

**ASSESSING BACKLOGS AND CASE PROCESSING TIMES
IN TWO SERBIAN MAGISTRATE COURTS**

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SERBIA RULE OF LAW PROJECT

NATIONAL CENTER FOR STATE COURTS

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EXECUTIVE SUMMARY

Serbia's magistrate courts are scheduled to become part of the judicial branch on January 1, 2007. As the magistrate courts are even closer to the ordinary citizen than other court jurisdictions, it is important to the public's perception of the courts that the magistrate courts demonstrate that minor matters can be resolved fairly and expeditiously. Delay has been expressed as a key concern of both the Council of Europe and the European Court of Human Rights.

The National Center for State Courts (NCSC)¹ as the implementer of the Serbia Rule of Law Project, agreed to conduct a caseload and caseflow study in two Magistrate Courts to determine the extent of backlog and delay in those courts in the context of their jurisdiction over minor offenses. This study began in September 2005, and continued through March 2006. In consultation with the MOJ, it was agreed that the two magistrate courts studied should be those in Kraljevo and Subotica.

This study found that the Kraljevo and Subotica Magistrate Courts have begun disposing of more cases than are filed. Nonetheless, there remains a serious problem of backlog and delay, particularly among juvenile and enforcement cases. The amount and degree of backlog and delay are significantly different between the two courts, Kraljevo having more severe problems than Subotica. Even so, if both courts were to continue at their current rate and filings remained the same as in 2005 it would take several years before the courts could eliminate their backlog of pending cases. Furthermore, the study found that the time between the incident and enforcement of decisions in minor offense cases must be shortened.

This report offers a number of findings and recommendations that, if seriously addressed, would not only increase public confidence, but well prepare the magistrate courts for accession into the judiciary in 2007 and for Serbia's accession into greater Europe.

INTRODUCTION

On January 1, 2007, the Serbian magistrate courts will join their counterparts in the third branch of government, becoming accountable to the standards and practices of a judiciary currently engaged in self-transformation.

As judicial institutions, magistrate courts' performance will be scrutinized according to the requisites of Article 6 of the European Covenant on Human Rights which sets a "reasonable time" standard for disposition of cases. European Court of Human Rights decisions, as well as various Council of Europe (COE) recommendations and the COE's Time Management Checklist establish that the type of case is a critical factor in establishing the "reasonability" of the duration of the case. In 2004, the European Commission for the Efficiency of Justice issued a Framework Programme delineating lines of action for processing each case within an optimum and foreseeable timeframe. In that document, the Commission set out parameters for defining the age of a case: "The length of proceedings is measured from the time *when the authorities first have a legal responsibility towards the citizen and ends with definitive enforcement* of the final decision." (emphasis added). Aside from European standards, the logical expectation is that times to disposition should be short and backlog nonexistent since the magistrate courts adjudicate minor offenses, often prosecuted by the arresting officer.

This *Magistrate Court Study* was conducted from September 2005 through April 2006 by the National Center for State Courts (NCSC) to assess the nature and extent of backlog in the magistrate courts. Since the magistrate courts will join the Serbian judiciary, this study is a useful complement to NCSC's earlier extensive efforts to understand the nature and extent of backlog and delay in Serbia's district and municipal courts, and to support the Supreme Court, MOJ and magistrate courts in this time of institutional change.

In light of the upcoming integration of the magistrate courts into the judicial system, it is important to gauge current backlog and caseload. This study measures the extent of the backlog in two magistrate courts and presents national caseload data in a manner not done previously. Such information should be useful in assisting the MOJ in determining geographic placement of the courts, identifying whether the cases deemed "urgent" are being disposed of in an appropriate time frame, and providing a model for the MOJ and magistrate courts to identify problem areas for further analysis during the process of integration with the judicial branch.

In consultation with the Ministry of Justice (MOJ), two magistrate courts were selected for the diagnostic study: Kraljevo Magistrate Court and Subotica Magistrate Court. This report is a product of a study of 500 pending and 300 disposed adult first instance cases, all juvenile pending and disposed first instance cases, and all enforcement cases arising out of the disposed case samples in each of those two courts.

This study had three goals:

- To determine which types of cases predominate in the caseload of the magistrate courts;

- To identify caseload trends; and
- To determine the extent of backlog and delay in the study courts.

This report describes the situation with respect to case processing times, highlights key problem areas, and provides a foundation for significant reform efforts based on quantifiable, statistically valid data from the courts' registers. In addition, this report provides comprehensive data from all of Serbia's magistrate courts that was collected by the 173 magistrate courts at the request of the MOJ specifically for this project from February through April 2006.

The report's intent is to provide a basic framework for discussion of the caseload issues confronting the magistrate courts. It is divided into four sections, plus the appendices:

- Overview of the Magistrate Courts;
- NCSC Study Methodology;
- Findings Relating to Caseload and Caseload:
 - Adult Offenses;
 - Juvenile Offenses; and
- Conclusions

Although the study used unverified first instance court statistics provided by the MOJ and involved fieldwork in only two courts, NCSC's basic findings about pending caseloads and delay can be used to guide future research and inform court policy questions. As NCSC recommends in the last chapter of this report, this study and the MOJ's preliminary data provide a good basis for further research into the specific obstacles to timely disposition in the magistrate courts.

NCSC's earlier report on *Reducing Backlogs Case Processing Times in Serbia's District and Municipal Courts* captures key findings and recommendations for improving caseload, court operations and justice sector cooperation based on NCSC's earlier work in other general jurisdiction courts. That report documents key findings that also may be of use to the magistrate courts in this period of transition, and should be read as a companion to this report.

OVERVIEW OF THE MAGISTRATE COURTS

The Serbian Magistrate Courts hear minor offenses, as defined in national, provincial, municipal² or city laws and rules. These courts are currently not a part of the judiciary, but rather are governed by the MOJ. However, on January 1, 2007, the magistrate courts will become specialized courts within the Serbian judiciary. As a result, a process of reorganization and integration of the magistrate courts within the judicial branch is underway.

Jurisdiction and Organization of the Magistrate Courts

The magistrate courts are governed by the Law on Minor Offenses (The Official Herald of the Republic of Serbia, No. 44/89). This law regulates the organization of these courts and court procedures, including enforcement, and prescribes the system of penalties for violations of the law. The new Law on Minor Offenses (The Official Herald of the Republic of Serbia, No. 63/01/05) will take effect on January 1, 2007. Like the current law, the new law governs court organization, procedure, liability, penalties and enforcement. The major change prescribed by the new law is to classify the magistrate courts as one category of specialized courts within the judicial branch of government.

Currently, 173 first instance magistrate courts adjudicate minor offenses that are violations of national laws (*e.g.*, speeding, disturbing the peace, national border crossing rules) and local laws (*e.g.*, shop closing hours and parking). A full listing of offenses subject to magistrate court jurisdiction can be found at Appendix 3 of this report.

