



REPUBLIKA E KOSOVËS/ REPUBLIKA KOSOVA/ REPUBLIC OF KOSOVO
KËSHILLI GJYQËSOR I KOSOVËS/ SUDSKI SAVET KOSOVA/ KOSOVO JUDICIAL COUNCIL

Pursuant to Law No. 03/L-122 on the Composition of Kosovo Judicial council and UNMIK Regulation 2005.52 on the Establishment of Kosovo Judicial Council, and

Based on the Strategic Plan of the Kosovo Judiciary for the period of 2007-2012, Kosovo Judicial Council issues this

DECISION

1. The National Strategy for reducing old cases is adopted (hereinafter: the Strategy).
2. This Strategy applies to Kosovo Judicial Council, Secretariat of the Kosovo Judicial Council, Judicial Audit Unit, Office of Disciplinary Council and all regular and minor offences courts.
3. Mr. Hydajet Hyseni, Judicial Audit Unit Coordinator at the Judicial Council, is appointed as Strategy Implementation Coordinator (hereinafter: Coordinator) who should report to the Judicial Council every three months regarding the fulfillment of the Strategy objectives.
4. The Kosovo Judicial Council will issue reports to the public on progress in implementing this Strategy every three months.
5. Leaders of the institutions or those in charge of activities deriving from the Strategy are tasked with implementing these activities within the foreseen time frames based on the Strategy as well as designating a contact person who would provide monthly reports to the Coordinator, laid out in point two (2) of this Decision, no later than the fifth (5th) of each month. Names of contact persons should be forwarded to the Coordinator no later than fourteen (14) days after this Decision enters into force.
6. No later than seven (7) days after this Decision enters into force, the Legal Department is tasked to draft documents which will inform all leaders of institutions and those in charge of activities regarding tasks designated to them and regarding the requirement to report on progress outline in paragraph 4, above.

7. The Judicial Audit Unit is tasked to monitor the implementation of the Strategy in courts/judicial unit as identified in the Strategy.
8. Failing to materialize activities deriving from the Strategy or not reporting to the Coordinator, as determined in point three (3) of this Decision, constitutes grounds for initiating disciplinary procedures.
9. This National Backlog Reduction Strategy shall be made available to the public.
10. The Decision enters into force on the day of signature.

REASONING

Courts in Kosovo are faced with a very high number of old backlogged civil, criminal and execution cases. Actual statistical data show that caseload in the judicial system of Kosovo continues to grow and more than 200,000 cases are pending, the majority of which are old backlogged cases.

Moreover, the Council considers that it is important to take adequate measures at this time in order to achieve greater case resolution. Indeed, one of the main reasons used by the media to criticize the judicial system is precisely the excessive backlog of old cases.

At the same time, reducing the old backlogged cases has been identified as a priority in the European Commission Progress Report for Kosovo.

Therefore, taking into account these factors, it is decided as in the enacting clause of this Decision.

Enver Peci,
Chair, Kosovo Judicial Council

Decision is submitted to:

- KJCS Director
- The Supreme Court,
- District and Municipal Courts,
- The Commercial Court

PROPOSED NATIONAL BACKLOG REDUCTION STRATEGY
NOVEMBER 8, 2010

This document is a framework of actions developed by the members of the Backlog Reduction Working Group established by the Kosovo Judicial Council to address growing backlog of criminal, civil, and execution cases and create mechanisms through which the Judicial Council can hold Court Presidents accountable. The framework was approved by the Working Group on November 8, 2010 and is being submitted to the Kosovo Judicial Council for endorsement as the National Backlog Reduction Strategy.

The Kosovo Judicial Council has previously approved an action plan (Backlog Reduction Initiative) focused on reducing backlog in civil execution cases, based on recommendations of the USAID/SEAD project. In that respect, the Working Group report focuses only on actions required by specific judicial actors for implementation of that initiative, and otherwise recommends that the BRI action plan be incorporated by reference as an additional component of the National Backlog Reduction Strategy.

