact within judiciary to expedite the processing of requests.

Implementation Stage:



Early implementation

Implementation Milestones:

17.i. Percentage of cross-border OCC cases (from RTM case list) co-operation, including the establishment of joint bilateral and multilateral initiatives.
17.ii. Number of cases (from RTM case list) where the EUROJUST network was utilized.
17.iii. Number of information exchange instances via EUROJUST.
17.iv. Existence of a data source or a case-management system tracking MLA requests and responses.
17.v. Publication of MLA standard operating procedures.
17.vi. Designated contact points list established.

Throughout the reporting period, Kosovo institutions undertook concrete steps to strengthen regional and international co-operation in OCC cases, including increased use of informal co-operation networks, engagement with EUROJUST through contact points, participation in regional and multilateral platforms, conclusion of co-operation agreements, and institutional discussions on mutual legal assistance (MLA) challenges.

However, implementation remains at an early stage, as formal MLA procedures continue to experience delays; no dedicated case-tracking system for MLA requests has yet been established; standard operating procedures have not been adopted. At the same time, designated contact points for MLA cases have been established within the prosecution system, including the Special Prosecution Office, while in the judicial system this role is carried out by the Presidents of the Courts.[354]

Findings:

During the previous reporting period, monitoring identified international and regional co-operation as an important factor affecting the progression of high-level OCC cases with cross-border elements. The Project observed that formal mutual legal assistance mechanisms were frequently relied upon in complex cases involving foreign evidence, suspects, assets, or transactions. However, delays in receiving responses to MLA requests affected trial progression, evidentiary preparation, and the scheduling of hearings.[355] Furthermore, institutional communication and procedural follow-up remain challenges. Consultations revealed that judges and prosecutors do not regularly follow up on their MLA requests, expecting the Ministry of Justice to act automatically, while the latter lacks the capacity to proactively track and respond to every request.

MLA and Their Impact on OCC Proceedings

During the June 2024–September 2026 reporting period, Kosovo institutions demonstrated increased engagement in regional and international co-operation. These efforts included participation in joint investigations, use of informal and multilateral networks, engagement with EUROJUST through contact points, and sustained negotiation or conclusion of bilateral and international co-operation arrangements. These developments indicate increased institutional awareness of the importance of cross-border co-operation in OCC cases and

[354] Ministry of Justice institutional response to Project requests, 18 September 2026.
[355] Project Trial Monitoring Public Report 2024.

contribute to implementation of milestones 17.i and 17.ii.[356]

At the same time, delays in formal MLA procedures continued to affect monitored proceedings. Project monitoring identified five monitored OCC cases in which trial proceedings were delayed due to late responses to MLA requests, with delays ranging from two to 36 months. Consultations with legal professionals further indicated that some MLA requests may take up to three years or remain unanswered, despite being submitted through official channels. These findings remain directly relevant to milestones 17.iii and 17.iv, as they show the need for stronger tracking, follow-up, and procedural standardization.[357]

The operational reliance on formal MLA channels remains high, particularly in complex OCC cases involving cross-border evidence, financial transactions, foreign defendants, or assets located abroad. MLA was used in seven cases from RTM list for cross-border evidence, in two cases for foreign defendants, and in individual cases for foreign injured parties, sequestration of financial assets abroad, and financial analysis. However, the effectiveness of these mechanisms continues to be affected by jurisdictional, procedural, and logistical constraints. Co-operation with certain Western Balkan and Latin American jurisdictions was reported as particularly challenging. Extradition was used in only one monitored corruption case, despite the presence of defendants with dual or foreign personal identification documents.[358]

Informal Networks and EUROJUST Engagement

In parallel, informal and multilateral co-operation tools have become more visible. Prosecutors reported successful joint investigations with regional counterparts, and the use of specialized informal platforms increased during the current reporting period. Although Kosovo is not a member of EUROJUST, it participates in EUROJUST-related activities through the Contact Points Network. Since 2020, the Ministry of Justice and SPO have designated focal points to communicate with EUROJUST

structure. During the initial four-year period (2020–2023), the focal points were not active, dealing with not more than 20 communications a year. Already in 2024 and 2025, both focal points from the Ministry of Justice and the SPO had been engaged in more than 200 communications a year. Moreover, the mentioned focal points attend EUROJUST co-ordination meetings at least 12 times a year.[359] These developments represent significant progress toward milestones 17.i and 17.ii.

[356] Project consultations and institutional updates on regional co-operation, EUROJUST contact points, and informal networks.
[357] Project monitoring data on four cases delayed by MLA responses.
[358] Project consultations with legal professionals and prosecutorial stakeholders.
[359] Consultations with respective MoJ departments.

However, consultations indicate that the use of informal networks remains largely practice-based and dependent on individual initiative rather than guided by an internal protocol. Prosecutors and institutional stakeholders recognized the usefulness of informal channels for identifying information, facilitating communication, or accelerating preparatory steps before formal MLA requests are submitted. Nevertheless, no internal protocol has yet been adopted to clarify when and how such informal networks should be used, how information obtained through them should be documented, and how informal exchanges should be linked to formal evidentiary requirements in criminal proceedings. This remains a gap under milestone 17.i.

Institutional communication and follow-up also continue to affect the efficiency of MLA processes. Consultations indicated that judges and prosecutors do not always routinely follow up on submitted MLA requests, often expecting automatic processing through the Ministry of Justice. At the same time, the Ministry faces capacity constraints in tracking and proactively following up on a large volume of judicial co-operation correspondence. During 2024–2025, the Ministry of Justice processed a total of 10,140 requests/responses for international legal assistance, of which 4,095 were related to civil matters and 6,045 to criminal matters.[1]

The absence of a dedicated tracking system remains a central operational gap. While MLA requests are processed through formal channels, no dedicated data source or case-management system has yet been established to track requests, responses, timelines, pending actions, and institutional responsibility for follow-up (related milestone: 17.iii). This limits the ability of courts, prosecutors, and the Ministry of Justice to identify delays early, distinguish between domestic and foreign causes of delay, and prioritize urgent requests in high-level OCC cases. Similarly, no publicly available standard operating procedures for processing MLA requests have yet been adopted (related milestone: 17.iv). Consultations indicate that practical handling of MLA requests continues to depend on existing legal procedures, institutional practice, and individual communication between courts, prosecutors, and the Ministry of Justice. While these arrangements allow requests to be processed, they do not yet provide clear and predictable guidance on timelines, responsibilities, escalation mechanisms, prioritization of urgent OCC cases, or follow-up obligations.

[360] Ministry of Justice institutional response to Project requests, 18 September 2026.

International Co-operation Frameworks

At the institutional level, the Ministry of Justice continued to lead efforts to strengthen international judicial co-operation and alignment with EU justice standards. During the period of June 2024–August 2026, the Ministry of Justice concluded a total of eight bilateral agreements on international legal co-operation with EU Member States.[361] Additionally, agreements on mutual legal assistance in criminal matters, transfer of sentenced individuals were initiated with the United States, the United Kingdom, and the Netherlands. Extradition agreements were initiated with the United Kingdom, and the Netherlands. These developments contribute to the broader framework for international co-operation and support implementation of milestone 17.i. However, agreements alone do not resolve operational delays unless supported by tracking systems, standard procedures, and clear responsibilities among Kosovo institutions.

Moreover, compared to the previous reporting period, Kosovo institutions demonstrated increased engagement in regional and international co-operation relevant to OCC cases. Increased use of informal networks, participation in EUROJUST-related activities through contact points, joint investigations, and the continued development of bilateral and multilateral co-operation frameworks represent important progress (related milestones: 17.i and 17.ii). Nevertheless, implementation remains at an early stage, as formal MLA procedures continue to experience delays, no dedicated case-tracking system has yet been established (related milestone: 17.3), standard operating procedures have not yet been adopted (related milestone: 17.iv), and designated judicial contact points are not yet systematically operationalized (related milestone: 17.v).

As a next step, the Ministry of Justice, KJC, KPC, courts, and prosecution offices could establish a dedicated MLA tracking mechanism, adopt standard operating procedures for processing and following up on requests, and develop an internal protocol clarifying when and how informal networks should be used in support of formal international co-operation.

[361] Ministry of Justice institutional response to Project requests, 18 September 2026.

3) Conclusion

This reporting period demonstrates that reform uptake in Kosovo's response to organized crime and corruption continues to make progress, albeit unevenly across institutions and reform areas. Compared to previous reporting periods, justice institutions have shown greater ownership of reform processes, increased engagement with monitoring findings, and stronger commitment to strategic planning, digitalization, transparency, and inter-institutional co-operation. Several reforms that were previously at the level of policy commitments have progressed into implementation, while institutions increasingly demonstrate willingness to identify challenges and develop corrective measures.

At the same time, the findings indicate that progress remains stronger in the development of frameworks, strategies, guidelines, and institutional mechanisms than in their consistent application in practice. While positive developments are increasingly visible in areas such as transparency, judicial co-ordination, training, digitalization, and case management, monitoring findings continue to reveal significant differences in implementation across institutions and cases. Persistent challenges related to lengthy proceedings, consistency of investigations and indictments, financial investigations, language services, consistency of judicial practice, sentencing, and application of accessory punishments continue to impact the effectiveness of judicial responses to organized crime and corruption.

The decisive challenge facing Kosovo's justice sector is therefore no longer the adoption of new reforms, but ensuring that existing reforms are implemented consistently, monitored effectively, and translated into measurable improvements in practice. Strengthening implementation accountability, promoting greater consistency in judicial and prosecutorial practice, and addressing systemic operational bottlenecks will be critical to consolidating progress and establishing a more credible, predictable, and effective track record in the fight against organized crime and corruption.

Montenegro

1) Overarching Institutional and Policy Issues

During the reporting period (June 2024–September 2026), Montenegro achieved progress in strengthening the legislative, institutional and operational framework for handling serious organized crime and corruption cases (OCC). These developments include greater stability in senior judicial leadership, the narrowing of the Special Prosecutor's Office (SPO) jurisdiction, increased staffing in the Specialized Department of the High Court in Podgorica, adoption of trial-management and sentencing guidelines, reforms to performance-evaluation criteria, and stronger attention to financial investigations and temporary seizure measures.

These developments provide an important foundation for Montenegro's further justice reforms and its broader strategic response to OCC. The central question for the next implementation phase is the extent to which the recent reforms become embedded in routine practice and generate consistent, measurable results in the handling of complex OCC cases. This chapter therefore examines the conditions that can help translate the existing reform framework into increasingly predictable case progression, higher quality and more consistent legal acts, stronger asset-recovery outcomes and sustained public confidence.

While the direction of reforms is encouraging, its practical effects are still emerging and are not yet uniform across all areas. Trial monitoring points to further scope for progress in the finalization of cases; the pace and continuity of proceedings, persistent operational constraints; uneven quality and consistency of legal acts; limited final asset-recovery outcomes; and continued challenges relating to public communication, media reporting and comments on ongoing proceedings. Addressing these areas will be important to consolidate the progress already achieved and ensure that the benefits of the reforms are sustained in practice. The focus going forward is therefore on ensuring that reforms are applied consistently, monitored effectively, and supported by continued co-ordination among, judicial and other relevant institutions.

Institutional and Policy Developments Affecting Reform Uptake

A number of institutional and policy developments during the reporting period indicate a more targeted approach to strengthening Montenegro's response to OCC. The appointment of the President of the Supreme Court in November 2024, after a prolonged period of institutional uncertainty, marked an important step towards greater stability in judicial leadership. Legislative amendments narrowing the jurisdiction of the SPO and of the Specialized Department of the High Court in Podgorica (Specialized Department) also reflected a more focused use of specialized resources, particularly through revised criteria for corruption cases and a higher threshold for certain money-laundering offences.

In parallel, the number of judges in the Specialized Department increased, creating more favourable conditions for workload distribution and more continuous handling of complex cases. This development is important, but its practical effect will depend on whether additional judicial resources are supported by adequate courtrooms, storage space, administrative and legal support, case-management routines and clear expectations for proactive trial management.

Montenegro also undertook reforms relevant to the quality and consistency of judicial practice. Amendments to performance-evaluation frameworks introduced a stronger qualitative dimension into the appraisal of judges and prosecutors, moving beyond predominantly quantitative indicators.

The introduction of trial management and sentencing guidelines, as well as an increase in the number of financial investigations, further indicates a growing institutional focus on the conditions required for a more consistent approach to handling OCC cases. These developments suggest that the reform agenda is shifting towards more practical implementation.

The number of indictments remained broadly stable, which may indicate continuous prosecutorial activity and willingness to pursue complex cases, but their reform significance over the longer term will depend on the quality of indictments, the ability of courts to process them efficiently, and the even-handedness of final outcomes.

System-wide Conditions Shaping Implementation

These positive developments are taking place in a system-wide context that continues to shape the pace and effectiveness of their implementation. Efficiency remains a central challenge with only 12 of the 61 monitored cases having been finalized since the start of Project monitoring, while many proceedings remain ongoing. At the same time, monitoring indicates improvement in hearing productivity and procedural discipline, suggesting that recent trial-management measures may be beginning to influence courtroom practice. These improvements should be viewed as early preliminary signs of progress. Continued monitoring will help assess whether these gains translate into shorter overall case duration and higher number of cases reaching a final disposition.

Operational conditions also remain important. Steps taken to address the accommodation and workspace needs of the SPO are a positive development, but the High Court in Podgorica continues to face issues with inadequate office, storage, and courtroom space. Temporary use of courtrooms in other courts may help mitigate immediate scheduling pressures, but it does not provide a sustainable institutional solution. These operational constraints directly affect scheduling, continuity of hearings, storage and handling of voluminous case files, and the ability of courts to manage complex OCC proceedings efficiently and predictably.

The reporting period also highlighted continued risks affecting public confidence in high-public-interest proceedings. Public debate on the functioning of the justice system is legitimate and important. However, statements by public officials or media reporting that refer to specific ongoing proceedings, suggest expected outcomes, disclose sensitive information or present defendants in a prejudicial manner may affect perceptions of independence, impartiality and respect for the presumption of innocence. Careful public communication is therefore part of the broader institutional conditions for maintaining trust in the justice response to OCC.

Priorities for Consolidating Progress

Several important frameworks and institutional measures are now in place. The next phase is to support their translation into increasingly predictable case progression, more consistent use of trial-management tools, fewer avoidable delays, and a higher number of finalized OCC cases.

Sustained attention to adequate courtroom and storage space, support staff, reliable case-management data, financial-investigation support, coherent public communication, and reporting systems capable of tracking outcomes from indictment to final judgement and enforcement will help consolidate the gains achieved to date. These elements are particularly important in Montenegro's current reform phase, where the credibility of progress depends not only on the adoption of measures, but on their ability to produce consistent and visible improvements in the handling of complex OCC cases.

The reporting period also confirms a reform trajectory characterized by meaningful formal and institutional developments, but uneven absorption into routine practice. In this regard, Montenegro has taken important steps to strengthen the framework for OCC case handling.

2.) Update on Key Findings and Recommendations

FAIRNESS

1

Recommendation

Institutionalize predictable, timely and rights-compliant transparency practices in OCC cases of public interest.

1.1 The President of the High Court in Podgorica and the head of the SPO should ensure uniformity of practice in the publication of judicial acts and other information related to criminal proceedings, including the schedule of hearings, by adopting internal acts.

1.2 The Centre for Training in Judiciary and State Prosecution Service should develop and deliver specialized training courses on public relations (PR) prosecutors and judges dealing with OCC cases, especially the heads of institutions and PR representatives, taking into account international standards and best practices in reporting on OCC cases and cases of high public interest.

1.3 The Supreme Court and the SSPO should update their communication strategies to include clear instructions on how judges and prosecutors should report on OCC cases of high public interest.[362]

1.4.The Supreme Court and the Supreme State Prosecutor's Office (SSPO) should conduct outreach programmes to facilitate a better understanding of the judiciary's role in adjudicating OCC cases.

1.5. Judicial institutions should promote a better understanding of the functioning of the justice system by the media through development of a glossary of legal terminology for journalists covering OCC cases and training for journalists on legal terminology.

Implementation Stage:



Early implementation

Implementation Milestones:

1.i. Number of monitored OCC cases where indictments were published on the website of the SPO.
1.ii. Percentage of monitored OCC cases where trial schedules were published on the website of the court.
1.iii Percentage of monitored OCC cases where verdicts were publicly available on the website of the court.
1.iv. Adopted internal act(s) and communication strategies regulating the publication of judicial information[363] on OCC cases.
1.v. Conduct of training sessions on PR for prosecutors and judges dealing with OCC cases yearly.

[362] High public interest (HPI) cases are characterized by significant societal importance due to their impact on public institutions, public resources, public safety, or public confidence in the administration of justice.
[363] This would include the following: i) judicial acts from a case (e.g., verdicts, indictments); ii) important information related to the cases shared with the public; and iii) a schedule of hearings.

Implementation Milestones:

1.vi. The Communication Strategy (CS) for the judiciary and the CS for the prosecution include specific instructions on reporting in OCC cases of high public interest (HPI) by the end of 2026.
1.vii. Number of outreach programmes (e.g., events) launched in order to share information on the courts' role in adjudicating OCC cases.
1.viii. A glossary for legal terminology developed.
Number of conducted training events.

During the reporting period, Montenegrin judicial and prosecutorial institutions took concrete steps to strengthen transparency and public communication in OCC cases, including improved publication of trial schedules, adoption of internal communication rules by the Appellate Court, the launch of a new State Prosecutor's Office webpage, development of communication strategies, public outreach activities, and public-relations training. These developments indicate growing institutional recognition that transparency in OCC cases requires more than ad hoc communication and should be supported by clearer communication tools and institutional routines.
However, implementation cannot yet be assessed as fully operational because predictable and consistent publication practices have not yet been demonstrated across the full case lifecycle. A total of 19 indictments – or nearly a third – of monitored cases remain unpublished, three out of eleven first-instance verdicts in finalized have been published. Communication strategies are not publicly available, and practices regarding the publication of judicial and prosecutorial information remain uneven. Moreover, media-monitoring findings also suggest that increased communication has not yet fully translated into stronger perceived openness, timely access to information, or rights-compliant public reporting. The next phase should therefore focus on embedding existing strategies, communication tools, and outreach activities into routine, measurable, and rights-compliant transparency practices in OCC cases of high public interest.

Findings:

Since the publication of the 2024 Public Report, Montenegrin judicial and prosecutorial institutions have taken further steps to strengthen transparency and public communication in OCC cases.

Montenegrin judicial institutions have also continued to enhance transparency, introducing measures that have led to more consistent information sharing practices. Compared with the previous reporting

period, the most visible progress concerns publication of trial schedules, adoption of communication tools, and increased public outreach. In practice, the High Court in Podgorica publishes information on its work that it considers relevant to the public. The Appellate Court has adopted internal communication rules, which have resulted in the consistent publication of decisions and other information related to their work.[364] Meanwhile, the SPO has launched a new website designed to share information on its work and that of the Prosecutorial Council in a more accessible manner.[365] Key policy documents, including the Judicial Reform Strategy (2024-2027),[366] identify transparency as a strategic goal, emphasizing the importance of access to justice and the availability of judicial decisions, while the Judicial Digitalization Strategy (2025–2028) through its Action Plan (2025–2026) identifies "transparency of judicial proceedings through the publication of anonymized decisions and processes."[367]

While these steps are promising, trial monitoring data indicate that modest progress has been made in meeting some of the core transparency benchmarks, such as the availability and accessibility of judicial and prosecutorial acts, including predictable publication routines. Ensuring transparency in the justice process, particularly in OCC cases, requires striking a careful balance between the public interest in proceedings and protecting sensitive information. Making case information available, including trial schedules and anonymized judicial acts, can support transparency, improve integrity and strengthen public trust, thus enhancing accountability and reduce suspicion surrounding high-profile cases.[368]

According to the Project's statistics, 19 out of 61 indictments in monitored cases remain unpublished (implementation milestone 1.i.). Of the total number of finalized cases, three first-instance verdicts have been published, while all 11 second-instance verdicts have been published (implementation milestone 1.iii.). The absence of a unified framework for the dissemination of information on OCC cases and lack of internal policy documents outlining the procedures for publishing decisions, key information, and protocols for public communication appear to contribute to inconsistent publication practices, despite the earlier listed strategic commitment to transparency. This suggests that implementation challenges are not solely normative in nature, but also institutional and operational, as confirmed by counterparts during the Local Discussion Forum and consultations. (implementation milestone 1.iv).

[364] Press conference on the Annual Report on Activities for 2024, sudovi.me/ascg/sadrzaj/GYlM (accessed 12.10. 2026).
[365] New Website of the State Prosecution Service and the Prosecutorial Council – State Prosecution Service (accessed: 18.10.2026)
[366] Ministry of Justice of Montenegro, Judicial Reform Strategy 2024–2027, Podgorica, 2024, available at: link (accessed 8. 10. 2026). 812601a9-f377-40eb-9aa1-703da4ff3c75
[367] Ministry of Justice of Montenegro, Judicial Digitalization Strategy STRATEGIJA DIGITALIZACIJE PRAVOSUĐA 2025-2028 Action Plan 2024-2024 https://www.gov.me/dokumenta/b33d7d6c-d186-4e6d-a34c-a36080842285 (accessed: 16.10.2026)
[368] See as an example: EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ) Guide on communication with the media and the public.

Conversely, the Project observed a rise in the publication of trial schedules during the specified reporting period. Specifically, at the time of writing (September 2026), 89 per cent of trial schedules were published in cases under monitoring, compared to 82 per cent published during the period from June 2023 to June 2024 (implementation milestone 1.ii.).

An umbrella communication strategy and accompanying action plans for the courts and Judicial Council for the period 2024 to 2026 were adopted (see implementation milestone 1.vi.), outlining activities aimed at enhancing transparency and trust in the judiciary. The strategy emphasizes the need to adopt guidelines defining the roles and obligations of employees in the communication chain, as well as to establish a consistent communication structure on all levels within the judiciary. The Communication Strategy of the State Prosecution Service and the Prosecutorial Council for 2026–2028, together with its accompanying Action Plan, was adopted in January 2026 (implementation milestone 1.vi).[369] Along with a comprehensive strategy, the State Public Prosecutor's Office also adopted overarching crisis communication guidelines. These efforts suggest broader institutional efforts to shift the focus of transparency from passive disclosure to more proactive public communication.

Recognising the specialised jurisdiction of the Special State Prosecutor's Office (SPO), its responsibility for prosecuting the most serious criminal offences, and the particular communication challenges arising from the nature of its work, additional organisational measures were taken to strengthen its public relations capacity. Amendments to the SPO's internal organisation and staffing regulations provided for a dedicated public relations unit. The Project has also recommended the adoption of complementary guidelines specifically tailored to the work of the SPO, taking into account its distinct mandate to investigate and prosecute the most serious criminal offences, as well as the unique communication challenges arising from the nature of its work (implementation milestone 1.vi).

While these are positive developments, the two strategies have not been made public. The fact that the strategies were not publicly available at the time of drafting limits their value as public accountability tools. In the future, consideration could be given to using digital tools and online access to information, for example by updating and publishing hearing schedules in real time on court websites. The notion of

[369] New Communication Strategy: A More Open and Accessible State Prosecution Service – State Prosecution Service (accessed: 18.10.2026)

becoming more transparent should not be equated with merely communicating more. Recognizing the importance of an open justice system, institutions have invested in outreach activities to foster a positive perception of the justice system. For example, following the launch of the TV programme 'Get to Know the State Prosecutor's Office', representatives of the State Prosecutor's Office met with university[370] and high-school[371] students. During the reporting period, the Supreme Court held regular press conferences to present its performance results for 2025 and its report on the first half of 2026.[372] While outreach plays an important part in improving public understanding, it cannot substitute for the routine publication of case information, schedules, indictments, and judgements.

The Centre for Training in Judiciary and State Prosecution Service has recognized the importance of education in public relations and conducted five training courses in 2024. Four of these courses were targeted, two for court spokespersons for 24 attendees and two for prosecutors gathering 14 attendees. Building on this good practice, a beginner course program on this topic was held in April 2026, with the advanced program scheduled for December 2026. Neither of these training programmes are designed to target public relations in OCC cases, but they will still support more professional, consistent, and rights-compliant public communication (implementation milestone 1.v).

The potential impact of the capacity-building initiatives, recommended through this chapter however are constrained by the existing framework for training participation. Judges and prosecutors have the right and obligation to attend trainings according to their own interests, for at least two working days per year.[373] While this establishes a minimum training requirement, it does not ensure that judicial office holders receive training corresponding to their particular functions and responsibilities. Moreover, the Centre has limited ability to determine the composition of participants. Consequently, the relevant programmes are open to interested judges, prosecutors and judicial advisers across the system, rather than systematically directed towards officeholders whose responsibilities include institutional or case-related public communications.

Regarding media monitoring, the Project observed reporting practices that may affect privacy rights and the presumption of innocence in certain

[370] Ključ tužilačkog poziva je ostati dosljedan sopstvenoj savjesti i profesionalnim principima – Državno Tužilaštvo
[371] Predstavnice Tužilaštva razgovarale sa učenicima o vršnjačkom nasilju – Državno Tužilaštvo
[372] Pavličić: The judicial system is no longer accumulating a backlog but is reducing and clearing it", available at: sudovi.me/vrhs/sadrzaj/M09Y (accessed 12.10.2026). Press conference on the Annual Report on Activities for 2024,
[373] See the Law on Centre for Training in Judiciary and State Prosecution Service, Article 45: 56002859-f578-481d-80da-7f9fb537f01e (accessed 12.10.2026)

media outlets. During this period, the Project observed at least 25 media articles relating to cases under monitoring containing potential violations of defendants' rights. Problematic practices included the use of prejudicial language, the disclosure or re-publication of sensitive personal information, presentation of suspects or defendants in a manner suggesting guilt, and sensationalist headlines not fully aligned with the procedural status of the case.

Recognizing the complexity of judicial proceedings, the importance of the media's public watchdog role, and the importance of accurate media reporting, the OSCE Mission to Montenegro has supported two initiatives in this area. Firstly, development of a glossary of legal terminology for journalists (see implementation milestone 1.vii.). Copies of the glossary were shared with the judicial institutions, as well as with media outlets in Montenegro, with the expectation that this tool will contribute to more professional and objective reporting. Secondly, an initiative titled "Improving institutional communication and public outreach capacities in Montenegro", supporting the Supreme Court and lower courts of Montenegro in enhancing their communication capacities through a series of 16 targeted workshops for around 80 judges on internal, external and crisis communication.

While the Project has observed measurable progress in establishing the normative and organizational foundations for transparency, their implementation with respect to the publication of judicial information, court schedules, and judicial and prosecutorial documents remains uneven.The assessment now turns to whether existing communication strategies, outreach tools, and publication practices produce predictable, rights-compliant, and institution-wide access to information in OCC cases of public interest. To move from early implementation towards operationalization, institutions need to demonstrate the consistent publication of hearing schedules, indictments and judgements, the public availability and implementation of communication strategies, and measurable improvement in access to timely and useful judicial information. The sustainability of these measures will depend on the allocation of dedicated human and technical resources, as well as the establishment of institutional accountability mechanisms for their implementation.

2

Recommendation

Strengthen the representational role of the Judicial and Prosecutorial Councils by establishing trusted, structured and transparent channels through which judges and prosecutors can raise concerns affecting their independence, autonomy, working conditions and ability to handle OCC cases of high public interest.

2. 1. The Councils should commission or conduct an independent or structured assessment of their communication, accountability and representational links with judges and prosecutors, including practical recommendations for strengthening trust, feedback and follow-up.

Implementation Stage:



Early implementation

Implementation Milestones:

2.i. Percentage of judges and prosecutors surveyed who report that they know how to raise concerns with their Council and consider the available channel credible and safe to use.
2.ii. Structured consultation mechanism established by each Council for regular engagement with judges and prosecutors, including court/prosecution visits, meetings or feedback sessions.
2.iii. Formal follow-up measures adopted by Councils in response to concerns raised by judges or prosecutors.
2.iv. Independent report is adopted.
2.v. Independent report's findings translated to a strategic document.

During the reporting period, the Prosecutorial Council took steps to strengthen institutional protection of prosecutorial autonomy, including amendments to its Rulebook establishing a dedicated commission to consider complaints of interference and issuing opinions in several cases. The Supreme State Prosecutor also encouraged prosecutors to use

available complaint channels. Both councils became more visible in responding to public statements affecting the justice sector, while the Judicial Council conducted visits and consultations with courts, including the High Court in Podgorica and other senior courts. These developments indicate greater attention to the councils' representational role and communication with judges and prosecutors.

Implementation, however is not yet fully operationalized, as structured and trusted mechanisms for dialogue, complaint handling and follow-up are not consistently established across both councils. The Judicial Council lacks a comparable dedicated complaints mechanism, while judges handling serious OCC cases continue to raise concerns about working conditions, evaluation, pressure and institutional protection. While communication has improved, the councils' representational role remains under consolidation. The next phase should therefore focus on regular structured dialogue, clear criteria for responding to undue pressure, systematic follow-up to concerns raised by judges and prosecutors, and assessment of the councils' relationship with their constituents.

Constitutional amendments adopted in August 2026[374] regulate the composition of the Prosecutorial Council. The amendments remove the ex officio participation of the Minister of Justice from the Judicial Council, while increasing the number of judges from four to five. The revised composition of the Judicial Council has the potential to reduce scope for political influence and due to the increase in the number of judges, enhance the legitimacy of the judicial self-governing body, further strengthening judicial independence and autonomy.

Findings:

During the reporting period, the Project continued to monitor public statements by political actors concerning specific ongoing criminal proceedings that may pose a risk to the defendants' rights and to the autonomy and independence of judges and prosecutors. Even where such statements do not result in direct interference with individual cases, repeated offensive comments may undermine the reputation of the judiciary as a whole and affect public trust. This suggests that the pattern of inappropriate public commenting identified in the 2024 Public Report,[375] while less frequent during the reporting period, has persisted. While public debate and criticism of the justice

[374] Amendments XVII to XXI to the Constitution of Montenegro link: Službeni list Crne Gore (accessed 15.10. 2026).
[375] Public Report_for publication_ENG p. 106. (accessed 15.10. 2026).

system are legitimate in a democratic society, comments addressing pending cases, suggesting expected outcomes, or appearing to put pressure on judicial or prosecutorial decision-making can harm public perceptions of independence and impartiality.

In this context, in addition to the requirement for transparent and accessible courts and prosecutor's offices, as underlined in Recommendation 1, the role of the Judicial and Prosecutorial Councils is particularly important. Their ability to respond in a timely, proportionate, and institutionally credible manner to concerns affecting judges and prosecutors can strengthen internal confidence, reduce reliance on informal or public channels, and reinforce the perception of institutional independence. The key issue, therefore, is not only whether the councils issue public responses, but whether judges and prosecutors perceive their respective councils as credible, structured, and effective channels through which to raise concerns and receive follow-up.

Stakeholder opinions[376] also suggest that judges and prosecutors still do not consistently perceive the councils as effective defenders of institutional independence yet. Strengthening confidence in the councils' ability to respond to undue external pressure may contribute to greater institutional resilience and reinforce perceptions of independence within the justice sector. In that vein, the Project has observed that the judicial authorities have taken some preliminary steps to improve relations between the judicial and prosecutorial councils and their constituents. Follow-up stakeholder consultations and media monitoring indicate that the councils have adopted a more assertive stance in addressing undue interference, particularly through official responses to public statements from public figures.[377]

In comparison to the 2024 Public Report, the Supreme State Prosecutor has taken a more proactive role in encouraging prosecutors to raise the issues with the Prosecutorial Council and it has begun receiving individual complaints (related to implementation milestone 2.i.). This was followed by the introduction of a new mechanism: the Prosecutorial Council introduced amendments to their Rulebook to establish a separate commission within

[376] At the Local Discussion Forum organized by the Project in March 2025, judicial stakeholders acknowledged a degree of reluctance on the part of judges and prosecutors to report attempts by third parties to exert undue pressure on them. Even though judges and prosecutors are entitled to filing complaints when their independence and autonomy are infringed upon, they usually refrain from that procedure. Consulted stakeholders in 2026 also indicated a shift towards the Councils taking greater ownership of these matters.

[377] See the press releases at: sudovi.me/sdsv/sadrzaj/wRzk; sudovi.me/sdsv/sadrzaj/B2yQ; Statement by the Prosecutorial Council and the Association of State Prosecutors of Montenegro: We Strongly Condemn Attempts by Public Office Holders to Undermine the Autonomy and Reputation of the State Prosecution Service – State Prosecution Service; sudovi.me/sdsv/sadrzaj/6o1z; sudovi.me/sdsv/sadrzaj/DDBB (accessed 15.10. 2026).

the Council to decide on prosecutorial complaints in order to protect their independence and autonomy.[378] These developments suggest recognition of the need for a more structured and institutionalized approach to protecting prosecutorial autonomy, responding to concerns raised by prosecutors, and strengthening the institutional framework for doing so.

The Commission has already established an initial track-record of issuing opinions in such cases. At the time of writing, it had considered four out of seven filed complaints to be well founded and had issued opinions calling on certain individuals to refrain from interference.[379] The newly adopted *modus operandi* reflects a more determined and institutionalized approach to defending prosecutorial independence and autonomy.

Developments concerning the Judicial Council were more gradual. Press releases continued to be the most frequent means of communication through which the Council and the Association of Judges expressed their commitment to protecting judicial independence and autonomy. Nevertheless, these reactions appear to have been timelier and more frequent throughout the reporting period. At the same time, the Judicial Council does not yet have a dedicated complaint mechanism comparable to the one established by the Prosecutorial Council. The low number of formal complaints by judges may reflect several factors, including reluctance to report, uncertainty about available procedures, or the perception that existing channels are not sufficiently effective. The public statements and open letters issued by judges of the Specialized Department[380] suggest that some concerns regarding working conditions, evaluation, pressure, and institutional support are still not being channelled exclusively through regular internal mechanisms.

Following an open letter, and at the initiative of the President of the High Court, the Judicial Council decided to increase the number of judges and judicial advisers in the Specialized Department in December 2024, as requested.[381] Although this is a positive development, the fact that concerns were addressed not only to the Judicial Council and the Supreme Court, but also to executive and legislative authorities, suggests that existing channels may not always be perceived as the most direct or timely avenue for securing a response. Similarly, in March 2026, judges again deemed it necessary to issue a public statement.[382] They raised several concerns, including the need to take into account the

[378] See: Rules of Procedure of the Prosecutorial Council, link: poslovnik-ts-.pdf(accessed 15.10. 2026).
[379] Links to the opinions: Odluke – Državno Tužilaštvo (accessed 12.10. 2026).
[380] See: Full Text of the Address by the Judges of the Special Department to the Judicial Council, the Supreme Court, the Ministry of Justice, the President of Montenegro, the Prime Minister of Montenegro and the Parliament of Montenegro (All Members of Parliament) sudovi.me/vspg/sadrzaj/g8d4 (accessed 12.10. 2026).
[381] See: sudovi.me/sdsv/sadrzaj/aopP(accessed 12.10. 2026).
[382] See: sudovi.me/vspg/sadrzaj/pk4y(accessed 12.10. 2026).

complexity of cases while evaluating judges, the practical implementation of trial management guidelines (see Recommendations 4 and 12), and the need for the Judicial Council to protect judicial independence and autonomy from persistent criticism, pressure, and insults, in line with its mandate.

These instances may indicate a more fundamental lack of trust in the Council's role as an advocate and representative. This may be influenced by several factors, including a lack of regular and meaningful interaction between the council and individual judicial professionals, but also the limitations in the Judicial Council's competence.

Judges and prosecutors currently have limited institutional channels through which to engage directly with Council members, whether to raise concerns or provide feedback. A positive development in this regard is the introduction by the Prosecutorial Council of regular meetings between Council members and chief prosecutors, providing a structured mechanism for communication and consultation (implementation milestone 2.ii.). While annual events such as the Days of the Judiciary and the Days of the State Prosecutor's Office could serve this purpose to some extent, they are not structured for ongoing or substantive consultation. In April 2025, the Judicial Council and the Supreme Court organized a joint conference[383] to present the 2024 Report on the Work of Judicial Council and the Overall State of Affairs in the Judiciary. While commendable, such opportunities for dialogue should be more frequent and flexible, ideally integrated into Council sessions or facilitated through structured consultations. Regular official visits by members of the council to specific courts or prosecutors' offices could represent another positive practice with the potential to foster closer institutional ties and rebuild trust. In this regard, the Project observed that during September 2025, the Judicial Council paid a visit to the Supreme Court, the High Court in Podgorica, and the Appellate Court.[384] Council members met with court presidents and judges and discussed their working conditions. During the consultations with the Project, both council members and judges confirmed that these visits represented a step forward in strengthening their relationship and creating greater opportunities for dialogue.

In addition to the challenges outlined above, justice sector actors have highlighted ongoing issues relating to personal security, inadequate workspaces, insufficient human resources, and low salaries. These

[383] See: Korać: All Branches of Government Should Work to Address the Situation in the Judiciary sudovi.me/sdsv/sadrzaj/2rQV(accessed 12.10. 2026).
[384] Judicial Council Visits the Supreme Court: Despite Limited Capacity, Courts Achieve Excellent Results. sudovi.me/vrhs/sadrzaj/88DY (accessed 12.10.2026).

factors may further amplify the institutional distance described above. Meanwhile, judges' and prosecutors' salaries were increased under new framework legislation in September 2026.[385] For more details, see Recommendation 6.

As previously mentioned, the quality of the relationship between the councils and their constituents is shaped by a range of interconnected institutional, operational, and contextual factors. Nevertheless, the extent to which the councils effectively represent and engage with judges and prosecutors remains a cornerstone of the long-term credibility, legitimacy, and sustainability of judicial reform in Montenegro. A systematic, evidence-based approach is required to diagnose and address potential representational gaps. As a first step, an independent review could be commissioned to examine existing communication and accountability mechanisms, identifying existing good practices and assessing how these influence the councils' representativeness and institutional links with judges and prosecutors (Implementation milestone 2.i.).

EFFICIENCY

3

Recommendation

Judicial institutions should improve efficiency and timeliness in the processing of OCC cases.

3.1. The Supreme Court should establish a case-weighting system to ensure balanced judicial workload and efficient processing of OCC cases.

3.2. The Supreme Court should establish a working group to create optimal timeframes for judicial proceedings in OCC cases.

3.3. Court presidents, as suggested by the Consultative Council of European Judges (CCJE) and the CEPEJ, should monitor the length of proceedings and collect data on important steps in the judicial process.

[385] Law on Salaries and Other Rights Relating to the Exercise of Judicial, Prosecutorial and Constitutional Court Functions, available at: link.: https://www.gov.me/dokumenta/53bcc9c9-92ab-4556-ba2f-3b2756817ed7 (accessed 12. 10. 2026).

Implementation Stage:



Early implementation

Implementation Milestones:

3.i. Total length of proceedings in finalized monitored cases.
3.ii. Length of first-instance trial in monitored cases.
3.iii. Length of appeal stage in monitored cases.
3.iv. Length of ongoing first-instance trials.
3.v. Creating a working group.
3.vi. Development of criteria to establish and operationalize a case weighting system to ensure balanced judicial workload and efficient processing of OCC cases.
3.vii. Creating the working group for developing timeframes.
3.viii. Development of timeframes.
3.ix. Court presidents have access to statistical data on the length of individual cases.
3.x. Court presidents proactively monitor the length of cases.

During the reporting period, Montenegro's judicial institutions strengthened monitoring of lengthy proceedings through the Supreme Court's 2025–2027 programme for resolving old cases that foresees greater involvement of court presidents, an operational data-monitoring team, and increased staffing. However, key structural measures—particularly case-weighting and optimal timeframes for OCC cases—have not yet been introduced, while monitoring continues to show prolonged proceedings and few completed cases. The next phase should therefore focus on developing a complexity-sensitive case-flow management system with clear case-weighting criteria, timeframe benchmarks, regular identification of delays, and documented follow-up by court presidents.

Findings:

Length of OCC Proceedings and Overall Trends

Following the publication of the 2024 Public Report,[386] Montenegrin judicial institutions have begun to take steps to strengthen monitoring of delayed proceedings and reduce the backlog of old cases. The most significant development was the Supreme Court's adoption of the Programme for

[386] Public Report_for publication_ENG p.110. (accessed 12.10. 2026).

Resolving Old Cases 2025–2027[387], which places greater responsibility on court presidents for monitoring case duration, adopting measures within their competence, and reporting regularly on implementation. These steps indicate growing institutional recognition that timeliness requires active case-flow monitoring and managerial follow-up.

However, monitoring data show that the practical effect of these measures on OCC case duration remains limited. While some institutional steps have been taken to address the case backlog and the shortage of workforce, key forward-looking reform solution – such as the introduction of a case-weighting system,[388] as suggested in the Public Report, and the establishment of optimal timeframes for the completion of OCC proceedings—have not been initiated (implementation milestone 3.v and 3.vii). Other factors linked to delays include case complexity, workload distribution, lack of support staff, and limited courtroom availability. The length of proceedings continues to be a concern affecting the credibility of the justice response to OCC.

Trial monitoring data show a marginal increase in the number of finalized cases compared to the previous reporting period. This figure, however, remains low, considering that only t12 of the 61 monitored cases have been completed since the start of the Project. This consistently low case-resolution rate points to persistent case-flow challenges and prolonged duration of complex OCC proceedings. The average duration of the ten cases finalized during the reporting period was approximately 57 months, with durations ranging from 24 to 83 months (implementation milestone 3.i.).

Moreover, even though the Project observed some positive examples of first-instance trials being resolved within seven months, the average duration of the 19 first-instance trials completed during the reporting period was around 53 months. Shorter trial durations were typically limited to those with fewer defendants, while trials with more defendants lasted longer.

Furthermore, the average duration of ongoing first-instance trials was around 52 months (implementation milestone 3.ii.). The appeal stage, on the other hand, was considerably shorter: in 18 cases where the appeal phase was completed, the average duration was around four months (implementation milestone 3.iii.).

[387] See: Unified programme for resolving backlog cases for 2025–2027 Jedinstveni_program_rjesavanja_starih_predmeta.pdf(accessed 12.10. 2026).
[388] See Public Report_for publication_ENG p.108-109 and case weighting in judicial systems CEPEJ Studies No. 28 link: 16809ede97(accessed 12.10. 2026).

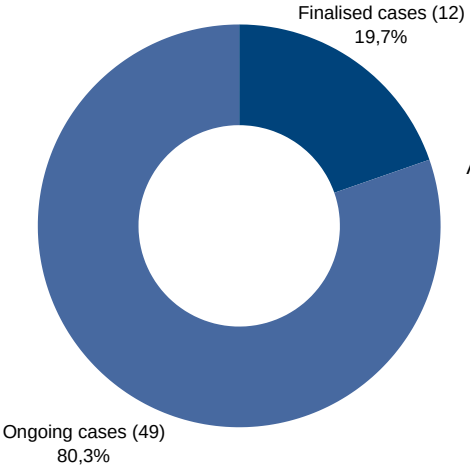


Figure 32: Overall status of monitored cases (n=61)

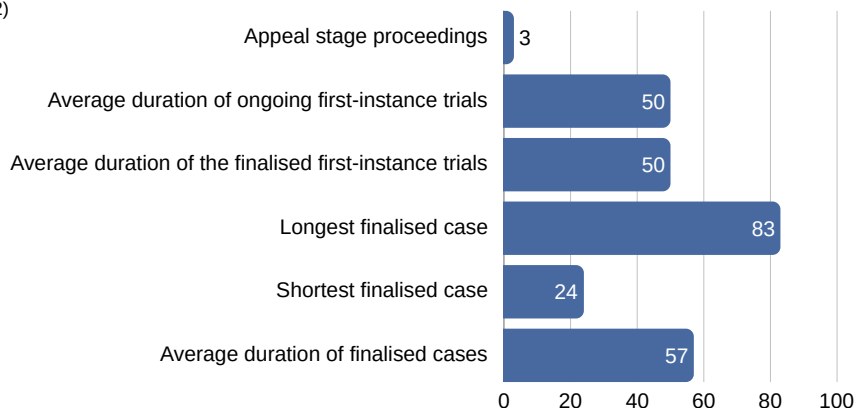


Figure 33: Average and extreme duration of monitored cases and procedural stages (in months)

Institutional Monitoring Mechanism

To address case backlog, judicial authorities have taken steps to optimize workload distribution, which, as previously noted, remains key to achieving efficiency. In June 2025, the Supreme Court adopted a comprehensive initiative, the Programme for Resolving Old Cases, covering the period 2025 to 2027.[389] The document introduced various measures intended to eliminate the total case backlog by 2027. It placed particular emphasis on the responsibilities of court presidents, who are responsible for its implementation, including monthly oversight of case resolution, adopting appropriate measures within their authority and regular reporting to the President of the Supreme Court.

Based on information received during consultations with stakeholders, the President of the Supreme Court has formed an operational team consisting of two Supreme Court judges and one Appellate Court judge. This team assesses the situation on a quarterly basis, collects data from all courts, and submit reports to the Supreme Court President. Thus far, 79 per cent of old cases have been resolved.[390]

This is a concrete step towards making court presidents more proactive and responsible for monitoring the length of proceedings and collecting data on judicial proceedings for statistical and policy-making purposes,

[389] "Old cases" are cases initiated more than three years ago, and this category also includes some of the monitored OCC cases. The Programme is available at Jedinstveni program rjesavanja starih predmeta.pdf. By a decision of the President of the Supreme Court of Montenegro, an Operational Team was established to monitor the implementation of the Program for Resolving Old Cases for the period 2025–2027. The Team is tasked with monitoring the implementation of the Programme on the basis of quarterly reports submitted by all courts in Montenegro, analysing the results achieved, and proposing measures to improve its implementation. The courts submit reports to the Operational Team every three months, which serve as the basis for assessing the level of implementation of the Programme. The reports submitted to date indicate a continuous and encouraging trend in reducing the number of backlogged cases across the judicial system as a whole, confirming that the courts are committed to implementing the measures envisaged under the Programme.

[390] This is a dynamic process, and the number will fluctuate as new cases are initiated and older cases are resolved.

as recommended by the Project. While this signals a positive policy shift, its implementation and ultimate impact remain to be seen (implementation milestones 3.ix and 3.x).

At the same time, backlog reduction remains a moving target because new cases may age into the old-case category, if monitoring is not accompanied by early follow-up and prevention measures.

Regulatory Measures Affecting Case Continuity

The increase in judicial staffing is encouraging. During the reporting period, the number of judges in the Specialized Department increased from eight in 2024 to 15. It is reasonable to expect that this measure, if supported by adequate facilities (see Recommendation 6) and other necessary conditions, will eventually help reduce the case backlog and shorten the length of proceedings.

These initiatives nonetheless remain largely reactive and are no substitute for the structural reforms—such as a case-weighting system and timeframe benchmarks—recommended by the Project to ensure lasting improvements. During consultations and the 2026 Local Discussion Forum, stakeholders, including the President of the Supreme Court, expressed interest in introducing a case-weighting system. They recognized its importance, but also acknowledged the challenges involved in developing and implementing such a system effectively.

Judges adjudicating OCC cases have suggested that introducing a case-weighting system would be a positive development. This view was reflected in proposals from judges of the Specialized Department regarding the evaluation of judges, as set out in the Draft Law on Judges and the Judicial Council. They emphasized that the complexity of OCC cases should be taken into account when evaluating judges and proposed the introduction of a case-weighting system to support that objective. They also referred to previous attempts to develop such a system.[391]

[391] Proposals made by judges are available at sudovi.me/vspg/sadrzaj/pk4y and primjedbe sa prijedlozima - sudija goran scepanovic.pdf (accessed 14.10. 2026).

Yet, key policy documents, including the Strategy for the Judicial Reform for 2024 to 2027,[392] the proposed Strategy for Digitalization of the Judiciary for 2024 to 2027,[393] and the adopted Strategy for the Digitalization of the Judiciary for 2025 to 2028[394]do not envisage the introduction of such measures.

In the absence of more sustainable solution, to address courtroom shortages, the Supreme Court authorized the High Court in Podgorica to use the courtrooms of the Appellate Court and the Supreme Court.

In 2026, the Project monitored in total 36 hearings in the courtrooms of the Supreme Court and Appellate Court.

Although these measures demonstrate greater institutional responsiveness, systemic inefficiencies in trial scheduling and preparation continue to impede progress. The progress observed during this reporting period will therefore require sustained institutional commitment and long-term follow-up if it is to produce lasting improvements.

4

Recommendation

Institutionalize proactive trial-management practices in OCC cases to improve hearing continuity, reduce avoidable adjournments, ensure timely progression of proceedings and support the timely issuance of written judgements.

4.1. The Supreme Court should develop guidelines on trial management best practices to assist judges in preparing and conducting OCC cases.

4.2. The Judicial Council and its bodies should ensure that the evaluation process of judges adequately includes and assesses the ability of judges to prepare and plan trials, taking into account the Supreme Court's guidelines.

Implementation Stage:



Operationalization

[392] The Strategy is available at https://www.gov.me/dokumenta/812601a9-f377-40eb-9aa1-703da4ff3c75 (accessed 14.10.2026).
[393] The Strategy is available at https://www.gov.me/dokumenta/c0bb6b6c-c07c-47ee-b239-6c48f3e926db (accessed 14.10.2026).
[394] The Strategy is available at https://www.gov.me/clanak/akcioni-plan-2025-2026 (accessed 14.10.2026).

Implementation Milestones:

4.i. Percentage of productive, unproductive and rescheduled hearings in monitored OCC cases, disaggregated by reason for non-productivity or rescheduling.
4.ii. Percentage of written judgements in monitored OCC cases issued within the Criminal Procedure Code (CPC)[395] deadline, and average delay where deadlines were exceeded.
4.iii. Setting up the working group to develop the guidelines.
4.iv. The Guidelines are adopted.
4.v. Criteria related to the ability of judges to plan and prepare for trials are included in the rules on evaluation of performance.

During the reporting period, judicial institutions made concrete progress in strengthening trial management in OCC cases. The Supreme Court adopted trial-management guidelines, the judicial appraisal framework was amended to include trial planning and preparation, and trial monitoring observed more proactive practices by some judges, including scheduling multiple hearings in advance, holding hearings on consecutive days, sequencing evidence more clearly, verifying medical documentation submitted in support of postponement requests, and taking practical steps to preserve hearing continuity. These developments suggest that proactive trial management is beginning to be reflected in courtroom practice, particularly in some high-public-interest OCC cases.

However, implementation cannot yet be assessed as fully operational, because these practices are not applied consistently across all monitored OCC cases. Unproductive and rescheduled hearings remain frequent, some proceedings continue to experience long gaps before commencement of the main trial, and delays in issuing written judgements persists. The next phase should therefore focus on converting emerging good practice into routine trial-management standards across OCC cases, supported by regular monitoring of hearing productivity, reasons for adjournments, use of consecutive scheduling, trial commencement delays, and compliance with written-judgement deadlines.

[395] Criminal Procedure Code (Official Gazzette of Montenegro no. 57/09, 49/10, 47/14, 2/15, 35/15, 28/18, 116/20, 145/21 i 54/24 132/2026), available at https://www.sluzbenilist.me/propisi/337218 (accessed 12.10.2026)

Findings:

Since the publication of the 2024 Public Report,[396] judicial institutions have made visible progress, particularly in addressing the core trial management deficiencies observed by the Project. Trial monitoring findings outline the following issues that hinder the efficiency of proceedings:

-Delays in scheduling hearings and commencing the main trial proceedings;
-Inadequate planning; and
-Delays in issuing written judgements.

The Project monitored a total of 1018 hearings during the reporting period, of which 534 were considered productive. Unproductive hearings (299) and rescheduled hearings (185) together accounted for approximately 47 per cent of all hearings monitored.[397]

Observed Improvements

Individual judges improved trial planning practices, while institutions responded to the shortage of courtrooms and introduced guidelines to standardize efficient trial management (implementation milestone 4.iv).

The increase in the number of productive hearings appears to be closely linked to the above-mentioned measures. For example, from July 2024 to September 2026, the Project recorded an average of 18 productive hearings per month across all monitored cases. This compares favourably with an average of seven for the previous reporting period (implementation milestone 4.i).

Despite these improvements, 47 per cent of monitored hearings, were either unproductive and rescheduled. This indicates that procedural inefficiencies continue to hinder the efficient adjudication of OCC cases. During the reporting period, the main reasons for adjournments were consistent with those recorded in the 2024 Public Report: the absence of defendants (often due to health reasons on 81 occasions), the absence of judges (80 occasion) and the absence of defence counsel (41 occasion).[398]

[396] Public Report for publication ENG p.110. (accessed 14.10. 2026).
[397] The statistic for the ongoing year 2026 is somewhat more positive, as the ratio of the overall hearing numbers; 315 hearing compares more favourably with the number of 202 productive hearings. This amounts to 64 per cent of all hearings
[398] Public Report for publication ENG p.112. (accessed 14.10. 2026).

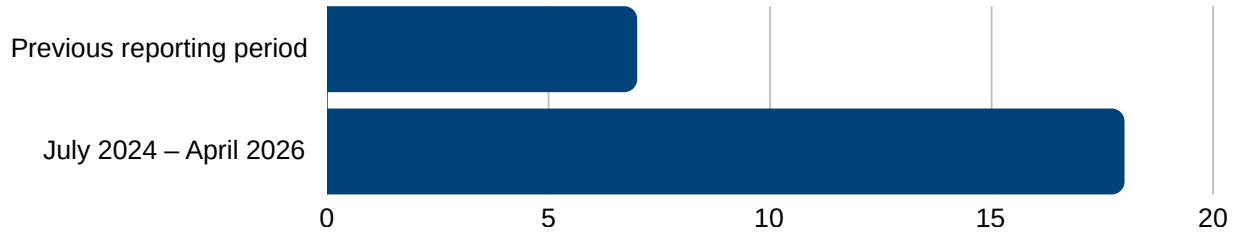


Figure 34: Increase in the average number of monthly productive hearings

Increased hearing productivity should be viewed as an intermediate indicator of improved procedural case-management practices. While the observed trend is encouraging, it is important to understand that it will take time before these positive developments have a substantial impact on the total length of proceedings, which, as previously noted, is still a matter of concern.

Consecutive Hearings and Good Practices in Case Management

Trial monitoring findings show that judges of the Specialized Department are increasingly taking action to prevent unnecessary delays, especially in cases of high public interest. In at least 22 cases, out of 36 cases currently at the main trial stage, the presiding judges scheduled multiple hearings in advance, including on consecutive days. Some of the most striking instances included cases where numerous hearings were scheduled in advance over several months, ultimately resulting in the efficient completion of the first-instance trial (implementation milestones 4.iv). These examples demonstrate the potential benefits of proactive judicial case management.

