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ASSESSMENT OF THE STATUS OF JUDICIARY AND POLICE IN THE NORTH OF KOSOVO



Impact and challenges following
Kosovo Serb resignations



Advocacy Center
for Democratic Culture



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Assessment of the status of judiciary and police in
northern Kosovo: Impact and Challenges
Following Kosovo Serb Resignations

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Advocacy Center for Democratic Culture

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INTRODUCTION

This document is part of a project entitled "Enhancing Transparency and Rule of Law in Kosovo-Serb Majority Communities," supported by the U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL) and implemented by the Advocacy Center for Democratic Culture (ACDC) in partnership with NGO AKTIV.

The document provides a comprehensive overview of the complex situation in northern Kosovo, where the resignation of Kosovo Serbs from the police, judiciary, and other Kosovo institutions has had significant impacts on the functioning of legal and law enforcement systems.

This first section of the research focuses on the state of judicial integration in northern Kosovo, particularly in the aftermath of the resignation of Kosovo Serb judges, prosecutors, and supporting staff. It also presents key findings from a survey conducted by the NGO ACDC, which provides insights into the perceptions and experiences of Kosovo/Albanian judges and prosecutors.

The second part provides an overview of the circumstances surrounding this mass resignation of Kosovo Serb police officers and underscores the ensuing challenges in law enforcement, including a shortage of police personnel and the subsequent recruitment of officers from non-Albanian communities.

BACKGROUND

On 24 October 2017, 40 judges and 13 prosecutors from non-majority communities, mainly Kosovo Serbs, were sworn in before the President of Kosovo, marking the completion of the judiciary integration process. These numbers were lower than those envisaged in the Belgrade-Pristina Brussels Agreement on Justice Integration ("Agreement") - 48 and 15 respectively, due to a lower number of applications for positions in southern Kosovo. Additionally, on the same day, 149 previously chosen members of the judicial support staff (115 for the courts and 34 for the prosecution offices) signed their employment contracts.

The swearing-in ceremony came after the Government of Serbia adopted a law on October 19, 2017, providing judges, prosecutors, and judicial employees from the Kosovo justice institutions governed by Belgrade with special pensions and related benefits. This regulation represented a significant obstacle that had hindered Kosovo Serb judges and prosecutors from officially transferring to the Kosovo system.

A Kosovo-Serb judge Mr. Nikola Kabašić was elected president of the Basic Court of Mitrovica on October 31, 2017, shortly after the integration of judges, prosecutors, and support personnel had been completed. Mr. Shyqyri Sylja, a Kosovo-Albanian prosecutor, continued to serve as chief prosecutor. Also, a Kosovo-Serb judge, Mr. Milan Bigović, was elected supervising judge of the North Mitrovica permanent division of the Court of Appeals.

In November 2021, Judge Ljiljana Stevanović was elected as the president of the Basic Court of Mitrovica/ë, while the Judge Nikola Kabašić was elected as the chief judge at the Court of Appeals in North Mitrovica/ë. On the other side, in December 2020, prosecutor Ismet Ujkani was elected as the new chief prosecutor at the Basic Prosecution of Mitrovica/ë, following the retirement of the chief prosecutor Sylja.

METHODOLOGY

In addition to the desk study, NGO ACDC conducted interviews with judges of the Basic Court of Mitrovica/ë and with the Chief of the Police station in North Mitrovica, aiming to assess the progress and remaining challenges in the operation of the integrated judiciary in northern Kosovo and law enforcement structures.

Moreover, NGO ACDC regularly monitored the operation of the court during the entire period since the resignation of Kosovo Serb judges, prosecutors, and administrative supporting staff. Finally, NGO ACDC has been in regular communication with the deputy president of the Basic Court of Mitrovica/ë, Judge Bekim Veliqi, and with the Deputy Regional Commander for northern Kosovo, Mr. Veton Elshani

THE JUDICIAL SYSTEM

GENERAL DATA ON JUSTICE INSTITUTIONS IN NORTHERN KOSOVO (following judicial integration)

The Basic Court of Mitrovica/Mitrovicë has jurisdiction over the seven municipalities in the region of Mitrovica: North Mitrovica, Zvečan/Zveqan, Zubin Potok, Leposavić/Leposaviq (north of the Ibar River) and South Mitrovica, Vushtrri/Vučitrn and Skenderaj/Srbica (south of the Ibar River). According to the Kosovo Agency of Statistics, the population covered by the court's jurisdiction is approximately 230,000.¹

The Basic Court of Mitrovica/Mitrovicë has its principal seat in Mitrovica/Mitrovicë, with two courthouses: the courthouse in North Mitrovica, previously administered by EULEX, and the one in South Mitrovica (Jugobanka building). The court also has branches in Zubin Potok, Leposavić/Leposaviq, Vushtrri/Vučitrn, and Skenderaj/Srbica. The Basic Court of Mitrovica/Mitrovicë and its four branches offer easier access to the services of the court of the first instance to the population of the region under its jurisdiction, including 328 villages.² The court branches in Leposavić/Leposaviq, Vushtrri/Vučitrn, Skenderaj/Srbica, and Zubin Potok only have jurisdiction over cases that are within the competence of the General Department.

Staffing: Following the integration of the judiciary, a total of 44 judges work at the Basic Court of Mitrovica/Mitrovicë. This number includes 20 Kosovo-Serb (K-Serb) judges who were hired through the process of justice integration and 24 Kosovo-Albanian (K-Albanian) judges.³

¹ Available at <http://ask.rks-gov.net/media/3485/estimation-kosovo-publication-2016.pdf>. Last seen on 06/04/2018.

