

INFORMATION TECHNOLOGY IN COURTS IN 2020

An introductory report on the availability of IT tools and instructions on collecting data, based on the methodology of the European Commission for the Efficiency of Justice (CEPEJ) for the evaluation of judicial systems



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Abbreviations

CEPEJ	European Commission for the Efficiency of Justice
CMIS	Case Management Information System
FTE	Full-time equivalent
IT	Information Technologies
KJC	Kosovo Judicial Council
KoSEJ II	Action “Strengthening the Quality and Efficiency of Justice in Kosovo*”
KPC	Kosovo Prosecutorial Council
MoJ	Ministry of Justice
NCCR	National Centralised Criminal Records

* This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Introduction

An efficient justice system contributes to increasing public trust and confidence in State authorities and is essential to consolidating democracy and strengthening the Rule of Law. Over the last two decades, Information Technology (IT) has been increasingly employed in a large number of courts in European countries (branded as e-Justice, e-courts, Cyberjustice, electronic justice, etc.).¹ The ultimate aim of such efforts is to ensure better access to justice, easier procedures in the different areas of law (civil, criminal and administrative) and closer cooperation between judicial and other public authorities.

More recently, the COVID-19 pandemic has exposed the importance and potential of technology in the field of justice (and in others). Uninterrupted access to courts must be guaranteed also during times of emergency, in particular, to ensure judicial scrutiny of emergency legislation but also in relation to urgent cases (e.g., when liberty and security of persons is involved) and to uphold access to justice in general. To address this, courts have adopted a number of measures, most of which involve a move towards the delivery of justice remotely and through online platforms.²

In June 2020, the CEPEJ adopted a “Declaration on lessons learnt and challenges faced by the judiciary during and after the COVID-19 pandemic” listing 7 principles that must continue to be respected in a period of crisis that impacts the public service of justice. The principles also include Access to Justice, whereby “The public service of justice must be maintained as much as possible, including providing access to justice by alternative means such as online services or strengthening access to information through court websites and other means of communication (phone, email, etc.)”

As countries come out of states of emergency, it is important that governments and judicial stakeholders conduct an evaluation of the technologies available (existing and/or introduced during the pandemic), their advantages and downsides, as well as their impact on court users and the delivery of justice.

In Kosovo, during the COVID-19 pandemic outbreak in 2020, some new practices were implemented in the courts, using electronic means: a small number of hearings were held online; some judges accepted some claims and files submitted by email from the parties; and some summonses were sent from the courts to lawyers electronically. This report aims to encourage the judicial stakeholders to capitalise on those new practices and reconsider some aspects of traditional court functioning. The elaboration of an overall comprehensive assessment of existing Information Technology in the justice sector (courts, prosecution offices, other justice related services) would provide the necessary basis for further discussions on digitalisation. Accordingly, this report on the use of IT in courts in Kosovo is very well-timed.

1 CEPEJ, “Use of information technology in European courts”, European judicial systems, Efficiency and quality of justice, CEPEJ STUDIES No. 24, available at: <https://rm.coe.int/european-judicial-systems-efficiency-and-quality-of-justice-cepej-stud/1680788229>

2 OSCE ODIHR, “The functioning of courts in the Covid-19 pandemic: A primer”, October 2020, available at: <https://www.osce.org/files/f/documents/5/5/469170.pdf>. See also CEPEJ compilation of comments, <https://www.coe.int/en/web/cepej/compilation-comments>. A [compilation of measures](#) was made by the CEPEJ at the beginning of the health crisis and is regularly updated.

Methodology, aims and structure of the report

This report is based on the CEPEJ methodology and indicators and, in particular, on the IT questions in the CEPEJ Evaluation Scheme used for the evaluation of judicial systems (hereafter, also CEPEJ IT questionnaire) and the accompanying Explanatory Note.³ While maintaining a specific focus on IT, the report builds on the previous assessments of the efficiency and quality of the justice system in Kosovo, conducted in the last 5 year-based on the CEPEJ methodology for the evaluation of judicial systems.⁴

The report pursues a twofold purpose:

- First, it provides an introductory review of the deployment and availability of IT in Kosovo courts by 2020. The aim is to identify areas where IT tools could possibly be employed to further increase efficiency and quality of the justice system. Although quantitative and qualitative information reported and analysed in this report refers to the year 2021, creating a dataset for 2020 will provide a useful baseline to be taken as a reference in future reports for measuring trends, evolutions and structural issues.
- Second, the report explains how to fill in the CEPEJ IT questionnaire by providing a clear and systematic list of IT questions, the accompanying explanations as well as the related answers to facilitate the use of the CEPEJ methodology, concepts and indicators developed in this regard. As such, it also serves as a training tool for the beneficiaries, assisting them in properly answering the questions in this occasion and in the context of future assessments. The consistent use of the methodology in future assessments would moreover enable comparability of the findings (including with other European countries/entities) and the identification of possible trends and/or evolutions over time.

Some recommendations are included to help identifying areas for further action, in line with the findings and recommendations from previous assessments and with the principles set out in CEPEJ documents, such as the Guidelines on how to drive change towards Cyberjustice,⁵ the Toolkit for supporting the implementation of the guidelines,⁶ and tools developed by the recently established Working Group on Cyberjustice and Artificial Intelligence within the CEPEJ.⁷

As explained in the CEPEJ Evaluation Report issued in 2020 (2018 data), the CEPEJ IT questionnaire gathers data on different categories of IT tools. The overall IT Deployment Index (0-10 scale) is based some of the questions of the IT questionnaire and assesses in particular three types of IT tools:⁸

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- ³ The CEPEJ Evaluation Scheme can be downloaded here: <https://rm.coe.int/cepej-grille-en-rev7/native/168093addf> while the Explanatory note can be found here: <https://rm.coe.int/cepej-explanatory-note-2020-2022/1680a1fbb2>. For the IT questions, see “3.5 Use of information Technologies in courts”, from Question 62-1 to 64-12. For the purpose of this report, the answers to Questions 62-1, 65-1, 65-2, and 65-3 under “General policies in Information Technology in judicial systems” were not included in this report since the IT governance in the justice sector is still subject of inter-institutional discussions in Kosovo.
- ⁴ In-Depth Assessment Report of the Judicial System, January 2018 (first report): <https://rm.coe.int/in-depth-assessment-report-of-the-judicial-system/16807828e6>; Comparative Assessment of the Judicial System, from 2014 to 2017 (second report): <https://rm.coe.int/comparative-assessment/1680939684>; Comparative Assessment of the Judicial System in Kosovo (2014, 2017 and 2018) (third report): <https://md.rks-gov.net/desk/inc/media/942440FA-DA73-4A93-AFCC-0D0B5B01845D.pdf>
- ⁵ European Commission for the Efficiency of Justice (CEPEJ) - Guidelines on how to drive change towards Cyberjustice [Stock-taking of tools deployed and summary of good practices], CEPEJ(2016)13E / 7 December 2016, available at: <https://rm.coe.int/16807482de>.
- ⁶ CEPEJ, Toolkit for supporting the implementation of the Guidelines on how to drive change towards Cyberjustice, 14 June 2019, available at <https://rm.coe.int/cepej-toolkit-cyberjustice-en-cepej-2019-7/168094ef3e>, 07 June 2021.
- ⁷ Working Group on Cyberjustice and Artificial Intelligence (CEPEJ-GT-CYBERJUST). The tools to be developed by this new Working Group should concern topics as varied as quality criteria for videoconferencing, artificial intelligence used in alternative methods of dispute resolution or enforcement of court decisions or court proceedings in a digital context: <https://www.coe.int/en/web/cepej/cepej-working-group-cyber-just>. See in particular the Guidelines on videoconferencing in judicial proceedings adopted by the CEPEJ on 16-17 June 2021: https://www.coe.int/en/web/cepej/home/-/asset_publisher/CO8SnxljXPeD/content/la-cepej-adopte-ses-lignes-directrices-sur-la-videoconference-dans-les-procedures-judiciaires?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fcepej%2Fhome%3Fp_p_id%3D101_IN-STANCE_CO8SnxljXPeD%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3D-column-1%26p_p_col_count%3D8
- ⁸ CEPEJ Evaluation Report issued in 2020 (2018 data), p. 99: <https://rm.coe.int/evaluation-report-part-1-english/16809fc058> (from page 95 to 104 on Information and Communication Technology, ICT). See also Special file - Report “European judicial systems - CEPEJ Evaluation report - 2020 Evaluation cycle (2018 data): <https://www.coe.int/en/web/cepej/special-file-publication-of-the-report-european-judicial-systems-cepej-evaluation-report-2020-evaluation-cycle-2018-data>

- i. Decision support technologies which include databases of court decisions, the existence of a national record of criminal convictions, writing assistance tools and voice recording including voice recognition features;
- ii. Court and case management systems, which include case management systems (including their interoperability, active case management and statistics functionalities), budgetary and financial management systems of courts, and judges and administrative staff workload assessment tools;
- iii. Communication between courts, professionals and/or court users, which includes the possibility to submit a case electronically, carry out communication exchanges within the various phases of a case between the court, parties, lawyers and other professionals, the existence of online specialised procedures, videoconferencing and recording of hearings.

The CEPEJ Evaluation Report stresses that the index is based on data regarding the deployment of IT tools, rather than their actual use. It adds that “a high level of development does not necessarily mean an actual use and positive impact on the courts’ efficiency or quality of the public service of justice.”

Based on the responses provided by the stakeholders, the CEPEJ IT questionnaire for Kosovo for the year 2020 was completed (see Annex I) and the overall IT Deployment Index was calculated with the support of the CEPEJ Secretariat. The filling in of the questionnaire and the calculation of the IT index are closely related and will help monitoring progress over time regarding the deployment of IT in courts.

The overall IT Deployment Index for Kosovo* in 2020 was 3,23 out of 10.

By category	Decision support	Courts and case management	Communication between courts, professionals and/or court users
	3.65	4.73	1.28

By matter	Administrative	Civil	Criminal
	2.82	2.80	3.50

This index should be looked as a reference to 10, meaning that 10 is the maximum possible points at the year of observation. Furthermore, considering that the CEPEJ Evaluation Report examines the data of 2018, and not the data of 2020, the index for Kosovo in 2020 cannot be fully compared with the index of different European countries/entities listed in that report (p. 100: Figure 4.3.7, Total ICT deployment rate and per category in 2018). In 2018 as presented in the Report the average overall IT Deployment Index in 2018 for Europe was 6,11.

In December 2020, the process of data collection was launched by the KOSEJ II Action, with the support of the CEPEJ international expert, Dr. Julinda Beqiraj, Senior Researcher at the Bingham Centre for the Rule of Law (BIICL). Early responses to the questions in the CEPEJ IT questionnaire were collected from the IT department, department for budget and the department for personnel in the Kosovo Judicial Council (KJC). These were later complemented by additional qualitative data gathered from other stakeholders, including judges from the basic courts and the Court of Appeals (through in person meetings as well as in interviews by email), officers in the courts, the Free Legal Aid Agency, several lawyers, one finance officer in one of the basic courts, and staff from the NCCR project. Such input was collected by the KoSEJ II local consultants, reviewed as part of the regular CEPEJ quality check, and incorporated in the frame of the CEPEJ IT questionnaire under the corresponding questions. A workshop took place on 21 October 2021 to present and discuss the draft report. Representatives from the relevant beneficiary institutions, the European Union Office in Kosovo, and the CEPEJ Secretariat provided constructive input for additions and/or amendments in some sections, which were incorporated in the final draft.

The report consists of four parts:

- Part 1 contains general methodological considerations for completing the CEPEJ IT questionnaire. It draws closely from the CEPEJ Explanatory Note that accompanies the CEPEJ Evaluation Scheme.⁹
- Part 2 focusses on the budget for computerisation and IT staff in the courts in Kosovo.

⁹ CEPEJ, “Explanatory note to the Scheme for evaluating judicial systems”, 2018 - 2020 cycle, available at: <https://rm.coe.int/cepej-explanatory-note-25-mars/168093ad3e>

- Part 3 contains the core of the assessment of this report on the use of IT in courts in Kosovo. It first briefly discusses the impact of COVID-19 on the judicial system in Kosovo, in terms of both challenges and opportunities, and then follows the order of the questions in the CEPEJ IT questionnaire. For each question, the scheme of presentation and analysis is the same, and includes:
 - the question as included in the CEPEJ IT questionnaire;
 - a methodological explanation of the concepts employed, definitions, and indications on how to fill in the relevant tables (drawn from the CEPEJ methodology);
 - context insights regarding the legal and practical situation in Kosovo, including recommendations where relevant.
- Part 4 contains a summary of the areas for further action and the respective recommendations as detailed in each section.

The report also contains one annex:

- Annex I, with the completed CEPEJ IT questionnaire for Kosovo (2020 data) based on the quantitative and qualitative data gathered from all the relevant stakeholders, to be used as a model for future assessments, and

PART 1 - GENERAL METHODOLOGICAL CONSIDERATIONS

Below are some general methodological considerations for completing the CEPEJ IT questionnaire. They draw closely on the CEPEJ Explanatory Note that accompanies the CEPEJ Evaluation Scheme.

NA and NAP answers

When answering questions, it may not always be possible to give a number or to choose between different modalities of answers (Yes or No). In these cases, NA or NAP can be used respectively.

NA (information/data is not available) means that the concept/category referred to in the question exists in the judicial system in Kosovo, but that you do not know the answer/data (e.g., administrative law cases exist in the judicial system, but you cannot quantify the number of these administrative law cases).

NAP (not applicable) means that the question is not relevant in the Kosovo judicial system (for example, because the category of judicial staff or the type of dispute referred to in the question does not exist in judicial system).

The answers NA or NAP are very different from each other, please observe these rules, any mistake will lead to wrong interpretations. The consistency rules (vertical and horizontal) do not apply in the same way in the presence of one or more NA or NAP responses.

Comments

For most questions there is also a comments section. There are two types of comments: general comments and specific comments. These should be clearly labelled and indicated separately.

“General comments” should comprise information that *applies to all evaluation cycles*. When an answer and/or a comment to a specific question remains unchanged from the previous evaluation it should be “cut and pasted” from the previous form. “Specific comments” should provide detailed information on the specificities/changes to the national judicial system or to the methodology of reporting in a *specific evaluation cycle*.

In a mainly qualitative assessment exercise such as this one on the use of IT in Courts, comments play an essential role in providing context and complementing the content of the multiple-choice questions. Comments should be as precise, comprehensive and concise as possible.

Check and variations from previous evaluations

Please always check the data inserted. Please also compare the data indicated for the year of reference with the ones provided for the previous evaluation rounds and explain significant variations from one cycle to another (e.g., variations due to structural reform, legislative change, different methodology or a change in the interpretation of the question by the national correspondent).

Currency

All financial amounts should be given in Euros.

Rules and exceptions

Please give answers, if possible, according to the general situation in your country and not according to exceptions. You may indicate exceptions to the rules in the comment area below the question.

Sources

Please indicate the sources of your data, if possible, where requested. The “source” concerns the institution which has provided the information to answer the question (e.g., KJC, KPC, Courts, Free Legal Aid Agency, the Ministry of Justice, international projects such as NCCR, etc.). This will help check the reliability of the data.

Recommendation 1: *Evaluate on a regular basis, based on the CEPEJ methodology, the deployment of IT in courts in Kosovo with the purpose of improving the quality and efficiency of judicial services..*

The filling in of the questionnaire and the calculation of the overall IT Deployment Index are closely related and will help monitoring progress over time regarding the deployment of IT in courts. When filling in the questionnaire, the following information should be recorded for future reports: the official at the relevant institution that provided the answer to a specific question (his/her contact details) and all the related comments. This will help in the next reports to ensure consistency of answers (and avoid a different interpretation of the question) and to identify possible evolutions.

PART 2 - BUDGET AND HUMAN RESOURCES

2.1. Budget for computerisation

6. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	____ / NA / NAP	____ / NA / NAP
1. Annual public budget allocated to (gross) salaries	____ / NA / NAP	____ / NA / NAP
2. Annual public budget allocated to computerisation	____ / NA / NAP	____ / NA / NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.).	____ / NA / NAP	____ / NA / NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	____ / NA / NAP	____ / NA / NAP
5. Annual public budget allocated to investments in new (court) buildings	____ / NA / NAP	____ / NA / NAP
6. Annual public budget allocated to training	____ / NA / NAP	____ / NA / NAP
7. Other (Please specify)	____ / NA / NAP	____ / NA / NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences:

Relevant information from the CEPEJ Explanatory Note:

Budget data for the judicial system, for the reference year, should be shown under this question. The budget figure must not include:

- the budget of the public prosecution services;
- the budget for legal aid;
- the budget for the prison and probation systems;
- the budget for the operation of the Ministry of Justice;
- the budget of the judicial protection of youth (social workers, etc.);
- the budget of the Constitutional Court;
- the budget of the Kosovo Judicial Council (KJC).

