

The Victims of Road Traffic in the Territory of Kosovo and the Way of Their Compensation-Indemnity

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Abstract

Taking into account the fact that in the world the road traffic accidents happen very often and go up to very large numbers, which often are also very disturbing, then there is an indispensable need to study this problem, because without identifying the problem and its causes then it can neither be fought nor prevented.

The significance of this paper lays on the presentation of some data regarding the number of accidents and their victims, the ways of compensation for the damage and the presentation of some measures in order to protect the victims of accidents from secondary victimization.

This paper fills a scientific gap for victims of accidents and their way of compensation, which until now for the case of Kosovo has been not addressed significantly in terms of theory and practice also. For the presentation and the development of this issue have been used statistical method, comparative method and among others also the case study methods.

In other words, the main purpose of this paper is to present data that expose the difficulties for the realization of the right of victims after suffering accidents and also to propose some norms that would protect the victims from secondary victimization, as victims after suffering a traffic accident may be hurt again until the realization of their demand for compensation according to the law.

Key Words: Victim, Compensation, Road traffic, Factors, Damages.

1. Introduction

Nowadays, the world has been filled with various kinds of events, most of which are characterized as excruciating. The method to be familiar with events of different level such as those of local, regional or global level is different.

If we look at the data for the whole world provided by the written or electronic mass media, we can gather data and explanations for many events, most of which are unpleasant, disturbing, painful and even shocking. Even more disturbing is the fact that most of these unpleasant events, which happen around the world are caused by the humans themselves.

In the group of these events caused by the human, separated are the events which are oriented toward the human and also more of them oriented toward ourselves (starting from the actions of the pollutions of the environment, then the destruction of flora and fauna, the layer of the ozone.... and the suicides), events which are oriented toward the damage of ourselves.

If we distinguish criminal actions, even these in this era considered as modern, are various and carried out by man to man, in such manners and proportions that often a sensible man comes to the question as how to call its kind, ...Almost all actions that affect negatively the values of society, the human (his life, health and integrity), are the criminal acts committed by the human.

So, the diversity (nomenclature) of criminal actions and their consequences are various, from the consequences of criminal actions which are of individual size, to the size of a group and even to the consequences of a massive size. In simple words, current times which are considered as "modern-civilized", human with supposedly a high intellectual consciousness, does evil things and various crimes which do not differ greatly from those conducted during the ancient times, in some instances they may even exceed them.

It is worth to mention macabre crimes of murder, torture, rape, slavery, terrorism up to those that culminate with crimes of exterminator character (genocide).

Thus, during one day, in the world are caused hundreds of thousands victims of various kinds of crimes. But also the causes of such deaths are different. Some researchers enumerate the causes - factors of human deaths (human victims) to dozens, some to hundreds, and so on.

In the framework of the factors causing human victims, are also victims caused by the actions or inactions of humans in the road traffic (traffic accidents). Scientific and research data regarding the causes of human deaths, indicate that this factor or cause is quite large and even worse, the fact that it is at a growing trend. The phenomenon of the increasing number of road traffic victims is noted at the global level, at regional level and around the whole Albanian region. And this phenomenon is certainly worrying also for the society of Kosovo. The statistical data for these victims for the period 2004-2008, tell that there are 155 victims a year. This number is high in comparison with other Balkan countries, except for Albania.

2. Victims of the road traffic in the territory of the Republic of Kosovo

Terrestrial road traffic is considered the place where the movement of any motor vehicle or other vehicle takes place, which may move or stay in any terrestrial route in which the movement of motorized vehicles or other vehicle takes place.

Road Traffic Victims (terrestrial) are considered all those human victims who as a result of unlawful acts or inactions of the others in the terrestrial road traffic may have their life, health or any other goods violated.

In fact, many victims of road traffic (terrestrial) are caused as a result of acts or inactions of human beings, which are often illegal.

If you look at the data for the year 1990, at global level, within the ten greatest factors of human deaths we observe that the death victims as a result of the traffic accidents, are ranked in the ninth place, while according to the research of this nature, in 2020 is foreseen that the number of human victims as a result of traffic accidents, will increase and will be listed in third place¹.