Working Group Thematic Sub-Groups: Members & Meetings		
Criminal Sub-Group	Civil Sub-Group	Execution Sub-Group
Fejzullah Hasani (Supreme Court President) Salih Mekaj (Peja DC President) Zyhdi Haziri (Gjilan DC President)	Ymer Hoxha (Prizren DC President) Makifete Saliuka (Pristina MC Acting President) Ragip Kadriu (Mitrovica MC Judge)	Enver Peci (Supreme Court Judge/KJC Chair) Isa Shala (Skenderaj MC President) Murat Paçarada (Pristina MOC Judge)
Meetings held on October 1, 18, 19, and 26, 2010	Meetings held on September 28 and October 14, 15, and 20, 2010	Meetings held on September 27 and October 15, 2010

The Strategy is presented as a set of actions for the following entities:

1. Kosovo Judicial Council Legal Department
2. Kosovo Judicial Council
3. Kosovo Judicial Council Secretariat – Personnel Department; IT Department; Logistics Department; and Statistics Department
4. Courts – including a special set of actions corresponding to the USAID SEAD Backlog Reduction Initiative previously endorsed by the Kosovo Judicial Council
5. Supreme Court
6. Training responsibilities
7. Other miscellaneous actions

Comment: Proposed Memoranda of Understanding must be drafted after a review of the applicable legal and regulatory framework to ensure that they are still needed. Regular verification that a law or regulation has not made the MOU unnecessary is required. The same applies to the issuance of legal opinions by the Supreme Court.

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KOSOVO JUDICIAL COUNCIL LEGAL DEPARTMENT

Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
1. Drafting of a form for claims (article 99.2 LCP)	In the future, it would help to draft a form or list that includes all the criteria for data which must be included in a complete claim, and to make that list available to parties.	1 month			Legal Department of the Kosovo Judicial Council
2. a. MoU between the KJC, the police and the post office regarding the delivery of summons	Except the signing of the memorandum, training on the importance of the delivery and obligations defined in the MoU is required for police officers, post office employees and court messengers.	Drafting: 3 months			Drafting: Legal Department of the Kosovo Judicial Council
2. a. Agree on an MoU between the KJC and the police for criminal enforcement cases	In order to avoid absolute prescription a more intensified cooperation between the court and police is required.	Drafting: 3 months			Drafting: Legal Department of the Kosovo Judicial Council
2. a. Drafting of an MoU between the KJC and Kosovo Police for civil cases and civil execution cases	The MoU will regulate the collaboration between parties for a more efficient and faster aid from the police, such as assistance in the field, verifying the address, etc.	3 months			Legal Department of the Kosovo Judicial Council
2. b. Drafting of an MoU between the KJC and civil registration office	The MoU will regulate direct access of the court in civil registers.	3 months			Legal Department of the Kosovo Judicial Council
2. c. Drafting an MoU between the KJC and PTK	The MoU shall regulate the collaboration for service of court papers through the postal service. This memorandum will help the court for the timely delivery of papers when this needs to be done through PTK that papers may be delivered and received on time, according to law.	3 months			Legal Department of the Kosovo Judicial Council

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
2. d. Drafting of an MoU between the KJC and the Kosovo Cadastral Agency	The MoU will regulate the collaboration between parties for assistance in verifying or obtaining evidence, expertise based on court's request.	3 months			Legal Department of the Kosovo Judicial Council
2. e. Drafting and signing of an MOU between KJC and business registration office	The MOU will regulate cooperation between parties in case of deregistration of business or requests for information related to a particular business which is a debtor in execution procedure.	Drafting: 3 months			Drafting: Legal Department of the Kosovo Judicial Council
2. f. Drafting and signing of an MOU between KJC and Central Bank	The MOU will regulate cooperation related to identification and freezing of bank accounts, issuing of fines and other sanctions for failure to comply with court order or to cooperate, processing of cases submitted by banks, etc.	Drafting: 3 months			Drafting: Legal Department of the Kosovo Judicial Council
3. Instruction of KJC to instruction courts to implement fully the law as relates to exemption from court fees, expenses and lump sums (paushall) for criminal, civil and executions cases	Determining the lump sum and court expenses in a criminal case when the judge evaluates that the accused is poor and when execution of the case is expensive in terms of human and financial resources and does not provide an opportunity for successful conduct of execution.	3-6 months			Drafting: Legal Department of the Kosovo Judicial Council
4. a. Return of cases for retrial	Propose amendments of the law to avoid cases being annulled more than once by the second instance court.	Within the first year of implementation of this plan			Drafting: Legal Department of the Kosovo Judicial Council in coordination with courts of appellate level. Adoption through the Ministry of Justice and Kosovo Assembly

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
4. b. Removing the jurisdiction of the district court of certain categories of cases (illegal weapons possession)	Illegal weapons possession and illegal weapons possession cases when in trial with a minor criminal cases (like for e.g. if after a theft, the house of the suspects is raided and during the raid weapon is found, then as the competent court the district court should be appointed, where it should be tried for both: theft and illegal possession of weapons).	Within the first year of implementation of this plan			Drafting: Legal Department of the Kosovo Judicial Council Approval through the Ministry of Justice and Kosovo Assembly
4. c. Amendment of Law on Criminal Sanctions to authorize automatic conversion of fines to imprisonment when they are not paid in time		Within the first year of implementation of this plan			Drafting: Legal Department of the Kosovo Judicial Council Approval through the Ministry of Justice and Kosovo Assembly
5. Considering the possibilities of hiring additional judges with limited mandates	Consider options to hire former judges or other individuals that fulfill the requirements for judge appointment to perform under a mandate limited in time – a sort of a task force.	1 year			The Legal Department of the Kosovo Judicial Council will prepare an analysis of options: 1) within the existing legal framework, or 2) with amendments of laws.