The questionnaire requires two types of figures, related to the annual public budget of courts: the approved budget and the implemented budget. The **approved budget** is the budget that has been formally approved by the Parliament. If the approved budget is changed (rebalanced or amended) during the year, the latest change should be reported. The approved budget should be reported, if possible, without other sources (e.g., without operations, co-financed by EU). The latter should be mentioned in comments. The **implemented budget** corresponds to the expenditures effectively incurred during the reference year.

The budget includes seven sub-categories. Sub-category 2 is relevant for this question.

1. (Gross) salaries are those of all judicial and non-judicial staff working within courts, excluding, if appropriate, the public prosecution system (and the staff working for the prosecution services). This amount should include the total salary costs for the employer: if, in addition to the gross salary proper, the employer also pays insurances and/or pensions, these contributions should be included.

2. Computerisation includes all the expenses for equipment, investments, installation, use and maintenance of computer systems (including the expenses for outsourced technical staff).

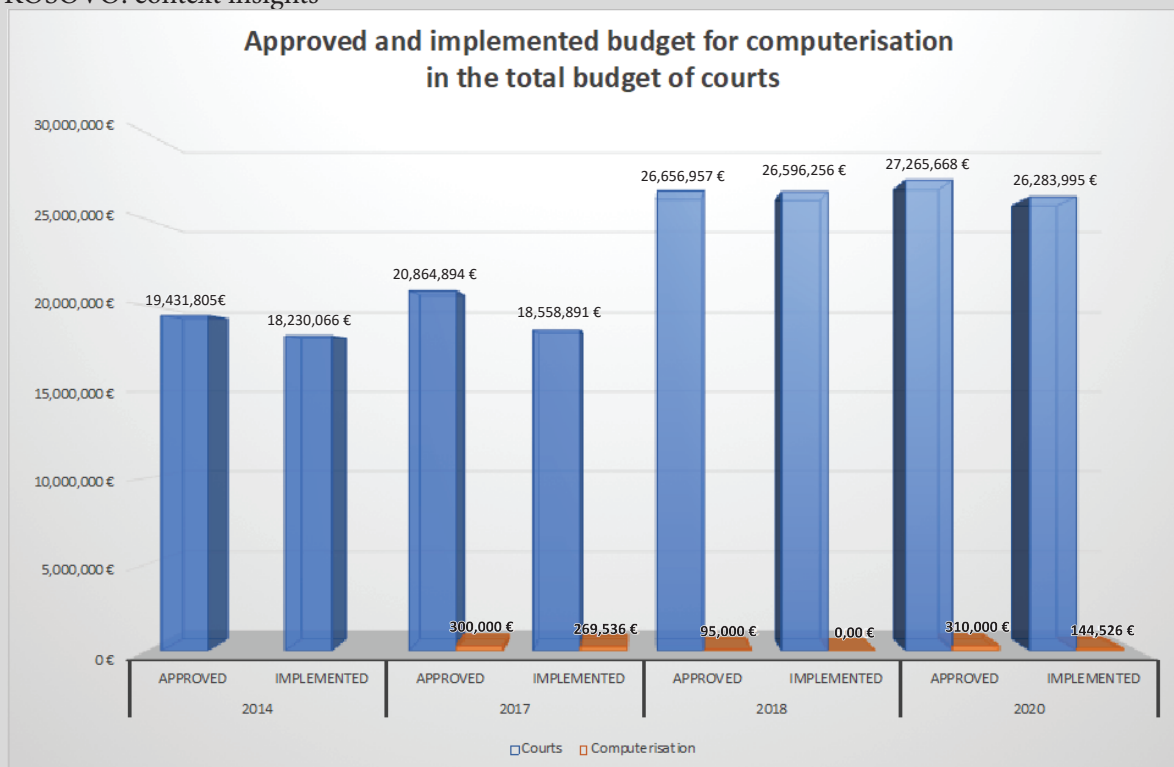
3. Justice expenses borne by the state (or by the justice system) refer to the amounts that the courts should pay out within the framework of judicial proceedings, such as expenses paid for expert opinions or court interpreters. Any expenses to be eventually paid by the parties (e.g., individual costs of experts and interpreters to be reimbursed to the court budget or, court fees and taxes paid to cover justice expenses should be excluded. The amount to be paid for legal aid should also not be indicated here (but under question 12).

4. Court buildings' budget includes all the costs that are related to the maintenance and operation of court buildings (costs for rental, electricity, security, cleaning, maintenance etc.). It does not include investments in new buildings.

5. Includes all the costs that are connected with **investments in new court** buildings (either building of new structure or purchase of existing buildings).

6. The annual public budget allocated to **training** includes all training directly covered by the courts for the training of judges and non-judicial staff, excluding, if possible, the public prosecution system. The specific budget of a separate public training institution for judges and/or prosecutors should not be reported here.

7. Other includes all figures that cannot be subsumed under categories listed above.



The budget for computerisation is for computers, other IT equipment, and maintenance of the IT system. In 2014, the data was not available and in 2018 the approved budget was not spent.

Some external resources were spent in the field of IT. For example, the CMIS project, which implemented a Consolidation Phase from 2019 to 2021, receives financing from the Government of Norway for an amount of 2,528,882EUR. Furthermore, the budget of the NCCR project, funded by the European Union, was around 2.5 million EUR for 4 years (including IT hardware of around 200,000EUR).

Recommendation 2: Collect and report accurate data on approved and implemented budgets, not only official budget data but also external funding. In previous assessments we found that the judicial system in Kosovo, as in other neighbouring countries/entities, benefits from additional external resources which are not part of the official budgets and do not figure in the statistics.¹⁰ Their progressive exhaustion in the medium/long term should be taken into account by Kosovo authorities to guarantee the sustainability of reforms, especially those aiming at introducing ICT tools in the judiciary. Indeed, when allocating resources to IT-based projects, due account must be taken of all the direct and indirect costs involved in introducing new technology and new professional practices and the budget should be sized according to the life cycle of the project, because underestimating the amount of money required has caused problems for many an IT projects (CEPEJ Cyberjustice Guidelines, § 98, 99).

We recommend that the KJC, the KPC and other relevant institutions involved collect and report precise data on approved and implemented budgets during the reference year for courts and prosecution offices. Data accuracy is crucial to efficient planning and identification of sustainable solutions. Data on external contributions should also be collected and taken into consideration in the context of policy planning in this area.

¹⁰ In-Depth Assessment Report of the Judicial System In Kosovo, <https://rm.coe.int/in-depth-assessment-report-of-the-judicial-system/16807828e6>, Recommendations 1 and 2; Comparative Assessment of the Judicial System from 2014 to 2017, <https://rm.coe.int/comparative-assessment/1680939684>, p. 10.

Recommendation 3: *Develop an overall and long-term vision for improving efficiency and quality of justice through IT, formulated with clear, measurable and verifiable objectives, where technology provides a means rather than an end, and which goes beyond the logic of isolated projects. This will help to ensure that there is sustainable financial support for a consistent deployment and use of IT tools.*

The 2019 CEPEJ toolkit for the implementation of the Cyberjustice Guideline explains that goals and objectives should be defined according to the strong needs of citizens and users, rather than technology driven. It is essential to present IT tools as a contribution to a better service for all types of users. Third, it is important to have support at the highest level to ensure effective implementation. Fourth, effective participation of the different groups of users should be ensured. There should be a sustainable financial support to enable the implementation of such an overall and long-term IT vision.

2.2. IT staff in the courts

All non-judge staff, working in all courts, **must be reported here in full-time equivalent (FTE)** for posts actually filled. In order to better understand gender issues in the judiciary, please specify the total number as well as each category by gender. Please make sure that the figures presented exclude staff working for the public prosecution services.

There are five different sub-categories. **Sub-categories 3 and 4 are relevant for this question. In previous assessments, IT staff was reported under sub-category 4.**

52. Number of non-judge staff who are working in courts (if possible on 31 December) (this data should not include the staff working for public prosecutors; see question 60) If data is not available, please indicate NA. If the situation is not applicable in Kosovo*, please indicate NAP.

(please give the information in full-time equivalent and for permanent posts actually filled)

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	Total/ NA/ <input type="checkbox"/> NAP/ <input type="checkbox"/>	Male/ NA / <input type="checkbox"/> NAP/ <input type="checkbox"/>	Female/ NA / <input type="checkbox"/> NAP/ <input type="checkbox"/>
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	Total/ NA/ <input type="checkbox"/> NAP/ <input type="checkbox"/>	Male/ NA / <input type="checkbox"/> NAP/ <input type="checkbox"/>	Female/ NA / <input type="checkbox"/> NAP/ <input type="checkbox"/>
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	Total/ NA/ <input type="checkbox"/> NAP/ <input type="checkbox"/>	Male/ NA / <input type="checkbox"/> NAP/ <input type="checkbox"/>	Female/ NA / <input type="checkbox"/> NAP/ <input type="checkbox"/>
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	Total/ NA/ <input type="checkbox"/> NAP/ <input type="checkbox"/>	Male/ NA / <input type="checkbox"/> NAP/ <input type="checkbox"/>	Female/ NA / <input type="checkbox"/> NAP/ <input type="checkbox"/>
4. Technical staff	Total/ NA/ <input type="checkbox"/> NAP/ <input type="checkbox"/>	Male/ NA / <input type="checkbox"/> NAP/ <input type="checkbox"/>	Female/ NA / <input type="checkbox"/> NAP/ <input type="checkbox"/>
5. Other non-judge staff	Total/ NA/ <input type="checkbox"/> NAP/ <input type="checkbox"/>	Male/ NA / <input type="checkbox"/> NAP/ <input type="checkbox"/>	Female/ NA / <input type="checkbox"/> NAP/ <input type="checkbox"/>

If "other non-judge staff", please specify:

Relevant information from the CEPEJ Explanatory Note:

1. The *Rechtspfleger* is defined as an independent judicial body according to the tasks that were delegated to

him/her by law. Such tasks can be connected to family and guardianship law, law of succession, law on land register, commercial registers, decisions about granting a nationality, criminal law cases, enforcement of sentences, reduced sentencing by way of community service, prosecution in district courts, decisions concerning legal aid, etc. The Rechtspfleger has a quasi-judicial function.

2. **Non-judge (judicial) staff** directly assist a judge with judicial support (assistance during hearings, (judicial) preparation of a case, court recording, judicial assistance in the drafting of the decision of the judge, legal counselling - for example court registrars). If data has been given under the previous category (Rechtspfleger), please do not add this figure again under the present category.

3. **Administrative staff** are not directly involved in the judicial assistance of a judge, but are responsible for administrative tasks (such as the registration of cases in a computer system, the supervision of the payment of court fees, administrative preparation of case files, archiving) and/or the management of the court (for example a head of the court secretary, head of the computer department of the court, financial director of a court, human resources manager, etc.).

4. **Technical staff** includes staff in charge of execution tasks or any technical and other maintenance related duties such as cleaning staff, security staff, staff working at the courts' computer departments or electricians.

5. **Other non-judge staff** includes all non-judge staff that are not included under the categories 1-4.

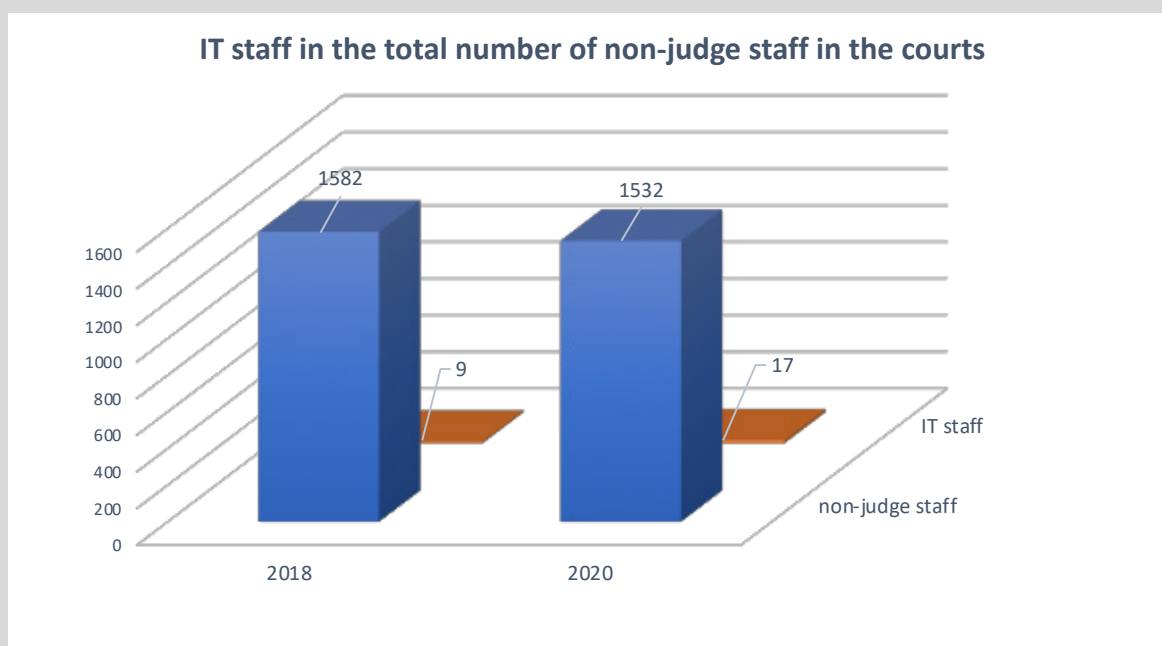
KOSOVO: context insights

Regarding the requirement to provide FTE numbers

The KJC and the courts monitor the number of staff who are on leave, since this is done manually. Therefore, it is challenging for them to provide the exact FTE number of staff actually working in the courts. Leave requests are processed manually, using Excel sheets and paper forms. The same difficulty is observed for judges. If they go on leave longer than 30 days, they are removed manually from the automatic case assignment system.¹¹

According to CEPEJ methodology, leave (holidays) are not taken out of the FTE neither is occasional sick leave. Only regular longer absence leaves (like maternity leave; permanent illness leaves, sabbaticals) and regular reduced working hours regardless of reason should not be included from FTE. Judges seconded or temporary assigned to other functions (e.g. to Ministry of Justice, Judicial Council) (if applicable and if they are not performing court work simultaneously), should not be included in the reported figure. This might not be problematic for total number of judges and other staff but more challenging when FTE is needed for separating work by instances or by jurisdiction (if applicable).

¹¹ Criteria for the Automatic Case Assignment system in Kosovo courts through the Case Management Information System (CMIS) and their implementation, January 2020 (available in Albanian only): https://www.gjyqesori-rks.org/wp-content/uploads/lqsl/17858_Kriteret_per_shperndarjen_lendev_ne_gjykatat_Republikes_Kosoves_permes_SMIL_dhe_menyra_zbatimit_tyre.pdf



In 2020, there were 17 IT staff. The plan of the KJC is that, in 2021, there will be an IT officer in all basic courts and branch courts. This requires recruiting more IT officers. There are also staff in the courts working for the CMIS project (financed by Norway). In 2020 there were 27 of them. Finally, since September 2017, 50 Temporary Legal Clerks (30 in 2021) have been working in the courts, as part of the NCCR project (co-financed by the EU and KJC), to digitalise the old conviction records, improving the quality of the data in the NCCR database, training and supporting the court staff in using it, and conducting regular auditing of the system.

Recommendation 4: Develop, and possibly link to the CMIS, a human resources application and keep updated data to collect FTE figures and to ensure a timely identification of problems and the implementation of solutions.

The 2019 CEPEJ toolkit for the implementation of the Cyberjustice Guidelines explains that a certain number of IT tools, including a “human resources application”, are critical for the functioning of courts and that without these tools, courts cannot operate or would operate with major difficulties.¹² Collecting and reporting FTE numbers is essential because non-FTE figures show a higher number of human resources than that available in practice.

Recommendation 5: Kosovo should continue investing in the new human resource profiles that have become essential for online justice (mostly by recruiting new staff when training or retraining is not enough).

The 2016 CEPEJ Cyberjustice Guidelines explain that the development of IT tools in courts, and in the justice system more generally, requires a significant reinvestment in human resources through recruitment or training plans for the new services proposed (§ 31), although the statutory staff costs for judges, prosecutors and registrars should, for the moment at least, remain unchanged (§ 27).

¹² See Toolkit for supporting the implementation of the guidelines on how to drive change towards Cyberjustice, adopted at the 32nd plenary meeting of the CEPEJ, 13-14 June 2019, List of Critical Computer Applications, p.16.

