

Instruments of Criminal Case Resolution Outside of the Main Trial Under Kosovo Criminal Legislation

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Abstract

Criminal case resolution out of the main trial includes the entirety of instruments through which is made possible by the resolution of a criminal case without having the need to be handled within the main trial. In Kosovo, the Criminal Procedure Code of the Republic of Kosovo recognizes four such instruments: temporary suspension of proceedings, mediation, punitive order and decision-making during the initial review of the indictment. By application of these instruments shall be realized benefits of state character (public), group benefits and by criminal proceedings parties itself (the defendant and victim).

Modest results of this scientific paper indicate that in Kosovo during the period of time 2013-2015 courts and prosecutions have applied instruments of criminal case resolution in relatively rare cases. The number of resolved criminal cases through such instruments participates in general number of resolved criminal cases by only 8.99%. This conclusion results from the conducted analysis for the researching period of time to Basic Court of Prishtina, Gjilan, Mitrovica, Peja as well as for Basic Prosecutions. Therefore, is necessary for respective institutions of the country to stimulate the more common application of these institutions evaluated to be more practical, more beneficial to parties and less costly for the state budget. Therefore concerning this issue it is preferable to follow the experiences of modern countries such is the case with USA, England, Germany, Italy etc..

Key words: Court; Prosecution; Suspension; Mediation; Order

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INTRODUCTION

By criminal case resolution outside of the main trial should be implied situations through which legislators of different countries through their (laws) codes of criminal procedure make it possible the resolution of criminal cases without having the need to be handled within the main trial. Contemporary countries recognize various numbers of instruments of criminal case resolution outside of the main trial. Kosovo as abovementioned in its legislation legalized four such instruments.

Criminal case resolution outside of the main trial manifests important effects of state character (public), group character and of criminal procedure parties itself, especially to (the defendant and victim).

Through these instruments is affected in reducing the number of pending court cases, in cutting public money expenses, in a raise of social responsibility level, in elimination of vigilantism cases etc..

During the research of this topic have been consulted data of four from seven Basic Courts currently exist in the Republic of Kosovo, and the Basic Court of Prishtina, Gjilan, Mitrovica, and Peja, and Basic Prosecutions. Such data prove these courts and prosecutions, abovementioned instruments of criminal case resolution outside of the main trial during the period of time 2013-2015 have applied relatively in rare cases. Modest results of this scientific paper indicate that criminal case resolution outside of the main trial within these courts and prosecutions in the total amount of criminal cases to resolution participation by only 8.99%. Therefore, in the future it will be recommended to Kosovo courts and prosecutions to

apply these institutions more often during the application of criminal proceedings, by taking into account benefits brought by application of these instruments.

1. A BRIEF OVERVIEW IN UNDERSTANDING CRIMINAL CASE, MAIN TRIAL AND CRIMINAL CASE RESOLUTION OUTSIDE OF THE MAIN TRIAL

Criminal case is a real occurrence which by its content indicates a concrete criminal offence and its perpetrator (Hajdari, 2014, p.81). It is a rule that criminal case to be reviewed in criminal proceedings. However, in order to be subject of review is required to be initiated criminal proceedings by the competent state prosecutor.¹ State prosecutor commences the criminal proceedings when there is a reasonable doubt that has been committed a criminal offence. Concerning the suspected person duly state prosecutor conducts investigations and after ensuring relevant evidences referring to criminal case he shall press charges and proceeds case to the competent court. Court as a basic subject of criminal proceedings has the responsibility to legally and justly detect and resolve the criminal case. Court exercises this responsibility within the main trial. Therefore,

the main trial constitutes the most important stage of criminal procedure. It includes the entirety of procedural actions that should be conducted for appearance of parties in court and hearing their claims, for taking evidences and their evaluation, for just solution of the case and rendering the judicial decision based on law and evidences. Main trial shall be conducted at hearing session under rules determined by Criminal Procedure Code, such as: Publicity of the hearing and the manner of its course, the presence of the defendant at the hearing, presence of defendant at the hearing, uninterrupted trial, keeping of records etc.. (Hajdari, 2013, p.181)

Complicated nature of the main trial requires a long preparation, deep study of the case and well elaborated plan by the single trial judge or presiding judge. All activity of the main trial is summarized in the beginning of the main trial and declaration of the accused, presentation of evidences and closing arguments of parties (Hajdari, 2013, p.51). In fact, the focus of the main trial is the issue of administrative evidences referring to concrete