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
6. Adoption of a new regulation regarding the responsibility of judges for inefficiency	Once the orientation norms for judges are set, a regulation should be issued that stipulates administrative measures in the event judges do not reach the norm, there is high rate of court returns, or delays in processing of cases. (In case of processing delays, it can be monitored through a table that shows the time of previous action until the next action, i.e. the time measured from the date of final hearing until the compilation of the judgment.)	1 year			Drafting by the Legal Department of the Kosovo Judicial Council.

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KOSOVO JUDICIAL COUNCIL

Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
1. Instruction of KJC to instruction courts to implement fully the law as relates to exemption from court fees, expenses and lump sums (paushall) for criminal, civil and executions cases	Determining the lump sum and court expenses in a criminal case when the judge evaluates that the accused is poor and when execution of the case is expensive in terms of human and financial resources and does not provide an opportunity for successful conduct of execution.	3-6 months			Kosovo Judicial Council
2. Setting individual mandatory norms for judges	In order to be able to control the quantity and eventually the quality of the work. (Each group to propose orientation norms.)	3-6 months			Kosovo Judicial Council to appoint a group of experts (experienced judges) that would work in setting the norms for judges. Work should be divided into two groups: criminal and civil.
3. a. Adoption of a new regulation regarding the responsibility of judges for inefficiency	Once the orientation norms for judges are set, a regulation should be issued that stipulates administrative measures in the event judges do not reach the norm, there is high rate of court returns, or delays in processing of cases. (In case of processing delays, it can be monitored through a table that shows the time of previous action until the next action, i.e. the time measured from the date of final hearing until the compilation of the judgment.)	1 year			Drafting by the Legal Department of the Kosovo Judicial Council and adoption by the Council. After the adoption, judges shall monitor implementation in their court every six months.

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
<p>3. b. Adoption of a regulation on incentives for any older cases completed (if it is above the norm)</p> <p>Comment: Incentives should be applied not only for old cases but also for other cases if the norm is exceeded by more than 10%.</p>	<p>- Fixed amount (as it is in Montenegro), or - To be categorized by percentage in relation to the norm.</p>	1 year			<p>Kosovo Judicial Council determines the measures (e.g. 10EUR for municipal court, 20 to 30EUR for district courts).</p> <p>The level of incentive measures is done excluding cases disposed through criminal order (urdhër ndëshkimor), absolute or relative statute of limitations and the commission of light criminal offences such as illegal weapon possession.</p>
3. b. Establishment of a scheme of incentive measures	If the incentive measures are adopted, establish a working group that would create a system to award incentive measures and will monitor and facilitate their implementation.	1 year			Kosovo Judicial Council
<p>4. Mediation in judicial cases</p> <p>Comment: the KJC has already approved mediation pilots under a proposal of the USAID SEAD Project.</p>	Reactivate the pilot project for mediation developed at the Gjilan Municipal Court in Gjilan and Peja. Implement the policies adopted by KJC to initiate this project. Select for mediation between the parties cases according to the disputes.	6 months			Kosovo Judicial Council and its Legal Department
5. Assignment of cases to be performed in an objective manner according to the strict regulations pre-defined by an internal act of the KJC.	A new internal regulation should determine the manner of case assignment in order to achieve the standardization of the case assignment in all courts taking into account the type and complexity (number of accused) of cases. (This should be performed by the Council's Court Administration Commission.)	6 months			Kosovo Judicial Council

