



## Acquittal judgment

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### Abstract

The acquittal 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 releasing the defendant from all charges. The acquittal judgment within this scientific paper shall be handled in several aspects. Here, shall be reflected the meaning of acquittal judgment, its characteristics, criteria concerning imposition of the acquittal 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; Acquittal; Court; Prosecutor; Defendant.

### Introduction

The acquittal judgment is a court decision of a special type by means of which the court resolves a criminal case being object of trial. This type of judgment shall be rendered by court in cases when the offence by means of which the defendant has been accused does not constitute a criminal offense (the offense may be, for example, a misdemeanor), when there are circumstances excluding criminal liability (for example when the criminal offence has been committed in necessary defense) and when it has not been proven that the defendant has committed the criminal offence charged with. By this type of judgment the defendant shall be released from charge and it defines the issue of whether or not the criminal offense has been committed and the defendant's guilt related to it. As it results, through this judgment the court shall address the decision-making concerning criminal case (criminal offence and the defendant) as well as other matters 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 acquittal judgment has been conducted in 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 acquittal 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.

### 1. The meaning of acquittal judgment

The acquittal 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 sentencing and refusal judgments. While, distinctions in relation to refusal judgment are much broader, and these are substantive, principled, concrete and conceptual distinctions, those in relation to sentencing judgment although almost of these natures are more reduced.

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 acquittal judgment the court resolves such a case, in this case by releasing the defendant 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.<sup>1</sup>

As a characteristic of acquittal judgment is that by this type of judgment the defendant shall be released from all charges. Releasing the defendant from all charges is done due to fulfillment of any legal requirements determining its innocence (Sahiti, Murati, Elshani, 2014).

The Criminal Procedure Code of the Republic of Kosovo does not make any definition of acquittal judgment notion (Criminal Procedure Code, Code, Art. 364). A concise definition concerning notion of this type of judgment has not been done either by the criminal procedure law science in Kosovo. Consequently, I consider that when it comes to definition of acquittal judgment notion should be taken into consideration all the elements characterizing this type of judgment. Therefore, according to my opinion the acquittal judgment is a court decision of special type by means of which the court resolves entirely the criminal case. In this regard, the resolution of a criminal case is done through the release of the defendant from charges pressed against him (Hajdari, 2013)).

## 2. The characteristics of acquittal judgment

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

- 1. The acquittal judgment is a meritorious verdict.** -The theory of criminal procedure law in Kosovo and broader it defines the acquittal 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. In these cases, the court draws a concrete conclusion in relation to a concrete criminal case, respectively concerning the criminal offence and the defendant. This implies by this type of judgment there are no dilemmas regarding the fact of criminal offence existence and guilty of the defendant. Hence, by acquittal judgment shall be decided the fate of a criminal case within the first instance court.
- 2. Acquittal judgment is a verdict declaring the defendant released of all charges.**-There is a full compliance that by acquittal judgment the defendant shall be released from all charges in criminal proceedings. Of course, circumstances determining such decision-making should always constitute a legal category. "These circumstances cannot be expanded by extensive interpretation, neither through methodology or in any other way" (Petrić, 1986). Consequently, the acquittal judgment, respectively the judgment which releases the defendant from all charges against him is rendered when the action described in indictment does not constitute a criminal offence respectively when it did not come to realization of general elements of criminal offence (unlawfulness, determination by law as a criminal offense) and special features constituting the figure of a criminal offence as well as when there are circumstances which exclude the unlawfulness of a criminal offence (necessary defense, extreme necessity, violence, threat, etc.), (Sahiti, Murati, Elshani, 2014).
- 3. The acquittal judgment is a verdict addressing effective and formal decision-making concerning criminal case-** By being a meritorious judgment, the acquittal 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 a concrete solution to a criminal case, and then to other matters related to criminal offence, to the defendant and to course of criminal proceedings. Thus, by acquittal judgment it can be ascertained as follows: a) the offence which the defendant has been charged with does not constitute a criminal offence (it can be a misdemeanor, economic offense etc.); b) that there is a criminal offence, but it has been committed in circumstances excluding criminal liability (for instance necessary defence) and c) that there is a criminal offence but there are no 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 released from indictment. Consequently, the court by acquittal 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), the immediate release of the defendant from detention on remand and interruption of any other measure to secure his presence to criminal proceedings as well as concerning the fact whether the judgment shall be promulgated through public information means (Hajdari, 2013).

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<sup>1</sup> The meritorious judgment is a verdict by means of which is resolved the criminal case, whereas by non-meritorious judgment the criminal case remains unresolved (does not result in finding whether the criminal offence and guilty of accused exist).

