



## Sentencing Judgment

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**Abstract:** The sentencing judgment is a meritorious judgment by means of which the court resolves a criminal case being object of trial. Hence, by this type of judgment the court concludes criminal case, by punishing the defendant for all charges. The sentencing judgment within this scientific paper shall be handled in several aspects. Here, shall be reflected the meaning of sentencing judgment, its characteristics, the content of sentencing judgment and the authority regarding its imposition as well as the procedure and effects of this type of judgment. Also, within this scientific paper shall be handled the Kosovo Basic Courts activity in relation to imposition of this type of judgment during the period of time 2015-2017. During the preparation of this scientific paper I have used legal, comparative, analysis and statistical methods.

**Keywords:** Judgment; sentencing; court; prosecutor; defendant

### 1. Introduction

The sentencing judgment is a court decision which shall be rendered by court when after conducting the main trial and counseling and voting session comes to conclusion there are sufficient evidence based on which is confirmed the guilt of the defendant concerning commission of a criminal offence being charged with. As it results, from legal solutions and practical approach, through this type of judgment the court addresses decision-making concerning criminal matter (criminal offence and the defendant) as well as other issues such as: criminal procedure expenditures, legal property claim concerning detention on remand and other security measures in terms of securing presence of the defendant in criminal proceedings (immediately ceases them) and promulgation or not of judgment through public information means. Handling the matter of sentencing judgment has been conducted in

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theoretical and practical terms. In this case, has been researched the Kosovo Basic Courts work during the period of time 2015-2017 in relation to imposition of sentencing judgment, where there have been presented data concerning frequency of imposition of this judgment and circumstances in which this judgment has been rendered. In this case have been found various irregularities as well as have been given recommendations in terms of how to overcome them.

## **2. The Meaning of Sentencing Judgment**

The sentencing judgment is one of three types of judgments which court is authorized to render in criminal proceedings. This type of judgment manifests substantial, principled and concrete distinctions from acquittal and refusal judgments. These distinctions are of conceptual, substantive, principled and concrete character.

When it comes to refusal judgment the court does not resolve the criminal case being object of trial (it does not ascertain the existence or not of criminal offense and guilty of the defendant in relation to it) whereas by sentencing judgment the court resolves such a case, in this case by declaring the defendant guilty from all charges pressed against him. In meanwhile, this is not the case with sentencing judgment, which also resolves the criminal case, but it makes its resolution by declaring the defendant guilty concerning charges pressed against him. But this is not the issue with acquittal judgment, which also resolves the criminal case, but it makes its resolution by releasing the defendant from all charges pressed against him.<sup>1</sup>

As a characteristic of sentencing judgment is that by this type of judgment the defendant shall be found guilty for all charges pressed against him. Finding the defendant guilty is done due to the fact the court after conducting the main trial and counseling and voting session has come to conclusion there are sufficient evidence based on which has been proven the guilt of the defendant for commission of a criminal offence being charged with (Sahiti & Murati, 2013, p. 374).

The Criminal Procedure Code of the Republic of Kosovo does not make any definition of sentencing judgment notion.<sup>2</sup> A concise definition concerning notion of this type of judgment has not been done either by the criminal procedure law science

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<sup>1</sup> The meritorious judgment is a verdict by means of which shall be resolved the criminal case, whereas by non- meritorious the criminal case remains unresolved (it does not result in finding whether or not there is a criminal offence and guilt of the defendant.

<sup>2</sup> See: Criminal Procedure Code, Code no. 04/L - 123, Article 364. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2861>.

in Kosovo. Consequently, I consider that when it comes to definition of sentencing judgment notion should be taken into consideration all the elements characterizing this type of judgment. Therefore, according to my opinion the sentencing judgment is a court decision of special type by means of which the court resolves entirely the criminal case, by finding the defendant guilty for charges pressed against him (Hajdari, 2013, p. 78). By this type of judgment, the court admits the fact of criminal offence existence and the defendant has committed the criminal offence by intent (Islami, Hoxha, Panda, 2003, p. 506).

