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THE WESTERN BALKANS TRIAL MONITORING REPORT

FACTSHEET

From Paper to Practice

Evaluating the Effectiveness of Judicial Responses to
Serious Organised Crime and Corruption

Review Period July 2021 - March 2024

KOSOVO

Trial monitoring results on serious
organised crime and corruption (OCC) cases

HOW

The Project's Methodology, developed and adapted by the OSCE ODIHR based on its Trial Monitoring Manual & drawing on the extensive experience of OSCE field operations in monitoring OCC cases, encompasses trial monitoring from the confirmation of indictment to the final and binding verdict.

FOCUS



fairness



efficiency



capacities/performance



strategic use of judicial tools



Kosovo Supreme Court

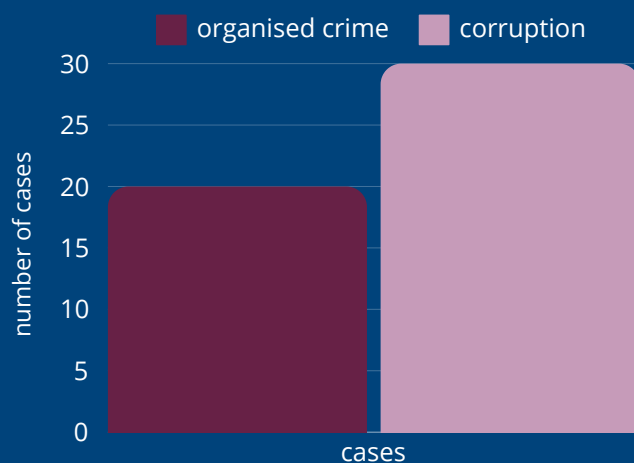


Kosovo Court of Appeals



Basic Courts in
Prishtinë/Priština, Ferizaj/Uroševac,
Prizren, Pejë/Peć, Gjakovë/Đakovica,
Mitrovicë/Mitrovica, Gjilan/Gnjilane

CASES UNDER MONITORING



REPORT FINDINGS

The Project's trial monitoring identified symptoms of systemic challenges at the institutional, legislative and policy level. However, initiatives are already underway to address many aspects of the issues identified in this Report. These include strategies on the rule of law and specifically judicial reform, anti-corruption action plans, guidelines on the application of ECtHR, and capacity building on criminal procedures. These are substantial investments that, with sustained efforts, can lead to substantial progress.

The main identified areas for further improvement relate to:



TRANSPARENCY

- ▶ consistency in publication of hearings & judicial acts
- ▶ responses to civil society information requests



FAIRNESS & EQUALITY

- ▶ perception of impartiality & presumption of innocence
- ▶ consistency in application of the law in line with international standards



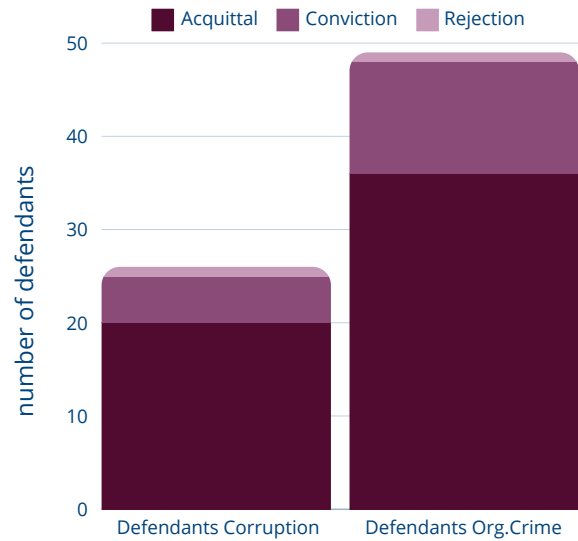
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JUDICIAL ACTS

- ▶ charges substantiation
- ▶ details on financial gain or damage
- ▶ reasoning



LENGTH OF PROCEEDINGS

LENGTH OF PROCEEDINGS FROM INDICTMENT TO FINAL JUDGEMENT, IN MONTHS



- ▶ percentage of unproductive hearings and retrials
- ▶ number of interpreters & interpretation equipment
- ▶ use of case management system

WAY FORWARD

TRACK RECORD

Create preconditions for an effective track record in combatting OCC.

IMPACT

Aim for changes that make an immediate difference.

BUY-IN

Address resistance to change, accounting for operational practices and working cultures.



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STRENGTHEN TRANSPARENCY AND ACCESS TO INFORMATION IN OCC CASES

by ensuring regular publication of accurate case information, improving communication with civil society, establishing mechanisms for consistent publication of indictments, and monitoring implementation of communication strategies.



INCREASE THE CAPACITY OF COURTS TO FUNCTION EFFECTIVELY IN BOTH OFFICIAL LANGUAGES

by assessing interpreter/translator needs, reviewing qualification requirements, providing adequate training, and ensuring proper employment conditions to facilitate recruitment and retention.



IMPROVE THE STANDARD OF INDICTMENTS AND JUDGEMENTS

by enhancing internal review mechanisms, developing a process to review cases with acquittals/dismissed indictments, and providing targeted training to prosecutors and judges.



ENSURE THAT FINANCIAL INVESTIGATIONS AND ASSET CONFISCATION ARE IMPLEMENTED

in OCC cases by promoting effective investigative tools, applying recently published guidelines on seizure/confiscation, ensuring performance evaluations reflect the effort required, and providing sufficient capacity building.



ENSURE EFFECTIVE CASE MANAGEMENT

in OCC cases by developing guidelines on trial management, encouraging use of case management hearings, promoting e-summons and online notifications, and ensuring implementation of new Criminal Procedure Code provisions aimed at reducing delays.