The subject matter jurisdiction of these courts will remain unchanged after January 1, 2007. The territorial jurisdiction, both now and after January 1, 2007, may encompass a single municipality or several. The most recent proposal for reorganizing the magistrate courts calls for consolidating the current 173 magistrate courts into 62 courts with departments in 102 other towns. Judges from certain courts will be required to visit an additional 12 towns to hear cases as needed. The MOJ's criteria for geographic placement of these courts will include: caseload trends over the last three years; equalizing caseloads among courts; the number of annual filings per court; citizen access to courts; language (since parties speaking languages other than Serbian must be accommodated); and the present efficiency of courts.

Penalties

The maximum sanction imposed by magistrate courts is 30 days in jail except for certain violations of public order that can carry a sentence of 60 days. Monetary penalties are limited to 50,000 Dinars for an individual, 100,000 Dinars for an individual registered as a business, and 1,000,000 Dinars for a legal entity. After January 1, 2007, under the new law, sentence types will expand to include such penalties as community service and driver's license revocation. Judges also will be able to impose sentencing conditions such as restraining orders and publication of the sentence.

Hearings and Appeals

A single judge hears and decides first instance cases.

Appeals of first instance decisions are currently heard by one of eleven three-judge second instance panels sitting within the magistrate courts. After the new law takes effect on January 1, 2007, there will be a single High Magistrate Court established in Belgrade, with departments in Novi Sad, Kragujevac, Niš and Pristina. The High Magistrate Court will hear appeals of first instance cases from both the magistrate courts and other state organs such as the Ministry of Finance. The High Magistrate Court will also rule on questions of territorial jurisdiction and transfers. Extraordinary legal remedies will be decided by the Supreme Court as they are under the current law.

There will also be several important procedural changes in the magistrate courts after January 1, 2007. The final judicial finding in a case will be styled a “decision” rather than an “order.” Prosecutors will be summonsed to all hearings, not just to select case types as they are currently. And broader measures, including arrest, will be available to the courts to insure the presence of defendants at hearings.

Magistrate Judges and Court Staff

First and second instance magistrate judges, now and in the future, must be Serbian citizens who have passed the bar exam, fulfilled the requirements to work in the Serbian government, and are possessed of dignity. Five years previous work experience is required for second instance positions. Magistrate judges are currently nominated by the MOJ and appointed by the government (Prime Minister’s office) for an eight year term. The government can also remove judges from their positions. The number of judges per court is proposed by the Ministry of Justice, but the government determines the judicial staffing levels. After January 1, 2007, when these courts become part of the judiciary, judicial appointments will be regulated by the Law on Judges (The Official Herald of the Republic of Serbia, No. 63/01, as amended).

When a magistrate court has two or more judges, one judge is appointed by the government to serve as court president. The presidential term is four years, with the possibility for re-election. In a one-judge court, the single judge is the president.

Non-judge court staffing levels are currently determined by the Ministry of Justice and regulated by the Law on Labor Relations in State Agencies. Within those guidelines, court presidents may hire whomever they wish for the number and type of court staff positions designated by the Ministry. In 2007, the magistrate courts, as other Serbian courts, will be subject to the new requirements for systemization of positions in the judiciary.

Responsibilities of the Court President

The court president is responsible for all management of court operations, including monitoring caseflow and making judicial assignments. He or she is required to organize the court's work, monitor the work of judges and court staff, and take measures to guarantee the timely and efficient disposition of cases. Monitoring activities include inspecting court schedules, registers, internal books and reports. Court presidents are obliged to be aware of the wider social environment and the potential implications for their courts. Each year, the president prepares a work plan for the court which includes the year's goals and judicial assignments, as well as an annual report of court performance. More detail is provided in monthly work plans and quarterly reports to the MOJ.

Presidents may convene meetings of judges and court staff to identify and discuss court problems and challenges.

Case Records

Magistrate courts are required to keep separate registers for every designated case type and to record every document filed in the court. New cases are received by the registry office and entered into the appropriate court register. A case file is created for each new case, which should contain all materials necessary for adjudication and scheduling, including the complaint, pleadings, records relating to notice, decisions, and all scheduled court events and guidelines.

The following chart shows the basic case registers for the first instance magistrate courts.

Up	Adult Offenses
Mal	Juvenile Offenses
Pom	Letters Rogatory
Upi	Enforcement
Pov	Confidential

The basic case registers for the second instance courts are:

Vp	Appeals
Pov	Confidential

The Magistrate Courts Rules of Procedure specify the precise information that must be kept in the register for each type of case. At least once per month the head of the registry office is required to check the registers for accuracy and completeness. The court president is required to review the registers at least once every three months.

Caseflow Management Requirements and Court Statistics

No case processing time standards are established for the magistrate courts in either the law or the procedural rules. Article 3 of the Rules of Procedure for the Magistrate Courts (Official Herald of the Socialist Republic of Serbia No. 13) requires that the court president “shall take action to eliminate causes of delay.” The court presidents monitor individual judicial performance quarterly. The yearly quota for judges is established by the Rules on the Numbers of Judges and Other Staff in Magistrate Courts issued on March 31, 1997, and published in the Official Gazette. For judges hearing first instance cases, the quota is 150 cases per month. For second instance cases, the standard is 80 cases per month.

The magistrate courts are obliged to submit annual reports to the appropriate second instance panel by January 15th of the next year. The second instance panels, in turn, must submit reports to the Ministry of Justice by January 25th. Those reports are based on statistical data in addition to other reports and analyses as needed. After January 1, 2007, the Supreme Court and Ministry of Justice will share responsibility for monitoring magistrate court performance.

Statute of Limitations and Dismissals

A critical difference between the magistrate courts and civil cases in the district and municipal courts is a statute of limitations sets the time limit for disposition of magistrate cases, while civil cases in the district and municipal courts have no such time restriction. The statute of limitations is set forth in Article 69 of the Law on Magistrates, which requires that cases must be filed in court within one year from the alleged incident, and adjudicated within two years from the incident date. Cases may be dismissed if there has been no court activity on them for one year. The laws governing specific offenses provide exceptions to this general rule, such as the Law on Foreign Currency Exchange Dealings, which stipulates that the court procedure must begin within three years of the alleged offense. But as a general rule, cases older than two years or that have had no activity for one year are supposed to be dismissed.

Courts can also dismiss cases for the following reasons:

- The action described in the complaint is not an offense;
- The court is not competent;
- Circumstances exist which exclude the liability of the defendant;
- The complaint is filed by an incompetent person or body; and
- There are other circumstances which prevent the case from going forward.

Dismissals can occur early in the case or after many months.

Court Practice Register

Each first instance magistrate court is also mandated to keep a register memorializing key first instance decisions and second instance rulings that are important for court practice.

