



Serious Crimes 2025

(Analysis of the Handling of Serious Crimes by Prosecutor's Offices and Courts)



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About KLI:

Kosovo Law Institute, is a non-profit organization of public policy, a think-tank specialized in the justice sector.

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April, 2026

Pristina, Republic of Kosovo

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List of acronyms

KLI	–	Kosovo Law Institute
SCD	–	Serious Crime Department
BP	–	BP
ECTHR	–	European Court on Human Rights
BC	–	BC

1. Executive summary

This report presents the trends and practices in the prosecution and adjudication of serious crimes by the prosecutorial and judicial system during 2025. Specifically, it examines the situation regarding caseload, efficiency case backlog, duration of case processing, sentencing policy, and other relevant issues.

The findings of this report indicate that the Serious Crime Departments (hereinafter: SCD) within the Basic Prosecution (hereinafter: BP) Offices operated close to a balance between incoming and resolved cases during 2025, but without managing to reduce the number of pending cases. At the national level, the number of unresolved cases has slightly increased, while disparities among prosecution offices remain significant. Furthermore, although the indicative caseload per prosecutor in the SCD has been met across all prosecution offices, the data show that workload and efficiency are not evenly distributed among prosecutors.

In addition, Kosovo Law Institute (hereinafter: KLI) has analyzed the responsiveness of the State Prosecutor, its role in sentencing policy, as well as the use of seizure and confiscation measures. The findings demonstrate that, with some exceptions, the State Prosecutor has responded relatively promptly, as most of the indictments analyzed were filed for criminal offenses suspected to have been committed during 2024 and 2025. However, the contribution of the State Prosecutor to sentencing policy remains limited, as in the majority of cases mitigating and aggravating circumstances are either not elaborated at all or are addressed only formally. Moreover, references to the Supreme Court's Sentencing Guidelines remain low. On the other hand, seizure and confiscation, although more frequently applied than in corruption cases, are still not used to the extent required.

On the judicial side, the findings show that the SCD of the BCs have managed to reduce the number of pending cases by the end of 2025. However, disparities in workload and efficiency among courts remain pronounced. Furthermore, the reduction in the number of pending cases at the end of the reporting period does not necessarily indicate an improvement in efficiency, as the duration of case processing remains very high. At the national level, the average duration of case processing in BCs is 1,6067 days, while, when combined with proceedings before the Court of Appeals, it reaches 1,258 days, approximately three years and five months to reach a final judgement.

KLI has also analyzed the age of cases at both levels of the judiciary. The findings show that BCs continue to handle very old cases, including cases with indictments filed more than two decades ago. This issue, however, is not observed at the Court of Appeals level.

Additionally, KLI has examined decisions related to property claims, the application of the case law of the European Court of Human Rights, and the use of supplementary punishments. The findings indicate that decision on property claims remain limited, the case law of the ECtHR is applied infrequently, and supplementary punishments are almost never used. This suggests that, despite the existing legal framework, a significant portion of instruments that could enhance the efficiency, effectiveness, and quality of criminal justice continue to be underutilized.

Finally, KLI has analyzed sentencing policy in the judgments of BCs and the Court of Appeals. The findings show that courts in many cases continue to rely on general reasoning without sufficient individualization of punishment. In particular, the double counting of mitigating circumstances. Moreover, the analysis of appellate judgements does not reveal a significantly more advanced approach regarding the review and enforcement of the Supreme Court's Sentencing Guidelines.

2. Methodology

This report is based on a combination of quantitative and qualitative analysis of prosecutorial and judicial practices in handling cases processed by the SCD of prosecution offices and courts in Kosovo during 2025.

Within the scope of this research, the following were analyzed:

- 30 indictments filed by the SCD of the BP Offices in Kosovo;
- 150 judgments issued by the BCs;
- 50 judgments issued by the Court of Appeals.

The indictments were obtained through requests for access to public documents submitted to the respective courts, while the judgments were randomly selected from decisions published on the official website of the Kosovo Judicial Council.

In addition to the analysis of these documents, the report is also based on statistical data obtained from official reports of relevant institutions, including reports of the State Prosecutor and the Kosovo Judicial Council.

The analysis covers cases of various criminal nature handled by the SCD during 2025. It examines institutional workload and efficiency, the duration of case processing, the backlog of cases, as well as prosecutorial practices and judicial decision-making.

Furthermore, this report also incorporates interviews conducted by KLI with Court Presidents and Chief Prosecutors. In addition, to ensure inclusiveness, the report was shared for comments with all relevant stakeholders prior to its publication.

3. Prosecutorial Caseload

The SCD of the BP Offices began 2025 with a total of 4,789 pending cases, while by the end of the nine-month period this number had increased to 4,828 cases. This indicates that during this period these departments were unable to resolve as many cases as they received, resulting in a slight increase in the number of pending cases by the end of the reporting period. During this time, a total of 2,796 new cases were received, while 2,757 cases were resolved, reflecting a nearly balanced but still negative overall balance at the national level.

At the level of individual prosecution offices, the situation varies. Positive balances were recorded in Prizren, Ferizaj, Mitrovica, and Gjilan, where more cases were resolved than received. In contrast, Pristina, Gjakova, and Peja operated with a negative balance. The BP Office in Pristina shows the highest caseload, with 2,687 active cases and an increase of 74 pending cases during the reporting period.

Overall, the data indicate that, despite significant differences among prosecution offices, the SCD operate close to a balance between incoming and resolved cases, but without managing to reduce the overall number of pending cases.

Prosecution Office	Pending cases at the beginning of 2025	Incoming cases	Cases in progress	Resolved cases	Pending cases at the end of the period	Difference
Pristina	1707	980	2687	906	1781	-74
Prizren	483	375	858	394	464	19
Peja	249	322	571	316	255	-6
Ferizaj	443	233	676	251	425	18
Mitrovica	1250	259	1509	286	1223	27
Gjakova	498	305	803	273	530	-32
Gjilan	159	322	481	331	150	9
Total	4789	2796	7585	2757	4828	-39

Table 1. Prosecutorial Caseload.¹

¹ "Nine-Month Work Report of the State Prosecutor – January–September 2025". Office of the State Prosecutor. December 2025.

4. Workload and Efficiency of Prosecutors by Prosecution Office

With regard to caseload, during the first nine months of 2025, at the national level, a prosecutor within the SCD handled an average of 190 cases. However, this average is not uniformly reflected across all prosecution offices, as significant disparities exist between them.

The highest caseload per prosecutor is observed in Gjakova, where a prosecutor handled an average of 402 cases, followed by Mitrovica with 377 cases per prosecutor. These two prosecution offices stand out significantly from the others and remain well above the national average. In contrast, the lowest caseloads are recorded in Gjilan with 96 cases per prosecutor, Ferizaj with 135, and Peja with 143 cases per prosecutor. Although the BP Office in Pristina has the highest absolute number of active cases (2,687), it records an average of 179 cases per prosecutor, remaining slightly below the national average.

The data indicate that the distribution of caseload among prosecution offices is not balanced. This is particularly evident in Gjakova and Mitrovica, where the number of prosecutors is lower, while the caseload per prosecutor is significantly higher than in other prosecution offices.

