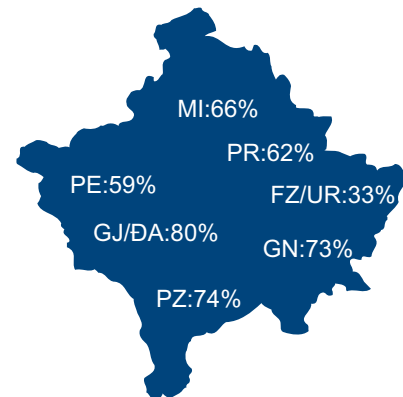


The Organization for Security and Co-operation in Europe (OSCE) Mission in Kosovo supports increased compliance of the justice sector in Kosovo with international fair trial rights and rule of law standards. To assist in this effort, the OSCE Mission in Kosovo regularly monitors and reports on court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

OSCE MONITORING

Judicial Department	Hearings	Cases
General Department (Criminal Cases)	700	449
Serious Crimes Department	1012	381
Juveniles Department	30	14
General Department (Civil Cases)	432	307
Administrative Department	1	1
Commercial Department	2	2
Total	2177	1154

PERCENTAGE OF JUDGES MONITORED*

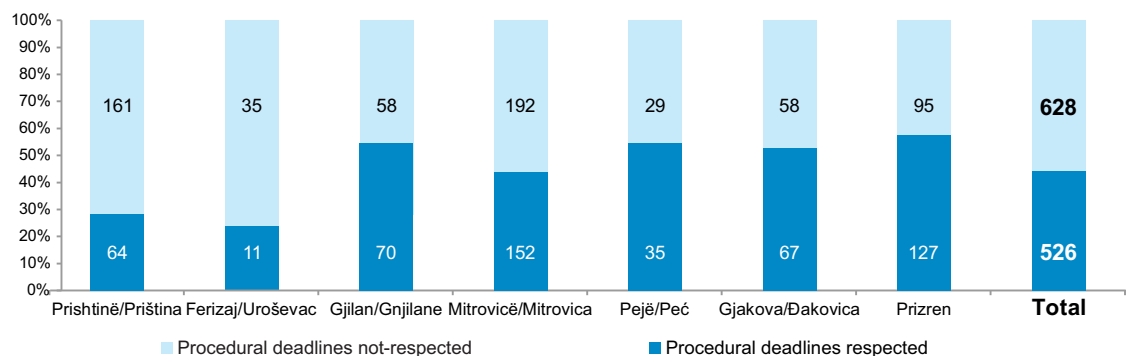


TIMELY TRIAL

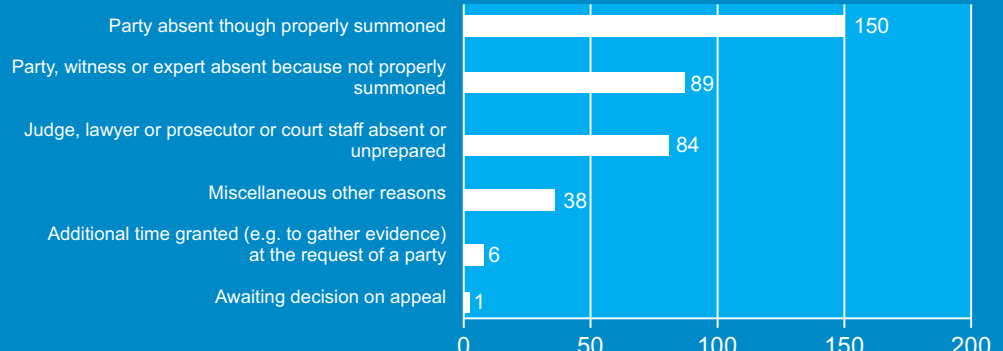
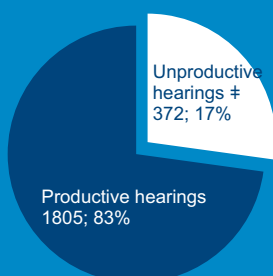
Court Efficiency

Court Efficiency
In its statistical report of the courts for 2018, the Kosovo Judicial Council reported a backlog of 273,417 cases in the Basic Courts at the beginning of 2018. Court Efficiency (defined as completed cases / received cases) was rated at 161.20 per cent. Thus, for every 100 new cases filed, 161 cases were completed. At the end of 2018 reporting period, the backlog was 211,046 cases+.