NCSC STUDY METHODOLOGY

Data Sources and Samples

From September 2005 through February 2006, NCSC conducted its diagnostic study in two magistrate courts, Kraljevo and Subotica, which are located in two very different regions of Serbia. In both jurisdictions, the study drew a sample of 300 cases disposed in 2005, and 500 pending cases from the adult offense (UP) registers. Enforcement data was also gathered for all enforcement (UPI) cases from the sample of disposed cases. Since there were fewer juvenile cases than adult matters in both jurisdictions, the team collected research data on all of the cases disposed in 2005 plus all pending cases from the juvenile (MAL) registers.

Using the registers as the sole data source, NCSC's research team recorded key data for each of the sampled cases, focusing on time to disposition and factors that might contribute to delay. Certain key pieces of information, such as incident date, continuances and failed notice, do not appear in the registers and were, therefore, unavailable. In addition to collecting data from the magistrate court registers, the project team interviewed judges and court staff, focusing on their caseload management practices and issues of importance to effective court administration.

NCSC defined a disposed case as one in which a judicial decision has been made. The age of the case was calculated from the date of original filing in the court. A pending case was defined as a case that had been filed in the court, but not disposed.

Study Sites

Both of the diagnostic study courts are middle sized jurisdictions.

Kraljevo Magistrate Court

Kraljevo is a city of 121,700 persons, located in the heart of Serbia. The city and its environs are now home to thousands of refugees, mostly from Kosovo. These unfortunate newcomers have exacerbated existing social and economic problems in a city with an already-weak economy. Naturally, the court has been impacted by the changing population. The Kraljevo Magistrate Court is located in the same overcrowded building that houses the offices of the municipality. There are 13 judges and 28 court staff. Court registers are maintained on an automated system.

The court president highlighted key obstacles to timeliness. First, refugees often fail to register their addresses, so notice is a serious problem. In addition, the court is often obligated to ask courts in other parts of Serbia and the former Yugoslavia for assistance through letters rogatory. Such requests for assistance often go unanswered, according to court officials.

Subotica Magistrate Court

Subotica is the second largest town in Vojvodina, the northernmost province of Serbia. This prosperous city of 148,401 is the economic, cultural and administrative center of the region. Like Kraljevo, the Subotica Magistrate Court is located in a municipal building that lacks adequate facilities. There are 15 judges and 26 court staff.

In this multi-ethnic community, reports the president of the court, tensions can flare among youths from different ethnic communities. The court has received permission to treat the resulting public order cases as urgent matters.

Data Analysis

Following the field research, the data collected from the two magistrate courts was analyzed using SPSS (Statistical Package for Social Sciences). As a matter of course, NCSC looked at the key data essential for caseload management, such as: size and age of the pending caseloads; times to disposition by case types and disposition types; case outcomes; and time required for, and success of, enforcement. Since NCSC studied just two of the 173 first instance magistrate courts, aggregate national caseload data from the 171 other courts were requested from the courts and compiled by the MOJ for comparative purposes. These aggregate data appear in the following pages and offer a comparison to the findings from Kraljevo and Subotica. Taken together, it is clear that practices and productivity vary among the Serbian magistrate courts.

FINDINGS RELATING TO CASELOAD AND CASEFLOW

National Caseload Data

Adult and juvenile offenses normally are reported to the MOJ as a single category of cases. As a result of NCSC's request that the data on adult and juvenile cases be tracked separately, the MOJ collected 2003-2005 caseload data from all magistrate courts especially for use in this report. Because of discrepancies in the pending case figures reported by some jurisdictions, NCSC re-calculated the data using Excel. The number of cases reported as pending on January 1, 2003 served as baseline data. The filings and dispositions were then entered into an Excel spreadsheet, which automatically calculated all of the other caseload figures. These MOJ data should be regarded as preliminary because they have not been verified. Nonetheless they are useful in providing a basis for beginning to think about the workload of the magistrate courts nationally.

The national caseload data based on individual court reports furnished by the MOJ show a decline in case filings, perhaps because of a change in the payment options for traffic tickets (*e.g.*, police can now collect fines directly). The 2005 filings in the adult offenses category are only 65% of 2003 filings. As described later in this report, juvenile filings for the same period show an 11.7% decrease.

The most dramatic trend is the difference in clearance rates (*i.e.*, dispositions equal to or greater than filings for a given time period) in all case types. However, while the increases in clearance rates have been great, the national data indicates that the courts overall still are not disposing of as many juvenile and enforcement cases as are filed each year (*i.e.*, a clearance rate of less than 100%), meaning that pending caseload sizes continue to be significant despite high clearance rates in other case types.

The NCSC study data show that Subotica has a higher clearance rate than the national aggregate and fewer cases pending per judge. Kraljevo also has a higher clearance rate than the national data assert, but there are more cases pending per judge than the national aggregate caseload.

The 2005, 2004 and 2003 data for all magistrate courts, respectively, are as follows:

All First Instance Magistrate Courts in Serbia

2005 Caseload Data

Materija	Pending 01/01/05	Cases Filed	Cases Disposed	Pending 31/12/05	Clearance Rate	Number of Judges	Cases Filed per Judge	Cases Disposed per Judge	Cases Pending per Judge 31/12/05
Adult	907,831	732,886	912,874	727,843	124.6%	729	1,005.3	1,252.2	998.4
Juvenile	10,322	12,881	12,208	10,995	94.8%	729	17.7	16.7	15.1
Total First Instance	918,153	745,767	925,082	738,838	124%	729	1,023	1,269	1,013.5
Enforcement	275,605	540,893	517,980	298,518	96.8%	729	741.9	710.5	409.5
Total All Cases	1,193,758	1,286,660	1,443,062	1,037,356	112.2%	729	1,765	1,979.5	1,423

2004 Caseload Data

Materija	Pending 01/01/04	Cases Filed	Cases Disposed	Pending 31/12/04	Clearance Rate	Number of Judges	Cases Filed per Judge	Cases Disposed per Judge	Cases Pending per Judge 31/12/04
Adult	865,790	1,039,189	997,148	907,831	96%	731	1,421.6	1,364.1	1,241.9
Juvenile	9,444	14,116	13,238	10,322	93.8%	731	19.3	18.1	14.1
Total First Instance	875,234	1,053,305	1,010,386	918,153	95.9%	731	1,440.9	1,382.2	1,256
Enforcement	216,357	545,606	486,358	275,605	89%	731	746.4	665.3	377
Total All Cases	1,091,591	1,598,911	1,496,744	1,193,758	94%	731	2,187.3	2,047.5	1,633.04

2003 Caseload Data

Materija	Pending 01/01/03	Cases Filed	Cases Disposed	Pending 31/12/03	Clearance Rate	Number of Judges	Cases Filed per Judge	Cases Disposed per Judge	Cases Pending per Judge 31/12/03
Adult	563,400	1,128,949	826,559	865,790	73.2%	No data	No data	No data	No data
Juvenile	6,870	14,572	11,998	9,444	82.3%	No data	No data	No data	No data
Total First Instance	570,270	1,143,521	838,557	875,234	73.3%	No data	No data	No data	No data
Enforcement	161,457	465,588	410,688	216,357	88.2%	No data	No data	No data	No data
Total All Cases	731,727	1,609,109	1,249,245	1,091,591	77.6%	No data	No data	No data	No data

The Court Study

The findings from NCSC's study illustrate the similarities and differences that can occur among courts operating within the same legal and procedural framework. In Kraljevo and Subotica, basic caseflow data demonstrates the hard work of judges and court staff. The clearance rates are excellent for first instance cases and very good for enforcement matters, but the research also identifies two disturbing trends: significant delays in the processing of very minor cases (*e.g.*, traffic tickets and public order offenses) and large numbers of old cases.