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
6. Unique case number	A case should have a unique number no matter in which stage (phase) it is. e.g. Criminal cases should be coded with 'P', while the stage should be coded with an additional digit or character like 'K' for confirmation of indictment or something similar. If possible the same number should also be used after when a case is returned for retrial.	6 months	Full implementation within 2 years		Kosovo Judicial Council
7. a. MoU between the KJC, the police and the post office regarding the delivery of summons	Except the signing of the memorandum, training on the importance of the delivery and obligations defined in the MoU is required for police officers, post office employees and court messengers.	Signature: within the first year of implementation of this plan			Signature: Kosovo Judicial Council
7. a. Agree on an MoU between the KJC and the police for criminal enforcement cases	In order to avoid absolute prescription a more intensified cooperation between the court and police is required.	Signature: within the first year of implementation of this plan			Signature: Kosovo Judicial Council
7. a. Signing of an MoU between the KJC and Kosovo Police for civil cases and civil execution cases	The MoU will regulate the collaboration between parties for a more efficient and faster aid from the police, such as assistance in the field, verifying the address, etc.	Signature: within the first year of implementation of this plan			Kosovo Judicial Council
7. b. Signing of an MoU between the KJC and civil registration office	The MoU will regulate direct access of the court in civil registers.	Signature: within the first year of implementation of this plan			Kosovo Judicial Council

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
7. c. Signing of an MoU between the KJC and PTK	The MoU shall regulate the collaboration for service of court papers through the postal service. This memorandum will help the court for the timely delivery of papers when this needs to be done through PTK that papers may be delivered and received on time, according to law.	3 months			Kosovo Judicial Council
7. d. Signing of an MoU between the KJC and the Kosovo Cadastral Agency	The MoU will regulate the collaboration between parties for assistance in verifying or obtaining evidence, expertise based on court's request.	3 months			Kosovo Judicial Council
7. e. Drafting and signing of an MOU between KJC and business registration office	The MOU will regulate cooperation between parties in case of deregistration of business or requests for information related to a particular business which is a debtor in execution procedure.	Signature: within the first year of implementation of this plan			Signature: Kosovo Judicial Council
7. f. Drafting and signing of an MOU between KJC and Central Bank	The MOU will regulate cooperation related to identification and freezing of bank accounts, issuing of fines and other sanctions for failure to comply with court order or to cooperate, processing of cases submitted by banks, etc.	Signature: within the first year of implementation of this plan			Signature: Kosovo Judicial Council
8. Failure to use CMIS	Punitive measures should be foreseen for all those who do not use CMIS.	12 months			Kosovo Judicial Council

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
9. Plan for the systematization of the additional judges	If the plan for additional judges is approved, then it should be preceded by a detailed plan that would enable reporting/functioning, i.e. which would identify those courts where these judges would be assigned.		1-2 years		The timeline and responsibility varies depending on the analysis conducted under action item 5 of for the Kosovo Judicial Council Legal Department.
10. Decision on the organization of the execution system in the future (judicial, public, private, etc.)	The KJC must decide on the most suitable system of execution for Kosovo.		Within 2 years		Kosovo Judicial Council

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KOSOVO JUDICIAL COUNCIL SECRETARIAT

Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
<i>Personnel Department</i>					
1. a. Support staff recruitment: Professional associates	Recruiting a particular number of 3 or 4 professional associates as assistance for the civil area would help the President and the judges in preparing cases for a speedy proceeding. For instance: Their assistance would largely focus in drafting and preparing announcements and court orders	3 months			The KJC Secretariat in coordination with the Court President.
1. b. Increase the number of professional associates	This category of employees would assist judges in performing professional and technical work (drafting of decisions, orders and various acts, without the authority to decide). Ratio: two judges, one professional associate		Reach the ratio of 2 judges/1 associate within the end of the second year of implementation of this plan		Kosovo Judicial Council Secretariat (Personnel Department)
1. a. Support staff recruitment: Fill vacant positions in court administration		3 months			The KJC Secretariat in coordination with the Court President.
<i>IT Department</i>					
1. Database of persons against whom criminal procedures are pending in Kosovo	There are cases when due to manual data entry/records the same person has several court proceedings conducted by different judges, and this database should prevent such a situation and it would allow the automatic merger of cases.	Preparation of the database: 3 months Registration of data: within the first year of implementation of this plan			Preparation: Kosovo Judicial Council Secretariat (IT Department) Registration: Courts

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
2. Full support from the IT officials	In order for the use of CMIS to succeed an intensified support through additional IT experts is necessary.	6-12 months			Kosovo Judicial Council Secretariat (IT Department)
<i>Logistics Department</i>					
1. Assigning one court vehicle for execution	If the court has more than one vehicle then one should be assigned for execution in the field. If the court has only one vehicle then it shall have priority for a new vehicle.	Within the first year of implementation of this plan			Kosovo Judicial Council Secretariat
2. a. Provision of computers for all judges and not only typists		6 months			Kosovo Judicial Council Secretariat (in coordination with the IT department)
2. b. Assigning of one to three computers/laptops for civil judges	Judges who will go on field work will need a computer and a printer for the transcript and decisions while they are viewing the scene, etc.	3 months			Kosovo Judicial Council Secretariat (in coordination with the IT department)
2. c. Providing one to three computers/laptops for each execution office	Execution clerks need computers for preparing case inventory, case records, conclusions, etc.	Within the first year of implementation of this plan			Kosovo Judicial Council Secretariat
3. Identification of a location for the storage of confiscated movable property at municipal, district or central level	It could be rented if there is no other possibility. This should be decided by KJC.	Within the first year of implementation of this plan			Kosovo Judicial Council Secretariat
4. Provision of photocopy machines to municipal courts according to needs.	This is necessary in order to complete the actions related to civil cases that have to do with public authorities.	3 months			Kosovo Judicial Council Secretariat
<i>Statistics Department</i>					