Judges have also taken firmer action to counter delaying tactics by the defence. The Project noted an increase in the number of cases where the presiding judge ordered medical examinations to verify whether the defendants' alleged health issues prevented them from attending hearings. One notable practice observed was appointing a medical expert witness to be on standby throughout the trial to verify any medical documentation submitted by the defendants. Consequently, whenever defendants requested illness-related postponements, the judge immediately summoned the expert witness to verify their fitness to attend.

Judges also demonstrated stronger trial planning and case-management skills by proactively outlining the order in which evidence would be presented at upcoming hearings.

This enabled the parties to prepare effectively and introduced greater predictability regarding the timing and sequence of evidence, suggesting the presence of a procedural plan. It is also worth mentioning that more than eight hearings lasted beyond the court's working hours, indicating that some judges made additional commitment to improve the timeliness of trials. These practices were most visible in high-public-interest cases, while monitoring suggests that similar levels of planning are not yet consistently applied across less visible OCC proceedings. Moreover, the Project has observed that judges tend to show a stronger commitment to procedural efficiency in high-public interest cases, i.e. those that receive significant media attention. In contrast, frequent postponements remain common in less publicized cases. While cases of high public interest reflect a positive shift in judicial attitude, marked by a stronger commitment to efficiency and a clear effort to prevent unnecessary delays, this approach has yet to be consistently applied across all OCC cases as, generally speaking, systemic inefficiencies in trial scheduling and preparation continue to impact progress.

Challenges: Delays in Reaching a First-instance Judgement and Issuing Written Verdicts

As reflected in the previously presented statistics, delays in scheduling hearings and commencing main trial proceedings continue to be observed. The Project also monitored three cases that remain in procedural stalemate. In one of these cases, the proceedings appear to have been delayed due to the parties' stated intention to engage in plea-bargaining negotiations (implementation milestone 4.1.).[399] In one case, the indictment was confirmed in January 2022. Nevertheless, the main trial has yet to commence because of repeated adjournments linked to the prospect of concluding a Plea-Bargaining Agreement (PBA), the timing of which has been influenced by the PBA Guidelines. This has created a procedural impasse, as the proceedings cannot advance without potentially precluding the conclusion of a plea agreement, yet the parties have made no credible or tangible effort to engage in meaningful plea-bargaining negotiations.

As for written verdicts in first instance proceedings, the Project observed delays in the issuance of written judgements beyond statutory time limits in six cases., out of 22 first instance verdicts issued in the reporting period.[400] These delays risk undermining procedural efficiency and contribute to the prolonged duration of criminal proceedings (implementation milestone 4.ii).

[399] Pursuant to Article 300(3) of the Criminal Procedure Code, a PBA may be submitted no later than the commencement of the main trial.

[400] According to Article 378 of the CPC, the judgement that has been announced must be drafted in writing and dispatched within one month of its announcement, and in complex cases, exceptionally within two months.

Regulatory Measures Affecting Case Continuity including Performance Appraisal

At the policy level, judicial authorities introduced several practical measures to support trial efficiency - one of the most notable being the development of guidelines on trial management by the Supreme Court, as a response to the Project's recommendation in the 2024 Public Report. To promote the efficiency of proceedings, judges should take the following four key actions, as outlined in the guidelines: develop a procedural plan for each case; schedule hearings on consecutive days; use available legal tools to prevent delays (such as issuing fines, warrants for apprehension, and orders for medical examination); and make greater use of existing electronic tools. The Guidelines also provide that the President of the High Court in Podgorica should adopt internal acts to facilitate their implementation, while the Supreme Court is responsible for monitoring the process.

The observed improvements, particularly the judges' more proactive approach to planning and preventing unnecessary delays, suggest that the guidelines are already having a positive impact. Concurrently, the legal framework for evaluating the performance of judges has been refined to encompass trial-management skills. In this regard, the Law on Judges and the Judicial Council was amended in June 2024, with changes introduced to the criterion relating to the ability of judges to prepare and plan trials. This criterion was further elaborated upon in the Rules on the Evaluation of Judges and Court Presidents, adopted by the Judicial Council in April 2025. These rules introduce a more comprehensive list of actions that a judge should take to plan and conduct trials efficiently. The evaluation of this criterion in practice is yet to be determined (implementation milestone 4.v).

In addition, comprehensive amendments to the Criminal Procedure Code, which entered into force on 17 September, introduced key regulatory provisions aimed at enhancing trial efficiency and supporting continuity of proceedings. Particularly relevant to complex OCC cases are provisions governing the conditions for continuing proceedings in the defendant's absence, as well as strengthened procedural consequences for unjustified non-appearances by the parties.[401] The Project will continue to assess the practical effects of these amendments through trial monitoring.

These developments suggest that trial-management practices are gradually becoming embedded within the judiciary's regulatory and performance management framework, and are beginning to influence courtroom practice. This strengthens the likelihood that observed improvements will be sustained beyond the reporting period.

[401] See: Proposal of the Amendments to the Criminal Procedure Code, link: 4334-25408-23-1-26-20.pdf (accessed: 21. 09. 2026).

5

Recommendation

Narrow the subject-matter jurisdiction of the SPO and the Specialized Department of the High Court in Podgorica to support more targeted use of specialized resources for the most serious and complex OCC cases.

5.1. The Ministry of Justice should create a working group to identify how to limit the subject-matter jurisdiction related to corruption cases.

Implementation Stage:



Institutionalization

Implementation Milestones:

5.i. Amendments to the relevant Law are adopted.
5.ii. A working group is created.

During the reporting period, Montenegro adopted legislative amendments narrowing the subject-matter jurisdiction of the SPO and the Specialized Department, in line with the Project's earlier recommendation. The amendments refined the category of public officials falling within specialized jurisdiction and raised the threshold for certain money-laundering forms, while parallel amendments to the Law on Courts operationalized the revised jurisdictional framework.

As the core recommendation and related milestone concerned the adoption of legal amendments narrowing jurisdiction, this recommendation can be assessed as institutionalized. The practical effects of the amendments on workload, prioritization of the most serious OCC cases, and efficiency of proceedings should continue to be monitored, but these effects should be treated as part of follow-up impact assessment rather than as a condition for recognising implementation of the recommendation.

Findings:

Significant progress was made during the reporting period in implementing the Project's recommendation to narrow the subject-matter jurisdiction of the SPO and the Specialized Department. Following the establishment of a working group, amendments to the Law on the Special Prosecutor's Office were adopted in June 2024, together with parallel amendments to the Law on Courts. These amendments refined the category of public officials falling within specialized jurisdiction and adjusted the threshold for money-laundering offences, thereby creating a more targeted jurisdictional framework for specialized OCC institutions.

This reform initiative responds directly to the concern identified in the 2024 Public Report that specialized institutions should be able to concentrate limited resources on the most serious and complex OCC cases. By narrowing the jurisdictional scope, the amendments create the legal conditions for more focused case prioritization and workload management. The Government formed a working group to assess the scope of the SPO's jurisdiction.

As a result, the amendments to the Law on the Special Prosecutor's Office were adopted in June 2024, introducing targeted changes to narrowing down the SPO's jurisdiction (implementation milestone 5.i). Parallel amendments to the Law on Courts were adopted to reflect and operationalize the revised jurisdictional framework.

Accordingly, the SPO is responsible for dealing with cases involving "high-level public officials."[402] This category is defined by listing the positions qualifying as high ranking, which include for example: the President of Montenegro, members of the Government and Parliament, judges and prosecutors, directors and assistants in key state bodies and agencies and mayors.

With regard to money laundering, the Special State Prosecutor's Office (SPO) now has jurisdiction to prosecute only the aggravated forms of the offence. Specifically, the SPO handles cases in which the amount of money or the value of the assets exceeds €40,000, as well as cases in which the offence was committed by several persons acting in an organised manner.[403]

This legislative change serves to narrow the subject matter jurisdiction of the SPO and the Specialized Department.

[402] Article 3, paragraph 2, of the Law on the Special State Prosecutor's Office, available at: link (accessed 12 October 2026).
[403] Article 268, paragraphs 3 and 4, of the Criminal Procedure Code ("Official Gazette of Montenegro", Nos. 57/09, 49/10, 47/14, 2/15, 35/15, 28/18, 116/20, 145/21, 54/24, and 132/2026), available at: https://www.sluzbenilist.me/propisi/337218 (accessed on 12 October 2026)

Through stakeholder consultations, the Project confirmed that the legislative amendments have refocused the SPO's corruption-related caseload on high-level corruption cases. However, quantitative data confirming the scale of this reduction were not available at the time of publication.

While the amendments reduced the SPO's jurisdiction over less serious money-laundering offences, several practitioners considered that the new threshold may be too low to significantly alter the distribution of cases between the SPO and basic prosecutor's offices, noting that the SPO still predominantly prosecutes money-laundering cases. Consequently, the extent to which the legislative amendments will achieve their objective of concentrating SPO resources on the most serious and complex cases remains uncertain. Over the long term, expected outcomes would include better case prioritization, and more effective resource allocation, as recommended by the Project. To support the implementation of money-laundering related amendments, the SSPO recommended that all SPOs amend their organizational charts to create new positions for economic experts, recognising their pivotal role in financial investigations. Following the 2024 amendments to the Law on the SPO and the adoption of a binding instruction on conducting financial inquiries and investigations[404] in March 2025, several prosecutors' offices have already introduced these positions.

Recommendation 5 -in relation to its original formulation- can be assessed as institutionalized. Montenegro adopted the legal amendments envisaged by the recommendation and created a narrower jurisdictional framework for the SPO and the Specialized Department. This represents a significant step towards a more targeted use of specialized resources for the most serious and complex OCC cases. The practical impact of the amendments on workload, prioritization, and efficiency should continue to be monitored, particularly in relation to money-laundering cases and the distribution of cases between specialized and basic prosecution offices. However, this follow-up impact assessment should not prevent recognition that the recommendation, as originally formulated, has been implemented.

Evidence of whether the jurisdictional amendments have improved case prioritization, workload distribution, and the quality and timeliness of prosecution in complex OCC cases in the long term will need to be assessed through follow-up monitoring using appropriate indicators.

[404] See: Instructions for state prosecutor's offices on conducting preliminary financial inquiries and financial investigations https://tuzilastvo.me/wp-content/uploads/2025/03/Uputstvo_za_postupanje_drzavnih_tuzilastava_za_sprovodjenje_finansijskog_izvidjaja_odnosno_finansijske_istrage.pdf, (accessed 12.10.2026).

These should include the number of cases falling within the jurisdiction of the SPO before and after the amendments, disaggregated by offence type; the number of corruption cases transferred to, or no longer falling within, the SPO's jurisdiction as a result of the revised public official criteria; the number of money-laundering cases handled by theSPO and the basic prosecution offices following the introduction of the revised threshold; and the average caseload per prosecutor in the SPO before and after the amendments.

CAPACITY

6

Recommendation

Strengthen the operational conditions for effective prosecution and adjudication of OCC cases by ensuring adequate premises, courtroom availability, secure evidence storage and sufficient specialized judicial support for judges handling complex cases.

6.1. The Government should provide suitable premises for the SPO and the High Court in Podgorica.

6.2. Enhance court capacities by strengthening the skills of judicial advisers.

Implementation Stage:



Early implementation

Implementation Milestones:

6.i. Number of courtrooms available to the Specialized Department of the High Court.
6.ii. Size and adequacy of SPO premises.
6.iii. Number of specialized OCC training events organized for judicial advisers.
6.iv. Percentage of judicial advisers attending the specialized OCC trainings.

During the reporting period, Montenegro took steps to improve the operational conditions for institutions handling OCC cases. The refurbished government building that used to house the executive was formally handed over for use by the SPO and the Special Police Department. In addition, temporary courtroom arrangements were introduced for the High Court in Podgorica through the use of the courtrooms of the Appellate Court and the Supreme Court (implementation milestone 6.i). At the same time, the support provided by judicial-advisers in the Specialized Department increased compared with the previous reporting period. These developments indicate meaningful initial movement towards addressing long-standing operational constraints affecting complex OCC proceedings.

However, implementation cannot yet be considered fully operational, as key structural constraints remain unresolved. Even though the SPO has relocated to its new premises, the limited courtroom space has affected public access to hearings and, in some cases, prevented monitoring. The increased number of judges in the Specialized Department has also not been matched by sufficient support from judicial advisers. The next phase should therefore focus on establishing sustainable arrangements, including permanent premises, adequate courtroom space, secure evidence storage, and sufficient specialized judicial-adviser support.

Findings:

OCC proceedings place exceptional operational demands on the courts and the SPO, as they often involve multiple defendants, extensive evidentiary records, complex financial documentation, security considerations, and the need to ensure continuity of hearings. Adequately equipped courtrooms, working premises, evidence storage and judicial support are therefore not ancillary administrative issues – they should be seen as preconditions for timely, transparent, and effective handling of complex cases.

As outlined under Recommendation 4, the shortage of courtrooms at the High Court in Podgorica is having a significant impact on procedural efficiency. The limited availability of courtrooms appears to contribute to scheduling delays, extending well beyond the procedural deadlines stipulated in the Criminal Procedure Code. This results in avoidable cascading delays, postponements, and disruptions to hearings due to overlapping schedules. At the Specialized Department, space constraints have resulted in overcrowded offices, insufficient storage space (particularly for evidence), and inadequate working premises, directly hindering day-to-day operations.

To overcome this issue, the judges have resorted to holding hearings in their offices, which may affect the practical public character of hearings and restrict access for the public. The offices cannot accommodate everyone wishing to attend, occasionally preventing family members, the media, and the Project team from following the hearing. During the reporting period, the Project was unable to monitor five hearings due to the lack of space. In addition, in 2026, the Project monitored 30 hearings that were held in the judges' offices.

As already outlined, an ad hoc solution was found in early 2025, when the High Court in Podgorica was granted use of the courtrooms of the Appellate Court four days per week, and those of the Supreme Court of Montenegro one day per week. While these efforts demonstrate commendable adaptability by the judiciary, they remain temporary measures and do not remove the need for permanent improvements to the spatial capacities of the High Court in Podgorica. Plans for the construction of the so-called Palace of Justice have yet to be finalised, and responsibility for implementing the project lies with the executive branch.

In July 2026, the SPO moved to the renovated premises[405] which, according to publicly known information, provide advanced technical, security, and operational facilities (implementation milestone 6.ii.).

This represents an important step towards improving the infrastructural conditions and operational capacities of the institutions responsible for combating OCC (implementation milestone 6.ii). The SPO's relocation also has a broader positive impact on office space across the State Prosecution Service, as the premises it vacated can now be reallocated to meet the needs of the Supreme State Prosecutor's Office, the Higher State Prosecutor's Office in Podgorica and the Secretariat of the Prosecutorial Council.

In terms of human resources, the number of judges assigned to the Specialized Department has increased significantly since 2024. Nevertheless, the effective handling of complex cases continues to require the systematic and sustained assignment of judicial advisers.

Judicial advisers increase the operational capacity of the courts in the short term while serving as a recruitment and training pipeline for future judicial office holders in the long run. Judicial adviser support remains important for assisting judges with case preparation, research, and the drafting of judicial acts. According to publicly available documents, the number of judicial advisers assigned to the Specialized Department of the High Court increased in 2025 compared with the previous year.[406]

[405] See: Notice of the Relocation of the Special State Prosecutor's Office – Državno Tužilaštvo (accessed: 21 09. 2026).
[406] See: Godisnji raspored poslova za 2025. godinu.pdf; (accessed: 21 09. 2026).

The figures indicate that most judges in the Specialized Department of the High Court have been assigned a judicial adviser, which is an important development that contributes to a more balanced workload distribution and improved efficiency. The further increase in the number of judges in 2026, however was not accompanied by a corresponding increase in the number of judicial advisers, meaning that four out of 15 judges are adjudicating without assigned judicial advisers.[407] Recent discussions within the CEPEJ Working Group on Work-Life Balance for Judges have also identified workload and the attractiveness of judicial professions as broader challenges affecting judicial systems across Europe.[408]

Persistent recruitment challenges are compounded by the limited availability of experienced legal professionals within the Montenegrin justice sector, where retirements, resignations, and promotions continue to place pressure on the recruitment pipeline.

Given the complexity and evidentiary volume of the cases being tried, the absence of judicial adviser support may place additional demands on judges. The Project additionally learned through consultations with stakeholders that these positions continue to be perceived as insufficiently attractive, resulting in a limited number of applicants.

This not only limits the availability of support for judges in the short term, but also raises longer-term concerns about the judiciary's ability to attract and retain qualified legal professionals, particularly as younger professionals may increasingly favour more attractive career opportunities.

Targeted capacity-building aimed at judicial advisers has been undertaken to increase operational capacity and professional quality. In 2024, the Centre for Training in Judiciary and State Prosecution Service adopted a new comprehensive training programme developed in accordance with the Centre's Methodology for Practice-Based Adult Learning. The programme aims to enhance the skills of judicial advisers, with a particular focus on those working in the High Court and the SPO. The modules cover a wide range of topics spanning from the drafting of judicial and prosecutorial decisions, to the criminal offense of abuse of office, money laundering and asset confiscation. In 2024, within this programme 31 adviser participate at training Drafting and Reasoning of Criminal Decisions (implementation milestone 6.iii and 6.iv.). In 2025, no specialized training for judicial advisers was organized, nevertheless they participated in several regular training activities covering topics relevant to OCC adjudication. Further training is planned for late 2026.

[407] See: Godišnji rasporedposlova za 2026. godinu (accessed: 21 09. 2026).
[408] First meeting of the CEPEJ Working Group on work-life balance in the judiciary - European Commission for the Efficiency of Justice (CEPEJ) (21 September 2026).

However, during the reporting period judicial advisers participated in several regular training activities covering topics relevant to OCC adjudication. [409]

Institutional knowledge sharing mechanisms are particularly important for transferring expertise to judicial advisers as potential future judicial officeholders, thereby ensuring continuity, institutional memory and sustainability necessary to support the continuity of reform efforts over the long term.

The reporting period shows meaningful early implementation of Recommendation 6. Montenegro has taken concrete steps to address operational constraints, including the relocation of the SPO and Special Police Department to the reconstructed premises, temporary courtroom arrangements for the High Court in Podgorica, and an increased number of judges and judicial adviser support in the Specialized Department. Still, these measures have not yet produced a sustainable operational framework for complex OCC proceedings. The next phase should therefore focus on converting these initial measures into durable operational arrangements that support hearing continuity, practical public access, timely preparation of judicial acts and more effective handling of complex OCC cases.

7

Recommendation

Strengthen the consistency and evidentiary quality of prosecution and adjudication of money-laundering offences, particularly standalone money laundering.

7.1. The Supreme Court and SSPO should set up a working group to develop guidelines on investigating, prosecuting and adjudicating money-laundering offences.

7.2. The Centre for Training in Judiciary and State Prosecution Service, should develop a specialized programme for prosecutors involved in processing money-laundering cases.

[409] The advisers attended trainings including plea agreements, attended by two advisers from the prosecution service, international co-operation and mutual legal assistance in criminal matters, attended by six court advisers and one adviser from the prosecution service, cybercrime, electronic evidence and digital forensics, attended by one court adviser, three advisers from the prosecution service and one representative of the Financial Intelligence Unit, as well as forensic applications in criminal proceedings, attended by five court advisers.

Implementation Stage:



Early implementation

Implementation Milestones:

7.i. Improved quality of reasoning on money- laundering elements;
7.ii. Treatment of predicate-offence/origin requirements for money laundering charges.
7.iii. Percentage of indictments including charge for money laundering.
7.iv. A Working group for developing guidelines.
7.v. Comprehensive guidelines on investigating, prosecuting and adjudicating money laundering developed.
7.vi. Number of training events organized trainings on processing money laundering cases.
7.vii. Number of prosecutors and judges who attended the training events.

During the reporting period, Montenegrin institutions took concrete steps relevant to strengthening the prosecution and adjudication of money-laundering cases. The number of persons indicted by the SPO for money laundering increased in 2024 and 2025, specialized training sessions were delivered to judges and prosecutors, and the Supreme Court issued an important decision clarifying that judicial authorities are not required to establish the specific predicate offence where the unlawful origin of property is otherwise demonstrated. In two monitored organized crime cases, the High Court in Podgorica and the Appellate Court referred to this Supreme Court position, suggesting that this interpretative guidance is beginning to influence judicial reasoning.

Implementation however, cannot yet be considered fully operationalized, as consistent judicial practice in money-laundering cases cases will take time to be consolidated. Dedicated guidelines on the investigation, prosecution and adjudication of such offences are still lacking, divergent interpretations of evidentiary requirements persist, and monitored cases continue to show difficulties in proving awareness of the unlawful origin of assets and the laundering mechanism. The next phase should therefore focus on consolidating Supreme Court guidance into shared practice standards, strengthening case-based professional exchange, and monitoring whether money-laundering charges are supported by coherent financial evidence, legal reasoning and consistent application of international standards.

Findings:

The reporting period recorded modest progress in the adjudication of money-laundering cases, reflecting increased prosecutorial activity. Nevertheless, challenges such as interpretive inconsistencies in standalone money laundering highlight ongoing capacity and expertise gaps. On the prosecutorial side, the SPO reported that nine persons were charged with money laundering in 2024, and 17 in 2025, up from seven indicted for the same criminal offence in 2023.[410] These data should be read in conjunction with the statistics of other prosecutor's offices, which, following jurisdictional amendments, are now also responsible for prosecuting basic forms of money laundering (implementation milestone 7.iii.).

The Project monitored 14 cases involving money-laundering charges, of which one was a standalone money laundering case. Out of these 14 cases, three resulted in a first-instance conviction, while one resulted in in an acquittal at first-instance.[411] Trial monitoring findings drawn from the analysis of two acquittals—one first-instance and one final—indicated that certain elements of the money laundering offence, such as the defendants' knowledge and the money laundering mechanism itself, had not been established. (See Recommendation 9.)

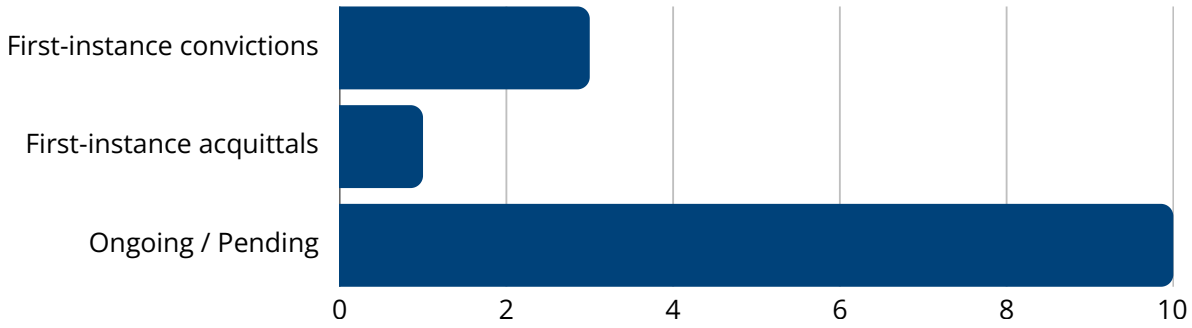


Figure 35: First-instance outcomes of monitored money-laundering cases (n=14)

[410] This includes 5 natural persons and two legal entities Izvjestaj-o-radu-2024-SDT.pdf (accessed 21. 09. 2026)
[411] During the same period, proceedings based on SPO indictments resulted in five first-instance judgements convicting nine persons of money laundering and one final judgement convicting two persons of the same offense. In addition, three final acquittals were rendered in respect of a total of 12 persons charged with money laundering.

Judicial interpretation of the offence has proven inconsistent in at least three cases, particularly in relation to relevant international standards. While judges referenced standards like the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005 Warsaw Convention)[412] in their reasoning, their interpretation of what constitutes money laundering appeared to be narrower than envisaged by the Convention and reflected in the case law of the European Courts of Human Rights (ECtHR).[413]

To gain a clearer understanding of the main challenges related to the prosecution and adjudication of money laundering, the Project conducted a targeted survey of prosecutors and judges involved in money-laundering cases in 2025. Of the 14 judges and 16 prosecutors who were contacted, only three judges and one prosecutor responded, thus limiting the survey's representativeness and reliability. Nonetheless, the insight offered by the respondents suggests different interpretations of the legal and evidentiary requirements of this criminal offense. This was particularly evident in relation to the prosecution and adjudication of standalone money laundering, with judges and prosecutors differing in their interpretation of the element requiring that the property originates from criminal activity per Article 268 CC. Some considered that, in order to prove this element, it is sufficient to demonstrate that the property did not originate from the person's legal income, while others argued that the criminal activity (i.e., the predicate criminal offence) must be proved as well. The survey should be regarded as providing illustrative stakeholder insights rather than evidence of sector-wide perceptions. Nevertheless, the responses underscore a significant conceptual divide with widely different implications.

Survey responses, though limited, nevertheless highlighted several broader institutional challenges, including the complexity of financial investigations, inadequate human resources, limited prior experience, the absence of guidelines, and impediments to cross-border information sharing. Regarding the latter issue, a number of respondents placed significant emphasis on the importance of effective international legal assistance in cases pertaining to money laundering. They indicated that the process of obtaining such assistance can be time-consuming, which has the potential to result in an extended duration of the trial proceedings.

[412] CETS 198 - Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism and CETS 198 - Explanatory Report to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (accessed 21. 09. 2026)
[413] As an example, see: Zschüschen v. Belgium case (application 23572/07, available at Zschüschen v. Belgium (dec.). (accessed 21. 09. 2026)

To address these gaps, the Project previously recommended developing guidelines on investigating, prosecuting, and adjudicating money-laundering offences. A positive development in this regard was the Supreme Court's decision in one case[414] (not under monitoring), which addressed this interpretive conflict. Specifically, the Supreme Court held that the judicial authorities were under no obligation to determine the specific predicate criminal offence from which the money originated, as it is sufficient to establish that the money does not have a legal origin. Furthermore, the Supreme Court clarified that the notion of criminal activity can include misdemeanours as well (implementation milestone 7.i).

In two organized crime cases under monitoring, both the High Court in Podgorica and the Appellate Court referred to the aforementioned Supreme Court decision, explaining the main stages of money laundering and noting that it is sufficient to establish that the assets originated unlawfully, without a legitimate source, and that Article 268 of the CC defines criminal activity broadly to encompass all unlawful conduct related to money laundering.

While training remains an important component of capacity-building, the Project notes that its impact is increasingly difficult to assess in isolation.

All survey respondents – including judges and prosecutors – confirmed that they had received at least some specialized training on the issue of money laundering, either before or during their involvement in such cases. Nevertheless, the majority still cited insufficient expertise as one of the main challenges they face.

Capacity-building programmes – delivered by both domestic institutions and international actors – have been extensive.

The Project acknowledges the Centre for Training in Judiciary and State Prosecution Service's efforts to consistently integrate money-laundering topics into its Annual Continuous Training Programmes. Between 2024 and 2026, training activities addressed key aspects of money laundering, asset recovery, and standalone offences. In 2024, capacity-building activities reached judicial and prosecutorial advisers, judges, and prosecutors through targeted sessions. In 2025, a dedicated training on standalone money-laundering offences involved 17 participants, including judges, prosecutors, and representatives from the Agency for the Prevention of Corruption (ASK). In 2026, a session on money laundering

[414] Decision of the Supreme Court of Montenegro, Kzz 20/2024, issued on 24 February 2025, available at https://sudovi.me/vrhs/odluka/585290 (accessed 21 09. 2026) The decision in question was rendered following a request for the protection of legality submitted by the Supreme State Prosecutor's Office at the initiative of the Special State Prosecutor's Office.

brought together 21 participants, comprising judges, prosecutors, judicial adviser, ASK representatives, and officers from the Financial Intelligence Unit. (implementation milestones 7.vi and 7.vii).

While this multi-sectoral engagement and expanded outreach represent a positive step, its limited scale and unclear follow-up mechanisms highlight the need for a more systematic and outcome-oriented approach.

Particular attention should be paid to whether acquired competencies result in observable changes in professional behaviour, including improved legal reasoning, more consistent application of international standards related to standalone money laundering and more effective handling of complex cases.

This could be achieved through regular and critical needs assessment that reflect the actual needs of judicial officeholders and monitoring of how acquired knowledge translates into professional practice. It would also be important to include medium and long-term evaluation frameworks which would assess the long-term benefit of the learning initiatives. It is promising that this measure has already been foreseen by the Centre's Methodology for Practice-Based Adult Learning.

The aforementioned attempts by the judicial authorities to harmonize the interpretation of elements of money laundering, particularly with regard to standalone cases, represent modest progress compared to previous years. Nevertheless, the overall track record can be further improved, especially with regard to final convictions. The next phase should therefore focus on transforming emerging case law and training activities into shared practice standards, case-based professional exchange and more consistent evidentiary reasoning.

8

Recommendation

Consolidate the quality, consistency and substantiation of indictments in OCC cases

8.1. The SSPO should develop tools and disseminate practical drafting standards for complex OCC indictments including guidance on factual description, legal qualification, *mens rea*, organized-crime elements, blanket norms, financial evidence, money-laundering charges.
8.2. The Panel for the Control of Indictment should ensure that indictments that do not comply with the necessary legal requirements are not confirmed.
8.3. The Centre for Training in Judiciary and State Prosecution Service should deploy a programme of practice-oriented training and peer exchange for prosecutors and advisers on legal reasoning, indictment structure, evidentiary substantiation and drafting of complex OCC charges.
8.4. The Prosecutorial Council should revise the performance indicator relating to the quality of written decisions in the performance management systems for prosecutors in order to create additional incentives for high-quality indictments.

Implementation Stage:



Early implementation

Implementation Milestones:

8.i. Quality of indictments in monitored cases.
8.ii. Working group for developing guidelines formed by mid-2025.
8.iii. Guidelines adopted and available to prosecutors by the end of 2026.
8.iv. Number of verdicts revealing deficiencies of indictments.
8.v. Workshop organized for drafting indictments in OCC cases.
8.vii. Meetings of the working group organized to develop by-laws.
8.vi. The by-laws for implementation of criteria developed by the end of 2025.

During the reporting period, the Project observed early signs of improvement in the quality and clarity of indictments reviewed after June 2024, particularly in the alignment between factual descriptions and legal qualifications in several complex OCC cases. The Supreme State Prosecutor's Office (SSPO) also introduced two practical tools aimed at supporting consistency in prosecutorial drafting: a repository of well-drafted indictments and research teams composed of prosecutors and advisers working jointly on complex cases. In addition, performance-evaluation criteria have been amended to include the quality of indictments and other prosecutorial acts, while legal-reasoning workshops were implemented in 2026. These developments indicate that institutions have begun moving from recognition of indictment-quality concerns towards practical support tools and initial implementation measures.

Despite ongoing progress, implementation cannot yet be assessed as institutionalized because improvements are not yet fully embedded as sustained practice. The next phase should therefore focus on consolidating these early tools into a systematic quality-control and institutional-learning framework for complex OCC indictments.

Findings:

Following the publication of the 2024 Public Report, which recommended improving the quality of indictments,[415] the Project has observed improvements in the accuracy of charges and the clarity of indictments filed. The Project reviewed six indictments and three bills of indictment filed by the SPO after June 2024 with charges relating (among others) to standalone money laundering, the creation of a criminal organization, abuse of office and illegal interceding.[416]

In six out of nine reviewed acts, the Project observed improvement in the quality of drafting as regards formulating serious and complex charges. With respect to the most important element of an indictment — the factual description and corresponding legal qualification — each act's factual description adequately reflects and describes the elements of the offences, and the legal qualification is consistent with the facts described. Overall, the charges

[415] Public Report for publication ENG p. 120 (accessed 21. 09. 2026)

[416] From 2021 to 2024, the Project reviewed 64 indictments, which were assessed in the 2024 Public Report. During the current reporting period, the Project reviewed an additional 9 indictments, including three bills of indictment. This brings the total number of reviewed indictments to 73.

accurately reflect the facts alleged against the defendants and the legal qualifications proposed by the prosecution. In the other three acts, the Project observed some shortcomings in the elaboration of the factual description relating to the elements of the crime of abuse of office and organized crime.

While a sample of nine acts may be limited (as the SPO issued at least 56 indictments throughout the reporting period), it can provide preliminary evidence of tangible progress. These early signs of improvement will need prolonged institutional efforts in order to become sustainable (implementation milestone 8.i.).

Improving the quality of indictments has been identified as one of the key priorities of the Supreme State Prosecutor's Office, pursued through interconnected regulatory, organizational and professional measures.[417] In terms of specific tools for improving the quality and consistency of indictments, the SSPO introduced two measures designed to promote greater consistency and quality in prosecutorial drafting. The first is a repository of well-drafted indictments, enabling prosecutors to consult previous drafting practices for similar offences and draw on established good practice. The second measure involves the creation of research teams comprising two to three prosecutors and advisers who work jointly on the same case. This approach has multiple benefits, including improving the quality of prosecutorial acts, ensuring continuity of courtroom representation, and enhancing peer learning. At the same time, the development of specific guidelines covering legal reasoning and evidentiary thresholds — a necessary tool for consolidating new practices — has not been recognized as a priority (implementation milestone 8.iii).

The performance evaluation criteria have been amended to include an assessment of the quality of indictments and other prosecutorial acts (see Recommendation 12; implementation milestone 8.vii). In addition, it was announced during stakeholder consultations that a case complexity system, including clear criteria for assessing case complexity such as the number of criminal offences, suspects or the extent of international co-operation, is planned to be embedded within the evaluation criteria.

In one case under monitoring, the indictment control panel returned the indictment for supplementation, identifying deficiencies in its factual

[417] In this context, the Supreme State Prosecutor's Office conducted a capacity-building needs assessment in 2025 and 2026.

description. While this represents an instance of substantive scrutiny, the limited sample does not allow conclusions regarding the broader sample. Of the 43 verdicts reviewed, the court pointed out deficiencies in threat least six, including inaccurate legal qualifications, a lack of the required blanket norms, and descriptions of facts copied from the law without specific details regarding concrete actions. The new amendments to the Criminal Procedure Code allow the court to decide on an indictment without scheduling a hearing for its review, based solely on the written submissions of the defendants. However, in complex cases, the court may schedule a hearing for the review of the indictment ex officio.[418]

Beyond structural tools aimed at enhancing quality control, sustained standardization in indictment drafting depends on strengthening individual skills and legal reasoning capacities. The Centre for Training of Judiciary and State Prosecution Service has developed a systemic approach to assessing training needs and evaluating the impact and quality of training delivered. In its plan for 2026, workshops on legal reasoning have been included for the first time since 2021, encompassing both indictments and judicial acts (implementation milestone 8.v).

For sustained reform momentum, the institutions will also need to demonstrate that these measures have become embedded in routine practice and contribute to institutional learning. This requires progress on the outstanding implementation indicators, particularly the development of indictment-drafting guidelines. Over time, the strongest evidence of reform absorption would be a measurable reduction in recurring indictment-related deficiencies and in acquittals or rejected charges linked to insufficient evidence, weak factual description, or unclear legal qualification.

Overall, the findings from the reporting period point to emerging, but not yet systematic improvement in the consistency and quality of indictments in OCC cases. Six out of the nine reviewed indictments reviewed by the Project demonstrated adequate alignment between factual descriptions and legal qualifications. At the same time, consultations with judges and other legal professionals continued to raise concerns regarding the format and excessive length of indictments, which often extend to several hundred pages. Separately, the SSPO's repository of well drafted indictments and its research team model constitute potentially valuable mechanisms for peer learning and institutional

[418] Proposal of the Amendments to the Criminal Procedure Code, available at 4334-25408-23-1-26-20.pdf (accessed 21. 09. 2026).

continuity, although their contribution to the observed improvement cannot yet be established. Project consultations with judges and other professionals other than prosecutors, including at the Local Discussion Forums held in 2025 and 2026 challenge the format and length of indictments, often exceeding several hundreds of pages.

These developments, however have not yet been consolidated into a systematic quality-control framework. The next phase should therefore focus on embedding emerging good practices into routine prosecutorial workflows through drafting standards, structured review of court feedback, outcome-based institutional learning, and practice-oriented legal reasoning support.

To this end, the SSPO should formalize and monitor the use of its repository of well-drafted indictments and the research-team model, ensuring that these mechanisms effectively support peer learning, continuity of case representation, and greater consistency in drafting practices, while fully respecting prosecutorial autonomy.

9

Recommendation

Strengthen the clarity, structure and reviewability of judicial reasoning in OCC cases.

9.1. The Supreme Court should create a working group to develop guidelines on the quality of verdicts and other judicial decisions, particularly detention-related or alternative measures.

9.2. The Judicial Council should revise the performance indicator relating to the quality of judicial decisions in performance management for judges, integrating the new guidelines into the evaluation process.

9.3. The Centre for Training in Judiciary and State Prosecution Service should deploy a programme of effective training on legal writing for judges. Particular attention should be paid to the form and reasoning of verdicts.

Implementation Stage:



Early implementation

Implementation Milestones:

9.i. Percentage of reviewed verdicts identifying legal elements, individualized reasoning per defendant, evidentiary assessment, and reasoning on confiscation/sanctions.
9.ii. A Working Group for drafting guidelines is formed.
9.iii. Guidelines adopted.
9.iv. Meetings of the working group organized to develop by-laws.
9.v. The by-laws for implementation of criteria developed by the end of 2025.
9.vi. Workshop organized for drafting verdicts/decisions in OCC cases.

During the reporting period, Montenegrin judicial institutions took several concrete steps towards strengthening judicial reasoning in OCC cases. The Supreme Court's sentencing guidelines provide a structured framework for reasoning on the imposition of criminal sanctions, including the need for objective, transparent, and verifiable reasoning. The Rules on the Evaluation of Judges and Presidents of Courts adopted in April 2025 also recognize and further define expectations regarding the quality of reasoning in judicial decisions, while the Centre for Training in Judiciary and State Prosecution Service delivered and planned training sessions on judicial reasoning, legal writing, and ECtHR standards. In addition, several Supreme Court decisions issued in protection-of-legality proceedings provide important interpretative material on reasoning related to *mens rea*, seizure of assets and legality of evidence.

Implementation cannot yet be considered fully operational, as the implementation of the guidelines have not yet been systematically observed in practice, while shortcomings in judicial reasoning continue to be observed in monitored OCC cases. The next phase should therefore focus on translating existing Supreme Court guidelines, evaluation criteria, and ensuring that training supports into consistent judicial practice. Particular attention should be given to strengthening the structure

and clarity of judgements, ensuring individualized reasoning and robust evidentiary assessment, improving the articulation of *mens rea* and confiscation-related findings, and enhancing compliance with the requirements of Articles 5 and 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)[1].

Findings:

Effective adjudication of serious OCC cases requires clear reasoning, including the consistent translation of the elements of criminal offences and an adequate evidentiary assessment that addresses contradictory evidence, all of which should be reflected in a structured, reviewable merits analysis. In particular, reasoned verdicts that clearly link the evidence, the legal elements of the offence, and the reasoning underpinning confiscation decisions are essential for appellate review, legal certainty, fairness, and public confidence in the adjudication of OCC cases.

Trial Monitoring Findings

The Project considered the quality of judicial decisions, particularly the reasoning behind verdicts and decisions on detention and alternative measures. It also analysed trends in judicial reasoning, focusing on the elements of criminal offences, evidence assessment, damages, overall structure, and legal argumentation.

During the reporting period, 22 monitored cases received a first-instance verdict, whereas 13 cases received a second-instance decision, out of which ten cases received first- and second-instance decision. In addition, eight cases received first-instance verdict and seven cases received second-instance decisions following retrial proceedings. Therefore, a total of 51 judicial decisions were issued in the regular procedure and retrial proceedings in the monitored cases. Specifically, the Project had access to and reviewed 43 judicial decisions, comprising 13 first-instance verdicts,[419] 13 second-instance decisions, and 13 verdicts issued following retrial. Additionally, the Project reviewed four decisions of the Supreme Court rendered in protection of legality proceedings. The Project also identified at least 17 judicial acts that contained shortcomings in their reasoning. This finding is consistent with the findings of the 2024 Public Report.[420]

[419] It is important to add that in two further cases, first-instance verdicts were issued, but the Project was unable to review them due to the policy of some judges not to share verdicts with the Project before a final decision is taken and the case is concluded. In addition, in a further eight cases, the issuance of a written verdict is still pending,

[420] Public Report_for publication_ENG p. 122-123. (accessed 21. 09. 2026).

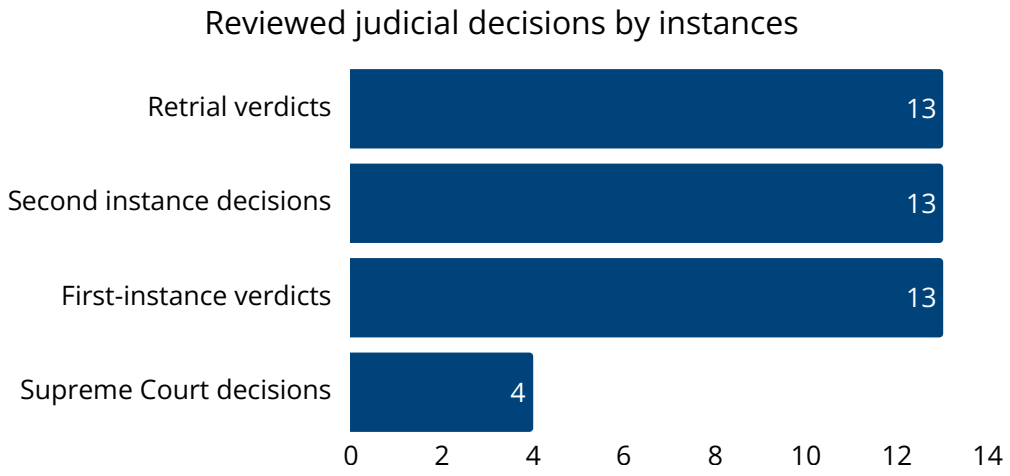


Figure 36: Breakdown of judicial decisions reviewed during the reporting period (n=43)

While the Project recognizes the complexity of these cases, including the large volume of evidence and the number of defendants, the structure and language of the verdicts are generally formal and bureaucratic, and the judgements tend to be lengthy. They also contain repetitive paragraphs and transcriptions of entire statements, which sometimes makes it difficult to distinguish clearly between the prosecution's claims, the examined evidence, and the judicial reasoning.

As an Opinion of the Consultative Council of European Judges (CCJE) points out, "the language used by the courts in their procedures and decisions is not only a powerful tool available to them to fulfil their educational role, but it is obviously, and more directly, the 'law in practice' for the specific litigants of the case. Accessibility, simplicity and clarity of the language of courts are therefore desirable."[421]

In terms of substance, the Project identified shortcomings at different stages of judicial reasoning, ranging from the assessment of the elements of the criminal offence to sanctioning. These shortcomings could be grouped into three categories: a) the reasoning of the elements of the criminal offence, including the factual and mental elements; b) the understanding of the offence of money laundering; and c) the interpretation of aggravating and mitigating circumstances.

[421] CCJE Opinion No. 7 (2005), para. 56, available at: https://rm.coe.int/1680747698, and CCJE Opinion No. 11 (2008), paras. 34–35, available at: Opinion n°11 on the quality of judicial decisions - Consultative Council of European Judges (accessed 21. 09. 2026).

a) The Project found that seven verdicts lacked a clear articulation of factual elements of the criminal offence, creating uncertainty as to the conduct found to constitute the offence. In addition, nine verdicts lacked articulation of existence or absence of the mental element (*mens rea*). Of these, seven verdicts were related to corruption offences such as Abuse of Office from Article 416 CC or Abuse of Official Duties from Article 272 CC. This is particularly important given that such criminal offences cannot be committed through negligence. In some of the analyzed verdicts, the court did not demonstrate how it established that a criminal offence was committed with direct intent, whereas in others, it did not adequately explain why direct intent had not been established despite the circumstantial evidence before it. In line with the Criminal Code provisions and United Nations Convention Against Corruption (UNCAC)), the courts should clearly and unambiguously demonstrate how direct intent was established.[422]

b)As for money laundering, in three first-instance and one second-instance verdict, the Project assessed the reasoning as inadequate due to a lack of an elaborate interpretation of the domestic law and applicable international standards. However, in another first-instance verdict, the court made an effort to address relevant international standards.

c)Lastly, regarding the interpretation of aggravating and mitigating circumstances, the Project identified gaps in at least five verdicts where the court did not individualize these circumstances and/or prove their impact on the established criminal sanction. Given that the sanctioning policy is addressed separately, this issue is elaborated further under Recommendation 11.

The Project did not identify any issues in the second-instance decisions reviewed during this reporting period, nor in the four Supreme Court decisions concerning requests for the protection of legality. The Supreme Court decisions are of particular importance as they

[422] Article 19 of the UNCAC, available at: UNITED NATIONS CONVENTION AGAINST CORRUPTION (accessed: 21.09. 2026).

addressed the quality of reasoning in both first- and second-instance verdicts. Two of these decisions highlighted flaws in the way the first-instance and second-instance verdicts reasoned the existence of the mental element. The other two verdicts of the Supreme Court pertained to the lower courts' reasoning in decisions on the seizure of assets and the legality of evidence respectively.

Notably, all four analysed decisions on protection of legality, issued in four different cases, ascertained that the law had been breached in favour of the defendants and therefore could not produce any effect other than declaring the violation of the law, as prescribed in Article 443 para. 2 CPC. Since these decisions do not serve as a sub-criterion in the evaluation of judges' work either, their effects remain limited where the breach of law benefits the defendants. However, the legal positions the Supreme Court adopted in these decisions are consistent with the Project's recommendation on the quality of reasoning and could contribute to unification of practice, serving as a guiding interpretation of certain legal phenomena for future cases.

Overall, from the perspective of trial monitoring findings, a certain degree of progress has been made compared to the previous reporting period, when the Project identified flaws in the reasoning of at least seven verdicts, including shortcomings relating to the element of *mens rea* in four of these cases (implementation milestone 9.i.).

The Project reviewed 40 judicial decisions on ordering, extending, amending, or terminating detention and related measures in 16 monitored cases concerning 21 defendants. As some decisions concerned more than one defendant, the Project assessed the reasoning relating to each defendant individually. In 24 individual assessments, the courts relied on the risk of flight (Article 175 (1) CC) as the principal ground for detention.

Although no substantive concerns were identified in 23 individual assessments relating to the reasoning of the decisions, the review identified challenges in 13 examples of detention extension and/or replacement with alternative measures.

In these examples, the asserted risk flight was not directly linked to the defendant's individual circumstances. Instead, the assessment frequently relied on general considerations, including the reference to the gravity of the offence and the severity of the prescribed sentence. In addition, in cases of successive extension of detention, the decisions did not always explain whether, and how, the relevant circumstances had changed over time. This is particularly significant given that most defendants in the analysed cases

had spent more than two years in detention, approaching the statutory three-year maximum following the confirmation of the indictment.

The review also identified some well-reasoned decisions, terminating or replacing detention with different measures, that were reasoned with adequate attention to concrete circumstances of the case and proper reference to the ECtHR practice. Although the analysed sample is limited, it indicates that alternative measures continued to be applied relatively rarely. This finding is consistent with the concerns raised by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) delegation preliminary observations on the limited use of alternative measures and detention that "appeared to be the norm".[423] Overall, the analysis indicates recurring shortcomings in the individualized assessment of detention measure.

Policy Measures Adopted in the Reporting Period

Several institutional steps have been taken to implement the recommendation on judicial reasoning. For example, the Supreme Court's a set of sanctioning guidelines,[424] developed in line with the Project's recommendation nr 11, partially addressed the matter of judicial reasoning (implementation milestone 9.iii).

Specifically, each of the guidelines incorporates a step-by-step approach to deciding on criminal sanctions. One of these steps involves objective and transparent reasoning. The guidelines clearly state that quality judicial reasoning should: systematically present the decision-making process for each criminal offence, explain the relevant application of all legal provisions and criteria for sentencing, provide a comprehensive and verifiable overview of the legal and factual actions taken, and ensure that the reasoning is clear, concise, and as simple as possible to understand. The Guidelines also address the assessment of mitigating and aggravating circumstances and the reasoning supporting sentencing decisions, aspects examined in particular under Recommendation 11. Of particular importance, the Guidelines on corruption offences include practical examples of reasoned convictions and acquittals, potentially helping to address the challenges identified during this reporting period. In this regard, the Supreme Court has provided a sufficient guiding framework for well-reasoned verdicts in OCC cases.

The Project noted that positive steps have been taken at the institutional level regarding improvements to the

[423] Preliminary observations made by the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) which visited Montenegro from 19 to 27 November 2025 and Response of the authorities of Montenegro, 25 February link: 2026 48802ae3ef (accessed: 21 09. 2026).

[424] See: 1. Smjernice za izricanje krivicnih sankcija u predmetima teskog i organizovanog kriminala (2).pdf; 2. Smjernice za izricanje kazni za cl.300 KZ CG (3).pdf, and 3.Smjernice za izricanje kazni u predmetima korupcije na visokom nivou i predmetima sa elementima korupcije.pdf. (accessed: 21 09. 2026).

evaluation system for judges. Specifically, the Rules on Evaluation of Judges and Presidents of Courts, adopted in April 2025, recognize and clarify the notion of the quality of reasoning in judicial decisions. The Rules underscore the importance of "identifying facts and evidence that are important for deciding a specific dispute, clearly and concisely presenting factual and legal issues, taking clear positions on issues that are important for the subject of the dispute, using clear and understandable language in the decision, which is understandable to the parties to the proceedings, and expressing it concisely without unnecessary repetition."[425] These instructions align with the Project's recommendations (see Recommendation 12).

Capacity Building

Throughout the reporting period, the Centre for Training in the Judiciary and the State Prosecution Service (Centre) delivered three trainings on judicial reasoning attended by 52 judicial advisers, prosecutors and judges. A further 18 participants completed the Council of Europe's e-learning platform (HELP programme) online course on the right to a reasoned decision. Additional training on judicial reasoning in relation to Article 5 and ECHR are planned for 2026.

The reporting period shows early implementation of efforts to strengthen judicial reasoning in OCC cases. The Supreme Court's sentencing guidelines, protection-of-legality decisions, revised evaluation rules, and training activities provide a stronger institutional basis for clearer and more structured reasoning. At the same time, monitored judicial acts continue to feature overly formalistic structure, extensive repetition, insufficiently clear links between evidence and legal conclusions, and uneven reasoning on key issues such as mens rea, confiscation-related findings, and detention-related measures. The next phase should therefore focus on ensuring that existing Supreme Court guidance, evaluation criteria, and capacity-building initiatives translate into more consistent judicial practice, with particular attention to developing clearer and more concise structure, individualized reasoning, evidentiary assessment, and consistently applying the standards of Article 5 and Article 6 of the ECHR.

[425] Article 11, para. 2 of the Rules on Evaluation of Judges and Presidents of Courts, Official Gazette of Montenegro no. 028/15, 42/18, and 60/24, available at https://www.sluzbenilist.me/propisi/381714. (accessed: 21 09. 2026).

10

Recommendation

Ensure that, where used, PBAs in OCC cases operate as a proportionate, well-reasoned and efficiency-enhancing case-resolution tool.

10.1 . Judges and prosecutors should adhere to the guidelines issued by the Supreme Court and the SSPO on the use of PBAs.

10.2. The Ministry of Justice should consider the adoption of a procedural instrument that would facilitate co-operation between prosecutors and defendants or convicted persons.

Implementation Stage:



Early Implementation

Implementation Milestones:

10.i. Number of monitored OCC cases in which PBA negotiations were initiated, concluded, rejected or discontinued, disaggregated by offence type, number of defendants and procedural stage.
10.ii. Number and percentage of proposed PBAs in monitored OCC cases assessed against the 2024 Guidelines by prosecutors and courts, including recorded reasons for acceptance or rejection.
10.iii. Number of PBAs not in accordance with the Guidelines.
10.iv. Discussion on usefulness and feasibility of such instrument.

During the reporting period, the adoption and application of the 2024 Guidelines on PBAs produced a clear shift in negotiated-justice practice in OCC cases. In contrast to the previous reporting period, when PBAs were widely used in monitored OCC cases and raised concerns regarding lenient sanctions, limited reasoning and insufficient confiscation, no PBAs were concluded in monitored cases after the adoption of the Guidelines.

Trial monitoring indicates that at least two attempted agreements were rejected by the prosecution because the proposed sanctions were considered inadequate (implementation milestone 10.i). This may suggest that the Guidelines have contributed to stricter scrutiny and a more cautious approach to negotiated justice in OCC cases.

Implementation, however, is not yet fully operational, as the new approach has not developed into sustained practice. While the absence of PBAs may correct earlier overuse, it also raises uncertainty about their continued use as a proportionate and efficiency-enhancing tool in appropriate OCC cases. Trial monitoring indicates that PBA negotiations may still cause delays when trials are postponed. The current framework also appears to lack effective procedural tools for securing meaningful, rights-compliant co-operation from defendants or convicted persons. The next phase should therefore focus on monitoring the Guidelines' practical effects, preventing negotiation-related delays, clarifying legal uncertainty, and assessing whether additional tools are needed to facilitate co-operation in complex OCC proceedings.

Findings:

The adoption of the 2024 Guidelines on Plea Bargaining Agreements by the Supreme Court and the SSPO, resulted in a fundamental reduction in PBA use.[426] While this suggests increased caution and stricter scrutiny of proposed PBAs, it remains unclear whether the new approach has improved the efficiency and effectiveness of case resolution. Trial monitoring identified at least two attempts to conclude PBAs that were rejected by the prosecution because the sanctions proposed by the defence were considered inadequate.

This development stands in sharp contrast to the period before the adoption of the Guidelines in January 2024, when the use of PBAs in OCC cases was widespread – 73 concluded across 12 monitored OCC cases (implementation milestone 10.i and 10.ii). As reported earlier by the Project, the previous PBA practice was characterized by minimal reasoning in verdicts and a lenient sentencing practice that frequently fell below statutory minimums, thereby undermining the deterrent function of criminal sanctions (see Deep-Dive analysis on page 321 for a comprehensive assessment).

[426] Trial monitoring indicates that no plea agreements were concluded in the monitored cases following the adoption of the Guidelines. However, consultations confirmed that the SPO concluded plea agreements in two organised crime cases after their adoption, one of which was approved by the court and the other rejected.

Consultations with stakeholders suggest that the current situation is the result of legal uncertainty surrounding the status and content of guidelines and policy instructions aimed at increasing sentencing severity. Taken together, these factors appear to have discouraged the use of PBAs by introducing stricter conditions. For this reason, judicial stakeholders have reported that amendments to the Guidelines are already being considered to improve their practical application.