In both jurisdictions, case filings and, consequently, first instance pending cases are decreasing because some types of traffic tickets (*e.g.*, failure to yield to pedestrians, improper passing, stopping or decreasing speed inappropriately) no longer need be filed as court cases. Rather, they can be paid at the time of the incident or to the government account at the bank, post office or police station within eight days of issuance. If both courts continue to dispose of more cases than filed, the pending case numbers will drop, although the decrease in pending cases will be quicker in Subotica where the ratio of cases disposed to cases pending is higher than in Kraljevo. Nonetheless, pending caseload is large in all case types and will require focused attention by these jurisdictions. See Appendices 1 and 2.

Adult and juvenile cases are combined in the following Basic Caseflow Data Charts, reflecting how the magistrate courts currently report their statistics to the MOJ.

Basic Caseflow Data Kraljevo and Subotica Magistrate Courts

Kraljevo

Materija	Pending 12/31/2003	Pending 12/31/2004	Cases Filed 2005	Cases Disposed 2005	Clearance Rate 2005	Cases Pending 12/31/2005	Percentage of Change in Pending 2003 – 2005	Number of Judges in 2005 ³	Cases Pending per Judge 12/31/2005
Adult + Juvenile	21,562	23,981	9,859	17,772	180%	16,068	-25.50%	13	1,236
Enforcement	7,257	10,317	19,477	21,503	110%	8,291	14%		

Subotica

Materija	Pending 12/31/2003	Pending 12/31/2004	Cases Filed 2005	Cases Disposed 2005	Clearance Rate 2005	Cases Pending 12/31/2005	Percentage of Change in Pending 2003 – 2005	Number of Judges in 2005 ⁴	Cases Pending per Judge 12/31/2005
Adult + Juvenile	26,101	19,627	14,161	20,443	144%	13,345	-49%	15	890
Enforcement	3,671	3,958	10,468	10,675	102%	3,751	2%		

ADULT OFFENSES

Pending Cases

Size and Age of Pending Caseload

There are a significant number of old pending cases in both Kraljevo and Subotica Magistrate Courts. If the magistrate courts were subject to the same Article 9 standard as the general jurisdiction courts, *i.e.*, the requirement that pending caseloads shall not be greater than one quarter of the annual filings, each of the case types studied would require implementation of a backlog reduction program.

Judges in both courts have backlogs of pending cases. If no new cases were added to their caseloads, Kraljevo judges would have an eleven-month supply of work. Subotica judges would have approximately eight months of work.

Nearly 60% of Kraljevo's pending cases are more than a year old; 17% are more than two years old.

Age of Pending Caseload in Common Categories of Adult Minor Offenses Adult Minor Offenses Register

Kraljevo

	Number of Cases	Oldest Case (days)	0-90 days	91-180 days	181-270 days	271 days-1 year	1-2 years	2+ years
All	530	1,053	11.1%	10.6%	11.7%	7.0%	42.3%	17.3%
Safety of traffic	365	1,050	11.2%	7.9%	11.8%	6.8%	45.9%	16.4%
Roads	96	1,016	11.5%	15.6%	8.3%	3.1%	39.6%	21.9%
Public order	19	1,053	10.4%	21.1%	21.1%	15.8%	15.8%	15.8%
Other	50	982	10.0%	16.0%	14.0%	12.0%	32.0%	16.0%

In Subotica, nearly one quarter, 23.6% of the pending cases are over a year old. Five percent are over two years old.

**Age of Pending Caseload in Common Categories of Adult Minor Offenses
Adult Minor Offenses Register**

Subotica

	Number of cases	Oldest case	0-90 days	91-180 days	181-270 days	271 days-1 year	1-2 years	2+ years
All	500	1,093	34.2%	21.8%	11.4%	9.0%	18.6%	5.0%
Safety of traffic	407	1,093	35.3%	22.6%	11.1%	8.4%	17.9%	4.7%
Public order	27	697	33.3%	22.2%	7.4%	7.4%	29.7%	0.0%
Other	66	1,042	27.3%	16.7%	15.2%	13.6%	18.1%	9.1%

Case Dispositions

Time to Disposition

Times to disposition are inappropriately long for the minor offenses adjudicated by both magistrate courts. In Kraljevo, the median time to disposition was 303 days. Subotica's median was much shorter, 130 days, but still lengthy for such minor offenses. As might be expected, in both courts guilty findings occurred more quickly than dispositions by judicial dismissal.

**Days to Disposition by Type of Disposition
Adult Minor Offenses**

Kraljevo

Type of Disposition	Number of Cases	Range: Days to Disposition	Median: Days to Disposition	80 th Percentile
All	302	5-848	302.5	530
Rejected	2	65-690	377.5	690
Judge Dismissal	60	78-848	701.5	721
Guilty finding	240	5-642	269.5	394

**Days to Disposition by Type of Disposition
Adult Minor Offenses**

Subotica

Type of Disposition	Number of Cases	Range: Days to Disposition	Median: Days to Disposition	80th Percentile
All	309	0-844	130	263
Rejected	4	31-172	100	130
Judge Dismissal	45	27-844	377	682
Guilty finding	256	0-705	117	205
Merged	4	160-337	205.5	215

Time to Disposition by Case Types

In both study sites, the majority of cases are traffic violations: 83.8% in the Kraljevo sample, and 79.9% in the Subotica sample. Each of the articles governing traffic offenses contain a number of different violations, but, for purposes of caseload management and times to disposition, NCSC was unable to discern meaningful differences among the common articles cited.

The largest number of traffic cases relate to Article 226 of the Law on Basic Traffic Security on Roads. This article governs such moving violations as: failure to stop for a school bus, exceeding the speed limit by more than 30 kilometers per hour, or failure to stop at a red light.

The median time to disposition for Article 226 cases is lower than the second most common set of traffic offenses: Article 229⁵ in Kraljevo, and Article 227⁶ in Subotica. However, the eightieth percentile times to disposition (the oldest 20% of pending cases) do not follow the same patterns.

It is clear from this data that most cases by far are minor offenses that should be disposed in a much shorter period of time.

**Days to Disposition by Major Case Types
Adult Minor Offenses**

Kraljevo

Minor Offenses	Article Number	Percentage of total	Range	Median Number of Days Disposition	80th Percentile
Traffic	226	31%	5 - 785	259	518
	229	22%	69 - 718	314.5	488

Subotica

Minor Offenses	Article Number	Percentage of total	Range	Median Number of Days Disposition	80th Percentile
Traffic	226	62.5%	0- 745	126.5	238
	227	13%	42 - 489	176.5	227

Types of Dispositions

Guilty findings accounted for the great majority of dispositions. The second largest category of dispositions was dismissals. There were no acquittals in either court (see the charts below under *Sentences*).

