



# *KOSOVO JUDICIAL ASSESSMENT MISSION REPORT*



April 2000

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## I. EXECUTIVE SUMMARY

### Introduction

UNMIK and KFOR have made significant strides in reducing violence and improving security across Kosovo in the ten months since the end of NATO's air campaign. However, much remains to be done. Ethnic and political violence continue to plague the region, and ethnically motivated intimidation makes daily life almost impossible for Kosovo's remaining Serbs and other minorities. Theft, assault, and extortion are common. In many regions, organized crime has reportedly begun to fill the vacuum created by the absence of an effective civil administration.

In healthy societies, a fair and effective judicial system plays a crucial role in preventing and remedying human rights abuses. An independent and efficient judiciary deters would-be criminals, ensures accountability for the perpetrators of abuses, and helps establish a predictable and transparent legal regime. But without an effective judicial system, a climate of impunity and lawlessness will prevail, and ordinary people will have no redress when their rights are violated. In such an atmosphere, political stability and economic progress are close to impossible.

Kosovo is a case in point. UNMIK and the international community thus far have not yet established an effective and fair judiciary in Kosovo, and this has had a ripple effect on other critical institutions such as the police. Without a functioning judicial system, police arrest criminal suspects, only to see them released in many cases because the courts lack the capacity to conduct investigations and hold trials. Property disputes cannot be settled, making economic transactions difficult. Even traffic laws go largely unenforced, making road accidents an increasingly common cause of injury and death.

As the international community's inability to uphold the rule of law continues, faith in the international community's commitment to justice in Kosovo inevitably wavers. If we do not act quickly, it is not only the citizens of Kosovo who will suffer. The credibility of the United Nations, NATO, the OSCE, the EU, and the entire international community is at stake.

### Summary of Findings

Although hundreds of crimes occur every day in Kosovo, only a small portion of those crimes ever reach the judicial system. Until a few weeks ago, only five of Kosovo's courts functioned, and fewer than forty judges had been appointed. Starting on December 29, 1999, UNMIK appointed more than 240 judges and prosecutors, who were sworn in in January and February, 2000. However, even

with these appointments, in most areas the court system is still in its infancy.

- Uncertainty about the applicable law makes substantive legal decision-making difficult for the newly appointed judges. To date, no thorough effort has been made to determine whether the potentially applicable law is consistent with internationally recognized human rights standards, and crucial jurisdictional issues remain unresolved. While OSCE has provided a compilation of major criminal laws to all judges and prosecutors, many judges still lack copies of the other applicable laws and regulations.
- Most judges currently appointed have received little or no training in the applicable law or in international human rights standards. Since virtually none of the newly-appointed judges have worked as judges for the past ten years, and some have never served as judges at all, the lack of training is a serious handicap.
- Judges must work in unacceptably poor conditions. Many courthouse buildings are damaged and require immediate repairs. Almost all courthouses lack heat, electricity, telephone service, water, furniture, and the most basic equipment, from typewriters and law books to pens and paper. A number of courthouses are currently occupied by international organizations, making it impossible for judges to begin their work.
- The lack of reporting on trial monitoring and assessment minimizes accountability and makes objective evaluation of crucial due process and human rights issues almost impossible.
- The lack of adequate security at courthouses places judges and other court staff in danger and makes true judicial independence difficult in a society so permeated by ethnic and political conflict.
- Judicial salaries are low, increasing the risk of corruption and the risk that talented people will leave the judicial system for better-paying jobs elsewhere.
- A lack of coordination between police and judges impacts the ability of both to function effectively. In addition, the weakness of the confinement system further diminishes the ability of police and courts to investigate and try cases.

### Summary of Immediate-term Recommendations

- Applicable law: UNMIK should clarify and disseminate the applicable substantive law as a matter of urgent

priority. Provisions inconsistent with internationally recognized human rights standards should be identified and revised, and UNMIK should act immediately to clarify the courts' subject matter and geographic jurisdiction.

- **Training:** The OSCE should provide all judges with urgently needed practical and interactive refresher training in the applicable law, human rights standards, basic procedures and case management. Training should encourage judicial initiative and independence. If possible, judges should be trained together with police, prosecutors, and defense attorneys.
- **Facilities and supplies:** Urgent repairs to court buildings should commence immediately to ensure that there is adequate heat, water, and electricity. Working with the international community courts should immediately be provided with basic equipment, books and supplies. International organizations, including KFOR, are currently occupying court buildings and should immediately vacate the buildings or find acceptable alternative venues for courts. We estimate that all courts could be fully repaired at a cost of \$3.5 million.
- **Trial monitoring and assessment:** The OSCE should immediately take steps to substantially improve its trial monitoring program. To ensure accountability, statistics should be kept on case dispositions in order to aid determinations of whether patterns of abuse or discrimination exist, and the information should be shared with all relevant players in the judicial field. NGOs should also be encouraged to monitor trials. UNMIK should act promptly to remove judges or other judicial personnel who abuse their positions.
- **Court Security:** All courts should be provided with adequate security to ensure the safety of sensitive files and the personal safety of judges and other court staff. At a minimum, one armed guard should be assigned to each court during business hours.
- **Salaries:** Judges should receive salaries that reflect their critical societal role and are adequate to reduce their susceptibility to corruption. Current UNMIK judicial salary scales are far too low.
- **Police and confinement systems:** The policing and confinement systems should be rapidly built up in close coordination with the judicial system.

## Methodology

This report is the result of a U.S. interagency assessment mission. The assessment team was led by representatives of the State Department's Bureau of Human Rights, Democracy, and Labor, and included representatives from the U.S. Department of Justice's Office of Overseas Prosecutorial Training and Development and the U.S. Agency for International Development. In addition, the team included a U.S. federal judge and a U.S. state judge, both with substantial expertise in judicial administration, and a civil engineer with expertise in reconstruction and development.

The team's primary focus was on the judiciary, and in particular criminal justice issues, since it is widely agreed that the establishment of public order and the safeguarding of the rights of criminal defendants is the highest priority for Kosovo's fledgling judicial system. To a lesser extent, the assessment team also sought to identify longer-term non-criminal law issues facing Kosovo's judicial system. Although the policing and confinement systems were not formally part of the assessment team's brief, the team found it impossible to assess the needs of the judicial system without looking also, although to a much lesser extent, at police and detention issues.

The assessment team conducted interviews and site visits in Kosovo between February 6 and February 22, 2000, visiting virtually every court in all of Kosovo's judicial districts. The team supplemented the information gathered first-hand with information provided by UNMIK, the OSCE, KFOR, prior US government assessments, NGOs, and other organizations.

The authors of this report wish to thank all who have made a contribution to both the assessment mission and drafting and compiling this report. In particular, we wish to thank UNMIK's legal and judicial affairs sections and the OSCE Mission in Kosovo's Rule of Law Department for their logistical help and advice on the assessment mission. We should also acknowledge the contributions of Lawyer's Committee for Human Rights and Amnesty International for their work to highlight the issues that Kosovo's justice system confronts. Finally, we give our deepest thanks to UNMIK Judicial Affairs Director and Co-Minister of Justice Sylvie Pantz and Co-Minister of Justice Nekibe Kelmendi for their support of this project.

## II. BACKGROUND

### Kosovo: an overview of recent events

With its largely Albanian and Muslim population, Kosovo has long had a tense relationship with the Serbian and Yugoslav authorities. During Marshall Tito's regime, Kosovo was granted substantial autonomy by the Yugoslav Constitution of 1974. After Tito's death, however, ethnic tensions between Kosovo's Albanian majority and Serb minority increased, with many Serb residents of Kosovo charging that the province's Albanian leaders discriminated against the Serbs. In 1989, Serbian leader Slobodan Milosevic ended Kosovo's autonomy within Yugoslavia, despite massive protests by Kosovar Albanians. By the end of 1990, the Serbian parliament had passed laws effectively dissolving Kosovo's largely Albanian government, using both police and the Yugoslav army to enforce its decrees. Most Kosovar Albanians were dismissed from public sector jobs, and a decade of Serb repression of Albanians began.

During the 1990s, the Serbian authorities eliminated Albanian language education and dismissed thousands of Kosovar Albanians, including teachers, university professors, doctors, judges, postal workers, broadcasters and police from their jobs. Official publications in Albanian were forbidden, and most Albanian cultural activities were suppressed. Despite the repression, Kosovar Albanians organized a sophisticated parallel government, running Albanian language schools, libraries, and other civil services in a semi-underground fashion. Organized military opposition to Serbian authority increased, and by 1998 clashes between Serbian police and army units and the pro-independence Kosovo Liberation Army (KLA) were frequent.

As the attempts of Serbian authorities to suppress the KLA grew more brutal and indiscriminate, the international community began a series of efforts to bring peace through a negotiated agreement on the status of Kosovo. The discovery of massacres of Kosovar civilians by Serb forces increased the

urgency, but a peace deal brokered at Rambouillet and in Paris in February-March 1999 fell apart when the Serbs refused to sign it, instead increasing the Yugoslav military presence within Kosovo and accelerating actions against ethnic Albanians. Amidst increasing reports of Serb mistreatment and killings of Kosovar Albanian civilians, NATO began an air campaign against Serbia on March 24, 1999. Within a few months, close to a million Kosovar Albanians had fled from the advance of Serb troops, becoming refugees in Albania, Macedonia and other neighboring regions, and another 500,000 people were displaced within Kosovo.

On June 10, 1999, after nearly three months of NATO air strikes, Serbian president Slobodan Milosevic agreed to withdraw all Yugoslav security forces from Kosovo, and UN Security Council Resolution 1244 authorized the Secretary General to establish an international civilian administration in Kosovo. On June 12, 1999, the Secretary General of the United Nations presented an operational concept for the United Nations Interim Administration Mission in Kosovo (UNMIK) to the Security Council. In his follow-up report to the Council, on 12 July, the Secretary General presented a framework for the UN-led international civil administration, which vests in the UN Mission executive and legislative authority over the territory and people of Kosovo, as well as the administration of the judiciary. NATO KFOR troops moved in to re-establish security, and by mid-July, UN Special Representative to the Secretary General (SRSG) Bernard Kouchner took up office in Prishtine/prishtina, replacing interim SRSG Sergio Viera di Mello, and outlined UNMIK's plans for Kosovo's administration by the United Nations.

Kosovar Albanian refugees began to flood back into Kosovo, much faster than international authorities had anticipated. Within two months, ninety percent of those who had fled had returned. They returned to a ravaged landscape, however:



in much of Kosovo, sixty to seventy percent of all housing stock had been badly damaged or destroyed, including schools and hospitals. Bombs had damaged military installations, factories, bridges, and railroad lines, creating a need for urgent rehabilitation of both housing and infrastructure. Meanwhile, the return of the Kosovar refugees led to ethnic clashes between returnees and the remaining ethnic Serb civilians, and by mid September, nearly 75 percent of ethnic Serb civilians had fled to Serbia and Montenegro.

At the Secretary General's direction, SRSG Kouchner was asked to coordinate and lead the efforts of four cooperating international organizations and agencies - the UN itself, the UN High Commissioner for Refugees (UNHCR), the Organization for Cooperation and Security in Europe (OSCE), and the European Union (EU)-- in an effort to develop a functioning, democratic society in Kosovo. UNMIK created four "pillars" to implement the rehabilitation and reformation of Kosovo, and assigned each international agency a pillar:

- Pillar 1: humanitarian assistance, led by UNHCR;
- Pillar 2: civil administration, led by the United Nations;
- Pillar 3: democratization and institution-building, administered by the OSCE;
- Pillar 4: economic reconstruction, managed by the European Union.

## **Developments relevant to the judicial system**

### **Structure and staffing of the judicial system**

After the air campaign ended and the period of UN administration began, the UN determined that responsibility for the judiciary and other rule of law institutions would be shared between UNMIK and the OSCE: UNMIK's judicial affairs office and legal adviser's office are, respectively, responsible for establishing a judicial system and promulgating the applicable laws, while the OSCE, which is charged with democratization and institution-building, is responsible for training of judicial and legal personnel, the monitoring of trials and other judicial proceedings, human rights monitoring, and longer-term development of institutions such as the law school and bar associations.

Prior to the conflict, Kosovo's civil law-based judicial system consisted of a supreme court, five district courts and eighteen municipal and lower-level courts. After 1989, most ethnic Albanians were excluded from serving in this system, except as private attorneys. They were barred from serving as judges, prosecutors, or as members of the University of

Prishtine/prishtina's law faculty, and ethnic Albanian students were not permitted to attend the University's law school. However, Kosovar Albanian law professors responded to their dismissal by creating (along with dismissed University administrative staff) the parallel structures that became the semi-underground Albanian University in Prishtine/Prishtina. Thus, Kosovar Albanian law faculty members continued to teach and award diplomas in law. However, the Serbian authorities did not recognize these, and thus the graduates of the parallel university were not allowed to take the bar exam or practice law in Kosovo.

Until 1989, a bar exam was administered in Kosovo by the Ministry of Justice. The Kosovo exam site was abolished in 1989, and Kosovar Albanians eligible to take the bar exam (i.e., those who had graduated from the Law School before the period of Serb repression began) were forced sit the exam in Belgrade if they wished to be able to practice in Kosovo's courts.

The pre-conflict Kosovo Bar Association served primarily to register accredited lawyers who had passed the Bar Exam. The Jurists' Association, which did not require passage of a bar exam for membership, was the more active organization; unlike the Bar Association, it has representation outside of Prishtine/Prishtina. The Jurists' Association served as a legal 'think tank,' providing comments and research on legal matters and legislation, and publishing books and a monthly law review.

One of UNMIK's first acts after the end of the conflict was to appoint new judges and prosecutors in a non-discriminatory fashion. Under Emergency Decree 1999/1, issued in June 1999, the interim SRSG appointed a Joint Advisory Council on Provisional Judicial Appointments, comprised of four Kosovars and three internationals, which was charged with nominating provisional members of an Emergency Judicial System. Fifty-five judges and prosecutors sworn in by the SRSG beginning with the appointment of three judges, one investigating judge and four prosecutors to the Prishtine/Prishtina District Court on 30 June 1999. The "emergency judicial system" was later expanded to accommodate three of the four remaining courts that had existed pre-conflict, with additional judicial appointments beginning on 24 July 1999.<sup>i</sup> Initial coverage of the remaining district, Gjilane/Gnjilane, was provided by mobile units of the Prishtine/Prishtina District Court.

To help with the development and administration of the Kosovar judicial system, the SRSG created a series of Prishtine/Prishtina-based advisory committees. The Advisory Judicial Commission (AJC) was created to replace the emergency system's Joint Advisory Council on Provisional

Judicial Appointments (referenced above); it is charged with recommending candidates for appointment as permanent judges and prosecutors. The AJC has eight Kosovar and three international members. In late fall 1999, the AJC interviewed approximately five hundred applicants for appointment to the Kosovar judiciary. As a result of AJC recommendations, on 29 December the SRSG appointed 296 judges and prosecutors and 238 lay judges. The AJC continues to receive applications for both judiciary and staff positions, and a second round of judicial appointments is anticipated in March.

Additionally, a Technical Advisory Commission on Judiciary and Prosecution Service (TAC) was commissioned on 7 September under UNMIK Regulation 1999/6, to advise on the structure and administration of the judiciary and prosecutorial system. On December 13, the TAC, which consists of ten Kosovars and five international members, delivered to the SRSG its recommendations on the establishment of the civil and criminal jurisdictions of the district and municipal courts, as well as the establishment of a Court of Appeals and a Supreme Court.

UNMIK recently began to establish a process for the administration of justice in Kosovo. For the time being the system will be administered by co-Ministers of Justice (one a Kosovar, the other an international appointee) based out of the UNMIK Judicial Affairs Office in Prishtine/Prishtina. Consistent communication channels between the Ministry and the members of the judiciary have yet to be established.

The OSCE, as a part of its rule of law and institution-building mandate, held four judicial orientation seminars in the Fall and early Winter of 1999 for members of the Emergency Judicial System and anticipated permanent appointees to the Kosovar Judicial System. Having determined that the Judicial Training Institute will focus on developing longer-term continuing legal education programs,

the OSCE's Office of Judicial Training is seeking to develop a decentralized and courtroom-oriented program of judicial training to commence in Spring 2000.

### **Parallel security and confinement institutions**

In addition to the principal judicial institutions and personnel, there are of course many other actors in a properly functioning legal system, all with vital roles. These equally important players are the police and other law enforcement entities which begin any criminal process, and a correctional system that concludes it. As in any modern system, if one of these parts fails, it will have a severely negative impact on the system as a whole.

Security Council Resolution 1244 tasked NATO's KFOR troops with establishing a secure environment and ensuring public safety and order until the international civil presence can take responsibility for these tasks. Resolution 1244 also gave UNMIK the responsibility for performing basic civilian administrative functions where and as long as required, maintaining civil law and order, including establishing local police and meanwhile through the deployment of international police, and protecting and promoting human rights. In practice, KFOR currently acts as Kosovo's principal law enforcement agent, although often reluctantly, since KFOR is not designed as a police force but as a military force. As a result, KFOR law enforcement is inconsistent throughout Kosovo. Some national troops not only make arrests when they see clear evidence of crime, but also participate and follow through in the investigation process of criminal wrong-doing. Other national troops end their role once an arrest has been made. Throughout Kosovo, KFOR has focused only on the most egregious crimes (murder, attempted murder, rape, arson, etc.), and given KFOR's limited investigatory capacity, most KFOR arrests are of



suspects more or less caught in the act of committing a crime. KFOR has little ability to investigate past crimes.

UN International civilian police (CIVPOL) are gradually attempting to take over from KFOR the responsibility for preventing and investigating crimes. CIVPOL officers are drawn from the police services of close to fifty UN member nations, and as of February approximately 2000 CIVPOL officers had been deployed throughout Kosovo. SRSG Kouchner has stated repeatedly that several thousand more police are needed if they are to make a dent in crime, but member nations have been slow to respond to the call. UN CIVPOL are also hampered by coordination and training difficulties, exacerbated by language and cultural barriers: few CIVPOL officers speak Albanian or Serbian, and many have little experience in policing outside their native countries. As part of a long-term strategy to return authority over policing to the Kosovars themselves, UNMIK has also established a police school to train a multiethnic group of Kosovar police officers, but only several hundred of these Kosovar police have yet been deployed.

Restarting the confinement system has also posed problems for international authorities in Kosovo. As a result of Serb destruction and, in places, damage from NATO bombs, there are few adequate secure facilities for holding pre-trial detainees or convicted criminals, and there are also few trained detention facility guards. In practice, primary responsibility for detaining prisoners has fallen upon KFOR. In some KFOR sectors, prisoners live in winterized tents in guarded parts of military barracks. There is only one functioning prison, located in Prizren. It currently has the capacity to hold only sixty prisoners, and the locally-hired guards have had little training and are consequently unarmed. The penitentiary at Istog is not scheduled to reopen until later this spring.

### **The evolution of applicable law in Kosovo**

Until 1989, the criminal law applicable in Kosovo was the Kosovar criminal code, which was drafted and adopted by the largely Albanian Kosovar legislature while Kosovo enjoyed autonomy under the FRY constitution. The FRY criminal procedure code, which was passed in 1977 with the participation of representatives from Kosovo's Albanian community, governed procedure in criminal cases. In 1989, however, the Serbian Parliament revoked the Kosovo Criminal Code, an act which most observers agree was counter to the provisions of the 1974 FRY constitution. As a result, after 1989 the FRY Criminal and Criminal Procedure Codes, the Criminal Code of the Republic of Serbia, the Serbian Law on Courts, and the Constitution of the Republic

of Serbia became the only laws applicable in Kosovo. Serbian became the official legal language, and all legal proceedings and publications were permitted in Serbian only.

During the NATO air campaign, Serbian forces imposed martial law in Kosovo. After the UN took over civil administration at the end of the conflict, this changed. On July 25, 1999, SRSG Bernard Kouchner issued UNMIK Regulation 1999/1, which provided in Section Three that:

*The laws applicable in the territory of Kosovo prior to 24 March 1999 shall continue to apply in Kosovo insofar as they do not conflict with the standards referred to in section 2 ["internationally recognized human rights standards"], the fulfillment of the mandate given to UNMIK under UN Security Council resolution 1244 (1999), or the present or any other regulation issued by UNMIK.*

UNMIK understood Regulation 1 to mean that the law to be applied in Kosovo during the period of UN administration would continue to be those provisions of FRY and Serbian laws that were in force in Kosovo prior to the beginning of the NATO air campaign, insofar as these laws were consistent with internationally recognized human rights standards. While Regulation 1 was intended to adopt the simplest possible approach to restoring clarity about applicable law in Kosovo, it generated widespread opposition from Kosovar leaders, including many of the judges appointed to be part of the emergency judicial system. To many Kosovars, the FRY and Serbian criminal codes were "Serb law," forced upon them after the elimination of Kosovar autonomy in 1989, and, as such, unacceptable for political and symbolic reasons. A period of uncertainty and dissension followed in the wake of UNMIK Regulation 1, as UNMIK sought to persuade Kosovar judges and other political leaders to abide by Regulation 1 until a new interim criminal code could be drafted and approved. Some Kosovar judges reluctantly accepted Regulation 1, while others were unwilling to abide by it, either refusing altogether to conduct judicial proceedings or doing so using the pre-1989 Kosovar Criminal Code. As a result of the confusion and dissension, few judicial proceedings got underway under the emergency judicial system, and in those proceedings that occurred, different laws were applied by different judges.

To assist in resolving disputes over the applicable law issue, the SRSG commissioned the Joint Advisory Council for Legislative Matters (JAC) in August 1999 to advise on areas requiring legal reform (particularly discriminatory laws that should be suspended immediately) and to focus on enacting new interim legislation, in cooperation with UNMIK. The JAC is co-chaired by a Kosovar jurist and a representative of



UNMIK, and it is comprised of twenty Kosovar and seven international members. It elected a seven-member JAC Executive Board (consisting of five Kosovar Albanian and two international experts), and formed working groups on criminal law, civil law, property law, economic law and administrative law. The Executive Board meets weekly, while the complete council meets once a month. Although the JAC has a small number of Serb members, who participated in the first meeting (18 August 1999), no Serbs have participated in subsequent sessions. Some of the Serbian members of the JAC are believed to have left Kosovo for Serbia.

Pursuant to its mandate, the JAC developed a draft Kosovo Criminal Code and Criminal Procedure Code. These codes were translated from the Albanian by the American Bar Association's Central and East European Law Initiative (ABA/CEELI) in Washington, D.C., and were delivered to the Council of Europe (CoE) for substantive review and to confirm that they adhere to international standards of human rights. Following review by the CoE in Strasbourg, the codes are scheduled to be submitted to UNMIK for promulgation. However, it is likely that UNMIK might submit the codes

once more to the JAC for additional review and comment, and then send the codes to UN headquarters in New York for approval before issuing the new codes. As a result, promulgation of the new codes may not occur for some months.

In the meantime, in an effort to resolve the near-paralysis in the judicial system caused by the debate over Regulation 1's provisions on applicable law, on December 12 UNMIK issued Regulations 1999/24 and 25. Regulation 24 stated that the applicable law would be "the law in force in Kosovo on 22 March, 1989," prior to the ending of Kosovo's autonomy. Regulation 24 went on to state that if "a subject matter or situation is not covered" by the March 22, 1989 law "but is covered by another law in force in Kosovo after 22 March 1989 which is not discriminatory... the court... shall, as an exception, apply that law." Finally, Regulation 24 requires the observance of internationally recognized human rights standards in the application of the law.<sup>ii</sup> Regulation 25, also issued on December 12, repealed the controversial section of Regulation 1 related to the establishment of applicable law.

### III. CHALLENGES TO KOSOVO'S JUDICIAL SYSTEM

#### Urgent Problems in the current system

##### Applicable substantive law

Despite the passage of UNMIK Regulations 24 and 25, great confusion remains over the applicable law. Regulations 24 and 25 are generally read as making the pre-1989 Kosovo Code the law applicable today. Such a reading was clearly intended by UNMIK to eliminate a major symbolic barrier to progress in judicial proceedings, since to most Kosovars the Kosovo code has vastly more legitimacy than the FRY or Serbian Codes, which many Kosovar judges simply refused to apply. Unfortunately, Regulation 24 has generated a new debate about applicable law. On its face, Regulation 24 merely states that the applicable law today shall be “the law in force in Kosovo on 22 March, 1989.” In fact, there were arguably several laws in effect in Kosovo on 22 March 1989, including the FRY criminal code, the FRY code of criminal procedure, the Kosovo criminal code, and the Serbian criminal code, and Regulation 24 does not on its face select which of these codes should have primacy (an issue that was debated along ethnic lines in 1989 as well).

In practice, both UNMIK officials and members of the Kosovar bench and bar interviewed agree that Regulation 24 was intended to give primacy to the pre-1989 Kosovo code. But this does not solve the applicable law dilemma. Since the Kosovar code dates back to the period before the collapse of communism, it is in many ways antiquated and inappropriate for modern Kosovo. Most obviously, some necessary provisions of law are missing.

For instance, the pre-89 Kosovo code contains no provisions relating to kidnapping or war crimes, and lacks a provision on the affirmative defense of self-defense. Regulation 24 provides that if a situation was not covered by the Kosovo law, or by UNMIK regulation, but is covered by another law in force in Kosovo after 22 March 1989 which is not discriminatory, then that law can be applied as an exception. This provision of the regulation could be interpreted as allowing the use of certain criminal charges (or affirmative defenses) from the FRY, or even the Serbian, codes. In practice, no one has systematically gone through the pre-1989 Kosovo code to identify gaps and outdated provisions (relating to certain kinds of economic and speech crimes, for instance), and no one has systematically sought to identify appropriate code sections from the post-89 FRY or Serbian codes to fill in the gaps.

Regulation 24 also provides that the defendant in a criminal proceeding shall have the benefit of “the most favorable” provision in the criminal laws in force in Kosovo between

March 22, 1989 and today, but no one has yet attempted to compare the Kosovo Code, the FRY Code and the Serbian Code to identify those “most favorable” provisions.

Further complicating the situation is uncertainty about which version of the various potentially applicable laws is authoritative. Most of the potentially applicable laws have been amended since March 1989, but the amendments to the laws are not available in a single volume, since traditionally amendments and annotations were simply sent out in periodic gazettes.

Regulation 24 also requires that the law be applied in a manner that is consistent with internationally recognized norms of human rights. But most Kosovar judges, prosecutors and defense attorneys have little awareness of the content of international human right covenants, and even less sense of how the norms enshrined in these covenants might conflict with certain legal provisions of the Kosovar, FRY or Serbian criminal codes. As far as can be ascertained, neither UNMIK nor the OSCE nor the COE has yet attempted systematically to go through the various laws and regulations that are potentially applicable in Kosovo to identify provisions that conflict with internationally recognized human rights norms.

Since most law libraries were damaged, looted, or destroyed during the conflict, few judges possess a complete and up to date set of law books. Copies of the Kosovo criminal code are particularly difficult to find, and no English or Serbian translations of the code existed until very recently. At the moment, those judges with copies of the Kosovo code are generally working from editions printed in the 1970s. OSCE's Rule of Law division has printed and distributed 600 Albanian, 100 Serbian, and 100 English copies of the applicable criminal laws. This compilation was completed by ABA/CEELI and OSCE in February.

In practice, confusion over applicable law has led to paralysis in some courts, with judges unwilling to hold trials or other court proceedings until they know which law to apply. In other courts, judges have moved forward, each determining for themselves which law to apply. Although such individual interpretations of which law to apply have at least allowed proceedings to commence in those areas, they create problems of their own, since a criminal defendant in one court may find himself charged under a different code than a defendant accused of identical acts in another court. This could raise human rights and due process concerns (although such issues, if they do arise, could potentially be resolved through appellate review), and has the potential to seriously undermine public faith in the legitimacy of the judicial system.

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## Applicable jurisdictional law

In addition to confusion over the applicable substantive law, confusion lingers over both the subject matter jurisdiction and the territorial jurisdiction of Kosovo's courts. In a report dated December 13, 1999 the Technical Advisory Commission on Judiciary and Prosecution Service (TAC) suggests appropriate subject matter jurisdictional limits for all Courts of Kosovo with the exception of the Court of Minor Offenses. In its report, TAC suggests that Municipal Courts should exercise jurisdiction in matters where the maximum exposure of the accused is a sentence of five years in prison<sup>iii</sup>. At the moment, however, most newly-appointed Municipal Judges are operating under the assumption that Municipal Courts have jurisdiction in criminal matters where the defendant may be subject to imprisonment of up to ten years. The failure to adopt jurisdictional guidelines is placing many of the rulings of the current Municipal Courts on uncertain footing.

The territorial jurisdiction of the Courts of Kosovo also poses problems. The lines drawn for the multinational brigade (MNB) divisions used by KFOR do not correspond with the geographical lines drawn for the Judicial Districts. This causes confusion and invites a lack of cooperation when KFOR peacekeepers and UNMIK police are operating with the bounds of one MNB district and two Judicial Districts. This confusion may lead to criminal charges being filed in the wrong venue and convictions that are subject to reversal.

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## Court fines and fees

One additional issue relating to applicable law is the question of court fees and fines. While seemingly a minor issue, many judges informed the judicial assessment team that confusion over court fines and fees is one of the issues preventing them from moving rapidly through cases. As in most other judicial systems, many minor offenses in Kosovo are punishable by fines, and some legal proceedings require the payment of court fees. However, the pre-conflict regulations establishing the amounts to be paid in each instance give the amount in dinars. Since Kosovo currently uses Deutschmarks, and the economy has altered significantly in the past year, many judges say they don't know what fines to assess, and as a result are not closing out cases in which fines or fees are owed. This problem could be resolved by an UNMIK decision allowing judges simply to collect the equivalent amount of money in Deutschmarks for the time being, and setting up a small committee to review amounts over the longer term.

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## Training needs

Most of the newly-appointed Kosovar judges have not served as judges for over ten years, and some (especially in the courts of minor offenses) have never previously served as judges. Although most newly-appointed judges are capable, conscientious professionals, all have some training needs. Virtually all the judges interviewed by the Judicial Assessment Mission team expressed concern and confusion over the applicable law, and many judges are also unfamiliar with basic court procedure issues. All judges are uncertain of how best to interact with KFOR, CIVPOL, and the UNMIK authorities.

Once the applicable law is clarified - a task UNMIK is best suited to undertake, with technical assistance from the OSCE and ABA/CEELI - all judges will require some degree of urgent training in the substantive provisions of the applicable law. In particular, training in international human rights norms is urgently needed, since Kosovo lacks a strong civil or human rights tradition. In particular, Kosovar judges need training in basic norms of due process and in the caselaw of the European Court of Human Rights. Many judges also need training in court procedures, and all judges need a better sense of how the judicial system is intended to work with KFOR and the Civilian Police.

Since Kosovar judges are familiar only with a civil law system in a communist regime, they have had, in the past, little encouragement to be independent or activist in their judicial roles. Most judges have tended to be fairly passive, reluctant to act without clear instructions from UNMIK. As a result, problems like the confusion over applicable law have, in some places, virtually paralyzed the judicial system. Given the rapidly changing situation on the ground, Kosovar judges will need to be responsible but also creative as they face the challenges ahead.

The OSCE has conducted training sessions for judges appointed under the emergency system which began in September 1999, but most observers and judges say the training was too superficial and largely by rote, with too little interaction and too little concrete discussion of how general principles might apply to the difficult situations judges confront in their day to day work.

Court administrative staff also require training in the day-to-day operations of the Courts and in the use of new technology. Like the judges, most court staff have not been employed by the Court system during the past ten years, and some of the new staff have never previously been involved in Court operations. Case management systems in Kosovo's courts are antiquated, relying primarily on paper registers,

and many court staff lack basic computer skills. If Kosovo's courts are to enter the modern era, or at least reach a modicum of effectiveness, court staff will need training in basic administrative and technological skills.

### **Court Personnel needs**

The present judicial system is comprised of 267 Judges, 40 Prosecutors, and approximately 238 lay judges, were appointed by UNMIK as of March 1, 2000.

Kosovar judges consistently informed members of the assessment team that the appointment of additional judges is necessary at every court level. In some instances, additional judges are clearly necessary. In Kline/Klina, for instance, two Municipal Judges have been appointed. The present civil law system in Kosovo requires one Judge to act as the Investigative Judge for each criminal case of first impression, and whoever serves as the Investigative Judge is then prohibited from being seated on the bench during the trial. In effect, this means that a single judge will have to try all cases in the Kline/Klina municipal court.

In the current civil law system used in Kosovo, Judges are assigned to specialize by presiding exclusively over either civil or criminal matters. This requirement of permanent assignment to either civil or criminal matters increases the demand for additional judges, since judges have expertise in only one area and cannot currently switch from one to the other. While some elements of the civil law system as currently used in Kosovo may eventually be altered, for the time being it would be difficult to change this system. But the system is obviously an inefficient one (especially in combination with the need to assign an investigative Judge who then cannot take part in the trial), and it means that in some jurisdictions the immediate appointment of additional Judges is necessary.

Kosovo's judicial system is staffed largely by Kosovar Albanians, and UNMIK has so far been unsuccessful at ensuring an ethnically diverse judiciary. In many Courts, the entire staff is ethnic-Albanian. Of the 241 Judges appointed in the most recent round of judicial appointments, only ten represent ethnic minorities. During the emergency judicial system, most of the few Serb judges appointed resigned or fled the province almost immediately after being appointed.

Obviously, this problem goes well beyond the judiciary. Ethnic mistrust is present throughout Kosovo, and the Judicial Assessment Team saw and heard numerous manifestations of ethnic tensions and mistrust. One Serb judge who had been appointed but who was unwilling, for security reasons, to go to court told the team that he could

never work with Albanian judges. His Albanian colleagues, meanwhile, informed the team that they considered the Serb judge to be a war criminal.

In the longer term, UNMIK will have to find some way to create a multiethnic judiciary if Kosovo is to be a multi-ethnic region. For the time being, there are probably qualified minority candidates who either did not apply for judicial appointments or were not selected; in some regions, local Albanian judges mentioned members of ethnic minorities whom they considered qualified to serve as Judges, but who had not applied or not been appointed.

In many areas court staff are needed even more urgently than additional judges. UNMIK has failed to staff some courts, and others have been provided with little more than clerical assistance. The staff in place consists primarily of people in administrative and secretarial positions. In most cases a few staff members from the pre-1989 courts are serving the present judiciary. In some courts these staff members have been permanently hired by UNMIK, in other cases they are currently volunteering without pay, hoping for employment by UNMIK.<sup>iv</sup> Most current court staff have not been a part of the system for ten years. They are familiar primarily with pre-1989 technology and case management methods, and for lack of computers, the use of antiquated registers for case management is continuing.

The new court system staff hired by UNMIK are also mostly secretarial, and most courts have no legal assistants, legal trainees, forensic support, receptionists, security personnel, drivers, translators, maintenance workers, or couriers although UNMIK has appointed some staff at the District Court level. Legal assistants and trainees have traditionally served the Kosovo Courts, providing research, document drafting, organizational assistance, and trial preparation for the judges. Legal trainees were generally lower school graduates who worked under the direction of the Legal Assistants, who had more legal education. Many legal assistants would eventually become members of the bench, and many trainees would eventually become Legal Assistants. But the current system makes no provisions for these needed positions, although filling them would lessen the burden upon the Judges and lessen the demand for additional Judges.

Current court staff does not include any drivers or couriers to deliver summons, subpoenas, and notices commanding the presence of individuals or documents for trial. In the absence of a postal system, the need for couriers is particularly urgent; without adequate means for "process-serving," the Courts cannot hold trials. In one case, a newly appointed Judge delivered the notices for trial himself, but having judges use their personal time to do this is obviously inefficient.



Translators are another an urgent need in most Courts. To some extent, the court system is a hybrid of English, Albanian and Serbian, depending on the police, the judge and the defendant involved. Communications with UNMIK police, investigators, KFOR security, and witnesses at trial cannot be accomplished without interpreters, since few judges speak English, the common international language in Kosovo, and few of the international troops or police speak either Albanian or Serbian. All documents produced during the 90s are printed solely in Serbian, and any value they may have is lost without translation. Traditionally, translators were always a part of the Kosovo legal system, since the system heard testimony both from Kosovar Serbs and Kosovar Albanians.

### **Salaries**

UNMIK salary scales for the newly-appointed judges peak at less than 1,000 DM per month, and low judicial salaries have been a constant source of tension in Kosovo (Judges under the emergency system were being paid only a few hundred DM per month, and delays in payments led many emergency system judges to threaten to quit). At the moment, attorneys in private practice can expect to earn more than UNMIK-appointed judges, and lawyers with English language skills can often find better paying work as interpreters or drivers with UNMIK, the OSCE or other international agencies and NGOs.

Without higher salaries, many judges voiced the fear that they and their colleagues will be susceptible to corruption and undue influence, or that higher salaries in other sectors will tempt talented judicial personnel to leave the bench.

### **Material needs of Kosovo Courts**

Kosovo judges must currently work in unacceptably poor conditions. Many courthouses buildings are damaged and require immediate repairs. Almost all courthouses lack heat, electricity, telephone service, water, furniture, and the most basic equipment, from typewriters and law books to pens and paper. A number of courthouses are currently occupied by international organizations, making it impossible for judges to begin their work.

### **Needed repairs to court buildings**

The physical state of court buildings ranges from good - buildings that require only minor renovations— to courthouses in such poor condition that they cannot be used without a substantial investment of resources. Courthouse buildings were generally found to be in a relatively better state of repair than other post-war public buildings, hotels, clinics and schools surveyed in Kosovo. They have generally been well maintained and many of them have been recently renovated. However, the state of repair of the buildings varies considerably from region to region, and some degree of refurbishment and upgrading work is required in all buildings.

Half the courthouses were built in the early 1960's to a standard layout and design. The design was a 3 storey concrete frame building with a basement. The layout consisted of offices and courtrooms off a central corridor, accessed from a single central staircase. Roofs were shallow pitched corrugated asbestos cement or zinc plated tin sheets; Roof spaces and covering were not insulated, windows were timber dual glazed windows.

The buildings are all structurally sound, with no war related damage, except vandalism and theft. Equipment such as computers, telephones and central heating boilers, were removed from courthouses. Doors and gates were often locked shut by the previous management and subsequently had to be forced open, damaging them and the frames.

The main building defects were roof leaks, water penetration from damaged windows, corroded and leaking plumbing from toilets, missing fittings and central heating problems. There were also electrical problems, many broken and uncovered light fittings and an inadequate number of fittings and sockets. Windows were rickety, though in reasonable condition and only a few panes broken. They required mainly external painting and minor repairs. Most courthouses required repainting to the interior and exterior.

Only two of the buildings were adequately heated. Over half had central heating systems installed, but a lot of the boilers were old, unserviced and inadequate or even missing. Some depended on the town central heating hot water supply, which is no longer available. Three of them shared their central heating boilers with adjacent buildings (police stations or offices).

With regard to security, only ten courthouses had a boundary fence and gates. Only a quarter of the buildings had security grilles on ground floor windows, none had exterior lighting or functioning security cameras. Only three had metal detectors. Three had detention facilities in the adjacent police complex, and none on the premises. None had intruder alarm systems.

On the positive side, many former court employees who were dismissed in 1989 have returned to their former buildings and have been cleaning and organizing the rooms. In



general, the courthouses are of substantial construction, solidly built and spacious. In some areas, KFOR and UNMIK personnel are supervising minor renovations of the buildings. In none of the courthouse locations will it be necessary to completely reconstruct a building from the ground up.

Renovation of Kosovo's courthouses will require a commitment of financial resources of approximately \$3.5 million. This outlay is small compared to the expense of maintaining KFOR or UNMIK missions in Kosovo. But it is important to the future of the independent judiciary that it have functional, comfortable facilities that are recognizable to the public as the halls of justice. We cannot expect judges to work under the conditions that are present currently in the courthouses throughout the territory.

Nine courthouses are being refurbished by the British government.

### **Court buildings occupied by international agencies**

Approximately eight courthouses, including the offices of the important higher courts of Kosovo and the busy Prishtine/Prishtina Municipal Court, are currently occupied by international organizations that moved into these buildings shortly after the UN administration was installed last summer. For example, the UNMIK Office of Judicial Affairs occupies the Prishtine/Prishtina Municipal Court building. In a number of cities, KFOR troops have taken over courthouses for their temporary headquarters. In some of the instances in which KFOR controls court buildings, judges and other court staff have not been permitted to even enter the buildings to inspect conditions or to look for pending files that might still be in the building.

It is impossible for judges to even begin their work or to hold hearings when their court buildings have been occupied by international organizations. The judiciary needs dedicated facilities that are appropriate for the unique needs of a judicial facility and can be made secure. Courts simply cannot operate in restaurants, hotels, schoolhouses or private homes.

### **Court Equipment and Furniture**

Very little equipment remains in Kosovo's courthouses with which to operate a modern judiciary. While in some courthouses, desks and chairs were left behind, all courthouses have insufficient furniture to conduct business, and some courthouses are stripped bare of furniture of any kind. OSCE and UNMIK have distributed a very limited number of computers and other equipment, but for the most part courts still need much more.

Each judicial and prosecutor office requires at a minimum one desk, a desk chair and two side chairs, a lamp, and a filing cabinet or bookshelf. Support staff require a desk, a chair and a filing cabinet. All filing cabinets should be metal and lockable. Our estimate is that such office equipment is required for about 60% of the offices in the judicial system. Courts also lack basic materials such as stationery, registers, pens and notepads, forms, and bulletin boards.

Many judges also expressed concern about the lack of official court stamps with which to stamp court-issued documents such as birth certificates; they noted that many other European countries will not accept such official documents if the correct stamp is missing. Since the stamps formerly in use are no longer appropriate, since they are FRY stamps, UNMIK is in the process of creating new stamps for court use.

No court can function effectively today without modern electronic equipment. Unfortunately, such equipment is nearly completely lacking in the Kosovo court system. There is an urgent need for electric typewriters which each typist/secretary should receive; currently, only a handful of courts have typewriters. All offices need access to at least one photocopier, something no courts currently possess. The telephone system does not work in most courts. The system needs to be completely replaced in each courthouse and each employee should have a telephone. Each court and prosecutorial unit also need to have access to a facsimile machine.