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
1. Cases related to procedural costs, related to budget	Cases related to budget should not to be recorded as cases in the report.	6 months			Kosovo Judicial Council Secretariat (Statistics Department)

**PROPOSED NATIONAL BACKLOG REDUCTION STRATEGY
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COURTS

Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
<i>Immediate Disposition</i>					
1. a. Alternative measures in criminal cases	Using the opportunities provided by the legislation on mediation (Article 228 of PCC), the plea agreement, the criminal order (urdhër ndeshkimor), etc.	1 month			Order of the supreme court and state prosecution to all Court Presidents and Chief Prosecutors
1. b. Frequent usage of alternative measures by prosecutors	Prosecutors need to exploit as frequently possible the opportunities that the law provides for the implementation of alternative measures in cases where it is possible to use them.	1 month			Order of the supreme court and state prosecution to all Court Presidents and Chief Prosecutors
1. c. Support of usage of alternative measures by judges	Judges, in cooperation with the parties, need to work harder and to support the use of alternative measures.	1 month			Order of the supreme court and state prosecution to all Court Presidents and Chief Prosecutors
2. Drafting the notification for cases dealing with Kosovo public authorities (law on public finance management) and their suspension for 180 days	The announcement should be sent with a copy of the claim along with all evidence in two copies for 1) Ministry of Justice, 2)Ministry of Finance and Economy.	1 month			The President of the division or one assigned judge will draft the notification and, with the professional associate and administration, deliver it.
3. a. Drafting individual court orders for parties when claims are incomplete (defective) according to article 102 of the LCP.	Issuing court orders for correction or supplementing claims compliant to legal deadlines for fixing or avoiding defects in claims. For instance, in cases when the claimant signature is missing or court fee is not paid, when the claimant is deceased or when evidence is missing.	3-6 months			Judges and the Chief Clerk

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
3. b. Taking actions according to article 102 of the LCP when parties do not respond in compliance to the order.	For example in case the claim is not corrected within 2 days or the party does not respond, the claim is considered as withdrawn or dismissed.	6 months			Judges and professional associates
4. a. Issuing decisions when the execution of criminal sanctions (especially fines) has passed the statute of limitation.	The cases that have passed statute of limitations should be cleared within one month. Then, the situation should be reassessed periodically.	1 month			One judge assigned by the Court President
4. b. Decisions are to be taken in each case which is aged, cases for which the statute of limitation has passed.	In order to be removed from the statistics as a pending case, the court must make a decision in cases that have effectively passed the statute of limitations but they still recorded as unresolved. The reason for prescription should be noted (absolute or relative) and responsibilities identified.	3-6 months			Administrator records and the Court President, with the Collegium instructs the decision making.
<i>Criminal Cases</i>					
1. Drafting a plan for each court through which the following would be determined:	The inventory should include all the details of the case: case number, type of the case, amount (value), parties involved, etc.	Start immediately and complete within 1 month for courts that already have an inventory, 3 months for small courts, and 6 months for large courts.			Decided by the Collegium. Implemented by the Court President and Administrator.
1.a. Definition of old cases (e.g. cases until 31/12/2008)	District court's \leq 31.12.2008 Timeframe for relative prescription should be considered for Municipal courts.	2 weeks			Administrator

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
1. b. Inventory		Start immediately and complete within 2 months for small courts, and 6 months for large courts.			Administrator
1. c. Division and assignment of those cases to judges	After the inventory, old cases need to be distributed according to the court's plan. The assignment of cases must be done proportionally.	Within 2 weeks of completion of the inventory.			Court President and Collegium (the division should be made depending on the number and complexity of the cases; taking into account matters related to articles 146 and 147 of the CC and cases related to corruption and organized crime.)
2. Registration of all criminal – minor offence cases as well as the execution cases before 2008.	In the register, the date of commission of the offense, the last held session and the time of when the statute of limitations will lapse should be entered. This will show how many cases have been prescribed and how many are near prescription. (This is applicable for municipal and minor offenses courts).	Same timeline as for point 1. b.			Courts

