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Report from
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Rule of Law Performance Index in Kosovo

ROLPIK
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4th EDITION



GROUP FOR LEGAL
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Rule of Law Performance Index in Kosovo, 4th Edition

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INTRODUCTION

Rule of Law Performance Index in Kosovo (RoLPIK) is a monitoring mechanism developed to assess the performance of rule of law institutions, with particular focus on the justice system. This index will serve as a platform of open and accessible data for the broader public, and will present the performance of institutions of justice system in Kosovo in recent years. More concretely, this index contains indicators that provide data on perceptions and experiences of citizens of the Republic of Kosovo in relation to the rule of law institutions, as well as structural data representing reasons that are precondition for an efficient and independent functioning of these institutions.

The first edition of the performance index, besides analyzing the perception of citizens on the aforementioned institutions, was mainly focused on measuring the performance of the courts.

The second edition assessed the performance of prosecutorial system, focusing on whole levels of prosecutions, with particular focus on the performance of each prosecution during 2013-2015, as well as it analyses the data of citizen perceptions derived from the second survey conducted during December 2016.

Third edition analyzed the citizen perception survey data conducted during June 2017, as well as justice system performance during the investigation phase, trial and resolution of cases during 2013-2016.

Whereas this edition, analyzes the forth citizen perception survey conducted during June 2018, and it measures the justice system performance in relation to investigation, trial and resolution of cases during 2013- 2017.

Citizen perception is a very important indicator that needs to be taken into account by the relevant authorities as it assesses the work of the rule of law institutions based on their direct experiences with these institutions, but also on the image created in public opinion. Over the past few years, numerous legal initiatives have been undertaken regarding the justice system. The main purpose of these reforms is to achieve a greater independence and impartiality during the investigations as well as increase the transparency of justice system institutions. Furthermore, from 1st of January, 2013, as a result of reforms in the justice system, in the territory of the Republic of Kosovo commenced functioning new structure of courts and prosecution offices. More specifically, the Law on Courts determines the new structure of courts in the Republic of Kosovo which will consist of Supreme Court and Special Chambers of Supreme Court as the highest judicial authority over the entire territory of the Republic of Kosovo. Court of Appeals acts as second instance court with territorial jurisdiction in the whole Republic of Kosovo and Basic Courts which are first instance courts that are located in seven regions; Pristina, Gjilan, Prizren, Gjakova, Peja, Ferizaj and Mitrovica. Whilst the Law on State Prosecutor defines the new structure of prosecution, consisted of Office of the State Prosecutor as the highest authority with jurisdiction in whole territory of the Republic of Kosovo; Appellate Prosecution acts as second instance prosecution with jurisdiction in the entire territory of Kosovo; Special Prosecution acts as specialized prosecutorial body in the entire territory of the Republic of Kosovo; and Basic Prosecution in seven regions of Kosovo, consisted of General Department, Department for Minors and Department for Serious Crimes. The Justice System continues to be politically affected, limited accountability, insufficient resources, poor inter-institutional cooperation, and delays in case resolution.

METHODOLOGY

This report is based on primary and secondary data. The primary data includes the survey of the Republic of Kosovo citizen's conducted in June in cooperation with UBO Consulting. The quota sample for this survey is consisted of 1065 respondents, aged 18 plus years in entire territory of Kosovo, ethnic Albanian (815), Serbian ethnicity (150) and other communities (100). Afterwards, the sample was weighted to reflect the structural ethnicity in Kosovo by using the official data of Kosovo Agency of Statistics (KAS). The second stratum is being carried out based on the habitats of each municipality and the extent of the sample quota in urban and rural areas, and this was based on official statistics of KAS. Whilst the third stratum is conducted based on the number of surveys carried out in each habitat (initial point). Households that were surveyed were selected according to the random method. The survey was conducted face to face with the head of the household, or in his/her absence with an adult. Prior to the survey administration in the field, it is tested initially in order to identify the logical and substantial issues, and the training of surveyor's is being carried out too. Based on the survey results, perception indicators were drafted which assess Kosovo citizen perceptions on the performance of rule of law institutions: courts, prosecution, police and EULEX. Indicators also measure the confidence of citizens in these institutions. The survey questions were grouped into nine main indicators where each indicator, based on the citizen perspective, assesses certain aspect of rule of law institutions performance.

In order to assess the work efficiency of Courts, the secondary data provided by official reports of Kosovo Judicial Council (KJC), Kosovo Prosecutorial Council (KPC), KAS and Kosovo Budget were collected and analyzed. More specifically, data related to the number of cases received during the one year period in each court and prosecution were analyzed; number of cases inherited from previous year in each court and prosecution; number of judges and prosecutors in each court and prosecution; Republic of Kosovo inhabitants as well as allocated budget for judicial and prosecutorial system for 2013, 2014, 2015, 2016 and 2017. Subsequently, based on these inputs, structural indicators were built to present resources and capacities of the prosecutorial system in order to carry out its duties and enabling the assessment of their work efficiency. Considering the fact that since January 2013, new structure of judiciary has entered into force, therefore, indicators are based on the data from last five years (2013, 2014, 2015, 2016 and 2017). It must be emphasized that assessment and analyzing of number of resolved or inherited cases within one year period in each court and prosecution was conducted without assessing the difficulties in resolving these cases or the composition of various departments in courts and prosecution offices. Hence the main purpose in building structural indicators is to evaluate the overall efficiency of the courts and prosecution performance and the evaluation of the performance of each prosecutor.