All courts currently lack vehicles, drivers, or any kinds of effective transportation service. Without an effective mail system in Kosovo, all court documents must be delivered, and in addition, the prosecutors and investigating judges must travel to crime scenes and must gather evidence. Some travel involves navigating difficult road conditions, particularly in the mountainous areas of Kosovo. In the absence of court vehicles, judges, prosecutors and other court personnel must rely on private vehicles or buses, making travel inefficient and sometimes impossible. This hampers the court system's ability to function, since everything from serving subpoenas to investigating crimes is difficult and slow.

### **Case Management Issues**

In the past, the courts in Kosovo did not use modern case management techniques such as docket automation, although these are common in other judicial systems. Instead, Kosovo's courts have relied on an antiquated system of keeping different "register" books for all types of recorded information. (For example, a criminal case is entered by hand in one register when the individual is first arrested. Then, the case is entered in another register when it is investigated, and still another register if there is an indictment, and another register if there is a conviction). The register book system makes it difficult to check quickly on the status of a case, and the hand notations compromise the security of the information. During the conflict, Serb forces looted all the register books from many of the courthouses, and no back-ups exist— an inevitable problem when records are kept only in paper form. The work of filling out the registers is also very time-intensive.

### **Books and information resources**

No legal office can exist effectively without a minimum of library materials for research, but no court or prosecutor's office in Kosovo currently has a library. All

collections were taken when the previous occupants departed from the offices, or were looted at some time during or after the conflict. As noted previously, judges, prosecutors, defense attorneys and other legal personnel generally have no access to up-to-date copies of any of the applicable legal codes, much less to secondary sources such as legal encyclopedias, human rights covenants and case law, or other comparative law materials.

### **Court Security**

Judges, staff, witnesses, attorneys, and all who enter a Court building must be safe from any threat of physical harm—a particularly critical concern in a society as violent as Kosovo's. Those who serve the system and act to make justice a reality should not be exposed to an avoidable risk of injury, and trials will fail in their mission to discover the truth if witnesses can't testify truthfully without fear. Currently, however, the Courts of Kosovo are not safe. Any armed person may walk in from the street and gain direct access to the office of any Judge or any courtroom.

Neither UNMIK nor KFOR are currently providing resources to make the Courts secure. There are no guards at the entrance to court buildings, and no courts currently have functioning metal detectors or safes for storing cash collected in fines and important documents.

The risk to court personnel and courts is not merely hypothetical. During the emergency judicial system, judges were threatened and several were attacked. In Prizren, the court building has been broken into since the recent appointment of the UNMIK judges; the burglars, who entered the building at night, were successful in removing equipment. In Gjilane/Gnjilane the President of the Court has been transferring prisoners to detention at nearby Camp Bondsteel in his personal vehicle, without any police presence, exposing himself to serious risk. The Judges of the Mitrovica courts live a life of daily tension, and several report being threatened or attacked.

KFOR estimates that guaranteeing court security for all venues would require two additional battalions (1200 troops), while CIVPOL reportedly has estimated that as many as 2,000 police would be needed to guarantee security for all Kosovo courts. (Providing this number of police would obviously be impossible, as there are only 2000 international police currently in all of Kosovo). There are reportedly plans to assign 400 CIVPOL to court security, but at the moment virtually no police are actually working for the courts. Given the currently non-existent court security, any number of KFOR troops or CIVPOL officers would represent a significant improvement-

even a single day-time guard at each courthouse and prosecutor's office would be an enormous increase in security, and would only require about sixty guards.

### **Related institutions: police, confinement systems, and the defense bar**

The preceding sections document some of the severe problems within the new judicial system. But an effective criminal justice system—one that successfully protects the population from abuse and ensures accountability for those who commit abuses—requires more than just an effective judicial system.

It also requires police who know the community and culture and can interact respectfully and effectively with local people, while at the same time taking rigorous action to prevent crime and apprehend criminals in a manner sanctioned by law. Without an effective police service, crime cannot be prevented or investigated, and the judicial system cannot function. (This cuts in the other direction, as well: without a functioning judiciary, police work is useless, since suspects apprehended by the police will receive no trials or unfair trials, and may simply be released). Similarly, a fair and effective confinement system is necessary to supplement the work of the police and judges. If police and judges have nowhere to detain criminal suspects, many potentially dangerous criminals must be released back into the community, making the work of the police and the judiciary pointless. Finally, without a qualified and professional defense bar (with provision for free legal aid for the indigent), defendants' rights cannot be safeguarded.

### **Police**

Security Council Resolution 1244 tasked NATO's KFOR troops with establishing a secure environment and ensuring public safety and order until the international civil

presence can take responsibility for this task. Resolution 1244 also gave UNMIK the responsibility for performing basic civilian administration functions where and as long as required, maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police, as well as protecting and promoting human rights.

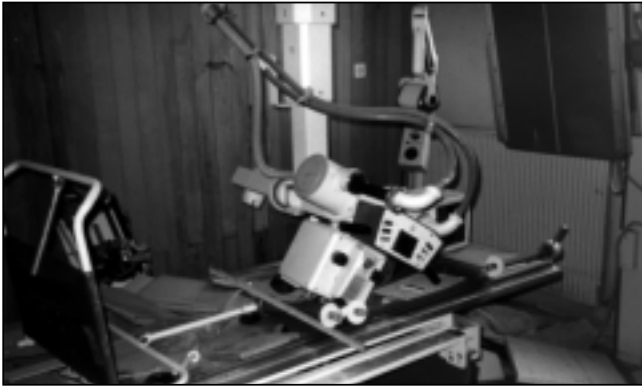
In the immediate wake of the conflict in Kosovo, NATO KFOR troops assumed de facto responsibility for security issues. As the UN civil administration got underway, however, responsibility for day to day policing has gradually been shifting to the United Nations International Police, known as UNIP or UN CIVPOL (short for "civilian police"). And as part of a long-term strategy to return authority over policing to the Kosovars themselves, UNMIK, through the OSCE, has also established a police school to train a multiethnic group of Kosovar police officers. As of February 22, two police school classes of approximately 175 students each had graduated from the police school's basic training course, and a third class of 247 had begun. The first class is currently nearing the end of the field training period, and the second class has begun field training. During field training, the police school graduates are paired with UN CIVPOL officers.

The lack of clarity from UNMIK about applicable law has exacerbated the challenges CIVPOL officers face, since the law they were initially told to apply (FRY law) has now been supplanted by the pre-1989 Kosovar law, and much ambiguity still remains in the applicable law. In some cases, CIVPOL are left essentially applying the laws of their home countries (nearly fifty nations are represented in the mission).

As a result, CIVPOL has had difficulty preventing and investigating crimes. The lack of an effective policing system is felt on every single level, throughout Kosovo. There is no effective system of traffic control, although UNMIK recently issued traffic regulations and CIVPOL recently stepped up







efforts to police difficult intersections and stop speeding on main roads. Minor crimes such as stone throwing, graffiti, and petty theft are a constant irritant to ordinary Kosovars, and ethnic minorities in particular find that the perpetrators of such minor crimes against minority victims can behave with impunity, since the overtaxed UN police lack the resources to intervene effectively and know that the justice system is not sufficiently advanced to prosecute cases. More serious crime is also rampant, with extortion and car theft rings growing and arson, assault, rape and murder widespread in certain areas.

When CIVPOL officers do identify and arrest suspects, a lack of coordination between police and prosecutors, compounded by a lack of interpreters, means that judges and prosecutors have difficulty using police submissions. Poor communication and coordination between police and the judiciary means that investigating judges are often not invited to crime scenes, which, in Kosovo's civil law system, prevents investigating judges from carrying out a critical aspect of their work.

### **Confinement systems**

A criminal justice system based upon the rule of law cannot exist without an effective and adequate penal system. Judges, prosecutors and court staff need to work closely with penal management, including the managers of prisons, detention centers and alternative confinement and correctional systems in order to ensure that the goals of an effective criminal justice system are fully implemented. For example, lack of adequate detention centers results in individuals charged with serious crimes being released and unavailable for trial. And, lack of adequate prison space results in trials being delayed or even cancelled. The management of confinement facilities is of strategic importance to the Kosovo judicial system and as a result, it is important to focus on the impact these penal issues have on the courts of Kosovo.

Penal management in Kosovo is overseen by the UNMIK's

head of its Penal Management Unit. The unit is severely underfunded, as its director is assisted only by a team of four Canadian corrections officials. A team of four British corrections officials has been managing the Prizren facility, but three reportedly left on February 29 and there are no apparent replacements at this time. The management team is working to repair as quickly as possible the confinement facilities in Kosovo, introduce modern corrections management techniques, and train Kosovars to eventually take over and run the corrections system.

Experienced corrections officials are urgently needed to assist in the restoration of the corrections system, including officials experienced in operations, planning and programs. The facilities in Istog/Istok, Prizren and Lipjan/Lipljan need at least twenty penal management experts during this critical transition stage, and they lack basic equipment and resources. The penal management officials in Kosovo have done remarkable work with little in resources and assistance, but the small UNMIK budget for prisons does not permit the unit to focus on the dynamics of running prisons in a modern way.

The Istog/Istok Penitentiary is modern and well-designed, with an ultimate capacity of over 2500 inmates. It was built less than ten years ago, using a humane design, with electronic locking systems. During the war, however, Istog/Istok was used not only as a prison, but also for military purposes by the Serbs. It was damaged badly by NATO airstrikes, which resulted in over 200 deaths, including the deaths of more than 160 prisoners who were killed by the Serbs in retaliation for Serb deaths during the bombing raids. Restoration work has progressed quickly, thanks to a \$1 million grant from British Department for International Development which has focused on repairing the most essential buildings to get the prison operating. Nearly half of the expenditures have gone to create a temporary heating system for the institution.

Two cellblock buildings (each with the capacity to hold 240 inmates) and a portion of a third cellblock have been restored at Istog/Istok, along with a prisoner intake facility that can house female and juvenile prisoners, and an auditorium, gym and kitchen. According the William Irvine, who is managing the Prizren facility and helping to oversee Istog/Istok, an additional expenditure of \$1 to 1.5 million could result in a fully functional prison including an excellent hospital facility. Although much additional work needs to be done, including procurement of supplies, the facility may be ready for up to 540 inmates by July 1, 2000. It is estimated that within two years there will be 1500 sentenced inmates who will need to be housed either at Istog/Istok or another secure facility.

In Prizren, a British team has worked with local contractors to make the district prison at Prizren into a much more secure facility, with the eventual goal of using the aging facility as a pre-trial detention facility or for prisoners with short sentences (up to six months). Currently, Prizren has the only operational prison facility in Kosovo. It has a capacity of about 100; about 70 people are housed there at this time, with most being pretrial detainees. There are two sentenced offenders at Prizren, a man serving fourteen years and a woman serving six and a half years. The Prizren prison lacks the facilities to keep juvenile detainees separate from adults, although at any given time there are several juvenile detainees.

The prison facility at Lipjan/Lipljan is currently occupied by KFOR. Substantial restoration work has been done, and the Lipjan/Lipljan prison is well-suited for use as confinement facility for women, juveniles, and inmates who need psychiatric treatment. It can hold between 100 and 200 inmates. It is estimated that the facility can be opened in part by May 1, 2000.

In addition to these three prisons, throughout Kosovo there are small detention facilities, most located in the police stations. Larger facilities exist at Gjilane/Gnjilane, Prishtine/Prishtina, Mitrovica, and Peja/Pec. These facilities all require renovation. For lack of other facilities, the United States KFOR Camp at Bondsteel is being used as a detention facility holding about 70 pre-trial detainees.

Currently, not all municipalities have adequate detention facilities, either for pre-trial detention in serious cases or for service of shorter sentences imposed by the municipal courts or the minor offenses courts. Kosovo also currently lacks alternatives to incarceration, such as halfway houses or community confinement facilities and a probation system.

Eventually, the Kosovars will run their own corrections system. Training of corrections officers in four-week training courses began on December 1, 1999 at the Police Academy in Vushtrri/Vucitrn , and thirty students have completed training thus far. The establishment of a probation system in Kosovo would help ease the pressures that will be on the penal system to provide expensive bed space in the confinement facilities.

### **The Defense Bar**

Kosovo suffers from a serious and urgent shortage of qualified defense attorneys, which poses grave challenges to guaranteeing the rights of criminal defendants. In 1989, many Kosovar legal professionals who had been judges and prosecutors were dismissed from their positions when the period of Serb repression began, and many became defense lawyers, the only role they could play in the criminal justice system. Between 1989 and the conflict, Serbia used the criminal justice system as a key tool in its efforts to repress the ethnic Albanian population in Kosovo. Due to their high-profile role in challenging Serbia's actions in the province, defense lawyers were at risk. Some were killed, and many left the province and have not returned. The OSCE estimates that there may be no more than 150 lawyers in the province who are available to defend suspects — or for that matter to represent clients in civil or commercial matters. Many of these will be appointed to the bench in the next round of judicial appointments. This will leave only a few dozen private lawyers in Kosovo. Already, many jurisdictions contain only one lawyer practicing for the defense.

Defendants are entitled to hire a private attorney of their



choice, but in practice, even those defendants who can afford attorneys have few to choose from. Indigent defendants currently may have a defense attorney appointed by the court; UNMIK has retained a number of lawyers to serve as appointed counsel in these situations. Under existing rules, defense attorneys may only be brought in by defendants after the investigatory stage is completed, however, which means that defendants may lose important opportunities to challenge their treatment. At the moment, although there are NGOs providing legal aid, they are focused on civil matters, and are not providing indigent criminal suspects with defense counsel.

Although the absence of reporting on trial monitoring makes it difficult to draw conclusions with any degree of certainty, what evidence there is (primarily from NGO reporting) suggests that the defense bar has not been aggressive in challenging violations of proper procedure, weak evidentiary bases for charges, long detentions, etc.

#### **Need for improved monitoring and assessment of judicial processing**

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The OSCE coordinates the activities of UNMIK's Pillar III, Democracy and Institution-building, and the OSCE's Rule of Law division is responsible for monitoring judicial proceedings. To that end, the OSCE had eight people employed as trial monitors, some based in Prishtine/Prishtina,

others elsewhere in Kosovo. In practice, however, reporting from trial monitors has been sporadic and of inconsistent quality. The information contained in the Rule of Law section of OSCE weekly reports is spotty, and there is no coordinated distribution scheme for reporting to get to international practitioners in theatre, and the international community at large. As a result, it is extremely difficult to draw conclusions about trials and other judicial proceedings.

The inability of the international community to receive systematic monitoring and analysis makes it difficult to develop a holistic picture of how the emergency judicial system functions, and whether judicial proceedings have involved ethnic bias or other substantive or procedural due process violations. Much of the information we now possess about problems in judicial proceedings comes from recent reports by NGOs such as Amnesty International and the US-based Lawyers Committee for Human Rights. NGOs have also raised the concern that leaving trial monitoring to the OSCE creates a potential conflict of interest, since the OSCE, is assisting UNMIK Judicial Affairs and the UNMIK Legal Advisors Office, to establish the new — and thus may find it difficult to be a truly independent monitoring entity.

The OSCE's mission in Kosovo has recognized these problems and is taking steps to resolve them. Even so, given the large number of courts now being established, many more court monitors - and quantitative and qualitative improvements in reporting - are needed.

## IV. LONGER TERM CONCERNS FOR THE KOSOVO JUDICIAL SYSTEM

### Additional Human Rights Concerns

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Two recent NGO reports, one by Amnesty International and one by the Lawyers Committee for Human Rights, discuss human rights concerns in detail. Both reports paint what is, on the whole, a carefully researched picture of the human rights issues facing the Kosovo justice system; the Lawyers Committee report, while several months old now, is particularly thoughtful and comprehensive.

This report focuses primarily on the judicial system's needs, and does not attempt to duplicate the research already contained in the Amnesty and Lawyer's Committee reports. However, the following section outlines some of the key longer-term human rights concerns facing the Kosovar judicial system.

### Due process

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Since no one has yet carefully gone through the applicable law to check for consistency with international human rights standards, it is difficult to say whether or not the applicable law enshrines basic due process rights. Similarly, the absence of consistent and effective trial monitoring makes it difficult to know whether defendants are granted due process in practice. However, given the inexperience of many judges, the dearth of qualified defense attorneys, the continuing presence of severe ethnic tensions, the resource constraints and the haphazard nature of police procedure and investigations, there is reason for concern about the due process rights of detainees and defendants.

At a minimum, the confusion over applicable law has meant that a defendant may find him or herself tried under different laws than a defendant in a different municipality— or, indeed, a defendant in a different courtroom in the same municipality. Some judges have consistently applied pre-1989 Kosovar law in all proceedings. Others began with FRY law, then switched to pre-1989 Kosovar law after UNMIK regulations 24 and 25 allowed this. Others still have mixed and matched, taking provisions at will from FRY law, Serbian law, and Kosovar law.

One judge informed the judicial assessment team that he selects the law that is “most favorable” to the defendant. Another judge said that he chooses the law that seems to him to “best describe the crime itself.” At times, police or KFOR units have initiated proceedings using one set of laws, and then the judges have continued using a different set of laws. This practice raises serious issues concerning basic human rights and due process guarantees.

### Detainee rights

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International human rights norms prohibit the arbitrary or excessively prolonged detention of those who have not been charged with or convicted of a crime. In Kosovo, however, difficulties in communication and transportation often mean that detainees are held for as long as a week before going before a magistrate, and some detainees have been held for well over six months without being indicted.

UNMIK regulation 26, issued in December 1999, allows detainees to be held for up to one year without indictment. This regulation has been justified on the grounds that those who remain in detention are solely those suspected of the most serious crimes (including, in some cases, war crimes), and the harm to the rule of law that would be caused by releasing them back into the community far exceeds the harm of detaining them for more extensive periods. However, given the slowness of the judicial system to indict suspects and hold trials, lengthy detention periods remain a cause for concern, and arguably violate international human rights norms.

As discussed earlier, the physical facilities for detainees are also inadequate in most regions, and the guards and managers of detention facilities are generally in-experienced. There are currently no functioning detention facilities that allow for the sight and sound separation of juvenile detainees or women, and there are no special facilities for the mentally or physically disabled. Detainees currently receive no educational programming or counseling, and have only limited access to medical care. Not all detention facilities have appropriate areas for detainees to meet privately with their attorneys, and at the moment, no facilities house both Albanians and Serbs, as the authorities consider the potential for ethnic violence too high. Kosovar legal tradition requires judges to approve all visits to detainees, and some judges complained to us that CIVPOL officers and other detention facility managers often fail to consult them before permitting visitors to see detainees, and let in visitors the judges consider dangerous, in unsupervised situations. While there is clearly a need to have well-defined rules about visitation, giving total control over visitation to judges could result in violations of detainee rights.

### Defense counsel

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Clearly, as the criminal caseload increases and a new commercial legal framework is established, the lack of defense lawyers will be a severe constraint to the judicial system. Also, it is not clear whether the lawyers who are now defense lawyers are the ones with the best skills, or whether these have been appointed to the bench.

While accredited lawyers are in short supply, there is a population of law graduates who are not accredited because they have not taken the bar exam, and there is a population of graduates of the parallel university whose status needs to be determined. Until 1989, a bar exam was administered in Kosovo by the Ministry of Justice. This was abolished in 1989, and candidates for the bar were required to go to Belgrade to take the exam. Not all candidates with university diplomas were willing to go to Belgrade. In the meantime, the climate at the University of Prishtine/Prishtina became hostile for ethnic Albanians, since the ethnic Albanian faculty was dismissed. They created a parallel university operated from private houses. Graduates of this university were not allowed to even enter court buildings in Kosovo from 1989 until the present, which means they were not able to practice even as defense lawyers. Thus, judges, attorneys and law faculty are in general older and a generation is missing from the system. Therefore, to increase the availability of defense attorneys for criminal defendants, UNMIK should immediately authorize all persons who have gone through the parallel legal education to act as defense counsel. Such persons should be given a grace period of 18 months to take the exam.

Procedurally, the provisions of the FRY criminal procedure code (which remains applicable today in Kosovo) do not provide many opportunities for a vigorous defense, and long-term law reform will be required in this area.

### **Ethnic Bias**

For now, the notion of a pluralist, tolerant, and multi-ethnic Kosovo remains a distant goal. As discussed earlier, many Kosovar Albanian judges initially refused to begin judicial proceedings because they were unwilling to apply FRY law, which UNMIK Regulation 1 seemed to require. This issue has been resolved for the time being by Regulations 24 and 25, but it is evidence of the deep hostility most Albanian jurists harbor towards all vestiges of the Serbian regime, even those that are only symbolic. It also reflects the strong political pressures on Albanian jurists: regardless of their personal views, they are fearful of being perceived as “pro-Serb” in any way.

Although UNMIK has made efforts to recruit Serbian judges and prosecutors, two of the four Serbian judges appointed by the emergency judicial system resigned after only a few days, saying they feared for their safety and lacked confidence in the ability of the judicial system to provide justice without regard for ethnicity. In the most recent round of judicial appointments, two Serbs were made judges, and eight other minorities (six Bosniaks, two Turks) were appointed.

However, the one Serb judge interviewed by the Judicial Assessment Team has so far refused to travel to the court, for security reasons, and is thus unable to function as a judge. He told the team he could never serve with Albanians, and would refuse to apply Kosovar law. One of his Albanian colleagues told the team that the Serb judge was “a war criminal,” although it was not clear whether there was any basis for this allegation. There are three non-Albanian prosecutors appointed by UNMIK (one Serb, one Turk, and one Roma).

During the emergency judicial system, there were numerous incidents that suggest ethnic bias in the courtroom. Again, accurate information and analysis is difficult to obtain, given the lack of international community trial monitoring records, but NGO reports and statements by KFOR and CIVPOL officials indicate that Albanian judges tend to give preferential treatment to Albanian defendants, while Serb defendants are treated more harshly.

In some areas, defendants from ethnic minorities (especially Serbs) may experience difficulties in finding a defense attorney willing to represent them; even aside from the potential bias of the defense attorneys, continued ethnic tensions make many potential defense attorneys fearful for their own safety if they defend a Serb accused of a crime against an Albanian. In Mitrovica, the climate of ethnic bias and intimidation is so severe that UNMIK has resolved to send in a limited number of international judges and prosecutors, although many fear that the communications difficulties caused by the presence of international officials will themselves create new problems.

Ethnic tensions are also a problem in detention facilities. UNMIK has so far dealt with this concern by segregating Serb prisoners in separate facilities from Albanians, but many Kosovars complain that this amounts to a mini “ethnic cleansing” in the prison system.

A number of the team’s interviewees (especially those in the international community) complained that UNMIK has exacerbated the problem of ethnic bias by failing to confront the issue squarely. While training sessions for judicial personnel have emphasized the importance of impartiality, the international trainers have been reluctant to offend Kosovars by challenging them to defend specific acts (for instance, the apparently different treatment of Serbian and Albanian defendants). Thus, in Mitrovica, international judges were sent in when UNMIK lost confidence in Kosovar judges to be fair and effective, but publicly the introduction of international personnel was justified on security grounds. Without a detailed and specific dialogue about ethnic bias and ethnic violence, and denunciation by the international

community of specific instances of bias, many fear the issue will continue to smolder.

### **Improper influence and Corruption/ Ethics issues**

There can be little doubt that Kosovar judges face intense political pressures, which even the most dedicated professional may at times find difficult to resist. Many judges fear retaliation by extremists if they give stiff penalties to members of their own ethnic group, or light penalties to members of other ethnic groups. At times, judges are under pressure to let off defendants with strong ties to the KLA, political leaders, or organized crime. And the fears of judges are not unfounded: over the past few months, many judges have reported receiving threats, and several have been assaulted. To the extent that ethnic considerations may at times influence judicial behavior, this is in part because judges are too frightened to resist these political pressures. With inadequate police and court security, and a barely functioning judiciary, judges know better than most that they are extremely vulnerable to political or ethnic retaliation.

Corruption of all kinds has long plagued the judicial system throughout the Balkans. In addition to misconduct arising out of fear of retaliation, some judicial misconduct may arise out of simple cronyism. And, in a climate of economic insecurity and privation, there is a serious risk that judges will succumb to the temptation to accept bribes. While we heard no direct evidence that this has in fact occurred in Kosovo's fledgling judicial system, many observers—including many judges themselves—expressed the fear that low judicial salaries will encourage corruption. UNMIK currently has no plans to raise judicial salaries significantly, and all of the judges we interviewed told us that they consider their salaries dangerously low.

### **Vulnerable populations**

Kosovo's fledgling criminal justice system is ill equipped to handle to the special needs of vulnerable populations such as children, women, minorities, or the mentally and physically disabled. Detention facilities lack the capacity to provide women or children with separate areas, and no counseling or educational services currently exist. As discussed above, minorities are particularly vulnerable to due process violations and physical abuse.

There is a growing need to develop appropriate laws,

procedures, and facilities for juveniles. There is no functional facility equipped to hold juveniles, and the one facility planned for juveniles has reportedly been identified as a future site to house the Kosovo War and Ethnic Crimes Court, instead.

Under pre-1989 Kosovar law, children between fourteen and eighteen may be tried and sentenced to time in an appropriate facility, but children under 14 are considered to lack the capacity for criminal responsibility; at most, they can be sent to counseling, but only if their parents consent. In practice, even with parental consent this is not currently an option, since the social services infrastructure has completely broken down.

However, juvenile crime is a growing problem, and there is some evidence that adult criminals deliberately employ young children to commit crimes, since they know that the children cannot be punished. There have been numerous incidents of Albanian children and adolescents harassing and assaulting elderly Serbs, and these incidents are so numerous that a senior KFOR official told us his troops have ceased even to include such incidents in their reports. In one recent incident, an Albanian girl clubbed an elderly Serb man, then pushed him into a haystack and lit it on fire, killing him. Although KFOR officials believe the girl to be fifteen, her mother claimed that she was only thirteen, and the judge released her.

### **War Crimes and Ethnic crimes**

Since the beginning of the Kosovo conflict, international attention has focused on alleged war crimes and crimes against humanity committed by Serbian and Yugoslav forces, both military and paramilitary, against the people of Kosovo. In January 1999, a massacre of approximately forty-five civilians in the village of Racak received international media notice and outrage. The Tribunal's jurisdiction extends to the complete territory of the former Yugoslavia, and clearly covers crimes committed in Kosovo, provided other jurisdictional requirements are met.

Hundreds, perhaps thousands, of acts that could be classified as war crimes were committed during the Kosovo conflict. However, the Hague Tribunal has always made clear that it can only investigate and prosecute a limited number of cases arising out of the Kosovo conflict. This is for two reasons: first, ICTY's strategy has been to focus on leadership targets, as reflected in the one public indictment to arise out of the Kosovo conflict, which named Slobodan Milosevic and his highest-ranking associates in Belgrade; and second, the resource limitations of the Tribunal. Thus, the issue of how to handle the vast majority of alleged Kosovo war crimes has

been the subject of continued debate by both the international community and the Kosovar people.

The idea of a local Kosovo war crimes tribunal has been discussed since the cessation of the conflict in June of 1999. In November 1999, the Technical Advisory Commission (TAC) recommended the establishment of a Kosovo Tribunal for War Crimes and Crimes Against Humanity, basing the details of the proposed tribunal to a large degree on the U.N. Security Council Statute that created ICTY. The international and local Kosovar legal members of the TAC voted unanimously to create such a court.

The TAC recommended that the court be established as an extraordinary court and not as part of the regular court system in Kosovo. The proposed tribunal's jurisdiction would be subject to the primacy of ICTY, and it would have competence to hear cases involving grave breaches of the Geneva Conventions, violations of the laws or customs of war, genocide, and crimes against humanity. All this tracks with the ICTY statute, but significantly, the proposed Kosovo tribunal would also have competence to hear cases involving "Other Crimes" committed on political, racial or religious grounds at any time after the armed conflict: crimes such as murder, extermination, enslavement, deportation, and imprisonment.

This extremely broad jurisdiction for the proposed tribunal is problematic, since it is not clear how the proposed tribunal and the regular court system would cooperate to determine which crimes each should address. There are also a number of other concerns: the issue of trials in absentia was not addressed by the TAC, and the proposed tribunals temporal jurisdiction is open-ended: it begins 1 January 1991 and continues until "...prescribed by the competent authority." The proposed tribunal would be composed of both international and Kosovar judges.

In January 2000 two working groups were established, one to draft a regulation on the creation of the proposed tribunal (renamed the Kosovo War and Ethnic Crimes Court, or KWECC), and the other to address operational and financial issues (premises, security, protection of witnesses and victims, logistics and budget). A draft regulation creating the KWECC has been prepared by the UNMIK Legal Advisor's Office and is under consideration for promulgation by Dr. Kouchner. The Assessment Team was unable to obtain a copy of the draft regulation. Such a specialized or extraordinary court will most likely be reviewed by the Joint Advisory Commission (JAC), and will likely require review by UN headquarters in New York as well.

As envisioned, the KWECC would have jurisdiction not only

over Kosovo war crimes committed during the course of the conflict, but also over other human rights violations committed since the end of hostilities. Conceivably, its jurisdiction may be broad and general enough to take in all crimes involving any ethnic element, and will have no termination date.

After consultation with members of the UNMIK Judicial and Legal Affairs Offices, several possible problems with the future KWECC have emerged. The foremost is jurisdiction: if the court is authorized to hear any case involving a crime committed on political, racial, ethnic, or religious grounds, then the KWECC could effectively swallow the entire criminal system. Any crime, however serious, that involves any ethnic minority, could be included in its subject matter jurisdiction. Some UNMIK officials counter this objection by arguing that docket-pressure will force the KWECC to be discretionary, and it will be empowered to develop its own internal criteria for choosing cases. Notwithstanding, the potential for arbitrary docketing is apparent.

Further, the demands on judicial resources will be enormous. UNMIK reportedly plans to details sixty guards to provide security for the KWECC. This number may be necessary, but it seems arbitrary to ensure such good security for the proposed KWECC while leaving all other courts wholly unprotected. This underscores the enormous drain that the KWECC would inflict on the fledgling Kosovar judicial system.

Finally, there are the grim realities of prosecuting ethnic crimes in Kosovo. Those who work closely with crimes, victims, and witnesses in the field agree that such cases will be virtually impossible to try. The reality is that there is simply no way to protect witnesses to ethnic crimes, and most witnesses will not come forward. Few Albanians will testify against fellow Albanians, because of the legitimate fear of death and reprisal by extremists in their own community. Any potential Serbian witnesses will simply leave for Serbia, since remaining to testify will also require exposure to great danger.

It thus remains to be seen how the KWECC will eventually emerge. While moral, political, and social pressures may urge the creation of such a tribunal for Kosovo war crimes prosecutions, as currently conceived the burdens it would place on the UNMIK's resources (financial, personnel, etc.) may prove overwhelming and unacceptable.

### **Development of strong professional institutions**

The judicial system in Kosovo can thrive in the long-term only if it is supported by strong professional institutions

such as a law school, a bar association, a jurists' association, a bar exam, and continuing legal education. Currently, all these institutions are in some disarray, and will require a long-term commitment of resources and expertise.

## **Legal Education**

The University of Prishtine/Prishtina Law Faculty was founded in 1961. In 1991, however, most of the professors of Albanian origin were dismissed from their positions. In response, they and the administrative staff began to establish the parallel structures that became the Albanian University of Prishtine/Prishtina. Thus, the law faculty continued to teach and award diplomas in law. However, the Serbian authorities did not recognize these, and thus the graduates were not allowed to practice law.

The current state of the law faculty is a constraint to the development of the legal system of Kosovo. Because of the harshly repressive environment, the law faculty was not able to modernize and does not currently offer the kind of legal education that would produce first-rate professionals for a democratic, market society. For instance, the Law Faculty's course on European Union law only covers developments through 1989.

However, it is the desire of the law faculty to undertake modernization efforts. In terms of sheer quantity, there have been 600 law students enrolled over the past few years; the law degree is an undergraduate degree. However, many of students apparently do not complete their studies. Therefore, at the moment there is no reliable data on how quickly the law faculty can graduate an adequate number of lawyers for a market economy where commercial lawyers will be needed in addition to criminal justice staff.

At present, there are six departments for regular studies in the law faculty.<sup>vi</sup> These are Political and Legal Studies, Criminal Law, International Law, Civil Law, History and Sociology of Law, and Economics. The post-graduate program has three departments: legal and political, civil and economic, and criminal law. The curriculum needs to be updated and rationalized, and altered to include practical skills courses such as Legal Research and Writing and legal clinics.<sup>vii</sup>

The law faculty has historically acted as a legal publisher. There are two regularly issued publications: "The Law" (issued four times a year) and "The Law Faculty Proceedings" (issued once a year). The law faculty is interested in developing a computer department; if one were created, the law faculty could perhaps tackle the job of compiling laws in a database, creating the Kosovo equivalent of Lexis-Nexis.

Currently, law professors are being paid 200 DM per month by UNMIK. While this may be all that can be afforded under the Kosovo Consolidated Budget, it is not a salary conducive to having full-time, talented faculty in the long run. One of the needs of the faculty is to have professors who have studied abroad and speak other languages, but enticing them to return to Kosovo and teach at those salary levels will be difficult.

The OSCE has a Legal Education Support Section (LESS) which is tasked with coordinating assistance to the faculty. The LESS plans to design a Comprehensive Multilateral Assistance Program for the Law Faculty, the ultimate end of which is to improve the material and teaching conditions of the law faculty. USAID grantee ABA/CEELI plans to support the law faculty by providing instructors in various subjects (the first of which will be legal research and writing), providing materials to the law library and providing assistance with refurbishing the building, specifically for repairing the drainage system.

The OSCE plans to draw in and coordinate donor resources for the law faculty. Thus, in the long run, the need for a strong law faculty should be met. In the short-term, however, relying on the law faculty for all legal education and training needs would be unwise. Night and weekend "refresher" classes may be necessary for the graduates of the parallel university, and in-service training will be necessary for the current judges, prosecutors and police.

A recent OSCE assessment of the law school thoroughly assesses the curriculum and makes recommendations for enhancing it. The OSCE recommends that foreign visiting professors be placed in the faculty to address such topics as public international law, European Union law, etc. In addition to this, it might be advisable to have international lawyers working for UNMIK and other projects teach at the faculty as well, as lawyers who are currently drafting Kosovo's new bankruptcy, banking, media, elections and other laws should be in the best position to explain them to the future professionals who will bring them to life. It would be highly advisable if donor projects provide the resources to allow this under their various projects. Of course, on the JAC are many professors from the law school, which is one channel through which knowledge of the new legal framework may be transmitted. However, for a small investment donors could ensure that the resources they are already bringing to Kosovo have the highest return by having their legal drafting activities tied into the educational system.

Since most of the visiting faculty that OSCE and other donors hope to bring to the law faculty do not speak Albanian, there will be a need for interpreters. The OSCE



recommends that to the extent possible, the law faculty be assisted with teaching foreign languages.

Another consideration is that in Kosovo, law graduates were required to serve as interns (praktikants) before sitting the bar exam and becoming accredited attorneys. The courts had a budget for paying these praktikants a stipend. Under the current system established by UNMIK, there is no budget for praktikants. However, the judges very much depended upon them, much as American judges depend on law clerks for legal research and writing. According to our survey of judges, their work is being impaired without praktikants. Just as important, unless the requirement of an internship period is dropped, it will be difficult for the 'lost generation' of lawyers (those who went through the parallel system) to reenter the legal system .

In the long run, the quality and efficiency of the University of Prishtine/Prishtina law faculty will be a key factor in the development of Kosovo's criminal justice system. In general, international aid has focused on the University of Prishtine/Prishtina law faculty and the Judicial Training Institute, rather than on the need for review courses and crash courses for defense lawyers and non-accredited legal professionals who will need to take the bar exam once it is reestablished. In the long run, there appears to be sufficient donor attention to this problem. In the short run, donor efforts to improve the legal system of Kosovo by drafting new laws and developing training curricula could be magnified in impact by offering those resources to the law faculty. Also, the law faculty has the potential to be an excellent base for legal publishing, given additional resources.

### **The Bar Exam**

Upon graduation from the law faculty, current rules require would-be lawyers to serve as interns (praktikants) and then take a bar exam. No bar exam has taken place in Kosovo since 1989, when the local office of the Ministry of Justice was closed. The only option was to go to Belgrade to take the exam, which many ethnic Albanians refused to do. As a result, a large number of persons finished their law studies but never took the exam and, therefore, are not accredited attorneys, even though they have valid diplomas. In addition, diplomas from the parallel university system are not yet formally recognized, although they may be in the near future.

The bar exam needs to be offered to those graduates of the University of Prishtine/Prishtina law faculty who never sat the exam, and to graduates of the parallel system who were

not previously eligible to take it. A review training course will be needed in order to prepare the candidates to successfully sit the exam, as some of them finished their studies long ago. The internship requirement may need to be modified or eliminated, at least for people in these categories.

The Legal Community Support Section (LCSS) of the OSCE plans to re-establish the bar exam, and should be offered support in this endeavor. The LCSS plans to work in coordination with the Judicial Training Section of the OSCE to prepare training for candidates who wish to sit the bar exam and need refresher courses.

### **Bar associations**

A revived bar association is necessary to ensure the long-term promotion of the rule of law in Kosovo. Bar associations can and should have a dynamic role in upholding professional standards and ethics, protecting their members from persecution and improper restrictions, providing legal services and promoting programs to inform the public about their rights and duties under the law and providing legal services to the poor.

In the past, the main function of the Kosovo Bar Association was to register accredited lawyers who had passed the Bar Exam, but the events of the past year have destroyed the ability of the Kosovo Bar Association to carry out even its limited task of registering lawyers. The Bar Association's premises and archives were lost and the legal profession in Kosovo has been reduced in size as a result of first the Albanian and more recently the Serbian diaspora. No assembly of the Bar Association has been convened since the end of the conflict.

There is an urgent need for the establishment of a system of identification of accredited lawyers, since several lawyers lost their documents. The OSCE Legal Community Support Section plans to assist the Bar Association to play this role, and hopefully develop into an institution that can coordinate the bar exam, a disciplinary council, a legal aid program, an internship program and a continuing legal education system. The Kosovo Bar Association could also act to encourage lawyers who have left Kosovo to return.

The OSCE is in the process of finalizing an assessment of the legal community in Kosovo. The assessment will provide background on the bar association and describe its current prospects. The OSCE would like to see the Kosovo bar association take on an expanded role, participating in the drafting of laws and administering programs for young lawyers that facilitate their access to the profession. This is consonant

with the vision that ABA/CEELI has for bar associations in the region, and ABA/CEELI has extensive experience with developing bar associations in these areas, as well as enhancing their ability to provide continuing legal education.

The Legal Community Support Section of the OSCE also plans to support the Jurists's Association, and may support the re-establishment of the Kosovo Law Review, and the reinvigoration of the Jurist's Association's schedule of seminars and workshops.

### **Indigenous NGOs**

In healthy, democratic societies, NGOs play a crucial role in ensuring transparency and accountability. Before the conflict, a number of Kosovar legal and human rights NGOs helped draw local and international attention to abuses by the Serb regime, but the refugee crisis and the conflict have left indigenous Kosovar NGOs extremely weak. Many of Kosovo's most talented activists, former NGO leaders, have taken jobs with international organizations, drawn by the higher salaries such groups can offer. As a result, local groups are not yet able to play an effective role in pushing for an effective and accountable judiciary.

### **Coordination between police, courts, prisons and civil society**

There is currently no effective system for ensuring coordination between police, courts, prisons and civil society. Coordinating institutions are necessary in both the short term and the longer term, and could focus on such areas as law reform, improvements in processes used, better involvement of the public in the court system, closer cooperation between the police and the public, and better public support for a humane corrections system.

### **Other demands on the legal system**

This report has focused primarily on the criminal justice system, since the most urgent security and human rights issues can only be addressed by the creation of a functioning criminal justice system. Obviously, however, criminal justice is only one aspect of a legal system, and in the long run other areas will also require development. Development of a professional civil service to administer Kosovo, media law, property law, contracts, the law of financial instruments and institutions, electoral law and so on are all areas in need of development.

### **Law reform and Legislative drafting**

Kosovo's future status remains uncertain at the moment. Regardless of how this issue is resolved, over the coming years, Kosovo's laws will need to be drastically reformed to bring them into line with the needs of a democratic, market-oriented society operating within the European economic and human rights system. The long-term mechanisms for law reform will obviously depend on the future political status and structure of Kosovo, but during the next few years, there will nonetheless be a tremendous need for international assistance in beginning the process of rethinking the legal framework.

The JAC is tasked with drafting more comprehensive interim laws. It has 25 members, among them judges, former judges, and attorneys, both Kosovar and international. The JAC has created five working groups to address criminal, civil and other matters. The full JAC meets once every two months, and the JAC executive board meet most Fridays to discuss draft laws.

The drafting process has been hampered by lack of resources and lack of clarity about the JAC's role and vetting procedures for new draft laws. The JAC is an advisory body only, not a body of full-time UNMIK employees, and was only recently provided with an office. The JAC still lacks computers, typists, translators and copy machines, although ABA/CEELI plans to provide them from the CEELI budget. The JAC drafting process right now is so ad hoc that few people in UNMIK or the OSCE appear to know what the JAC is working on, as there is no drafting schedule or formalized drafting assignments and no adequate filing system to ensure that all of the versions of the various drafts and the comments that came in are preserved for the record. There is also no mechanism for broader public comment on draft legislation, although the idea of public hearings is under discussion.

The JAC does not draft legislation completely in isolation—they go to various pillars for expertise, so by the time the SRSG sees a draft, it has been vetted within the UN apparatus. For example, the draft real property law was vetted by the EU and by Habitat (a UN housing group). However, this process is informal. After the JAC drafts legislation, it must be approved by the Council of Europe, and then by UNMIK, which likely also requires approval by UN headquarters in New York. As a result, the process of drafting and finalizing interim legislation is achingly slow. As discussed previously, even the urgently needed interim criminal code and criminal procedure code are unlikely to be promulgated any time before Summer 2000.

UNMIK's hesitancy to institutionalize the legislative process too much stems from substantive and procedural considerations. However, the net result of this uncertainty has been to inexcusably delay the development of modernized laws that are appropriate in a market system and compatible with international human rights norms.

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### **Dissemination of legal information**

Kosovo currently lacks an adequate system for disseminating legal information. With no postal system and limited telephone service, communication of any kind is currently difficult in Kosovo. As a result, most judges lack copies even of UNMIK regulations, and there is no coherent plan for distributing copies of the applicable law or other legal materials. In both the short term and longer term, an adequate system for disseminating legal codes and court decisions needs to be devised.