PART 3 - USE OF IT IN COURTS

3.1. Use of IT in courts during the pandemic

This report focuses on the use of IT in courts in 2020. This was a very peculiar year due to the pandemic crisis that has affected the entire world. In Kosovo, from mid-March 2020 to the beginning of June 2020, the courts were closed almost completely: they dealt only with urgent matters, such as detention measures, domestic violence cases.¹³ From 1 June, the courts started to work again fully and hearings resumed again, first without the presence of the public (only monitors from civil society organisations, from EULEX and the OSCE) and then, progressively, with limited presence of the public.¹⁴ Currently the presence of the public remains limited to ensure sufficient distance between people in the courtrooms. It is at the discretion of the judge to allow or refuse requests from individuals to attend a hearing.

During the lockdown period of 2020, some new practices were implemented in the courts involving use of electronic means. For instance, a small number of hearings were held online, with the support of the USAID-funded project, Justice System Strengthening Program (JSSP). Ten (10) online hearings were held at the Basic Court of Prishtinë/Priština, four (4) at the Basic Court of Prizren, and four (4) in the Pejë/Peć area. The interviewed judge from the Basic Court of Gjilan/Gnjilane explained that they did not have the equipment to conduct online hearings. Furthermore, during this period, some judges accepted some claims and files submitted by email from the parties, and some summonses were sent from the courts to lawyers electronically. However, this took place on an ad hoc basis and on a small scale.¹⁵

During the COVID-19 pandemic outbreak, information technologies have demonstrated the potential to support the functioning of judicial systems by allowing a swift adaptation to the new needs and challenges. Electronic case filing, legally valid electronic communication between parties, public authorities and courts, and videoconferencing are examples of such potential. This report also aims to encourage the stakeholders to capitalize on those new practices and reconsider some aspects of traditional court functioning.

The shift from an ad hoc use of such tools to their widespread deployment and systematic use will require the introduction of changes in the regulatory framework and organizational practices. At the end of 2020, the Kosovo Judicial Council and the Bar Association started to discuss the possibility of using e-summonses, which would facilitate the communication between courts and lawyers. Transmitting summonses by electronic means as well as the use of electronic communication between courts and lawyers are some of the areas investigated by the CEPEJ IT questionnaire. These areas will be discussed below, following the order of the questions in the CEPEJ IT questionnaire.

3.2. Impact assessment of IT projects

Impact assessment of IT projects on the work of courts is an important component of the overall purpose of efficiency and effectiveness gains deriving from the use of IT in judicial systems.

13 First, on 12 March, the KJC decided to close the courts to the public, but then on 16 March, the KJC decided to reduce the activities of the courts to the minimum: only urgent matters had to be dealt with, such as detention measures, domestic violence cases. KJC decisions 53/2020 and 53/2020 of 12 and 15 March 2020 (in Albanian only).

14 KJC decision 85/2020 of 29 May 2020 (in Albanian only).

15 See also EULEX (European Union Rule of Law Mission in Kosovo) Special Report on the Impact of COVID-19 on the Rule of Law in Kosovo, Assessment and recommendations for the period March 2020 – March 20201, issued in May 2021, on the Use of video-teleconferencing (VTC), page 15 (“courts have mostly limited the use of online hearings to civil cases, while they have been reluctant to use VTC means in criminal cases due to the lack of technological means and also because of concerns in relation to privacy or integrity of online sessions ... as well as the administration of evidence in online hearings”).

65-4 Have you measured the impact resulting from the implementation of one or several components of your new information system?

☐Yes ☐No

65.4.1 If yes, have you measured the impact on: (multiple answers possible)

- ☐ Business processes
- ☐ Workload
- ☐ Human resources
- ☐ Costs
- ☐ Other, please specify -----

Comments (please, specify examples of the impact))

--

Relevant information from the CEPEJ Explanatory Note:

Question 65-4 explores whether there has been an impact assessment (positive or negative) of new information system on the work of the courts. The answer should be “Yes” both when the evaluation is done directly by the courts, and when it is outsourced to external contractors. If such impact assessment has taken place (“Yes” answer) the second part of the question aims to review the different elements against which impact was measured:

- Business processes means measuring the impact of the new system on certain services in the courts. For example, where the electronic submission of documents has been introduced through the IT system, the impact (positive or negative) on documents’ delivery time, or on the number of copies to be produced and submitted to different parties could be measured.
- Workload – in relation to the same example, the impact on the workload of different categories of court staff (judges, non-judge judicial staff) could be measured.
- Human resources – the assessment would examine whether the new system has an impact on the number of court staff required to deliver the same service.
- Costs – the assessment could delve into whether the new system increases/decreases the costs related to the same services before and after the implementation.

Comments should include concrete examples of such impact assessments (if any) and references to the relevant documents (an evaluation, studies or official reports).

KOSOVO: context insights

The CMIS Project started in 2014 and is being financed by Norway. It was gradually deployed and implemented in all courts since January 2018, and currently (in 2021) is in its consolidation phase.

In 2020 the CMIS was deployed and implemented in all basic courts, for all types of cases, except at the Court of Appeals and at the Supreme Court, where the implementation is still in process. The impact resulting from the implementation of this new system on the work of the basic courts has so far not been assessed.

Recommendation 6: *In line with the CEPEJ toolkit for the implementation of the Cyberjustice Guidelines, the impact of IT projects should be assessed during the implementation of the project and/or after its completion. A user's satisfaction survey of the CMIS should be conducted which should involve judges, prosecutors and staff in courts and prosecution offices.*

The 2019 CEPEJ toolkit for the implementation of the Cyberjustice Guidelines proposes a grid for evaluating IT projects. One of the steps to be undertaken is to conduct an assessment/impact evaluation of the project conducted in the course of the implementation of the project or after its completion, and to examine its results.¹⁶

The Guidelines further suggest the involvement of independent experts or researchers from a wide range of disciplines in such an exercise (Guidelines, § 120). On the one hand this allows organisations to access expertise that is not normally available to them in-house (sociology, management, social psychology, econometrics, anthropology, etc.), and on the other it helps to ensure impartiality in the collection and analysis of data vis-à-vis users and the public.

3.3. Security of courts information system and data protection

The set of questions in this section looks into the mechanisms in place that aim to ensure the security of the information and data collected, stored and handled by the judiciary. Questions address both the existence of control/audit mechanisms in practice and the protection of court information and data in the legislation.

65-5 Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

☐ Yes ☐ No

Comments (please specify in particular if national frameworks of information security exist):

--

Relevant information from the CEPEJ Explanatory Note:

Question 65-5 focuses on independent audits or other mechanisms carried out by outside IT security specialists assessing the security system in the judiciary.

Comments should specify the characteristics (such as composition, periodicity and type of powers – recommendations and/or binding decisions) of such mechanisms assessing information security in the judiciary and, where possible, include concrete examples of such audits with references to the relevant documents/reports.

¹⁶ See Toolkit for supporting the implementation of the guidelines on how to drive change towards Cyberjustice, adopted at the 32nd plenary meeting of the CEPEJ, 13-14 June 2019, Tool #5 – Suggested Grid for Evaluating IT Projects, p.46.

KOSOVO: context insights

The National Audit of Kosovo is entitled to control all the financial, administrative and other activities, programmes and projects managed by public institutions: <http://www.zka-rks.org/en/>. An audit report of information technology on the Case Management Information System was issued by the National Audit Office in June 2021.¹⁷

Recommendation 7: *Ensuring data security is a core concern in the implementation of IT tools in the judiciary. A security policy regarding judicial data is needed, which should articulate clearly the principles that should inform storage, ownership, security and confidentiality of judicial data, with a view to managing risks rather than avoid them.*

The 2019 CEPEJ toolkit for the implementation of the Cyberjustice Guidelines suggests a pragmatic approach when addressing security issues in the context of information systems, which is informed by flexibility. Such flexibility rests on the articulation of a clear policy that seeks to manage risks rather than avoid them, and on the implementation of periodic risk analyses. Such analyses are necessary for all computer applications (including the way in which applications and hardware are managed) with risks being assessed both from the angle of the likelihood of occurrence and the extent of the damage in the event of occurrence.

65-6 Is the protection of personal data managed by courts ensured at legislative level?

☐ Yes ☐ No

Comment: If yes, please specify among others:

- if there are authorities specifically responsible for protection of personal data
- the extent of the rights granted to citizens in the specific framework of software used by courts
- if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.)

Relevant information from the CEPEJ Explanatory Note:

Question 65-6 explores whether the use of personal data managed by the courts is regulated by specific legislation. If the answer is “Yes” additional information should be provided in the comments’ box.

Comments should first specify the legal references regarding the use of personal data managed by the courts. They should also include information on whether the law provides for controls or limitations regarding the sharing of databases managed by courts with other administrations (police, etc.). Comments should also explain which authorities (if any) are specifically responsible for protection of personal data managed by the courts. Where citizens can access court information electronically, the extent of their rights should be explained, and examples should be provided where possible.

KOSOVO: context insights

The Law on the protection of personal data determines the rights, responsibilities, principles and measures with respect to the protection of personal data (<https://gzk.rks-gov.net/ActDetail.aspx?ActID=18616>). It sets up an institution responsible for monitoring the legitimacy of data processing, the Information and Privacy Agency: <https://aip.rks-gov.net/en/>. It also provides advice to public and private bodies on issues related to data protection.¹⁸ However, the law is not clear as to personal data managed by courts.

¹⁷ https://www.zka-rks.org/wp-content/uploads/2021/06/SMIL_2021_Eng.pdf

¹⁸ Information and Privacy Agency (AIP Advice): <https://aip.rks-gov.net/keshillat-e-aip/keshillat-per-mbrojtjen-e-te-dhenave-personale/>

Recommendation 8: *Clear rules should be adopted determining document access rights, both for users in the justice system and for outside parties in compliance with privacy rights.*

The 2019 CEPEJ toolkit for the implementation of the Cyberjustice Guidelines, highlights the delicate balance to be struck between the need for anonymization of data in the documents made available to the public (on personal data protection grounds) and the principle of open justice. Accordingly, clear rules should be developed (and implemented) which determine document access rights, both for users in the justice system and for outside parties, the redress mechanisms available and the authority/ies responsible.

3.4. Centralised databases for decision support

The set of questions in this section aims to gather information on the availability, breadth of accessibility, content and users of judicial databases, such as case law or criminal convictions databases.

3.4.1. Centralised national database of court decision (case-law, etc)

62-4 Is there a centralised national database of court decisions (case-law, etc.)?

☐ Yes ☐ No

62.4.1 If yes, please specify the following information:

	<i>For 1st instance decisions</i>	<i>For 2nd instance decisions</i>	<i>For 3rd instance decisions</i>	<i>Link with ECHR case law</i>	<i>Data anonymised</i>	<i>Case-law database available free online</i>	<i>Case-law database available in open data</i>
Civil and/or commercial	<input type="radio"/> Yes all judgements <input type="radio"/> Yes some judgements <input type="radio"/> No	<input type="radio"/> Yes all judgements <input type="radio"/> Yes some judgements <input type="radio"/> No	<input type="radio"/> Yes all judgements <input type="radio"/> Yes some judgements <input type="radio"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input type="radio"/> Yes all judgements <input type="radio"/> Yes some judgements <input type="radio"/> No	<input type="radio"/> Yes all judgements <input type="radio"/> Yes some judgements <input type="radio"/> No	<input type="radio"/> Yes all judgements <input type="radio"/> Yes some judgements <input type="radio"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="radio"/> Yes all judgements <input type="radio"/> Yes some judgements <input type="radio"/> No	<input type="radio"/> Yes all judgements <input type="radio"/> Yes some judgements <input type="radio"/> No	<input type="radio"/> Yes all judgements <input type="radio"/> Yes some judgements <input type="radio"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comment – if it exists in other matters please specify

Relevant information from the CEPEJ Explanatory Note:

Question 62-4 examines the availability of a centralised national database of court decisions (case-law database). The reply should be “Yes” in case such database exists independent of its electronic form and the type of cases covered, whether by case category or instance. Information in this later regard can be provided in the second part of the question, which explores the content and technical features of the database, and in the comments’ box.

Decisions by instance: to assess the scope of the case-law database, the table in this question includes separate columns for each instance of court decisions and enquires whether all decisions rendered at the relevant in-

stance are included in the database or only (those selected as) the most relevant ones.

Link to the European Court of Human Rights (ECtHR) case law: the “Yes” option should be selected if the decisions registered in the case-law database contain hyperlinks which reference to the ECtHR judgements in the HUDOC database.

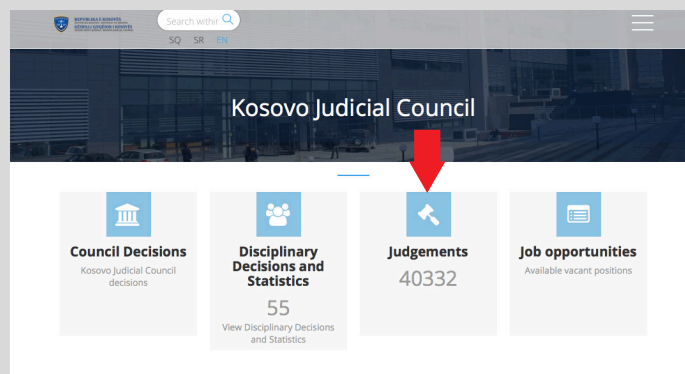
Free availability online and open data: “open data” refers to making structured databases available for public download. This data can be inexpensively re-used subject to the terms of a specific license, which can, in particular, stipulate or prohibit certain purposes of re-use (See “CEPEJ European Ethical Charter on the use of artificial intelligence in judicial systems and their environment”). Open data should not be confused with unitary public information available on websites, where the entire database cannot be downloaded (for example, a database of court decisions).

Comments can be added to clarify other features of the database, such as:

- if the publication of these decisions is preceded (or not) by an anonymisation of the name of the parties, of witnesses and/or professionals (judges, prosecutors, lawyers, etc.);
- if the data published are processed by public or private operators (initiative);
- if the data published are processed with expert systems or artificial intelligence (for predictive justice for example);
- the extent to which the database is used and/or considered a useful tool for decision support;
- if “yes for some judgments”, is selected, what are the criteria for publication of the decisions in the database.

KOSOVO: context insights

A certain number of judgments from all Basic Courts, the Court of Appeals, and the Supreme Court are available to the public on the website of the Kosovo Judicial Council (around forty thousand judgments).¹⁹ Only final judgments are published. Parties’ names are anonymized, based on the Administrative Instruction of the KJC dated 2 February 2016.²⁰ The anonymization process is done manually by court staff. According to this instruction, it is important to increase public access to judgments and to increase the transparency of the judiciary.



It is possible to find a specific case by inserting the exact Case Number, or to conduct a search by court, by type of judgement (criminal cases, civil cases, administrative cases, etc), by judge, for a specific period of time, and/or by using a keyword:

¹⁹ <https://www.gjyqesori-rks.org/?lang=en>.

²⁰ <https://www.gjyqesori-rks.org/wp-content/uploads/lqsl/Udhezim%20Administrativ%20per%20anonimizimin%20dhe%20publikimin%20e%20aktgjykimeve%20e%20plotfuqishme.pdf>

Judgements

Court
[Choose]

Branch
[Choose]

Type of Judgement
[Choose]

From

To

Judge
[Choose]

Case Number

Keyword

Search
Y

Total: 40332 published judgements

Type	Case Number	Announcement date	Publication date	Judge	Court	File
AC	1456/2016	20/01/2021	16/02/2021	Qerim Ademaj	Court of Appeals	SQ
PA1	1097/2020	21/01/2021	16/02/2021	Afrim Shala	Court of Appeals	SQ
AC	1529/2017	28/01/2021	16/02/2021	Gani Avdiu	Court of Appeals	SQ

While this may be useful for the general public, the judges interviewed explained that this tool does not particularly assist them in their daily work when drafting judgements because they are not able to conduct a precise search. Most of them said that they rarely use this database, or they use it to find a judgment after having discussed with colleagues to identify which judge in Kosovo had a similar case and when.

Furthermore, the Supreme Court, in the Law on Courts, has the responsibility to “issue [] legal opinions and guidelines for [a] unique application of laws by the courts” (Article 26(1.4)). Some legal opinions are available on the court’s website.²¹ Also, the Supreme Court, with the support from external donor funding, used to publish Case Law Bulletins. They are available on the Supreme Court website. However, the bulletin was not published between 2016 and 2019.²²

REPUBLIKA E KOSOVES
 REPUBLIC OF KOSOVO
 GJYKATA SUPREME
 SUPREME COURT

☰

SQ
SR
EN

Case Law Bulletin

2019

2016

2015

2011

2008

The judges interviewed explained that the bulletins were useful. However, only a small number of cases reach the Supreme Court. Therefore, only a small number of issues can be addressed by the Supreme Court each year. Furthermore, the bulletin did not allow to conduct a precise search.