CITIZEN PERCEPTION ON JUSTICE SYSTEM INSTITUTIONS

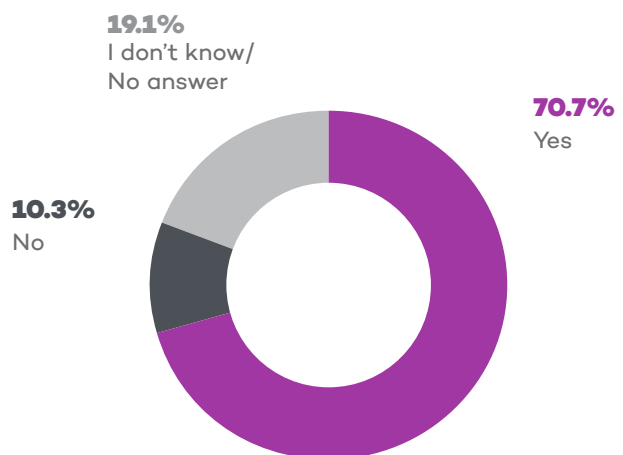
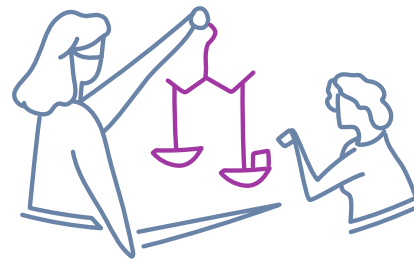
Among the main goals of this report is to measure and assess the citizen perceptions on the performance of the rule-of-law institutions, namely courts, prosecutors, police and the European Union Rule of Law Mission, EULEX. The data presented below are part of fourth edition of surveys, belonging June 2017 period, and particular attention is being given to the public perception of the work of the aforementioned institutions in the fight against corruption. Respondents' answers are categorized into nine indicators where each indicator assesses one aspect of the performance of these institutions.

POLITICAL INFLUENCE

The percentage of Kosovo citizens who believe that rule of law institutions are politically influenced remains very high. Results of the surveys show that approximately 70.7% of respondents believe that politically influential people are less likely to be punished by law, compared to 10.3% of respondents who do not share the same opinion. Regardless that there has been a decrease of less than 4% compared to last year's citizens who believe that politically influential people are less likely to be punished by law, the situation continues to be very worrying as long as more than half of Kosovo's citizens state that the law is not equal for all.

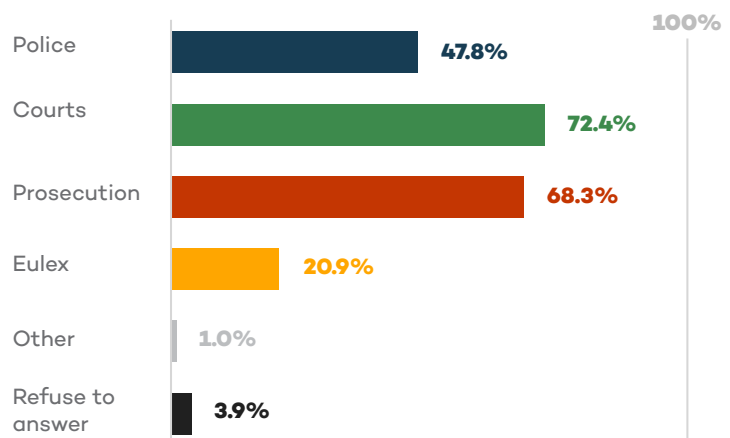
Moreover, when respondents were asked which lead institutions of justice systems are most politically influential, 72.4% of respondents believe that courts are the most politically influenced institutions, followed by prosecutions (68.3%), police (47.8%) and EULEX (20.9%). There are minor improvements comparing to last year results in Courts and Kosovo Police, of around 2% respectively 6%. Anyway, results from this year continue to show a very worrying situation.

Do you think that politically influential persons are less likely to be punished by law?



Which of the following institutions are more politically influenced?

The respondent may provide more than one answer



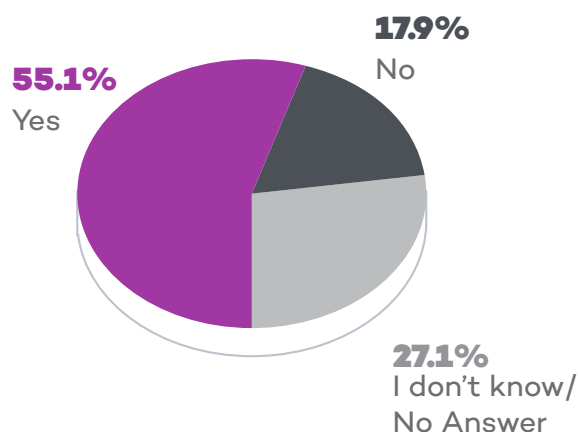
BRIBERY

Bribery continues to be a worrying phenomena in the rule of law institutions in Kosovo. The results from June 2018 survey, indicate that 55.1% of Kosovo's citizens think that officials/ employees of rule of law institutions seek/accept bribes. This percentage is almost identical to that of last year. Once again, courts and prosecution lead to have a negative perception in the public.

According to the citizen's opinion, 72.6% and 66.4% of the court and prosecution staff /employees seek or accept bribes. Whilst the percentage of citizens who think that bribery phenomena is present in Kosovo Police has increased for approximately 10% comparing to last year, more precisely 51.1%. On the other side, 26.1% of respondents share the same opinion about EULEX personnel.

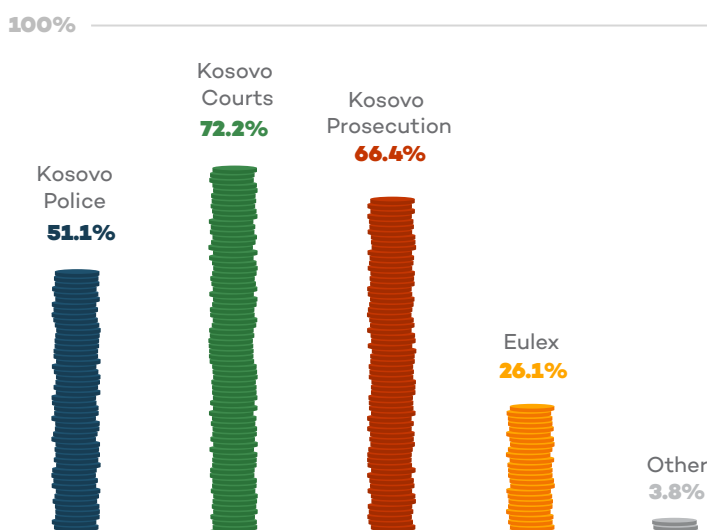
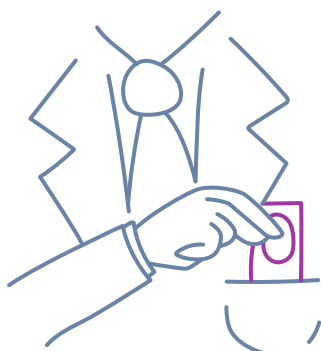
The persuasion that there is such a high level of bribery in the main institutions of the justice system seriously hampers their well-functioning and it ruins public confidence in justice and rule of law in Kosovo.