Prosecution Office	Cases in progress during 2025	Number of prosecutors	Average case per prosecutor
Prishtina	2687	15	179
Prizren	858	5	172
Pejë	571	4	143
Ferizaj	676	5	135
Mitrovica	1509	4	377
Gjakovë	803	2	402
Gjilan	481	5	96
Total	7585	40	190

Table 2. Number of cases per prosecutor.

With regard to efficiency, at the national level, a prosecutor within the SCD resolved an average of 69 cases during the first nine months of 2025. In this respect as well, significant differences are evident among prosecution offices.

The highest level of efficiency is observed in Gjakova, where a prosecutor resolved an average of 137 cases, followed by Prizren and Peja with 79 cases resolved per prosecutor. In contrast, the lowest efficiency is recorded in Ferizaj with 50 cases resolved per prosecutor, Pristina with 60, and Gjilan with 66. Mitrovica, despite having a very high caseload, resolved an average of 72 cases per prosecutor, remaining only slightly above the national average.

According to Administrative Instruction No. 01/2025 on Setting the Indicative Caseload for State Prosecutors, a prosecutor in the SCD is required to resolve 44 criminal cases per year. Based on KLI findings, this indicative norm has been met on average in all SCD of the BP Offices.

Furthermore, when caseload and efficiency data are analyzed together, it becomes evident that a high caseload does not necessarily correspond to a higher level of case resolution. This is particularly visible in Mitrovica, which has one of the highest caseloads per prosecutor but an efficiency level close to the overall average. On the other hand, Gjakova combines the highest caseload with the highest efficiency, indicating a higher level of prosecutorial productivity. Pristina, despite having the highest absolute number of active cases, does not demonstrate efficiency proportional to its caseload.

Overall, the data show that the SCD face significant disparities among prosecution offices in terms of both caseload and efficiency. This situation indicates the need for a more balanced distribution of prosecutorial capacities, in order to ensure a more uniform and efficient handling of cases across these departments.

Prosecution Office	Resolved cases during 2025	Number of prosecutors	Average number of cases resolved
Pristina	906	15	60
Prizren	394	5	79
Peja	316	4	79
Ferizaj	251	5	50
Mitrovica	286	4	72
Gjakovq	273	2	137
Gjilan	331	5	66
Total	2757	40	69

Table 3. Average number of cases resolved per prosecutor.

Given the significant disparities in caseload and efficiency among prosecution offices, the Kosovo Prosecutorial Council should conduct a detailed analysis of this situation and consider the possibility of temporary or permanent transfers of prosecutors from offices with lower caseloads to those with higher caseloads. It should also assess the potential for strengthening existing capacities in order to ensure a more balanced distribution of cases and increased efficiency in the handling of cases within the SCD.

These data are derived from the nine-month work report of the prosecution offices. However, it should be noted that in some cases, due to various reasons, the number of prosecutors presented in the table may have changed during the reporting period, meaning that not all prosecutors were simultaneously engaged in handling cases throughout the entire period. Based on comments received during the consultation process, the BP Office in Prizren emphasized that the number of prosecutors presented in the table does not fully reflect the effective operational engagement during 2025. According to this office, one of the prosecutors, although formally listed in the structure, served throughout the reporting period as a member of the Kosovo Prosecutorial Council and did not perform operational duties within the Serious Crimes Department. As a result, the number of prosecutors effectively engaged in case handling was lower than that reflected in the official data, which may have influenced the calculation of the average caseload per prosecutor.

In addition to the numerical data, interviews with chief prosecutors of the BP offices, conducted for “Betimi për Drejtësi,” indicate that the actual workload of prosecutors is also influenced by other factors, including the insufficient number of prosecutors and internal staffing movements within the system.² In this regard, the Chief Prosecutor of the BP Office in Gjakova, Enis Gashi, stated that the current number of prosecutors is insufficient to handle the caseload, noting that this office should have more prosecutors in place.

Similarly, the Chief Prosecutor of the BP Office in Prizren, Petrit Kryeziu, highlighted the shortage of prosecutors and anticipated further reductions in capacity due to upcoming retirements,³ while the Acting Chief Prosecutor of the BP Office in Mitrovica, Njazi Rexha, emphasized that this office has faced a high workload as a result of a significant shortage of prosecutors. According to him, operational challenges continued throughout 2025, including difficulties in courtroom representation due to the imbalance between the number of judges and prosecutors.

² Interview with the Chief Prosecutor of the BP's Office in Gjakova, Enis Gashi, & KLI “KLI representatives advocate for the implementation of recommendations in the BP's Office in Gjakova”. (See link: https://kli-ks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-prokurorine-themelore-ne-gjakove/?fbclid=IwY2xjawRUR3xleHRuA2FlbQlxMABicmlkETJPRzcxMWVXd0xkOU1TM1Vzc3J0YwZhcHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHrLAv4Vf2gd9OTN0QA69vk4w2lrC4Wwx23HMDHd01XZvw0YGP0dYC2kQjFb_aem_BampUcPYfiEt8yBMBCRqIw); Interview with the Acting Chief Prosecutor of the BP's Office in Mitrovica, Nijazi Rexha, & KLI “KLI representatives advocate for the implementation of recommendations in the BP's Office in Mitrovica”. (See link: https://kli-ks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-prokurorine-themelore-ne-mitrovice/?fbclid=IwY2xjawRUSAVleHRuA2FlbQlxMABicmlkETJPRzcxMWVXd0xkOU1TM1Vzc3J0YwZhcHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHhY5WgboB5BX4-080Uym9li173O91zS7WbDcCa0LlBuB1I23pO2S4YJxJKF_aem_3Bywbp0BnfN-MsaWgTmDrA).

Interview with the Chief Prosecutor of the BP's Office in Prizren, Petrit Kryeziu, & KLI, “KLI representatives advocate for the implementation of recommendations in the BP's Office in Prizren”. (see link: https://kli-ks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-prokurorine-themelore-ne-prizren/?fbclid=IwY2xjawRUSZ5leHRuA2FlbQlxMABicmlkETJPRzcxMWVXd0xkOU1TM1Vzc3J0YwZhcHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHsrrJFoArjlxAbOQZCSyYXDXJSfHVwbAcYQYE2g8_XWQgw06hAn9WBKM-63-_aem_iHuOgxz0wzm2LbDZ1PgggA).

³ “Chief Prosecutor Kryeziu: We need a prosecution building and an increase in the number of prosecutors”. Betimi për Drejtësi. 6 April 2026. (See link: <https://betimiperdrejtesi.com/kryeprokurori-kryeziu-kemi-nevoje-per-nje-objekt-te-prokurorise-dhe-ritjen-e-numrit-te-prokuroreve/>). & KLI, “KLI representatives advocate for the implementation of recommendations in the BP's Office in Prizren”. (see link: https://kli-ks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-prokurorine-themelore-ne-prizren/?fbclid=IwY2xjawRUSZ5leHRuA2FlbQlxMABicmlkETJPRzcxMWVXd0xkOU1TM1Vzc3J0YwZhcHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHsrrJFoArjlxAbOQZCSyYXDXJSfHVwbAcYQYE2g8_XWQgw06hAn9WBKM-63-_aem_iHuOgxz0wzm2LbDZ1PgggA).