The shift from earlier practices characterized by lenient sanctions and limited reasoning may be understood as a corrective development. While PBAs can still be a useful option in OCC cases, achieving the right balance between ensuring proportionate sanctions and preserving the incentives for negotiated resolutions remains challenging. Trial monitoring findings indicate that the negotiation process can contribute to procedural delays, as mentioned under Recommendation 4. For example, in one monitored case, the main trial has yet to commence due to ongoing PBA negotiations, even though the indictment was confirmed in early 2022.

As already outlined, CPC Article 300 para 3 provides that parties cannot enter into PBAs after the conclusion of the first main trial hearing. The Project notes that this problem also featured in previous practice, when trials were delayed for months even in the absence of any apparent progress in the negotiations.

The Project therefore notes that, despite their adoption, the Guidelines have not effectively prevented procedural delays arising from prolonged stagnation in the early stages of proceedings, particularly due to delays in the commencement of trials (related to implementation milestone 10.iv). The recent amendments to the Article 300 para. 2 CPC however, specifying that the PBA shall only be submitted once, might, to some extent resolve the issue. Even in the cases where the trials were not prolonged by lengthy PBA-negotiations, trial monitoring findings suggest that the accepted PBAs did not contribute to more efficient adjudication in regular proceedings. To illustrate, six cases involving several confirmed PBAs had not yet reached a final and binding verdict at the time of writing. In addition, in one organized crime case in which the majority of the defendants plead guilty, the first-instance trial lasted for 89 months from confirmation of indictment, or 38 months from the first productive hearing.

On a related note, trial monitoring data suggest that the current framework does not enable prosecutors to secure meaningful and rights-compliant co-operation from defendants as part of PBA negotiations (implementation milestone 10.iv.). In particular, the evidentiary value of PBAs remains limited: courts generally exclude them from use against co-defendants, and testimony from convicted defendants is often sparse, vague, or contradictory to the facts established in a PBA-based verdict.

ECtHR standards, domestic regulations and established practice[427] stipulate that a PBA cannot be used as evidence against the co-defendants who did not plead guilty. Nevertheless, in a small number of indictments reviewed by the Project, the prosecution proposed that the confirmed PBAs be read in court during the main trial phase, which may indicate that the prosecution requires different instruments that would help support the case while safeguarding the defendants' rights. However, this represents an exception rather than a rule, and the defendants convicted through PBAs are usually asked by the prosecutor to testify in court.

Against this background, the trial monitoring observations reveal that the contribution of PBAs to the overall success of the prosecution in complex OCC cases remains limited. During consultations with the Project, prosecutors confirmed that they lack adequate procedural tools to encourage co-operation, including mechanism containing a co-operation clause to incentivise testimonies and enhance the evidentiary value of such co-operation.[428]

In this context, the second sub-recommendation remains unaddressed: no legislative initiative has been proposed to introduce a procedural tool enabling structured co-operation in exchange for testimony (implementation milestone 10.iv.). Without such mechanisms, PBAs are unlikely to serve as a reliable tool for prosecuting complex OCC cases in their current form.

The Project welcomes the SPO's more stringent approach to the use of plea agreements in serious OCC cases, particularly with regard to the proportionality of sanctions, the purposes of punishment and the protection of the public interest. The Project will continue to monitor these issues and provide further analysis to support efforts to improve the effectiveness of PBAs and the use of evidence derived from the testimony of defendants or convicted persons.

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Deep-Dive Analyses:
Deep Dive on Negotiated Justice: Analysis and Root Cause Assessment[429]

This Deep Dive provides the foundational, evidence-based assessment of prior practices in negotiated justice that necessitated the policy reforms outlined in Recommendation 10. As explained in the methodology, the Project examined specific topics of particular importance to the handling of OCC cases as part of its trial monitoring activities.

[427] Supreme Court of Montenegro's Legal Position in abstracto, Su.VI no. 64/17, available at: 5625.pdf
[428] In this connection it is worth mentioning that another institute, the Co-operative Witness (Collaborator of Justice) can be used only in limited cases as it provides immunity from criminal prosecution, and because the defendants are not always eager to testify in cases of organized crime. Therefore, such legal framework does not allow enough leeway to the prosecution.
[429] In-depth research of a legal phenomenon within the local setting and practice, a focused and insightful examination of institutional functioning aimed at identifying concrete structural problems in processing OCC cases and their root causes, providing concrete, actionable insights, reflecting the period June 2021–September 2025.

This analysis focuses on the use of PBAs in OCC cases, specifically examining the systemic problems – including widespread sentencing lenience and inadequate judicial reasoning – that undermined the deterrent effect this justice instruments prior to the adoption of the 2024 Guidelines.

For the purpose of this report, the term "negotiated justice" refers to a process where legal outcomes, particularly in criminal cases, are determined through negotiation and agreement between the parties involved, rather than solely through a formal trial.[430] PBAs are the most commonly used tool of negotiated justice in the Western Balkans.[431] The Project has analysed PBAs since the outset of its trial monitoring activities, recognising their importance in the processing of OCC cases.

In Montenegro, PBAs are regulated under Articles 300 to 303 of the CPC.[432] These provisions provide an adequate legal framework, consistent with fair trial standards and international practice. Additionally, in January 2024, the Supreme Court and the SSPO issued Guidelines on PBAs[433] to guide prosecutors in negotiating and concluding agreements, and to assist judges in assessing them. Assessment:

Against this background, the present assessment examined whether and to what extent PBAs have been used in an effective manner in OCC cases. Consistent with the Project methodology, the assessment focused on the following issues:

- Efficiency: the extent to which PBAs contributed to reducing the OCC caseload, measured by the percentage of monitored cases concluded through PBAs;
- Capacity: the quality of judicial reasoning in the decisions approving PBAs;
- Adequateness of the sentence: whether agreed sanctions, including confiscation and compensation measures, fulfilled the general purpose of punishment under criminal law[434] and;
- Fairness: whether PBA proceedings complied with fair trial standards, including access to legal counsel, disclosure of evidence during negotiation, court's control of voluntariness in the negotiation, and the availability of legal remedies.

[430] See: https://ius.unibas.ch/fileadmin/user_upload/ius/09_Upload_Personenprofile/01_Professuren/Gless_Sabine/Gless_Zurkinden_Negociated_Justice.pdf, p. 119 (accessed 13 October 2026).
[431] With the exception of Albania, where, at least in OCC cases, abbreviated proceedings (a different negotiated justice process) are far more common than PBAs.
[432] CPC, 2023, Articles 300-303, Plea-bargaining Agreements, also available at: https://www.sluzbenilist.me/propisi/337218 (accessed 13. 10. 2026).
[433] See at: smjernice_za_primjenu_spk.pdf
[434] The Project used Systematic Content Analysis of Judicial Opinions as the methodological tool to assess the quality of reasoning and the adequateness of sentencing. Under this social research method, the researcher "collects a set of documents, such as judicial opinions on a particular subject, and systematically reads them, recording consistent features of each and drawing inferences about their use and meaning." (Systematic Content Analysis of Judicial Opinions by Mark A. Hall, Ronald F. Wright: SSRN).

Concerning efficiency, prior practice demonstrated widespread reliance on PBAs. Out of the 61 cases (involving 661 defendants) monitored by the Project until the end of 2024, PBAs were used in 12 cases (three related to corruption and nine involving organized crime), with a total of 73 defendants and two legal entities entering into such agreements. The PBAs were accepted by the judges in 11 out of 12 cases. The data suggest that PBAs were, at that time, widely used in OCC cases in Montenegro.

All these PBAs, however, were concluded before January 2024, that is, before the adoption of the Guidelines on PBA negotiations and confirmation. Since then, no PBA have been concluded in the cases monitored under the Project.

Based upon consultations with the key stakeholders, the Project understands that this marked change in practice may be attributable to uncertainty with regard to the applicability and legal status of the Guidelines, as well as questions concerning their consistency with the existing legal framework. This uncertainty, combined with instructions favouring more severe sanctions, appears to have significantly reduced the use of PBAs in OCC cases.

Another possible reason for the current discontinuance of PBAs could be their limited impact on the overall length of proceedings. The main purpose of PBAs is to shorten the length of proceedings, thus saving resources and increasing efficiency.

However, the majority of PBA cases monitored by the Project formed part of larger proceedings involving between 20 and 30 defendants. While some defendants entered into PBAs, the proceedings continued for the remaining defendants. Based on monitored cases, the Project concluded that cases involving several PBAs were generally unlikely to conclude quicker. In fact, 11 out of 12 monitored cases involving PBAs were still at the first-instance trial phase in relation to the remaining defendants.

Regarding capacity, the analysis indicates that PBA-based verdicts were weakly reasoned in six of the seven cases reviewed. In these cases, the reasoning was assessed as formulaic, and not tailored to the specificities of the case or that of the individual defendant.

Typically, the court stated that the admission of guilt was supported by the evidence submitted by the prosecution together with the indictment, but failed to provide any assessment of the value of this evidence, as in many cases, the evidence in question was not listed. In some verdicts, the court even noted that it was not obliged to assess the evidence in the same manner as in standard proceedings. In the only case assessed as well-reasoned, the court rejected the proposed PBAs. In this instance, the court gave an adequate explanation of why it found the proposed sentence to be too lenient and thus inconsistent with the general purposes of punishment under the law.

With regard to the adequacy of sanctions, the systematic analysis of the PBA-based verdicts identified a consistent trend of leniency, which undermined the intended deterrence function of criminal justice. In fact, sentences below the minimum prescribed under the CC appeared to be the norm rather than the exception in the monitored OCC cases.

The court often appeared to rely heavily on the notion of "particularly mitigating" circumstances to justify leniency. By contrast, even when aggravating circumstances were acknowledged by the court, they did not result in more severe sanctions.

Specifically, the Project observed 73 PBAs in monitored cases and analysed 40 PBAs. Out of the 40 defendants who entered PBAs in those cases, 33 defendants received a sentence below the statutory minimum (usually between six and 18 months), two received the minimum, while for five, the punishment was below the medium range.

It is also important to note that this trend of low imprisonment sentences was not offset by more robust financial sanctions, such as fines, compensation for damage, or confiscation of assets. In 17 instances, no such punishment was issued; in 14 cases, the punishment was equal to, or less than €10,000. Confiscation was ordered in only three cases and generally involved confiscation of proceeds of crime or direct confiscation.

Regarding fairness, the Project did not identify any fair trial concerns pertaining to the defendants in the given instance while monitoring the hearings in PBAs cases. With regard to the issue of publicity of trials, however, it was observed that courts were less likely to publish hearings concerning the approval of PBAs on their websites than regular main trial hearings.

The reporting period shows positive signs to recalibrate PBA practice in OCC cases. During the reporting period, the SPO's reassessment of the use of plea agreements in OCC cases was noted as a positive development. The 2024 Guidelines issued by the Supreme Court and the Supreme State Prosecutor's Office appear to have prompted a significant shift away from earlier practices characterized by lenient sanctions, limited reasoning, and insufficient attention to confiscation or compensation.

At the same time, the new approach has not yet stabilized into a predictable framework for proportionate, well-reasoned and efficiency-enhancing negotiated justice. It will therefore be crucial to focus on monitoring the practical effects of the Guidelines, preventing PBA negotiations from delaying trial commencement, clarifying the remaining legal uncertainties and assessing whether additional rights-compliant procedural tools are needed to structure meaningful co-operation in complex OCC cases.

11

Recommendation

Consolidate a more consistent and proportionate sentencing practice in OCC cases, ensuring that sanctions are individually reasoned, reflect relevant aggravating and mitigating circumstances, and support the preventive and deterrent function of criminal justice.

11.1 The Supreme Court should pass guidelines on sentencing practices and the individualization of penalties.

11.2. State prosecutors should always propose the type and severity of penalty in the closing remarks and present the reasons that led them to determine that specific penalty in front of the court.

Implementation Stage:



Early implementation

Implementation Milestones:

11.i.Percentage of sentences on/below the statutory minimum.
11.ii. Percentage of sentences within the medium statutory range for OCC offences.
11.iii. The working group is established.
11.iv. Guidelines adopted.
11.v. Percentage of monitored OCC judgements with individualized and proportionate sentencing reasoning.
11.vi. Percentage of monitored cases in which prosecutors proposed the type and severity of the penalty.

During the reporting period, Montenegro achieved important progress toward strengthening sentencing practice in OCC cases. The Supreme Court adopted three sets of sentencing guidelines, including guidelines for serious and organized crime and for high-level corruption and corruption-related cases.[435] These guidelines provide a structured framework for the individualization of sanctions, the assessment of mitigating and aggravating circumstances, proportionality, and the reasoning underpinning criminal sanctions. The Project also observed an increase in prosecutorial sentencing proposals during closing remarks compared with the previous reporting period, when no such instances were identified.

Implementation however, cannot yet be considered fully operational, as the practical impact of the sentencing guidelines has not been consistently demonstrated in monitored OCC cases. Finalized convictions continued in several instances to result in sentences at or near the statutory minimum, without clear reasoning on the balance of mitigating and aggravating circumstances. Prosecutorial proposals on the type and severity of penalties also remained rare and inconsistent. Consolidation of reforms should focus on monitoring the application of sentencing guidelines, strengthening individualized reasoning on sanctions, and ensuring prosecutors consistently present reasoned sentencing proposals in closing remarks.

Findings:

During the reporting period, the Project continued to raise concerns regarding proportionality, individualization, and the repressive-preventive effect of sentencing, both in finalized cases and in those that received only first-instance verdicts. In ten cases finalized during the reporting period, six defendants were convicted, while 22 were either acquitted or had the charges against them rejected by the court. The issue is not whether courts should impose harsher sanctions in all OCC cases, but whether sentencing decisions clearly demonstrate why the sanction imposed is proportionate to the seriousness of the offence, the role of the defendant, the harm caused, and the purposes of punishment.

Finalized cases

Taking a closer look at the four finalized cases that led to convictions, defendants were sentenced to or close to the statutory minimum, and in the majority of cases the court did not explain the relevance of certain factors as mitigating to sentencing (implementation milestone 11.i).

[435] Ibid. Set of Guidelines for the Imposition of Criminal Sanctions
1. Smjernice za izricanje krivicnih sankcija u predmetima teskog i organizovanog kriminala (2).pdf;
2. Smjernice za izricanje kazni za cl.300 KZ CG (3).pdf, and
3.Smjernice za izricanje kazni u predmetima korupcije na visokom nivou i predmetima sa elementima korupcije.pdf.
(accessed: 21 09. 2026).”

In one high-level corruption case, the defendant was convicted of Abuse of Office, as per Article 416 para. 1 Criminal Code (CC) and sentenced to seven months in prison, which is close to the statutory minimum of six months.[436] The court considered aggravating circumstances, including the number of people the defendant obtained undue benefit for as well as the reputational harm caused to the judiciary. Mitigating circumstances included a clean criminal record and the defendant's family status.

In one finalized high-level organized crime case, the defendant was convicted of Unauthorized Practice of Economic, Banking, Stock-Exchange or Insurance Activity, as per Article 266 para. 2 CC, and received a three-month suspended sentence, corresponding to the statutory minimum.[437] The court justified the suspended sentence as per Article 54 CC, noting mitigating circumstances such as a clean record, marital and parental status, unemployment, financial hardship, and that the offence was committed to support the defendant's family. No aggravating circumstances were identified.

In another finalized high-level organized crime case, three defendants were convicted of membership in a criminal organization, as per Article 401a para. 2 CC, and sentenced to imprisonment of one year and six months, one year and five months, and one year and seven months, respectively.[438] In relation to two of the three defendants, the court considered their marital status and the fact that they had minor children as mitigating circumstances, without explaining the relevance of these factors. This reasoning also appears to place the third defendant in a less favourable position solely on the basis that he was unmarried. Additionally, the court treated one defendant's health condition as a mitigating circumstance. However, the court did not explain the significance of this circumstance, nor was any supporting evidence presented beyond the defendant's own statement. As an aggravating circumstance, the court cited the defendants' prior criminal history.

In another high-level organized crime case, the defendant was convicted of Membership in a Criminal Organization as per Article 401a, para. 2 CC, and Unauthorized Production, Possession and Distribution of Narcotic Drugs under Article 300, para. 1 CC.[439]

[436]The prescribed sentence for this criminal offence ranges from six months to five years of imprisonment.
[437] The prescribed sentence for this criminal offence ranges from three months to five years of imprisonment.
[438] The prescribed sentence for this criminal offence ranges from one to eight years of imprisonment.
[439] The prescribed sentence for the former criminal offence ranges from one to eight years of imprisonment, while the latter envisages a sentence of two to ten years.

The defendant was sentenced to three months' imprisonment for the first offence and six months' imprisonment for the second, with the court imposing a compound sentence of seven months' imprisonment, significantly below the statutory minimum prescribed for these offences. As mitigating circumstances, the court considered the fact that the defendant had lost her mother at an early age, was raised by her father, and had also lost a brother.

The court treated these circumstances as particularly mitigating within the meaning of Articles 45 and 46 of the CC. However, it failed to explain why these personal circumstances were considered relevant to sentencing or why they should be considered as particularly mitigating. No aggravating circumstances were identified.

First instance verdicts

Regarding first-instance proceedings, out of 20 first-instance verdicts, 65 defendants (including one legal entity) were convicted, and 54 defendants (including two legal entities) were either acquitted or had charges against them rejected by the court. The majority of sentences were imposed at or close to the statutory minimum with 25 defendants receiving sentences that fell within the medium or upper sentencing range[1](implementation milestone 11.ii.). In addition, the court imposed fines on 18 defendants pursuant to Article 33, paragraph 3, of the Criminal Code, totalling €415,000.

In parallel, in three cases under monitoring the first instance verdict ordered on the confiscation of material gain (per Articles 112-113 CC). In one case, the judge convicted the defendants and ordered them to pay an amount exceeding €2 million, representing the illicit property gained through the criminal offence.

Similarly, in another case, the court ordered three defendants to pay a total of €357,800 and two defendants to pay €547,000 jointly and severally, within three months of the finality of the judgement. In third high-level corruption case, the Court imposed confiscation of €400.00, the property gained through the commission of criminal offense.

In another medium-level organized crime case, one of the reasons why the Appellate Court returned the case for retrial was that the first-instance verdict did not contain a decision ordering the confiscation of the illicit gain acquired through the commission of the criminal offence, even though the court convicted the defendant of money laundering. The Project however recognizes the isolated nature of this example.

As these cases are ongoing, the Project cannot draw firm conclusions regarding the overall sentencing patterns.

[440] And the caese of legal entity.

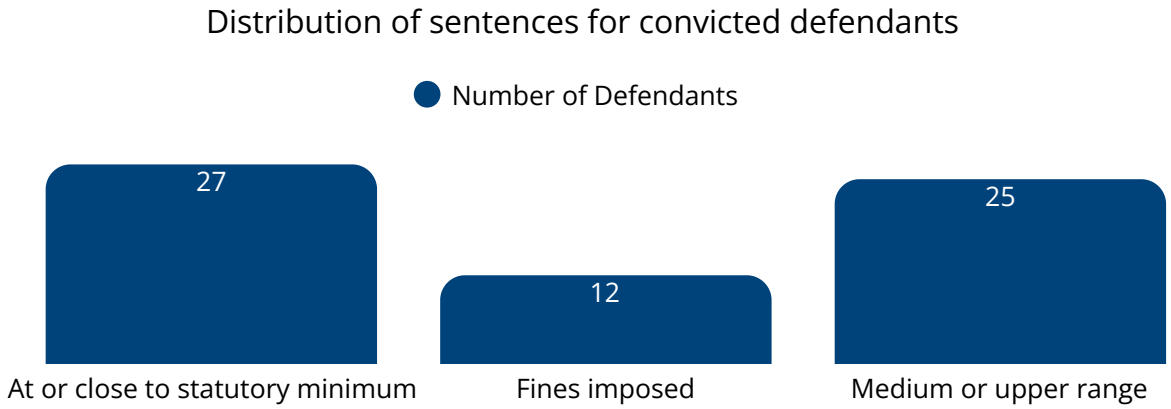


Figure 37: Breakdown of sentences imposed in first-instance convictions (n=47)

The court is legally required to confiscate the proceeds of crime where the statutory conditions are met. In certain judgements rendered during the reporting period, the Project recorded explicit confiscation orders pursuant to Article 112, paragraph 1, of the Criminal Code, which provides that no person may retain proceeds obtained through a criminal offence.

Furthermore, Article 113 para. 1 of the CC provides that assets, valuables, and any other material benefit obtained through a criminal offence shall be confiscated from the perpetrator, and where confiscation is not possible, the perpetrator shall be ordered to pay a sum equivalent to the material benefit obtained.

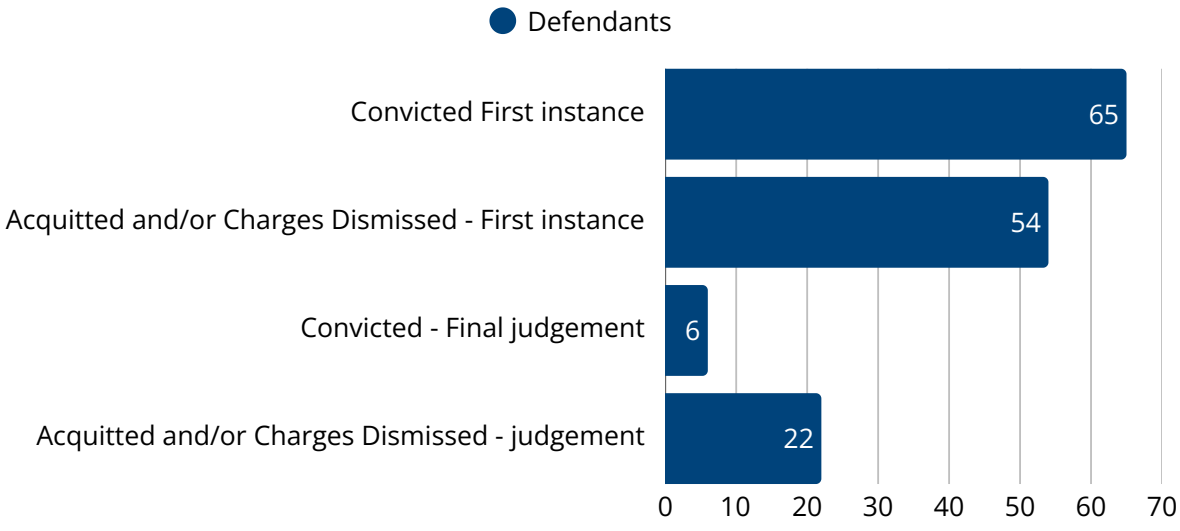


Figure 38 Breakdown of acquitted and convicted persons in first-instance and finally adjudicated cases

Prosecutors have continued to make specific sentencing proposals only rarely. Under Article 362(2) of the Criminal Procedure Code (CPC), they have a mandatory legal obligation to do so.

Limited prosecutorial sentencing proposals may weaken the development of consistent sentencing practice. However, the reporting period has shown some improvement in prosecutors making sentencing proposals, compared to the previous period when no such instances were observed. Since the start of the project, proposals have been made in only six cases. In some instances, the prosecutors specified both the type and severity of the sentence (implementation milestone 11.vi.).

Taken together, these practices hinder the development of a consistent and credible sanctioning framework for OCC cases. Without a shift towards more assertive prosecutorial engagement and more rigorous consideration of the weight of aggravating and mitigating circumstances, it is unlikely that the sentencing policy will fulfil its intended deterrent function.

In line with the Project recommendations, a notable achievement regarding sentencing policy has been the adoption of three sets of sentencing guidelines: for serious and organized crime; for the criminal offence of unauthorized production, possession, and distribution of narcotic drugs; and for high-level corruption and cases involving elements of corruption.[441] All three sets of guidelines are comprehensive documents addressing the key aspects of sentencing policy. They are aligned with international standards, particularly the United Nations Convention Against Corruption and the United Nations Convention against Transnational Organized Crime.[442]

Envisaged as an advisory and orientational framework, the guidelines are meant to support judges in determining criminal sanctions while fully respecting judicial independence and autonomy. Particular emphasis is placed on the individualization of sanctions, proportionality, and the obligation of judges to consider all circumstances relevant to each case.

[441] Guidelines for Sentencing in High-Level Corruption Cases and Cases Involving Elements of Corruption, issued by the Supreme Court of Montenegro in March 2026, available at https://sudovi.me/static//vrhs/doc/Smjernice_za_izricanje_kazni_u_predmetima_korupcije_na_visokom_nivou_i_predmetima_sa_elementima_korupcije.pdf; Guidelines for Sentencing in Serious and Organized Crime Cases, issued by the Supreme Court of Montenegro in February 2026, available at: https://sudovi.me/static//vrhs/doc/1._Smjernice_za_izricanje_krivicnih_sankcija_u_predmetima_teskog_i_organizovanog_kriminala_(2).pdft; Guidelines for Sentencing for the Criminal Offence of Unauthorized Production, Possession, and Trafficking of Narcotic Drugs, issued by the Supreme Court of Montenegro in February 2026, available at https://sudovi.me/static//vrhs/doc/2._Smjernice_za_izricanje_kazni_za_cl.300_KZ_CG_(3).pdf (accessed 10.10.2026)

[442] Ibid.

In this context, the guidelines address the application of mitigating and aggravating circumstances, offering structured guidance on how these factors should be assessed across different types of cases. They also emphasize the obligation of judges to provide clear and comprehensive reasoning for the sentences imposed. The Project will continue to monitor the application of guidelines and assess their effect on the sentencing policy.

Overall, the reporting period shows early implementation of efforts to strengthen sentencing practice in OCC cases. The adoption of Supreme Court sentencing guidelines represents a significant institutional development and should be reflected in the implementation stage of the relevant sub-recommendation.

However, sentencing practice has not yet demonstrably shifted in monitored cases. Sentences in conviction cases continued to be imposed at or close to the statutory minimum in several instances, reasoning on mitigating and aggravating circumstances remained uneven, and prosecutorial proposals on the type and severity of penalties were still rare. The next phase should therefore focus on monitoring whether the sentencing guidelines are applied in practice, whether sentencing reasoning becomes more individualized and proportionate, and whether prosecutors consistently present reasoned sentencing proposals in closing remarks.

12

Recommendation

Ensure that judicial and prosecutorial performance evaluation criteria reflect both quantitative outputs and qualitative, complexity-sensitive aspects of work in complex OCC cases.

Implementation Stage:



Operationalization

Implementation Milestones:

12.i Adoption of bylaws regulating the performance-evaluation process.

During the reporting period, Montenegro carried out a significant reform of judicial and prosecutorial performance-evaluation frameworks. Amendments to the Law on the Judicial Council and the Courts and to the Law on the State Prosecutor's Office, adopted in June 2024, created the legal basis for new by-laws that introduce qualitative and complexity-sensitive criteria. The Prosecutorial Council adopted the Rulebook for the Evaluation of State Prosecutors in May 2025, while parallel reforms were introduced for judges. The revised criteria move beyond predominantly quantitative assessment and recognize the quality of written reasoning, the complexity of procedural actions, the number of defendants, witnesses, and offences, the nature of the criminal offence, the use of international legal assistance, and respect for procedural rights.

This recommendation can therefore be assessed as operational, as the core deliverable – the adoption of by-laws regulating performance evaluation and introducing qualitative criteria – has been completed. Implementation, however cannot yet be considered institutionalized because the new criteria have not yet been tested through a full evaluation cycle, and their practical effect on the handling of complex OCC cases remains to be assessed. The next phase should focus on monitoring whether the revised criteria are applied consistently, transparently and in a complexity-sensitive manner, and whether they support high-quality professional practice without creating incentives for purely quantitative productivity or outcome-based assessment.

Findings:

The state authorities have undertaken a significant reform of the evaluation process for state prosecutors and judges. The process began with the adoption of amendments to the Law on the Judicial Council and the Courts as well as the Law on the Public Prosecutor's Office in June 2024. These amendments were necessary in order to provide a legal basis for the adoption of by-laws introducing significant changes to the evaluation criteria. In May 2025, the Prosecutorial Council adopted the Rulebook for the evaluation of public prosecutors (implementation milestone 12.i) based on these amendments. Substantial changes have been introduced in the sub-criteria defining quality of work.

These changes represent a significant departure from the earlier, predominantly quantitative assessment recognizing the importance of the quality of legal reasoning, case complexity and efficiency as key indicators of professional performance.

The quality of work is evaluated inter alia based on the following metrics: raised indictments, quality of the written argumentation of finalized prosecutorial acts, financial inquiries and investigations, complexity of procedural actions and respect for procedural rights of parties involved in finalized proceedings.

The quality of written argumentation is further defined in the Rulebook as "reasoning decision with quality and providing clear and precise arguments, while assessing the complexity of procedural actions and respect for procedural rights of parties involved takes into account the number of defendants, witnesses, criminal offences, the nature of the criminal offence, the method of evidence collection (such as requests for international legal assistance), and the respect for procedural rights of the parties involved."

These provisions all target qualitative criteria, encompassing both written decisions, and a broader range of prosecutorial actions. The relevance of case-specific circumstances that influence both the complexity of the case and the nature and duration of procedural actions has been recognized, as well. It correctly reflects the understanding that when evaluating the quality of prosecutorial actions complexity of the case must be taken into account. No evaluations were conducted in 2025, but the committee for evaluation was founded in February 2026, allowing for the evaluation process to commence.

During 2026, 32 prosecutors were appraised, while appraisal proceedings for the remaining 31 are ongoing. The technical conditions for selecting cases through random sampling were also established through the development of an algorithm within the information system of the Secretariat of the Prosecutorial Council. The algorithm enables cases to be selected from each year covered by the appraisal period as a basis for assessing a state prosecutor's performance. Amendments to the Law on Special Prosecutor's Office were adopted in September 2026, excluding evaluation process of the Chief Special Prosecutor.[443]

As noted in Recommendation 9, a similar reform process has been implemented for the evaluation of judges. The adopted Amendments to the Law on the Judicial Council and the Courts,[444] stipulate that the quality of judicial decisions shall be evaluated based on the clarity, conciseness and completeness of the reasoning provided. The Law also introduces a new chapter on evaluating the work of Supreme Court judges, with a focus on efficiency and integrity which now have been evaluated for the first time.

Following these changes, the Judicial Council adopted an amended Rulebook on the evaluation of judges[445] in April 2025. (implementation milestone 12.i.) This includes an additional quality sub-criterion that specifies judicial reasoning must be complete, clear and concise. The Rulebook on evaluation of judges provides indicators on assessing the quality of judicial acts and includes a list of areas that the committee formed by the Judicial Council to perform the evaluation of judges is required to consider, which include: use of the rules of logical reasoning when applying a legal norm to a specific factual situation, recognition of facts and evidence that are important for deciding in a specific case, clear and concise presentation of factual and legal issues, taking clear positions on issues that are important for the subject of the dispute. It is expected that the revised evaluation framework may incentivize more thorough legal reasoning and encourage a greater focus on substantive quality, rather than quantity. Between 1 January and 15 September, the performance of 38 judges and 13 judges of the Supreme Court of Montenegro was appraised.

[443] Law Amending the Law on the Special State Prosecutor's Office (Official Gazette of Montenegro, No. 128/26), available at: link (accessed 13 October 2026).
[444] Law Amending the Law on the Judicial Council and Judges (Official Gazette of Montenegro, No. 60/24), available at: link (accessed 13 October 2026).
[445] Rules on the Appraisal of Judges and Court Presidents (Official Gazette of Montenegro, Nos. 028/15, 42/18 and 60/24), available at: https://www.sluzbenilist.me/propisi/381714 (accessed 13 October 2026).

In March 2026, following the public call for Amendments to the Law on Judicial Council and Courts the judges of the Specialized Department of the High Court in Podgorica, proposed changes for fine-tuning the evaluation process. They also requested that the volume and complexity of the cases adjudicated be taken into account during the evaluation.[446]

In July 2026, the Parliament of Montenegro adopted Amendments to the Law on Judicial Council and Courts, which incorporate an exception in evaluation of quality of work for judges of the Specialized Department.[447] The amendments introduce differentiated criteria for assessing the quality of work of judges at the Specialized Department limiting which grounds for quashing decisions are taken into account for performance evaluation. Their initial request was to take into account the complexity of the cases adjudicated during the evaluation. Ensuring the adequate representation of case complexity, and volume of serios OCC cases is a cornerstone of fair and balanced performance appraisal system.

The legislative and regulatory changes outlined above establish a more comprehensive framework for evaluating the performance of prosecutors and judges, placing greater emphasis on the quality of legal reasoning and procedural conduct in complex cases. As the amended by-laws were only recently adopted, the effect of the new criteria remains to be seen. Implementing them will be an important factor in determining whether the revised evaluation framework can contribute to improved performance when processing complex and sensitive cases.

The reform is significant because performance evaluation systems shape professional incentives and institutional priorities. OCC cases are not only more complex or longer than ordinary cases, they require a different type of judicial and prosecutorial work. They often involve multiple defendants, extensive witness and documentary evidence, financial and digital evidence, international legal assistance, repeated procedural motions, complex legal qualification issues, and heightened public scrutiny. These demands are not adequately captured by indicators focused mainly on the number of cases resolved, number of acts issued or speed of completion.

[446] See: predlog sudija viseg suda u podgorici - ocjenjivanje sudija.pdf(accessed: 22.09. 2026)
[447] Decree Promulgating the Law Amending the Law on the Judicial Council and Judges link: 4237-25289-23-1-26-12-4.pdf (accessed: 22.09. 2026)

The above factors matter directly for the processing of OCC cases. A judge who spends months managing a multi-defendant trial, scheduling consecutive hearings, controlling adjournment requests, assessing contradictory evidence and drafting a lengthy reasoned judgement may appear less "productive" under a purely quantitative model than a judge resolving a larger number of simpler cases. Similarly, a prosecutor who invests substantial time in structuring a complex indictment, integrating financial investigation findings, substantiating money-laundering charges or preparing reasoned sentencing proposals may not receive adequate recognition if evaluation focuses mainly on numerical output. In such circumstances, performance systems may unintentionally discourage the very practices needed for effective handling of complex OCC proceedings.

The revised qualitative and complexity-sensitive criteria are relevant not only for individual evaluation, but for the functioning of OCC case processing as a whole. They can help align professional incentives with the Project's findings on trial management, indictment quality, judicial reasoning, sentencing practice, financial crime and procedural fairness.

If applied properly, they can support more careful preparation of complex cases, more active courtroom management, better reasoned prosecutorial and judicial acts, and more realistic assessment of workload in specialized departments. Conversely, if the criteria remain formal or are applied without sufficient attention to OCC complexity, the evaluation system may continue to undervalue the work required to move complex cases forward in a fair, timely and sustainable manner. Recommendation 12 can be assessed as having been operationalized. Montenegro adopted the legal and regulatory framework needed to introduce qualitative and complexity-sensitive criteria into the evaluation of judges and prosecutors, moving beyond a predominantly quantitative model of professional assessment. This is an important reform milestone because it creates the conditions for evaluation systems to better reflect the realities of complex OCC cases, including legal reasoning, evidentiary complexity, procedural fairness and case-management effort. However, the reform cannot yet be considered institutionalized, as the revised criteria have not yet been tested through a full evaluation cycle. The next phase should therefore monitor the first full cycle to determine whether the revised criteria are applied consistently and transparently. This should include tracking the percentage of evaluations of judges and prosecutors handling OCC cases that expressly assess qualitative criteria, including reasoning, complexity, procedural rights and case-management effort. Monitoring should also examine whether evaluation findings are used to identify institutional learning needs, training priorities or support measures, rather than only individual performance findings.

USE OF JUDICIAL TOOLS

13

Recommendation

Consolidate the use of financial investigations and asset-recovery tools in OCC cases, with particular focus on converting temporary seizure measures into final confiscation outcomes.

13.1. The Government and the SSPO should establish a structured and sustainable framework ensuring timely and direct access to financial data for OCC investigations.

13.2. The Centre for Training in Judiciary and State Prosecution Service should develop and deliver effective training for specialized prosecutors and judges on conducting and adjudicating financial investigations and asset seizure.

13.3. The Prosecutorial Council should develop a strategic plan to ensure that expert staff capable of carrying out complex financial investigations are available to the Prosecutorial Service, in particular in the SPO.

13.4. The Prosecutorial Council should consider including results related to confiscation among the criteria for the evaluation of prosecutors.

Implementation Stage:



Operationalization

Implementation Milestones:

13.i. Scope of access by SPO to the different state registries (e.g., land registry, tax office, customs, etc.) and bank data.
13.ii. Percentage of monitored OCC cases involving financial investigations in which assets were identified, provisionally secured and later subject to a final confiscation request or decision.
13.iii. Number and value of final confiscation requests and final confiscation decisions in OCC cases, compared with the number and value of temporary seizure measures.
13.iv. Facilitated access by POs to the different state registries (e.g., land registry, tax office, customs, etc.) and bank data.
13.v. Number of training events conducted.
13.vi. Strategic plan is adopted.
13.viii. Inclusion of this criteria is discussed.

During the reporting period, Montenegro achieved notable progress in strengthening the front-end of the financial-investigation and asset-recovery pipeline. The SSPO adopted binding instructions on financial inquiries and financial investigations; amendments to the internal prosecutorial rulebook, institutionalized the recording and monitoring of financial investigations, incorporated financial investigations into prosecutorial performance-evaluation criteria, and expanded the number of economic-expert positions within prosecution offices. Operational data also show increased use of financial investigations and extensive application of temporary seizure measures, including substantial monetary assets, real estate, vehicles, luxury items and shares in legal entities.

Implementation, however, cannot yet be considered fully operationalizedacross asset recovery, as final confiscation outcomes remain limited. Increased use of financial investigations and temporary seizure measures has not yet resulted in consistent final confiscation decisions, while access to financial and administrative data remains fragmented and full digital interoperability is lacking. The next phase should focus on converting strengthened investigative and provisional-seizure practices into final confiscation outcomes, including by monitoring why temporarily secured assets are not ultimately confiscated and identifying legal, evidentiary, procedural and inter-institutional bottlenecks.

Findings:

Since publication of the 2024 Public Report, Montenegro has taken some noteworthy steps to strengthen the financial-investigation and asset-recovery framework in OCC cases. Previous Project findings[448] and consultations with stakeholders have highlighted persistent challenges in conducting financial investigations and existing asset recovery practices, including limited access to financial data, insufficient specialized expertise, fragmented institutional capacities and the limited conversion of temporary seizure measures into final confiscation outcomes.

[448] Public Report_for publication_ENG . p. 130-132 (accessed: 22. 09. 2026)

Institutional reform including Performance Appraisal

Institutional reforms, together with increased human resources, resulted in notable progress in the use of financial investigations and the application of temporary asset-confiscation measures (related to implementation milestone 13.vi.) In this regard, the Prosecutorial Council and the SSPO undertook several steps aimed at promoting a more strategic and proactive approach to financial inquiries and financial investigations, as well as the identification, securing and confiscation of assets derived from criminal activity, resulting in measurable and concrete outcomes. In addition, an important step forward was made through the adoption of amendments to the Rulebook on the Internal Operation of the State Prosecution Office. This has institutionalized the recording and monitoring of this area of work, enabling more systematic reporting, evaluation of results and the establishment of standardized procedures (implementation milestone 13.vii). The SSPO adopted binding Instructions for the handling of financial inquiries and financial investigations,[449] further strengthening the institutional and procedural framework governing this field.

The SSPO also recommended that all state prosecutors' offices amend their systematization acts to create new roles for financial experts, in recognition of their pivotal role in financial investigations. Following the 2024 amendments to the Law on the SPO[450]and the adoption of binding instructions on conducting financial inquiries and investigations, several prosecutors' offices have already introduced these positions (related to implementation milestone 13.vi). In terms of increase in staffing, two additional financial experts have been employed in the SPO, bringing the total number of experts to 11.[451]

In parallel, amendments to the prosecutorial performance evaluation framework introduced financial investigation cases within the criteria used for assessing prosecutorial performance, thereby further integrating financial investigations into the institutional and operational priorities of the prosecution service, as outlined in Recommendation 12 (implementation milestone 13.viii).

The institutional and staffing reforms were accompanied by measurable

[449] See: Instructions for state prosecutor's offices on conducting preliminary financial inquiries and financial investigations, link: https://tuzilastvo.me/wp-content/uploads/2025/03/Uputstvo_za_postupanje_drzavnih_tuzilastava_za_sprovodjenje_finansijskog_izvidjaja_odnosno_finansijske_istrage.pdf (accessed: 15. 10. 2026)

[450] Proposal to the Law Amending the Law on the Special State Prosecutor's Office link: 72ef1fe9-7484-4275-bb3a-375c5e5afbf9. (accessed: 15. 10. 2026)

[451] See the Annual Report 2025: tuzilastvo.me/wp-content/uploads/2026/02/Tu-S-III-12-br.-1-26-Izvjestaj-o-radu-za-2025.-godinu-9.-februar-2026-2.pdf (accessed: 15. 10. 2026)

operational results. Already, the SPO's Report for 2024[452] shows an increase in the use of financial investigations compared to previous years, particularly in terms of the number of persons targeted in the investigations: 13 new financial investigations have been initiated targeting 96 natural and five legal persons, compared with 12 investigations initiated in 2023[453] against 75 natural persons. This increase in financial investigations has been accompanied by the application of temporary confiscation measures. In 2024, these measures resulted in the following assets being seized: over €49 million, together with significant additional monetary assets in foreign currencies, real estate amounting to nearly 480,000 m², blocked bank accounts, around 30 vehicles, and 12 luxury watches (implementation milestone 13.iii).

According to the SPO's Report for 2025,[454] the positive trend in the number of financial investigations continued. A total of 26 new financial investigations were initiated involving 147 natural persons and one legal person. The increased use of financial investigations was accompanied by the extensive application of temporary seizure measures. In 2025, these measures resulted in the provisional seizure of monetary assets exceeding €69 million, together with significant additional monetary assets in foreign currencies. Temporary measures also covered real estate amounting to approximately 1.9 million m², including measures implemented through international co-operation, as well as 100 vehicles, 34 luxury watches, firearms, ammunition and other movable property. In addition, temporary seizure measures targeted shares and interests in legal entities with an estimated market value exceeding €280.000.

In 2026, the Special State Prosecutor's Office initiated 19 financial investigations against 99 persons and 14 preliminary financial inquiries against 64 persons. During the same period, 16 motions were filed in 15 cases seeking interim measures prohibiting the use and/or disposal of immovable property covering a total area of approximately 240,000 m², with the prohibition to be recorded in the real estate cadastre.

Furthermore, between 1 January and 30 June 2026, the High Court in Podgorica issued rulings granting motions submitted by the Special State Prosecutor's Office in an earlier period concerning immovable property covering a total area exceeding 1,302,000 m².

In September 2026, the Parliament of Montenegro adopted the Law on Seizure and Confiscation of Proceeds of Crime[455] establishing a comprehensive framework for the identification, tracing, seizure and confiscation of

[452] See the Annual Report 2024: Izvjestaj_o_radu_za_period_1.1-31.12.2024.godine,_januar_2025..pdf(accessed 13.10.2026)
[453] See the Annual Report 2023: Izvjestaj_o_radu_Specijalnog_drzavnog_tuzilastva_za_2023.godinu-2.pdf (accessed: 15. 10. 2026)
[454] See the Annual Report 2025: Tu-S-III-12-br.-1-26-Izvjestaj-o-radu-za-2025.-godinu-9.-februar-2026-2.pdf
[455] Law on the Confiscation of Proceeds Derived from Criminal Activity (Official Gazzette of Montenegro no. 131/2026), link: https://www.sluzbenilist.me/propisi/397923?page=3 (accessed: 13. 10. 2026)

proceeds of crime. The Law provides for extended confiscation where there is reasonable suspicion that property was acquired through criminal activity and the holder does not make its lawful origin probable, thus reversing the burden of proof. The Law further regulates financial inquiries and financial investigations, including the collection and use of financial and other relevant data, financial investigation teams, and co-operation between the PO, police and other public authorities.

It also provides for temporary measures to secure assets pending possible confiscation and establishes procedural safeguards for persons affected by confiscation measures.

Capacity Building

From 2024 to 2026, nine thematic trainings, including financial investigations and confiscation took place for advisers, judges and prosecutors. In total 126 participants attended these trainings. Participation increased[456] over the period, which indicates continued and growing interest in strengthening capacities in these areas.[457]

Despite these positive developments, the final confiscation outcomes remain limited, highlighting the existing gap between provisional seizure and final confiscation. In 2024, the High Court in Podgorica confirmed only one request for permanent confiscation of movable property. In 2025, only one request for permanent confiscation of assets was submitted, including two passenger vehicles and immovable property,[458] while the High Court in Podgorica also ordered the permanent seizure of one movable asset. In 2026, the Court of Appeal of Montenegro upheld a judgement of the High Court in Podgorica ordering the confiscation of a property measuring approximately 80 m^2. In addition, the SPO submitted five applications for the permanent confiscation of proceeds derived from criminal activity during the same year.

Timely and comprehensive access to financial and administrative data remains a key prerequisite for the effective conduct of financial investigations, asset-tracing and confiscation of assets derived from criminal activity. However, obtaining comprehensive and timely financial data remains challenging. Access to the data necessary for effective financial investigations is fragmented, with different state bodies having direct access only to certain databases. While, the SPO has broad access to diverse and critical data sets spanning criminal justice, civil status, customs, and financial intelligence.gaps and access restrictions remain, indicating thatthe interoperability and full digital

[456] 38 participants in 2024, 30 in 2025 and 58 in 2026.
[457] In 2024, three additional training sessions on financial investigations took place, with eight participants from the judiciary and prosecution services. In 2026, two additional training sessions on financial investigations took place, with five participants from the judiciary and prosecution services. These trainings were organized through the U.S. Department of Justice's OPDAT and ICITAP programmes, in co-operation with the INL Office of the U.S. Embassy in Montenegro and the U.S. Internal Revenue Service (IRS).
[458] See the Annual Report 2025: tuzilastvo.me/wp-content/uploads/2026/02/Tu-S-III-12-br.-1-26-Izvjestaj-o-radu-za-2025.-godinu-9.-februar-2026-2.pdf (accessed: 15. 10. 2026)

operationalization of relevant databases are yet to be achieved (related to implementation milestone 13.iv)

Overall, the reporting period demonstrated continued efforts towards establishing a more structured, systematic and proactive approach to financial investigations and asset recovery in OCC cases. Increased use of financial investigations, broader application of temporary seizure measures, strengthened institutional frameworks and enhanced specialized expertise indicate growing recognition of the strategic importance of asset-tracing and confiscation in combating OCC. The next phase should therefore focus on bridging the gap between financial investigations, and provisional seizure and final confiscation, supported by timely access to financial data, stronger interoperability, systematic analysis of non-conversion reasons and closer integration of financial evidence into indictments, judgements and confiscation proceedings.

3) Conclusion

The Project's trial monitoring and assessment of the judicial response to OCC in Montenegro indicate that the national authorities have taken meaningful steps to strengthen the legislative and institutional framework. While the full effects of these developments are still emerging, a number of early encouraging practices can be observed. The next phase of reform will be to support their consistent application, so that they translate into measurable and sustained improvements in the, prosecution, and adjudication of OCC cases.

Sustained institutional reform necessarily requires time. Continued implementation, of the adopted measures, their consistent application and ongoing monitoring will therefore be essential to ensure that recent reforms result in tangible improvements in the effectiveness, efficiency, and quality of the criminal justice response to OCC. The progress already achieved provides a good basis for continued implementation and consolidation.

Positive developments have been observed in multiple areas of the administration of justice in OCC cases. Montenegro's judicial institutions have taken steps to improve public communication, such as launching new outreach efforts, adopting communication strategies and presenting annual reports.

Further progress, in access to information on individual OCC cases (such as available indictments, first- and second-instance verdicts, and court schedules) would complement these efforts and enhance transparency.

Key legislative and policy measures have been implemented to prioritize the most serious and complex OCC cases within the limited institutional resources available. In line with the Project’s recommendations,

the legislative branch has adopted legal amendments to narrow the SPO's jurisdiction by tightening the list of public officials subject to it and raising the threshold for processing money-laundering offences. Judicial capacity has also been strengthened: the number of judges in the Specialized Department has risen from eight in 2024 to 15. These measures represent noteworthy steps towards a more focused and sustainable institutional response. However, despite some ad-hoc arrangements and public commitments, no lasting solutions have yet been implemented to address the severe spatial limitations affecting the High Court in Podgorica.

Judicial institutions maintained their commitment to core transparency principles, particularly in terms of accessibility and public engagement. Information-sharing practices became more consistent during the reporting period.

At the same time, trial monitoring data indicate that publication routines vary at different stages of the proceedings. There has been an increased publication rate of judicial decisions, especially in appellate proceedings, although only three first-instance verdicts in finalized caseshave been published. This practice may reflect the absence of a co-ordinated approach to the dissemination of information on OCC cases, as well as the lack of internal policy documents that set out procedures for publishing decisions, key information, and protocols for public communication on HPI cases. Trial monitoring data indicate an increase in the publication of trial schedules during the specified reporting period. Taken together, these developments indicate a positive direction, while also highlighting areas where greater consistency could further strengthen transparency.

Judicial authorities have taken institutional steps to address the backlog of cases. The Supreme Court's comprehensive programme for resolving old cases, improvements in the efficiency of processing individual OCC cases, and measures aimed at addressing courtroom shortages and ensuring judicial continuity demonstrate increasing attention to effective case management. The Supreme Court's development of trial-management guidelines is a particularly important achievement.

Their continued implementation offers a strong basis for further improving the timeliness and efficiency of proceedings overall. Remaining issues include procedural inefficiencies, gaps in trial and court management, and the underuse of digital notification tools.

Institutional reforms have been implemented to improve the capacity and performance quality of judges and prosecutors. Specifically, the national authorities have introduced key measures to reform the performance

evaluation criteria for the judiciary. Relevant laws and by-laws have been amended to include both quantitative and qualitative criteria. Recognizing and assessing quality in judicial performance is particularly relevant to processing complex and sensitive cases, such as those monitored under this Project.

As reflected throughout this Report, the use of PBAs in OCC cases was previously widespread, characterized by minimal reasoning in verdicts and a lenient sentencing policy that frequently dropped below statutory minimums. In response, the Supreme Court and the SSPO adopted Guidelines on the use of PBAs in 2024, establishingclearer and more stringent conditions for negotiating and accepting PBAs. These Guidelines, represent an important step towards a more consistent and quality-focused approach.

The fact, that no PBAs have been concluded in the monitored cases, following their adoption, marks a clear shift from the preceding period and suggests a broader recalibration of judicial strategy, in which the contested trial has regained a central role.

The Project observed encouraging improvements in the quality of indictments, particularly with regard to the alignment of factual descriptions with legal qualifications. Given the limited number of cases reviewed and the partial implementation of measures designed to promote consistent drafting practices, continued monitoring will be important to assess whether these improvements become sustained features of the prosecutorial practice.

Trial monitoring data show that judicial reasoning in OCC cases continues to exhibit recurring challenges, particularly in the articulation of elements of the criminal offence and evidentiary assessment. At the same time, emerging guidance from the Supreme Court through its newly adopted guidelines, together with revised evaluation criteria, signals the development of a more structured approach to improving judicial reasoning. Continued implementation and monitoring will help assess whether these measures translate into sustained and systemic improvements in practice.
Despite certain progress, particularly in efforts to harmonize the interpretation of money-laundering offences, the adjudication of these cases are still hindered by inconsistent legal interpretations and a lack of common understanding of key evidentiary requirements. Although extensive capacity-building activities have been carried out, the persistence of these challenges suggests that sustainable progress will require stronger institutional mechanisms to promote consistency in practice, as well as further training.

Continuous development of justice sector actors through training, mentoring, specialization and constant adaptation to emerging legal frameworks remains essential for achieving credible and sustainable reform outcomes.

While the number of training events planned and organized by the Centre for Training in the Judiciary and the State Prosecution Service in relation to transparency, money laundering, indictment drafting, legal reasoning and financial investigation is duly noted, further efforts are needed to ensure that acquired skills are translated into improved professional practice and case handling. Continued attention should focus on supporting the translation of these skills into professional practice, including through improved legal reasoning, concise indictments, more consistent application of international standards related to standalone money laundering, and more effective handling of complex cases.

Overall progress has been made, in increasing the number of financial investigations and the application of temporary confiscation measures. This positive trend provides a basis for further results in final decisions to seize illegal assets. It should also be noted that, given the time required to process cases from the commencement of an investigation to its conclusion, this discrepancy is to be expected.

In conclusion, the judiciary's commitment and the progress achieved over the reporting period provide a sound foundation for continued reform. While lasting, systemic change requires time, consistency and perseverance to enable new policies to translate into consistent operational practices and measurable results.

Montenegro's overall trajectory of reform remains encouraging. Montenegrin institutions have made notable progress in aligning their practices with international standards, and the foundations for long-term progress are steadily being put in place. With sustained commitment to implementation, enhanced co-ordination, and continued institutional leadership, the justice sector can build on these achievements to further strengthen its response to OCC, reinforcing public confidence in the rule of law.

North Macedonia

1) Overarching Institutional and Policy Issues

The June 2024–September 2026 reporting period indicates continued efforts by the justice institutions of North Macedonia to improve responses to high-level organized crime and corruption (OCC) through legislative reforms, strategic planning, digitalization efforts, and institutional development. The Government's Reform Agenda 2024–2027,[459] agreed under the EU Reform and Growth Facility for the Western Balkans[460] (hereinafter: Reform Agenda), remained the principal framework guiding justice and broader public sector reforms, with implementation advancing across several policy areas. At the same time, however, progress on several legislative commitments was slower than initially envisaged, particularly where parliamentary approval or broader political consensus was required.

Recent developments, including the implementation of the comprehensive government strategies across all relevant sectors, as well as the judiciary's growing awareness of the need for continuous improvement and its efforts to strengthen its own practices and effectiveness, suggest a gradual shift from addressing immediate operational challenges towards improving the practical conditions for implementing reforms.
Project monitoring indicates continued efforts by justice institutions to improve the quality and fairness of OCC proceedings and significant progress towards transparency and efficiency. While no systemic shortcomings affecting the overall fairness of OCC proceedings in the 72 monitored cases were identified during the reporting period, several aspects of judicial and prosecutorial practice continue to require further improvement. Remaining challenges primarily relate to the effective implementation of ongoing efficiency initiatives, further strengthening the quality of judicial and prosecutorial reasoning, and enhancing institutional capacities for the consistent application of asset recovery measures throughout the criminal justice process, particularly with regard to effective tracing of illegal assets.