### 3. The Characteristics of Sentencing Judgment

Like any other act, respectively court decision (which implies in particular the judgment) having its characteristics, also the sentencing judgment includes in itself various specifics which make it of a special type, different from any type of court decisions (judgment). Consequently, as sentencing judgment characteristics *inter alia* should be considered the following:

**1. The sentencing judgment is a meritorious verdict.** -The theory of criminal procedure law in Kosovo and broader it defines the sentencing judgment as a meritorious judgment. Such shall be considered this type of judgment based on the fact that by this type of judgment the competent court grants a solution to a criminal case being object of trial. When it comes to sentencing judgment, the court draws a concrete conclusion in relation to a criminal case, respectively concerning the criminal offence and the defendant. This implies that by this type of judgment there are no dilemmas regarding the fact of criminal offence existence and guilty of the defendant. Hence, by sentencing judgment shall be decided the fate of a criminal case within the first instance court.

**2. The sentencing judgment is a verdict finding the defendant guilty for the criminal offence being charged with.** -There is a full compliance that by sentencing judgment the defendant shall be found guilty from all charges in criminal proceedings. Of course, circumstances determining this kind of decision-making should always be such proving an inseparable connection by actions or omissions of the defendant, respectively such proving the guilt of the defendant for commission of a criminal offence being charged with. These circumstances cannot be expanded by extensive interpretation, neither through methodology nor in any other way (Petrić, 1986, p. 142). This means, they should be concrete, such establishing full persuasion for the competent court.

**3. The sentencing judgment is a verdict addressing effective and formal decision-making concerning the criminal case-** By being a meritorious judgment, the sentencing judgment is always a court decision addressing effective and formal decision-making, respectively decision-making in relation to main issues and other matters. In this regard, by this type of judgment initially is granted the concrete solution to a criminal case, and then to other matters related to criminal offence, to the defendant and to criminal proceedings course. Thus, by sentencing judgment it can be ascertained as follows: a) the offence which the defendant has been charged with does constitute a criminal offence; b) that exists the criminal offence, and c) there are relevant evidence by means of which shall be proven that the criminal offence has been committed by the defendant. In all these situations, the court should render a judgment by means of which the defendant shall be found guilty on allegations against him. Consequently, the court by sentencing judgment in addition to decision-making related to main issues is obliged to decide also over several issues that have the epithet of secondary matters, but which are inevitably related to criminal proceedings. “Thus, through this judgment the court shall decide on criminal proceedings expenditures, legal property claim, (if any), imposition or release of the defendant from detention on remand as security measure as well as concerning the fact whether the judgment shall be promulgated through public information means (Hajdari, 2013, p. 78). When it comes to detention on remand, it is important to emphasize the fact that when the Basic Court imposes the punishment up to five (5) or more years of imprisonment to the defendant shall be imposed or continued the detention on remand obligatory whereas in other cases, imposing or continuing the detention on remand measure is of facultative character.

**4. The sentencing judgment may have various forms of its appearance-** “Pursuant to legal solutions, practical as well as theoretical approach the sentencing judgment may appear in several forms (Sierčić – Colić, 1999, p. 734). In fact, the appearance forms of sentencing judgment are as following: a) finding the defendant guilty and adjudicating him by type and height of punishment, including the imposition of punishment without its execution-suspended punishment (article 51 of CC), or imposition of punishment and its substitution with order for community service work (article 60 of CC), imposition of punishment and releasing the defendant from serving the punishment (articles 77, 29, 30, 134 of CC) and c) imposition of punishment through punitive order (article 493 of CPC).

#### **4. Sentencing Judgment Content**

The article 365, paragraph 1 of the Criminal Procedure Code of the Republic of Kosovo discusses about the possibility of imposing the sentencing judgment. Through this legal provision the Kosovo lawmaker has determined the content of this judgment. Consequently, in judgment by means of which the defendant has been found guilty the court must keep the following records:

**1. The criminal offence for which has been found guilty, as well as facts and circumstances constituting the figure of a criminal offence, facts and circumstances from which depends the application of a respective Criminal Code provision**

As known, a fundamental matter to criminal proceedings which should be resolved is the confirmation whether has been committed the criminal offence and who is its perpetrator. In this regard, the court in sentencing judgment should describe the criminal offence for which the defendant has been found guilty, respectively elements which characterize and individualize the criminal offence from other criminal offences and circumstances which make it a privileged or serious offence, its special elements “time, place, tool and manner of criminal offence commission etc.” (Hajdari, 2016, p. 893). Description of facts and circumstances constituting the figure of a criminal offence, as well as facts and circumstances from which depends the application of a concrete Criminal Code provision implies factual description of offence, a description which represents the factual base of judgment. In meantime, it should not exist any other way except based on established facts to be applicable also the respective criminal provisions (Sahiti, Murati & Elsjani, 2014, p.848).