### 3. Criteria for imposition of acquittal judgment

Article 364, paragraph 1 of the Criminal Procedure Code of the Republic of Kosovo refers to the possibility of imposing the acquittal judgment. Through this legal provision Kosovo lawmaker has determined criteria based on which the competent court may impose such judgment. Such criteria according to Kosovo lawmaker shall be considered as following:

- 1. Accusing the defendant of an offence which does not constitute a criminal offence-** As is known, in addition to criminal offence there are also various other offences similar to criminal offences and by which shall be attacked and damaged individual or general values, but the intensity of their social risk is below criminal offence level. Such offences shall be considered: minor offences, economic delicts, disciplinary delicts, etc. Indeed, in practice there may be cases resulting in initiating the criminal proceedings precisely for such unlawful actions (Hajdari, 2013). Also, it may occur that a person has been indicted for an offence for which exists all criminal offence characteristics, however according to a special base to be excluded unlawfulness of that offence such as acting in necessary defense, in extreme necessity etc., (Sahiti, Murati, 2013). Therefore, in such cases the court renders the acquittal judgment. A typical case of this character can be the one when the court fails to accurately verify the circumstances of a person's death, even though we are dealing with a suspicious death case, and therefore it cannot be said for sure that we are before a murder or an ordinary death. So, none of the two options are excluded and as a result of that the existence of a criminal offense remains a suspicious issue. In such a case, the defendant shall be released as innocent because according to "in dubio pro reo" principle any doubt must be interpreted in his favor.
- 2. The existence of circumstances excluding criminal liability-** The matter of circumstances excluding criminal liability has been regulated by the Criminal Code of Kosovo (Code no. 04 / L-082, Article 17 paragraphs 1 and 3 and Article 25 paragraph 1). Under this Code, as circumstances excluding criminal liability shall be considered as following: a) the commission of a criminal offence in state of mental disability; b) under fourteen years of age of criminal offence perpetrator and c) factual mistake. The criminal offence is considered to have been committed under conditions of mental incapacity of defendant when he at the time of commission of a criminal offence has not been able to understand the nature and importance or consequences of his actions or to control his actions or to realize that commits a criminal offense. In these cases, the state prosecutor may submit a proposal for the imposition of compulsory psychiatric treatment measure (Article 89- 90 of the CCK), which measure shall be imposed in a special procedure and by a special ruling. "Up to such situations of the defendant usually comes due to presence in him of mental illness, mental disorders or mental flawed development" (Elezi, 1999, Shala, 2013). Also, in order for a perpetrator to be criminally liable he must have a certain age. By Criminal Code of Kosovo (Article 17, paragraph 3) is stipulated as following: A person is not criminally liable if, at the time of the commission of a criminal offense, he or she is under the age of fourteen (14) years. This implies that the commission of a criminal offence by a person under the age of fourteen is a circumstance that excludes criminal liability. In meanwhile, the factual mistake exists when the perpetrator in the time of commission of a criminal offence has not been aware of any of its features stipulated by law or when wrongfully thinks there are circumstances under which if they would have existed in fact, that offence would be allowed. Such may be the case for instance: when a person takes foreign thing by wrongly thinking that it is his (Salihu, 2008). The Criminal Code of Kosovo, for such cases provides the possibility of release for the defendant based on the fact that this type of mistake considers a circumstance excluding criminal liability. Finally, it must be emphasized the fact that each of the circumstances come to expression as a basis for releasing the defendant from indictment should be verified only after the fact of criminal offence existence has been ascertained and the fact that the defendant is its perpetrator.
- 3. Failure to prove the fact that the defendant has committed the criminal offence being charged with-** As known the court before rendering a judgment concerning criminal offence being object of trial shall analyze and evaluate all submitted evidence at the main trial. Exception to this rule does not even make the acquittal judgment.  
  
The fact whether there is sufficient evidence that the defendant has committed a criminal offence being charged with is a matter of court for which it decides according to its judicial persuasion (Sahiti, Murati, Elshani, 2014). When it comes to rendering the acquittal judgment the matter of criminal offence existence is not a contested matter. The criminal offence exists but there is no sufficient evidence that the defendant has committed it. "This evaluation is related to appreciation of evidence taken individually and linked in unity among them. Understandably, the appreciation of evidence is a delicate process therefore actions attributed to this matter must be undertaken carefully and impartially. Consequently, in any case, the court decision declaring the defendant innocent because it is not proven that he had committed a criminal offence must be well-argued by evidence and give correct answers to the allegations of indictment. Thus, in judgment should be handled concrete reasons which call into question the guilty of the defendant and to emphasize the presumption of innocence principle, on basis of which any doubt must go in favor of the defendant" (Islami, Hoxha, Panda, 2003). Finally, it is worth emphasizing the fact that if there are allegations that the defendant has committed several criminal offences, and some of them are verified and some not,

the court in judgment must state exactly for which criminal offences he is found guilty and for which criminal offences he is released from the indictment.

