

# JUDICIAL TRAINING

## A PERSPECTIVE FROM KOSOVO





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Kontakti

**“You  
must  
be the  
change  
you wish  
to see in  
the world”**

*Mahatma Gandhi*

# 1 WHY ?

## THE JUDICIAL TRAINING ■

Nowadays, every place in the world pays particular attention to the judiciary for the fact that it is considered as an absolute assurance of democratic functioning of the institutions, and a guardian of the human rights and liberties. Therefore, most of the efforts of the justice system stakeholders in our country shall be oriented in this direction.

Achievement of these values may be aimed only by strengthening the independence and impartiality of judges, prosecutors and other professionals of the judicial and prosecutorial system. Independence and impartiality as core values and pillars of the judiciary upon which the public trust will be built, are enriched through legal mechanisms that enable a transparent, fair and equal recruitment of judges and prosecutors, as well as their continuous professional enhancement, in order they are able to

practice their functions based on the law solely. Independence and impartiality are not only built through these mechanisms but also by ensuring implementation of the ethical responsibilities for judges, prosecutors and other professionals of the judicial and prosecutorial system.

An important impact towards recognition and increase of awareness in respecting these principles and values in the judiciary is made by the initial and continuous training of judges, prosecutors, professionals – candidates for becoming judges or prosecutors, as well as administrative staff of courts and prosecutions. These trainings provide, maintain and develop multiple professional and ethical abilities and skills.

Initial and continuous trainings, likewise in many countries of the world, are not only entitled to but they are mandatory. Creating the existing standard of training, commenced and continues to be followed by legal infrastructure both, in the domestic and international level, ensuring this way different instruments regulating this issue. Among them, the most common ones are: the UN Basic Principles on the Independence of the Judiciary (1985), Recommendation No. R (94) 12 of the Council of Europe (1944), European Charter on the Statute for Judges (1998), Opinion No.4 of the Consultative

Council of European Judges (2003), the Stockholm Program (2008-2010). In Kosovo, the training is also regulated by law, like: Law on Establishing Kosovo Judicial Institute, Law on Courts, Law on State Prosecutor, Law on Kosovo Judicial Council and Law on Kosovo Prosecutorial Council, as well as in other normative acts.

In Kosovo, the efforts to implement a judicial training that ensures the aimed values of international standards are excellently achieved by the Kosovo Judicial Institute (KJI).



# 2 WHAT

## BENEFITS DOES THE JUDICIAL TRAINING BRING ■

We could easily answer this question by knowing the answer to “what should the judges, prosecutors and other professionals of the judicial and prosecutorial system be capable of” in a country. There is no dilemma that among main competencies are those of the professional, ethical and inter-disciplinary fields.

Professional, ethical and inter-disciplinary competencies of judges, prosecutors and other professionals of the justice system, may be obtained, maintained and developed only through attendance of various trainings. Training, whether initial or continuous, help in increase and development of skills and abilities that enable preparing the candidates for judges and prosecutors, as well as support the nominated

judges and prosecutors to face the challenges of the

21st century justice that are followed by many social, economic and cultural changes.

There are various trainings for the judicial professional's categories, starting from those with pure professional theme to continue with trainings of inter-disciplinary character that increase abilities and interpersonal skills. Such trainings strongly assure the independence, impartiality and values that a judge, prosecutor or other judicial system professional shall possess. It is the judiciary's duty not only to implement domestic laws, but it also enforces the requirements of the United Nations Universal Declaration of Human Rights, the European Convention on Protection of Human



Rights and Fundamental Freedoms, as well as other international mechanisms.

The answer to the question of what is indeed benefited from the judicial training shall be accompanied with serious efforts in identifying the real training needs not only the expressed needs, by drafting adequate professional programs, involving adequate participants and by implementing respective training methodologies. This very challenging process finally would have a correct answer to the question on what can we benefit from the judicial training, after implementation of the assessment mechanisms on the impact of the training in practice.

Nowadays, the question on the benefits of the judicial training shall find a response not only in institutions organizing the judicial training, but also in benefiting institutions.