**2. The legal denomination of the criminal offence and Criminal Code provisions applied during rendering of judgment-** Legal denomination of the criminal offence constitutes the legal basis of judgment. The criminal offence and its legal denomination must have an inseparable relation to the facts and circumstances of case, respectively it should respond to the established factual basis. Every criminal offence has its denomination in Criminal Code, so that in judgment should be specified its legal denomination by referring to the relevant article. This denomination must be the one that has been included in state prosecutor’s indictment, but it may be affected by different changes. This implies the court is not linked to the legal denomination of criminal offence included in indictment. “In other words, it is made the legal qualification concerning verified factual situation”. There, shall also be listed other provisions which are applicable when it comes to rendering

judgment in relation to measurement of sentence, mitigation of sentence, suspended sentence, release from punishment, with the union of criminal offences etc. (Sahiti, Murati & Elshani, 2014, p. 848).

**3. The punishment imposed against the defendant, by including also alternative punishment from Criminal Code or releasing from punishment-** In addition to the above mentioned data, in sentencing judgment the court must also keep records concerning criminal sanction imposed against the defendant, the type and duration of punishment (punishment by fine). In any case, it is required for the court to make the individualization of sentence, taking into account the criminal liability, the motives for committing the criminal offense, the intensity of the risk or the damage to the protected value, the circumstances in which the offense has been committed, the previous behavior of perpetrator, acceptance of the guilty and personal circumstances of perpetrator and his conduct after the commission of a criminal offense, etc. Likewise, it should be taken into consideration general rules in relation to mitigating or aggravating punishment, and special grounds in relation to release from punishment. In cases of committing several criminal offences shall be applicable rules for imposition of punishment for commission of union criminal offences (Sahiti, Murati, Elshani, 2014, 848). “Such rules are of imperative character and they determine clear concretization of imposed punishment with all elements making it enforceable.

**4. Order to impose mandatory rehabilitation treatment measure against perpetrators addicted to drug and alcohol, or for confiscation of property benefit subject to confiscation-** Mandatory rehabilitation treatment of perpetrators addicted to drug and alcohol is not a criminal sanction, so it is not a punishment, but it is a measure of health rehabilitation character. This measure shall be imposed by court only after receiving the report of competent probation service, which states that the main factor which has conditioned the commission of a criminal offence from the defendant refers to the fact of its addiction to drug and alcohol and only after from such a report it results the conclusion that the successful treatment of the defendant would reduce the risk of criminal offence repetition. In these cases, the court in judgment must specify the duration of this measure (the date of its commencement and termination). In fact, if the commission of a criminal offence has resulted in realisation of property benefit, the judgment should also address the measure for confiscation of that property benefit.

**5. The decision to calculate the pre-trial detention or previous sentence to the height of sentence-** The sentencing judgment must specify also the fact of calculating detention on remand, respectively any deprivation from liberty and time spent in health institution for the purpose of psychiatric expertise, including the previously imposed sentence but not executed in the imposed punishment. For all these matters the competent court should take care ex-officio and should clearly address them in its judgment enacting clause.

**6. The decision on procedure expenditures, on legal property claim as well as concerning determination of whether the final judgment should be promulgated in press, radio or television.**-Finally, the court in sentencing judgment is required to clearly specify also its decision-making concerning procedure expenditures, legal property claim and the fact whether the final judgment should be published in press, radio or television. Here, it is discussed about determining the amount of procedure expenditures by means of which is charged the defendant to pay on the account of state budget, determining the amount of sum which should be paid on behalf of legal property claim realisation to the party injured from criminal offence or addressing the injured party to civil dispute as well as clear definition of the existence or not of the possibility of promulgating the verdict in the public media. There is no doubt that decision-making concerning these matters should be clear and based on legal provisions and circumstances of criminal case.

## **5. Authority for Imposition of Sentencing Judgment**

The imposition of judgments is the exclusive right of a court. Exceptions to this rule do not even make the sentencing judgment. Hence, the authority to impose the sentencing judgment in the first instance court belongs to the competent basic court. Within basic court the authority for imposition of sentencing judgment belongs to the single trial judge or the panel of judges. "The single trial judge or panel of judges is obliged by law to render the sentencing judgment when after conclusion of the main trial and conducting the counseling and voting session established the fact that there is a criminal offence and it has been committed by intent from the defendant being criminally liable.