² See at <http://www.gjyqesori-rks.org/en/courts/page/index/198>. Last seen on 06/04/2018.

³ See at: <http://www.gjyqesori-rks.org/sr/courts/bio/list/7?type=judge>. Last seen on 08/09/2018.

The gender structure:

K-Serb judges:

14 female and 6 male judges;

K-Albanian judges:

3 female and 21 male judges.

Geographical distribution of judges:

Mitrovicë/Mitrovica: 28 judges

Zubin Potok: 3 judges

Leposavić/ Leposaviq: 3 judges

Vushtrri/Vučitrn: 5 judges

Skenderaj/Srbica: 5 judges

The North Mitrovica permanent Division of the Court of Appeals was established following the completion of the justice integration, in line with the 10 February 2015 Belgrade-Pristina Brussels Agreement on Justice Integration. According to the Agreement, the North Mitrovica permanent division of the Court of Appeals is a new institution, and it is the only division of the Court of Appeals outside of Pristina. The division has exclusive jurisdiction in all cases from the four municipalities in the north, while for cases from the remaining six K/Serb majority municipalities, the president of the Court of Appeals in Pristina establishes trial panels composed of majority K/Serb judges.

Staffing: The division has 5 K-Serb judges and 2 K-Albanian judges, as well as 11 K-Serb support staff, while K-Albanian support staff have not been assigned to the division yet.

The gender structure of judges is as follows:

K-Serb judges: 1 female and 4 male judges

K-Albanian judges: 2 male judges

The Basic Prosecution Office of Mitrovica/Mitrovicë, like the Basic Court of Mitrovica/Mitrovicë, has jurisdiction over the seven municipalities in the region of Mitrovica. The Prosecution Office is located in a building in Bosniak Mahala in North Mitrovica. In contrast to the court, the Prosecution Office has no branches. **Staffing:** 20 prosecutors work at the Basic Prosecution Office of Mitrovica/Mitrovicë, including 10 K-Serb prosecutors who were integrated in line with the Belgrade-Pristina Agreement on Justice Integration and 10 K-Albanian prosecutors.

CHALLENGES AFTER THE JUDICIAL INTEGRATION

After the successful implementation of justice integration, the situation concerning access to justice for residents in northern Kosovo has notably improved. Nevertheless, despite the regular provision of services, the integrated judicial institutions still lack the capacity to consistently address the citizens' requirements. Following an extended period of operating with limited capacity from 2008 to 2017, these judicial establishments are still contending with a backlog of cases and require additional support, particularly with court translation, to fulfill the legal mandate of providing services in both of Kosovo's official languages.

UNMIK's programmatic support to the integrated Basic Court of Mitrovica/Mitrovicë commenced in 2018, initially providing support for ten translators and four legal associates. This ongoing support resulted in the recruitment of four permanently employed translators by the Kosovo Judicial Council (KJC) in 2021, along with job postings for legal officers and administrative staff. However, there remains a need for continued UNMIK support due to the existing backlog of cases. The newly appointed President of the Basic Court of Mitrovica/Mitrovicë has also conveyed to UNMIK that support for backlog reduction through translation

remains a high-priority objective for the court. The Chairperson of the KJC has expressed support for this programmatic effort, and the Court President intends

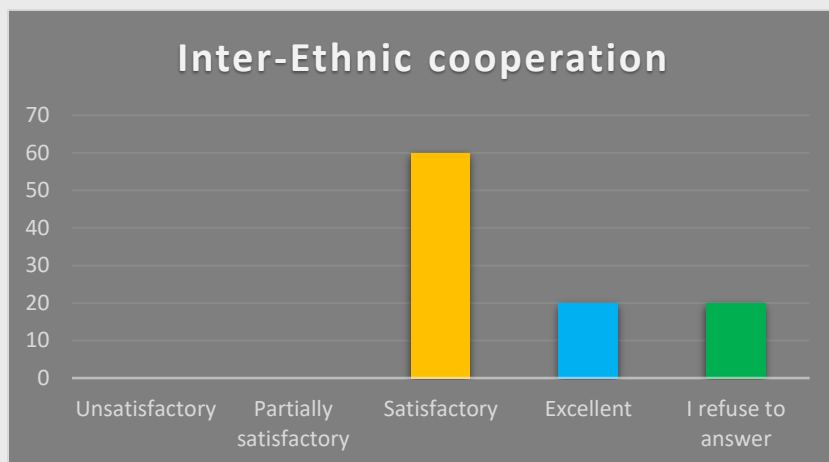
It's worth emphasizing that the Basic Prosecution of Mitrovica/Mitrovicë has eight permanent translators to support the work of (18) eighteen prosecutors, whereas the court relies on only six permanent translators to assist (45) forty-five judges. Notably, the Basic Court of Mitrovica/Mitrovicë stands out as the largest multi-ethnic court in Kosovo and has received praise for its bilingualism, recognized by both international stakeholders and the KJC.

On a different note, prioritizing the education and training of young lawyers from non-majority communities remains crucial, as the legal practice and the integrated judicial system in Kosovo continually require the integration of new legal professionals to fulfill the requirements outlined in the Belgrade-Pristina Agreements. A new generation of young lawyers will receive training in the Kosovo legal system to facilitate their integration into legal practice.

to collaborate with the KJC to facilitate the recruitment of additional full-time translators for long-term sustainability.