Furthermore, during some of these interviews, it was also noted that not all prosecutors are assigned legal associates.⁴

5. Responsiveness of the State Prosecutor

With regards of handling of cases, KLI also analyzed the responsiveness of the Satet Prosecutor, specifically the time elapsed between the year in which criminal offenses alleged to have been committed and the year in which the indictment was filed.

From the analysis of 30 indictments filed during 2025, it emerges that in the majority of cases the State Prosecutor acted within a relatively short period from the time the criminal offense is alleged to have been committed. The data show that 20 indictments, or two-thirds of the analyzed sample, were filed for criminal offenses allegedly committed during 2025, demonstrating a high level of efficiency in the investigative process. In addition, in four cases, indictments were filed for offenses allegedly committed in 2024. On the other hand, older cases were also identified. According to the data, one indictment was filed for criminal offenses allegedly committed in 2018, approximately seven years after the alleged commission of the offense.

With a few exceptions, overall, the findings indicate that the State Prosecutor has generally acted efficiently, as the majority of the analyzed indictments relate to criminal offenses from 2024 and 2025.

⁴ "Chief Prosecutor Vuçetaj: 89.3% of indictments have resulted in convictions". Betimi për Drejtësi. 21 March 2026. (See link: <https://betimiperdrejtesi.com/kryeprokurorja-vucetaj-89-3-te-aktakuzave-kane-perfunduar-me-aktgjykime-denuese/>) & KLI, "KLI representatives advocate for the implementation of recommendations in the Basic Prosecutor's Office in Peja". (See link: https://kli-ks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-prokurorine-themelore-ne-peje/?fbclid=IwY2xjawRUSkhleHRuA2FibQlxMABicmlkETJPRzcxMWVXd0xkOU1TM1Vzc3J0YwZhCHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHmFt7QvNoRU0AiOxG_Ke-Rtc-MUEuBZqIK6GL2MKniUNKz56V1W4ZGvke2d_aem_B3md3LrZHcbIhowbLPDKjA;) "Chief Prosecutor Gashi says that he learned from the Director of the Secretariat that the prosecutorial system has a debt of around 8 million euros". Betimi për Drejtësi. 4 April 2026. (See link: <https://betimiperdrejtesi.com/kryeprokurori-gashi-thote-se-nga-drejtori-i-sekretariatit-kuptoi-ge-rreth-8-milione-euro-borxh-ka-sistemi-prokurorial/>), & KLI "KLI representatives advocate for the implementation of recommendations in the Basic Prosecutor's Office in Prishtina". (See link: https://kli-ks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-prokurorine-themelore-ne-prishtine/?fbclid=IwY2xjawRUSVbleHRuA2FibQlxMABicmlkETJPRzcxMWVXd0xkOU1TM1Vzc3J0YwZhCHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHoRMu79OzS5p_7LseXsIC7uLeKprMLa8yRH4a0MMmu1HmbY-Jx6_MdGcst24_aem_9xLGviwbyV_lu1uJoBTMNA)

Alleged Year of Offense	No. of indictments	BP Office
2018	1	Mitrovicë (1)
2019	1	Ferizaj (1)
2021	2	Ferizaj (1) Gjilan (1)
2022	1	Prizren (1)
2023	1	Prishtinë (1)
2024	4	Gjakovë (1) Gjilan (1) Prishtinë (1) Pejë (1)
2025	20	Gjakovë (3) Ferizaj (2) Gjilan (2) Prishtinë (4) Pejë (3) Mitrovicë (3) Prizren (3)
Total	30	

Table 4. Year of commission of criminal offenses according to indictments filed in 2025.

6. The Role of the State Prosecutor in Sentencing Policy

With a view to advancing sentencing policy, Law No. 08/L-032 on the Criminal Procedure Code assigns an important role to the State Prosecutor already at the stage of filing the indictment. Article 235, paragraph 1, subparagraph 1.10 stipulates that the indictment must also include a proposal of mitigating and aggravating circumstances known at the time of its submission, which may be relevant for the determination of an appropriate sentence.

Through the analysis of 30 indictments of various types handled by the SCD, KLI examined the role of the State Prosecutor in shaping sentencing policy, specifically how mitigating and aggravating circumstances are addressed, as well as the extent to which the Supreme Court's Sentencing Policy Guidelines are referenced.

The analysis shows that, in most cases, the State Prosecutor has listed mitigating and aggravating circumstances. Specifically, in 22 cases these circumstances were mentioned in a general manner, while in 8 cases they were not mentioned at all. Thus, although there is a relatively established practice of including such circumstances in indictments, this practice is not applied consistently across all cases.

However, a more in-depth analysis reveals that only in a limited number of cases were these circumstances elaborated in detail. Out of all analyzed indictments, only in 5 cases did the State Prosecutor provide a detailed elaboration of mitigating and aggravating circumstances, while in 25 cases they were either addressed only formally or not addressed at all. This indicates that, although such circumstances are often included in indictments, in most cases there is a lack of substantive analysis of their impact on sentencing policy.

Regarding references to the Supreme Court's Sentencing Policy Guidelines, the data show very limited use of this instrument. In only 2 cases were the Guidelines mentioned in general terms, while in another 2 cases they were specifically referenced. In contrast, in 26 out of 30 analyzed indictments, or 86.66% of cases, no reference was made to these Guidelines at all.

These findings indicate that the role of the State Prosecutor in guiding sentencing policy remains limited. The lack of elaboration of mitigating and aggravating circumstances, as well as the infrequent reference to the Supreme Court's Guidelines, suggests that indictments in most cases do not actively contribute to the development of a consistent and unified sentencing policy.

Overall, the findings point to the need for a more structured and substantive approach by the State Prosecutor in addressing circumstances relevant to sentencing, as well as more frequent use of the Sentencing Policy Guidelines, in order to ensure greater harmonization of practice in the treatment of sentencing-related factors.

Did not list mitigating and aggravating circumstances	8
Listed mitigating and aggravating circumstances	22
Elaborated mitigating and aggravating circumstances	5
Did not elaborate mitigating and aggravating circumstances	25
Referenced the supreme court's sentencing policy guidelines (general reference)	2
Referenced the supreme court's sentencing policy guidelines (specific reference)	2
Did not reference the supreme court's sentencing policy guidelines	26

Table 5. Mitigating and aggravating circumstanced in indictments filed in 2025.

5. Seizure and Confiscation

Seizure and confiscation constitute important mechanisms in combating crime, as they aim to deprive offenders of the financial benefit obtained through criminal activity and to prevent further illicit gains. However, these measures are not applicable in every criminal case, as their implementation depends on the nature of the offense and the existence of assets or items linked to the crime. Taking these limitations into account, KLI analyzed the use of these measures in indictments filed by the SCD during 2025.

From the analysis of 30 indictments issued by the SCD of the BP Offices in 2025, the data show that in only 13 cases did the State Prosecutor request seizure and confiscation measures, while in 17 cases no such request was made. In percentage terms, seizure and confiscation were requested in 43.3% of cases, whereas in 56.7% of cases they were not requested.