Ascertaining the fulfillment of such criteria is a discretionary matter of the single trial judge or panel of judges, but of course based on established facts by relevant evidence that leave no room for doubts on acting differently.

Consequently, when it comes to rendering the sentencing judgment, the competent basic court concludes the criminal proceedings by finding the defendant guilty from all charges. In such cases the court does not declare the defendant innocent. However, it should be emphasized the fact that in any case, conclusion of criminal proceedings through sentencing judgment should be conducted by giving clear reasoning for every point and its decision-making (for example on procedure expenditures, legal property claim etc).

## **6. Procedure for Imposition of Sentencing Judgment**

Generally speaking there is no any substantial difference concerning procedural rules of rendering sentencing judgment from rendering refusal and acquittal judgment. Hence, it may be said without hesitation that principled rules of rendering three types of judgments in Basic Court are identical. In order not to avoid specific requirements which are usually laid in relation to scientific publications, the following section shall deal only with various special rules, those which essentially refer to sentencing judgment rendering, and shall be avoid the elaboration of standard procedural rules granted to all types of judgments. As above mentioned, the sentencing judgment may be rendered after conclusion of the main trial and conducting counseling and voting session, after it has been proven the fact of criminal offence existence and the fact that it has been committed by intent from the defendant being criminally liable. In both situations, the fact should be verified through relevant evidence. Such facts may be raised during the whole main trial, although rendering of sentencing judgment may be conducted only after conclusion of this proceedings stage and after conducting counseling and voting session. Once the official information has been made by the parties or after the court itself "*ex officio*" has learned of the fact concerning existence of any criteria that necessarily condition the sentencing judgment, for the competent court arises the obligation that in probation procedure to verify the existence of such circumstances and to proceed to application of procedural rules finalizing the fact of rendering such judgment. In relation to sentencing judgment the competent court should notify the parties and other interested persons through public announcement and the delivery of its copy. The parties are entitled when considering such judgment unlawful or unfair to submit a special appeal which should be addressed to the court which has rendered a judgment for the Court of Appeals.



## 7. Sentencing Judgment Effects

The sentencing judgment more than any other type of judicial decision-making causes concrete effects affecting various interests, especially in relation to the defendant. In the concrete case, it shall be discussed about several basic effects that are caused when it comes to rendering this type of judgment. Consequently, among the effects caused when it comes to rendering the sentencing judgment are mainly the following:

**1. The defendant is blamed for accusations being charged with for commission of a particular criminal offence.**-As above mentioned the sentencing judgment is a meritorious verdict, such addressing a concrete resolution for a criminal offence being object of trial. "Consequently, through this judgment the court resolves entirely the criminal case, in a concrete case by finding the defendant guilty for all charges he faced or some of them (Damir, 2015, pp. 7 – 8, Јеличић, 2016, pp. 27 – 28).

**2. To the defendant shall be imposed or continued detention on remand.**-This decision-making is determined in any case when the defendant is sentenced to a minimum up to five or more years of imprisonment. In these situations, when the defendant is on detention on remand against him such a measure shall be continued, whereas in cases when he is at liberty detention on remand is imposed obligatory.

**3. The detainee, may be released from pre-trial detention, respectively any security measure imposed against him by the court may be removed.**-This favorable effect to the defendant is possible when he is punished to less than five years of imprisonment and when there are no conditions based on which shall be determined continuation of pre-trial detention against him, as well as obligatory when it comes to fulfillment of other criteria resulting from respective concrete solutions for instance when against the defendant is imposed suspended sentence, is found guilty but released from punishment, when it results that the time spent in detention exceeds the time of the punishment imposed etc.

**4. It is determined clear addressing of criminal proceedings expenditures-**When it comes to rendering sentencing judgment criminal proceedings expenditures are normally charged to the defendant. Exceptions to this rule include expenditure cases that according to law shall be paid by state budget (for example translation costs, ex-officio defense etc.), expenditures caused by other subjects fault, cases of releasing by court the defendant from payment of expenses due to its difficult social situation etc.

**5. It is addressed the legal property claim matter-**If the injured party has submitted legal property claim the same shall be resolved through sentencing judgment, but it may be used also the possibility of addressing it through instructing to realize the legal property claim by the injured party in civil dispute.

