



# REPRESSIVE MEASURES FOR THE PROTECTION OF WOMEN

**(Analysis of the Draft Law on Amending and Supplementing  
the Criminal Code and Criminal Procedure Code)**



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## 1. Executive summary

The Government of the Republic of Kosovo, with the proposal of the Ministry of Justice, has initiated in the Assembly the Draft Laws for the Amendment of the Criminal Code and the Criminal Procedure Code. These Draft Laws, among others, aim to determine the provisions for increasing efficiency and effectiveness in combating the criminal offense of rape, sexual assault and domestic violence. Despite the very legitimate goal of combating these serious criminal phenomena, KLI finds that the Ministry of Justice and the Government have not followed the adequate path to do so. KLI finds that these two Draft Laws are associated with violations of the Constitution, European Convention on Human Rights and the Jurisprudence of the European Court of Human Rights. KLI, also finds that these Draft Laws are in conflict with some of the basic principles of criminal justice. In some cases, KLI has found that these provisions are also in conflict with the interest of the victims, which interests are intended to be advanced through these Draft Laws.

The definition of the Draft Law on Criminal Procedure that in all cases of rape and domestic violence detention should be ordered by the court is contrary to the Constitution, the European Convention on Human Rights and the Jurisprudence of the European Court of Human Rights. This creates a high potential for abuse through false reporting, even against women whose protection is intended through these Draft Laws.

The Draft Laws have determined that in cases of rape and domestic violence to apply additional penalties which are not in harmony with the objective of the additional penalties. Through additional penalties such as the prohibition of buying at auctions, applying as a strategic investor, employment in the public sector and driving, the Draft Laws have followed a repressive approach towards those convicted in these cases, which approach is not recognized in contemporary criminal law. This repressive approach is contrary to the goals of the punishment. Through these punishments, the potential for recidivism increases, a potential that is contrary to the goals of the punishment.

KLI finds that the publication of judgements in cases of domestic violence created an adverse effect for victims of domestic violence. Especially in a small society such as Kosovo, victims of domestic violence and children can easily be identified. Violation of confidentiality in this case goes against the interest of victims of domestic violence. Also, as a provision, it represents damage to the interests of victims of domestic violence, by shortening the investigation deadlines of such cases.

Regarding violence against women in public life, KLI has found that this provision is contrary to equality before the law, because the gender of the victim is considered an element of the criminal offense. This incrimination can create problems in the exercise of the right to protest in certain cases of public interest, as long as it is not defined what is meant by "physical, psychological, sexual, economic violence". It must be emphasized that the incrimination of this criminal offense is not a known issue in European countries. This type of incrimination has its origins in Latin American countries, where Bolivia was the first country to criminalize this criminal offense in 2012. Even the context of these countries is different from the case of Kosovo and thus this type of incrimination is not legitimized.

## **2. Adoption of the Draft Criminal Code and Criminal Procedure Code**

On October 12, 2022, the Government of the Republic of Kosovo approved the Draft Law on Supplementing and Amending the Criminal Code No.06/L074 of the Republic of Kosovo (Hereinafter: Draft Criminal Code) and the Draft Law on Supplementing and Amending Criminal Procedure Code No. 08/L032 of the Republic of Kosovo (Hereinafter: Draft Criminal Procedure Code). These two Draft Laws have defined provisions related to criminal offenses against sexual integrity, criminal offenses against marriage and family and cybercrimes. The latter is not the subject of this analysis. Regarding the Criminal Procedure Code, it should be noted that the new Criminal Procedure Code has not yet come into force. Thus, the changes to this code are being processed before it enters into force.

Considering the issues addressed in these two Draft Laws as urgent, the Ministry of Justice has not developed a public consultation process at all. Hence, the Ministry of Justice has acted contrary to the Regulation on Minimum Standards in the Public Consultation Process, which allows the exclusion of public consultation only in cases of state emergencies and cases defined by law<sup>1</sup>. Beyond this violation, with this approach, the Ministry of Justice and the Government of the Republic of Kosovo have acted contrary to the requirements of the Istanbul Convention, which requires the undertaking of comprehensive and coordinated measures<sup>2</sup>.