Despite the fact that in a portion of cases the State Prosecutor did request seizure and confiscation, the data indicate that these measures are still not fully applied in all cases where they may be relevant. Given the nature of the criminal offenses handled by the SCD, seizure and confiscation should play a more prominent role within criminal prosecution.

However, compared to corruption cases, the use of seizure and confiscation in Serious Crimes Department cases is higher. In corruption cases, KLI previously

found that requests for seizure and confiscation were made in only 19% of cases.⁵ This indicates that, although the level of application of these measures in SCD remains insufficient, it is still significantly higher than in corruption-related cases.

Overall, the findings show that seizure and confiscation continue to be underutilized by the State Prosecutor. Therefore, greater emphasis should be placed on the more frequent application of these instruments, particularly in cases where legal and factual conditions for their use are met.

BP Office	Request for Seizure and Confiscation Submitted	Request for Seizure and Confiscation Not Submitted
Pristina	1	5
Prizren	3	1
Peja	3	1
Ferizaj	0	4
Mitrovica	3	1
Gjakova	1	3
Gjilan	2	2
Total	13	17

Table 6. Filing of request for seizure and confiscation.

6. Court Caseload

The SCD of the BCs began 2025 with a total of 2,887 pending cases, while by the end of the reporting period this number had decreased to 2,771. This indicates that during this period these departments managed to resolve more cases than they received, resulting in a reduction in the number of pending cases by the end of the reporting period.⁶

Overall, positive balances were recorded by the BCs in Mitrovica and Gjilan, which resolved significantly more cases than they received. In particular, the largest reduction in pending cases was recorded in the BC of Gjilan, where the

⁵ Shala G., "Performance of the Justice System in the Prosecution and Adjudication of Corruption". Kosovo Law Institute. Prishtina. December 2025. Page 19.

⁶ See link: : https://www.gjyqesori-rks.org/wp-content/uploads/reports/99300_KGJK_Raporti_Statistikor_Gjykatave_Vietori_2025.pdf.

number of pending cases decreased from 527 to 338, followed by Mitrovica, where pending cases decreased from 652 to 556. In contrast, the BC of Ferizaj maintained the same number of pending cases at the beginning and end of the reporting period.

On the other hand, not all courts managed to maintain this trend. The BCs in Pristina, Prizren, Peja, and Gjakova resolved fewer cases than they received, resulting in an increase in the number of pending cases. The most significant increase was recorded in the BC of Prizren, with 97 more pending cases at the end of the period, followed by Pristina with 34, Gjakova with 24, and Peja with 14 additional cases.

These data show that, although there was an overall reduction in pending cases at the national level, this positive trend was driven only by the BCs of Gjilan and Mitrovica.

Court	Pending Cases at the Beginning of 2025	Incoming Cases	Cases in Progress	Resolved Cases	Pending Cases at the End of the Period	Difference
Pristina	1099	1092	2191	1058	1133	+34
Prizren	212	834	1046	737	309	+97
Peja	180	301	481	287	194	+14
Ferizaj	115	260	375	260	115	0
Mitrovica	652	249	901	345	556	-96
Gjakova	102	224	326	200	126	24
Gjilan	527	213	770	432	338	-219
Total	2887	3173	6090	3319	2771	34

Table 7. Court caseload.

7. Judicial workload and efficiency of courts

With regard to caseload, during 2025, at the national level, a judge within the SCD handled an average of 179 cases. However, this average is not uniformly reflected across all courts, as significant disparities exist between them.

The highest caseload per judge is recorded in the BC of Ferizaj, where a judge handled an average of 372 cases, followed by Prizren with 262 cases and Mitrovica with 225 cases per judge. In contrast, the lowest caseloads are observed in Gjakova with 82 cases per judge and Peja with 120 cases. Although the BC of Pristina has the highest absolute number of active cases (2,191), it records an average of 199 cases per judge, remaining close to the national average.

These data indicate that the distribution of caseload among courts is not balanced, with notable disparities linked both to the number of judges and to the volume of pending cases.

Court	Cases in progress during 2025	Number of judges	Average of cases in progress
Pristina	2191	11	199
Prizren	1046	4	262
Peja	481	4	120
Ferizaj	375	3	372
Mitrovica	901	4	225
Gjakova	326	4	82
Gjilan	770	4	193
Total	6090	34	179

Table 8. Average caseload per judge.

According to Regulation No. 13/2025 on the Work Norm for Judges, the workload standard for judges of the BCs within the SCD is defined through a points-based system, depending on the type and manner of case resolution. Specifically, cases under the jurisdiction of this department are valued at 28 points; cases concluded through absolute limitation periods or through guilty pleas and plea agreements are valued at 8 points; cases concluded by decisions dismissing the indictment or resolved at the preliminary stage through procedural actions are also valued at 8 points; while more serious cases or those involving multiple defendants are valued at 45 points. Under this

regulation, these points are calculated only for the presiding judge of the panel.

With regard to efficiency, at the national level, a judge within the SCD resolved an average of 98 cases during 2025. In this respect as well, significant differences are evident among courts.

The highest level of efficiency is recorded in the BC of Prizren, where a judge resolved an average of 184 cases, followed by Gjilan with 108 and Pristina with 96 cases per judge. In contrast, the lowest efficiency is observed in Gjakova with 50 cases resolved per judge, Peja with 72, and Ferizaj with 87. When caseload and efficiency data are analyzed together, it becomes evident that a high caseload does not necessarily correspond to a higher level of case resolution. This is particularly visible in Ferizaj, which has the highest caseload per judge but relatively low efficiency. On the other hand, Prizren stands out with both a high caseload and the highest efficiency, while Pristina, despite handling the largest volume of cases, remains close to the national average in terms of efficiency.

Court	Resolved cases during 2025	Number of judges	Average of resolved cases
Pristina	1058	11	96
Prizren	737	4	184
Peja	287	4	72
Ferizaj	260	3	87
Mitrovica	345	4	86
Gjakova	200	4	50
Gjilan	432	4	108
Total	3319	34	98

Table 9. Average of resolved cases per judge.

Given the significant disparities in caseload and efficiency among courts, the Kosovo Judicial Council should conduct a detailed analysis of the distribution of judicial capacities and consider the possibility of temporary or permanent transfers of judges from courts with lower caseloads to those with higher caseloads. It should also assess opportunities for strengthening and increasing

capacities in the more heavily burdened courts, in order to ensure a more balanced distribution of cases and to improve efficiency in handling serious crime cases.