[459] Reform Agenda of North Macedonia 2024-2027
[460] Reform and Growth Facility for the Western Balkans - Enlargement and Eastern Neighbourhood

Institutional and Policy Developments Affecting Reform Uptake

The national Justice Sector Development Strategy 2024–2028 has continued to guide the modernization of the justice sector and its alignment with European standards.[461] During the reporting period, implementation progressed across several reform areas, including judicial governance, institutional organization, communication, and digitalization. At the same time, the implementation of a number of measures was delayed, including the adoption of the ICT Strategy for the Judiciary, the development of the matrix for monitoring judicial performance, and the full operationalization and strategic use of ACCMIS, highlighting the need for sustained follow-up to ensure that planned reforms are translated into regular institutional practice. Additional reform steps were envisioned in the Strategy for Capacity Building in Financial Investigations and Asset Confiscation 2025–2028, whose implementation is underway.[462] In addition, broader institutional anti-corruption efforts are also reflected in the new 2026–2030 National Strategy for Prevention of Corruption and Conflict of Interest, endorsed by the State Commission for Prevention of Corruption in June 2026, pending adoption in the Parliament.[463]

Legislative reform advanced to some extent during the reporting period. By June 2026, the Law on the Judicial Council, the Law on the Council of Public Prosecutors, the Law on Court Service and the Law on Public Prosecutorial Service had been adopted as part of the Reform Agenda. Draft amendments to the Law on Courts, the Criminal Code (CC) and the Criminal Procedure Code (CPC), are still pending adoption. The 2026 interim amendments to the CC, included provisions on abuse of official position and criminal association. However, compared with the pre-2023 framework, they narrow the scope of certain offences, reduce applicable penalties and statutory limitation periods, and may create legal uncertainty, also affecting the effectiveness of investigating and prosecuting OCC cases.[464]

Collectively, these reforms, when finalized, will set the course for strengthening the independence, integrity, efficiency, and accountability of the justice system.

They also align closely with the areas monitored by this Project, confirming that its recommendations reflect priority concerns. Continued monitoring will be important to assess whether

[461] Justice Sector Development Strategy 2024-2028 (in Macedonian)
[462] Strategy for Capacity Building in Financial Investigations and Asset Confiscation 2025 – 2028 (in Macedonian)
[463] Национална-стратегија-2026-2030-со-акционен-план-за-нејзино-спроведување.pdf (in Macedonian)
[464] 2026 Rule of Law Report Country Chapter on the rule of law situation in North Macedonia

these strategic frameworks and legislative changes translate into consistent implementation and measurable improvements in judicial practice.

System-wide Conditions Shaping Implementation

Compared to the Project's 2024 Public Report,[265] in this reporting period the monitoring identified efforts to improve the organizational and operational arrangements supporting OCC proceedings, including case management, public communication, digitalization commitments, and professional development. At the same time, progress in areas such as budgetary support, information systems, and performance management indicates that several reform measures require sustained attention to ensure their effective implementation.

There has been incremental progress in the handling of complex OCC cases, particularly in trial management, judicial and prosecutorial professional practices, and the use of financial investigations. However, these improvements are not yet applied consistently across cases and institutions, and differences in practice continue to affect the predictability and consistency of justice outcomes. The efficiency of OCC proceedings continues to depend on broader institutional conditions in addition to courtroom practice. Staff shortages and limited administrative support, including the low number of lay judges, insufficient number of court clerks responsible for minute-taking, workload pressures and resource constraints continue to affect the management and duration of proceedings.

There is also a need to strengthen institutional approaches to needs assessment, the strategic use of annual reporting and data, and the tracking of case-related information, while addressing resource gaps in line with the Reform Agenda's commitments. Ongoing efforts to modernize case-management systems and strengthen the use of data provide opportunities to improve planning, allocation of resources, and monitoring of case progression, provided these tools are consistently implemented and used across institutions.

Public statements by political representatives and public officials concerning OCC proceedings also remained a concern, particularly in the context of perceptions of political pressure, underscoring the importance of safeguarding judicial independence and public confidence.

[465] The Western Balkans Trial Monitoring Report 2024

The reporting period also indicates that the quality of judicial and prosecutorial reasoning remains an important area for further improvement. While monitoring identified examples of sound judicial and prosecutorial practice, including in judicial acts and prosecutorial courtroom performance, variations continue to be observed in the quality of indictments, evidence presentation, the consistency and clarity of legal analysis, and the reasoning supporting legal conclusions. Similarly, although financial investigations and asset recovery continue to receive greater institutional attention, their application remains uneven across cases.

Priorities for Consolidating Progress

The findings indicate that the next phase of judicial reform will depend primarily on the effective implementation of existing legislative and strategic frameworks and completion of legislative reform in line with the Reform Agenda. Continued attention to institutional co-ordination, monitoring of reform measures, and regular assessment of implementation based on analytical data will be important to ensure that policy commitments result in measurable improvements in practice. Moreover, ensuring the legally prescribed budget allocation for the judiciary will be instrumental in strengthening its operational capacity and enabling it to effectively fulfil its constitutional mandate as an independent branch of state authority.

Further progress is also likely to depend on promoting more consistent professional practice across the justice sector. Clearer practice standards, structured professional exchange, practical guidance, effective use of case-management and performance data, and continued institutional learning can support greater consistency, transparency, and predictability in the handling of complex OCC cases.

Overall, the reporting period shows continued efforts by justice institutions to advance reforms, alongside increased acknowledgment within the institutions of the practical challenges affecting implementation. Although important organizational and operational constraints remain, the existing strategic and legislative framework provides a basis for further improving the quality, consistency, efficiency, transparency, and credibility of judicial and prosecutorial responses to organized crime and corruption, increasing public confidence.

2) Update on Key Findings and Recommendations

FAIRNESS

1

Recommendation

Institutionalize predictable, timely and rights-compliant public communication and access to judicial information, particularly in OCC cases of public interest, including through minimum communication standards, consistent publication practices, and sustainable digital tools for anonymization, searchability and public access.

1.1. Presidents of courts and chief prosecutors should ensure timely and accurate information on procedural milestones in OCC cases of public interest, through public relations offices;

1.2. The Judicial Council and the State Public Prosecution Office should establish minimum standards for proactive communication and publication of information in OCC cases of public interest, including hearing schedules, indictments or indictment summaries, first-instance and appellate decisions, and information on final case outcomes, while ensuring compliance with privacy, data-protection and fair-trial safeguards;

1.3. The Council for Co-ordination of ICT in the Judicial Institutions (ICT Council) should implement solutions to improve the visibility and functionality of key case information on the judicial portal, including anonymization of judicial acts;

1.4. The Academy for Judges and Public Prosecutors should further support initiatives on transparency and public communication for judges, prosecutors, and staff, including through structured discussion of transparency issues such as publication of indictments and non-final verdicts.

Implementation Stage:



Early implementation

Implementation Milestones:

1.i.Percentage of monitored cases where key procedural information – hearing schedule, indictment or indictment summary, first-instance decision, appellate decision, and final outcome – was published within a reasonable timeframe;
1.ii.Percentage of first-instance decisions published within a reasonable timeframe;
1.iii. Percentage of appellate decisions published within a reasonable timeframe;
1.iv. Percentage of final decisions published within a reasonable timeframe;
1.v. Adopted IT solution(s) to automate anonymization of judicial acts, to search cases by defendant's name or case code name, and to edit the court hearings schedule;
1.vi. Minimum standards or protocol adopted for proactive publication and communication in OCC cases of public interest, including safeguards for privacy, data protection, presumption of innocence and fair-trial rights;
1.vii. Number of peer exchanges held on transparency of judicial acts.

Since the Project's 2024 Public Report , North Macedonia has taken visible steps to improve transparency in OCC cases of public interest. The Basic Criminal Court Skopje continued to demonstrate comparatively strong practice in public communication on key procedural developments. At the same time, the prosecution service regularly issued press releases and held regular briefings on investigations and indictments of public interest, including cases handled by the Basic Public Prosecution Office (BPPO) for OCC. In addition, the Judicial Council and the State Public Prosecution Office adopted transparency strategies, and ongoing work on digital tools and anonymization indicates greater institutional recognition of the operational requirements for public access to judicial information.

However, transparency practices remain uneven and are not yet embedded as predictable system-wide routines. Publication and communication still depend significantly on the practice of individual institutions, and the appellate level remains insufficiently visible in cases of public interest. Moreover, due to lack of financial resources, the courts continue to face practical barriers linked to public-relations staffing, anonymization, outdated digital tools and limited search functionality. The Project's dedicated deep-dive analysis "Transparency of legal acts", prepared in 2025, further confirms that external users – including civil society actors, media and legal professionals – perceive access to judicial acts in high-level OCC cases as partial, delayed and difficult to navigate. Therefore, in the next period, the institutions should focus on converting existing good practices into minimum publication standards, consistent appellate-level communication, and sustainable digital access tools. In high-public-interest OCC cases, transparency is part of the justice system's credibility infrastructure.

Findings:

Public Communication on Procedural Milestones

While some courts have increasingly issued press releases and responded promptly to requests for access to information, significant differences persist in the quality and consistency of proactive communication in the judiciary.

As in the previous reporting period, the Basic Criminal Court Skopje generally maintained good practices in informing the public about important procedural milestones in cases of public interest.[466] In April 2026, the court started the practice of issuing a quarterly newsletter with court performance statistics, summaries of significant verdicts, legal explanations for the public, and updates on judicial transparency initiatives to enhance public understanding of the court's work (see also Recommendation 8).

Nevertheless, the court's press releases are mainly focused on the confirmation of indictments, the start of the trials or information about rescheduled hearings. Out of the total of 21 delivered first-instance verdicts in high-profile cases during the reporting period, only three were accompanied by press releases. In four other cases,

[466] According to the 2025 Annual Report on the Work of the Basic Criminal Court Skopje (in Macedonian), the court issued a total of 95 press releases and held one media briefing, while also providing 69 responses to media inquiries via email, and a total of 39 responses to provide to citizens through the judicial portal.

media presence during the public pronouncement of the verdict ensured public reporting, while in the remaining 14 cases, the absence of both a court press release and sustained media attention resulted in limited public awareness of the outcome (indicating that work on milestone 1.i – timely availability of key procedural information – is still needed).

Additionally, in this reporting period, the Project monitored five cases across four smaller courts – the Basic Courts in Kumanovo, Struga, Bitola, and Veles – all of which resulted in first-instance verdicts. However, only in three of these five cases did the courts issue press releases accompanying the verdicts. These examples illustrate that transparency at critical stages of proceedings is not yet applied consistently, even within institutions that otherwise demonstrate good practice (related milestone 1.i).

The accessibility of data at the appellate level remained challenging as in the previous reporting period. The Appellate Court Skopje decided in 18 monitored high-level cases but issued press releases in only six, following media attention and requests for information from the Project. Public appellate sessions in the monitored OCC cases are not routinely announced. Although the court calendar is regularly updated, identifying the date and time of a public session requires the appellate case number, which differs from the first-instance case number. Consequently, when no press release is issued, attending public sessions may be more difficult (indicating that work on milestone 1.i is still needed at the appellate level).

The State Public Prosecution Office has been continuously issuing press releases on investigations and indictments of public interest, including on high-profile cases of the BPPO for OCC, which also maintained regular engagement with the media by organizing regular briefings with journalists, same as in the previous reporting period.[467] The BPPO for OCC continued its good practice of issuing press releases and summaries of indictments in OCC cases, publishing them in all 13 monitored cases in which indictments were filed during the reporting period (indicating the prosecution's continued efforts regarding milestone 1.i.). In addition, this prosecution office organized 14 briefings with journalists, a practice which was introduced and further developed in this reporting period.

[467] According to the 2025 Annual Report on the Work of the Public Prosecution Office of North Macedonia (in Macedonian), the Public Relation Department issued 453 press releases and responded daily to numerous media inquiries, providing regular, accurate, and timely information on cases of public interest.

Publication of Judicial Acts and Appellate Transparency

Legal and institutional challenges also persist regarding the publication of non-final verdicts. Although the legal framework does not expressly regulate proactive publication of non-final decisions, the Supreme Court's principled legal stance on publication in cases of public interest provides an important interpretative basis for courts to publish such decisions where appropriate, subject to safeguards concerning privacy, data protection, presumption of innocence and fair-trial rights.[468] However, there is no written protocol or practice note governing the publication of non-final decisions, leaving each court to assess on a case-by-case basis whether publication is appropriate (related milestone 1.vi – adopted standards or protocols). This has resulted in inconsistent practices across courts and varying levels of transparency in cases of public interest.

The Basic Criminal Court Skopje published a total of nine verdicts in OCC cases in the period June 2024–September 2026, of which only four were cases monitored by the Project. The regular publication largely stopped with the conclusion of the anonymization project supported by the OSCE Mission to Skopje in December 2023, which had resulted in the publication of 212 verdicts in OCC cases in the previous reporting period, raising concerns about the institutional capacity to sustain regular publication without external support. The decline in publication appears to be linked primarily to staffing constraints affecting anonymization. The court continued to provide the Project with non-anonymized decisions and to publish decisions in other non-OCC related cases of public interest, indicating that limited anonymization capacity rather than access restrictions alone was a key obstacle (key gaps remaining in milestone 1.ii – publication of first-instance decisions).

A key gap continues to exist at the appellate level. The Appellate Court Skopje has not yet established structured communication practices regarding decisions in cases of public interest. As a result, important appellate decisions in OCC cases often remain unavailable to the public unless specifically requested, limiting transparency regarding the final outcomes of proceedings. The Project's requests for information were not consistently answered with sufficiently specific information on the status, timing or publication of monitored decisions, requiring repeated follow-up before some decisions were made available on court webpages (indicating work on milestone 1.iii – publication of appellate and final decisions in cases of public interest remains necessary).

[468] Principled legal stance of the Supreme Court on publication of non-final verdicts in cases of public interest (in Macedonian)

Institutional Communication Capacity

Concerning the communication with the public, practices differ significantly among courts. Most courts continue to lack spokespersons, which undermines the operational effectiveness of public relations offices. The Basic Criminal Court Skopje remains the only institution in the judicial network with a well-established and functioning public relations office (institutional foundation for milestone 1.i). This may partly explain the inconsistent level of transparency at the Appellate Court Skopje, which, as the only second-instance court adjudicating OCC cases, does not have a dedicated spokesperson or a fully staffed public relations office to support communication in cases of public interest.

As an emerging positive practice, in September 2026, the Basic Criminal Court Skopje held a media briefing where current developments and innovations in the court's work were presented, with a special emphasis on processes related to digitalization, workflow enhancement, and increasing efficiency in case management. The briefing included information on ongoing proceedings in cases of public interest with an opportunity for the journalists to ask additional questions.
Communication arrangements within the prosecution service remain constrained by limited human resources, particularly with respect to the timely preparation of summaries of indictments in complex OCC cases for the wider public. A single spokesperson covers all prosecution offices except the BPPO for OCC, where one staff member is responsible for preparing summaries of all major OCC indictments. This often results in communications that are technically detailed but not always sufficiently accessible to non-specialist audiences.

On a positive note, key judicial actors demonstrated visible transparency commitments by establishing strategic frameworks for transparency aimed at greater openness and accountability. Both the Judicial Council and the State Public Prosecution Office have adopted transparency strategies accompanied by actions plans and applicable to all courts and prosecution offices, which demonstrates a common institutional commitment to improving transparency, strengthening public trust, and promoting more proactive and professional communication throughout the justice sector.[469] Their implementation is, however, limited and largely depends on addressing existing capacity constraints, i.e., the employment of full-time spokespersons rather than assigning communication responsibilities in judicial institutions as an additional duty.

[469] Communication Strategy of the Judicial Council and the Courts 2024-2028 (in Macedonian); and Communication Strategy of the Public Prosecution Office 2026-2028 (in Macedonian)

In the reporting period, the Academy for Judges and Public Prosecutors continued to provide training on public communication for judges, prosecutors and judicial staff. Public relations capacity-building has been included in its programmes for continuous trainings, as was the case in the previous reporting period and is also foreseen in its 2026 Annual Work Programme.[470] While these activities contribute to strengthening communication capacities, greater attention could be given to practical transparency challenges that continue to result in divergent practices, including the publication of indictments and non-final judicial decisions in cases of public interest. Further professional exchange on these topics could support more consistent understanding and application of transparency standards across judicial institutions (related milestone 1.vii). Furthermore, such initiatives should include representatives of the media in order to strengthen journalists' capacities and awareness of the importance of accurate and responsible reporting on OCC cases of public interest. One appropriate forum for the mutual exchange of practices between judges and journalists is the Judicial Media Council, which brings together judges and journalists and facilitates discussion on matters of common interest.[471]

Digital Access, Anonymization and Searchability

The anonymization of judicial acts has not yet been institutionalized through sustainable state-funded solutions. The ongoing co-operation between the Basic Criminal Court Skopje, the Association of Judges, and external partners to develop automated anonymization tools and improve digital platforms represents a positive step (indicating some progress on milestone 1.v – solutions for automated anonymization). However, the tool is still in its development phase and not yet implemented, meaning that the long-term sustainability of such initiatives will depend on adequate institutional support arrangements, technical maintenance, and continued investment. Similarly, despite the prosecution's willingness to proactively share indictments with the Project and the media, limited human resources hinder the timely implementation of this practice. Staff responsible for anonymizing documents perform this task alongside their regular duties, resulting in delays in the proactive disclosure of information.

The searchability and functionality of the judicial portal still remain important shortcomings that undermine the transparency efforts of even the most proactive judicial institutions. Although hearing schedules are updated regularly, the system does not allow

[470] 2026 Work Programme of the Academy for Judges and Public Prosecutors (in Macedonian)
[471] Homepage of the Judicial Media Council within the Association of Judges of North Macedonia

previously scheduled hearings to be edited, meaning that postponed hearings may remain listed or changes to hearing dates and times may not be reflected. In addition, court cases cannot be easily tracked without the case number, which changes at different stages of the proceedings, making it difficult for the public and the media to follow a case throughout its lifecycle (related milestone 1.v – adopted solutions for improved searchability). As noted above, the Basic Criminal Court Skopje partly compensates for these limitations through regular press releases and daily communication with the media and the Project, while the Appellate Court Skopje has more limited comparable practices, which affect timely communication on cases of public interest.

The ICT Council, in its new composition with increased participation of judicial IT professionals, continues to provide an opportunity to address long-standing operational shortcomings. Given its mandate to propose, develop, implement, and ensure the provision of ICT solutions aimed at increasing the efficiency and transparency of the justice system, the ICT Council is well positioned to address digitalization challenges that hinder transparency.[472] These include the lack of automated anonymization within case management systems and the limited search functionality of the judicial portal, both of which affect effective public access to and tracking of cases (related milestone 1.v).

The latest publicly available document from the ICT Council is its 2025 Annual Report, which identifies interoperability among judicial institutions and practical digital services for citizens as its priorities.[473] While these priorities are important, greater attention should be given to digital solutions that enhance the visibility of judicial work in cases of public interest, particularly given that outdated ICT systems continue to limit public access to judicial information.

Overall, recent developments demonstrate growing recognition of the importance of transparency and some improvement in professional practices and public communication. Nevertheless, the absence of standardized practices, persistent operational limitations, uneven implementation across institutions, and unresolved legal and technical issues continue to hinder the quality and consistency of transparency practices in OCC cases of public interest. The recommendation therefore remains in the stage of early implementation.

[472] Rulebook on the Composition and Methods of Work of the ICT Council (in Macedonian)
[473] Annual Report of the ICT Council for 2025 (in Macedonian)

At the same time, users of judicial information continue to face uneven access to information due to inconsistent communication practices, limited publication of judicial decisions, and varying institutional capacities. These shortcomings continue to affect public understanding of proceedings and final outcomes in cases of significant public interest.

To gain a deeper insight into transparency practices, the Project conducted a dedicated study combining qualitative interviews with four spokespersons from key judicial institutions and a survey of 20 regular users of the judicial platforms, selected by the Project to reflect a range of user groups – civil society representatives, media professionals, defence attorneys, law professors and students.

Both judicial spokespersons and surveyed professionals acknowledged the importance of transparency for strengthening public trust and the integrity of judicial institutions. However, survey respondents perceived the transparency of judicial acts – particularly in high-level OCC cases – as only partial and inconsistent. Judicial portals were considered of limited practical value, with users reporting difficulties in accessing timely, complete and comprehensible information. While spokespersons emphasized their commitment to openness and their efforts to respond promptly to requests for information, particularly from the media, they also described institutional constraints that hinder the consistent implementation of proactive transparency practices.

The interviews and survey identified a combination of organizational, legal and technical obstacles that continue to limit transparency. Spokespersons highlighted understaffed public relations offices, outdated web platforms and the absence of effective anonymization tools, while also noting that transparency responsibilities are often carried out alongside other duties without dedicated staff or clear operational procedures. Survey respondents associated these limitations with delayed or missing publication of judicial decisions, inconsistent and sometimes contradictory information, and fragmented communication between courts and prosecution offices.

The findings also pointed to shortcomings in the existing legal and institutional framework. Interviewees considered the legal framework to be overly formalistic and lacking clear standards for proactive publication of information and digital communication. Although formal requests for access to information are generally processed within statutory deadlines, there are no clear standards governing access to judicial acts in cases of public interest, while informal media requests continue to be handled on an adhoc basis.

Survey respondents similarly called for greater clarity, comprehensiveness and timeliness in the publication of judicial acts and expressed a clear preference for structured communication through official channels, such as press releases, newsletters and regular media briefings.

The survey further demonstrated that users place greater importance on the substance and timeliness of information than on the communication channel itself. Approximately 90 per cent of the 20 surveyed respondents considered the prompt publication of judicial decisions and indictments essential for strengthening public trust, ensuring accountability and reinforcing the integrity of judicial institutions. Delays in publishing decisions, particularly rulings on pre-trial detention, were repeatedly identified as undermining institutional credibility.

Anonymization emerged as one of the most contested aspects of transparency. While most respondents supported anonymization where necessary to protect personal data or the presumption of innocence, both interviews and survey responses revealed growing concern that overly broad anonymization reduces the public value of judicial information. Around one third of respondents opposed practices that conceal the identities of defendants or the roles of public officials in OCC cases, considering such approaches detrimental to accountability and public confidence.

In general, the study confirms that, despite growing institutional recognition of the importance of transparency, users continue to experience significant shortcomings in accessing judicial information in cases of public interest. The findings reinforce the need for more consistent publication of judicial acts, stronger institutional communication capacity, improved digital searchability and proportionate anonymization practices that strike an appropriate balance between privacy protection and the public's right to information.

Overall Assessment and Next Steps

Despite positive developments, including the adoption of transparency strategies and continued efforts to improve digital tools and public communication, the absence of standardized practice, persistent operational limitations, uneven implementation across institutions, and unresolved legal and technical issues continue to hinder the quality and consistency of transparency practices in OCC cases of public interest. Further efforts are therefore required to strengthen proactive communication, institutional communication capacity, publication of judicial decisions, and sustainable digital solutions. The recommendation consequently remains in the stage of early implementation.

2

Recommendation

Ensure institutional protection of judicial and prosecutorial independence by strengthening the accountability and integrity of judicial governance bodies in their key functions.

2.1. The Judicial Council and the Council of Public Prosecutors should strengthen internal fairness, consistency and transparency practices related to appointments, promotions, and disciplinary procedures, including dismissals;

2.2. The Judicial Council and the Council of Public Prosecutors should establish and implement clear protocols to detect, report, and publicly respond to political interference or undue pressure on judges and prosecutors.

Implementation Stage:



Early implementation

Implementation Milestones:

2.i Percentage of sessions of the Judicial Council and Council of Public Prosecutors publicly announced in advance and followed by timely press releases on their outcome;
2.ii Adopted internal documents on improving appointments, promotions and disciplinary proceedings;
2.iii Implementation of adopted protocols for interference reporting and response.

Since the Project's 2024 Public Report, progress towards strengthening the transparency, fairness, and accountability of judicial governance bodies accelerated, particularly through the adoption of a new legislative framework and accompanying institutional reforms. However, although the implementation conditions for these reforms have largely been established, their effective absorption into institutional practice remains ongoing, with tangible results yet to be seen.

Trial monitoring has not identified a pattern of direct courtroom interference in monitored OCC proceedings; nevertheless, governance safeguards remain directly relevant to trial monitoring because opaque or inconsistent governance decisions may affect case continuity, public perceptions of independence, and the professional environment in which judges and prosecutors handle politically sensitive or high-public-interest cases. The next phase should therefore demonstrate whether the new frameworks result in predictable, reasoned and transparent governance practice, including documented handling of reported interference and visible institutional support for judges and prosecutors assigned to sensitive OCC proceedings.

This area remains critical for ensuring institutional legitimacy and public confidence in the justice system, particularly in high-public-interest OCC cases, where appointments, promotions, disciplinary proceedings, public attacks or perceived political pressure may affect both the actual and perceived independence of judges and prosecutors.
The Project assesses the transparency, fairness, and accountability of governance bodies through a combination of public records, legal analysis, and media monitoring. The Project's analysis of media coverage of monitored cases tracks political narratives and their potential impact on judicial autonomy through a structured methodology designed to identify and assess public statements that may

undermine the reputation of members of the judiciary or be perceived as attempts to put undue pressure on the judiciary. Considerations relating to independence, particularly as regards adequate financial resources and staffing in courts and public prosecution offices, are addressed separately under Recommendation 6.

Findings:

Legislative and Institutional Reform of Judicial Governance

Building on earlier reforms and as part of the Government's Reform Agenda, the Parliament adopted the new Law on the Judicial Council in December 2025. The law introduces important safeguards aimed at strengthening transparency, accountability, and merit-based decision-making, including enhanced requirements for reasoned decisions, clearer procedures for disciplinary accountability, public hearings for the selection of non-judicial members, and greater transparency in the dismissal of the President of the Judicial Council. The law largely reflects the recommendations of the Venice Commission and the 2023 EU Peer Review Mission, although some recommendations aimed at further limiting political influence were not fully incorporated.

While its full implementation will depend on the adoption of subsequent by-laws, particularly the Judicial Council's Rules of Procedure and other relevant internal acts, the new legal framework represents a significant step towards strengthening the quality and consistency of accountability practices and establishes a stronger basis for transparent appointments, promotions, and disciplinary proceedings (progress on milestone 2.ii – adopted internal documents on improving appointments, promotions, and disciplinary proceedings).

As one of the steps of the Reform Agenda, the Judicial Council adopted the Programme for the Prevention and Monitoring of Corruption in the Judiciary (2026–2030) and its accompanying Action Plan.[474] The programme envisages standardized, merit-based procedures for appointments, promotions, disciplinary proceedings, and reassignments, alongside greater transparency and accountability in the Council's work.

A further significant development was the adoption of the new Law on the Council of Public Prosecutors in May 2026. The law introduces clearer and more transparent criteria for the election of Council members, strengthens merit-based appointments

[474] Programme on Prevention and Monitoring of the Corruption in the Judiciary 2026-2030 (in Macedonian).

and promotions, requires detailed reasoning for decisions concerning prosecutors, enhances transparency through public sessions and publication obligations, and establishes a two-instance disciplinary procedure with judicial review (related to milestone 2.i). However, the new law does not yet fully address the Venice Commission's recommendations on ensuring sufficient pluralism in the selection of lay members. The authorities have indicated their intention to further revise the legislation to address the outstanding recommendations. In July 2026, the Council of Public Prosecutors adopted its new Rules of Procedure and activities to draft other by-laws to align them with the new Law on the Council of Public Prosecutors, are underway (related to milestone 2.iii).

Transparency and Accountability of the Judicial Governance Bodies

As in the previous reporting period, the Judicial Council continued to maintain the transparency of its sessions, including publicly presenting findings from court monitoring visits and conducting activities aimed at strengthening accountability procedures for judges and court presidents. Progress was also observed in public communication and transparency. The Judicial Council continued to publish agendas, conclusions, decisions, and recordings of public sessions, while press releases became more regular and informative (sustained progress on milestone 2.i – timely publication and press releases on sessions).

The transparency of the Council of Public Prosecutors also improved as reflected in the increased publication of reasoned decisions on appointments and promotions and the more regular issuance of press releases. During consultations with the Project, representatives of the Council noted that there is a commitment to enable live broadcast of its sessions, with the financial support still pending.

Protection of Judicial and Prosecutorial Independence

The Project continued to monitor public statements by elected officials and government representatives commenting on ongoing proceedings or criticizing judges and prosecutors involved in OCC cases, which raises concerns about undue influence on the judiciary from other branches of government. In at least ten of the monitored cases, the Project identified instances of public and political statements targeting judges and prosecutors or commenting on ongoing OCC proceedings. Institutional records indicate that the Councils' responses to such statements were inconsistent, with

several cases in which no formal institutional reaction was recorded.

However, during the reporting period the Judicial Council increased its efforts to maintain a more proactive role in defending judicial independence and responding to instances of political interference, reflecting a growing institutional commitment to protecting judicial autonomy. Since the beginning of 2025, the Judicial Council issued five public statements in response to comments by senior political officials and media reporting that it considered capable of affecting judicial independence. In these statements, the Council reiterated the principles of judicial independence and the separation of powers, emphasized that external comments on pending cases may create undue pressure on judges, and called on the media to report on judicial proceedings in accordance with professional and ethical standards. These interventions demonstrate that the Council publicly responded to individual instances that it perceived as raising concerns regarding external influence on the judiciary.

By comparison, the Council of Public Prosecutors officially reacted with a similar statement only once, when it clarified its legal competence in response to comments by the executive. In a separate instance, prosecutors from the BPPO for OCC themselves publicly rejected allegations of internal pressure and emphasized their independence in decision-making.
Although trial monitoring did not identify direct instances of political interference during monitored OCC proceedings, clear institutional mechanisms for identifying and responding to undue external pressure constitute an important structural safeguard for judges and prosecutors handling high-public-interest OCC cases. The measures introduced by both institutions during the reporting period indicate recognition of the need to systematize institutional responses to allegations of external interference through formal frameworks capable of ensuring consistent and predictable action.

Namely, the Work Programme of the Judicial Council for 2026 envisages the protection of - judges from interference as one of its priorities, with timely reaction in instances of jeopardising the judges' reputation and integrity envisioned as a separate activity in the Action Plan.[475] The effective implementation of these measures would constitute an important step towards protecting the independence and integrity of judges adjudicating cases of significant public interest, including high-level OCC cases in which decision-making may be particularly

[475] Work Programme of the Judicial Council for 2026 (in Macedonian).

exposed to undue pressure (foundation for milestone 2.iii – protocols for reporting and response to interference). During the reporting period, the Council of Public Prosecutors made initial efforts to strengthen the institutional framework for protection of prosecutorial independence. Following the adoption of the Rulebook on the Procedure for Ensuring and Guaranteeing the Independence of Public Prosecutors in November 2025, the Council established a dedicated commission in January 2026 to review a reported case of alleged interference.[476] Although the Council ultimately found no interference, the activation of the mechanism could be seen as an important first step towards - operationalizing protections for prosecutorial independence (related to milestone 2.iii).

Remaining Implementation Challenges

Despite this progress, challenges remain regarding the practical implementation of the new legal framework and the institutionalization of mechanisms for monitoring, reporting, and responding to interference (related to milestone 2.iii). While both Councils have strengthened their normative frameworks and public transparency practices, the effectiveness of these reforms will ultimately depend on consistent implementation and sustained institutional commitment. Initial mechanisms for reporting and responding to interference have begun to emerge, but further efforts are required to ensure that clear, predictable, and publicly understood protocols are systematically applied by both governance bodies. Overall, the reporting period was marked by a number of legislative and institutional developments. The adoption of new laws combined with improvements in transparency and accountability practices, represents a substantial step forward in implementing this recommendation. Strengthened judicial and prosecutorial governance provides the institutional foundation for effective OCC proceedings, as transparent and accountable governance practices support institutional stability, professional consistency and confidence in justice institutions, while enabling effective case management, timely decision-making and continuous improvement of professional practices (Recommendations 5, 7 and 8). Continued monitoring will be necessary to assess the practical impact of these reforms on the independence, accountability, and public credibility of judicial governance bodies. The next phase should demonstrate whether these reforms result in predictable governance practice: reasoned and transparent appointment, promotion and disciplinary decisions; documented handling of reported interference; and

[476] Rulebook on the Manner of Conducting Proceedings for Ensuring and Guaranteeing the Independence of Public Prosecutors (in Macedonian).

visible institutional support for judges and prosecutors handling sensitive OCC cases.

3

Recommendation

Strengthen the institutional and professional practices that support the visible impartiality in the adjudication of OCC cases through consistent reasoning, professional conduct, dialogue, and institutional training.

3.1. Judges should consistently apply structured and well-reasoned decision-making in OCC cases, ensuring clarity in the evaluation of evidence, reasoned response to procedural objections, and full justification of rulings, including decisions on detention;

3.2. The heads of criminal departments in the courts should continuously facilitate regular peer exchanges to promote consistency and shared standards in judicial reasoning and courtroom conduct;

3.3. The Academy for Judges and Public Prosecutors should ensure that judicial impartiality is embedded in training for OCC cases, supported by needs-based planning and measurable follow-up.

Implementation Stage:



Early implementation

Implementation Milestones:

3.i.Percentage of first-instance verdicts in monitored cases that include structured reasoning on procedural and evidentiary issues (based on case sample);
3.ii.Percentage of cases where decisions to extend detention during the trial phase are sufficiently and adequately reasoned;
3.iii. Conclusions on impartiality in OCC case handling are developed through regular peer discussions and working meetings;

3.iv. Percentage of OCC judges participating in at least one activity (training or peer forum) aimed at strengthening impartiality annually;
3.v. Percentage of monitored hearings in which no concerns were observed regarding differential treatment of parties, judicial conduct, or appearance of bias.

Since the publication of the Project's 2024 Public Report, monitored OCC proceedings generally showed continued adherence to core fair-trial standards. Institutional attention to judicial ethics, integrity, courtroom conduct and procedural fairness also continued through the Academy's training activities and professional development initiatives. However, implementation cannot yet be assessed as operationalized because the visible safeguards of impartial adjudication are not applied consistently in practice: reasoning on procedural objections and evidentiary rulings remains uneven, oral decisions are not always accompanied by sufficient legal explanation, reasoning is not always further developed in written verdicts, and regular peer-exchange mechanisms for documenting shared standards in OCC adjudication remain underdeveloped.

Furthermore, decisions for imposing a measure of detention still require better elaboration on the grounds and individualization. The next phase should therefore focus on translating training and professional awareness into routine courtroom practice, particularly through clearer reasoning of procedural and evidentiary decisions, consistent handling of party objections, and structured judicial dialogue on fair-trial practice in complex OCC cases.

The findings under this recommendation are based on trial monitoring, dedicated deep-dive analysis on the legality and admissibility of evidence, analyses of decisions on detention measures, as well as the overview of training sessions and discussions with legal practitioners organized by respective state institutions on issues related to the right to a fair trial.

Findings:

Unlike in the previous reporting period, the monitoring did not identify a systematic conduct raising concerns regarding judicial impartiality in monitored OCC proceedings. The Project noted that first-instance judges' efforts to ensure adherence to international fair trial standards in the courtroom are continuous, and only a few isolated examples of procedural concerns were observed during the reporting period. In most of these cases, adequate corrective measures were taken, and therefore they do not represent systemic issues (demonstrating progress on milestone

3.ii – cases with no fair trial violations). The current reporting period did not indicate a recurrence of previous issues affecting the overall fairness of proceedings, including concerns related to the panel's continuous presence during trials, the parties' ability to effectively exercise their procedural rights, and the public pronouncement of verdicts.

Reasoning of Procedural Decisions and the Appearance of Impartiality

The remaining area for improvement relates to the handling of procedural objections during the main hearing and the quality of reasoning provided in trial panel decisions. In some instances, procedural objections did not appear to receive a level of consideration and elaboration proportionate to their significance for the proceedings.

Even where no pattern of bias is observed, the appearance of impartiality in that sense also depends on how the judges reason, explain and handle procedural objections. In complex and high-public-interest cases, parties and the public must be able to understand why procedural objections are accepted or rejected, why evidence is admitted or excluded, and why detention or other restrictive measures remain justified. Where such decisions are delivered orally with limited reasoning, or where the reasoning is not later reflected in the written verdict, the issue is not only one of drafting quality. It also affects transparency, effective challenge, equality of arms and the appearance of impartial adjudication. While comprehensive reasoning in the final decision is of equal, if not greater, importance, that issue is addressed in detail under Recommendation 8.

Following on this, the Project conducted a dedicated deep dive analysis on the legality and admissibility of evidence based on analysis of procedural decisions in the monitored cases, a procedural area that provides a concrete lens into courtroom fairness, transparency, and consistency of practice.[477]

The Project found that judges addressed the issue of admissibility of evidence in more than half of the cases monitored, based on a variety of grounds, including legality, authenticity, reliability and relevance. This also included substantial objections concerning relevant witness statements. The total number of reviewed procedural decisions amounted to 54, of which 18 were reached in this reporting period.

In the decisions reached during the previous reporting period, the evidence in question was challenged predominantly by the defence (24 out of

[477] The deep dive analysis was conducted in 2025 and updated in 2026. The findings under this section differentiate the procedural decisions reached in the previous reporting period from decisions reached in this reporting period.

36 instances). However, evidence was declared inadmissible in only two of these 24 instances. By comparison, the prosecution obtained exclusion of evidence in three out of eight instances in which it challenged admissibility, while judges excluded evidence ex officio in four instances. These data may reflect differences in the effectiveness of the arguments advanced by the parties or variations in judicial approaches when assessing objections to admissibility.

Similar statistics were observed based on the analysed decisions reached during the reporting period. The defence challenged the admissibility of evidence in nine instances, with the court declaring the evidence inadmissible in only one case. By contrast, the prosecution successfully sought the exclusion of evidence in three of the six instances in which it raised such challenges, while the judge excluded evidence ex officio in three instances.

Nevertheless, the recent decisions illustrate a more balanced approach to admissibility rulings overall. Judges increasingly required both the prosecution and the defence to substantiate the relevance of the evidence they sought to present, moving away from the previous practice of according greater deference to prosecution evidence solely because it had passed the indictment review stage. As the national legislation requires courts at the indictment review phase to assess only the legality, not the relevance, of the evidence, this development reflects a more consistent application of admissibility standards to both parties.[478]

Oral Reasoning

This shift is also reflected, to some extent, in the reasoning provided for admissibility decisions. In the previous decisions, judges ruled orally during hearings in 18 out of 36 reviewed procedural decisions, often providing limited reasoning and making little reference to applicable legal provisions or relevant case law. In some instances, this reasoning was not further developed in the final decision. By contrast, written decisions, typically incorporated into verdicts, were more likely to contain clear, adequate and structured justification.

During the current reporting period, judges ruled orally on the admissibility of evidence in 16 of the 18 observed instances, with some improvements noted. In particular, several judges delivered well-reasoned oral rulings during hearings, explaining the legal basis for their decisions despite not

[478] Article 336 (4) of the CPC, Official Gazette of the Republic of North Macedonia No150/2010; 100/2012; 142/2016; 198/2018.

ssuing separate written rulings. It is yet to be seen whether and how the remaining oral rulings will be elaborated in the future written verdicts.

Nevertheless, inconsistencies in judicial practice remain. This divergence affects transparency of decision-making, limits the ability of parties to effectively challenge decisions, and may weaken the practical application of fair trial guarantees. While some rulings concern procedural issues of limited significance, others address matters of considerable importance, including objections to questions posed to witnesses or other evidentiary issues that may significantly affect the course of the proceedings. Even where such objections do not concern the authenticity or reliability of the evidence itself, they may have a substantial impact on the fairness of the evidentiary process. In such cases, more detailed reasoning is essential to demonstrate that the court has properly considered the parties' arguments, to facilitate appellate review, and to strengthen confidence in the fairness and transparency of judicial decision-making.

Furthermore, in two of the cases, the court deferred its ruling on the admissibility of evidence until after it had been presented. Unlike objections to witness testimony, which may need to be assessed in light of the witness's answers, the objections in these cases concerned the authenticity and reliability of the evidence and could have been decided beforehand.

Overall, while some decisions demonstrated a consistent and well-reasoned approach to evidentiary issues, judicial practice remains uneven across cases. Greater consistency in the reasoning of procedural decisions, regardless of whether they are delivered orally or in writing, would enhance transparency, strengthen legal certainty, and reinforce public confidence in the impartial administration of justice. In this regard, regular professional exchanges among judges within criminal departments could promote the development of shared standards for judicial procedural reasoning and courtroom practice, contributing to greater consistency in the adjudication of evidentiary issues (related to milestone 3.iii – conclusions developed through peer discussions).

Detention Reasoning

The measure of detention was used during trial in 35 per cent of the monitored cases, however mainly in organized crime cases (87 per cent) and less frequently in corruption cases (20 per cent).[479] Although the Project did not analyse a large number of decisions on imposing or extending detention measures, due to their limited availability, a notable example included a high-profile corruption case in which detention was repeatedly extended for several defendants under one of the statutory grounds, that is, risk of absconding. The analysis identified certain shortcomings in the reasoning provided by the court.

The decisions relied primarily on the gravity of the charges and the severity of the potential sentence to establish a risk of absconding, without identifying concrete and individualized circumstances or adequately explaining why less restrictive measures were insufficient. While the defendants were in detention, the court held 18 productive hearings over the course of ten months, averaging approximately 1.8 productive hearings per month. The detention measure was only recently replaced with a guarantee after the maximum legally prescribed period of one year of detention after indictment for the offence in question had expired.

The European Court for Human Rights (ECtHR) has held that the risk of absconding cannot be presumed solely from the seriousness of the charges or the potential sentence but must be supported by concrete, individualized circumstances, while courts must also consider less restrictive alternatives to detention. The use of reasoning is identical and repetitive with summary formula wording in the decisions for prolonging the detention, without assessing the evolving personal circumstances of each defendant and the continued justification for detention despite the passage of time, is incompatible with these requirements.[480] The national legislation is also aligned with this approach, as it requires not only a well-founded suspicion that the accused has committed a criminal offence but also additional circumstances indicating a risk of absconding.[481]

These findings underscore the importance of ensuring that judges consistently provide structured, clear, and individualized reasoning in detention decisions, particularly since such decisions have a significant impact on fundamental rights, and that they are continuously supported in this regard. This is particularly relevant from a transparency perspective, as the

[479] Detention was used against 97 defendants out of the total number of 484 defendants in the monitored cases.
[480] See Vasilkoski and Others v. the former Yugoslav Republic of Macedonia, no. 28169/08, §§ 55–64, 28 October 2010; Miladinov and Others v. the former Yugoslav Republic of Macedonia, nos. 46398/09, 50570/09 and 50576/09, §§ 45–58, 24 April 2014; Janakieski v. North Macedonia, nos. 57325/19 and 16291/20, §§ 75–84, 14 November 2023; and Jovanov v. North Macedonia, nos. 22738/20 and 35558/20, §§ 13–15, 7 July 2026.
[481] Article 165 of the CPC, Official Gazette of the Republic of North Macedonia No150/201; 100/2012; 142/2016; 198/2018.

survey results from the in-depth analysis on transparency (see Recommendation 1) revealed several comments identifying the non-publication of detention decisions as a remaining transparency gap. Respondents noted that even final detention rulings in high-profile OCC cases are often publicly unavailable, limiting public scrutiny of the reasoning behind these decisions and their procedural fairness. Where detention rulings are delivered orally, the need for clear, comprehensive, and well-reasoned explanations is even greater, as the absence of a publicly accessible written decision further heightens the importance of transparent and sufficiently reasoned judicial justification (relates to milestones 3.ii to 3.v.).

Peer Exchange and Training

The Academy for Judges and Public Prosecutors continues to cover topics related to integrity, ethics, courtroom conduct, and procedural fairness in its curriculum, thereby supporting the promotion of professional standards relevant to impartial adjudication in OCC cases. Its 2026 activities conducted with the support of the OSCE Mission to Skopje, such as training on relevant ECtHR case law, judicial ethics and the promotion of the Integrity Policy for Courts, further illustrate continued institutional attention to judicial integrity, transparency, and fair trial standards (related to milestone 3.iv – percentage of judges' participation in trainings and/or peer forums).

However, there remains a need for more structured, needs-based planning and systematic follow-up. In particular, introduction of evaluation mechanisms is required to capture the impact of training on the consistency of judicial reasoning, the handling of procedural objections, and the visible application of impartiality standards in OCC proceedings.

Furthermore, although some experience-sharing initiatives continue to take place through externally organized forums and events, institutional arrangements for regular peer exchanges within court departments remain underdeveloped. Mechanisms for discussing practice standards, documenting shared conclusions, and promoting greater consistency in judicial reasoning and courtroom conduct in OCC cases are not yet systematically embedded within the judiciary (indicating that further work on milestone 3.iii remains necessary).

In summary, continued focus on well-reasoned decision-making, the transparent handling of procedural objections, sustained professional dialogue, and institutional learning will

be essential to reinforcing the appearance and reality of impartiality in OCC adjudication. Recent training and awareness-raising activities organized by the Academy for Judges and Public Prosecutors demonstrate continued institutional attention to judicial integrity and ethics. However, further efforts are needed to ensure that these initiatives translate into consistent courtroom practice and the development of shared standards across judges adjudicating OCC cases, leading to their institutionalization and full operationalization. Such measures are essential not only for ensuring the legal quality and fairness of proceedings but also for strengthening public confidence in the impartiality and credibility of the justice system.

EFFICIENCY

4

Recommendation

Institutionalize reliable, sustainable, disaggregated and interoperable tracking of high-level OCC cases to support case-flow management, identification of delay causes, resource planning and data-informed policy making related to efficiency.

4.1. The Presidents of Courts and the State Public Prosecutor should ensure:

(a) Consistent use of case management systems as tools for measuring and managing efficiency in OCC cases;
(b) Regular data entry into the Organized Crime and Corruption Track Record (OCCTR) platform to ensure consistency of statistics with case management systems;
(c) Implementation of standardized protocols and mandatory targeted training of staff to ensure accurate and consistent data entry.

Implementation Stage:



Early implementation

Implementation Milestones:

4.i. Percentage of courts and prosecution offices processing high-level OCC cases that are using the case-management system for statistical purposes;
4.ii. Percentage of courts and prosecution offices ensuring regular data entry in the OCCTR platform;
4.iii. Developed internal protocols for data entry;
4.iv. Number and proportion of relevant courts and prosecution offices with designated staff responsible for data entry, verification and reporting on high-level OCC cases.

Since the publication of the Project's 2024 Public Report, North Macedonia undertook several initiatives relevant to the systematic tracking of high-level OCC cases, including continued use of existing court and prosecution case-management systems, engagement with the E-Platform for Data Collection of the Enlargement Countries' Criminal Track Records - Organized crime and Corruption Track Record (hereinafter: OCCTR platform), ongoing upgrade of the AKstats database, and renewed attention to interoperability under planned case-management reforms. These developments indicate growing institutional recognition that reliable and disaggregated data are necessary not only for external reporting, but also for managing complex OCC proceedings, identifying delay patterns, and planning resources.

However, implementation cannot yet be assessed as operationalized because case-tracking tools are not yet used consistently across all relevant courts and prosecution offices for performance-monitoring and case-flow management purposes. Existing case-management systems and the OCCTR platform are not yet used consistently for statistical and performance-monitoring purposes, while internal

protocols, dedicated data-entry responsibilities, and inter-institutional co-ordination mechanisms require further institutionalization. As a result, significant work remains to ensure reliable, comprehensive, and harmonized data collection capable of supporting evidence-based policymaking and compliance with EU reporting requirements. The next phase should therefore focus on converting existing databases and reporting obligations into routine management tools capable of identifying where delays occur, why hearings are postponed, how cases move between instances, and what operational or staffing measures are needed to improve the handling of high-level OCC cases.

Findings:

The need for systematic tracking is directly linked to trial monitoring findings on recurring postponements and fragmented case progression. Monitoring has identified postponements linked to absence of parties or judges, courtroom and space constraints, and other organizational factors. These issues cannot be addressed through general efficiency measures alone; they require disaggregated, reliable and routinely used case-flow data capable of identifying where delays occur, which actors or conditions contribute to them, and what managerial or resource measures are required.

Further, the reform value of case-tracking systems depends not only on whether data are entered, but whether court presidents, prosecution managers and governance bodies use them to identify bottlenecks, trigger follow-up and justify resource or organizational measures.

Progress towards systematic, data-driven tracking of high-level OCC cases remains limited. While some early steps have been taken, institutionalization of this function is still at an early stage, and critical gaps in data usage and co-ordination persist (additional efforts are needed regarding milestone 4.ii – use of OCCTR platform in courts and prosecution offices).

At the same time, recent efforts by relevant judicial institutions to improve communication, exchange information, and co-ordinate reporting obligations demonstrate growing awareness of the importance of reliable case-tracking mechanisms. Such co-ordination initiatives are encouraging and should be further strengthened, formalized, and institutionalized as a regular practice among courts, prosecution offices, and other relevant stakeholders to ensure consistency, sustainability, and accuracy of data collection and reporting.

The Project has already identified the need for a consistent, comprehensive and up-to-date track record as a critical priority for judicial institutions to ensure the effectiveness and efficiency of efforts to combat OCC. Without dependable data, judicial performance cannot be properly assessed, and resource allocation remains reactive rather than strategic. Regular, structured monitoring mechanisms are necessary to overcome this challenge.

The OCCTR platform provides an important mechanism for the systematic collection and analysis of data on high-level organized crime and corruption cases across the region. In this context, it is crucial that court presidents and the State Public Prosecutor take the lead in ensuring regular and comprehensive data input into this platform. Wider and more systematic use of the platform would strengthen the ability of domestic institutions to monitor the progression of high-level OCC cases, identify bottlenecks and plan operational responses, while also supporting regional and EU-related reporting obligations (related to milestone 4.i.).

In addition, judicial institutions should improve the use and integration of existing national databases, such as the Automated Court Case Management Information System (ACCMIS) and case management systems managed by the public prosecution office to ensure national data supports both internal management and EU reporting obligations. Only with accurate, disaggregated, and timely data can judicial institutions properly evaluate case outcomes, identify delays or inefficiencies, and plan for targeted reform (related to milestone 4. ii. – use of functional case-management system for statistic in OCC cases).

Encouraging progress has been observed through the ongoing upgrade of the national database “AKstats”, administered by the Ministry of Justice with financial support from the EU IPA III Programme. Once operational, this upgraded platform has the potential to support more evidence-based policymaking and strategic planning across the justice sector. The authorities involved in its development should also ensure that, where appropriate, the database and its outputs are accessible to the wider public, including academia and researchers, thereby facilitating independent analysis, informed public debate, and the development of policy recommendations that can contribute to the further strengthening of the national justice system.

This issue is likely to gain urgency in the coming period, as the Reform Agenda foresees the roll-out of updated or entirely new case-management systems for the judiciary. Planned investments in new or upgraded case-management systems make it particularly important that judicial and prosecutorial users are involved in system design and that

interoperability requirements are addressed from the outset. Furthermore, this means engaging and encouraging their proactive involvement, and fostering a professional environment aimed at identifying the most sustainable and cost-effective solutions. All stakeholders involved in developing new or upgraded case-management systems for the courts and the Public Prosecution Office should prioritize ensuring their interoperability, enabling seamless and real-time exchange of information and data between institutions (related to milestones 4.iii and 4.iv – internal protocols and designated staff for data entry).

In parallel, judicial institutions should also ensure the more systematic and complementary use of existing databases maintained by the Judicial Council, the Ministry of Justice, and the public prosecution offices, including those used to record caseloads, prosecutorial decisions, and mutual legal assistance requests. Integrating data from these systems will allow for a more holistic understanding of how OCC cases are handled, where delays or inefficiencies occur, and what institutional reforms or investments are needed (indicating that work on milestone 4.ii is still needed).

Embedding systematic tracking into institutional practices would also support more informed policy decisions, enable targeted capacity-building, and strengthen resource planning particularly in cases requiring specialized prosecutorial and judicial attention. To achieve this, all judicial authorities must further develop internal protocols, assign responsible staff, and offer continuous training to ensure quality data entry and inter-agency co-ordination (related to milestones 4.iii and 4.iv).

In summary, reinforcing data-driven monitoring of OCC cases through a reliable, digital, and integrated system for tracking these complex cases is essential for support of domestic management of OCC proceedings, strengthen institutional accountability and enable more targeted resource planning.

5

Recommendation

Improve the continuity and efficiency of OCC proceedings of public interest by institutionalizing proactive case management, timely decision-making, strengthened co-ordination, consistent and systematic professional practices and structured peer dialogue across judiciary and prosecution, throughout the case lifecycle.

5.1. The Judges in the Department for OCC in the Basic Criminal Court Skopje should pursue the implementation of their organizational plan for effective and efficient trial management, including measures taken in:

(a) Preparation for the main hearing:

- Develop a hearing timetable considering the complexity and logistics of each case;
- Prioritize "day-to-day" hearings, or scheduling at least one hearing per week;
- Invite parties to consolidate evidence lists and agree on undisputed facts;
- Resolve issues of admissibility and relevance of evidence;
- Ensure timely disclosure of evidence to avoid future delays.

(b) The course of the main hearing:

- Encourage the parties to present documentary evidence in an efficient and substantive manner;
- Delegate to the parties, when appropriate, the summoning of witnesses while ensuring oversight;
- Ensure that all legally prescribed measures to locate unavailable witnesses are exhausted;
- Verify medical documentation in case of procedural delays;
- Invite the parties to link the evidence with the fact(s) to establish relevance and non-repetitiveness;
- Ensure timely sharing of minutes with the parties.

5.2 The Heads of the Criminal Department in the appellate courts should regularly facilitate discussions between appellate and first-instance judges to exchange practices on retrial challenges and promote coherence.

5.3. Judges of the Appellate Court Skopje should:
(a)Schedule sessions in OCC cases within a reasonable time; and
(b)Consistently apply the CPC provisions that regulate the holding of a hearing or reversing a verdict and decide on the merits, especially when the violations are issues that can be solved without ordering a retrial;
5.4 Court presidents should actively monitor case duration, including the time elapsed between instances, and ensure the consistent application of prioritization rules for long-pending cases;

5.5 The President of BCC Skopje should consider appointing specific lay-judges for the OCC Department;

5.6. The State Public Prosecutor should ensure that organized crime and corruption cases and those of particular public interest receive special consideration;

5.7. Public prosecutors should ensure timely disclosure of evidence and effective trial preparation and presentation by submitting concise evidence lists, taking responsibility for summoning their own witnesses, actively participating in hearings and presenting evidence in a structured and coherent manner;

5.8. The Academy for Judges and Public Prosecutors should continue to support co-ordination and dialogue, and ensure ongoing training for judges and public prosecutors handling OCC cases of public interest, with a focus on improving case-management practices.

Implementation Stage:



Early implementation

Implementation Milestones:

5.i. Average number of productive monitored hearings per week per case increased;
5.ii. Average total length of monitored proceedings decreased;
5.iii. Number of inter-instance co-ordination meetings held annually;

5.i. Percentage of OCC cases older than two years that are subject to a prioritization order;
5.ii. Percentage of monitored cases with effective prosecutor's performance;
5.iii. Percentage of retrials in monitored cases decreased;
5.iv. Percentage of trained judges and prosecutors handling OCC cases on case-management techniques.