Codes of some countries foresee also other causes for the pronouncement of the acquittal judgment. In fact, the Criminal Procedure Code of the Republic of Albania as criteria for the pronouncement of this judgment provides even amnesty, extinction of criminal offense and the death of the accused person (Criminal Procedure Code, Code, Art. 290). For these reasons, the Code of Criminal Procedure of Kosovo provided for the possibility of pronouncing the Rejection Judgment.

#### **4. Authority for imposition of acquittal judgment**

The imposition of judgments is the exclusive right of court. Exceptions to this rule do not even make the acquittal judgment. Hence, the authority to impose the acquittal judgment in the first instance court belongs to the competent basic court. Within basic court the authority for imposition of acquittal 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 acquittal judgment when after conclusion of the main trial and conducting the counseling and voting session, it determines the fulfillment of any of legal requirements (criteria), (Compare: Marina, Pajčić, 2016). set forth in Article 364 of the Criminal Procedure Code.

Rendering the acquittal judgment is determined in cases when in basic court is concluded the fulfillment of several criteria or even one of the criteria on basis of which may be rendered such judgment. Ascertaining the fulfillment of such criteria is a discretionary matter of the single trial judge or panel of judges. Consequently, when it comes to rendering the acquittal judgment, the competent basic court concludes the criminal proceedings by releasing the defendant 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 acquittal judgment should be conducted by specifying the circumstance under which the defendant has been released from all charges as well as by addressing several decision-makings that usually are determined when it comes to imposition of judgment (for example on procedure expenditures, legal property claim etc).

#### **5. Procedure for imposition of acquittal judgment**

Generally speaking there is no any substantial difference concerning procedural rules of rendering acquittal judgment from rendering refusal and sentencing 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 acquittal judgment rendering, and shall be avoid the elaboration of standard procedural rules granted to all types of judgments. As above mentioned, the acquittal judgment may be rendered after conclusion of the main trial and conducting counseling and voting session, when for its rendering is met any of the criteria stipulated by law. When it comes to this type of judgment is required to be conducted administration of evidence and verification of facts concerning defendant's charges for commission of a criminal offence. Their verification as known is conducted in context of the possibility to release the defendant from charges. Consequently, the fact that the offence for which the defendant is charged with does not constitute a criminal offence, that there are circumstances excluding criminal liability of the defendant, or it has not been proven that the defendant has committed a criminal offence being charged with can be done by the parties or mostly by court. In both situations, the fact should be verified through relevant evidence. Such facts may be raised during the whole main trial, although rendering of acquittal judgment can 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 acquittal 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 rendering acquittal 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.

#### **6. Acquittal judgment effects**

As in any judicial decision-making, even in cases of rendering acquittal judgment there shall be caused concrete effects affecting various interests. 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 acquittal judgment are mainly the following:

- 1. The defendant shall be released from accusations being charged with for commission of a particular criminal offence.**-As above mentioned the acquittal judgment is a meritorious judgment, such addressing a concrete resolution for criminal offence being object of trial. "Consequently, through this judgment the court resolves entirely the criminal case, in a concrete case by releasing the defendant from all charges he faced (Compare: Damir,2015, Јеличић, 2016)".



2. **The defendant shall be released from detention on remand, respectively against him is removed any security measure imposed by court.**-This favorable effect for the defendant is immediate, despite the fact which has been the base that determined rendering such decision.
3. **It is determined clear addressing of criminal proceedings expenditures**-When it comes to rendering acquittal judgment criminal proceedings expenditures, excluding those caused by procedure participants fault shall be paid by state budget.
4. **It is addressed the legal property claim matter**-If the injured party has submitted legal property claim the same shall not be resolved through acquittal judgment. When it comes to rendering this type of judgment for realization of such claim the injured party shall be instructed to civil dispute.
5. **There shall be eliminated consequences which the defendant faced because against him has been filed an indictment.**-Consequence of conducting criminal proceedings it may be that the defendant temporarily dismissed from workplace, or to lose any right arising from social insurance etc. Upon rendering acquittal judgment to the defendant shall be returned all the rights he may have lost due to indictment for commission of a concrete criminal offence. So, he must return to workplace from which he may have been dismissed because of indictment filed against him.
6. **The defendant shall be compensated for the damage suffered**- By rendering acquittal judgment the defendant is entitled the right to be compensated about the damage that he may suffered due to charges pressed against him. Thus, for example, he must be compensated for unrealized personal income due to his temporary dismissal from work, when this is the result of the charges brought against him.