²¹ <https://supreme.gjyqesori-rks.org/mendimet-juridike/>

²² <https://supreme.gjyqesori-rks.org/buletinet/>

Recommendation 9: *Improve the functionality of the existing database of court decisions, in line with user needs, to ensure legal certainty, predictability and quality of judgements.*

Technologies such as electronic case law databases contribute to fairer, more equal and more predictable outcomes. Legislative and case law databases facilitate searches through bodies of law and make a larger amount of data available to practitioners. These tools help improve both legal certainty, and predictability and quality of delivered judgements, as they make judges, prosecutors and lawyers better equipped for their work. Where decisions are predictable citizens have a better sense that cases are treated consistently equally by the courts. Some countries in Europe already deploy fully functional public case law databases, for instance, in France, JuriCA, JuriNET and Legifrance. In some countries, the development of databases is alleged to have helped change the legal reasoning of practitioners, whose argumentation is less principle-based and more case-based as a result of the profusion of references to past judgements. The existing database of court decisions in Kosovo could be improved by expanding the functionalities of the CMIS and creating a link between the CMIS and the database to populate it automatically with judicial decisions located in CMIS.

3.4.2. A computerized national record centralizing all criminal convictions

62-6 Is there a computerised national record centralising all criminal convictions?

☐ Yes ☐ No

62.6.1 If yes, please specify the following information:

- ☐ Linkage with other European records of the same nature
- ☐ Content directly available through computerised means for judges and/or prosecutors
- ☐ Content directly available for purposes other than criminal (civil and administrative matters)

Comment - Please specify who is the authority delivering the access

Relevant information from the CEPEJ Explanatory Note:

Question 62-6 focuses only on the existence of databases/records for criminal convictions and if the content of these records is available to judicial professionals. The details required in the second part of the question aim to explore the level of connection of this database with similar European records and its electronic accessibility to judicial professionals for criminal and other than criminal purposes.

Comments can be added to explain and clarify other aspects of the national record of criminal convictions, such as the authority managing and delivering access to the record, or other conditions/limitations of access that apply in practice.

KOSOVO: context insights

The National Centralised Criminal Records (NCCR) project in recent years, has worked on the establishment of a centralized computerized registry of criminal convictions. This project received financing from the European Union. At the end of 2020, this database was completed but the work on finetuning the database and cleaning of the data continues. The work on establishing the NCCR system, which includes many other elements, among which the administrative set-up and the regulatory framework, also continues. In 2020, the judges interviewed (working on criminal cases) explained that the content of the NCCR database was not directly available through computerized means. However, registry offices in the courts started to use the NCCR database in 2020 to prepare criminal record certificates, as this is considered the most accurate among the existing databases and the only one which is centralized. Therefore, although the judges do not have direct access to the NCCR, they have access through court staff upon submitting a request.

Further consultation with the NCCR team took place after the workshop of 21 October 2021. The NCCR team explained that direct access will be soon provided to judges and prosecutors, and that training in that regard will start shortly. The KJC is still discussing the issue. Features have been built in the NCCR system to prevent abuses, e.g., by recording every access to the system.

Some judges interviewed explained that they sometimes use the CMIS to see if a defendant was convicted in the past. However, they can have access to limited data and cannot access the judgment itself.

Recommendation 10: *Improve the functionality and ensure accessibility to the NCCR for judges and/or prosecutors as a decision support tool, as currently foreseen by the NCCR team.*

3.5. Writing assistance tools

The set of questions in this section aims to gather information on the availability and use of writing assistance tools regarding both content of decisions or other acts (such as templates, prewritten paragraphs) and voice recording instruments.

3.5.1. Writing assistance tools such as models of templates

62-7 Are there writing assistance tools for which the content is coordinated at national level?
(models or templates, paragraphs already pre-written, etc.)

☐ Yes ☐ No

62.7.1 If yes, please specify the following information:

	Availability rate
Civil and/or commercial	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA
Criminal	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA
Administrative	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA

Comment – if it exists in other matters please specify

Relevant information from the CEPEJ Explanatory Note:

Question 62-7 assesses the availability rate of writing assistance tools whose content is coordinated at the national level. The question aims to identify models and templates, which have been developed for use at the national level, e.g., by a national working group of practitioners, and not isolated local or individual initiatives of one court (e.g.: creation by a magistrate of model paragraphs in a word processor for court decisions; hearing minutes; summons and other standard documents).

The availability rate % should be determined based on the following:

- 100% should be selected if all templates are available for all courts on a specific subject matter (civil, commercial, criminal, administrative);
- 50-99% should be selected if most of the templates are available for all courts or all templates for most of the courts;
- 10-49% should be selected if some of the templates are available for most of the courts or most of the templates for some of the courts;
- 1-9% should be selected if templates are just starting to become available or are in a testing phase;
- 0% (NAP) should be selected if templates do not exist at all for the specific subject matter;
- NA should be selected if writing assistance tools exist, but the specific information is not available.

Comments can contain additional information to provide context to some of the responses provided in the table (e.g., if templates are in a testing phase; examples of the writing assistance tools that are used).

KOSOVO: context insights

There are templates for decisions and judgements in all types of cases, which are available in the Case Management Information System (CMIS). The templates provide the first paragraph at the beginning of the decision or judgement with basic information about the case such as: the name of the judge(s), data related to the parties, the date of the decision/judgment, the CMIS case number. This information is generated automatically by the CMIS. The templates do not provide further guidance.

The judges interviewed explained that the templates in the CMIS are not particularly useful, as they provide the first paragraph of the decision/judgement only. Judges therefore continue to prepare the decisions/judgments using their own templates and then copy and paste them into the CMIS template.

Recommendation 11: *Decision support technologies such as writing assistance tools ensure coherence and help improving efficiency and quality in the delivery of judgements. Existing templates in the CMIS should be improved, to reflect user needs and, where possible, build on the experience developed in practice (including relying on judgments in the CMIS in similar cases). The KJC should take the lead in this process.*

3.5.2. Voice recording tools

62-8 Are there voice recording tools?

☐ Yes ☐ No

62.8.1 If yes, please specify:

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
Civil and/or commercial	<ul style="list-style-type: none">o available in all courtso available in most of themo available in some courts or only some pilot phaseso not available for this matter	<ul style="list-style-type: none">o available in all courtso available in most of the courtso available in some courts or some pilot phaseso not available for this matter	<ul style="list-style-type: none">o Yeso Pilot testingo No
Criminal	<ul style="list-style-type: none">o available in all courtso available in most of themo available in some courts or only some pilot phaseso not available for this matter	<ul style="list-style-type: none">o available in all courtso available in most of the courtso available in some courts or some pilot phaseso not available for this matter	<ul style="list-style-type: none">o Yeso Pilot testingo No
Administrative	<ul style="list-style-type: none">o available in all courtso available in most of themo available in some courts or only some pilot phaseso not available for this matter	<ul style="list-style-type: none">o available in all courtso available in most of the courtso available in some courts or some pilot phaseso not available for this matter	<ul style="list-style-type: none">o Yeso Pilot testingo No

Comment

Relevant information from the CEPEJ Explanatory Note:

Question 62-8 assesses the availability of voice recording tools in courts.

Voice recording tools comprise different software and hardware used in hearings or as part of the judicial proceedings with or without computer voice recognition feature.

Simple dictation tools comprise for instance (portable) recorders which can be used by judges to dictate the decisions to be typed later by court staff.

Multiple speakers recording tools are a more sophisticated example of voice recording instruments. Multiple channels audio recording systems are generally available in courtrooms and allow recording, through multiple microphones, judges, parties and all other participants during hearings.

Voice recognition feature is a tool that uses recorded voice, automatically identifies the words and transforms it in a text document. This document can later be edited by court staff.

In the light of the definitions given, if there is a simple voice dictation tool used by all judges in all first instance courts, except for administrative matters, without voice recognition feature, the replies could respectively be: “available in most of the courts”, “not available for this matter”, “No”.

Comments can contain additional information to provide context to some of the responses provided in the table. For instance, in relation to example made above, the answer “available in most of the courts” could be further clarified in the comments by specifying that the tool is available to all judges in all first instance courts, but not in other courts. Also, if “Pilot testing” is selected, additional information could be added in the comments to clarify the geographical scope, the content, and the duration of the testing phase.

KOSOVO: context insights

Voice recording tools should be distinguished from the use of videoconferencing and recording tools mentioned below under 3.6.7 and 3.6.8 (Questions 64-10 and 64-11).

Voice recording tools are not available in the courts. There are no dictation tools or multiple speakers recording tools.

3.5.3. Intranet site

62-9 Is there an intranet site within the judicial system for distribution of news/novelties?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% - No access
- NA

Comments - questions 62.1 to 62.10

Relevant information from the CEPEJ Explanatory Note:

Question 62-9 refers to the access by judges and all other personnel of courts to an internal online network where national or local information is made available to them. The purpose of an intranet site is to provide the persons who have access to it with the information, resources, and collaboration tools they need to better perform their tasks. The intranet site could allow access, for example, to all new laws, new procedures, manuals or other instructions and/or similar information distribution.

Indications regarding the different availability rates are provided in the text of the question.

Comments can include additional information to provide context to the response regarding the availability rate, such as: the courts where this tool is available; the categories of court staff (in addition to judges and prosecutors) that have access to the intranet site; the body that manages the intranet site and uploads/updates the relevant information; and the type of information available.

Any other comments regarding questions 62-1 to 62-9 can be added here.

KOSOVO: context insights

There is no intranet site within the court system. However, there is an internet site, where relevant information (new regulations and administrative instructions) and news are displayed. This is for the KJC and all courts. See <https://www.gjyqesori-rks.org/?lang=en>

Recommendation 12: *Establishing an intranet site for the courts could be explored to enable the sharing of internal and confidential information relevant to the work of the courts.*

Although considered a ‘non-critical computer application’ in the 2019 CEPEJ toolkit for the implementation of the Cyberjustice Guidelines, the establishment of an intranet would be a valuable tool in sharing internal and confidential information relevant to the work of the courts. Such systems are deployed some countries in Europe.

3.6. Use of IT to improve the efficiency of the judicial system

The set of questions in this section aims to assess the use of IT tools in the context of court administration and court case management, for the purpose of improving the efficiency of the judicial system.

3.6.1. Case management system

63-1 Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

☐ Yes ☐ No

63.1.1 If yes, please specify the following information:

	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool
Civil and/or commercial	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all
Criminal	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all
Administrative	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all

Comment – if it exists in other matters please specify

Relevant information from the CEPEJ Explanatory Note:

Question 63-1 aims to assess the availability (deployment rate), accessibility by the parties of the case and connectivity features of the Case management System (CMS) in courts, i.e., the software or applications used for registering and managing judicial proceedings.

The CMS deployment rate % should be determined based on the following:

- 100% should be selected if the system is deployed in all courts;
- 50-99% should be selected if the system is deployed in most of the courts (in all except some specialised courts for example);
- 10-49% should be selected if the system is deployed in some courts (only appeal courts for example);
- 1-9% should be selected if the CMS is just starting to be deployed or is in a testing phase;
- 0% (NAP) should be selected if a CMS does not exist at all for the relevant subject matter (civil, commercial, criminal, administrative);
- NA should be selected if a CMS exists, but specific information about it is not available.

Status of case online - this column requires to specify if the CMS shows the status of the case online, e.g., dates of hearings to the parties or the content of the case such as documents of parties, decisions, etc.

Accessible to parties means that the parties in case can access online and see the status of their case, scheduled hearings, documents etc.

Publication of decision refers to accessibility online of the decision directly from the CMS.

Both should be selected when both the first and second the option exist.

Not accessible at all – this option should be selected when the parties cannot follow the status of their cases online at all. However, this does not preclude the possibility for judges and court staff to access and work on the case in a CMS.

Centralised or interoperable database refers to the existence of a database for case storage consolidated at national level (or of interoperable databases) for all courts. If there is no centralisation of data (for example, if the data are stored on a court server without any possibility of consolidation), the answer should be “No”.

Early warning signals refers to the ability of the software to generate warning signals in order to have a dynamic and proactive management of cases. Early warning signals can refer to announcements of times elapsed in order to prevent the exceeding of predefined thresholds (detection for example of pending cases older than two years), or automated reports, containing data on critical cases (e.g., warnings on oldest cases or cases without activity/ idle cases). The comments box may indicate if the setting up of early warning signals is based entirely or partly on the guidelines of the CEPEJ SATURN Centre.

Status of integration/connection of a statistical tool with CMS: while the CMS is the main source of statistical data for the assessment and analysis of the work of the courts, statistical tools can be integrated in the CM to allow for the automatic development of statistical reports. This column refers to the integration of the statistical module within CMS and its level of development.

Business Intelligence (BI) refers to means, tools and methods allowing the collection, consolidation, modelling and presentation of the data. It aims at offering to the manager of the organisation (e.g., court President, court Council, the Chancellor) an overview of the activity processed to help him/her take his/her decisions. In that respect the categories foreseen include:

- **Fully integrated including BI** – this option should be selected if the statistical module is fully integrated in the CMS with sophisticated modelling and reporting including a BI module;

- **Integrated** – this option should be selected if a statistical tool is included as a module of the CMS with pre-defined reporting and ad hoc reporting possibilities but no BI;
- **Not integrated but connected** – this option should be selected if there is a separate statistical module but connected with CMS or statistical reporting is possible through importing data from the CMS;
- **Not connected at all** – this option should be selected if there is no connection between the CMS and a statistical tool or module.

Comments should include additional information to provide context to the responses provided in the table.

KOSOVO: context insights

Case management system

The CMIS project, as explained above, started in 2014 and is being financed by Norway. Since January 2018 it was gradually implemented in some courts and for some types of cases. In 2020 the CMIS was deployed and implemented in all basic courts, for all types of cases. The deployment and implementation of the CMIS at the Court of Appeals and the Supreme Court is in process.

The use of the CMIS is mandatory for all judges, staff directly assisting judges, and administrative staff. Cases are processed and managed through the CMIS from the registration until the execution. It is a task-based system, which means that tasks are sent and received automatically between administrative staff (when cases are filed at the court, for example), staff directly assisting the judges (to schedule hearings, etc) and the judges (for decisions and judgements). Not all tasks can currently be completed within the CMIS for various reasons. For example, considering that there is no electronic communication between courts and lawyers (as explained below, 3.6.4), court summonses continue to be prepared manually, and not with the CMIS. The paper summonses are then delivered by the bailiffs, other judicial officers or by post to the lawyers.

Since February 2020, cases in the basic courts are assigned automatically through the CMIS, with some exceptions: pre-trial cases for example, and panel members (in cases with a panel of three judges) are still assigned manually. Also, when judges are promoted or transferred to another department or another court, the cases cannot be re-assigned automatically.

Status of case online

In 2020 a new functionality on the courts' website was developed to check the status of the cases online by the parties.

Basic Court Pristina

Case Status Lookup

Hearing Schedule

All schedules

Basic Court Pristina Court branch of Glogovac Court branch of Gracanica Court branch Lipjan Court branch Podujevo

Time	Case	Room No	Judge	Status
09:00	2019:087702		Elife Uka	
09:00	2019:274401	Zyra e gjykatësit	Fisnik Nuli	
09:00	2019:199487	Zyra e gjykatësit	Dren Rrogova	

Gjykata ime

"MyGjK is a window into courts, reflecting and summarizing important information on court functioning, party rights and obligations in court proceedings, as well as other useful information that enables citizens to be informed and access online services provided by courts and the Kosovo Judicial Council."

gjykataime.org

Case Status

On this page you may search for the status of your case in court and the history of actions from the recording of your case. Searching is performed through the case number and reflects the data in the case management information system (CMIS). Currently, it shows the results for Basic Courts and Kosovo Court of Appeals, while the system is constantly updated and improved.

How to search the case status: ▾

e.g. 2019:123456 **Case Status Lookup**

[View the video tutorial](#)

*In case you have filed a case with the court and the search for its status shows no results on this page, this does not necessarily mean that the case in question is not in the court. The case may not have been recorded yet in the electronic system (CMIS) or the database needs to be updated. The case status data on the court webpage are updated every 24 hours.

Parties, including lawyers, can check the status of a case by entering the case number, and see if the case was assigned to a judge, if hearings have taken place or will take place, if the case is concluded, etc.