Since the publication of the Project's 2024 Public Report, North Macedonia demonstrated concrete progress in strengthening the efficiency of OCC proceedings at first instance, particularly through the organizational plan for efficient and effective proceedings launched by judges in the OCC Department of the Basic Criminal Court Skopje in February 2025. Trial monitoring indicates that judges increasingly applied proactive case-management practices, including scheduling hearings in advance and at shorter intervals, holding preparatory hearings, developing hearing timetables, verifying medical documentation, delegating witness summonses where appropriate, and guiding the presentation of evidence more actively.

However, implementation cannot yet be assessed as operationalized as these practices are not yet applied consistently across all OCC cases, judicial actors or procedural stages. This reflects broader implementation conditions, including procedural obstacles, co-ordination challenges and limitations in institutional support arrangements. The next phase should therefore focus on converting emerging first-instance good practice into stable institutional routines across trial and appellate proceedings.

Findings:

Emerging First-instance Trial Management Improvements

During the reporting period, North Macedonia showed tangible progress in strengthening first-instance management of OCC cases of public interest. In February 2025, the judges in the OCC Department of the Basic Criminal Court Skopje launched a pilot initiative under the title "Organizational plan for efficient and effective proceedings". Its main goal was to test the feasibility of continuous scheduling of hearings in OCC cases, building on the practice of frequent scheduling already adopted by some judges, and to prevent delays in trials by developing a trial management plan at the beginning

of the trial (a key step towards milestone 5.i – average number of productive monitored hearings per week per case increased). The Academy for Judges and Public Prosecutors hosted a working meeting to support this effort, in the presence of judges, prosecutors, defence lawyers and law professors.

Trial monitoring confirmed the first-instance judges' commitment to sustained implementation of the pilot initiative through continued application of positive case-management practices. These included scheduling multiple hearings in advance and at short intervals, holding preparatory hearings, developing hearing timetables, delegating the summoning of witnesses to the parties, verification of medical documentation for health-related absences and actively guiding the presentation of evidence. This applies especially to newly monitored cases in which the trials started after the launch of the initiative, where monitoring revealed more structured proceedings confirms that improved judicial practice at first instance cannot by itself resolve broader case-flow problems. More specifically, judges increasingly held preparatory hearings to discuss procedural issues, ensure that evidence was shared with the defence, estimate the time needed for the presentation of evidence, and establish hearing schedules before the start of the evidentiary phase. This contributed to a reduction in the average length of monitored proceedings (related to milestone 5.ii).

Furthermore, the Project noted efficiency efforts in corruption cases which are tried in the regular criminal department in the BCC Skopje, with judges taking the same proactive approach as their colleagues from the OCC Department in managing trials in high-profile cases of public interest. These developments are significant because they show that some delays in OCC proceedings can be addressed through changes in professional routine, not only through legislative reform or additional resources. At the same time, the reporting period also confirms that improved judicial practice at first instance cannot by itself resolve broader case -flow problems.

Unproductive Hearings and Remaining Procedural Bottlenecks

Monitoring of 850 hearings in the reporting period showed that the rate of unproductive hearings slightly reduced from 33 per cent to 28 per cent, with the first half of 2026 showing a significant reduction to 21 per cent. Defendant absences remained the most frequent cause of postponements, although their share decreased from 41 per cent to 31 per cent of all unproductive hearings.

Notably, during this reporting period, procedural issues emerged as the second most frequent cause of unproductive hearings, accounting for 22 per cent, compared to 11 per cent in the previous reporting period. The majority of these issues resulted from unavailable case files pending decisions by higher instances, which repeatedly stalled proceedings and created delays beyond the control of trial panels. Other obstacles included incomplete expert opinions, amendments or clarifications to indictments, late submission of evidence, and judicial recusals, each affecting the continuity of proceedings. These postponements demonstrate that systemic and procedural bottlenecks, alongside individual attendance-related issues, continue to affect efficiency by prolonging proceedings and complicating the timely adjudication of complex cases. At the same time, the increased efficiency of first-instance trials (related to milestones 5.i and 5.ii) demonstrates the importance of judicial initiative and proactive case management in mitigating such obstacles where possible.

The number of first-instance verdicts also increased from 23 to 32 in this reporting period, with 12 out of these delivered in the second half of 2025 after the efficiency initiative started. However, the percentage of retrials in high-level cases remained the same as in the previous period, with around half of the first-instance verdicts being annulled. Therefore, the average length of first-instance trials did not significantly change, remaining at an average of around two years, the same as in the previous reporting period.

However, a notable pattern has been identified in the cases in which the trial commenced after the start of the pilot initiative in January 2025, with an average trial length of seven months in the seven cases that reached a first-instance verdict by September 2026. This indicates that the next phase of reform should focus on institutionalizing good trial-management practices while addressing the external and inter-institutional factors that continue to interrupt case progression.

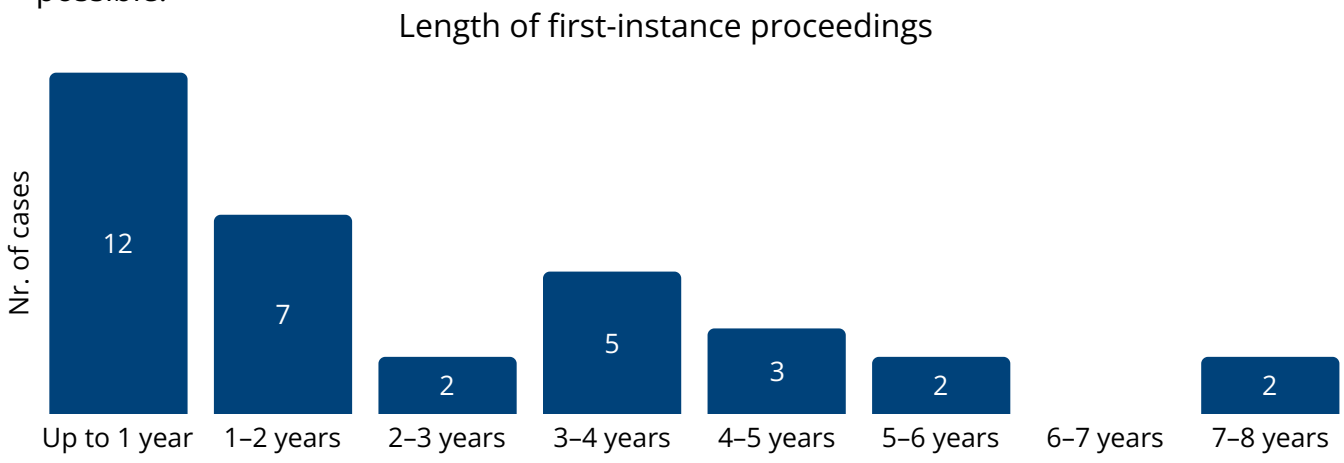


Figure 39: Period between the filing of the indictment and the first-instance verdict in monitored cases

At the same time, monitoring showed that improvements in professional practice cannot fully compensate for external factors affecting proceedings. In several older high-level organized crime and corruption cases, judges made considerable efforts to accelerate long-pending cases. However, most hearings were postponed due to health-related absences of defendants, pending appellate decisions on procedural matters, and scheduling constraints linked to the assignment of lay judges to other complex proceedings.

Unproductive hearings

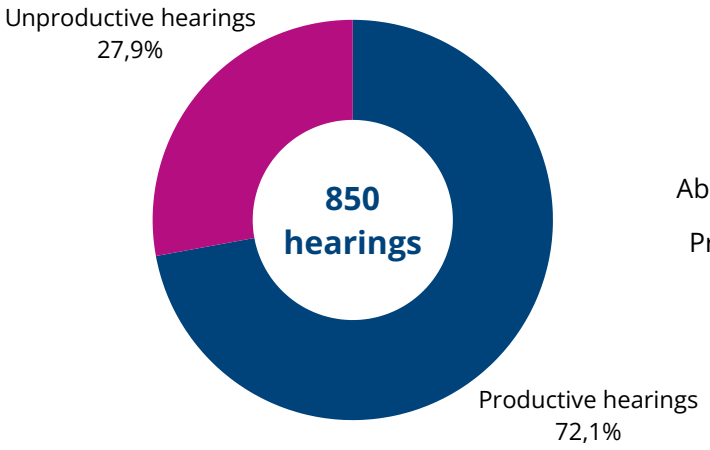


Figure 40: Number of unproductive hearings

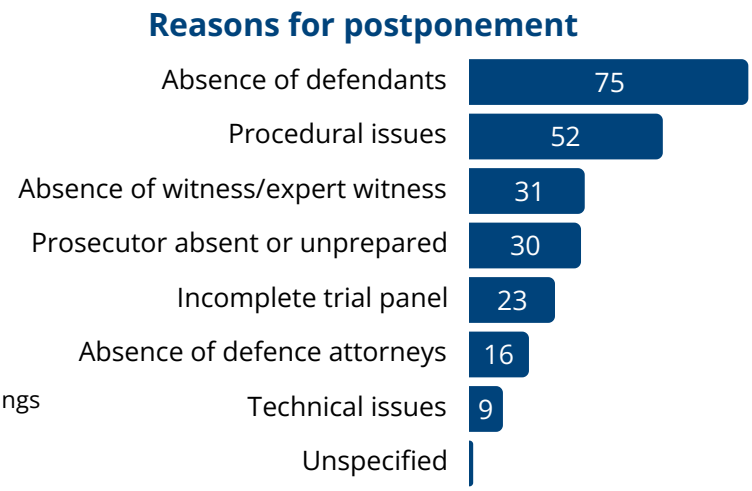


Figure 41: Reasons for unproductive hearings

This illustrates that the reasons for postponement are mostly beyond the control of the trial panel, and the limitations in institutional support arrangements are often the main factor for procedural delays rather than shortcomings in judicial practice.

Witness Attendance and Service-related Challenges

One notable recurring issue in this regard is the difficulty in securing the attendance of witnesses in several high-level monitored cases, in which prosecution witnesses were reported as unavailable after summonses could not be successfully served, preventing their examination before the court. This issue did not always result in postponement, but created a procedural bottleneck which affected the pace of the hearings. The prosecution claimed that it was not able to determine their whereabouts or to locate them via the contact details obtained in the investigation. Therefore, the witness unavailability, determined

through formal service procedures that rely primarily on registered addresses, which may not accurately reflect a witness's actual whereabouts, undermined efforts to speed up the trials. These challenges indicate the need for more consistent implementation of measures aimed at locating unavailable witnesses and their actual addresses of residence, ensuring that all legally prescribed tracing efforts are exhausted before witness unavailability is established.

Prosecutorial Preparation and In-court Performance

On the prosecutorial side, some positive practices emerged regarding the effective presentation of evidence and in-court performance. In several cases, prosecutors actively participated in trial planning, proposed realistic schedules for the presentation of evidence and assumed responsibility for summoning their own witnesses. However, these practices remain unevenly applied. Further efforts are needed to strengthen consistency of professional practice in trial preparation, evidence disclosure and the structured presentation of evidence (related to milestone 5.v).

From a managerial point of view, the Project noted that the State Public Prosecutor and the chiefs of competent public prosecution offices gave increased attention to ensuring that OCC cases receive timely and effective prosecutorial handling. At the same time, further improvements are needed to ensure quality and consistency of prosecutorial practice. The State Public Prosecutor should ensure that OCC cases receive appropriate attention and oversight throughout all stages of the proceedings. Prosecutors involved in such cases should demonstrate a proactive and structured approach to trial preparation and evidence presentation. Strengthening the in-court performance of prosecutors would inevitably and directly contribute to more efficient proceedings in OCC cases (foundation for milestone 5.v – effective prosecutors' performance – see Recommendation 7).

Appellate Delays, Retrials and Inter-instance Co-ordination

However, efforts to increase efficiency in OCC cases are not yet systematic and consistently applied across all institutions, as the Project continued to observe case handling issues at the appellate phase. The frequency of retrials in high-level OCC cases remained a challenge. In this reporting period, the Appellate Court Skopje annulled first-instance verdicts in six out of 11 monitored high-level cases that reached appeal phase for the first time in the reporting period, meaning that the percentage of retrials remained the

same. In only three of the monitored 18 high-level cases with appeal decisions reached in the reporting period, did the court open a main hearing . However, each of these cases had already been returned back for a retrial, and the appellate court was legally obliged to decide on the merits. These findings continue to indicate the need for more consistent application of Criminal Procedure Code (CPC) provisions enabling appellate judges to resolve cases on the merits where possible, rather than ordering retrials that prolong proceedings (related to milestone 5.vi – decreased number of retrials in OCC cases).

In addition, trial monitoring in the second instance showed delays in scheduling public sessions and hearings in high-level cases at the appeal stage. Although the CPC does not prescribe a specific deadline for holding a public session, the observed delays highlight weaknesses in operational effectiveness and case management at the appellate level. The duration of the period between instances, i.e., between the issuance of the first-instance verdict and the public session, ranged from four to 24 months with an average of eight months, resulting in delayed second-instance decisions.

The average period between receipt of the Higher Public Prosecution Office's proposal and the public session remained approximately three months, the same as in the previous reporting period. This may reflect, among other factors, the increased caseload and limited availability of time slots for scheduling sessions, as the Project observed that the Appellate Court Skopje's schedule is continuously filled with sessions and hearings. At the same time, the period between the public session and the issuance of the second-instance decision was reduced by half to an average of one month, compared with two months in the previous reporting period. Overall, while the time taken to issue decisions following public sessions improved, delays in bringing high-level OCC cases before the appellate court remain a concern and continue to affect the timeliness of appellate proceedings (related to milestone 5.ii – decreased average total length of monitored proceedings).

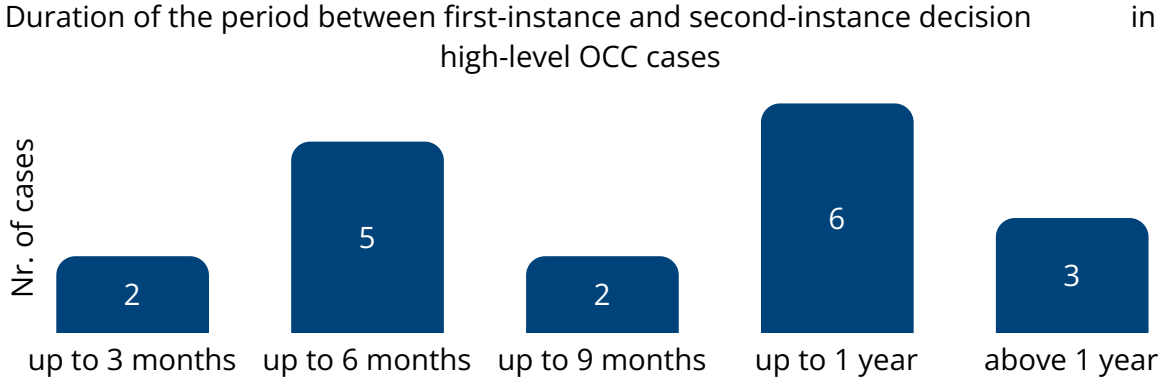


Figure 42 -Duration of the period between first-instance and second-instance verdict in monitored high-level OCC cases

Improved co-ordination between first-instance judges and appellate judges remains important for addressing recurring challenges related to retrials, appellate review and the overall duration of proceedings. During consultations, judges from both instances agreed that stronger professional dialogue and co-ordination meetings could contribute to greater consistency and efficiency throughout the whole proceedings. Such dialogue would support greater consistency of practice, facilitate the exchange of professional experience and help address recurring challenges related to retrials and appellate review (related to milestone 5.iii – co-ordination meetings – see also Recommendation 8).

Likewise, court presidents should continue to actively monitor case duration, including the time elapsed between instances, and ensure the effective prioritization of long-pending cases of public interest in line with their competence under the Courts' Rules of Procedure (related to milestone 5.iv).

Availability of Lay Judges and Panel Continuity

As mentioned above, the limited availability of lay judges assigned simultaneously to other complex proceedings undermined efforts to schedule hearings at short intervals. This continuously affected most of the OCC cases under monitoring and highlighted the need for institutional measures, including more stable allocation of lay judges for complex OCC proceedings. Therefore, the Project considers that the allocation of specific lay judges for OCC cases would significantly improve the operational effectiveness of the OCC Department (see also Recommendation 6).

Overall Assessment and Next Steps

Finally, continued support from the Academy for Judges and Public Prosecutors remains important for sustaining positive developments. Ongoing training, peer dialogue and exchanges of practical experiences on trial management between both judges and prosecutors are necessary to institutionalize emerging good practices and address persistent efficiency gaps (a key step towards milestone 5.vii – OCC judges and prosecutors trained on case management techniques). Importantly, the focus should not be only on training, but also on facilitating professional dialogue to ensure greater consistency of practice and supporting the institutionalization of individual efficiency initiatives. The discussion should also include all other relevant institutions whose responsibilities affect judicial efficiency, particularly in relation to the service of summons, the transport of detainees, and the timely disclosure of evidence to the defence.

In conclusion, the findings indicate partial but tangible progress. Positive developments in first-instance case management demonstrate that more structured and proactive approaches can contribute to greater efficiency in OCC proceedings. At the same time, persistent procedural bottlenecks, co-ordination challenges and limitations in institutional support arrangements continue to affect the pace and continuity of proceedings. Further progress will therefore require a co-ordinated approach across the judiciary and prosecution service to ensure that emerging good practices are consistently applied and supported at all stages of OCC cases.

6

Recommendation

Strengthen data-based operational planning and staffing support for courts and prosecution offices handling high-level OCC cases, with particular attention to workload distribution, lay-judge availability, vacancies, prosecutorial continuity and courtroom support functions.

6.1. The court presidents and chiefs of Public Prosecution Offices should proactively use the institutions' official annual reports to present continuous needs assessments and advocate for additional resources based on the data contained therein, particularly for staffing and operational support.

6.2. The court presidents and Judicial Council should facilitate temporary transfers of judges according to the specific needs of certain courts or departments, and discuss the possibility of appointing specific judges who would decide solely in the review phase of the indictment.

6.3. The court presidents and Judicial Council should ensure that recruitment processes for lay judges are initiated regularly and based on continuous needs assessment.

6.4. The Judicial Council should strengthen human-resource arrangements to support the effective functioning of the judiciary, including by:
(a)enhancing financial incentives for lay judges, with the aim of ensuring greater quality, consistency, and sustainability in their recruitment and retention; and
(b)ensuring the timely filling of vacant positions on time, especially in the Appellate Court Skopje.

6. 5. The Council of Public Prosecutors should ensure the timely filling of empty posts in the Basic Public Prosecution Office for OCC.

6.6. The State Public Prosecutor and the Chiefs of the Public Prosecution Offices should promote greater consistency in the handling of complex OCC court proceedings in cases where a new public prosecutor is appointed, by facilitating an effective transfer of the case and proper co-ordination between the outgoing and newly appointed prosecutor.

6.7. The Academy for Judges and Public Prosecutors should organize continuous training for court clerks on accurate and effective minute-taking and ensuring information flow during witness examination.

Implementation Stage:



Planning and Preparation

Implementation Milestones:

6.i. Increased level in budget allocation for judicial institutions handling high-level OCC case;
6.ii. Judicial institutions use data-driven planning tools to allocate resources for OCC cases;
6.iii. Number of temporary transfers of judges to address workload needs in courts handling OCC cases;
6.iv. Percentage of institutions (courts and PPOs) with reasoned needs assessments included in their annual reports;
6.v. Reduced vacancy rates in courts and prosecution offices handling OCC cases (judges, lay judges, prosecutors and legal associates);
6.vi. Number of training sessions for court clerks working on OCC cases annually.

During the reporting period, implementation of measures to enhance the institutional capacity and responsiveness of judicial and prosecutorial bodies remained at the planning and preparation stage. While some incremental progress was observed, including new appointments and stronger engagement in budget discussions, many systemic constraints persist, particularly regarding staffing gaps, workload distribution, and operational support for OCC case processing. As such, greater emphasis is

needed on institutionalizing needs assessments, strategic use of annual reporting, and closing resource gaps in line with the Reform Agenda's commitments.

Findings:

The need to strengthen operational support arrangements for high-level OCC cases is directly linked to trial monitoring findings on the continuity and pace of proceedings. Monitoring during the reporting period showed that even where judges applied more proactive case-management practices, proceedings continued to be affected by operational constraints outside the control of individual trial panels, including party absences, scheduling constraints, lay-judge availability, unavailable case files, staffing shortages and courtroom-support limitations. These findings indicate that improvements in trial management will remain fragile unless court presidents, prosecutorial leadership and governance bodies use reliable case-flow and workload data to identify operational needs and address them through targeted staffing, support and resource measures. This is also important from the perspective of institutional independence, as adequate resources are essential to ensuring judicial independence from state institutions and private parties.

Strategic Planning and Resource Management

Court presidents and chiefs of prosecution offices are expected to leverage their annual institutional reports as tools not only for reflection but also for advocacy and planning. These reports contain valuable data and, with an intentional contextualization, can serve as a foundation for continuous needs assessments. In this context, annual reports should not only describe caseloads and institutional activity retrospectively; they should identify specific operational constraints affecting high-level OCC cases, explain how those constraints affect scheduling, hearing continuity, appellate processing or prosecutorial workload, and formulate reasoned requests for staffing, budgetary or organizational measures (related to milestones 6.ii and 6.iv – data-driven resource planning and needs-based reporting in OCC cases).

North Macedonia is currently in a critical phase of implementing the Reform Agenda, during which key judicial leaders, such as court presidents and chiefs of public prosecution offices, must demonstrate strong managerial, strategic, and advocacy skills. Their priorities should include securing the legally mandated

level of judicial budget allocation and ensuring the efficient and effective use of funds made available through the Reform Agenda (related to milestone 6.i – increased budget for institutions handling high-level OCC cases). Through media monitoring, the Project has observed that some court presidents and chiefs of public prosecution offices have become more vocal in highlighting gaps in the annual budgets for their institutions.

The relevance of budget allocation to trial monitoring lies in its practical effect on staffing, courtroom logistics and support functions in complex OCC cases. Where legally mandated budget levels are not met, courts and prosecution offices may lack the resources needed to fill vacancies, retain lay judges, provide legal associates or ensure adequate clerical support. These gaps can translate into delayed hearings, slower appellate review and weaker continuity in long-running proceedings. Moreover, adequate financial and other resources are a necessary institutional condition for courts and prosecution offices to operate not only effectively but also, and, equally if not more importantly, independently. However, the challenges and shortcomings highlighted in the Project's 2024 Public Report unfortunately persist, with little to no significant improvement to date.

A further measure to enhance flexibility in addressing workload disparities across judicial institutions is the strategic temporary transfer of judges. The Judicial Council, in co-operation with court presidents, should facilitate temporary transfers based on real-time operational needs, while taking into account the workload of the OCC Department in the Basic Criminal Court Skopje – the judicial department competent to adjudicate most OCC cases nationwide.

In addition, the Project recommends exploring the designation of judges responsible solely for the review of indictments. Consultations held with judges and members of the Judicial Council indicate that reviews of indictments are frequently conducted alongside ongoing trial responsibilities. As a result, this critical pre-trial task is often undervalued and not properly recognized as an additional workload for the assigned judges. Establishing dedicated judges for indictment review could transform this phase into a more substantive and consistent assessment of the indictment and supporting evidence, ultimately strengthening the quality and integrity of criminal proceedings (related to milestones 6.ii and 6.iii).

Human Resources and Institutional Support for Effective OCC Proceedings

The Project continues to observe that shortages of lay judges are increasingly affecting the efficiency and scheduling of high-level OCC proceedings. The scheduling of new hearings and the ability of trial chambers to maintain the planned pace of proceedings are directly linked to the availability of lay judges. The number of lay judges available in the Basic Criminal Court Skopje, including within its OCC Department, remains at a concerning level and continues to fall below the minimum operational needs of the Court. As a result, the practice of sharing lay judges among multiple trial chambers has become common. Trial monitoring activities have identified instances where hearings were temporarily interrupted or delayed in one courtroom in order to allow a lay judge to participate in proceedings before another chamber. Such practices directly affect the dynamics, continuity, and overall duration of OCC trials. In this regard, court presidents and the Judicial Council should ensure that recruitment procedures for lay judges are initiated regularly and based on continuous assessments of institutional needs, thereby preventing avoidable delays in scheduling and conducting hearings (related to milestone 6.v – reduced vacancy rates in OCC courts). The effects of the latest amendments to the Law on Courts,[482] adopted in July 2026, which increased the age limit for serving as a lay judge from 60 to 67 years, should be further monitored to assess their impact and determine what results they will produce.

Another challenge affecting the sustainability of the lay-judge system concerns the limited financial compensation and institutional support available to individuals serving in this role. Trial monitoring activities and consultations with court representatives indicate that lay judges participating in lengthy and highly demanding organized crime and corruption proceedings often receive compensation that remains even below 50 per cent of the minimum state guarantee for net monthly salary,[483] even when their engagement extends throughout an entire month. Furthermore, lay judges do not benefit from social or health insurance coverage linked to their judicial engagement. These conditions significantly reduce the attractiveness of the position and are frequently cited as one of the main reasons why public calls for the appointment of new lay judges generate limited interest or only a small number of applications. Retention also remains problematic, as many lay judges eventually leave due to better-paid professional opportunities elsewhere. Strengthening the institutional support framework for lay judges, including more adequate

[482] Law on Courts; Official Gazette of the Republic of North Macedonia No. 151/26
[483] Minimum Wage Law; Official Gazette of the Republic of North Macedonia No.63/26.

financial incentives and revised appointment conditions, would contribute to greater quality, consistency, and sustainability in both recruitment and retention processes (related to milestone 6.v).

Staff shortages continue to pose a serious challenge, particularly at the Appellate Court Skopje, which holds exclusive jurisdiction over appeals in most high-profile cases. Despite the appointment of four new criminal judges in May 2025, the concurrent promotion of two to the Supreme Court neutralized much of the gain. At this pace, the judiciary risks maintaining a persistent staffing shortfall, as new appointments are insufficient to address existing vacancies and respond to the growing caseload.

The Judicial Council should adopt a more proactive and data-informed approach to workload assessments and expedite recruitment processes. Persistent staffing gaps risk continuing to affect appellate performance, contribute to delays, and erode public trust. Judges in the OCC Department would benefit from more stable professional support teams, including legal associates, trainees and court clerks, particularly in cases involving voluminous evidence and lengthy hearings. This would support more predictable and disciplined trial management in OCC-related cases. The situation with the lack of court clerks responsible for minute-taking has reached a point where hearings are being postponed due to their unavailability, while parties are unable to exercise certain legal remedies because hearing transcripts and other judicial documents cannot be issued in a timely manner (related to milestone 6.v – reduced staffing gaps in OCC courts and prosecution offices). This concern is also acknowledged in the Reform Agenda, which outlines a commitment to fill all judicial and prosecutorial vacancies by the end of 2026, in line with projections developed by the Judicial Council and the Council of Public Prosecutors.[484] However, the implementation of the human resource management strategies in the judiciary and in the prosecution, adopted in 2020, lags behind (related to milestone 6.v).

In line with the Reform Agenda, although with a significant delay, the Parliament adopted the laws regulating the court and prosecutorial services, which, to a certain extent, provide greater institutional autonomy in staffing by removing the requirement for prior Ministry of Finance consent to the recruitment of specialized staff, with the Judicial Council and State Public Prosecution Office instead responsible for preparing recruitment plans and notifying the Ministry of Finance.

Still, current budget allocations remain inadequate, standing at just 0.2 per cent

[484] Reform Agenda of North Macedonia 2024-2027.

of the total State Budget for the public prosecution office and 0.3 per cent of GDP for the judiciary, far below the 0.4 per cent and 0.8 per cent legal benchmarks.[485] Without sustained financial and institutional support, meaningful progress remains uncertain (related to milestone 6.i). Therefore, if adopted and effectively implemented, the draft Law on Judicial Budget and the draft Law on the Public Prosecution Office will represent an important step towards addressing the persistent underfunding of the judiciary and the resulting inefficiencies in the delivery of justice.

Likewise, the Council of Public Prosecutors needs to prioritize the full staffing of the BPPO for OCC, ensuring the recruitment of experienced prosecutors capable of handling the complexity and sensitivity of high-profile OCC cases. Trial monitoring activities, consultations with public prosecutors, including the State Public Prosecutor and the Chief Public Prosecutor of the BPPO for OCC, as well as reviews of annual reports on the work of the Public Prosecutor's Office, all indicate a persistent shortage of human resources across the prosecutorial system. The BPPO for OCC is no exception, facing the same structural and operational challenges.[486]

The findings presented in the Project's 2024 Public Report, which highlighted consistent delays in scheduling hearings due to overlapping obligations of prosecutors, continue to be relevant. While the regular appointment of prosecutors to the BPPO for OCC represents a step forward, it is insufficient to address the systemic shortfall, as an additional five positions in this prosecution office remain vacant (related to milestone 6.v).

Operational Continuity and Administrative Capacity

The Project has also observed that changes in prosecutorial assignments during ongoing OCC proceedings can affect the continuity and efficiency of trials. In three monitored cases, the appointment of a new public prosecutor was followed by requests for additional time to review case files, obtain or present evidence, amend lists of proposed evidence, or, in certain instances, amend the indictment itself. While such measures may be justified in individual circumstances, they can contribute to delays in the scheduling and continuation of hearings. These situations create the impression that

[485] Law on the Judicial Budget, Official Gazette of the Republic of North Macedonia No.60/2003; 37/2006; 103/2008; 145/2010 (Article 4); Law on Public Prosecution Office, Official Gazette of the Republic of North Macedonia No. 42/2020 (Article 101).
[486] According to the Annual Report on the Work of the Public Prosecution Office for 2025 (in Macedonian), one-third of the prosecutorial posts are vacant, while the BPPO for OCC lacks five out of the envisioned 18 prosecutors.

the transfer of responsibilities between outgoing and newly appointed prosecutors is not always sufficiently co-ordinated. The State Public Prosecutor and the Chiefs of Public Prosecution Offices should therefore promote more structured and co-ordinated handover procedures, ensuring timely transfer of case knowledge, evidence, and procedural strategy in order to minimize disruptions and preserve the continuity of complex OCC proceedings.

At the operational level, court clerks and administrative staff play a critical, yet often overlooked role. The Academy for Judges and Public Prosecutors should provide targeted training on accurate minute-taking, procedural documentation, and efficient courtroom co-ordination. Well-prepared clerical staff reduce procedural errors and ensure the integrity of the judicial record, which is especially important in high-level OCC trials that are typically very sensitive and tense (related to milestone 6.vi – training of clerks working on OCC cases).

Overall, persistent underfunding of the judiciary and prosecution service is not merely an issue of institutional efficiency. Where resources are insufficient to enable these institutions to discharge their functions effectively and autonomously, it may also raise concerns regarding their institutional independence. Strengthening the institutional capacity and responsiveness of judicial and prosecutorial bodies through effective and strategic leadership, more and better-qualified staff, efficient resource allocation, and enhanced administrative support is essential for ensuring the fair and timely adjudication of high-profile OCC cases, as well as for strengthening overall public trust in the justice system.

7

Recommendation

Strengthen the consistency and quality of prosecutorial case presentation in OCC cases of public interest from indictment drafting to in-court performance.

7.1. The State Public Prosecution Office should continue to support and co-ordinate institutional measures aimed at improving the quality, clarity and evidentiary structure of indictments, as well as the effectiveness of prosecutorial in-court performance in complex OCC trials.

7.2. The Chiefs of the Public Prosecution Offices should:
a) Use professional collegiums to improve indictment drafting and in-court performance;
(b) Ensure that performance appraisals and oversight meaningfully assess the quality of indictment drafting and in-court performance; and
(c) Ensure that where higher prosecution offices take a position different from that of the lower prosecution office, particularly in appeal proceedings, are accompanied by clear and well-reasoned legal explanations in order to strengthen consistency, transparency, and public confidence.

7.3. The Academy for Judges and Public Prosecutors should continuously revise its curriculum for prosecutors based on OCC trial performance needs, including indictment writing and effective in -court performance.

Implementation Stage:



Early implementation

Implementation Milestones:

7.i. Percentage of indictments, appeals and proposals in monitored cases that are clear and well-reasoned;
7.ii. Percentage of monitored cases where prosecutors' in-court performance is assessed as adequate;

7.iii. Number of professional collegiums held annually in which the quality of indictments and prosecutorial in-court performance were discussed;
7.iv. Proposed measures to improve the quality of indictments and in-court performance adopted annually, based on effective oversight and performance appraisals;
7.v. Percentage of OCC prosecutors participating in quality of indictments and in-court performance training.

Since the publication of the Project's 2024 Public Report, North Macedonia showed partial but concrete progress in strengthening prosecutorial practice in OCC cases of public interest. The Project's analysis of indictments identified some improvement in the clarity and structure of recent indictments, including more frequent identification of assets relevant to confiscation or compensation where applicable, and trial monitoring observed positive examples of prosecutors presenting documentary evidence in a more organized, focused and comprehensible manner. However, implementation cannot yet be assessed as operationalized because these improvements remain uneven and are not yet embedded in standard institutional practice.

Findings:

To assess progress under Recommendation 7, the Project drew on findings from the analyses of how indictments were drafted, with a focus on indictments raised in the reporting period, monitoring of trials, consultations with prosecutors and judges, and an overall assessment conducted for completed cases. The Project continued to identify shortcomings in some indictments and trial presentations, including unclear links between facts, evidence and legal qualification; insufficient specification of the role or mode of liability of co-defendants; difficulties in presenting evidence relevant to intent in corruption cases; inconsistent witness-related preparation; and variable approaches to the presentation of documentary evidence. Internal mechanisms for systematic review, professional feedback, collegium-based learning and performance follow-up are not yet sufficiently institutionalized. The next phase should therefore focus on converting emerging good practices and training initiatives into routine prosecutorial standards for indictment drafting, trial preparation, evidentiary presentation and appellate practice in complex OCC cases.

Quality of Indictment Drafting and Substantiation of Charges

During the reporting period, the Project analysed 26 indictments, bringing the total number of analysed indictments to 72. Of these, 22 were indictments introduced in the course of the reporting period, and four were older indictments which the Project received anonymized from the prosecutorial office with some delay. The new indictments showed some improvement, particularly in the more frequent identification of assets for the purposes of confiscation and/or compensation for damage, but still not in all the applicable cases. This aspect is separately addressed under Recommendation 10 (see: findings under Recommendation 10).

Of the indictments analysed by the Project during the reporting period, 16 were clear, precise, and sufficiently detailed. They were also drafted to clearly identify the specific crimes with which the accused was charged, cite the relevant legal provisions allegedly violated, and set out the facts constituting the essential elements of each crime, including the relevant time, place, and circumstances of the alleged conduct.

Another four indictments were also considered broadly in line with the required standards, although there remains scope for minor improvements. In particular, the intent element could have been more clearly articulated by identifying the specific facts and circumstances demonstrating that the accused knowingly and deliberately acted in violation of their official duties either intended or was willing to accept the resulting consequences, rather than relying solely on the existence of procedural breaches.

Furthermore, the prosecution's reasoning would be strengthened by addressing not only the facts supporting the charges but also any potential ambiguities, alternative interpretations, or issues that may reasonably arise from an objective assessment of the evidence. Although such matters may ultimately be resolved in favour of the prosecution and may not alter the conclusion that a criminal offence has been committed, acknowledging and addressing them at the indictment stage would enhance the overall credibility and persuasiveness of the case. By anticipating and responding to foreseeable questions rather than leaving them solely for clarification during trial, the prosecution would provide a more complete and balanced presentation of the allegations, thereby reinforcing, rather than weakening, the foundation of its case.

In the remaining six indictments, the Project identified additional areas for improvement concerning both the

presentation of the factual allegations and the legal characterization of the conduct. The factual allegations did not always sufficiently establish the link between the described conduct and the legal elements of the crime charged. Furthermore, where multiple persons or entities were involved, the indictments did not consistently clarify the respective contribution or role of each co-perpetrator. There were also instances where events were not presented in a sufficiently clear chronological order, which, combined with lengthy sentences and grammatical and typographical errors, makes it difficult to follow the sequence of the alleged conduct. Moreover, presenting the full names of legal entities, ownership structures, and other identifying details separately at the outset, rather than within the factual narrative, would allow the factual allegations to be set out more clearly and concisely. Where anonymization is applied, it should preserve sufficient clarity to distinguish between the relevant entities, as excessive anonymization may obscure which entity was involved in a particular action or stage of the alleged conduct.

Regarding the legal qualification of the conduct, reference to the relevant legal framework may be important for certain types of offences where the unlawfulness of the conduct depends on the breach of specific duties, regulations, or legal obligations. This is particularly relevant for offences such as abuse of office and similar charges, where identifying the applicable legal framework may assist in demonstrating how the alleged conduct exceeded the defendant's authority or violated the duties attached to their position. In such cases, the indictment should provide sufficient clarity on the relevant legal basis to explain how the alleged facts correspond to the elements of the offence charged.

The findings indicate a positive trend compared to the previous reporting period. The proportion of indictments assessed as satisfactory increased from below 50 per cent to 77 per cent, suggesting that efforts to improve indictment quality may be beginning to produce tangible results. However, further operationalization and institutionalization are required to ensure that the quality of indictments is not determined solely by the individual capacity of prosecutors, but is underpinned by institutional support and incentives that promote continuous improvement (related to milestones 7.iii to 7.v).

Effectiveness of Prosecutorial Case Presentation and Trial Performance

Several weaknesses in the prosecution's approach were observed during trials. With regard to witnesses, two main challenges were identified. First, in at least six monitored cases in the reporting period, some prosecution

witnesses provided statements that contradicted the prosecution's theory of the case or had limited evidentiary value, raising questions regarding their relevance and the extent to which the prosecution had adequately assessed and managed their involvement in the proceedings. These findings suggest that the prosecution relies significantly on witness statements collected during the investigation phase, without consistently maintaining contact with witnesses or ensuring appropriate procedural preparation before their testimony at trial, which may take place months or even years later. In some cases, witnesses also provided their testimony for the first time only during the trial phase, which may create additional challenges in assessing the consistency and evidentiary value of their accounts.

Second, in six high-level cases, the prosecution did not secure the attendance of at least ten of its witnesses at trial, which affected the presentation of evidence before the court. While ensuring the attendance of witnesses is not, per se, an exclusive obligation of the prosecution, the Basic Criminal Court Skopje's Organizational Plan for efficient and effective proceedings rightly places greater responsibility on the parties to actively manage and co-ordinate the presentation of their evidence (see under Recommendation 5). At the same time, some positive practices were observed, including cases where prosecutors acted proactively in co-ordinating with witnesses and taking steps to ensure their timely appearance before the court.

Separately, the Project also identified challenges regarding the use of expert evidence. In some cases, prosecution experts appeared insufficiently prepared, submitted their findings with delay, or produced reports that were incomplete, unclear, or internally inconsistent. These issues may affect the reliability and effectiveness of expert evidence presented at trial and indicate a need for more systematic co-ordination, communication, and follow-up in relation to expert engagement.

A specific concern was noted regarding the presentation of documentary evidence. While identifying documentary evidence by title alone may be procedurally efficient, it often provides insufficient clarity as to the specific facts, allegations or evidentiary elements that the documents are intended to establish. At the same time, reading entire documents – some of which may run to hundreds of pages – is equally impractical and unnecessary. Both demonstrate an inefficient use of valuable court time without necessarily enhancing the understanding of the evidence. These practices also limit the defence's ability to understand the prosecution's theory of the case, particularly as the indictment is not required to explain the evidentiary

relevance of each proposed item of evidence or its connection to specific allegations. Given the dynamic of holding, on average, approximately one hearing per month – a frequency that has the potential to improve in the upcoming period through broader and more consistent case-management practices, rather than only in individual cases where judges demonstrate particular proficiency – instances arose when the defence commenced the presentation of its evidence only after several years of proceedings, following the completion of extensive prosecution evidence.

A balanced approach is therefore needed in the presentation of the content of documentary evidence, whereby only the relevant excerpts are presented, ensuring that both the defendant and the trial panel are clearly and precisely informed of the key evidentiary elements and their relevance to the allegations. Care should also be taken to present the evidence objectively, avoiding unnecessary emphasis or characterization that goes beyond its evidentiary value. Where the defence challenges the authenticity or reliability of the evidence, the prosecution should substantiate its admissibility and credibility through appropriate means, including establishing the chain of custody and examining witnesses capable of confirming the evidence's origin, handling and integrity.

During the reporting period, a positive development was observed in at least six monitored cases, with courts increasingly requesting not only the defence, but also the prosecution to briefly explain the relevance of the evidence they propose in the course of preparation for trial. Several judges noted that this practice significantly improves the efficiency and quality of hearings, as it enables both the court and the parties to understand the purpose of the evidence before it is presented. Without such explanations, judges observed that they are often required to listen to lengthy evidence presentations without knowing what specific fact or allegation the evidence is intended to prove. This emerging practice could contribute to more focused and efficient evidentiary proceedings if applied consistently.

Recently, progress has been observed in the way documentary evidence is presented. Namely, in at least four monitored cases, the prosecutors organized the materials according to the facts in issue and briefly explained the purpose of each document and the facts it was intended to substantiate. In these cases, the list of evidence was concise and targeted, and the presentation was of a high professional standard. The prosecutors effectively conveyed the substance of the case through the evidence in an efficient manner, avoiding unnecessary delays while maintaining clarity and

professionalism. Prosecutors, by highlighting the parts of the documents that are relevant to their theory of the case, have become more confident and focused in their presentations, thereby strengthening the persuasiveness of their case. In most of these positive examples, prosecutors had all evidence scanned and displayed on a screen. All these improvements were initially prompted by judicial intervention; however, a growing prosecutorial initiative in adopting such practices was also observed in the most recent period. The Project also observed positive examples in witness preparation, where prosecutors demonstrated a more structured approach and a clearer focus on presenting testimony relevant to the case theory. More generally, an increased willingness to actively and directly advance the prosecution's case theory was observed, with prosecutors taking a more engaged approach in presenting and defending their position.

However, since other monitored proceedings continued to show less structured approaches, including overly lengthy or insufficiently targeted presentation of documentary evidence including limited explanation of relevance (in at least four monitored cases in the reporting period), difficulties securing witness attendance (in at least six of the monitored cases, as stated above), and challenges in presenting expert evidence clearly (in at least six of the monitored cases in the reporting period), the need for prosecutorial standards and peer learning focused not only on indictment drafting, but also on trial preparation and courtroom presentation, is equally important (related to milestones 7.iii to 7.v).

Finally, the Project noted discrepancies between the trial prosecution office's appeal/appeal response and the opinion of the higher prosecution office. Although such instances have been observed sporadically in the past, the higher number of cases currently in the appeal phase allows for a more substantiated observation. The prosecution service operates on the principles of hierarchy and subordination, and it is legitimate for higher instances to disagree with lower ones. This shows that the appeal process is real rather than automatic, increasing confidence that different legal interpretations are being considered carefully. However, transparency, consistency of reasoning, and accountability are essential for maintaining both fairness of proceedings and public confidence, particularly in politically sensitive cases. Where divergent prosecutorial positions are insufficiently explained, they may create a perception of inconsistency.
Therefore, where a higher prosecution office adopts a different legal position from the trial prosecution office, it should clearly explain the reasons for

its position in order to promote transparency, reduce perceptions of inconsistency, and strengthen public confidence in the fairness and impartiality of prosecutorial decision-making, particularly in politically sensitive cases.

Proving the Elements of the Crime: Analysis of Acquittal Outcomes

From a defendant-based statistical perspective, among the defendants in the monitored cases that reached a final decision, 57 pleaded guilty, while 200 proceeded to trial. Of the 200 who proceeded to trial, 64 were finally convicted (32 per cent), 24 were acquitted (12 per cent), and proceedings against 112 (56 per cent) defendants became time-barred due to the expiry of the statute of limitations or were concluded with a rejection verdict because the prosecution dropped the charges.

For 95 of these 112 defendants (90 per cent), the expiry of the statute of limitations was a direct consequence of the 2023 amendments to the CC. Specifically, in 18 of the 72 monitored cases, the amendments resulted in the statute of limitations expiring for 95 defendants in respect of all charges. For an additional 11 defendants in four cases, the statute of limitations expired only in relation to the charges of abuse of office or criminal association and the proceedings continued only for the remaining charges.

A significant finding was the higher rate of convictions in organized crime cases. Specifically, courts reached a final conviction for 25 out of 38 defendants who proceeded to trial after pleading not guilty in organized crime cases (or 65 per cent), while in corruption-related crimes the percentage of final convictions was 24 per cent.

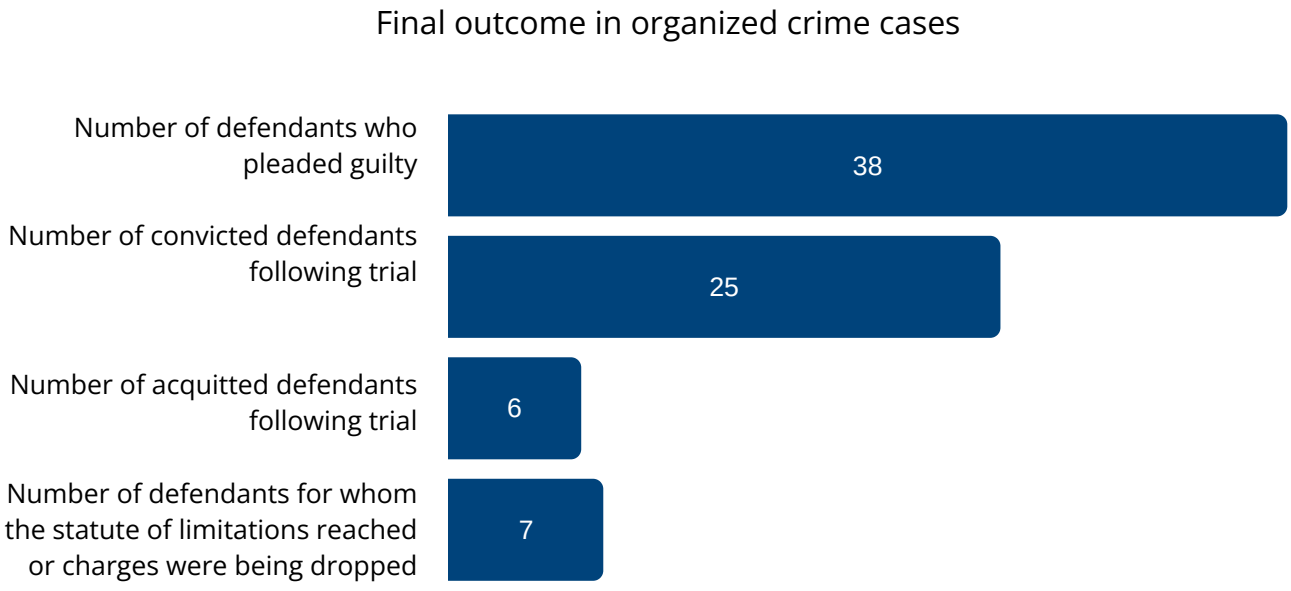


Figure 43: Final outcome in corruption cases

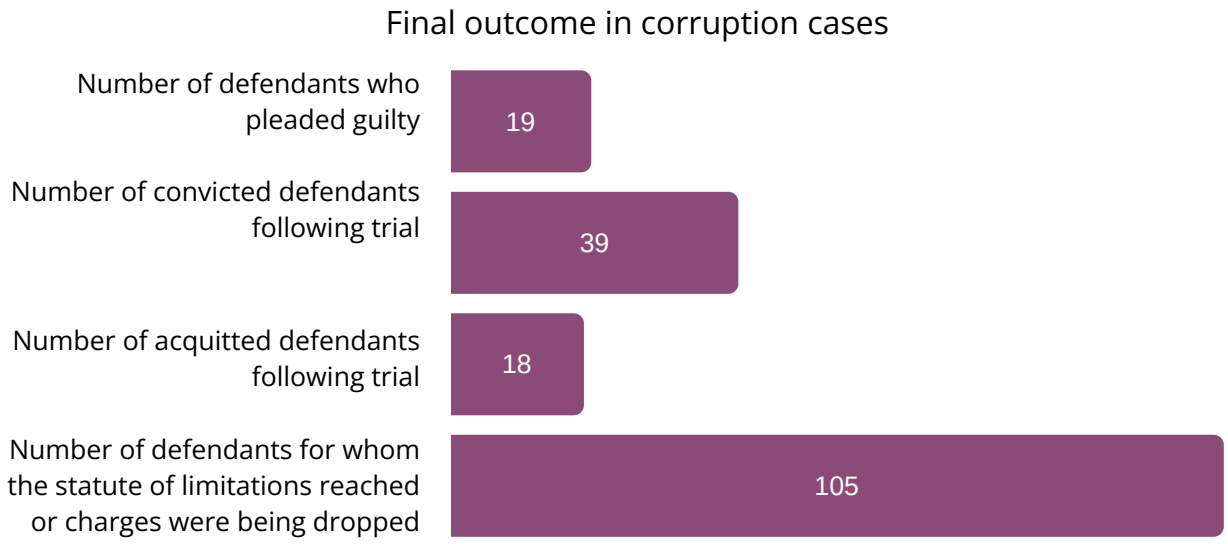


Figure 44: Final outcome in organized crime cases

The purpose of the criminal justice system is not to secure convictions at all costs, so an acquittal is not, by itself, evidence of inadequate prosecutorial performance. It may reflect the proper application of the standard of proof, weaknesses in the available evidence, difficulties in proving subjective elements such as intent, or shortcomings in the way evidence is presented and connected to the charges. At the same time, these outcomes may be difficult to distinguish, on the basis of observable results alone, from those associated with aspects of case preparation, such as an incomplete formulation of the relevant elements of crime, limited use of financial investigation, insufficient attention to confiscation, or an underdeveloped evidentiary theory. This illustrates the limits of assessing prosecutorial performance solely from case outcomes, as genuine capacity constraints and other factors may produce similar results.

This underlines the importance of ensuring that prosecutorial decisions are based on a rigorous assessment of the available evidence and that prosecutors receive institutional support to identify weaknesses, learn from experience, and continuously improve their practice. Where verdicts identify evidentiary gaps, insufficient proof of intent, or weak linkage between evidence and specific elements of the offence, such outcomes should be used as a basis for structured institutional learning by the prosecution service. Such institutional support would also enable prosecutors to stand more confidently behind well-reasoned decisions not to initiate criminal proceedings where the evidentiary threshold is not met, including in circumstances where such decisions may attract scrutiny or criticism. This is particularly important given that criminal proceedings require significant public resources (related to milestones 7.iii and 7.iv).

Judicial Self-assessment of Capacities and Areas for Improvement

During consultations, judges and prosecutors agreed that the quality of indictments deserves special attention and that there is room for improvement. They further noted that the stage of assessing indictments is underutilized as a mechanism for improving the quality of indictments.

The prosecution service, in co-operation with domestic and international partners, participates in various initiatives and training programmes aimed at strengthening indictment drafting techniques and enhancing prosecutors' in-court performance. In this context, the OSCE Mission to Skopje and the Academy for Judges and Public Prosecutors have focused on activities to improve effective evidence collection, which is essential for stronger courtroom performance (related to milestone 7.v). At the same time, the Association of Public Prosecutors in co-operation with the US Embassy in Skopje, has undertaken efforts to improve the quality of indictments. The State Public Prosecutor's Office has also supported these initiatives, with particular attention to improving the presentation of evidence in court and strengthening prosecutorial effectiveness during trial proceedings. In parallel, the Council of Public Prosecutors and prosecutors from the State Public Prosecutor's Office have participated in a process to develop new regulations on the oversight of public prosecutor's offices and the performance evaluation of public prosecutors, in line with the evolving legal framework (related to milestone 7.iv). This initiative, supported through the EU-funded Rule of Law Project, aims to harmonize existing internal regulations and establish clearer mechanisms for supervision and professional assessment (see more under Recommendation 9).

These ongoing activities are positive steps to overcome some of the above-mentioned findings by promoting more consistent prosecutorial practice, stronger case preparation, and improved courtroom performance.

Nevertheless, particular attention should also be given to prosecutors' assessment that insufficient human and financial resources have a significant impact on their ability to perform their duties effectively. This appears to be one of the most critical issues that requires a parallel approach: continued efforts by the prosecution to improve efficiency, combined with adequate institutional support and resourcing. Addressing both aspects is necessary to break the cycle in which improved efficiency is expected before additional resources are provided, while prosecutors maintain that additional resources are necessary to achieve greater efficiency (see more under Recommendation 6).

In conclusion, to ensure sustainable and long-term improvement, these efforts should be integrated into the existing institutional framework of the prosecution service and supported through appropriate institutional commitment and resources. Prosecutors should be provided with the necessary guidance, professional support, and working conditions to apply and further develop these practices effectively. This includes incorporating lessons learned into professional discussions, supervisory and performance assessment mechanisms, and the continuous development of training programmes. A more systematic approach would help ensure that improvements in indictment quality, legal reasoning, evidence presentation, and courtroom performance become embedded in everyday prosecutorial practice and are applied consistently across prosecution offices.

8

Recommendation

Strengthen the institutional conditions for consistent, clear and reviewable drafting of judicial decisions in OCC cases of public interest, including focused, sufficient and reviewable reasoning and consistency in legal interpretation.

8.1. The President of the Supreme Court and the presidents of the appellate courts, during regular working meetings, should address the issue of how to improve the quality of decisions and verdicts, including making them more concise, analytical, and comprehensible, with a clear focus on key evidence, main contradictions, and core reasoning.

8.2. The presidents of courts should ensure consistent and accurate data entry in the case-management system in order to enable judges to efficiently access and reference decisions and verdicts.

8.3. The Basic Criminal Court Skopje should issue bulletins comprising non-final verdicts in OCC cases, accompanied by concise legal analysis and summaries of judicial reasoning.

8.4. The Supreme Court should promote good practices in drafting of judicial decisions through regular consultations with judges from all court instances.

8.5. The Academy for Judges and Public Prosecutors should continuously facilitate peer exchanges, discussion forums and analytical reviews to improve the structure and clarity of verdicts, especially in complex OCC cases.

Implementation Stage:



Early implementation

Implementation Milestones:

8.i. Percentage of decisions in monitored cases assessed as sufficiently clear and well-reasoned;
8.ii. Action points or proposals for improvement of legal writing emerging from working meetings between presidents of courts;
8.iii. Percentage of final judicial decisions published on the judicial portal;
8.iv. Number of consultations held annually with judges and judicial associates from different court instances addressing drafting of judicial decisions;
8.v. Percentage of OCC judges and judicial associates participating in training, discussion forums and analytical reviews in legal writing.

