

**Development of Monitoring Instruments
for Judicial and Law Enforcement institutions
in the Western Balkans
2009-2011**

Technical Assessment Report
Kosovo under UNSCR 1244



CARDS Regional Action Programme

With funding by the
European Commission



April 2010

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Acknowledgements

UNODC would like to thank the European Commission for the financial support provided for the preparation and publication of this report under the CARDS Regional Programme 2006.

This report was produced under the responsibility of Statistics and Surveys Section (SASS) and Regional Programme Office for South Eastern Europe (RPOSEE) of the United Nations Office on Drugs and Crime (UNODC) based on research conducted during a research mission to Kosovo under UNSCR 1244 in March 2010 by UNODC and the Joint Research Centre on Transnational Crime (TRANSCRIME).

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Technical Assessment Report Kosovo under UNSCR 1244

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1. Introduction and Background

This report has been written within the context of the project 'Development of monitoring instruments for judicial and law enforcement institutions in the Western Balkans' funded by the European Union CARDS Regional Action Programme. It describes the data collection systems on crime and criminal justice as well as on migration, asylum and visa on the basis of the information gathered during the on-site research mission to Pristina from 1 - 5 March 2010. The research mission was carried out by the United Nations Office on Drugs and Crime (UNODC), in partnership with the Joint Research Centre on Transnational Crime (TRANSCRIME) and was supported by the local UNODC focal point in Pristina. The whole mission was made possible through the close cooperation and assistance of the Kosovar authorities and benefited from the time and inputs of the many institutions and individuals visited during the mission.

The goal of the technical assessment presented here is to describe and assess the collection, analysis and use of justice and home affairs statistics in Kosovo under UNSCR 1244 against international and EU standards. It is thus part of a series of project activities with the ultimate goal of bringing existing national statistics mechanisms in justice and home affairs institutions of the countries and territories of the Western Balkans towards compliance with relevant international and EU acquis, standards and best practices. Project activities to date include a first desktop research study entitled 'Background Research on Systems and Context. Justice and Home Affairs Statistics in the Western Balkans' and a second study entitled 'Developing standards in crime and criminal justice statistics – International and EU Acquis'. Further project activities will comprise the development of technical guidelines, the development of regional indicators and targeted capacity building in the area of data collection and statistics for justice and home affairs institutions.

The standards used for assessment in this report are expanded in further detail in the study 'Developing standards in crime and criminal justice statistics – International and EU Acquis'. As set out in the study, standards related to justice and home affairs statistics remain in their infancy at EU level. Many 'standards' are to be found in the (non-binding) work of EU-mandated expert groups and relevant actions of EU organisations such as the Statistical Office of the European Communities (Eurostat), rather than in EU *Acquis* having the force of law. As such, in the set of standards used in this assessment report, EU level norms are supplemented by relevant work at the international level, including that developed by the United Nations in the Manual for the Development of a System of Criminal Justice Statistics. The assessment standards should therefore be taken as representative of core themes that are common both to developing norms and standards at the EU *and* international level. Where an individual standard has seen particular development at EU level or is clearly contained in binding *acquis*, then this is indicated in the standard by means of a clear note.

2. Crime and Criminal justice statistics

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2.1 Police statistics

2.1.1. Introduction

2.1.1.1. Institutions responsible for data collection and management

The Kosovo Police (KP) operates as an executive agency within the Ministry of Internal Affairs (MoIA).¹ The Analytical Unit within the Directorate of Crime Analysis is tasked with administrating the 'Kosovo Police Information System' (KPIS) that records general police-recorded crime data.

The Department against Crime includes the Investigation Department and the Organized Crime Department.² The latter consists of four Sections: Trafficking in Human Beings Investigation Section (THBS); Narcotics Investigation Section (NIS); Financial Intelligence Unit (FIU); and the Intelligence Section (IS). Each Section is responsible for producing statistics in its respective criminal offence area.

Geographically, the KP is organized into 6 regional directorates (Pristina, Mitrovicë, Peja, Gjilani, Prizren, Ferizaj) and 35 municipal police stations.³

2.1.2. Data input (recording of crimes)

2.1.2.1. Data entry

Standard

Any reported or suspected crime incident coming to the attention of the police should be recorded as a crime incident by the responsible authority (either before or after some initial investigation). The threshold for recording a suspected crime incident should be clearly defined. Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system.

When recording crimes, the police should make use of a unit record-based system that contains details of each individual incident and person accused ('formal contact' with the police as a suspect).

Assessment

At the level of the municipal police station, every reported crime incident coming to the attention of the police is first recorded in a book of daily events, where the responsible police officer records details of both criminal and non-criminal incidents in standard columns.

¹ The 2008 'Law on Police' (Law Nr. 03/L-035) is available online at: http://www.assembly-kosova.org/common/docs/liqjet/2008_03-L035_en.pdf. The KP consists of five pillars: Operations; Investigations; Border; Support Services; Personnel and Training.

² Organised crime is defined by the Art. 274 of the Kosovo Criminal Code. According to this Article, the term 'organised crime' means: "[...] a serious crime committed by a structured group in order to obtain, directly or indirectly, a financial or other material benefit. The term 'organized criminal group' means a structured group existing for a period of time and acting in concert with the aim of committing one or more serious crimes in order to obtain, directly or indirectly, a financial or other material benefit. The term 'serious crime' means an offence punishable by imprisonment of at least four years. The term "structured group" means a group of three or more persons that is not randomly formed for the immediate commission of an offence and does not need to have formally defined roles for its members, continuity of its membership or a developed structure".

³ See: <http://www.kosovopolice.com/?page=2.1>.

After the initial investigation, the police decides whether or not to further investigate the case. If the case is considered a noteworthy incident (either as a crime, misdemeanor, disturbance of the public order or peace), details of the case are recorded in the 'initial case incident' form.

The 'initial case incident' form records detailed information, including data on the case (case number; time and location of incident; incident motive – such as personal gain, domestic or ethnic motive, number of offences within the case; type of offence (whether a criminal offence; traffic offence; weapon/ordnance found; other incident); whether completed or attempted); the person involved (whether the person is the complainant, suspect, victim, witness or other; and personal details such as name; date and place of birth; sex; citizenship; ethnicity; address) and other data. See Annex I for the type of information recorded in the 'initial case incident' form.

Depending on the nature of the case and the type of persons and measures involved additional forms have to be filled in by the police officer (these contain information on: statement of the suspect; statement of witnesses; arrest; search warrant; arrest warrant, etc.)

Forms are available both on paper and electronically in Albanian, English and Serbian.

The threshold for classifying a recorded case as a criminal offence or as an incident is the following: after compiling the 'initial case incident' form, the municipal police station contacts the prosecutor in charge in order to inform him or her on the case. At this stage, a case file is opened (though prosecutors do not have to agree for the case to be recorded as a crime). Case files are sent every day by car from the municipal police station to the regional directorates, tasked with data recording. The administrative office of the regional directorates manually records case files into the 'Kosovo Police Information System' (KPIS), the electronic case record-keeping system. There are no written rules on the initial recording of criminal and other incidents.

Cases entered into the KPIS are classified by type as a crime, misdemeanor or other incident. However, the classification can be changed during the investigation phase by the police officer in charge, until the moment the case is submitted to the prosecutor. Should the prosecutor reject the case, the incident remains recorded as a 'criminal incident', though a note is made that the case was rejected by the prosecutor. In contrast to general crimes, all organized crime cases handled by the Organized Crime Department are recorded in the KPIS only after the case has been handed over to the prosecutor in charge (in order to protect the sensitive data involved). Information recorded in the KPIS is not used for intelligence purposes.

Adults and minors are recorded in the same KPIS. The fields on 'age of victims' and 'age of perpetrators' permit of a query according to the age in order to single out minors. Since the KPIS does not contain any field on 'recidivism', the only way to know if a person is recidivist is consulting courts' registries.

The KPIS has been designed in 1999 by UNMIK, so the Kosovo Police cannot make any change in the database template. After the Kosovo Criminal Code amendments in 2008, some small changes have been made by the KPIS Unit in the template.⁴ Since Microsoft does not support the database software anymore, the European Commission is examining some alternative project proposals to fund the establishment of a new database.

⁴ The Law NO. 03/L-002 'On Supplementation and Amendment of the Provisional Criminal Code of Kosovo' is available online in English at: http://www.assembly-kosova.org/common/docs/liqjet/2008_03-L-002_en.pdf.

The recording unit of the KPIS is the case. Information recorded on each case (whether a crime or another incident) includes: case number; reference number; method; incident motive; incident mark; who was assigned to the investigation; whether a joint investigation between KFOR and the Kosovo Police took place; location, street/route, detailed place category; incident type; offence; whether offence committed or attempted; notes.

Information recorded on specific case includes in separate pages further details on: vehicle; document; weapon; property (category, serial number, item, quantity, value, whether returned to owner, type of involvement); traffic details; citation (citation number, reference number, case number, status, whether turned over to court, date, which legal act and article, fine, whether the fine is mandatory, data on payment, location, municipality, street/route, detailed data on personnel, company, comments); warrant (warrant number, status, court, municipality, judge, article, title of offence, date of service, personal information on serving officer, suspect status, arrest date, comments); evidence (collected from/to-between/and, who collected the evidence; evidence stored at; whether released).

Within the Organized Crime Department, the four Sections for trafficking in persons, drugs, economic crime and criminal intelligence keep their own separate databases for internal statistics only. These databases are confidential and not integrated with those of the other Sections. Until 2006, the internal database has been administered by UNMIK, which means that between 2001 and 2006 data on organized crime have not been recorded in the KPIS. Since 2006 each Section records information first only in its own database. Only after cases have been handed over to the prosecutor in charge (which can be either a Special Prosecutor or a district prosecutor) are cases entered in the KPIS.

The information recorded in the internal database of each section of the Organized Crime Department is tailored to the type of organized crime dealt with. Thus, the internal database on trafficking in human beings records detailed information on suspects and victims of THB, while the financial investigation unit also records information on assets confiscated, etc. See Annex II for the type of information recorded in the 'initial case incident' form.

Prosecutors are obliged to send back the case if new information is detected during the investigation. Each Section within the Organized Crime Department updates its own database when new information about the case becomes available. However, after submitting the case to the prosecutor and recording the case in the KPIS, the information in the KPIS cannot be updated anymore.

2.1.2.2. Person records

Standard

Person records on the suspected offender (and, where applicable, the victim) should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence. The person record clearly states the charge with reference to relevant legal provisions. The relationship between the charge and the incident classification is clear.

Assessment

Data on persons involved in each case (complainant, suspected offender, victim, witness, other) that are recorded in the 'initial case incident' form are the following: last name, first name, middle name, maiden name, nickname, father's name, date of birth,

age, place of birth, sex, citizenship, ethnicity, home address, city/town/village, municipality/province, country, telephone number, occupation, data on employer, ID number, passport number, DL number and issuing country, whether the person is: member of KFOR; KPC (TMK); KPS; OSCE; UNMIK CivPol; UN local staff; UN international staff; other international staff; foreign citizen; Kosovo resident.

The KPIS includes a section with several data entry field where information on known perpetrators is recorded: last name, first name, middle name, nickname, father's name, date of birth, year only, citizenship, ethnicity, some physical details, whether the person is wanted, passport and ID number.

2.1.2.3. Case file numbering and integrated file numbers

Standard

It is good practice for a system to assign an 'incident number' to reported events, and an 'integrated file number' (IFN) to persons suspected of having committed a crime. The person is linked to the incident through the IFN and incident number. The IFN should be retained once the file moves from the level of the police to prosecution and later to court and can be used to track persons across the system in order to calculate specific attrition rates, average processing times and other performance indicators.

Assessment

When the case is entered into the KPIS, a case file number (incident number) is assigned to it. This unique identifier is constituted by: year – police station code – serial number (e.g. 2010-A-001) and is an identifier that is not shared by prosecution or courts. No separate number is assigned to the suspect.

An incident number is assigned in the Organized Crime Sections' databases as well. The case number is created when the case moves from the criminal intelligence phase to the investigation phase. At this point, the Section obtains the approval of the Director of the Organized Crime Department and talks to the Special or district prosecutor. Each Section performs two different kinds of investigation: integrated investigations and independent investigations. Integrated investigations are carried out when an organized crime case involves illegal financial activities, drug-related crimes or trafficking in persons. In these investigations all the Sections record the case in their own database using the same case number. After the case has been handed over to the prosecutor in charge, the integrated investigation case is inputted as a single case in the KPIS. Independent investigations are those involving each Section separately. For instance, the independent financial investigations aim at detecting properties and assets gained through the illegal financial activity (e.g. bank frauds, credit card frauds, cybercrime, gambling, ML etc.). The FIU records the case in its own database using its own case number. Then the case is recorded in the KPIS.