Regarding cooperation among judges and prosecutors from various communities in Kosovo, a 2019 survey conducted by UNMIK's Justice and Corrections Section revealed a high level of collegiality and trust among judges, prosecutors, and supporting staff. The summary of their responses is below:

How would you rate the cooperation with colleagues from other communities?⁴



Satisfactory: 60%

Excellent: 20%

No Answer: 20%

Comment: As with the judges from the Basic Court and prosecutors from the Basic Prosecution Office of Mitrovica, judges from the North Mitrovica Division of the Court of Appeals assessed their mutual cooperation as either satisfactory or excellent. They advised that no issues arise among them and that the cooperation is collegial and effective, despite the language barrier.

⁴ UNMIK Assessment on Justice Integration in northern Kosovo, April 2019

RESIGNATION OF K/SERB JUDGES AND PROSECUTORS AND SUPPORT STAFF

On 7 November 2022, all K/Serb judges and prosecutors in northern Kosovo resigned from their positions (25 judges from the Basic Court of Mitrovica/Mitrovicë and the Appellate Division in North Mitrovica/Mitrovicë and 10 prosecutors at the Basic Prosecution of Mitrovica/ Mitrovicë). As stated by the judicial officials from northern Kosovo, the resignations came as a response to a lack of progress in the creation of the Association/Community of K/Serb Majority Municipalities and the continuous failure of the Government of Kosovo to comply with the provisions of the Belgrade-Pristina Justice Agreement. The resignations were submitted to the Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council, whereas these institutions have been postponing the review and decision on the resignations until further notice. In the meantime, the KJC has initiated disciplinary proceedings against K/Serb judges who participated in the public rallies in northern Kosovo.

Moreover, all 119 K/Serb court supporting staff and 22 K/Serb prosecution supporting staff quit their positions at the judicial institutions in northern Kosovo. K/Albanian judges and prosecutors and admin/supporting staff continued their work at the Basic Court of Mitrovica/Mitrovicë and the Basic Prosecution of Mitrovica/Mitrovicë, while the court branches in Zubin Potok and Leposavić/Leposaviq and the Appellate Division in North Mitrovica have been empty and closed since 7 November.

Officials of the Basic Court of Mitrovica/Mitrovicë informed NGO ACDC that since 7 November, the court has been operating in a limited capacity, detailing that the Civil Department has been mostly affected as the majority of the judges were K/Serbs. In criminal matters, mainly urgent cases are processed. They expressed the expectation of himself and all K/Albanian judges and supporting staff that their K/Serb colleagues would return as soon as possible, to resume the excellent work and cooperation they had created in the court. On the other side, resigned K/Serb judges and prosecutors

advised they would not return before their requests were fulfilled, adding that the GoK constantly violated the Belgrade-Pristina Justice Agreement and refused to implement some of the provisions, including the recognition of decisions issued by the Serbian-run courts in Kosovo and those on the composition of appellate panels in cases coming from the K/Serb majority municipalities.

When it comes to the status of the resigned judges, NGO ACDC notes that the Law on Court is applicable to their resignations. On this note, it should be noted that the Law on Courts in Article 34 states that the mandate of a judge shall end upon:

- 1.1. resignation;
- 1.2. dismissal;
- 1.3. death;
- 1.4. retirement;
- 1.5. when he/she is not reappointed for a permanent mandate.

STATUS OF K/SERB JUDGES AND PROSECUTORS WHO RESIGNED ON 5 NOVEMBER 2022

The Prosecutorial Council of Kosovo and the Judicial Council of Kosovo have not yet made decisions regarding the resignations of Serbian judges and prosecutors from the north submitted in November 2022.

Koha writes that the Kosovo Judicial Council (KJC) failed to find out the reason for the absence of a decision. The Kosovo Prosecutorial Council (KPC) told them to investigate each case separately. Experts in the Kosovo judiciary believe that such behavior of the mentioned institutions is inexplicable and that, by all accounts, a political decision on the resignations of judges and prosecutors is expected.

"The Prosecutor's Council of Kosovo is in the process of analyzing all the resignations offered. After processing, we will make a decision regarding these resignations", said the acting director of the Office for Public Communication in the KJC, Bedra Gashi.³² Serbs - ten prosecutors and 22 officials - resigned from their positions in the Basic Prosecutor's Office in Mitrovica.

At the end of last year, a total of 144 Serbs left the Kosovo judiciary, including 25 judges and 119 other employees,

"The question is how long the KJC and KPC can remain silent regarding the aforementioned resignations". They have to start recruiting new judges and prosecutors. I believe that there will be more and more problems in the judiciary if an agreement is not reached quickly in Brussels," said lawyer Iljir Zekaj.

After the departure of the Serbs from the north of Kosovo from the Pristina judicial institutions, the KPC temporarily transferred judges and prosecutors from other regions to North Mitrovica. According to the Law on Courts, if a judge or prosecutor resigns, his mandate automatically expires.

UPDATE ON THE STATUS OF RESIGNED JUDGES AND PROSECUTORS

The decision regarding the resignation of judges in Northern Kosovo was up to be made in February, as announced by Albert Zogaj, Chairman of the Kosovo Judicial Council. Zogaj emphasized their careful handling of the situation at the Basic Court in the northern Mitrovica region. He also confirmed that the salaries of judges from the North, who had resigned in early November alongside other Serb institutions, were suspended.

Zogaj also stated that they could not announce competitions for vacancies to replace judges without first approving the resignations. He explained: "First, we will have a process regarding resignations, and then their replacement, the increase in

Simultaneously, disciplinary actions were initiated against individuals involved in political activities, as reported by Gazeta Express. Disciplinary procedures were initiated for all judges and personnel who had engaged in political activities that ran counter to their legal, constitutional, and ethical responsibilities, with everyone being held accountable. "Even in a situation where we would approve all resignations, some would not be approved because appropriate disciplinary measures must be taken against some," he said.

capacity does not imply that judges have been replaced - no, we have simply increased the capacity to face the work and services in this period."