During the reporting period, the Project's analysis of judicial decisions in OCC cases of public interest showed that two-thirds of analysed first- and second-instance decisions met basic standards. Several decisions demonstrated good practice in structuring factual and legal reasoning, and consultations with the stakeholders indicate professional recognition of the need to strengthen the clarity, accessibility and analytical quality of judicial decisions in complex OCC cases. The analyses indicate that although basic standards of clarity and reasoning are met in a majority of analysed decisions, recurring weaknesses remain in a significant minority, suggesting

uneven absorption of good judicial-reasoning practices.

The next phase should therefore focus on converting existing good practice into shared practice standards and institutional learning routines that support clear, structured and reviewable judicial decisions in OCC cases of public interest.

Findings:

In the reporting period, the Project analysed 58 judicial decisions – 30 basic court decisions, 24 of the appellate courts and four Supreme Court decisions, bringing the total number of analysed decisions since the start of the Project to 89.[487]

Improved Drafting Quality in First-Instance Verdicts

Seven of the basic court verdicts stood out as particularly well-structured and clearly reasoned, both factually and legally, with more comprehensive reasoning observed in acquittals than in convictions. Most of these decisions also referred to similar domestic verdicts and judgementsof the ECtHR, reflecting particularly good judicial practice. Such references promote consistency and a uniform approach to similar legal and factual situations. Another eight still leave room for minor improvements, especially in the reasoning of legal issues involving provisions outside the criminal law domain and in the concise summarization of evidence. Furthermore, they could be strengthened by more structured identification of the factual and legal issues requiring determination before the detailed analysis and more frequentreferences to domestic decisions and judgementsof the ECtHR. The decisions also repeat the factual narrative, first as the charges and then as the court's established facts. While this reflects the structure prescribed by the CPC, it results in unnecessary repetition where the court establishes the facts as alleged in the indictment. Readability could be improved by referring to the indictment instead of repeating the factual narrative, while clearly identifying differences between the allegations and the court's findings. The structure could also be improved through the use of clearer subsections to facilitate text navigation.

The remaining first-instance verdicts were characterized by excessive length, primarily due to extensive retelling or verbatim reproduction of oral evidence, defendants' statements, and closing arguments. This often resulted in the inclusion of irrelevant facts or the incomplete presentation of relevant ones, thereby reducing the analytical depth of the verdicts. Material evidence could be more comprehensively

[487] This includes verdicts from all instances, as well as appellate court decisions quashing first-instance verdicts and remitting cases for retrial.

analysed moving beyond a mere listing. There were also cases in which the link between the established facts and the supporting evidence could be further clarified, particularly by indicating which evidence substantiated decisive facts. The reasoning on the facts was often superficial in cases involving contradictory evidence, lacking clear explanations as to why the court attributed greater weight to one side over the other, particularly in relation to expert testimony, but also regarding the existence of the constituent elements of the offence, especially the intent to obtain a property benefit for another person in cases concerning the offence of abuse of office. Legal reasoning was frequently omitted or, when provided, remained overly brief and insufficiently substantiated. Namely, rather than a systematic element-by-element crime analysis, the court often moves from the factual narrative to a conclusion that the crime is established. Sentencing justifications often lacked individualization and relied on formulaic language, making it difficult to understand how the court balanced aggravating and mitigating circumstances. Furthermore, reference to domestic or ECtHR jurisprudence would have strengthened the reasoning, promoted consistency and enhanced public confidence in the court's conclusions. Finally, some verdicts contained typographical and grammatical errors. Overall, although generally providing a basic level of reasoning, these verdicts left room for improvement in several substantive respects.

Compared to the previous reporting period, when 73 per cent of the analysed first-instance verdicts revealed some room for improvement (whether minor or more substantive), the latest assessment indicates similar figures. Notably, opportunities for more substantive improvements were identified in 50 per cent of the verdicts, while the remaining findings relate to more limited areas for improvement (related to milestone 8.i).

Continued Efforts Needed to Strengthen Appellate Reasoning and Clarity

Eight second-instance decisions were assessed as clear and concise, with the reasons for rejecting, modifying, or confirming the first-instance verdicts being explained in a clear and precise manner. Most of them also referred to the court's previous decisions of relevance, as well as to decisions of the Supreme Court. As such, they reflected the corrective function of appellate review and contributed to legal certainty and the quality of judicial decision-making. Nine additional decisions presented minor opportunities for improvement, some in addressing internal inconsistencies and some in setting out the grounds of appeal by the parties, including the opinion of the higher public prosecutor, more clearly and substantively. A few of

them could have benefited from a more explicit assessment of whether each of the deficiencies in the first-instance verdict had in fact been addressed following a retrial, or how the mitigating circumstances justified a more lenient sentence. The remaining seven decisions revealed room for more substantive improvement, referring to insufficient examination of appeal arguments, unclear connections between evidence and relevant facts, omissions regarding the content of certain evidence, and weak or absent legal reasoning. For example, there were instances where the appellate court did not sufficiently explain why the first-instance verdict was considered deficient, particularly regarding the assessment of evidence, and appeared to require the lower court to establish new facts rather than assess the sufficiency of the existing evidence. Sometimes, the verdict did not clearly distinguish between deficiencies in the factual assessment and deficiencies in the legal reasoning, reducing the practical value of the guidance provided to the lower court, or identified serious procedural violations without specifying their nature or providing sufficient guidance for further proceedings. Additionally, drafting and technical errors reduced the overall quality and clarity of some decisions, giving the impression that the decisions were not reviewed with sufficient attention.

Since the Project's 2024 Public Report, when 18 per cent of the analysed appellate decisions revealed room for improvement (whether minor or more substantive), the latest assessment indicates an increase to 66 per cent, with 29 per cent of decisions requiring more substantive improvements (related to milestone 8.i).

Regarding Supreme Court verdicts, the Project analysed four verdicts in the reporting period and did not identify significant issues. The verdicts were clear and well-reasoned, although one of them extensively relied on standardized formulations commonly used in judicial decisions, with limited case-specific analysis of the legal issues raised in the legal remedy. One verdict repeated a technical error that had already appeared in the appellate decision, suggesting that parts of the lower court's reasoning may have been copied without careful review. Although the mistake did not affect the outcome, its presence in the final decision is concerning. Such errors, particularly when related to sentencing, may raise questions about the care taken in drafting and reviewing judicial decisions. Furthermore, given its role as the highest judicial authority, the verdicts would have benefited from greater reference to the Court's own established jurisprudence and to the relevant jurisprudence of the ECtHR. Such an approach would have enhanced the authority and consistency, while providing clearer guidelines to the lower courts.

Strengthening judicial writing would not only improve legal clarity but could also contribute to greater procedural efficiency and consistency across instances. Namely, unclear and incomprehensible verdicts are one of the main reasons for their annulments, meaning that poor structuring or omission of relevant evidence analysis can have a tangible impact on appellate outcomes (see findings under Recommendation 5). At the same time, a lack of clear instructions in second-instance decisions ordering retrials can also contribute to delays, as the first-instance court may not be able to address the issues properly. Therefore, there is a strong need for co-ordination among judges from different instances, with improvement proposals based on good practices emerging from the judges themselves (related to milestones 8.ii, 8.iv and 8.v).

Stakeholder Appreciation for Transparent and Reasoned Decision-making

The Supreme Court acknowledged the importance of improving the quality of judicial decisions and publishing collections of good practices of decisions. During consultations, the President of the Supreme Court and representatives of the court expressed a willingness to publish a compendium of judicial decisions, which is also envisioned in the Action Plan for the Implementation of the Justice Sector Development Strategy 2024–2028, subject to available budgetary resources.[488] Such an initiative could also help address recurring shortcomings in appellate reasoning and provide practical guidance to appellate courts by highlighting examples of well-reasoned judicial decision-making.

The first-instance judges also agreed that, in general, there is always room for improvement in the drafting of their decisions. However, they noted the limited availability of case-based materials, especially when it comes to basic court verdicts and practical analyses that would enable judges to distinguish between well-substantiated and less persuasive approaches to reasoning on the facts and law. The judges also pointed out that they lack sufficient access to domestic case law and have no easy way to search it, which limits their ability to reference past decisions when drafting their own.[489] Therefore, consistent and comprehensive data entry into the case-management system is of crucial importance not only for public access and transparency but also for enabling judges to improve the quality of their reasoning through effective access to court practice (related to milestone 8.iii).

[488] Action Plan for the Implementation of the Justice Sector Development Strategy 2024–2028 (in Macedonian).
[489] Reform Agenda of North Macedonia 2024-2027 see also p. 111: "(...) to establish easily searchable databases of court decisions in order to strengthen the uniformity of judicial practice (...)"

At the same time, courts reported that the electronic storage system for judicial decisions lacks sufficient storage capacity to accommodate both existing and newly issued verdicts. As a result, newly uploaded decisions automatically replace previously stored ones, limiting the availability of older case law. These challenges illustrate the interconnected nature of judicial reform and the need for co-ordinated action across institutions and sectors.

The first-instance judges further underscored the importance of regular working meetings with judges from higher-instance courts. Such exchanges can promote consistency, quality, and efficiency in judicial decision-making while respecting judicial independence. While they highlighted the importance of discussions with appellate court judges on improving the reasoning of judicial decisions, some appellate judges considered that this issue could be more effectively addressed through the Supreme Court. This reflects a broader tendency among judges to expect the higher instance to provide the final guidance on such matters. Nevertheless, at least in cases where the appellate court acts as the final instance, there should be space for discussion and exchange of views on improving judicial reasoning. Moreover, peer-learning should not be limited to exchanges between different court instances; judges within the same court regularly hold meetings and should also be encouraged to regularly discuss decisions, reasoning approaches, and challenges among themselves, as this can contribute to a stronger culture of shared learning and continuous improvement. Creating a structured and constructive framework for such exchanges could help overcome this concern and promote learning from judicial practice without being perceived as criticism of individual judges. Such discussions and peerlearning could also be supported through co-operation with the Academy for Judges and Public Prosecutors (referring to milestones 8.ii and 8.iv).

Furthermore, the Basic Criminal Court Skopje started issuing a newsletter which, in addition to informing the public and enhancing transparency in its work (see also under Recommendation 1), may also raise judges' awareness of available decisions and foster improved peer learning and exchange. This represents a modest but important step towards enhanced transparency and a more systematic analysis of judicial practice. In the future, the newsletter could also contribute to the development of more practice-oriented learning resources, enabling judges to better identify stronger and weaker approaches to reasoning about facts and law through a more in-depth analysis of real cases and judicial practice.

Finally, training is likewise a crucial

element in the ongoing enhancement of judges' decision-writing skills, especially in presenting their reasoning on factual and legal issues in a clear, comprehensive, and well-reasoned manner. Training on legal writing should also include judicial associates, who are involved in assisting judges with the drafting of judicial decisions. (related to milestone 8.v).

Although it is encouraging that judges themselves are aware of the existing shortcomings in the quality and reasoning of judicial decisions, this awareness remains largely individual rather than embedded within a broader institutional approach. An important step forward would be to strengthen the understanding that these issues can and should be openly discussed, not as a form of criticism or assessment of individual judges, but as a means of improving the quality, clarity, and consistency of judicial reasoning. Creating a culture where judges feel comfortable exchanging views on drafting techniques, reasoning approaches, and practical challenges could support continuous professional development and mutual learning. One of the ongoing activities of the OSCE Mission to Skopje is supporting the analysis of around 300 decisions, which could provide a basis for courts to build on this initiative and undertake an institutional analysis of decisions in OCC cases. Such an analysis could encourage judges to further develop their drafting skills through constructive dialogue and the exchange of good practices.

9

Recommendation

Strengthen institutional feedback and performance-management arrangements to ensure that judicial and prosecutorial evaluation, oversight and reporting mechanisms support consistent, high-quality handling of OCC cases and reflect the complexity of such proceedings.

9.1. The Judicial Council and the State Public Prosecutor, in close co-ordination with the Council of Public Prosecutors, should continuously review the methods and available digital tools used to monitor and evaluate judges and prosecutors.

9.2. The Judicial Council should ensure that the legal framework used for evaluation adequately reflects the specific challenges of handling OCC cases and encompasses all duties performed as part of their judicial work.

9.3. The Council for Public Prosecutors, in co-ordination with the State Public Prosecution Office, should assess the proper implementation of the oversight mechanisms on a regular basis, including by considering the prosecutors' opinion.

9.4. Judicial and prosecutorial institutions should use evaluation, oversight and annual reporting processes as institutional learning tools by adopting formal conclusions, practice points or follow-up measures addressing recurring issues identified through trial monitoring, legal-act analysis, internal oversight and professional feedback.

Implementation Stage:



Early implementation

Implementation Milestones:

9.i.Formal conclusions on the outcomes of the processes relevant for enhancing the work performance (monitoring, evaluation, oversight) adopted;
9.ii.Adopted amendments to the evaluation legal framework;
9.iii. Results of surveys or other forms of gathered feedback related to enhancing work performance presented.

Since the publication of the Project's 2024 Public Report, North Macedonia took initial steps toward strengthening performance-management arrangements for judges and prosecutors, including revisions to relevant by-laws, discussions on improving evaluation frameworks, and

growing recognition that existing digital systems could be used more strategically to generate information on workload, complexity and professional practice in OCC cases. Consultations also indicate that judges and prosecutors are increasingly articulating concerns about the credibility and practical usefulness of current evaluation and oversight mechanisms, particularly where these mechanisms do not adequately capture the complexity, substance and full range of work required in high-level OCC proceedings.

However, implementation cannot yet be assessed as operationalized as there is limited evidence that these reform efforts have changed how judicial and prosecutorial performance is assessed, discussed or improved in practice.

Current evaluation and oversight arrangements remain insufficiently linked to trial-monitoring findings, legal-act analysis, practitioner feedback and data on the complexity of OCC work. Evaluation criteria do not yet consistently capture the professional demands of complex case-handling, including judicial panel work, indictment review, evidentiary management, reasoning quality, trial preparation, courtroom presentation and appellate work. The next phase should therefore focus on converting evaluation, oversight and annual reporting into credible mechanisms that identify recurring practice problems, generate formal conclusions or practice points, and support institutional learning rather than box-ticking or purely quantitative assessment.

Findings:

Recommendation 9 responds to recurring patterns identified across the Project's monitoring and legal-act analysis, including issues related to trial preparation, case-management practice, indictment quality, courtroom presentation, procedural reasoning and the clarity of judicial decisions. These findings do not point only to isolated shortcomings in individual cases. They also indicate that existing evaluation, oversight and reporting mechanisms do not yet function as sufficiently credible mechanisms capable of identifying recurring practice problems, supporting professional standards and promoting institutional learning in the handling of complex OCC cases.

The credibility and effectiveness of judicial and prosecutorial performance-management systems are therefore directly relevant to monitored OCC proceedings. Complex OCC cases require substantial work that is not always visible in ordinary productivity indicators, including management of voluminous evidence, participation in judicial panels, review of indictments, handling of repeated procedural motions, preparation of witnesses and

expert evidence, financial and digital evidence analysis, appellate work, and sustained case-management efforts over long periods. Evaluation and oversight frameworks that do not capture these dimensions risk undervaluing the work required in complex cases and may not sufficiently incentivize the practices needed for timely, fair and high-quality proceedings.

The assessment also draws on consultations with justice professionals, analysis of institutional reports, and recurring operational challenges identified across monitored OCC cases. Recent steps such as the revision of by-laws with EU support mark progress, but further institutional and procedural enhancements are needed to translate these reforms into visible performance improvement (some progress in relation to milestone 9.ii – amendments of the evaluation legal framework).[490]
Neither judges nor prosecutors view current evaluation mechanisms as credible tools for performance improvement.[491] Judges from the OCC Department at the Basic Criminal Court Skopje emphasized that the current evaluation system does not adequately value the substance of their work. They criticized the fact that evaluations are largely based on points gained through additional activities, such as lectures (including at the Academy for Judges and Public Prosecutors) and publications, opportunities that are often inaccessible to them due to other more urgent professional duties. They also noted that their work within judicial panels or as judges reviewing indictments is not sufficiently taken into account during evaluations.[492] Representatives of the Judicial Council expressed interest in consulting judges on their views (a key step towards milestone 9.iii – feedback on performance evaluation processes).

Public prosecutors also expressed reservations about the evaluation system, particularly because it is conducted by higher-level prosecution offices, which do not always have direct insight into the work of lower-level offices. Some prosecutors also expressed concern that assessments may reflect institutional hierarchy more than actual performance, limiting their usefulness.[493]

[490] The Project - Rolaw - EU Support for Rule of Law
[491] Strasbourg, 27 September 2012, CCJE Opinion No.17, see also point 24 “All evaluation should aim at maintaining and improving the quality of the work of judges and thereby the whole judicial system.”, rm.coe.int/16807474b9, CCPE Opinion No.11, see also point 42: “Evaluation of prosecutors and their work may be a useful strategic tool in order to improve skills necessary for confronting the evolving demands for quality, efficiency and professionalism. Individual evaluations may also provide important input for developing the most relevant training for prosecutors at all levels.”
[492] Reform Agenda of North Macedonia 2024-2027 see also p.111: "(...), the ACCMIS needs improvements to take into account the level of complexity of court cases and the method for assessing judges and presidents of courts." p. 111: "To establish easily searchable databases of court decisions with the aim (...) of enabling their use for evaluating the performance of judges."
[493] Reform Agenda of North Macedonia 2024-2027 see also p.101, Sub-area 5.2. Independence, quality and integrity of the judiciary, p. 115 “Furthermore, the qualitative criteria for the work of public prosecutors, that is, for monitoring and evaluating their work, are given in general, without their elaboration to objectify them.".

They believe that other mechanisms, such as oversight, have a greater impact on improving their work.[494]

Both judges and prosecutors expressed positive views about professional collegiums, seeing them as valuable platforms for sharing experiences and engaging in constructive dialogue on legal matters (related to milestone 9.i – conclusions on improving the work performance). To facilitate more efficient, objective, and evidence-based performance evaluation processes, existing digital tools, such as ACCMIS, as well as the forthcoming public prosecution case-management systems, should be further developed or utilized more strategically within their existing technical capacities to generate analytical data, performance indicators, and tailored reports for evaluation purposes. Such an approach would enable judicial and prosecutorial institutions to conduct performance assessments in a more systematic, transparent, and cost-effective manner, while reducing the administrative burden on already limited human and financial resources within the courts and public prosecution offices. It would also contribute to the adoption of more informed conclusions and recommendations aimed at strengthening professional performance and institutional effectiveness (related to milestones 9. i, 9.ii, and 9.iii).

While some performance improvement activities are reported in institutional annual reports, reporting remains mostly formalistic and lacks depth. In particular, the reports rarely include data or conclusions that could help the public or peers understand what specific improvements were made or what systemic issues were identified (related to milestones 9.i and 9.iii). There is a clear opportunity for judicial and prosecutorial bodies to use these reports more strategically as both accountability tools and sources of institutional learning. Annual reports should not merely record activities or aggregate outputs. They should identify recurring practice issues, explain how institutions responded to them, and indicate what follow-up measures were adopted to improve quality, consistency and operational effectiveness in OCC case handling.

Mechanisms for improving performance exist, but are inconsistently applied and poorly communicated. To be credible and effective, these mechanisms must move beyond ‘box-ticking exercises’ and serve as real tools for learning, course correction, and institutional strengthening. This includes clarifying evaluation criteria to reflect the complexity of OCC work, incorporating structured feedback from practitioners, and ensuring that evaluation results are used constructively rather than punitively to support professional growth. Publishing more substantive

[494] Although not part of the evaluation procedure, the mechanism of oversight by the higher public prosecutor ensures the lawful and timely execution of the prosecutorial function, according to Article 28 of the Law on the Public Prosecution Office.

annual information would also demonstrate a stronger commitment to transparency and institutional self-reflection.

In conclusion, the need to strengthen performance management is reinforced by persistent issues documented under other recommendations such as weaknesses in indictment quality and courtroom presentation (Recommendation 7), as well as gaps in reasoning and clarity of judicial decisions (Recommendation 8). These are not isolated problems, but recurring patterns that suggest limitations in how performance is currently monitored, evaluated, and supported. In this context, the performance evaluation system is one of the most sensitive aspects of the judicial and prosecutorial systems. Relevant judicial authorities should therefore acknowledge the potential risks when shaping related policies and actions and seek to strike an appropriate balance between the legitimate objective of improving institutional performance through effective evaluation and the need to safeguard prosecutorial autonomy and judicial independence.

Specific judicial tools - asset recovery

10

Recommendation

Strengthen the institutional conditions for consistent and effective asset recovery in OCC cases by embedding shared standards into routine prosecutorial, judicial and inter-institutional practice.

10.1. The State Public Prosecutor should:
a)Introduce SOPs for systematic and consistent financial investigations, asset seizure, and requests for (extended) confiscation/damage compensation, with established co-ordination among all relevant institutions based on confidentiality, urgency and accountability;
b) Ensure that the prosecutorial activities concerning asset recovery are used to evaluate professionalism and quality;
c)Ensure the allocation of funds for hiring specialized staff for financial investigations, including skilled and fully operational investigators and economic experts;
d)Regularly request funds to support the continued operation and effectiveness of the Asset Recovery Office (ARO); and
e)Ensure that data on the outcomes of conducted financial investigations and asset seizures are transparent, regularly reported in each case, systematically collected and jointly analysed.

10.2. Public prosecutors should:
a) Conduct financial investigations to identify and trace assets subject to confiscation, including extended confiscation and those needed to secure compensation for damage;
b) Request temporary seizures of identified assets;
c) Request confiscation or value-based confiscation where legally available, including by clearly identifying the unlawful benefit, known assets, and the basis for future enforcement where specific assets have not yet been located; and
d)Engage ARO in the process of tracing assets derived from crime.

10.3. Judges should require prosecutors to provide clear and detailed descriptions of the assets subject to confiscation and ensure that the executive part of verdicts establishes an adequate link between the measure of confiscation and the conviction itself.

10.4. The Judicial Council should ensure that the annual reports of the work of the courts include statistics and analytics about asset recovery.

10.5. The Agency for Management of Confiscated Assets should:
a) request the assistance of ARO to trace and identify assets for future enforcement in cases where the assets have not been indicated during the proceedings; and
b) proactively request funds to ensure the proper functioning of its database and electronic system.

10.6. The Academy for Judges and Public Prosecutors should continuously include discussion forums and training on financial investigations and asset recovery in its curriculum, ensure mandatory participation for relevant professionals, and report on the achieved results through measurable indicators.

Implementation Stage:



Early implementation

Implementation Milestones:

10.i. Adopted SOPs and co-ordination established with all relevant institutions on the principle of confidentiality, urgency and accountability;
10.ii. Asset recovery activities included in the evaluation criteria for prosecutors;
10.iii. Formal funding requests submitted by all relevant institutions;
10.iv. Data and analytical assessment on financial investigations, asset seizures, confiscation, extended confiscation and compensation to the State Budget reflected in relevant institutions' annual reports;
10.v. Percentage of monitored cases with properly established grounds and amounts for asset recovery, and effective tracing, identification and freezing of assets for confiscation or, where assets are unavailable, value-based confiscation;
10.vi. Percentage of prosecutors, judges and judicial staff working on OCC cases who successfully completed a training on financial investigations/confiscation and attended discussion forums on the topic.

Asset recovery is a critical test of the effectiveness of OCC proceedings because it determines whether criminal justice outcomes deprive offenders of illicit gain and compensate damage to the State Budget. Since the publication of the Project's 2024 Public Report, North Macedonia demonstrated increased institutional attention to asset recovery in OCC cases, including through comprehensive strategic policy initiatives and improved identification and temporary freezing of assets in the monitored cases. These important developments indicate that asset recovery is increasingly recognized as an essential component of the justice response to organized crime and corruption, rather than a secondary consequence of conviction.

However, the main developments are still pending adoption and implementation, and it remains to be seen how effectively they will be translated into practice. Consequently, implementation cannot yet be assessed as operationalized. Financial investigations, asset tracing, provisional seizure, confiscation proposals, compensation claims, judicial reasoning and enforcement follow-up are not yet supported by sufficiently standardized procedures, reliable co-ordination arrangements, specialized financial-investigation support, complete statistical reporting or a functional asset-tracking system. The Project's analysis also indicates a significant gap between amounts claimed in indictments and amounts effectively recovered in the monitored cases, while annual reports do not yet allow institutions or the public to trace asset-recovery outcomes across the full case lifecycle. The next phase should therefore focus on converting policy recognition and isolated improvements

into routine prosecutorial, judicial and inter-institutional practice, supported by clear standards, reliable data, operational co-ordination and enforceable confiscation outcomes.

Findings:

During the reporting period, the Project assessed asset-recovery practice through trial monitoring, judicial-act analysis, consultations with prosecutors, judges and asset-management institutions, and review of available statistical reporting. The findings indicate some progress compared with the previous reporting period, including increased identification and temporary freezing of assets in certain monitored cases and the adoption of important reform strategies. However, asset recovery is not yet consistently embedded as a routine component of OCC case strategy from investigation through enforcement.

Progress and Remaining Challenges in Securing Assets for Recovery

In 21 out of 26 indictments in the monitored cases analysed during the reporting period, the prosecution alleged either illicit gain or damage to the State budget arising from the charges. In 12 of these cases, the prosecution identified certain assets and submitted proposals for their temporary freezing, and confiscation was proposed in the event of conviction. In some of these cases the identified assets covered only part of the alleged illicit gain or damage. In one case, the prosecutor adopted an alternative approach to securing recovery of the alleged benefit or damage, proposing the annulment of a public procurement contract as unlawful. As the goods procured had already entered state possession, this approach was considered sufficient for addressing the alleged damage in that instance. However, even in these cases, the lack of standardized procedures or SOPs for asset identification and tracking, to the best of the Project's knowledge, limits the availability of clear information on the steps undertaken, the stage at which they were carried out, and the extent to which all possible measures were explored. For example, the analysis noted instances where the potential benefits allegedly received by third-party beneficiaries – who were not indicted – were not further examined from an asset recovery perspective and no measures were taken against their assets. Similarly, in cases where crypto-assets were mentioned, they did not appear to have been identified or subjected to seizure measures.

In the remaining nine applicable cases, the analysis of the indictments and trial monitoring indicated that no assets were identified. However, given that in other instances, information on financial investigations was not included in the indictments, while the trial proceedings revealed that such investigations had in fact been conducted and assets were being frozen, it could be that, in these cases, financial investigations were carried out but were unsuccessful. During the consultations, some prosecutors noted that financial investigation is part of their must-do actions during investigation, but that it is not necessarily stated in the indictment as such. Given the importance of asset recovery, it would be advisable for prosecutors to indicate in indictments whether a financial investigation into relevant assets has been carried out, even where no assets were ultimately identified. Such information could be reflected in the factual description, the list of evidence, or the proposal for confiscation, specifying that no property subject to confiscation had been detected up to that point.

Furthermore, this should not prevent the prosecutor from requesting, already in the indictment, confiscation in the event of a conviction, either of assets that may be identified in the meantime or in the future, including assets that the convicted person may acquire after the conviction.

A further consideration arising from a recent case is the potential relevance of bail funds as a source for future confiscation. In that case, the defendants were released on bail, and the funds provided for this purpose could, subject to the applicable legal requirements, potentially be considered for confiscation at a later stage. This illustrates another avenue that prosecutorial authorities should take into account when developing asset recovery strategies. Where defendants themselves provide substantial funds, there may be an opportunity to preserve and ultimately confiscate those assets, rather than relying solely on the prosecution's efforts to identify and secure assets that may represent proceeds of unlawful activity.

Overall, compared with the previous reporting period, the prosecution identified at least some assets potentially subject to forfeiture in approximately 57 per cent of applicable cases. This represents a 12 percentage-point increase compared with the previous reporting period.

In two monitored case involving drug-related organized crime, the prosecution does not appear to have identified or quantified a potentially substantial illicit gain. Specifically, the prosecution alleged that the defendants had engaged in drug trafficking and specified the value of the drugs concerned. However, in one of the cases where the drug had already been sold by the time it was detected, it did not allege that the defendants had derived an unlawful pecuniary benefit from the offence. As a result, no financial investigation appears to have been undertaken to identify assets for potential freezing with a view to confiscation or extended confiscation, nor were confiscation and extended confiscation requested on a precautionary basis to preserve such measures for future proceedings. In the other case, although the drugs were seized, no assets potentially subject to extended confiscation were identified or frozen. A similar pattern was observed in the previous reporting period, when a larger number of indictments of this type were analysed in organized crime cases.

Although illicit gain is not a constitutive element of these offences, it is typically a foreseeable outcome of organized criminal activity. The United Nations Convention against Transnational Organized Crime (Palermo Convention), like the national legislation, enables the confiscation of proceeds of crime, property of equivalent value, and instrumentalities used or intended for use in offences covered by the Convention. As its scope extends to all crimes committed by organized criminal groups, this obligation applies equally to offences such as drug trafficking, migrant smuggling, and other forms of serious crime. Ineffective efforts to target illicit assets in organized crime cases leave room for criminal groups to continue their activities, even when their members are convicted and sentenced to prison.

A practical approach for prosecutors would be to seek the freezing of all identifiable assets at the earliest possible stage of the proceedings, pending the outcome of the financial investigation and the final decision on confiscation or extended confiscation. Such a precautionary approach preserves assets that may later be shown to represent proceeds of crime, property of equivalent value, or assets subject to extended confiscation, thereby preventing their dissipation during the proceedings. Once the financial investigation has been completed and the evidentiary picture is clear, the prosecution can then determine the appropriate scope of the final request for confiscation or extended confiscation. This practice would strengthen the effectiveness of the asset recovery framework and better ensure that organized crime does not retain the economic benefits of criminal activity.

Challenges in Quantifying Damage and Financial Benefit

In three corruption cases, the prosecutor alleged non-material damage to a public institution, or a non-material gain obtained by third parties, but neither the damage nor the gain was quantified. As a result, no assets were identified or traced for potential recovery or restitution. While the nature of the alleged damage or gain may have presented evidentiary challenges, the absence of any attempt to estimate its value limited the possibility of pursuing financial measures aimed at depriving offenders or beneficiaries of the proceeds derived from the criminal conduct or ensuring damage compensation.

These cases highlight broader questions of how such situations should be addressed in future practice. Concerning the non-pecuniary damage and indirect financial benefits within criminal proceedings, consideration should be given to whether the resulting benefit or damage can be identified, quantified, and linked to specific assets. Developing methodologies and prosecutorial practices for assessing such gains and damages could help ensure that financial investigations are not limited solely to cases involving readily quantifiable proceeds. This, in turn, would strengthen opportunities for asset recovery and reinforce the principle that crime should not result in financial benefit, whether direct or indirect, and that the damaged party shall be adequately compensated.

Diverging Approaches to the Calculation of Illicit Benefit and Financial Damage

The Project observed significant differences in how the value of the alleged illicit gain or damage – an essential element in crimes related to public procurement abuses – is determined. Prosecutors most often establish the gain for a third party, or the damage to the Budget, in an amount equal to the entire value of the procurement. On the other hand, the defence consistently argues that the total value of the procurement cannot automatically be considered either gain or damage, particularly if the goods or services were actually delivered, were necessary, and were priced within the

market range. These opposing positions often lead to challenges against the prosecution's financial expert reports, which the defence claims are based on legal rather than economic parameters. Such differences prolong court proceedings and sometimes require super-expert analysis, which often struggles to reconcile the underlying disagreement, thereby leaving the core issue unresolved. In one recent case, however, the Project noted a positive example: the prosecution made a more precise calculation, limiting the alleged benefit or damage to the difference between the selected higher bid and the disqualified lower bid.

As this recurring issue creates significant delays and procedural burdens during trials, it should be subject to further consideration and clarification among the relevant institutions. In practice, proving the full value of the alleged illicit gain or damage may be considerably more difficult, whereas establishing a more proportionate and evidence-based amount may allow for more effective prosecution, while still ensuring accountability and asset recovery objectives.

Limited Operationalization of Extended Confiscation Despite Its Legal Availability

The CC provides a broad scope of offences, including both organized crime and corruption-related crimes, in which extended confiscation is applicable.[495] In most of the monitored cases, the factual circumstances suggest that there may have been grounds to consider the application of extended confiscation, in light of the nature of the offences and the applicable legal framework. Despite this expanded possibility, only one indictment narrative explicitly mentioned extended confiscation and included circumstances relevant to its potential application. In that case, the prosecutor explicitly indicated that part of the assets should be subject to freezing measures in light of the conditions for extended confiscation. However, the financial investigation in that case was limited to money found during the search and did not extend to the broader asset base of the defendants, their families or third parties. This suggests that, while the legal basis for extended confiscation is available, its practical application remains limited and not fully developed in investigative practice. It also indicates a need for clearer and more standardized approaches to the identification, tracing, and securing of assets potentially subject to extended confiscation.

[495] CC, Article 98-a (Extended Confiscation), as amended in 2026, expanding the scope of its application.

In this regard, prosecutorial practice could be developed to ensure that, where there are reasonable grounds to consider the application of extended confiscation, all potentially relevant assets are identified and, where the legal conditions are met, temporarily frozen at an early stage of the proceedings, pending the outcome of the financial investigation and the court's final decision on confiscation (referring to milestones 10. i and 10.ii).

Challenges in Assessing the Effectiveness of Confiscation and Compensation Mechanisms

In reviewing the annual reports from all relevant institutions, the Project found that the available statistical data do not provide the public with a clear picture of the work related to confiscation, including extended confiscation, and compensation of damage to the State budget. In particular, the available data do not enable a clear assessment of how much of the total gain and damage claimed in confirmed indictments results in final convictions and actual restitution to the State budget.[496]

Clear and comprehensive statistics from these institutions should provide insight into each phase of the proceedings – from investigation to final decision and enforcement. This would strengthen transparency and provide an essential evidence base for informed policymaking (related to milestone 10.iv).

The charts below provide an overview of the current situation in the monitored cases. They also illustrate the number of procedural and substantive requirements that need to be fulfilled before final asset recovery can be achieved. Monitoring data suggest that the effectiveness of judicial decisions in this area depends heavily on the initiative and preparedness of prosecutorial action. In several cases, the prosecutorial efforts led to the identification and temporary freezing of assets, and later claims for confiscation or compensation resulted in court orders. In particular, where assets were traced and identified at the earliest possible stage, secured through provisional measures, and, following proof of the crime in court, subject to a final conviction, it enabled their confiscation. Conversely, where the existence or amount of illicit gain or damage was not established, and where assets for freezing and confiscation were not identified or a prospective confiscation order was not requested, courts were generally not empowered to order confiscation or compensation, even in cases ending in convictions.

[496] 2025 Annual Report of the Public Prosecution Office (in Macedonian); Assessments and Conclusions on the Reports on the Performance of the Courts in the Republic of North Macedonia for 2025 (in Macedonian); 2025 Report on the Work of the Basic Criminal Court Skopje (in Macedonian); 2025 Annual Report on the Work of the Agency for Management of Confiscated Property (in Macedonian).

However, courts should also be able to order confiscation, even in the absence of such a request by the prosecutor, where they establish that illicit gain has been obtained through the commission of a criminal offence. This would preserve the possibility of enforcing confiscation if such assets are identified at a later stage, in line with the principle that no one may retain illicit gain and that confiscation is not subject to limitation periods.

The data below also demonstrates a significant gap between the amounts claimed in indictments and those effectively recovered.[497] It should be underlined, however, that a number of proceedings are still ongoing, and that confiscation may be enforced without statutory limitation, including, where criminal prosecution is not feasible due to factual or legal obstacles, and also through civil proceedings.

Asset recovery in monitored organized crime cases

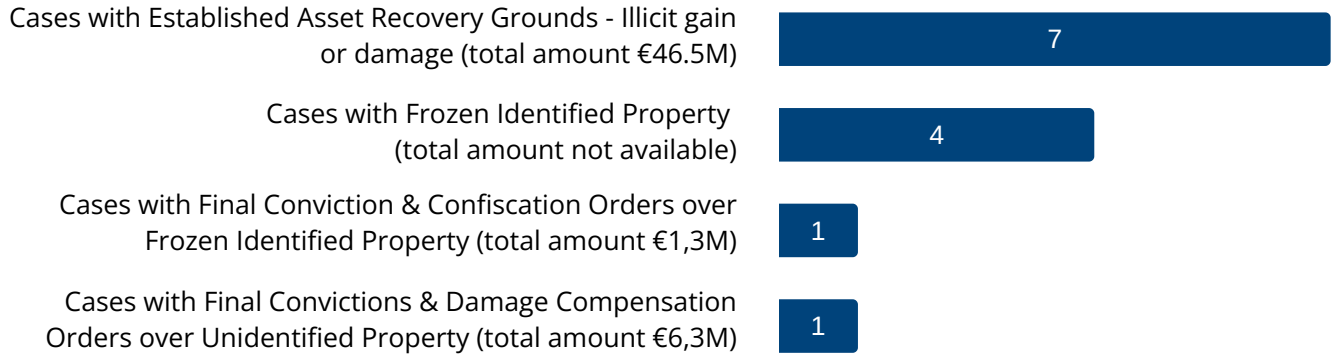


Figure 45: Asset recovery in monitored organized crime cases

Asset Recovery in the monitored corruption cases

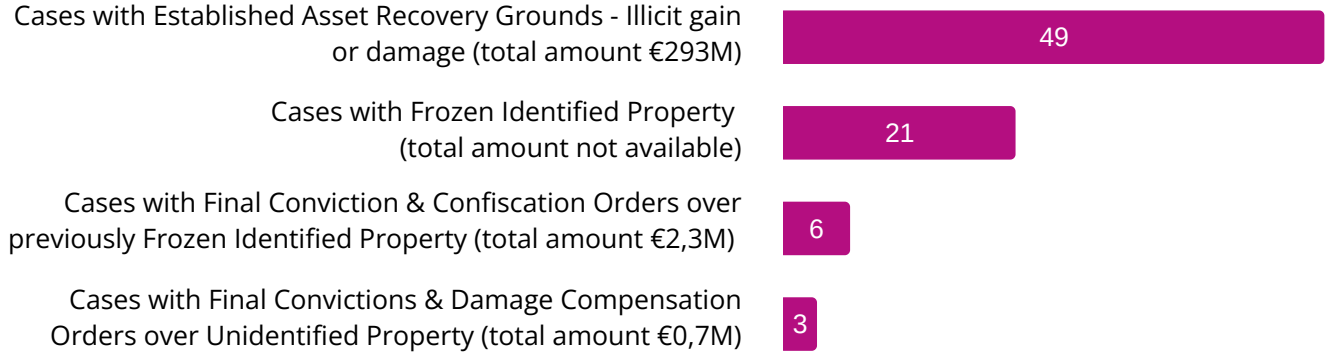


Figure 46: Asset Recovery in the monitored corruption cases

[497] Similar to the situation observed across the EU: see Confiscation and asset recovery - Migration and Home Affairs.

Challenges to Post-Conviction Asset Recovery

A further area for improvement is the absence of mechanisms to track the assets of convicted individuals after sentencing. Given that confiscation is not subject to a statute of limitations, the State can, in principle, recover assets years later. However, without effective post-sentencing asset-tracking mechanisms, identifying and locating assets for later confiscation may be difficult. This issue is linked to concerns raised by the Agency for Management of Confiscated Property (Agency), which emphasized that, although the law grants certain powers to the Agency to locate property if it has not previously been identified and frozen, it lacks investigative capacities/authorities and therefore depends on court decisions and the specification of assets subject to (extended) confiscation within those decisions.[498]

In other words, if assets are not specified – i.e., if they are not identified and secured during the prosecution phase (investigation and trial), but there is a prospective confiscation court order – the Agency has limited capacity to act. This issue appears to warrant particular attention for further analysis of the Agency's institutional capacities and legal tools and could be addressed through closer co-operation with the Asset Recovery Office (ARO) at a later stage of proceedings, once cases are final, but assets remain undetected. Nevertheless, the Law on the Management of Confiscated Property also underscores the importance of co-operation with the prosecution offices and the courts where the Agency is unable to identify or trace the property concerned.

Institutional Reaction and National-Level Progress

From an institutional perspective, there is a strong shared awareness among all stakeholders that confiscation, extended confiscation and compensation for damage are key tools, not only as a form of punishment for perpetrators but also as an effective deterrent to future potential perpetrators of OCC. Consultations with prosecutors pointed to insufficient specialized financial-investigation support, underdeveloped practice standards, and fragmented co-ordination arrangements. It was noted that the channels for obtaining information on the financial means of suspects and defendants are limited and not always systematized. It was also emphasized that both the holders of such asset-related information and the enforcement agencies with access to relevant databases must strengthen their standards of confidentiality and ensure greater speed in their actions;

[498] Article 59, Law on the Management of Confiscated Assets, Property Benefits, and Seized Objects in Criminal and Misdemeanour Proceedings; Official Gazette of the Republic of North Macedonia No.64/2024.

otherwise, experience shows that any leakage or delay may jeopardize the effectiveness of asset seizure. This further supports the need for standard operating procedures that define institutional roles, information-sharing channels, confidentiality safeguards, urgency requirements and accountability arrangements for financial investigations and asset recovery in OCC cases (related to milestone 10.i).

During consultations, the Asset Recovery Office (ARO) within the State Public Prosecution Office outlined its commitments and the concrete steps it has taken. ARO emphasized that it is particularly focused on identifying assets abroad, as well as locating assets within the country, in response to requests from foreign jurisdictions. It also highlighted its efforts to strengthen co-operation with all relevant domestic institutions authorized to monitor assets and collect related information, including to respond to prosecutors' requests for asset tracing, particularly for smaller prosecutors' offices without their own investigative centres. According to ARO, its involvement can support more timely access to information relevant for asset tracking and the co-ordination of requests across institutions, although this also depends on prosecutors submitting requests for such support. They further noted that some of the envisaged strategic measures are already underway, particularly those related to IT infrastructure (hardware, software, and interconnectivity) and stressed the importance of recruiting additional staff in the following period.

The State Attorney's Office noted that the collection of compensation for damages remains challenging. Just as the Agency for Management of Confiscated Property, the State Attorney's Office lacks adequate electronic systems, and much of its work is still conducted manually, which further limits its effectiveness (related to milestone 10.iii).

Strategic documents envisage improvements in this area. Firstly, the Reform Agenda[499] and the 2025–2028 Strategy for Capacity Building in Financial Investigations and Asset Confiscation and its accompanying Action Plan,[500] are anticipated to bring the much-needed change. This Strategy includes a comprehensive analysis of the current situation and outlines several wide-ranging measures. These measures include strengthening institutional capacities through the recruitment of qualified professionals, the provision of both initial and advanced training, enhanced mandatory inter-institutional co-ordination and co-operation, and unrestricted access to databases and information necessary to determine the origin and ownership of assets.

[499] Reform Agenda of North Macedonia 2024-2027, see also p.118, Sub-Area 5.7. Asset Recovery.
[500] Strategy for Strengthening the Capacity to Conduct Financial Investigations and Asset Confiscation 2025-2028 (in Macedonian).

Accordingly, this Strategy foresees amendments to several laws, including the CPC and laws governing the banking sector. These amendments are intended to ensure clear mandates and unrestricted access to key financial and asset-related information. Furthermore, the Strategy provides for the adoption of SOPs within the Public Prosecutor's Office/ARO. According to the implementation progress report, this process is currently underway and will be followed by the revision of the SOPs of other competent enforcement authorities to ensure their alignment with those adopted by the Public Prosecutor's Office. The Strategy further underscores the need for enhanced statistical monitoring and data collection to enable a more comprehensive assessment of financial investigations and asset recovery efforts.

Recent institutional and legislative initiatives have focused on strengthening co-operation and co-ordination in financial investigations and property confiscation, including an Agreement between the State Public Prosecutor and the Minister of Internal Affairs on co-operation and electronic data exchange and the establishment of the National Council for Financial Investigations and Property Confiscation, as an additional co-ordination mechanism alongside the existing National Commission which serves as an expert body. Lastly, the pending amendments to the CC are expected to revise the confiscation-related provisions.

In terms of professional development, the Academy for Judges and Public Prosecutors continues to provide training on related topics for public prosecutors, judges and law enforcement officials, including with support from international partners. The OSCE Mission to Skopje supported these efforts in particular with its most recent activities related to training on improved inter-agency co-operation for effective financial investigation and asset seizure, financial crime and asset recovery for judges and prosecutors; and on financial crime for prosecutors and law enforcement officials. Further efforts are underway to make training opportunities more targeted, systematically planned and tailored to identified institutional needs (related to milestone 10.vi).

It can be concluded that, compared with the previous reporting period, relevant institutions have taken significant strategic steps towards strengthening asset recovery capacities. The envisaged reforms are comprehensive and far-reaching, affecting multiple legal, procedural, institutional, and financial aspects of the system. However, while a broad framework of measures has already been established through the

Strategy and the related legislative and institutional reforms, it remains essential that these measures are implemented within a reasonable and predictable timeframe. Delays in implementation may hinder the intended change in institutional practice, as stakeholders may continue to rely on the anticipated reforms while the necessary mechanisms remain pending. Therefore, timely and effective implementation, supported by clear monitoring indicators, analytical tools, and regular assessment of progress, is crucial to ensure that the planned measures translate into sustainable improvements in financial investigations, confiscation practices, and asset recovery outcomes.

SERBIA

1) Overarching Institutional and Policy Issues

During the reporting period, Serbia's justice-sector reform agenda continued to evolve in a more demanding implementation environment. Following the institutional changes introduced after the 2022 constitutional reforms,[501] the central question is no longer only whether the legal and institutional framework for judicial independence, prosecutorial autonomy and anti-corruption enforcement has been established, but whether that framework is applied consistently and produces visible effects in the handling of complex organized crime and corruption (OCC) cases.

This question became more prominent during the reporting period as new legislative and policy initiatives were accompanied by professional and public debate on the direction of judicial reforms, the functioning of judicial and prosecutorial self-governance, and the practical safeguards needed to preserve the principles underpinning the constitutional reform process. Against this background, the Project's trial monitoring findings suggest that Serbia's main implementation challenge lies less in the absence of formal rules and more in ensuring their coherent, predictable and operational application in practice.

The January 2026 set of amendments to a number of key laws[502] governing the justice system, commonly referred to as the "Mrdić laws"[503] became one of the most consequential and contested developments[504] of the reporting period. Although the amendments were presented as measures aimed at improving efficiency and institutional management, concerns were raised regarding the legislative process itself, particularly the absence of meaningful public consultation and limited stakeholder involvement.

[501] The constitutional reforms initiated following the Serbian referendum on 16 January 2022, fundamentally altered the structure of the country's judicial branch to ensure greater independence from political branches. Formally promulgated by the National Assembly on 9 February 2022, these changes aimed to depoliticize the selection of judges and prosecutors to align with the EU's Action Plan for Chapter 23 regarding the rule of law. Available at: https://europeanwesternbalkans.com/2022/12/31/judicial-reforms-after-the-change-of-the-serbian-constitution-potential-for-both-reduction-and-institutionalization-of-political-influence-on-the-judiciary/

[502] Law on Amendments to the Law on the Public Prosecution Office; Law on Amendments to the Law on the High Prosecutorial Council; Law on Amendments to the Law on Judges; Law on Amendments to the Law on the Seats and Territories of Courts and Public Prosecution Offices; Law on Amendments to the Law on the Organization and Competence of State Bodies for the Fight against High-Tech Crime.

[503] The "Mrdić laws" – named after the ruling Serbian Progressive Party (SNS) MP Uglješa Mrdić, who formally introduced the amendments.

[504] As per the adopted 28 January 2026 amendments to the Law on Public Prosecutor's Office, the tenure of 11 temporarily assigned prosecutors to the prosecution offices of special jurisdiction was to cease automatically within 30 days from the law's adoption. Thus, the amended law provided for the blanket termination of all temporary assignments to the OCPO, with effect from 9 March 2026. No mechanism of performance review has been developed. Therefore, the premature removal of all temporarily assigned prosecutors from the OCPO raised questions as to the compliance with the principles of legal certainty, security of tenure and prosecutorial autonomy.

Professional associations, civil society organizations (CSOs) and international partners expressed reservations concerning several provisions affecting judicial governance and prosecutorial autonomy.

As a result of the amendments to the law on public prosecution, temporary assignments of several public prosecutors working at the Organized Crime Prosecution Office (OCPO) were terminated and have not been renewed immediately[505]. This raised concerns regarding workload continuity and the handling of sensitive and complex OCC cases already at different procedural stages. The practical effect of these changes will require continued monitoring, particularly in relation to case continuity, distribution of work and the ability of the OCPO to sustain prosecutorial activity in complex proceedings.

In its urgent opinion adopted on 24 April 2026[506] and endorsed in its 147th Plenary Session held on 12-13 June 2026,[507] the Venice Commission identified a number of shortcomings which, viewed individually and cumulatively, were considered capable of weakening safeguards protecting judicial independence and prosecutorial autonomy.

The Commission recommended revising several provisions and emphasized the importance of transparency, inclusiveness and democratic debate when introducing reforms of such importance. Serbian authorities subsequently indicated their intention[508] to align the legislation with the Venice Commission's recommendations.

[505]Similarly, the amendments also introduced the requirement of obtaining a prior consent of the Ministry of Justice vis-à-vis international co-operation by the Supreme Public Prosecutor's Office. While the executive has a legitimate interest in being generally informed of relevant co-operation, protocols and operational agreements concluded by the Supreme Public Prosecutor's Office with its international counterparts, within the framework of existing mutual legal assistance treaties, the provision seems not narrowly tailored to this legitimate aim. Instead, the imposition of an obligatory consent requirement raised concerns of undermining operational autonomy and efficiency of the prosecution service.

[506]On 6 March 2026, pursuant to Article 69(4) of the amended Law on the Public Prosecutor's Office, the HPC decided to renew the temporary assignments of seven of the 11 public prosecutors serving in the OCPO. The remaining four public prosecutors saw their temporary assignments terminated by 9 March 2026, by operation of law and returned to their original posts. At the HPC's session held on 4 May 2026, two of these public prosecutors were temporarily assigned to the OCPO, along with three new prosecutors who had not held tenure at the OCPO previously.

[507] Serbia - Urgent Opinion no. 1247/2026 of the Venice Commission on the 28 January 2026 Amendments to Laws Governing the Judiciary and the Prosecution. Available at: https://www.google.com/url?sa=i&source=web&rct=j&url=https://www.venice.coe.int/webforms/documents/default.aspx?pdffile%3DCDL-PI(2026)007-e&ved=2ahUKEwj1jJibvZOVAxWwBdsEHUvgK2QQqYcPegYIAQgVEAM&opi=89978449&cd&psig=AOvVaw0FpKXZhG50VqaVD_cmDawE&ust=1781964503671000

504 Available at: https://www.coe.int/en/web/venice-commission/-/147th-plenary-session-of-the-venice-commission

[508] On April 28, 2026, the MoJ officially established a specialized working group, led by the Minister, tasked with preparing amendments to the "Mrdić laws", available more at: https://vreme.com/en/drustvo/radna-grupa-izmene-zakona-pravosudje-venecijanska-komisija/

Following the submission of revised draft amendments, the Venice Commission adopted a Follow-up Opinion on 16 June 2026,[509] acknowledging certain improvements while maintaining a number of recommendations. Among the recommendations relating to the amendments to the Law on Public Prosecution, the Commission called for the reinstatement of public prosecutors whose temporary assignments had been prematurely terminated and, in parallel, for the establishment of a sustainable mechanism to ensure that positions currently occupied by temporarily assigned prosecutors at the OCPO are progressively filled through regular appointments. This approach aims to address the immediate need to ensure continuity in the handling of ongoing OCC cases, while at the same time promoting the longer-term objective of establishing a more stable and predictable staffing framework.

In line with these recommendations, the High Prosecutorial Council (HPC) held an extraordinary session on 18 June 2026[510] and re-appointed the remaining two prosecutors whose temporary assignments had ceased in March 2026, thereby largely restoring the prosecutorial capacity of the OCPO[511] and reducing the immediate risk of disruptions in ongoing OCC proceedings. This represents a development for institutional continuity and case management. At the same time, the renewed reliance on temporary assignments for a further three-year period meant that the broader issue of ensuring a stable staffing framework through regular appointments remained unresolved, and the longer-term sustainability of prosecutorial capacity at the OCPO will require continued attention. Moreover, further amendments to the Law on the Public Prosecutor's Office, adopted on 25 June 2026,[512] introduced an annual review mechanism concerning the justification for temporary assignments by the HPC, which risks creating an additional avenue of political pressure on seconded prosecutors.

While important legislative and policy initiatives were undertaken during the reporting period, trial monitoring findings and consultations with stakeholders show that implementation remains uneven and that many longstanding challenges continue to affect the efficiency, consistency and transparency of OCC proceedings.

[509] Serbia - Follow-up Opinion no. 1283/2026 of the Venice Commission to the Urgent Opinion on the 28 January Amendments to the Laws Governing the Judiciary and the Prosecution, issued on 16 June 2026. Available at: https://www.coe.int/en/web/venice-commission/-/cdl-ad-2026-016-e

[510] Available at: https://www.danas.rs/vesti/drustvo/vst-troje-tuzilaca-upuceni-u-tok/

[511] As of 18 June 2026, the OCPO has 24 out of 25 prosecutorial positions filled. Of these, 15 prosecutors are temporary assignments and nine held permanent positions, including the Chief Public Prosecutor.

[512] Available at: https://www.srbija.gov.rs/vest/en/281407/parliament-adopts-set-of-judicial-laws.php

Institutional and Policy Developments Affecting Reform Uptake

Compared to the period preceding the constitutional reforms, Serbia has established a revised framework of judicial self-governance through the restructuring of the High Judicial Council (HJC) and the HPC. This represents an important institutional development and provides a stronger institutional foundation for judicial and prosecutorial independence. During the reporting period, however, the central question became whether these institutional safeguards are being applied consistently and are sufficiently resilient to support the effective handling of complex OCC cases.

Several policy developments during the reporting period are relevant to this implementation context. Serbia adopted the National Anti-Corruption Strategy 2024–2028,[513] followed in June 2026 by the adoption of the corresponding Action Plan for the period 2026–2028.[514] The Strategy places greater emphasis on strengthening institutional capacities, improving the prosecution of corruption offences, enhancing financial investigations and increasing the effectiveness of confiscation mechanisms. It includes an assessment of potential amendments to the Law on Organization and Jurisdiction of State Authorities in Suppressing Organized Crime, Terrorism and Corruption (ZONDO Law), with a view to improving investigation results, increasing convictions and strengthening asset recovery.