According to a study published by the World Health Organization, today in the world, only within a year, are caused about 1,300,000 human victims with fatalities from traffic accidents. From this number, about

¹ Halili, R., (2007), "Viktimologjia", Prishtina, pg. 92.

260,000 are children. Also within a year are caused about 50 million victims with body injuries, with over a million victims who have been with serious body injury. Depending on the country, geographical region, state regulations, economic conditions, and other factor, the number of victims of this type varies.

From the above data, India occupies the first place for death victims as a result of traffic accidents, with 114.59 victims per 100,000 inhabitants, or with about 110,000 human deaths within a year. Then in the second place is China, with about 89,455 death victims per year.

Thus, only within a day, in the world, over 3,000 people die as a result of traffic accidents. From this number, more than 1000 are children².

While in Kosovo, during the 5-year period (2004-2008), are caused approximately 68,005 traffic accidents, where 23,739 were victims with injuries and 770 were victims with death. On average there are 155 victims with fatalities per year, or about 7.6 death victims per 100,000 inhabitants³.

Even in Kosovo, the number of victims as a result of traffic accidents is extremely large and this number is relatively increasing. In the same time, also the factors that cause this high number of victims as a result of traffic accidents are numerous.

2.1. Factors-causes for the appearance of road traffic victims

In fact, no human victim (with injuries, death or any other form of victimization), is caused without any factor-cause.

As in other cases of human victimization caused by various factors, also victims of road traffic are due to various factors. Factors that influence the cause of road traffic victims are numerous. They are divided into two major groups of factors:

- a. Objective factors (or external), and
- b. Subjective factors (or internal).

2.1.1. Objective Factors

Objective factors are important because they influence the cause of human victims of road traffic. Such factors are called as external factors because they are indirectly related with the activities of the human but in

² World Health Organization, (2009),

³ Kosovo Police Service (2009), "Reports for the period (2004-2008)" Prishtina.

some way these factors are also related to the human. The most important objective factors mentioned are:

- the technical condition of the vehicle,
- physical condition of the road/s,
- the equipment of the roads with traffic signs⁴,
- weather-climatic conditions,
- the density of vehicles on the road,
- lack of electronic control of the drivers,
- lack of road traffic police control.

2.1.2. Subjective Factors

These factors are determinant in the causes of human victims in road traffic because of their direct relations with the actions of a human. So, the man is the person who with his actions or inactions can cause the human victims of this kind.

This is justified by the fact that even in developed countries, where fulfilled conditions that are required at objective factor, traffic road accidents and human victims exist same as in the countries that lack the objective factors.

Within the subjective factor, are:

- Mental condition (abnormal condition) of a driver,
- Driving tired (exhausted),
- Emotional state (especially the youth),
- Mental illness (different diseases),
- Use of alcohol and narcotics,
- The uncontrolled speed of the vehicle (not adjusting the speed of the vehicle),
- Lack of experience in driving a vehicle,
- Obstacles from pedestrians etc.

All these sub factors, some more and some less, contribute in the cause of victims in traffic or outside it. But the most important factor, among these factors, is the human or the factor that is associated with the human. I consider so because of the fact that the human with his action, inaction or omission, for a brief moment can orient his life or that of others toward

⁴ Limani, F., (2004), "Veprat Penale në Fushën e Qarkullimit Rrugor, në Republikën e Shqipërisë", Prishtina, pg. 58.

death, changes his physical condition or of the other people, whether involved in the accident or outside it, as passers etc. So, of this nature are mentioned all points of the subjective factor.

In addition, also the lack of traffic control by the road traffic police impacts, who in the contrary, if they would act according to the conditions which respond to the time and space would for surely impact on the decrease of accidents. It is thought so because of the fact that in our space, so far, we only have few streets which are projected-suitable to driving at the speeds over 80 km per hour. We live in a place where within a few years, the number of road traffic vehicles has been multiplied. If we compare the roads that we have, there has been a disproportion created between the demand (the roads) and the supply (the vehicles). Also it is evident that a proper experience at driving the motor vehicles for most of the drivers is missing, then also for many young people prevails the euphoria to drive their vehicle at a greater speed (unlimited), which is not supported by the roads where they act. In these situations the traffic police should be activated more, who in fact are not very engaging in present time.