In the explanatory memoranda of the two Draft Laws, the same sentence is stated that: "The Draft Law is the product of an internal and genuine analysis, in addition to the large number of criminal offenses with special emphasis on the criminal offenses of Rape, Domestic Violence and Cyber Crimes"<sup>3</sup>. This sentence, gives the impression that it was "copy-paste", the Ministry of Justice has not presented an "internal and genuine analysis" on the need for such provisions in the fight against domestic violence. In terms of standards set by the Istanbul Convention, these analyzes should also be comprehensive.

On October 17, 2022 these Draft Laws were adopted in principle by the parliamentary committee.

## **3. Repressive approach to those convicted**

According to the Draft Criminal Code, for the criminal offense of rape and domestic violence, the additional penalties are:

- 1) 1) prohibition of the purchase at auctions of the sale of public property, public assets or licenses granted by a public authority in any service from three (3) to ten (10) years

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<sup>1</sup> Regulation (QRK) No. 05/2016 Minimum Standards for the Public Consultation Process, Article 16 and Regulation No. 09/2011 of the Work of the Government of the Republic of Kosovo, article 33.

<sup>2</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence, Article 7.

<sup>3</sup> Explanatory Memorandum for the Draft Law on Supplementing and Amending Code No. 08/1-032 of Criminal Procedure, Ministry of Justice, page 6 and Explanatory Memorandum for the Draft Law on Supplementing and Amending Code No. 06/1-074 Criminal Code of the Republic of Kosovo, Ministry of Justice, page 7.

and the prohibition of applying as a strategic investor and any other form of benefiting from the privileges granted by the legislation in force from three (3) to ten (10) years.

Whereas in cases of rape, additional penalties are as follows:

- 1) Prohibition of employment in the public sector, at all levels and;
- 2) Prohibition of the right to a driver's license and driving a vehicle;

These provisions are clearly contrary to the purpose of criminal sanctions. According to the Law, “[e]xecution of criminal sanctions aims at the re-socialization and reintegration of the convicted person into society and his preparation for life, as well as for responsible behavior...<sup>4</sup>”.

First of all, it should be noted that in the theory of criminal law, the imposition of additional penalties is done for two reasons. The first reason is related to cases where the sentence imposed made a person unfit to exercise a certain duty which requires an integrity beyond resocialization. The second reason has to do with the goal of preventing recidivism. This is because the convicted person should not immediately after serving the sentence be placed in the same situation and circumstances in which he committed the criminal offense<sup>5</sup>.

All four additional penalties listed above, are penalties outside the context of committing criminal offences, due to which additional penalties are imposed. It cannot be said that buying in public auctions, applying as a strategic investor or driving a vehicle necessarily requires people with such a high level of integrity that goes beyond the resocialization of the convicted person. On the other hand, these three additional penalties are not related to the criminal offense that was committed, in order to prevent recidivism. Therefore, in line with the meaning of additional sentences, these sentences are out of context.

Such is the ban on employment in the public sector in cases where the person is convicted of violence. According to the Draft Criminal Code, any person convicted of violence will forever lose the right to be employed in the public sector, at any level. According to the Draft Criminal Code the circumstances are not important here, it is enough that the person has been convicted of violence.

The seriousness of the criminal offense of rape should not justify punishments outside the context of the criminal offense, since the law itself has expressed its judgment through the criminalization of the basic punishment. In this regard, they should point out that according to the law, the punishment in cases of rape, depending the form of commission, goes up to 25 years of imprisonment.<sup>6</sup> Depending on the circumstances in which the criminal offense was committed, the punishment that aims to achieve the goals of the punishment should be imposed, which is to “prevent the perpetrator from committing criminal offences in the future and to

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<sup>4</sup> Law No. 08/L-132 on the Execution of Criminal Sanctions, Article 5.

<sup>5</sup> Prof. Dr. Ismet Salihu, Mr.Sc. Hilmi Zhitija and Dr.Sc. Fejzullah Hasani, “*Commentary on the Criminal Code of the Republic of Kosovo*”, Pristina, 2014, page 235-236.

<sup>6</sup> Criminal Code No. 06/L-074 of the Republic of Kosovo, Article 227.

rehabilitate him”.<sup>7</sup> According to the Law, during the period when the same person is serving the sentence, it is intended that the same person is re-socialized and reintegrated into society<sup>8</sup>. In addition, the person who has already served the sentence is also offered assistance after release from the sentence<sup>9</sup>.