Interviews conducted by “Betimi për Drejtësi” with presidents of the BCs also highlighted shortages in administrative support staff, with particular emphasis on professional associates.⁷ The President of the BC in Ferizaj, Mustaf Tahiri, stated in an interview for “Betimi për Drejtësi” that his court performs best in the criminal field, specifically within the Serious Crimes Department.⁸

However, in some cases, within this department, the establishment of more than one adjudicating panel at the same time may be problematic, which affects the duration of case resolution in this department.⁹

⁷ “Salihu outlines the challenges faced by the BC in Gjilan”. Betimi për Drejtësi. 2 April 2026. (See link:<https://betimiperdrejtesi.com/salihu-tregon-sfidat-me-te-cilat-perballet-gjykata-themelore-ne-gjilan/>). & KLI, “KLI representatives advocate for the implementation of recommendations in the BC in Gjilan”, (See link: https://kli-ks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-gjykaten-themelore-ne-gjilan/?fbclid=IwY2xjawRUXulleHRuA2FlbQlxMABicmlkETJscVZLNzIUTROYTdCNWI5c3J0YwZhchHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHiYwV18hzwLOAJhhM9Xpt0GbEoXMKSb7NNjx8USNdlsT7Ns612DyJzzn8Yf_aem_Jk6lTA8NROEyBNSU791Mog); Interview with the President of the BC in Gjakova, Fëllanza Knuashaj & KLI, “KLI representatives advocate for the implementation of recommendations in the BC in Gjakova”. (See link:https://kli-ks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-gjykaten-themelore-ne-gjakove/?fbclid=IwY2xjawRUXx9leHRuA2FlbQlxMABicmlkETJscVZLNzIUTROYTdCNWI5c3J0YwZhcHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHknWQ7SVp1aLcl_7k53Y2iKN2S4wOu2niW2nVPtvbveEEJh2J_7LFaw0hCGi_aem_fc0cS3lQCWXIEB4lpl0owQ); “President of the Court in Ferizaj: We are well staffed with judges, but not with professional associates”. Betimi për Drejtësi. 15 March 2026. (See link: <https://betimiperdrejtesi.com/kryetari-i-gjykates-ne-ferizaj-iemi-mire-menumrin-e-gjyqatare-ve-por-jo-me-ate-te-bashkepunetore-ve-profesionale/> & KLI, “KLI representatives advocate for the implementation of recommendations in the BC in Ferizaj”. (See link: https://kli-ks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-gjykaten-themelore-ne-ferizaj/?fbclid=IwY2xjawRUYURleHRuA2FlbQlxMABicmlkETJscVZLNzIUTROYTdCNWI5c3J0YwZhchHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHoVTo8Zn6z-YDjoVneHfRt0oi4FtLE1FVu3pG-dWSuO-MBTZjBGx7FI_9xXQ_aem_3-xn3WhVP2OJpg2eX4bNEA).

⁸ “Tahiri: Lëndët nga kontratat kolektive kanë qenë ngarkesë e madhe për Gjykatën në Ferizaj”. Betimi për Drejtësi. 15 mars 2026. (Shih linkun:<https://betimiperdrejtesi.com/tahiri-lendet-nga-kontratat-kolektive-kan-qene-ngarkese-e-madhe-per-gjykaten-ne-ferizaj/>) & IKD, “Drejtuesit e IKD-së avokojnë për zbatimin e rekomandimeve në Gjykatën Themelore në Ferizaj”. (Shih linkun: https://kli-ks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-gjykaten-themelore-ne-ferizaj/?fbclid=IwY2xjawRUYURleHRuA2FlbQlxMABicmlkETJscVZLNzIUTROYTdCNWI5c3J0YwZhchHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHoVTo8Zn6z-YDjoVneHfRt0oi4FtLE1FVu3pG-dWSuO-MBTZjBGx7FI_9xXQ_aem_3-xn3WhVP2OJpg2eX4bNEA).

⁹ “Emra: I plan to assign another judge to the DKR so that corruption and usury cases are handled more quickly”. Betimi për Drejtësi. 6 April 2026. (See link:<https://betimiperdrejtesi.com/emra-planifikoj-ta-caktoj-edhe-nje-gjyqatar-ne-dkr-qe-lendet-e-korrupsionit-dhe-fajdese-te-kryhen-me-shpejte/>) & KLI, “KLI representatives advocate for the implementation of recommendations in the Basic Court in Prizren”. See link: <https://kli->

The President of the Basic Court in Prizren, Shpresa Emra, stated that a key issue for this institution is the fact that they currently have only five (5) judges in the Serious Crimes Department. Consequently, according to her, it is impossible to establish two adjudicating panels at the same time. Therefore, she emphasized that she plans to assign an additional judge to the Serious Crimes Department, in order to enable the formation of two adjudicating panels and to allow cases to be assigned more frequently.

8. Backlog of cases adjudicated at first instance

KLI also analyzed the backlog of indictments in cases where courts issued judgments during 2025. The data shows that, although a significant portion of cases adjudicated are relatively recent, courts continue in practice to handle backlogged cases that have remained unresolved for an extended period.

Among the analyzed cases, the largest number of judgments issued in 2025 relates to indictments filed in 2025 (58 cases), as well as indictments filed in 2024 (33 cases). In addition, 17 cases relate to indictments filed in 2023, while 6 cases relate to 2022. This indicates that the majority of adjudicated cases concern recent years. However, the data also reveal a considerable number of much older cases. In this regard, judgments were also issued in 2025 for cases in which indictments were filed in 2001, 2005, 2006, 2007, 2008, 2009, and subsequent years. For the period 2001–2019 alone, dozens of such cases were identified, including 5 cases with indictments filed in 2018, 4 cases in 2019, and 3 cases each in 2014 and 2017.

In principle, handling cases in accordance with chronological order is a prerequisite for ensuring equal treatment. Therefore, without examining the specifics of each individual case, the existence of such old cases indicates that not all cases have been processed at the same pace. Consequently, despite the fact that most cases adjudicated in 2025 are recent, the presence of cases with indictments dating back many years remains concerning, both in terms of equality of treatment and the right to trial within a reasonable time.

ks.org/dreituesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-gjykaten-themelore-ne-prizren/?fbclid=IwY2xjawRUx49leHRuA2FlbQlxMABicmlkETJscVZLNzIUTROYTdCNWI5c3J0YwZh_cHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHqEOcg_6zEn3BosxPP1Mu0CFsckW2Q3cnYI77zFi5xeX0-6KJdZxUSPI-q60_aem_47wJTmiof_D2PBoQ2EdS1w

Year the indictment was filed	Number of cases
2001	1
2005	1
2006	1
2007	1
2008	2
2009	1
2010	2
2011	1
2012	2
2013	2
2014	3
2016	1
2017	3
2018	5
2019	4
2020	2
2021	4
2022	6
2023	17
2024	33
2025	58

Table 10. Year the indictment was filed for judgements issued in 2025.

However, in some cases within this department, the creation of more than one trial panel at the same time may be problematic, which in turn affects the duration of case resolution in this department.¹⁰

9. Backlog of Cases Adjudicated by the Court of Appeals

KLI also analyzed the age of cases handled by the Court of Appeals, specifically the year in which the first-instance judgment was issued in cases

¹⁰ "Emra: I plan to assign another judge to the DKR so that corruption and usury cases are handled more quickly". Betimi për Drejtësi. 6 April 2026. (See link: <https://betimiperdrejtesi.com/emra-planifikoj-ta-caktoj-edhe-nje-gjyqar-ne-dkr-qe-lendet-e-korrupsionit-dhe-fajdese-te-kryhen-me-shpejte/>) & KLI, "KLI representatives advocate for the implementation of recommendations in the BC in Prizren". (See link: https://kiks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-gjykaten-themelore-ne-prizren/?fbclid=IwY2xjawRUx49leHRuA2FlbQlxMABicmlkETJscVZLNzIUTROYTdCNWI5c3J0YwZh_cHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHqEOcg_6zEn3BosxPP1Mu0CFsckW2Q3cnYI77zFi5xeX0-6KJdZxUSPI-q60_aem_47wJTmiof_D2PBoQ2EdS1w).

decided by the Court of Appeals during 2025. The data show that recent cases dominate at the appellate level.