For the time that we are researching, there are present many factors and conditions that favour the traffic accidents, that is why the traffic police should be more active in road checks. It is not enough to be activated after a fatal accident or at the end of a month as it is now a practice and to give traffic fines in order to justify their work, but they must be activated in many places where the risk is foreseen, to patrol on the roads in order to influence in preventive way the drivers.

It is worthy to mention that in 2007, in Kosovo, were given 206,178 traffic fines while in 2008 were given 204,836 traffic fines for violating traffic rules on the roads⁵, also in subsequent years the condition of fines does not change, and that has not shown the desired success. But the traffic police should develop a way of continuous activity on the roads, so that in places where the risk for accidents is foreseen and where the accidents have actually occurred, a police patrol should be positioned in order to discipline the road traffic participants. It happens too often on the roads of Kosovo that you drive a very long way and you do not encounter any traffic police patrol. This shows a lack of proper control by the road traffic unit.

⁵ Kosovo Police Service, (2009) "Report for the period 2004-2008", Prishtina.

Currently in Kosovo, the road traffic police control is necessary as there is no electronic control that would control the vehicles' speed of movement, driving through a red light, etc., as it exists in developed countries. The human factor is one of the determining factors of human victims from these actions, inactions or omissions that are performed by the human himself but which are contrary to the norms of human behaviour (driver) in traffic. To determine the guiltiness or the ungainliness of an accidented person and whether he influenced the occurrence of an accident is difficult.

But if the procedure, such as the insurance of the scene, measurement and preliminary conclusion of the scene, starts correctly by the competent people, such as the traffic police with high professionalism and without bias, then also from the professional expert with high expertise in the field of traffic, and lastly also from the court, then all this will issue a fair and objective assessment. This would lead to the disclosure of the truth and would allow the victim for the realization of the right related to fair and adequate compensation for the damage that has been suffered.

So an important issue for the rights of the victims of road traffic (terrestrial) is the issue of compensation for the damage.

As we saw from aforementioned data (reports) it is noticed that in the world, in the region and also in our country (around the Albanian region) the number of victims and damages caused by the traffic accidents is not small.

3. The compensation - indemnity of the victims from road traffic accidents

As it is known, the traffic accidents are mainly caused by the acts, enacts, and omissions of the human and they mainly affect the human factor and his wealth. Thus as a result of an accident, the victim suffers in terms of:

- Non-materiality,
- Materiality.

In the non-material aspect, the victims suffer physical pain, fear, reduction or loss of vital activity, reduction or loss of ability to work, disfigurement of the body, spiritual pain experienced when it comes to the loss of relatives (life and health seriously damaged).

While in material aspects, the victims are damaged in terms of assets that can be calculated in monetary value:

- expenses created in the case of recovery,
 - compensation for another person who helps the victim while sick,
 - nutrition reinforcement,
 - costs created for climate rehabilitation etc.,
 - lost profits, that is, monetary values or assets calculated in cash which would have been realized by the victim if the accident would not happen, etc.
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- a. **In the recovery expenses** (medical expenses), are calculated the costs that the victim has paid for a recovery as a result of injuries caused in a traffic accident. They can be: costs of a possible operation or costs of different medical treatments, costs of buying medicines, costs of traveling for checkups, x-rays, tests and various therapies such as physical, etc., costs of recovery and climate rehabilitation in a spa, sea or clean air in heights (mountains) etc.
 - b. **Costs for the help and care of another person** during healing are considered those costs that should be compensated to the person who cares for the person until he/she does not need any care.
 - c. **Cost for necessary food**, which is considered as reinforced food during the healing, should include the costs that the victim- the injured has used more nutritious food, as long as it was necessary.
 - d. **Costs for the damage of clothing** should include the costs for the damaged clothing in case of accident, at reasonable value of the clothing that the victim has used.
 - e. **In the lost profits**, are estimated the profit that the victim would have realized if she would not be involved in accident and would not be damaged. Such can be for example: the personal income derived from any work or service contract that have been left unperformed, tuition to be paid etc. In a word, this involves all the profit, which the victim would have realized or had planned to realize before the accident.