The lawyers interviewed mentioned several weaknesses to this new functionality. First of all, to check the status of a case, it is necessary to have the CMIS number of the case. Before the development and implementation of the CMIS, a different system of numbering of cases was used. Currently, cases therefore have an “old” number (such as Cnr 1765/2015) as well as a “new” number, which was given to the case when it was registered into the CMIS (such as 2019: 203735). Some lawyers may not have the new CMIS number for some of their cases if no hearings have taken place yet. If they wish to see the status of these cases online, they have to ask the court.

Furthermore, the new online case status functionality does not provide the entire history of the case, but only the data from the moment the case was registered into the CMIS. For example, it will be indicated that a case was filed in court in 2019 because this is when the case was registered into the CMIS, but in fact that it may be that this case was filed in court some year earlier.

Some lawyers interviewed for the purpose of this assessment commented on their ability to check the status of their cases electronically. They reported that for several cases no data would appear, even though the cases had been completed and a judgment had been rendered. At the workshop on 21 October 2021, the representative of the KJC IT Department explained that, in 2020, there were some technical problems with this new functionality, but that these have been mainly fixed. Nevertheless, because there are often significant delays in the proceedings, lawyers are left without information for long periods of time and have no other choice than visiting the courts in person to strive to be notified about possible developments in their cases.

Finally, it is worth mentioning that the new online case status functionality shows to which judge the case was assigned, even before a hearing regarding that case takes place.

Early warning signals

There are no alarms in the CMIS, except some notifications to inform judges when the measures of deprivation of liberty (such as pre-trial detention) will expire. The judges interviewed explained that they continue to keep track of deadlines on their own, manually, with the help of the legal officers working with them.

Statistical tool

A statistical tool is integrated in the CMIS. In 2020, there were around three statistical reports available in the CMIS. One report monitors the case flow: number of pending, incoming and resolved cases, for the main categories of case. Another statistical report monitors the age of the pending cases. A third report monitors the automatic case assignment system. Additional statistical reports are being developed as well as a module on statistics.

Recommendation 13: Continue contributing human and financial resources for the improvement of the features of CMIS, especially with regard to the introduction of an early warning signalling tool, which would improve efficiency and result in better protection of human rights in criminal cases involving restrictions on liberty, and to the further development of a statistical tool to enable statistical reports to be generated automatically.

To improve the features of the CMIS a detailed review of the system should be conducted regularly (on an annual basis for instance). This will allow to identify and fix bugs.

3.6.2. Computerised registries managed by courts

63-2 Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
Land registry	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Business registry	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comment – if it exists in other registries, please specify

Relevant information from the CEPEJ Explanatory Note:

Question 63-2 concerns the availability of computerised registries and their features such as the level of consolidation at the national level, availability online and the integration of a statistical module. Registry in this question refers to the business, land and other administrative registration systems, not the case registration system as such (comprised in the CMS).

The deployment rate % should be determined based on the following:

- 100% should be selected if all registry events are in the system;
- 50-99% should be selected if almost all registry events are in the system except some cases;
- 10-49% should be selected if the system is deployed in some courts (for example if there is a new application and only new cases are uploaded while old data has not yet migrated or has not been entered);
- 1-9% should be selected if the computerised registry has just started to be deployed or is in the testing phase;
- 0% (NAP) should be selected if a computerised registry does not exist;
- NA should be selected if a computerised registry exists, but specific information about it is not available.

Service available online: the registry service can be considered as available online if professionals or users can, at a minimum, consult its content or obtain extracts of its content via an internet service. The only presence of descriptive information on the functioning of the registry concerned or on the terms and conditions of consultation does not qualify the registry as “available online”.

Statistical module integrated or connected: this column refers to the integration of a statistical module within the system. If statistical reports can be generated directly from the system or indirectly by connecting to the system, the answer should be “Yes”.

Comments should include additional information to provide context to the responses provided in the table. Also, information on other computerised registries should be reported here.

KOSOVO: context insights

There are no such computerized registries managed by the courts.

3.6.3. Budgetary and financial management systems of courts

63-6 Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
Budgetary and financial management of courts	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Justice expenses management	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comment – if other please specify:

--

Relevant information from the CEPEJ Explanatory Note:

Question 63-6 focusses on IT tools used for the purpose of budgetary and financial management of courts. It concerns the employment of IT to inform the heads of courts about the budget allocated and alert them on the expenditures incurred (for example, goods and services related to court functioning, building management, etc.).

Budgetary and financial management of courts relates to IT tools informing the heads of courts about the budget allocated, its sub-items and allowing them to monitor the use of such resources.

Justice expenses management relates to IT tools informing the heads of courts of the expenditures linked only to justice expenses (i.e., costs of legal proceedings and other services related to the case paid by the parties during the proceedings, such as court fees, legal advice, legal representation, transportation fees, etc.).

System communicating with other ministries (financial among others): the aim is to identify if the information technologies are used - between courts and the ministry in charge of finances - in order to facilitate the expenditures monitoring.

The deployment rate % should be determined based on the following:

- 100% should be selected if the tool is deployed in every court and all information is available in categories sufficient for the heads of courts to monitor the situation;

- 50-99% should be selected if the tool is deployed in all courts and most of the information is available;
- 10-49% should be selected if the tool is deployed in some courts or exists but the information available is limited;
- 1-9% should be selected if the tool is just starting to be deployed or in the testing phase;
- 0% (NAP) should be selected if such a tool does not exist;
- NA should be selected if a similar tool exists, but specific information about it is not available.

Data consolidated at national level: the information for all courts can be consolidated directly because it is within one system, or it is composed of more compatible systems that allow easy consolidation of all categories on national level. If this does not exist, then the reply should be “No”.

Comments should include additional information to provide context to the responses provided in the table, especially in relation to the category “other”, if relevant.

KOSOVO: context insights

After the decentralization process from the KJC to the courts took place in 2015, the courts can make expenses on their own.²³ Courts have their own yearly budget and process all payments through the electronic system of the Ministry of Finance called “Information System for the Management of Public Finances”.²⁴ For example, courts process the payment of lawyers appointed by the court *ex officio*, court experts, lay judges, postal services for the delivery of court summonses, bills, etc. These payments are processed manually. For example, lawyers submit invoices at the reception of the court for the hearings in which they participated, and the finance unit processes the payment after obtaining approvals from several people in the court.

Recommendation 14: *Develop an accounting application to keep updated data for an efficient use of resources at the court level.*

The 2019 CEPEJ toolkit for the implementation of the Cyberjustice Guidelines explains that a certain number of IT tools, including an “accounting application”, are critical for the functioning of courts and that without these tools, courts cannot operate or would operate with major difficulties.²⁵ The information from the financial management systems and the data from the CMIS should be read together to obtain a complete overview of the way resources are used.

23 See Administrative Instructions Nr. 01/2015 of 20 August 2015 and Nr. 01/2019 of 21 June 2019 (available in Albanian only) related to responsibilities in the fields of budget and finances, personnel, procurement and logistics:

- <https://www.gjyqesori-rks.org/wp-content/uploads/lgs/UDHEZIM%20ADMINISTRATIV%20%2001%202015%20NE%20ZBATIM%20TE%20VENDIMIT%20TE%20KGJK%20PER%20DELEGIM%20TE%20PERGJEGJESIVE.pdf>
- [https://www.gjyqesori-rks.org/wp-content/uploads/lgs/47946_Udhezimi_administrativ_\(nr.01-2019\)_per_ndarjen_e_pergjegjesive_te_SKGJK_dhe_te_Gjykatave_ne_ceshtjet_personelit_buxhetit_financave_logjistikes_dhe_prokurimit.pdf](https://www.gjyqesori-rks.org/wp-content/uploads/lgs/47946_Udhezimi_administrativ_(nr.01-2019)_per_ndarjen_e_pergjegjesive_te_SKGJK_dhe_te_Gjykatave_ne_ceshtjet_personelit_buxhetit_financave_logjistikes_dhe_prokurimit.pdf)

24 In Albanian: “Sistemi Informativ i manaxhimit të financave publike të Kosovës (SIMFK)”

25 See Toolkit for supporting the implementation of the guidelines on how to drive change towards Cyberjustice, adopted at the 32nd plenary meeting of the CEPEJ, 13-14 June 2019, List of Critical Computer Applications, p.16.

3.6.4. Measurement tools to assess the workload of judges and non-judge staff

63-7 Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

☐ Yes ☐ No

63.7.1 If yes, please specify the following information:

	<i>Tools deployment rate</i>	<i>Data used for monitoring at national level</i>	<i>Data used for a monitoring at court local level</i>	<i>Tool integrated in the CMS</i>
For judges	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
For prosecutors	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
For non-judge/non-prosecutor staff	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Relevant information from the CEPEJ Explanatory Note:

Question 63-7 refers to the use of IT tools for the purpose of quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – (for example for the number of cases received, resolved, transferred etc. per judge). This tool could be integrated within the CMS or be linked to it – in both cases the answer should be “Yes”. Further specification of the features of the tool can be made in the second part of the question.

The tool deployment rate % should be determined based on the following:

- 100% should be selected if the tool is deployed in every court and all information is available;
- 50-99% should be selected if the tool is deployed in all courts and most of the information is available;
- 10-49% should be selected if the tool is deployed in some courts or exists but the information available is limited;
- 1-9% should be selected if the tool is just starting to be deployed or is in the testing phase;
- 0% (NAP) should be selected if such a tool does not exist;
- NA should be selected if a similar tool exists, but specific information about it is not available.

Data used for monitoring at national level: the information for all courts can be monitored directly by a central authority (e.g., the High Judicial Council) because it is within one system, or it is composed of more compatible and communicating systems that allow monitoring of the workload at a national level.

Data used for monitoring at court level: the information is available and monitored at the court level (e.g., by the Court President).

Tool integrated in CMS means that the tool for measuring the workload is part of the CMS. The answer should

be “No” if the data is available from other tools/sources but cannot be extracted from the CMS.

KOSOVO: context insights

As explained above, the CMIS generates a statistical report giving data on the number of pending, incoming, and resolved cases for the main categories of cases, per court and per judge. It is also foreseen that the CMIS will integrate in the future a measurement tool to assess the caseload of the courts and judges: some dashboards for judges and court presidents have been designed and their development in the CMIS is about to be finalised. The tool however will need to rely on the factual number of judges and staff, expressed in FTE.

Recommendation 15: Develop measurement tools to assess the caseload of the courts, prosecution offices and their employees, relying on the factual number of judges, prosecutors and staff, expressed in FTE. See also Recommendation 3.

3.7. IT used for communications between courts, professionals and court users

The set of questions in this section addresses the issue of the availability of IT tools as a means to facilitate communication between courts as well as with professionals and court users. Questions aim to assess the type and scope of actions that can be carried out electronically, such as the possibility to file a case, request legal advice, transmit summons, communications between judges and lawyers, sharing of documents electronically, video conferencing, recording of hearings or debates, submission and admissibility of electronic evidence.

3.7.1. Submitting a case to courts by electronic means

64-2 Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

☐Yes ☐No

64.2.1 If yes, please specify the following information:

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connected tool with the CMS
Civil and/or commercial	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comment – if it exists in other matters please specify:

Relevant information from the CEPEJ Explanatory Note:

Question 64-2 aims to assess the extent to which it is possible to submit a case to court by electronic means (e.g., through an e-mail or by completing a form on a website).

The availability rate % should be determined based on the following:

- 100% should be selected if electronic submission is possible in all courts;
- 50-99% should be selected if electronic submission is possible in most of the courts;
- 10-49% should be selected if electronic submission is possible in some courts;
- 1-9% should be selected if electronic submission is possible in pilot courts only;
- 0% (NAP) should be selected if electronic submission does not exist for that specific matter;
- NA should be selected if electronic submission is possible, but specific information about it is not available.

Specific legislative framework refers to the existence of laws that authorise in a specific way the possibility to recur to means of electronic communication when submitting a case to a court, in addition to or as a substitute of paper-based procedures.

An integrated/connected tool with the CMS – this column can be answered “Yes”, if the data or metadata from electronically submitted case can be imported to the CMS directly (even if it is in fact manually verified before import).

Comments should include additional information to provide context to the responses provided in the table, especially if electronic submission exists in relation to other matters or case categories.

KOSOVO: context insights

Civil and/or commercial cases, and administrative cases

It is not possible for parties (including lawyers) to submit cases by electronic means. It was exceptionally allowed in March-April 2020 when the courts were closed because of the pandemic, as explained below (4.1. Court activity during the pandemic).

Criminal cases

The CMIS system developed interoperability (transferring of cases electronically) from police to prosecution and from prosecution to the courts. Therefore, criminal cases can be submitted from the prosecution to the courts by electronic means, through the CMIS. Lawyers do not have access to the CMIS.

Recommendation 16: *The possibility for the parties/lawyers of submitting cases and procedural documents by electronic means, which occurred during the pandemic, should be deployed (see above 3.1 “The use of IT in courts during the pandemic”).*

According to the 2016 CEPEJ Cyberjustice Guidelines, in most countries, lawyers are now able or will soon be able to communicate, entirely electronically with the courts for the transmission of their procedural documents, submissions or other case-file documents. Migration to a fully electronic system comprises two stages: the establishment of secure communication through normal electronic mailboxes, and the direct input of the lawyers’ documents into the court’s information system (“e-filing”). The expected result of this process is to reduce the work of court registries, who would only need to verify the submission and their legal effects (opening a case file, interruption of a limitation period, etc.). Countries who use this tool are considering refocusing the work of court registries on high-value legal activities and assistance for judges and prosecutors.

3.7.2. Requesting legal aid by electronic means

64-3 Is it possible to request legal aid by electronic means ?

☐Yes ☐No

64.3.1 If yes, please specify the following information:

	Availability rate	Formalisation of the request in paper form remains mandatory	Specific legislative framework regarding requests for legal aid by electronic means	Granting legal aid is also electronic	Information available in CMS
Requesting legal aid electronically	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Relevant information from the CEPEJ Explanatory Note:

Question 64-3 aims to assess the extent to which it is possible to request legal aid by electronic means (e.g., through an e-mail or by completing a form on a website).

The availability rate % should be determined based on the following:

- 100% should be selected if electronic requests are possible for all types of legal aid;
- 50-99% should be selected if electronic requests are possible for the majority of cases;
- 10-49% should be selected if electronic requests are possible for some types of cases only;
- 1-9% should be selected if electronic requests are in the testing phase;
- 0% (NAP) should be selected if the possibility for electronic requests does not exist;
- NA should be selected if electronic requests are possible, but specific information about them is not available.

Specific legislative framework refers to the existence of laws that authorise in a specific way the possibility to recur to means of electronic communication to request the granting of legal aid, in addition to or as a substitute of paper procedures.

Granting legal aid is also electronic can be answered “Yes” if the decision can be issued in the IT system (it is not required for the decision to be automatic).

Information available in CMS: the question should be answered “Yes” if the information that the party receives legal aid is available in CMS (e.g., to the judge resolving the case).

KOSOVO: context insights

In 2020, during the lockdown in March-April, the Free Legal Aid Agency developed a new system, with support from GIZ, to enable people to apply online for legal aid, on the website of the Free Legal Aid Agency. See: <https://anjf.rks-gov.net/>:



Zyrat e ANJF- së

> Prishtine

> Prizren

> Peje

> Mitrovicë

> Gjilan

> Ferizaj

> Gjakovë

> Fushë Kosovë, Drenas

> Istog, Deçan

> Drgash, Suharekë

> Mitrovicë Veriore

> Skenderaj

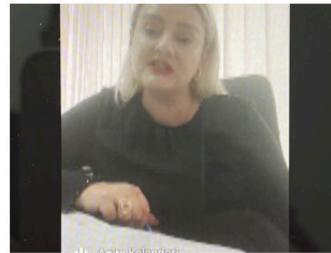
> Malishevë

> Gracanicë

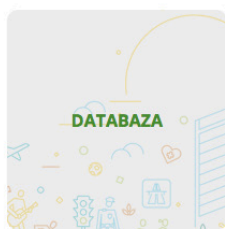
> Kamenicë



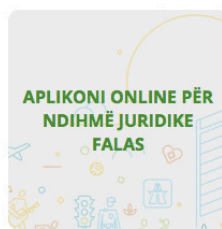
Këshilli për Ndihmë Juridike Falas mbajti takimin e rregullt mujor



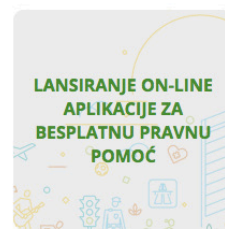
Agjencia për Ndihmë Juridike Falas mbajti takimin e përbashkët me partnerët e saj



[»» Legjislacioni](#)



[»» Na ndiqni](#)



However, the Acting Director of the Agency explained that very few requests were made using this new system during the lockdown. Currently the Agency still receives very few online requests. In 2020, the Agency received and processed over six thousand requests for legal aid, but a very small number of these requests were submitted online. She thinks that this new online service is not yet well known to people, but also suspects that people requesting legal aid usually face poor living conditions and may not be familiar with electronic means or may not have access to IT. The person applying online must fill in a form and also attach some scanned documents, which may complicate the application process.