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
3. Registration of cases for which the arrest order – international and domestic arrest order is issued and according to provisions automatically after these actions the detention is set.	Upon registration of these cases they should be considered as in administrative waiting since the judge cannot further act until the suspect is arrested and at the moment of arrest criminal proceedings can start. E.g. in the district court there are cases in which a criminal offense is committed in the year 2000 and after a while the suspect has fled abroad and the international arrest order is issued and the measure of detainment is assigned. The case stays unresolved for ten years, remaining on the judge’s shelves. Cases of such nature exist in district courts as well as in municipal courts.	Same timeline as for point 1. b.			Courts
4. Dispatch of cases by the court of first instance – Expiry of legal remedy deadline	Cases should not to be forwarded to the courts of second or third instance until the deadline has expired for a legal remedy for all the co-accused.	1 month			Judges under the supervision of the Court President
<i>Civil Cases</i>					
1. Appointment of Presidents of civil divisions	Presidents of civil division will be responsible for the implementation and monitoring of the backlog reduction plan.	3 months			The Court President appoints the President of the division in coordination with the Collegium of Judges.
2. Inventory of civil cases done electronically	The inventory should include all case data: case number, case type (legal basis), value, litigants, etc.	2-3 months Maintenance and updating of the inventory is done regularly.			Administrative staff, specifically the civil clerk and the typists.

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
3. a. Case categorization	Categorization is performed by case age, by case type (legal basis), by the status of the parties to the procedure(claimant or respondents) Example: in damage compensation disputes where respondents are UNMIK, KFOR and the Municipality; or in damage compensation disputes from insurance companies. Example: disputes in execution procedure after the objection where in most cases the claimant is the same legal entity (PTK, KEK, water company, etc.).	3 months			Administrative staff, specifically the chief clerk with the civil clerk and typists. The judges oversee the process of categorization.
3. b. Sorting and grouping according to case status	Case status may be: <ul style="list-style-type: none"> ▪ Interruption/suspension ▪ Case jurisdiction ▪ Legal aid from abroad 	3 months			Professional associates, the chief clerk and typists
3. c. Sorting and grouping according to delay causes	Delay causes might be: <ul style="list-style-type: none"> ▪ The type of claim defect ▪ Unknown address ▪ Unknown respondent ▪ Lack of expertise ▪ Papers served 	6 months			Professional associates, the chief clerk and typists
4. Reassigning judges according to priorities	Priority is assigned to cases in the final stage, cases which are in the stage according to the above-mentioned status followed by cases where delays are less complex.	3 months			The President of the civil division with the civil judges

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
5. a. Assignment of time limits for case processing (by categories)	The assignment of time limits is done by the President of the civil division in coordination with the judges. Time limits should neither be too short nor too long. Time limits should serve as norms to assess performance, taking into consideration the nature of the case, type of action.	3 months			The President of the civil division with the collegium of judges
5. b. Assignment of sanctions	In case judges do not respect these time limits what are the possible sanctions which can be taken against them? Which administrative measures can be used to encourage judges to respect these time limits?	3 months			Measures for ineffective or unproductive work. Sanctions, from admonition to removal from office for unproductive work. Stimulation measures: increase in pay, recognition, promotion.
6. a. Scheduling field work	Sorting out cases needing to go in the field would enable the court to preliminarily assign proper teams as well as to plan the appropriate resources needed for this purpose.	3 months			Each judge will draft a calendar of cases for field work and then the professional associate with the administrator will prepare teams to go in the field.
6. b. Arranging court vehicles for field work	If the court possesses more than one vehicle, one of them needs to be assigned to the case groups according to the schedule for field work. If the court possesses only one vehicle, then the new vehicle will be given priority, which will allow courts not to use the vehicles of parties to go to the field.	3 months			KJC Secretariat for the possibility of adding mobile vehicles which can be used only for that purpose.
7. Joining claims and counter-claims	Joining all cases which are eligible according to the criteria for joining cases. (This can be done through the case inventory.)	6 months			Judge and professional associate