Ex-lege prohibition of all persons convicted of violence to be employed in public institutions clearly contradicts these goals of punishment and execution of criminal sanctions. If it is said that each person convicted of violence, who has served the sentence, is still unfit to work in the public sector, then the sanction imposed by the court is invalidated as well as the execution of that sanction, the purpose of which is, among others, resocialization and reintegration of the convicted person. Due to the fact that this additional penalty is not time-limited, it is pronounced in each case, there is no correlation with the measurable unsuitability of the convicted person to work in public institutions, and it has nothing to do with the circumstances in which the criminal offense was committed. This penalty is outside the concept of additional punishments and it clearly has a repressive character. The repressive character of punishments is not recognized in modern criminal law.

In fact, these types of sentences are incentives for recidivism. As long as the person who has already served the sentence does not have the opportunity to be employed in the public sector, does not have the right to drive a vehicle, obtain other licenses, etc. means the same person will not be included into society and will be unable to build a normal life.

#### **4. Counter-effect of publishing judgements**

According to the Draft Criminal Code [Article 6], the “court orders the publication of the verdict for the person who was found guilty of the criminal offense of rape, sexual assault and domestic violence”. The publication of judgments in cases of domestic violence has the opposite effect in relation to the interests of victims of domestic violence and children.

The protection of the interest of children and the protection of the damaged party is one of the reasons for when the judicial review hearing can be closed. Therefore, the mandatory publication of the judgement in cases of domestic violence contradicts the possibility of the judge to close the court hearing for the public during the criminal procedure.

Confidentiality of measures is one of the main principles in combating domestic violence. In accordance with this principle, measures in this area should be designed in such a way as to protect the victim's identity from the press and the public<sup>10</sup>. The publication of the judgment clearly shows the identity of the victim even if the data on the identity of the victim in the

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<sup>7</sup> Ibid, Article 38.

<sup>8</sup> Law No. 08/L-132 on the Execution of Criminal Sanctions, Article 5.

<sup>9</sup> Ibid, Article 129.

<sup>10</sup> “*Preventing and Combating Domestic Violence against Women*”, Council of Europe, 2016, page 66.

judgment is anonymized. This happens, especially, in a small society like Kosovo, where victims and children can be identified through the perpetrator.

Therefore, the publication of the verdict in cases of domestic violence, not taking into account the interests of the victim of domestic violence and children, is a measure that unreasonably affects the latter. Thus, this additional punishment does not only affect the person convicted of domestic violence, but also the victims of domestic violence, under whose will should be the publication or not of their family circumstances.

## **5. Mitigation of the sentence**

In the case of measuring the punishment, mitigating and aggravating circumstances affect the determination of the level of the punishment within the limits set by law. But, in practice, there may be cases which are carried out under particularly extenuating circumstances. In this situation, even imposing the sentence at the legal minimum is not in the interest of justice. For this reason, it is required that for these exceptional cases that can be encountered in practice, provisions are also provided that allow the mitigation of the punishment below the minimum defined by law. As a rule, these provisions are applied in cases of all kinds, when it is determined that there are special mitigating circumstances that justify the mitigation of the sentence below the minimum established by law<sup>11</sup>. Such provisions apply in most criminal codes<sup>12</sup>.

In line with this, the Criminal Code 06/L-074 of the Republic of Kosovo [Article 71 and 72] determined the cases where a sentence may be imposed below the minimum established by law and the limits of mitigation of the sentence. According to this Code, the court can mitigate the punishment in cases where it is provided by law, when there are special mitigating circumstances and in cases where the perpetrator admits guilt or has reached an agreement for the admission of guilt. There is no list of cases when these provisions can be applied. This is because such circumstances can be foreseen in any criminal offense. Accordingly, each criminal offense may be committed under special mitigating circumstances, which justify the reduction of the sentence below the minimum prescribed by law. As stated, this rule enables the pursuit of the interest of justice beyond the strict definition established by law.

According to the Draft Criminal Code, these provisions cannot apply in cases of 1) Rape, 2) Sexual Assault and 3) Domestic Violence. This legal solution is contrary to the basic rules of measuring a criminal sentence. Excluding these provisions in these cases is a discriminatory approach. This is because the provisions related to the mitigation of punishment, if the circumstances exist, will be able to be applied even in the most serious criminal cases, such as

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<sup>11</sup> Prof. Dr. Ismet Salihu, Mr.Sc. Hilmi Zhitija and Dr.Sc. Fejzullah Hasani, “*Commentary on the Criminal Code of the Republic of Kosovo*”, Pristina, 2014, page 264-265.