According to your opinion, do officials/employees of rule of law institutions seek/accept bribes?



Which institution officials/ employees continuously seek/accept bribes?

The respondent may provide more than one answer

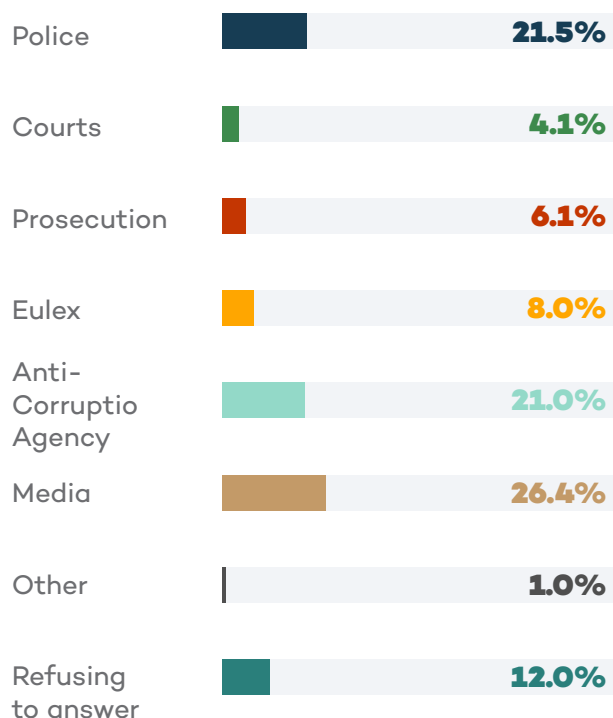
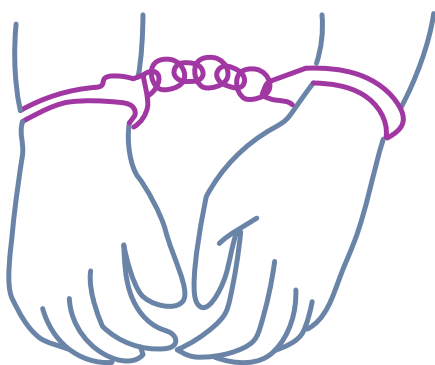


EFFICIENCY IN FIGHTING CORRUPTION

The perception of citizens towards responsible institutions in combating corruption remains negative. The respondents rank institutions for their efficiency in the fight against corruption as follows: Courts (4.1%), Prosecution (6.1%), EULEX (8.0%), Anti – Corruption Agency (21.0%), Police (21.5%) and Media (26.4%). These results, similarly to previous years, reveal the opinion that citizens do not even consider the courts, prosecutions

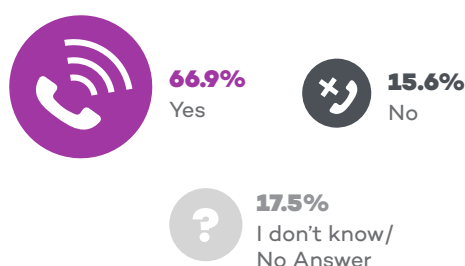
and EULEX as pioneers of the fight against corruption. It is worth mentioning that citizens consider the Anti-Corruption Agency and the Media as leaders in fight against corruption. Continued media reports on corruption cases have influenced the media to consistently mark a positive trend since the first survey results in 2016. Whilst, regarding Kosovo Police, they mark a negative trend, thus, according to citizen perception back in June 2016, 51.6% of citizens believed that Kosovo Police was leader in the fight against corruption, whereas based on the results of the last survey, only 21.5% of citizens believe the efficiency of this institution in the fight against corruption.

According to your opinion, which institution is continuously effective in the fight against corruption?

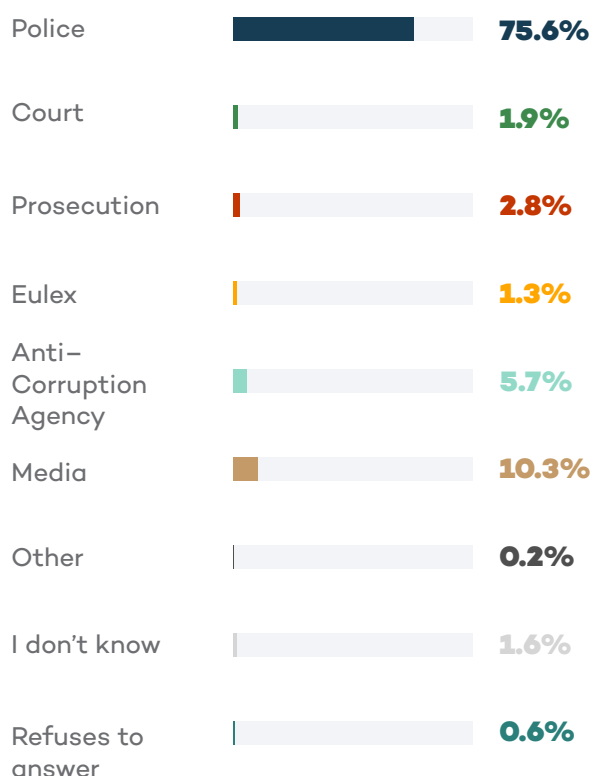


REPORTING CORRUPTION

If you would notice a corruption or criminal case (theft, violence, etc.), would you be willing to report it?