2.1.2.4. Offence classification system

Standard

Reported incidents should be classified using a standard offence classification system and should have a clearly defined relationship with the 'charge' assigned to a suspected offender. The crime classification scheme should be applied uniformly by all police stations.

Assessment

When recording offences in the KPIS, a standard offence classification system is used. It is based on a set of legal sources: the 2004 provisional Kosovo Criminal Code

(KCC)⁵; the applicable laws for misdemeanors, such as customs laws or traffic safety laws; the United Nations Mission in Kosovo (UNMIK) Regulations; old Yugoslav Criminal Law;⁶ the applicable old laws on misdemeanors (e.g. on traffic incidents and on public disorder). Offences under the KCC are recorded by chapter and by article while the other sources are recorded in the KPIS as 'other' offences.

2.1.3. Data flow

2.1.3.1. From local to central level

Standard

Data from *local* police stations should be reported in a uniform format, using the standard crime classification scheme to a *central* institution.

Assessment

Starting from the records in the KPIS, aggregate statistics are produced monthly and yearly by the regional directorates. To aggregate statistics two standard excel sheets are used. The 'Monthly Crime Activity by Categories of Crimes' sheet collects the total numbers of committed and attempted crimes per month, with a breakdown by chapters and some articles of the 2004 Kosovo Criminal Code (whereas crimes defined by other legal acts are noted down as 'other'). The 'Monthly Cases Statistics by Regions' sheet aggregates both the total number of cases and the total number of closed cases (which have been handed over to the prosecutor) per month, as well as the percentage of cases cleared (defined as cases with a suspect), by crime type and some articles of the KCC. Both sheets include the following crime types:

- *Crimes against persons*: aggravated or grievous assault; assault; harassment/intimidation; kidnapping; murder; rape; robbery; sexual assault; trafficking in persons; other;
- *Crimes against property*: arson; burglary; criminal damage; extortion/blackmail; fraud; theft; theft of motor vehicle; trespassing; other;
- *Crimes against society*: aiding or facilitating prostitution; drug dealing/possession; obstructing justice; riot; road block; other;
- *Weapon related crimes*: found ammunition; found explosive/UXO; found firearm; grenade/mine/explosive attack; illegal weapon possession; other;
- *Other crimes/incidents*: demonstration; forged or counterfeited currency; forged or counterfeited official documents; illegal border crossing; other.

Reports are compiled and sent monthly by the regional directorates to the Directorate of Crime Analysis, where the district level reports are aggregated at the central level.

2.1.3.2. Counting rules

Standard

Guidelines at the international level suggest that it may be appropriate to apply a 'Principal Offence' rule when counting and reporting persons. Written counting rules should address at a minimum the questions

⁵ The Criminal Code is available online in English at: http://www.unmikonline.org/regulations/2003/RE2003_25_criminal_code.pdf.

⁶ The Criminal Code of the Republic of Yugoslavia is available online in English at: http://pbosnia.kentlaw.edu/resources/legal/bosnia/criminalcode_fry.htm.

whether a Principal Offence rule is applied or not; how multiple offences are counted and how offences committed by more than one person are counted.

Assessment

Concerning the counting rules the following information was provided with respect to the aggregation of crime data in practice: Data are collected for inclusion in statistics after some initial investigation; a Principal Offence rule is not applied; multiple offences are all recorded in the KPIS and counted as separate offences; one person committing several offences is counted under each offence; offences committed by more than one person are counted separately for each person; if several persons are involved in an offence, all suspects are counted for statistical purposes.

Counting Rules	Application
When are data collected for inclusion in statistics?	When the municipal police station contacts the prosecutor in charge to inform him or her on the case; for organized crime and terrorism cases: after the case has been submitted to the prosecutor's office
Principal offence rule applied?	No
How are multiple offences counted?	Each offence is counted separately
How is an offence committed by more than one person counted?	One offence per person (double counting)
How many persons are counted in joint offence?	All suspects are counted separately

2.1.3.3. Coverage: Geographic and institutional

Standard

Data on reported crime incidents in *all geographical regions* and by *all responsible law-enforcement authorities* should be recorded and included in national aggregate statistics.

Assessment

For general crime, the KPIS covers the entire territory of Kosovo under UNSCR 1244, including North Mitrovica (In the latter case, the data are communicated through EULEX to the regional centre in South Mitrovica). However, since early 2008, no new cases of organized crime have been reported to the Organized Crime Department by the authorities in North Mitrovica.

All police units of the Kosovo Police record the data in the KPIS. However, specific cases investigated under EULEX executive authority are not included in the KPIS, such as cases on war crimes and some organized crime cases.

2.1.3.4. Timeliness and periodicity

Standard

Data on reported crime incidents, victims and suspected offenders should be *regularly reported* to a central authority.

Assessment

Data on reported crime incidents are reported to the Directorate of Crime Analysis on a monthly basis. Beyond producing weekly operational reports (not for statistical purposes), each Section of the Organized Crime Department produces monthly and annual reports in Albanian. They are sent by email to the Head of the Department of Organized Crime and to the EULEX Monitoring Unit for internal purposes.

2.1.4. Output (Production of Statistics)

2.1.4.1. Data validation

Standard

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed.

Assessment

Statistical data are extracted directly from the KPIS database. The data entered into the KPIS are taken from the initial case incident form and are classified by type as a crime, misdemeanor or other incident. However, both the classification and the data on the offence and the persons involved can be changed during the investigation phase by the police officer in charge, until the moment the case is submitted to the prosecutor. Besides this updating of case-specific information in the KPIS, no information on data validation could be obtained.

2.1.4.2. Statistical analysis of data

Standard

Analysis of crime and criminal justice statistics helps to demonstrate to intended users the value of such statistics. Whilst policy analysis and data interpretation should be performed by subject-matter specialists, much analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

Assessment

The KPIS application does not allow for the automated production of statistical tables. The Directorate of Crime Analysis, which is tasked with analyzing data on the central level, has to extract and filter data by variable of interest (e.g. region, crime type, committed/attempted offences, etc.). Data analysis performed involves annual comparisons for specific crime types (by five crime types: crimes against persons; crimes against property; crimes against society; weapon related crimes; other crimes/incidents), the calculation of clearance rates by regions and a comparison of total and closed cases for crimes against persons, property and weapon-related crimes by regions.

2.1.4.3. Reporting

Standard

Data on reported crime incidents, victims and suspected offenders should be regularly reported (at least once a year on the previous year) in aggregate form by a central authority. The number of recorded incidents during one year should be reported disaggregated by crime type, while the number of persons brought into formal contact with the police during one year should be reported by

crime type; age; sex and citizenship. Crime type disaggregation of recorded incidents and persons brought into formal contact should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Cybercrime and Crime involving racism and xenophobia.⁷

Assessment

The Directorate of Crime Analysis reports both on a monthly and yearly basis to the Minister of Internal Affairs, the Police Director and to EULEX advisors in charge of police monitoring activities. Reports are produced exclusively for internal purposes in Albanian, in English and in Serbian.

Monthly Statistical Reports contain charts and tables showing criminal offences for the examined month, compared to the same period of the previous year, by chapter of the KCC. Furthermore, they contain the following information: criminal offences by chapter of the KCC and regions; the number of suspects, arrestees and victims by ethnicity (Albanian, Serbs, Roma, other); monthly murders compared with the same period of the previous year by region; the number of potentially ethnically motivated incidents (PEMI) by regions, the number of PEMI victims by ethnicity and the offence type that might be considered as potentially ethnically motivated.

The 2009 Annual Police Report presents the number of reported crimes for the year with charts and tables, compared with the same period of 2008 by chapter of the KCC and by regions. Incidents (such as suicides, attempted suicides, missing persons, traffic accidents etc.) are reported as *other incidents*.⁸ Furthermore, the report shows the number of suspects and victims by ethnicity and the number of arrestees by sex and by ethnicity for 2009, compared with the same period of 2008. The last section is on the most distinctive cases during the year by region: murders, suicides, robberies, smuggling of goods, unauthorized possession, control or use of weapons, counterfeiting currency, potentially ethnically motivated incidents by victims' ethnicity and by type of criminal offence.

2.1.4.4. Dissemination of police statistics

Standard

Dissemination of data should ensure that statistics on crime and criminal justice are actually used and useful to their users. Dissemination can be in the form of internal or externally published reports, responses to information requests, in special tabulations or in academic and scientific forums. The use of the Internet is a cost-effective and timely method of reaching a wide range of users. In addition to statistics, the methods used in the collection, processing and analysis of data as well as the definitions, counting rules and other metadata should be disseminated to provide meaning and context and to enable a correct interpretation of the data.

Assessment

⁷ At the EU level, core crime types for reporting used by Eurostat are intentional homicide, violent crime (comprising physical assault, robbery and sexual offences), robbery, domestic burglary, motor vehicle theft, and drug trafficking. In addition, EU *acquis* indicates that data should be collected on money laundering, trafficking in persons and crime involving racism and xenophobia.

⁸ The reporting of misdemeanours and other incidents in tables on total criminal incidents is somewhat misleading as they are not classified as 'criminal incidents' in the first place.

Some of the reported statistics are published and disseminated to the wider public in the Annual Police Report. The Annual Police Report is available online in Albanian and in Serbian.⁹

2.2. Prosecution statistics

2.2.1. Introduction

2.2.1.1. Institutions responsible for data collection and management

The prosecution system consists of seven municipal prosecutor's offices (Gjilan, Prizren, Pejë, Giakovë, Pristina, Ferizaj, Mitrovica) five district prosecutor's offices (Gjilan, Prizren, Pejë, Pristina, Mitrovica), the Office of the Public Prosecutor for Kosovo and the Special Prosecutor's Office.¹⁰ The Special Prosecutor's Office is under the Criminal Division of the Ministry of Justice and is focused on inter-ethnic crimes, trafficking in human beings, organized crime, terrorism and corruption charges.¹¹

The Office of Statistics on Prosecution has been established in 2007 within the Ministry of Justice, in order to collect data on prosecution. Prosecution statistics are therefore available only since 2007.¹²

There are no data sent from prosecution offices to the Statistical Office of Kosovo.

2.2.2. Data input (recording of crimes)

2.2.2.1. Data entry

Standard

Data on all charges initiated and persons prosecuted should be recorded by the responsible authorities. The threshold for initiating a prosecution record ('persons prosecuted') should be clearly defined and a unit record should be opened for each person. Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. The person record (unit record) should clearly state the charge (one or more charges) and details of case disposition (e.g. court appearance, conviction or other disposition by the prosecutor). Person records should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence.

Assessment

At the prosecutor's office a file is opened when a criminal incident is submitted by the police, a citizen or other institution. Data received from the police or other sources are directly recorded in the prosecution registries by the administrative staff of each office. Since 2007, every prosecutor's office keeps six standard criminal registries:

- 'PP' (or 'KT' in Serbian): records information on known adult perpetrators;

⁹ The 2008 Annual Report on the Work of the Police is available online at: http://www.kosovopolice.com/repository/docs/Raporti_vjetor_2008.pdf (6 April 2010).

¹⁰ Municipal prosecutors are in charge of cases with a maximum punishment of less than five years of imprisonment while district prosecutors are in charge of cases with a maximum punishment of five and more years of imprisonment.

¹¹ The Special Prosecutor's Office is composed by ten Kosovar public prosecutors and five international prosecutors appointed by EULEX. For the full list of crimes under the Special Prosecutor's exclusive competence, see: http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=143&Itemid=56&lang=en.

¹² Before 2007, the Kosovo Judicial Council was in charge of both prosecution and courts statistics. The only prosecution data available for this period are the number of prosecutors per office.

- ‘PP’ (or ‘KTM’ in Serbian): records information on known juvenile perpetrators;¹³
- criminal registry on unknown perpetrators;
- registry on administrative offences;
- registry on perpetrators of economical offences;
- criminal registry on criminal cases in second instance procedures.