RESPECT FOR PROCEDURAL DEADLINES IN CASES MONITORED



REASONS FOR ADJOURNMENTS IN UNPRODUCTIVE HEARINGS

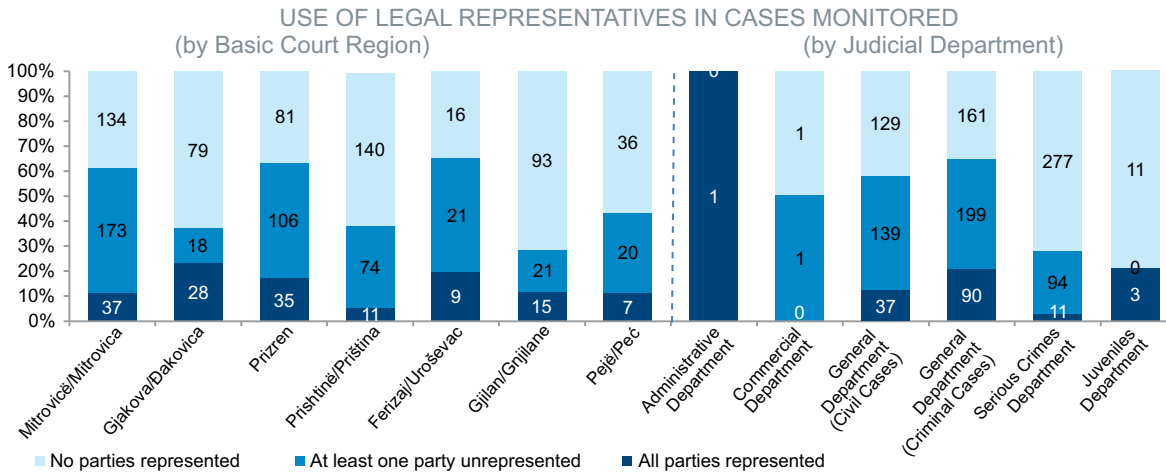


* Based on the Kosovo Judicial Council's list of judges (dated 1 October 2018), excluding minor offenses and newly integrated judges, who were not monitored.

+ Kosovo Judicial Council, "Statistical Report of the Courts 2018", available at <http://www.gjyqesori-rks.org/en/kjc/report/list/1>.

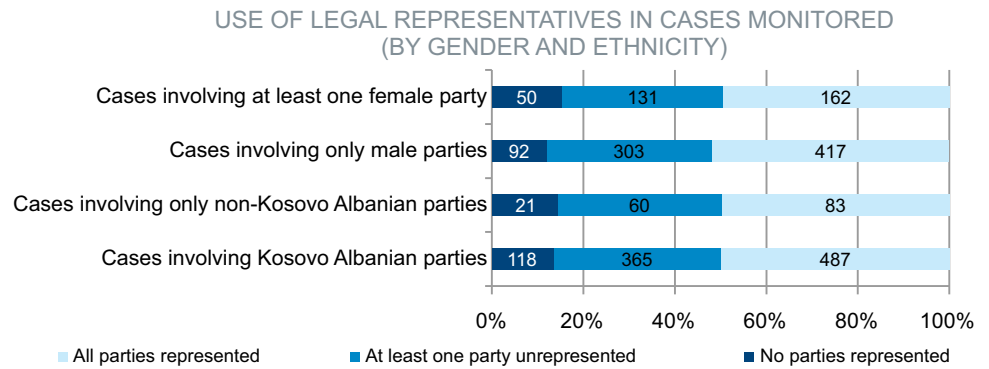
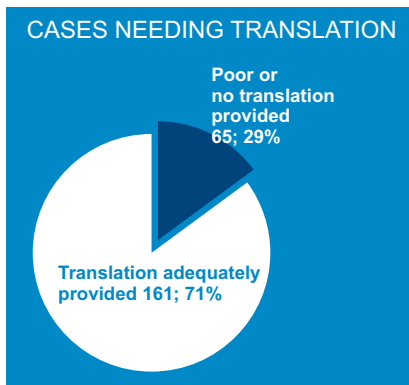
‡ In an "unproductive hearing" nothing of any value or substance occurred (no evidence taken, motions heard or decided, case management issues discussed, etc.)

