

Questionnaire “A” on the structural and functional features of training institutions of judges and prosecutors³⁶

KOSOVO JUDICIAL INSTITUTE

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?

The Kosovo Judicial Institute (KJI) is the main judicial training institution in Kosovo providing training for all judges and prosecutors, all candidates for the judicial and prosecutorial positions and all minor offences judges and lay judges.

In accordance with the Law on Establishing the KJI the Institute is responsible for both initial and continuous training of judges and prosecutors.

II. For each training institution, please indicate:

a) the number of full- time trainers

For year 2006 there are two positions for permanent (full-time) trainers.

b) the number of part- time trainers

There is a core group of trainers (40-50) who deliver training on a regular basis. Most of them are sitting judges and prosecutors. There are also several lawyers and university professors.

c) the number of occasional trainers

The number is not constant. In addition to the information above, we can inform that KJI invites other experts when the subject of the training requires special expertise and knowledge.

d) the number of administrative and managerial staff

For 2006 KJI has 18 (eighteen) positions approved. At the moment there is one international staff member (OSCE staff member) seconded as a Co-Director. The final handover of KJI is expected any moment.

e) the origin of funding

³⁶ Members of the Lisbon Network are invited to send their replies to the Secretariat by E-mail (valerie.schaeffer@coe.int) for 31 March 2005 at the latest.

Since January 2004 KJI is funded by the Kosovo Consolidated Budget.

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

In accordance with the Law on establishing KJI the President of the Kosovo Judicial Council (KJC) is *ex officio* a member of the KJI Managing Board. There is also one representative of the Government as a member of the Board.

There is a direct link with the KJC and the Ministry of Justice (MOJ). Article 1.9 of the Law provides that KJI shall draft the strategy and working plan in accordance with general indicators set up by the institutions responsible for judicial and prosecutorial matters in Kosovo – in this case they are the KJC for the judiciary and MOJ for the public prosecution.

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

The Law establishes KJI as an independent professional body (Art. 1.1)

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

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 KJI Managing Board is responsible for the appointment of the Director. The Board informs the Prime Minister of Kosovo and the Special Representative of the Secretary General (SRSG) for the appointment of the Director. The Law sets up the criteria and the requirements for the appointment of the Director.

The KJI Program Coordinator shall be appointed by a Commission established by the Managing Board after a public competition in accordance with the rules and applicable procedures of the Civil Service.

Until now the selection of trainers was made after a competition. There is also a Decision of the former Kosovo Judicial and Prosecutorial Council (KJPC) for a secondment of judges and prosecutors to KJI.

The KJPC approved the list of trainers who delivered the first initial training course in 2005.

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

At the moment the two permanent trainers are not judges or prosecutors. Around 98% of the other trainers are sitting judges and 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;

One of the permanent trainers is a Law Faculty professor and the second is with a legal background and having a previous training experience.

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

Not for now. One of the KJI permanent trainers in 2002-2003 was a retired Supreme Court judge.

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

For the future KJI would like to keep the system of secondment for a period of up to 2 years for the permanent trainers. The other trainers combine their work at the courts with the training obligations.

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

There is no formal system in place but the court presidents facilitate their participation.

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...);³⁷ Is training of trainers compulsory?

The core group of trainers had several training of trainers (TOT) sessions until now. The TOT have been organized by KJI in cooperation with other organizations (i.e. IDLO, Bulgarian National Institute of Justice).

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);

KJI provides many training sessions in the field. There is no distance system training implemented.

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

³⁷ See the conclusions of the meeting of the Lisbon Network held in Budapest, 25-26 October 1999, on the theme "The training of trainers".

international seminars, co-operation with International Organisations / Institutions (Council of Europe, the European Commission, etc...)).

There are many initiatives until now undertaken by the OSCE within its institution building mandate in Kosovo. The European Union supported KJI through two projects managed by the European Agency for Reconstruction. KJI has a good cooperation with Council of Europe, US DOJ and with the regional training centers and institutions.