Type of Dispositions: Adult Minor Offenses

Type of Disposition	Kraljevo	Subotica
	(Number of Cases = 302)	(Number of Cases = 309)
Rejected	2	4
Dismissal	60	45
Guilty finding	240	256
Merged	0	4

Defendants

Virtually all adult defendants in the disposed sample of magistrate court cases are physical persons, as would be expected for a caseload in which traffic offenses are the predominant case type. Few cases involve more than one defendant. Men are over 90% of the accused.

Prosecution

There were no private prosecutions in either sample. The vast majority of the cases, 90.5% in Kraljevo, are prosecuted by the police. In Kraljevo, the median number of days between the date of the incident and filing was 25 days; the 80th percentile was 33 days. There was no data in the Subotica register to allow the diagnostic team to determine the prosecuting agency in each case, or to calculate the time elapsed between the incident and court filing.

Typically, in both cities, the police wait until there are a large number of cases to be filed, and then deliver them to the court. According to interviews, these bulk filings generally contain between 300 and 1,000 cases. The judges, therefore, must review and schedule large numbers of cases fairly simultaneously instead of pacing hearings in a steady and predictable manner. In interviews, the magistrate court presidents did not consider bulk filings as an impediment to effective case management in their courts.

Sentences

Defendants found guilty are very seldom incarcerated. Nearly all received fines, often with the addition of other sentence conditions, such as suspension of driver's license, drug or alcohol treatment, expulsion of foreigners, and seizure of weapons.

Type of Disposition Adult Minor Offenses

Kraljevo

Type of Disposition	Number of Cases
All	302
Acquitted	0
Convicted	240
<i>Jail only</i>	0
<i>Jail + conditions</i>	0
<i>Fine only</i>	212
<i>Fine + conditions</i>	26
<i>Conditions only</i>	2

**Type of Disposition
Adult Minor Offenses**

Subotica

Type of Disposition	Number of Cases
All	309
Acquitted	0
Convicted	256
<i>Jail only</i>	2
<i>Jail + conditions</i>	0
<i>Fine only</i>	41
<i>Fine + conditions</i>	202
<i>Conditions only</i>	11

Enforcement

The percentage of cases in which the enforcement of the sanction on a finding of guilty was completed varied between the courts. There were clear differences in the time required for enforcement after a judicial decision. In Kraljevo, only 41.3% of the guilty findings resulted in a completed enforcement, *i.e.*, collection of the fine, or completion of sentence conditions imposed by the court.

In Subotica, the enforcement completion rate was much higher at 71.5% of guilty findings. The much shorter disposition times in Subotica are most likely attributable to differences in court practice and the legal environment there. The higher enforcement rate and shorter enforcement times logically correlate with the shorter times to first instance disposition.

**Days from Disposition in Adult Minor Offenses Register to Enforcement
Adult Minor Offenses**

Magistrate Court	Number of Cases	Range	Median	80 th Percentile
Kraljevo	99	0-281	112	167
Subotica	183	0-232	21	55

Appeals

The appeal rate for decisions in adult cases is quite low in both magistrate courts studied. Only 1.25% of the cases with guilty findings in Kraljevo are appealed, and 3.5% of the cases in Subotica are appealed.

JUVENILE OFFENSES

Juvenile cases differ in some significant ways from adult offenses. All juvenile matters are considered urgent under Serbian law. Traffic matters account for only about half of the cases disposed. As in the adult docket, very significant delay and backlogs of cases over 1 year old exist in both courts.

Pending Cases

Size and Age of Pending Caseload

Pending caseloads are quite large in both jurisdictions. Many of the pending cases are relatively old. Over one-quarter of the cases in Subotica and one-half of the cases in Kraljevo are more than one year old.

Age of Pending Caseload in Common Categories of Juvenile Minor Offenses Juvenile Minor Offenses Register

Kraljevo

	Number of Cases	Oldest Case	0-90 days	91-180 days	181-270 days	271 days-1 year	1-2 years	2+ years
All	401	1,022	7.5%	13.0%	9.2%	9.7%	36.7%	23.9%
Public order	287	1,022	7.0%	6.6%	10.5%	12.9%	36.5%	26.5%
Traffic	53	974	17.0%	11.3%	11.3%	3.8%	35.8%	20.8%
Failure to register for the army	46	560	0.0%	56.5%	0.0%	0.0%	43.5%	0.0%
Other	15	1,022	6.7%	6.7%	6.7%	0.0%	20.0%	60%

Subotica

	Number of Cases	Oldest Case	0-90 days	91-180 days	181-270 days	271 days-1 year	1-2 years	2+ years
All	390	1,089	27.9%	17.7%	16.4%	10.0%	23.6%	4.4%
Public order	250	779	22.8%	19.2%	18.0%	13.2%	25.6%	1.2%
Traffic	124	1,089	35.6%	15.3%	15.3%	4.8%	18.5%	10.5%
Other	16	809	50%	12.5%	0.0%	0.0%	31.3%	6.2%

Disposed Cases

Although the magistrate courts adjudicate minor offenses that seldom (if ever) have the complex evidentiary and legal issues characterizing serious criminal offenses, few cases are disposed in less than three months, and many of the cases require more than one year for a decision. Again, it should be noted that the Serbian legal framework emphasizes that cases involving juveniles require expeditious adjudication and requires that the courts consider all juvenile cases urgent matters.

Time to Disposition

As in the adult minor offense docket, findings of guilty occur more quickly than dismissals.

Days to Disposition by Type of Disposition

Kraljevo

Type of Disposition	Number of Cases	Range	Median	80 th Percentile
All	66	69-785	462	692
Judge Dismissal	15	183-785	743	743
Guilty Finding	51	69-692	278	546

Subotica

Type of Disposition	Number of Cases	Range	Median	80 th Percentile
All	271	20-770	203	464
Judge Dismissal	44	98-770	527	676
Guilty Finding	200	20-686	186.5	279
Merged	26	87-685	193	543
Separated	1	550-550	225	225

Case Types

Median times to disposition for the two major juvenile offense types – public order and traffic cases – are quite different. The median time for traffic cases is half of the time for public order cases. This is attributable to public order cases more likely having multiple defendants. The number of days to disposition at the eightieth percentile (the oldest 20% of pending cases) is not dissimilar for both case types in both jurisdictions.

**Days to Disposition by Major Case Types
Juvenile Minor Offences**

Kraljevo

Minor Offenses	Article Number	Percentage of total	Range	Median	80 th Percentile
Public Order	6	44%	215-743	536	692
Traffic	226	18.20%	69-785	255.5	625
	228	16.70%	112-636	204	517

Subotica

Minor Offenses	Article Number	Percentage of total	Range	Median	80 th Percentile
Public Order	6	48%	21 - 750	256	464
Traffic	226	27.7%	20 -686	139	225
	228	6.6 %	138 - 670	215.5	676

Types of Disposition

About three-quarters of the defendants are found guilty. All other cases are dismissed unless a merger or separation is required. No defendants were acquitted in NCSC's sample.