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
8. a. Reviewing case status and issuing decisions compliant with the status of the case	Reactivating cases which are in a status of interruption or cessation, transferring cases in competence of the Special Chamber of the Supreme Court as well as reviewing the status of legal aid requests.	3 months			The judge with the professional associate
8. b. Assignment of a point person	One person is assign to monitor the process of review of case status and issuance of decisions in accordance with the case status.	3 months			For each group of cases, according to the classification as in rows 3.1, 3.2, 3.3, 3.4 professional associates are assigned to coordinate work for this group of cases.
<i>Execution Cases</i>					
1. a. Assignment of a working group for the reduction of backlogs of (criminal/civil) execution cases in every municipal court and commercial court.		2 weeks			Court President
1. b. Training of the working group	The working group should be informed of its duties and responsibilities as well as of the manner in which to organize its work.	After the establishment of the working group (third week)			Court President and Administrator
2. Identification of support staff that can help in the execution and issuing of assignment order by court president	Some of the small courts were successful in partial reassignment of employees that are less burdened with work. E.g. interpreters, archivists, and, in the future, legalization clerks.	2 weeks			Court President in collaboration with the administrator and chief clerk

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
<p>3. Electronic inventorying of the execution of civil and criminal cases</p> <p>Comment: the categorization is done in coordination with the SEAD Project.</p>	<p>Inventory should cover all case data: case number, type, value, parties, etc.</p> <p>Before starting the court must coordinate with the SEAD program to ensure that all data necessary for the initiative of the SEAD program, as detailed below, are included in the electronic inventory.</p>	<p>Must start within 2 weeks.</p> <p>The inventory of old cases must be completed within 1 month in small courts and 3 months in large courts.</p> <p>Maintenance and updating of the register is done continuously.</p>			<p>Working group according to the duties of each member</p>
<p>4. Categorization of cases</p>	<p>Categorization is done according to case type or creditor. E.g. in civil execution: KEK, PTK, banks, procedural expenses, etc. E.g. in criminal execution: fines according to value.</p>	<p>Starts immediately after the completion of the case inventory for each year.</p>			<p>Working group</p>
<p>5. a. Assignment of time limits for case processing (according to categories)</p>	<p>The schedule is prepared by the working group. Time limits should neither be too short nor too long. Time limits should be norms for the assessment of work.</p>	<p>Done after the inventory and categorization of cases. The assignment must be done within 3 months in small courts and 6 months in large courts.</p>			<p>Working group</p>

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
5. b. Assignment of sanctions or supportive measures by the court president	In case clerks do not comply with these time limits, the president must be authorized to take actions against them. Which disciplinary measures can be taken? Which administrative measures could be implemented to help or encourage clerks to respect these time limits? Supportive measures must be defined to address objective obstacles which may impact the implementation of the plan.	Done based on the time limits set under action 5. a. Implementation of these measures is done continuously.			Chair of the working group in collaboration with the Court President and Administrator
6. Scheduling working hours in the field according to neighborhoods	Processing of cases according to year does not prohibit the processing of a case in year 2010 and a case from 2003 at the same time, if they are located in the same direction. This will encourage more efficient time management.	Done after the inventory of cases. The assignment must be done within 1 month in small courts and 3 months in large courts.			Working group
7. Continuous work according to the categorization and field work schedule with review every 6 months	The review will ensure that the objectives of the plan of the working group are met.			The plan must be completed within 3 years.	Chair of the working group in collaboration with the Court President and Administrator
<i>Special Initiative for Execution: USAID SEAD Backlog Reduction Initiative Endorsed by the Kosovo Judicial Council</i>					
<p>The Court President in collaboration with the administrator and chief clerk must synchronize staff reassignments in support of execution backlog reduction and all activities implemented according to the actions included to coordinate with the SEAD Team and the Kosovo Judicial Council Special Enforcement Units once the USAID SEAD/KJC Backlog Reduction Initiative starts in that court.</p> <p>In addition, actions related to civil execution under the “Execution” part of the Courts Section above should be coordinated with the USAID/SEAD /KJC Backlog Reduction Project to ensure consistency in approach and to maximize effectiveness.</p>					

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
1. Assignment of a designated contact in each municipal court to coordinate with the SEAD Team and the KJC Special Enforcement Unit (where SEU teams are assigned)		2 weeks			Court President
2. Electronic inventory and categorization of execution cases.	Utilizing SEAD developed database, and following training by SEAD Database Manager, SEAD Team and KJC Interns will inventory and categorize cases. Once KJC Special Office Enforcement Units (SEU) are deployed, KJC SEU will inventory and categorize cases. Categorization is done according to case type, creditor, status, value, and other criteria. Incomplete or erroneous filings will be suspended and returned for creditor revision (KEK and PTK). Unenforceable cases to be dismissed <i>ex officio</i> .	Inventory and categorization commenced October 15. Courts will be visited by KJC and SEAD BRI Teams on a rotating schedule as approved by KJC.	Once database is completed, maintenance of registry is continuous.		SEAD, in conjunction with Kosovo Judicial Council, Court Presidents, and Enforcement Clerks.
3. Act upon agreement reached with KEK and PTK for case suspension/dismissal	With regard to KEK and PTK cases, <u>by agreement</u> incomplete or erroneous filings will be suspended and returned for creditor revision and unenforceable cases can be dismissed <i>ex officio</i> .	Within first year of implementation of this plan.			Kosovo Judicial Council Secretariat (Special Enforcement Units) in collaboration with court execution clerks
4. "Batch processing" of execution cases based on category and geographical location	(In accordance with KJC Board Decision declaring special circumstances allowing cases to be treated out of temporal order).	Within first year of implementation of this plan			Kosovo Judicial Council Secretariat (Special Enforcement Units) in collaboration with court execution clerks