Which institutions would you report to?



Despite the poor assessment by citizens of the performance of justice institutions in fighting corruption, citizens continue to show high readiness for reporting corruption or criminal cases. Asked if they had become aware of any corruption or criminal case, would they be willing to report, 66.9% of the citizens expressed readiness to do so. However, this percentage is the lowest recorded among four series of surveys (78.3% in June 2016, 75.7% in December 2016 and June 2017), and marks a negative trend of reducing the readiness of citizens to report corruption.

Whilst the percentage of citizens who say they are unwilling to report has increased in the meantime, the same mark or higher is being followed by the percentage of citizens who are unsure whether to report the corruption or not (17.5%). This trend can be interpreted as an indicator that personal experiences of citizens or their fellow citizens in reporting criminal cases and corruption activities may have resulted unsuccessful due to the lack of proper treatment of these cases by responsible institutions, thus reducing the readiness and increasing the reluctance among the citizens to report.

The most preferred institution that citizens are willing to report corruption to is Police (75.6%), followed by Media (10.3%), Anti – Corruption Agency (5.7%), Prosecution (2.8%), Courts (1.9%) and EULEX (1.3%). Despite that recent results show a low citizen rating of police effectiveness in fighting corruption, they continue to see the police as the first address of reporting corruption and criminal cases. Recent media reports have also contributed to increase their credibility among citizens. This has been translated into an increase from 2.9% from the previous survey, to 10.3% of citizens who consider the media as an effective address for reporting the corruption and crime.

SATISFACTION

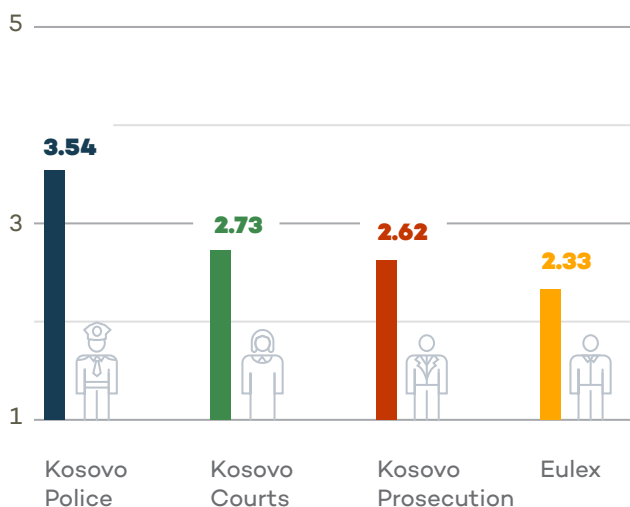
Satisfaction is an important indicator that shows how citizens feel that justice institutions are accurately performing their institutional responsibilities. In this case, similar to previous surveys, Kosovo Police once again enjoys the highest satisfaction level among citizens with an average of 3.54 (where 1 = not satisfied and 5 = completely satisfied).

Whilst, satisfaction level of Courts (2.73), Prosecution (2.62) and EULEX (2.33) continues to be low. However, minor improvements to the level of satisfaction with the work of the Courts and the Prosecutions has been marked out of previous surveys, unlike the level of satisfaction with EULEX's work, which has declined in comparison to the results of June 2017 (2.57).

How satisfied are you with the work / performance of these institutions?



1= Not at all satisfied and 5= Fully satisfied



INDEPENDENCE IN DECISION - MAKING

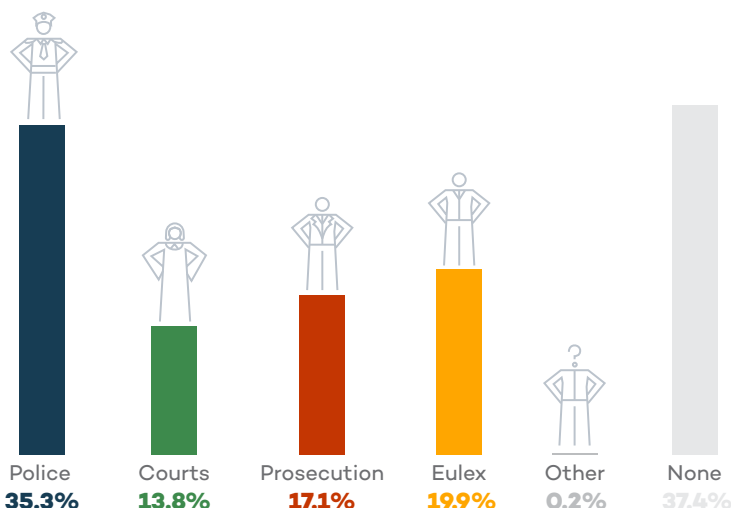
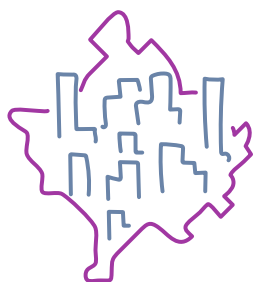
The independence of the rule of law institutions is one of the main pillars in a functional democracy and the main condition for a rule of law. The answers to the survey questions regarding which Kosovo institutions are capable to carry out their duties and responsibilities independently, show that 35.3% of respondents believe that Kosovo Police is capable to operate independently, whilst only 17.1% and 13.8% respectively, of respondents believe that Courts, Prosecution respectively, are capable to exercise their duties and responsibilities independently.

These results marked a deterioration in the perception of citizens compared to the results of the previous survey, and prove that citizens do not at all think that there is independence in decision-making in the rule of law institutions, but on the contrary.

What's more disturbing are the results which show that citizens think that decisions of the majority of judges in only 19.7% of cases are based on the facts/evidence available and in the legal framework of the country. In addition, decisions in 47.8% of the cases are influenced by pressure exerted by private interests, and 31.4% of decisions are influenced by pressure exerted by senior political officials.

