

Questionnaire “C” on the role of training institutions as regards in-service training of judges and prosecutors⁴⁰

KOSOVO JUDICIAL INSTITUTE

I. Please indicate the measures taken with a view to enabling judges and prosecutors to exercise their right to in-service training (for example, days of leave for that purpose, etc.);

Right now there is no formal system in place. The Kosovo Judicial Council (KJC) is working on the establishment of the rules for training attendance. The draft procedure provides for a mandatory continuous training of 7 to 10 working days per year (up to 20 days for judges with less than five years of working experience as judges). Their attendance will be considered as a duty travel.

II. Is in-service training of judges and prosecutors compulsory or optional?

The continuous training is optional. In practice all judges and prosecutors follow on a regular basis the different training programs organized by KJI. Every judge and prosecutor attends three to five training events per year.

See above for the new system.

III. If in-service training is not compulsory as a general rule, please specify if there are areas /and/or subject matters in which in-service training is nevertheless compulsory; If so, please give details;

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IV. Is the judge or prosecutor free to choose the training actions in which he/she wishes to participate? Does he/she have to justify his/her choice? Is it possible for the judicial hierarchy and/or the training institution to oppose to the wish expressed by the judge or the prosecutor concerned and for what reason?

The judges and prosecutors apply for the training sessions. The court presidents and chief prosecutors could prevent some participants only if their attendance would have a negative impact on their daily work at court.

V. Please identify the committees and / or trainers that develop in-service training programmes and the authority that approves planning;

The Law on Establishing the KJI provides that the Managing Board is responsible for the approval of the training program.

⁴⁰ 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.

After the establishment of the KJI in 2000 by the OSCE Mission in Kosovo the yearly Continuous Training Program has been a subject of approval by the HR/RoL Department.

The Continuous Training Program is based on a training needs assessment. The final program is a result of the joint work of KJI training staff and local judges and prosecutors. The trainers and all participants give their recommendations. After an analysis the draft program is presented to the Contact persons (they are the five presidents of the district courts in Kosovo) and to the core group of KJI trainers for finalization.

VI. Please give the following statistics: number of activities per year (if possible, please specify the average duration of activities); number of training hours offered per year per magistrate; budgetary resources;

KJI organizes between 55 and 70 continuous training seminars per year. For the period January – July 2006 they are 40. Usually KJI organizes one day seminars. The assessment shows that every magistrate attends 3 to 5 seminars per year (around 18 to 30 hours of training).

VII. Please specify and describe the in-service training methods (seminars, workshops, traditional lectures, distance learning, audiovisuals);

The forms of the training are: seminars, workshops, round table discussions, simulations of trials. The training is practice oriented with a lot of case studies and practical exercises.

VIII. Please give details about the training environment (dedicated structures, court buildings, conference centres in hotels and the like);

KJI uses a building belonging to the Municipality of Prishtina and having three training rooms. There are cases when the training events are organized in the field – in the court buildings or hotels.

IX. What are the contents of training initiatives (role of cultural and social themes; role of ancillary sciences; management techniques);

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X. What are the contents and the modalities of training to support change of functions?

In accordance with the Law KJI is obliged to organize training for promoted judges and prosecutors (Art. 2.1.c).

XI. How is the assessment of programmes and methods done (questionnaires, interviews)?

After every training event the participants fill in evaluation forms. There are regular meetings with the contact persons (once per month) and with the Supreme Court President.

In December 2005 KJI made a comprehensive Judicial Training Needs Assessment covering about 30% of judges and prosecutors. One part of the questionnaire was related to the assessment of programs and methods.

XII. What are the modalities of the evaluation of trainers?

The participants evaluate the trainers in three aspects – oral presentation, written material if presented and content of the presentation. The KJI Management and training staff follow their performance as well.

XIII. What is the impact of participation to training on participants' career?

No formal impact for now.

XIV. Is there for each judge and prosecutor a file describing the in-service actions in which he/she participated?

Yes, there is a KJI database.

XV. Are judges and public prosecutors offered individual training programmes concerning their personal professional development?

Not for now.