To the question of what are the benefits of the judicial training, the KJI's continuous contribution is responding the best, which is shown with concrete results in practice. Developing a professional process based on work quality of judicial professionals who participate in trainings would particularly help in determining training impact on the quality of judiciary.



# 3 KOSOVO JUDICIAL INSTITUTE AND THE JUDICIAL TRAINING



The Kosovo Judicial Institute (KJI) exists within the Kosovo's judicial system, along with the Kosovo Judicial Council and the Kosovo Prosecutorial Council that are responsible for administering and functioning of courts and prosecutorial offices.

KJI is established in 2000 by the OSCE Mission in Kosovo. Initially it was projected as a training sector within OSCE. Gradually, the training needs and the KJI's role played in the professional development of judges and prosecutors made that this institution is given the main position for judicial trainings in country.

In 2006, the Kosovo Assembly established the KJI with a particular law, as an independent and main body for provision of judicial trainings in country. The Law foresees the KJI as main institution for training the appointed judges, prosecutors, future judges and prosecutors as well as other professionals identified by the KJI itself. Besides training, the KJI is responsible to perform research activities and development of judiciary in country.

For its 13 years of operation, the KJI has managed to successfully implement its mandate. The various training programs of KJI not only cover all fields of



justice, but they also treat different aspects outside the legal sphere, with the purpose of professional enhancement and strengthening inter-disciplinary skills and qualities of its beneficiaries. During this period of over a decade, the KJI has managed to successfully organize five times the preparatory exam for qualification of the candidates for judges and prosecutors; it has successfully implemented the initial training program for six generations of candidates for judges and prosecutors including the pilot project for the initial training in 2005, and has organized continuous and advancing trainings of judges, prosecutors, trainings for court and prosecution management, induction and continuous trainings for administrative staff of courts and prosecutions, internship programs in country and abroad, developed the library and legal sources supporting professional growth of beneficiaries, as well as trainings for other professionals in the field of justice.

Role of KJI in the judicial and prosecutorial system is undisputable, while the experience

gained during years makes it to be among the main institutions in support to the reform of the justice and prosecutorial system in Kosovo. This support is mainly related to increase of capacities and still remains to be a challenge that KJI authorities are facing. Positive experiences of KJI made that today it is a respected institution among local authorities as well as international organizations, and among institutions of the similar field acting in international level.

The KJI achievements have initiated the idea of expanding activities of this institution in support to other professionals upon their request and with determined terms. This expansion actually is being accompanied with discussions on the reform of the judicial training in Kosovo and transformation of KJI into Justice Academy. Positive achievements reached so far by KJI are the main foundation of any future upgrading.

# 4 MANAGEMENT STRUCTURE



Pursuant to the Law on Establishment of KJI, the highest managing bodies are stipulated to be the **Managing Board** and **Director** of KJI.

- **The Managing Board** of KJI, according to the law consists of a wide representation of judicial institutions, prosecutorial offices, government and other domestic and international institutions, including the ethnic representation. This composition has not only managed to ensure a comprehensive and fair representation of the interests of justice stakeholders in Kosovo related to the judicial training, but it has also guaranteed the KJI independence to the function of the best interest of the judicial and prosecutorial system in country.

Main responsibilities of the Managing Board are determined by law and include adoption of training programs, appointment of the director, adoption of the statute, the budget proposal and approval of

training methodology for the holders and potential holders of the judicial function . Other responsibilities are set forth in the KJI's Statute.

- **Director** of KJI is responsible for administering and general management of the KJI. Main responsibilities of the Director are determined by law and the KJI Statute.

- **The Program Council** as a separate mechanism within KJI is a complementary body of the Managing Board Composition and competencies of the Program Council are determined in the Statute and mainly are related to drafting and implementation of the training programs and activities for development of capacities that KJI builds. The KJI Program Council develops its activities in cooperation with local judicial and prosecutorial institutions.