During the mass abandonment of institutions, prosecutors from the North also submitted their resignations. Besides judges and prosecutors, administrative staff from the Serbian community at the Court also submitted their resignations.

"Government interventions through the interpretation of court decisions are not unusual now, we have seen such behavior of the authorities in relation to the work of the judiciary several times, but in reality, it is an unacceptable situation exactly as the SJK stated in the statement that everyone must accept the decisions of the judiciary." Even we, who are an integral part of the judiciary and dispense justice, have no right to comment on the decisions of the judiciary," he said.

Zogaj pointed to instances that he finds unacceptable, such as the reactions to the house arrest of former policeman Dejan Pantić, who spent the previous 20 days at the police station in Jarinje after being arrested at that border crossing.

At that time, the Kosovo Prime Minister expressed his dissatisfaction with the house arrest measure and simultaneously expressed his desire to know the judge's name who approved it. Zogaj remarked, "In the specific case of former police officer Pantić, the judge responsible for the case within the appropriate department carried out their constitutional and legal duties, making a decision based on a request from the competent authority. This constitutes direct interference in the judiciary's work. Imagine in a democratic country, the prime minister expressing interest in the name of the judge handling a court case. It's absurd and entirely unacceptable."

Finally, on this issue, NGO ACDC learned that the Kosovo Judicial Council in the meeting held on 28 July 2023, voted to propose to the President of Kosovo the dismissal of Judge Ljiljana Stvanović, the president of the Basic Court of Mitrovica and Judge Nikola Kabašić, chief judge at the Appellate Division in North Mitrovica/ë. Such a decision was due to their participation in public rallies and protests in northern Kosovo, which were labeled as political. Web portal *Betim Per Drejtësi* also reported on this and detailed that the case has been on appeal.⁵ The information was confirmed to NGO ACDC by judicial interlocutors. Such a decision on the dismissal of prominent K/Serb judges, pending a holistic solution, may further complicate and escalate the situation in northern Kosovo.

⁵ [Ekskluzive: Gjyqtarët serbë, KGJK-ja propozon shkarkimin e Kryetarit të Gjykatës dhe shefit të Divizionit të Apelit në Mitrovicë - Betimi për Drejtësi \(betimiperdrejtësi.com\)](#)

CURRENT CAPACITIES OF THE INTEGRATED JUDICIAL INSTITUTIONS

On 5 November 2022, K/Serb judges, prosecutors, and admin/supporting staff resigned and quit their positions in all judicial institution in northern Kosovo, to show protests for the lack of action in establishing the Association/Community of Serb Majority Municipalities (ASM/ZSO) and other breaches of the Brussels agreements between Belgrade and Pristina. The only institution that has not been affected by the resignation was the Detention Center in North Mitrovica/Mitrovicë.

Below are the details regarding the remaining number of judges and prosecutors:⁶

The Basic Court of Mitrovica (acting president judge Bekim Veliki)

0 K/Serb judge and 0 K-Serb staff

22 K/Albanian judges, plus admin/support staff

North Mitrovica: 6 criminal judges.

South Mitrovica: 3 civil, 2 minor offenses, and 1 juvenile judge.

Vushtrri/Vucitrn: 5 judges

Skenderaj/Srbica: 5 judges

Leposavic and Zubin Potok: no judges.

The Basic Prosecution of Mitrovica (Chief Prosecutor Mr. Ismet Ujkani)

0 K/Serb judges and 0 K-Serb staff

8 K/Albanian prosecutors (including the chief prosecutor), plus admin/support staff

⁶ The data on the remaining number of judges and prosecutors was obtained from our interlocutors from the Basic Court in Mitrovica/Mitrovicë.

Appeals Division in North Mitrovica

0 K/Serb judges and 0 K/Serb staff

2 K/Albanian judges (who were not seated in North Mitrovica, but traveled from Pristina when appointed to an appellate panel). **No admin/support staff.**

Basic Court of Prishtinë/Priština (Gračanica/Gračanicë):

3 K/Serb judges plus K/Serb staff

Basic Court of Ferizaj/Uroševac (Štrpce/Shtërpce):

3 K/Serb judges plus K/Serb staff

Basic Court of Gjilan/Gnjilane (Novo Brdo/Novobrdë)

3 K/Serb judges plus K/Serb staff

The Court of Appeals (Prishtinë/Priština)

2 K/Serb judges plus K/Serb supporting staff

The Supreme Court of Kosovo

2 K/Serb judges

In terms of judiciary capacities in the region of Mitrovica/Mitrovicë, it seems that the situation is set back to the period from March 2008 until the completion of integration, when the judiciary in the Mitrovica region operated from Vucitrn/Vushtrri. During the mentioned period, it operated in a limited capacity and processed mainly urgent cases due to the insufficient number of judges/prosecutors and staff, plus inappropriate premises. It goes without saying that the case backlog had significantly increased during that period and that the same could be expected in the current circumstances.

Since November 2022, the K/Albanian judges have had difficulties coping with the workload, and seems that there was no action to cover court branches in Leposavic and Zubin Potok.

In May 2023, the KJC announced vacancies for 47 judges in the Basic Courts across Kosovo. Of these 47, five (5) are reserved for K-Serbs.