In your opinion, which of the following Kosovo institutions are able to carry out their duties independently?

The respondent may provide more than one answer



In your opinion, when making a decision, most of Kosovo judges base their decision on:



Available evidence and in the legal framework of the country

19.7%

The influence of pressure exerted by private / corruption interests

47.8%

The influence of pressure exerted by senior officials / politically influential persons

31.4%

Other

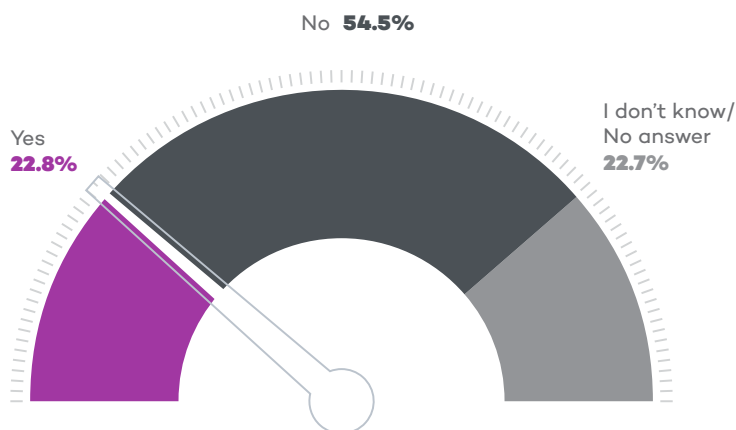
1.0%

IMPROVING THE JUDICIARY

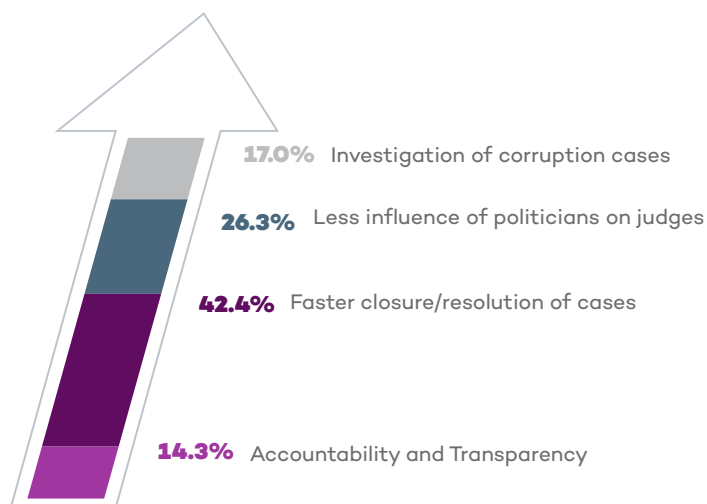
Among the goals of judicial reform continues to be the reorganization of courts and prosecutors' offices in order to improve their services to citizens. Despite these changes in internal organization, more than half of citizens (54.5%) deny having seen improvements in the justice system over the last few years, whilst just 22.8% of respondents think there have been improvements.

In this case, citizen perception regarding the improvement of services of rule of law institutions, since December 2016, has only got worse. However, according to the citizens (22.8%), the areas where justice system has made improvements in the last couple of years are as follows; faster completion of cases (42.4%), less political influence over Judges (26.3%), investigation of corruption cases, as well as accountability and transparency (14.3%).

In your opinion, has the justice system improved in recent years?



Which of these areas of the justice system has improved the most?

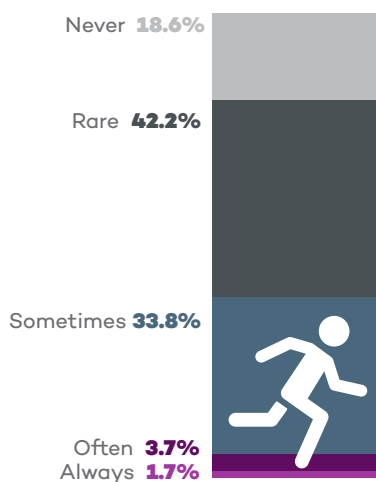
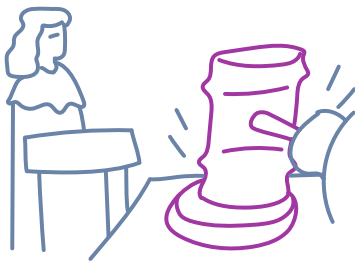


WORKING CONDITIONS

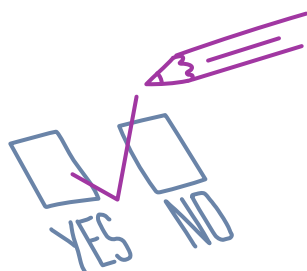
Citizens surveyed believe that only in 5.4% of cases, disciplinary measures or dismissal are undertaken against judges or prosecutors who violate rules or procedures while exercising their duties and responsibilities. Whilst in 60.8% of cases no measures were taken, (18.6%) rare measures were undertaken, and in (42.2%) of the cases, happens that only disciplinary measures were issued to judges / prosecutors. These data reveal the perception of the citizens in relation to the level of responsibilities that the

judges and prosecutors carry on during their actions, and the efficiency of the monitoring mechanisms. Asked if the courts and prosecutor offices have the means and resources needed to protect themselves from threats, harassment, attacks or intimidation, the citizens say they are not very convinced that judges and prosecutors feel secure in the performance of their duties. However, the average level of compliance during this survey, 3.22 (where 1 = I do not agree at all, whilst 5 = completely agree), clearly pursues a positive trend compared to the results of past series of surveys (2.71 in June 2016, 2.91 in December 2016, and 3.06 in June 2017).