# 5 HUMAN RESOURCES

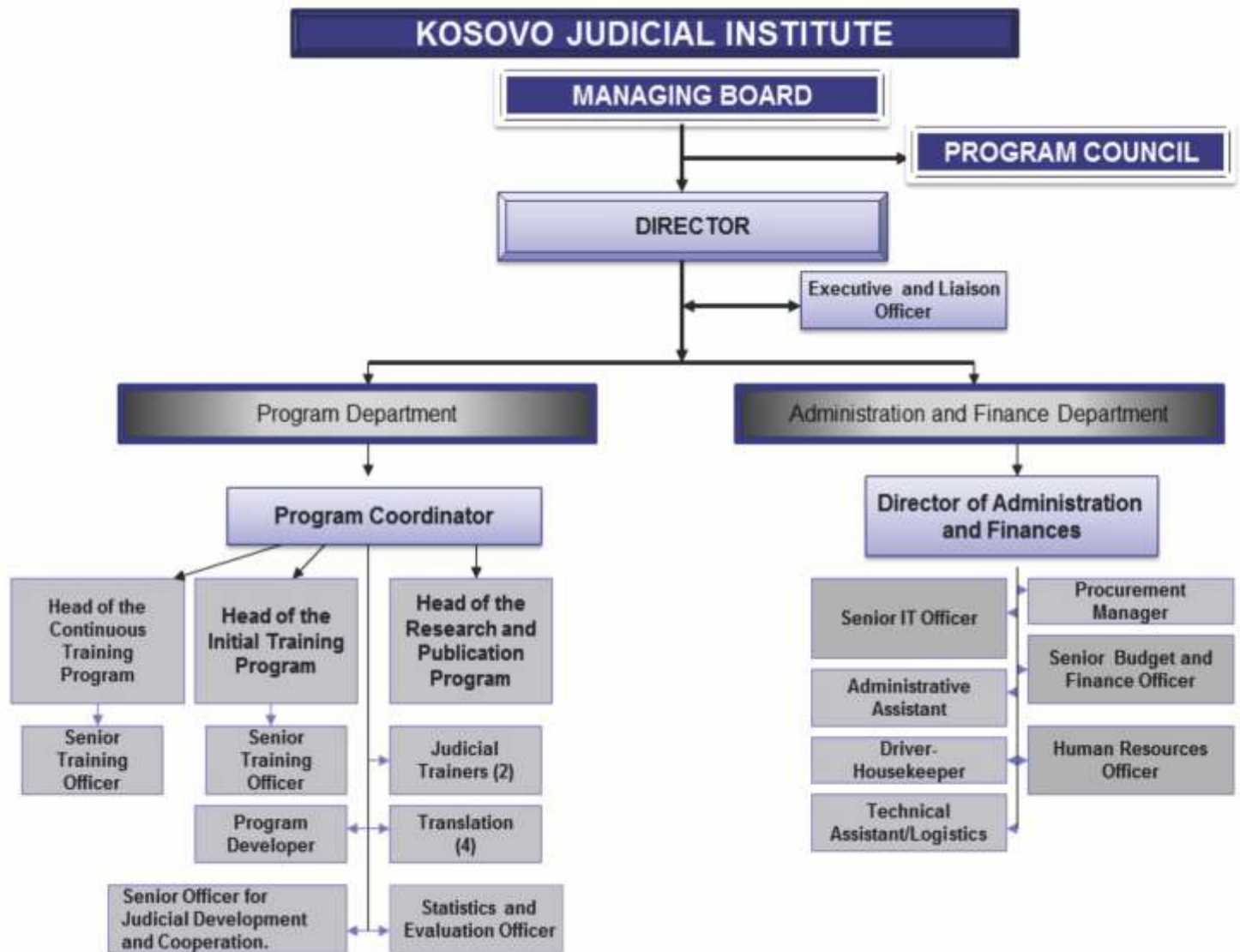
An important component of KJI is the one that deals with human resources (the personnel). The KJI personnel consists of the part that relates to direct implementation of trainings, as well as the part that covers administration support, finance and procurement. Responsibilities of the training program staff are identification of needs, drafting and implementation of training programs. While the administration, finance and procurement staff supports all the functions of KJI from their angle. Number of employees at KJI is actually 24, and 19 of them have advanced university qualifications. Over 50% of the KJI staff have post graduate degrees or are in the process of completion in different fields,

mainly legal.

## 5.1. Organizational structure

Organizational structure of personnel at KJI is simple and constructed to serve to implementation of the KJI's functions. Each position has clearly defined scope of work. To the support of staff capacity, the management has envisaged continuous attendance of trainings and study visits.