In parallel, Serbia continued implementing reforms related to the Law on Prevention of Corruption.[515] Since 2019, several amendments have expanded the powers of the Agency for Prevention of Corruption (APC), including access to financial information concerning related persons and entities, enhanced integrity mechanisms, stronger sanctions for inaccurate asset declarations and broader involvement in anti-corruption assessments of draft legislation. The Agency has also assumed a more active role in the implementation and monitoring of the Council of Europe Group of States against Corruption[516] (GRECO) recommendations.

The 2024 National Risk Assessment[517] further recognized that Serbia possesses a comprehensive legislative framework governing seizure and confiscation of criminal proceeds, while Ministry of Justice (MoJ) working groups established during 2024 and 2026

[513] Available at: https://www.mpravde.gov.rs/files/ENG_nac_strat_borba_protiv_korupc_2024-2028_017_lat%20(1).pdf
[514] Available at: https://www.srbija.gov.rs/vest/en/279745/action-plan-for-implementation-of-national-anti-corruption-strategy-adopted.php
[515] Available at: https://acas.rs/storage/page_files/Law%20on%20Corruption%20Prevention%20consolidated.pdf
[516] Available at: https://www.coe.int/en/web/greco/evaluations
[517] Available at: https://www.apml.gov.rs/uploads/useruploads/Documents/NRA%20novo%20skracena%20verzija-ENG%20FINAL.pdf?utm

initiated work on amendments to several laws concerning judicial organization, prosecution services and asset recovery mechanisms.

Cross-cutting Developments in the Justice Sector

Across the findings, several cross-cutting trends become visible. Serbia's judicial and prosecutorial institutions often operate within existing frameworks that are formally established but implemented unevenly and without sufficiently developed mechanisms for ensuring consistency and quality control. Consequently, outcomes may vary depending on institutional practice, available resources and individual approaches.

This pattern is visible in multiple areas. Internal rules governing publication and anonymization of judicial acts exist, but their implementation remains inconsistent. Similar challenges emerge regarding access to voluminous electronic evidence, management of digital material, hearing scheduling, continuity of proceedings and the drafting quality of judicial acts. In many instances, the issue is not the absence of procedural rules but the lack of sufficiently predictable mechanisms capable of ensuring their uniform application.

Trial monitoring findings also suggest that important reforms and digital tools have not yet fully translated into measurable improvements in courtroom practice.

Delays continue to affect complex proceedings, with low hearing frequency, repeated adjournments and inconsistent approaches to case management remain common features in OCC cases.

At the same time, the increasing complexity of criminal proceedings is placing additional pressure on institutions. OCC cases frequently involve a larger number of defendants and defence counsel, vast amounts of evidence, including large volumes of electronic evidence, encrypted communications, financial transactions, international legal assistance (ILA) requests, and extensive evidentiary records. Such cases require not only specialized expertise but also stronger organizational capacities, improved technological tools and more effective co-operation among institutions.

Reported challenges concerning co-operation between police and prosecution services should also be viewed within the broader institutional and political context. In recent years, Serbia has witnessed a number of dismissals, retirements, transfers, investigations and arrests involving senior police officials. Against the backdrop of corruption scandals, mass

concerns have emerged regarding the consistent execution of prosecutorial orders, particularly in politically sensitive cases. While these issues require careful assessment, perceptions that co-operation may depend on the political sensitivity of a case risk affecting public confidence and the credibility of the criminal justice system. Effective and rules-based co-operation between police and prosecution services remains essential for the consistent and impartial handling high-level OCC cases.

Developments within both Councils also demonstrated different institutional dynamics. While the HJC generally continued functioning without major disruptions, and recently elected President committed to continuing fruitful co-operation with the Project, tensions within the HPC persisted following elections of peer-elected members. These divisions affected the functioning of several key mechanisms, including the decision-making process, difficulties in electing the President of the Council, the Commissioner for Independence of Public Prosecutors, members of the Ethics Commission and completing elections to certain prosecutorial positions. Although these challenges have not prevented the Council from performing its essential functions, they illustrate some degree of polarization within the prosecutorial self-governance.

System-wide Conditions Shaping Implementation

Several structural conditions continue to shape the processing of OCC cases in Serbia. Practical and organizational constraints continue to affect day-to-day operations across the justice system. Many courts and prosecution offices face inadequate infrastructure, insufficient office space, outdated equipment and limited supporting staff. Such deficiencies affect efficiency, case management and the quality of judicial services.

Human resources represent another growing challenge. Judicial and prosecutorial institutions are experiencing increasing difficulties in attracting and retaining judges, prosecutors, assistants and other legal professionals. High workloads, significant responsibilities, comparatively low remuneration and limited opportunities for career development have reduced the attractiveness of judicial careers and contributed to staffing shortages that place additional burdens on existing personnel.

At the same time, the growing sophistication of OCC cases require continuous investment in professional

development and institutional capacities. Strengthening expertise in financial investigations, asset tracing, digital evidence, encrypted communications and international co-operation is becoming increasingly important. Effective confiscation and asset recovery mechanisms are also essential, as sustainable results in combating OCC cannot be measured solely through indictments and convictions, but also through the ability to deprive criminal groups and corrupt actors of illicit proceeds.

Taken together, these trends underscore the need to bridge the gap between normative reforms and their practical implementation. Strengthening institutional coherence, safeguarding judicial independence and prosecutorial autonomy, investing in human resources and infrastructure, improving case management and reinforcing mechanisms for consistency and quality control will be essential for enhancing transparency, fairness and efficiency in OCC proceedings, while strengthening public confidence in the administration of justice.

The Project's quantitative monitoring of conviction outcomes[518] provides an initial empirical baseline against which future developments can be assessed. Across 11 finalized cases out of 16 monitored cases for which outcome mapping data is available, covering 163 charge counts involving 117 defendants, 52 charge counts had reached a binding final outcome. This results in an overall final conviction rate of 26.9 per cent at charge level, compared with a 50 per cent case-level rate. The gap between the two reflects aggregation effects in multi-defendant OCC proceedings: a single conviction in a case with multiple defendants and charges can mask a substantially lower rate of proven criminal liability at the individual charge level.

Given that the finalized case sample is small and the majority of monitored proceedings remained pending at the close of the reporting period, these figures should be interpreted with caution and viewed as an emerging baseline rather than as representative indicators of overall OCC adjudication in Serbia.

[518] On the methodology and sample of the statistical analysis conducted: The data analysis relates to a monitored sample of 16 cases in total (out of which 11 cases are final), 163 charges in total (out of which 52 charges reached a binding final status) and 120 defendants in total. The Project's analysed the outcome records in OCC adjudication relies on a defendant-centered and charge-sensitive model, where a particular case does not constitute the primary unit of measurement. As criminal liability attaches to an individual and is established charge by charge, it is the one defendant - one charge combination that represents the underlying unit used in the analysis. Such approach prevents the statistical data from opposite distortions: treating complex, multi-defendant OCC cases as if they had only a single outcome, and allowing cases with many charges to artificially dominate the finding.
It should also be noted that Project monitoring begins from the confirmed indictment/hearing stage. PBAs concluded earlier fall outside the monitored sample, so figures on negotiated resolutions reflect incidence among post-indictment cases rather than overall PBA use across OCC proceedings.

Accordingly, the statistical findings are not intended to measure overall system performance but to complement the Project's qualitative monitoring by establishing a consistent evidence base against which future developments can be assessed. As additional monitored cases reach final resolution, the conviction mapping will enable more robust analysis of trends relating to evidentiary substantiation, procedural efficiency, appellate review and asset confiscation.

The preliminary findings based on the retrieved statistical data, however, give insight into valuable information on: a) a high reliance[519] on contested trials in handling OCC cases, as opposed to the use of plea-bargaining agreements (PBA); b) the underlying reasons[520] for charges resulting in no convictions, and; c) sparse utilization of confiscation tools.[521] These considerations will be further discussed in light of the recommendations below.

Overall, compared to the period immediately following the constitutional reforms in 2022, during which Serbia made notable progress in establishing a new legislative and institutional framework, the reporting period did not demonstrate substantial measurable progress in translating institutional reforms into consistently improved operational practice. On the contrary, debates surrounding the January 2026 judicial amendments highlighted the continuing fragility of institutional safeguards and the importance of preserving the independence and autonomy of justice institutions. While Serbia possesses an increasingly comprehensive normative framework, the next phase of reform will require greater emphasis on implementation, institutional resilience and the ability to translate policy commitments into tangible improvements in the effectiveness, quality and credibility of responses to organized crime and corruption.

[519] Negotiated guilty pleas appear only in five, out of the 163 recorded charges.
[520] Across final-stage acquittals, the dominant grounds are insufficient evidence and failure to prove the elements of the criminal offence or to sustain the legal qualification of the charge. Along with these, unclear factual description of the indictment also appears as a smaller but still relevant category.
[521] Confiscation was ordered in only one out of 14 final convictions analysed in the sample.

2) Update on Key Findings and Recommendations

The implementation stages assessed below should be read in light of the timing of consultations with national counterparts. Several recommendations were presented or discussed with relevant institutions only shortly before the end of the reporting period. As a result, the absence of fully implemented measures in some areas does not necessarily indicate lack of institutional willingness or rejection of the recommendation. In such cases, the assessment reflects a reasonable implementation lag between acknowledgement of the issue, internal consideration by institutions and the adoption of formal measures. Future reporting will assess whether initial commitments and consultations are translated into concrete institutional action, operational practice and measurable effects in OCC proceedings.

FAIRNESS

1

Recommendation

Strengthen transparency and public access to information in OCC cases through minimum standards on public availability, coherent anonymization rules, and integrated public information systems.

1.1 The Supreme Court, the Supreme Public Prosecution Office (SPPO), court presidents, and the OC Prosecutor should ensure the adoption and uniform application of minimum standards on public availability[4][5] of information on OCC proceedings. These should cover advance online publication of all public OCC hearing schedules, public availability of brief summaries or equivalent information on confirmed indictments in high-level OCC cases, publication of final OCC judgements in the Case Law Database, and publication of plain-language summaries of first-instance and final OCC judgements on the websites of the relevant high and appellate courts within 30 days after the written judgements are drafted.

1.2 The Supreme Court and the SPPO should adopt and ensure implementation of harmonized amendments to existing anonymization rules, so that personal data is protected without undermining public accessibility, media use, and readability of OCC-related judicial information. These rules should clearly define the categories of data to be replaced or omitted, the anonymization methods to be applied, and the requirement to conduct a public-interest test and readability check prior to publication.

1.3 The HJC and HPC should provide implementation support for revised anonymization and publication practice, including staff guidance, workflow arrangements, and practical training, in co-operation with the Judicial Academy, which should organize and co-ordinate practical capacity-building for judicial and prosecutorial staff on the application of the revised anonymization rules.

1.4 The MoJ, in co-ordination with the relevant court presidents, should ensure integration of all OCC cases into Serbia's Justice Portal, so that the portal contains minimum case metadata, hearing schedules, and links to published judgements in the Case Law Database or on court websites.

Implementation Stage:



Early implementation

Implementation Milestones:

1.i. Percentage of OCC cases containing minimum public information (hearing schedule, procedural phase, judicial acts where available).

1.ii. Adoption of specific measures operationalizing transparency for OCC proceedings, covering brief information on confirmed indictments in high-level case, publication of all hearing schedules, publication of judgements and plain-language summaries of judgements.

1.iii. Pilot introduction of plain-language summaries of first-instance judgements in at least two OCC cases by the High Court in Belgrade.

1.iv. Establishment of a working group(s) to draft amendments to anonymization rules.

1.v. Adoption of amendments to anonymization rules by the SC and the SPPO, specifying data categories, redaction methods, and public-interest tests.

1.vi. Percentage of judicial and prosecutorial staff trained on anonymization rules.

1.vii. Pilot publication of at least five anonymized OCC judgements to test readability and public interest.

1.viii. Percentage of OCC cases included into the Justice Portal

During the reporting period, Serbia showed some progress toward greater transparency in OCC proceedings, particularly through the continued publication of appellate court decisions in the Case Law Database and the regular publication of plain-language summaries by the Belgrade Appellate Court. Hearing schedules for OCC cases are also published by the appellate departments of the four high courts, and stakeholders acknowledged the need to improve access to information, anonymization practice and integration of OCC cases into public information systems. The Supreme Court's ongoing work on anonymization rules also provides an entry point for more coherent publication practice.

However, implementation cannot yet be assessed above initial commitment and some early planning, with transparency practice remaining fragmented across institutions and procedural stages although there is broad institutional engagement with transparency-related issues.

Challenges persist, including the limited availability of publicly available prosecutorial information concerning confirmed OCC indictments; the partial publication of OCC hearing schedules; inconsistent application of anonymization rules; insufficient institutional support for judicial staff responsible for anonymization; and the lack of integration of OCC cases into the Serbian Judiciary Portal, through which information on the course of the proceedings is available.

The next phase should therefore focus on minimum publication standards, harmonized anonymization rules, practical support for staff responsible for publication and redaction, and integration of OCC case information into the Justice Portal or another central public-information channel.

Findings:

Trial monitoring findings indicate that transparency in OCC proceedings remains uneven and fragmented across institutions, procedural stages and types of information made publicly available. Positive practices have emerged in certain areas, particularly regarding the publication of appellate court decisions and their plain-language summaries. However, approaches to transparency continue to vary, resulting in differing levels of public access to information.

The Project discussed these findings with several judges of the Organized Crime Department (OCD) and Anti-Corruption Department (ACD) of the High Court in Belgrade, several public prosecutors of the OCPO, the representatives of the HCJ and HPC and the MoJ as part of consultations on transparency and overall access to information in OCC cases.

The findings point to four linked areas in which transparency practice requires

further consolidation: minimum public information in OCC cases, harmonized anonymization rules, implementation support for publication and redaction workflows, and centralised public access to case information.

Public Availability and Accessibility of Information in OCC Cases Remains Uneven Across Court Instances

Public availability of judgements and plain-language summaries

The general rule of publicity in criminal proceedings and the public pronouncement of judgements are enshrined in the CPC.[522] These affirm transparency of judicial decision-making in principle. However, the manner and under which conditions written judicial decisions (first-instance, appeal and final judgements) are made publicly accessible is not further specified.

Trial monitoring findings indicate that no first-instance OCC judgements were published on the High Court in Belgrade's website or in the Case Law Database.[523] Such limited availability of judicial reasoning limits public understanding of judicial reasoning and may weaken confidence in the transparency of OCC adjudication.[524] On the other hand, judgements of the appeal courts and of the Supreme Court may be accessed through the Case Law Database online.

Trial monitoring data showed that all decisions of the Appellate Court in Belgrade in cases monitored by the Project were available online in the Case Law Database, in an anonymized form. In addition, the Appellate Court in Belgrade regularly publishes plain-language summaries of its decisions, shortly after the written judgements are drafted. In final OCC cases, these plain-language summaries provide a comprehensive overview of the procedural history of the case, including detailed overview of all instance judgements which have been rendered in a particular case. The summaries are mostly written in plain language which makes legal reasoning more comprehensible to a non-legal audience.[525] Such consistent publication practices represent important safeguards for strengthening integrity and public trust in the judiciary and OCC adjudication in general. Thus, the

[522] Articles 7, 362,418 and 425 of the CPC. See also Article 9 of the Law on the Organization of Courts.
[523] Available at: https://www.sudskapraksa.sud.rs/sudska-praksa
[524] Survey data collected by the Project in 2025 reinforces this: 83 per cent of respondents who participated in the Project's in-depth analysis on transparency of judicial acts in OCC cases, including journalists, civil society organizations (CSOs) and defence attorneys, indicated that accessibility of judicial acts in high-level corruption cases directly affects perceptions of judicial integrity.
[525] Previously, summaries available on the website of the Appellate Court in Belgrade often replicated legal text verbatim, with minimal effort to make them accessible to a non-legal audience.

Project recommended that a similar practice is also introduced at the High Court in Belgrade for first-instance high-level OCC judgements. Such practice, timely press releases followed by a brief summary of non-final OCC judgements, could offer an additional layer of openness of courts towards citizens.

Hearing schedules of OCC cases

Trial monitoring observations indicate that approximately 90 per cent of OCC hearings were announced in advance online by the ACDs of the high courts in four jurisdictions. The ACDs of all four high courts publish the hearing schedule for all OCC cases heard before these fora. However, the OCD of the High Court in Belgrade published schedules only for cases identified by the court as attracting media attention. The criteria for this designation were not stated. Trial monitors noted that hearings with prior coverage in at least three national media outlets within 14 days were more likely to be published. Given the public-interest significance of proceedings before the OCD, all public OCC hearings should be announced online in advance, regardless of whether a case has already attracted media attention.

Without systematic publication of the hearing schedule, the public can only attend hearings if they already know the case number. This is difficult to reconcile with the communication strategies of the HJC and Courts, which explicitly emphasized the importance of proactive communication and provision of timely information by the courts to the media in order to enhance transparency of criminal proceedings.

During the consultations held, judges of the High Court in Belgrade also acknowledged that all OCC cases could easily be included in the online schedule, and agreed that this issue should be further discussed internally, as there are no substantial obstacles to expanding the public schedule.

Information on confirmed OCC indictments

Timely and accurate public information on confirmed high-level OCC indictments can support transparency, public understanding and accountability in prosecutorial action, while reducing reliance on selective leaks or fragmented media reporting. Neither the OCPO nor the ACDs of the High Public Prosecution Offices (HPPO) currently make confirmed indictments in OCC cases publicly available on the web portals of these institutions.

While the law does not prescribe such explicit legal requirement, public prosecution is encouraged[526] to regularly issue information, brief summaries and/or press releases on cases of heightened public interest.

These, however, do not substitute access to the full text of indictments. Therefore, confirmed indictments should be made available to the public on request after necessary redaction and anonymization is conducted.

Absence of Harmonized anonymization Rules in OCC Cases

Despite the adoption of the Law on Personal Data Protection (2018),[527] no unified national or judicial rules on anonymization exist. Internal regulations have been developed by the SC and the SPPO, and some other courts and prosecution offices. These rules differ from each other and are not fully aligned with the Law on Free Access to Information of Public Importance or with the recommendations of the Commissioner for Information of Public Importance and Personal Data Protection.

Monitoring data confirmed that inconsistent anonymization impairs readability and comprehension, particularly in multi-defendant cases, where extensive redaction of judicial acts (indictments and judgements) makes it difficult to link individuals with evidence or charges.[528]

Although appellate court decisions are publicly available online, trial monitoring findings indicate that the extent of anonymization and pseudo anonymization applied in many cases significantly reduces their readability. In five high-level, complex multi-defendant proceedings, extensive redaction of judgements made it difficult to understand the relationship between defendants, evidence and individual charges.

These challenges are particularly pronounced in high-level OCC cases involving public officials. Monitoring observations suggest that the anonymization or pseudo anonymization techniques are applied to judicial acts automatically in all OCC cases by courts and public prosecution. Thus, they do not always sufficiently reflect the public interest considerations inherent in such cases, thereby limiting the public's ability to understand the factual and legal basis of proceedings despite the formal availability of judicial decisions.

[526] See the Public Communication Strategy for the period 2025-2030, adopted by the HPC in 2025, available at Strategija-javnog-komuniciranja-Saveta-sa-koricomdocx-1-1.pdf

[527] Available at: Law on Personal Data Protection ("Official Gazette of RS" No. 97/08, 104/09 - other law, 68/12 – decision of the CC and 107/12) - Commissioner for Information of Public Importance and Personal Data Protection

[528] In 2024, the Project submitted requests and received 389 indictments from the four ACDs of HPPOs. All indictments were redacted. The method of anonymization and the extent of redaction varied:

- Belgrade: full blackout of defendant information and explanations.
- Kraljevo: only offence descriptions with initials; no evidence included.
- Niš: abridged indictments with minimal information.
- Novi Sad: extensive redaction of contextual details such as vehicle numbers, legal entities and positions.

The Commissioner for Information of Public Importance and Personal Data Protection[529] has repeatedly emphasized that courts should apply a case-by-case proportionality test when anonymising, balancing transparency with privacy. Factors include whether the information concerns a public official, whether the conduct is already public knowledge, and the seriousness of the alleged offence.

Previous trial monitoring findings underscore this inconsistency. Out of the 389 indictments received, anonymization practices varied[530] across the four ACDs without explanation.

This divergence means that two individuals in similar positions may have their cases disclosed to very different extents, with no clear legal justification.

During the reporting period, the Supreme Court established a working group to draft amendments to its rulebook on anonymization of judicial decisions. Aligning the Supreme Court's Rulebook with the article on data protection remains a crucial point in achieving greater transparency in OCC cases.

Implementation Support for Revised Anonymization and Publication Practice

These efforts should be complemented by institutional implementation support from the HJC and HPC to ensure the effective application of the revised anonymization and publication practice, including staff guidance, workflow arrangements, and practical training.

These tasks should be conducted in co-operation with the Judicial Academy, which should organize and co-ordinate targeted capacity-building for judicial and prosecutorial staff on the application of the revised anonymization rules.

Institutional Centralization and Inclusion of OCC Cases in Serbia's Justice Portal

Inclusion of all OCC cases in the judicial case management system ensures a more coherent approach towards the integration of case identification parameters and traceable procedural case information, as well as pairing

[529] Available at: https://www.poverenik.rs/en/home.html

[530] Earlier the Commissioner for Information of Public Importance and Personal Data Protection has emphasized that courts must assess on a case-by-case basis which data should be protected in judgements disclosed under freedom of information requests. This assessment involves a public interest test, considering factors such as whether the individual is a public official, whether the information is already publicly known, and the seriousness of the alleged offence, criteria particularly relevant in high-profile OCC cases. Additionally, Article 14 of the Law on Free Access to Information of Public Importance provides that access to information about a person, event, or phenomenon of public interest cannot be denied, especially when it concerns a public official performing public functions or information arising from their conduct that generated the request.

these data with available judgements in high-level OCC cases. However, trial monitoring data shows that OCC cases are not currently included in this system, which is administered by the MoJ.

In May 2026, the Project met with representatives of the MoJ to advocate for the integration of all OCC cases into Serbia's Justice Portal. The portal should contain minimum case metadata, hearing schedules, and links to judgements published in the Case Law Database or on relevant court websites. While the MoJ acknowledged the recommendation, no substantial steps have been taken yet to implement it.

Overall, during the reporting period some progress towards strengthening transparency and public access to information in OCC proceedings was demonstrated. Taken together, all of the above-described findings indicate that transparency in OCC proceedings remains uneven and fragmented. Despite formal acknowledgment and initial commitments to most recommendation aspects on transparency, significant implementation challenges remain. Limited human and technical capacities hamper most aspects of these reform processes. In order to move forward with the implementation, further coherent institutional response needs to be demonstrated, paired with consistent application of standards on availability and accessibility of information in OCC proceedings. These constraints have a disproportionate impact on OCC proceedings, which require sustained judicial continuity, specialized expertise and intensive case management.

2

Recommendation

Ensure that defence in OCC cases have timely and secure access to evidence in electronic form, including material from encrypted communication applications, in order to safeguard third-party rights, support proper defence preparation, and promote trial efficiency and fairness.

2.1 The OCD of the High Court in Belgrade to ensure equal and timely access, should adopt and implement a transparent rotation access schedule and maintain written records of each defendant's and defence counsel's access to electronic evidence, ensuring accountability and auditability.

2.2 The High Court in Belgrade should provide a sufficient number of modern computer workstations for review, proportionate to the number of defendants and counsel in multi-defendant cases.

2.3 Where access to specific material is restricted, courts should issue case-specific, reasoned decisions explaining the scope of access granted, the basis for the restriction, and the practical measures adopted to preserve equality of arms and provide adequate time and facilities for defence preparation

Implementation Stage:



Early implementation

Implementation Milestones:

2.i. Percentage of OCC cases with voluminous electronic evidence from encrypted communication, in which the defence has timely and secure access to the evidence material.

2.ii. The adoption and implementation of a transparent access rotation schedule with written records of each defendant's and defence counsel's access to electronic evidence, ensuring accountability and auditability

2.iii. Availability of equipped premises and computer workstations for the defence review of electronic evidence – number of available computer workstations.

2.iv. The adoption case-specific, reasoned decisions explaining the scope of access granted, the basis for the restriction, and the practical measures adopted to preserve equality of arms and provide adequate time and facilities for defence preparation.

During consultations, representatives of the High Court in Belgrade and the OCPO acknowledged the practical challenges associated with defence access to voluminous electronic evidence and expressed readiness to consider measures aimed at improving existing arrangements. Trial monitoring has identified concrete bottlenecks in the current access model, particularly in cases involving material from encrypted communication platforms. Initial steps towards addressing these challenges are underway, although the early

implementation stage does not yet allow for an assessment of their effectiveness. The next phase should focus on adopting a transparent rotation schedule documenting defence access to electronic evidence, improving technical review facilities, and ensuring that any restrictions on access are reasoned and balanced against fair-trial guarantees and third-party rights.

Findings:

The handling of voluminous electronic evidence, particularly datasets derived from encrypted communication platforms, has emerged as a significant challenge in OCC proceedings. During the reporting period, the most pertinent trial monitoring findings related to material obtained from encrypted communication platforms, particularly SKY ECC evidence. These cases provide an important indication of how existing access arrangements function when courts and parties are required to manage large, sensitive and technically complex datasets. The relevance of these findings, therefore, is not limited to this specific type of evidence, but points to a wider institutional need for predictable, secure and practically effective access arrangements for voluminous electronic evidence in complex OCC proceedings.

Trial monitoring shows that, in the absence of transparent access protocols, clear standards, and adequate infrastructure, defence access is not yet governed by a transparent and uniform protocol and therefore depends on case-specific arrangements. These deficiencies affect not only trial efficiency, but may also undermine fair trial guarantees, including the right to adequate time and facilities to prepare a defence and the principle of equality of arms.

Specifically, in eight of 34 monitored OCC cases, which include 172 defendants and approximately the same number of their defence counsel, the indictment is supported by evidence from the SKY ECC encrypted communication platform, obtained through ILA. Although the evidence specifically referenced in the indictments had been disclosed, the defence's access to the full evidentiary dataset, from which the proposed evidence was extracted, remained limited to a single outdated computer in the court’s building. Consequently, in large multi-defendant proceedings, defendants and their defence counsel may face waiting periods of several weeks before being able to review the material.

In at least four cases, three involving high-level organized crime and one involving high-level corruption cases, defence counsel at hearings repeatedly raised concerns about restricted access to the integral evidentiary material from the SKY ECC platform. Defence counsel argued that such limited and

fragmented access was insufficient given the volume, technical complexity and evidentiary significance of the material. They also contended that isolated excerpts may not adequately reflect the broader context of communications and that limiting access to selected material restricts their ability to challenge the prosecution's interpretation of the evidence.

In one high-level corruption case, the President of the Trial Panel explained that the restrictions were intended to prevent the disclosure of information about third parties. The president stated that the defence had access to all the material from the moment the indictment was confirmed. However, the president postponed a hearing to allow additional time for review, implicitly acknowledging that the defence's access to this evidence was restricted. In addition to this case, the presentation of the defence by the defendants who were subsequently included in the proceedings, and by their counsel, was delayed for the same reason in at least two other cases. According to OCD judges, the current waiting period for the review of SKY evidence is approximately one month. It should also be noted that in the aforementioned four cases, discussion of restricted access to the full evidentiary material took up a large share of the hearing time, which also negatively affected efficiency.

Although no objections were raised by the defence, during the last consultations with the OC prosecutors, monitors were informed that a similar limited access has been applied for many years to evidence obtained through special investigative measures, such as interception of communications or secret surveillance, when it contains information relating to other ongoing investigations, third parties not subject to the proceedings, or sensitive operational information. In these cases, too, the defence can only review the entire evidence material on the court premises. Unfortunately, it was not possible to obtain a court decision on access to or copying of this evidence.

The use of evidence obtained from the SKY ECC platform has posed a number of novel procedural and practical challenges for OC prosecutors and the court. Unlike traditional evidentiary sources, SKY ECC material typically comprises an exceptionally large volume of data, including messages, photographs, and videos. The complexity, scope, and technical nature of this material have significantly affected the conduct of the main hearing and the manner in which this evidence is presented. In this regard, trial panels and their associates invested considerable effort in presenting this evidence during the main hearing through the use of technical means.

The technical dimension of SKY ECC evidence also poses practical difficulties for the defence. Defence teams can lack adequate technical resources, specialized software, or expert support to efficiently analyse extensive digital datasets. In proceedings involving multiple defendants and thousands of communications, reviewing the material may require substantial time and expertise, potentially affecting the defence's ability to prepare effectively within reasonable procedural deadlines.

Access to SKY ECC evidentiary material is not merely a technical disclosure issue. One of the key challenges concerns ensuring an effective equality of arms between the prosecution and the defence. The prosecution relies on selected portions of SKY ECC communications it considers relevant to the indictment, while the defence seeks access to the entire dataset or broader segments of communication to verify the authenticity, integrity, context, and completeness of the extracted messages. Courts face the difficult task of balancing the defence's procedural rights against practical, technical, and confidentiality considerations, particularly when the material contains communications relating to other ongoing investigations, third parties not subject to the proceedings, or sensitive operational information. Therefore, access to the SKY ECC evidentiary material also raises broader concerns about procedural fairness and efficiency. Serbian courts should assess these concerns in light of the European Court of Human Rights' (ECtHR) fair trial guarantees, as well as the standards set out in the Constitution, the European Convention on Human Rights (ECHR), and the CPC. Particular attention should be paid to the principles of equality of arms and the defence's ability to prepare a defence. In this context, Article 33(2) of the Serbian Constitution guarantees each defendant sufficient time and appropriate conditions to prepare a defence. The CPC emphasizes this right in Articles 68(1)(7) and 71(1)(3). Internationally, Article 6(3)(b) of the ECHR provides that defendants must have "adequate time and facilities" to prepare their defence. The ECtHR has reaffirmed that this entails effective access to case files and evidence, sufficient time for review, and the freedom to organize a defence strategy without unreasonable restrictions (Can v. Austria,[531] 1985; Gregory v. the United Kingdom,[532] 1997; Gregačević v. Croatia,[533] 2012; Sigurdur Einarsson and Others v. Iceland,[534] 2019). These standards are particularly pertinent when dealing with large volumes of complex electronic evidence.

[531] Available at: https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-57457%22]}
[532] Available at: https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-58018%22]}
[533] Available at: https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-112090%22]}
[534] Available at: https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-193494%22]}

Without adequate facilities and predictable access procedures, defence counsel may face significant difficulties in effectively reviewing, organizing, or challenging evidentiary materials that may consist of thousands of pages or data files. With only a single outdated computer available for reviewing large-scale datasets, the current arrangement creates practical bottlenecks in large multi-defendant cases.

Aside from rulings rejecting the defence's requests to copy the SKY ECC evidentiary material, which briefly explained that doing so would constitute a severe violation of participants' right to privacy and that the defence counsel is allowed to review these materials within the court premises, the court has not adopted a transparent access protocol, nor has it issued reasoned, case-specific decisions explaining the scope of the defence's limited access to the complete evidentiary dataset or the practical measures taken to preserve equality of arms.

Also, access to evidentiary material is not supported by a transparent rotation access schedule with written records of each defendant's and defence counsel's access to electronic evidence, ensuring accountability and auditability.

Without such protocol, defence counsel may struggle to demonstrate whether they had sufficient time and opportunity to examine the evidence, especially when the material is voluminous or technically complex. Inadequate documentation and access management may also increase the risk of appeals and constitutional complaints alleging violations of fair trial guarantees.

The judge from the OCD agreed that there is a need to increase the number of available computers and to improve the facilities used for the defence review of electronic evidence. As explained, the Court is currently using a room within the detention units' premises, where only one computer is available, and access is limited until 1 p.m. It was further noted that the current waiting period for the review of SKY ECC evidence is approximately one month.

The combined impact of ad hoc practice, outdated equipment, and the absence of standardized access procedures may place the defence at a disadvantage compared with the prosecution, which has full access to the same evidence. This imbalance may affect the equality of arms, delay trial preparation, cause hearings to be adjourned, and prolong the already lengthy OCC proceedings.

Although these findings focus on SKY ECC material, similar challenges are likely to arise in future cases involving other encrypted communication platforms, large forensic phone extractions, or vast documentary

evidence. Without formal standards, adequate infrastructure, and transparent access protocols, similar fairness and efficiency concerns are likely to persist. As judicial practice concerning encrypted communication evidence continues to develop across European jurisdictions, Serbian courts are likely to face increasing demands to establish clearer and more consistent procedural standards.

3

Recommendation

Ensure a more consistent, timely, and visible institutional response to credible indications of undue influence affecting judges and prosecutors handling OCC cases

3.1 The HJC and HPC should ensure that existing mechanisms for protection from undue influence are activated consistently and without undue delay where credible indications arise, including where such indications emerge from public statements, media reporting, or other publicly observable sources.

3.2 The HJC and HPC should ensure that credible allegations or indications of undue influence are subject to reasoned institutional follow-up, including, where appropriate, public statements, formal decisions, communications with relevant institutions, or other documented protective measures.

3.3 The HJC and HPC should regularly include disaggregated information on allegations of undue influence in their general annual reports, including the number of cases examined, the source of initiation, the type of allegation, measures undertaken, and outcomes achieved.

3.4 The HJC and HPC should provide targeted practical support and specialized training for those responsible for assessing and responding to undue influence, with particular attention to thresholds for action, ex officio triggering, evidentiary assessment, and appropriate institutional responses.

Implementation Stage:



Early implementation

Implementation Milestones:

3.i. Annual publication of HJC and HPC reports containing disaggregated information on allegations of undue influence.

3.ii. Percentage of publicly raised allegations of undue influence that receive a documented institutional response by the HJC and/or HPC.

3.iii. Percentage of cases concerning alleged undue influence initiated ex officio.

3.iv. Percentage of institutional statements, decisions, or other documented actions addressing allegations of undue influence.

3.v. Number and percentage of HJC and HPC members, and designated focal points who completed training on identifying and responding to undue influence, including the judge and the prosecutor in charge for protection from undue influence.

During consultations, representatives of the HJC and prosecutors from the OCPO acknowledged the importance of timely and visible institutional responses to credible indications of undue influence affecting judges and prosecutors in OCC cases. Several proposed measures received positive consideration. However, formal implementation measures remained at an early stage by the end of the reporting period. In the monitored situations described below, no visible institutional response by the HJC or HPC was identified. The recommendation therefore remains at the early implementation stage. Further progress would require documented assessment of publicly observable indications, reasoned institutional follow-up where appropriate, improved reporting, and practical support for those responsible for activating and applying protection mechanisms.

Findings:

Trial monitoring identified several instances of public comments concerning specific ongoing OCC proceedings during the reporting period. The relevance of these observations does not lie in assessing public criticism of the judiciary or prosecution in general, which forms part of public debate. Rather, the concern arises where comments by public office-holders or other prominent actors concern specific ongoing proceedings, appear to prejudge issues before the court, disclose or discuss sensitive evidentiary material, or use language that may delegitimize judges, prosecutors or prosecutorial action in cases still pending before the justice system.

During the reporting period, trial monitoring identified several instances of public comments concerning ongoing proceedings in three monitored OCC proceedings, namely in one high level+ corruption case, one high-level corruption case and one high-level organized crime case. The comments were made by senior political office holders who publicly commented on ongoing proceedings, including statements criticizing investigative actions and remarks that could be perceived as prejudging the guilt of defendants before the conclusion of judicial proceedings. In all three cases, such interventions were repeated and further amplified through extensive media reporting.

For example, in one high-level+ corruption case, senior political office holders, including a high-level suspect, publicly commented on the investigation and ongoing court proceedings and used offensive language directed at the OCPO. Such statements were subsequently repeated in the courtroom and further amplified with media repetition.
In another high-level corruption case, following the arrest of the defendants, two senior political office holders publicly commented on the case, suggesting that the principal defendant committed the crime in co-operation with certain politicians. In addition, many articles which included statements that the principal defendant committed the crimes he was charged with were published, while some of these articles included his photos with graphics explaining how he had committed the criminal offence.

Finally, in one high-level organized crime case, senior political office holders publicly disclosed and discussed sensitive evidentiary material against the defendants during press-conference and subsequent television appearances while the investigation was ongoing. These statements were likewise further amplified with media repetition.

Neither the HJC nor the HPC issued public statements in support of the targeted judges and prosecutors or

undertook other visible measures aimed at addressing what may be considered as undue pressure on the judiciary and on the presumption of innocence.

The pattern observed during the reporting period suggests that visible external interventions may occur repeatedly in sensitive OCC proceedings without consistently triggering available institutional protection mechanisms; this notwithstanding the existence of a normative framework specifically designed for that purpose.

The constitutional and legislative framework provides institutional mechanisms intended to safeguard judicial independence and prosecutorial autonomy. Articles 150 and 162 of the Constitution, together with the relevant provisions Article 2 of the Law on Judicial Council, and Article 2 of the Law on Prosecutorial Council establish the responsibility of both Councils to protect the independence of judges and the autonomy of public prosecutors. In addition, the Rules on the Protection of Judges and Courts from Undue Influence and the Rules on the Procedure of the High Prosecutorial Council in Relation to Undue Influence on the Work of Public Prosecutors and the Public Prosecution Office establish procedural mechanisms for responding to undue influence.

Under these mechanisms, the HPC appoints one of its members as the Commissioner for the Independence of the Public Prosecution Service ("the Commissioner"), while the HJC appoints one of the judges as the Judge in Charge for Protection from Undue Influence ("the Judge"). Both are empowered to act upon request or ex officio where indications of undue influence emerge, including in the public sphere. Available measures include adopting formal decisions, issuing public statements, communicating with relevant institutions, recommending preventive measures, and reporting on undue influence cases through annual reporting mechanisms.

While the establishment of these mechanisms represent an important institutional safeguard, their effectiveness depends on consistent and timely application. The Project observed that the HJC initiated ex officio proceedings in 2025 and identified undue influence expressed through media reporting in one high-profile ongoing case, demonstrating the practical use of existing mechanisms. However, the Project also observed multiple instances involving public comments by prominent political figures in monitored OCC proceedings where no comparable institutional response was undertaken.

This does not mean that every public statement concerning a judicial proceeding should automatically result in a public institutional reaction. Protection mechanisms should remain

compatible with freedom of expression and legitimate public debate. However, where comments concern specific ongoing cases, appear to prejudge guilt, disclose or discuss sensitive evidentiary material, or use delegitimizing language against judges or prosecutors, a structured institutional assessment should follow. Even where no public response is considered necessary, the decision-making process should be documented to support consistency, accountability and confidence in the protection framework. The absence of timely and visible institutional responses in such situations may affect the effective investigation and adjudication of OCC cases and create perceptions that judges and prosecutors handling sensitive proceedings are not receiving adequate institutional support.

During consultations, representatives of the HJC acknowledged the importance of responding expeditiously to the cases of undue influence. At the same time, they noted practical challenges, including differing approaches regarding the assessment of what constitutes undue influence and limited institutional resources for addressing such cases. They also indicated that the publicly expressed undue influence occurs frequently and referred to comparative practices in the Netherlands, where the Council have separate department which deals with such situations.

Similarly, during consultations with prosecutors from the OCPO, the prosecutors also emphasized the importance of effective institutional responses and indicated that confidence in existing protection mechanisms has weakened due to perceptions of inconsistent responses in previous cases.

The Project further observed that the HJC continues to include short information concerning undue influence proceedings within its annual reporting. However, the latest more detailed stand-alone reports concerning the work of the Judge and the Commissioner were published in 2023. The existence of publicly available reports containing comprehensive information on cases of alleged undue influence leads to sturdier judicial integrity and enhanced public trust. At the same time, the judges and prosecutor become encouraged to report situations of undue influence.

Overall, the findings indicate that while the institutional and normative framework for responding to undue influence is largely in place, greater consistency in its implementation may strengthen confidence in available safeguards and reinforce the protection of judicial independence and prosecutorial autonomy in sensitive OCC proceedings. In addition, regular and comprehensive public reporting on allegations of undue influence, actions

undertaken, and outcomes achieved may further enhance transparency and accountability, strengthen institutional credibility, and encourage greater use of existing protection mechanisms by judges and prosecutors.

EFFICIENCY

4

Recommendation

Support more predictable and accelerated adjudication of long-pending OCC cases through differentiated prioritization, closer monitoring of hearing pace, and better alignment of resources with case needs.

4.1 On the basis of the Supreme Court's adopted 2026–2030 Unified Backlog Reduction Programme, the High Court in Belgrade should amend its 2026 court-level implementation plan and secure subsequent annual court-level implementation plans, which will include:

a)Clear, objective and publicly available criteria for prioritizing the adjudication of OCC cases, particularly those pending for more than 10–12 years from the date of indictment and those at risk of statute of limitation expiry;

b)Indicative timelines and differentiated scheduling approaches for hearing frequency based on case age and complexity, aimed at reducing intervals between hearings in long-lasting OCC cases, particularly cases pending for more than 3, 5 and 10 years.

4.2 The HJC should establish a working group to assess the relationship between judicial workload, available staffing levels, courtroom capacity and administrative support, and develop a roadmap for aligning resources with the needs of OCC proceedings.

Implementation Stage:



Early implementation

Implementation Milestones:

4.i. Percentage of increase in the average number of hearings conducted per month in long-lasting OCC cases, disaggregated by case age categories (>3, >5, >10, >12 years).

4.ii. Percentage of OCC cases older than 10–12 years that reach final judgement within the next three years.

4.iii. Adoption and public availability of the High Court in Belgrade implementation plan containing prioritization criteria for long-lasting OCC cases and differentiated hearing scheduling approaches based on case age.

4.iv. Existence of publicly available criteria for prioritizing long-lasting OCC cases within the adopted programme or court plan.

4.vi. HJC-led working group produces a roadmap addressing staffing needs, courtroom capacity and administrative support requirements.

During the reporting period, Serbia took initial implementation steps relevant to the recommendation. The Supreme Court has adopted the Unified Backlog Reduction Programme for 2026–2030,[535] while the High Court in Belgrade adopted an Annual Programme for 2026 containing indicative scheduling intervals for criminal cases according to case age. These developments provide an entry point for more structured management of long-pending cases.

However, implementation remains at an early stage and cannot yet be assessed as fully operational. Even though the Unified Backlog Reduction Programme was formally adopted in July 2026, a court-level annual implementation plan still needs to be amended by the High Court in Belgrade because the scheduling intervals are applied broadly across criminal case categories without differentiated criteria for OCC cases. Trial monitoring findings indicate that long-pending OCC cases, including cases older than 10 or 12 years and retrial cases, are not yet consistently

[535] Available at: https://www.vrh.sud.rs/sites/default/files/attachments/Jedinstveni%20program%20resavanja%20starih%20predmeta%202026-2030.pdf

scheduled at an accelerated or case-sensitive pace. Further implementation will require the adoption of annual court-level implementation plan for long-pending OCC cases, differentiated scheduling criteria, regular monitoring of hearing pace and resource alignment with case needs.

Findings:

Trial monitoring findings indicate that long-pending OCC cases are not consistently subject to differentiated case-flow management. The issue is not the absence of scheduling rules. Rather, existing rules remain too generic to account sufficiently for the specific risks presented by long-pending OCC cases, including case age, retrial status, statute-of-limitation risk, evidentiary complexity, number of defendants, courtroom needs and judicial-continuity risks. As a result, significantly older cases are not consistently scheduled at a pace that reflects their age, complexity or urgency. Out of 34 currently monitored cases, five have been ongoing for more than 12 years without a final judgement. In one high-level corruption case, the proceedings have been pending for 14 years,[536] with no first-instance verdict delivered to date. During the reporting period, only 20 hearings were scheduled, averaging less than one per month. Similarly, in another high-level corruption case, currently on retrial, the proceedings have lasted 16 years.[537] In this case, 26 hearings were scheduled, averaging one per month. This pattern is consistent across most monitored cases irrespective of the case duration. For example, out of 34 monitored cases, six cases had been pending for less than three years, while two cases were finalized within that period. The average number of scheduled hearings in these cases is approximately one hearing per month. By comparison, in cases pending more than three years, the hearings are being scheduled at the same pace or even less. In two high corruption cases there has been only 17 hearings scheduled during the reporting period. The same situation appears in cases pending more than five years, where the approximate number of hearings is also one per month. In cases pending more than ten years, the hearing frequency is even weaker. For example, in one high-level corruption case there has been only 13 hearings scheduled during the reporting period, amounting to one hearing in two months. Finally, in cases pending for more than 12 years, the average number of scheduled hearings is equally low.

[536] Indictment filed in April 2012, concerning offences allegedly committed between 2007 and 2009.
[537] Indictment filed in August 2010 for offences allegedly committed between November 2008 and June 2010.

Trial monitoring data further indicates that significantly older and long-lasting cases are not scheduled at a substantially accelerated pace despite their prolonged duration and increased risk of further delays. As a result, hearing frequency in OCC proceedings appears to be driven less by case age and urgency than by broader organizational constraints. Only proceedings involving defendants in detention are scheduled more frequently – typically two to three times per month. Consequently, merely five out of 34 monitored OCC cases demonstrated a more efficient hearing schedule.

The statistical mapping of finalized charge rows further illustrates the efficiency implications of this pattern. Of the 163 individual charges across 11 finalized cases out of 16 monitored cases, for which the Project has collected outcome data, 93 remain pending final resolution, reflecting the unfinished nature of proceedings that have often been active for years. Of the 52 individual charges for which a final outcome is available, 19 (more than one-third), were at some point quashed by the appellate court and remanded to the first-instance court for retrial.

This retrial figure refers to ordinary appellate remand, where the appellate court sends a case back to the first-instance court for a new trial, not the separate, extraordinary procedure for reopening already-final cases under Article 473 of the CPC. The Project's dataset does not track Article 473 motions separately, and there is no indication in either file that any of the 14 final convictions were reopened on that basis. The pattern is not confined to closed charges either: among the 93 charges still awaiting a final outcome, 34 already carry a recorded retrial earlier in their procedural history, meaning that roughly a third of the still-pending docket has already absorbed at least one full retrial cycle without yet reaching resolution.

Monitoring trends indicate that procedural repetition, rather than scheduling frequency alone, is one of the primary drivers of protracted timelines in Serbian OCC cases. When the appellate court remands a case, the first-instance court is legally required to repeat evidentiary steps, although in practice courts often read prior testimony into the record with the parties' agreement rather than conducting a full re-examination. Even so, securing such agreement, particularly among complex OCC cases, can itself introduce delay, and full re-examination remains necessary where consent is not reached. Consequently, accelerating case scheduling alone may not fully address structural delays, as procedural repetition is driven by CPC requirements and Trial Panel composition changes rather than by scheduling pace itself. These systemic

trends remain directional, as the retrial figures are derived from a limited finalized sample.

Infrequent scheduling can prolong proceedings, particularly where cases already involve multiple defendants, voluminous evidence or prior procedural delays. Consequently, extended proceedings heighten the risk of judicial discontinuity: judge reassignments, retirements, or other changes may trigger retrials, further compounding delays. Judicial continuity is itself a case-management issue in long-running OCC proceedings. Where cases are assigned to judges approaching retirement or where trial panels change after several years of proceedings, the risk of restart of the proceedings becomes foreseeable rather than accidental. This risk should be factored into case assignment, scheduling, workload management and prioritization of long-pending OCC cases.

For example, in one high-level organized crime case, proceedings started in 2020 are still pending at first instance. Due to retirement of the President of the Trial Panel in 2025, these proceedings had to start anew. Similarly, another high-level organized crime case and one high-level corruption case were assigned to judges approaching retirement, and in both cases, Presidents of the Trial Panels retired approximately two years after the commencement of proceedings, esulting in further delays. These examples suggest that judicial continuity itself constitutes an important case-management consideration, particularly in complex proceedings expected to last several years.

The limited frequency of hearings in OCC cases, taken together with the weak differentiation by case age, risks undermining the timely delivery of justice, raises concerns about potential statute of limitation expiries, and contributes to public perceptions of inefficiency in the judiciary.

First, fairness and trial integrity are affected. The right to a trial within a reasonable time under the Article 6 of the ECHR is a core element of fairness, protecting both prosecution and defence. As time passes, prosecutorial case coherence weakens, while evidentiary force diminishes due to fading witness memory and difficulties in recalling details under cross-examination. In the high-level corruption case pending for more than 14 years, several witnesses were unable to recall key events, others proved difficult to locate and some had died before testifying. The defence is likewise prejudiced: the ability to respond promptly and cohesively to prosecutorial arguments decreases over time, while accused persons remain subjected to prolonged uncertainty about the outcome of their case.

Second, the efficiency of adjudication is undermined. Long-lasting cases carry a tangible risk of expiry of statutory limitation, which may result in dismissal regardless of the merits. For instance, in one mid-level corruption case, the criminal charges for criminal alliance reached statute of limitation as the proceedings are pending for more than nine years with no first instance decision yet being reached. Thus, the proceedings for this criminal charge were discontinued in relation to several defendants. Also, in another corruption case, pending for more than 14 years with main trial still ongoing, the statute of limitations will begin to expire as of November 2027.[538] These examples demonstrate that prolonged proceedings are not merely a matter of efficiency, but may directly affect the ability of the justice system to adjudicate criminal responsibility on the merits.

Finally, the systemic impact is considerable. Prolonged trials reduce the deterrent effect of criminal proceedings, while simultaneously eroding public confidence.

Delays in high-profile OCC cases foster perceptions of impunity and raise suspicion of selective postponement in politically sensitive matters. At the international level, protracted adjudication may weaken confidence in the justice system's ability to resolve complex cases in a timely manner, including in co-operation-intensive proceedings.

A trial within a reasonable time in criminal matters is guaranteed under Article 6 (1) of the ECHR,[539] Articles 32 (1) and 33 (6) of the Constitution of the Republic of Serbia, and Article 14 (1) of the Serbian CPC. In addition, the Law on Protection of the Right to a Trial within a Reasonable Time[540] establishes procedures and legal remedies in cases of potential violations of this right. The importance of efficient proceedings has also been recognized by Serbian courts. In this respect, the Supreme Court adopted the Unified Backlog Reduction Programme for 2026–2030, requiring courts to prepare individual programs for resolving old cases, including those pending for more than ten years.

[538] Criminal prosecution cannot be initiated after a certain period from the commission of an offence, depending on the severity of the potential sentence. Under Article 103 of the CC for offences punishable by over five years' imprisonment, the prosecution must be initiated within ten years of the offence. Under Article 104(6) an absolute statute of limitations on criminal prosecution shall come into effect in any case after expiry of double the time period required by law for limitation of criminal prosecution, regardless of any interruptions or extensions, meaning that the statute of limitations for criminal offences punishable by over five years' imprisonment (applicable in the case at hand) will expire after 20 years counting from the day of commission of an offence.

[539] In one of its latest decisions with respect to Serbia, the ECtHR found that complexity of an organized crime case, number of defendants and voluminous evidence cannot justify the overall length of the proceedings of almost 12 years (see Mitić v. Serbia [Committee], App. no. 59711/21, 24 October 2024).

[540] Available at: https://www.vrh.sud.rs/sites/default/files/attachments/Zakon%20o%20za%C5%A1titi%20prava%20na%20su%C4%91enje%20u%20razumnom%20roku%2092-23.pdf

At the same time, the High Court in Belgrade adopted its Annual Programme for 2026,[541] which establishes indicative intervals scheduling hearings in criminal casesaccording to case age.Specifically, the Programme provides that hearings in cases pending more than ten years the hearings should be scheduled every 20–30 days, those pending more than five years every 40-60 days, and those pending more than three years every 60–90 days.These scheduling intervals apply uniformly across all categories of criminal cases, including general crime, organized crime, corruption, war crimes, and high-tech crimes, without providing differentiated approaches or specific timeframes for OCC cases. Consequently, the issue is not the absence of scheduling rules, but rather the existence of overly generic rules which do not sufficiently account for the specific characteristics and resource demands of long-lasting OCC cases.

Moreover, these scheduling intervals do not appear sufficiently calibrated to the urgency of long-pending OCC cases. For example, scheduling a hearing once in every three months in OCC cases pending more than 3 years affects fairness and trial integrity. The same applies to other categories. On the other hand, data from monitored cases indicate that even these intervals are not respected. For example, as previously mentioned, in one high-level corruption case pending for more than ten years average number of hearings during the reporting period was one hearing in two months, while the Annual Programme prescribes 20–30 days rules.

Scheduling hearings only once per month inevitably prolongs proceedings, particularly in complex cases with multiple defendants and voluminous evidence, where a significant number of hearings are required. As monitoring has shown, this trend is consistent across all OCC cases not involving detention. One of the reasons for infrequent scheduling appears to be the limited courtroom capacity, as confirmed by judges during consultations. The OCD of the High Court in Belgrade has only four courtrooms, of which just one is adequately constructed and equipped to accommodate a larger number (up to 40) of defendants, separated by protective glass. Another, smaller courtroom also provides separated space for defendants, but has capacity for fewer than ten. According to judges, these infrastructural constraints seriously hinder the pace of complex, multi-defendant OCC trials, even though hearings are scheduled in two shifts, with the second shift lasting until 7.30 p.m. Judges also highlighted that the court premises have not been renovated or upgraded in terms of technical resources since the

[541] Available at: https://www.bg.vi.sud.rs/tekst/2603/godisnji-raspored-poslova.php

establishment of the OCD in 2003, and that existing equipment, such as microphones and monitors, is outdated or malfunctioning.

During the meeting with the MoJ, the Ministry acknowledged these challenges and took a note of the need to enhance courtrooms infrastructure and technical resources.

In addition to courtroom availability, staffing and workload also contribute to delays. According to the Supreme Court's Annual Report on the work of all courts in the Republic of Serbia, the OCD handled 345 cases in 2024[542] and 287 cases in 2025[543]. Based on 17 judges assigned to the OCD, this corresponds to an average of approximately 20 cases per judge in 2024 and 17 cases per judge in 2025. Having in mind the high complexity of OCC cases, these figures illustrate the high pressure placed on judges and administrative staff, which directly impacts case scheduling and efficiency. During the meeting with High Court in Belgrade, the judges pointed out the need to have additional auxiliary judicial staff as each of the judges has only one judicial assistant.

Trial monitoring findings indicate that infrequent hearing scheduling and limited differentiation by case age are not simply the result of case complexity. They also reflect structural and organizational factors, including limited courtroom availability, high judicial workload and generic scheduling rules that apply broadly across criminal case categories without sufficiently accounting for the nature, complexity and procedural risks of OCC cases. These factors can prolong proceedings, weaken evidentiary reliability and raise concerns regarding compliance with domestic and international standards on the right to trial within a reasonable time. Addressing these issues requires a dual approach.First, more frequent and predictable scheduling of hearings in OCC cases, together with targeted prioritization of long-pending cases through a formal backlog-reduction programme. Second, systematic internal monitoring of hearing pace and a review of the resources and support arrangements needed for complex OCC proceedings. Taken together, these measures would strengthen both fairness and efficiency in OCC proceedings and reinforce confidence in the judiciary's ability to resolve complex cases within a reasonable timeframe.