Registries are filled in and stored on paper. The Gjilan prosecutor’s office is testing a new ‘case management software’, called ‘SMILE’, which has been developed by the European Agency for Reconstruction (EAR) in collaboration with a local company (PRONET). This new case management software, containing the same information as the paper registries, has not been implemented yet in the entire prosecution system because of operating problems.

Criminal registries are systematically updated once new information about a file becomes available. For instance, if new suspects are found during the investigation, they are recorded without opening a new case file number: that the new suspect is noted down with a reference to the already recorded case.

The ‘PP’ (or ‘KT’) registry on known adults records information on each case and on each prosecuted person, including: the case number; date; name of person who reported the case to the prosecutor; personal data of the perpetrator(s) (name, address, profession, date of birth, citizenship); victim(s) and value of the damage; criminal offence by article of the 2004 Criminal Code (or other applicable law) and date of offence commission; principle offence; other offences; and data on the process.

The ‘PPM’ (or ‘KTM’) registry on known juveniles records very similar information on each case and on each juvenile but includes additional details on detention measures and on the seven possible types of diversion measures taken. See Annex III for more details of the PP/KT and the PPM/KTM registries.

2.2.2.2. Case file numbering and integrated file numbers

Standard

It is good practice for individual prosecuted persons to be assigned an ‘integrated file number’ (IFN). The person should be linked to police-recorded records through the IFN. Differences between the charge and the police incident classification scheme should be clearly identified. The same IFN should be kept in court records and can be used to track persons across the system in order to calculate specific attrition rates, average processing times and other performance indicators.

Assessment

When a case is recorded in the prosecution registries, a numeric identifier is assigned to each case (incident number) as well as to each prosecuted person.¹⁴ The registry on criminal cases in second instance procedures assigns a new case file number to each case while noting down the first instance case file number to which the appeal refers to in a specific column. The case file numbers assigned by prosecution are not shared by other criminal justice actors (police and courts). However, according to a 2009 Memorandum of Understanding signed between the Mol, Kosovo Police, Prosecution, the Kosovo Judicial Council and the ‘National Coordinator for Anti-Trafficking’ (NCAT),

¹³ The age threshold used for the adult-juvenile distinction is 18 years, without further distinction between younger and elder minors.

¹⁴ When a case is registered with a new consecutive file number, this number is compared to the numbers assigned to each prosecutor in order to determine which prosecutor is in charge of each case.

an integrated file number should be assigned for cases of trafficking in persons by police, prosecution and courts.

2.2.2.3. Offence classification system

Standard

Unit records on persons prosecuted contain one or more clear criminal charges with reference to relevant legal provisions. Differences between the charge and the police incident classification scheme are clearly identified. The charge scheme is applied uniformly by all prosecutors.

Assessment

When recording offences and compiling statistical forms, prosecutors use a standard offence classification scheme that is based on chapter, article, paragraph and sub-paragraph of the 2004 Kosovo Criminal Code, on chapters and articles of the Kosovo Criminal Procedure Code (KCPC) as well as on various UNMIK regulations (e.g. UNMIK Reg. 2004/2 on money laundering) and other laws still in effect.¹⁵

2.2.3. Data flow

2.2.3.1. From local to central level

Standard

Data from all prosecutor's offices should be reported in a uniform format to a central institution.

Assessment

Moving from the individual record to the aggregate level (statistics), information from the prosecution offices' registries is entered into standard forms manually. The counting units of these forms are cases and persons. Since extraction forms (tables) correspond to prosecution registries, there are six types of forms:

- on known adult perpetrators;
- on known juvenile perpetrators;
- on unknown perpetrators;
- on administrative cases;
- on perpetrators of economical offences;
- on criminal cases in second instance procedures.

In addition to these six statistical tables, prosecution offices have to compile two reports:

1. *'Report on the work of prosecutor's offices in handling criminal reports against perpetrators of major crimes and criminal offences according to indicators'* is a report on cases. It reports aggregate data on some selected criminal offences, defined according to articles, paragraphs and sub-paragraphs of the Kosovo Criminal Code (KCC), as well as to UNMIK regulations, including data on the number of open reports on the beginning of the reporting period, the number of persons involved, the disposition of criminal reports according to persons,

¹⁵ The Regulation NO. 2004/2 'On the deterrence of money laundering and related criminal offences' is available online at: http://www.unmikonline.org/fic/includes/regulations/reg2004_02.pdf.

judicial rulings by the prosecution and appeals. For more information on the content of this report, see Annex IV.

- //. 'Report on the number of accused persons received and in process, according to criminal offences during the year' is a report on persons. All criminal offences are included here. Crimes are defined by chapter and by article of the KCC, as well as by UNMIK regulations (e.g. the UNMIK Reg. 2004/02 on money laundering);

The statistical forms (tables) and the two reports are compiled every three months. Every municipal and district prosecutor's office sends forms and reports to the Office for Statistics on Prosecution by e-mail. Municipal prosecutor's offices send a copy of the forms to the district prosecutor's offices as well, while district prosecutor's offices send a copy to the Public Prosecutor's Office of Kosovo.

2.2.3.2. Counting rules

Standard

Guidelines at the international level suggest that it may be appropriate to apply a 'Principal Offence' rule when counting and reporting persons. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how multiple offences are counted and how offences committed by more than one person are counted.

Assessment

In 2007, the Office of Statistics on Prosecution has produced guidelines providing the administrative offices of all prosecutors with written rules on how data are to be recorded in the registries. In cooperation with the United States Agency for International Development (USAID), the Office is working on a new 'Administrative Regulation Guideline', in order to define new data flow procedures that should be implemented after the adoption of the new case management system.

When counting offences and persons, the 'principal offence rule' is applied to cases involving multiple offences. The most serious offence is that with the longest potential imprisonment sentence, according to either the KCC or to UNMIK regulations or other applicable laws. Serial offences (i.e. a series of offences of the same type by the same perpetrator) are counted as one offence, according to the principle of a crime 'continuation in time'. The prosecutor in charge makes the decision on both the most serious offence and on the crime 'continuation in time'. If he decides that the crime is not 'in continuation', a new case is opened. When one case involves several perpetrators, each perpetrator is counted separately as a person.

2.2.3.3. Coverage: Geographic and institutional

Standard

Data from unit records should be collated from *all* prosecutors in the territorial jurisdiction by a central institution.

Assessment

The prosecutor's offices at all levels submit their data to the next higher level and to the central Office of Statistics on Prosecution. However, since 2008 both the municipal

prosecutor's office and the district prosecutor's office in North Mitrovica have not submitted any data to the Office of Statistics on Prosecution.

2.2.3.4. Timeliness and periodicity

Standard

Data from all prosecutor's offices should be *regularly* collected and reported.

Assessment

The transmission of aggregated data from all prosecutor's offices (except for that of North Mitrovica) to the next higher level and to Office of Statistics on Prosecution takes place every three months.

2.2.4. Output (Production of Statistics)

2.2.4.1. Data validation and statistical analysis of data

Standard

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed. After the validity and reliability of data has been established, much of the analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

Assessment

The Office of Statistics on Prosecution is charged with validating data received from prosecutor's offices. The administrative staff of the Office aggregates validated data in specific excel sheets. If during this process any mistake or inconsistency is found, they contact the prosecutor's office that has provided the data and occasionally visit the office in order to check the registries.

Three kinds of data analysis are carried out by the Office of Statistics on Prosecution: one for cases, one for persons and one for persons in solved cases (i.e. when the judge has confirmed the charge). Data analysis consists of calculation of rates and percentages and direct comparisons by municipal, district, Special and Public prosecutor's offices. The comparison of statistics is carried out by using special tables by chapter and article of the KCC.

Prosecution performance indicators are calculated using resource data, such as the prosecutors' workload and efficiency in solving criminal reports.¹⁶

Three people deal with statistics in the Office of Statistics on Prosecution: the head of the office, one person tasked with analytics and one with the administrative statistics of prosecutors. They are responsible for both collecting and monitoring information from prosecutor's offices, as well as from the prison system, parole and probation. The number is considered to be sufficient, notwithstanding the fact that they did not receive any particular statistical training.

¹⁶ The 'prosecutors' workload with criminal reports' indicator is calculated using the following resource data: number of prosecutors; number of professional cooperators; number of prosecutors loaded with work for criminal reports; prosecutors' workload with criminal charges for 2008; number of criminal reports per prosecutor for the year. The 'efficiency of prosecutors in solving criminal reports' indicator is calculated using the following resource data: number of prosecutors; number of professional cooperators; number of prosecutors engaged in solving criminal reports; efficiency of the prosecutors in solving criminal reports for the year; number of criminal reports solved per prosecutor for the year.

2.2.4.2. Reporting and Dissemination

Standard

The number of persons prosecuted during one year should be reported disaggregated by criminal charge, with reference to the relevant legal provisions. Crime type disaggregations of persons prosecuted should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants;; Cybercrime and Crime involving racism and xenophobia.

Assessment

The same statistical data aggregated and reported on a quarterly basis are then reported for the full year. The Office of Statistics on Prosecution sends its Annual Report by email to the Minister of Justice, as well as to all prosecutor's offices, to the Parliament and to the Government. The 2008 Annual Report is available only on paper in Albanian and English, while the 2007 and 2006 Annual Reports are available on the Ministry of Justice website in Albanian.¹⁷ The 2008 Annual Report is the most recent statistical report on prosecution that is currently available. The 2009 Annual Report is planned to be published in April 2010.

In the Annual Reports the numbers of adult, juvenile and unknown perpetrators during the past year are reported disaggregated according to the chapters of KCC.

2.3. Court statistics

2.3.1. Introduction

2.3.1.1. Institutions responsible for data collection and management

Kosovo under UNSCR 1244 has a three-tiered judicial system, including:

- 1) twenty-four municipal courts, for adjudicating less serious criminal cases (those carrying no more than five years of imprisonment);
- 2) five district courts, for adjudicating cases falling outside the jurisdiction of the municipal courts, as well as for appeals against decisions at the municipal level;
- 3) the Supreme Court of Kosovo, as the final instance for all appeals.¹⁸

The Kosovo Judicial Council (KJC) is responsible for the administration of the entire judicial system, as well as for developing court rules in accordance with the law.¹⁹ Within the Secretariat of the KJC, the Statistical Department is responsible for courts data collection and management.

There are two main forms of data collection from courts in Kosovo under UNSCR 1244:

- a. The first one is managed by the KJC;
- b. The second one is managed by the Statistical Office of Kosovo (SOK).

¹⁷ See: <http://www.md-ks.org/?page=1,100>.

¹⁸ The Kosovar court system also includes one Commercial Court, one High Court for Minor Offences and the Constitutional court.

¹⁹ The Kosovo Judicial Council was established in 2005 by UNMIK Regulation NO. 2005/52. This Regulation is available online in English at: http://www.assembly-kosova.org/common/docs/liqjet/2008_03-L-123_en.pdf.

The SOK is a specialized agency within the Ministry of Public Administration (the former Ministry of Public Services).²⁰ Within the Social Statistics Department of the SOK, the Social Statistics Division includes the Sector for Jurisprudence Statistics.

2.3.2. Data input (recording of crimes)

2.3.2.1. Data entry

Standard

Data on all charges and persons brought before the courts should be recorded by the responsible authorities. The threshold for initiating a trial ('person brought before the criminal court') should be clearly defined. International and EU level standards suggest that court authorities should make use of a unit record-based system that contains details of the charge or charges assigned to each person (by relevant section/articles of the Criminal Code) and the final court disposition (acquittal or conviction and sentencing details). Person records should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence.

Assessment

At the courts level, a file is opened when the case file is received from the prosecutor's office in charge. The case first has to be confirmed by the judge, and is then recorded.

Standard registries for data recording are kept and used consistently by all municipal, district and other courts. Municipal courts keep two registries: one for adults (called 'K' or in Serbian 'P') and one for minors (called 'PPM' or 'KM'). It should be noted that minors who are involved in cases together with adults are recorded in the 'K' (adults) registry. District courts keep one additional registry for appeals.

The 'K' registry records data on each case and on each charged person. Where several persons are involved in the same case, they are written down in several consecutive lines under the same case file number. The information recorded includes: the case number; date when the case was received; who submitted the charge, personal details of the charged person (name, surname, address, date of birth, citizenship, father's name, profession); the criminal offence by the KCC or other applicable laws; data on the procedure; sentence in first instance procedure; sentence in appeal procedure. For more information on information recorded in the 'K' registry, see Annex V.