### **8. Several Data on Imposition of Rendering Judgment**

Drawing concrete conclusions and giving sustainable recommendations concerning rendering judgment, such as serving to courts, other relevant institutions and society in general requires to research and study Kosovo Courts activity, concretely Basic Courts for a particular period of time. In this case, the activity of these courts has been researched for a period of time of three years (2015 - 2017). I consider that handling sentencing judgment, observing this in terms of its imposition in practice for a period of time of three years, provides chances that could have been considered sufficient for successful realization of such a purpose. Presentation of Kosovo Basic Courts work concerning the level, performance of imposition and criteria as well as other data in relation to sentencing judgment was not an easy matter. This due to the fact that concerning the work of these courts in relation to these data during the researching period there are no published data such that may serve until the end to the purpose of this scientific paper. This situation has conditioned the need that through application of sample method to be included to elaboration 200 sentencing judgments provided by four of the seven basic courts that exist in country. Regardless of this fact, in the following handlings, initially shall be presented general data concerning criminal cases adjudicated by Kosovo Basic Courts for the period of time 2015-2017 including adult and juvenile perpetrators of criminal offences, and the number of sentencing judgments imposed by courts during this period of time.<sup>1</sup>

**Table 1. Number of adjudicated criminal cases and imposed sentencing judgments**

Period of time	Adjudicated cases	Sentencing judgments
2015 - 2017	Adults: 62311 Juvenile: 8239	Adults: 53954 Juvenile: 701
In total	70550	54655

According to these data Kosovo Basic Courts during the period of time 2015-2017 in relation to filed indictments for commission of different criminal offences have

<sup>1</sup> See: Annual Reports of the Kosovo Judicial Council and Kosovo Agency of Statistics on the Work of Kosovo Courts for the period 2015 - 2017. Available at: <http://www.gjyqesori-rks.org/en/kjc/report/list/1>, <http://ask.rks-gov.net/sq/agjencia-e-statistikave-te-kosoves/sociale/jurisprudenca>.

adjudicated in total 70550 persons, of whom adult defendants 62311, whereas juveniles defendants 8239. As it results, the number of adults defendants adjudicated is for 53954 cases or 86.8% greater than the number of juvenile indicted persons, which was basically expectable, based on the fact even in earlier periods of time the percentage of juveniles presence in commission of criminal offenses has been approximately 11% (Hajdari, 2015, pp. 19 – 20, Hajdari, 2015, pp. 48 - 49). These data indicate the fact that Kosovo Basic Courts during the researching period have imposed sentencing judgment only in 54655 cases, and that against adult accused persons in 53954 cases and against juveniles in 701 cases. Despite this fact, these courts during the researching period have imposed far fewer acquittal and refusal judgments for defendants, as well as they have addressed other decision-making. In this regard, the acquittal judgment has been imposed in 4140 cases, whereas refusal judgment in 1882 cases. In meanwhile, other decision-making (mostly in juvenile criminal procedure such as: diversity measures, educational measures, mandatory treatment measures, etc.) these courts have addressed in 9873 cases. Indicated data prove that the Basic Court of Pristina during the researching period of time has mostly imposed the Basic Court of Pristina in 22312 cases, whereas the Basic Court of Mitrovica has imposed at least 2321 cases. Five other Kosovo Basic Courts (Basic Court of Gjilan, Peja, Gjakova, Prizren and Ferizaj) have imposed less sentencing judgments than the Basic Court of Prishtina and more than the Basic Court of Mitrovica (all on average out of 6004 judgments). This situation in relation to the Basic Court of Pristina must however be linked with great number of cases of this court, which is conditioned by the fact that it extends its activity to a territory in which lives more than 1/3 of the Kosovo population.<sup>1</sup> Whereas, the cause of such situation in relation to the Basic Court of Mitrovica should be linked with the fact this court by the beginning of 2017, has worked in a half-capacity and in inappropriate environments.

Based on the fact that Kosovo Judicial Council data and the Kosovo Agency of Statistics do not contain any information on what have been the criteria on the basis of which the Kosovo Basic Courts have imposed sentencing judgments, coverage of this data shall be made based on the study of 200 judgments which four of the seven Kosovo Basic Courts (The Basic Court of Pristina, Gjilan, Peja and Prizren) have imposed during the researching period.<sup>2</sup> The data of these judgments point out the fact that these courts in 55 cases reasoned quite well imposed judgments, in 96 cases

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<sup>1</sup> See: Data on Kosovo population of the Kosovo Agency of Statistics, 2011, Available at: <http://ask.rks-gov.net/sq/agjencia-e-statistikave-te-kosoves/sociale/registration-i-popullsis-e-and-banesave>.