¹ Criminal proceedings shall be commenced when concerning criminal offences and its alleged perpetrator has been issued a verdict on the initiation of investigation or to be filed a direct indictment. Both these acts according to the Criminal Procedure Code of the Republic of Kosovo shall be issued by state prosecutor. Issuance of a decision in application of investigation is a rule, whereas direct indictment (without conducting investigation) is an exemption that can be done only in cases of criminal offences punishable by fine or imprisonment up to three years and when they are committed in extremely mitigating circumstances (for example by negligence, being drunk etc.). See article 101, paragraph 2 of the Code of Criminal Procedure of the Republic of Kosovo (Code no. 04/L-123) which entered into force on January 1, 2013.

criminal case, which were presented by parties or which *ex-officio* were provided by a competent court. Whereas by criminal case resolution out of the main trial should be implied situations through which legislators of different countries through their codes (laws) of criminal procedure make it possible the resolution of criminal cases without having the need to be handled within the main trial. In these cases the accused persons in the commission of criminal offences avoid a large extent their stigmatization in criminal proceedings, whereas state avoids spending significant amounts of money as well as it becomes possible more advanced criminal procedure efficiency. Consequently, by bearing in mind multiple benefits already legislators of numerous contemporary countries have foreseen several possibilities of criminal cases resolution out of the main trial. Criminal Procedure Code of the Republic of Kosovo has provided in total four such possibilities. For these possibilities shall be discussed within this article.

2. THE IMPORTANCE OF CRIMINAL CASE RESOLUTION OUTSIDE OF THE MAIN TRIAL

Criminal case resolution outside of the main trial has multiples importance. Consequently, this issue manifests stretch of interest in criminal procedure law² as well as in criminal law (Latifi, Elezi, & Vasilika, 2012, pp.257-259) and criminal policy (Milutinović, 1984, pp.321-322). In fact, the importance of criminal case resolution outside of the main trial has to deal with the fact that through application of such possibilities shall be realized concrete benefits of state (public) character, as well as group and individual character benefits dealing with accused and victims of crimes.

2.1 State (Public) Benefits

Through application of instruments of criminal case resolution outside of the main trial shall be realized various state benefits, respectively public benefits. Nevertheless in Kosovo practical realities of life, within this article shall be discussed in only three of them.

- (a) Is affected by reducing the number of criminal cases proceeding in the courts. Addressing criminal cases resolution outside of the main trial are more simple than in cases when they become the subject of regular treatment in criminal proceedings, respectively through their proceeding at the main trial. In these cases shall be shortened timelines of their resolution. This

² In Kosovo according to Criminal Code Procedure have been foreseen four possibilities of criminal case resolution outside of main trial. They are: temporary suspension of proceedings, mediation, giving the punitive order and decision-making during the first review of the indictment.

approach has a great criminal policy importance bearing in mind the fact of Kosovo Courts wait for resolution 440,832 cases, from which half of them are criminal cases the Court Statistics report, 2015).

- (b) Shall be shorten public money expenses which in terms of conducting regular criminal proceedings (standard) would be spent for witnesses, experts, and other lump sum expenses, which shall be estimated of a particular importance due to the fact Kosovo continues to have a very limited budget.³
- (c) Society shall be protected from re-commission of criminal offences, based on the fact the accused persons for commission of criminal offences in relation to which were applicable any instruments of criminal case resolution outside of the main trial in practice very rarely decide to commit again criminal offences, in comparison to persons against which were applicable regular criminal proceedings, despite judgment imposed by the court (Hajdari, 2010, p.591).

2.2 Group Benefits

From application of concrete forms of criminal case resolution outside of the main trial realize concrete benefits also certain groups of society. Benefits realized by application of such instruments have motivated numerous perpetrators of criminal offences to be included in such proceedings, the so-called shortened procedure. Thus in 2015 in comparison to 2014 in Kosovo the number of accused persons to which courts applied procedures of criminal case resolution outside of the main trial has increased by about 2%.⁴

In addition, from application of instruments of criminal case resolution outside of the main trial realize benefits also families of criminal offences perpetrators and victims, based on the fact in such cases it comes to a fade of eventual enmities that could exist between them including the elimination of vigilantism cases.

Finally, benefits from application of instruments of criminal case resolution outside of the main trial shall be realized also by social environment where perpetrators and victims of crime live. In this way they get concrete lessons for resolution of different conflicts through apology, compensation of damage etc., and so avoid application of regular procedures which usually take more time.