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### **Public education**

The rule of law requires the respect and support of the public. There are many factors involved in building public support for judicial institutions, the most important

of which is an independent judiciary that is fair and impartial in the administration of justice. But it is essential for public support that the average citizen understand what the court system does and how it contributes to civil society. This is particularly important in a society that is unaccustomed to living under the rule of law. Right now, the Kosovar public has little information about the applicable law or the structure of the judiciary, and this is undermining public confidence in the judiciary and in the international community's commitment to ensuring justice in Kosovo.

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### **Conclusion**

A fair, efficient and independent judiciary is critical to upholding the rule of law and creating a strong human rights culture. Kosovo's future as a democratic and tolerant society is dependent to no small degree on the creation of a strong and well-functioning judiciary, but so far, the international community has failed to commit the necessary resources and political will to building Kosovo's judicial system. A rapid infusion of money and expertise is necessary to prevent the Kosovo's fragile judiciary from collapsing altogether.

## V. RECOMMENDATIONS

### A. Immediate-term recommendations:

1. **Applicable law:** UNMIK should immediately clarify the applicable substantive law and clarify the subject matter jurisdiction and the geographical jurisdiction of each court. UNMIK should immediately identify and correct any provisions of the applicable law that are inconsistent with international human rights norms. There is an urgent need for all legal practitioners to receive copies of the applicable law and all relevant regulations.
2. **Training:** UNMIK and OSCE should immediately plan and execute short training sessions to familiarize judges with the applicable law and basic procedures, especially court administration, and at the individual court level.
3. **Case management:** To reduce the backlog of pre-conflict cases, UNMIK should issue a regulation allowing all old cases (pre-UNMIK) in the Courts of Minor Offenses to be dismissed. Similarly, all municipal court cases filed before the UNMIK interim administration began should be dismissed.
4. **Building repairs and courthouse equipment:** UNMIK, drawing on support from the international community, should attempt to repair all court and detention facilities. With international community support, UNMIK should work to quickly distribute a package of essential equipment and supplies to all courts and prosecutors, including security equipment such as safes and metal detectors. UNMIK should work to augment judicial staff to support recently-appointed judges.
5. **Court monitoring and assessment:** The OSCE should immediately begin the comprehensive monitoring and documentation of judicial proceedings. It should at least double its number of monitors and increase public reporting.
6. **Defense counsel:** To increase the availability of defense attorneys for criminal defendants, UNMIK should immediately authorize all persons who have gone through the parallel legal education system to act as defense counsel.

### *Background Information on Immediate Recommendations*

1. **Applicable law:** *UNMIK should clarify the applicable substantive law and clarify the subject matter and geographical jurisdiction of each court. UNMIK should immediately identify and correct any provisions of the applicable law that are*

*inconsistent with international human rights norms. There is an urgent need for all legal practitioners to receive copies of the applicable law and all relevant regulations. Court geographical jurisdictions should be congruent, insofar as possible, with police unit and MNB jurisdiction, to minimize the number of different police divisions with which each court must coordinate. The jurisdiction of the Courts of Minor Offenses should not be in conflict with the jurisdiction of the Municipal Courts. Meanwhile, the Council of Europe should immediately review the draft interim criminal and criminal procedure code and then send it to UNMIK. UNMIK and UNHQ should review it promptly with a view to rapid revision and adoption. Over the longer term, UNMIK should streamline its system for adopting new legislation and reaching critical decisions about the judiciary and the legal framework.*

2. **Training:** *UNMIK and OSCE should immediately execute short training sessions for judges, with an emphasis on applicable law and basic procedures, especially court administration. Preferably, this should occur after clarification of the applicable law and in the field, at the municipal and court of minor offenses levels. Training should be practical and interactive, and should include concrete and practical information about how international human rights standards may impact traditional procedures. Training should also include a component on war crimes and crimes against humanity. Meanwhile, judges in the Courts of Minor Offense should receive basic training in how to conduct investigations and trials, since many of these judges have no previous judicial experience. Training should emphasize the importance of judicial initiative and activist interpretation. Kosovo judges, accustomed to a civil law system under a top-heavy socialist regime, are often reluctant to make critical decisions without specific instructions from higher authorities. Training should encourage responsible but creative decision-making, and should directly confront issues such as ethnic bias and ethnic violence, using specific examples. If at all possible, judges, police, prosecutors and defense attorneys should be trained jointly so they will share a common understanding of the law and their roles.*

Over the long-term, emphasis should be placed on a “train the trainers” approach, but the most urgently required training should be provided in the short term by one or two small teams of international trainers accompanied by expert interpreters. Such a team or teams could travel to each courthouse to conduct on-site trainings with small groups of trainees. In this way, two teams could conduct training sessions for all Kosovar judges in one month.

3. **Case management/court administration issues:** *To reduce the backlog of pre-conflict cases, UNMIK should issue a*

regulation allowing all old cases (pre-UNMIK) in the Courts of Minor Offenses to be dismissed. Similarly, all municipal court cases filed before the UNMIK interim administration began should be dismissed. An exception could be made for serious crimes. A public education campaign should inform parties to dismissed cases that they have up to one year to refile if they wish. Old municipal court criminal cases should be immediately reviewed to see if further action is required. Meanwhile, UNMIK should immediately provide judges with a dinar to deutschmark conversion table, and authorize judges to collect fines and court fees based on the current DM value of fines specified in dinars.

**4. Court Buildings, equipment, furniture, and other materials:** UNMIK, drawing on support from the international community, should attempt to repair all court and detention facilities. With international community support, UNMIK should work to quickly distribute a package of essential equipment and supplies to all courts and prosecutors, including security equipment such as safes and metal detectors. This includes immediately repair leaking roofs, broken windows and doors, and non-functioning toilets, and purchasing generators to ensure emergency light and heat.

Recognizing the importance of providing the courts of Kosovo with the necessary equipment and supplies that will enable the judicial system to start its work quickly, the Assessment Team recommends that a basic package of materials and equipment be provided to each court and prosecutors office in Kosovo by no later than May 2000 to jumpstart judicial proceedings. Such a package would include basic items, including a photocopier, vehicle, metal detector, typewriters, a facsimile machine, computers, and telephones. The impact of an immediate infusion of all the materials and equipment necessary to operate a new court system would be substantial. Simply put, it would allow the newly appointed judges and prosecutors to do their work without the need to scrounge for basic materials.

Meanwhile, UNMIK should work to augment judicial staff to support recently-appointed judges. Currently the Courts cannot operate unless the UNMIK appointed Judges perform the jobs of Legal Assistants, security personnel, drivers, translators, maintenance workers, and couriers. All of these positions are essential in the operation of a Court. Filling these positions is as crucial as the appointment of additional Judges.

**5. Court Monitoring and Assessment:** The OSCE should immediately begin the comprehensive monitoring and documentation of judicial proceedings. It should at least double its number of monitors and increase public reporting. It should keep statistics on case dispositions, monitoring patterns of abuse or discrimination. OSCE trial monitoring

reports should be made public. The OSCE's NGO and media offices should encourage independent trial monitoring.

**6. Defense Counsel:** To increase the availability of defense attorneys for criminal defendants, UNMIK should immediately authorize all persons who have gone through the parallel legal education to act as defense counsel even if they have never taken a bar examination. Such persons should be given a grace period of 18 months in which to take the bar exam. After that period, their authorization to practice should be eliminated if they have not taken and passed the bar exam.

## **B. Short-term recommendations (Within the Next Six Months)**

**1. Salaries:** UNMIK should ensure that the salaries of judicial personnel are adequate and paid on time.

**2. Security:** UNMIK should provide area security for court facilities, and personal security for judges and prosecutors. The provision of security could be as little as the stationing of one international police officer at the entrance of the courts during working hours.

**3. International Occupancy of Court Facilities:** UNMIK, KFOR and other international organizations currently occupying court buildings should immediately vacate the premises and return the buildings to the judicial system. Alternative facilities should be immediately identified.

**4. Coordination with Police:** Each court should have a police coordination committee to facilitate cooperation, and each court should also have an interpreter to permit communication with UN CIVPOL. UNMIK should develop common forms for police and courts to use during investigations.

**5. Confinement:** UNMIK should, as an urgent priority, develop adequate pre-trial detention facilities. Refurbishment of prisons and jails should be an urgent priority, and adequate facilities need to be provided for women, minors, and the mentally disabled. International organizations should not use prison and detention facilities for other purposes. Rules about visitation rights of detainees should be clarified in a manner consistent with international human rights norms.

## **C. Long-term recommendations: (six months to one year implementation)**

**1. Law Reform and Legislative Drafting:** A long-term law reform process should be initiated and fostered. The SRSG

needs to implement his legislative authority in a more timely manner and should streamline the JAC.

Judicial reform should be undertaken with a view to modernizing and streamlining the system. In particular, it may be advisable to allow Judges to sit on both civil and criminal panels. Similarly, the role of the Investigative Judge should be reconsidered: it may be more efficient to place investigations entirely in the hands of police and prosecutors. Such a modification would increase the number of judges available for hearings and trials. It may also be worth considering the adoption of certain elements of the adversary system. The abolition of lay judges and their replacement by a jury system may be advisable.

UNMIK should consider adopting a probation and bail system.

**2. Judicial Independence:** A joint Kosovar and international committee on the independence of the judiciary should be established by the SRSG. This committee should make recommendations about protecting the judiciary from corruption and political influence, taking into account such issues as security, salaries, the relative power of court presidents to assign cases, etc. A random case assignment method should be devised. UNMIK Ministry of Justice should act promptly upon timely reports of judicial impropriety.

**3. Clemency and Judicial Oversight/Kosovo War and Ethnic Crimes Court:** The jurisdiction of the proposed war and ethnic crimes court should be narrowly defined so as not to interfere with the functioning of the primary judicial system or divert resources the primary system. If such a court is created, it should have a phase-out date.

*UNMIK should consider the creation of a Clemency and Judicial Oversight Board, to serve as a “watchdog” over the judiciary to guard against ethnic bias. The Board would have the power to review any judgment or sentence imposed by the courts of Kosovo after all appeals or court reviews have been exhausted. Review would be discretionary and would be utilized in instances in which it is proven to the Board that the judgment or sentence is the result of ethnic bias. If such bias is found, the Board would have the power to recommend to the Executive an appropriate remedy, such as a reduction in the sentence or full clemency. The Board would also have the power to review the actions of judges of the courts of Kosovo and have the power to recommend to the Executive appropriate discipline in cases where the judge has committed ethnic bias in the handling a particular matter. Discipline could include a public reprimand, suspension, or removal from office. The board would consist*

of two internationals and one Kosovar and it would have a small staff whose function would be similar to a prosecutor. The Board would be advisory in all respects; the SRSG would make all final decisions. The board should develop its procedures with appropriate regard for due process and public input into its work.

For a relatively minor cost, the Board could serve as an appropriate “watchdog” over the judiciary to guard against ethnic bias. Just the presence of a Board with oversight power may prove to be a powerful incentive to ensure fairness in judicial decision-making.

**4. Court Revenues:** UNMIK should establish a committee to periodically review fines and court fees and set appropriate amounts. *A percentage of revenues from fines and filing fees should remain with each court to be used for court purposes (equipment purchases, etc).*

**5. Investigative and Forensic Support:** *UNMIK should pay fees of forensics and ballistics experts as required in criminal cases. Money must be made available for Prosecutors to employ forensic experts to assist in developing criminal cases. In many cases these experts are available and anxious to become part of the criminal justice system, but no funds have been allocated for this needed service. The Pristine/Pristina Medical Institute should be looked to for providing forensic pathological assistance.*

**6. Security:** *A Kosovo marshal service should be developed to escort detainees and witnesses and provide courtroom security. All Court buildings must be afforded twenty four hour protection. If necessary, judges should receive bodyguards, and a witness protection scheme should be devised.*

**7. Dissemination of Information:** *Laws and judicial decisions must be published and widely available to the public. UNMIK should periodically publish and distribute multiple copies of all applicable laws and regulations to courts, municipal offices, and libraries. Funding and plans for dissemination of information should be built into every activity related to the legal system. UNMIK should develop a basic library for each courthouse, containing applicable laws, European Court of Human Rights case law, secondary sources, etc. Such court collections should be available for consultation by members of the public.*

Each judge and prosecutor should have, at a minimum, all of the applicable codes of civil and criminal law and the procedure codes. Court libraries should each contain all of the international conventions that are important for each legal professional in Kosovo to understand. A library in each court building should contain shared materials. A budget must be

established for each court to build a library. Court libraries should be open to the public.

**8. Public Outreach:** The obligation to inform the public and to develop support for the rule of law extends to the need for public outreach. *UNMIK should launch an extensive public education campaign to make the public aware of how the judicial system works.* Judges should be actively involved in this campaign, visiting schools, etc. Bulletin boards are a quick way to publish decisions, but local news media must also have access to hearings and to the results of hearings. Judges, prosecutors, and staff should be encouraged to visit schools, community organizations and clubs to explain their jobs and to explain how important an effective and fair court system is to society. The public should be invited to tour court facilities and to watch the legal process. Indigenous and international NGOs should be encouraged to monitor and comment on the judicial system, and help devise training and assistance programs.

**9. The Bar Association and Jurists' Association:** *The international community should respond to requests from OSCE to support the Bar and Jurists Associations of Kosovo through its legal programs.* Donors should avoid working to establish new associations of lawyers when existing associations need substantial help to fulfill their functions. The bar association's capacity to conduct its basic function of registering lawyers needs to be restored. Activities to develop the Bar Association should be undertaken in parallel with the provision of continuing legal education and internships, with participation of current Bar Association members so that the Bar Association can eventually take ownership of such activities in the future.

Continuing legal education, internships, and perhaps the administration of a bar exam are vital functions that must not be left unattended while the Kosovo Bar Association is re-established and gets organized.

Information on changes in the laws and legal system should be disseminated in part through the Jurists' Association. The Jurists' Association may also be a good venue for "crash courses" since its members are experienced in organizing seminars and are represented outside of Prishtine/Prishtina.

**10. The Defense Bar:** *OSCE, UNMIK, and others providing training and legal assistance should offer the defense bar the same training as judges, prosecutors and police.* Such training could eventually be taken over by the Bar Association of Kosovo. Interns (praktikants) should be placed with private

defense lawyers as well as in courts. NGOs which organize to provide legal counsel to defendants in criminal cases should be encouraged and supported.

**11. Vulnerable Populations:** *Juvenile criminal law should be reformed.* Adequate counselling services and detention facilities for juveniles should be designed. UNMIK should continue to make every effort to employ judges and other court personnel who reflect Kosovo's diverse population. Particular efforts should be made to hire and retain women and ethnic minorities.

**12. Legal Education and Training:** *The international community should support the development of the Prishtine/Prishtina Law School.* The school should focus both on training future lawyers and providing continuing and remedial education to the generation of lawyers affected by the post 1989 repression. The university should have training programs in forensics, ballistics, and other relevant criminal justice skills.

*UNMIK should develop a system to allow interns to assist in courts.* This would provide valuable support to the Judges, and open the system to many who have been excluded. Any system of internships should be opened to graduates of both the University of Prishtine/Prishtina and the parallel law faculty. It should provide stipends to the interns and it should be linked to training being offered to other groups so that the interns could receive both on the job and formal training. Such a program should be coordinated with the Bar Association, so that the Bar Association could some day run it.

**13. Court Administration:** *Staff must be trained to make use of technological innovations in court docketing and case management.* Courts should adopt an automated case management system, and court staff should be trained to use the system. Case management software will enable a quick recall of any case on the computer screen with all necessary docket information about the case, allowing judges to quickly review the status of any case and all developments during the duration of the matter. In the long-run, such a system will likely be less expensive than the process of the continual purchase of large register books that are not convenient for reviewing information. Such a system will be especially useful for high-volume courts such the Minor Offenses courts which must keep track of an enormous amount of material. The same system should be standardized throughout all of the courts of Kosovo to streamline the reporting of cases. Computerized record-keeping will help ensure proper oversight of the work of the judiciary.

## ENDNOTES

- i Initial Emergency Judicial System appointments were for ninety days. They were apportioned as follows: 17 July 1999 - Prizren District Court (seven criminal law judges, three prosecutors); 24 July 1999 -- Prishtine/Prishtina District Court (six criminal law judges and two civil law judges), and Prishtine/Prishtina Municipal Court (3 civil law judges); 31 August 1999 -- Mitrovica District Court (seven criminal law judges, two prosecutors); 7 September 1999 -- Peja/Pec District Court (eight criminal law judges, three prosecutors)
- ii Previous judicial decisions and effects since 10 June 1999 were to remain valid, in order to approve what had gone before, and to prevent appellate issues. Finally, the regulation abolished capital punishment.
- iii The TAC report does not propose ways to resolve all jurisdictional uncertainty, however. It states that Municipal Courts should have competence in criminal offenses for which only a fine is prescribed by law as the main penalty. However, the TAC report further states that the jurisdiction of the Courts of Minor Offenses shall be provided by law. The failure to distinguish between those offenses that belong in Municipal Court and those that belong in the Court of Minor Offenses may lead to confusion among law enforcement.
- iv The recent OSCE assessment of court staffing often failed to note this distinction, mistaking volunteers who had formerly been employed by the courts for regular hires receiving salaries from UNMIK. Thus, court staffing needs in many areas are greater than the OSCE report suggests.
- v A post-graduate degree is also offered. However, there have been only 25 graduates of this program in the 1990's.
- vi ABA CEELI hopes to encourage this process.



## APPENDIX A

### *Detailed description of the current situation in each court*

*(This appendix was written by consulting judges John Tunheim and John Campbell)*

*The information on the current status and needs of the court of Kosovo was gathered from interviews with the Presidents and Chief Prosecutors in nearly all of the courts from February 7 - 18, 2000. Additional material was obtained from the recently-completed OSCE Survey on Courts in Kosovo.*

### **1. HIGH COURTS OF KOSOVO**

#### **A. Kosovo Supreme Court**

The President and five judges of the Kosovo Supreme Court have been appointed, but the members of the Court are currently located in a small annex in the Prishtina/Prishtine District Court building. The Supreme Court's building is currently occupied by the UN Civil Administration Judicial Affairs Department and UNMIK Police. The Court is using six small offices and has no meeting room. Co-location with the District Court is a security problem for Kosovo's highest court due to the traffic generated in the building. Two courtrooms/hearing rooms are necessary. If historical patterns are accurate, the President believes that a full complement of 25 judges will be necessary once all five district courts are fully functional. The Court historically has worked in panels, so the President believes that ten judges are necessary for criminal matters, five for civil, three for administrative and minor offenses appeals, three for commercial and three to follow court decisions and procedure throughout Kosovo and make recommendations for the court system. No ethnic minorities have been appointed to the Supreme Court and all judges are Kosovar Albanian. The President believes that at least twenty percent of the judges should be ethnic minorities.

Very few resources are currently available to the Court with access to only one computer and no telephones, few furnishings, and no vehicle. Although several former staff are working, the Court clearly has not been provided with sufficient staff to conduct its work; the President believes twenty staff are necessary. There is no security provided for the Court at this time, an obvious problem. All previous case files are missing and it is believed they were removed to Yugoslavia. No library resources exist except for the judges' inadequate and outdated personal collections. Fourteen judgments are pending before the Court with most coming from the District Court in Prizren, but no actions have been taken to review the cases. The Supreme Court primarily has appellate jurisdiction, but can exercise original jurisdiction on

extraordinary writs, which can be lodged by citizens in a type of collateral challenge to judgments. No such writs have as yet been filed. The Supreme Court will need more legal assistants than the typical court unit, because of the important role that legal assistants play in drafting appellate opinions. It is an excellent venue for trainees due to the Court's role in all important legal matters in Kosovo. Although the Court does not at this time have general administrative jurisdiction over the court system, it does play a general role in advising lower courts so some travel to the regional centers is necessary to coordinate the legal system.

#### **B. Kosovo High Court for Minor Offenses**

The High Court for Minor Offenses plays an important role in harmonizing the work of 22 or 23 local courts of minor offenses, courts with broad jurisdiction over the many minor and petty offenses that can quickly clog a judicial system if not efficiently handled. The minor offenses courts are also the judicial forums most visible to the average citizen because most minor traffic offenses will be handled in these busy courts. Four judges have been appointed to the High Court, a number which is sufficient for now. The President anticipated a workload of 4000 cases per month. Each judge will have to carry an anticipated workload of about 100 cases per month. There were 7 judges on this court in the pre-war period. The biggest obstacle for the High Court of Minor Offenses is that it has not yet been given office space. Its former location has been occupied by UNICEF, UNDP and Habitat for the past two years and a decision on its release needs to be made soon. If the release is forthcoming, the space is sufficient for this court.

The High Court for Minor Offenses should be involved as soon as possible in providing advice to the lower minor offenses courts, perhaps through early seminars and meetings. Ten staff members are needed and some former staff are already assisting the Court despite its lack of office facilities. The Court has apparently not yet had access to its former facilities to search for old files and equipment that might be useable. It would be important also for this High Court to have ethnic minority representation among its judges. No cases are pending as yet, as the minor offenses court system is just beginning to organize following the appointment of judges.

#### **C. Kosovo Prosecutor**

The Kosovo Prosecutor currently has temporary offices in the Prishtine/Prishtina District Court so it is critical that office space be identified. The office works closely with the Kosovo Supreme Court so it should be located in the same building. Five prosecutors have been appointed and the office needs

one additional prosecutor for civil matters. The Kosovo Prosecutor handles criminal cases before the Supreme Court and it also gives opinions on civil and commercial matters to the Court. The office also has the responsibility of responding when there are requests for extraordinary writs and can issue a request to put an issue raised in a writ before the Supreme Court.

The Office plays a role in providing advice and instructions to lower level officials and prosecutors and thus needs a functioning telephone and a vehicle. The office could make very good use of computers in tracking the many cases and issues it follows; currently it has access to one computer. Three support staff have begun working; no additional staff needs were identified. Currently there are 20 or so cases pending before the Supreme Court that the Kosovo Prosecutor is handling.

#### **D. Commercial Court**

The Commercial Court envisions playing a major role in the regulation of the Kosovo economy although the prior experience of its judges in a state-run economy makes it likely that this Court will transition into a different role as the market economy develops. Certainly the Court will play a strategic role in providing the legal assurance necessary for commercial entities to develop and expand. Eight judges have been appointed to this Court; there were 16 judges in 1989. There are jurisdictional issues unique to this Court that must be resolved such as whether the Court will handle the registration of all commercial entities in Kosovo. Such registration authority is helpful for streamlining the investigation of entities charged with a crime, but also adds an administrative function perhaps better administered by a civil administrative department. A functioning banking system would be more helpful for the Court's investigatory role. There has been discussion of whether two commercial courts should be appointed with one court in a different location. There also needs to be a priority given to the drafting of a new law on commercial entities; the former law is hopelessly outdated. In particular, there is a need to define basic bankruptcy laws and procedures.

The Commercial Court, along with the High Court for Minor Offenses and the Prishtine/Prishtina Court for Minor Offenses were located in the building that is currently occupied by UNICEF, UNDP and Habitat. The office location needs to be identified as soon as possible, preferably with release of the former court building. The space in that building is sufficient for the courts that would return to their former offices. There is no equipment available yet for the Commercial Court and no staff have yet been hired. The President believes that if the Court retains all its former

functions, forty administrative workers are necessary. There are many files kept in the former building; no decision has been made on whether to activate the old files or dismiss the matters.

Because of the change in the nature of commercial entities resulting from the transition to a market economy, the jurisdictional and legal issues that need to be resolved for the Commercial Court are among the most pressing in the Kosovo judicial system

## **2. PRISHTINE/PRISHTINA DISTRICT**

### **A. Prishtine/Prishtina District Court and Prosecutor**

The President and ten judges have been appointed to the Prishtine/Prishtina District Court which is likely to become one of the busiest courts in Kosovo. It is estimated that over 600,000 people live in the area which comprises the Prishtine/Prishtina District. Like all district courts, it has original jurisdiction in serious crimes and civil matters in which significant amounts of money is in dispute, and it has appellate jurisdiction for appeals from the municipal courts. In 1989, there were 23 judges of this court and the court found it difficult to keep up with the workload. But since the jurisdiction of the district courts is as yet unclear, it is difficult to predict the number of judges necessary. Of the eleven judges appointed, only four have criminal case experience. The President has designated four of the remaining judges to handle criminal matters, but they have experience only in civil cases and are reluctant to undertake the criminal assignment. This problem underscores the need for all judges to be trained in both criminal and civil law. The District Court has the advantage of a largely functional courthouse in which to operate. It will be sufficient, but only if the other courts now temporarily located in the building are relocated, as they should be. Five courtrooms are necessary for this Court. 23 staff members have been hired and are working for the Court. Eight lay judges are now employed.

The Prishtine/Prishtina District Court is already the busiest in Kosovo with approximately 150 cases pending at the investigative stage. There are some criminal and civil case files from the pre-war period, but many are likely to be moot or outdated and defendants are no longer in Kosovo. There is a developing acute problem of not having sufficient experts for criminal cases. The investigating judge needs experts, particularly in forensic matters. Since such experts have not been paid in the past, they are not likely to assist when asked. The President was very concerned about safety issues and the absence of a police system that can provide personal security

to judges and building security for the court. No security exists at this time. The Court would like twelve different registers for the Court which underscores the need to develop as quickly as possible an automated court docketing system. A functioning library, vehicles, secure archive, and working telephone system are urgently needed.

Six prosecutors have been appointed and the Chief Prosecutor believes two more are necessary. Eight staff are working and four more are needed along with equipment and supplies.

### **B. Prishtine/Prishtina Municipal Court**

Twenty municipal court judges have been appointed in Prishtine/Prishtina; 16 have taken the oath. Since the jurisdiction of the municipal court in Kosovo has not yet been decided, it is difficult to predict the needs of the court but the President believes that fifty judges will be needed. There were 40 judges during the pre-war period. There is no office available for the Court at this time since the UNMIK Office of Legal Affairs is occupying the Municipal Court building at this time. There is a critical need for office space to be identified soon as the court be located somewhere so it can begin its work. The municipal courts play a very important role in the criminal justice system and without a functioning municipal court in Prishtine/Prishtina, the legal system will be seriously undermined. The Municipal Court building would be adequate for the Court's needs, is in good condition, and is recognized by the citizens as the municipal court. Because of the potential volume of work generated in Prishtine/Prishtina, this court needs a particularly large component of support staff, although the pre-war complement of 207 seems unduly large. A staff of 60 seems more supportable. The need for security and court vehicles is significant for a busy municipality like Prishtine/Prishtina.

Old civil cases from the court are bundled in sacks and stored at the courthouse. The President believes that all criminal cases were removed. There is a proposal to divide the Prishtine/Prishtina Municipal Court into three different territories. Particularly if the jurisdiction is determined broadly, such a division is a good idea. Although population estimates vary widely, clearly there are many more people living in Prishtine/Prishtina than before the war.

### **C. Prishtine/Prishtina Municipal Prosecutor**

The Municipal Prosecutors Office in Prishtine/Prishtina does not have office space. The office was formerly located in the building occupied by the UN Civil Administration Judicial Affairs Department and UNMIK Police. Six prosecutors

have been appointed who will handle prosecution services for all the municipal courts in the Prishtine/Prishtina District. The Chief Prosecutor believes two more are necessary along with twenty support staff. Vehicles are a real necessity considering the wide area covered by the prosecutor's office. It would clearly be advisable to locate prosecutors with each of the municipal courts in the District to better coordinate services with the municipal court judges.

### **D. Prishtine/Prishtina Court of Minor Offenses**

Six judges have been appointed to the Prishtine/Prishtina Minor Offenses Court, which included 17 judges in the pre-war period. The Court was previously housed in the building which is now occupied by UNICEF, UNDP and Habitat. It includes sufficient space for the anticipated needs of this Court. Before 1997, the Minor Offenses Court was located in a privately owned building in Dardanja, Prishtine/Prishtina, a location that was so inadequate that judges worked in shifts. This Court is anxious to begin work because of the significant impact the Court can have on minor criminal activity that will continue to be more of a problem in the absence of a legal system. Without facilities, no staff has been hired. A staff of about sixty is eventually anticipated.

Security must be addressed for the Minor Offenses Court primarily because of the very significant contact with citizens the court will have once petty offenses are adjudicated. Prishtine/Prishtina's large population will make this a very busy court. Typists and recent law graduates to work with each judge are among the top priorities for staffing this Court. The most pressing issue is the location of court facilities.

### **E. Podujeva/Podujevo Municipal Court**

Five judges have been appointed to this newly-restored municipal court. Previously, the Podujeva/Podujevo Municipal Court was closed in 1989 and the area was attached to the jurisdiction of Prokuplje District Court in Serbia. All equipment, files and material in the municipal court building has been removed and the interior of the building has been largely stripped. KFOR has begun repairing the heating system, but the building is in extremely poor condition. Virtually all fixtures and material needs of a court must be supplied to the Podujeva/Podujevo Municipal Court. The space in the courthouse is clearly sufficient, assuming the building can be restored. One additional judge will likely be necessary and it would be very helpful to the Court if a Serbian minority judge could be appointed who was willing to serve. The President anticipates the need for 26 staff members.

There are likely no pending old cases since the court has not been operational for ten years. The most pressing priority, besides the building situation, is the need for adequate detention facilities in or near Podujeva/Podujevo. Security is an important priority for the building and for the judges since the Serbian border is a scant seven kilometers from Podujeva/Podujevo. The court will look forward to a transition to local police who can better understand the local citizens and be more effective in preventing crime. There were no local protests when the judicial appointments were announced which the President indicated was a very good sign that the citizens are anxious for a functioning independent judiciary. Two prosecutors in Prishtine/Prishtina are currently handling the needs of this Court. No cases are as yet pending, largely because of the facilities problem.

#### **F. Podujeva/Podujevo Court of Minor Offenses**

Six judges have been appointed to the Podujeva/Podujevo Court of Minor Offenses and more may be needed in the future. Some former staff have been coming to work, although none have been hired yet. The building housing the Court has been used for court and for civil administration services. Although the building is damaged, work is progressing under the direction of KFOR. The President identified 22 staff positions that should be filled, although no staff have yet been employed. No additional space needs were identified.

The Court is anticipating significant problems in working with the local police and is anxious to resolve police and building issues with UNMIK and with KFOR. The President expressed a great interest in development of a system by which the Minor Offenses Court could partially self-finance the work of the Court through retaining a percentage of the money generated by small fines.

#### **G. Lipjan/Lipljan Municipal Court**

Four judges have been appointed to the Lipjan/Lipljan Municipal Court. The President believes that three more judges are required. No staff has yet been hired, but seven former staff members have been coming to work every day. The President believes 30 staff will eventually be necessary. The judges are ready to start investigations and trials once equipment is made available to them. The Court shares a building with the Lipjan/Lipljan Minor Offenses Court and some of the space is of necessity shared. To fully staff both courts, it would be helpful to construct an annex to the building so that both courts can have sufficient separate space. Two prosecutors from the Prishtine/Prishtina Municipal Prosecutor's Office have been appointed to handle prosecution services for the Court.

The Municipal Court has roughly 2000 civil and criminal cases pending from the pre-war period. These files have not yet been examined. Although the building is in good shape and some furniture is available, there is no library and no security. The President believes that the judges are in need of "refreshment" of their judging skills, at both the investigative and the trial state of the process. Particularly, the judges who will handle criminal matters need to have knowledge of organized crime and drug trafficking crimes. Detention facilities are not available at the courthouse; detained defendants would need to be kept in the judges' offices during recesses in trial, an obviously untenable situation. The President suggested that small detention facilities be added in each municipality where there are municipal court facilities in Kosovo. Space of 3-5 cells would be sufficient. Such facilities could also be used for individuals serving short jail sentences. Prisons are too busy for this type of detention.

The President spoke of the need to begin the courts as quickly as possible. Judges' credibility is being undermined as people think that the judges are just "resting" instead of working. People are not generally aware of the material and equipment needs of the courts.

#### **H. Lipjan/Lipljan Court of Minor Offenses**

The Lipjan/Lipljan Minor Offenses Court has three judges and has an eventual need for two additional judges. It is housed with the Municipal Court on the second floor. A number of former staff members have been volunteering to assist with the beginning of the work of the court, but no staff have yet been hired. The President requested a staff of twelve. There are some old files at the courthouse, but many are missing. No catalogue of old files has been attempted.

#### **I. Kacanik Court of Minor Offenses**

No judges have been appointed to this court which covers a jurisdiction of 40 villages including about 50,000 inhabitants. No applications were submitted. Prior to the war, there were three judges on this court. It was located in a courthouse now occupied by the UNMIK Municipal Administrator. When the Court is re-established, location of office space will be a primary priority.

#### **J. Ferizaj/Urosevac Municipal Court**

Seven judges have been appointed and work has begun in the Ferizaj/Urosevac Municipal Court. The President of the Court requests four additional judges. Four municipalities are covered by the Court, about 220,000 inhabitants and 29 cases, all in the investigative phase,

have been divided among the seven judges. At least one detention hearing had already been held at nearby Camp Bondsteel, the United States facility where there are detention facilities.

The former court building is fully available to the Municipal Court and the judges have reoccupied the facility. Unless the jurisdiction of the Court is expanded significantly, the facility will be sufficient size for the Court. The computers in the facility are very old. The President cited an urgent need for revisions in the applicable law. The court will follow pre-1989 Kosovar law, but the law is missing basic provisions that must be taken from Serbian criminal law. He stressed the need for new laws that are unique to Kosovo, rather than copied from other jurisdictions. Staff are present in the building, but none have been hired yet. The Court is very concerned about having the discretion to hire trainees in order to help train the next generation of Kosovo judges. The Court will prioritize its cases to handle the oldest, most serious cases pending on the court's docket. The police station is occupied by KFOR and as a result, the Court has no facility for detaining defendants awaiting trial. Coordination is necessary.

#### **K. Ferizaj/Urosevac Municipal Prosecutor**

One prosecutor has been appointed. Three more prosecutors and an administrative staff of nine are necessary. The Prosecutor is located in the same building as the Municipal Court and space is sufficient. The Prosecutor indicated there was a definite lack of police services for the judicial system. He indicated that he feared prosecutors would have to do the work normally done by police. Seven cases have been sent to the Prosecutor from the District Court in Prishtine/Prishtina. All are under investigation with the defendants in pretrial detention.

#### **L. Ferizaj/Urosevac Court of Minor Offenses**

Three judges are appointed with an estimated four more judges necessary for the Ferizaj/Urosevac Court of Minor Offenses. Before 1989, nine judges were on this Court which received approximately 20,000 cases per year. If the workload is similar, the Court would desperately need the additional appointments. No staff has been hired. There are no new cases pending yet in the Court, although there are old files and the Court needs direction on how to handle the old cases. For the minor offenses courts, it seems obvious that the old cases, which are not serious crimes, should simply be closed out. The President was very concerned about some applicable law issues. In particular, he was concerned that there needs to be a codification soon of the law for peace and public order. There are provisions of the old law that need to be removed and not applied.

The building which houses the Court of Minor Offenses is in poor shape. There are difficulties in dealing with UNMIK in the provision of adequate office space, although the problems of office space allocation are only temporary. The building needs significant work.

### **3. GJILANE/GNJILANE DISTRICT**

#### **A. Gjilane/Gnjilane District Court**

Seven judges have been appointed and 19 lay judges have also been sworn into office. Court proceedings in the Gjilane/Gnjilane District Court have definitely begun with 25 fully-investigated cases sent to the Court from Prishtine/Prishtina District Court. A number of hearings have been held in these cases and the first case was scheduled for trial on February 17. The first defendant selected for trial, a Kosovar Albanian held at the Bondsteel detention facility, was clearly not a priority for U.S. KFOR officials, but at least it is a start. There are some defendants that have been in pre-trial detention at Bondsteel since June, 1999, so there is an urgent need to begin the trials of all of these defendants. The security and transportation needs of the Gjilane/Gnjilane District Court are made clear by the fact that the President of the Court has on occasion transported defendants to Camp Bondsteel in his personal vehicle.

The President believes that at least ten judges are necessary for Gjilane/Gnjilane; at least 3 or 4 judges should be available for the second instance court, which is the district court acting in its appellate jurisdiction. Only one prosecutor has been appointed for the District Court, a problem for moving the cases along quickly. Civil judges are dealing with criminal matters, although the Court does not prefer such assignments. There are no judges of minority descent on the District Court, although two have been appointed, but are not yet serving, in the Municipal Court in Kamenica/Kos. Kamenica.

The District Court building is in good condition, but it cannot provide sufficient space for the District Court, the Municipal Court and the Minor Offenses Court. Previously, the Minor Offenses Court was in a different location. There is sufficient space for the District and Municipal Courts, although the Municipal Court could use additional courtrooms. The central heating system is not working and judges have brought personal heaters from home. Very little equipment such as telephones, secure filing cabinets, computers or typewriters has been made available to the Court. Only two typists have been hired by the Court. Additional staff is obviously necessary.

There are a significant number of ethnic minorities in the District, particularly Kosovar Serbs. A majority of the indicted defendants held at Bondsteel are Kosovar Serbs. The Court does not yet have an interpreter, in part because of the low salaries being offered. This is an urgent need. The jail/detention facility is near, but there is a real need for security measures for the judges and the courthouse. A law library is necessary as the former library has been looted. The judges feel that training is especially important on investigative procedures and on the subject of conducting trials.

The President spoke eloquently about the need for salaries that are sufficient. A number of the new judges have not been working recently and some will have to consider resigning as judges if they cannot support their families.

#### **B. Gjilane/Gnjilane District Prosecutor**

The single prosecutor appointed for this District Court is on 24-hour call to go to crime scenes, a fact which is obviously unacceptable. It is urgent that at least two more prosecutors be appointed as soon as possible. It is possible to "borrow" a municipal prosecutor, but the appointments should be made. Two clerks have been hired. The Prosecutor indicated that there were at present 110 criminal cases in the investigation phase that had not yet been indicted. No space needs were indicated.

#### **C. Gjilane/Gnjilane Municipal Court**

Three judges have been appointed to the Municipal Court in Gjilane/Gnjilane. The Court believes that eleven judges are necessary, the number of judges in the court in 1989. Six staff have been working; none have been officially employed. Over 1000 old cases are pending, mostly civil cases; they have been marked according to year and many are in the Serbian language and must be translated. The President currently plans to handle these cases unless there are contrary instructions given to him. He urged that the jurisdictional dispute over which criminal cases are to be handled by the Municipal Court be resolved quickly.

Although the courthouse is sufficient if the Minor Offenses Court is located elsewhere, the Municipal Court does need two or three courtrooms or hearing rooms. The Court does not have its own hearing rooms at this time. Furniture is available for one courtroom. Security in the courthouse is very much needed, including metal detectors at the entrance.

The Municipal Court in Gjilane/Gnjilane is currently handling juvenile criminal matters for the other municipal courts in the District at Kamenica/Kos. Kamenica and

Viti/Vitina. Juveniles are routinely being held in detention with adults, but that is all that is available right now. This underscores the extreme need for separate juvenile detention facilities in Kosovo.

#### **D. Gjilane/Gnjilane Municipal Prosecutor**

Three prosecutors have been sworn, including one ethnic Turk who is the Chief Prosecutor. One ethnic Serb has been appointed but not sworn. The individual, Slavica Popovic, has turned down the appointment according to the Chief Prosecutor. The prosecutors have access to five unfurnished offices in the District courthouse. Two more municipal prosecutors are needed and ten support staff should be hired. No additional space needs were discussed. Vehicles are necessary and a translator is needed, especially for the work to be done at Camp Bondsteel.

#### **E. Gjilane/Gnjilane Court of Minor Offenses**

Seven judges have been sworn; one who was appointed has been transferred to another district. The court will need one or two additional judges. This Court has a very critical need for space as the Court is using a small area normally occupied by the Municipal Court. Judges are sharing offices. Only two staff have been working, but none have been officially hired yet. There are ten offices available on one floor of the neighboring police station and the President proposed opening that floor to the Minor Offenses Court. The space needs of the Court would be satisfied by such an arrangement. At present, there are apparently political parties in the building, as well as UNMIK Police and KFOR. This Court has nothing and is not yet operational.

#### **F. Kamenica/Kos. Kamenica Municipal Court**

Six judges were sworn into office in January 2000, but one who is a Kosovar Serb, Vlastimir Dmic, has stopped coming into the courthouse both for reasons of personal security and because he does not wish to apply any laws other than the laws in effect in Kosovo before the war. It was clear that there are some animosities between Mr. Dmic and his colleagues. Six judges are necessary for this Court which serves an area of 60,000 people. No staff has been hired. The judges identified other Kosovar Serbs who could be considered for appointment to the Court.

The Kamenica/Kos. Kamenica courts face a difficult facilities question. The building which has housed both the Municipal Court and the Court of Minor Offenses is occupied by Russian KFOR troops and is not likely to be released soon. The judges have had no access to the building so they have been unable to check on whether there are any

old files that might be still pending. The President believes that Kosovar Serb judges have been granted access to the facility by the Russian KFOR troops. Construction began on a new court facility in the late 1980s, but the construction was soon suspended and the building is not in any condition to be finished for the court's use, despite the fact that the judges feel that it could be completed. Temporary space is thus urgently needed, but none has been identified.

#### **G. Kamenica/Kos. Kamenica Court of Minor Offenses**

Five judges have been appointed to this Court, all are Kosovar Albanians. One additional judge is needed. According to the President, 12,000 cases were handled in this court during its last full year of operation. This Court is not yet operational and has hired no staff. It faces the same difficult facilities question as the Kamenica/Kos. Kamenica Municipal Court.

#### **H. Viti/Vitina Municipal Court**

Four judges have been appointed to the Viti/Vitina Municipal Court, but have not conducted any business. In fact, there is a rival set of judges that have allegedly been appointed by a union of all the local political parties. A letter was presented in Viti/Vitina that announced that the manner of the UNMIK appointments was unacceptable because the political parties were not consulted. The UNMIK-appointed judges have sought the assistance of UNMIK in resolving the potential problem of the dual justice systems. The best way to combat this challenge to the authority of the judicial system is to find suitable facilities for the judges of the Municipal Court as soon as possible. The judges do not feel threatened in any way by this challenge to their authority, at least not yet.