No information on whether the person charged was a recidivist is recorded, since there is no central register of criminal sentences in Kosovo under UNSCR 1244.²¹

The core information contained in the 'KM' registry for minors is basically the same. Data on charged minors include name and surname of the minor, address and date of birth as well as some additional details on re-education and rehabilitation measures and special procedures in juvenile justice cases. Some fields of the 'KM' registry for minors are obsolete, since the juvenile justice law has been substantially modified in the last years. For instance, according to the old Law on Juvenile Judges, juvenile judges operated as 'investigative judges' as well. According to the new Law for Juvenile Cases, a specific prosecutor has to be appointed.

²⁰ See: <http://www.ks.gov.net/ESK/eng/>.

²¹ The field on personal data does not contain information on recidivism, since there is no central database on sentences pronounced by all courts. At present it is only possible to perform a query in the electronic or paper registry of each single municipal or district court, according to the name of the charged person, thereby understanding whether the person queried has been convicted in the same court before.

The 'K' and 'KM' registries, as well as the registry for appeals at the district level, are stored both on paper and in electronic form (the 'Case Management System' (CMS) funded by the European Agency for Reconstruction). Both versions contain the same information. The CMS (that is on a 'SQL' platform) is not used for making data analysis but just for storing information. One particular problem with the CMS system is that while some 80% of judges have been trained in using this electronic system, only around 30% of the courts are actually using it.

Registries are systematically updated when new information becomes available during the trial. For instance, if the final decision is changed after the appeal by the district court, the new decision is communicated back to the first instance court and then registered also in the 'K' or 'KM' registry (in addition to the registry of appeals).

2.3.2.2. Case file numbering and integrated file numbers

Standard

It is good practice for individual accused persons to be assigned an 'integrated file number' (IFN) in the court file. This IFN should be the same as that assigned to the person record at the police and prosecution levels. The person record can then be linked to police and prosecution records through the IFN in order to calculate specific attrition rates, average processing times and other performance indicators. Differences between the charge and the police incident classification scheme should be clearly identified.

Assessment

When cases are recorded in the court registry, an unique identifying number is assigned to each case. If the case has been submitted by the prosecutor in charge, the case number from the 'PP' or 'PPM' prosecution registry is recorded as well in a special field of the registry. If several persons are charged in the same case, the same case file number is assigned to all persons. Personal details of charged persons are noted down in different lines under the same case.²² The case file number used by the court is not shared by other criminal justice actors (police and prosecution).

Regarding the data collection by the Statistical Office of Kosovo (SOK), each form sent to SOK has the case identifying number referring to the 'K' courts registry (or the 'KM' courts registry for minors). Furthermore, at the top of the form a serial number is assigned to each statistical form.

2.3.2.3. Offence classification system

Standard

Unit records on persons brought before the courts contain one or more clear criminal charges with reference to relevant legal provisions. Differences between the charge and the police incident classification scheme are clearly identified. The charge scheme is applied uniformly by all courts.

Assessment

Regarding the internal data flow, all courts data are collected according to the articles of the KCC or, where applicable, according to the UNMIK regulation or the old Yugoslav law applied. Regarding the data collection by SOK, the standard offence classification system used in the statistical forms also refers to a set of juridical

²² See the field n. 5 of the 'K' registry in Annex V.

sources: the Kosovo Criminal Code, by chapter and by article; the Yugoslavia Criminal Law, where applicable, by article; or the UNMIK Regulation, where applicable.

2.3.3. Data flow

2.3.3.1. From local to central level

Standard

Data from all courts should be reported in a uniform format using the crime classification scheme to a central institution.

Assessment

Moving from individual records to the aggregate level of statistics, standardized forms are used for data collection. As mentioned above, there are two data flows:

- a. From the courts to the KJC;
- b. From the first instance courts to the Statistical Office of Kosovo (SOK). The data are sent in standard statistical tables (person-based unit records) from all first-instance courts to the KJC and are directly forwarded from there to the SOK.

With respect to the first data flow, every month the administrative staff of the municipal and district courts produces standard aggregate tables for each court on paper to be sent to the KJC. The tables are the same for both municipal and district courts and have to be signed and personally delivered to the Department of Statistics at the Secretariat of the KJC. The Statistical Unit of the KJC then enters the data into electronic format (Excel spreadsheet) and aggregates the data further.

The reporting tables contain information on process data disaggregated by chapter and some selected articles of the KCC, including the UNMIK regulations and some old laws when applicable and not covered by the KCC. The selection of articles to be included in the forms depends on the needs and requests of the KJC and other institutions.

There are three kinds of standard tables - one for adults, one for juveniles and one for appeals – that are filled in by the municipal courts, district courts and the Supreme Court of Kosovo.²³

The standard table on cases involving adults reports aggregate data for each court and for each judge, including the number of cases not resolved from the previous year; new cases; total cases; cases finished by type of decision and sentence; and unresolved cases at the end of the reporting period. The standard table on cases involving juveniles reports the same information, except that the type of decisions are specific to the juvenile justice system (e.g. disciplinary measures, monitoring measures, social work, etc.). For a detailed list of data recorded in the two standard reporting tables, see Annex VI.

With respect to the second data flow, since 2002 the SOK receives from each first instance court (via the KJC) person-based unit records on each person charged in court. The records are listed in a table (in an Excel sheet) and are organized by case as they appeared in court. Each case has a unique file number (taken from the court

²³ These forms were approved by the KJC at the end of 2007 and have been used since 2008. Before the adoption of these forms, a very general reporting method without a breakdown by article of the KCC was used.

registry) while several person charged in a given case are listed under the same file number in separate lines below each other. All first instance courts have to compile two standard statistical forms, one for adults and one for minors, with some personal information on the charged persons. The age threshold used for the breakdown is 18 years. Data refer to the final decision after the appeal stage. This means that in case of appeals the first instance court is informed by the appellate courts on the final decision.

Municipal courts fill in tables with information on less serious criminal cases, those carrying a maximum penalty of no more than five-years imprisonment. District court send information on more serious cases of five and more years of imprisonment. In addition, there are seven minor courts that send information on cases involving minors.

The table for adults records data on ‘Persons accused and convicted for criminal offences’ – Adults, including the case number from the courts’ registry on adults; the date the court received the case, the complainant; personal data on the accused (name, sex, ethnicity); outcome of the case (conviction, released, rejected, other); date of closing the case; type of criminal offence by chapter and by article of the KCC or other applicable law; type of punishment; person acted alone or in cooperation; person is recidivist (as far as known). The table for juvenile accused persons records about the same data as the table for adults but with fewer fields for the possible type of punishments. See Annex VII for a list of data recorded in the forms.

All courts enter the data on (closed) cases and persons in Excel sheets, which are sent to the Kosovo Judicial Council by email or saved on a USB stick. The KJC directly forwards the data to the SOK electronically without data validation. The unit records are then manually aggregated by the staff of the Sector for Jurisprudence Statistics at the SOK.²⁴

2.3.3.2. Counting rules

Standard

Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how a person who is convicted of more than one offence of the same type is counted (as one person or as two or more people), and how a person dealt with more than once during the same year is counted.

Assessment

The Kosovo Judicial Council does not provide the local level with written rules on how to record data. An older instruction document from the 1980s is still used for some guidelines. At present, municipal and district courts are waiting for a new Law on Courts Regulation defining their responsibilities for recording data and for compiling statistics.

When counting cases, if a case includes multiple offences it is counted as one case through the application of the Principal Offence rule. If a case includes several charged persons, it is counted as one case as well. Serial offences of the same type by the same perpetrator are often combined into once case and counted as only one offence. It is the task of the prosecutor in charge whether combining serial offences into one case or not.

²⁴ One dedicated person and one supervisor work on court statistics within this Sector. The staff had no specific statistical training on judicial statistics. The number of staff is considered to be insufficient for the task.

With regard to the data collection by SOK, written rules on how data are to be recorded do not exist. The SOK, in collaboration with the KJC, has produced a generic 'Memorandum of Understanding', regulating the administrative arrangements of their collaboration.

2.3.3.3. Coverage: Geographic and institutional

Standard

Data from unit records should be collated from *all* courts in the territorial jurisdiction by a central institution.

Assessment

Regarding the internal data collection, with the notable exceptions of the district court in North Mitrovica and the municipal courts in North Mitrovica, Zubin Potok, Leposaviq and Strpce, courts all over the territory submit their statistics to the KJC.

Regarding the data collection by SOK, data are received from the first instance courts on final decisions (after the appeal stage if applicable). According to the memorandum of understanding between the KJC and SOK, the latter should receive data from courts of all over the territory (25 municipal courts and 5 district courts). However, since 2008, four municipal courts (Mitrovica, Leposaviq, Zubin Potoq, Ferizaj-branch in Strpce) and one district court (Mitrovica) have not sent data to the SOK any longer.

2.3.3.4. Timeliness and periodicity

Standard

Data from all courts should be *regularly* collected and reported.

Assessment

The KJC receives aggregate data from the municipal courts, the district courts and the Supreme Court of Kosovo every month.

With respect to the data collection by SOK, first instance courts are required to send data in the standard tables every three months via the KJC. Aggregate statistics could be broken down to months or even days, since the tables record the date when courts received any recorded case in a specific field.

2.3.4. Output (Production of Statistics)

2.3.4.1. Data validation and statistical analysis of data

Standard

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed. After the validity and reliability of data has been established, much of the analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

Assessment

Regarding the internal data flow, at the beginning of each year the Department of Statistics²⁵ of the KJC validates data received on the previous year that are to be disseminated in its Annual Report. In order to check the consistency, accuracy and reliability of data received, the staff of the Department of Statistics compares selected data with the records in courts' registries. Some random checks are also made for the production of quarterly reports.

Data analysis consist of the calculation of performance indicators per judge (workload per judge, percentage of decisions changed in subsequent instances, cases per judge, backlog etc.), as well as per second instance court. The following performance indicators are calculated:

- uncompleted cases at the beginning of the report period;
- number of cases received during the reporting period in process;
- total number of cases in process;
- number of completed cases:
 - i. the appeal has been rejected;
 - ii. the first instance decision: has been confirmed; has been abrogated (due to erroneous or incomplete determination of facts; due to breach of procedural provisions); has been amended (due to a breach of criminal law; sentence – measure imposed: aggravated; sentence – measure imposed: mitigated; due to other reasons); number of completed cases;
- uncompleted cases at the end of reporting period.

Regarding the data collection by SOK, the Sector for Jurisprudence Statistics makes some validation and adjustments of data received. The staff of the office checks selected courts' registries in order to verify if data are complete, and a good level of compliance has been noted. The Sector for Jurisprudence Statistics performs only some limited analysis of court data, consisting of simple comparisons by calculating ratios and percentage changes.

2.3.4.2. Reporting and Dissemination

Standard

The number of persons convicted during one year should be reported disaggregated by crime type; age; sex and citizenship. Crime type disaggregation of persons convicted should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Drug-trafficking; Cybercrime and Crime involving racism and xenophobia.

Assessment

The Department of Statistics of the KJC produces both quarterly and Annual Reports, which are available online in Albanian, English and Serbian.²⁶ Quarterly reports are produced separately for adults and juveniles, while the Annual Reports reports these data in the same document.

²⁵ The Department of Statistics of the KJC has a staff of five persons. Staff did not receive any particular statistical training. The number of staff is considered insufficient due to the workload of manually extracting and validating data.

²⁶ See: <http://www.kgjk-ks.org/?cid=2,130>.

The Annual Reports contain information on civil cases, misdemeanors and second instance criminal cases. Reports on first instance criminal cases are produced only upon special request. The most recent statistics available are reported in the 2009 Annual Report ('Report for 2009: Statistics on regular courts'), which reproduces the following statistics: general information on regular courts for the year 2009; numerical status of cases in the Supreme Court; and a report on penal (and civil) cases in second instance procedures by district court.²⁷

The Statistical Office of Kosovo (SOK) publishes most court data received in two annual publications, one for adults ('Statistics of jurisprudence for adult persons') and one for both minors and minor offences ('Jurisprudence statistics for juveniles and persons convicted for minor offences'). Both reports are disseminated to the wider public and are available online on the website of the SOK in three languages: Albanian, English and Serbian.²⁸ In addition, it is planned that from April 2010 onwards a quarterly report will be produced and published online as well.