2.3 Benefits for Perpetrators and Victims of Crime

In essence greatest benefits from application of instruments of criminal case resolution outside of the main

³ This budget in recent years, although it has increased does not exceed more than a half billion dollars per year.

⁴ See: Criminal records of Basic Court in Pristina, Gjilan, Mitrovica and Peja for the period of time 20014-2015.

trial are manifested in relation to perpetrators and victims of crime. In the following shall be presented by some of these benefits:

- (a) Perpetrators of criminal offences shall be motivated to educate with the feeling of repenting for the committed offence, apology and compensation of damage for victims of crime. This is dictated by the fact that several of such instruments, such is the case with procedure on giving punitive order shall be implemented in practice only if the accused person repent for the committed criminal offence, apologizes to the victim and indicates readiness to compensate the inflicted damage. Such acting approach has been very effective in elimination of vengeance feeling, which concerning various criminal offences, such is the case with criminal offences against life and body, those against sexual integrity, etc., continues to be present to a considerable category of victims of these crimes.
- (b) Perpetrators of criminal offences shall be motivated to educate with the feeling of cooperating with state prosecution and courts for resolution of concrete criminal offence and detection of other perpetrators (in cases when in the commission of criminal offence participated more than one perpetrator) in exchange of concrete benefits concerning the height of punishment that shall be imposed. So, in cases of first review of charge when the accused pleads guilty legislator has conferred the possibility against him to be imposed a more lenient punishment, including the possibility of release from punishment (Sahiti, Murati, & Elshani, 2013, pp.624- 626).
- (c) Victims of crime shall be motivated in coordination with criminal procedure bodies to raise the level of communication with perpetrators of criminal offences in order to realize easy compensation of damage inflicted by criminal offence. By means of applying instruments of criminal case resolution outside of the main trial comes to realization of property claims of victims of crime more quickly, easily and in a way that satisfies more criminal procedure parties.

3. INSTRUMENTS OF CRIMINAL CASE RESOLUTION OUTSIDE OF THE MAIN TRIAL

The Criminal Procedure Code of the Republic of Kosovo, as abovementioned, has provided four instruments through which made it possible for the criminal case resolution

outside of the main trial. For these instruments, shall be discussed in the following:

3.1 Temporary Suspension of Procedure

Temporary suspension of procedure represents a type in itself of alternative procedure, through which state prosecutor aims to avoid punishment of light criminal offence perpetrator. Consequently, the state prosecutor according to article 230 paragraph 1 of the Criminal Procedure Code of the Republic of Kosovo, the state prosecutor may suspend the criminal prosecution of a criminal offence punishable by a fine or imprisonment of up to three (3) years, with the consent of the injured party taking into account the nature, circumstances and character of the criminal offence and the perpetrator, if the defendant undertakes to behave as instructed by the state prosecutor and to fulfill certain obligations to relieve or remove the harmful consequences of the criminal offence,⁵ if the defendant fulfills the obligation within a prescribed period of time not exceeding six (6) months, the criminal report shall be dismissed or the investigation shall be terminated. In these cases, the injured party has no right to propose criminal prosecution the state prosecutor shall inform him prior to give consent for suspension of criminal prosecution (Marina, 2004, p.344). In meantime in cases when the defendant does not compensate the inflicted damage, or does not perform other determined obligations, to the state prosecutor is given the possibility depending on evaluation of situation, to be able to commence the criminal prosecution (Hajdari, 2013, p.120).

Despite the fulfillment of formal conditions, legislator made it clear the fact that state prosecutor cannot apply the instrument of suspending investigation, even though for this there is a consent of injured party, in cases of domestic violence or sexual violence (Ibid.).

Finally, the state prosecutor, under paragraph 1 of the article 231 of the Criminal Procedure Code of the Republic of Kosovo shall not be obliged to initiate a criminal prosecution or may abandon prosecution:

- (a) If the criminal law provides that the court may waive the punishment of a perpetrator of a criminal offence and the state prosecutor determines that in view of the actual circumstances of the case a judgment alone without a criminal sanction is not necessary; or
- (b) If the perpetrator of a criminal offence punishable by a fine or imprisonment of up to one (1) year expresses genuine remorse over the criminal offence and has prevented harmful consequences or compensated for damage and

the state prosecutor determines that in view of the actual circumstances of the case a criminal sanction would not be justified.

Although temporary suspension of the procedure does not seem as an instrument of criminal case resolution, in fact it results to be such. This due to the fact to the defendant in such cases shall be imposed obligations resulting to be identical to those that could be imposed to him for example by imposing punitive order, but also due to the fact when the defendant fulfills certain obligations in relation to criminal case against him, the state prosecutor is obliged to terminate the investigation.