# 6 BUDGET

Main financial source of KJI is the budget of the Republic of Kosovo. The annual budget of KJI is managed independently according to the plans made for each line, relying on the annual work plan. The process of budget request and reporting is made through management authorities of KJI. Besides the state's budget, since its establishment KJI has benefited continuous support from different international donors accomplishing many projects, which focus was increase of capacities in judiciary and the KJI itself (the managing bodies and the staff). The donor's funds are mainly managed by donors, while the KJI benefits direct support in expertise, experience exchange, information technology equipment, publications or intellectual services.





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Instituti Gjyqësor i Kosovës  
Kosovski Institut za Pravosuđe  
Kosovo Judicial Institute



# 7 ORGANIZATION OF TRAININGS

With the purpose of having the KJI trainings used by all the intended beneficiaries, in order to make the adequate planning for the number of beneficiaries and in order that these participants attend training on their interest, the KJI has established many mechanisms to ensure participation in the trainings.

## 7.1. Who benefits from trainings at KJI?

Direct beneficiaries of the KJI trainings are all the judges and prosecutors of Kosovo, potential candidates for judges and prosecutors who have successfully passed the preparatory exam organized by KJI, administrative staff of courts and prosecution, as well as other professionals in the field of judicial and prosecutorial institutions identified by KJI. In certain cases, beneficiaries of the continuous trainings are also the



professionals from the field of justice whose work is closely, beneficiaries of the continuous trainings are also the professionals from the field of justice whose work is closely related to the courts and prosecutorial offices (lawyers, police officers and custom officers, correction service officers, etc).

## 7.2. Identification of the training needs

KJI is particularly interested that the provided trainings fulfil the requirements and the needs of its beneficiaries. There is a permanent commitment of the KJI in improvement of the mechanisms for identification of the training needs that are included in Work Program.



For drafting of its work program KJI uses, but does not limit to, the below written mechanisms:

- Training assessment questionnaires after each training session;
- Questionnaires for assessment of the needs completed by judges and prosecutors;
- Recommendations arising from KJC, KPC, Supreme Court, State Prosecutor, Judges Association and Prosecutors Association;
- Meetings with judges and prosecutors, Presidents of the Courts and Chief Prosecutors of the Prosecutorial Offices;
- Recommendations arising from Institutions, and from national and international organizations;
- Proposals of the KJI trainers;
- Performance Reports from Courts and Prosecution Offices;
- Recommendations arising from the Office for Performance Evaluation of Judges and Prosecutors;
- Analysis of the agenda of the Institutions responsible for draft and amendment of the laws;
- Research of the programs from Regional and International Training institutions;
- Proposals arising from staff, Program Councils and KJI Managing Board;
- Analysis of the mechanisms for assessment of the training effect.
- Strategies and documents approved by Institutions, which contain recommendations pertaining to judiciary and the rule of law;
- Monitoring of press and electronic media.

### 7.3. Participation in the training

The opportunity to participate in the training depends on the type of training, if it is continuous or initial.

KJI offers equal opportunity for continuous and promotion trainings to those who consider these trainings of interest to them. While, participation in the initial training is opened only to the candidates who have successfully passed the exam for judges/prosecutors, after appointment by the President of the Republic, if they don't have previous experience as judge or prosecutor. Provision of specialized trainings and services of professional character as well as publications and researches for development of the judiciary are also part of the KJI mission.

In order to ensure sufficient participation of the competent people, KJI has developed mechanisms that have established a system of offering opportunities for participation in the continuous and advanced trainings, while the participation in the initial training is mandatory.

#### 7.3.1 Forms of participation in continuous and promotion trainings

In order to manage participation of the judges and prosecutors in the continuous and promotion trainings, KJI conducts regular meetings with the presidents of the courts and the chief prosecutors at

basic and the appellate level.

Presidents of the courts and chief prosecutors make a proposal list of participants to KJI after checking with the training calendar together with the judges and prosecutors, taking into account participants needs stressed out in their application forms. After the final assessment from KJI, the list of the participants is finalized and the judges and prosecutors are invited for the trainings through presidents of the courts and the chief prosecutors. In case the KJI has identified trainings with participation of other legal professionals, the relevant participants are invited by their superiors.