More specifically, the 2008 'Statistics of jurisprudence for adult persons' report contains the following information: adults indicted in district and municipal courts by proceeding of the case (convicted; released; rejected; other way); number of indicted persons in municipal and district courts according to sex and motion for prosecution (prosecutor; private); adults indicted in municipal and district courts according to ethnicity (Albanian, Serb; Montenegrin; Muslim; Turk; Roma/Ashkali/Egyptian (RAE); Foreigner; Other); total number of adults convicted according to sex and ethnicity in the years 2003-2008; persons convicted in municipal and district courts according to sex; number of persons convicted in municipal and district courts according to ethnicity; convicted persons according to offence type, sex and ethnicity in municipal courts; convicted persons according to type of offence and type of conviction in municipal courts; convicted persons according to offences, sex and ethnicity in the district courts; convicted persons according to type of offence and type of conviction in the district courts. The disaggregation by crime type follows a set of legal sources: the KCC, by chapter and by article; the Kosovo Criminal Procedure Code (KCPC) by chapter and by article; the Yugoslavia Criminal Law applicable in Kosovo under UNSCR 1244, by article; applicable UNMIK Regulations.

2.4. Statistics on Money laundering

Standard

Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering contains a number of minimum items on which statistics should be available. A Eurostat working group is currently carrying out a pilot data-collection on a very specific list of money-laundering data based on Directive 2005/60/EC.²⁹ The list includes data on the number of Suspicious Transaction Reports (STRs), Cash Transaction Reports (CTRs), postponement orders, money laundering investigations, detected cash smuggling operations, suspicious cash activities at the borders, STRs investigated by law enforcement and STRs not investigated as well as the number of staff dedicated full time (or full time equivalent) to money laundering in the FIU and in law enforcement agencies. In addition, data on the number of charges initiated, disaggregated by the above named grounds, as well as data on the number of convictions and acquittals for such charges should be collected. Data on persons sentenced and acquitted should be broken down by "third party" and "self-laundering", by charge, type of sentence, age, sex and nationality. Statistics on the number of freezing and confiscation procedures and the number

²⁷ The 'Report for 2009: Statistics on regular courts' is available online in English at: http://www.kgjk-ks.org/repository/docs/RAPORTI_I_PERGJITHSHEM_%202009-ANGLISHT1-.pdf.

²⁸ See: http://www.ks.gov.net/ESK/eng/index.php?option=com_docman&task=cat_view&gid=20&Itemid=8 (pg. 6).

²⁹ The set of indicators piloted by Eurostat do not (yet) represent binding EU standards but they nonetheless provide importance guidance as to evolving priorities for money laundering data within the European Union.

of requests received for freezing and confiscation orders should indicate the value of frozen and confiscated assets and the amounts recovered. The primary source of the data is envisaged to be a Financial Intelligence Unit (FIU) within law enforcement authorities.

Assessment

2.4.1. Institutions involved in data collection and production of statistics

The Financial Intelligence Centre (FIC) was established in February 2004 by UNMIK Regulation No. 2004/2.³⁰ The FIC is mandated to combat money laundering and terrorism financing in Kosovo under UNSCR 1244, acting as an administrative unit under the Ministry of Finance and Economy (MoFE) and EULEX (which has executive and monitoring functions). The Centre is tasked with intelligence gathering and not with investigation. Its main purpose is collecting and analyzing information on money laundering and terrorism financing in order to make recommendations regarding measures which may be taken and legislation which may be adopted to combat money laundering and the financing of terrorism activities.³¹

Within the FIC two units are operating: the unit for operations and analysis and the unit for complaints. Within the former unit, three persons deal with information technology. They received a special training program on the use of the new database installed in 2009.

2.4.2. Data input

The FIC collects data on money laundering and terrorism financing from the reporting agencies in an electronic database. Related crimes detected during the intelligence action (e.g. tax evasions, frauds etc.) are recorded as well, and then communicated to the competent authorities. Since the old database, named 'I2IBASE', did not guarantee high quality data, since June 2009 information is recorded and analyzed in a new standard software system called 'goAML', provided by the United Nations Office on Drugs and Crime. The 'goAML' software has been installed in October 2009. Some initial problems with upgrading the reporting system of banks to the new goAML standards have been overcome.

As there is not definition of money laundering in the KCC, for statistical purposes the crime is still defined according to the UNMIK Regulation No. 2004/2. At the same time, terrorism financing is defined for statistical purposes according to UNMIK Regulation No. 2001/12.³²

The FIC is not a member of the Egmont Group, but it follows the Egmont Group's standards. The Centre receives reports about cash transactions of EUR 10,000 or more and any suspicious transactions regardless of the amount of money from all entities obliged to report by UNMIK Reg. 2004/2.

2.4.3. Data flow

³⁰ The Regulation NO. 2004/2 'On the deterrence of money laundering and related criminal offences' is available online in English at: http://www.unmikonline.org/fic/includes/regulations/reg2004_02.pdf.

³¹ According to the UNMIK Regulation No. 2004/2, recommendations are to be made to the Minister of Finance and Economy, the Deputy Special Representative of the Secretary-General for Police and Justice, the Director of the Department of Justice, the Police and the Customs Service.

³² The Regulation No. 2001/12 'On the prohibition of terrorism and related offences' is available online in English at: http://www.unmikonline.org/fic/includes/regulations/reg12_01_Financing_%20of_terrorism.pdf.

Reporting entities are listed in UNMIK Reg. 2004/2. The list does not match the Third EU Money Laundering Directive (2005/60/EC). The list includes:

- a. Banks and financial institutions
- b. NGOs
- c. Political parties and registered candidates
- d. Attorneys, certified accountants and licensed auditors
- e. Business organizations
- f. Municipal cadastral offices – immovable property transactions
- g. Customs – movement of monetary instruments into and out of Kosovo under UNSCR 1244
- h. Real estate agencies (for suspicious activities regarding properties)

In reporting information, reporting entities electronically compile and submit two types of standard forms on individual cases: the Cash Transaction Report (CTR) and the Suspicious Activity Report (SAR). The former has to be requested from the FIC by each reporting agency and is available in Albanian and in English; the latter is available electronically on the FIC website in Albanian, English and Serbian. No reports on non-financial transactions over a certain monetary value are collected from reporting entities.

The CTRs contain the following information on each transaction: reporting institution; transaction number; client's first name; father's name/middle name; last name; date of birth; nationality; ID type; ID number; ID issuing country; country of residency; address street; address city; date of transaction; amount for exchange (currency); amount exchanged (currency); notes.

The SARs contain the following information on each suspicious activity: reporting agency; contact person, person details included; date and time of report; location of transaction; reporting office reference number; data identifying the suspect; whether the transaction is completed (if not, status of the transaction); detailed description of suspicious acts or transactions.

The FIC provides reporting agencies with written administrative instructions on how forms are to be filled in. Data on cash transactions exceeding the amount of EUR 10,000 have to be transmitted on a weekly basis by the banks and on a monthly basis by the other reporting agencies. The data are delivered electronically on a CD-ROM containing the Excel file. Data on suspicious activities have to be transmitted within twenty-four hours. The FIC validates data received through manual checks. Furthermore an automatic 'logic control' is performed by the database.

The FIC does not receive any data from prosecution or courts on the commencement or outcomes of judicial proceedings concerning anti-money laundering activities.

2.4.4. Data output

The FIC produces quarterly statistical reports, which are sent to the Head of the EULEX Mission for internal use only. No Annual Reports are produced and no data are published for a wider public.

2.5. Statistics on Trafficking in Persons (TIP)

Standard

Based on the relevant EU Council Framework Decisions and Council Directives on trafficking in persons, as well as the United Nations Protocol to prevent, suppress and punish trafficking in person the European Commission DG-JLS has commissioned an expert report that contains recommendations for standardized, comparable data on victims, traffickers, the trafficking process and the criminal justice response to trafficking.³³ The data to be collected³⁴ comprise: The total number of identified victims per country per year (disaggregated by gender, age, nationality, country of birth, and type of exploitation); The total number of victims per country per year cooperating with law enforcement; the total number of traffickers per country per year (by persons arrested, persons charged (under which charges), number of investigations started, and number of investigations successfully completed (disaggregated by gender, age, nationality, country of birth and type of exploitation). In addition, statistics on the number of prosecuted and sentenced traffickers per year (by charge, disaggregated by gender, age, nationality, country of birth and type of exploitation) as well as data on sentences and on victims testifying in court and filing claims for compensation, by charge, should be collected.

Assessment

2.5.1. Institutions involved in data collection and production of statistics

Statistics on trafficking in persons (TIP) are collected by the 'National Coordinator for Anti-Trafficking' (NCAT). The NCAT has been established in 2008 by the Prime Minister and is operational since 2009. Within the NCAT, the Secretariat is tasked with compiling statistics on TIP. The NCAT coordinates a participatory system that includes central institutions, civil society (local and international NGOs working in Kosovo under UNSCR 1244) and international partners, as laid down in the National Strategy and Action Plan Against Trafficking in Human Beings 2008-2011.

2.5.2. Data input

For data collection purposes, trafficking in persons is defined according to Art. 139 of the KCC ('Trafficking in Persons'). Before the KCC has come into force (2004), TIP was defined by the UNMIK Regulation No. 2001/4 'On the Prohibition of Trafficking in Persons in Kosovo'.³⁵

According to specific Memoranda of Understanding signed with the NCAT, the Trafficking in Human Beings Investigation Section (THBS) of the police, prosecutor's offices and districts courts have to forward to the NCAT available information on victims and perpetrators of TIP. The NCAT records information in an electronic database which is installed on a special computer that is not connected to the internet and has very restricted access. The database is divided in two sections: The section on victims is managed by the NCAT, while the Trafficking in Human Beings Investigation Section (THBS) manages the section on perpetrators. A unique identifying number is assigned to each recorded victim and trafficker.

2.5.3. Data flow

³³ Republic of Austria, Federal Ministry of the Interior and IOM International Organization for Migration. Guidelines for the collection of data on trafficking in human beings, including comparable indicators. February 2009. Available at: http://www.emn.at/modules/typetool/princluds/uploads/IOM_Vienna_AT_Moi_Guidelines%20for%20the%20Collection%20of%20Data%20on%20THB.pdf

³⁴ It should be noted that the recommendations are non-binding but represent a good starting point for the eventual development of EU standards on specific crime and criminal justice statistics on trafficking in persons.

³⁵ The UNMIK/REG/2001/4 (entered into force on 12 January 2001) is available online at: http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001_04.htm.

The NCAT receives data on victims and on suspected, charged and convicted perpetrators from the THBS, prosecutor's offices and courts. When a case of TIP is detected, reporting entities compile a standard questionnaire which has been developed by the NCAT in collaboration with the International Centre for Migration Policy Development (ICMPD). Information that is contained in the questionnaire (available in Albanian and English) is then recorded manually in the database. Information on persons and cases are systematically updated when new information becomes available.

At the moment the database is filled with data on cases that go back further in time than the establishment of the office of the NCAT. Data are progressively entered on the years 2008, 2007 and so on back to 2001.

The NCAT receives data on convicted perpetrators when cases are closed (i.e. after the final decision of the court). The database template has a specific field on the type of conviction.

2.5.4. Data output

The NCAT performs analysis of data received (e.g. how many case are still open; number of convicted traffickers by sex and age; confirmed and unconfirmed victims by citizenship, age and type of exploitation, etc.).

On a monthly and yearly basis, the Secretariat sends statistical reports to the NCAT. This information is shared with other governmental institutions, such as the Ministry of Internal Affairs, the Ministry of Justice, EULEX and the EU-Delegation in Kosovo under UNSCR 1244. Reports are sent to other agencies requesting information as well. Monthly and annual reports are published and made available in Albanian, English and Serbian. Statistics in the Annual Report of the NCAT refer to the previous year. The 2010 Annual Report, with data on 2009, will be put online in April 2010.³⁶

2.6. Statistics on Crimes involving racism and xenophobia

Standard

While national criminal law in the EU on crimes involving racism and xenophobia is still diverse³⁷, EU Member States must take the necessary measures to comply with European Council Framework Decision 2008/913/JHA on combating racism and xenophobia by means of criminal law by 28 November 2010.³⁸ In the European Union, data on police-recorded racist crime, anti-Semitic crime and crimes with extremist right wing motive are collected and reported by the European Union Agency for Fundamental Rights (FRA).³⁹ Data reported include both specific acts of incitement, and criminal incidents with a suspected racist, anti-Semitic and extremist right wing motive.⁴⁰ While non-binding, the reporting on these three

³⁶ At: <http://www.antitrafikimi.com>. The site is currently under construction (April 2010).