As per Art. 104(2) of the constitution of Kosovo, “the composition of the Judiciary shall reflect the ethnic diversity of Kosovo”. Following the resignation of K-Serb judges from the judicial system in the north of Kosovo in November 2022 this has left a gap that is yet to be filled. With none of the resigned judges returning to their positions and continued challenges faced in recruiting replacement K-Serb judges given many factors (including the limited pool of candidates), this has further exacerbated case backlogs.

FREE LEGAL PROFESSIONS

Notary Offices

Currently, no K/Serb notary exists in Kosovo, although there was a vacancy announcement for the northern Kosovo municipalities following the completion of judicial integration, however, it was canceled and never repeated.

This training initiative for young lawyers from non-majority communities is supported by various donors, including UNMIK and OSCE. Since September 2022, through a UNMIK-supported project, the NGO ACDC has initiated a training program for another generation of young lawyers, involving young lawyers from the Kosovo Serb community in northern Kosovo.

The Law on Notary (LAW No. 06/L –010)⁷ in Kosovo in Article 3 reads that “the number and seats of notaries shall be designated by the Minister, by a decision ensuring that at least one (1) notary is established per municipality.” Furthermore, Article 4 of the same law reads that: “Notwithstanding the paragraph 3 of this Article, the number of notary offices may be increased by Minister’s decision, thereby ensuring that at least one (1) notary office is

⁷ <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18334>

designated for every ten thousand (10,000) inhabitants, in due consideration of the number of documents processed by notary offices on yearly basis.

On this note, it shall be noted that according to the above-quoted legal provisions, the municipalities in northern Kosovo shall have at least five (5) notaries, i.e. two (2) notaries in North Mitrovica/ë and one (1) notary in each of Zvečan/Zveçan, Leposavić/Leposaviq and Zubin Potok/u municipalities.

Also, Article 5 of the law reads that “Notwithstanding the paragraph 3 of the present Article, one (1) notary office may be designated for two (2) or more municipalities, the number of inhabitants of which is under the number referred to by paragraph 4 of this Article.”

Since the adoption of the law and establishment of Notary Offices, residents of the four northern municipalities are forced to use the services of Notary Offices in South Mitrovica/ë given that no Notary Office has been established in the north. Such a situation has existed despite the fact that the Notary Exam was held following the completion of the judicial integration in late 2017. It remains unclear what were the reasons not to appoint notaries in northern Kosovo municipalities up to date.

Law practice

The Kosovo Serb boycott of the local judicial system following the unilateral declaration of independence (UDI) and the subsequent retirement of legal professionals has created a knowledge gap, necessitating the training of lawyers in northern Kosovo who previously practiced under the Serbian legal system.

As of January 1, 2022, judicial interlocutors in northern Kosovo have reported that the Government of Kosovo (GoK) ceased the diploma verification process conducted by the University in North Mitrovica/Mitrovicë. This decision could potentially prevent future young lawyers from northern Kosovo from applying for the Bar Examination in Kosovo and seeking employment opportunities. The diploma verification process was previously supported by the European Union and administered by the European Center for Minority Issues (ECMI), concluding in December 2021.

However, it has come to notice that the GoK is working on establishing a new Verification Commission, and the verification of diplomas is expected to resume in the coming months.

K/Serb lawyers’ members of the Kosovo Chamber of Advocates (by region)

Mitrovica/Mitrovicë Region:	12
Prishtinë/Priština (Gračanica/Graçanicë):	10
Uroševac/Ferizaj (Štrpce/Shtërpce):	3
Pejë/Peć:	0
Prizren:	0
Djakova/Đakovica:	0
Gjilan/Gnjilane:	3
Total:	28

CURRENT CHALLENGES

From November 2022 until July 2023, NGO ACDC regularly met with the Deputy President of the Basic Court of Mitrovica/Mitrovicë Judge Bekim Veliqi, and other judges to inquire about the operation of the court following the resignation of K/Serb judges and administrative/supporting staff.

Court officials informed us that the court has been facing a number of challenges since the resignation of K/Serb judges and admin/supporting staff. They mainly process urgent cases which involve detention or similar measures. He detailed that the most critical challenge has been the work of the Civil Department, as only three K/Albanian judges remained after the resignation of seven K/Serb judges. In this regard, they also detailed that approximately 7,000 cases are pending before the Department.

Court officials also advised that ten K/Albanian legal officer positions have been vacant, plus the positions for K/Serbs. On this note, they kindly requested NGO ACDC to further engage to ensure the engagement of five legal officers (K/Albanians) within the UNMIK-supported project, on a temporary basis to help with the case backlog which increases. Court officials explained that the

engaged five legal officers would keep the positions only until the return of the five K/Serb staff (two translators and three legal officers).

Court officials expressed the willingness to continue the cooperation and praised the work of both the work of former court president Mr. Nikola Kabašić and the current one Ms. Ljiljana Stevanović. They reiterated the great professional and personal relations that existed among judges and staff from

Kosovo continues to face challenges in the Rule of Law sector, including in establishing a well-functioning judiciary, due to systemic inefficiencies, vulnerability to political influence, perceived corruption, and a lack of commitment to ensure ethical and professional integrity, independence, and impartiality of judicial actors. Since 7 November 2022, the key challenge has been the resignations of all K/Serb judges and prosecutors in northern Kosovo. The lack of serious efforts in implementing the legislation in place is of serious concern. Improving access to justice and integration of the judiciary in Kosovo remains a priority of both the central institutions and the UN family in Kosovo.

different communities and expressed hope that K-Serb judges and staff would return. On this note, NGO ACDC learned that the Kosovo Judicial Council (KJC) has not considered the resignations up to date and announced it for February.