[542] Available on: https://vrh.sud.rs/sites/default/files/attachments/VS_1.xlsx
[543] Available on: https://www.vrh.sud.rs/sr-lat/godi%C5%A1nji-izve%C5%A1taj-o-radu-sudova

5

Support more consistent hearing productivity in OCC cases by promoting consistent, proportionate and well-reasoned judicial responses to unjustified absences and avoidable disruptions.

5.1 Judges should apply available CPC measures to sanction participants who fail to attend hearings without justification and compel attendance when appropriate, while ensuring that sanctions are proportionate and consistent with fair trial guarantees. In cases of repeated health-related requests for postponement, courts should order an independent medical expertise.

5.2 The Supreme Court, in co-operation with all appellate courts, should develop and issue harmonized guidance, such as a guidance note, circular, or consolidated case law digest, on the proportional use of procedural tools in OCC cases, with the aim of ensuring consistent application of these tools across lower courts.

5.3 The HJC, in co-operation with the Supreme Court should organize specialized training on the proportionality of sanctions for first- and second-instance courts dealing with OCC cases.

5.4 The High Court in Belgrade should establish an internal monitoring mechanism to detect patterns of abuse of rights by parties and participants.

Implementation Stage:



Early implementation

Implementation Milestones:

5.i. Percentage reduction in the number of adjournments caused by unjustified absences and avoidable disruptions in OCC cases.

5.ii. Percentage of applicable OCC cases in which available CPC measures (sanctions, compulsory attendance, or medical expertise) were applied in response to unjustified absences or repeated health-related requests for postponement.

5.iii. Issuance of harmonized guidance, circulars, or a consolidated case-law digest on the proportional use of procedural tools in OCC cases.

5.iv. Number of judges from first- and second-instance courts dealing with OCC cases who completed specialized training on proportionality of sanctions and procedural case management.

5.v. Adoption of an internal monitoring mechanism on patterns of abuse of procedural rights by participants in court proceedings, including unjustified absences.

During consultations, judges acknowledged the need for more consistent use of available CPC measures to address unjustified absences and avoidable disruptions in OCC proceedings. However, formal implementation measures remained at an early stage by the end of the reporting period. No harmonized guidance or consolidated case-law digest had been issued by the Supreme Court or appellate courts, no specialized training had been delivered, and no internal monitoring mechanism for tracking reasons for unproductive or rescheduled hearings in OCC cases had been established. The recommendation therefore remains at the early implementation stage. Further implementation will require practical guidance, training, internal monitoring of adjournment reasons and consistent, proportionate use of available procedural tools.

Findings:

Trial monitoring findings indicate that most monitored OCC hearings during the reporting period were productive. A significant share of rescheduled hearings was linked to the strikes of the Serbian and Belgrade Bar Associations, rather than to ordinary courtroom case-management practice.

At the same time, monitoring identified several applicable instances in which scheduled OCC hearings were disrupted by unjustified absences and available CPC measures were not used. The issue is therefore targeted rather than general: it concerns the need to preserve hearing continuity in

applicable cases through consistent, proportionate and well-reasoned judicial responses to avoidable disruptions. Even a limited number of such instances has a disproportionate effect in OCC proceedings, where cases are complex, involve multiple participants, and already face structural delays. When hearings are postponed or disrupted, trial continuity is lost, and the cumulative effect over years of litigation becomes significant.

In monitored OCC cases, the President of the Trial Panel frequently accepted absences without requiring credible justification and did not resort to CPC powers to compel attendance. In some cases, hearings were postponed entirely; in others, testimonies had to be rescheduled, creating additional delay and fragmenting the evidentiary process. This pattern suggests that current practice may not sufficiently discourage unjustified non-attendance.

According to trial monitoring data, courts infrequently apply available CPC measures to address unjustified absences of defendants, defendant counsel and witnesses, which often leads to repeated postponements and disrupted trial continuity. Between 30 September 2024 and 30 September 2026, the Project attended 360 hearings, of which 327 were productive and 33 unproductive, while an additional 70 hearings were rescheduled. The primary reason for rescheduling was the strike of the Serbian/Belgrade Bar Associations[544] (30 out of 69 hearings). However, the main causes of unproductive hearings were the absence of defendants (12 out of 33) and the absence of defence counsel (5 out of 33).

In one high+ and two high-level corruption cases, in seven hearings in total, the President of the Trial Panel did not use available measures to secure attendance of the defendants who failed to appear at the hearing without providing credible or any justification. As a result, two hearings in the high+ corruption case had to be postponed. Similarly, in one high-level organized crime, two high-level corruption, and one mid-level corruption case, six hearings were affected by unjustified witness absences. Although the hearings were not postponed because other witnesses were present and examined, President of Trial Panel had to again summon the witnesses and reschedule the testimonies, further delaying proceedings.

On the other hand, in one high-level corruption case, hearings have been repeatedly unproductive and postponed due to the defendant's illness. Since the trial commenced in February 2024, fifteen hearings have been unproductive and rescheduled on this basis, including six of the seven most recent hearings. Notifications of inability to attend were routinely

[544] There were several strikes in the aforementioned period: strike of the Belgrade Bar Association from 2 to 4 December 2024; strike of the Serbian Bar Association on 11 December 2024; strike of the Serbian Bar Association from 3 February and 4 March 2025; one-day strike of the Belgrade Bar Association on 7 March 2025.

submitted shortly before scheduled hearings, limiting the court's ability to inform the prosecution and other participants in a timely manner and generating avoidable costs. Only after these repeated postponements, the President of the Trial Panel issued an order requesting an opinion from the expert-witness commission on the defendant's state of health and ability to follow the proceedings.

The Serbian CPC provides judges with a range of procedural tools to address unjustified absences of parties or participants. These include: (i) issuing an order to bring in a defendant, in accordance with Articles 195 and 380 of the CPC; (ii) ordering the defendant to bear costs arising from an adjourned hearing, in accordance with Article 263 of the CPC; and (iii) issuing an order to bring in a witness and imposing a fine, in accordance with Article 101 of the CPC. The rationale of these provisions is to prevent undue delays and ensure procedural efficiency. Importantly, the ECtHR has held that domestic courts bear responsibility for delays caused by non-attendance of participants, including defendants, representatives, and witnesses, as they are expected to take disciplinary measures to secure trial continuity (Tychko v. Russia, App. no. 56097/07, § 68, 11 June 2015).[545]

Courts' frequent acceptance of participants' justifications for failing to appear at hearings, often without properly assessing the validity of the underlying reasons, appears linked to several factors. These include reliance on informal practices of tolerating absences, uncertainty about how appellate courts will assess such measures, lack of detailed procedural guidance, and judicial caution in avoiding potential breaches of fair trial rights. Judges consulted by the Project stressed that one of the main reasons for not applying available procedural tools is the frequent annulment of such decisions by the Appellate Court, which has created a "chilling effect" on trial judges. While the need to balance efficiency with fundamental fair trial guarantees, such as the right to defence, is well recognized, the absence of consistent appellate guidance contributes to inconsistent practice. At the time of drafting this Report, no case-law on this matter was publicly available online.

The impact is twofold. First, efficiency suffers as hearings are delayed, rescheduled, or fragmented, often compounding pre-existing backlogs in OCC proceedings. Second, fairness is indirectly affected: inconsistent trial management can incentivize tactical absences and weaken public perception of the judiciary's authority to manage proceedings effectively. Addressing this requires consistent and proportionate use of sanctions and institutional mechanisms to track and discourage patterns of abuse.

[545] Available at: https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-155087%22]}

The findings suggest that infrequent and inconsistent use of procedural tools to address unjustified absences undermines both the efficiency and fairness of OCC proceedings. Even when the number of incidents is modest, their cumulative impact in already complex and long-lasting cases is significant. To restore continuity, deter tactical non-attendance, and reinforce judicial authority, courts must adopt a more structured and consistent approach to case management. This requires both practical tools, proportionate sanctions, and systemic support, including appellate guidance, monitoring mechanisms, and capacity-building for judges.

6

Recommendation

Ensure timely traceable and enforceable responses by state agencies to court requests for information in OCC cases.

6.1 The MoJ should consider proposing amendments to the CPC to establish clear deadlines for relevant state authorities to respond to court requests for information and define consequences for failure to comply within the prescribed timeframe.

6.2 Courts should develop formal inter-agency Memorandum of Understanding (MoUs), which would include specific response timelines for OCC cases.

6.3 The High Court in Belgrade should implement case-management tracking mechanisms to monitor outstanding requests for evidence and information from relevant authorities.

Implementation Stage:



Early implementation

Implementation Milestones:

6.i. Percentage of monitored OCC cases adjourned due to failure of state institutions to provide required information.

6.ii. Adoption of CPC amendment introducing deadlines and sanctions for state institutions' responses.

6.iii. Number of MoUs between courts and state bodies signed and include specific response timelines for OCC cases.

6.iv. Percentage of OCC cases at the High Court in Belgrade monitored through a case-management tracking system.

During consultations, relevant institutions acknowledged the findings and expressed readiness to further consider measures aimed at strengthening timely responses by state authorities to court requests in OCC cases. At the time of drafting, however, implementation measures remained at an early stage, with no CPC amendments adopted, no formal co-operation arrangements with response timelines had been established, no case-management tracking mechanism for outstanding requests had been introduced. The recommendation therefore remains at the early implementation stage.

Findings:

OCC proceedings often require courts to obtain information and evidence from registries, public authorities, financial institutions, security bodies and other state agencies. This reliance is inherent in complex, document-driven cases and is not in itself problematic. Article 19 of the CPC establishes a general obligation for agencies to assist courts, and judges consulted by the Project identified possible procedural tools under Articles 147–148 of the CPC that may be available in cases of non-compliance. However, trial monitoring findings indicate that responses to court requests are not yet supported by sufficiently clear deadlines, consistently understood enforcement mechanisms or systematic request-tracking arrangements. In several monitored OCC cases, delayed or absent responses from relevant state bodies affected hearing progression, evidentiary completeness or the ability of parties to present their case.

In OCC cases, which are often complex and heavily document-driven, delayed or absent responses to court requests for information and evidence can affect both procedural efficiency and evidentiary completeness. Depending on the relevance of the requested material, missing information may affect the prosecution's ability to establish elements of the offence, the defence's ability to challenge evidence or present its case, and the court's ability to assess the case on the basis of a complete evidentiary record. Timely responses by state bodies are therefore important not only for the pace of proceedings, but also for the ability of courts to examine relevant evidence without avoidable interruption. In high-profile OCC cases, prolonged or unexplained non-responses may also affect public confidence in the justice system's capacity to resolve complex cases efficiently and on the basis of a complete record.

In two high-level and one mid-level corruption cases and one high level organized crime case, the Project observed that relevant agencies did not provide information requested by the court within the timeframe needed for the proceedings. As a result, in one high-level case, the President of the Trial Panel had to repeat the request. In the other high-level case, the evidence was not in the end examined, while in the mid-level case, the President of the Trial Panel was forced to adjourn the hearing and wait for the requested information to be submitted. On the other hand, in the high-level organized crime case, due to the missing piece of evidence, one of the principal defendants did not present defence for several months. No procedural measures were considered, neither were fines applied in any of these cases. Also, the Trial Panels did not rely on Articles 147–148 in any of these cases.

According to Article 19 of the CPC, agencies are obligated to assist courts by providing necessary evidence upon request, including written information. This Article, however, does not envisage a specific time limit for complying with such request nor any consequence for failure to comply.

During the consultation, the judges present from the High Court in Belgrade expressed the view that they possess mechanisms to sanction non-compliance. Namely, they noted that Articles 147–148 of the CPC could be applied in such situations, as these provisions require holders of relevant items to provide access to authorities conducting proceedings. In case of non-compliance, the courts are allowed to impose fines of up to 150,000 RSD (approximately €1,280). Although the provisions formally refer to "objects", the judges noted that they may be interpreted broadly so as to

include information necessary for resolving criminal proceedings. However, this interpretation does not appear to be uniformly shared. In its recent response to an investigative media outlet concerning the failure of a relevant agency to respond to the court's request in the above referenced high-level organized crime case, the High Court in Belgrade responded that the CPC does not envisage mechanisms to sanction non-compliance as Article 19 only prescribes general obligation of the agencies to provide information, but does not prescribe specific time limit for complying with such request nor any consequence for failure to comply.[546] The same stance was expressed by the President of the Trial Panel on the hearing.

Taken together, these differing views indicate uncertainty regarding whether Articles 147–148 CPC may be applied where state authorities fail to respond to court requests for information, while Article 19 CPC does not itself prescribe clear deadlines or consequences for non-compliance. No publicly available case-law or authoritative guidance appears to clarify the matter. This legal and practical uncertainty may limit the incentives for timely compliance and leave judges without a consistently understood escalation framework. Hence, the observed delays appear to stem from a combination of legal uncertainty and operational gaps.

In addition, the absence of formalized communication protocols between courts and relevant agencies, including agreed timelines, contact points and escalation steps, may further hinder timely information exchange. Delays may also be compounded where pending requests are not systematically tracked or escalated within the proceedings. In the absence of a request-tracking mechanism, courts may not have a clear overview of outstanding requests, response deadlines, reminders sent or the procedural consequences of non-response. This can make it more difficult to plan hearings effectively and to determine when escalation measures should be considered.

These findings suggest that delayed responses are not only a matter of agency non-compliance, but also of the absence of clear request-management and escalation arrangements. Without agreed protocols or internal monitoring tools, outstanding requests may remain unresolved for extended periods without consistent follow-up or documented consideration of available procedural measures. Timely access to documentary evidence is essential in OCC cases, which are often complex, sensitive, and heavily reliant on inter-agency co-operation.

The Project's findings highlight that delays or failures by state agencies to

[546] See BIRN article published on 8 June 2026, available at: https://birn.rs/jovanjica-bia-dokumenta-odbrana-tosic/

provide requested information can affect both fairness and efficiency, including by contributing to adjournments, preventing relevant evidence from being examined, or delaying the ability of parties to present their case. Yet these challenges are not only structural; they are also procedural. Judges currently lack a consistently understood framework for enforcing or escalating unanswered requests, while courts also require better internal tools to track pending requests and plan hearings around evidentiary dependencies.

Addressing this challenge requires a dual-track approach clarifying the applicable legal framework and strengthening inter-agency response arrangements, while also improving internal court mechanisms for tracking, escalating and managing outstanding requests. Strengthening both dimensions will enhance trial efficiency, safeguard fair trial rights, and reinforce public confidence in the judiciary's ability to resolve complex OCC cases without undue delay.

Overall, the findings indicate that delayed or absent responses by state authorities to court requests remain a targeted but important factor affecting the progression and evidentiary completeness of OCC cases. The challenge is not only whether agencies respond, but whether courts and relevant institutions have clear deadlines, consistently understood enforcement tools, systematic request-tracking arrangements and agreed escalation channels when responses are delayed. Addressing these gaps would support trial efficiency, reduce avoidable adjournments and strengthen the ability of courts to assess complex OCC cases on the basis of a complete evidentiary record.

CAPACITY

7

Recommendation

Promote greater consistency, clarity, and legal precision in indictments and strengthen prosecutorial drafting practice in OCC cases

7.1 The OCPO should adopt guidelines for drafting indictments that establish clear standards for structure and readability, factual clarity, legal qualification, financial elements, presentation of evidence and writing style.

7.2 The OCPO, in co-operation with the Judicial Academy, should support continuous professional development and structured peer learning for prosecutors from the OCPO, focusing on drafting methodology, structured reasoning, and producing clear, analytical, and legally sound indictments.

Implementation Stage:



Early implementation

Implementation Milestones:

7.i. Number of OCC indictments that are drafted in accordance with the adopted drafting guidelines.

7.ii. The adoption of drafting guidelines with clear standards.

7.iii. Number of OCC prosecutors and prosecutorial assistants completing indictment-drafting training.

During consultations, the relevance of strengthening consistency, clarity and legal precision in OCC indictments was acknowledged, and the recommendation was discussed with relevant counterparts only shortly before the end of the reporting period. At the time of drafting, however, implementation remained at an early stage, with no indictment-drafting guidelines for OCC cases had been adopted, no structured peer-learning or internal feedback mechanism had been established, and no specialized training focused on OCC indictment drafting had been delivered under this recommendation. The recommendation therefore remains at the early implementation stage. Further progress will require practical drafting standards, structured peer exchange, review of court outcomes and targeted training for prosecutors and prosecutorial assistants.

Findings:

Trial monitoring findings indicate that the indictments and motions to indict reviewed by the Project generally complied with formal CPC requirements. At the same time, the analysis of 16 OCPO indictments and motions to indict identified recurring patterns affecting the clarity, structure and analytical precision of some indictments, particularly in relation to legal qualification, attribution of individual conduct, articulation of the mental element, financial aspects and presentation of evidence. These findings point to the need for shared drafting standards and structured professional support, rather than to shortcomings attributable to individual prosecutors.

The observations outlined below are presented across three thematic areas:
Inconsistencies in legal qualification and attribution of individual criminal responsibility affect the clarity of indictments

In one high-level corruption case, the indictment did not clearly specify the mental element attributed to two defendants, including their awareness of the prohibited nature of the conduct in relation to the offence of Abuse of Office by a Responsible Person. Similar observations were made in another high-level corruption case, where the motion to indict likewise did not clearly articulate elements of intent and criminal responsibility.

In another indictment in a high-level organized crime case involving 32 defendants, the individual roles and actions of certain defendants were not described in detail, as some were accused primarily on the basis of membership of the organized criminal group, without further specification of their conduct. Similarly, in one high-level corruption case, the motion to indict did not clearly identify which actions were attributable to individual defendants. In another mid-level

corruption case involving three defendants, the description of the co-defendants' roles lacked precision, particularly regarding the actions attributed to the third defendant.

In at least two corruption-related indictments, the legal classification of the offences was revised during the proceedings, shifting from Abuse of Official Position under Article 359, paragraph 3 of the CC to Abuse of the Position of a Responsible Person under Article 234, paragraph 1 of the CC. In several other corruption-related cases, the factual descriptions cast doubt on whether the alleged actions constituted misuse or exceeded official authority.

In another corruption case, the legal qualification adopted in the indictment raised questions regarding the distinction between principal perpetration and forms of participation such as instigation or aiding. This is confirmed by another indictment against four defendants charged with corruption-related offences, which indicated that multiple defendants jointly committed a crime, but it did not clearly distinguish the roles of those who allegedly aided its commission. The acts constituting aiding were not always separately described. The mental element attributed to certain defendants was also presented inconsistently: in some sections, it was stated that they acted with prior agreement, while in others their conduct was described as dolus eventualis. In certain instances, defendants were charged with multiple offences for conduct that may have been treated as a single extended offence.

In complex OCC proceedings, precise articulation of the mental element and clear attribution of conduct to individual defendants are particularly important for ensuring clarity of charges and facilitating judicial assessment of criminal responsibility. Where indictments contain ambiguities regarding intent, individual roles, or legal qualification, this may affect the consistency and predictability of judicial practice, particularly in proceedings involving multiple defendants and extensive evidence. These observations were reflected in a second-instance judgement in a high-level corruption case, where the appellate court upheld the acquittal for abuse of office on the ground that the indictment did not sufficiently articulate the mental elements of the offence in the dispositive part.

The Project's outcome mapping further supports these observations. Of the 52 charges that have reached a binding final outcome, 22 ended in acquittal, a share roughly comparable to the 14 charges that resulted in conviction. Among these acquittals, the most frequently coded reason was insufficient evidence (20 coded occurrences), followed by failure to establish the legal elements of the

offence or incorrect legal qualification (9 occurrences). A smaller number of acquittals were associated with deficiencies in the indictment itself, including insufficiently clear factual descriptions (three occurrences). Although the finalized sample remains limited, these findings indicate that acquittal in monitored OCC cases is more often associated with a combination of evidentiary and legal-construction weaknesses than with a single recurring deficiency.

This pattern is also visible at charge-type level: abuse-of-office charges produced ten convictions out of 26 final-available rows (38.5 per cent), while fraud in office produced three of 17 (17.6 per cent) and money laundering ended in acquittal in all three final-available charge rows in the monitored sample, suggesting that evidentiary and legal-construction challenges are most pronounced in the charge categories that require the greatest analytical precision. Taken together with the trial monitoring findings, this data reinforces the importance of clear, legally precise and analytically structured indictments. In several monitored proceedings, the Project observed imprecise articulation of the mental element, insufficient differentiation of individual criminal responsibility, or inconsistencies in legal qualification, patterns that line up with the leading acquittal grounds identified in the outcome mapping. While the current dataset does not permit broader causal conclusions, the convergence between the qualitative drafting review and the quantitative acquittal data supports continued efforts to strengthen drafting standards, structured legal reasoning and quality assurance in complex OCC cases.

Financial aspects of alleged corruption offences are not consistently reflected in indictments

In several high-level corruption cases, indictments and motions to indict did not consistently include detailed information regarding the financial aspects of the alleged offences, including precise quantification of unlawful gain or explicit proposals for confiscation of proceeds of crime.

In one mid-level corruption case, although the defendants were alleged to have conferred an unlawful benefit on a private company in a public procurement procedure, the factual description did not specify the exact value of the benefit or include a clear proposal for forfeiture. Similarly, in another high-level corruption case involving allegations of significant financial damage, the indictment did not quantify the material benefit allegedly obtained by the defendants or explicitly address its potential confiscation.

When financial elements are not articulated, the economic dimension of corruption-related offences may not be fully reflected in the procedural framework. This is particularly relevant where establishing criminal liability and identifying the financial consequences of the offence are closely linked. A clear presentation of proposals to confiscate unlawful gain may assist courts in understanding the broader economic context and the alleged purpose of the criminal conduct. More generally, variations in the presentation of financial aspects may affect legal certainty and the comprehensiveness of prosecutorial case presentation.

The Project also noted that information on asset seizure was handled through separate procedures under an Asset Seizure Law that is not publicly available. This contributes to fragmented insight into the financial dimensions of the OCC proceedings.

Structural and drafting weaknesses affect the clarity and coherence of indictments in complex OCC cases

A recurring feature across the analysed indictments and motions to indict related to structural clarity and drafting style. In a number of cases, lengthy passages were presented as continuous prose with limited paragraph separation or internal structuring, which may affect readability and navigation through extensive factual and evidentiary material.

In one high-level corruption case, the indictment was amended four times within the first year of proceedings, with a further amendment introduced five years later after the appellate court annulled the first-instance judgement. Similarly, in another high-level corruption case concerning the construction of a road between two cities, the indictment was amended six times during trial, affecting both the dispositive part and the legal classification of offences.

In another high-level organized crime case, a 936-page indictment involving 19 defendants grouped the proposed evidence into folders without chronological or thematic organization, making it particularly difficult and time-consuming to link individual pieces of evidence to the facts they were intended to prove. In complex OCC proceedings, insufficient structural clarity may hinder the efficient assessment of relevance and probative value, reduce the defence's ability to respond in a focused manner, and limit the broader comprehensibility of the proceedings.

While the CPC permits amendments to indictments to align charges with investigative findings or evidence presented at trial, repeated and substantial amendments may undermine the case's internal coherence. In some instances,

amendments to the operative part were not accompanied by corresponding revisions to the reasoning, which may create inconsistencies between factual descriptions, legal qualifications, and supporting arguments. In complex proceedings involving multiple defendants and extensive evidence, such developments may complicate judicial review and case management.

Taken together, the identified observations point to recurring patterns that affect the quality and consistency of practice in drafting and structuring indictments in complex OCC proceedings. These challenges may undermine procedural efficiency, legal certainty, and the overall coherence and manageability of proceedings at different stages. At the indictment confirmation stage, courts must conduct a thorough judicial review to ensure that charges are supported by adequate evidence and are precisely drafted in legal terms. Where indictments lack clarity about individual roles, specific acts, or the offence’s legal elements, this may limit the effectiveness of judicial review and reduce it to a largely formal assessment. This can affect the court's filtering function at an early stage of the proceedings and may result in cases proceeding to trial without fully clarified factual and legal bases. During the main hearing, drafting deficiencies directly undermine the manageability and efficiency of proceedings.

Vague charges often prompt procedural objections to the indictment's scope, legal classification, and factual basis. Frequent amendments to indictments also disrupt hearings. These issues lead to longer trials, higher procedural costs, and reduced overall efficiency, particularly in complex cases with multiple defendants.

Trial monitoring suggests that drafting approaches continue to place considerable emphasis on formal compliance with procedural requirements, while aspects such as readability, logical structure, and the articulation of psychological elements receive varying degrees of attention across cases. In addition, continuing professional development has traditionally focused primarily on the implementation of new legislation, with comparatively less emphasis placed on practical drafting methodology and structured reasoning.

High caseloads, time pressures, and limited staffing resources may affect the ability to ensure detailed and precise drafting of indictments. High caseloads and time pressures may reduce opportunities for detailed drafting and internal review, particularly in complex OCC proceedings involving extensive evidentiary material. Indictments are drafted individually by case prosecutors, so the quality of submissions depends heavily on each prosecutor’s habits and skills and varies

across cases. However, this is not primarily an individual responsibility but a systemic issue, as drafting practices continue to be shaped largely by established professional traditions and individual experience, while opportunities remain for further strengthening shared guidance, internal review mechanisms and standardized practices aimed at promoting greater consistency.

Overall, the findings indicate that OCPO indictments reviewed by the Project generally complied with formal CPC requirements, but that recurring drafting and analytical issues may affect clarity, judicial review and trial manageability in complex OCC cases. The problem points to the need for shared drafting standards, structured peer learning, practical drafting tools and systematic review of court outcomes, so that complex indictments more consistently link facts, evidence, individual conduct, legal qualification and financial aspects.

8

Streamline and optimize presentation of evidence in OCC cases, supported by clearer evidentiary standards, adequate analytical support, and effective judicial control.

8.1 The OCPO and the OCD of the High Court in Belgrade should adopt the guidelines for prosecutors and judges on Evidence Selection and Justification, which set out common standards for assessing the relevance and probative value of evidence, particularly originating from intercepted communication and encrypted communication platforms.

8.2 The OCPO and the High Court in Belgrade, in co-operation with the Judicial Academy, should support continuous professional training for judges, judicial assistants, prosecutors and prosecutorial assistants from the OCPO, with a focus on the implementation of adopted guidelines for assessing the relevance and probative value of proposed evidence in OCC cases

8.3 The OCPO should provide prosecutors with adequate analytical tools and professional support to process and organize voluminous evidence.

8.4 Courts should exercise a more active role in assessing the evidentiary sufficiency, relevance and proportionality of the proposed evidence in OCC cases.

Implementation Stage:



Early implementation

Implementation Milestones:

8.i. Reduction in the number of procedural objections and disputes concerning the relevance and necessity of proposed evidence.

8.ii. The adoption of internal guidelines for assessing the relevance and probative value of proposed evidence in OCC cases.

8.iii. Number of judges, judicial assistants, prosecutors and prosecutorial assistants who participated in the training.

8.iv. Developed and implemented analytical tools for processing and filtering voluminous evidence in OCC cases.

8.v. Increase in the number and proportion of OCC cases in which the court, during proceedings, explicitly assesses and addresses the sufficiency and relevance of proposed evidence.

During consultations, prosecutors and judges acknowledged that the presentation of extensive evidentiary material can affect the efficiency and manageability of OCC proceedings. Prosecutors also explained that comprehensive disclosure obligations and concerns regarding allegations of selective disclosure may encourage broader evidentiary proposals. At the time of drafting, however, implementation remained at an early stage, with no internal guidelines on relevance, probative value and

proportionality had been adopted, no dedicated analytical tools or professional support arrangements had been introduced, no specialized training had been delivered, and no measurable change in judicial or prosecutorial practice could yet be observed. The recommendation therefore remains at the early implementation stage.

Findings:

OCC proceedings increasingly involve large volumes of documentary, digital and communication evidence. Prosecutors and judges consulted by the Project acknowledged that extensive evidentiary material can affect the efficiency and manageability of proceedings, while prosecutors also emphasized the need to disclose collected material to the court and defence in order to avoid allegations of selective disclosure or evidence manipulation. These concerns are legitimate. At the same time, trial monitoring findings indicate that current practice would benefit from clearer standards and stronger analytical support to distinguish between disclosure of collected material and focused presentation of evidence at trial. This distinction is particularly important in cases involving intercepted communications, encrypted communications or other voluminous datasets, where evidence must remain accessible to the parties but trial presentation should focus on material with actual or potential probative value.

This distinction is closely linked to the defence-access and equality-of-arms concerns highlighted under Recommendation 2 regarding SKY ECC material. While Recommendation 2 addresses the defence's ability to access and verify the full evidentiary dataset, Recommendation 8 concerns the prosecutions and court's approach to filtering and presenting that material at trial. The two should be read together as related dimensions of the same evidentiary challenge.

In at least five monitored OCC cases in which recordings of wiretapped telephone and other conversations were proposed as evidence, it was noted that many of these recordings appeared unrelated to the allegations in the indictments and should have been excluded as private conversations. On several occasions, even the President of the Trial Panel had to interrupt the listening because the content of the conversation was obviously irrelevant. This broad presentation of evidence severely undermines efficiency. Such instances suggest that evidentiary presentation in complex OCC cases could benefit from stronger filtering, clearer relevance assessment and more structured evidentiary proposals before

the main hearing. As a result, hearings are prolonged not because of the complexity of legally relevant issues, but because of the time spent presenting material of little or no probative value.

The Project's outcome data introduces an institutional dimension to these observations. Across the 52 individual charges with finalized data, the overall conviction rate within the monitored sample stands at 26.9 per cent. The data indicates that cases in the monitored sample are predominantly resolved through contested trials rather than negotiated mechanisms: out of 163 recorded charges, 158 proceeded via court trial and five were resolved through a PBA. Within court trial proceedings specifically, where the volume and scope of evidentiary material are most actively litigated, the conviction rate stands at 20.8 per cent (10 of 48 final-available entries). The limited number of PBA charges does not serve as an equivalent baseline for comparison. By procedural design, a plea agreement results in a conviction, given that the admission of guilt is an inherent component of the mechanism. Consequently, the 20.8 per cent court-trial conviction rate should be evaluated independently as a characteristic of the contested-trial track through which the vast majority of OCC charges are adjudicated, rather than measured against alternative disposition routes.

Evaluated on its own terms, the conviction rate within contested OCC trials provides valuable systemic insight. While the finalized sample size remains too small to support definitive causal conclusions, a conviction rate of approximately one in five in court-trial proceedings corresponds with previously observed structural patterns. Specifically, a high volume of expansive evidentiary presentations can dilute the core procedural focus on facts necessary to establish criminal responsibility, creating additional complexity for the court when rendering a definitive, legally grounded verdict. This observation does not imply that conviction rates are a standalone indicator of judicial quality. Instead, it suggests that expansive evidence presentation has measurable downstream implications for trial outcomes, warranting independent consideration alongside the fairness and efficiency dynamics already identified.

The problem is particularly evident in cases involving special investigative measures, such as the interception of communications. Given the nature of these measures, a significant proportion of the material collected is often unrelated to the criminal offence, requiring careful management by the prosecution and the court. While the prosecution must disclose all collected material to the defence, only evidence relevant to the charges and other legally relevant facts should be pres
trial. Presenting large volu
irrelevant communications
unnecessarily prolong proceed
impose an additional burden or

defence, which must review and analyse the material. Effective handling of intercepted communications therefore requires clear standards for identifying, classifying, and storing collected material, as well as a selective approach to the presentation of evidence.

The final assessment of relevance remains a matter for the court, which is responsible for ensuring that the evidentiary record remains focused on facts material to the case. The CPC provisions governing the presentation and evaluation of evidence, although not formulated as explicit exclusionary rules, imply a requirement for evidentiary selectivity. Pursuant to Article 83 of the CPC, the subject of proof comprises the facts constituting the elements of a criminal offence, as well as the facts on which the application of a provision of substantive or procedural criminal law depends. Consequently, the court's obligation to examine and assess the evidence is inherently confined to facts that are legally relevant to the determination of the case. Moreover, the principle of free evaluation of evidence presupposes that the evidentiary material presented is relevant, meaningful, and capable of rational assessment.

Trial monitoring suggests that the presentation of extensive evidentiary material reflects both the increasing reliance on digital evidence and the operational challenges associated with processing large datasets. In OCC cases involving intercepted communications and other voluminous material, prosecutors are required to review substantial quantities of information within relatively short procedural timeframes. In the absence of specialized analytical tools and sufficient professional support, identifying and organizing the most relevant material may become increasingly demanding. At the same time, consultations with prosecutors indicated that comprehensive disclosure obligations and concerns regarding allegations of selective disclosure encourage the submission of broader evidentiary proposals. While these considerations are understandable, they may affect procedural efficiency and the overall manageability of proceedings.

The CPC provides several procedural mechanisms through which the court is expected to assess the legality, evidentiary sufficiency and relevance of the prosecution's proposed evidence before and during trial. At the indictment control stage (Articles 337-341), the court is required to examine, inter alia, whether the evidence submitted provides a sufficient basis for a well-founded suspicion. During the preparatory hearing (Article 344), the President of the Trial Panel clarifies contested issues, determines which evidence will be presented, and organizes the evidentiary process to facilitate efficient trial management. The preparatory hearing is therefore an opportunity to improve the structure and predictability of proceedings before

the evidentiary hearing begins. Similarly, during the main hearing, the President of the Trial Panel directs the proceedings, ensures the orderly presentation of evidence, and prevents unnecessary delays. The President of the Trial Panel may decide not to admit evidence that is irrelevant to the subject matter or that would unnecessarily prolong the trial without clarifying legally relevant facts.

In this context, the practical impact of overly broad evidentiary proposals depends not only on prosecutorial practice but also on the court's effective use of available procedural management authorities. Particularly in complex OCC cases involving multiple defendants and extensive evidence, active judicial case management and structured evidentiary control may play an important role in supporting procedural efficiency, legal certainty, and the overall manageability of proceedings.

The organized crime prosecutors, like the judges, agreed that presenting extensive evidentiary material may affect procedural efficiency and contribute to longer proceedings. However, they clarified that they are required to provide all evidentiary material gathered through special measures to the court and the defence to prevent allegations of evidence manipulation. They also explained that the President of the Trial Panel, who oversees the evidentiary process, decides whether intercepted conversations or certain parts should be deemed irrelevant or private.

While the President of the Trial Panel has the authority to decide which evidence is presented at the main hearing, a well-considered proposal from the prosecution may facilitate the exercise of these powers. The prosecution's obligation to provide the court and the defence with all collected evidentiary materials does not preclude it from selecting evidence and proposing to the President of the Trial Panel that only relevant communications be presented at the main hearing. Additionally, the defence can propose that other intercepted communications be listened to if they are relevant to establishing facts in the defendants' favour. This approach is already used when presenting evidence from the SKY ECC platform. A more focused presentation of evidence on materials with actual or potential evidential value may contribute to shorter evidentiary hearings and enhance the overall efficiency and manageability of OCC.

Overall, the findings indicate that the increasing volume and technical complexity of evidence in OCC cases require more structured management of evidence. The issue is not the disclosure of the material collected to the defence and the court, but the need to ensure that the trial presentation remains focused on evidence with actual or potential probative value. Therefore, clear guidelines for

prosecutors and judges, establishing standards for selecting evidence and ensuring its relevance, probative value, proportionality, and procedural efficiency, together with analytical support and active judicial case management, would help reduce unnecessary prolongation of evidentiary hearings while preserving fair-trial rights, privacy safeguards, and both parties' ability to propose relevant evidence.

3) Conclusion

The findings of the Project indicate that Serbia has established the principal institutional and legal foundations necessary for the effective adjudication of OCC cases. The monitored proceedings demonstrated the commitment and professional capacity of judges, prosecutors and supporting staff to handle complex proceedings, involving extensive evidentiary material and multiple defendants.

This is corroborated by the Project's conviction mapping: the low rate of outcome reversal on appeal (5.8 per cent) suggests that first-instance findings, once reached, are reasonably durable, yet procedural repetition remains extensive, with more than one-third of final-available charges sent back for retrial, and confiscation following conviction remains rare (one of 14 convicted charges). These patterns point to a system that reaches legally sound outcomes inconsistently and slowly, rather than one undermined by appellate instability or excessive leniency.

At the same time, the monitoring findings indicate that the principal challenges no longer lie primarily in the absence of legislation or institutional structures. Rather, they concern the consistency, predictability and practical application of existing frameworks. Across several thematic areas, including transparency, defence access to electronic evidence, undue influence, case-flow management, hearing productivity, financial aspects of prosecutions and confiscation, and the quality of judicial reasoning, the Project identified recurring implementation gaps affecting both procedural fairness and the efficient adjudication of OCC cases. These challenges do not arise from a single institutional weakness but reflect the cumulative effect of organizational, procedural and resource-related factors across the criminal justice system.

The Project's statistical mapping complements and reinforces the qualitative findings presented throughout the report. Although the number of finalized cases remains limited, the available data suggest that the principal challenges do not primarily stem from appellate instability or inherently lenient sentencing practices. Rather, they point to the importance of strengthening evidentiary

substantiation, reducing procedural repetition through more effective case management, and ensuring that successful prosecutions are more consistently accompanied by confiscation of criminal proceeds. Together, these findings support a reform approach focused on improving the quality, efficiency and practical impact of OCC proceedings.

Recent developments concerning the governance of the prosecution service, together with the Venice Commission's recommendations regarding the January 2026 legislative amendments, further underscore the importance of maintaining stable institutional arrangements that safeguard operational continuity, prosecutorial autonomy and public confidence in ongoing reform processes.

The report nevertheless demonstrates that progress is achievable. During the reporting period, several institutions acknowledged the practical challenges identified through trial monitoring and expressed readiness to consider further improvements. The adoption of new strategic documents, continued institutional dialogue and a number of emerging positive practices provide a basis upon which future reforms can build. Translating these commitments into measurable operational improvements now represents the principal challenge for the justice sector.

Taken together, the findings indicate that strengthening Serbia's response to organized crime and corruption no longer primarily depends on adopting new legislation or creating additional institutions. Rather, it requires more consistent implementation of existing legal standards, stronger institutional co-ordination and organizational arrangements adapted to the specific demands of complex OCC proceedings. Reinforcing transparency, predictability, judicial continuity and effective case management would improve not only the efficiency and fairness of individual proceedings, but also public confidence in the justice system and the long-term credibility of Serbia's response to organized crime and corruption.

ANNEXES

Annex I: A trial-monitoring statistical deep dive on how monitored serious organized crime and corruption cases move from indictment to final outcome.

Part I — From Case Outcome Numbers to Diagnostic Signals

The Trial-to-Outcome Diagnostic deep dive begins from a familiar reform problem. Justice institutions are often asked to demonstrate a track record in serious OCC cases. The most visible proxy is usually the conviction rate. It is easy to communicate, easy to compare and intuitively powerful. But it is also too blunt to answer the question it is usually asked to answer.

A conviction rate can show that an outcome was recorded. It cannot show whether the prosecution's case was well founded, whether the most serious charges held, whether the conviction followed contested adjudication or a negotiated procedure, whether the sanction carried meaningful consequence, whether confiscation addressed illicit gain, or whether the result survived appeal. An acquittal rate is equally incomplete. It cannot show whether the court correctly applied the standard of proof, whether the case should have been brought differently, whether delay affected finality, or whether the case record reveals gaps in evidence, legal qualification or individualized responsibility.

This deep dive was developed because those distinctions matter. Serious OCC cases are not simple procedural units. One case may contain several defendants, several charges, different theories of liability, mixed outcomes, negotiated pleas, acquittals, convictions, confiscation decisions and appeals. If all of that is reduced to one case label, the number becomes legible but misleading. It may count a conviction of a peripheral defendant on a lesser charge in the same way as a conviction of a principal defendant on the gravest charges, with proportionate sanctioning and recovery of illicit gain. It may also treat an acquittal grounded in proper judicial control as if it carried the same reform meaning as an acquittal caused by evidentiary gaps, unclear legal qualification or avoidable delay.

The methodological move was not to create a new evidence pool. It was to rearrange information the Project already had. As monitored cases reached final or otherwise significant procedural milestones, the teams already had hearing observations, case reports,

end-of-case assessments, judicial acts, procedural histories and case outcome information. The deep dive took purposefully selected features from that monitoring record and placed them into a common structure so that they could be compared across completed cases.

In practical terms, the Diagnostic worked like a disciplined register. Each field was a standard question: offence gravity, defendant status, procedural route, first-instance outcome, final outcome, sentence, confiscation, appeal, acquittal reason, duration, media attention. Each row represented one defendant in relation to one charge. That choice matters because criminal liability is personal and charge-specific. Guilt attribution attaches to a defendant, and it is tested against a particular allegation. A single case-level row would flatten the very distinctions the analysis needed to preserve. The register therefore made it possible to ask the same question of every completed case without losing the route back to the original monitoring material.

This deep dive is best understood as an escalation of analytical resolution with a deliberately modest statistical posture. The Diagnostic uses descriptive statistics and cross-tabulations. These tools can show how outcomes are distributed across the monitored sample and whether certain features appear together more or less often. They do not prove causality. If high-status defendants appear more often in a particular case outcome category, the table does not prove preferential treatment or improper influence. If highly visible cases show a different outcome distribution, the table does not prove that media attention affected the outcome. It identifies a relationship that requires explanation.

That is why the next move is always back to the case record. A statistical signal begins the explanatory inquiry; it does not end it. Once the Diagnostic makes a relationship visible, the analysis returns to the case reports, hearings, indictments, judgements, appellate decisions and end-of-case assessments behind the table. The question then becomes: which cases are producing the pattern, what happened inside those cases, what explanations does the record support, and what alternative explanations must remain open?

This two-way movement is the Diagnostic's main value. A pattern without the case record is only an association in search of an explanation. A persuasive explanation in one case is only an example unless it can be tested against the wider monitored pool. The deep dive allows the Project to move between the two: from the case file to the structured pattern, and from the pattern back to the case file.

Part II — What the Diagnostic Makes Visible

The patterns below should not be read as findings that apply equally to all jurisdictions. They are analytical signals drawn from the monitored finalized serious OCC samples across the region. Their purpose is to show what aggregate figures cannot explain on their own, and where trial-monitoring evidence, judicial-act review, procedural-history analysis, institutional data and consultations need to look more closely.

Where the Diagnostic produced verified and triangulated jurisdiction-specific findings, those findings are reflected in the relevant jurisdictional chapters. This section does something different. It asks what becomes visible when final outcomes are taken apart into the features that aggregate statistics normally collapse. It draws out the broader regional signals that emerged when monitored outcomes were disaggregated by defendant, charge, gravity, procedural route, appeal history, sanction, confiscation and duration. This in turn identifies the reform questions that need a more precise answer moving forward.

1. Aggregate conviction rates can conceal opposite realities

The first signal is methodological but fundamental: a conviction rate is not a track record. It is an entry point. By itself, it cannot show what kind of conviction was recorded, against whom, on which charge, through which procedure, after what review, with what sanction, and with what financial consequence.

Across the monitored samples, similar-looking aggregate figures can reflect very different realities. A high conviction rate may suggest strong system performance, but it may also require closer questions about how those convictions were produced: whether they followed contested adjudication or negotiated procedures, whether they concerned principal or peripheral defendants, whether serious charges held, whether reasoning was sufficient, whether sanctions were proportionate, and whether confiscation followed where relevant.

The reverse is also true. A lower conviction rate, especially in contested trials, does not automatically show judicial unwillingness or institutional weakness. It may reflect proper application of the criminal standard of proof. It may also point to evidentiary gaps, unstable legal qualification, insufficient individualization of responsibility, delay, or defects that originated before trial.

The diagnostic therefore shifts the question. It does not ask whether the conviction rate is high or low as an end in itself. It asks what the number contains. Once convictions, acquittals and other outcomes are disaggregated, the same headline figure may reveal negotiated justice, contested proof, appeal correction, retrial,

limitation pressure, limited sanctioning consequence or absent financial follow-through. Counted together, these may produce a legible statistic; separated, they become reform-relevant information.

2. The recurring substantive fault line is alignment between facts, evidence and legal elements

The most important substantive signal is not that "courts do not convict" or that "prosecutors do not prosecute". The recurring issue is alignment. Serious OCC cases often become fragile at the point where the factual narrative, evidence, legal qualification, individual responsibility and judicial reasoning must fit together.

In the monitored finalized contested-trial subset, non-convictions were most closely associated with evidentiary and legal-construction concerns. The reasons visible in the case record tend to belong to the same family: insufficient evidence, unproved legal elements, incorrect or unstable legal qualification, unclear factual description, indictment defects, or weak linkage between the defendant's conduct and the offence charged. These are not merely technical issues. In serious OCC cases, they determine whether the case can survive adversarial testing, whether a judgement can be reasoned coherently, whether an appeal can be withstood, and whether the public can understand the legal basis for the outcome.

This is why alignment matters more than the direction of the case outcome. A conviction is not a meaningful track-record signal if it concerns a lesser charge, a peripheral defendant, limited reasoning or no financial consequence. An acquittal is not institutional failure if the evidence did not prove the charge. The reform question is whether serious cases are selected, charged, supported, tested and reasoned in a way that connects facts to legal elements and legal elements to individual responsibility.

3. Gravity, defendant status and visibility are explanation-sensitive signals

In several monitored samples, case outcome patterns appear to vary by offence gravity, defendant role, defendant status or public visibility. These patterns need careful handling. They do not prove improper influence, selective justice or institutional unwillingness to act. Outcome data cannot establish motive, pressure or capture.

At the same time, such patterns cannot be dismissed as merely technical. In serious OCC cases, differences linked to gravity, status or visibility are especially sensitive because they concern the cases in which equality before the law, institutional resilience and public confidence are most visibly tested.

There are legitimate explanations. More serious cases and cases involving higher-status defendants may be legally and evidentially more complex. They may involve more sophisticated factual structures, better-resourced defence strategies, greater difficulty in proving intent, hierarchy, benefit or individual contribution, and a higher likelihood of appeal or procedural contestation. A lower conviction rate or more complex outcome profile in such cases may therefore reflect the higher evidentiary burden and the proper operation of the criminal standard of proof.

But the same pattern may also raise questions that the system must be able to answer. Where high-gravity or high-status cases result in non-conviction, reduced charges, limited sanctions, delayed finality or no visible financial follow-through, the public may struggle to distinguish evidentiary complexity from uneven capacity, institutional caution, inconsistent practice or possible pressure-related effects. The Diagnostic cannot decide among those explanations on case outcome data alone. Its value is to identify cases in which institutions need especially clear reasoning, stronger data, transparent communication within fair-trial limits, and feedback mechanisms capable of showing whether outcomes reflect legally relevant factors rather than unexplained divergence.

4. Finality is not the same as effectiveness

A final and binding outcome is necessary for legal certainty, but it is not, in itself, proof of the justice system's effectiveness. Finality shows that the case has reached an endpoint. It does not show whether the route to that endpoint was timely, proportionate, resource-efficient or capable of generating institutional learning.

The Diagnostic shows why the route to finality matters. As an illustrative example, in one monitored subset (one jurisdiction), 21 per cent of finalized charge outcomes changed between first instance and final stage. This means that one in five outcomes did not remain the same after review. The same sample recorded retrial in 28.4 per cent of finalized cases, meaning that more than one in four required the case to move back through the system before finality. In addition, statute of limitation-period issues were linked to approximately 37 per cent of final acquittal outcomes in that sample.

These figures do not mean that appeal is a problem. Appeal is a safeguard. Nor do they mean that every changed outcome indicates poor first-instance work. They show that finality has a history, and that history matters for reform. Repeated correction, retrial, reprocessing or limitation pressure consumes institutional resources, risks endangering case resolution because of statutes of limitations, prolongs uncertainty for defendants and injured parties, and keeps high-interest cases exposed to public doubt.

For policymakers, the route to finality can show whether the system is producing durable outcomes or repeatedly spending public resources to correct, rework or conclude serious cases after avoidable delay. It can also point to where the justice chain may need stronger case preparation, clearer legal qualification, better trial planning, improved reasoning, more consistent appellate guidance and closer management of delay.

5. Accountability requires sanctioning and financial follow-through

The final signal is that conviction is not the same as full accountability. In serious OCC cases, the outcome matters not only because liability may be established, but because the legal consequence should correspond to the gravity of the offence, the role of the defendant and, where relevant, the economic logic of the conduct.

Across monitored final conviction outcomes in the finalized samples, confiscation was ordered in roughly 31 per cent. Put differently, in around seven out of ten final conviction outcomes, no confiscation order was visible in the monitored final outcome. This figure should be read carefully. Not every conviction necessarily involves identifiable illicit gain or a legal basis for confiscation. But in OCC cases, financial follow-through is central enough that its absence from the visible outcome requires attention.

A system can convict and recover nothing. It can convict and impose a sanction that is suspended, converted or otherwise limited in practical consequence. It can convict a public official and leave office-related or economic consequences under-addressed. A conviction count treats these outcomes as equivalent forms of accountability when in reality they are not.

The reform question is therefore whether serious OCC outcomes carry meaningful legal, punitive, deterrent, restorative and financial consequence where the law and facts allow. Confiscation and asset recovery are not accessories to conviction. They are among the core ways in which criminal adjudication responds to the economic incentives behind organized crime and corruption.

Part III — What the Diagnostic Means

The diagnostic should not be read as producing an entirely new set of findings detached from the Project's routine monitoring work or what can be considered by now commonly known issues. Many of the issues it raises evidentiary gaps, unstable legal qualification, differences between negotiated and contested outcomes, appeal correction, delayed finality, limited confiscation and uneven sanctioning consequence had already appeared through hearing observation, judicial-act review, end-of-case analysis and policy engagement.

The contribution of the diagnostic is different. It gives these issues a more disciplined evidentiary footing. It shows whether they appear as isolated examples or recurring patterns; whether they are spread across the monitored pool or concentrated in particular subsets; whether headline statistics obscure them; and where the case record must be read more closely before an explanation can be responsibly offered.

This is particularly important because the same issue may have several plausible explanatory accounts. A low contested-trial conviction rate may be read as judicial reluctance, prosecutorial weakness, proper application of the standard of proof, evidentiary insufficiency, case complexity, delay or some combination of these. A high conviction rate may be read as effectiveness, but may also depend heavily on negotiated procedures, lesser charges, peripheral defendants or limited sanctioning consequence. A pattern linked to defendant status or gravity may raise concerns about equality before the law, but it may also reflect higher evidentiary burden, better-resourced defence or the complexity of proving hierarchy, intent and benefit. The diagnostic does not choose among these explanations by statistical assertion. It makes the competing explanations visible and shows what further evidence is needed to distinguish among them. For instance:

- Aggregate conviction rates often appear to answer the track-record question too quickly. They can imply that conviction means success, acquittal means failure, finality means closure and confiscation means financial accountability. The diagnostic slows that reflex down. It turns a question that is too blunt — “how many convictions?” — into a set of questions that institutions can actually answer.

- Where aggregate conviction rates appear high, the next question is not whether the system is effective simply because it convicts. The question is whether the convictions are supported by fair procedure, effective defence, reasoned judgements, proportionate sanctions, appeal durability and financial follow-through.

- Where conviction rates appear low in contested trials, the next question is not whether courts are unwilling to convict. The question is whether the case record points to evidentiary insufficiency, legal-qualification issues, unclear individual responsibility, indictment construction, trial management, delay or proper judicial control.

- Where negotiated outcomes carry much of the conviction record, the next question is not whether plea-based or abbreviated procedures are good or bad in the abstract. The question is whether they are being used with safeguards: factual basis, proportionality, judicial reasoning, sentence discount, defendant role, co-operation value and confiscation.

- Where outcomes vary by offence gravity, defendant status or public visibility, the next question is not whether the pattern proves influence. It does not. The question is whether the system can explain the pattern through legally relevant factors: case complexity, evidentiary burden, defence strategy, hierarchy, intent, benefit, appeal history, reasoning, sanctioning or other features visible in the record.

- Where finality follows appeal, retrial or limitation-period pressure, the next question is not whether appeal is a problem. The question is whether repeated correction or reprocessing points to issues in case preparation, trial planning, judgement reasoning, procedural continuity, appellate feedback or delay management.

- Where convictions do not carry confiscation or meaningful sanctioning consequence, the next question is not only whether the defendant was found guilty. The question is whether the conviction removed illicit gain, imposed a proportionate sanction, addressed office-related consequences where relevant, and produced enforceable accountability.

These questions do not reduce to one another. Some can be addressed through better data and more disciplined institutional reporting: whether outcomes differ by route, whether confiscation follows conviction, whether appeal changes first-instance outcomes, whether retrials recur, whether limitation periods affect finality. Other questions require targeted reform before they can be measured properly. If institutions do not record charge-level outcomes, reasons for appeal correction, confiscation enforcement, sentence conversion or case duration in comparable ways, the system cannot yet know what its own track record means.

A further set of questions sits beyond case-outcome data altogether. They cannot be answered by statistics alone, and they cannot be answered by routine trial monitoring alone either, however carefully carried out. The reason is that the object of inquiry is no longer only the case, the hearing or the judgement. It is the professional routine through which the case is produced. Trial monitoring can show what becomes visible in court: adjournments, evidentiary disputes, reasoning gaps, delay, procedural choices, appeal outcomes, sanctioning and confiscation. Judicial-act review can show how decisions are written and justified. The Diagnostic can show where outcome patterns cluster. But these instruments cannot fully show how a file is assembled before it reaches court; where responsibility passes between police, prosecution, experts, courts and administrators; which choices are made deliberately and which are made by default; how professionals understand their roles; or which incentives make certain practices repeat even when reform rules formally change.

That is the limit of what this instrument can explain, but it is also the bridge to the next layer of inquiry. Once the diagnostic identifies where outcome patterns require explanation, the question becomes how the relevant professional routine actually works. How is a serious case selected? How is the legal qualification tested before indictment? Who checks whether the evidence proves each element? How is financial evidence planned? How are appeal reversals discussed and absorbed? Which formal rules are followed in practice, which are worked around, and which are treated as someone else's responsibility?

These are reform implementation questions; asking whether reform has reached the working habits, incentives and expectations through which serious cases are actually processed. A recommendation may be adopted on paper, a guideline may be issued, or a database may be created; but the decisive question is whether the people who move the case through the system use those tools in the moments where professional judgement is exercised.

And this is the Diagnostic's core contribution. It gives qualitative assessments a stronger evidentiary footing, makes statistics more interpretable, and identifies where causal assumptions need to be checked before responsibility, reform priorities or institutional learning can be assigned.

Organization for Security and Co-operation in Europe

REGIONAL TRIAL MONITORING PROJECT

COMBATTING ORGANIZED CRIME AND CORRUPTION IN THE WESTERN BALKANS

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