³⁷ Whilst exact wordings differ, national criminal law typically makes 'incitement to [discrimination], [hate], or [violence] on the grounds of [race], [colour], [national or ethnic origin]' an offence. In addition, some national laws identify racist, xenophobic, or anti-Semitic motivations as an aggravating factor in other offences.

³⁸ See Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, OJ L 328/55. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:328:0055:0058:EN:PDF>

³⁹ Data are collected by the FRA pursuant to Article 4(1)(a) of Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights. See http://fra.europa.eu/fraWebsite/material/pub/FRA/reg_168-2007_en.pdf

⁴⁰ See, for example, FRA, A Comparative Overview of Findings from the RAXEN National Focal Points Reports 2001-2004, Summary Report, at p.27. Available at: <http://fra.europa.eu/fraWebsite/material/pub/comparativestudy/CS-RV-05-SUM.pdf>

broad crime types suggests a developing standard at EU-level that should include the following data: Annual number of police-reported 'racist crimes', 'anti-Semitic crimes' and crimes with an 'extremist right-wing motive'; annual number of person prosecuted and number of charges initiated for each of these 3 crime types; annual number of persons sentenced and acquitted from charges for each of these 3 crime types (by charge, age, sex and citizenship).

Assessment

2.6.1. Data collection on crimes involving racism and xenophobia

There is no unified legislation in Kosovo under UNSCR 1244 on crimes involving racism, xenophobia and other hate crimes. Provisions on hate crime are incorporated in: the Criminal Code, the Law on Freedom of Religion in Kosovo (Art. 4, par. 1), UNMIK Regulation NO. 2006/48⁴¹; the Law NO. 03/L-47 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo (Art.6, par. 8)⁴²; the Law on Cultural Heritage, UNMIK Regulation NO. 2006/52.⁴³

In particular, Article 115 of the Criminal Code (*Inciting National, Racial, Religious or Ethnic Hatred, Discord or Intolerance*) considers as a criminal offence the 'publicly inciting or publicly spreading hatred, discord or intolerance between national, racial, religious, ethnic or other such groups living in Kosovo in a manner which is likely to disturb public order'. Art. 158 of the Criminal Code (*Violating the Equal Status of Residents of Kosovo*) criminalizes the 'unlawful denial or limitation of freedom or rights of a resident of Kosovo on the basis of a difference of race, colour, sex, language, religious belief or non-belief, political or other opinion, national or social origin, property, birth, education, social status or other personal characteristics or affiliation to an ethnic, religious or linguistic community in Kosovo...'.

As the issue of inter-ethnic crime in Kosovo under UNSCR 1244 is of high interest to the local and international community, in 2006 UNMIK has initiated a special statistical category for police-recorded crime, the so-called 'Potentially Ethnically Motivated Incidents' (PEMI). PEMIs are now counted in regular police statistics and are reported in a separate chapter of the Annual Report. PEMI incidents are reported disaggregated by regions and by offence type, while suspects and victims of PEMIs are reported by ethnicity. The data are compared to the number of incidents and persons reported in the previous year.

Several interlocutors have expressed their concern to UNODC that there are serious shortcomings in the use of PEMI as an indicator for ethnically motivated crimes. Interethnic crimes are said to be seriously underreported and would be likely to remain unreported as PEMI in case no suspect of the incident could be identified. In addition, many incidents that could reasonably be categorized as PEMIs are said to be reported under other crimes⁴⁴. It was further argued that PEMI should be superseded as a reporting category by a new classification based on existing Standard Operating Procedures of the police regarding hate crimes and interethnic crimes.

⁴¹ The Law on Freedom of Religion in Kosovo is available online in English at: http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=64&Itemid=28&lang=en.

⁴² The Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo is available online in English at: http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=148&Itemid=56&lang=en.

⁴³ See: http://www.unmikonline.org/regulations/unmikgazette/02english/E2006regs/RE2006_52_ALE02_L88.pdf.

⁴⁴ Examples that were mentioned include inter-ethnic violence that is reported under violent assault and threats that are reported under illegal firearm possession

3. International Reporting of crime and criminal justice data

3

3.1.1.1. Reporting of data at European level

Standard

At the EU level, basic crime types on which data should be reported to Eurostat include total crime, homicide, violent crime (comprising physical assault, robbery and sexual offences), robbery, domestic burglary, theft of a motor vehicle, and drug trafficking. Within the confines of national criminal law, the crime classification scheme used should be aligned so far as possible with definitions applied by Eurostat. In addition, specific indicators on crime involving racism and xenophobia, money laundering and trafficking in persons are under development at the European level.⁴⁵

Assessment

Up to 2010, Kosovo under UNSCR 1244 has not been covered by Eurostat's data collection efforts in the field of crime and criminal justice. However, based on the crime classification scheme according to the 2004 Criminal Code, Kosovo under UNSCR 1244 would be able to supply the required data on total crime, homicide, violent crime and robbery. On the other hand, it is not clear whether there are separate statistics on theft of a motor vehicle, domestic burglary and drug trafficking (as distinct from all drug-related crime). Crimes related to money laundering and the financing of terrorism are regulated by UNMIK Regulation 2004/2 and trafficking in persons is criminalized in Articles 137, 139 and 140 of the Criminal Code. Crimes involving racism and xenophobia are partially covered by the Criminal Code (Art. 115: *Inciting National, Racial, Religious or Ethnic Hatred, Discord or Intolerance*; Art. 158: *Violating Equal Status of Residents of Kosovo*) and other laws and UNMIK regulations and are counted under these Articles.

3.1.1.2. Reporting of data at UN level (CTS)

Standard

The United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UN-CTS) is now in its twelfth edition, covering the year 2009. The UN-CTS is implemented by UNODC and requests all UN Member States to supply standardized data on crime and criminal justice collected by police, prosecution, courts and penitentiary institutions. Differences between the crime classification scheme used and definitions applied by the UN-CTS should be clearly identified.

Assessment

Up to the present, Kosovo under UNSCR 1244 has not been covered by the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UN-CTS).

⁴⁵ It should be noted that the proposed indicators for these three crime types are non-binding but nonetheless provide importance guidance as to evolving priorities for crime data within the European Union.

3.2.1. Coordination

3.2.1.1. Focal point for crime and criminal justice statistics

Standard

International standards for data collection on crime and criminal justice recommend the designation of offices or bodies responsible for the coordination of data collection at the country level with a view to improving cooperation with the UN.⁴⁶ This could be achieved through the establishment of a network of national contact points for crime and criminal justice statistics. The network should include contact points in national statistical offices, law enforcement, prosecution, courts and national penal administrations. Internal coordination of data collection at the national level, including through the possible use of a single contact point is explicitly encouraged.⁴⁷

Assessment

Kosovo under UNSCR 1244 has central offices in the Ministry of Interior (Directorate of Crime Analysis in the Department of Crime Analysis and Statistics of the Kosovo Police), the Ministry of Justice (Office of Statistics of Prosecutor's Offices) and the Kosovo Judicial Council (Department of Statistics) that are responsible for collecting and compiling crime and criminal justice data on the central level.

In addition, the Statistical Office of Kosovo (SOK) is charged with collecting and compiling data on final court decisions from each first instance court. SOK is also the institutional focal point of Kosovo under UNSCR 1244 for the Eurostat working groups on crime statistics, but up to the present no crime data have been supplied to Eurostat.

The production and reporting of data on crime and criminal justice is thus dispersed among several criminal justice actors (Ministry of Interior, Ministry of Justice and Kosovo Judicial Council) and the Statistical Office of Kosovo (SOK). There is a need of better coordination for reporting at the regional and international levels.

At the moment, the Sector for Jurisprudence at the Statistical Office of Kosovo receives data only from courts through the Kosovo Judicial Council. A fruitful cooperation with the Office for Statistics on Prosecution could not yet be established. SOK does not receive data from the police.

⁴⁶ Ecosoc Resolution 27/2007, para. 1

⁴⁷ Commission on Crime Prevention and Criminal Justice, Eighteenth session, Vienna, 16-24 April 2009, Conclusions and Recommendations, para. 9

4. Migration

4.1.1.1. Institutions responsible for data collection and management

The Department of Border, Migration and Asylum (DBMA) at the Ministry of Interior (Mol) is the main institution responsible for migration in Kosovo under UNSCR 1244. In early 2010, the Mol was in the process of implementing a restructuring of its departments and establishing a new Department for Citizenship, Asylum and Migration that comprises five Sections (Citizenship, Asylum, Foreigners, Readmission and Statistics & Analysis). Until the restructuring is complete, the Division for Migration, with its two sections (Section for Readmission and Section for Foreigners), is responsible for collecting statistics on legal migration and asylum in the residence permits database, while the Border Police collects data on illegal migration in several databases.

4.1.1.2. Data on stocks and flows of immigrants and emigrants

Standard

According to Regulation (EC) No 862/2007 on Community Statistics on Migration, all Member States must report annually on migration stocks and flows. Thus, a system for recording and monitoring such stocks and flows should be in place, including through general population registers, through the generation of unit records for registration of immigrants and emigrants or through registers of residence permits. In particular, Member States should report the stock of foreigners and foreign-born in the country as well as the flow of immigrants and emigrants to and from the country (with a usual residence in the country of more than 12 months) broken down by a number of characteristics (sex; age group; citizenship; country of birth; and where possible, country of previous residence or country of next residence).

Assessment

At present there are no registers (such as a centralized population register) that allow the production of comprehensive statistics on immigration or emigration, nor on citizenship or country of birth of resident foreigners.

Foreigners are generally not included in the (local) civil registries in Kosovo under UNSCR 1244 and there is no specific database on registered foreigners besides the residence permits database (see 4.1.1.3.).

There are no census data on foreigners residing in Kosovo under UNSCR 1244. The next census is planned for 2011.

The so-called PAISS system records entries and exits at border crossing points (BCPs). It should be noted that at present the system of recording entries and exits is not implemented at the so-called Gates 1 and Gates 31 in Northern Kosovo. The system scans the (machine-readable) passports and automatically records the personal details of the traveller, including: name, surname, sex, date of birth, place of birth, citizenship and passport number.

The entry-exit records can be used for certain operational purposes (for example, to determine when a foreigner had entered the territory and whether the person has been in the territory for more than 90 days without obtaining a residence permit). However, the large discrepancies between total entries and exits recorded and the fact that Gates 1 and 31 are not covered make the system unsuitable for measuring migration flows.

Overall, the state of data collection on migration in Kosovo under UNSCR 1244 is still in the early phase of development. There are no reliable data on either stocks or flows of immigrants and only the residence permits database can supply certain statistics on foreigners in Kosovo under UNSCR 1244.

4.1.1.3. Residence permit data

Standard

According to Regulation (EC) No 862/2007 on Community Statistics on Migration, all Member States should report the stock of valid residence permits at the end of each year (by citizenship; type; and duration), the stock of valid long-term residence permits at the end of each year (by citizenship), the number of new first-time residence permits (by type; duration; and citizenship) and the number of changes in residence permits (by type; duration; and citizenship).

Assessment

According to the 2008 Law on Foreigners of Kosovo, which entered into force in 2009, foreigners have to obtain a residence permit if they want to reside in Kosovo under UNSCR 1244 for more than 90 days (there is no requirement to register for stays of less than 90 days). To do so, foreigners have to submit an application form with personal details and all required documents (such as a valid passport, health certificate and proof of sufficient financial means) to the Division for Migration (DM) at least ten days before the 90 days period expires. Applications have to be submitted directly to the main office of the DM in Pristina. When certain conditions specified in the law are fulfilled, a temporary residence permit with a validity of a maximum period of one year is issued within 7 days. After one year of legal residence in Kosovo under UNSCR 1244 either an extension of the temporary residence permit or a permanent residence permit can be issued (by March 2010 no permanent residence permits had been issued yet).

There are slightly different application forms to be submitted by the applicants depending on the purpose of the residence (Forms P1, P11, P12, etc. for General Work, NGO Work, Study, Family Reunion, Visit). There are also different forms for first-time applicants and for applicants for an extension of stay. The personal data submitted in the application on paper are entered into an electronic database as a unit record. These include: name, surname, place of birth, country of birth, date of birth, sex, eye colour, height, passport number, passport issuing country (in lieu of citizenship), telephone number (if existing) and address in Kosovo under UNSCR 1244.