Out of 50 analyzed judgments, in 39 cases the BC judgment was issued in 2025, while in 11 cases it was issued in 2024. This indicates that the vast majority of cases handled by the Court of Appeals during 2025 relate to first-instance judgments issued in the same year, meaning that cases enter the appellate stage within a relatively short period. These findings show that, in terms of case age, the Court of Appeals does not exhibit the presence of backlogged cases, unlike what is observed at the first-instance level.

Year the BC judgment was issued	Number of cases
2024	11
2025	39

Table 11. Year of first-instance judgements reviewed by the Court of Appels in 2025.

The need to increase administrative staff at the Court of Appeals was also highlighted. The President of this court, Valon Totaj, stated in an interview for “Betimi për Drejtësi” that it is necessary for each judge to be assigned a professional associate and a legal officer. He further emphasized that this court has specific characteristics due to its jurisdiction covering the entire territory of the Republic of Kosovo.¹¹

10. Duration of case adjudication

a. Basic Courts

At the national level, the duration of criminal case adjudication within the SCD of the BCs presents a significant challenge. Based on all analyzed judgments, the overall average duration of case adjudication is 1,067 days. This indicates that the handling of criminal cases in these departments continues to extend beyond a reasonable timeframe.

However, the data reveal substantial disparities among courts regarding case adjudication duration. In some courts, the average duration is significantly higher than the national average. This is particularly evident in the BC of

¹¹ “Totaj: At times, it is impossible for cases not to be returned for retrial”. Betimi për Drejtësi. 10 March 2026. (See link: <https://betimiperdrejtesi.com/totaj-ndonjehere-eshte-e-pamundur-qe-rastet-te-mos-kthehen-ne-rigjykim/>). & KLI, “KLI representatives advocate for the implementation of recommendations in the Court of Appeals”, (See link: https://kli-ks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-gjykatene-apelit/?fbclid=IwY2xjawRUZAdleHRuA2FlbQlXMAbicmlkETJscVZLNzlZUTROYTdCNWI5c3J0YwZh_cHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHoOF34iFP4gQQ6Y6fJHVWDQN1keLVB7epDc4mbp8gH7YLnYMrpQxUaH8iRj_aem_KDfKahSFyxb8pge69UvStw)

Mitrovica with 2,209 days, Gjilan with 1,344 days, Ferizaj with 1,328 days, and Pristina with 1,262 days. These figures indicate prolonged adjudication times in these courts.

On the other hand, some courts demonstrate considerably shorter average durations. Prizren records the lowest average at 142 days, followed by Gjakova with 391 days and Peja with 616 days. This shows that case adjudication practices are not uniform across courts and that significant disparities persist in adjudication times.

In this regard, it should be noted that the excessively long duration in some courts is also linked to the presence of very old cases within these departments, which have directly contributed to increasing the overall average adjudication time. Therefore, without examining individual cases, the existence of such old cases has significantly influenced the higher average duration observed in certain courts.

Court	Average time
Pristina (35 cases)	1262
Prizren (19 cases)	142
Peja (19 cases)	616
Ferizaj (19 cases)	1328
Mitrovica (19 cases)	2209
Gjakova (19 cases)	391
Gjilan (19 cases)	1344
Total (150 cases)	1067

Table 12. Duration of case adjudication by courts.

b. Court of Appeals

From the 50 analyzed judgments of the Court of Appeals, the average duration of case adjudication from the moment of issuance of the first-instance judgment to the issuance of the second-instance judgment is 191 days, or approximately six months. This indicates that, in contrast to the first instance, case adjudication at the Court of Appeals is significantly faster.

However, when this average of 191 days is added to the average duration of 1,067 days for case adjudication in the SCD of the BCs, it results in an overall average of 1,258 days from the filing of the indictment to the issuance of a final judgment, or approximately three years and five months. Viewed as a whole, this duration shows that despite faster adjudication at the appellate level, the overall length of criminal proceedings in these cases remains very high.

With regard to timeliness, the President of the Court of Appeals, Valon Totaj, stated that a task force has been established, involving a number of associates assigned exclusively to detention-related cases or other criminal matters. He further explained that duty judges are automatically supported by this staff, as otherwise it would be impossible to manage the caseload.¹²

11. Decision-making in civil claim for damages

Failure by courts to adjudicate on claims for damages within criminal proceedings is considered problematic. This is because such omissions require injured parties to pursue an additional judicial procedure, namely civil litigation, thereby further prolonging the realization of their rights. At the same time, this also contributes to an increased burden on the judiciary through additional civil cases.

KLI analyzed this issue only in cases involving injured parties. In these cases, a claim for damages was filed in 16 instances. However, courts adjudicated on this claim in only 8 cases, while in 47 cases injured parties were referred to civil proceedings.

These data indicate that adjudication of claims for damages remains limited even in cases handled by the SCD. Despite the fact that such claims were submitted in a number of cases, courts in a considerable number of instances

¹² "Totaj: At times, it is impossible for cases not to be returned for retrial". Betimi për Drejtësi. 10 March 2026. (See link: <https://betimiperdrejtesi.com/totaj-ndonjehere-eshte-e-pamundur-qe-rastet-te-mos-kthehen-ne-rigjykim/>). & KLI, "KLI representatives advocate for the implementation of recommendations in the Court of Appeals", (See link: https://kiks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-gjykatene-apelit/?fbclid=IwY2xjawRUZAdleHRuA2FlbQlxMABicmlkETJscVZLNzlZUTROYTdCNWI5c3J0YwZh_cHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHoOF34iFP4gQQ6Y6fJHVWDQN1keLVB7epDc4m_bp8gH7YLnYMrpqQxuAh8iRj_aem_KDfKahSFyxb8pge69UvStw)

opted to refer parties to civil proceedings instead of adjudicating them within the criminal procedure.

However, it should be noted that in order for courts to adjudicate a claim for damages, such a claim must be formally submitted by the injured parties. For this reason, it is essential that injured parties, particularly when represented by lawyers, submit claims for damages within criminal proceedings, so that the court is able to adjudicate this aspect as well.

Claim for Damages Submitted	Referred to Civil Proceedings	Adjudicated Claim for Damages
16 cases	47 cases	8 cases

Table 13. Adjudication of claims for damages.