#### 7.3.2. Online Application

In order to facilitate participation in the trainings, KJI has offered to the beneficiaries of the continuous trainings the opportunity to apply online for the training that is of interest to them. At this point the interested people will be incorporated in the list of the participants, after consultation with the presidents of the courts and with the chief prosecutors.

Online application can be completed at this link:



<http://igjk.rks-gov.net>

#### **7.4. Invitation to participate in the continuous trainings**

Invitation to participate in the continuous training is sent by KJI no later than a month prior to its commencement. Invited persons are obliged to confirm their participation through the presidents of the courts, chief prosecutors or directly at KJI.

#### **7.5. Are the trainings payable?**

All continuous and advanced trainings provided by KJI are free of charge. The participants are also provided with the meal and drinks free of charge. These services are provided as part of the approved budget for organization of the trainings by KJI, and are part of the international practices in this area.

In the initial training potential candidates for judges and prosecutors do not pay for any service but their meal. However, pursuant to the law KJI is obliged to pay per diem to the potential candidates of judges and prosecutors that attend these trainings.





# 8 TRAINING STRUCTURE

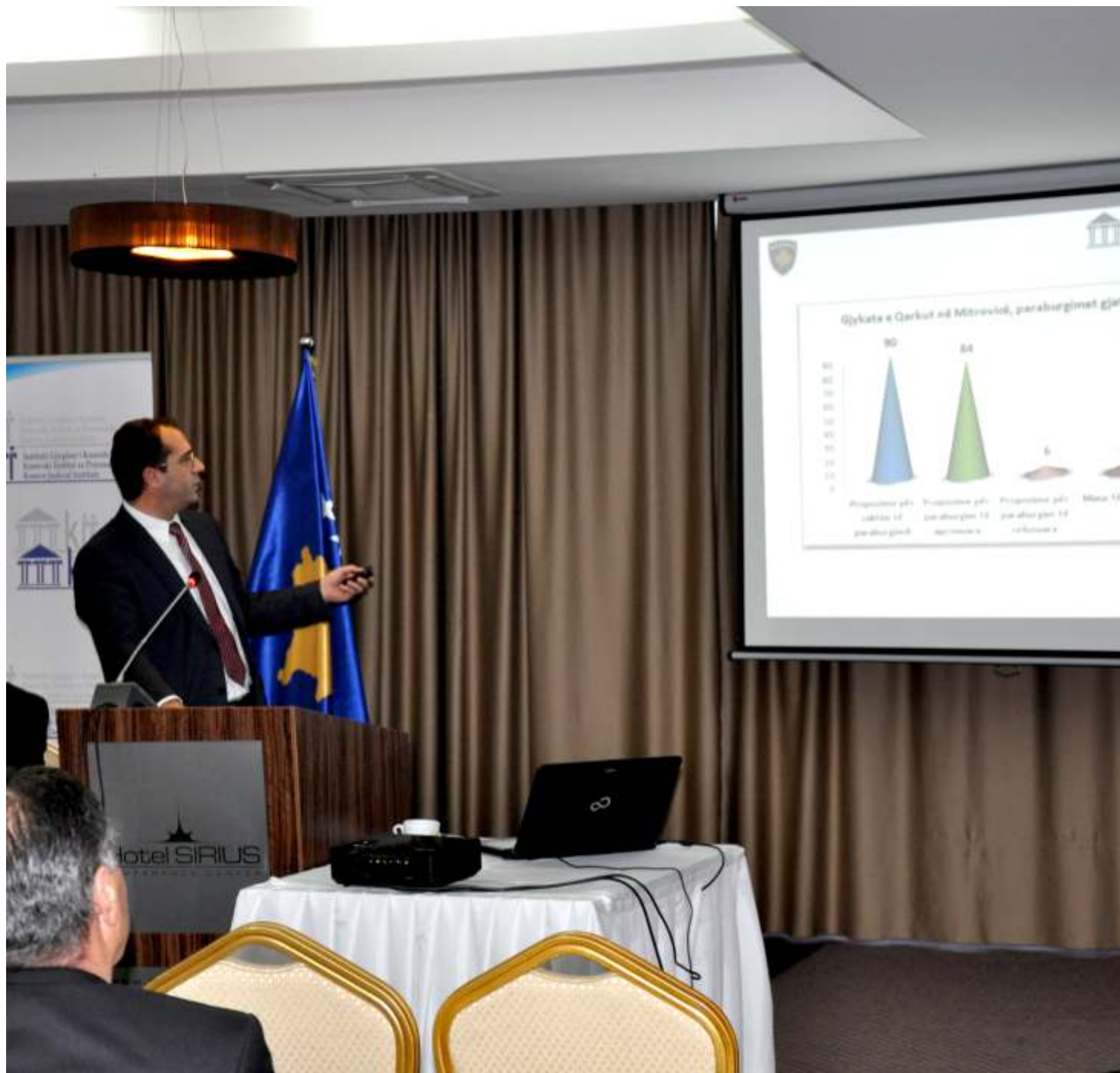
In order to fulfil its legal mandate, KJI has established a program structure that corresponds to the level of its beneficiaries.