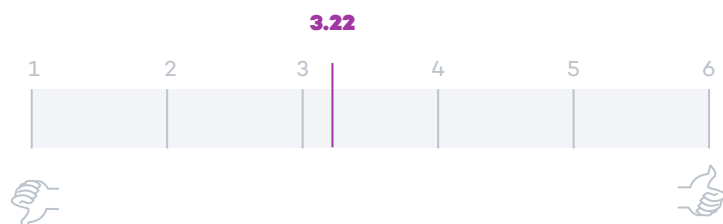
In your opinion, is it likely that disciplinary action will be taken or complete dismissal of judges / prosecutors who violate the rules or procedures?



Please let us know how much you do agree with the following statement:



"Courts / prosecution offices have the means and resources necessary to protect judges / prosecutors from threats, harassments, assaults or intimidations"



EULEX MANDATE

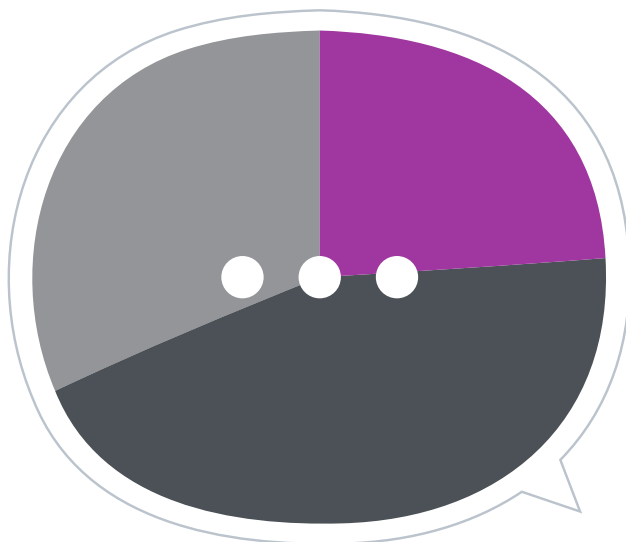
Regarding the mandate of EULEX in Kosovo, and whether its mandate shall get extended or terminated, 24% of respondents think that it should get extended, compared to 44.2% respondents who think that the mandate of EULEX should be terminated. It is worth mentioning that the percentage of citizens who are not sure about their opinion regarding the EULEX mandate (31.8%) has progressively increased since the first series of surveys (28.8%) in June 2016, 30.5% in December 2016, and 27.5 in June 2017). This says a lot about unsatisfactory performance of EULEX over the last two years, which caused uncertainty and doubt of the citizens if such a mission serves the justice system in the country.

What is your opinion regarding the EULEX mandate?



I am not certain
31.8%

Should be
extended
24.0%



Should be
terminated
44.2%

PERFORMANCE OF PROSECUTIONS

PERFORMANCE ASSESSMENT OF JUSTICE SYSTEM

To assess the performance of justice system, the first edition of index was mainly focused on assessing the work efficiency of judiciary in resolution of cases by analyzing the data for each court during 2013, 2014, and 2015, taking into account the start of structural and legislative reform in justice system. The second edition was focused on work efficiency of prosecutorial system in Kosovo, as an independent institution in charge of prosecuting and combating crime and corruption in the Republic of Kosovo. The third edition was focused on work analysis of courts and prosecutor offices for 2016. Similarly, this edition focuses on studying court and prosecution performance for 2017.

During the performance assessment, the organizational structure of the Courts and Prosecutor Offices was pursued. In this way, the work of the Office of the Chief State Prosecutor was evaluated, as well as it was evaluated the work of Appellate Prosecution, Special Prosecution and seven Basic Prosecution offices throughout the Republic of Kosovo. Data analyses were carried out as well for work efficiency of Supreme Court, Special Chambers, Court of Appeals and Basic Courts.

More specifically, the official data provided by the Kosovo Judicial Council, the Kosovo Prosecutorial Council, the Chief of State Prosecutor's Office, the Statistical Agency, etc. have been analyzed to measure the effectiveness of this system. Subsequently, according to these data, the following performance indicators of the prosecutorial system were compiled. Each of these indicators assesses different aspects of the effectiveness of this system, ranging from the average number of judges / prosecutors to different courts / prosecutors, and to the annual budget allocated to the judicial system in Kosovo.

Determining a correct work volume for a judge or prosecutor is a complex issue that requires special attention and assessment of the various factors that affect their performance. It is difficult to set the same standard for all courts and prosecution offices about the number of cases that a judge or prosecutor should review or resolve, because each case has its own specifics set by various internal or external factors that directly affect case resolution. However, the work efficiency of courts and prosecutions should be carefully assessed since the disenchantment of citizens with this system, as we saw in the previous section, is too large. For this reason, below are presented the analyzed indicators that evaluate the performance of prosecutions and courts during 2013-2017, focusing on the number of cases received during a one year period and on the capability of each prosecutions to resolve all these cases.

PERFORMANCE OF THE PROSECUTION

Number of new cases / resolved cases

The number of new cases received within a year indicates the degree of request for each prosecution. This requirement reflects the expected burden of each prosecutor and consequently the ability of the judicial system to manage these flows. Based on the updated data from the below table 1, we notice that in 2017, same as in 2014, in the Office of Chief Prosecutor the average of resolved cases was lower than the average of new received cases. The highest average of cases received and resolved by prosecutors of this prosecution had been during 2015. In 2017, Prosecutors at the Special Prosecution Office, have received the highest average number of new cases compared to the past four years. During 2017, same as in 2014, the average number of resolved cases was lower than the number of new received cases. Appellate Prosecution for the fifth consecutive year has marked the same average of new received cases and resolved cases. Whereas, the Basic Prosecution Offices in 2017 have recorded the highest average of new received cases and cases resolved since 2013, while the average of resolved cases continues to be lower than new received cases.