Recommendation 17: The use of the online system of applications for free legal aid should be promoted and facilitated, including through awareness raising campaigns and user-assistance tools.

3.7.3. Transmitting summonses to a hearing by electronic means

64-4 Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

☐ Yes ☐ No

64.4.1 If yes, please specify the following information:

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comment

Relevant information from the CEPEJ Explanatory Note:

Question 64-4 explores the extent to which it is possible to transmit summons to a judicial meeting (prior to a court hearing, with a view to mediation or conciliation) or a hearing through electronic means (e.g., through an e-mail or by completing a form on a website).

The “**Consent of the user to be notified by electronic means**” allows specifying if electronic summons/con- vocations are triggered only with a clearly expressed agreement of the user. The user is therefore accepting this notification mode which is fully applicable during the whole duration of the procedure. The answer “No” should be selected if the consent of the user is optional or not requested.

The column “**Modalities**” is to be filled in order to specify the communication technologies used. The option “**Specific computer applications**” can for example be related to dedicated websites for which court users have access with identifiers preliminarily communicated and on which opinions or summons can be uploaded securely.

Specific legislative framework refers to the existence of laws that authorize in a specific way the possibility to recur to means of electronic communication when receiving a summon, in addition to or as a substitute of paper procedure.

Comments should include additional information to provide context to the responses provided in the table, including when electronic submission exists in relation to other matters or case categories, or through modalities other than the options provided in the table.

KOSOVO: context insights

Court summonses can be generated automatically from the CMIS, which is very useful. However, paper summonses continue to be used because they are sent by post or through the court delivery officers, or lawyers collect them at the courts.

At the end of 2020, the KJC and the Bar Association started discussing using e-summonses, with a Pilot Project implemented at the Basic Court of Prishtinë/Priština. This was also one of the recommendations of the Commission for Court Administration within the KJC in order to limit the number of postponed hearings. It was approved by the KJC in September 2020 (KGJK.nr.226/2020). Furthermore, the Action Plan attached to the Rule of Law Strategy adopted in August 2021 foresees as one of its aims in the field of E-justice to start using electronic court summonses.²⁶

Recommendation 18: The possibility of submitting summonses by electronic means, should be tested and implemented more broadly with the necessary revisions emerging during the piloting phase. The need to simultaneously submit the summons in paper should be investigated and the relevant legislation revised if needed.

²⁶ Action Plan attached to the Rule of Law Strategy, under E-justice: "The parties are summonsed to hearings electronically".

3.7.4. Electronic communication between courts and lawyers and/or parties

64-6 Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Communication between court and lawyers representing parties ☐ Yes ☐ No
 Communication between court and parties not represented by lawyer ☐ Yes ☐ No

64.6.1 If yes to any of the above, please specify the following information:

	Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework
Civil and/or commercial	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comment

Relevant information from the CEPEJ Explanatory Note:

Question 64-6 relates to the transmission by electronic means of data/files contained in a judicial proceeding with or without scanned documents, essentially for the purpose of developing paperless communication. Considering that electronic communication with the court might be limited exclusively to lawyers, the first part of the question requires to indicate whether electronic communication is granted solely to lawyers who represent parties or if this option also exists for parties not represented by lawyers.

The column “**Tool deployment rate**” relates to the estimate on the number of courts where the tool is available, and the number of trial phases included. The deployment rate % should be determined based on the following:

- 100% should be selected if electronic transmission is possible for all types of trial phases in this matter and in all courts;
- 50-99% should be selected if electronic transmission is possible for the majority of trial phases in this matter and in all courts, or for all trial phases in the majority of courts;
- 10-49% should be selected if electronic transmission is possible for some trial phases in this matter and in some courts;
- 1-9% should be selected if electronic transmission is in the testing phase;
- 0% (NAP) should be selected if the possibility for electronic transmission of documents does not exist;
- NA should be selected if electronic transmission of documents is possible, but specific information about this possibility is not available.

The column “**Modalities**” is to be filled in addition to the column “**Trial phase concerned**” in order to specify the communication tools that are specifically used. If different modalities of communication in the different trial phases apply (e-mail only for the preparatory phase and/or computer application dedicated only to the transmission of decisions), multiple options should be selected, specifying the details in the comment. Please note that e-mails without electronic signature do not count as an electronic communication for the purpose of this question.

Specific legal framework refers to the existence of laws that authorise in a specific way the possibility to recur to means of electronic communication for the sharing of electronic files and data, in addition to or as a substitute of paper procedure. The answer should be “Yes” when a legislative text regulates at least one of the trial phases. “No” should be selected when no such legal basis exists, although in practice electronic exchanges between courts, professionals and/or court users may take place, for example, based on extensive interpretations of legal texts.

Comments should include additional information to provide context to the responses provided in the table, especially with regard to modalities of electronic transmission and the legislative framework.

KOSOVO: context insights

In 2020 electronic communication between courts and lawyers and/or parties was not possible. All documents have to be submitted in paper.

Two specific issues were raised in the context of this assessment regarding the difficult communication between courts and lawyers.

Delivery of the decision/judgment

Decisions and/or judgements are delivered in paper from the court to the lawyers together with a receipt. The time period to appeal the decision/judgment starts running from the moment the lawyers have signed the receipt, which is then returned to the court. In practice there are significant challenges and delays in the delivery process.

The payment of court fees

A specific issue raised in the context of this assessment was the impossibility for lawyers to pay court fees online. Lawyers have to go to the court; the clerk will then determine the amount of the court fee based on the value of the claim. Lawyers obtain an invoice from the clerk, and then have to pay the fee at the bank. Lawyers then have to return to the court with a proof that the court fee was paid. The judge will not process a claim if there is no proof that the court fee was paid. This is very time consuming because lawyers have to go to the court several times in person.

Recommendation 19: *Electronic communications between courts, lawyers, and other stakeholders should be strongly promoted as efficiency tools.*

See also Recommendations 12 and 15.

Recommendation 20: *An e-Payment solution for court fees should be developed, first piloted in a few selected courts and later rolled out at the Kosovo level.*

Some institutions, such as the Industrial Property Agency have developed such an e-Payment solution. It is possible to generate a digital payment slip online, which can then be printed.²⁷

3.7.5. Electronic communication used by professionals other than lawyers

64-7 Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

	Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
Enforcement agents (as defined in Q169 and following)	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notaries (as defined in Q192 and following)	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes <input type="checkbox"/> No
Experts (as defined in Q202 and following)	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes <input type="checkbox"/> No
Judicial police services	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comment:

²⁷ Industrial Property Agency (KIPA): <https://kipa.rks-gov.net/page.aspx?id=2,1> and regarding digital payment slip: <https://kipa.rks-gov.net/fp/> (in Albanian only).

Relevant information from the CEPEJ Explanatory Note:

Question 64-7 relates to the transmission by electronic means of data/files contained in a judicial proceeding with or without scanned documents, for the purpose of developing paperless communication. It is worth noting the difference with the previous question (64-6): question 64-7 addresses only electronic communication between courts and professionals other than lawyers, such as enforcement agents, notaries, judicial experts and others.

The column “**Tool deployment rate**” requires indicating an estimate on the number of courts where the tool is available and the number of different types of documents that are communicated electronically. Different types of deeds/acts/documents that are communicated electronically could be grouped under the following categories:

- Summons to a court;
- Evidences;
- Decisions;
- Legal remedies;
- Other deeds.

Please note that some of the options offered might be applicable to all legal professionals and their judicial proceedings (such as “Summon to a court”), On the other hand, some of the options might refer only to one type of legal professionals and respective judicial proceedings. Please bear in mind that the list is not exhaustive.

Please also note that emails without electronic signature do not count as an electronic communication for the purpose of this question.

The deployment rate % should be determined based on the following:

- 100% should be selected if electronic transmission is possible for all types of deeds in this matter and in all courts;
- 50-99% should be selected if electronic transmission is possible for the majority of deeds in this matter and in all courts or for all deeds in the majority of courts;
- 10-49% should be selected if electronic transmission is possible for some deeds in this matter and in some courts;
- 1-9% should be selected if electronic transmission is in the testing phase;
- 0% (NAP) should be selected if the possibility for electronic transmission of documents does not exist;
- NA should be selected if electronic transmission of documents is possible, but specific information about this possibility is not available.

Specific legal framework refers to the existence of laws that authorise in a specific way the possibility to recur to means of electronic communication for the sharing of electronic files and data, in addition to or as a substitute of paper procedure. The answer should be “Yes” when a legislative text regulates at least one type of document.

Comments should include additional information to provide context to the responses provided in the table, especially with regard to modalities of electronic transmission and the legal framework.

KOSOVO: context insights

In 2020, electronic communication between courts and professionals other than lawyers was not possible.

3.7.6. Online processing systems of specialized litigation

64-9 Are there online processing systems of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)

☐ Yes ☐ No

Comment – Please describe the system that exists.

Relevant information from the CEPEJ Explanatory Note:

Question 64-9 aims to identify if there are specific sectors of litigation that are completely machine driven, for example, some low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. I

Comments should include a brief description of electronic processing systems, where they exist.

KOSOVO: context insights

There are no online processing systems of specialized litigation in the Kosovo courts.

3.7.7. Videoconferencing between courts, professionals and/or users

64-10 Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

☐ Yes ☐ No

64.10.1 If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees' transfers to the court):

	Deployment rate	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comment

Relevant information from the CEPEJ Explanatory Note:

Question 64-10 concerns the use of videoconferencing in the framework of judicial proceedings between two locations in real time. This may involve (or not) a recording of the session for later use.

The deployment rate % should be determined based on the following:

- 100% should be selected if videoconferencing is deployed in all courts;
- 50-99% should be selected if videoconferencing is deployed in most of the courts;
- 10-49% should be selected if videoconferencing is deployed in some courts;
- 1-9% should be selected if videoconferencing is deployed in pilot courts only;
- 0% (NAP) should be selected if videoconferencing does not exist for the relevant matter;
- NA should be selected if videoconferencing is deployed, but specific information in that regard is not available.

The proceeding phases concerned by the videoconference between courts, professionals and/or users are described as follows:

- **Prior to the hearing** relates to all preliminary phases of the submission of a case to a court or to a hearing. In civil matters, it refers to alternative dispute resolutions; in criminal matters, it refers to the investigation phase (e.g., for the management of measures involving deprivation of liberty by the public prosecutor).
- **During the hearing** refers to auditions using videoconference during the trial. In criminal matters, it can refer to videoconference with both, the defendants or the witnesses that are in other locations in real time.
- **After the hearing** refers to subsequent phases to the final decision (e.g. a conviction in criminal cases) such as the enforcement of sentences.

Specific legislative framework refers to the existence of laws that authorise in a specific way the possibility of videoconferencing.

Comments should include additional information and examples to provide context to the responses provided in the table, especially with regard to the proceeding phases and the legislative framework.

KOSOVO: context insights

Videoconferencing tools (such as web cameras, application for videoconferencing such as Zoom) are available in all basis courts. A USAID-funded project also donated some equipment (cameras and microphones) during the year. Because of the pandemic situation, some hearings were held online during the year 2020.

More generally, the judges interviewed explained that video conferencing is rarely used in the courts. During the COVID-19 pandemic, the courts had to develop the use of videoconferencing in judicial proceedings. As stressed in the Guidelines on videoconferencing in judicial proceedings adopted by the CEPEJ on 16-17 June 2021, all guarantees to a fair trial under ECHR apply to remote hearings in all judicial proceedings. The Guidelines contain in the appendix a Checklist of the basic requirements for the implementation of videoconferencing in judicial practice.

Recommendation 21: The use of videoconferencing in judicial proceedings can have some benefits. However, such use should not undermine the right to a fair trial as enshrined in Article 6 of the European Convention on Human Rights (ECHR).

3.7.8. Recording of hearings

64-11 Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

☐ Yes ☐ No

64.11.1 If yes, please specify the following information:

	<i>Tool deployment rate</i>	<i>Type of recording</i>	<i>Specific legislative framework</i>
Civil and/or commercial	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="radio"/> Sound <input type="radio"/> Video <input type="radio"/> Both	<input type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="radio"/> Sound <input type="radio"/> Video <input type="radio"/> Both	<input type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="radio"/> Sound <input type="radio"/> Video <input type="radio"/> Both	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comment

Relevant information from the CEPEJ Explanatory Note:

Question 64-11 concerns the recording of hearings or debates – whether audio only, video only, or both audio and video – during different phases of investigation and/or trial.

The deployment rate % should be determined based on the following:

- 100% should be selected if recording is deployed in all courts;
- 50-99% should be selected if recording is deployed in most of the courts;
- 10-49% should be selected if recording is deployed in some courts;
- 1-9% should be selected if recording is deployed in pilot courts only;
- 0% (NAP) should be selected if recording is not possible for the relevant matter;
- NA should be selected if videoconferencing is deployed, but specific information in that regard is not available.

Specific legislative framework refers to the existence of laws that authorise in a specific way the possibility of recording hearings or debates.

Comments should include additional information and examples to provide context to the responses provided in the table, especially with regard to the legislative framework (e.g. specify if recording is mandatory or op-

tional under the law).

KOSOVO: context insights

According to Article 315(2) of the Criminal Procedure Code, the main trial “shall be either audio- or video-recorded or recorded through stenographical means, unless there are reasonable grounds for not so doing”.

Courts have the equipment to audio- and video-record hearings in some of their courtrooms but not all. However, it seems that the equipment is rather outdated. Therefore, in some courts, some hearings are occasionally recorded, upon request from the judge, when a case is important for example, but in some other courts, hearings are never recorded.

This issue is very well known in the justice system and was reported in many reports from international organisations.²⁸

Recommendation 22: *The KJC and courts should put additional efforts (financial and human resources) to comply with the requirement provided in the law regarding recordings in criminal cases.*

3.7.9. Electronic evidence

64-12 Is electronic evidence admissible?

Matter	Admissibility of electronic evidence	Legislative framework
Civil and commercial	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="radio"/> General law only <input type="radio"/> General and specialised law <input type="radio"/> Specialised law only
Criminal	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="radio"/> General law only <input type="radio"/> General and specialised law <input type="radio"/> Specialised law only
Administrative	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="radio"/> General law only <input type="radio"/> General and specialised law <input type="radio"/> Specialised law only

Comment - Other devices of electronic communication between courts, professionals and/or users

--

Relevant information from the CEPEJ Explanatory Note:

Question 64.12 aims to evaluate if judicial systems admit electronic evidence (e.g., numerical documents, electronically signed or not, technical computerised files such as data recorded in the cache of internet navigators, digital photos and videos, security cameras recordings etc.) or evidence, presented in an electronic form (e.g. scanned documents, digitalised paper photos or similar). The question also aims to assess whether the admissibility of electronic evidence is foreseen specifically in the legal framework.

Under “**Legislative framework**”, the option “**General law only**” should be selected if the legislative framework does not contain any specific provision (for example, admission of any document, whatever is its nature – and therefore electronic evidence is admissible).

²⁸ See for example the report from the OSCE Mission in Kosovo, “Review of the Implementation of the New Criminal Procedure Code of Kosovo”, issued in June 2016, p. 33 <https://www.osce.org/files/f/documents/0/8/243976.pdf>

Comments should include additional information and examples to provide context to the responses provided in the table, especially with regard to the types of admissible evidence. For instance, the implementation and/or the admission of “blockchain” (information storage and transmission technology, transparent, secure, and operating without a central control body) as evidence and/or transaction should be mentioned in the comments.

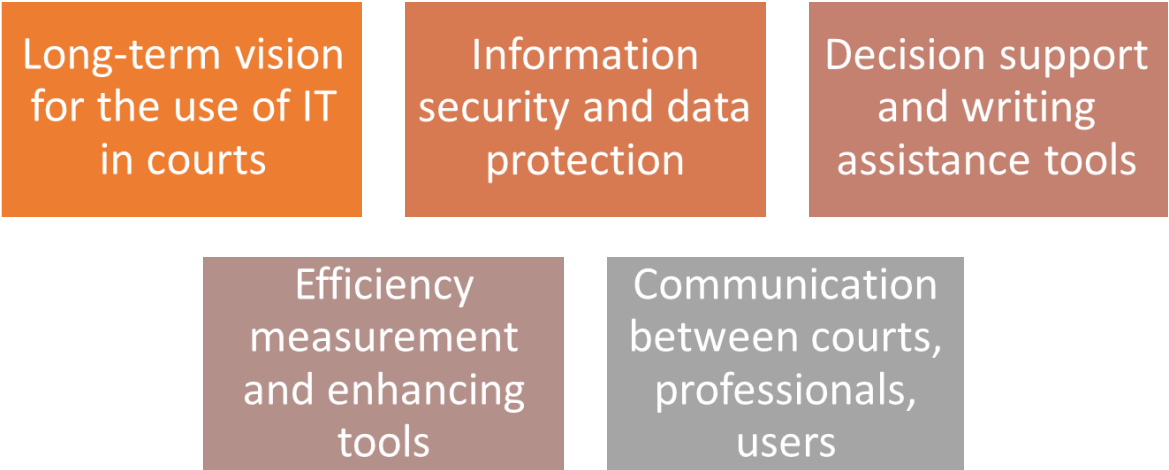
KOSOVO: context insights

The law does not specify or prohibit the submission of electronic evidence.