The two-story building which previously housed the Court is currently occupied by U.S. KFOR and access has been denied, even for inspection purposes. If the building is not to be released soon, alternative facilities must be identified as soon as possible in Viti/Vitina. It appears that little work has been done thus far to find alternative court facilities. No staff has been hired and no resources have been provided to the Viti/Vitin Municipal Court. Cases are apparently being handled in Gjilane/Gnjilane.

The ultimate number of judges necessary for the Municipal Court will depend on the final resolution of the jurisdictional questions that have not been resolved.

#### **I. Viti/Vitina Court of Minor Offenses**

Five judges have been sworn in to serve on the Viti/Vitina

Court of Minor Offences. Ultimately, the number of judges necessary will depend on the jurisdiction of this Court. No staff has been hired or identified. As a result of the same facilities question which plagues the Municipal Court, this Court is not operational in any respect. The courthouse was designed only for the Municipal Court, but apparently if the building were released, it could serve both courts at this time.

### **4. PEJA/PEC DISTRICT**

#### **A. Peja/Pec District Court**

The District Court in Peja/Pec has been operating, conducting investigations and completing one trial. Six judges were appointed; one has not yet taken the oath. The trial that has been completed involved a Kosovar Albanian defendant who was found guilty of possessing unlicensed firearms. He was not detained during the trial. The investigation is complete in a murder case and the trial will commence soon. The defendant in that case is being held in the local detention facility by Italian KFOR. This facility has a direct-stairs connection with the courthouse. Other cases are nearing trial-ready status.

The court building is generally in good condition despite some repairs that are needed. It provides sufficient space for the District Court. However, the Court is operating without much basic necessary equipment, including no typewriters, no computers, no telephone lines, and poor quality furniture. The court archives are in very bad shape in the basement. There is space for a library, but no books. Ten administrative staff members are working; the President estimates that about 30 are necessary. Before the war, there were twelve judges in the District Court. 56 lay judges have been sworn. No Kosovar Serbs have applied to serve on this Court.

Traditionally, the judges have specialized in criminal, civil or administrative matters. They would prefer to continue this specialization, but the President emphasized that the judges are willing to do civil or criminal work, and at least for now, they are required to do so. The District has presumed that the jurisdiction of the municipal court will be 0-10 years so they have assigned cases accordingly without waiting for the UNMIK regulation precisely establishing the jurisdiction of the courts. Their attitude was refreshing: the judges are here to work and they have not let some of the minor questions get in their way. Although clearly there are some cases that are missing from the files, the old civil case records that the Court has located will be the subject of public announcements to allow parties still in the area to proceed with the cases. All have been distributed to judges. There are appeals that have been filed.

The President believes that training is necessary to refresh the competencies of the judges, particularly in the penal area, both for investigatory and panel work. In the civil area, property and family law are areas that could be subjects for training. There have been problems working with the police. On many occasions the prosecutor and investigating judge are not invited to the crime scene thus hampering the investigation. The Peja/Pec District has some of the same communication problems with police that other areas do. The President expects many unlawful possession of weapons cases in the coming months.

### **B. Peja/Pec District Prosecutor**

Three prosecutors have been appointed and two more are probably necessary. Each of the prosecutors worked during the Emergency Judicial System last fall. The pre-war level was six prosecutors. The area served includes over 450,000 people. Office space in the courthouse is sufficient with eight offices, but very little equipment is available for the prosecutor to use. Eight administrative staff are currently working. The prosecutor believes that over fifty cases will be ready soon for trial.

The prosecutor's primary problem is the general lack of coordination with police and the inability to attend the crime scene to conduct immediate investigations. In many instances, the police are either not recording the correct information, or are recording information that is important but cannot later be used as evidence in the case because of the rules barring use of police information in criminal cases. This coordination problem is a real roadblock for an effective judicial system and must be addressed with UNMIK and KFOR.

### **C. Peja/Pec Municipal Court**

Nine Judges have been appointed to the Peja/Pec Municipal bench. The Court is housed in the District Court building. The number of Judges and the accommodations are adequate for now. The President believes the Court should be expanded to sixteen judges eventually. Once the Court is expanded, the accommodations will not be adequate. Currently the Court is served by an adequate staff of thirty.

The President expressed a need for a new register, the existing register has just enough room for those cases now under investigation. The Offices were ransacked only one typewriter remains. The central telephone switchboard was destroyed, there is no telephone service. Twenty percent of the previous library was preserved. The President felt the most urgent need was for publication of the applicable law. There is no security being provided to the Court by UNMIK or KFOR. The Court does have access to a detention facility

that is now occupied by Italian KFOR. When unoccupied the detention facility would have room for 250 detainees.

The President expressed a desire for the return of local police officers. UNMIK police are not cooperating with the Municipal Court. The President expressed concern about the lack of resources to develop forensic evidence.

### **D. Peja/Pec Municipal Prosecutor**

The Peja/Pec Municipal Court is served by three prosecutors. The office serves four municipalities, Peja/Pec, Decan/Decani, Istog/Istok, and Kline/Klina. The Prosecutor needs a vehicle to effectively serve this territory. Prior to 1990 the Prosecutor served in this office and was reimbursed for travel to the other municipalities. There are over 130 case files that are open and active. Historically the Office has handled over 2,000 cases per year. The Municipal Prosecutors Office desperately needs staffing and forensic resources. Eight staff members are needed at this time. One typewriter comprises the office equipment on hand. He also cited a lack of cooperation with UNMIK police as a problem. In many cases paperwork is not received from UNMIK police until 5 days after the arrest. It is necessary that the prosecutor be present at the crime scene when the investigation begins.

The Prosecutor testified that he would use post 1989 Yugoslavian law if the pre 1989 Kosovo law did not include crimes or offenses committed prior to the publication of the applicable law.

### **E. Peja/Pec Court of Minor Offenses**

The Peja/Pec Court of Minor Offences is operating with seven appointed Judges. Six of the Judges are Kosovar Albanians and one is a Kosovar Montenegrin. The President of the Court of Minor Offenses expressed a need for six additional Judges. Currently there are fifty cases pending that involves "weapons" charges. Additionally, two have been charged with traffic offenses, and one person has been charged with disturbing the peace. There are approximately 1,500 "old cases" that need to be classified and distributed among the judges. The President urgently requested use of the detention facility.

### **F. Gjakova/Djakovica Municipal Court**

The seven Judges sworn in on the 21st of January have been working among themselves to divide the pre-existing caseload of over 450 cases. The President of the Municipal Court felt the court was under-equipped to proceed with trials. Particularly, the President felt the court could not function with forms such as summons. The OSCE representative present at the interview assured the President that any needed forms



would be provided immediately. Nine new cases are under indictment and four more are under investigation. The President was hopeful that trial could begin during the week of February 14th. The President expressed a need for a stamp for certification of documents. This is a common request voiced by every Municipal Court. Two additional Judges are needed according to the President. All of the Judges appointed are Kosovar Albanians. The President did not know if any Kosovar Serbs applied for appointment, nor did he know of any qualified Kosovar Serbs who should be appointed.

The Court has been assisted by volunteers who worked in the Court prior to 1989. According to the President many of the staff members working in the Court prior to 1989 appeared for work on January 21. The President asked only four to remain on a volunteer basis, he felt reluctant to have staff working without pay. All of the former staff members have applied to UNMIK for employment. The Court was staffed with 42 people in 1992. The President feels that the Court can operate with one-half that number.

The office was stripped of all equipment except 3 telephones and one typewriter. According to the President, computers are needed for the Judges. There is an obvious need for communications systems, document production equipment, and office furnishings. The Municipal Court building appears to be in fair condition. The building was without heat during the interview. There are no security measures afforded the Judges and the Court. The President requested that a vehicle be made available to the Investigating Judge to allow him to conduct investigations.

It appears the UNMIK police do not know the Gjakova/Djakovica courts are ready to receive cases. The police reports are being sent to the Prosecutors office in Peja/Pec and then returned to Gjakova/Djakovica. Hopefully this problem has been resolved and UNMIK police will begin filing charges in the Municipal Court. The cases are being filed elsewhere and then re-directed to Gjakova/Djakovica.

Historically Kosovo has been served by two Commercial Courts. The two Courts were located in Prishtine/Prishtina and Gjakova/Djakovica. The President strongly urged that a second Commercial Court be placed in Gjakova/Djakovica.

When asked if the people of Gjakova/Djakovica had confidence in the Court, the President replied, "Yes, we are the Judges of the People".

#### **G. Gjakova/Djakovica Municipal Prosecutor**

Four prosecutors were sworn in on January 20, 2000. There

are 452 "old" cases pending. There are 9 "new" cases under indictment and 4 more are under investigation. The prosecutor expects two of these cases to be ready for trial within two weeks. These cases involve "abuse of position" and "illegal weapon". The prosecutor finds his current staff of 4 to be adequate. The Prosecutors Office is located in the same building as the District Court. The Prosecutor was very concerned that he was not invited to begin his investigations at crime scene. UNMIK police are not working with his office and the Prosecutor suggested a return to local police officers that served prior to 1989. The Prosecutor expressed a need for a vehicle for transportation to conduct investigations. The Prosecutor echoed the concerns of the President for office equipment. He stated that everything was taken from the building or destroyed. His office is without furniture or equipment of any type.

The Prosecutors Office is located in the same building as the District Court which is adequate. There are four staff members working for the Prosecutor. These four staffers are working without pay. Five staff members should be sufficient according to the Prosecutor.

#### **H. Gjakova/Djakovica Court of Minor Offenses**

The Court of Minor Offenses has been assigned to two rooms without any furnishings. The building, located across the street from District Court, is in very bad repair and is not satisfactory. Five Judges were appointed to serve in this Court and all are coming into the office each day. UNMIK police are not directing any cases to the Court. The President stated they are coming to work to "make a good impression." The local UNMIK administrator stated that UNMIK is actively looking for other accommodations for the Court of Minor Offenses. There may be adequate room for this Court in the District Court building.

It was interesting to notice that UNMIK had placed a "No Parking – 50DM fine" in front of the UNMIK administration building. The local Administrator had been collecting these fine herself, bypassing the Court of Minor Offences.

#### **I. Decan/Decani Court of Minor Offenses**

The President of the Decan/Decani Court of Minor Offenses explained that she was looking for accommodations to house the Court. Previously, Decan/Decani was served by both a Municipal Court and a Court of Minor Offenses. The Municipal Court was abolished in 1990. The building used to house both Courts is now occupied by UNMIK. The Court President hoped to relocate to a private home by February 15th. A staff of volunteer workers are ready to

assist the Judges. Four Kosovar Albanians have been appointed to serve this Court. The President requested the appointment of one additional Judge.

#### **J. Istog/Istok Municipal Court**

Two Judges have been appointed to the Istog/Istok Municipal Court. The President estimated that an additional two or three Judges would be appointed during the next round of appointments. Eleven of the pre-1989 staff have been employed and they are being paid. The President requested an additional 4 staff members. The Judges and staff have been working to repair and restore the offices located on the second floor of the Istog/Istok Municipal Building. The first floor of the building is currently occupied by UNMIK for its civil registration project. The Court is without a heating system, furniture, equipment, security, and supplies. There are 10 criminal cases that have been commenced since the appointment of the new Court. Three civil case have been filed since January 20, 2000 and one case has been completed.

The President expressed a need to have the published applicable law in hand immediately. Training should accompany the delivery of the newly published Kosovo Code. There is a complete lack of security for the Courts and the Judges. The President mentioned that the mail service is wholly inadequate and unreliable.

#### **K. Istog/Istok Court of Minor Offenses**

Three judges have been appointed to the Istog/Istok Minor Offenses Court; the President believes that one more is necessary. Five support staff are working; six more are necessary. They are ready to take cases, but none have been initiated yet as they are waiting for the police to start arresting people for minor offenses. The President thinks that the police do not know what the minor offenses courts do; OSCE has started organizing meetings to bridge this gap. Training is necessary for the judges and the police.

#### **L. Kline/Klina Municipal Court**

Two Judges have been appointed to sit on the Kline/Klina Municipal Court. The President explained that no trials had been held in Kline/Klina since the Court began on January 21. Ten new cases were filed in the Kline/Klina Court during the week of February 14th. Eight of these cases were criminal matters involving seven unlicensed weapon charges and one robbery charge. Two civil matters involving property disputes have also been filed. The register found in use before 1999 showed 503 cases to be open. The President stated that only 122 case files could be located. The Prosecutor is reviewing these files to see if these cases can be still be pursued.

No lay judges have been appointed at this time. A list of proposed lay judges was submitted to UNMIK 15 days prior to the interview on February 17th. The two Judges are both Kosovar Albanians, it was suggested that minorities may be appointed to serve as lay judges. There is a need for additional Judges to be appointed to serve in this Court. Traditionally the Investigative Judge is barred from sitting on a trial panel. A Municipal Court served by only two Judges, and without lay judges, cannot form a panel to hold a trial.

The Court is staffed with nineteen temporary staff members. All of these staffers were employed by the Court prior to 1989. UNMIK has advertised for 12 permanent staffers, the President feels this number is inadequate. The UNMIK advertisement calls for only one administrator, the President feels two administrators (one for civil and one for criminal) are necessary.

The President felt that general training was not necessary for the Judges. He did express a willingness for Judges to be trained to handle both Civil and Criminal matters. The Judge was comfortable with the lay judge system, but he is open-minded to change in the future.

The Court is located in a building that was completed in 1998. The building is well furnished and equipped with three computers, one printer, and a copier provided by USAID. There is no telephone system. The one courtroom in the building is in excellent condition. There is no security provided for in the building. The President requested a metal detector at the door and two armed guards stationed in the building. One guard should be posted at the door and one in the hallway or courtroom.

The town of Kline/Klina has only one defense lawyer actively practicing at this time.

#### **M. Kline/Klina Court of Minor Offenses**

The Kline/Klina Court of Minor Offenses is located in the same building as the Municipal Court. The building was originally designed for only the Municipal Court, but there is adequate room for the Court of Minor Offenses. Three Judges have been appointed to serve this Court. The Court has a staff of seven. All of the staff worked in the Court prior to 1989, none of the Judges have any previous experience. The Judges seemed eager for training when the applicable Kosovo law and regulations are published.

The Minor Offenses Court did not receive any of the equipment provided by USAID. The Court is without furnishings and equipment. There are no cases pending in the Court of Minor Offenses stemming from UNMIK police

arrests. The President of the Court believes the UNMIK police are not aware of the Court's presence. There are 291 case files from cases that were active before the war.

## **5. PRIZREN DISTRICT**

### **A. Prizren District Court**

The District Court in Prizren is quite active with eight judges already in service. Seven more are needed in the view of the President of the Court. Sixteen lay judges have been sworn into office; 31 cases have been filed since January 1, 2000, and there are 123 cases pending from 1999. The investigations have been completed in 13 cases, and three cases have been tried to conclusion. The day before our visit a defendant had been convicted of attempted murder in the District Court. Most of the criminal cases that are pending involve armed robbery, murder and attempted murder.

The biggest problem identified by the Prizren District Court involved communications with police officials. The UNMIK Police and KFOR who have been serving in the police role do not understand the needs of the Investigating Judge and Prosecutor and frequently will not invite the judicial authorities to the crime scene to investigate. Investigating police either do not conduct an investigation or do it incompletely and that is affecting the Court's ability to conduct its work. And as a result, every trial is different. Joint training, particularly with UNMIK Police, would be very helpful in the Prizren District. In fact, one of the district judges has been appointed to try to find a resolution to this continuing problem and define clearly what the needs of the Court are for the investigations. The President also agreed that it would be preferable if the investigating judges could shift more of the investigative role in a case to investigators to make more effective use of the judge's time.

Another problem identified by the President is the absence of an official court stamp that can be affixed to official court documents. Currently, the judges are simply signing their judgments and other documents and they fear that people may simply forge their signatures to try to make a document look genuine. A court stamp would solve that problem and should be procured for the Court. A significant number of civil cases are pending from the pre-war period and each have been delivered to the judges for examination. Training would be helpful for the judges as a refresher; most worked as lawyers during the 1990s after being dismissed from the Court. Although there is workable furniture in the building, the Court is in need of all of the other normal supplies, including typewriters, computers, telephones, etc. The Court needs more resources for daily expenditures and would like

their own small budget for these items. They appreciate what they have received from OSCE, but not all of the material received has been necessary.

The District Court shares a building with the Municipal Court that is in a court complex that also includes the police building and the prison. The building is in good condition and space is sufficient with the current number of appointees to both courts. With more appointments and the hiring of a complete staff, however, the building will not be sufficient to handle the work of these busy courts. There is a project that has been designed to add one floor to the building to satisfy the space needs. Currently there are two offices available for the entire staff and only one courtroom. It clearly is not enough.

More security is necessary as there have been break-ins into the courthouse during the night. Better salaries would help attract good guards for the building. It has a special entrance to the jail so detainees do not need to go outside when transferred for court proceedings. The detention facility is adequate. A vehicle is especially needed; OSCE has provided a vehicle to the Court but only for three months. The President believes that there are many good lawyers in Prizren so there will not be a shortage of good defense lawyers. Taxes and fine schedules need to be established. On the jurisdictional issues, the Court has presumed that the jurisdiction of the municipal court will be crimes with sentences from 0-10 years and has acted accordingly instead of waiting for direction. The Court is also very concerned about how it will pay lay judges, experts and appointed defense counsel. The "understandings" that have been used recently to get these individuals to assist the Court will soon no longer be sufficient. The Court would like a budget for these expenses. The President also proposed adding a prosecution service in Dragash/Dragas for the Municipal Court.

### **B. Prizren District Prosecutor**

Two prosecutors have been appointed; three were working during the Emergency System and one more prosecutor is urgently needed to attend all the crime scenes throughout the District. The District Prosecutor has offices separate from the District Court in Prizren in a two-story building about 50 m from the courthouse. The building needs some renovation. The Prosecutor believes that the jurisdiction problem between district and municipal court needs to be quickly resolved. Also, since fines are established in the schedule using the dinar currency, the fine jurisdiction needs to be resolved quickly so the courts know their jurisdiction for criminal fines. The cooperation with the police could be better, but the Prosecutor really needs a translator to work with him to better cooperate with the police. Often, they simply cannot understand one another.

### **C. Prizren Municipal Court**

Nine judges have been appointed to the Municipal Court; eight more are needed to cover this area including a population of 150,000. Fourteen new cases have been filed in this court; the President estimates that over 8100 old cases are pending and 35 administrative staff members are needed for this Court. The Court has traditionally issued documents to the citizens who show great interest in obtaining documents, particularly birth certificates that foreign countries need certified by the Court. Thus they too need the missing stamps. The Court's equipment is in very poor shape and there are no typewriters, telephones or security.

The Municipal Court is having the same problems with the police and there is an urgent need for more cooperation. Training would be very helpful. The court building will not have sufficient room once all the appointments are made.

### **D. Prizren Municipal Prosecutor**

Only one prosecutor has been appointed for this area of 150,000 people. Five more are urgently needed; it is impossible for the single prosecutor to get to all of the municipalities covered by the office in Prizren especially without access to an office vehicle. Four staff are working; six more are necessary. The building that is shared with the District Prosecutor needs renovation as all doors are broken and the central heating system does not work. Security is necessary as is a working telephone system.

Police cooperation could be much better as there are difficult coordination problems with the investigations. Arrestees are often released when they should not be and evidence gathered by the police is usually not admissible under the rules. Training is very necessary.

### **E. Prizren Court of Minor Offenses**

Six judges were appointed to this Court, but one is living and working in Bosnia. Ten judges are expected to be needed for this Court. Sixteen staff members are currently working; four more are necessary. Twelve cases have been referred to the Court from the district court. The judges are ready to start work immediately but do not know how to apply the fine structure since the schedule is written in dinars. Also, relatively few cases that fall within the jurisdiction of the Minor Offenses Court are being charged. They are awaiting instructions. There are about 28,000 old cases at the Court; about 80% are traffic cases which seem to be cases that should be dismissed.

The Court's offices are very sufficient and they are sharing

their building with the OSCE. Each judge has a computer assigned to him, but they need a computer expert to help them setup the computer system.

### **F Dragash/Dragas Municipal Court**

Three judges have begun working and the fourth appointed judge, Amet Ferati, lives in Prizren and would prefer to work on one of the Prizren courts because he cannot travel to Dragash/Dragas. According to the President of the Court, one additional judge is needed. No lay judges are available yet. Eight cases are in the investigative stage; two of the defendants are detained. Since there are no lawyers who live or work in Dragash/Dragas, criminal defense counsel will need to come from Prizren. A vehicle is desperately needed for delivery of summonses. It was encouraging that the President reported good cooperation thus far with police.

The building which houses both the Municipal Court and the Court of Minor Offenses in Dragash/Dragas was built in 1987 and it is in reasonably good shape. Eight old penal cases and more than 100 old civil cases have been located. Windows need repair and the Court is lacking all necessary materials and equipment.

The President expressed concern about the requirement of lay judges. He stated, with much nodding agreement from the group, that "we can do without lay judges. It is better without them. They are decorations." The judges feel that the lay judges have little to do with the actual decision in the cases.

### **G. Dragash/Dragas Court of Minor Offenses**

Two judges have been sworn in to serve on the Court of Minor Offenses in Dragash/Dragas. No President has been designated yet, but the judges requested one more judge to meet the anticipated workload. Four administrative staff will be necessary. No cases have yet been assigned, and the Court is in need of all basic equipment and supplies. More than 200 old cases appear to be still active. The Court shares a relatively new building with the Municipal Court.

### **H. Rahovec/Orahovac Municipal Court**

Five Kosovar Albanian Judges have been appointed to the Rahovec/Orahovac Municipal Court. Since their appointment on January 20, 2000 they have been busy restoring a register listing of the pre-war cases. The Judges have discovered the register and files for 3,120 cases. Two new criminal cases have been filed in the Court. These cases involve battery and "security risk". The Court President expressed concern that a number of arrests have been made and these cases aren't being directed to the local court. The

Court is located in a three story building that is in excellent condition. The telephone system is without a switchboard. The President expressed a need for computers, typewriters, copier and a vehicle.

The Court has seventeen staff members currently working with the Judges. The President felt this number needs to be increased to twenty-one. Lay Judges have been appointed. The Court President strongly requested the presence of armed security guards at the door and throughout the building. The Court is currently without any type of security.

The Judge stressed the need for the publication of the applicable law. He felt he couldn't move forward without "further instructions". He was particularly interested in obtaining the applicable property law. Training in the areas of Human Rights, Property Rights, and computer skills is needed.

#### **I. Rahovec/Orahovac Court of Minor Offenses**

The Rahovec/Orahovac Court of Minor Offences is located in a separate building from the Municipal Court. The building is in very bad condition and is not suitable. Four Judges, all Kosovar Albanians have been appointed to this Court. Seven staff members have been hired. The Court President feels they are unable to function in their present location. There are no cases pending in this Court and UNMIK police have not directed any charges to these Judges. The President of the Court of Minor Offenses suggested the Court would need seven offices and could move into the Municipal Court building.

#### **J. Suhareka/Suva Reka Municipal Court**

Five judges have been appointed to the Municipal Court, and according to the President, two more judges will be necessary. The building used by the Court in Suhareka/Suva Reka sustained significant war damage and needs many repairs including basic repair of the heating and water systems. Very little equipment is available to the Municipal Court since the building was apparently looted during and after the conflict. The Court is especially in need of a court stamp so that they can issue official documents.

Three cases are currently under investigation, including charges of (1) attempted murder, (2) possession of an unlicensed firearm, and (3) posing a security risk. The President expressed a concern about many people who had suffered mental trauma as a result of the war and his concern that there is no treatment or detention facility available for such victims when they commit crimes. Furthermore, there

is only one criminal defense lawyer in Suhareka/Suva Reka.

The President also suggested that police have more legal assistance available to them; he believes that the police do not understand matters as basic as the jurisdiction of the courts or the procedures used by the investigating judges and prosecutors.

The President requested written direction from UNMIK Legal on how the territory of the former Malisheva/Malishcvo Municipal Court should be handled. Malisheva/Malishcvo, a former municipal court, was closed in 1989 and its jurisdiction of eight villages was shifted to Suhareka/Suva Reka. Malisheva/Malishcvo has been re-established as a municipality, but not yet as a court. In the interim period, the Suhareka/Suva Reka court proposed to continue to handle the Malisheva/Malishcvo area.

#### **K. Suhareka/Suva Reka Court of Minor Offenses**

Six judges have taken office and the number is sufficient for now. The Court has handled only one case so far, a drunk driving case in which the defendant was found guilty. There are many old cases in the files of the Court, perhaps over 7000. The Court is anxious to understand what the schedule of fines will be for minor offenses so they can begin their work. Staff has begun work and two more typists are needed. A messenger is also an urgent need.

The Minor Offenses Court shares a building with the Municipal Court. Space is adequate, but many repairs are necessary to the building.

### **6. MITROVICA DISTRICT**

#### **A. Mitrovica District Court**

The Mitrovica District poses very difficult problems for the startup of the Kosovo Judicial System. The ethnic tensions in Mitrovica which have recently burst into outright violence have thus far prevented the judges from beginning their work. Although the city is not partitioned, the northern sector, which includes the court facilities, is dominated by Kosovar Serbs, and judges, all Kosovar Albanians, have daily faced the threat of violence. The lack of security in the city dominated our discussions with the judges, just as it has effectively eclipsed the ability of the courts to begin their work.

Eight judges have been appointed to the District Court in Mitrovica, but have not yet been sworn into office. The ceremony, scheduled for February 29, 2000, has twice been postponed due to the violence. The President believes that

eleven judges are necessary. Five judges appointed under the Emergency System in September are still working; their mandate now expires on March 1. Two Kosovar Serb judges appointed in September have resigned.

There are 43 cases pending in which indictments have been filed. There are approximately 60-70 indictments pending at this time. No trials can take place, even under the Emergency Authority, because no lay judges have been sworn in. More lay judges are needed, particularly if the lay judges already appointed will be shared with the Municipal Court. Twenty defendants are in detention with Kosovar Serb defendants in Mitrovica and Kosovar Albanian defendants in Prizren. The Albanian defendants were moved to Prizren without the permission of the judges, contrary to law. No cases exist from before the conflict; all files were apparently taken.

The Court building, located in the northern sector of Mitrovica, was in excellent condition and well-equipped before the war. An annex was being constructed to meet the growing needs of the court. Now the building is in need of substantial repairs. All equipment and files were taken, even the carpets were removed from the floors. The existing part of the building does not have any structural damage but need substantial renovation. Most of the windows are broken and there are roof leaks causing water damage, particularly in the area next to the construction site for the annex. The annex is partially completed with completed walls and rooms, but the roof has not been constructed. The President complained that "ten commissions" have come to look at the building and promise help, but nothing has been done. The location is very convenient to the police station and the nearby jail. The building is sufficient for the needs of the District and Municipal Courts. To include the Minor Offenses Court, the annex would need to be finished. Temporarily, the courts could make do with double shifts and sharing of offices.

The temporarily appointed judges have been working in the building despite the serious security concerns. OSCE has provided several computers, six desks and four chairs and some paper. UNMIK has provided a photocopy machine to the Municipal Court. UNMIK Police are occupying the third floor of the court building which will cause a significant space problem until the police move out of the building. The building is not secure. There is an UNMIK police guard at the front door without a gun, so anyone can walk into the building. The President has continually asked for security assistance and has received none.

The judges have discussed the questions about the various jurisdictions of the municipal and district courts. They have agreed to apply the 1990 "Law on Regular Courts" passed by

the legislative body in Kosovo and later nullified. They understand that the pre-1989 law is to be used, but that they can apply later law if there are "exceptions," areas not covered by the earlier law. Thus they will give the municipal court jurisdiction of crimes with sentences up to ten years. They are awaiting resolution of the criminal fines issue because they cannot decide which cases will be in minor offenses court and which will be in municipal court without resolution of the fine amounts. They are familiar with the need to adjust fine schedules since the dinar was devaluated on occasion, but are awaiting instructions on this issue.

There are other issues concerning applicable that need to be resolved, according to the President. Some provisions of the pre-1989 Code clearly cannot be applied, and the President fears that different courts will apply such provisions differently. Furthermore, the criminal code from the pre-1989 era does not cover all crimes, and some provisions of that law apply only to Kosovar Albanians. He said that there is an urgent need for a summary of all laws to be done. The library at the Mitrovica court facility was destroyed.

Training of the judges is necessary, but it is especially necessary for lay judges to explain to them their function and importance in the system. Training of lay judges on the applicable law has never been done in the past, to the President's knowledge. Training on juvenile matters is necessary. The President also would very much like to see more interaction with international judges and judges outside of Kosovo. He would value the exchange of experiences. There are sufficient criminal defense lawyers in Mitrovica. The President would appreciate the participation of the Kosovar Serbs in the judicial system, but "they are receiving instructions not to cooperate." The President deplores the role being played in this situation by the Serbian National Congress who have no incentive to allow a court system to begin operating.

The commencement of the court system in Mitrovica will occur only when sufficient security is provided to the judges and prosecutors so that they can do their work without fear of harm. One of the judges of the district court has been threatened and shots have been fired through the door of his apartment. Fortunately he was at a neighbor's home at the time. Two judges have left their homes in the north sector. The President has received threatening telephone calls to the effect that he should leave Mitrovica or be killed. He feels that while OSCE and UNMIK have tried to be helpful, UNMIK Police and KFOR have ignored his requests for greater security and have told him that he will be provided no security assistance whatsoever. They merely suggest that he move to the southern part of the city. It was especially maddening to the President of the Court to see the newly

appointed international judge come to Mitrovica amidst heavy security, when the local judges can get no cooperation on this subject. The local judges have accepted this international presence only because of the severe security concerns. The danger exists from both Kosovar Serbs and Kosovar Albanians. The investigating judges are not receiving any information about some of the crimes that have been occurring making it impossible for them to do their jobs. There is virtually no cooperation from the police officials.

The President also described a dangerous situation at the detention facility in Mitrovica where, contrary to law, the jailer is allowing anyone in to visit the Kosovar Serbs who are being held in the jail. The law requires the permission of the judge for detainee visitation. For example, on January 7, 2000, 150 people visited the jail without judicial permission. These visits are unsupervised and no reasons have been given for permitting visitation. The President fears what the detainees and their supporters are planning at these unsupervised visits. Obviously the Mitrovica situation is very difficult for judges and prosecutors who are anxious to begin their jobs.

#### **B. Mitrovica District Prosecutor**

Three district prosecutors have been appointed, but none have been sworn into office. One of the prosecutors is working because he was appointed under the Emergency System and his mandate continues until March 1, 2000. The Kosovar Serb prosecutor appointed in September, 1999 resigned, saying that she would give her reasons only directly to Dr. Kouchner. The lone prosecutor believes that five prosecutors will be necessary for this busy district court. The prosecutor's office is located in the court building in Mitrovica.

The prosecutor has been especially affected by the violence in Mitrovica. He has been threatened, and people have tried to break through the door of his home which is in the northern sector of Mitrovica. For much of the last two weeks, he has feared staying at his home so he is moving from home to home of his friends and relatives in the southern part of the city. He has asked for security from KFOR and the UNMIK Police and has been told that no security will be provided for him. This is an especially urgent situation.

#### **C. Mitrovica Municipal Court**

Eight judges have been appointed, but not sworn in. The President believes that eventually 21 judges will be needed. The Court is located in the same building as the District

Court and no work has yet been done by this court. No old files are apparently available. The President explained that this court will be "starting from zero." The President has had his apartment door shot through by unknown assailants.

#### **D. Mitrovica Municipal Prosecutor**

Four prosecutors have been appointed; none have been sworn into office. No offices are currently available since the office of the Municipal Prosecutor on the third floor of the Court facility are currently occupied by the UNMIK Police.

#### **E. Mitrovica Court of Minor Offenses**

Five judges have been appointed; none have taken office. The Minor Offenses Court formerly was located in a separate building which is old and currently abandoned. It is envisioned that the Minor Offenses Court would be located in the Court building at the time that the Annex is completed, but temporarily the court could work out of the courthouse, only if judges shared offices and worked in shifts. No work has been done in this court and it is unknown if old files exist.

#### **F. Vushtrri/Vucitrn Municipal Court**

Five judges have been appointed to the Municipal Court in Vushtrri/Vucitrn, none have been sworn into office so no work has yet been done. The President believes that in the longer term at least ten judges will be needed. No staff has begun work; eventually over 50 will be needed. No old files have been reviewed and no new cases have been assigned.

The court building is in good shape although it needs renovation. Very little equipment will be available to the Court since the building is very poorly equipped. There are no detention facilities nearby. It is not apparently that any work was done in the area during the Emergency System although some former employees occupied the building.

#### **G. Vushtrri/Vucitrn Court of Minor Offenses**

Four judges have been appointed to the Minor Offenses Court, although none have taken office. The court believes that seven judges will eventually be necessary. The court is located in the same building as the Vushtrri/Vucitrn Municipal Court, on the ground floor. The space appears to be sufficient for both of the courts to operate.

#### **H. Skenderaj/Srbica Minor Offenses Court**

Two judges have been appointed; none have taken office. The court in Skenderaj/Srbica has not been operational since

1998 and UNMIK Police have occupied the former court facility, a two-story house that is in poor condition. Alternative space will need to be located.

**I. Leposavic/Leposaviq Municipal Court and Minor Offenses Court**

Four judges have been appointed to the Municipal Court and two judges to the Minor Offenses Court; none have

taken office. The court building that is shared by the two courts is structurally in good shape but needs equipment and supplies. It is apparently occupied at the current time by a local self-proclaimed government.

**J. Zubin Potok Minor Offenses Court**

No judges have been appointed because there were no applicants. Former court staff have been working out of rented space, although no one has been hired for the court.



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## INTRODUCTION

*This survey into the infrastructure of the Kosovo judicial system was carried out as part of the US State Department sponsored Kosovo Judicial Assessment Mission. This survey covers twenty courthouses and three detention facilities. The Mission concentrated on the courthouse infrastructure and this is reflected in the report. The notes on the detention facilities are relatively more generic.*

### **The terms of reference for reporting were established as:**

- The identification of standards against which to assess courthouse infrastructure.
- The identification of general building problems and defects, which would prevent the satisfactory functioning of the courthouses.
- The identification of necessary or requested upgrades.
- To develop broad recommendations to bring the building up to required standards.

*Of the thirty five pre-war court buildings, twenty-six are functioning or available as courthouses. Twenty buildings were surveyed, out of which two were in the process of being refurbished by UNMIK, one was occupied by KFOR and one was a 80% incomplete shell (identified as a potential courthouse). Seven other functioning court buildings were not surveyed. Five courthouses are currently occupied by international agencies, some courts were temporarily housed with*

*the other court(s) in the town, or in other temporary facilities. One was not operational, because of the bad state of repair and two have not been re-established. These buildings were not surveyed in this exercise.*

*The survey was carried out by a UK architect/surveyor from DynCorp/ConsultAID. Twenty courthouses and three prisons were surveyed over a period of two weeks from the 7th to the 19th February. The technical assessment was carried out at the same time as the judicial assessment. The technical assessment and subsequent reporting gives a detailed overview of the judicial system infrastructure, however a more detailed investigation would be necessary to facilitate an implementation program. A member of staff (in administration or the maintenance officer) from the courthouse or prison would accompany the surveyor, to identify known building problems and defects. The judicial assessment team ascertained other building and infrastructure requirements from senior judges for inclusion in this technical report.*

*Courthouse and prison buildings were generally found to be in a relatively better state of repair than other public buildings, hotels, clinics and schools surveyed in Kosovo. They have generally been well maintained and some of them have been recently renovated. However, the state of repair of the buildings varies considerably from region to region, and some extent of refurbishment and upgrading work is required in all buildings.*

*The report highlights both infrastructure refurbishment and preferred facility upgrading. Indicative cost estimates for refurbishment and upgrading have been included for budgeting purposes.*

## SECTION 1 - COURTHOUSES

### General Observations

Half the courthouses were built in the early 1960's to a standard layout and design. The design was a 3 story concrete frame building with a basement. The layout consisted of offices and courtrooms off a central corridor, accessed from a single central staircase. roofs were shallow pitched corrugated asbestos cement or zinc plated tin sheets; Roof spaces and covering were not insulated, windows were timber dual glazed windows.

The buildings are all structurally sound, with no war related damage, except vandalism and theft. Equipment such as computers, telephones and central heating boilers, were removed from courthouses. Doors and gates were often locked shut by the previous management and subsequently had to be forced open, damaging them and the frames.

The main building defects were roof leaks, water penetration from damaged windows, corroded and leaking plumbing from toilets, missing fittings and central heating problems. There were also electrical problems, many broken and uncovered light fittings and an inadequate number of fittings and sockets. Windows were rickety, though in reasonable condition and only a few panes broken. They required mainly external painting and minor repairs. Most courthouses required repainting to the interior and exterior.

Only two of the buildings were adequately heated. Over half had central heating systems installed, but a lot of the boilers were old, unserviced and inadequate or even missing. Some depended on the town central heating hot water supply, which is no longer available. Three of them shared their central heating boilers with adjacent buildings (police stations or offices).

With regard to security, only ten courthouses had a boundary fence and gates. Only a quarter of the buildings had security grilles on ground floor windows, none had exterior lighting or functioning security cameras. Only three had metal detectors. Three had detention facilities in the adjacent police complex, and none on the premises. None had intruder alarm systems.

Half the buildings did not have a satisfactory secondary means of escape in case of fire. Most did have manual fire fighting equipment, but these had not been maintained. Only two had automatic fire detection and alarm systems.

With regard to welfare facilities, only a third of courthouses

had adequate canteen/cooking facilities; these were often unhygienic and ill-equipped.

Additionally, all courthouses suffered from power and water shortages. None had generators to supplement electricity supply or water pumps to rectify inadequate water pressure.

### Observations and Recommendations on specific elements

Following are specific observations about individual building elements in the courthouses. Attachment A contains individual courthouse assessment sheets that note conditions, recommendations and costings.

#### • Roof Element

Most buildings had low pitch roofs with coverings of corrugated asbestos cement sheeting or zinc plated tin sheeting. Many of the roofs were leaking and would need the cracked sheets covering to be replaced immediately. It is recommended to replace all covering with insulated and coated metal sheeting. Most guttering and downpipes were in order and only a few needed replacement.

Some clay tiled roofs were in a very deteriorated condition and needed complete replacement. Dormer windows were always a problem, in a bad state of repair with rotted timbers and causing water penetration into the building.

Roof hatches were often difficult to access, and it is recommended for maintenance purposes to provide a step ladder or preferably a wall fixed ladder to a roof hatch.

Concrete canopies over entrances were clad with zinc coated metal sheeting, which in most cases was leaking and not properly fixed, causing damage to the building fabric around the entrance.

#### • Basements

Basements were generally in a poor state of repair. The main problem was ill fitting windows, with broken glazing or damaged pavement lights allowing extensive water penetration. Corroded plumbing pipework from toilets was contributing to the water damage.

Lighting was also a problem with naked bulbs suspended from loose hanging cables and generally inadequate lighting levels.

Walls were unplastered, and floors had damaged concrete screed. Heating was non-existent.

Basements were often used for storing coal or wood for boilers. Some were used as archive areas for storing documents. One had a well equipped canteen facility.

Refurbishment of the basement area would provide much needed space for storage and office accommodation. The basement area, with some modifications, also has potential for providing strong room space for valuable documents and also detention facilities. It is recommended that basements be refurbished and modified to provide these facilities.

#### • **Doors / Windows**

Doors and windows to lobbies and staircases were single glazed, often metal framed, while windows to rooms were mainly dual glazed timber. Windows to rooms were rickety, due to lack of maintenance, but serviceable. All needed painting to the exterior for preservation of the timber. Many needed catches and handles. Only a few buildings required replacement of some windows, due to rotted timber.

However, full height 3 storey windows to staircases, because of their exposure to the elements, were often in extremely poor state of repair, with panes broken, glazing strips missing, and rotted and worn sections. Rainwater was often penetrating through the staircase windows, particularly at basement level. Missing glazing strips, and rotted timber sections posed a physical danger in the face of strong winds. Some needed immediate replacing.

Generally doors were in good condition and required only minor repairs. Many frames had been damaged due to forcing open of locks and there were some handles missing. Most needed kickplates.

#### • **Decoration / Finishes**

The state of repair of finishes varied considerably across courthouses. Six buildings had been recently painted, but all others needed repainting, particularly to the exterior of windows, to prevent further deterioration of timber.

With regard to flooring, terrazzo flooring to lobby and staircase areas was in good condition, with minor cracks and pitting. Rooms had parquet flooring, with a carpet over. All carpets (except in four buildings) were worn and stained and needed replacing. Carpets installed on the stairs and corridors would minimise noise levels.

Generally exteriors were plaster rendered and in reasonably good condition, but needed decoration. Some had graffiti damage, and some had frost/water damage due to faulty rainwater downpipes and poor detailing to entrance canopies.

#### • **Sanitation / Water Supply**

Water pressure is a problem in all buildings, and in the absence of the town supply being restored in the short term, all courthouses need to have water pumps or temporary tanks installed.

The plumbing in almost all buildings was cast iron, which due to lack of maintenance was corroded and often leaking, causing water damage to the building fabric and a health hazard. All metal sewage pipework needs to be replaced with uPVC plumbing above ground level. In one building, this has already been done.

With regard to fittings, most squat pans are badly stained, unhygienic and need replacing. Generally cisterns are damaged as well. It is recommended to replace all squat pans.

Most toilets do not have handwash basins or mirrors. It is recommended to install handwash basins and mirrors in all toilets, for hygiene purposes.

Toilet floors are mainly terrazzo which are stained, pitted and unhygienic. Walls are generally tiled to half height. It is recommended to tile all walls to full height and tile all toilet floors with easily cleaned ceramic tiles.

While the overall provision of toilets is adequate, the number of male toilets was usually double that of female ones, reflecting the gender division of the work force at the time of building. In some cases, it would be easy to install additional female toilets and this is pointed out and recommended in the reports on individual buildings. It is also recommended to switch allocated male/female toilets in alternate floors, so that the overall level of provision for male and female is equalized in the building.

#### • **Heating**

Fourteen of the buildings were centrally heated, but the systems were inadequate or not working at all, because of old, unserviced and missing coal/wood fired boilers or damage and corrosion to pipework and radiators.