Table 1. Average number of new cases received versus number of resolved cases

Chief Prosecutor's Office	Average of new cases	Average of resolved cases
2017	201	198
2016	228	231
2015	396	403
2014	153	146
2013	212	215
Special Prosecution	Average of new cases	Average of resolved cases
2017	15	14
2016	12	23
2015	9	11
2014	12	6
2013	11	10
Appellate Prosecution	Average of new cases	Average of resolved cases
2017	724	724
2016	880	880
2015	645	645
2014	549	549
2013	584	584
Basic Prosecutions	Average of new cases	Average of resolved cases
2017	375	475
2016	229	257
2015	250	234
2014	255	182
2013	320	255

Efficiency of prosecution in resolving cases

Efficiency assessment is an important indicator as it demonstrates how the prosecutorial system responds to the request of cases received within one year. Efficiency is measured according to the ratio of resolved cases and new received cases within one year period. When this report is less than 100%, this indicates that prosecutors have not been able to resolve all received cases, thus increasing the number of cases inherited for the following year. A 100% report means prosecutions have been able to respond to all issues raised within a one year period. Whereas, when this report is greater than 100%, this indicates that prosecutions have managed to solve more cases than they have received, thus enabling the reduction of inherited cases. According to these reports, the Office of the Chief Prosecutor, in 2017 has marked the worst efficiency in solving

cases since 2014, thus, inheriting cases for 2018. Similarly, the Appellate Prosecution has recorded a low performance, ie 93%, especially in comparison with the previous two years, when their performance balance was very positive, 192%, respectively 125%. On the other hand, the Appellate Prosecution and Basic Prosecutions have marked a positive balance during 2017. The Appellate Prosecution, as in the past four years, is the only prosecution that has maintained an efficiency of 100%. This means that the Appellate Prosecution has managed to resolve all the cases it has had within the year, thus not inheriting any cases for the following year, for now five years in a row. The Basic Prosecutions have only increased their efficiency compared to previous years. During 2017, these prosecution offices have had an efficiency of 127%, the highest since 2013.

Table 2. Efficiency of prosecutors

Year	Chief Prosecutor's Office	Special Prosecution	Appellate Prosecution	Basic Prosecutions
2017	98	93	100	112
2016	101	192	100	112
2015	102	125	100	94
2014	96	51	100	71
2013	101	94	100	80

Workload of Prosecutors

Prosecutors' workload indicator determines average workload of one prosecutor within one year period by assessing the number of pending cases at the beginning of the year and the number of new cases received during that year. It should be emphasized that this measurement does not assess the complexity of different cases that a prosecutor should resolve, but only the average of received cases for each prosecutor.

As it is shown below in Table 3, the average number of cases received for a prosecutor during 2017 is reduced to all prosecutions.

In the Office of the Chief Prosecutor, the average number of cases received per prosecutor during 2017 is 203 cases. This is the lowest average of cases received for prosecutors in the Office of the Chief Prosecutor since 2014. In the Special Prosecution, the average number of cases received has dropped from 72 in the previous year, to only 46 cases per Prosecutor, less than any other year since 2013. Even in Appellate Prosecution, the average caseload for prosecutors has dropped compared to last year, as well as in Basic Prosecution Offices where the average of cases per Prosecutor for 2017 is 404 (the lowest average over the years in Basic Prosecution Offices).

Table 3. Workload of Prosecutors

Year	Chief Prosecutor's Office	Special Prosecution	Appellate Prosecution	Basic Prosecutions
2017	203	46	724	404
2016	234	72	880	506
2015	413	53	645	540
2014	155	50	549	463
2013	217	48	584	509

The prosecution's caseload

This indicator reflects the average time a prosecution needs to complete all the cases it has accumulated within a one year period, based on the prosecution's performance in completing cases over the same year. More precisely, the caseload is calculated as the ratio of total cases (new and inherited) to solved cases. Based on this report as well as on the efficiency and productivity of the case resolution, the Office of the Chief Prosecutor would take more than one year only to complete the cases that are under proceedings without receiving any new case, Special Prosecution would need almost four years, and Basic Prosecution more than 1 year. Regarding the Appellate Prosecution, it is the only prosecution able to resolve all the cases aggregated within the same year for the fifth consecutive year.

Table 4. Caseload

Year	Chief Prosecutor's Office	Special Prosecution	Appellate Prosecution	Basic Prosecutions
2017	104	395	100	157
2016	101	314	100	197
2015	102	462	100	231
2014	106	826	100	255
2013	101	479	100	199

Budget

The budget is estimated to be a very important indicator and when drafting the country budget lines shows the priority and importance given to the justice system, respectively the prosecutorial system. Most EU countries continue to prioritize their justice systems by paying special attention to budget planning. In our case, the prosecution budget has steadily increased since 2013, marking the highest value in 2017, about 9.5 million EUR.

The increase in the amount of financial resources allocated to the judiciary sector has increased proportionally with the overall Kosovo budget. The increase in these amounts has not come as a result of any study needs and requirements of the prosecutorial system. Anyway, increases in the annual budget did not ensure a consistent increase in the performance of this system.

Table 5. Budget for Prosecutorial system

Year	Budget of Prosecutions	Kosovo Budget	Allocation in %
2017	9483682.00	2001020484.00	0.47
2016	8013619.00	1678709487.00	0.48
2015	7158086.00	1682486849.00	0.43
2014	6872000.00	1589324952.00	0.43
2013	5775534.00	1591118599.00	0.36

PERFORMANCE ASSESSMENT OF COURTS

Number of new cases/resolved cases

The number of new cases received within a year indicates the degree of request for every court. This requirement reflects the expected burden of each court and consequently the ability of the judicial system to manage these flows by enabling the courts to plan for the next year. More accurately, Table 6 shows the average number of new cases received within a year against cases resolved in the same year, without categorizing cases in complex or less complex cases. According to this logic, in 2017, the Supreme Court received on average of 89 new cases, and resolved approximately 88 cases. During 2016 this court has received on average of 82 new cases against 73 resolved, and in the course of 2015 and 2014 has received on average of 74 and 68 cases respectively, while in the course of these years has resolved an average of 78 and 66 cases respectively. In 2013, the Supreme Court received the lowest average number of new cases over the years, but during that period it reported having solved an average of 113 cases, which means it managed to resolve a number of cases inherited from the past years. The Special Chamber for the second consecutive year has managed to produce a positive balance, having a higher average of solved cases than the newly received cases.