When the residence permit application has been checked and approved, the personal details of the applicant are entered into an electronic database (Access database) as a unit record together with the date of entry and the date of validity of the residence permit. No records are made of refused applications. Approved residence permits are then created and issued with biometric identifiers (picture and fingerprints) included. The municipalities in northern Kosovo are not covered by this procedure and no records on residence permits are available for this part of Kosovo under UNSCR 1244.

From the Access database, a number of statistics can be created, depending on the search criteria (for example: the number of first-time permits issued and the number of permit extensions issued, by citizenship (passport issuing country), age, reason for residence, etc. Statistics can be produced per month/quarter/year or on the number of valid residence permits at a certain date by all of the entered personal characteristics.

Selected statistics on residence permits are reported to the Department of Border, Migration and Asylum (DBMA) at the Ministry of Interior and data on residence permits

(disaggregated by citizenship, sex and age) are also included in the Annual Report of the Ministry of Interior. Data are also provided to the media on request.

4.1.1.4. Updating of records and registers

Standard

In order to be able to produce update and accurate data fulfilling Regulation (EC) No 862/2007 on Community Statistics on Migration, data on change of residence and other important status changes (e.g. extension or cancellation of residence permits) should be passed from the local to the central level at regular intervals and be used to update the migration statistics supplied to Eurostat.

Assessment

Data on residence permits are kept in an Access database (residence permits database) of the Mol. This database is currently not linked with the PAISS. It is thus not systematically updated in real time when someone leaves the territory or changes her/his status. It is expected that the procedure for updating the database will be improved in the coming years.

4.1.1.5. Data on the prevention of illegal migration

Standard

According to Regulation (EC) No 862/2007 on Community Statistics on Migration, all Member States should report statistics on the prevention of illegal entry and stay. These statistics should include the number of persons refused entry at the border (by age; sex; grounds for refusal; citizenship of persons refused; and type of border: land, sea or air), the number of persons found to be illegally present in the territory under national law (by age; sex; citizenship; grounds for apprehension; and place of apprehension), the number of persons issued with an order to leave the territory (by age; sex; citizenship; and reason for the order), and the number of persons who actually left the territory following an order to leave (by age; sex; citizenship; and reason for the order).

Assessment

Persons who do not fulfil the conditions for legally entering Kosovo under UNSCR 1244 (such as having valid travel documents or sufficient means of subsistence) can be refused entry into Kosovo under UNSCR 1244. In this case the Border Police deals with the case and interviews suspicious entrants before passing the border. If the decision is to refuse the person, a copy of the passport is made and a unit record of the person is made in a registry of denied entries. The record includes: case number, date, time, type of incident, document presented, personal details (name, surname, sex, citizenship), flight number (at airport), investigation officer, person signing any letter of guarantee, reason for refusal or leave to enter. The same information is then entered into an electronic database (Excel sheet). Reports on persons refused are made daily to the Border Police headquarters. The incident and personal details are further entered into the online PAISS system.

The Border Police further keeps records on persons who have been returned to Kosovo under UNSCR 1244 under existing readmission agreements with other countries.⁴⁸ A distinction is made in the statistical records between forced returns and voluntary returns. In all return procedures, the Ministry of Interior is involved and the Section on Readmission receives the readmission request with all personal details of

⁴⁸ Current readmission agreements cover only Kosovar citizens. The new Law on Readmission and Reintegration is currently in the drafting stage and is foreseen to also include Third Country Nationals as persons to be readmitted to Kosovo under UNSCR 1244.

the person to be returned. The Section on Readmission makes a record with personal details on the person including: name, surname, date of birth, address in Kosovo under UNSCR 1244, place and country of birth and the requesting country. A search in various databases and in municipal registers is then performed to ascertain whether the person is indeed a citizen of Kosovo under UNSCR 1244 and should be readmitted. Once the identity of the person is established, the requesting country is notified of the decision and a date for the return is set. The Border Police is notified in advance of the arrival of the person at Pristina Airport and the person is received and questioned at the border control point by the Border Police. Detailed records are made and forwarded to the Ministry of Interior on a monthly basis.

According to the Law on Foreigners, persons staying in Kosovo under UNSCR 1244 for more than 90 days without obtaining a residence permit are considered illegal residents in Kosovo under UNSCR 1244. Persons crossing the borders outside official border crossing points or by hiding in vehicles are considered illegal entrants.

Illegal stay (residing in Kosovo under UNSCR 1244 for more than 90 days without obtaining a residence permit or changing the purpose of residence without obtaining a new residence permit) is considered a misdemeanour in Kosovo under UNSCR 1244. Foreigners, who are discovered during illegal stay are liable to expulsion. In this case, the Border Police deals with the matter and records the case as a unit record and keeps internal statistics on this misdemeanour.

‘Unauthorized border or boundary crossing’ is a criminal offence in Kosovo under UNSCR 1244 (Article 114) and illegal entrants are liable to criminal charges. In this case, the Border Police – which is responsible for all border-related matters – calls its Investigation Unit, which will further proceed with the investigation in cooperation with the prosecutor. As in normal criminal proceedings, the Border Police fills out an Initial Case Incident Form with details on the case and person. Cases of illegal entry are then recorded like other criminal offences in the Kosovo Police Information System (KPIS) and also in the Border Police records.

The Border Police also keeps records on persons deported from Kosovo under UNSCR 1244 but no further details on this database have been available.

Statistics on persons rejected, returned and detected during illegal stay are reported in the annual report of the Border Police to the MoI, which form part of the Annual Police Report published by the KP.

4.1.1.6. Data on facilitated illegal migration

Standard

The Eurostat data collection on the prevention of illegal migration (CIREFI database) further collects data on the number of apprehended facilitators by citizenship and the number of apprehended facilitated aliens (by citizenship; and type of border entered: land, sea or air). These data should be supplied by border guard services or the responsible Ministries of Interior to CIREFI on a monthly basis.

Assessment

When a case of illegal border crossing is encountered the Border Police calls its Investigation Unit, which will proceed with the investigation and decide whether to open a criminal investigation. When a criminal investigation is opened, the prosecutor is immediately informed and together the Border Police and the prosecutor will determine whether there are elements of migrant smuggling (Art. 138 of Criminal Code) present in

the case and how to proceed further.⁴⁹ As in other criminal proceedings, the Border Police fills out an Initial Investigation Form with details on the case and person. Cases of migrant smuggling are then recorded like cases of illegal entry and other criminal offences in the Kosovo Police Information System (KPIS).

There are separate records on migrant smugglers (facilitators) and on smuggled persons (facilitated aliens) kept both by the Border Police and in the KPIS.

⁴⁹ In case elements of trafficking in persons are suspected, the Border Police notifies the Organized Crime Department – Unit for THB.

5. Asylum statistics

5.1.1.1. Institutions responsible for data collection and management

In 2009 the Ministry of Interior assumed the competencies for dealing with asylum applications from UNHCR. The Section for Asylum within the Department for Citizenship, Asylum and Migration is responsible for all first instance decisions. It is currently building up its statistical database on asylum.

5.1.1.2. Data input

Standard

According to Regulation (EC) No 862/2007 on Community Statistics on Migration, all Member States must report annually on stocks and flows of asylum-seekers in their countries. Thus, a system for recording and monitoring such stocks and flows should be in place. As a good practice, the recording of individual asylum claims in unit records (person records), containing clear details of case disposition and type of final decision on the application, are preferable. Such recording practices allow the linking of decisions in first and subsequent instances and the calculation of average processing times and other performance indicators.

Assessment

Foreigners can apply for asylum at the border or at any police station inside Kosovo under UNSCR 1244. In the former case, the Border Police receives the person and fills in a first information form. Then they call the Section for Asylum and the asylum applicant is escorted to the centre for asylum.⁵⁰ At this centre the Section for Asylum records all personal details of the applicant in a new form, including: name, surname, date of birth and citizenship. The full file of the applicant also includes fingerprints and a photo of the applicant.

5.1.1.3. Stock and flow data

Standard

According to Regulation (EC) No 862/2007 on Community Statistics on Migration, all Member States should annually report the stock of persons with open asylum applications at the end of the year (by sex; age; and citizenship), the number of persons submitting first time applications (by sex; age and citizenship) and the number of decisions on asylum applications (by sex; age; citizenship; and type of decision). In addition, the United Nations High Commissioner for Refugees collects data on the number of recognised refugees with positive asylum decisions living in the country (by type; and year of decision).

Assessment

At present, a simple list of all applicants is kept by the Section for Asylum. So far, no data on the asylum process have been recorded (e.g. hearings, first and second instance decisions, etc.).⁵¹ The data on the number and citizenship of the asylum applicants in 2009 have been forwarded to the Minister of Interior and other organizations requesting the data. The statistics on applicants by citizenship will be reported in the Annual Report of the Ministry of the Interior, which is available online in three languages (Albania, Serbian and English).

⁵⁰ The asylum centre with a capacity of 22 persons was opened in early 2010.

⁵¹ According to the Section for Asylum, in 2009 a total of 33 persons applied for asylum in Kosovo under UNSCR 1244. All applications are still in process. Negative decisions can be appealed at the 'National Commission for Refugees'. Some applicants have moved out of the asylum centre and are no longer available for the procedure.

6. Visa statistics

6.1.1.1. Institutions responsible for data collection and management

Kosovo under UNSCR 1244 does not (yet) have a visa regime in place. In 2010, the Ministry of Foreign Affairs and the Ministry of Interior had installed a working group for elaborating a strategy and administrative instructions for handling visa issues.

6.1.1.2. Visa-related indicators

Standard

Article 17 of Regulation (EC) No 767/2008 on the Visa Information System (VIS) is entitled 'Use of data for reporting and statistics' and provides a list of data items to which competent visa authorities shall have access for the purposes of reporting and statistics. While not strictly binding EU *acquis* yet, a possible list of visa-related indicators that countries must regularly report on, includes the following data items: stock of persons with valid visa (by citizenship and type and duration of visa), number of visa applications (by citizenship and country of application) per year, number of visas granted (by citizenship, country of application, type and duration of visa) per year, and number of visas refused (by citizenship, country of application, type and duration of visa and reasons for refusal). The recording of individual visa applications in unit records (person-based visa application records) is preferable as this enables decisions on visa applications by the same person to be linked.

Assessment

At present, Kosovo under UNSCR 1244 does not have a visa regime in place and no visas have been issued by the authorities. Therefore, there are no data recording and reporting structures on visas in place.

7. Victimization Surveys

7.1. The role of crime victimization surveys

Standard

Both international and EU standards strongly recommend the regular or periodic conduct of standardized and comparable crime victimization surveys as a complement to police-recorded statistics. These surveys should be government-led and should ideally be implemented by an independent National Statistical Office. International standards suggest that crime victimisation surveys should aim to produce both *prevalence* and *incidence* estimates of a number of key survey-based indicators. These include 12-month victimization by crime type for: household burglary; theft of vehicles; other theft; robbery; physical assault; and sexual offences.

Assessment

A number of private survey companies have carried out social research in Kosovo under UNSCR 1244. The *Early Warning Reports* by UNDP and PRISM Research, carried out 4 times a year, provide information on perceptions of public and personal security. The major threats to family security identified by Kosovars include theft, drugs, robberies and organized crime (UNDP 2008a, 38).

The Statistical Office of Kosovo (SOK), originally established in 1948, was re-established in 1999 under the Ministry of Public Services. SOK has not carried out any crime victimization survey in Kosovo under UNSCR 1244 yet.

Annex I

The 'initial case incident' form contains the following information on each case:

- case number and reference number;
- station/unit name and method of reporting (at police station; by phone; from border checkpoint; from KFOR; from other police unit; initiated by police);
- date of report; time of report; reported location; time assigned; time arrived; time completed;
- date of incident; time of incident; incident location; street; location category;
- whether the case is inactive; charges filed; declined by prosecutor; no action needed; under investigation; closed exceptionally; referred to prosecution; unfounded;
- incident motive (anger; domestic; ethnic; personal gain; political);
- whether a citation was issued (citation number);
- whether joint investigation between KFOR and CivPol have been started; incident mark;
- number of offences within the same case; type of offence (whether a criminal offence; traffic offence; weapon/ordnance found; other incident); whether completed or attempted;
- data on police officer (last name, first name; police ID number; signature; date); data on language assistant; data on supervisor; data on station commander;

- data on person:
 - whether the person is the complainant; suspect; victim; witness; other;
 - last name; first name; middle name; maiden name; nickname; father's name; date of birth; age; place of birth; sex; height; weight; physical stature; hair; eyes;
 - citizenship; ethnicity; ID number; passport number; DL number and issuing country;
 - whether the person is from KFOR; KPC (TMK); KPS; OSCE; UNMIK CivPol; UN local staff; UN International staff; other international staff; foreign citizen; Kosovo resident;
 - home address; city/town/village; municipality/province; country; telephone number; occupation; data on employer; other details;
- data on vehicle;
- data on document;
- data on weapon;
- data on explosive;
- data on property;
- officer's report;
- follow-up report;
- statement (of: complainant; suspect; victim; witness; other).