See **Recommendation 19**

PART 4 - SUMMARY OF AREAS FOR FURTHER ACTION AND RECOMMENDATIONS

The report identifies five areas for further action.



I. Long-term vision for the deployment and use of IT tools

Recommendation 1: Evaluate on a regular basis, based on the CEPEJ methodology, the deployment of IT in courts in Kosovo with the purpose of improving the quality and efficiency of judicial services.

The filling in of the questionnaire and the calculation of the overall IT Deployment Index are closely related and will help monitoring progress over time regarding the deployment of IT in courts. When filling in the questionnaire, the following information should be recorded for future reports: the official at the relevant institution that provided the answer to a specific question (his/her contact details) and all the related comments. This will help in the next reports to ensure consistency of answers (and avoid a different interpretation of the question) and to identify possible evolutions.

Recommendation 2: Collect and report accurate data on approved and implemented budgets, not only official budget data but also external funding.

In previous assessments we found that the judicial system in Kosovo, as in other neighbouring countries/entities, benefits from additional external resources which are not part of the official budgets and do not figure in the statistics. Their progressive exhaustion in the medium/long term should be considered by Kosovo authorities to guarantee the sustainability of reforms, especially those aiming at introducing ICT tools in the judiciary. Indeed, when allocating resources to IT-based projects, due account must be taken of all the direct and indirect costs involved in introducing new technology and new professional practices and the budget should be sized according to the life cycle of the project, because underestimating the amount of money required has caused problems for many an IT projects (CEPEJ Cyberjustice Guidelines, § 98, 99).

We recommend that the KJC, the KPC and other relevant institutions involved collect and report precise data on approved and implemented budgets during the reference year for courts and prosecution offices. Data accuracy is crucial to efficient planning and identification of sustainable solutions. Data on external contributions should also be collected and taken into consideration in the context of policy planning in this area.

Recommendation 3: Develop an overall and long-term vision for improving efficiency and quality of justice through IT, formulated with clear, measurable and verifiable objectives, where technology provides a means rather than an end, and which goes beyond the logic of isolated projects. This contributes to benefiting fully and sustainably from a consistent deployment and use of IT tools.

The 2019 CEPEJ toolkit for the implementation of the Cyberjustice Guideline, explains that goals and objectives should be defined according to the strong needs of citizens and users, rather than technology driven. It is essential to present IT tools as a contribution to a better service for all types of users. Third, it is important to have support at the highest level to ensure effective implementation. Fourth, effective participation of the different groups of users should be ensured.

Recommendation 4: Develop, and link to the CMIS, a human resources application and keep updated data to collect FTE figures and to ensure a timely identification of problems and the implementation of solutions.

The 2019 CEPEJ toolkit for the implementation of the Cyberjustice Guidelines explains that a certain number of IT tools, including a “human resources application”, are critical for the functioning of courts and that without these tools, courts cannot operate or would operate with major difficulties. Collecting and reporting FTE numbers is essential because non-FTE figures show a higher number of human resources than that available in practice.

Recommendation 5: Kosovo should continue investing in the new human resource profiles that have become essential for online justice (mostly by recruiting new staff when training or retraining is not enough).

The 2016 CEPEJ Cyberjustice Guidelines explain that the development of IT tools in courts, and in the justice system more generally, requires a significant reinvestment in human resources through recruitment or training plans for the new services proposed (§ 31), although the statutory staff costs for judges, prosecutors and registrars should, for the moment at least, remain unchanged (§ 27).

Recommendation 6: In line with the CEPEJ toolkit for the implementation of the Cyberjustice Guidelines, the impact of IT projects should be assessed during the implementation of the project and/or after its completion. A user's satisfaction survey of the CMIS should be conducted which should involve judges, prosecutors and staff in courts and prosecution offices.

The 2019 CEPEJ toolkit for the implementation of the Cyberjustice Guidelines proposes a grid for evaluating IT projects. One of the steps to be undertaken is to conduct an assessment/impact evaluation of the project conducted in the course of the implementation of the project or after its completion, and to examine its results.

The Guidelines further suggest the involvement of independent experts or researchers from a wide range of disciplines in such an exercise (Guidelines, § 120). On the one hand this allows organisations to access expertise that is not normally available to them in-house (sociology, management, social psychology, econometrics, anthropology, etc.), and on the other it helps to ensure impartiality in the collection and analysis of data vis-à-vis users and the public.

II. Security of court information and data protection

Recommendation 7: Ensuring data security is a core concern in the implementation of IT tools in the judiciary. A security policy regarding judicial data is needed, which should articulate clearly the principles that should inform storage, ownership, security and confidentiality of judicial data, with a view to managing risks rather than avoid them.

The 2019 CEPEJ toolkit for the implementation of the Cyberjustice Guidelines suggests a pragmatic approach when addressing security issues in the context of information systems, which is informed by flexibility. Such flexibility rests on the articulation of a clear policy that seeks to manage risks rather than avoid them, and on the implementation of periodic risk analyses. Such analyses are necessary for all computer applications (including the way in which applications and hardware are managed) with risks being assessed both from the angle of the likelihood of occurrence and the extent of the damage in the event of occurrence.

Recommendation 8: Clear rules should be adopted determining document access rights, both for users in the justice system and for outside parties in compliance with privacy rights.

The Kosovo Law on the protection of personal data is not clear as to how personal data should be managed by courts. The 2019 CEPEJ toolkit for the implementation of the Cyberjustice Guidelines, highlights the delicate balance to be struck between the need for anonymization of data in the documents made available to the public (on personal data protection grounds) and the principle of open justice. Accordingly, clear rules should be developed (and implemented) which determine document access rights, both for users in the justice system and for outside parties, the redress mechanisms available and the authority/ies responsible.

III. Decision support and writing assistance tools

Recommendation 9: Improve the functionality of the existing database of court decisions, in line with user needs, to ensure legal certainty, predictability and quality of judgements.

Technologies such as electronic case law databases contribute to fairer, more equal and more predictable outcomes. Legislative and case law databases facilitate searches through bodies of law and make a larger amount of data available to practitioners. These tools help improve both legal certainty, and predictability and quality of delivered judgements, as they make judges, prosecutors and lawyers better equipped for their work. Where decisions are predictable citizens have a better sense that cases are treated consistently equally by the courts. The existing database of court decisions in Kosovo could be improved by expanding the functionalities of the CMIS and creating a link between the CMIS and the database.

Recommendation 10: Improve the functionality and ensure accessibility to the NCCR for judges and/or prosecutors as a decision support tool, as currently foreseen by the NCCR team.

The NCCR computerized registry was completed at the end of 2020 but the work on finetuning the database and cleaning of the data continues. In 2020, the content of the NCCR database was not directly available through computerized means to judges and prosecutors. However, registry offices in the courts started to use the NCCR database in 2020 to prepare criminal record certificates, as this is considered the most accurate among the existing databases and the only one which is centralized.

Direct access will be soon provided to judges and prosecutors, and the training of judges will start shortly. The KJC is still discussing the issue. Features have been built in the NCCR system to prevent abuses, e.g., by recording every access to the system.

Recommendation 11: Decision support technologies such as writing assistance tools ensure coherence and help improving efficiency and quality in the delivery of judgements. Existing templates in the CMIS should be improved, to reflect user needs and, where possible, build on the experience developed in practice (including relying on judgments in the CMIS in similar cases). The KJC should take the lead in this process.

Recommendation 12: Establishing an intranet site for the courts could be explored to enable the sharing of internal and confidential information relevant to the work of the courts.

Although considered a ‘non-critical computer application’ in the 2019 CEPEJ toolkit for the implementation of the Cyber-justice Guidelines, the establishment of an intranet would be a valuable tool in sharing internal and confidential information relevant to the work of the courts. Such systems are deployed some countries in Europe.

IV. Efficiency enhancing tools

Recommendation 13: Continue contributing human and financial resources for the improvement of the features of CMIS, especially with regard to the introduction of an early warning signalling tool, which would improve efficiency and result in better protection of human rights in criminal cases involving restrictions on liberty, and to the further development of a statistical tool to enable statistical reports to be generated automatically.

Recommendation 14: *Develop an accounting application to keep updated data for an efficient use or resources at the court level.*

The 2019 CEPEJ toolkit for the implementation of the Cyberjustice Guidelines explains that a certain number of IT tools, including an “accounting application”, are critical for the functioning of courts and that without these tools, courts cannot operate or would operate with major difficulties. The information from the financial management systems and the data from the CMIS should be read together to obtain a complete overview of the way resources are used.

Recommendation 15: *Develop measurement tools to assess the caseload of the courts, prosecution offices and their employees, relying on the factual number of judges, prosecutors and staff, expressed in FTE.*

V. Communication between courts, professionals, users

Recommendation 16: *The possibility of submitting cases and procedural documents by electronic means, which occurred during the pandemic, should be deployed.*

According to the 2016 CEPEJ Cyberjustice Guidelines, in most countries, lawyers are now able or will soon be able to communicate, entirely electronically with the courts for the transmission of their procedural documents, submissions or other case-file documents. Migration to a fully electronic system comprises two stages: the establishment of secure communication through normal electronic mailboxes, and the direct input of the lawyers’ documents into the court’s information system (“e-filing”). The expected result of this process is to reduce the work of court registries, who would only need to verify the submission and their legal effects (opening a case file, interruption of a limitation period, etc.). Countries who use this tool are considering refocusing the work of court registries on high-value legal activities and assistance for judges and prosecutors.

Recommendation 17: *The use of the online system of applications for free legal aid should be promoted and facilitated, including through awareness raising campaigns and user-assistance tools.*

Recommendation 18: *The possibility of submitting summonses by electronic means, should be tested and implemented more broadly with the necessary revisions emerging during the piloting phase. The need to simultaneously submit the summons in paper should be investigated and the relevant legislation revised if needed.*

Recommendation 19: *Electronic communications between courts, lawyers, and other stakeholders should be strongly promoted as efficiency tools.*

Recommendation 20: *An e-Payment solution for court fees should be developed, piloted in a few selected courts and rolled out at the national level.*

Recommendation 21: *The use of videoconferencing in judicial proceedings can have some benefits. However, such use should not undermine the right to a fair trial as enshrined in Article 6 of the European Convention on Human Rights (ECHR).*

During the COVID-19 pandemic, the courts had to develop the use of videoconferencing in judicial proceedings. As stressed in the Guidelines on videoconferencing in judicial proceedings adopted by the CEPEJ on 16-17 June 2021, all guarantees to a fair trial under ECHR apply to remote hearings in all judicial proceedings. The Guidelines contain in the appendix a Checklist of the basic requirements for the implementation of videoconferencing in judicial practice.

Recommendation 22: *The KJC and courts should put additional efforts (financial and human resources) to comply with the requirement provided in the law regarding recordings in criminal cases.*

ANNEX I - Completed CEPEJ IT questionnaire for Kosovo (2020 data)

Financuar
nga Bashkimi Evropian
dhe Këshilli i Evropës



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Zbatohet
nga Këshilli i Evropës

Strengthening the Quality and Efficiency of Justice in Kosovo (KoSEJ2 Action)*

CEPEJ IT QUESTIONNAIRE

FOR EVALUATING JUDICIAL SYSTEMS RELATED TO THE USE OF TECHNOLOGIES IN COURTS
(EXTRACT FROM THE CEPEJ EVALUATION SCHEME)

Data 2020

6. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	27,265,668.04	26,283,995.51
1. Annual public budget allocated to (gross) salaries		
2. Annual public budget allocated to computerisation	310,000	144,526
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.).		
4. Annual public budget allocated to court buildings (maintenance, operating costs)		
5. Annual public budget allocated to investments in new (court) buildings		
6. Annual public budget allocated to training		
7. Other (Please specify)		

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences:

* This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

The difference between the implemented budget and the approved budget is due to the fact that the KJC was not able to purchase the computers and other IT equipment that it had foreseen to purchase (because of some delay in the delivery from the economic operator). 144,526EUR were spent for the maintenance of the IT system. External resources are not included.

52. Number of non-judge staff who are working in courts (if possible, on 31 December of the reference year) (this data should not include the staff working for public prosecutors) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Male	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1532 / NA / NAP	___/ NA / NAP	___/ NA / NAP
1. <i>Rechtspfleger</i> (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	___/ NA / NAP	___/ NA / NAP	___/ NA / NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	___/ NA / NAP	___/ NA / NAP	___/ NA / NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	___/ NA / NAP	___/ NA / NAP	___/ NA / NAP
4. Technical staff	17 / NA / NAP	___/ NA / NAP	___/ NA / NAP
5. Other non-judge staff	___/ NA / NAP	___/ NA / NAP	___/ NA / NAP

If "other non-judge staff", please specify; other comments please specify

In 2020 there were also 27 staff in the courts working for the CMIS project (financed by Norway).

3.5 USE OF INFORMATION TECHNOLOGIES IN COURTS

3.5.1 GENERAL POLICIES IN INFORMATION TECHNOLOGY IN JUDICIAL SYSTEMS

65-4 Have you measured the impact resulting from the implementation of one or several components of your new information system?

Yes ☐ No ☐

65.4.1 If yes, have you measured the impact on: (multiple answers possible)

☐ Business processes

☐ Workload

☐ Human resources

☐ Costs

☐ Other, please specify -----

Comments (please, specify examples of the impact)

The CMIS Project started in 2014 and is being financed by Norway. It is currently in its Consolidation Phase until 2021. Since January 2018, it was gradually deployed and implemented in all courts. In 2020 the CMIS was deployed and implemented in all basic courts, for all types of cases, except at the Court of Appeals and at the Supreme Court, where the implementation is still in process. The impact resulting from the implementation of this new system on the work of the basic courts has so far not been assessed.

3.5.2 SECURITY OF COURTS INFORMATION SYSTEM AND PERSONAL DATA PROTECTION

65-5 Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary?

Yes ☐ No ☒

Comments (please specify in particular if national frameworks of information security exist):

The National Audit of Kosovo is entitled to control all the financial, administrative and other activities, programmes and projects managed by public institutions: <http://www.zka-rks.org/en/>. However, this institution has not, so far, addressed the issue of the security of the information and data collected, stored and handled by the judiciary.

65-6 Is the protection of personal data managed by courts ensured at legislative level?

Yes ☒ No ☐

Comment: If yes, please specify among others:

- if there are authorities specifically responsible for protection of personal data
- the extent of the rights granted to citizens in the specific framework of software used by courts
- if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.)

The Law on the protection of personal data determines the rights, responsibilities, principles and measures with respect to the protection of personal data (<https://gzk.rks-gov.net/ActDetail.aspx?ActID=18616>). It sets up an institution responsible for monitoring the legitimacy of data processing – the Information and Privacy Agency: <https://aip.rks-gov.net/en/>. However, the law is not clear as to personal data managed by courts.

3.5.3 CENTRALISED DATABASES FOR DECISION SUPPORT

62-4 Is there a centralised national database of court decisions (case-law, etc.)?