ACCESS TO JUSTICE



Number of Lawyers

By the end of December 2018, there were 872 advocates registered with the Kosovo Chamber of Advocates, or 48 lawyers per 100,000 residents. In 2018, the European Commission for the Efficiency of Justice reported that just one jurisdiction had fewer than 48 lawyers per 100,000 residents than Kosovo.*

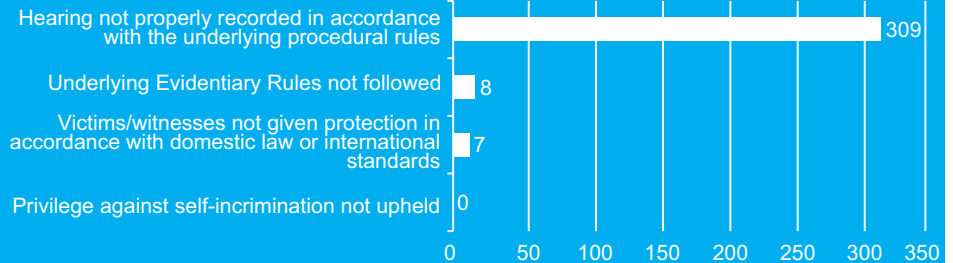


EVIDENTIARY PROTECTIONS

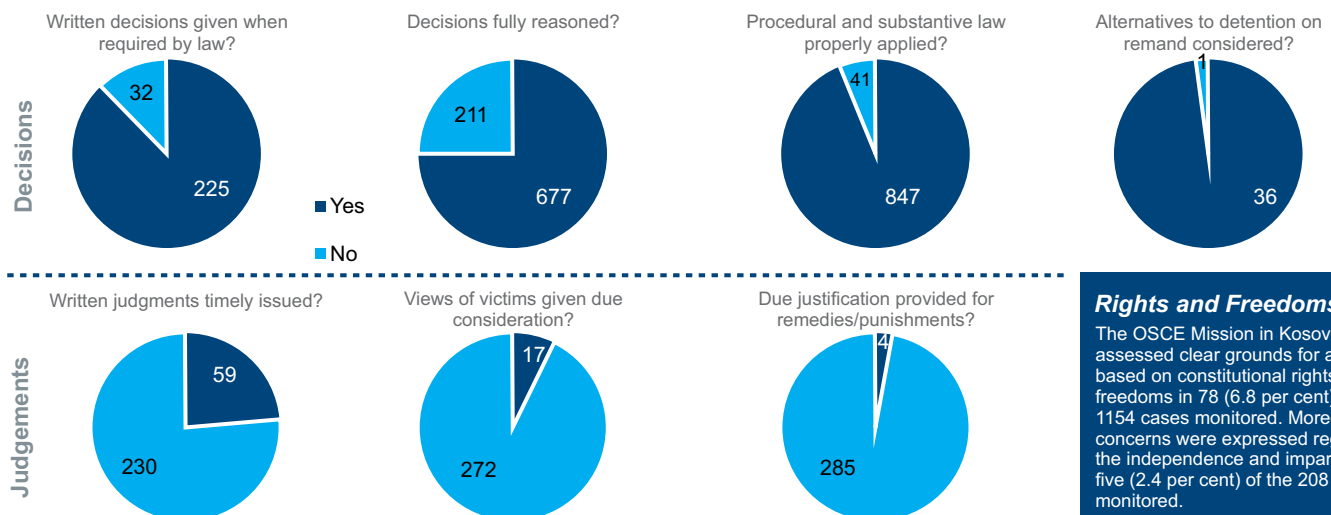
Recording of Criminal Trials

Article 315(2) of the Criminal Procedure Code requires that the "main trial shall be either audio- or video-recorded or recorded stenographically." The OSCE Mission in Kosovo monitored 892 main trial sessions in criminal cases. 68 such sessions (7.6 per cent) were audio-visually recorded. Stenographic or verbatim transcripts were kept in 45 sessions (5.0 per cent). 734 sessions (82.3 per cent) were summarily recorded in writing. 23 sessions were not recorded, while the remaining 22 sessions were recorded in a miscellaneous or unspecified manner.

CONCERNS OBSERVED IN EVIDENTIARY HEARINGS (531 HEARINGS OBSERVED)



REASONED DECISIONS



Rights and Freedoms

The OSCE Mission in Kosovo assessed clear grounds for appeals based on constitutional rights and freedoms in 78 (6.8 per cent) of the 1154 cases monitored. Moreover, concerns were expressed regarding the independence and impartiality of five (2.4 per cent) of the 208 judges monitored.

* Number of lawyers as of Dec. 2018 updated per information request to the KCA; European Commission for the Efficiency of Judicial Systems, CEPEJ Studies No. 26, "European judicial systems Edition 2018 (2016 data): efficiency and quality of justice" available at: <https://rm.coe.int/rapport-avec-couv-18-09-2018-en/16808def9c>. For the Kosovo specific CEPEJ report see <https://rm.coe.int/in-depth-assessment-report-of-the-judicial-system/16807828e6>.

§ While alternatives to detention on remand are referred to, in the majority of cases there is only the reference to alternatives, rather than any justification or analysis.