Finally, NGO ACDC learned that some government decisions will affect the work of the judiciary, explaining that the Law on salaries in the public sector will definitely demotivate judges. Finally, NGO ACDC opined that political pressure on KJC through the media to approve resignations was

also not helpful.

Current Status of Integrated Judiciary in northern Kosovo

NGO ACDC conducted a series of interviews with K/Albanian judges and supporting staff who remained at the Basic Court of Mitrovica/ë following the resignation of K/Serb judges and administrative supporting staff.

The interviews aimed to discover what were the key achievements of the judicial integration, followed by key challenges and concerns after the resignation of K/Serb judges and administrative supporting staff.

When it comes to the key successes of the judicial integration in northern Kosovo, the following were stated by the respondents:

1. Collegial and expert cooperation;
2. Smoother provision of services to residents;
3. Reduction of case backlog.

On the other side, the key challenges following the resignation of K/Serb judges and supporting staff, listed by the respondents were the following:

1. Lack of judges and supporting staff
2. Lack of translators
3. Lack of legal officers
4. Increase in case backlog
5. Increase of workload for K/Albanian judges and supporting staff.
6. Training programs for administrative and judicial staff.

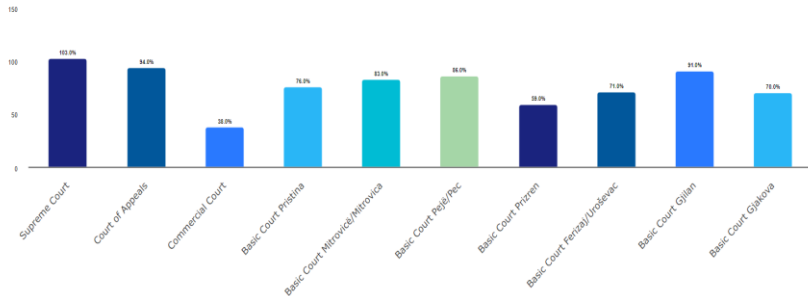
Following a study of the Kosovo Judicial Council judicial performance dashboards and reports, NGO ACDC has come to the conclusion that the integration of K/Serb judges and prosecutors and supporting staff significantly increased the performance of the Basic Court of Mitrovica/ë.

The below dashboards⁸ indicate that the percentage of resolved cases increased from 70% in 2018 (the first year following integration) to 80% in 2022. Moreover, the dashboards indicate that the case backlog before the court was reduced.

⁸ <https://www.gjyqesori-rks.org>

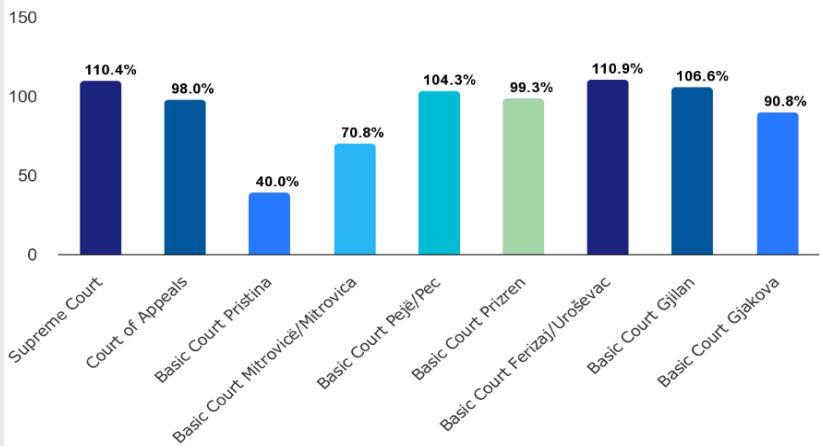
Judicial Performance Dashboard

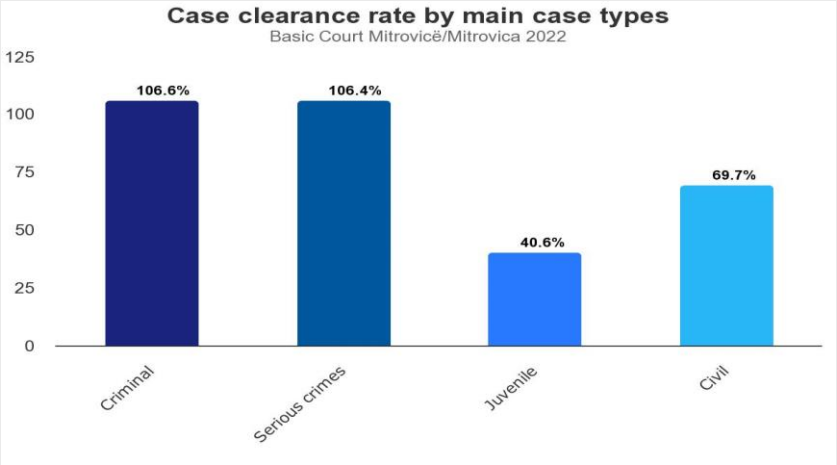
Case clearance Rates for All Courts for period 2022




[Read more...](#)