Central heating pumps were generally not maintained or not working. Two of the buildings had depended on the town system for the hot water supply and heating but these systems were now inoperative.

Many courthouses now depend on or supplement inadequate central heating with electric storage heaters, or bar heaters. It is recommended that central heating be installed in all the

courthouses that presently do not have it and be repaired and upgraded in the other buildings.

Three of the buildings had coal fired boilers, while five had electric boilers. Coal fired boilers are labour intensive and uneconomical in the long term. Coal storage and spent waste also takes up valuable basement space. It is recommended that all coal fired boilers are replaced with oil fired boilers.

- **Electrical installation**

More than half the buildings had been rewired recently. The others needed the electricians to be checked and possible rewiring. In a lot of cases, light fittings were damaged, with covers and lamps missing. As well as the damage, the provision of light and electric fittings was inadequate in most buildings. Lighting levels needed to be roughly doubled in rooms and corridors.

- **Security**

Most buildings had uncontrolled access to the entrance, with no boundary fencing and gates. Many had no forecourt to fence off. Some had rear courtyards, but only half were fenced off. Only five courthouses had security grilles to ground floor windows. None had exterior flood lighting.

It is recommended to fence in all rear areas and forecourts and provide both vehicular and pedestrian gates. Exterior floodlights should be installed at high level to light all open external space.

There were no electronic intruder alarm systems, only one building had a security camera (not working) and only three had metal detectors. Electronic intruder alarm systems, linked to the police station, both for unoccupied access and for security incidents during working hours, should be installed. Security cameras should be installed to cover unmanned entrance lobbies (with no security guards). Either hand held or walk-through metal detectors should be provided.

There were no detention facilities in the court houses, and only a three had adjacent detention centres.

- **Fire Safety**

Almost all buildings were equipped with manual fire fighting equipment, but these were not tested during the survey. They had not been serviced or maintained. Fire

extinguishers should be fixed to walls, sign posted and hose reels repaired. Hose reels should be removed, made inoperative and signed as such, until mains water pressure has been reinstated. Automatic fire detection and alarm systems should be installed in all buildings. A regular service maintenance agreement should be entered into for fire fighting equipment.

There was no fire escape signage and this should be installed.

Very few buildings had a secondary means of escape in case of fire. Escape doors that existed, were obstructed and often locked shut. Very few buildings had two staircases, and even where these were present, the exit from the second staircase had been closed off. It is recommended that where second staircases exist, an escape door should be created at ground level, with an emergency exit latch/bolt.

- **Maintenance**

Although the courthouses have been better maintained than other public and community type buildings, the general poor condition of the courthouses is a direct reflection of the lack of a maintenance and investment. The method by which any maintenance is carried out is of a reactive rather than proactive nature and combined with a lack of planned inspection procedures means that what budgets there are, do not get spent in the most appropriate way.

A planned maintenance programme, properly budgeted and managed, needs to be put in place for all courthouses and if appropriate centrally controlled. A sinking fund also needs to be established in order to provide for both unforeseen defects and major works not covered by the initial infrastructure refurbishment grants.

## **SECTION 2 - PRISONS**

### **ISTOG/ISTOK PRISON**



## Introduction

The JAM team was escorted on a tour of Istog/Istok Prison by Mr William Irvine. Mr Irvine is the UK international director of the interim prison service and is supported by the British Government's Department for International Development (DFID).

Istog/Istok Prison is a relatively new establishment completed in 1991 and built to house 1500 male prisoners. The prison was designed on a Scandinavian model prison, was well equipped and well run. There were excellent welfare, education and hospital facilities and visitor access was good. The prison suffered extensive NATO inflicted damage during the war, however some of the individual structures were more affected than others.

DFID has invested \$1M into infrastructure rebuilding of seven of the structures within the secure inner zone to facilitate the detention of 550 prisoners in two refurbished cell blocks and the induction centre. However the Prison requires considerable extra investment to facilitate the original capacity of prisoner numbers and to refurbish the associated buildings. The engineering team identified those building which would require relatively little investment in order to achieve a standard which would enable the prison to function. A large proportion of the \$1M budget was allocated to the provision of heating and electricity. The seven structures that have been worked on are detailed later in the facilities section. It is hoped to open the prison July 01, 2000.

## Site

The prison is built approximately 5km outside the town of Istog/Istok in the North West region of Kosovo. The site is open to all sides and is set within agricultural type land on the plane below the Montenegrin mountains. There are no non-prison buildings of note with-in 3KM.

The prison site is split into three distinct zones: 1 - The secure inner walled accommodation/recreation/welfare zone. 2. The outer administration/visitor facility zone. 3. The secure walled prison owned agricultural field.

The site is approximately 51,000 square metres of which 17,000 square metres are within the secure inner walled zone. The secure inner walled zone contains 13 building structures, the outer administration zone contains 7 structures.

## Facilities

The following facilities were in place at the prison prior to the start of the war:

zone 1 - The secure inner walled accommodation/recreation/welfare zone

- *Hospital building:* The hospital building was well equipped with both a minor operations suite and dentist facilities. The building suffered relatively slight NATO inflicted damage and is refurbishable. DFID have prepared the area by removing all debris however no work has been undertaken on the refurbishment.
- *Induction centre:* The induction centre has been refurbished under the DFID programme and is to be used to house women and juvenile prisoners.
- *Kitchen/Canteen block:* The canteen suffered extensive NATO inflicted damage and further investigation is necessary in order to ascertain the suitability for refurbishment. The building has been made weather tight and cleared of debris. The kitchen, bakery and laundry facilities remain intact however the kitchen equipment needs replacing.
- *Education Centre:* The education facilities had been very well equipped but the building has suffered extensive NATO inflicted damage and further investigations necessary to ascertain the suitability for refurbishment. No clearing had been started at this site but this was proposed.
- *Gymnasium hall:* The building had been refurbished under the DFID programme.
- *Auditorium:* The building had been refurbished under the DFID programme.
- *Small administration building:* The building had been refurbished under the DFID programme.
- *Cell blocks:* Originally there had been five cell blocks, two now have extensive NATO inflicted damage and are possibly beyond repair and one has relatively minor damage and is able to be refurbished. The remaining two blocks have been refurbished under the DFID programme. Each block has capacity for 240 inmates.
- *Entrance building* to underground passage leading to the visitor centre: This building has not suffered damage but the passage to the visitor centre has now been blocked.

zone 2 - The outer administration/visitor facility zone

- *Administration buildings:* Extensive NATO inflicted damage. No action has yet been taken on these buildings.

- *Visitor centre:* This building was not visited by the JAM team
- *Generator house:* This building was not visited by the JAM team
- *Non-secure prison release centre:* This building was not visited by the JAM team
- *Power plant:* extensive NATO inflicted war damage. The boiler was also used to supply the community heating to the town. A detailed survey of the equipment and the structure are necessary before an assessment of suitability for refurbishment can be made.
- *Motel building for prison visitors.* This building has extensive NATO inflicted damage.

zone 3 - The secure walled prison owned agricultural field.

- The area was not visited by the JAM team.

### Recommendations

Based on European figures for detained individuals per capita in the country, it is estimated that 1500 prison places are needed in Kosova. Therefore it is required that the remaining cell block be refurbished and for the prison facility to function correctly the ancillary building should, where possible, be refurbished. Where damage is measured as category 5 then rebuilding should be considered. If full funding is not available for complete refurbishment then temporary field facilities could be set up with the assistance of KFOR. The temporary facilities would be particularly well suited to providing canteen and welfare facilities.

Detailed structural surveys are needed to ascertain the suitability for refurbishment. Following these surveys correct specifications and bills of quantities can be drawn up in order that the refurbishment work can commence. For a more detailed view of the implementation procedures that might be considered see Section 3 Implementation procedures.

It was not apparent during the visit as to the provision for staff accommodation. Further investigation would be necessary in order to ascertain the level of accommodation required.

Funding for the fitting out of the hospital, dentist, kitchen and welfare facilities is also needed. The specific needs of these facilities is not within the scope of this section of the report.

### Costs

In the absence of a detailed survey it is difficult to estimate the exact costs involved in completing the refurbishment of Istog/Istok prison. However based on the \$1m worth of work completed so far a pro-rata figure of \$1.75M - \$2.5M could be assumed. These figures do not include the refurbishment of the power generating plant and boiler which have been estimated at \$660,000 including a mechanical survey costing \$60,000.

### PRISHTINE/PRISHTINA PRISON



### Introduction

The Detention Facility in the centre of Prishtine/Prishtina, is within the police station and court building complex. The administration wing faces the street, while the detention facilities are to the rear in a two storey semi-circular building around a central courtyard.

The total capacity of the facility is for 100 detainees.

### Facilities

#### Administration Wing:

The administration wing on the ground floor consists of a reception area, 3 administration offices, one computer office and male and female toilets. There are also 2 search rooms and storage rooms around an internal paved courtyard. On the first floor there are two investigation rooms, two storage rooms and a toilet. The toilet has a leak from the roof, a floor gully grating missing, and no water supply.

The administration wing is in a good state of repair, except for a parquet floor to a ground floor room, that is extensively water damaged. There are also 4 window panes broken and a window shutter missing.

The kitchen and a dining room facility at the prison is in the process of being refurbished

Within the prison is a staircase to an observation tower on the roof that is in a very poor state of repair. The staircase has no enclosure to the top or bottom. There are 8 wired glass panes broken in the staircase enclosure window and the base of the metal frame is corroded and allowing water penetration.

#### **Detention Facility:**

The detention facility is a two storey semi-circular block around two exercise yards separated by a wall. There are 17 cells with capacities ranging from 1-5 persons, 8 on the ground floor and 9 on the first floor.

The central heating was not working and heating was being provided by temporary blower heating units.

The detention facility has two shower rooms at each staircase landing with 4 shower units in each.

The facility is in relatively good condition. Each cell has a heating radiator and a squat pan toilet. All cell doors have viewing slots.

The detention building has a flat concrete, bitumen felt covered, roof, which looks in a deteriorated condition, and has been patched extensively. There are no apparent roof leaks. However gutters and 3 downpipes are damaged and there is considerable damage to exterior render. There is also water damage to exterior walls, where the shower rooms are.

The exercise yards are in a poor state of repair, with damage to concrete paving, drainage gully and extensive render damage to surrounding cell walls.

#### **Recommendations**

In the short term the detention facilities in Prishtina will be used and it is recognised that although the facilities are secure an amount of work is necessary in order to protect the building from further deterioration.

The terms of reference of the reporting did not cover the detailed analysis of the prison building fabric condition, however the following points have been flagged as indicative of the scope of the work that might be required in order to bring the prison up to a set standard.

- Supply and fix new high security bolt to entrance gates.
- Install new gutters and downpipes.
- Install additional light fittings to rooms, cells and corridors.

- Identify all drainage defects and rectify.
- Repair extensive render damage to exterior courtyard walls.
- Repair concrete paving to courtyard
- Clear and repair drainage gully.
- Install toughened or plexiglass to all windows.
- Repair central heating system.
- Redecorate exterior fabric of building.

#### **Costs**

Prishtina prison will require a detailed survey and subsequent report in order to establish correct costs for refurbishment. Experience that has been attained by working on other public building refurbishment in Kosova, following the war would suggest that a budget of \$30,000 is required. This amount has been set to cover refurbishment costs only and not upgrading.

### **PRIZREN PRISON**

#### **Introduction**

Prizren prison is at present being used as a detention facilities. The detention facility is located in the police station and court building complex. It is a minimum security facility with capacity for 100 detainees, including women and children. At present 70 pre-trial inmates are being held at this site. Only two of the inmates are convicted offenders.

The building is in good condition with only redecoration needed. A number of upgrading works have been requested.

#### **Facilities**

##### **Administration Wing:**

The administration wing is on the ground floor and in good condition.

##### **Detention Facility:**

The detention facility is a two storey block around two courtyards separated by a wall.

The facility is in relatively good condition. The cells have heating radiators, a toilet and a basin.



The building has a flat concrete, bitumen felt covered, roof in good condition

The courtyards (exercise yards) are in a good state of repair, with well drained paving.

### **Recommendations**

In the short term the detention facilities in Prizren will be used to full capacity and it is recognised that although the facilities are secure an amount of work is necessary in order upgrade the building to provide adequate standard facilities.

The terms of reference of the reporting did not cover the detailed analysis of the prison building fabric condition, however the following points have been flagged as indicative off the scope of the works that might be required in order to bring the prison up to a set standard.

- Divide each of the 8 large cells (6-10 persons) into two, and provide an additional toilet cubicle in each new cell.
- Generally provide additional toilet facilities.
- Install plexi glass to windows.
- Install high security bolts to doors, vision hatches and handles.
- Repaint to interior.

### **Costs**

It is recommended that a budget of \$25,000 be set aside for the necessary upgrade works required at the prison in Prizren.

A more detailed survey and report is necessary in order to establish correct costs.

## **SECTION 3 - IMPLEMENTATION**

The survey provides broad recommendations, guidelines and a cost indication for renovation and upgrade.

However, the information contained in the report is based on a cursory survey and needs to be expanded for tendering purposes. Along with the requested upgrades, each building will require a detailed fabric survey to develop specifications and bills of quantities. These specifications will then form the tender documents to gain competitive quotations for carrying out of the renovation and upgrading works.

Kosova has capacity within the indigenous contractor community to facilitate all of the construction work detailed in this report. However, the process of implementation would be administered by a single agency, company or organisation, who would develop the tender documents, obtain competitive bids, enter into contracts with local contractors on behalf of the client and supervise works to ensure completion to quality, time and budget constraints.

Ideally one contract could be let to cover a group of buildings by region. This would enable a local contractor to offer a cost effective approach.

A steering group should be set up including representatives from all interested parties including the donor, UNMIK Judicial Affairs, OSCE Rule of Law, appointed judges to establish terms of reference for implementation and be involved at all stages of the process.

**Ferizaj/Urosevac - Minor Offences**

	refurb	upgrade	
Landscaping	500		
Roof	9000		
Building Fabric	1000		
Basement	6000		
Windows/Doors	7500		
Plumbing/Sanitation	5000		
Electrical Installation	10000		
Heating	50000		
Security		6000	
Communications		5000	
Fire Safety		5000	
Finishes/Decorations	13700	6000	
Facilities		1500	
<b>Sub Total</b>	<b>102700</b>	<b>23500</b>	<b>126200</b>

**Ferizaj/Urosevac - Municipal court/Municipal Prosecutors Office**

	refurb	upgrade	
Landscaping	9000		
Building Fabric	3000		
Basement	8000	10000	
Windows/Doors	11500		
Plumbing/Sanitation	24000		
Electrical Installation	10000		
Heating	35000		
Security		21000	
Communications		2000	
Fire Safety		10000	
Finishes/Decorations	25000	15000	
Facilities		2000	
<b>Sub Total</b>	<b>125500</b>	<b>60000</b>	<b>185500</b>

**Gjakova/Djakovica – Municipal court/Municipal Prosecutors Office**

	refurb	upgrade	
Landscaping	7000		
Roof	2500		
Building Fabric	2500		
Basement		11000	
Windows/Doors	7000		
Electrical Installation	7000		
Heating	30000		
Security		21000	
Communications		2000	
Fire Safety		10000	
Finishes	20000	10000	
Facilities		1000	
<b>Sub Total</b>	<b>76000</b>	<b>55000</b>	<b>131000</b>

**Gjilane/Gnjilane - District Court/District Prosecutors Office/Municipal Court/Municipal Prosecutors Office/Minor Offences Court**

	Refurb	upgrade	
Roof	2000		
Building Fabric	2300		
Annex	14500		
Basement	2000		
Windows/Doors	4000		
Plumbing/Sanitation	25000		
Electrical Installation	10000		
Heating	35000		
Security		22000	
Communications		2000	
Fire Safety		12000	
Finishes	1500	15000	
Facilities		1000	
<b>Sub Total</b>	<b>96300</b>	<b>52000</b>	<b>148300</b>

**Istog/Istok - Municipal Court/Minor Offences Court**

	Refurb	upgrade	
Landscaping	1500		
Roof	1000		
Windows/Doors	5000		
Plumbing/Sanitation	25000		
Electrical Installation	8000		
Heating	2000		
Security		20000	
Communications		2000	
Fire Safety		8000	
Finishes/Decorations	20000	7000	
Facilities		11500	
<b>Sub Total</b>	<b>62500</b>	<b>48500</b>	<b>111000</b>

**Kamanica/Kos. Kamenica - Municipal Court (original court building occupied by KFOR)**

	Refurb	upgrade	
Complete building	1000000		
<b>Sub Total</b>	<b>1000000</b>		<b>1000000</b>

**Kline/Klina - Municipal Court/Minor Offences Court**

	Refurb	Upgrade	
Landscaping	11000		
Windows/Doors	500		
Plumbing/Sanitation	4500		
Security		18000	
Communications		2000	
Facilities		500	
<b>Sub Total</b>	<b>16000</b>	<b>20500</b>	<b>36500</b>

**Lipjan/Lipljan - Municipal Court/Minor Offences**

	Refurb	Upgrade	
Landscaping	100		
Roof	100		
Building Fabric	500		
Windows/Doors	4500		
Plumbing/Sanitation	8000		
Heating	30000		
Security		15000	
Communications		2000	
Fire Safety		10000	
Facilities		11000	
<b>Sub Total</b>	<b>43200</b>	<b>38000</b>	<b>81200</b>

**Peja/Pec - Minor Offences Court**

	Refurb	upgrade	
Landscaping	200		
Roof	10000		
Building Fabric	2300		
Windows/Doors	9000		
Plumbing/sanitation	5000		
Electrical installation	10000		
Security		5500	
Communications		2000	
Fire Safety		7000	
Finishes/decoration	14500		
Facilities		1000	
<b>Sub Total</b>	<b>51000</b>	<b>15500</b>	<b>66500</b>

**Peja/Pec - District Court/District Prosecutors Office/Municipal Court/Municipal Prosecutors Office**

	Refurb	upgrade	
Landscaping	4600		
Roof	1300		
Building Fabric	700		
Basement	11500		
Windows/Doors	8000		
Plumbing/sanitation	24000		
Electrical Installation	10000		
Heating	30000		
Security		16000	
Communications		2000	
Fire Safety		10000	
Finishes/Decorations	25500	15000	
Facilities		1000	
<b>Sub Total</b>	<b>115600</b>	<b>44000</b>	<b>159600</b>

**Podujevo/Podujeva - Minor Offences Court**

	refurb	upgrade	
Windows/Doors	2000		
Electrical Installation	5000		
Heating	60000		
Security		3000	
Communications		2000	
Fire Safety		5300	
Facilities		1000	
<b>Sub Total</b>	<b>67000</b>	<b>11300</b>	<b>78300</b>

**Podujevo/Podujeva - Municipal Court**

	refurb	upgrade	
Landscaping	12000		
Roof	2500		
Building Fabric	1100		
Windows/Doors	1000		
Electrical Installation	4000		
Security		16000	
Communications		2000	
Fire Safety		8000	
Finishes/Decoration	15500	6000	
Facilities		1000	
<b>Sub Total</b>	<b>36100</b>	<b>33000</b>	<b>69100</b>

**Prishtine/Prishtina - Commercial Court**

	refurb	upgrade	
Roof	15000		
<b>Sub Total</b>	<b>15000</b>		<b>15000</b>

**Prishtina - Supreme Court/District Court/District Prosecutors Office/Kosovo Prosectors Office**

	refurbishment	upgrade	
Roof	1000		
Building Fabric	500		
Heating	1000		
Security		6000	
Communications		2000	
Fire Safety		1500	
<b>Sub Total</b>	<b>2500</b>	<b>9500</b>	<b>12000</b>

**Prizren - District Court/Municipal Court**

	refurb	upgrade	
Landscaping	2000		
Roof	1600		
Building Fabric	400		
Basement	8500		
Windows/Doors	12000		
Plumbing/Sanitation	25000		
Electrical Installation	10000		
Heating	30000		
Security		4000	
Communications		2000	
Fire Safety		10000	
Finishes	20000	19000	
Facilities		2000	
<b>Sub Total</b>	<b>109500</b>	<b>37000</b>	<b>146500</b>

**Prizren – District Prosecutors Office/Municipal Prosecutors Office**

	refurbishment	upgrade	
Roof	2200		
Building Fabric	2600		
Basement	800		
Windows/Doors	4500		
Plumbing/Sanitation	10000		
Electrical installation	10000		
Heating	40000		
Security		6000	
Communications		2000	
Fire Safety		5000	
Finishes/Decorations	8000	5000	
Facilities		1000	
<b>Sub Total</b>	<b>78100</b>	<b>19000</b>	<b>97100</b>

**Prizren - Minor Offences Court**

	refurb	upgrade	
Building Fabric	3200		
Windows/Doors	3000		
Plumbing/Sanitation	700		
Electrical Installation	5000		
Security		3000	
Communications		2000	
Fire safety		4300	
Finishes/Decorations	5000		
Facilities		1000	
<b>Sub Total</b>	<b>16900</b>	<b>10300</b>	<b>27200</b>

**Rahovec/Orahovac - Municipal Court/Minor Offences Court**

	Refurbishment	upgrade	
Landscaping	250		
Basement	4000	10000	
Windows/Doors	5000		
Plumbing/Sanitation	24000		
Electrical Installation	6000		
Heating	60000		
Security		10000	
Communications		2000	
Fire safety		8200	
Finishes/Decorations	3000	10000	
Facilities		1500	
<b>Sub Total</b>	<b>102250</b>	<b>41700</b>	<b>143950</b>

**Viti/Vitina - Municipal Court/Minor Offences Court**

	Refurb	upgrade	
Roof	4500		
Building Fabric	200		
windows/Doors	23000		
Plumbing/Sanitation	24000		
Electrical Installation	10000		
Heating	30000		
Security		17000	
Communications		2000	
Fire safety		7000	
Finishes/Decorations	21000	10000	
Facilities		1500	
<b>Sub Total</b>	<b>112700</b>	<b>37500</b>	<b>150200</b>

**Mitrovica District Court/Municipal Court**

	refurb	upgrade	
Completion of Annex		141160	
Refurbishment of existing building	48310		
Security		15000	
<b>Sub Total</b>	<b>48310</b>	<b>156160</b>	<b>204470</b>

**Vushtrri/Vucitrn - Municipal Court/Minor Offences Court**

	refurbishment	upgrade	
Landscaping	5000		
Roof	2000		
Basement	12000		
Windows/Doors	5000		
Plumbing/Sanitation	25000		
Electrical Installation	10000		
Heating	60000		
Security		13500	
Communications		2000	
Fire Safety		10000	
Finishes/Decoration	18000	10000	
Facilities		11000	
<b>Sub Total</b>	<b>137000</b>	<b>46500</b>	<b>183500</b>

## SECTION 4 - CONCLUSIONS

Court houses and prisons were found to be in a relatively good state of repair and better maintained than other post-war institution buildings in Kosovo. However, all of them required some amount of refurbishment or upgrading, and the state of repair varied considerably across different regions.

The refurbishment of buildings, which would include essential plumbing and water supply repairs, weatherproofing the building and repairing all damaged doors and windows, refurbishing finishes, to bring them up to their original standards, could be carried out relatively quickly (within 2 months) and at a moderate cost.

However, the standards of all the buildings also need to be upgraded, to bring them up to present day requirements. This includes everything from upgrading finishes and fittings in toilets, installing central heating, upgrading existing central heating boilers, and providing additional facilities such as a cooking area and detention facilities. Court

buildings are often short of space and basements, with upgrading of facilities and finishes, are a potentially valuable space for archiving, offices and detention facilities.

Additionally, present day security requirements dictate the installation of boundary fencing and gates, security grilles, exterior floodlights, intruder alarms and metal detectors. While most buildings were equipped with manual fire fighting equipment, modern fire safety requirements necessitate the installation of automatic detection and alarm systems and creation of secondary means of escape.

Another issue is that of power, water and central heating hot water supplies to the courts from the town system, which are presently unreliable. To resolve this issue in the short term, it would be necessary to supply standby generators and water tanks to all court buildings at significant expense.

In summary, the buildings require both refurbishment and upgrading of facilities. They also need their own temporary water, central heating and electricity supplies independent of the currently unreliable town supplies.

<b>BUDGET COSTS</b>	<b>ALL FIGURES IN GERMAN DM.</b>	
<b>Court Buildings</b>		<b>Cost</b>
The total cost estimate for refurbishment and upgrading of the 21 court buildings surveyed:	3,173,120	
Allowance for non-surveyed courthouses –5 at say DM100,000	500,000	
<b>Sub total</b>		<b>3,673,120</b>
Add 20% contingency	734,624	
<b>Sub total</b>		<b>4,407,744</b>
Additionally a 25% customs tax on materials would add another 12% (assuming over budgets divided equally between labour and materials)	528,929	
<b>sub</b>		<b>4,936,673</b>
Overheads for the implementation of the project at 10%	493,667	
<b>Sub total</b>		<b>5,430,340</b>
A 150KVA generator for 25 courthouse location @ DM60,000	1,500,000	
<b>TOTAL BUDGET FIGURE (COURTHOUSES)</b>		<b>6,930,340</b>

It should be noted that the above figures are based on indicative costs and should only be used for budgeting purposes.

## ATTACHMENT A:

### COURTHOUSE ASSESSMENTS

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#### Contents:

*The following buildings were surveyed and assessments including budget costings are attached:*

1	Ferizaj/Urosevac Minor Offences Court
2	Ferizaj/Urosevac Municipal Court/Municipal Prosecutors
3	Gjakova/Djakovica Municipal Court/Prosecutors Office
4	Gnjilane/Gjilane District Court/District Prosecutors/Municipal Court/Municipal Prosecutors/Minor Offences Court
5	Istog/Istok Municipal/Minor Offences
6	Kamanica/Kos. Kamenica Courthouse
7	Kline/Klina Municipal Court/Minor Offences Court
8	Lipjan/Lipljan Municipal Court/Minor Offences Court
9	Peja/Pec Minor Offences Court
10	Peja/Pec Municipal Court /District Courts/Municipal Prosecutors Office/District Prosecutors Office
11	Podujeva/Podujevo Minor Offences Court
12	Podujeva/Podujevo Municipal Court
13	Prishtine/Prishtina Commercial Court
14	Prishtine/Prishtina District Court/District Prosecutors Offices/Kosova Prosecutors Office
15	Prishtine/Prishtina Supreme Court
16	Prizren District Court/Municipal Court
17	Prizren Prosecutors Offices
18	Prizren Minor Offences
19	Rahovec/Orahovac Municipal Court/Minor Offences Court
20	Viti/Vitina Municipal Court/Minor Offences Court
21	Vushtrri/Vucitrn Municipal Court/Minor Offences Court

The following 15 court buildings were not surveyed due to the reasons indicated:

#### Occupied by Others

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Prishtine/Prishtina Municipal Court/Municipal Prosecutors Office - occupied by UNMIK judicial affairs/UNMIK police and not surveyed

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Prishtine/Prishtina Minor Offences Court/High Court for Minor Offences - occupied by UNDP/UNICEF and not surveyed

---

Decan/Decani Minor Offences Court- occupied by UNMIK/UNHCR and not surveyed

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Gjakova/Djakovica Minor Offences Court - occupied by third parties and not surveyed

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Kacanic Minor Offences Court - occupied by UNMIK and not surveyed

#### Operational, but not surveyed.

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Mitrovica District Court/District Prosecutors Office/Municipal Court/Municipal prosecutors Office – surveyed by UNMIK.

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Dragash/Dragas Municipal Court/Minor Offences Court – operational, but not surveyed (time)

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Suhareka/Suva Reka Municipal Court/Minor Offences Court – operational, but not surveyed (time)

---

Kamenica/Kos. Kamenica Minor Offences Court – operational in temporary building, but not surveyed (time)

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Leposavic/Leposaviq Municipal Court/Minor Offences Court – operational, but not surveyed (security)

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Skenderaj/Srbica Minor Offences Court – operational, but not surveyed (security)

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Zubin Potok Minor Offences Court – operational ,but not surveyed (security)

#### Not Operational

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Glogovac/Glogovac Municipal Court/Minor Offences Court - Not re-established

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Malisheva/Malishevo Municipal Court/Minor Offences Court - Not re-established

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Mitrovica Minor Offences Court- not operational, not surveyed (security)

## COURTHOUSE ASSESSMENT 1

**Location:** Ferizaj/Urosevac      **Courthouse Type:** Minor Offences Court

**Address:** Gjykata Komunale per Kundervatje, Ferizaj/Urosevac

**Date:** 10 February 2000

### General Description

Two storey building, with attic floor and basement, over 50 years old, in a very bad state of repair. There is a small annex to rear across small court, with offices shared with Municipal offices.

### Accommodation (290 sqm)

*Basement:* Unused  
*Ground Fl:* Reception, 2 offices, archives room and toilet  
*First Fl:* 4 offices  
*Attic:* 3 rooms  
*Annex:* 2 ground floor rooms available for court use

Item	Comment
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### External

<i>Car-parking</i>	None, except on street parking
<i>Landscaping</i>	Pavement to front of courthouse, concrete paving, cracked and potholed. Rear court paved.

### Security

<i>Boundary</i>	Rear court completely enclosed by surrounding buildings.
<i>Access</i>	Uncontrolled
<i>External Lighting</i>	None
<i>Electronic Systems</i>	None
<i>Security Grilles</i>	None

### Structure

<i>Condition/cracks/damp</i>		Structure sound, but metal frontage panels corroded.
<i>Basement</i>		Pavement lights broken (2 no) causing water penetration to the basement. No door at entrance causing further water penetration.
<i>Rear courtyard</i>		There is roofed passage to rear annex, which has no walls. Roof sheets are damaged and leaking.
<i>Roof</i>	<i>Type</i>	Clay tiled on timber structure.
	<i>Condition</i>	Timber mainly sound, but some rafters may need replacing. Tiled covering requires complete replacement. Extensive leaking and water damage to windows and interiors. Extensive leaking in staircase roof area.
<i>Entrance(s)</i>		Single entrance, metal door needs additional locks.
<i>Doors</i>	<i>Condition/Security</i>	Reasonable condition; require locks. Metal external door to rear court badly corroded.
<i>Windows</i>		Metal single glazed. Very poor condition. 6 dormer (roof space) windows badly deteriorated. Side and top covering require complete replacement.
<i>Interior</i>	<i>Decoration</i>	Poor condition, needs repainting throughout.
	<i>Flooring</i>	Parquet requires polishing; floor tiles in corridors, some cracked. Carpets in very poor condition.
	<i>Ceilings</i>	Attic floor, lath and plaster ceiling extensively water damaged (80%)
<i>Staircases</i>		One staircase, full height metal framed single glazed window. Rear door from stairway to rear court.

### Water/ Sanitation

<i>Water supply</i>		Pressure inadequate, water pump required
<i>Sanitation</i>	<i>No. of toilets</i>	Ground Fl: 1 unisex western style WC + basin. No seat, no water pressure. Floor requires tiling.

	<i>Condition</i>	First Fl: 1 unisex squat pan + basin. Wall tiling damaged and concrete floor needs tiling.
<b>Electrics</b>		
<i>MCB</i>		New switchboard recently installed.
<i>Fittings</i>	<i>Lighting</i>	Fittings old and inadequate. Single bare lightbulbs in rooms.
	<i>Heating</i>	Storage heaters
<i>Sockets</i>		2 per room, inadequate provision.
<b>Telephone System</b>		
	<i>Internal &amp; External</i>	2 external lines, none internal
<b>Heating</b>		
	<i>Type</i>	Electric storage heaters, 6 are working, 3 non functioning.
<b>Fire Safety</b>		
<i>Extinguishers/ hose reels</i>		1 extinguisher, no hose reel.
<i>Electrical alarm system</i>		None
<i>Smoke detectors</i>		None
<i>Fire Escape Route</i>		Escape door to rear court.
<b>Facilities</b>		
<i>Visitors waiting</i>		None
<i>Canteen/cooking</i>		None
<i>Library/Archives</i>		One
<b>Recommendations</b>		<b>Cost Estimate (DM)</b>
<i>Landscaping</i>		
•	Repair damaged concrete paving to front of building.	500
<i>Roof</i>		
•	Replace entire roof tile covering, inspect all timbers, provide underlay and insulation to roof.	5000
•	Strip off covering of dormer windows, rebuild as necessary.	2000
•	Rebuild roof and walls to passage to rear annex.	2000
<i>Building Fabric</i>		
•	Refurbish metal frontage panels (Apply primer and repaint)	1000
<i>Basement</i>		
•	Install entrance door and pavement lights to block water ingress.	3000
•	Install electrics, lighting, heating.	
•	Refurbish all finishes.	3000
<i>Windows/Doors:</i>		
•	Replace all metal single glazed windows with timber double glazed	6000
•	Install new handles and locks to doors.	1000
•	Replace corroded metal door to rear court.	500
<i>Plumbing/Sanitation</i>		
•	Provide water pump	
•	Repair wall tiling and install floor tiling.	
•	Provide handwash boilers and mirrors.	
•	Repairs to plumbing fittings and install new toilet seat.	5000
<i>Electrical Installation</i>		
•	Rewire, replace all light fittings, double existing lighting levels.	
•	Install 4 power sockets per room.	10,000
<i>Heating</i>		
•	Install new central heating system with oil fuelled or electric boilers.	50,000
<i>Security:</i>		
•	Provide motion detector activated floodlights to exterior.	1000
•	Install security grilles at ground floor windows.	2000
•	Install intruder alarm system (Provisional sum)	3000



<i>Communications</i>	
• Install internal telephone system. (Provisional sum)	5,000
<i>Fire Safety</i>	
• Provide automatic fire detection and alarm system.	4,000
• Provide additional fire extinguishers and hose reels on 4 floors and at annex.	1,000
<i>Finishes</i>	
• Repair /fill lobby floor tiling.	200
• Install floor covering to concrete screed at annex.	500
• Clean and polish parquet flooring.	1,000
• Install new carpets throughout.	6,000
• Repair ceiling in attic space.	2,000
• Repaint exterior and interior throughout.	10,000
<i>Facilities</i>	
• Install kitchen facilities	1,500
<b>TOTAL</b>	<b>DM126,000</b>
<b>Including 20% Contingency</b>	<b>DM151,000</b>

## COURTHOUSE ASSESSMENT 2

**Location:** Ferizaj/Urosevac      **Courthouse Type:** Municipal Court  
Municipal Prosecutors

**Address:** Rruga Kyresore, No. 105

**Date of Survey:** 10 February 2000

### General Description

Large 3 storey building, with basement, rendered exterior, hipped corrugated asbestos cement sheeting roof, built 1963. Corner building on street, with rear courtyard.

### Accommodation (1,445 sqm)

*Ground Fl:* 2 courtrooms, 1 archive room, 7 offices and 2 toilets  
*First Fl:* 7 offices and 2 toilets  
*Second Fl:* 11 offices and 2 toilets  
*Basement:* Extensive basement area to whole of building  
*Outhouses:* 3 garages, presently used for storing coal.

Item	Comment
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### External

<i>Car-parking</i>	On street parking to the front. Possible parking court at rear, but not paved, muddy and overgrown.
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### Security

<i>Boundary</i>	No fencing to rear court.
<i>Surrounding Buildings</i>	Adjacent building has been burnt.
<i>Access</i>	Uncontrolled
<i>Entrance(s)</i>	Single, at street level
<i>Exterior Lighting</i>	No floodlighting.
<i>Electronic Systems</i>	None
<i>Security Grilles</i>	None to ground floor windows

### Structure

<i>Condition/cracks/damp</i>	Sound, except for one horizontal crack stretching length of gable wall, 12 m, at high level. Some render damage at high level, where downpipe had been leaking. Graffiti damage to walls.
<i>Roof</i>	<i>Type/Condition</i> Asbestos cement sheeting, hipped roof, sound condition, no leaks.
<i>Basement</i>	Basement to full extent of building. 3 pavement lights, all glazing broken, allowing water penetration. No heating or lighting.
<i>Outhouses/garages</i>	3 garages, presently storing coal. Timber boarded doors very deteriorated condition.
<i>Doors</i>	<i>Condition</i> Entrance lobby door 2 large wired glass panes cracked (4 sqm each). Elsewhere doors sound. No kick plates fitted.
	<i>Security</i> Some new locks needed.
<i>Windows</i>	<i>Condition/Security</i> Timber dual glazed, need painting. 6 panes need replacing.
<i>Interior</i>	<i>Plaster/paint</i> Reasonable condition
	<i>Flooring</i> New carpets needed.
<i>Staircases</i>	<i>Condition</i> One staircase. Timber framed full height window. One section of framing very deteriorated.

### Water/ Sanitation

<i>Water supply</i>	No water to 2nd floor, requires water pump
<i>Sanitation</i>	<i>No. of toilets</i> <i>Male/ratio</i> 2 WC's, 1 basin per floor <i>Female/ratio</i> 1 WC, 1 basin per floor
	<i>Condition</i> Terrazzo floor and squat pans stained. Cast iron sewage pipes corroded and leaking, causing damage to floors below and adjacent offices. Other plumbing repairs and refurbishment of finishes required.

**Electrics**

<i>Fittings</i>	<i>Lighting</i>	Reasonable, but inadequate provision of only one lamp/fitting per room.
<i>Sockets</i>		Inadequate number

**Heating**

	Type	Central heating installed, but coal fired boiler not functioning.
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**Fire Safety**

<i>Extinguishers/hose reels</i>	Both present on each floor, but need maintenance.
<i>Electrical alarm system</i>	None
<i>Smoke detectors</i>	None
<i>Emergency Exits</i>	Only one exit/entrance.

**Facilities**

<i>Visitors waiting</i>	In lobby areas
<i>Detention rooms</i>	None

**Potential for Expansion**

Refurbishment of basement could provide an additional usable space for offices, archiving and detention facilities.

<b>Recommendations</b>	<b>Cost Estimate (DM)</b>
<i>Landscaping</i>	
• Pave rear court to allow car parking.	9,000
<i>Building Fabric</i>	
• Further investigation required to crack at gable wall. Fill crack or rebuild as necessary.	2000
• Repair damaged exterior render at high level (scaffolding needed)	1000
<i>Basement</i>	
• Replace pavement lights.	3,000
• Plaster and finish to walls	5,000
• Install heating and electrical fittings.	
• Provide secure detention facility	10,000
<i>Windows/Doors:</i>	
• Replace cracked entrance door panes with wired or toughened glass.	2,000
• Install new handles, locks and kickplates to doors.	3,000
• Replace broken window panes. Fix all panes securely with glazing bars or putty.	3,000
• Replace garage doors to exterior buildings at rear.	2000
• Strip out central section of staircase window and replace to match existing (5mx3m)	1,500
<i>Plumbing/Sanitation (Male/female toilets at 3 floors)</i>	
• Install new water pump.	
• Replace corroded pipework with PVC pipework.	
• Carry out plumbing repairs.	
• Tile to floors and walls to full height.	24,000
• Install new cubicle doors.	
<i>Electrical Installation</i>	
• Inspect electrics, install additional lighting fittings(2 double fluorescent and 4 sockets per room.	
• Replace existing damaged fittings.	10,000
<i>Heating</i>	
• Replace central heating coal fired boiler with oil fuelled boiler/ service existing system.	35,000
<i>Security:</i>	
• Fence off rear court, with vehicular access gates.	6000
• Provide motion detector activated floodlights to exterior.	1000
• Install security grilles at ground floor windows.	5000
• Install metal detector at entrance.(Provisional allowance)	6000
• Install intruder alarm.(Provisional allowance)	3000
<i>Communications</i>	

• Repair internal telephone system.	2000
<i>Fire Safety</i>	
• Provide automatic fire detection and alarm system.	10,000
<i>Finishes</i>	
• Repaint exterior and interior.	25,000
• Install new carpets	15,000
<i>Facilities</i>	
• Install cooking facility	2000
<b>TOTAL</b>	<b>DM177,500</b>
<b>Including 20% Contingency</b>	<b>DM213,000</b>

**COURTHOUSE ASSESSMENT 3****Location:** Gjakova/Djakovica**Courthouse Type:** Municipal Court  
Municipal Prosecutors**Date:** 15 February, 2000**General Description**

Three storey building with basement, standard court design, with asbestos cement sheeting roof, built 1962. Relatively good condition.

**Accommodation (984 sqm)**

*Basement:* Archives and cafe  
*Ground Fl:* Reception, 8 offices and 2 toilets  
*First Fl:* 7 offices and 2 toilets  
*Second Fl:* 9 offices  
*Guardhouse:* in front court

Item	Comment
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**External**

<i>Car-parking</i>	Large forecourt, 15 m from street, space for 8-10 cars. 2 garage buildings at rear.
<i>Landscaping</i>	Tarmac parking area to front in good condition. Rear court unpaved. Garbage dump to side of building.

**Security**

<i>Boundary</i>	No fencing to front, but fencing and vehicular gate to rear court in good condition.
<i>Access</i>	Uncontrolled
<i>Exterior Lighting</i>	None
<i>Electronic systems</i>	None
<i>Security grilles</i>	None

**Structure**

<i>Condition/cracks/damp</i>	Graffiti damage to side wall; 2 downpipes old and leaking, causing water damage to exterior render.
<i>Roof</i>	<i>Type /Condition</i> Asbestos cement sheeting, low pitch (15°). Leaking in places. Gutters and downpipes damaged in sections. Water leaking at entrance canopy roof.
<i>Entrance(s)</i>	Single entrance; entrance steps have slightly subsided and caused large crack across, (but not critical); Metal framed glazed entrance doors, glass broken to fanlight and metal corroded.
<i>Basement</i>	3 rooms, metal framed windows with grilles, good condition; bare light bulb lighting; has one café fully tiled and fitted out, though no seating furniture.
<i>Doors</i>	<i>Condition/ security</i> Reasonable condition, but some locks and handles missing, kick plates needed. Some damage to frames at locks.
<i>Windows</i>	<i>Condition/ security</i> Timber dual glazed, rickety, but serviceable. Some leaks to internal cills.
<i>Interior</i>	<i>Plaster/paint</i> Requires redecoration throughout.
	<i>Flooring</i> Terrazzo floor, good condition, parquet old, carpets worn.
<i>Staircases</i>	Staircase window in 3 sections. One section has extensive damage with timber framing rotted, and needs replacing (5m x 3m). Water penetration from window causing water damage to internal plaster and paint. Water damage from toilet plumbing leaks appearing on staircase walls.