**Types of Disposition
Juvenile Minor Offenses**

Type of Disposition	Kraljevo	Subotica
All	66	271
Dismissal	15	44
Guilty Finding	51	200
Merged	0	26
Separated	0	1

Defendants

Juvenile defendants are over 90% male, and more likely than adults to be charged in groups. The following chart shows the number of distribution of defendants per case, which is quite consistent among the magistrate courts in Kraljevo and Subotica.

Defendants per Case in Juvenile Minor Offenses

Defendants per Case	Kraljevo	Subotica
One	54.5%	57.6%
Two	24.2%	17.7%
Three	4.5%	5.5%
Four or More	16.7%	19.2%

Sentences

Incarceration is a rare outcome in juvenile minor offense cases. Juvenile sanctions are different than adult sanctions. Juvenile offenders who are fourteen or fifteen years old can only be sentenced to “educational measures” such as supervision by someone who functions as a guidance counselor. Offenders from sixteen to eighteen years old may also be subjected to “educational measures” as well as a fine or incarceration. All juvenile offenders can be required to complete “protective measures” such as alcohol or drug treatment.

Sentence Types in Cases with the Finding of Guilty Juvenile Minor Offenses

Sentence Types	Kraljevo	Subotica
Total Number of Guilty Findings	51	200
Jail	1	0
Fine	23	107
Reprimand	25	90
Security measures	0	0
Educational measures	2	3

Enforcement

Enforcement actions were completed in over three-quarters of the cases in which there was a finding of guilty. In both jurisdictions, the median time between the decision and effective enforcement was zero days, meaning that at least one-half of the cases are enforced, *e.g.*, the fine is paid, immediately.

Days from Disposition to Enforcement Juvenile Minor Offenses

Court	Size of Sample	Range	Median	80 th Percentile
Kraljevo	37	0-181	0	50
Subotica	176	0-236	0	25

Appeals

The appeals rate is low for juvenile minor offense cases and varies between Kraljevo and Subotica.

Appeals Rate Juvenile Minor Offenses

Court	Percentage of Guilty Findings Appealed
Kraljevo	7.8%
Subotica	1 %

RECOMMENDATIONS

It is clear from this study that the magistrate courts in Kraljevo and Subotica have serious problems of delay and backlog. The data shows that the magistrate courts and Ministry of Justice – and, after January 1, 2007, the Supreme Court – should pay attention to delay and backlog in the adjudication of minor offenses. Magistrate courts are closer to the ordinary citizen than other jurisdictions and should demonstrate that minor matters can be resolved fairly and quickly. Judicial decisions in traffic and public order cases should not require many months, and certainly should not take several years. Juvenile cases should be treated as urgent.

The European Commission for the Efficiency of Justice “Framework Programme,” under the Council of Europe, has asserted that “the excessive length of judicial proceedings is a central concern of the Council of Europe.” The European Court of Human Rights, to which Serbia is subject as a member of the Council of Europe, expects national courts to apply “reasonable time” standards in resolving disputes within their jurisdictions.

Recommendations: The MOJ and magistrate court presidents should take steps to move the magistrate courts toward compliance with the “reasonable time” standard expected by the European Court of Human Rights, including the following:

1: Implement Case Processing Time Standards

Currently there are no standards against which the Supreme Court, MOJ, magistrate courts and society can measure timeliness in deciding and enforcing minor offenses. Without time standards, expectations of judicial performance are unclear. Further, backlog cannot be defined and measured. Statutes of limitation for minor offenses only define the point at which the lapsed time is unacceptable even in the most extreme circumstances.

As no time standards are implemented in Serbia’s other courts currently, transfer of the magistrate courts to the judiciary will not improve current standards.

Working together, the Supreme Court, MOJ and magistrate courts should develop case processing time standards for each of the major types of minor offense cases, recognizing that juvenile matters as urgent cases. NCSC is not proposing specific timeframes, since that is a policy decision to be taken by the aforementioned Serbian institutions. One Serbian general jurisdiction court working group collaborating with NCSC, proposed a time standard of 60-90 days for routine, non-urgent, municipal court cases. The time standard for minor offenses should be less.

2: Reduce Pending Case Backlogs

Data from the Kraljevo and Subotica Magistrate Courts show that the staff in those courts work hard, regularly disposing of more cases than are filed. Nonetheless, even if both courts continue their current efforts and existing practices, and assuming that filings remain the same as 2005 levels, it will take several years before the courts can eliminate the backlog of pending cases. Shortening disposition times to meet the “reasonable time” standard in traffic, public order and other minor cases is also critical.

The magistrate courts should implement a backlog reduction plan that includes the following steps:

- a. Each court should conduct an inventory of all pending cases by judge, using an open case form that includes the case number, incident date, filing date, offense charged, judge assigned, date and nature of last event, date and nature of next event, reason for delay or inactivity.
- b. Cases whose age exceeds the statute of limitation should be dismissed.
- c. All other cases should be scheduled for a disposition hearing as soon as possible.
- d. Individual judicial progress in reducing backlog should be addressed by a monthly monitoring report for cases exceeding agreed upon time standards.
- e. Overall backlog reduction should be monitored by employing the key indicators set out below in “Monitoring Court Performance.”
- f. Court presidents should appoint a task force of judges and court staff to coordinate, implement and monitor the backlog reduction effort in their respective courts.

3: Proactive Caseload Management and Delay Reduction

Effective scheduling of newly-filed cases is critical to meeting time standards. While magistrate court presidents suggested in interviews that failures of notice were a substantial source of delay, this study did not examine case files and therefore was unable to determine with certainty causes of delay, such as notice to the defendant or witness, or failure to appear by prosecutors or expert witnesses. The study courts should, through the pending case inventory recommended above, determine why cases are delayed and prioritize resource, notice and/or scheduling issues identified to improve caseload management and reduce delay.

Experiences of many countries over the last forty years have established the principles essential to effectively managing caseload. Each of the following issues should be addressed by the magistrate courts in their transformation to judicial bodies.

- a. Early and continuous control of case progress helps minimize delays. Cases should be reviewed by the judge a short time after filing and set for hearing quickly.

