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REVIVING THE JUDICIARY IN KOSOVO

PRISTINA---UNMIK has sought to create an unbiased, independent and multi-ethnic judicial system. This has been a challenging task. It was faced with a judiciary that was 10 years out of practice because it had been prevented from practising and which needed to be rebuilt with new ideas and talent. The judiciary also lacked basic resources to conduct its operations such as modern equipment, courtroom procedures and physical premises.

However, the Kosovo court system has now sprung to life with Kosovars taking the lead in the operation of the courts.

Reforms have been a critical feature in the UNMIK effort to establish rule of law. These reforms have varied from technical assistance in the operations of the courts to the rewriting of statutes and the establishment of regulations.

The JIAS Administrative Department of Justice (DOJ), headed by Ms Nekibe Kelmendi and Ms Sylvie Pantz, has played a key role in building the judicial system, along with other agencies and donors.

Reestablishment of judicial institutions

- Since June 1999, the DOJ has re-established: 1 Supreme Court, 5 District Courts, 18 Municipal Courts, 23 Minor Offences Court, 1 High Court of Minor Offences, 1 Commercial Court and 13 Offices of the Public Prosecutor.
- In the coming month, 6 additional municipal courts and 1 Minor Offences Court will be re-established.

Appointment of judicial personnel

- Two hundred ninety five judges and prosecutors have been appointed. In addition, 125 more will be appointed early next month
- Two hundred thirty eight lay judges have been appointed. Approximately 200 more will be appointed early next month.
- The number of support staff (administrators, translators / interpreters, typists, registrars, legal assistants, messengers etc.) assigned to the judiciary is 724. Another 1,108 support staff will be appointed in the coming months.
- Assistance has been given to the Organisation for Security and Co-operation in Europe for training newly appointed judges and prosecutors.

International support

- SRSB Bernard Kouchner has appointed one international judge and one prosecutor in Mitrovica, to strengthen the local judiciary. The two of them have started working and the trials in the District Court in Mitrovica are expected to start by 6 June. The SRSB is also looking into appointing international judges and prosecutors in other courts in Kosovo.

Kosovo War and Ethnic Crimes Court

- The DOJ is also in the process of setting up the Kosovo War and Ethnic Crimes Court (KWECC). The court will be competent to try persons for war crimes, crimes against humanity, genocide and other serious crimes committed on the grounds of race, ethnicity, religion, nationality, association with an ethnic minority or political opinion. KWECC will have both local and international judges and prosecutors.

Material support from the DOJ to the judiciary

- As of 11 May 2000, the DOJ has bought and assigned 32 Lada Niva 4X4 for the courts and the prosecutor's office in all the regions of Kosovo.
- The department has procured furniture, computers and their accessories and other office equipment for the judiciary. Most of these items have already been distributed. The department is in the process of procuring additional items. The US government will also donate office equipment like typewriters, computers, fax machines, photocopy machines, metal detectors, safes and telephones by next month.
- The department has financed jointly with the British Department for International Development (DFID), the refurbishment of the Podujevo Municipal Court building and the Economical Court building. In addition, DFID, in co-ordination with the DOJ has completed the basic refurbishment of the following judicial premises: Pristina District Court building, Gjilane District Court building, Pec District Court building, Pec Minor Offences Court building, Prizren District Court building, Ferizaj Municipal Court building, Ferizaj Minor Offences Court building. Furthermore, the British government recently donated 300,000 deutsche mark for the refurbishment of the Mitrovica District Court building. This project is expected to start very soon.
- The department has also provided various registrars to the judiciary. This program, which also include stamps and legal forms, will be completed at the end of this month. Assistance will be given in the coming months for the proper establishment of a case-track management system in close co-ordination with the French government.
- It is working to arrange further financial, material and technical support from the international community, including the OSCE. Besides, it has established contacts with the following countries for this purpose: France, Switzerland, Canada, United Kingdom and the United States.

Legal assistance

- The DOJ is financing a comprehensive legal assistance program for defence counsels in criminal cases. Lawyers in these cases can request up to 500 deutsche mark per month.

Forensic expertise

- Since February 2000, the DOJ is entirely financing a program of forensic expertise (ballistic, fingerprints, toxicology, DNA and biological analysis etc.). This project is crucial to the functioning of the courts and is being implemented by UNMIK Police. Many exhibits have already been analysed in a laboratory in Bulgaria.

- The department, in close cooperation with UNMIK Police, is planning to establish a forensic laboratory in Kosovo, with local expertise, as part of its institutional reinforcement program.
- The department has given direct material assistance to the forensic institute of Pristina. This institution which is responsible, among others, for autopsies has been given chemical products and office supplies.

Penal management

- The DOJ has commissioned 2 detention facilities: Prizren (100 inmates capacity) and Lipjlan (46 inmates capacity).
- It plans to commission one large detention facility in Istog in the coming weeks (520 inmates capacity).
- Two hundred and sixty correctional officers are working for the department. An additional 60 are in training.
- The department has established a standardized offender tracking and information system.