KJI training activities are accomplished in scope of the different below shown programs: *Initial Training Program (ITP)*, *Continuous Training Program (CTP)*, *Training Program for Promotion (TPP)* and *Research and Publication Program (RPP)*. KJI also builds up capacities of its trainers through the Training of Trainers Program, trainings for court and prosecution management, trainings for administrative staff of courts and prosecution and conducts study visits, and internship programs within and out of country, conferences and other activities.

## 8.1. Continuous training for judges and prosecutors

Continuous training is accomplished by KJI through the Continuous Training Program (CTP). This program involves conduction of trainings and different activities for judges and prosecutors, in order to build up their professional and ethical capacities, and to strengthen the necessary practical skills for practicing their functions.

KJI conduct continuous trainings from 2000, since its establishment, continuously developing its organizational capacities and training methodology. Based on up to day experience at KJI is achieved a culture of continuous advance of the program structure and the methodology for conduction of the training activities in scope of CTP.



### 8.1.1 What fields are covered by CTP?

*In scope of CTP are addressed issues from:*

- Penal law (material, procedural and execution of the criminal sanctions);
- Civil law (material and procedural with all sub-divisions of this area of the law);
- Children Justice;
- Commercial and Financial Law;
- Administrative law;

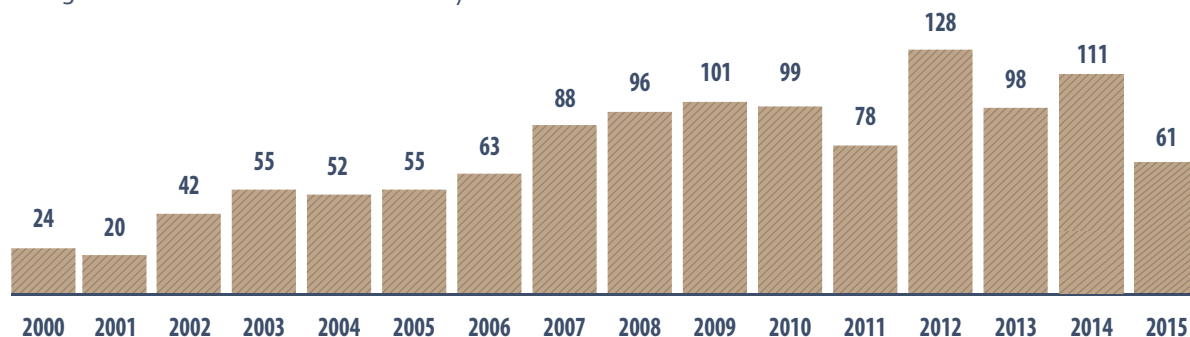
- European and International law;
- Human Rights, gender balance and non-discrimination;
- Material and procedural aspects of the law on minor offences;

CTP contains also special training programs of interdisciplinary nature in regard to ethics, case management, communication, development of the trial skills, foreign languages, legal reasoning and writing, etc.