3.2 Mediation

Mediation is an institution of criminal law that allows alternative resolution of criminal case between subjects of law in extra-judicially manner (Hajdari & Krasniqi, 2012, p.129). According to paragraph 1 article 232 of the Criminal Procedure Code of the Republic of Kosovo The state prosecutor may refer the criminal report on a criminal offence punishable by a fine or by imprisonment of up to three (3) years for mediation.⁶ Before so doing, the state prosecutor shall take account of the type and nature of the act, the circumstances in which it was committed, the personality of the perpetrator and his or her prior convictions for the same criminal offence or for other criminal offences, as well as his or her degree of criminal liability.

Mediation as an instrument of criminal case resolution outside of the main trial may be authorized also by court, of course after criminal case shall proceed to court. In these cases, this instrument shall be applicable only a single trial judge and only for criminal offences to which this authorization belongs also to the state prosecutor (Sahiti & Murati, 2013, p.328).

Mediation is done by an independent mediator. Mediator as a third party helps the perpetrator and victim to reach an agreement and reconciliation. In order to achieve this goal mediator has available a period of time up to three months. The mediator shall be a reliable, independent and with high professional and moral credibility person. He is obliged to accept the case sent by the state prosecutor or the court and to undertake necessary measures to ensure that content of the agreement is proportional to the seriousness and consequences of the offence (Hajdari, 2016, pp.607-608).

Mediation is conducted in order to reach the agreement between parties at the end. However, the legislator made it clear the fact that agreement can be reached through mediation only by consent of the defendant and the injured

⁵ Obligations attributable to the defendant to be fulfilled mostly have to deal with: Compensation of damage, payment of a contribution to a public or a charity institution or fund for compensation of damage of victims of crime, or performing work in general public interest (for example cleaning the streets).

⁶ This competence to the court respectively to the single trial judge adjudicating in the General Department of Basic Court recognizes the Law on Mediation of the Republic of Kosovo Law No. 03 / L-057 (article 9, paragraph 6).

party. Observed in these terms, when the mediator considers necessary he shall set up separated meetings with them. Of course, he may propose alternatives and ideas how could criminal case be resolved, but parties are independent to decide definitely on the matter. When the parties reach an agreement in mediation, the mediator shall compile a written agreement which shall be signed by the parties (perpetrator and victim) and the mediator himself. The reached agreement through mediation instrument is equivalent to the final document (judicial decision) and is mandatory for parties (Hajdari, 2016, p.608).

Mediator is obliged to inform the state prosecutor and court, respectively a single trial judge for reaching an agreement as well as for failure to reach an agreement, by means of which shall be notified on reasons of such failure. Therefore, after taking the notice on reaching the agreement state prosecutor dismisses the criminal report, whereas the single trial judge concludes the case (Pavišić, Vučković, & Radolović, 1998, p.423.). After this the injured party has no right to initiate prosecution or to require proceedings of the case. Mediator is obliged to notify the injured party for loss of this right before he agrees to the agreement. Whereas, if the mediator fails in reaching the agreement or exceeds the foreseen timeline up to three months to reach it, the state prosecutor may continue with criminal prosecution or the single trial judge to continue with adjudication of such case.

It is important to emphasize the fact that mediation instrument in Kosovo courts and prosecution practice has not been applicable sufficiently. For the degree of its application and causes of such condition shall be discussed in the following of this scientific paper.

3.3 Giving Punitive Order

Giving punitive order as a criminal procedural institution may be initiated by the state prosecutor for cases of commission of criminal offences which is punishable by fine or imprisonment up to three years.⁷ In cases of these criminal offences for commission of which has been informed by criminal report based on credible evidences, state prosecutor may require in indictment that court to give a punitive order through which to the accused shall be imposed a respective punishment without conducting the main trial.⁸

A single judge according to paragraph 1 of article 494 shall dismiss a request to issue a punitive order and sets main trial when:

- (a) Concludes for a criminal offence such request may not be filled;
- (b) The state prosecutor requests the imposition of a punishment which is not permitted under the law; or
- (c) Considers that the information in the indictment does not offer sufficient grounds to issue a punitive order or that according to such information the imposition of some other punishment than the one requested by the state prosecutor can be expected, he or she shall, upon receipt of an indictment, schedule a main trial.