## 7. Several data on imposition of acquittal judgment

Drawing concrete conclusions and giving sustainable recommendations concerning acquittal 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 acquittal 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 acquittal 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 120 acquittal 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 acquittal judgments imposed by courts during this period of time.<sup>2</sup>

Period of time	Adjudicated cases	Acquittal judgments
2015 - 2017	Adults: 62311 Juvenile: 8239	Adults: 1882 Juvenile: 00
In total	70550	1882

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

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 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 54072 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' Hajdari, 2015). These data indicate the fact that Kosovo Basic Courts during the researching period have imposed acquittal judgment only in 1882 cases, and that exclusively to adult accused persons. Despite this fact, these courts during the researching period have imposed more often sentencing and refusal judgments for defendants, as

<sup>2</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.gjygesori-rks.org/en/kjc/report/list/> and <http://ask.rks-gov.net/sq/agjencia-e-statistikave-te-kosoves/sociale/jurisprudenca>.

well as they have addressed other decision-making. In this regard, the sentencing judgment has been imposed in 54655 cases (mostly), whereas acquittal judgment in 4140 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. The fact why the abovementioned courts did not impose any acquittal judgment against juveniles constitutes currently an inexplicable matter. Data used prove that the Basic Court of Prishtina during the researching period has mostly imposed acquittal judgments in 734 cases, whereas the Basic Court of Mitrovica has imposed at least 118 cases. Five other Kosovo Basic Courts (Basic Court of Gjilan, Peja, Gjakova, Prizren and Ferizaj) have imposed less acquittal judgments than the Basic Court of Prishtina and more than the Basic Court of Mitrovica (all on average out of 206 judgments). This situation in relation to the Basic Court of Prishtina 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>3</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 acquittal judgments, coverage of this data shall be made based on the study of 120 judgments which four of the seven Kosovo Basic Courts (The Basic Court of Prishtina, Gjilan, Peja and Prizren) have imposed during the researching period.<sup>4</sup> The data of these judgments point out the fact that these courts in 73 cases have imposed acquittal judgments due to the fact it has not been proven that the defendant has committed a criminal offence being charged with, in 25 cases due to the existence of circumstances excluding criminal liability ((in 14 cases due to lack of age for criminal liability and in 11 other cases due to mental disability and factual mistake) and in 22 cases because the offence the defendant has been charged with did not constitute a criminal offense. 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 acquittal 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 acquittal judgment. Acquittal judgment is a court decision of a special type by means of which the court resolves entirely the criminal case. In this case, the resolution of a criminal case is done through release of the defendant from accusations being charged with.

Acquittal 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 acquittal judgment, it is considered, inter alia: a) being a meritorious judgment; b) to be a judgment declaring the defendant released from accusations being charged with and c) to be a judgment addressing effective and formal decision-making concerning criminal case.

The acquittal judgment shall be rendered only after the criteria for its imposition have been met. As criteria on the basis of which this type of judgment shall be rendered are considered the following: a) the offence for which the defendant has been charged with does not constitute a criminal offence; b) the existence of circumstances excluding criminal liability and c) not proving the fact that the defendant has committed a criminal liability being charged with.

The authority to impose acquittal judgment belongs to the competent basic court. Within basic court the authority to impose acquittal 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 acquittal judgment in any case when finds the fulfillment of any requirements stipulated by law.

When it comes to rendering acquittal judgment there are concrete effects that affect numerous different interests. Among caused effects when it comes to acquittal judgment are the following: a) the release of the defendant from accusations being charged with for commission of a particular criminal offence; b) the release of the defendant from detention on remand, respectively removal of any security measure imposed against him by court; c) Clear addressing of proceedings expenditure burden; d) Addressing the matter of legal property claim; and e) Addressing the matter whether or not publishing the judgment through public information means.

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<sup>3</sup> See: Data on Kosovo population of the Kosovo Agency of Statistics. Available at: <http://ask.rks-gov.net/sq/agjencia-e-statistikave-te-kosoves/sociale/registracion-i-popullise-and-banesave>.

<sup>4</sup> The list decisions of basic court. Available at: <http://www.gjyqesori-rks.org/sq/courts/decision/list/3>.

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 1882 acquittal judgments. Such judgments mostly have been imposed by the Basic Court of Prishtina (714), whereas at least, respectively only 118 acquittal judgments have been imposed by the Basic Court of Mitrovica.

Out of 120 acquittal judgments studied of four of the seven Kosovo Basic Courts (Basic Court of Prishtina, Gjilan, Peja and Prizren), it results that these courts in 73 cases have imposed acquittal judgments because it has not been proven that the defendant has committed a criminal offence charged with, in 25 cases due to existence of circumstances excluding criminal liability and in 22 cases because the offence the defendant has been charged with did not constitute a criminal offence. Studied judgments point out that the fact of the presence of insufficient professionalism in the activity of Kosovo judicial system. This due to the fact that majority of such judgments do not contain sufficient explanations that justify rendering of acquittal 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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