Although the material damage is calculated in terms of money and that in some cases it could be quite high for a victim injured in a traffic accident, it is not so important (high) while the non-material damage is much more important (higher). So, taking into account the forms of damage, the

compensation in the aspect of non-material damage is difficult to determine and difficult to be assessed in the right way.

Thus, the victim in the case of traffic accident can also suffer damages in the non-material aspect.

This means physical and psychological damages to the victim, which damages in a way can be compensated in monetary value, depending on the severity of the injury and its consequences.

In traffic accident, the victim suffers (is damaged) in physical and psychological terms through which his/her health or life is violated.

When it comes to the violation-injury of victim's health, it must be compensated or reimbursed to him/her for the physical damage that may be; damage to any part of the body, organ or limb etc, that has an effect on the:

- decrease - loss of vital activity,
- decrease - loss of ability to work,
- the disfigurement of the body etc.

3.1. Compensation of the damage - indemnity of the victim for the pain experienced in the case of injury (damage) in road traffic accident.

As a result of the body injury, the victim experiences also physical and spiritual pain. Also for experiencing such pains as a result of the traffic accident, in accordance with the Law on Obligatory Relationships (now on referred as LOR), to the victim the damage must be compensated. The experience of physical pains can be of different intensity, such as:

- very high intensity,
- high intensity,
- medium intensity, and
- low intensity.

Physical pains, of very high intensity, are experienced by the victim when he/she suffers: serious body injury; bone fractures of any part of the body, head; damage of the senses, limbs, ribs, back, etc. Pains of such intensity continue from the moment of hit (crash) of the victim until they reach to the hospital or until the initiation of any medical drug therapy, this means that this kind of pain may last only a couple of hours but in rare cases it can last for days such as in cases of amputation etc.

The exception happens when the person loses consciousness and becomes conscious when in hospital. After becoming conscious the victim

may experience pain of a high intensity but not of a very high intensity because the victim is already under medical care (medical therapy).

Physical pain of high intensity are those kind of pains that the injured victim experiences when one has damaged an organ or/and part of the body that consists any breaking of bone, any cutting, or damage of a part or a whole important organ of the body, etc., which causes serious injury to the health. These kinds of pains can last for days, but usually they last few days and in rare cases for weeks.

Physical pain of medium intensity can last for weeks and sometimes for months or even longer when it comes to severe injuries with functional consequences.

Physical pain of low intensity are forms of spiritual sufferings which are characterized with minor aches whether serious injuries are in the phase of recovery or when it comes to minor injuries caused by traffic accident. When it comes to serious injuries they may last for many months and in rare cases for years. For all these forms of spiritual pains, for the kind of intensity and their duration should be estimated from the expert physician or a commission of doctors of the respective field.

For the victims who have suffered a traffic accident with death consequences or with serious injury to health (with approximately permanent disability) then the relatives of the victims should be compensated for the damage and the spiritual pain in accordance with LOR.

3.2. Compensation of the damage - indemnity to the victim for fear experienced in the case of injury (damage) in the road traffic accident.

The victim who suffers health damage in the traffic accident can also experience fear, which can be of:

- high intensity, and
- medium intensity.

The victim of an accident experiences fear of high intensity in cases when is directly hit by another vehicle, whether in the cases the victim is driving by him/her self, found as a passenger in the crashed car, or as a pedestrian. In such cases, the victim experiences fear and tries with all his/her effort to be protected or to avoid the accident.

Such fears are momentarily and last from the moment of danger, hit, and last until the end of the current consequences.

Fear of the high intensity can be divided into two stages:

- a. the first stage is considered from the moment when the victim finds oneself at risk of being hit, after being hit and lasts until one becomes conscious and realizes that death was avoided.
- b. the second stage of fear is considered from the moment when the victim has been relaxed from the severe pains and begins to think of the consequences that might have: either of remaining paralyzed, crippled, or can have any disease as a result of the injury etc.