**Water/ Sanitation**

<i>Water supply</i>	Reasonable pressure without pump
<i>Sanitation</i>	<i>No. of toilets</i> <i>Male/ratio</i> 2 WC and basin per floor <i>Female/ratio</i> 1 WC and basin per floor, but 2 WC and basin on 2nd floor.
	<i>Condition</i> Good condition, recently refurbished, tiled floor and full height tiled walls, metal

pipework replaced with uPVC, mirrors and handwash boilers installed.  
Window repairs and repainting needed.

### Electrics

<i>Fusebox/Circuit board</i>		New fuse boxes at each floor, recently rewired. Users say only half building rewired. Other half remains to be done.
<i>Fittings</i>	<i>Lighting</i>	Many covers to fittings missing. Bare bulbs in rooms and corridors. Inadequate lighting levels.
	<i>Heating</i>	Storage heaters used
<i>Sockets</i>		Recently installed- one new socket in each room. Inadequate number.

### Telephone System

	<i>Internal &amp; External</i>	2 external lines. Some components of internal system, but incomplete and not working.
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### Heating

	<i>Type</i>	Central heating, but not functioning. Electric storage heaters in use.
	<i>Boilers</i>	Fed from town system, 2 pumps, of which one is not working.

### Fire Safety

<i>Extinguishers/ hose reels</i>	Present on each floor.
<i>Electrical alarm system</i>	None
<i>Smoke detectors</i>	None
<i>Emergency Escape Routes</i>	One escape door to rear.

### Facilities

<i>Visitors waiting</i>	None
<i>Canteen/cooking</i>	None
<i>Detention rooms</i>	None
<i>Library/Archives</i>	

### Recommendations

### Cost Estimate (DM)

<i>Landscaping</i>		
•	Clear away debris/garbage from side of building.	1000
•	Pave rear court to allow car parking.	6000
<i>Roof</i>		
•	Replace damaged roofing sheets.	1500
•	Replace damaged guttering and downpipes.	1000
<i>Building Fabric</i>		
•	Repair leaks around entrance canopy and reclad canopy.	1000
•	Repair render around downpipes.	1000
•	Fill crack at steps to entrance.	500
<i>Basement</i>		
•	Install seating in existing café and refurbish fittings.	1000
•	Create secure detention facility with strong door, WC etc.	10,000
<i>Windows/Doors:</i>		
•	Replace broken window panes. Fix all panes securely with glazing bars and putty. Reseal around cills.	2000
•	Strip out central section of staircase window and replace to match existing (5mx3m)	1000
•	Repair damaged door frames and install new handles, locks and kickplates.	3000
•	Replace broken glazing to entrance fanlight with wired or toughened glass.	1000
<i>Electrical Installation</i>		
•	Inspect electrics, rewire to remaining half of building. Install 2 light fittings and 4 power sockets per room.	7,000
<i>Heating</i>		
•	Install central heating boilers (oil fuelled or electric) to make system independent of town system and refurbish system.	30,000
<i>Security:</i>		
•	Install boundary fencing, vehicular and pedestrian gates to forecourt.	8,000
•	Provide motion detector activated floodlights to exterior.	1,000
•	Install security grilles to ground floor windows.	3,000
•	Install metal detector at entrance.(Provisional allowance)	6,000

• Install intruder alarm (Provisional allowance)	3,000
<i>Communications</i>	
Repair internal telephone system.	2000
<i>Fire Safety</i>	
Provide automatic fire detection and alarm system.	10,000
<i>Finishes</i>	
• Repaint interior and exterior.	20,000
• Install new carpets	10,000
<i>Facilities</i>	
• Install kitchen facilities	1000
<b>TOTAL</b>	<b>DM131,000</b>
<b>Including 20% contingency</b>	<b>DM157,200</b>

## COURTHOUSE ASSESSMENT 4

**Location:** Gjilane/Gnjilane      **Courthouse Type:** District Court  
District Prosecutors  
Municipal Court  
Municipal Prosecutors  
Minor Offences Court

**Address:** Marshall Tito

**Date:** 9 Feb 2000

### General Description

Large 3-storey building, built 1958. Brick walls, plaster finish to exterior, corrugated asbestos cement sheet roofing. Generally good condition, with exception of courtroom extension wing, which has extensive water damage, due to roof leaks and rising damp.

The building is part of a complex comprising police station and detention centre and shares heating with these buildings.

### Accommodation (3319 sqm)

*2nd Floor:* Minor Offences and Municipal Courts.  
*1st floor:* District Court and  
*Ground Floor:* Prosecutors offices.  
*Total:* 30 offices, and 3 courtrooms.

Item	Comment
<b>External</b>	
<i>Car-parking</i>	10-12 spaces to the front forecourt
<i>Landscaping</i>	Concrete paving to front and sides
<b>Security</b>	
<i>Boundary</i>	No boundary fence
<i>Surrounding Buildings</i>	Police Station and Detention Centre in the same complex.
<i>Access</i>	Presently guarded by KFOR checkpoint, otherwise uncontrolled vehicular access to door.
<i>Entrance(s)</i>	Single entrance, second one has been blocked up.
<i>Exterior Lighting</i>	None
<i>Electronic Systems</i>	None
<i>Security grilles</i>	No grilles to ground floor windows
<b>Structure</b>	
<i>Condition/cracks/damp</i>	Structure is sound. Concrete entrance platform has some cracks.
<i>Courtroom Extension</i>	The courtroom extension at the rear is extensively water damaged to the interior and exterior, needs 4 new windows, fanlights and ventilation fans and roof repairs. Needs clearing of earth around building and checking for rising damp.
<i>Basement</i>	Under Police station, not part of this building, but contains boilers used by court house. Needs entrance steps repair, new door, windows, water proofing.
<i>Entrance</i>	Security room in lobby, fully glazed, needs ventilation. Patterned glass extensive cleaning needed.
<i>Roof</i>	<i>Type/Condition</i> Corrugate A/C sheeting, leaking in 4 places, at second staircase and adjacent rooms. Some render damage, especially around entrance canopy. Zinc cladding above above canopy needs replacing.
<i>Doors</i>	<i>Condition/ security</i> Good condition, but some need new locks.
<i>Windows</i>	<i>Condition/</i> Timber dual glazed, some panes broken, need exterior painting. Staircase window 6 panes broken at bottom.
<i>Interior</i>	<i>Plaster/ paint</i> Last painted 1998. Reasonable condition.
	<i>Flooring</i> Carpet over parquet in rooms, terrazzo in corridors, some cracks need filling.
	<i>Ceilings</i> Plaster, good condition.



<i>Staircase(s)</i>	Two staircases, but only one exit. Extensive water damage to one wall adjacent to courtroom (could not examine, as locked shut)
	Timber framed 2 storey window in deteriorated condition with 6 panes cracked.

### Water/ Sanitation

<i>Water supply</i>		Adequate, though no water pump.	
<i>Sanitation</i>	<i>No. of toilets</i>	<i>Male/ratio</i>	<i>Female/ratio</i>
	<i>2nd floor</i>	2 WC's, 1 urinal and 1 basin	1 WC and basin
	<i>1st floor</i>	3 WC's, no basin, water damage from toilets above.	1 WC and basin
	<i>Ground Fl</i>	1 WC and basin.	1 WC and basin
	<i>Condition</i>	Squat pans badly stained. Cast iron plumbing pipework, corroded and leaking and damaging floors and rooms below. Terrazzo flooring.	

### Electrics

<i>MCB</i>		Minor repairs, cable covers etc. Redundant electrical fittings, fuse boxes, meter cupboards need to be removed.
<i>Fittings</i>	<i>Lighting</i>	One bare lightbulb per room. Inadequate provision.
<i>Sockets</i>		One per room, inadequate provision.

### Telephone System

	<i>Internal &amp; External</i>	None functioning.
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### Heating

	<i>Type/ boilers</i>	Central heating. Coal fired boilers shared by adjacent police station and jail. 22 years old. Boilers not providing sufficient heat, and most rooms supplement heating with electric storage heaters.
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### Fire Safety

<i>Extinguishers/ hose reels</i>	Present, but not tested
<i>Electrical alarm system</i>	None
<i>Smoke detectors</i>	None
<i>Fire Escape route</i>	Exit from second staircase blocked up.

### Facilities

<i>Visitors waiting</i>	In lobby areas
<i>Detention rooms</i>	None

### Recommendations

**Cost Estimate (DM)**

<i>Roof</i>		
• Replace damaged roofing sheets.		2000
<i>Building Fabric</i>		
• Entrance canopy: Repair cracks to concrete platform.		500
• Reclad entrance canopy with zinc coated metal sheet.		1000
• Repair damaged render around entrance canopy.		500
• Security room in front lobby: Provide windows/exhaust fan.		300
<i>Courtroom extension adjacent to rear staircase</i>		
• Investigate and rectify cause of water damage at courtroom.		4000
• Completely strip roof sheeting from courtroom extension and replace with new corrugated metal sheeting, underlay, fascia boards, guttering and downpipes.		4000
• Replace all windows, fanlights, exhaust fans etc.		2000
• Remove soil piled up at wall to below damp proof course level		500
• Strip away and replace damaged exterior and interior plaster.		2000
• Repaint exterior and interior throughout.		2000
<i>Basement</i>		
• Seal and waterproof around windows		1000
• Repair concrete entrance steps		500
• Install new door at entrance.		500

<i>Windows/Doors:</i>	
• Replace broken window panes. Fix all panes securely with glazing bars and putty.	500
• Replace 2 storey staircase window.	1500
• Install new locks to doors.	2000
<i>Plumbing/Sanitation (male/female toilets on 3 floors)</i>	
• Provide water pump	
• Replace cast iron sewage pipework with uPVC sewage pipework	
• Repair damaged plaster and decoration.	
• Tile floors and extend wall tiling to full height	
• Install new squat pans, mirrors and handwash boilers.	
	25,000
<i>Electrical Installation</i>	
• Replace all existing light fittings and provide 2 double fluorescent fittings and 4 power sockets per room.	10,000
<i>Heating</i>	
• Replace existing central heating coal boilers with new electric/ oil fuelled boilers and service existing radiator system.	35,000
<i>Security:</i>	
• Install boundary fencing and vehicular gates to forecourt.	8,000
• Provide motion detector activated floodlights to exterior.	1,000
• Install security grilles to ground floor windows.	4,000
• Install metal detector at entrance.(Allow provisional sum)	6,000
• Install intruder alarm. (provisional)	3,000
<i>Communications</i>	
• Install/repair internal telephone system.	2,000
<i>Fire Safety</i>	
• Provide automatic fire detection and alarm system.	10,000
• Create alternative escape route from rear staircase, by unblocking 2nd entrance door (with emergency escape lock)	2000
<i>Finishes</i>	
• Repair/fill cracks in terrazzo floor.	500
• Redecorate finishes where water damage has occurred.	1,000
• Install new carpets	15,000
<i>Facilities</i>	
• Refurbish and fit out kitchen facility.	1000
<b>TOTAL</b>	<b>DM148,300</b>
<b>Including 20% contingency</b>	<b>DM178,000</b>

**COURTHOUSE ASSESSMENT 5**

**Location:** Istog/Istok                      **Courthouse Type:** Municipal Court  
 Minor Offences Court  
**Address:** Rruga Metko Martinovic

**Date:** 14 Feb 2000**General Description**

3 storey building with clay tiled, hipped roof, very good condition. Recently renovated.

Note: Building inspected after working hours, with no occupants present, so information about working of central heating and other facilities etc not obtained.

**Accommodation**

*Ground Fl:* Reception, 5 offices, 2 toilets  
*First Fl:* 8 offices, 1 courtroom, 2 toilets  
*Second Fl:* 7 offices, 2 toilets, waiting lobby  
*Garages:* 3 garages to side of courthouse, ownership not known.

Item	Comment
<b>External</b>	
Car-parking	Large gravelled forecourt.
Landscaping	Concrete apron has some cracks. Subsidence of paving at rear of building. Sizeable rubbish dump to one side.

**Security**

<i>Boundary</i>	No fencing, except razor wire coils, installed by KFOR. Rear court fenced off with broken fencing, which needs to be replaced.
<i>Access</i>	<i>Vehicular</i> Access road shared with adjacent building.
<i>Exterior lighting</i>	None
<i>Electronic Systems</i>	None
<i>Security grilles</i>	None

**Structure**

<i>Condition/cracks/damp</i>	Generally good condition
<i>Roof</i>	Type Condition/ drainage Clay tiled hipped roof. Some tiles slipped around chimney.
<i>Entrance(s)</i>	Timber framed glazed entrance door, needs sanding and polishing. Cracks in terrazzo floor at entrance.
<i>Doors</i>	<i>Condition/Security</i> Some damage to and around frames. Some need handles
<i>Windows</i>	<i>Condition/security</i> Timber dual glazed; rickety, but serviceable. 4-5 panes broken; some blinds damaged; water damage to internal cills and plaster surround at most windows; No grilles to ground floor windows.
<i>Interior</i>	<i>Plaster/ paint</i> Needs repainting internally. Externally, timber needs repainting.
	<i>Flooring</i> Terrazzo and carpets. Some carpets worn.
	<i>Ceilings</i> Leak in lobby area, top floor.
<i>Staircase(s)</i>	One staircase, good condition

**Water/ Sanitation**

<i>Water supply</i>	No water pump
<i>Sanitation</i>	No. of toilets
	<i>Male/ratio</i> <i>Female/ratio</i>
	<i>Grnd Fl</i> 2 WC, basin missing                      1 WC and basin
	<i>First Fl</i> 2 WC and basin                      1 WC and basin
	<i>Second Fl</i> 2 WC and basin                      None
	<i>Condition</i> Stained terrazzo floor and squat pans, walls only tiled half height, plumbing fittings damaged and missing; mirrors and handwash boilers needed on 2 floors. New female toilet needs to be created on 2nd floor. Sewage pipes are corroded; doors extensively water damaged.

**Electrics**

<i>Fusebox/Circuit board</i>		New one recently installed.
<i>Fittings</i>	<i>Lighting</i>	Fluorescent fittings, some covers missing, inadequate provision

**Heating**

	<i>Type</i>	Central heating
	<i>Boilers</i>	3 electrical boilers present in ground floor boiler room. (3x36 KW) Informed that system damaged by frozen burst pipework, but could not verify.

**Fire Safety**

<i>Extinguishers/ hose reels</i>	2 Extinguishers on each floor, but not fixed on wall. Hose reel cabinets, but hoses missing on all 3 floors.
<i>Electrical alarm system</i>	None
<i>Smoke detectors</i>	None
<i>Emergency Escape Routes</i>	None
<i>Facilities</i>	
<i>Visitors waiting</i>	Yes, in lobby
<i>Canteen/cooking</i>	No
<i>Detention rooms</i>	No
<i>Library/Archives</i>	Yes

**Recommendations****Cost Estimate (DM)**

Landscaping.	
• Clear garbage at side of courthouse.	1000
• Repair cracks at concrete surround.	500
<i>Roof</i>	
• Repair area of slipped & broken tiles causing roof leak in lobby area.	1000
<i>Windows/Doors:</i>	
• Replace broken window panes. Fix all panes securely with glazing bars and putty.	2000
• Repair plaster surround and timber door frames.	1000
• Install new handles and locks to doors.	2000
Plumbing/Sanitation (Male/Female toilets at 3 floors)	
• Provide water pump	
• Replace metal sewage pipework with PVC soil pipework	
• Strip out stained squat pans and replace. Replace broken cisterns, basin etc. Provide mirrors and handwash boilers.	
• Tile walls to full height and ceramic tiles to floors with floor drainage gully.	
• Provide new cubicle doors and refurbish entrance doors.	
	25,000
<i>Electrical Installation</i>	
• Inspect electrics, provide 2 light fittings and 4 power sockets per room.	8,000
<i>Heating</i>	
• Service central heating installation.	2000
<i>Security:</i>	
• Install boundary fencing and vehicular gates to forecourt.	8,000
• Provide motion detector activated floodlights to exterior.	1,000
• Security grilles on ground floor windows.	2,000
• Install metal detector at entrance.(Provisional allowance)	6,000
• Install intruder alarm system. (Provisional allowance)	3,000
<i>Communications</i>	
• Repair internal telephone system.(Provisional)	2,000
<i>Fire Safety</i>	
• Provide automatic fire detection and alarm system.	8,000
• Create alternative escape route from first and ground floor.	
• Replace missing hose reels.	
<i>Finishes</i>	
• Repaint all finishes to interior and timber to exterior.	20,000
• Replace carpets as necessary (approx half)	7,000

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*Facilities*

• Install new kitchen facility.	1,500
• Install detention facility (possibly in rear garage building)	10,000
<b>TOTAL</b>	<b>DM111,000</b>

**Including 20% Contingency** **DM133,000**

## COURTHOUSE ASSESSMENT 6

**Location:** Kamenica/Kos. Kamenica    **Courthouse Type:** Municipal Court

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### General Description

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Incomplete concrete 3 storey structure, with columns and slabs and single concrete staircase.

All walls, finishes, services, pitched roof, plumbing etc. need to be installed.

Large forecourt present which could provide substantial parking.

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### Recommendations

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Hire services of local engineering/architectural firm to design and complete building and obtain competitive tenders from contracting firms.

Estimated cost of completion: **over DM 1 million**

## COURTHOUSE ASSESSMENT 7

**Location:** Klina/Kline                      **Courthouse Type:** Municipal Court /  
Minor Offences Court

**Address:** Abedin Rexha

**Date:** 17 February, 2000

### General Description

Two storey extension to Municipal Offices, with clay tiled roof, completed in 1998, in very good condition.

Area: 442 sqm

Ground Fl: (Minor Offences) Reception, boiler room, 2 toilets, 9 offices

First Fl: (Municipal Court) 8 offices, 1 courtroom, 2 toilets

Item		Comment
<b>External</b>		
<i>Car-parking/ landscaping</i>		Large forecourt, unpaved, badly drained, presently used as car dump. The rear court is used as rubbish dump by adjacent residential flats. (ownership unknown)
<b>Security</b>		
<i>Boundary</i>		Some wire fencing to side in poor condition. No fencing to the rear court.
<i>Surrounding Buildings</i>		Municipal offices
<i>Access</i>	<i>Vehicular</i>	Through shared driveway with Municipal Offices
<i>Exterior Lighting</i>		None
<i>Electronic systems</i>		None
<b>Structure</b>		
<i>Condition/cracks/damp</i>		Excellent condition
<i>Roof</i>	<i>Condition</i>	Clay tiled gable roof in excellent condition.
<i>Doors</i>	<i>Condition/ security</i>	Generally good condition, except some locks broken and frames damaged by forced opening.
<i>Windows</i>	<i>Condition/security</i>	Timber double glazed windows, with functioning blinds in good condition. No grilles to ground floor windows.
<i>Interior</i>	<i>Plaster/ paint</i>	Good condition
	<i>Flooring</i>	Parquet, carpets and terrazzo in good condition.
<i>Staircases</i>		Single staircase, terrazzo finish, good condition.
<b>Water/ Sanitation</b>		
<i>Water supply</i>		Inadequate pressure, when no electricity.
<i>Sanitation</i>	No. of toilets	<i>Male/ratio</i> 1 WC, 1 urinal and 1 basin <i>Female/ratio</i> 1 WC's and 1 basin, (but space for 2nd WC)
	<i>Condition</i>	Excellent condition. Seat type WC's on ground floor and squat pans on 1st floor. Require handwash boilers.
<b>Electrics</b>		
<i>Fusebox/Circuit board</i>		New and in good condition.
<i>Fittings</i>	<i>Lighting</i>	Lighting levels are adequate and fittings in good condition.
<b>Telephone System</b>		
	<i>Internal &amp; External</i>	External lines working. Internal lines have no instruments.
<b>Heating</b>		
	<i>Type</i>	Central heating, with 3 x 36 KW electric boilers.
<b>Fire Safety</b>		
<i>Extinguishers/ hose reels</i>		Two new fire extinguishers and hosereel per floor.
<i>Electrical alarm system</i>		Yes
<i>Smoke detectors</i>		None

**Facilities***Canteen/cooking*

The kitchen is fully tiled, but needs some fittings. The door frame and lock are damaged.

**Recommendations****Cost Estimate (DM)***Landscaping*

- Clear debris away from site (forecourt and rear court) 1000
- Install concrete paving or tarmac for carparking to forecourt. 10,000

*Windows/Doors*

- Repair damaged door frames and fix new locks 500

*Plumbing/Sanitation*

- Install additional WC and associated plumbing for female toilets on 2 floors 4000
- Install handwash boilers 500

*Security:*

- Repair broken fencing to side and install new fencing and gates to front and rear courts. 6,000
- Install metal detector at entrance.(Provisional allowance) 6,000
- Install exterior floodlighting. 1000
- Install grilles to ground floor windows. 2000
- Install intruder alarm system (Provisional allowance) 3000

*Communications*

- Repair internal telephone system. Replace missing instruments 2000

*Facilities*

- Provide fridge, cooking facilities to kitchen. Repair door frame. 500

**TOTAL****DM36,500****Including 20% Contingency****DM44,000**



## COURTHOUSE ASSESSMENT 8

**Location:** Lipjan/Lipljan                      **Courthouse Type:** Municipal Court  
 Minor Offences Court  
**Address:** Gjykata Komunale

**Date:** 8 February 2000

### General Description

Two storey building built 1985. Good state of repair, except for toilets and central heating.

### Accommodation (986 sqm)

- **Minor Offences Court**    *First Fl:*        11 offices + 1 Trial room
- **Municipal Court**         *Ground Fl:*    14 offices( President's office, 5 judges offices, 6 admin offices, 1 archive room, 1 court room + reception room

Item	Comment
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### External

<i>Car-parking</i>	Only on street parking
<i>Landscaping</i>	Concrete apron around building, with lawn area within fencing, well drained. Drainage channels need to be cleared.

### Security

<i>Boundary</i>	Low metal fence surround and metal gate at entrance; no deterrence to intruders.
<i>Surrounding Buildings</i>	Court building is detached.
<i>Access</i>	Partly controlled through metal fencing, but low and no deterrence.
<i>Exterior Lighting</i>	None external
<i>Electronic Systems</i>	None
<i>Security Grilles</i>	None

### Structure

<i>Condition/cracks/damp</i>	Facing brickwork structure, with metal panelling. Some graffiti needs to be painted over at plinth.	
	Side porch ceiling on left side (metal panelling) has detached completely.	
<i>Roof</i>	<i>Type Condition</i>	Corrugated metal sheeting, good condition. One section of drainpipe missing.
<i>Entrance(s)</i>	Single entrance, with lobby. Entrance metal door, one double door wing missing.	
<i>Doors</i>	<i>Condition</i>	Good, but need locks
<i>Windows</i>	<i>Type/ Condition</i>	Metal double glazed, top hung, good condition. 10 catches broken and handles missing. Aluminium cills unsealed, causing water leakage and damage. Some windows need straightening to close properly. Some blinds do not work.
<i>Interior</i>	<i>Plaster/ paint</i>	Good condition.
	<i>Flooring</i>	Parquet in rooms and ceramic tiles in lobby areas, good condition.
	<i>Ceilings</i>	Metal panelling, good condition.
<i>Staircase(s)</i>	Single staircase, good condition	

### Water/ Sanitation

<i>Water supply</i>		
<i>Sanitation</i>	<i>No. toilets</i>	<i>Male/ratio</i> <i>Female/ratio</i>
	<i>First Fl</i>	1 WC + 1 basin                      1 WC + 1 basin
	<i>Ground Fl</i>	1 WC + 1 basin                      1 WC + 1 basin
	<i>Condition</i>	Cast iron sewage pipework corroded, causing leaks from first floor to ground floor toilets. Water damage to plaster and doors. Squats badly stained.

### Electrics

<i>MCB</i>		Newly installed
<i>Fittings</i>	<i>Lighting</i>	Fluorescent fittings, new and adequate
	<i>Heating</i>	Storage Heaters
<i>Sockets</i>		Adequate per room

**Telephone System**

	<i>Internal &amp; External</i>	2 lines to outside. Internal switchboard system, parts in place, needs inspection and repairs.
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**Heating**

	<i>Type</i>	Central heating dependent on town hot water supply. Distribution room on ground floor.
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**Fire Safety**

<i>Extinguishers/ hose reels</i>	Present in adequate numbers. Need to be inspected.
<i>Electrical alarm system</i>	None
<i>Smoke detectors</i>	None
<i>Emergency exits</i>	Top hung ground floor windows obstruct emergency escape. Need to create alternative escape route from first and ground floors.

**Facilities**

<i>Visitors waiting</i>	None
<i>Canteen/cooking</i>	Existing, but needs refurbishing and fitting out.
<i>Detention rooms</i>	None
<i>Library/Archives</i>	One on each floor

**Recommendations****Cost Estimate (DM)**

<i>Landscaping</i>	
• Clear away debris from drainage channels	100
<i>Roof</i>	
• Replace missing section at drainpipe.	100
<i>Building Fabric</i>	
• Refix/replace metal cladding to side porch ceiling.	500
<i>Windows/Doors:</i>	
• Repair 10 broken catches and handles.	500
• Reseal around window cills.	1000
• Install new entrance door wing.	1000
• Install new locks to doors.	2000
<i>Plumbing/Sanitation (male/female units on 2 floors)</i>	
• Provide water pump	
• Replace cast iron sewage pipework with uPVC pipework	
• Repair damaged plaster and decoration.	
• Clean squat pans or replace.	8,000
<i>Heating</i>	
• Install new central heating electric/ oil boilers independent of defunct town system.	30,000
• Service existing central heating installation.	
<i>Security:</i>	
• Provide motion detector activated floodlights to exterior.	1000
• Install security grilles on ground floor windows.	5000
• Install metal detector at entrance.(Provisional allowance)	6000
• Install intruder alarm.	3000
<i>Communications</i>	
• Repair internal telephone system.	2000
<i>Fire Safety</i>	
• Provide electrical alarm system & smoke detectors in all rooms	10,000
<i>Facilities</i>	
• Refurbish and fit out kitchen facility.	1000
• Create detention facility at ground floor with secure door & WC.	10,000
<b>TOTAL</b>	<b>DM81,200</b>

**(including 20% contingency)****DM97,500**

## COURTHOUSE ASSESSMENT 9

**Location:** Peja/Pec **Courthouse Type:** Minor Offences

**Address:** Vellaznim Bashkim, n. 176

**Date:** 14 February, 2000

### General Description

The Minor Offences Court occupies the first floor of a two storey semi-circular building with a tiled roof, built in 1945. The building is in a very deteriorated condition. It is located in the middle of a busy shopping street. The ground floor is occupied by shop units. The entrance is from the rear court, through a central passage under the first floor.

### Accommodation (on the first floor)

10 offices, archive room and kitchen. The toilets are at the ground floor lobby.

Item	Comment
<b>External</b>	
Car-parking	Provision for 2 spaces in passageway under building.
Landscaping	Rear access court has concrete screed, damaged in places.

### Security

Boundary		Pedestrian gate and small section of fencing is needed at the entrance.
Access	Pedestrian	The only entrance to the court is through the passage way to rear court.
Exterior Lighting		None
Electronic systems		None

### Structure

Condition/cracks/damp		The structure is sound.
Roof	Type/ Condition	Clay tiled, monopitch roof. Eaves boards damaged, one downpipe missing, gutters leaking, extensive roof leaks, slipped and broken tiles. Requires stripping out and recovering.
Entrance(s)		Entrance to stair lobby from rear court. Metal entrance doors with all glazing missing. Damaged render to adjacent walls at entrance. Doors
	Condition/ security	Frames damaged, handles, latches and locks missing.
Windows	Condition/ Security	
	Security	Dual glazed timber, extensively damaged. Many shutters missing and panes broken, Cills need replacing. Extensive water damage around windows to the interior and exterior. Most require replacing.
Interior	Plaster/ paint	Extensive water damage to plaster and paint around windows and from roof leaks.
	Flooring	Wooden boards in rooms, terrazzo in corridors; new carpets needed.
	Ceilings	Water damage due to roof leaks
Staircases		Single access staircase, reasonable condition. Requires repainting.

### Water/ Sanitation

Water supply		No pump. Water supply pipe in wall cracked and leaking.
Sanitation	No. of toilets	Male/ratio
		1 WC and WHB at the Ground Floor stair lobby.
	Condition	Terrazzo floor, badly stained. Wall tiles damaged. Extensive water damage to walls. PVC soil pipe in floor cracked and leaking. No mirror or hot water.

### Electrics

Fusebox/Circuit board		New fuse box has been installed in boiler room, 1st floor, for heating system. Rewiring required for rest of first floor accommodation.
Fittings	Lighting	Fluorescent tube fittings, no covers, inadequate provision.



**Telephone System**

<i>Internal &amp; External</i>	One external line. None internal.
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**Heating**

<i>Type/</i>	Central heating, with 2 newly installed electric boilers. 2x18KW.
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**Fire Safety**

<i>Extinguishers/ hose reels</i>	None
<i>Electrical alarm system</i>	None
<i>Smoke detectors</i>	None
<i>Emergency Escape Routes</i>	None

**Facilities**

<i>Visitors waiting</i>	None
<i>Canteen/cooking</i>	One small room, requires refurbishment and fitting out.
<i>Detention rooms</i>	None

**Recommendations****Cost Estimate (DM)**

<i>Landscaping</i>		
• Repair damaged concrete paving near entrance.		200
<i>Roof</i>		
• Install new roof covering of clay tiles, with underlay, along with new guttering, eaves boards and downpipes.		10,000
<i>Building Fabric</i>		
• Entrance: Refurbish entrance, repair plaster and decoration.		500
• Render/plaster: Repair plaster band to exterior above windows.		300
• Repair plaster damage around windows		1500
<i>Windows/Doors:</i>		
• Refurbish doors and frames and provide new door furniture.		2000
• Install new timber double glazed windows and new cills.		6000
• Reglaze metal entrance doors in wired/toughened glass		1000
<i>Plumbing/Sanitation</i>		
• Refurbish toilet, new floor and wall tiling; new wc squat pan and basin; Install mirror and handwash boiler.		5000
• Replace section cracked pipework to floor and wall.		
<i>Electrical Installation</i>		
• Rewire and provide 2 double fluorescent light fittings and 4 power sockets per room throughout.		10,000
<i>Security:</i>		
• Provide metal fence and entrance gates at rear court.		2000
• Provide motion detector activated floodlights at entrance.		500
• Provide intruder alarm system. (Provisional allowance)		3000
<i>Communications</i>		
• Install internal telephone system.(Provisional allowance)		2000
<i>Fire Safety</i>		
• Install manual fire fighting equipment (extinguishers and hose reels)		2000
• Install automatic fire detection and alarm system.		5000
<i>Finishes</i>		
• Repaint interior and exterior, throughout.		10,000
• Install new carpets throughout.		4,500
<i>Facilities</i>		
• Refurbish kitchen and provide new fittings.		1000
<b>SUB TOTAL</b>		<b>DM66,500</b>
<b>Including 20% Contingency</b>		<b>DM80,000</b>

## COURTHOUSE ASSESSMENT 10

**Location:** Peja/Pec      **Courthouse Type:** District Court  
**Address:** Nemanja n 150/ Marshall Tito      District Prosecutors  
Municipal Court  
Municipal Prosecutors

**Date:** 14 February 2000

### General Description

3 storey building, with basement, standard design, corrugated asbestos cement sheet roof, built 1962. Part of complex with police station and detention centre. Generally good condition and well maintained.

### Accommodation (1780 sqm)

**District Court:** Second floor: 7 offices for judges, president's office with antechamber, 6 admin offices, 2 toilets and a kitchen.

**Municipal Court:** First Floor and Ground Floor; 2 court rooms, 16 offices for judges, conference room, presidents office, 5 admin offices and 1 store.

**Prosecutors Office:** Ground floor: Reception and 8 offices on ground floor.



Item	Comment
<b>External</b>	
<i>Car-parking</i>	8 spaces on-street parking, uncontrolled, used by the general public. One shopping kiosk in parking space.
<i>Landscaping</i>	Large forecourt. Grass bank down to basement level. Concrete apron in front of building cracked, especially around access chamber. Concrete paving to north side is extensively cracked due to subsidence. Rear court unpaved and full of rubbish.
<b>Security</b>	
<i>Boundary</i>	No fencing, but low hedges at boundary.
<i>Surrounding Buildings</i>	Police Station to the side and Detention Facility to the rear. One private house adjacent to the front, disputed ownership, claimed by court.
<i>Access</i>	Uncontrolled
<i>Exterior Lighting</i>	One broken at entrance.
<i>Electronic systems</i>	Metal detector at entrance.
<b>Structure</b>	
<i>Condition/cracks/damp</i>	Generally in good condition.
<i>Exterior Finish etc</i>	Good plaster and decorative finish generally to the front and sides. Some graffiti damage. Render to rear wall damaged due to leaking/missing downpipes. Windows need to be painted on the outside.
<i>Roof</i>	<i>Type</i>
	<i>Condition/ drainage</i>
	Asbestos sheeting, low pitch (15°). Leaking in places. Need proper access ladder to access hatch in top floor corridor. One downpipe missing.
<i>Entrance(s)</i>	Single entrance. Concrete steps cracked. One light fitting broken. Metal glazed entrance doors corroded.
<i>Basement</i>	Extensive basement area used for archives. Water penetration through metal entrance door at the front and windows. Plaster and painting damaged. Concrete screed to floor damaged and no floor covering present. Metal windows are corroded, warped and ill fitting, with glass panes broken. Door frames, locks and handles damaged. Light fittings inadequate and damaged. Sewage pipework from toilets corroded.
<i>Doors</i>	<i>Condition/ Security</i>
	Timber frame and plaster surround damaged in numerous doors. There are bullet holes to one judge's office door.

<i>Windows</i>	<i>Condition/ security</i>	Dual glazed timber windows, many panes missing. Handles and stays missing. Many blinds broken. No grilles to ground floor windows.
<i>Interior</i>	<i>Plaster/ paint</i>	Reasonable condition, but needs touching up in places, where peeling due to the damp.
	<i>Flooring</i>	Terrazzo in lobby areas, parquet and carpets in rooms. Parquet in one office floor extensively water damaged. Most carpets worn and need replacing.
	<i>Ceilings</i>	Mainly sound, but some water damage.
<i>Staircases</i>		Two staircases, a main one and a secondary one for prisoner access from the detention centre to the rear.

#### **Water/ Sanitation**

<i>Water supply</i>		Weak pressure, no pump.
<i>Sanitation</i>	<i>No. of toilets</i>	Male/ratio 2 WC's and 1 washbasin per floor
		Female/ratio 2 WC's and 1 washbasin per floor.
	<i>Condition</i>	Taps missing, wall tiles broken and missing (only half height). Extensively stained terrazzo floors and squat pans. Cast iron sewage pipes corroded. No mirrors or handwash boilers. Water damage at 2nd floor female toilet. Hardboard sheets to windows water damaged. Glass in windows broken (single glazed)

#### **Electrics**

<i>Fusebox/Circuit board</i>		Some new fuse boards, but wiring needs to be inspected.
<i>Fittings</i>	<i>Lighting</i>	Fluorescent tubes, many covers and fittings missing. Insufficient lighting levels in offices.

#### **Telephone System**

	<i>Internal &amp; External</i>	Some components of internal system in place, but instruments missing. 3 external lines.
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#### **Heating**

	<i>Type/ boilers</i>	Central heating. Some radiators missing or unfixed. One coal fired boiler, unserviced, inadequate for building, 25 years old. Has two pumps of which one is not working.
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#### **Fire Safety**

<i>Extinguishers/ hose reels</i>		Present on each floor, but need to be checked.
<i>Electrical alarm system</i>		None
<i>Smoke detectors</i>		None
<i>Emergency Escape Routes</i>		None

#### **Facilities**

<i>Visitors waiting</i>		Large lobby areas with benches.
<i>Canteen/cooking</i>		One small room on 2nd floor, needs refurbishment and fittings. Roof leaking above.
<i>Detention rooms</i>		In adjacent buildings.
<i>Library/Archives</i>		Storage in basement.

#### **Recommendations                      Cost Estimate (DM)**

<i>Landscaping</i>		
• Remove rubbish and pave rear courtyard.		3600
• Repair cracks to concrete apron to side and front		1000
<i>Roof</i>		
• Replace damaged roofing sheets.		1000
• Replace missing downpipe.		300
<i>Building Fabric</i>		
• Repair damaged render to rear wall		500
• Repair/ fill cracks to concrete steps at entrance.		200

<i>Basement</i>	
• Refurbish floor screed, install floor covering.	6000
• Reinstall electrics: sockets and lighting	
• Replace metal windows and external door.	3000
• Extend central heating system.	
• Repair damaged doors, frames and door furniture.	500
• Refurbish wall and ceiling finishes.	2000
<i>Windows/Doors:</i>	
• Replace broken window panes. Fix all panes securely with glazing bars or putty. Repair/replace broken catches, handles and blinds.	
• Replace windows to toilets with double glazed timber windows.	8000
• Repair damaged door frames and plaster surround. Replace broken locks.	
<i>Plumbing/Sanitation (male/female toilets at 3 floors)</i>	
• Provide water pump or temporary tank.	
• Strip out stained squat pans and replace. Replace broken cisterns, basin etc. Unblock plumbing.	
• Tile walls to full height and ceramic tiles to floors with floor drainage gully.	
• Install mirrors and handwash boilers.	24,000
<i>Electrical Installation (including basement)</i>	
• Double lighting levels, replace most light fittings (allow 2 per room).	
• Provide 4 sockets per room.	10,000
<i>Heating</i>	
• Replace coal fired boiler with new electric/ oil boilers.	
• Refurbish existing installation (and extend to basement.)	30,000
<i>Security:</i>	
• Provide motion detector activated floodlights to exterior.	1,000
• Install security grilles at ground floor windows.	3,000
• Install metal fencing and vehicular gates to front court.	6,000
• Install intruder alarm.(Provisional allowance)	6,000
<i>Communications</i>	
• Repair internal telephone system.(Provisional allowance)	2,000
<i>Fire Safety</i>	
• Provide automatic fire detection and alarm system.	
• Install emergency escape bolt to exit from secondary staircase.	10,000
<i>Finishes/Decoration</i>	
• Repair water damaged and warped parquet flooring to ground floor room.	500
• Repaint interior and exterior.	25,000
• Install new carpets.	15,000
<i>Facilities</i>	
• Refurbish and fit out kitchen facilities.	1,000
<b>TOTAL</b>	<b>DM159,600</b>
<b>Including 20% Contingency</b>	<b>DM191,520</b>

## COURTHOUSE ASSESSMENT 11

**Location:** Podujevo/Podujeva **Courthouse Type:** Minor Offences

**Address:** Zahir Pajaziti

**Date:** 8 February 2000

### General Description

The Minor Offences Court occupies one wing on the first floor of a two storey building occupied by Municipal Government offices and by Municipal Internal Affairs.



The accommodation is inadequate for the court, and expansion into the wing across the staircase and to the ground floor is being planned. These areas were in use and were not inspected.

Item		Comment	
<b>External</b>			
<i>Car-parking</i>		None, except on street parking	
<b>Security</b>			
<i>Boundary</i>		No boundary fence	
<i>Access</i>		Uncontrolled, on street parking.	
<i>Entrance(s)</i>		Entrance to Minor Offences Court from shared stair lobby. Uncontrolled access from ground floor offices and those on the same floor on other side of staircase.	
<i>Exterior Lighting</i>		None	
<i>Electronic Systems</i>		None.	
<b>Structure</b>			
<i>Condition/cracks/damp</i>		Sound.	
<i>Roof</i>	<i>Type/ Condition</i>	Tiles roof, no leaks detected. Leak in one office has been repaired.	
<i>Doors</i>	<i>Condition/ Security</i>	Good, new locks fitted. 2 damaged doors need replacing.	
<i>Windows</i>		Timber dual glazed. Need external painting. Some toilet window panes broken, but being replaced.	
<i>Interior</i>	<i>Plaster/ paint</i>	Reasonable state of repair	
	<i>Flooring</i>	Good	
	<i>Ceilings</i>	Good	
<i>Staircases</i>		One, common to three institutions occupying building.	
<b>Water/ Sanitation</b>			
<i>Water supply</i>		Pressure adequate	
<i>Sanitation</i>	<i>No. of toilets</i>	<i>Male/ratio</i>	<i>Female/ratio</i>
		2 WC's, common lobby with basin.	None
	<i>Condition</i>	Being refurbished by UNMIK	
<b>Electrics</b>			
<i>MCB</i>		Wiring needs to be inspected.	
<i>Fittings</i>	<i>Lighting</i>	Good condition	
	<i>Heating</i>	Storage heaters, most work	
<i>Sockets</i>		Some burnt out, additional sockets required.	
<b>Heating</b>			
	<i>Type</i>	Electric storage heaters. No central heating.	
<b>Fire Safety</b>			
<i>Extinguishers/ hose reels</i>		4 extinguishers, not tested	
<i>Electrical alarm system</i>		None	
<i>Smoke detectors</i>		None	
<b>Facilities</b>			
<i>Visitors waiting</i>		Lobby area	
<i>Canteen/cooking</i>		None	



*Library/Archives* | One, needs equipment

**Recommendations** **Cost Estimate (DM)**

(Based on court remaining in existing accommodation)

*Windows/Doors:*

- Replace 2 damaged doors 1000
- Repaint windows to the exterior 1000

*Electrical Installation*

- Inspect electrics, rewire if necessary; provide 2 light fittings and 4 power sockets per room. 5000

*Heating*

- Install central heating to entire building. 60,000

*Security*

- Install intruder alarm (Provisional allowance) 3000

*Communications*

- Repair internal telephone system. 2000

*Fire Safety*

- Provide automatic fire detection and alarm system. 5000
- Install hose reel 300

*Facilities*

- Install kitchen facilities 1000

**TOTAL** **DM78,300**

**Including 20% Contingency** **DM94,000**

## COURTHOUSE ASSESSMENT 12

**Location:** Podujeva/Podujevo **Courthouse Type:** Municipal Court

**Address:** Zahir Pajaziti

**Date:** 11 Feb 2000

### General Description

Two storey building, with tiled hipped roof. Currently being refurbished by UNMIK and in general good state of repair. Large forecourt/public carpark in front of building in bad state of repair (however, ownership unknown)



### Accommodation:

*Ground Floor:* 7 offices, 1 courtroom, 1 toilet, 1 boiler room

*First Floor:* 9 offices, 1 toilet

Item	Comment
<b>External</b>	
<i>Car-parking</i>	Large forecourt with parking space, but concrete hard paving damaged. Ownership of carpark not known.
<i>Landscaping</i>	Surround to building including rear courtyard, overgrown and muddy. Needs concrete apron surround and paving to yard.
<b>Security</b>	
<i>Boundary</i>	Metal wire fence which is incomplete and has no gate.
<i>Access</i>	Vehicle access tarmac road, 100 ms long, extensively potholed. Uncontrolled access to entrance.
<i>Exterior Lighting</i>	None
<i>Electronic Systems</i>	None
<i>Security Grilles</i>	None
<b>Structure</b>	
<i>Condition/cracks/damp</i>	Generally in good condition. Interior, one first floor room has water damaged ceiling, adjacent to toilet.
<i>Roof</i>	Tiled hipped roof, good condition, except one section of eaves boarding adjacent to porch which is extensively water damaged (3 m length). Entrance porch and first floor concrete balcony above have extensive water damage to render. Canopy needs recladding.
<i>Entrance(s)</i>	Entrance porch, metal framed glazing, with security grilles. Concrete steps damaged and unfinished.
<i>Doors</i>	<i>Condition/</i> Good, but need kick plates
<i>Windows</i>	<i>Condition/</i>
<i>Security</i>	Metal single glazed windows in lobby area; timber double glazed in rooms. Exterior needs painting for protection.
<i>Interior</i>	<i>Plaster/ paint</i> Damage due to electric/central heating installation. Redecoration needed throughout.
	<i>Flooring</i> Parquet in rooms, terrazzo in lobby and stairs. Terrazzo is pitted and cracked in places.
	<i>Ceilings</i> Plaster, good condition.
<i>Staircases</i>	Single staircase, good terrazzo finish.