Annex II

The internal database on Trafficking in Human Beings contains the following information on each case:

- case number (year – identifier of the police station reporting the case – number of the case);
- date of the incident;
- data on suspects (age, citizenship, ethnicity etc.);
- data on victims (name, date of birth, marital status, sex, passport number, dependants in Kosovo under UNSCR 1244, place of birth, citizenship, languages spoken, short description of the circumstances, whether victim was previously in Kosovo under UNSCR 1244, whether shelter accepted, whether repatriation accepted, whether CSW present during the interview with minor potential victim of TIP, data on medical needs, law enforcement/court, whether legal information provided (if yes: name, title, organization of the service provider), police statement, risk assessment, investigation/trial, whether there are potential witnesses)
- witness/es;
- description of the case;
- whether the case was forwarded to the prosecutor.

The internal database of the Financial Investigation Unit record the following information on each case:

- case number;
- criminal offence, by Article of the 2004 Criminal Code or by UNMIK Regulation if still valid;
- number of suspects (name, surname, sex, age, ethnicity, citizenship);
- suspected value of the crime;
- data on the victims (name, surname, address etc.);
- data on the process;
- whether assets were confiscated.

Annex III

The 'PP' (or 'KT') registry on adults contains information on each case and on each prosecuted person: (23 out of 43 columns translated)

1. Case number
2. Date of receiving the file
3. Who reported the case to the prosecutor (name, surname and date)
- Section on Offender/s criminal charge:*
4. Case number
5. Name, name of the father, surname, address, profession, date of birth, citizenship
6. Police detention (72 hours)
7. If the prosecutor has sentenced on pre-trial detention
8. Extent of pre-trial detention
9. Suspension of detention
10. Victim and the value of the damage
11. Criminal offence and the date of commission
12. If prosecutor has asked for further information on the case
13. If prosecutor has asked further specific investigation
14. If prosecutor has asked for mediation according to art. 228/1 KPCC
15. Rejection of criminal charge (art. 208/1-6 KPCC)
16. Proposal of charges (art. 462 KPCC)
17. If prosecutor has ordered a issuance of sentence order (art. 476 KPCC)
18. Principal offence
19. Other offences
20. Date of the beginning of the investigation (art. 221 KPCC)
21. Widening the investigation (art. 222/2 KPCC)
22. Date of closing the investigation
23. Temporary suspension of the investigation (art. 223 KPCC)

The 'PPM' (or 'KTM') registry on juveniles contains the following information on each case and on each person:

1. Case number
2. Date of receiving the file
3. Who reported the case to the prosecutor (name, surname and date)

Data on juvenile	4. Case number 5. Name, parent's name, surname, date of birth, city, address, citizenship
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6. Victim and the value of the damage (expressed in Euro)
7. Article and date of suspected offence

Investigation measures	8. Social survey 9. Other measures
Rejection of criminal charge	10. Based on art. 38 of the Juvenile Law 11. Principle of Opportunity (art. 54 KPM) 12. Art. 7 of KPC 13. Other reasons
Detention	14. Detention from-until 15. Extension of detention (art. 64 KPM)

16. Date of starting the initial procedures (art. 55 KPM)
17. Date of extending the initial procedures (art. 222/2 KPM)

Finishing of the initial procedure	18. Art. 7 of KPC 19. Art. 59 of Juvenile Law 20. Other reasons
Rejection	21. Diversity measures – 7 types of diversity measures (art. 50 Juvenile Law) 22. Other reasons
Information (provided to)	23. Police station 24. Center for social work 25. Juvenile judge 26. The juvenile 27. Parole and probation service

Annex IV

'Report on the work of prosecutor's offices in handling criminal reports against perpetrators of major crimes and criminal offences according to indicators'. This report on cases contains the following information on some selected criminal offences, defined according to articles, paragraphs and sub-paragraphs of the Kosovo Criminal Code (KCC), as well as to UNMIK regulations (e.g. the UNMIK Reg. 2001/4 on criminal offences of domestic violence and the UNMIK Reg. 2004/2 on money laundering):⁵²

- according to persons: open criminal reports at the start of the reporting period;
- who submitted criminal report (1. Injured citizen; 2. Owner – injured OP; 3. Police; 4. Anti-Corruption Agency; 5. Auditor general; 6. Financial Information Center (FIC); 7. Administration authority – Inspection; 8. Public Prosecutor's Office; 9. Other; 10. total criminal reports (col. 1 to 9);
- total persons;
- according to persons: disposition of criminal reports over the reporting period (submitted to the competent judge; number of criminal reports dismissed; discontinuation of investigation; termination of investigation, suspension of discontinuation of criminal prosecution; summary indictment; direct indictment; indictment after investigation; criminal report disposed of in another manner);
- solved criminal reports;
- solved cases until the end of reporting period;
- criminal reports solved until the end of reporting period;
- confirmation of indictments (indictments returned for amendment – Article 306, par. 2; dismissed indictments – Article 316, par. 1, item 4; appeals against rulings dismissing indictments; confirmations of indictment – Article 316, par. 4);
- terminations of proceedings following submission of indictments or summary indictments;
- judicial rulings (judgments imposing punishments; dismissal judgments; acquitting judgments; measures of mandatory rehabilitation/treatment);
- public prosecutor's appeals (appeals submitted only on ground of punishment; appeals submitted on other grounds; appeals granted; appeals rejected).

⁵² The following criminal offences are included in the report: terrorism (art. 110, 111, 112, 113 of the KCC); inciting national, racial, religious or ethnic hatred, discord or intolerance (art. 115); criminal offences by art. 117, 118, 119, 120, 121; trafficking in human beings (art. 137, 138, 139, 140); criminal offence of murder (art. 146, 147, 148, 149); criminal offences of domestic violence (art. 153/4, 154/3 and Reg. 2001/4); criminal offences against human rights and freedoms (art. 158, 159, 160, 161, 162); criminal offences against sexual integrity (art. 200 and 201); criminal offences against marriage and family (art. 209, 210, 211); criminal offences against public health (art. 229, 230, 231); criminal offences against economy (art. 232-251); criminal offences against property (art. 259); smuggling of merchandise (art. 273); organized crime (art. 274); criminal offences against environment (art. 284); criminal offences as per art. 290; criminal offences against security (art. 291); criminal offences as per art. 292; criminal offences against administration of justice (art. 310); criminal offences against an official person (art. 316, 317, 318); weapons-related criminal offences (art. 327, 328, 329, 330); criminal offences related to falsification (art. 332, 333); criminal offences against official duty (art. 339, 340, 341, 342, 343, 344, 345); criminal offences related to the falsification of official documents (art. 348); money laundering (Reg. 2004/2).

Annex V

The 'K' registry records the following information on each case and on each charged person:

1. Case number
2. Date when the case was received
3. To which judges the case is assigned by the college of judges
4. Who submitted the charge: whether a prosecutor (number of the case from the prosecutor's office; date when the case was received; by which prosecutor's office); or a private individual
5. Personal details of the charged person (name, surname, address, date of birth, nationality (ethnicity), father's name, profession)
6. Criminal offence by KCC article, UNMIK regulation or other applicable law (if several criminal offences are perpetrated by the same person, several articles are written down in this field)
7. Date when the person has been sent to pre-trial detention
8. Date of the decision of the court before the trial is started
9. Whether the prosecutor has appealed the decision of the court (under field nr.8)
10. Date of the first main court session
11. Decision of the court after the first main court session (release the person, to continue the trial, etc.)
12. Why the procedure has been stopped
13. Whether the accused person has been released on the accusation
14. Date of the decision

Data on the sentence:	15. Name and legal qualification of the case 16. Main court decision: whether fine (amount), imprisonment (how many years) or fine plus imprisonment 17. Whether the person has been sentenced with a conditional sentence or a conditional fine 18. Whether the person has been pronounced innocent 19. Whether the decision involves educational rehabilitation measures 20. Whether the person needs to be monitored (probation, parole) 21. Date when the sentence is received from the judge
Data on appeal:	22. Who is appealing (prosecutor, lawyer, victim, offender, etc.) 23. Whether the appeal has been rejected and why 24. Decision of the second instance court 25. Date when the final court decision is in force 26. Whether the case was reviewed by the Special Chamber ⁵³ 27. Date when the case is sent to the archive 28. Remarks (when the case has been sent and returned from the Supreme Court)

Annex VI

Reporting forms for courts to the Kosovo Judicial Council

The form on adults contains the following information (total and per judge):

- cases not resolved from the previous year;

⁵³ If the final decision by the Supreme Court is appealed by a person, the Special Chamber can review the case (just for very serious cases with a sentence above 20 years of imprisonment).

- cases accepted in the current year;
- total cases (from the previous year and the current year in process);
- number of cases resolved based on demand: final decision (of the first instance court):
 1. Cases finished: total of the following columns 2-3-4-5
 2. Sentenced with prison
 3. Sentenced with fine
 4. Conditional sentence
 5. Other sentences
 6. Number of persons found innocent
 7. Number of cases refused (after the first session)
 8. Number of other methods used for resolution (e.g. the person died etc.)
 9. Total of columns 1-6-7-8
- unresolved cases at the end of the reporting period.

The form on juveniles contains the following information (total and per judge):

- cases not resolved from the previous year;
- cases accepted in the current year;
- total cases (from the previous year and the current year in process);
- number of cases resolved based on demand: final decision (of the first instance court):
 1. Disciplinary measures
 2. Monitoring measures
 3. Measures of sending juveniles into specific institutions
 4. Social work order
 5. Suspended
 6. Other method of resolution
 7. Number of other methods used for resolution (e.g. the person died etc.)
 8. Total number of solved cases (from 1 to 7)
- Unresolved cases at the end of the reporting period.

Annex VII

Reporting forms for courts to the Statistical Office of Kosovo

The form on adults ('Persons accused and convicted for criminal offences' – Adults) contains the following information:

- ordinal number;
- case number;⁵⁴
- date of receiving the case (year/month/day);
- accuser/complainant – motion for prosecution presented by;
- name and surname of the accused;
- ethnicity of the accused;⁵⁵
- gender of the accused;
- proceeding of the case: conviction; release; rejection, other means;
- date of closing the case/end of procedures (year/month/day);
- type of criminal offence by chapter and by article of the KCC; by chapter and by article of Kosovo Criminal Procedure Code (KCPC; by article of the Yugoslavia Criminal Law; by UNMIK Regulation;
- according to old laws – type of punishment based on the old laws;
- main punishments – type of punishment from the group of main punishments;
- alternative punishments – type of punishment from the group of alternative punishments;
- accessory punishments – type of punishment from the group of accessory punishments;
- judicial admonition and mandatory training/education measures;

⁵⁴ The case number comes from the adults courts' registry.

⁵⁵ The KJC has produced a grid of possible ethnicities: Albanian, Serb, Montenegro, Muslim, Turk, RAE, Foreigner, other.

- convicted person acted alone, in cooperation, is a recidivist, is a recidivist and acted in cooperation.

The form on juveniles contains the following information:

- ordinal number;
- case number;
- date of receiving the case (year/month/day);
- accuser/complainant – motion for prosecution presented by;
- name and surname of the accused;
- ethnicity of the accused;
- gender of the accused;
- proceeding of the case: conviction; release; rejection, other means;
- date of closing the case/end of procedures (year/month/day);
- type of criminal offence by chapter and by article of the KCC; by chapter and by article of the Kosovo Criminal Procedure Code (KCPC), by article of the Yugoslavia Criminal Law; by UNMIK Regulation;
- type of punishment taken against the juvenile;
- conviction based on the old law;
- conviction based on the Criminal Code;
- juvenile acted alone, in cooperation, is a recidivist, is a recidivist and acted in cooperation