<sup>12</sup> See for example: Criminal Code of Germany, Article 49, Criminal Code of Norway, Article 80, Criminal Code of Portugal, Article 72 etc.

aggravated murder, genocide and others, while they will not be applied in cases of rape, sexual assault and domestic violence.

On the other hand, it should be noted that the exclusion of these provisions does not imply a harsher punishment. This is because the toughening of the punishments is done by raising the maximum punishment of the criminal offense. This would also reflect the limits of mitigation of punishment. However, the exclusion of these provisions obliges the courts that even in exceptional cases, which may appear in practice, to not apply such provisions.

Excluding the application of the provisions of mitigation of punishment in cases of domestic violence is almost without effect. This is because for cases of domestic violence, the minimum penalty set by law is 30 days in prison and a 100 euro fine<sup>13</sup>. If the mitigation provisions were to apply, under the circumstances set out by law, the sentence of 30 days imprisonment could be replaced by a fine while the fine would remain the same<sup>14</sup>. Thus, this provision in the Draft Criminal Code is almost without effect in relation to cases of domestic violence, as long as the punishment determined for this criminal offense is the general minimum.

## **6. Violence against women in public life**

Article 11 of the Draft Criminal Code has defined that "Anyone who, with the purpose of intimidation or coercion to act against their will, intentionally exerts physical, psychological, sexual, economic violence, directly or indirectly, against women who exercise public functions or candidates for the exercise of public functions shall be punished by a fine and imprisonment from six (6) months to three (3) years".

The criminalization of this criminal offense has several essential and conceptual problems. The first aspect is the fact that this provision presents unequal criminal protection for injured parties. Thus, the subjects protected by this criminal provision are only of one gender. This is not the case with rape, sexual assault, domestic violence and others, where protected subjects are both (2) sexes. The determination of gender as an element of the criminal offense in this case is contrary to equality before the law.

Based on the elements of this criminal offense, it is not clear which good is protected through the criminalization of this criminal offense: public duty or women in public life. This is because "action against their will" is not understood if it has to do with private or public action.

The ambiguity of this norm may refer to the legal uncertainty of the exercise of other rights and infringement of public life in general. In this case, it should be emphasized that public persons have a greater responsibility towards the public than other private persons. This is due to the fact that they had or have public authorizations. For certain public issues, it is the right of each person and normal in modern democracies to protest against certain public officials. These public persons can also be women. Thus, this type of incrimination can create problems

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<sup>13</sup> Criminal Code. 06/L-074 of the Republic of Kosovo, Article 248, 42 and 43.

<sup>14</sup> Ibid, Article 72.1.

in exercising the right to protest in certain cases of public interest, as long as it is not defined what is meant by "physical, psychological, sexual, economic violence".

It should be emphasized that the incrimination of this criminal offense is not a known issue in European countries. This type of incrimination has its origins in Latin American countries, where Bolivia was the first country to criminalize this criminal offense in 2012. Even the context of these countries is different from the case of Kosovo and thus this type of incrimination is not legitimized<sup>15</sup>.

### **7. Favoring the defendants through the investigation period**

According to the Criminal Procedure Code No. 04/L-123<sup>16</sup> [Article 159] the deadline for investigations is two (2) years, with the possibility of continuation for another two years. With the Criminal Procedure Code No.08/L-032, the possibility of postponing the investigation deadline has been increased to one year. According to the Ministry of Justice, this will affect a qualitative investigation<sup>17</sup>. While, according to the Draft Criminal Procedure Code, in cases of domestic violence, the deadline for investigations will end within a year.

The deadline of investigations is an aspect that protects the defendant and not the victim. This is because through the investigation deadline, the right of the state to indefinitely keep certain persons under investigation is limited. This is also the reason why in cases where the period of two years passes, a court decision is required, so that the defendant's rights are protected. Therefore, the longer the period of investigation, the more burdensome is the procedural position of the defendant.

Hence, the Draft Criminal Procedure Code has gone in the opposite direction in relation to the interest of the damaged parties and has increased the rights of defendants in cases of domestic violence. This is not about procedural efficiency. The State Prosecutor must act efficiently and at the moment when they collect sufficient evidence, is not obliged to wait the two year deadline to proceed with the case. Yet, in terms of the Draft Criminal Procedure Code, the State Prosecutor will not have the opportunity to continue criminal investigations, if they have not managed to complete them within the time period of one year.