- b. Case classification according to degree of complexity allows allocation of court resources (such as judge time, staff time, and courtroom time) to reflect the amount of effort needed to timely dispose of the case. Minor offense cases are, by nature, not complex and most should be easily and quickly disposed in one hearing. The few cases that require more effort should be identified early.
- c. Dispositions take place when the judge, prosecution and defendants have the necessary information. Judges need to prepare cases before the hearing.
- d. Every case must always have a hearing date certain, *for a purpose certain*, assigned.
- e. Achieving dispositions before setting hearings conserves time and resources. Court practices and the legal framework should encourage judicial dismissals and payment of traffic fines before a case is set for hearing.
- f. Accurate and timely information is essential to court practitioners, the higher courts with supervisory responsibility and to the Ministry of Justice. Court presidents and individual judges should receive and utilize concise monthly caseload reports. Cases that exceed time standards should be flagged. These reports should include at least the following:
 - Open Case List: showing all pending cases, current status and next hearing date. Cases should be listed in chronological order from date of filing, oldest at the top.
 - Old Case Inventory Action Report: a monthly report that monitors the age, status and activity of old cases by judge.
 - Key Caseload Indicators: to enable judges and court managers to track trends and court performance by case type.
- g. Magistrate court performance should be monitored by multiple indicators that encourage judges to keep their caseload current. Information reporting requirements do influence judge behavior. What the courts measure is critically important to motivating judicial performance.

4: Monitor Court Performance⁷

Court performance can be effectively monitored using a handful of key indicators. The Supreme Court, MOJ and magistrate courts should develop and use accurate information relating to a small number of informative indicators rather than collecting dozens of unutilized data that do not usefully describe the courts' caseload, caseload and judicial performance.

It is never wise to rely on a single indicator.

The following annual caseload chart can easily be adapted for quarterly or monthly reporting. It can also be modified to monitor individual judicial performance, providing both trends and current information.

Key Caseload Indicators Chart
(for each magistrate court)

Materija	Pending 31/12/2003	Pending 31/12/2004	Cases Filed in 2005	Cases Disposed in 2005	Clearance Rate	Cases Pending 31/12/2005	% Change in Pending	Number of Cases Pending Over Time Standards	Number of Judges	Cases Pending per Judge 1/1/2005
Up										
Upi										
Mal										

The above chart tracks the following, critical caseflow indicators:

- **Clearance rate:** Annual dispositions should be equal to or greater than annual filings. To determine the clearance rate, divide dispositions by filings. A percentage greater than 100% is a positive clearance rate. In courts with large backlogs, a clearance rate much higher than 100% is desirable.
- **Pending Caseload:** The total size of the pending caseload should be decreasing over time. Few (or no) cases should be pending longer than an applied time standard.
- **Judicial Productivity:** Dispositions per judge should increase over time.

Time to disposition is another key indicator. However, it cannot be tracked by using the current records in the magistrate courts. As the magistrate courts implement improved manual record-keeping practices and automation, it would be a very useful indicator to know the times to disposition in individual cases.

CONCLUSION

A two-court study coupled with preliminary national data from the MOJ cannot produce definitive conclusions about the entire magistrate court system in Serbia. However, it does indicate directions for future exploration.

The data from the Kraljevo and Subotica courts reveals the existence of serious delays in the disposition of adult and juvenile minor offense cases. Delay problems are more serious in Kraljevo than in Subotica. The causes of that delay should be determined by examining case files and drawing upon the judges' and court staff's experience.

Enforcement also is a problem, especially in the adult dockets. Again, the courts should turn to the case files and court practitioners to identify the causes of delay and incomplete enforcement.

As the Serbian magistrate courts move toward full judicial branch status and the country moves toward membership in the European court community, the time between the incident and enforcement of decisions in minor offense cases must be shortened. The experiences of the general jurisdiction courts participating in the Serbia Rule of Law Project offer a number of rich experiences that can be informative for the magistrate courts. NCSC's benchmark report on *Reducing Backlogs Case Processing Times in Serbia's District and Municipal Courts* can be read as a companion to this report. At the same time, the experiences of the magistrate courts, as future members of the judiciary, in addressing backlog and delay may provide lessons for Serbia's other courts.

APPENDIX 1

Caseload Data (Source: the Kraljevo Magistrate Court)

Kraljevo Magistrate Court

Year	Population	Materija	Pending 12/31	Cases Filed	Cases Disposed	Cases Pending 12/31	Cases filed per Capita	No. of Judges	Population per Judge	Cases filed per Judge	Cases Disposed per Judge
2003	121,707	Adult + Juvenile	11,293	24,375	14,106	21,562	0.2	13	9,362.1	1,875	1,085.1
		Enforcement	4,666	14,106	11,515	7,257	0.16			1,085.1	885.8
2004	121,707	Adult + Juvenile	21,562	20,874	18,455	23,981	0.17	13	9,362.1	1,605.7	1,419.6
		Enforcement	7,257	18,455	15,395	10,317	0.15			1,419.6	1,184.2
2005	121,707	Adult + Juvenile	23,981	9,859	17,772	16,068	0.08	13	9,362.1	758.4	1,367
		Enforcement	10,317	19,477	21,503	8,291	0.16			1,498.2	1,654

APPENDIX 2

Caseload Data (Source: the Subotica Magistrate Court)

Subotica Magistrate Court

Year	Population	Materija	Pending 12/31	Cases Filed	Cases Disposed	Cases Pending 12/31	Cases filed per Capita	No. of Judges	Population per Judge	Cases filed per Judge	Cases Disposed per Judge
2003	148,401	Adult + Juvenile	20,786	23,369	18,054	26,101	0.16	15	9,893.4	1,557.9	1,203.6
		Enforcement	2,862	11,543	10,742	3,671	0.08			769.5	716.1
2004	148,401	Adult + Juvenile	26,101	17,316	23,790	19,627	0.12	15	9,893.4	1,154.4	1,586
		Enforcement	3,671	11,612	11,325	3,958	0.08			774.1	755
2005	148,401	Adult + Juvenile	19,627	14,161	20,443	13,345	0.09	15	9,893.4	944.1	1,362.9
		Enforcement	3,958	10,468	10,675	3,751	0.07			697.9	711.7

APPENDIX 3

CLASSIFICATION OF OFFENSES IN THE MAGISTRATE UNITS

1. Public Law and Order

- 0101 Exposure to ridicule of social and political organization of the SFRJ /*the then Socialist Federative Republic of Yugoslavia/
- 0102 Insulting or humiliating other people's socialist /*in the then SFRJ/, patriotic, national or ethical feelings
- 0103 Insulting officials, entities or organizations
- 0104 Assaulting officials
- 0105 Disclosure or spreading of alarming news
- 0106 Insolent, reckless or violent behavior
- 0107 Arguing, yelling or acting indecently in public
- 0108 Violation of house rules
- 0109 Fighting
- 0110 Vagabonding and begging
- 0111 Gambling or assignation
- 0112 Offering alcohol to minors or to persons who are already under the influence of alcohol
- 0113 Prostitution, solicitation or assignation
- 0199 Other violations of public law and order