When a single trial judge agrees with the request of the state prosecutor, he gives a punitive order by judgment, through which court declares the defendant guilty for the committed crime. A punitive order shall be handed out to the defendant and its lawyer (if he has one) as well as to state prosecutor. The defendant and its lawyer within eight days after receipt, may submit an objection against punitive order orally or written in the court record. They may propose evidences in favor of the defense. The defendant may waive from the right to objection, but he cannot withdrawn from the filed objection after the appointment of the main trial.

Also this instrument of criminal case resolution outside of the main trial results to have a relatively small applicability in Kosovo judicial practice. For the degree of its application and causes determining such situation shall be discussed in the following of this scientific paper.

3.4 Decision-Making During Initial Review of Indictment

Review of indictment aims to prevent the appearance of the accused at main trial without having relevant evidences addressing its guilty on charges for the commission of concrete criminal offences, but also for maintaining the authority of court which could be infringed when before the court shall be handled a big number of unfounded indictments. However, with new solutions of the Criminal Procedure Code of the Republic of Kosovo review of indictment has another goal and that is making possible the imposition of punishment without having the need of conducting main trial for the accused who plead guilty, of course when there are concrete relevant evidences supporting the charges against him.

Consequently, when a single judge or presiding judge during the evaluation of guilty plea of the defendant is convinced that: (a) the defendant understands the nature and consequences of the guilty plea; (b) guilty plea is made voluntarily by the defendant after sufficient consultation with counsel (when the defendant has a counsel); (c) guilty plea is based on the facts of the case contained in indictment or materials presented by state prosecutor to supplement the indictment accepted by the defendant and any other evidence such as testimony of witnesses (Sahiti, 1999, pp.106-123) and (d) the

⁷ It is about criminal offences committed by negligence and in cases when the defendant has been repented for the commission of offence, apologizes to the injured party for the inflicted damage and shows willingness to compensate the damage.

⁸ The state prosecutor may request the imposition of one or more of the following measures: A fine, prohibition on driving a motor-vehicle, an order to publish a judgment, the confiscation of an object, a judicial admonition or the.

indictment does not contain any clear violation or factual errors so it takes a decision by means of which approves guilty plea by the defendant and continues to imposition of punishment (Hajdari, 2013, p.43). In these cases, the imposition of punishment is done without having the need to conduct the main trial.

Duly, when a single judge or presiding judge during initial review of indictment, after considering the guilty plea agreement, it shall be focused in imposition of punishment against the defendant he shall assign a special hearing anytime that is necessary to be proven relevant facts concerning punishment. In such hearing should be present the parties and the counsel of defendant and in this hearing shall be reviewed the issue of criminal offence gravity, circumstances of its commission, motive and the goal of commission of criminal offence etc. In other words, in this hearing shall be reviewed all circumstances that could influence in height of punishment that shall be imposed to the defendant (Hajdari, 2016, p.662).

Although this instrument of criminal case resolution outside of the main trial in Kosovo criminal procedure practice bodies is more present than other instruments abovementioned, yet the level of its application it turns out to be unsatisfactory. Also for this fact and influencing circumstances concerning this shall be discussed in the following of this scientific paper.

4. SEVERAL DATA ON CRIMINAL CASE RESOLUTION OUTSIDE OF MAIN TRIAL

In order to be able to come to conclusions and to address

Table 1
Data on Resolution of Cases Outside the Main Trial Court in Kosovo

Years	Criminal cases resolved by application of main trial	Temporary suspension of procedure	Mediation	Giving punitive order	Decision making during initial review of indictment	In total criminal cases resolved
2013-2015	20,741	413	472	499	667	22,794

According to these data, during the period of time 2013-2015 by Basic Court of Prishtina, Gjilan, Mitrovica and Peja and Basic Prosecutions have been resolved 2,051 criminal cases through the application of criminal cases resolution instruments outside of the main trial. Among these cases through temporary suspension of criminal procedure have been resolved in 413 cases, by mediation 472 cases, by giving punitive order 499 cases and through decision-making during the initial review of the indictment have been resolved in 667 criminal cases.

