



Republika e Kosovës
Republika Kosovo/ Republic of Kosovo
Këshilli Prokurorial i Kosovës/ Tužilački Savet Kosova/Kosovo Prosecutorial Council

Kosovo Prosecutorial Council, pursuant article 4 of the Law no. 03/L-224 on the Kosovo Prosecutorial Council, at the meeting held on 29 January 2018, approves the following:

ADMINISTRATIVE INSTRUCTION no. 01/2018 ON DETERMINATION OF THEIR ORIENTATION NORM FOR STATE PROSECUTORS

Article 1

Purpose

This Administrative Instruction sets the annual guidelines for the execution of cases for Prosecutors of the General Department, the Department of Juveniles and the Serious Crimes Department of all Basic Prosecutions, the General Department and the Serious Crimes Department of the Appellate Prosecutor's Office and Special Prosecution Office of the Republic of Kosovo.

Article 2

Annual Norm

The annual orientation norm for completing criminal reports is defined as follows:

- 1.1. Prosecutors of the General Department of Basic Prosecutions are obliged to perform at least 23 criminal cases per month, respectively 253 criminal offenses - cases of major perpetrators of criminal offenses during one year¹.
- 1.2. Prosecutors of the Department of Minors of Basic Prosecutions are obliged to perform at least 10 criminal cases per month, respectively 110 criminal offenses - cases of juvenile offenders during one year.
- 1.3. Prosecutors of the Basic Prosecution Department for Serious Crimes are obliged to carry out at least 6 criminal cases per month, respectively 66 criminal cases of adult perpetrators during one year.

¹ The calendar year for a prosecutor's work lasts 11 months, while one month of annual leave is not counted as a work period.

Prosecutors of the General Department of the Appellate Prosecution, are obliged to perform at least 50 criminal cases in the procedure of second instance in months, criminal cases of detention appeal and various criminal cases, namely 550 cases per year (register is PPA / 11, PAR / 11 and PPN / 11).

Prosecutors of the Serious Crimes Department of the Appellate Prosecution Office are obliged to commit at least 30 criminal cases of second instance procedure per month, criminal cases of detention appeals for adult and juvenile offenders and various criminal cases, respectively 330 subjects per year, (PPA / 1 Register, PAR / I, PAR / M and PAR / I).

Prosecutors of the Special Prosecution Office of the Republic of Kosovo are obliged to perform at least 2 criminal cases per month, respectively 22 criminal cases per year.

Article 3

Basic Criteria for Calculating Criminal Cases

1. Criminal reports of unknown perpetrators of the "PPP" register are calculated as a ratio of 20: 1 to the "PP" register cases, if at least 1 request for criminal report has been made.
2. The different criminal cases from the "PPN" register are calculated as a ratio of 8: 1 to the cases from the "PP" register.
3. International legal assistance cases from the "NJN" registry are calculated as a ratio of 6: 1 to the "PP" registry cases, if submitted to the Ministry of Justice as a completed case.

Article 4

Fulfilling the norm

The assessment of fulfilling the norm will be based on the data received from the database application installed at each prosecution office, the statistical reports of prosecutors, and on the basis of the assessment of the complexity of criminal case calculations by the chief prosecutor of respective prosecution office.

Article 5

Method of solving criminal cases

1. The case from the register "PP" is considered completed with dismissal of criminal reports, termination of investigation or filing of indictment.
2. Cases from the register "PPM", are considered to have been completed by dismissal of criminal charges, termination of criminal proceedings, and imposition of a diversion measure, proposal for imposition of an educational measure or sentence.
3. The case or register "PPN" is considered completed, with the compilation of the case closure report or failure to initiate any proceedings. When the case is transferred to the "PP" or "PPM" registers, it is counted as the completed case, but is not counted as the norm in the "PPN" register, but is passed as the norm in the "PP" register.
4. The case from the "PPP" register is considered completed when the criminal charge is dismissed. Also the case is considered completed when the perpetrator is found and the case is transferred to the "PP" or "PPM" register, but it is not counted as the norm in the "PPP" register but passes as the norm in the "PP" or "PPM" register.
5. The case suspended by a ruling is not considered completed, but is reported for this action.
6. The case sent to the jurisdiction is calculated as the norm if 10 procedural actions were taken prior to the case being sent to the jurisdiction, while the norm does not count if it is sent because of the territorial jurisdiction.

Article 6

The complexity of the case

The decision that a case from the register "PP" and "PPM" is complicated is made by the Chief Prosecutor of the respective prosecution, based on the following criteria:

1. Cases with 4 or more criminal offenses are counted as two (2) cases.

2. Cases considered being complex matters within the meaning of Article 19 paragraph 1 subparagraph 1.2 of the Code of Criminal Procedure shall be counted as two (2) cases.
3. If the case referred to in paragraphs 2 and 3 of this Article is completed by the dismissal of a criminal report, it shall be counted as a case.
4. A complex case of corruption under paragraph 3 of this article means cases where the benefit or damage is over € 1,000.00, as well as high level corruption irrespective of value.
5. "Lots of forensic evidence or accounting analysis", according to this article means more than 3 local or 1 international expertise.

Article 7

Very complicated and very special case

1. The Chief Prosecutor of the relevant Prosecution Office, in accordance with the Chief State Prosecutor, may exceptionally assess that a case is very complex and of particular importance and counts 5 cases if any of the criteria of Article 6 of this Instruction have been met as following:
 - a. If there are more than 20 persons involved in the commission of the criminal offense.
 - b. If there are more than 20 persons injured by a criminal offense or more than 30 witnesses;
 - c. If it comes to organized crime with an international element;
 - d. If it comes to terrorism with an international element;
 - e. In the case of murder under Article 126 of the Criminal Code and other murders with the potential to destabilize the security and constitutional order;
 - f. When it comes to war crimes;
2. Cases from paragraph 1 of this article when committed with the dismissal of criminal alert and dismissal are counted as a case.

Article 8

Implementation of the Instruction

1. The Prosecutor's Performance Review Unit is obliged to provide the Prosecutor's Performance Evaluation Committee with data on prosecutors' norms in accordance with this instruction.
2. The Prosecutors 'Performance Evaluation Commission is obliged to evaluate the prosecutors' norms based on this instruction as well.
3. The Chief State Prosecutor may issue Decisions on the implementation and supervision of the application of this Instruction by the Prosecutors.

Article 9

Excluding the Implementation of the Instruction

1. This Instruction does not apply to the cases as follows:
 - 1.1 For prosecutors attending initial training at the Academy of Justice;
 - 1.2 For prosecutors who by decision of the Council are allowed to pursue certain studies or specializations;
 - 1.3 At a time when prosecutors are absent from work for health reasons;
 - 1.4 For the time when prosecutors are on maternity leave;
 - 1.5 Other cases where required by law or by decision of the Council;
 - 1.6 In cases when the Chief State Prosecutor appoints a prosecutor or a group of prosecutors to investigate a case of particular importance;

Article 10

Amending and Supplementing the Instruction

1. Amending and supplementing this Instruction is done in the same manner and procedure as has been issued.
2. This Instruction repeals the guidelines and other regulations that have been used for the purpose of setting annual oriented norms for state prosecutors.

Article 11
Entry into force

This Administrative Instruction enters into force on the day of its adoption by the Kosovo Prosecutorial Council and will be applied to evaluate the performance of prosecutors and prosecutions in selected cases from 01 April 2018.

Pristina, 29 January 2018

Blerim Isufaj

Chairman of the Kosovo Prosecutorial Council