**Water/ Sanitation**

<i>Water supply</i>		Low pressure.	
<i>Sanitation</i>	<i>No. of toilets</i>		
	<i>First floor</i>	Male/ratio 2 WC's, 1 basin	Female/ratio None
	<i>Ground floor</i>	2 WC's, 1 basin	None
	<i>Condition</i>	Being refurbished. Squat pans extensively stained. Basins cracked. Doors are water damaged at bottom.	

**Electrics**

<i>MCB</i>		New fuse box and some new wiring.	
<i>Fittings</i>	<i>Lighting</i>	New fittings, but inadequate lighting levels in rooms.	
<i>Sockets</i>		One new socket per room, inadequate.	

**Telephone System**

<i>Internal/ External</i>	Not known.
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**Heating**

	<i>Type</i>	Central heating, new electrical boilers recently installed.
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**Fire Safety**

<i>Extinguishers/ hose reels</i>	Only one extinguisher near fuse box.
<i>Electrical alarm system</i>	None
<i>Smoke detectors</i>	None

**Facilities**

<i>Visitors waiting</i>	Lobby areas
<i>Canteen/cooking</i>	One room on first floor, needs fittings and plumbing repairs.
<i>Detention rooms</i>	None
<i>Library/Archives</i>	One on first floor

**Recommendations****Cost Estimate (DM)**

<i>Landscaping</i>		
• Pave or install lawn to area of ground within fencing at side and rear.		2,000
• Repair vehicular access road to building. (if ownership confirmed)		10,000
<i>Roof</i>		
• Replace metal cladding to entrance canopy and balcony over.		2,000
• Replace water damaged section of adjacent eaves boarding (3 m)		500
<i>Building Fabric</i>		
• Entrance: Repair concrete steps and finish in terrazzo.		500
• Strip out and replace water damaged render at entrance and at balcony above.		600
<i>Windows/Doors:</i>		
• Refurbish doors and door furniture. Provide kickplates to doors.		1000
<i>Plumbing/Sanitation</i>		
• Currently being refurbished.		
<i>Electrical Installation</i>		
(Currently being refurbished, but lighting levels inadequate)		
• Provide 1 additional light fitting and 3 power sockets in each room.		4000
<i>Heating</i>		
• Currently being refurbished and new boilers installed.		
<i>Security:</i>		
• Install additional missing section of boundary fencing and vehicular gates at entrance.		4,000
• Provide motion detector activated floodlights at entrance.		1,000
• Security grilles on ground floor windows.		2,000
• Install metal detector at entrance.(Provisional allowance)		6,000
• Install intruder alarm.(Provisional allowance)		3,000
<i>Communications</i>		
• Install internal telephone system.(Provisional allowance)		2,000

<i>Fire Safety</i>	
• Provide automatic fire detection and alarm system.	7,000
• Provide additional fire extinguishers.	1,000
<i>Finishes</i>	
• Make good where central heating and electrics recently installed and repaint interior and exterior, throughout.	15,000
• Repair and polish cracked and pitted terrazzo.	500
• Install new carpets throughout.	6,000
<i>Facilities</i>	
• Refurbish kitchen and provide new fittings	1,000
<b>TOTAL</b>	<b>DM 69,100</b>
<b>Including 20% Contingency</b>	<b>DM83,000</b>

## COURTHOUSE ASSESSMENT 13

**Location:** Prishtine/Prishtina

**Courthouse Type:**  
Commercial Court

**Date:** 8 February 2000

### General Description

3 storey building with flat bitumen felt roof. The exterior is shabby and the roof is leaking. The ground floor is shared by two other occupants, a hairdressers and the self proclaimed Thaci government. Two the rear, at a lower level, are a row of shops.



The building is being presently renovated by UNMIK, with the scope of work including internal painting, plumbing and electrical repairs.

Item		Comment
<b>External</b>		
<i>Car-parking</i>		None, except on street parking
<i>Landscaping</i>		Concrete pavement surround. There are concrete steps (1 m drop) and hard standing to the south side, that are damaged and have no railing.
<b>Security</b>		
<i>Boundary</i>		No fencing present.
<i>Surrounding Buildings</i>		One adjacent providing flat roof access.
<i>Access</i>	<i>Vehicular</i>	Uncontrolled access
	<i>Pedestrian</i>	Uncontrolled access
	<i>Entrance(s)</i>	Single
<i>Exterior Lighting</i>		None
<i>Electronic Systems</i>		None
<b>Structure</b>		
<i>Condition/cracks/damp</i>		The exterior is shabby, with graffiti on the walls. Some exterior plaster repairs are required around the front canopies.
<i>Roof</i>	<i>Type</i> <i>Condition/ drainage</i>	Flat bitumen felt roof, with parapet wall. The roof is leaking extensively to the south side, affecting two floors below. Two downpipes missing. Guttering needs to be checked. Access to the roof is difficult and only possible from the flat roof of a single storey adjacent building.
<i>Doors</i>	<i>Condition</i>	Reasonable condition, new locks have been fitted.
	<i>Security</i>	
<i>Windows</i>	<i>Condition/ security</i>	Many panes broken. Exterior painting needed to protect timber.
<i>Interior</i>	<i>Finishes</i>	Being repainted
	<i>Flooring</i>	New carpets needed throughout
<i>Staircases</i>		Single staircase, good condition.
<b>Water/ Sanitation</b>		
<i>Water supply</i>		Water pump should be installed
<i>Sanitation</i>	<i>No. of toilets</i>	1 male, 1 female WC with common lobby and washbasin on 1st and 2nd floor. Ground floor WC being used as store. (flush working)
	<i>Condition</i>	Being refurbished.
<b>Electrics</b>		
<i>General condition</i>		Electrics being refurbished.
<b>Telephone System</b>		
<i>Internal &amp; External</i>		Not known

**Heating**

	Type	
		Central heating fed from town system, not working now.

**Fire Safety**

<i>Extinguishers/hose reels</i>		Present, not checked.
<i>Electrical alarm system</i>		None
<i>Smoke detectors</i>		None
<i>Emergency escape Routes</i>		None

**Facilities**

<i>Visitors waiting</i>		Not observed
<i>Canteen/cooking</i>		
<i>Detention rooms</i>		
<i>Library/Archives</i>		

**Recommendations**

As renovations are being carried out by UNMIK, any further scope of work required will be identified after the completion of their works.

Roof repairs, which are currently unfunded, have been estimated at DM15,000

**COURTHOUSE ASSESSMENT 14**

**Location:** Prishtine/Prishtina

**Courthouse Type:** District Court/  
District Prosecutor's

**Date:** 7 February, 2000

**General Description:**

Three storey large historic building with basement, built 1949. Recently refurbished and in very good condition. A few minor maintenance and security problems. Restricted space, but no potential for expansion.



**Accommodation**

2nd Fl: 4 courtrooms (2 small and 2 large); 4 deliberation rooms (2 large and 2 small); Ground and 1st floor.16 offices 9 offices for District Prosecutors. (Presently housing Supreme Court in 6 offices on 2nd floor of annex and 1 office on 1st floor)  
Basement with storage, archive rooms, boiler room.

Item		Comment
<b>External</b>		
<i>Car-parking</i>		5 parking spaces to front. Concrete paving, well drained. Parking space not enclosed.
<i>Landscaping</i>		Concrete hard paving
<b>Security</b>		
<i>Boundary</i>		Metal boundary fence and gate, 2 m high; 10 m section of fence required at rear, to close off access from private building.
<i>Surrounding Buildings</i>		Some adjoining buildings provide easy access from their roof to first floor courthouse windows.
<i>Access</i>		Uncontrolled parking and access/exit to front entrance
<i>Exterior Lighting</i>		Inadequate external lighting to front. No lighting at all to rear.
<i>Electronic Systems</i>		Metal detector at entrance.
<b>Structure</b>		
<i>Condition/cracks/damp</i>		Excellent condition. Exterior recently refurbished and redecorated. Slight rising damp to right hand front façade is causing damage to render.
<i>Roof</i>	<i>Type</i>	Clay tiles on timber sub-structure. No underlay or insulation. Generally good condition, but some signs of leak above staircase roof.
<i>Doors</i>	<i>Condition</i>	Good
<i>Windows</i>	<i>Condition</i>	Double glazed timber, newly painted, good condition
	<i>Security</i>	Security grilles to ground floor and basement windows
<i>Interior</i>	<i>Plaster</i>	Good
	<i>Paint</i>	Newly painted
	<i>Flooring</i>	Parquet in rooms, ceramic tiles in corridors, good condition
	<i>Ceilings</i>	Suspended ceiling panels, good condition
<i>Staircases</i>	<i>Condition</i>	Two staircases, railing, finish all good condition.
<b>Water/ Sanitation</b>		
<i>Water supply</i>		Water pump in basement. Supply to 3rd floor still a problem occasionally.
<i>Sanitation</i>	<i>No. of toilets</i>	<i>Male/ratio</i> <i>Female/ratio</i> <i>Visitors</i>
		1 urinal/1 wc per floor              1 wc per floor                      2 wcs per floor
	<i>Condition</i>	Minor plumbing repairs to hand basin. Boilers not working. Water pressure on 3rd floor toilets a problem.

<b>Electrics</b>		
<i>Fuse box/MCB</i>		Newly installed
<i>Fittings</i>	<i>Lighting</i>	Fluorescent, adequate number and functioning, with ceiling baffles.
	<i>Heating</i>	Bar heaters in most rooms, supplementing central heating.
<i>Sockets</i>		Two per room
<b>Telephone System</b>		
	<i>Internal</i>	Working well
	<i>External</i>	Present, but unreliable
<b>Heating</b>		
	<i>Type</i>	Central heating radiators. Pipe burst on 3rd floor has caused malfunction of heating there.
	<i>Boilers</i>	Electric boilers: 1x120KW, 2x90KW. Newly installed. Functioning well.
<b>Fire Safety</b>		
<i>Extinguishers/ hose reels/ smoke detectors</i>		All present on each floor, but not maintained. Need regular maintenance/service agreement.
<i>Electrical alarms</i>		Push button alarm system present. (Unchecked)
<i>Escape routes</i>		All secondary routes blocked up due to security reasons. This is unsafe in case of a fire.
<b>Facilities</b>		
<i>Visitors waiting</i>		In corridors, with wooden seating
<i>Canteen/cooking</i>		None
<i>Detention rooms</i>		None
<i>Witness rooms</i>		None
<i>Library/Archives</i>		In basement and second floor. Heating and dehumidifiers needed for basement storage.
<b>Recommendations</b>		<b>Cost Estimate (DM)</b>
<i>Roof</i>		
• Investigate roof leak at main staircase and repair to tiling.		1000
<i>Building Fabric</i>		
• Investigate rising damp at front left side, ground floor exterior, repair to damaged render.		500
<i>Heating</i>		
• Repair damage at 2nd floor installation.		1000
<i>Security:</i>		
• Remove kiosks from front of building. Restrict unofficial parking.		
• Install infrared motion sensors activated floodlights at the exterior, at front and rear.		1000
• Build 10 m section of fence and gates to close off access from rear.		
• Install intruder alarm. (Provisional allowance)		2000
		3000
<i>Communications</i>		
• Repair internal telephone system.		2000
<i>Fire safety:</i>		
• Re-open second entrance, presently converted into a window, as an alternative fire exit. (only to be used in emergencies).		1500
<b>TOTAL</b>		<b>DM 12,000</b>
<b>Including 20% Contingency</b>		<b>DM 14,500</b>



**COURTHOUSE ASSESSMENT 15**

**Location:** Prishtine/Prishtina      **Courthouse Type:** Supreme Court  
**Kosovo Prosecutors**

**Date:** 17 February, 2000

**General Description**

The Supreme Court is located in 6 offices on second floor and one office on first floor of annex to District Court building.

The location is unsatisfactory, because of the inability to control access from the District Court. Additionally, the offices are too small.

Refer to District Court survey for further details on the building.

Item		Comment
<b>Structure</b>		
Condition/cracks/damp		Excellent condition
Doors	Condition/	Generally good condition.
Windows	Condition/	Timber double glazed windows, with functioning blinds in good condition.
Interior	Plaster/ paint	Good condition
	Flooring	Parquet, carpets and terrazzo in good condition.
<b>Water/ Sanitation</b>		
Sanitation		Share toilets with the District Court
<b>Electrics</b>		
Fittings	Lighting	Lighting levels are adequate and fittings in good condition.
<b>Telephone System</b>		
	Internal & External	External lines working. Internal lines have no instruments.
<b>Heating</b>		
	Type	Central heating, shared with District Court
<b>Fire Safety</b>		
Extinguishers/ hose reels		Two new fire extinguishers and hosereel per floor.
Electrical alarm system		Yes
Smoke detectors		yes
Emergency Escape Routes		None

**Recommendations**

- While the condition of the building is excellent, it is recommended to move court to more suitable location, with independent facilities and larger accommodation.

## COURTHOUSE ASSESSMENT 16

**Location:** Prizren      **Courthouse Type:** Municipal Court  
District Court

**Date:** 16 February, 2000

### General Description

Three storey building with basement, standard court design, with corrugated asbestos cement sheeting roof, built 1962. Located in complex with police station and prison.



### Accommodation (1152 sqm)

Ground Fl: (Municipal Court) Reception, large courtroom, 4 offices, store, 2 toilets and kitchen.  
First Fl: (Municipal Court) 11 offices, 2 toilets and kitchen  
Second Fl: (District Court) 11 offices  
Garages: In front court

Item	Comment
<b>External</b>	
	Large forecourt, with spaces for 18 cars. Carpark is tarmac, well drained. There is a lawn to one side that is overgrown. Wooden seating is broken. Concrete apron surround to side of building at basement cracked.
<b>Security</b>	
<i>Boundary</i>	Boundary metal fence with vehicular gates in good condition.
<i>Access</i>	Controlled through car park and entrance gates.
<i>Exterior Lighting</i>	One external light at canopy is broken
<i>Electronic systems</i>	Metal detector at entrance
<i>Security grilles</i>	Security grilles present to ground floor windows.
<b>Structure</b>	
<i>Condition/cracks/damp</i>	Good condition generally, but shabby exterior needs painting. Some (6sqm) render damage to rear at escape staircase. The walls of the short passage, at the rear, from secondary staircase, are extensively damaged and require rebuilding.
<i>Entrance(s)</i>	Metal framed glazed entrance doors with security grilles, in good condition. Disabled ramp at entrance.
<i>Basement</i>	4 windows, plastic frames; security grilles fitted; rewiring and new light fittings required; cast iron sewage pipes from toilets above, partly replaced with uPVC are corroded. Parquet and concrete screed flooring, good condition. Some water ingress through staircase window and basement windows, causing damage to basement area.
<i>Roof</i>	<i>Type /Condition</i> Asbestos cement sheeting, low pitch (15°), sound condition, except where leaking over toilet. One section downpipe at rear, cracked and bent. Roof sheeting to rear passage damaged.
<i>Doors</i>	<i>Condition/ security</i> Many need locks, handles and kickplates. Some plaster damage around frames and some locks forced open damaging frames.
<i>Windows</i>	<i>Condition</i> Timber dual glazed, rickety, but serviceable, few severely damaged and need replacing; some panes broken. Toilet windows damaged, with panes cracked.
<i>Interior</i>	<i>Plaster/ paint</i> Repainting required to interior and exterior. <i>Flooring</i> Some cracks to terrazzo floor, carpets worn. No skirting in rooms, causing damage to plaster.
<i>Staircases</i>	2 staircases, one main at entrance and one secondary staircase from basement level to first floor level, with exit to prison area. The door is kept unlocked. Wooden handrail missing to basement flight.

**Water/ Sanitation**

<i>Water supply</i>		Reasonable pressure without pump	
<i>Sanitation</i>	<i>No. of toilets</i>	<i>Male/ratio</i>	<i>Female/ratio</i>
		2 WC and basin per floor	1 WC and basin per floor
	<i>Condition</i>	First floor female WC blocked off and fittings removed. Stained squat pans and terrazzo floor; wall tiling only half height; doors extensively water damaged; cast iron sewage pipes corroded and leaking.	

**Electrics**

<i>Fusebox/Circuit board</i>		New fuse boxes at each floor, recently rewired.	
<i>Fittings</i>	<i>Lighting</i>	Many covers to fittings missing. Bare bulbs in rooms and corridors. Many fluorescent fittings covers and tubes missing.	
<i>Sockets</i>		3 per room.	

**Telephone System**

	<i>Internal &amp; External</i>	External lines present. Some components of internal system, but incomplete and not working.	
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**Heating**

	<i>Type</i>	Central heating, but supplemented by electric storage heaters in each room.	
	<i>Boilers</i>	Hot water supply from boilers in adjacent police station. Supply inadequate.	

**Fire Safety**

<i>Extinguishers/ hose reels</i>	Both present on each floor		
<i>Electrical alarm system</i>	None		
<i>Smoke detectors</i>	None		
<i>Emergency Escape Routes</i>	One, to rear and kept open.		

**Facilities**

<i>Visitors waiting</i>	Yes, in lobby area		
<i>Canteen/cooking</i>	Facilities adjacent to toilets on 1st and 2nd floors, but refurbishment and fittings required.		
<i>Detention rooms</i>	None, but direct access to prison from the rear door.		
<i>Library/Archives</i>	Yes		

**Potential for Expansion**

Refurbishment of basement would provide additional office and storage space.

<b>Recommendations</b>	<b>Cost Estimate (DM)</b>
<i>Landscaping</i>	
• Tidy and maintain lawn at entrance. Repair seating.	1500
• Repair cracked concrete apron surround.	500
<i>Roof</i>	
• Investigate leak over toilet area and repair	1000
• Replace damaged downpipe section	100
• Replace roof covering to passage at rear staircase.	500
<i>Building Fabric</i>	
• Rebuild walls to rear staircase annex.	300
• Install new handrail to basement staircase flight.	100
<i>Basement</i>	
• Reseal around windows to make water tight.	500
• Rewire and provide new light fittings and power sockets.	2000
• Repair to water damaged finishes.	1000
• Extend central heating system.	5000
<i>Windows/Doors:</i>	
• Replace broken window panes, and some windows that are badly damaged.	5000
• Repair plaster surround and damaged timber door frames.	2000
• Fix new locks, furniture and kickplates to doors.	5000

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*Plumbing/Sanitation (Male/female units to 3 floors)*

- Replace cast iron sewage pipework with PVC pipework
- Strip out stained squat pans and replace. Replace broken cisterns, basins etc. Install mirrors and handwash boilers.
- Tile walls to full height and ceramic tiles to floors with floor drainage gully.
- Replace cubicle doors.

25,000

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*Electrical Installation*

- Inspect electrics, provide 2 light fittings and 4 power sockets per room.

10,000

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*Heating*

- Investigate condition of shared boilers at police station and upgrade to provide sufficient heating to courthouse.

30,000

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*Security:*

- Provide motion detector activated floodlights to exterior.
- Install intruder alarm system.(Provisional allowance)

1000

3000

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*Communications*

- Repair internal telephone system. (Provisional allowance)

2000

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*Fire Safety*

- Provide automatic fire detection and alarm system.(Provisional)

10,000

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*Finishes*

- Repaint interior and exterior.
- Provide new carpets throughout
- Supply and fix new skirting

20,000

16,000

3,000

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*Facilities*

- Refurbish and fit out kitchen facilities on 1st and 2nd floors.

2000

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**Total**

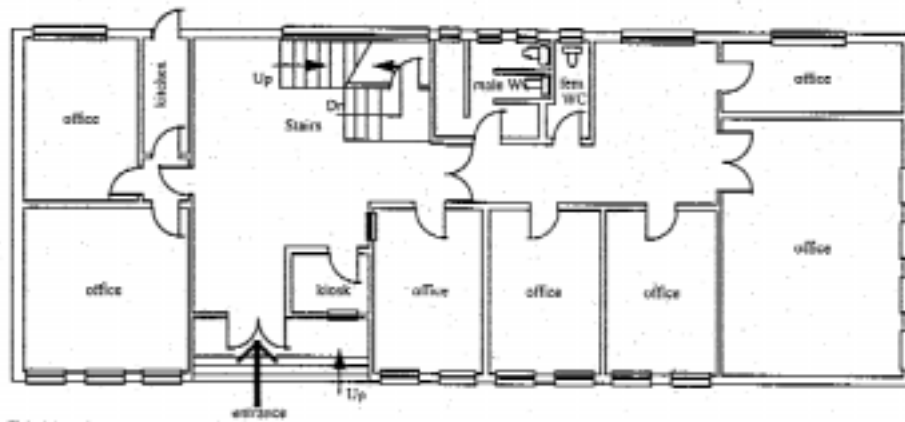
**DM 146,500**

**+20% Contingency**

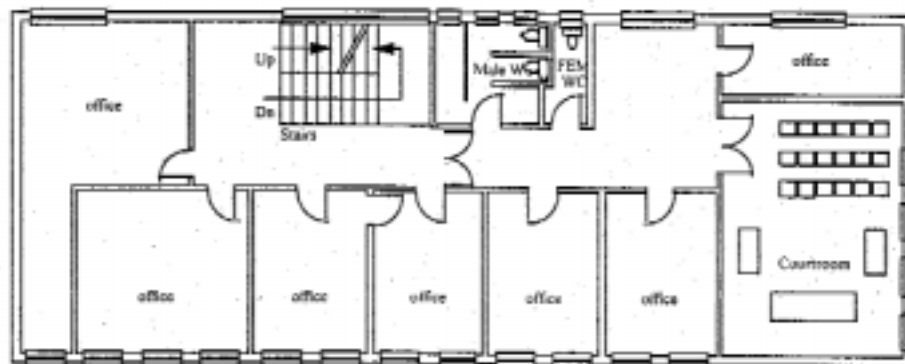
**DM 176,000**

# ATTACHMENT B:

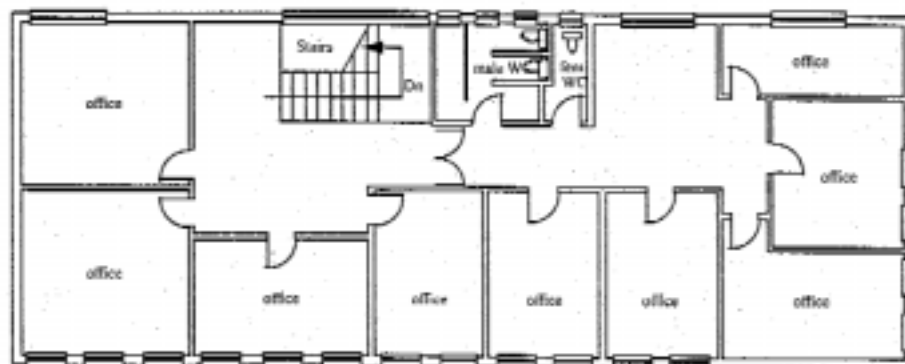
## GENERIC COURTHOUSE PLANS



GROUND FLOOR



FIRST FLOOR



SECOND FLOOR

## APPENDIX C: Relevant United Nation UNMIK Regulations

UNMIK/REG/1999/1  
25 July 1999

REGULATION NO. 1999/1

### ON THE AUTHORITY OF THE INTERIM ADMINISTRATION IN KOSOVO

The Special Representative of the Secretary-General, Recalling resolution 1244 (1999) of 10 June 1999, whereby the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, authorized the Secretary-General, with assistance of relevant international organizations, to establish an international civil presence in Kosovo, known as the United Nations Interim Administration Mission in Kosovo (UNMIK), in order to provide an interim administration in Kosovo with the mandate as described in the resolution; Acting pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999, and for the purpose of establishing and maintaining the interim administration in the territory of Kosovo; Hereby promulgates the following:

#### *Section 1*

##### **Authority of the interim administration**

1. All legislative and executive authority with respect to Kosovo, including the administration of the judiciary, is vested in UNMIK and is exercised by the Special Representative of the Secretary-General.
2. The Special Representative of the Secretary-General may appoint any person to perform functions in the civil administration in Kosovo, including the judiciary, or remove such person. Such functions shall be exercised in accordance with the existing laws, as specified in section 3, and any regulations issued by UNMIK.

#### *Section 2*

##### **Observance of internationally recognized standards**

In exercising their functions, all persons undertaking public duties or holding public office in Kosovo shall observe internationally recognized human rights standards and shall not discriminate against any person on any ground such as sex, race, color, language religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or other status.

#### *Section 3*

##### **Applicable law in Kosovo**

The laws applicable in the territory of Kosovo prior to 24 March 1999 shall continue to apply in Kosovo insofar as they do not conflict with standards referred to in section 2, the fulfilment of the mandate given to UNMIK under United Nations Security Council resolution 1244 (1999), or the present or any other regulation issued by UNMIK.

#### *Section 4*

##### **Regulations issued by UNMIK**

In the performance of the duties entrusted to the interim administration under United Nations Security Council Resolution 1244 (1999), UNMIK will, as necessary, issue legislative acts in the form of regulations. Such regulations will remain in force until repealed by UNMIK or superseded by such rules as are subsequently issued by the institutions established under a political settlement, as provided for in United Nations Security Council resolution 1244 (1999).

#### *Section 5*

##### **Entry into force and promulgation of regulations issued by UNMIK**

- 5.1. UNMIK regulations shall be approved and signed by the Special Representative of the Secretary-General. They shall enter into force upon the date specified therein.

5.2. UNMIK regulations shall be issued in Albanian, Serbian and English. In case of divergence, the English text shall prevail. The regulations shall be published in a manner that ensures their wide dissemination by public announcement and publication.

5.3. UNMIK regulations shall bear the symbol UNMIK/REG/, followed by the year of issuance and the issuance number of that year. A register of the regulations shall indicate the date of promulgation, the subject matter and amendments or changes thereto or the repeal or suspension thereof.

*Section 6*

**State property**

UNMIK shall administer movable or immovable property, including monies, bank accounts, and other property of, or registered in the name of the Federal Republic of Yugoslavia or the Republic of Serbia or any of its organs, which is in the territory of Kosovo.

*Section 7*

**Entry into force**

The present regulation shall be deemed to have entered into force as of 10 June 1999, the date of adoption by the United Nations Security Council of resolution 1244 (1999).

**Dr. Bernard Kouchner**

Special Representative of the Secretary-General

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UNMIK/REG/1999/2

12 August 1999

REGULATION No. 1999/2

**ON THE PREVENTION OF ACCESS BY INDIVIDUALS AND THEIR REMOVAL TO SECURE PUBLIC PEACE AND ORDER**

The Special Representative of the Secretary- General, Acting pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999, and for the purpose of maintaining public peace and order in the territory of Kosovo; Hereby promulgates the following:

*Section 1*

**Temporary Removal and Prevention of Access**

1.1. The relevant law enforcement authorities may temporarily remove a person from a location, or prevent access by a person to a location, if this is necessary in the opinion of the law enforcement authorities and in light of the prevailing circumstances on the scene, to prevent a threat to public peace and order.

1.2. A threat to public peace and order may be posed by any act that jeopardizes:

- (a) the rule of law;
- (b) the human rights of individuals;
- (c) public and private property;
- (d) the unimpeded functioning of public institutions.

1.3. The relevant law enforcement authorities may temporarily remove a person from a location, or prevent access by

a person to a location, if this is necessary in the opinion of the law enforcement authorities and in light of the prevailing circumstances on the scene, to prevent interference with the carrying out of the duties of the fire department, the delivery of first aid, or any other emergency activity.

*Section 2*

**Temporary Detention**

**2. 1.** The relevant law enforcement authorities may temporarily detain a person, if this is necessary in the opinion of the law enforcement authorities and in light of the prevailing circumstances on the scene, to remove a person from a location, or to prevent access by a person to a location in accordance with section 1 of the present regulation.

**2. 2.** The detention may last only so long as necessary to carry out the actions specified in section 1 of the present regulation and in any case no longer than 12 hours.

*Section 3*

**Entry into Force**

The present regulation shall enter into force on 12 August 1999.

**Bernard Kouchner**

Special Representative of the Secretary-General

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**UNMIK/REG/1999/5**

**4 September 1999**

**REGULATION NO. 1999/5**

**ON THE ESTABLISHMENT OF AN AD HOC COURT OF FINAL APPEAL AND AN AD HOC OFFICE OF THE PUBLIC PROSECUTOR**

The Special Representative of the Secretary General, Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999, Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo, For the purpose of enhancing the administration of justice in Kosovo pending a more thorough review, Hereby promulgates the following:

*Section 1*

**Court of Final Appeal**

There shall be established, ad hoc, a Court of final appeal, which shall have the powers of the Supreme Court which exercised jurisdiction in Kosovo, as regards appeals against decisions of District Courts in the sphere of criminal law and also as regards detention terms.

**1.2.** The Court shall be composed of five judges including the President of the Court. The Special Representative of the Secretary General shall appoint the judges, including the President, following consultations with the Joint Advisory Council on Provisional Judicial Appointments. Additional judges also may be appointed if required, following the same procedure.

*Section 2*



## **Public Prosecutor's Office**

A Chief Public Prosecutor and a deputy Public Prosecutor shall be appointed, ad hoc, to discharge the duties prescribed by law for the Public Prosecutor's Office in Kosovo. They shall be appointed by the Special Representative of the Secretary General following consultations with the Joint Advisory Council on Provisional Judicial Appointments.

### *Section 3*

#### **Criteria for selection and appointment of the judges and the Prosecutor**

The candidates selected for appointment as judges of the Court and as Prosecutors shall satisfy the following criteria:

- a) have served for at least twelve years as a judge or Public Prosecutor;
- b) be of high moral character, impartiality and integrity;
- c) not have a criminal record;
- d) not have participated in discriminatory measures or applied any repressive law or have implemented any dictatorial policies;
- e) not be registered with any political party or otherwise engaged in political activity;

### *Section 4*

#### **Appointment and term of office**

Upon appointment, each judge shall subscribe to the following oath or solemn declaration before the Special Representative of the Secretary-General:

"I swear (or solemnly declare) that I will perform my duties and exercise my powers as a judge of the ad hoc Court of Final Appeal honourably, faithfully, impartially and conscientiously."

4.2. Upon appointment, each Prosecutor shall subscribe to the following oath or solemn declaration before the Special Representative of the Secretary-General:

"I swear (or solemnly declare) that I will perform my duties and exercise my powers as a Prosecutor honourably, faithfully, impartially and conscientiously."

4.3. The Special Representative of the Secretary-General may remove a judge or the Prosecutor from office on any of the following grounds:

failure to meet the criteria specified in section 3 of the present regulation; physical or mental incapacity which is likely to be permanent or prolonged ;serious misconduct; failure in the due execution of office; or having been placed, by personal conduct or otherwise in a position incompatible with the due execution of office.

If the Special Representative of the Secretary-General becomes aware of evidence that indicates that a judge or a Prosecutor has failed to comply with his or her obligations under the present regulation the Special Representative of the Secretary-General shall inform the judge or Prosecutor of the charge and consider his or her response before taking any action other than temporary suspension of the judge or Prosecutor pending resolution of the charge. The Special Representative of the Secretary-General after consultation with the Joint Advisory Council on Provisional Judicial Appointments may remove the judge or Prosecutor from office if he considers that the charge is established.

### *Section 5*

#### **Procedure**

Depending on the nature of the issue to be considered, the Court shall sit in a panel of three judges or five judges.

### *Section 6*

### **Term of office**

The Court shall function and the Prosecutors shall exercise their respective duties until the Supreme Court of Kosovo is re-established.

#### *Section 7*

### **Honorarium and facilities**

7.1. The honorarium to be paid to the judges and to the Prosecutors shall be determined by the Special Representative of the Secretary-General.

7.2. The facilities required for the functioning of the Court and of the Prosecutor's office shall be provided by the Special Representative of the Secretary-General.

#### *Section 8*

### **Applicable law**

This regulation shall supersede any provision in the applicable laws relating to the appointment and removal from office of judges of the Court and of Prosecutors which is inconsistent with it.

#### *Section 9*

### **Final provision**

This regulation shall enter into force on 4 September 1999.

**Bernard Kouchner**  
**Special Representative of the Secretary-General**

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UNMIK/REG/1999/6

7 September 1999

**REGULATION NO. 1999/6**

### **ON RECOMMENDATIONS FOR THE STRUCTURE AND ADMINISTRATION OF THE JUDICIARY AND PROSECUTION SERVICE**

The Special Representative of the Secretary-General, Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999, Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo, For the purpose of enhancing the administration of justice in Kosovo, Hereby promulgates the following:

#### *Section 1*

### **The Technical Advisory Commission on Judiciary and Prosecution Service**

The Technical Advisory Commission on Judiciary and Prosecution Service (hereinafter called the Commission) is hereby established to advise the Special Representative of the Secretary-General on the structure and administration of the judiciary and the prosecution service in Kosovo.

*Section 2*

**Composition**

The Commission shall be composed of ten local and five international members, chosen for their integrity, professional skills and experience. The Commission's composition shall also adequately reflect knowledge of the structure and working hitherto of the judiciary and the prosecution service.

*Section 3*

**Appointment**

The individual members shall be selected and appointed by the Special Representative of the Secretary-General in accordance with the criteria specified in section 2 above, after appropriate consultations.

*Section 4*

**Rules of procedure**

The Commission shall adopt its rules of procedure.

*Section 5*

**Terms of reference**

**5.1** The Commission shall:

In the light of the existing conditions, assess the present and long term requirements of Kosovo as regards the number, levels and categories of judicial bodies; advise on the early re-establishment of the Supreme Court for Kosovo after appropriate joint consultations with the Advisory Judicial Commission and the Special Joint Advisory Council on Legislative Matters; assess the present and long term requirements of Kosovo for the prosecution service.

**5.2** The Commission shall submit its report and recommendations, with the reasons therefor, to the Special Representative of the Secretary-General and shall use its best efforts to submit the report within thirty days after its constitution.

*Section 6*

**Honorarium and facilities**

The honorarium to be paid to the members of the Commission shall be determined by the Special Representative of the Secretary-General.

The facilities required for the functioning of the Commission shall be provided by the Special Representative of the Secretary-General.

*Section 7*

**Final provision**

This regulation shall enter into force on 7 September 1999.

**Bernard Kouchner**

Special Representative of the Secretary-General

UNMIK/REG/1999/7  
7 September 1999

**REGULATION NO. 1999/7**

**ON APPOINTMENT AND REMOVAL FROM OFFICE OF JUDGES AND PROSECUTORS**

The Special Representative of the Secretary-General, Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999, Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo, For the purpose of establishing an independent and multi-ethnic judiciary in Kosovo, Hereby promulgates the following:

*Section 1*

**The Advisory Judicial Commission**

**1.1** The Advisory Judicial Commission (hereinafter called the Commission) is hereby established to advise the Special Representative of the Secretary-General on matters related to the appointment of judges and prosecutors as required, as well as on complaints, if any, against any judge or prosecutor. Upon request from the Special Representative of the Secretary-General, the Commission may tender advice on other issues related to the judicial system.

**1.2** The Commission shall be independent in the exercise of its functions.

*Section 2*

**Composition**

**2.1** The Commission shall be composed of eight local and three international experts. The composition of the Commission shall be multi-ethnic and reflect varied legal expertise. Both local and international members of the Commission shall be distinguished legal professionals meeting the highest standards of efficiency, competence and integrity. They shall be independent and impartial. They shall not hold public office or any other position incompatible with their functions as members of the Commission.

The individual members shall be selected and appointed by the Special Representative of the Secretary-General in accordance with the above principles after appropriate consultations.

*Section 3*

**Appointment and term of office**

Upon appointment, each member of the Commission shall subscribe to a solemn oath or declaration before the Special Representative of the Secretary-General. The form of the oath or declaration shall be as follows:

"I solemnly declare and promise to discharge the functions entrusted to me by UNMIK regulation 1999/7 of 7 September 1999 strictly according to its terms and not to seek or accept instructions in regard to the performance of these duties from any source other than the Special Representative of the Secretary-General".

If the Special Representative of the Secretary-General becomes aware of evidence that indicates that a member of the Commission has failed to comply with his or her obligations under the present regulation the Special Representative of the Secretary-General shall inform the member of the charge and consider the member's response before taking any action other than temporary suspension of the member pending resolution of the charge. The Special Representative of the Secretary-General may remove the member from office if he considers that the charge is established.

The term of office of the members of the Commission shall be one year. This term may be renewed.

*Section 4*

**Procedural issues**

**4.1** The Commission shall adopt its rules of procedure.

The Commission may as necessary form committees for the efficient discharge of its Duties.

The Commission shall convene meetings as required or upon request by the Special Representative of the Secretary-General.

*Section 5*

**Functions and objectives**

The Commission shall invite, by public announcement, applications of legal professionals in Kosovo for service as judges or prosecutors. It shall review the individual applications and make its recommendation in writing to the Special Representative of the Secretary-General on candidates indicating the reasons therefor.

**5.2** In reviewing individual applications, the Commission members shall be guided by UNMIK's goal to establish a professional, independent, impartial and multi-ethnic judiciary and prosecution service.

*Section 6*

**Criteria for selection of candidates**

Applicants for service as judges or prosecutors shall satisfy the following criteria:

Have a university degree in law;

Have passed the examination for candidates for the judiciary, or, in the case of applicants for the position of a judge in the Minor Offences Court, have passed the professional examination;

be of high moral integrity;

not have a criminal record;

not have participated in discriminatory measures, or applied any repressive law or have implemented dictatorial policies;

not be registered with any political party or otherwise engage in political activity.

Except in the case of positions in the Minor Offences Court, applicants should have relevant work experience in the field of law, i.e. three years for the position of a Municipal Court judge (or prosecutor) or of a judge of Minor Offences Appeals body, seven years for the position of a District Court judge (or prosecutor) and four years for the position of a Commercial Court judge.

*Section 7*

**Appointment and removal from office of judges and prosecutors**

The Special Representative of the Secretary-General shall appoint judges and prosecutors taking into account the recommendation of the Commission under section 5.1 above.

A judge or prosecutor shall not hold any other public or administrative office or engage in any occupation of a professional nature, whether remunerative or not, or otherwise engage in any activity incompatible with his or her functions.

A complaint regarding a judge shall be referred to the Special Representative of the Secretary-General, who shall consult the Commission. After investigating the complaint, the Commission shall make an appropriate recommendation to the Special

Representative of the Secretary-General, bearing in mind that no judge may be removed from office except on the ground of:

- a) physical or mental incapacity which is likely to be permanent or prolonged;
- b) serious misconduct;
- c) failure in the due execution of office; or
- d) having been placed, by personal conduct or otherwise, in a position incompatible with the due execution of office.

The above procedure shall also be followed *mutatis mutandis* in the case of a complaint against a prosecutor.

The Special Representative of the Secretary-General may remove from office a judge or prosecutor after taking into account the recommendation of the Commission under section 7.3 or 7.4 above.

*Section 8*

**Emoluments and facilities**

The honorarium to be paid to the members of the Commission shall be determined by the Special Representative of the Secretary-General.

The facilities required for the functioning of the Commission shall be provided by the Special Representative of the Secretary-General.

*Section 9*

**Applicable law**

This regulation shall supersede any provision in the applicable laws relating to the appointment and removal from office of judges and prosecutors which is inconsistent with it.

*Section 10*

**Final and transitional provisions**

10.1 This regulation shall enter into force on 7 September 1999.

UNMIK emergency decrees 1999/1, 1999/2 are hereby repealed. However, judges, prosecutors and other judicial personnel provisionally appointed pursuant to these decrees shall continue to hold office until their respective terms expire.

**Bernard Kouchner**

Special Representative of the Secretary-General

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UNMIK/REG/1999/18

10 November 1999

REGULATION NO. 1999/18

ON THE APPOINTMENT AND REMOVAL FROM OFFICE OF LAY- JUDGES

The Special Representative of the Secretary-General, Pursuant to the authority given to him under United Nations Security

Council Resolution 1244 (1999) of 10 June 1999, Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo, For the purpose of establishing an independent and multi-ethnic judiciary in Kosovo, Hereby promulgates the following:

*Section 1*

**Additional Powers of the Advisory Judicial Commission**

In addition to the powers vested in it by UNMIK Regulation No. 1999/7 of 7 September 1999, the Advisory Judicial Commission (hereinafter called "the Commission") shall advise the Special Representative of the Secretary-General on matters related to the appointment of lay judges as required, as well as on complaints, if any, against any lay judge.

*Section 2*

**Applications for Positions as Lay Judges**

The Commission shall invite, by public announcement, applications of qualified candidates in Kosovo for service as lay judges. It may also accept recommendations from regional, municipal or judicial authorities and other bodies within the legal profession, of persons considered suitable to be interviewed for service as lay judges.