The fear of low intensity is considered when the victim suffers light consequences or when one is recovered almost completely from injury and is left only a small dose of fear that remains with consequences.

Fear of the intensity mentioned above, is different if we take age in consideration. So for example, for the children of the age that just have begun to remember the life events, more specifically up to the age when the children begin to understand life events (aged approximately 5-12 years) is more pronounced and with more serious consequences than those of other ages.

Therefore, when the spiritual pains and experienced fear is taken as a base, people of the ages up to 21 years old, are assessed differently from those aged over 21 years old.

On the above-mentioned basis, it is considered that for 4 types of age groups of people who may have differences in experiencing fear and consequences of fear must be accounted. Therefore the amount of compensation should be different:

- the age group up to 12 years old,
- the age group from 12 to 20 years old,
- the age group from 21 to 50 years old, and
- the age group over 50 years old.

For all these age groups also the spiritual pain and fear is different because of the consequences that may have, of course also the compensation for these categories should be different.

3.3. Compensation of the damage - indemnity of the victim for the disfigurement of the body due to injuries (damages) caused in road traffic accident.

As a result of the road accident, often the victim takes such injuries that leave consequences on visible parts of the body that may last for a long time and sometimes even for all life, therefore those are regarded as injuries that cause disfigurement of the body.

The disfigurement of the body as a result of road accidents (terrestrial) consists in the anatomical damage of any visible part of the body such as parts of the face, senses, the front section, cheeks, chin, limbs, inclination of the body, distortion of the body, remaining in a wheel chair, all of these which are found in the most visible parts. Also as disfigurement are considered the obvious signs of the body, which although are not seen after dressing, can be visible on special cases. Such special cases are sunbathing, spa, runways, and for example also during the hot weather, they may be seen as ugly marks, etc.

Even the disfigurement of the body, depending on its size, shape, and location where it is caused, should be divided into disfigurement of the type:

- heavy,
- medium, and
- light.

Also for the type of, disfigurement, its level, and its character, the assessment the forensic expert of the respective field is taken into consideration.

3.4. Compensation of the damage - indemnity of the victim for the decrease - loss of the general living activity in the case of road traffic accident.

In case of traffic accident, the victim may suffer or may be damaged to such extent that may lose or be reduced the ability for life activity. Loss of general life activity as a result of the traffic accident is considered when the victim is injured (is damaged) at any part of the body such as vital organs, limbs, senses, etc., as a result of which cannot conduct at normal level or none of the life activities such as sport activities - sportists, art - artists etc. The ability for life activity may be lost temporarily or permanently. When a

victim of accident loses life activity temporarily, it can be partial and complete.

The rate of loss of life activity is calculated with % (percentage). For the percentage of the lost of life activity, assert the expert doctor or the medical commission of expert doctors of the respective field. For the reduction - loss of ability of life activity, to the victim of accident must be compensated the damage from the direct person causing the damage or from the person who takes the responsibility for the third parties.

The compensation for damage-indemnity for the victim of accident should be in proportion to the amount of damage, that is, for every percentage of loss of life activities.

As for the case of total loss of life activity, to the victim should be allowed the indemnity also to close members of the family, on behalf of experienced spiritual suffering; spouse, parents, brothers and sisters, in the amount of 50% and above, as if in the case of death⁶.

3.5. Compensation of the damage - indemnity of the victim for the loss of the ability to work in the case of road traffic accident.

One of the damages that the victim suffers in the cases of disaster in traffic is also the reduction (loss) of ability to work.

Reduction - Loss of the victim's ability to work caused in a traffic accident consists in partial or complete damage of an important part of the body or any organ which significantly affects to be partially or completely unable to perform work, whether they are physical or mental jobs.

Even the reduction - loss of victim's ability to work in the case of disaster in traffic is a separate category which after ascertaining from the medical view, the victim should be compensated in the amount depending on the mass of damaged.

Loss of ability to work, on the basis of health damage of the victim is also calculated - ascertained:

- complete loss of working capacity, and
- partial loss of ability to work.

⁶ The Assembly of Republic of Kosovo, (2012), "Law on Obligatory Relationship", Law No. 04/L-077 On Obligational Relationships, pg 1201.