12. Application of ECtHR jurisprudence in court cases

In the Kosovo legal system, human rights and fundamental freedoms are applied in accordance with the interpretations given to these rights by the European Court of Human Rights (ECtHR) jurisprudence.¹³ This is established by the Constitution of the Republic of Kosovo, which obliges institutions to interpret human rights and fundamental freedoms in line with the jurisprudence of this Court. In this regard, the Constitutional Court has emphasized that, pursuant to Article 53 of the Constitution, all courts of the Republic of Kosovo are obliged to interpret “human rights and fundamental freedoms guaranteed by this Constitution in accordance with the jurisprudence of the European Court of Human Rights.” This means that, in all instances where the Constitutional Court or regular courts interpret constitutionally guaranteed human rights and freedoms, the human rights standards established in the ECtHR case-law must be applied, where applicable. In the event of a conflict between the two, the standards established by the ECtHR in interpreting the ECHR shall prevail.¹⁴

The data show that the application of ECtHR jurisprudence remains extremely limited. Out of a total of 150 cases analyzed in the BCs, ECtHR jurisprudence was applied in only one case, specifically in the BC of Mitrovica, and in a specific manner.

¹³ Constitution of the Republic of Kosovo, Article 53

¹⁴ “Judgment in case no. KI207/19”, Constitutional Court of the Republic of Kosovo, paragraph 109, Pristina, 5 January 2021: https://gjjkapi.pbc.group/Custom/ki_207_19_agj_sha.pdf).

In the Court of Appeals, out of 50 analyzed cases, ECtHR jurisprudence was applied in 4 cases. In 3 of these cases, the application was specific, while in 1 case it was general.

In total, out of 200 analyzed cases across both instances, ECtHR jurisprudence was applied in only 5 cases, of which 4 were applied specifically and 1 generally.

These findings indicate that, despite its importance, ECtHR jurisprudence continues to be insufficiently applied by courts in serious crime cases. Its application remains an exception rather than a rule, highlighting the need to increase the use of ECtHR standards in judicial reasoning.

Court	Application of ECtHR	General / Specific case
Pristina (35 cases)	0	/
Prizren (19 cases)	0	/
Peja (19 cases)	0	/
Ferizaj (19 cases)	0	/
Mitrovica (19 cases)	1	Specific case
Gjakova (19 cases)	0	/
Gjilan (19 cases)	0	/
Apeli (50 cases)	4	3 – Specific case 1 – General
Total	5	4 – Specific case 1 – General

Table 14. Application of ECtHR

Otherwise, the President of the Supreme Court, Fejzullah Rexhepi, stated in an interview for “Betimi për Drejtësi” that an open competition is currently underway for three (3) officials who will establish an office for monitoring and publication. This office, in addition to aiming at the unification of judicial

practice, will also ensure alignment with the jurisprudence of the European Court of Human Rights concerning freedoms and human rights.

13. Additional penalties

Additional penalties have a broad impact on achieving the purpose of punishment, particularly in more effectively preventing offenders from committing criminal offences in the future. A key advantage of additional penalties in criminal law is that they enable courts to achieve a more appropriate individualization of criminal sanctions and provide greater opportunities for the rehabilitation of offenders. In this way, the concept of additional penalties is intended to fill, in a certain sense, the gaps left by primary penalties in achieving the objectives of punishment. The Criminal Code No. 06/L-074 of the Republic of Kosovo provides for a total of eight (8) additional penalties.

In this regard, KLI has also analyzed the application of additional penalties in cases handled by the SCD during 2025. The data indicate an extremely low level of application of these penalties in practice.

Out of a total of 150 cases analyzed, additional penalties were imposed in only 3 cases, representing a very small percentage of the total. In the vast majority of cases, namely 147 cases, no additional penalty was imposed.

Regarding distribution across courts, additional penalties were imposed only in the BC of Peja (2 cases) and the BC of Gjakova (1 case), while no such penalties were imposed in other courts, including Pristina, Prizren, Ferizaj, Mitrovica, and Gjilan.

These findings indicate that, although additional penalties constitute an important instrument for achieving the purpose of punishment, they continue to be applied very rarely in judicial practice in serious crime cases.

BC	Additional penalties
Pristina (35 cases)	0
Prizren (19 cases)	0
Peja (19 cases)	2
Ferizaj (19 cases)	0
Mitrovica (19 cases)	0
Gjakova (19 cases)	1
Gjilan (19 cases)	0
Total (150) cases	3

Table 15. Application of additional penalties

14. Sentencing policy

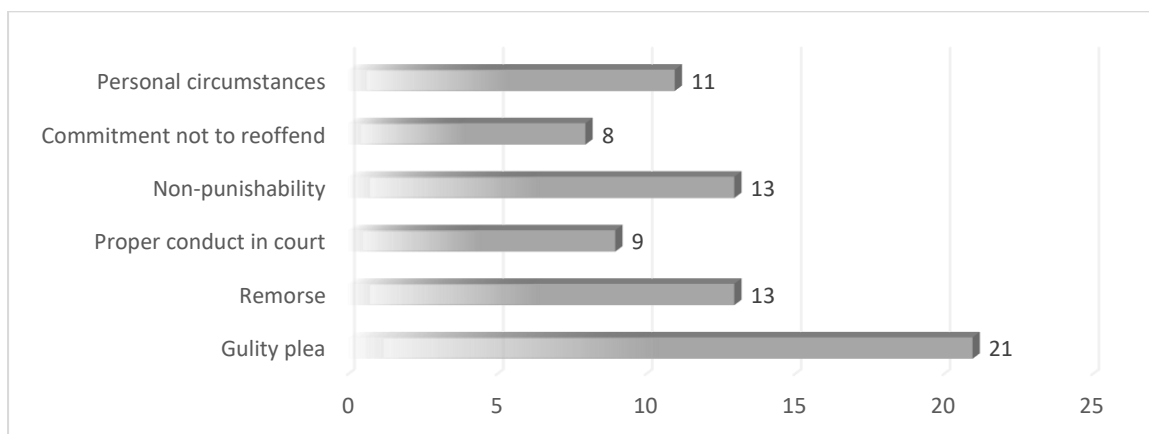
Non-compliance with the Supreme Court's Sentencing Guidelines generally represents a concerning issue that affects the guarantee of a fair and consistent criminal sentencing policy. It is therefore essential that courts properly and adequately refer to mitigating and aggravating circumstances, providing detailed reasoning for each applied circumstance as well as the intended purpose to be achieved through their application.

The Kosovo Law Institute (KLI) analyzed 30 judgments for the year 2025 regarding the implementation of the Supreme Court's Sentencing Guidelines. The analysis shows that, in a significant number of cases, courts have limited themselves to merely listing mitigating and aggravating circumstances, without providing sufficient and detailed reasoning on how these circumstances were applied.

Application of mitigating and aggravating circumstances in the SCD during 2025

During the analysis of 30 judgments issued by the Departments for Serious Crimes in 2025, KLI identified 17 cases involving duplication of circumstances. This represents one of the most significant issues identified, as courts, in addition to applying confession of guilt as a mitigating circumstance, also simultaneously consider remorse, regret for committing the criminal offence,

and apology. The Sentencing Guidelines explicitly emphasize the importance of avoiding duplication of circumstances;¹⁵, however, this guidance is not consistently reflected in practice. Another continuing concern is the treatment of the offender's proper conduct during trial. Such behavior should not, in principle, be considered a mitigating circumstance, as lawful and orderly conduct in court is a legal obligation of every defendant. Conversely, improper conduct or disrespect toward the court may be considered an aggravating factor.¹⁶ Nevertheless, in the analyzed judgments, this "mitigating circumstance" was applied in 9 cases.