The Commission shall review the individual applications and make its recommendations in writing to the Special Representative of the Secretary-General on candidates indicating the reasons therefore.

In reviewing individual applications, the Commission members shall be guided by UNMIK's goal to establish a professional, independent, impartial and multi-ethnic judiciary.

*Section 3*

**Criteria for Selection of Candidates for Service as Lay Judges**

Applicants for service as lay judges shall satisfy the following criteria:

they shall be at least eighteen (18) years of age at the date of submission of their application;

they shall be of high moral integrity;

they shall not have a criminal record;

they shall not have participated in discriminatory measures, or applied any repressive laws or have implemented dictatorial policies;

they shall not be registered with any political party or otherwise engage in political activity;

lay judges who will be involved in adjudicating actions involving juveniles shall have professional qualifications and/or experience involving juveniles.

*Section 4*

**Appointment and Removal of Lay Judges**

The Special Representative of the Secretary-General shall appoint lay judges taking into account the recommendations of the Commission under section 2.2 above.

**4.2** A lay judge shall not engage in any activity incompatible with his or her functions.

**4.3** A complaint regarding a lay judge shall be referred to the Special Representative of the Secretary-General, who shall consult the Commission. After investigating the complaint, the Commission shall make an appropriate

recommendation to the Special Representative of the Secretary-General, bearing in mind that no lay judge may be removed from office except on the ground of:

physical or mental incapacity which is likely to be permanent or prolonged;

serious misconduct;

failure in the due execution of office; or

having been placed, by personal conduct or otherwise, in a position incompatible with the due execution of office.

4.4 The Special Representative of the Secretary-General may remove a lay judge from office after taking into account the recommendation of the Commission under section 4.3 above.

*Section 5*

**Emoluments**

The emoluments to be paid to lay judges shall be determined by the Special Representative of the Secretary-General.

*Section 6*

**Applicable law**

This regulation shall supersede any provision in the applicable laws relating to the appointment and removal from office of lay judges which is inconsistent with it.

*Section 7*

**Entry into force**

The present regulation shall enter into force on 10 November 1999.

**Bernard Kouchner**

**Special Representative of the Secretary-General**

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**UNMIK/REG/1999/24**

**12 December 1999**

**REGULATION NO. 1999/24 ON THE LAW APPLICABLE IN KOSOVO**

The Special Representative of the Secretary-General, Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999, Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo, For the purposes of defining the law applicable in Kosovo, Hereby promulgates the following:

*Section 1*

**Applicable Law**

1. The law applicable in Kosovo shall be:

The regulations promulgated by the Special Representative of the Secretary-General and subsidiary instruments issued thereunder; and



The law in force in Kosovo on 22 March 1989.

In case of a conflict, the regulations and subsidiary instruments issued thereunder shall take precedence.

If a court of competent jurisdiction or a body or person required to implement a provision of the law, determines that a subject matter or situation is not covered by the laws set out in section 1 of the present regulation but is covered by another law in force in Kosovo after 22 March 1989 which is not discriminatory and which complies with section 3 of the present regulation, the court, body or person shall, as an exception, apply that law.

In exercising their functions, all persons undertaking public duties or holding public office in Kosovo shall observe internationally recognized human rights standards, as reflected in particular in: The Universal Declaration of Human Rights of 10 December 1948; The European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and the Protocols thereto; The International Covenant on Civil and Political Rights of 16 December 1966 and the Protocols thereto; The International Covenant on Economic, Social and Cultural Rights of 16 December 1966; The Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965; The Convention on Elimination of All Forms of Discrimination Against Women of 17 December 1979; The Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment of 17 December 1984; The International Convention on the Rights of the Child of 20 December 1989.

No person undertaking public duties or holding public office in Kosovo shall discriminate against any person on any ground such as sex, race, colour, language, religion, political or other opinion, natural, ethnic or social origin, association with a national community, property, birth or other status. In criminal proceedings, the defendant shall have the benefit of the most favourable provision in the criminal laws which were in force in Kosovo between 22 March 1989 and the date of the present regulation.

Capital punishment is abolished.

#### *Section 2*

#### **Implementation**

Courts in Kosovo may request clarification from the Special Representative of the Secretary-General in connection with the implementation of the present regulation. The Special Representative of the Secretary-General shall provide such clarification for the consideration of the courts in the exercise of their functions.

#### *Section 3*

#### **Entry into Force**

The present regulation shall be deemed to have entered into force as of 10 June 1999.

**Bernard Kouchner**  
**Special Representative of the Secretary-General**

UNMIK/REG/1999/25  
12 December 1999

**REGULATION NO. 1999/25**

**AMENDING UNMIK REGULATION NO. 1999/1 ON THE AUTHORITY OF THE INTERIM  
ADMINISTRATION IN KOSOVO**

The Special Representative of the Secretary-General, Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999, Having promulgated UNMIK Regulation No. 1999/24 on the Law Applicable in Kosovo, Hereby promulgates the following:

*Section 1*

**Amendment**

Section 3 of UNMIK Regulation No. 1991/1 of 25 July 1999 is hereby repealed

*Section 2*

**Entry into Force**

The present regulation shall be deemed to have entered into force as of 10 June 1999.

**Bernard Kouchner**

**Special Representative of the Secretary-General**

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UNMIK/REG/1999/26  
22 December 1999

**REGULATION NO. 1999/26 ON THE EXTENSION OF PERIODS OF PRETRIAL DETENTION**

The Special Representative of the Secretary-General, Acting pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999, Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo and UNMIK Regulation No. 1999/24 of 12 December 1999 on the Law Applicable in Kosovo, In order to amend the pretrial procedures to ensure the proper administration of justice, Hereby promulgates the following:

*Section 1*

**Extension of Detention Periods**

In addition to the six months maximum period of pretrial custody permitted pursuant to the applicable law, a panel of the Ad Hoc Court of Final Appeal may, in order to ensure the proper administration of justice, extend pretrial custody by not more than an additional three (3) months, and may subsequently further extend pretrial custody by not more than an additional three (3) months.

The extensions of pretrial custody provided for in Section 1.1 of the present regulation shall be applicable only where proceedings are conducted for a crime carrying a possible prison sentence of more than five (5) years.

1.3 A decision on extending pretrial custody under Section 1.1 of the present regulation shall be made on the

recommendation, with supporting reasons, of the investigating judge or the public prosecutor.

*Section 2*

**Expiration of the Pretrial Custody Periods**

If an indictment is not brought before the expiration of periods for pretrial custody referred to in Section 1 of the present regulation, the accused shall be released.

*Section 3*

**Entry into Force**

The present regulation shall enter into force on 22 December 1999.

*Section 4*

**Transitional Provision**

Sections 1 and 2 of the present regulation shall apply also to criminal proceedings initiated between 10 June 1999 and the date of the present regulation.

**Bernard Kouchner**  
**Special Representative of the Secretary-General**

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**UNMIK/REG/2000/1**

**14 January 2000**

**REGULATION NO. 2000/1**  
**ON THE KOSOVO JOINT INTERIM ADMINISTRATIVE STRUCTURE**

The Special Representative of the Secretary-General

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo and UNMIK Regulation No. 1999/24 of 12 December 1999 on the Law Applicable in Kosovo and UNMIK Regulation No. 1999/25 of 12 December 1999 Amending UNMIK Regulation No. 1999/1 on the Authority of the Interim Administration in Kosovo, For the purpose of establishing a Joint Interim Administrative Structure for Kosovo,

Hereby promulgates the following:

*Section 1*

**Principles of the Joint Interim Administrative Structure**

The following principles shall govern the Joint Interim Administrative Structure:

- (a) Respecting United Nations Security Council resolution 1244 (1999) of 10 June 1999, representatives of political forces of Kosovo share provisional administrative management with UNMIK. The Special Representative of the Secretary-General retains legislative and executive authority;
- (b) All administrative decisions shall be in conformity with the law applicable in Kosovo;

(c) The establishment of the Joint Interim Administrative Structure shall start on the entry into force of the present regulation. Current Kosovo structures, be they executive, legislative or judicial (such as the “Provisional Government of Kosovo, Presidency of the Republic of Kosovo”), shall be transformed and progressively integrated, to the extent possible and in conformity with the present regulation, into the Joint Interim Administrative Structure, which should be operational by 31 January 2000 by which time these and all other Kosovo structures of an executive, legislative or judicial nature shall cease to exist;

(d) All communities of Kosovo shall be involved in the provisional administrative management through procedures set out in the present regulation with a fair representation of all communities.

#### *Section 2*

#### **Kosovo Transitional Council**

2.1 The consultative role of the Kosovo Transitional Council shall be maintained but its membership shall be enlarged as soon as possible following discussions in the Interim Administrative Council referred to in section 3 below, to better reflect the pluralistic composition of Kosovo.

2.2 The Kosovo Transitional Council should meet every two weeks. The Special Representative of the Secretary-General may convene extraordinary sessions of the Kosovo Transitional Council whenever necessary.

2.3 The Kosovo members of the Interim Administrative Council are also members of the Kosovo Transitional Council. They shall inform the Kosovo Transitional Council of the work of the Administrative Departments referred to in section 7 below.

2.4 The Co-Heads of Administrative Departments may be invited to inform the Kosovo Transitional Council on the work of their Departments.

2.5 If a majority of members of the Kosovo Transitional Council disagrees with a position or decision taken by the Interim Administrative Council, it can propose a different solution to the Special Representative of the Secretary-General who shall take a final decision.

#### *Section 3*

#### **Interim Administrative Council**

3.1 The Interim Administrative Council shall make recommendations to the Special Representative of the Secretary-General for amendments to the applicable law and for new regulations. In addition, it shall propose policy guidelines for Administrative Departments in applying the applicable law.

3.2 A Special Expert Committee on Security (also dealing with the situation of minorities), composed of UNMIK and Kosovo experts, shall be directly attached to the Interim Administrative Council. This Committee may also liaise with KFOR and the Police.

#### *Section 4*

#### **Composition of Interim Administrative Council**

4.1 The Interim Administrative Council shall consist of eight members appointed by the Special Representative of the Secretary-General, of whom four members shall be from Kosovo and four members shall be deployed from UNMIK.

4.2 The four members from Kosovo shall consist of three members who shall be Kosovo Albanians and one member who shall be a Kosovo Serb. The UNMIK members shall be the Principal Deputy Special Representative of the Secretary-General, the Deputy Special Representative of the Secretary-General for Civil Administration, the Deputy

Special Representative of the Secretary-General for Democratization and Institution-Building, and the Deputy Special Representative of the Secretary-General for Economic Reconstruction.

**4.3** The Interim Administrative Council may by consensus, and subject to the procedures set out in the present regulation, take decisions to enlarge its membership.

**4.4** The Special Representative of the Secretary-General shall invite two observers to attend the meetings of the Interim Administrative Council. The observers shall be a representative of civil society in Kosovo and the Deputy

Special Representative of the Secretary-General for Humanitarian Affairs.

#### *Section 5*

#### **Procedures of the Interim Administrative Council**

**5.1** The Special Representative of the Secretary-General shall preside over meetings of the Interim Administrative Council. In the absence of the Special Representative of the Secretary-General, the Principal Deputy Special Representative of the Secretary-General shall preside, in which case he may designate an alternate to act in his place as member. The presiding officer shall not vote.

**5.2** There shall be two co-chairs of the Interim Administrative Council. One co-chair shall be the Principal Deputy Special Representative of the Secretary-General or his alternate. The other co-chair shall be a Kosovo member. This co-chair shall rotate among the Kosovo members every two months.

**5.3** The Interim Administrative Council should meet at least once a week. The Special Representative of the Secretary-General shall convene extraordinary meetings of the Interim Administrative Council whenever necessary.

**5.4** Each member of the interim Administrative Council shall have one vote. An alternate designated by an absent member to act in his or her place at a meeting shall have the right to vote for that member.

**5.5** Observers shall have no right to vote but shall have the right to speak.

**5.6** The Interim Administrative Council shall decide on its rules of procedure, including the assignment of certain responsibilities to particular members.

#### *Section 6*

#### **Decisions of the Interim Administrative Council**

**6.1** Members of the Interim Administrative Council shall try, to all possible extent, to reach consensus.

**6.2** If the Interim Administrative Council takes a decision by consensus, or by a three quarters majority of those present and voting, the Special Representative of the Secretary-General shall accept such decision unless he advises the Interim Administrative Council otherwise in writing within seven days explaining the reasons for his differing decision.

**6.3** If the Interim Administrative Council does not take a decision by consensus or by three quarters majority, the Special Representative of the Secretary-General shall take a decision.

#### *Section 7*

#### **Administrative Departments, their Leadership and Staff**

**7.1** The Administrative Departments shall be established in accordance with the procedures in section 9 of the present regulation. An indicative list is attached as an Annex to the present regulation. The police shall not fall into the competency of any such Department.

7.2 The Administrative Departments shall perform the provisional administrative tasks to implement the policy guidelines formulated by the Interim Administrative Council.

7.3 The Administrative Departments may make policy recommendations to the Interim Administrative Council through their respective Deputy Special Representatives of the Secretary-General. The Deputy Special Representatives of the Secretary-General, in consultation with the Co-Heads of Administrative Departments, shall be responsible for the preparation of draft policy papers and for their transmission to the Interim Administrative Council.

7.4 The Administrative Departments report to their respective Deputy Special Representatives of the Secretary-General who shall be responsible, in close co-operation with the Co-Heads of Department, for the implementation of policy by the Administrative Departments and for the co-ordination between Administrative Departments.

7.5 The Administrative Departments shall be jointly led by a Kosovo and UNMIK Co-Head of Department. Both must have expertise in their area of competence.

7.6 The Co-Heads of Departments shall be appointed by the Special Representative of the Secretary-General. The Special Representative of the Secretary-General shall consult the Interim Administrative Council on the appointment of the Kosovo Co-Heads of Department.

7.7 A Deputy Special Representative of the Secretary-General may create independent bodies to render advice on the administrative work of specific Departments. Such bodies shall report directly to their respective Deputy Special Representative of the Secretary-General.

7.8 A Co-Head of Department shall not be a member of the Interim Administrative Council.

7.9 Co-Heads of Department shall take decisions jointly. If agreement cannot be reached the respective Deputy Special Representative of the Secretary-General shall take a decision.

7.10 Co-Heads of Department, in consultation with the respective Deputy Special Representative of the Secretary-General may make proposals on the organizational structure of their Department. The Interim Administrative Council shall be consulted prior to the implementation of such changes.

7.11 Kosovo members of the Administrative Departments shall be part of the Interim Administration of Kosovo and financed from the Kosovo Consolidated Budget. UNMIK international staff may be deployed to serve in Administrative Departments.

## *Section 8*

### **Local Administration**

8.1 The administration in a municipality shall be performed by a Municipal Administrative Board headed by the UNMIK Municipal Administrator.

8.2 Municipal Administrative Boards shall be composed of the UNMIK Municipal Administrator (or his or her representative), and of other members appointed by him or her: a President if one is appointed by the Municipal Administrator, one or more Vice-Presidents, Heads of Department, and such other persons who may be designated by the Municipal Administrator. The Administrative Boards shall, to the extent possible, incorporate members of the current Kosovo municipal structures.

8.3 The Municipal Administrator shall assign administrative functions to members of the Municipal Administrative Board and shall set out policies and monitor their implementation by the municipal services.

8.4 The Municipal Administrator shall also temporarily administer Municipal property and assets directly.

**8.5** The Municipal Administrative Board shall consult with a Municipal Council, to be chaired by the Municipal Administrator. The members of the Municipal Council shall represent the citizens of the municipality and be appointed by the Municipal Administrator.

**8.6** The Municipal Council shall be a consultative body and shall make recommendations to the Municipal Administrator on any matter within his or her competence.

*Section 9*

**Implementation**

**9.1** The Special Representative of the Secretary-General shall consult with the Interim Administrative Council on the Administrative Departments to be set up and on their detailed competencies, on the basis of the indicative list set out in the Annex to the present regulation.

**9.2** The Administrative Departments and their detailed competencies shall be established by the Special Representative of the Secretary-General through the issue of regulations.

**9.3** The speed and scope of implementation of the Joint Interim Administration shall be dependent upon the assessment by the Special Representative of the Secretary-General of the speed and sustainability of the dissolution of the Kosovo structures.

*Section 10*

**Applicable Law**

The provisions of the applicable law shall apply subject to the provisions of the present regulation.

*Section 11*

**Entry into Force**

The present regulation shall enter into force on 14 January 2000.

**Bernard Kouchner**

Special Representative of the Secretary-General

**Annex to UNMIK Regulation No. 2000/1**

**Indicative List of Administrative Departments**

- (1) Finance and Economic Development;
- (2) Reconstruction and Donor Co-ordination
- (3) Business Administration and Commerce
- (4) Education and Science
- (5) Culture
- (6) Civil Affairs
- (7) Justice
- (8) Transport, Post and Telecommunication
- (9) Health and Social Welfare
- (10) Agriculture and Environmental Protection
- (11) Civil Security and Emergency Relief
- (12) Democratization and Media Development
- (13) Local Administration
- (14) Emigration

UNMIK/REG/2000/6  
15 February

**REGULATION NO. 2000/6**

**ON THE APPOINTMENT AND REMOVAL FROM OFFICE OF INTERNATIONAL JUDGES AND INTERNATIONAL PROSECUTORS**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo, For the purpose of assisting in the judicial process in Mitrovica. Hereby promulgates the following:

*Section 1*

**Appointment and Removal from Office of International Judges and International Prosecutors**

The Special Representative of the Secretary-General may appoint and remove from office international judges and international prosecutors, taking into account the criteria set forth under sections 2 and 4 of the present regulation. Such appointments shall be made to the District Court of Mitrovica, other courts within the territorial jurisdiction of the District Court of Mitrovica and offices of the prosecutor with corresponding jurisdiction.

**1.2** International judges shall have the authority and responsibility to perform the functions of their office, including the authority to select and take responsibility for new and pending criminal cases within the jurisdiction of the court to which he or she is appointed.

**1.3** International prosecutors shall have the authority and responsibility to perform the functions of their office, including the authority and responsibility to conduct criminal investigations and to select and take responsibility for new and pending criminal investigations or proceedings within the jurisdiction of the office of the prosecutor to which he or she is appointed.

*Section 2*

**Criteria for International Judges and International Prosecutors**

International judges and international prosecutors shall:

- a) have a university degree in law;
- b) have been appointed and have served, for a minimum of 5 years, as a judge or prosecutor in their respective home country;
- c) be of high moral integrity; and
- d) not have a criminal record.

*Section 3*

**Oath or Solemn Declaration**

Upon appointment, each international judge and international prosecutor shall subscribe to the following oath or solemn declaration before the Special Representative of the Secretary-General:

"I, \_\_\_\_\_, do hereby solemnly swear (or solemnly declare) that: In carrying out the functions of my office, I shall act in accordance with the highest standards of professionalism and with utmost respect for the dignity of my office and the duties with which I have been entrusted. I shall perform my duties and exercise my powers impartially, in accordance with my conscience and with the applicable law in Kosovo. In carrying out the functions of my office, I shall uphold at all times the highest level of internationally recognized human rights, including those embodied in the principles of the Universal



Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols.

In carrying out the functions of my office, I shall ensure at all times that the enjoyment of these human rights shall be secured to all persons in Kosovo without discrimination on any ground such as ethnicity, sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

*Section 4*

**Removal from Office of International Judges and International Prosecutors**

**4.1** The Special Representative of the Secretary-General may remove from office an international judge or international prosecutor on any of the following grounds:

- a) physical or mental incapacity which is likely to be permanent or prolonged;
- b) serious misconduct;
- c) failure in the due execution of office; or
- d) having been placed, by personal conduct or otherwise, in a position incompatible with the due execution of office.

**4.2** An international judge or international prosecutor shall not hold any other public or administrative office incompatible with his or her functions, or engage in any occupation of a professional nature, whether remunerative or not, or otherwise engage in any activity that is incompatible with his or her functions.

*Section 5*

**Applicable Law**

The present regulation shall supersede any provision in the applicable law relating to the appointment and removal from office of judges and prosecutors which is inconsistent with it.

*Section 6*

**Entry into Force**

The present regulation shall enter into force on 15 February 2000.

**Bernard Kouchner**

Special Representative of the Secretary-General

## APPENDIX D:

### Portrait of the Appointed Kosovar Judicial System, February 2000

#### HIGH COURTS OF KOSOVO

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##### A. Supreme Court of Kosovo

---

1. Mr. Rexhep HAXHIMUSA (President)	K/A
2. Mr. Qerim METAJ	K/A
3. Mr. Halil ILAZI	K/A
4. Mr. Gjuran DEMA	K/A
5. Mr. Zait XHEMAJLI	K/A
6. Mr. Agim KRASNIQI	K/A

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##### B. High Court of Minor Offences

---

1. Mr. Mehmet NEZIRI (President)	K/A
2. Mr. Zenel HAJDARI	K/A
3. Mr. Ramadan JASHARI	K/A
4. Mr. Bardh ADEMAJ	K/A

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##### C. Kosovo Prosecutors Office

---

1. Mr. Mehmet NEZIRI (President)	K/A
2. Mr. Zenel HAJDARI	K/A
3. Mr. Ramadan JASHARI	K/A
4. Mr. Bardh ADEMAJ	K/A

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##### D. Commercial Court

---

1. Mr. Bajram TMAVA (President)	K/A
2. Mr. Faik OSMANI	K/A
3. Ms. Vjollca RIZAJ	K/A
4. Mr. Isak ADEMI	K/A
5. Ms. Garajfila BYTYCI	K/A
6. Mr. Bashkim LATIFAJ	K/A
7. Mr. Adem AJVAZI	K/A
8. Ms. Melisha GASHI	K/A

## PRISHTINE/PRISHTINA DISTRICT

### A. Prishtine/Prishtina District Court

1. Mr. Ramadan VELIPI (President)	K/A
2. Ms. Imrane KAJTAZI	K/A
3. Mr. Haki LECAJ	K/A
4. Mr. Naim HALITI	K/A
5. Ms. Suzana SEJDIU	K/A
6. Mr. Syle MAXHARRAJ	K/A
7. Mr. Zef PRENAJ	K/A
8. Mr. Selman BOGIPI	K/A
9. Ms. Medihi JUSUPI	K/M
10. Mr. Anton NOKAJ	K/A
11. Mr. Xhevat BICI	K/A

### Prishtine/Prishtina District Prosecutor's Office

1. Mr. Pjeter RRAPI (Prosecutor)	K/A
2. Mr. Xhevat HALILI	K/A
3. Mr. Reshat MILLAKU	K/A
4. Mr. Osman KRYEZIU	K/A
5. Mr. Rame GASHI	K/A
6. Ms. Drita PEPI	K/A

### C. Prishtine/Prishtina Municipal Prosecutors Office

1.Mr. Tahir RRECAJ (Prosecutor)	K/A
2.Mr. Lulzim SULEJMANI	K/A
3.Mr. Gani HOXHA	K/A
4.Mr. Islam REVUQI	K/A
5.Mr. Osman MEHMETI	K/A

#### Prosecutor appointed but not sworn in:

1.Mr. Ndue THAQI	K/A
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### E. Podujeva/Podujevo Municipal Court

1. Mr. Aziz PODVORICA (President)	K/A
2. Mr. Muharrem SADIKU	K/A
3. Mr. Rexhep FUSHA	K/A
4. Mr. Bedri KRASNIQI	K/A
5. Mr. Shaban GANIU	K/A

### B. Prishtine/Prishtina Municipal Court

1. Mr. Nuhi UKA (President)	K/A
2. Ms. Fellanza KADIU	K/A
3. Ms. Shpresa HASAJ-HYSENI	K/A
4. Ms. Remzije BROVINA	K/A
5. Ms. Ixhlale SHEHOLLI	K/A
6. Ms. Gyltene SYLEJMANI	K/A
7. Mr. Hasan REXHA	K/A
8. Ms. Nexharije HOTI	K/A
9. Mr. Ramiz KRASNIQI	K/A
10. Ms. Marija ADEMI	K/A
11. Mr. Baki KRASNIQI	K/A
12. Mr. Vahid HALILI	K/A
13. Ms. Makifete SALIUKA	K/A
14. Mr. Ahmet GJINOVCI	K/A
15. Mr. Raif EMINI	K/A
16. Mr. Muhamet HUMOLLI	K/A

#### Judges appointed but not sworn in:

1. Mr. Shemsi UKA	K/A
2. Ms. Virgjina DUMNICA	K/A
3. Mr. Veton KAJTAZI	K/A
4. Mr. Xhavit KRASNIQI	K/A

### D. Prishtine/Prishtina Minor Offences Court

1. Mr. Ali LATIFI (President)	K/A
2. Mr. Sabit HAMITI	K/A
3. Mr. Faik HOXHA	K/A
4. Ms. Sebahate HOTI	K/A
5. Mr. Ramiz KUQI	K/A
6. Mr. Mustafe SELIMI	K/A

#### Judge appointed but not sworn in:

1. Mr. Musa DRAGUSHA	K/A
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### F. Podujeva/Podujevo Minor Offences Court

1. Mr. Sahit SYLEJMANI (President)	K/A
2. Mr. Behxhet MUCIQI	K/A
3. Mr. Mehemet EMINI	K/A
4. Mr. Jakup LLUGALIU	K/A
5. Mr. Xhevat BEQOLLI	K/A
6. Mr. Sabit CITAKU	K/A

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**G. Lipjan/Lipljan Municipal Court**

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- |                                |     |
|--------------------------------|-----|
| 1. Mr. Habib ARIFI (President) | K/A |
| 2. Mr. Gani ZABELLI            | K/A |
| 3. Mr. Fadil SHKRELI           | K/A |
| 4. Mr. Ekrem AGUSHI            | K/A |

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**H. Lipjan/Lipljan Minor Offences Court**

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- |                                  |     |
|----------------------------------|-----|
| 1. Ms. Mejreme ZEKAJ (President) | K/A |
| 2. Mr. Jusuf BYTYCI              | K/A |
| 3. Mr. Zenel TASHOLLI            | K/A |

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**I. Kacanik Minor Offences Court**

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**No judges have been appointed. No applications have been submitted.**

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**J. Ferizaj/Urosevac Municipal Court**

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- |                                    |     |
|------------------------------------|-----|
| 1. Mr. Rifat ABDULLAHU (President) | K/A |
| 2. Ms. Nazmije IBRAHIMI            | K/A |
| 3. Mr. Vesel JASHARI               | K/A |
| 4. Mr. Muhamet BEQIRI              | K/A |
| 5. Mr. Zejnullah HETA              | K/A |
| 6. Mr. Isak NEZIRI                 | K/A |
| 7. Mr. Abdurrahim ISLAMI           | K/A |

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**K. Ferizaj/Urosevac Municipal Prosecutors Office**

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- |                      |     |
|----------------------|-----|
| 1. Mr. Ekrem SHABANI | K/A |
|----------------------|-----|

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**L. Ferizaj/Urosevac Minor Offences Court**

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- |                               |     |
|-------------------------------|-----|
| 1. Mr. Islam MUSA (President) | K/A |
| 2. Mr. Imri SEJDA             | K/A |
| 3. Mr. Ragip HAMANI           | K/A |

## GJILANE/GNJILANE DISTRICT

### A. Gjilane/Gnjilane District Court

1. Mr. Imer HURUGLICA (President)	K/A
2. Mr. Hasan SADIKU	K/A
3. Mr. Kadri SYLAJ	K/A
4. Mr. Mustafe MUSA	K/A
5. Mr. Faderin YMERI	K/A
6. Mr. Ilmi DALIPI	K/A
7. Mr. Refik ALILI	K/A

### B. Gjilane/Gnjilane District Prosecutors Office

1. Mr. Sabit MALIQI (Prosecutor)	K/A
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#### Prosecutor appointed but not sworn in:

1. Mr. Shemsedin PIRAJ	K/A
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### C. Gjilane/Gnjilane Municipal Court

1. Mr. Shevqet XHELILI (President)	K/A
2. Mr. Abdullah AHMETI	K/A
3. Mr. Mursel AHMETI	K/A

#### Judge appointed but not sworn in:

1. Mr. Hyrgaz RAGIPI	K/A
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### D. Gjilane/Gnjilane Municipal Prosecutors Office

1. Mr. Ilyas SAIT (Prosecutor)K/T	
2. Mr. Ismet UKSHINI	K/A
3. Mr. Rrustem LATIFAJ	K/A

#### Prosecutor appointed but not sworn in:

1. Ms. Slavica POPOVIC	K/S
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### E. Gjilane/Gnjilane Minor Offences Court

1. Ms. Mirvete ISMAILI (President)	K/A
2. Ms. Emine SALIHU	K/A
3. Mr. Xhymshit XHYMSHITI	K/A
4. Mr. Ramush ADEMI	K/A
5. Mr. Ali HURUGLICA	K/A
6. Mr. Afrim SHEFKIU	K/A

#### Judge appointed but not sworn in:

1. Mr. Masar MORINA	K/A
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### F. Kamenica/Kos. Kamenica Municipal Court

1. Mr. Fejzullah ASANI (President)	K/A
2. Mr. Memin SYLAJ	K/A
3. Mr. Aleksic ZIVCO	K/S
4. Mr. Vlastimir DIMIC	K/S
5. Mr. Hivzi MURSELI	K/A
6. Mr. Sylejman AJVAZI	K/A

### G. Kamenica/Kos. Kamenica Minor Offences Court

1. Mr. Shaban SPAHIU (President)	K/A
2. Mr. Veli KRYEZIU	K/A
3. Ms. Salihe AHMETAJ	K/A
4. Mr. Basri MORINA	K/A
5. Mr. Jetish MALOKU	K/A

### H. Viti/Vitina Municipal Court

1. Mr. Halit SINANI (President)	K/A
2. Mr. Syleman SALLAHU	K/A
3. Mr. Hajriz LUBISHTANI	K/A
4. Mr. Xhavit HAZIRI	K/A

### I. Viti/Vitina Minor Offences Court

1. Mr. Ibrahim IDRIZI (President)	K/A
2. Mr. Skender SHEFKIU	K/A
3. Mr. Ramadan SYLEJMANI	K/A
4. Mr. Naser MALIQI	K/A
5. Mr. Sahit MUSA	K/A

## PEJA/PEC DISTRICT

### A. Peja/Pec District Court

- |                               |     |
|-------------------------------|-----|
| 1. Mr. Esat SHALA (President) | K/A |
| 2. Mr. Rexhep GJIKOLLI        | K/A |
| 3. Mr. Abdylaziz DACI         | K/A |
| 4. Mr. Osman CUCOVIC          | K/M |
| 5. Mr. Sudan GORANI           | K/A |

#### Judge appointed but not sworn in:

- |                    |     |
|--------------------|-----|
| 1. Mr. Sadri QOSAJ | K/A |
|--------------------|-----|

### C. Peja/Pec Municipal Court

- |                                    |     |
|------------------------------------|-----|
| 1. Mr. Xhelal RADONIQI (President) | K/A |
| 2. Mr. Elmaze SYKA                 | K/A |
| 3. Mr. Selim BERISHA               | K/A |
| 4. Mr. Agim SHALA                  | K/A |
| 5. Mr. Abedin ADEMAJ               | K/A |
| 6. Ms. Hidajete VESELI             | K/A |
| 7. Mr. Ymer JAHMURATAJ             | K/A |
| 8. Mr. Haki BALAJ                  | K/A |
| 9. Mr. Isa DEMUKAJ                 | K/A |

### E. Peja/Pec Minor Offences Court

- |                                  |     |
|----------------------------------|-----|
| 1. Mr. Gani KELMENDI (President) | K/A |
| 2. Mr. Halil MUHOVIC             | K/M |
| 3. Mr. Hasan SHALA               | K/A |
| 4. Mr. Kadri PREKAJ              | K/A |
| 5. Mr. Sali BERISHA              | K/A |
| 6. Mr. Bajram REXHAJ             | K/A |
| 7. Mr. Ahmet REXHAJ              | K/A |

### G. Gjakova/Djakovica Municipal Prosecutors Office

- |                                |     |
|--------------------------------|-----|
| 1. Mr. Masar VULA (Prosecutor) | K/A |
| 2. Mr. Qemajl ZHUBI            | K/A |
| 3. Ms. Shpresa BAKIJA          | K/A |
| 4. Mr. Zymber GECAJ            | K/A |

### B. Peja/Pec District Prosecutors Office

- |                                     |     |
|-------------------------------------|-----|
| 1. Mr. Flamur KELMENDI (Prosecutor) | K/A |
| 2. Mr. Ali ALIU                     | K/A |
| 3. Ms. Xhemajlije MUSTAFA           | K/A |

### D. Peja/Pec Municipal Prosecutors Office

- |                                  |     |
|----------------------------------|-----|
| 1. Mr. Gezim BALOKU (Prosecutor) | K/A |
| 2. Mr. Zenel MEKAJ               | K/A |
| 3. Mr. Gezim KOLLCAKUK/A         |     |

### F. Gjakova/Djakovica Municipal Court

- |                                    |     |
|------------------------------------|-----|
| 1. Mr. Agim MUHAXHIRI (Prosecutor) | K/A |
| 2. Mr. Fatmir BOKSHI               | K/A |
| 3. Mr. Ahmet IDRIZAJ               | K/A |
| 4. Ms. Afijete SADA                | K/A |
| 5. Mr. Hilmi HOXHA                 | K/A |
| 6. Ms. Ilirjana HOTI               | K/A |
| 7. Ms. Teuta VRANICA               | K/A |

### H. Gjakova/Djakovica Minor Offences Court

- |                                |     |
|--------------------------------|-----|
| 1. Mr. Ndrec DODAJ (President) | K/A |
| 2. Ms. Manduhije SYLA          | K/A |
| 3. Ms. Diana SINA              | K/A |
| 4. Ms. Lorida MALOKU           | K/A |
| 5. Ms. Melihate GRUBI          | K/A |

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**I. Decan/Decani Minor Offences Court**

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- |                                 |     |
|---------------------------------|-----|
| 1. Ms. Safete TOLAJ (President) | K/A |
| 2. Mr. Nexhat MUSAJ             | K/A |
| 3. Mr. Fadil MORINA             | K/A |
| 4. Mr. Haxhi SINANAJ            | K/A |

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**J. Istog/Istok Municipal Court**

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- |                                   |     |
|-----------------------------------|-----|
| 1. Mr. Ramadan SHATRI (President) | K/A |
| 2. Mr. Daut DEMIRAJ               | K/A |

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**K. Istog/Istok Minor Offences Court**

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- |                                   |     |
|-----------------------------------|-----|
| 1. Mr. Bajram DRESHAJ (President) | K/A |
| 2. Mr. Gani KELMENDI              | K/A |
| 3. Mr. Gani RUGOVAJ               | K/A |

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**L. Kline/Klina Municipal Court**

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- |                                  |     |
|----------------------------------|-----|
| 1. Mr. Haxhi DERGUTI (President) | K/A |
| 2. Mr. Kole PUKA                 | K/A |

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**M. Kline/Klina Minor Offences Court**

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- |                                 |     |
|---------------------------------|-----|
| 1. Mr. Jashar GASHI (President) | K/A |
| 2. Ms. Vere DODAJ               | K/A |
| 3. Mr. Shaban SHALA             |     |

## PRIZREN DISTRICT

### A. Prizren District Court

1. Mr. Ethem Rogova (President)	K/A
2. Mr. Xhevdet ELSHANI	K/A
3. Ms. Raima ELEZI	K/M
4. Mr. Fikri SHISHKO	K/T
5. Mr. Erdogan HAXHIBEQIRI	K/A
6. Mr. Engjell ÇETTA	K/A
7. Mr. Ymer HOXHA	K/A

#### Judge sworn in but not working as has requested transfer to the Prizren District Court Prosecutors Office:

1. Mr. Muharrem SKENDERI	K/A
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### C. Prizren Municipal Court

1. Ms. Besa KRAJKU (President)	K/A
2. Mr. Hezer DUJA	K/A
3. Mr. Xhemil ELSHANI	K/A
4. Ms. Elvane GJINI	K/A
5. Ms. Valdete DAKA	K/A
6. Mr. Xheladin OSMANI	K/A
7. Mr. Genç NIXHA	K/A
8. Mr. Qerim FAZLIU	K/M
9. Mr. Hashim ÇOLLAKU	K/A

### E. Prizren Minor Offences Court

1. Mr. Sami GASHI (President)	K/A
2. Mr. Metush BIRAJ	K/A
3. Ms. Myfera HOXHA	K/A
4. Mr. Fatmir KRASNIQI	K/A
5. Mr. Zeynel KODRA	K/T

#### Judge appointed but not sworn in:

1. Mr. Burhan BOSHNJAKU	K/M
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(as per OSCE report currently located in Banja Luka, RS)

### B. Prizren District Prosecutors Office

1. Mr. Skender MORINA (Prosecutor)	K/A
2. Mr. Shaban BERISHA	K/R

### D. Prizren Municipal Prosecutors Office

1. Mr. Hydajet HOXHA	K/A
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### F. Dragash/Dragas Municipal Court

1. Mr. Sefidin BAJRAKTARI (President)	K/A
2. Mr. Fahri TERSHNJAKU	K/A
3. Mr. Amet FEHRATI	K/M
(as per OSCE report has not started working in Dragash, has taken office in Prizren MOC)	
4. Mr. Najm KURTISHI	K/A



## PRIZREN DISTRICT

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### G. Dragash/Dragas Minor Offences Court

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- |                          |     |
|--------------------------|-----|
| 1. Mr. Bekri VEHAPI      | K/A |
| 2. Ms. Sebahati KURTISHI | K/A |

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### H. Rahovec/Orahovac Municipal Court

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- |                                   |     |
|-----------------------------------|-----|
| 1. Mr. Mihedin BEKERI (President) | K/A |
| 2. Mr. Agim METBALA               | K/A |
| 3. Mr. Rasim ZLLONAGA             | K/A |
| 4. Mr. Jonuz BUGARI               | K/A |
| 5. Mr. Hysen GASHI                | K/A |

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### I. Rahovec/Orahovac Minor Offences Court

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- |                                 |     |
|---------------------------------|-----|
| 1. Mr. Flamur HASKU (President) | K/A |
| 2. Mr. Gani KASTRATI            | K/A |
| 3. Mr. Mizahir SHABANI          | K/A |
| 4. Mr. Muharrem BYTYQI          | K/A |

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### J. Suhareka/Suva Reka Municipal Court

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- |                                   |     |
|-----------------------------------|-----|
| 1. Mr. Jashar KABASHI (President) | K/A |
| 2. Mr. Sahit BIBAJ                | K/A |
| 3. Mr. Durak BUZHALA              | K/A |
| 4. Mr. Avdi GASHI                 | K/A |
| 5. Mr. Sadik KUÇI                 | K/A |

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### K. Suhareka/Suva Reka Minor Offences Court

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- |                                 |     |
|---------------------------------|-----|
| 1. Mr. Murtez JAHAJ (President) | K/A |
| 2. Ms. Lirije KAFEXHOLLI        | K/A |
| 3. Mr. Bajram KRYEZIU           | K/A |
| 4. Mr. Nuredin ABAZI            | K/A |
| 5. Mr. Sehad HALITI             | K/A |
| 6. Mr. Durmish BERISHA          | K/A |

## MITROVICA DISTRICT

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### A. Mitrovica District Court

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#### Judges appointed but not sworn in:

1. Mr. Kapllan BARUTI (President)
2. Mr. Osman TMAVA
3. Mr. Mahmut HALIMI
4. Mr. Rifat FERATOVIC
5. Mr. Tomislav PETROVIC
6. Mr. Zenel ADEMI
7. Mr. Muharrem RAMADANI
8. Mr. Dragisa KRSTOVIC

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### B. Mitrovica District Prosecutors Office

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#### Prosecutors appointed but not sworn in:

1. Mr. Ismet KABASHI (Prosecutor)
2. Ms. Zyhra ADEMI
3. Mr. Jusuf MEJZINI

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### C. Mitrovica Municipal Court

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#### Judges appointed but not sworn in:

1. Mr. Gani REXHA (President)
2. Mr. S. SYLA
3. Ms. Emine KACIKU
4. Mr. Dejan MILIC
5. Mr. Enver PECE
6. Mr. Rame HYSENI
7. Ms. Mukelefa SABANI-HOGAN
8. Mr. Xhevdet BISLIMI

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### D. Mitrovica Municipal Prosecutors Office

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#### Prosecutors appointed but not sworn in:

1. Mr. Faruk KORENICA (Prosecutor)
2. Mr. Ismet UJKANI
3. Mr. Njazi REXHA
4. Mr. Halit DRAGAJ

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### E. Mitrovica Minor Offences Court

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#### Judges appointed but not sworn in:

1. Mr. Fadil ISTREFI (President)
2. Ms. Zehra VRBOVCI
3. Mr. Namon MEROVCI
4. Mr. Halil DERGUTI
5. Ms. Elheme KELMENDI

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### F. Vushtrri/Vucitrn Municipal Court

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#### Judges appointed but not sworn in:

1. Mr. Sabit BEQIRI (President)
2. Ms. Makfirete KRASNIQI
3. Mr. Beqir HALILI
4. Ms. Kada BUNJAKU
5. Mr. Avdi HAXHAJ

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### G. Vushtrri/Vucitrn Minor Offences Court

---

#### Judges appointed but not sworn in:

1. Mr. Avni MAXHUNI (President)
2. Mr. Kamer CAKAJ
3. Mr. Emrush POTOKU
4. Mr. Rifat BLLATA

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### H. Leposavic/Leposaviq Municipal Court

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#### Judges appointed but not sworn in:

1. Ms. Bojana TRBOJEVAC (President)
2. Ms. Zlatica VUKOSINOVIC
3. Mr. Dragojlo TRIFUNOVIC
4. Mr. Milos MLADENOVIC

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**I. Leposavic/Leposaviq Minor Offences Court**

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**Judges appointed but not sworn in:**

1. Mr. Maksimović PRVOSLAV (President)
2. Mr. Slavisa MILIC

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**J. Skenderaj/Srbica Minor Offences Court**

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**Judges appointed but not sworn in:**

1. Mr. Gani VESELI (President)
2. Mr. Halim DERGUTI

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**K. Zubin Potok Minor Offences Court**

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**No judges have been appointed. No candidates have applied.**