<sup>2</sup> The list decisions of basic court. Available at: <http://www.gjyqesori-rks.org/sq//courts/decision/list/3>.

relatively well, whereas in 49 cases the reasoning of the judgments imposed have not been convincing. Judgments studied point out the fact of presence of insufficient professionalism in the activity of the Kosovo judicial system. This due to the fact that majority of such judgments do not contain sufficient explanations that justify rendering sentencing judgments. Therefore, it is required by state institutions to undertake concrete actions, such that raise the performance of judges, including the need of conducting a vetting (verification) in entirety of Kosovo judicial system. This due to the fact, in local and international public opinion prevail the impression that Kosovo has already moved into a captured justice system.

## **Conclusion**

Modest results of this scientific paper have led me to the following conclusions:

One of three types of judgments which court is authorized to render in criminal proceedings is rendering judgment. Sentencing judgment is a court decision of a special type by means of which the court resolves entirely the criminal case, by finding the defendant guilty on charges pressed against him.

Sentencing judgment includes in itself various characteristics, which make it of a special type different from any other type of court decisions (judgments). As characteristics of the sentencing judgment, it is considered, inter alia: a) being a meritorious judgment; b) Sentencing judgment is a verdict finding the defendant guilty on charges pressed against him; c) Sentencing judgment is a verdict addressing effective and formal decision-making concerning criminal case; d) Sentencing judgment may have several appearance forms.

The sentencing judgment has certain content. Consequently, the sentencing judgment must contain the following elements: a) Criminal offence for which he/she is found guilty and facts and circumstances constituting the figure of criminal offence as well as facts and circumstances upon which the application of the relevant provision of the Criminal Code depends; b) The legal denomination of the criminal offense and provisions of the Criminal Code applied during judgment rendering; c) The punishment imposed on the defendant, including the alternative punishment by the Criminal Code or the release from the punishment; d) Order to impose mandatory rehabilitation treatment measure of perpetrators addicted to drug and alcohol, or for confiscation of property benefit subject to confiscation; e) The decision to calculate the pre-trial detention or previous sentence to the height of sentence; f) The decision on procedure expenditures, for legal property claim as well as concerning

determination of whether the final judgment should be published in press, radio or television.

The authority to impose sentencing judgment belongs to the competent basic court. Within basic court the authority to impose sentencing judgment belongs to the single trial judge or the panel of judges. The single trial judge or the panel of judges of basic court is obliged by law to render sentencing judgment in any case when finds the fulfillment of any requirements stipulated by law.

When it comes to rendering sentencing judgment there are concrete effects that affect numerous different interests. Among caused effects when it comes to sentencing judgment are the following: a) The defendant is blamed for accusations being charged with for commission of a particular criminal offence; b) To the defendant shall be imposed or continued detention on remand; c) The detainee, may be released from pre-trial detention, respectively any security measure imposed against him by the court may be removed; d) It is determined clear addressing of criminal proceedings expenditures; e) It is addressed the legal property claim matter; f) It is addressed the matter whether or not publishing the judgment through public information means.

According to used data Kosovo Basic Courts for the period of time 2015-2017 concerning submitted indictments for commission of different criminal offences have adjudicated in total of 70550 persons, of whom accused adults were 62311 persons, whereas juveniles accused were 8239 persons. As it results, the number of juvenile adjudicated persons is 54072 cases or 86.8% lower than the number of accused adult persons, which was in principle expectable. Kosovo Basic Courts during the researching period of time have imposed in total 54655 sentencing judgments. Such judgments mostly have been imposed by the Basic Court of Pristina (22312), whereas at least, respectively only 2321 sentencing judgments have been imposed by the Basic Court of Mitrovica.

Out of 200 sentencing judgments studied of four of the seven Kosovo Basic Courts (Basic Court of Pristina, Gjilan, Peja and Prizren), it results that these courts in 55 cases reasoned quite well imposed judgments, in 96 cases relatively well, whereas in 49 cases the reasoning of the judgments imposed have not been convincing. Judgments studied point out the fact of presence of insufficient professionalism in the activity of the Kosovo judicial system. This due to the fact that majority of such judgments do not contain sufficient explanations that justify rendering sentencing judgments. Therefore, it is required by state institutions to undertake concrete actions, such that raise the performance of judges, including the need of conducting

a vetting (verification) in entirety of Kosovo judicial system. This due to the fact, in local and international public opinion prevail the impression that Kosovo has already moved into a captured justice system.

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