In practice, even if cases of domestic violence are treated with priority, there may be various cases where, for objective or subjective reasons, the investigation cannot be completed within a year. Therefore, in cases of domestic violence, investigations are completed and the defendant is released. Whereas, in all cases of other natures, the State Prosecutor will have the opportunity to continue the investigations for up to two years, with the possibility of extension for another

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<sup>15</sup> Juliana Restrepo Sanín, "*Criminalizing Violence against Women in Politics: Innovation, Diffusion, and Transformation*", *Politics & Gender*, 2020, page 12-14.

<sup>16</sup> Note: This Code is in force until February 17, 2023, when Code No. 08/L-032 of Criminal Procedure enters into force.

<sup>17</sup> "*The work of the Working Group for addressing issues of importance for the Draft Criminal Code is finalized*", Ministry of Justice, 18 June 2021. (Available at: <https://md.rks-gov.net/page.aspx?id=1,15,2516>). (Last accessed 9 November 2022).

six months. Hence, this legal solution clearly goes in favor of the defendants and to the disadvantage of the damaged parties, who risk not getting justice in cases where the State Prosecutor, for objective or subjective reasons, does not complete the investigations within the time period of one year.

## **8. Detention**

To ensure the presence of the defendant, to prevent the repetition of the criminal offence and for the successful implementation of criminal procedure, Article 171 of Criminal Procedure Code No. 08/L-032 has listed eight (8) measures in securing the presence of the defendant. Detention is the most severe measure. According to this article, "When deciding which of the measures to apply to ensure the presence of the defendant, the court is obliged to take into account the conditions defined for concrete measures and to ensure that it does not apply a more severe measure when a softer measure is sufficient".

According to the Draft Criminal Procedure Code, these provision will not be taken into account in cases of suspected rape and domestic violence. This, since the Draft Criminal Procedure Code [Article 3] obligates the court that in such cases to impose the measure of detention, by not allowing the imposing of a proportional measure. This legal correction is contrary to the Constitution of the Republic of Kosovo, European Convention on Human Rights, Jurisprudence of the European Court of Human Rights, as it also creates a high potential for misuse of this provision in practice.

With regards to detention, the Criminal Procedure Code No. 08/L-032, has determined the conditions that must be met for the appointment of detention, which are the existence of a well-founded suspicion that a criminal offence has been committed and the existence of the risk of flight, influence on the evidence/witness and repetition/completion of the criminal offense. Thus, the definition of an imperative provision that in every case that qualifies as rape or domestic violence will be assigned detention, loses the meaning of the hearing, which now becomes only a formality, as well as violates the constitutional and legal rights of the defendants.

According to the Constitution of the Republic of Kosovo [Article 29.1.(2)], "everyone is guaranteed the right to liberty and security. No one shall be deprived of liberty except in the cases foreseen by law and after a decision of a competent court... for reasonable suspicion of having committed a criminal act, only when deprivation of liberty is reasonably considered necessary to prevent commission of another criminal act, and only for a limited time before trial as provided by law". So, the Constitution is clear, that the appointment of detention is made only on the basis of the circumstances of the specific case, where based suspicion and the necessity to prevent the commission of a criminal offense are evaluated. Thus, this imperative constitutional provision does not allow the automatic appointment of detention to be foreseen for certain criminal offences.

The European Convention on Human Rights [Article 5.1.c] stipulates that “no one shall be deprived of his liberty save in cases where, among others the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on **reasonable suspicion** of having committed an offence or when it is reasonably considered necessary to **prevent his committing an offence or fleeing** after having done so”. According to the European Court of Human Rights, this provision does not allow the application of a general policy of prevention directed against an individual or a certain category of individuals who are perceived as dangerous or who are perceived as having a tendency to commit illegal acts. According to this court, this provision does not offer states more than a measure to prevent a specific and concrete offense. In order for the detention to be justified according to Article 5.1.c. of the Convention, the authorities must show convincingly that a particular person would in all likelihood be involved in a specific criminal offense if detention were not ordered against him<sup>18</sup>. Detention must be a proportionate measure to achieve the goal<sup>19</sup>.