Yes ☒ No ☐

62.4.1 If yes, please specify the following information:

	<i>For 1st instance decisions</i>	<i>For 2nd instance decisions</i>	<i>For 3rd instance decisions</i>	<i>Link with ECHR case law</i>	<i>Data anonymised</i>	<i>Case-law database available free on-line</i>	<i>Case-law database available in open data</i>
Civil and/or commercial	<input type="radio"/> Yes, all judgements <input checked="" type="checkbox"/> Yes, some judgements <input type="radio"/> No	<input type="radio"/> Yes, all judgements <input checked="" type="checkbox"/> Yes, some judgements <input type="radio"/> No	<input type="radio"/> Yes, all judgements <input checked="" type="checkbox"/> Yes, some judgements <input type="radio"/> No	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Criminal	<input type="radio"/> Yes, all judgements <input checked="" type="checkbox"/> Yes, some judgements <input type="radio"/> No	<input type="radio"/> Yes, all judgements <input type="radio"/> Yes, some judgements <input type="radio"/> No	<input type="radio"/> Yes, all judgements <input checked="" type="checkbox"/> Yes, some judgements <input type="radio"/> No	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Administrative	<input type="radio"/> Yes, all judgements <input checked="" type="checkbox"/> Yes, some judgements <input type="radio"/> No	<input type="radio"/> Yes, all judgements <input checked="" type="checkbox"/> Yes, some judgements <input type="radio"/> No	<input type="radio"/> Yes, all judgements <input checked="" type="checkbox"/> Yes, some judgements <input type="radio"/> No	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Comment – if it exists in other matters please specify

A certain number of judgments from all Basic Courts, the Court of Appeals, and the Supreme Court are available to the public on the website of the Kosovo Judicial Council - <https://www.gjyqesori-rks.org/> - (around 40000 judgments). Only final judgments are published. Parties' names are anonymized, based on the Administrative Instruction of the KJC dated 2 February 2016. The anonymization process is done manually by court staff. According to this instruction, it is important to increase public access to judgments and to increase the transparency of the judiciary.

62-6 Is there a computerised national record centralising all criminal convictions?

Yes ☒ No ☐

62.6.1 If yes, please specify the following information:

- ☐ Linkage with other European records of the same nature
- ☐ Content directly available through computerized means for judges and/or prosecutors
- ☐ Content directly available for purposes other than criminal (civil and administrative matters)

Comment - Please specify who is the authority delivering the access

The National Centralised Criminal Records (NCCR) project in recent years has worked on the establishment of a centralized computerized registry of criminal convictions. This project received financing from the European Union. At the end of 2020, this database was completed but the work on finetuning the database and cleaning of the data continues. In 2020, this database was not in use by judges. Several other databases were in place and were used by the clerks to prepare the criminal record certificates. It was not used by the judges and prosecutors either.

3.5.4 WRITING ASSISTANCE TOOLS

62-7 Are there writing assistance tools for which the content is coordinated at national level? (Models or templates, paragraphs already pre-written, etc.)

Yes ☒

No ☐

62.7.1 If yes, please specify the following information:

	<i>Availability rate</i>	
Civil and/or commercial	✓100% 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	
Criminal	✓100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	
Administrative	✓100% 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	

Comment – if it exists in other matters please specify

There are templates for decisions and judgements in all types of cases, which are available in the Case Management Information System (CMIS). The templates provide the first paragraph at the beginning of the decision or judgement with basic information about the case such as: the name of the judge(s), data related to the parties, the date of the decision/judgment, the CMIS case number. This information is generated automatically by the CMIS. The templates do not provide further guidance.

62-8 Are there voice recording tools?

Yes ☒

No ☐

62.8.1 If yes, please specify:

	<i>Availability of simple dictation tools</i>	<i>Availability of multiple speakers recording tools</i>	<i>Voice recognition feature</i>
Civil and/or commercial	<input type="radio"/> available in all courts <input type="radio"/> available in most of them <input type="radio"/> available in some courts or only some pilot phases <input checked="" type="checkbox"/> not available for this matter	<input type="radio"/> available in all courts <input type="radio"/> available in most of the courts <input type="radio"/> available in some courts or some pilot phases <input checked="" type="checkbox"/> not available for this matter	<input type="radio"/> Yes <input type="radio"/> Pilot testing <input checked="" type="checkbox"/> No
Criminal	<input type="radio"/> available in all courts <input type="radio"/> available in most of them <input type="radio"/> available in some courts or only some pilot phases <input checked="" type="checkbox"/> not available for this matter	<input type="radio"/> available in all courts <input type="radio"/> available in most of the courts <input type="radio"/> available in some courts or some pilot phases <input checked="" type="checkbox"/> not available for this matter	<input type="radio"/> Yes <input type="radio"/> Pilot testing <input checked="" type="checkbox"/> No
Administrative	<input type="radio"/> available in all courts <input type="radio"/> available in most of them <input type="radio"/> available in some courts or only some pilot phases <input checked="" type="checkbox"/> not available for this matter	<input type="radio"/> available in all courts <input type="radio"/> available in most of the courts <input type="radio"/> available in some courts or some pilot phases <input checked="" type="checkbox"/> not available for this matter	<input type="radio"/> Yes <input type="radio"/> Pilot testing <input checked="" type="checkbox"/> No

Comment

Voice recording tools, which comprise software and hardware used in hearings or as part of the judicial proceedings should be distinguished from the use of videoconferencing and recording tools mentioned below under Questions 64-10 and 64-11.

Voice recording tools are not available in the courts. There are no dictation tools or multiple speakers recording tools.

62-9 Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

100% - accessible to everyone in judiciary

☐ 50-99% - accessible for most judges/prosecutors in all instances

☐ 10-49% - in some courts only

☐ 1-9% - in one court only

☐ 0% - No access

☒ NA

Comments - questions 62.1 to 62.10

Q62-9

There is no intranet site within the court system. However, there is an internet site, where relevant information (new regulations and administrative instructions) and news are displayed. This is for the KJC and all courts. See <https://www.gjyqesori-rks.org/?lang=en>

3.5.5 TECHNOLOGIES USED FOR ADMINISTRATION OF THE COURTS AND CASE MANAGEMENT

Use of information technologies for improving the efficiency of the judicial system functioning

63-1 Is there a *case management system (CMS)*? (Software used for registering judicial proceedings and their management)

Yes ☒ No ☐

63.1.1 If yes, please specify the following information:

	CMS deployment rate	Status of case online	Centralised or interoperable data-base	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool
Civil and/or commercial	<input type="radio"/> 100% <input checked="" type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input checked="" type="checkbox"/> Accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all
Criminal	<input type="radio"/> 100% <input checked="" type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input checked="" type="checkbox"/> Accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all
Administrative	<input type="radio"/> 100% <input checked="" type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input checked="" type="checkbox"/> Accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all

Comment – if it exists in other matters please specify

Case management system

The CMIS project started in 2014 and is being financed by Norway. Since January 2018 it was gradually implemented the courts. In 2020 the CMIS was deployed and implemented in all basic courts, for all types of cases, and the deployment and implementation of the CMIS at the Court of Appeals and the Supreme Court was still in process.

The use of the CMIS is mandatory for all judges, staff directly assisting judges, and administrative staff. Cases are processed and managed through the CMIS from the registration until the execution. It is a task-based system, which means that tasks are sent and received automatically between administrative staff (when cases are filed at the court, for example), staff directly assisting the judges (to schedule hearings, etc) and the judges (for decisions and judgements). Not all tasks can currently be completed within the CMIS for various reasons. For example, considering that there is no electronic communication between courts and lawyers (as explained below, 3.6.4), court summonses continue to be prepared manually, and not with the CMIS. The paper summonses are then delivered by the delivery officers or by post to the lawyers.

Since February 2020, cases in the basic courts are assigned automatically through the CMIS, with some exceptions: pre-trial cases for example, and panel members (in cases with a panel of three judges) are still assigned manually. Also, when judges are promoted or transferred to another department or another court, the cases cannot be re-assigned automatically.

Status of case online

In 2020 a new functionality on the courts' website was developed to check the status of the cases online. However, when tested in 2021 for the purpose of the elaboration of this report, this new functionality did not always function. This functionality should enable parties, including lawyers, to check the status of a case by entering the case number, and see if the case was assigned to a judge, if hearings have taken place or will take place, if the case is concluded, etc.

Early warning signals

There are no alarms in the CMIS, except some notifications to inform judges when the measures of deprivation of liberty (such as pre-trial detention) will expire. The judges interviewed explained that they continue to keep track of deadlines on their own, manually, with the help of the legal officers working with them.

Statistical tool

A statistical tool is integrated in the CMIS. In 2020, there were around three statistical reports available in the CMIS. One report monitors the case flow: number of pending, incoming and resolved cases, for the main categories of case. Another statistical report monitors the age of the pending cases. A third report monitors the automatic case assignment system. Additional statistical reports are being developed as well as a module on statistics.

63-2 Computerised registries managed by courts

	<i>Deployment rate</i>	Data consolidated at national level	<i>Service available online</i>	Statistical module integrated or connected
Land registry	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input checked="" type="checkbox"/> NA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Business registry	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input checked="" type="checkbox"/> NA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Comment – if it exists in other registries, please specify

There are no such computerized registries managed by the courts.

Budgetary and financial monitoring

63-6 Budgetary and financial management systems of courts

	<i>Tool deployment rate</i>	Data consolidated at national level	<i>System communicating with other ministries</i> (financial among others)
Budgetary and financial management of courts	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input checked="" type="checkbox"/> NA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Justice expenses management	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input checked="" type="checkbox"/> NA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Other	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input checked="" type="checkbox"/> NA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Comment – if other please specify:

After the decentralization process from the KJC to the courts took place in 2015, the courts can make expenses on their own. Courts have their own yearly budget and process all payments through the electronic system of the Ministry of Finance called “Information System for the Management of Public Finances”. For example, courts process the payment of lawyers appointed by the court ex officio, court experts, lay judges, postal services for the delivery of court summonses, bills, etc. These payments are processed manually. For example, lawyers submit invoices at the reception of the court for the hearings in which they participated, and the finance unit processes the payment after obtaining approvals from several people in the court.

Other tools of courts management

63-7 Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes ☒ No ☐

Comment

The CMIS generates a statistical report giving data on the number of pending, incoming, and resolved cases for the main categories of cases, per court and per judge. It is also foreseen that the CMIS will integrate in the future a measurement tool to assess the caseload of the courts and judges: some dashboards for judges and court presidents have been designed and their development in the CMIS is about to be finalised. The tool however will need to rely on the factual number of judges and staff, expressed in FTE.

63.7.1 If yes, please specify the following information:

	<i>Tools deployment rate</i>	<i>Data used for monitoring at national level</i>	<i>Data used for a monitoring at court local level</i>	<i>Tool integrated in the CMS</i>
For judges	<input type="radio"/> 100% <input checked="" type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
For prosecutors	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input checked="" type="radio"/> NA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
For non-judge/ non-prosecutor staff	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input checked="" type="radio"/> NA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

3.5.6 TECHNOLOGIES USED FOR COMMUNICATION BETWEEN COURTS, PROFESSIONALS AND/OR COURT USERS

64-2 Is there a possibility to submit a case to courts by electronic means? (Possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes ☒ No ☐

64.2.1 If yes, please specify the following information:

	<i>Availability rate</i>	<i>Simultaneous submission of cases in paper form remains mandatory</i>	<i>Specific legislative framework authorising the submission of a case</i>	<i>An integrated/connected tool with the CMS</i>
--	--------------------------	-------------------------------------------------------------------------	----------------------------------------------------------------------------	--------------------------------------------------

Civil and/or commercial	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input checked="" type="radio"/> NA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Criminal	<input type="radio"/> 100% <input type="radio"/> 50-99% <input checked="" type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Administrative	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input checked="" type="radio"/> NA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Comment – if it exists in other matters please specify

Civil and/or commercial cases, and administrative cases

It is not possible for parties (including lawyers) to submit cases by electronic means. It was exceptionally allowed in March-April 2020 when the courts were closed because of the pandemic, as explained below (4.1. Court activity during the pandemic).

Criminal cases

The CMIS system developed interoperability (transferring of cases electronically) from police to prosecution and from prosecution to the courts. Therefore, criminal cases can be submitted from the prosecution to the courts by electronic means, through the CMIS. Lawyers do not have access to the CMIS.

64-3 Is it possible to request legal aid by electronic means?

Yes ☒ No ☐

64.3.1 If yes, please specify the following information:

	<i>Availability rate</i>	Formalisation of the request in paper form remains mandatory	Specific legislative framework regarding requests for legal aid by electronic means	Granting legal aid is also electronic	Information available in CMS
Requesting legal aid electronically	<input checked="" type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Comment

In 2020, during the lockdown in March-April, the Free Legal Aid Agency developed a new system, with support from GIZ, to enable people to apply online for legal aid, on the website of the Free Legal Aid Agency. See: <https://anjf.rks-gov.net/>. Currently, however, the Agency still receives very few online requests.

64-4 Is it possible to transmit summonses to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

Yes ☐ No ☒

64.4.1 If yes, please specify the following information:

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	Yes <input type="checkbox"/> No <input type="checkbox"/>

Criminal	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	Yes <input type="checkbox"/> No <input type="checkbox"/>
Administrative	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	Yes <input type="checkbox"/> No <input type="checkbox"/>

Comment

In 2020, it was not possible to send court summonses by electronic means to parties. It was however possible to generate them from the CMIS. There are some templates in the CMIS for summonses, but this functionality was not used because it was then not possible to send summonses by electronic means.

Use of information technologies for improving the quality of the communication between courts and professionals

64-6 Are there possibilities of electronic communication between courts and lawyers and/or parties? (Sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Communication between court and lawyers representing parties

Yes ☐ No ☒

Communication between court and parties not represented by lawyer

Yes ☐ No ☒

64.6.1 If yes to any of the above, please specify the following information:

	<i>Tool deployment rate</i>	<i>Trial phases concerned</i>	<i>Modalities</i> (if there are different according to the trial phases or if other, please specify in a comment)	<i>Specific legal framework</i>
Civil and/or commercial	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	Yes <input type="checkbox"/> No <input type="checkbox"/>
Criminal	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	Yes <input type="checkbox"/> No <input type="checkbox"/>
Administrative	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	Yes <input type="checkbox"/> No <input type="checkbox"/>

Comment

64-7 Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

	Tool deployment rate		Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
Enforcement agents (as defined in Q169 and following)	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input checked="" type="radio"/> NA		<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	Yes <input type="checkbox"/> No <input type="checkbox"/>
Notaries (as defined in Q192 and following)	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input checked="" type="radio"/> NA		<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	Yes <input type="checkbox"/> No <input type="checkbox"/>
Experts (as defined in Q202 and following)	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input checked="" type="radio"/> NA		<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	Yes <input type="checkbox"/> No <input type="checkbox"/>
Judicial police services	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input checked="" type="radio"/> NA		<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	Yes <input type="checkbox"/> No <input type="checkbox"/>

Comment:

Communication between courts and other agencies for the proceedings of cases is conducted only through letters.

64-9 Are there online processing systems of specialised litigation? (Low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)

Yes ☐ No ☒

Comment – Please describe the system that exists.

Use of information technologies between courts, professionals and users in the framework of judicial proceedings

64-10 Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes ☒ No ☐

64.10.1 If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

	Deployment rate	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input checked="" type="radio"/> 1-9% <input type="radio"/> 0% <input type="radio"/> (NAP) <input type="radio"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Criminal	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Administrative	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input checked="" type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Comment

Videoconferencing tools (such as web cameras, application for videoconferencing such as Zoom) are available in all basis courts. A USAID-funded project also donated some equipment (cameras and microphones) during the year. Because of the pandemic situation, some hearings were held online during the year 2020.

64-11 Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes ☒ No ☐

64.11.1 If yes, please specify the following information:

	<i>Tool deployment rate</i>	<i>Type of recording</i>	<i>Specific legislative framework</i>
Civil and/or commercial	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input checked="" type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="radio"/> Sound <input type="radio"/> Video <input type="radio"/> Both	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Criminal	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input checked="" type="radio"/> 1-9% <input type="radio"/> 0% (NAP) <input type="radio"/> NA	Sound <input type="radio"/> Video <input checked="" type="radio"/> Both	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Administrative	<input type="radio"/> 100% <input type="radio"/> 50-99% <input type="radio"/> 10-49% <input type="radio"/> 1-9% <input checked="" type="radio"/> 0% (NAP) <input type="radio"/> NA	<input type="radio"/> Sound <input type="radio"/> Video <input type="radio"/> Both	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Comment

According to Article 315(2) of the Criminal Procedure Code, the main trial “shall be either audio- or video-recorded or recorded through stenographical means, unless there are reasonable grounds for not so doing”.

Courts have the equipment to audio- and video-record hearings in some of their courtrooms but not all. However, it seems that the equipment is outdated. Therefore, in some courts, some hearings are occasionally recorded, upon request from the judge, when a case is important for example, but in some other courts, hearings are never recorded. This issue is very well known in the justice system and was reported in many reports from international organisations.

64-12 Is electronic evidence admissible?

Matter	Admissibility of electronic evidence	Legislative framework
Civil and commercial	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	✓ General law only ○ General and specialised law ○ Specialised law only
Criminal	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	✓ General law only ○ General and specialised law ○ Specialised law only
Administrative	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	✓ General law only ○ General and specialised law ○ Specialised law only

Comment - Other devices of electronic communication between courts, professionals and/or users

The law does not specify or prohibit the submission of electronic evidence. However, as there is no electronic communication between courts and lawyers, in practice evidence cannot be submitted electronically.

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EN

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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