Loss of the ability to work of the injured victim in a traffic accident and the level of the percentage is also asserted or assessed by the doctor or medical commission of the respective field.

3.6. Compensation - indemnity of the relatives of the victims for the spiritual pain experienced and other costs generated as a result of the traffic accident.

In case of traffic accident where victim's life is violated, the right to the compensation for the experienced spiritual pain, according to the LOR, belongs to the close family members:

- spouse alive,
- parents of the victim,
- children of the victim, and
- brothers and sisters if they live together with the victim.

The law that has defined the categories of people entitled to compensation for the spiritual pain experienced, for the territory of Kosovo, is not right for the fact that it has not taken for basis the traditions and the customs of the people living in this territory.

In this regard, has set aside a category of people who are very important and need to be involved in the compensation for the spiritual pain experienced in the case of the loss of the nephew, i.e. family grandparents.

Therefore, the grandparents who live together with their nephews or nieces, who have died in an accident, should be entitled to compensation for spiritual pain because their grandchildren are very caring for grandparents, especially grandparents living in communion with them.

For the death of a family member in an accident, to his relatives, in conformity with the applicable law, is allowed material indemnity (compensation) such as for medical expenses (if created), for funeral expenses (also for the hospitality of visitors), for the costs of raising the monument and other costs associated with them⁷.

⁷ The Assembly of Republic of Kosovo, (2012), "Law on Obligatory Relationship", Law No. 04/L-077 On Obligational Relationships, pg 1200.

3.7. The conditions and the ways for the implementation of damage (indemnity) to the victim in the case of suffering a traffic accident.

Based on the legal provisions in force, the victim in all cases of sufferings and injuries in traffic accidents, caused by the fault of another must be compensated. Compensation should actually be in proportion to the damage that has been caused. As already discussed above, the victim in such cases almost always suffers: material and non-material damage.

In practice it happens often that the victim realizes with difficulties the rights for the reimbursement of damage, while there are cases when the victims do not realize this right at all. In this regard, the victim is victimized again.

This form of re-victimization in Victimology is called secondary victimization. The compensation of the damage - indemnity as a result of traffic accidents, the victims can seek in two forms:

- directly from the person causing the damage, or
- from those responsible for causing the damage.

In our practice, usually the realization of the right to indemnity, the victim seeks it from the person responsibility for causing the damage, (insurance companies), so in the company where the vehicle by which is caused the damage is insured, or in the company or organization where the person is insured. And in very rare cases from the person who caused the injury.

Currently in Kosovo for all accidents caused by traffic means whether they are registered, insured etc., if the victim has suffered because of the fault of another, there is the possibility of indemnity.

So, in cases of uninsured vehicles, unregistered, or when it is not possible to verify the motor vehicle that has caused the damage etc., then the indemnity of the victim for the damage caused is compensated by the "Guarantee Fund of Kosovo" of "Association of Obligatory Insurance", with headquarters in Pristina.

Although the sources of compensation for the damage to the victims, for the damage caused in the cases of traffic accidents are known, the realization of the compensation is often not easy:

- due to the lack of Law on Obligational Relationships that actually suits Kosovo,

- due to a lack of professional people for the development of procedure until the completion of compensation. As a result of this, the victim is victimized again. Thus, undergoes secondary victimization.

Currently, in Kosovo there is no rule that foresees at least a minimum and a maximum that can be compensated to the victim by mentioning the categories of damages, although it is difficult to determine these limits because every kind of suffering- injury of the victims has different specifications. From this aspect, in practice, huge differences in the amount of compensation- indemnity between insurance companies and between similar cases exist. The compensations are assigned in different monetary value, so in Kosovo, a practice which is unfavourable and discriminatory to the victim, in terms of the realization of the right to compensation for damage suffered in a traffic accident, has been created. Whether in procedural terms or either at fair assessment of the compensation

a) in procedural aspect is noted that:

- from the beginning of the procedure, when it comes to drafting the minutes from the traffic police, until the execution of the decision, or judgment in the execution procedure for the realization of the damage to the victim.
- the minutes is often done from an unprofessional view, is limited, is unclear, does not involve all the relevant data, misses the number of all the people involved in the accident with injuries etc.
- often, in the minutes is categorized the types of injuries only as "light" or "heavy",
- the reality is diverted, trying to blame one or to justify the other.