Table 6. Average number of new cases received vs. resolved cases

Supreme Court	Average of new cases	Average of resolved cases
2017	89	88
2016	82	73
2015	74	78
2014	68	66
2013	56	113
Special Chamber	Average of new cases	Average of resolved cases
2017	177	198
2016	146	190
2015	378	173
2014	950	263
2013	356	191
Court of Appeals	Average of new cases	Average of resolved cases
2017	367	330
2016	362	313
2015	320	286
2014	362	331
2013	334	344
Basic Courts	Average of new cases	Average of resolved cases
2017	794	1153
2016	1621	1785
2015	1398	1376
2014	1422	1548
2013	1843	1474

In 2017, the Special Chambers of Supreme Court had registered an average of 177 new cases, whereas 198 cases resolved from this year and the previous years. The Court of Appeals, same as in 2014, 2015, 2016, also in 2017 recorded an average number of new cases higher than solved cases. Consequently, the Court of Appeal continues the trend of transferring cases to forthcoming years. Whilst, the Basic Courts in 2017, same as in 2016, had a very positive work performance by reporting the highest average number of solved cases (1153) compared to the newly received cases (794). However, it should be noted that the largest number of solved cases belong to the minor offences department.

The efficiency of courts in solving cases

The courts' efficiency in solving cases is judged according to their capacity to respond to the requirements of the cases received within a year. It can be measured according to the ratio of solved cases and cases received within a year. In Table 7 we can see that the performance of the Supreme Court has been characterized by decreasing and increasing its efficiency over the years. The year 2013, continues to be the year with the highest efficiency of around 200%, which means that during that year this court had solved not only the number of new cases received but also a considerable number of cases inherited from preceding year. While 2017, though with lower efficiency, ie 98%, has nevertheless proved more successful than 2016. On the other hand, the Special Chambers, have had a high efficiency of 112% in solving cases. As you can see in Table 7, during the last two years, 2016 and 2017, the Special Chamber has noted a remarkable increase in the efficiency of their work compared to the three preceding years. In 2017, the Basic Courts have also increased their efficiency. They have scored a positive balance of 145% of solving cases. This marks their highest efficiency performance in solving received cases. The Basic Courts not only have successfully completed all new received cases within the year, but they have also managed to reduce the number of cases inherited from the past years. The Court of Appeals, after a very successful performance during 2016 when their efficiency in solving cases by the year was 186%, in 2017 as well as 2015, marked the lowest efficiency with only 90%.

Table 7. The efficiency of courts

Year	Supreme Court	Special Chamber	Court of Appeals	Basic Courts
2017	98	112	90	145
2016	89	130	186	110
2015	105	46	89	98
2014	98	28	92	109
2013	201	54	103	80

Workload of Judges

Similarly to the prosecution workload indicator, the judge's workload indicator determines the average workload of a judge within a year by assessing the number of pending cases at the beginning of the year and the number of new cases received during that same year. It should be emphasized that this measurement does not assess the complexity of different cases that a judge needs to resolve, but only the average of received cases for each of them.

The average number of cases received per judge for 2017 has increased for judges at the Supreme Court and Court of Appeals, while has dropped for judges at the Special Chamber and Basic Courts. In the case of the Basic Courts, although the average number of 2224 cases received for 2017 per judge, is the lowest average in the last five years, but still continues to be high, the highest among all the courts.

Table 8. Workload of judges

Year	Supreme Court	Special Chamber	Court of Appeals	Basic Courts
2017	120	926	205	192
2016	88	1850	644	3187
2015	83	1876	539	2848
2014	75	2211	583	3080
2013	121	821	558	3133

Caseload of Courts

The caseload of the courts means the average time a court needs to complete all the cases it has received within a year, based on the productivity and efficiency of the court in the same year. More accurately, the caseload is calculated as the report of total cases (new and inherited) to solved cases. Unlike 2016, the caseload for 2017 did not show any significant progress. Same as in 2016, the Supreme Court, based on the efficiency and productivity that it has in solving cases, would take more than one year only to complete the cases that are under proceedings without receiving any new case, Special Chamber would need almost 10 years, Court of Appeal for about 2 years, and Basic Courts less than 2 years.

Table 9. Caseload

Year	Supreme Court	Special Chamber	Court of Appeals	Basic Courts
2017	106	1836	680	2224
2016	120	975	206	179
2015	107	1085	188	207
2014	113	841	176	199
2013	107	430	162	213

Budget

The budget is estimated to be a very important indicator and when drafting the country budget lines shows the priority and importance given to the justice system, respectively the judiciary. Most EU countries continue to prioritize their justice systems by paying special attention to budget planning. In our case, the judicial budget has steadily increased since 2013, marking the highest value in 2017, about 22 million EUR.

Table 10. KJC Budget

Year	KJC Budget	Kosovo Budget	Allocation in %
2017	21793948.18	2001020484.00	1.09
2016	20465770.00	1678709487.00	1.22
2015	21288771.00	1682486849.00	1.27
2014	20833483.00	1589324952.00	1.31
2013	19910467.00	1591118599.00	1.34

The increase in the amount of financial resources allocated to the judiciary sector has increased proportionally with the overall Kosovo budget. The increase in these amounts has not come as a result of any study needs and requirements of the prosecutorial system. Anyway, increases in the annual budget did not ensure a consistent increase in the performance of this system.

About RoLPIK

Project “Establishing a Judicial System Performance Index and support the implementation of the new system of organization of Courts and Prosecutions in Kosovo – RoLPIK” will last for 18 months and its main goal is to promote the improvement of civil society and citizen participation in seeking accountability on the performance of the justice system through continuous monitoring, consultation and evaluation.

For more information about the RoLPIK platform, visit here:

www.rolpik.org

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