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1st meeting of the Bureau of the European Network for the Exchange of Information between Persons and Entities responsible for the Training of Judges and Public Prosecutors

(LISBON NETWORK)

(Web site of the Lisbon Network: www.coe.int/lisbon-network)

Palais de l'Europe (Room 7) Strasbourg, 16 (10h00) – 17 (13h00) December 2004

QUESTIONNAIRE "A" ON THE STRUCTURAL AND FUNCTIONAL FEATURES OF TRAINING INSTITUTIONS OF JUDGES AND PROSECUTORS

*Prepared and adopted by the Bureau of the Lisbon Network at its first meeting
(Palais de l'Europe, Strasbourg, 16- 17 December 2004)*

Questionnaire "A" on the structural and functional features of training institutions of judges and prosecutors¹

I. What is (are) the name (s) of the training institution (s) of judges and prosecutors in your country? Please indicate whether the training of judges and that of prosecutors takes place or not within the same training institution; does (do) the training institution(s) of judges /prosecutors ensure both initial and in-service training? National and decentralised training?

Judicial and Prosecutorial Training Centre exists in the both entities of Bosnia and Herzegovina – in the Federation of Bosnia and Herzegovina and in the Republika Srpska. The mandate of the both Centre is the same / Centres have to ensure, under the supervision of the High Judicial and Prosecutorial Council that training programmes for judges and prosecutors are designed and implemented in the light of requirements of open-mindedness, competence and impartiality, which are bound up with exercise of judicial and prosecutorial duties/.

Responsible institution for the professional training of the judges and prosecutors in Republika Srpska is Public Institution Centre for Judicial and Prosecutorial Training of Republika Srpska (further: JPTC or Centre).

JPTC is established by the Law on the Centre for Judicial and Prosecutorial Training of the Republika Srpska. The seat of the JPTC is in Banja Luka.

Until now JPTC ensures continuous training for judges and prosecutors. Initial training should start in the next year.

II. For each training institution, please indicate:

- a) the number of full- time trainers- JPTC has no full-time trainers
- b) the number of part- time trainers- 34
- c) the number of occasional trainers – the occasional trainers are the lecturers, whose number depends on the various training activities
- d) the number of administrative and managerial staff- 5 employees plus director
- e) the origin of funding – The Centre receives operating funds from the Budget of the Republika Srpska (according to the Law, Government of the Republika Srpska is obliged to provide appropriate premises, equipment and an annual budget for the work of the Centre). It is possible for Centre to receive funds from donations and bequests from domestic and foreign physical and legal persons and international

organisations, from loans, and from revenues for services provided by the Centre. The Centre may not, in any event, accept funds if their provision could be considered to compromise the independence of the Centre. Centre is supported from different foreign donors.

f) the link with the Ministry of Justice, the High Council of Magistrates, etc..

Ministry of Justice has an important role in the process of providing funds, but it has to be emphasized that Ministry of Justice could not have influence to the creation of the curricula and trainings. High Judicial and Prosecutorial Council (further: HJPC) have been given a supervisory role over the Centre and is supposed to approve curricula. HJPC supervises training for judges and prosecutors and advises the Centre on training issues.

g) taking into account, in particular, item f) above, if it should be considered as an autonomous/independent training institution

It should be considered that the JPTC is autonomous in its functioning.

h) The links between the training institutions if there are more than one (co-operation, coordination, subordination, etc...);

As aforementioned, Judicial and Prosecutorial Training Centres exist in Bosnia and Herzegovina in Sarajevo and Banja Luka. In District Brcko, Judicial Commission is responsible for education of judges and prosecutors. All of them coordinate closely in order to reach the same standards in education within whole Bosnia and Herzegovina.

III. What are the procedure and the criteria for the appointment of managerial staff and instructors of the training institution (s)? Are the criteria for the appointment of the trainers identical for a) full-time, part-time and occasional trainers? b) trainers responsible for initial training and those responsible for in-service training?