Case clearance Rates for All Courts for period 2018








REPUBLIKA E KOSOVËS

REPUBLIKA KOSOVO - REPUBLIC OF KOSOVO

KËSHILLI GJYQËSOR I KOSOVËS

SERBISK SAVET KOSOVO - KOSOVO JUDICIAL COUNCIL



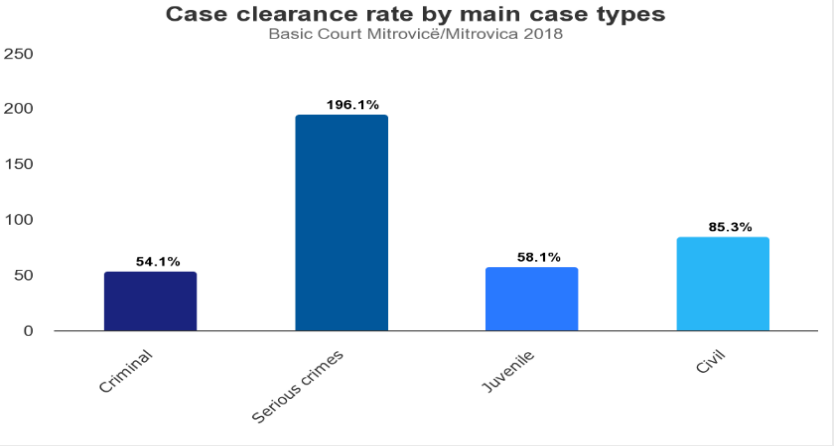
KJC


COURTS

COMMITTEES


LEGISLATION

Case type	Cases Filed	Cases Disposed	%
Criminal	1433	1527	106.56
Serious crimes	235	250	106.38
Juvenile	101	41	40.59
Civil	2610	1819	69.69





REPUBLIKA E KOSOVES
REPUBLIKË E KOSOVËS
KESHILLI GJYQESOR I KOSOVES
KOSOVAN JUDICIAL COUNCIL

 [KJC](#) [COURTS](#) [COMMITTEES](#) [LEGISLATION](#)

Graphs

Table

Definitions

Case type	Cases Filed	Cases Disposed	%
Criminal	3204	1734	54.12
Serious crimes	152	298	196.05
Juvenile	62	36	58.06
Civil	2405	2052	85.32

THE KOSOVO POLICE

RESIGNATION OF KOSOVO SERBS FROM THE KOSOVO POLICE

On 5 November 2022, K/Serb members of the Kosovo police, after a meeting of political and institutional representatives of Serbs in Zvečan/Zveçan, took off their uniforms, symbolically showing that they were leaving Kosovo's institutions. At the meeting in Zvečan, representatives of Serbs from Kosovo decided to leave all institutions in Kosovo.

On 7 November, following the rally organized by the Serbian List (Lista Srpska), more than 300 K-Serb police officers officially resigned and returned their uniforms. Later that afternoon, K-Serb members of the special police and border police units at Gate 1 and 31 also resigned. Additionally, security guards working for a private company, who were guarding the Kosovo Police (KP) station in North Mitrovica, also resigned. In response to the resignation, the Kosovo Police Deputy Regional Director, Besim Hoti, expressed an immediate need for EULEX and KFOR in northern Kosovo to ensure peace and stability. The same message was conveyed by the Serbian List representatives.

The resignation of the Serbs from the Kosovo police followed the suspension of the commander of the Regional Directorate of the Kosovo Police in North Mitrovica/Mitrovicë (which covers the jurisdiction over all four municipalities in northern Kosovo), who refused to allow members of the police in the north to issue warnings, fines and confiscate vehicles that do not have RKS license plates, more precisely which have plates with the cities in Kosovo (KM, PR, PZ and others).

Before the policemen, Goran Rakić resigned from the position of minister, and then the representatives of the Serbian List resigned from the position of MP in the Assembly, and the mayors from those positions in four municipalities in the north of Kosovo.

In total, approximately 400 Kosovo Serb police officers resigned from the Kosovo Police. Also, Serb police officers in the Kosovo Police at the Jarinje and Brnjak boundary crossings, as well as Serb police officers at the boundary control and surveillance center Leposavić/Leposaviq, near Jarinje crossing, about 500 meters from the administrative crossing, also submitted their resignations. On this note, more than 40 Serb police officers have resigned and taken off their uniforms at the border control and surveillance center in Leposavic, there are about 30 of them at the Jarinje administrative crossing, and the same number at the Brnjak crossing. Some of them submitted their resignations in front of the media and left the premises of the Kosovo Police in Jarinje, while the others did so later.

In the end, in total of 547 Kosovo Serb police officers left the Kosovo Police following of resignations of all Kosovo Serbs from the Kosovo institutions in northern Kosovo. On this note, it is important to mention that no Kosovo Serb has resigned from the Kosovo institutions in the other parts of Kosovo.

FILLING THE VACUUM

Immediately following the resignation of the Kosovo Serbs from the Kosovo Police, only a limited number of the K/Albanian officers remained in the police stations in the four municipalities in northern Kosovo. However, gradually the Ministry of Interior has been increasing the number of police officers in northern Kosovo due to the inability of the police officers who remain after resignation to cope with the number of requests for intervention.

Since the resignation of Kosovo Serb officers, their positions have practically been filled by Albanian police officers from other regions throughout Kosovo. The work of the regular police, however, has been overshadowed for months by the presence and establishment of special police units in the north, with at least four bases and several checkpoints.

As of July 2023, following the completion of the training program, a group of 74 new policemen today, all of them from non-Albanian communities, joined the Kosovo Police Regional Directorate in North Mitrovica/Mitrovicë. More than half

- 45 are Serbs, 16 are Bosniaks, three are Turks and eight are members of the Roma, Ashkali, and Egyptian communities. These figures were confirmed to the media by the Deputy Regional commander for northern Kosovo, Mr. Veton Elshani. He detailed that the new Serb police officers in the Kosovo Police Service are from different parts of Kosovo, and that, he emphasizes, most of them are from the north - from Mitrovica, Leposavić, and Zubin Potok.