The used data prove from these basic prosecutions through application of these instruments have been resolved 615 criminal cases (413 by suspending procedure and 202 by mediation) whereas by abovementioned courts have been resolved 1,436 cases. As it results, through decision making during initial review of indictment have been resolved the biggest number of criminal cases outside of main trial (667 cases), whereas fewest cases

concrete as well as useful recommendations for respective state institutions and society in general by using modest results of this scientific paper has been necessary to examine and study the work of the state prosecution and courts concerning the application of instruments criminal case resolution outside of the main trial in Kosovo for the period of time including the last three years (2013-2105). We have been focused in this short period of three years based on the fact that two of the four instruments on the basis of which can be done criminal case resolution outside of the main trial have been included in domestic legislation only by Criminal Procedure Code of the Republic of Kosovo which entered into force on January 1, 2013. Presentation of prosecution and courts work concerning these instruments were not easy at all. This due to the fact concerning the work of these two institutions during the researching period there are no published data. Such data are not published within reports which regarding prosecution and court work are published by Kosovo Prosecutorial Council and Kosovo Judicial Council. Despite this fact, in the following treatments, presentation of cases of criminal case resolution shall be based on data obtained from criminal registers of four of the seven basic courts which currently act in the territory of Kosovo, and the Basic Court of Prishtina, Gjilan, Mitrovica, Peja and prosecutions.⁹

In the following, in a special table shall be presented data concerning the number of criminal cases which state prosecution and Basic Courts of Prishtina, Gjilan, Mitrovica and Peja have resolved outside of the main trial during the period of time 2013-2015.

have been resolved through temporary suspension of criminal procedure.

From these data results that number of resolved criminal cases through application of main trial participates in general number of criminal cases resolved by Basic Court of Prishtina, Gjilan, Mitrovica and Peja and by prosecutions with 91.01%, whereas the number of resolved criminal cases outside of main trial participates by only 8.99% of cases.

This fact indicates that Kosovo state prosecution and courts prefer more resolution of a criminal case through application of the main trial as a traditional manner of solving them. This occurs due to the fact criminal procedure bodies during resolution of criminal case

⁹ See: Criminal registers of the Basic Court of Prishtina, Gjilan, Mitrovica and Peja and basic prosecution during the period of time 2013-2015.

prefer confrontation of criminal procedure parties with more evidences and arguments before making a decision concerning criminal case, a circumstance that it appears to come to expression in the main trial.

Bearing in mind the advantages of criminal case resolution instruments outside of the main trial, I consider state prosecution and courts should in the future apply more often these instruments of criminal case resolution. To do this, we must follow the positive experiences of other advanced countries such is the case with USA, England, Germany, Italy etc..

As it results in a number of criminal cases, although they could easily be resolved through application of instruments criminal cases resolution outside of the main trial, they were not resolved in this manner. For this, probably influenced the fact of lack of experience, but also the lack of proper level of professionalism. Therefore, I consider that state prosecution and courts in the future should organize relevant trainings which increase the level of professionalism in the work of judges and prosecutors towards common application of these instruments, so in this way state and criminal procedural parties easier to manifest their interests in criminal proceedings.

CONCLUSION

Modest results of this scientific paper led me to these conclusions:

- (a) Instruments of criminal cases resolution outside of the main trial make it possible resolution of criminal cases without having the need to become subject to their treatment within the main trial. In these cases is made possible evident defense of the defendants from their stigmatization, which otherwise is evident when the criminal case is resolved through the main trial.
- (b) Code of Criminal Procedure of the Republic of Kosovo has provided four instruments of resolving criminal cases outside of the main trial. These instruments are: temporary suspension of proceedings, mediation, giving the punitive order and decision-making during the initial review of the indictment.
- (c) Resolution of criminal offences outside of the main trial manifests important effects of state (public) character, group character and criminal procedure parties itself, especially for the defendant and victim of crime. Through these instruments is affected in reducing the number of pending court cases, there shall be cut off public money expenses, there shall be a raise of social responsibility level, and shall be eliminated from the cases of vigilantism.
- (d) During the research of Basic Court of Prishtina, Gjilan, Mitrovica and Peja work as well as to basic prosecutions, has been noticed that during the period of time 2013-2015 they have applied to instruments of criminal case resolution in very few cases. According to use data these courts and prosecutions during this period of time, have resolved 2,051 criminal cases through the application of instruments of criminal case resolution outside of the main trial. Among these cases through temporary suspension of criminal procedure has been resolved in 413 cases, by mediation 472 cases, by giving punitive order 499 cases and through decision-making during the initial review of the indictment has been resolved of 667 cases. This figure participates in the general number of resolved cases by only 8.99%.
- (e) Kosovo courts, bearing in mind the great importance they have been required in the future to apply more often instruments of criminal case resolution outside of the main trial. In this regard, is required for Kosovo prosecutors and judges to be developed respective training programs that would motivate them toward common application of these instruments.

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