The management body of the Centre is the Steering Board and executive authorities are vested in the Director. The HJPC approves the election and appointment of the nine members of the Steering Board in Republika Srpska (one judge of the Supreme Court of the Republika Srpska elected by the general session of the Supreme Court ; one Deputy Public Prosecutor of the Repulika Srpska elected by the collegiums of the Republika Srpska Public Prosecutor's Office; two distinguished legal professionals, having expertise within the field of training, appointed by the Minister of Justice after consultation with professional associations, law faculties and other law-related bodies; two judges and two prosecutors elected by the members of the Association of Judges and Prosecutors of the Republika Srpska; one minor offence court judge elected by the members of the Association of Minor Offence Judges of the Republika Srpska). President of the Steering Board is elected among members and it is usually judge of the Supreme Court (although it is not prescribed).

Steering Board appoints the Director of the Centre on the basis of the consultation with the HJPC.

The Steering Board appoints, in consultation with the Director and with the president of the relevant court or public prosecutor and with approval of the High Judicial Council, judges and prosecutors to serve as trainers (the working body of judges and prosecutors who serve as trainers); there are 34 trainers that deliver trainings in different fields, until now. The process of the recruitment of the new trainers is still ongoing. There are also occasional trainers.

IV. What is the proportion of judges and prosecutors who are full- time / part-time instructors and/or members of the management?

There are 6 prosecutors and 28 judges that are the members of the working body of judges and prosecutors who serve as trainers for the Centre at the moment, but it is changeable. JPTC is currently in the process of selecting additional training staff.

5 of 9 members of the Steering Board serve as trainers (2 judges and 3 prosecutors).

V. If persons other than judges or prosecutors fulfill the task of trainers, what are their original profession? Please also give details on their proportion;

On the need basis and depending on various topics, experts in different fields (psychologists, medicine doctors, university professors, private practicing lawyers, financial experts, criminologists, etc.) are occasional trainers.

VI. Are retired judges and prosecutors or other retired law practitioners invited to act as trainers or members of the management?

No, they are not.

VII. What choice has been done between full-time instructors, part-time instructors or occasional instructors that furthermore have judicial functions?

The Steering Board decides on it.

VIII. If judges or prosecutors are part-time or occasional trainers, is the burden of their work within their jurisdiction alleviated?

They are not alleviated from the burden of their work but they are paid for this additional task.

IX. Please specify the modalities of the training of trainers who perform their training mission –full-time or part-time- within the framework of the training institution(s) or in Courts (content, educational methods, duration, periodicity, etc...);² Is training of trainers compulsory?

“Training the trainers” is not compulsory but they are also considered as the part of their integral annual training. Many trainers attended such trainings even after fulfilment of their annual minimum.” Training the trainer” courses include the didactical methods, principles of adult’s education, training in power point, etc.

X. Please specify what initiatives are taken to assure vicinity between trainers and trainees at regional and local level as well as to develop communication (including through the Internet);

Centre use to send questionnaires to establish what the needs are and to modify annual plans quarterly, informing trainers about that, so they can modify their work. Centre organizes the discussion between the trainers and judges and prosecutors from the territories of the district courts about their specific problems and needs, at least twice per year. From time to time trainers have meeting with the presidents of the courts and main prosecutors, organized by the Centre. Centre very closely cooperates with the associations of Judges and prosecutors. In the near future (Dec 2005) on the internet website of the JPTC of RS will be placed discussion forum that will provide them additional chance to talk about many issues of the professional education for judges and prosecutors and the legislation in general.

XI. Please specify what initiatives are taken to assure participation of the training institution in international co-operation in the field of training (exchanges between training institutions, periodicity of these exchanges, organisation of / participation. in international seminars, co-operation with International Organisations / Institutions (Council of Europe, the European Commission, etc...)).

JPTC has established contacts and cooperation with counterpart institutions in the neighbouring countries and region. JPTC has active international cooperation, facilitating participation of judges and prosecutors at many regional and international conferences, seminars etc.

The cooperation with various international organizations has been established. JPTC is having contacts and cooperation with many international partners and participate in different Projects (CoE, European Commission, OSCE BiH, UNDP, American Ministry of Justice, German foundations GTZ and IRZ USAID, French Embassy, Spanish Embassy, Netherlands Embassy, regional and national CARDS projects, etc. We have experts’ exchanges with the different institution in the field of judicial education.