2. Traffic Violations

- 0201 Speeding
- 0202 Illegal overtaking or passing of other vehicles or following too close
- 0203 Failing to yield right-of-way
- 0204 Improper inclusion into or exclusion from traffic
- 0205 Improper movement, turns, U-turns or improper driving in reverse
- 0206 Failure to stop or park the vehicle properly
- 0207 Failure to use headlights or improper use of headlights
- 0208 Driving under the influence of alcohol or other controlled substances
- 0209 Refusal to be subjected to breathalyzer
- 0210 Driving without license
- 0211 Driving without certificate of knowledge of traffic regulations
- 0212 No driver's license on person
- 0213 Driving defective vehicle
- 0214 Driving unregistered vehicle
- 0215 Failure to comply with instructions of traffic police
- 0216 Running through red light
- 0217 Improper hauling of another vehicle or improper transportation of cargo
- 0218 Improper cattle driving or improper driving of horse-drawn or ox-drawn cart
- 0219 Failure to comply with an order to put up or remove traffic signs

- 0220 Violation of driving tuition regulations
- 0221 Violation of regulations governing conditions for professional drivers
- 0229 Other traffic violations

3. Public Safety

- 0301 Violation of regulations governing fire protection
- 0302 Violation of regulations in the area of trade, storage and transportation of hazardous substances
- 0303 Violation of regulations governing purchase, possession and carrying of weapons and ammunition
- 0304 Violation of regulations governing public rallies and other public meetings
- 0305 Violation of regulations governing crossing of state border
- 0306 Violation of regulations governing domicile, residence and personal identification papers
- 0307 Violation of regulations governing travel documents
- 0308 Violation of regulations governing movement and residence of foreign nationals
- 0309 Violation of regulations governing seafront and underwater activities
- 0399 Other violations of public safety

4. Economy

- 0401 Violation of regulations on the exploitation of agricultural land, reallocation of holdings and land consolidation
- 0402 Violation of regulations on the application of technical measures in agriculture
- 0403 Incurring damage to fields
- 0404 Violation of regulations on herbicides and pesticides
- 0405 Violation of regulations on alcoholic and soft beverages
- 0406 Violation of regulations on seeds, planting material and tobacco
- 0407 Violation of regulations on animal's health
- 0408 Violation of animal husbandry regulations
- 0409 Violation of freshwater fishing regulations
- 0410 Violation of sea fishing regulations
- 0411 Hunting regulations
- 0412 Poaching
- 0413 Violation of other forestry regulations
- 0414 Violation of regulations on water resources management
- 0415 Violation of construction regulations
- 0416 Violation of urban development regulations
- 0417 Violation of regulations on power generation and distribution
- 0418 Violation of railroad traffic regulations
- 0419 Violation of maritime traffic regulations
- 0420 Violation of traffic regulations on rivers and lakes
- 0421 Violation of air traffic regulations
- 0422 Violation of road traffic regulations
- 0423 Violation of regulations governing roads

- 0424 Violation of regulations governing telecommunications
- 0425 Violation of pricing regulations in internal trade
- 0426 Violation of other internal trade regulations
- 0427 Violation of pricing regulations in foreign trade
- 0428 Violation of other foreign trade regulations
- 0429 Violation of pricing regulations in tourism and catering industry
- 0430 Violation of other regulations in tourism and catering industry
- 0431 Violation of handicrafts pricing regulations
- 0432 Violation of other handicrafts regulations
- 0433 Violation of pricing regulations governing public utility services
- 0434 Violation of other regulations governing public utility services
- 0435 Violation of regulations governing cottage industry and other activities similar to business activities
- 0436 Violation of regulations governing standards, quality management, trade marks and brand names
- 0437 Violation of regulations governing patents and technical improvement
- 0438 Violation of regulations governing measurements and measuring units
- 0499 Other violations in the area of economy

5. Financial Offences

- 0501 Violation of tax regulations
- 0502 Violation of accounting regulations
- 0503 Violation of social accountancy regulations /*term from Socialist times/
- 0504 Violation of foreign exchange regulations
- 0505 Violation of customs regulations
- 0599 Other violations of financial regulations

6. Associated Labor /*term from Socialist period/

- 0601 Violation of regulations on self-management by-laws (adoption, issue and mandatory submission, defining labor-related rights and obligations)
- 0602 Violation of regulations governing information, providing data and communicating company decisions to employees
- 0603 Violation of regulations governing employee's salaries and income
- 0604 Violation of regulations enabling employees to voice their opinion
- 0605 Violation of regulations governing entry into court register, use of company or company name
- 0606 Violation of regulations governing job competitions, recruitment, termination of or employment or reinstatement to job
- 0607 Violation of regulations governing working hours and the rights of employees to vacation, leave
- 0608 Violation of regulations on the protection of pregnant women, maternity rights, protection of youth and the disabled
- 0609 Violation of regulations on the rights of part-time employees
- 0610 Violation of regulations governing measures of hygiene and safety at work

- 0611 Violation of regulations on trainee employees
- 0699 Other associated labor regulations

7. Education, Science, Culture and Information

- 0701 Violation of regulations on mandatory education
- 0702 Violation of other regulations in the area of education
- 0703 Violation of regulations in the area of science and culture
- 0704 Violation of public information regulations

8. Health Care, Social Welfare, Social Security and Environmental Protection

- 0801 Violation of regulations governing food control
- 0802 Violation of regulations on the prevention and control of communicable diseases
- 0803 Violation of regulations in the area of health care, social security and pension insurance
- 0804 Violation of social welfare regulations
- 0805 Violation of environmental regulations (protection from pollution of water, air, soil, forests and protection from noise)
- 0899 Other violations of regulations in the area of health care, social welfare, social security and environment

9. Social Self-Protection /*term from Socialist period/

- 0901 Violation of regulations governing national defense and conscription
- 0902 Violation of regulations on the protection from natural disasters
- 0999 Other violations of regulations in the area of social self-protection

10. Administrative Violations

- 1001 Violation of real estate regulations
- 1002 Violation of regulations governing statistics and keeping of records (registers of birth, marriage and death, labor-related records, citizenship records, insurance records)
- 1003 Violation of regulations governing legal status of religious communities
- 1099 Other administrative violations

ENDNOTES

¹ The National Center for State Courts is a US non-governmental organization whose membership is comprised of the state judiciaries of the US. Founded in 1971, NCSC's purpose is to enable courts to manage their work more effectively, with the goal of increasing the quality of justice. For more than 20 years, NCSC has been assisting judiciaries internationally as well as in the US.

² There may be multiple municipalities within one city.

³ Unlike the district and municipal courts, in the magistrate courts the same judge handles both the first instance case and enforcement.

⁴ Id.

⁵ Article 229 governs such violations as: conduct of driver of vehicle transporting children, vehicle not marked with a special sign when required, the driver does not make his/her intentions known to other traffic, the driver who does not keep the necessary distance between his/her vehicle and the vehicle he/she is passing.

⁶ Article 227 applies to such violations as: jeopardizing traffic by leaving a car on the side of the road, driving in the wrong lane, and driving at an unsafe speed.

⁷ The Ministry of Justice is implementing new caseload monitoring instruments in the general jurisdiction courts at the time of this report (April 2006). These inventories and action reports could also prove useful to the magistrate courts as well.