All these hinder the further procedure and might have an influence for an objective assessment of the case for an adequate compensation to the victim.

b) Lack of proper cooperation between the Kosovo Police Service - Road Traffic Unit of Kosovo and Kosovo Emergency Center, this cooperation should serve in terms of ascertainment of injuries and to some extent also on the type of injury so that road traffic patrol unit guides the case further, i.e. to the competent court.

c) **Insurance Companies** currently operate in terms of secondary victimization of victims in case of compensation- indemnity of the damage they have suffered from traffic accidents:

- from the time of filing the request some companies require formal rules of submission of the request, with which, they mistreat the victim to that extent that one does not have any other way except of finding a lawyer or waiving from the request.
- then with the receipt of the request, the procedure is prolonged so much that the victim or the representative presumes finding irregular route to influence on the acceleration of the procedure for the realization of the right to compensation.
- when determining the amount of the compensation of the damage, they do not estimate right and neither with the same rules for the same cases. So the cases of injuries that can be closed for a few months are dragged for years.

3.8. The influence of the courts on the secondary victimization of victims who have suffered from traffic accidents.

Currently the courts in Kosovo are in "a race" to occupy or to maintain the first place in the region for dragging the cases and court proceedings.

In this regard, the victim who has suffered injury in a traffic accident and who requires legal protection, even here is again victimized as secondary victimization undergoes. In many cases, as for the rule, the injured victim has to try to realize the right to compensation for the damage in the company that bears the responsibility for consequences caused. But often a long time is spent until the victim receives a response, which is almost always inappropriate and unacceptable.

Unsatisfied with the decision of the company, the victim goes to the court with a lawsuit, which also lasts for years, until it is placed in both judicial instances.

One issue that is even more worrying and disturbing to the victim is when the case is processed in two court instances but remains in the court for several months and often years for the procedure of execution.

From the irresponsible actions of relevant bodies and courts in Kosovo, results that nearly every victim who has suffered in a road traffic accident and attempts to realize the damage compensation, undergoes through secondary victimization.

4. Conclusions

1. Victims of road traffic on a global level, regional level, in Albanian regions, distinguishing those caused in Kosovo within the overall vicinity, occupy a significant place. Thus, in global level, the victims of road traffic are listed in the group (row) of the main factors that cause human casualties (deaths of people). In Kosovo level they are also quite pronounced. Worrying is the fact that even on global level, regional level, Albanian regions and on Kosovo level, the human victims as a result of road traffic accidents is increasing.
2. Viewed in fact, causes or factors that favour and cause these human victims may more or less vary from place to place, but one of the main factors in other places and also in our place is the human himself. An important issue in the science of Victimology is what are our efforts in protection of such victims from secondary victimization. This should be achieved with adequate manner of their treatment after primary victimization. The treatment of victims of road traffic varies from country to country. In some developed countries more is thought and done regarding the position of these victims, especially in the realization of their right to any compensation- indemnity as a result of traffic damages. As a result also special funds provided by the state are foreseen. In this regard the victim does not refer to the secondary victimization.
3. In our country is noted that almost in all cases of primary victimization of people as a result of traffic accidents, victims also undergo secondary victimization, which means that when they try to achieve the right to indemnity, from the beginning of the procedure for the realization of this right until its end, the victim experiences harassment in different shapes and sizes.
4. On the basis of reason, damage that the Albanian society is undergoing, is suggested the engagement of state structures such as: the Ministry of Transport at the central level, the Municipal Directory of Transportation at local level, the Kosovo Police Service at all levels, schools that prepare cadres in the field of communication, schools that prepare people in driving vehicles, should be on a good level in order not to allow risking of people's lives. If the above-mentioned will be at the level of performing the duties according to the law and

human morality, would truly and significantly have an effect on the decrease of the number of accidents and their consequences.

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