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Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
5. Development of positive incentives and disciplinary sanctions or supportive measures to be assigned by the court president.	Incentives developed for superior performance, and authorization vested in court president to take action for sub-standard performance.				Court President

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SUPREME COURT

Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
1. Holding of hearings at the second instance	Seek a legal opinion of the Supreme Court to mandate the opening of trial before the second instance court when the judgments must be annulled because of facts.	6 months			Supreme Court
2. Clarification of court's duty in execution cases when address is unknown or inaccurate.	A legal opinion of the supreme court is required on the following question: when the address of a party is unknown or inaccurate, at what point can a court suspend a case?	Within the first year of implementation of this plan			Supreme Court
3. Clarification of court's authority for the sequestration of collateral in execution cases	In order to unify the different court practices as relates to the sequestration of collateral that has been transferred to a third party a legal opinion of the supreme court is required to clarify how courts should act in these cases.	Within the first year of implementation of this plan			Supreme Court
4. Execution of fines by District Courts	Due to discrepancies in the execution of fines at the district court level, there is a need for a legal opinion of the Supreme Court on this issue: are District Courts competent to execute the fines they have issued?	Within the first year of implementation of this plan			Supreme Court
5. Special circumstances for processing of civil execution cases	Request from the Supreme Court a legal opinion to declare special circumstances that will allow courts to process civil execution cases out of temporal order.	Within the first year of implementation of this plan			Supreme Court

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TRAINING

Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
1. Training of judges and staff on CMIS	All judges and all support staff should be trained in usage of CMIS and its usage should be compulsory.	6 months			Kosovo Judicial Council Secretariat
2. a. Orientation training for the representatives of institutions with whom MOU have been signed	The orientation trainings will ensure that these institutions are notified of the duties and obligations defined in the MOU.	Within 2 months of the signature of each MOU			The Kosovo Judicial Council will determine the presenters.
2. b. Clarifying and training of court messengers staff on procedures for proper case documents delivery (direct and representative delivery) according to articles 110 and 111 of the LCP.	Training court messenger staff for properly delivering case documents represents a decisive element in processing case quickly and without delays. Increasing the knowledge of this staff would resolve many issues on delays such as in cases when there are known addresses, claimants moving to an unknown address or when respondents avoid being served.	3 months			KJC Secretariat in a general training. Then in court the Chief Clerk and President of the civil division.
3. Continuing training on new laws for execution clerks	Training will be organized not only for judges but also for execution clerks and professional associates. Each year, there should be 3 or 4 trainings on various themes related to new laws of practical problems determined based on proposals from the courts.	Continuous	Continuous	Continuous	Kosovo Judicial Institute

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MISCELLANEOUS

Action	Explanations	Short-term (0-12 months)	Mid-term (1-2 years)	Long-term (2- 3 years)	Responsible
1. Transfer of duty of address identification in execution cases from court to creditor.	It can be regulated by the new law on execution procedure which is in the process of drafting.	Within the first year of implementation of this plan			Ministry of Justice and Assembly
2. a. Return of cases for retrial	Propose amendments of the law to avoid cases being annulled more than once by the second instance court.	Within the first year of implementation of this plan			Adoption through the Ministry of Justice and Kosovo Assembly
2. b. Removing the jurisdiction of the district court of certain categories of cases (illegal weapons possession)	Illegal weapons possession and illegal weapons possession cases when in trial with a minor criminal cases (like for e.g. if after a theft, the house of the suspects is raided and during the raid weapon is found, then as the competent court the district court should be appointed, where it should be tried for both: theft and illegal possession of weapons).	Within the first year of implementation of this plan			Approval through the Ministry of Justice and Kosovo Assembly
2. c. Amendment of Law on Criminal Sanctions to authorize automatic conversion of fines to imprisonment when they are not paid in time		Within the first year of implementation of this plan			Approval through the Ministry of Justice and Kosovo Assembly