However, weeks after the new Kosovo Serb police officers assumed their duties, some of them had resigned from their positions. As of mid-August 2023, already nine (9) newly recruited officers resigned, reportedly due to the statement of Kosovo's Prime Minister that the Kosovo Police is the continuation of the so-called "Kosovo Liberation Army (KLA)". On the other side, the Kosovo authorities accused the Belgrade government of instituting pressure and intimidation against the Kosovo Serbs who were willing to integrate. A number of interlocutors have advised that neither the Serb political representatives nor the Serb people themselves welcomed the integration of new Serb police officers. On top of that, eleven (11) Serbian employees of the Agency for Emergency Situations also submitted their resignations, as well as the head of the Emergency Operations Center.

POLICE WORK SINCE RESIGNATIONS

The work of the Regional Police Directorate in North Mitrovica/Mitrovica has been very challenging since the resignation of all Kosovo Serb police officers. This is due to the lack of staff and the lack of trust and cooperation by the Serb community in the northern Kosovo municipalities.

According to available statistical data, the number of cases initiated by the police in the first half of 2023 (following the resignation of the Kosovo Serbs officers) compared to the first half of 2022 has increased by 12.3%. Namely, the number of cases increased from 244 to 274. The increase mainly has taken place in the municipal police station, while in the Regional Investigations, no case was initiated. Please see the table below:

Police Stations/Units		St. Pol North		St. Pol Zvecan		St. Pol Leposavic		St. Pol Z.Potok		NJRRr		Regional Investigations		DRP Total		Comparison %
Comparative period		6 Months 2022	6 Months 2023	6 Months 2022	6 Months 2023	6 Months 2022	6 Months 2023	6 Months 2022	6 Months 2023	6 Months 2022	6 Months 2023	6 Months 2022	6 Months 2023	6 Months 2022	6 Months 2023	
1	Initiated Criminal Offense Cases	106	140	31	51	55	60	37	21	7	2	8	0	244	274	12.3

When it comes to the types of criminal offenses, the increase has been noted in light of bodily injuries and aggravated theft, while some offenses significantly dropped like thefts, domestic violence, and incidents with material damage. According to some interlocutors, the reason partially may be the underreporting due to the community's lack of trust in the police following the resignation of the Kosovo Serbs.

Police Stations/Units		St. Pol North		St. Pol Zvecan		St. Pol Leposavic		St. Pol Z.Potok		NJRK Rr		Regional Investigations		DRP Total		Comparison %
Comparative period		6 Months 2022	6 Months 2023	6 Months 2022	6 Months 2023	6 Months 2022	6 Months 2023	6 Months 2022	6 Months 2023	6 Months 2022	6 Months 2023	6 Months 2022	6 Months 2023	6 Months 2022	6 Months 2023	
1	Murders	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	Serious bodily injury	2	3	1	0	1	1	1	0	0	0	0	0	5	4	-20
3	Minor bodily injury	7	19	3	2	0	12	3	3	0	0	0	0	13	36	176.9
4	Theft	7	15	7	3	21	3	0	0	0	0	0	0	35	21	-40
5	Aggravated theft	5	14	2	7	1	5	10	2	0	0	0	0	18	28	55.6
6	Robbery	3	1	0	1	0	0	3	0	0	0	0	0	6	2	-66.7
7	Attempted robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8	Domestic violence	19	4	7	1	3	7	2	0	0	0	0	0	31	12	-61.3
9	Accidents with Material Damage	17	5	0	0	0	0	0	0	41	15	6	0	64	20	-68.8

CONCLUSION

This comprehensive analysis of the situation in northern Kosovo highlighted sensitivities surrounding the integration of Kosovo Serbs into Kosovo's judiciary and police and underscored the significant challenges that have emerged after the resignations of Kosovo Serb judges, prosecutors, and police officers.

The research conducted by NGO ACDC has proven to be an invaluable exercise in identifying the status of the integrated judiciary in northern Kosovo, particularly in relation to the success and remaining challenges of judicial integration, especially following the resignation of K/Serb judges and prosecutors and supporting staff.

The judges regarded the integration as a success, emphasizing collegial and expert cooperation, improved service provision, and reduced case backlog as key achievements. However, they now face greater challenges after the resignations of Kosovo Serb judges. The key challenges include the lack of judges and prosecutors and the increase of the case backlog. According to NGO ACDC interlocutors, only urgent cases are processed while other cases are backlogged. Also, one of the challenges in terms of translation is the subject allocation system. Namely, it should be noted that while, according to the agreement on the judiciary, cases were assigned to judges in court based on knowledge of the language of the parties/language of the case file, those cases are assigned to prosecutors based on random distribution. However, from 2021, contrary to the agreement, cases in the Basic Court in Mitrovica are assigned by random selection through a software program, based on the decision of the Judicial Council of Kosovo.

The public trust in the judiciary among non-majority communities in northern Kosovo has significantly dropped and it will take much effort to restore that trust following the return of K/Serb judges and prosecutors.

Regarding the Kosovo Police, following the resignations by Kosovo Serb officers, the public trust significantly decreased. This is manifested by the underreporting of crimes as well as by the lack of public support for the recruitment of new Kosovo Serb police officers or the deployment of them from other regions to northern Kosovo.

It may be noted that the situation since November 2022 does not suit the interest of the people in the north since the trust and cooperation between the police and the community is a must for their efficient work.

In conclusion, the situation in northern Kosovo remains dynamic, influenced by ongoing political, social, and security factors. However, it is important that all these challenges are fully addressed following the return of K/Serb judges, prosecutors, and supporting staff.

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