

Court Monitoring Project — Monthly Newsletter



The Conference on the Justice System in Kosovo, presenting the findings of the Monitoring Project.

About the Monitoring Project

The court monitoring project of seven municipalities in Kosovo commenced in March 2008, with the preliminary aim of establishing a stable system of monitoring what is reported to be the most challenging field in Kosovo, THE JUDICIARY. The project has among other tasks, sought to identify the main factors that generate the low quality of services provided by the judicial system. At present, the project, which has expanded over time, consists of twenty municipalities. So far, over two thousand court hearings have been monitored by law graduates on a regular basis, and the findings reveal serious shortcomings, both in technical and ethical terms. The severities of the shortcomings vary to a great extent, but the most serious cases reveal among other things:

- Court hearings held without full trial panels,
- Lack of translators for minority groups,
- Cases of nepotism and corruption among the judges and prosecutors.

The main findings of BIRN's and IK monitoring process during August 2010

Non standardized certificates issued by the Kosovo Courts

BIRN has compared numerous certificates issued by the various municipal courts in Kosovo, which are all subject to the same authority, the Kosovo Judicial Council. Some of the issued certificates, which one needs in order to among other things, apply for a visa, have serious faults as they provide sensitive information of whether a person has a criminal record. This information should, in theory, only be verified by the Police Department. The head of Kosovo Supreme Court, Fejzullah Hasani, confirms that the certificates are only supposed to indicate if a person is under investigation and the nature of the indictment. Furthermore, the Public Prosecutor in Mitrovica, Vahide Bunjaku, claims that the information provided violates human rights, as there should be a distinction between the certificates of whether a person is under investigation or convicted. Even though there have been talks about a standardization of certificates, no agreements have been reached so far. However, the head of Kosovo Supreme Court, has promised a meeting in the forthcoming months.



Lawyers in Prishtina operating without a compulsory work permit

The law on Internal Trade and Public Finance requires every business entity in Kosovo, such as companies, enterprises and law firms, to obtain work permits issued by their respected municipality. Currently, most of the lawyers operating in Prishtina only hold the license issued by the Kosovo Chamber of Advocates, ignoring the work permit which is requested by Prishtina municipality. While a number of authorities in other municipalities have taken action and shut down several offices, very little has been done in Prishtina so far. The Director of Prishtina Municipal Department of Economy and Development states that they are in the process of informing the lawyers about the compulsory permit and that further legal action will be taken if necessary.

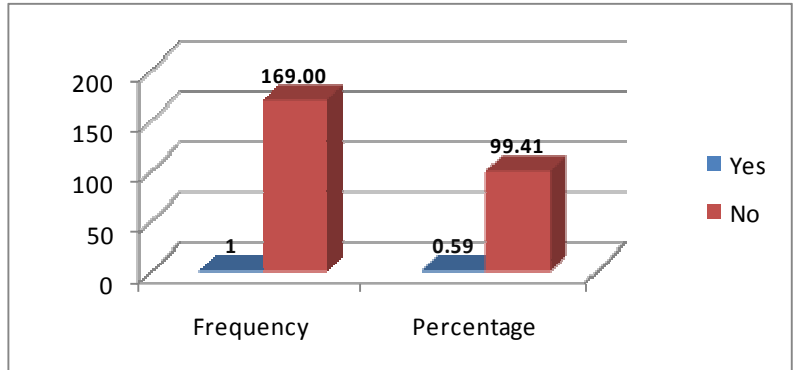


Other issues: *The Police in Malisheva has no toner to print official documents | 99.4 % of the court hearings were not recorded.*

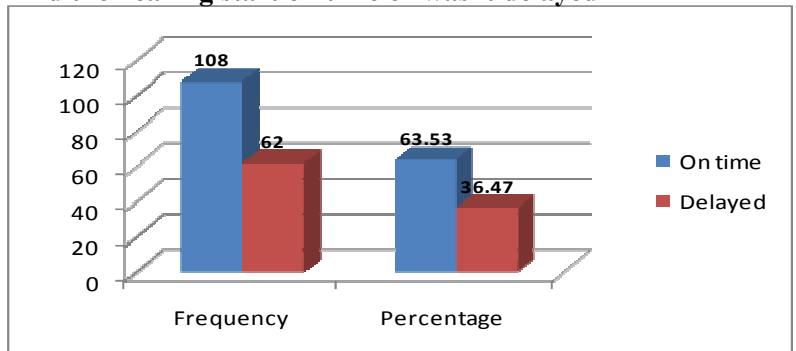
BIRN conducts a research with Court's officials, citizens and local stakeholders

During July and August, BIRN monitors monitored 246 hearings. Out of this number, only 48.8% were posted on the court's notice board, while 51.2% were not posted. 63.5% of these hearings started up on time, while 36.5% started with a delay. 8.8% of these hearings started up late because of the absence or the delay of the judge, 10% because of the absence or the delay of the public prosecutor, while the absence or the delay of the parties occurred in 8.8% and 8.8% because of the delay or absence of other participants. 48.8% of the monitored hearings were held in the courtrooms, while 51.2% were held in the judge offices. In the monitored hearings, 98.8% the trial panel was composed according to the rules set by the law and procedures, while 1.2% of them were not.

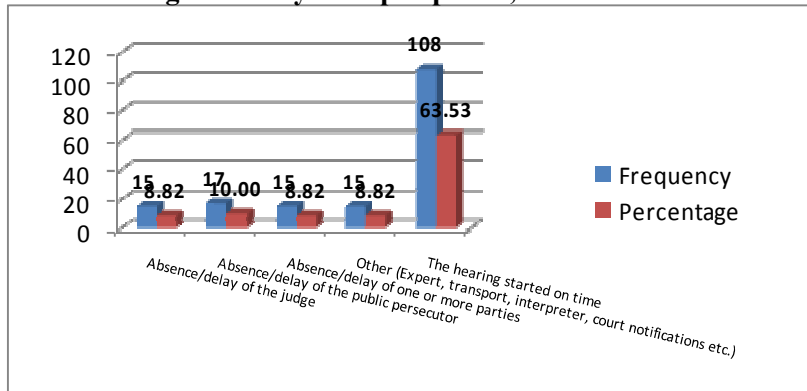
Was the court hearing recorded with audiovisual equipment's?



Did the hearing start on time or was it delayed



If the hearing was delayed or postponed, what was the reason?



In 58.2% of the hearings, the compulsory work uniform were not worn by anyone, while in 41.2%, were worn by the trial panel and in 0,6% of them were worn by the prosecutor. The audiovisual recording of the hearing was very low with only 0,6%, while 99.4% the hearings were not recorded. The statements were properly taken from the parties in 97.6% of the cases, while 2, 4% were not properly taken. In 98.0% of the hearings, the parties were treated equally, while in 2% of them they were not. Lay judges were active in 5.3% of the monitored hearings, not active in 13% of the hearings, while they were no lay judges in 81.7% of the monitored hearings. The telephones were not used by anyone in 89.4% of cases, they were used by the trial panel 2.4%, by the prosecutor in 3.7% of the hearings, by the lawyer in 3.7% of the overall monitored hearings.

Was the compulsory work uniform worn during the hearing?