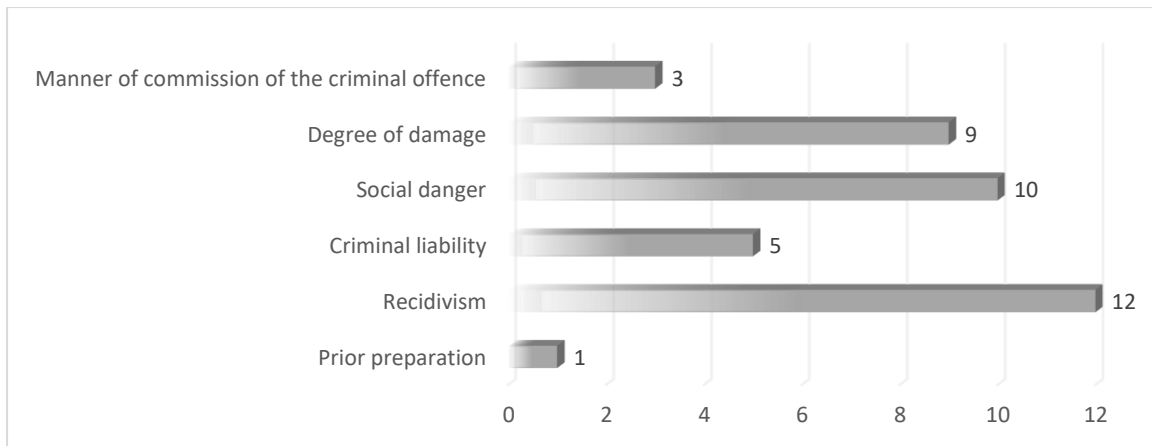


Graph 1. Application of mitigating circumstances in SCD

Furthermore, the analyzed judgments also reveal issues in the application of aggravating circumstances. Courts have referred to criminal responsibility, social dangerousness, and the manner of commission of the criminal offence as aggravating circumstances. However, according to the Guidelines, these elements should be treated as general principles for sentencing rather than as independent aggravating circumstances. On the other hand, recidivism was applied in 12 cases, the degree of intent in 9 cases, and prior preparation in 1 case.

¹⁵ Supreme Court of the Republic of Kosovo, *General Sentencing Guidelines*, Second Edition, Pristina 2024, p. 87, (see: https://supreme.gjyqesori-rks.org/Udhëzues_i_Përgjithshëm_për_Matjen_e_Dënimit/).

¹⁶ Supreme Court of the Republic of Kosovo, *General Sentencing Guidelines*, Second Edition, Pristina 2024, p. 28., (see: <https://kli-ks.org/performanca-e-drejtësisë-ne-ndjekjen-dhe-gjykimin-e-korrupsionit/>).



Graph 2. Application of aggravating circumstances in SCD

15. Assessment of the implementation of the Supreme Court’s Guidelines in Court of Appeal judgements

As a second-instance court, the Court of Appeals has the competence and obligation to review first-instance judgments, assessing whether they have been rendered in accordance with legal provisions and established case-law standards. However, the analysis of 10 judgments from this court shows that in most cases, the Court of Appeals has upheld the decisions of the first-instance courts.

Although in two cases the decisions were amended, the reasoning of the judgments does not show any particular analysis regarding the proper application of the Supreme Court's Sentencing Guidelines in relation to mitigating and aggravating circumstances. This indicates that no substantial reassessment was made concerning the first-instance courts' application of the Guidelines. In one case, the Court of Appeals reduced the sentence imposed by the first-instance court, stating that the mitigating circumstances considered by the BC were consistent with the sentence ultimately imposed by the second-instance court.¹⁷ A similar approach was observed in another case, but in relation to aggravating circumstances, where the appellate court considered the sentence imposed by the first instance to be overly severe.¹⁸ Thus, it can be observed that the Court of Appeals also failed to examine whether the application of mitigating and aggravating circumstances had been carried out in accordance with the practice prescribed by the Guidelines.

¹⁷ Judgement PAKR.no.2023/2025

¹⁸ Judgment PAKR.no.438/25.

In conclusion, the findings of this report regarding the lack of harmonization in sentencing policy and the insufficient application of the Sentencing Guidelines are also supported by statements from court presidents.¹⁹ In this regard, the President of the BC in Ferizaj, Mustaf Tahiri, emphasized that sentencing policy has not been uniform even within the same court, noting that disparities in sentencing for similar cases undermine legal certainty. In the same line, the President of the BC in Gjilan, Venhar Salihu, also stressed the need for more consistent application of the Guidelines in judicial practice. Similarly, the President of the Court of Appeals, Valon Totaj, assessed that the level of harmonization of judicial practice is not satisfactory, while the President of the Supreme Court, Fejzullah Rexhepi, stated that the Sentencing Guidelines have not been implemented as expected in practice.

¹⁹ "Relations with the media, handling of corruption and organised crime cases, says the President of the Supreme Court", Betimi për Drejtësi. 7 March 2026. (See link: <https://betimiperdrejtesi.com/raporti-me-mediat-trajtimi-i-lendeve-te-korrupsionit-e-krimite-organizuar-flet-kryetari-i-supremes/>), & KLI, "KLI representatives advocate for the implementation of recommendations in the Supreme Court", (see link: <https://kli-ks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-gjykaten-supreme/>) ; "President of the Court of Appeals: We are not satisfied with the harmonisation of judicial practices". Betimi për Drejtësi. 10 March 2026. (See link: <https://betimiperdrejtesi.com/kryetari-i-apelit-nuk-jemi-te-kenaqur-me-harmonizimin-e-praktikave-gjygesore/>), & KLI, "KLI representatives advocate for the implementation of recommendations in the Court of Appeals", (See link: <https://betimiperdrejtesi.com/tahiri-kur-kemi-dallime-ne-denime-per-ceshtje-te-njejtarezikohet-dhe-cenohet-parimi-i-sigurise-juridike/>) & KLI, "KLI representatives advocate for the implementation of recommendations in the BC in Ferizaj". (see link: <https://betimiperdrejtesi.com/salihu-rastet-e-korrupsionit-sfiduese-problem-edhe-politika-ndeshkimore/>) & KLI, "KLI representatives advocate for the implementation of recommendations in the BC in Gjilan", [35](https://kli-ks.org/drejtuesit-e-ikd-se-avokojne-per-zbatimin-e-rekomandimeve-ne-gjykaten-themelore-ne-gjilan/?fbclid=IwY2xjawRUXulleHRuA2FlbQlxMABicmlkETJscVZLNzlZUTROYTdCNWI5c3J0YwZh_cHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHiYwV18hzwLOAJhhM9Xpt0GbEoXMKsb7NNjx8UNdlsT7Ns612DyJzzn8Yf_aem_Jk6ITA8NROEyBNSU791Mog.</p></div><div data-bbox=)