Further, according to the European Court of Human Rights, the test of necessity requires that milder measures than detention be considered and that detention should only be imposed in cases where other milder measures are found to be insufficient to protect private or public interest. Also, the detention must be stopped at the moment when the danger passes<sup>20</sup>.

In this manner, the definition of the Draft Criminals Procedure Code that in all cases of rape and domestic violence detention must be ordered by the court, in addition to the Constitution, is clearly in contradiction with the European Convention on Human Rights and the Jurisprudence of the European Court Human Rights. Thus, this article is contrary to the Constitution of the Republic of Kosovo.

On the other hand, attention should be paid to the fact that such a provision creates a high potential for misuse through false reports. This is because even in these cases, the court will have nothing to assess, as long as it is obliged by law to determine the measure of detention. Given the fact that gender is not an element of the criminal offense of domestic violence, this abuse is also in relation to women, whose protection is the aim of the Criminal Procedure Code.

## 9. Judgement deadlines

According to the Criminal Procedure Code No. 08/L-032 [Article 310], the hearing which is held before a single trial judge must be completed within 90 days while the judicial hearing is held before the panel of judges must be completed within 120 days. In special cases defined by the law, the term of a hearing can be postponed for 30 days. According to the Draft Criminal Code, in cases of rape and domestic violence, the hearing must be completed within 60 days, respectively 90 days.

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<sup>18</sup> European Court of Human Rights, Case of Kurt vs. Austria 15 June 2021, paragraph 186 and European Court of Human Rights, Case of S., V and A. vs. Denmark, 15 June 2021, paragraph 89 and 91.

<sup>19</sup> European Court of Human Rights, Case of Ludent and A. vs. Poland, 15 June 2021, paragraph 55 and 56.

<sup>20</sup> European Court of Human Rights, Case of S., V and A. k. Denmark, 15 June 2021, paragraph 161.

A problem in relation to the shortening of the deadlines for the completion of a hearing lies in the fact that the possibility of extending the deadline for the completion of the hearing has not been allowed, in the circumstances defined by law. Even in cases of rape and domestic violence, situations may arise when the cases are complicated and additional time is required for their trial. In these situations, the Draft Criminal Procedure Code has left no possibility for the extension of the investigation period, which possibility is allowed in the case of a trial for all other criminal offences.

It should be emphasized that in relation to this provision, there is no constitutional or legal obstacle for shortening the deadline for the completion of a judicial hearing. However, it should be emphasized that the existence of shorter time deadlines does not automatically guarantee efficiency in handling of criminal cases. During the monitoring of the justice system, KLI has found that despite the fact that the deadlines are defined by the law, in principle these deadlines have not been respected<sup>21</sup>. Thus, the problem of inefficiency in handling criminal cases does not lie in the lack of legal restrictions, but in the lack of implementation of these restrictions in practice. KLI findings prove that this happens for subjective and objective reasons.

In relation to the subjective causes, the Government and the Assembly have no mandate to act. However, in order to ensure a trial within a reasonable time frame, the Government and the Assembly can help to eliminate the objective causes, supporting the judiciary with sufficient resources that enable them to deal with cases within the deadlines set by law. Thus, the easiest measure is to adopt provisions that define shorter deadlines for the completion of trials. But, in order for these deadlines to be implemented in practice, the Government and the Assembly must provide financial support for this. In the opinion of the Budget Department for the Budgetary Impact Assessment, it is stated that the Criminal Procedure Code will not have additional budgetary costs<sup>22</sup>. Therefore, the determination of these provisions in the Draft Criminal Procedure Code has not been accompanied by financial support, in order for these provisions to be implemented in practice.

Under these circumstances, the best way would be for the Draft Criminal Procedure Code to determine that these cases are treated with absolute priority, rather than shortening the deadlines. It should be noted that despite the fact that in the Criminal Procedure Code No.08/L-032 it is determined that the judicial hearing must be completed within 90 days, respectively 120 days, nothing prevents the court from completing the trial before the end of this deadline.

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<sup>21</sup> Refer to Mirvet Thaqi and Driton Nocaj, “*Delayed Justice in Kosovo*”, KLI, December 2021.

<sup>22</sup> Ministry of Finance, Labor and Transfers, Opinion of the Budget Department for the evaluation of financial impact (VNB) for the Draft Law on Supplementing and Amending the Criminal Procedure Code N.08/L-032 of the Republic of Kosovo. (Last accessed 9 November 2022). Page 2.