### 8.1.2 CTP activities accomplished during 2000 - 2015

CTP activities during 2000-2015\*

\* 2013 – includes activities conducted only until October



\*2015 - Includes activities taking place until July



## 8.2. . Initial Training Program

Preliminary Preparation of the legal professionals aiming to become judges and prosecutors is of special importance. Nowadays trends have shown that almost all the countries of the region and many European and countries worldwide apply this type of training. Initial training for these professionals prior to start exercising of their judicial function is considered as one the key factors in guaranteeing independence, impartiality of the professional and ethical competence in judiciary.

In Kosovo, the preliminary training is known by the name Initial Training Program (ITP). This program besides the initial training organizes different activities for judges and prosecutors has undergone several changes with basic legal amendments on judicial and prosecutorial system.

According to these legal changes, Initial Training will be organized after appointment of newly appointed judges and prosecutors for the period of 12 months.

KJI Initial Training Program (ITP) has set up a proper curriculum and training methodology to support building of the theoretical and practical skills of the newly appointed judges and prosecutors.

The content and the structure of the ITP is built to complement the knowledge newly appointed judges and prosecutors obtained in previous qualifications, in order to prepare them to successfully exercise their functions after assignment.

During the drafting and implementation of ITP course, all resources are used for enhancing professional, interdisciplinary and personal capacities of the groups of newly appointed ones, in order to obtain abilities and overall skills to exercise the competencies of a judge or a prosecutor.



### 8.2.1. Who is eligible to attend the initial training program?

Initial training organized by KJI may be attended only by the newly appointed judges and prosecutors who fulfil the requirements set by law. Prior to considering someone as potential candidate for judge or prosecutor one shall have successfully passed the Exam for judges and prosecutors.

### 8.2.2. Exam – prerequisite to attend the initial training program

Based on new legal changes, KJC and KPC are responsible for organization and assessment of the exam for judges and prosecutors.

Based on these amendments, KJC will issue the regulation for setting rules and procedures for organization of the exam and for candidates for judges, as well as announcement for the exam, whereas the regulation for determining rules and procedures for organization of the exam for candidates for prosecutors will be issued by the KPC. Different from KJC, the announcement and organization of the exam for prosecutors will be done by KPC in cooperation with the training institute in line with the legislation in force.

The exam for judges and prosecutors is a precondition determined by law for appointment of the candidates for judges and prosecutors.

### 8.2.3. Structure of the initial training program

Initial Training Program (ITP) at KJI started implementation in 2008. A pilot project was developed in 2005 serving as a ground for setting this competence for KJI at the stage of drafting the Law on Establishing KJI. From the beginning the timing and the modules of this program are marked by constant development and progress.

The Initial Training program was impacted by the latest legal changes. Based on these legal amendments and after appointment by the President of Kosovo, these judges and prosecutors with exception of those who have previous experience as judge/ prosecutor will undergo initial training which will be organized by the Kosovo Judicial Institute. Initial training will last twelve (12) months in line with the respective legislation in force.

During the initial training judges will not be assigned cases.

Appointed judges/ prosecutors will be assessed after the initial training results, in line with relevant legal provisions of the respective laws. Initial training period will continue for those judges/ prosecutors who want to complete adequately the initial training, as determined by the Kosovo Judicial Institute.

Kosovo Judicial Institute as a competent institutions for organizing initial training for newly appointed judges and prosecutors will determine the structure of the initial training program after reviewing the current curriculum and development of the training needs assessment process.



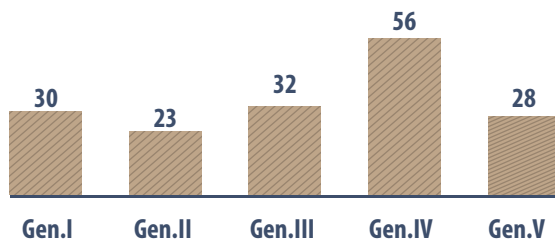
### 8.2.4. Number of candidates graduated at ITP

Since the beginning of ITP implementation till now has graduated four (4) generations of candidates for judges and prosecutors. This process was preceded by the ITP pilot project, which was organized in 2005 and lasted for three months and involved 15 training modules. There were 60 candidates that attended this pilot program. Since 2008, with the start of the

ITP implementation, initial training was successfully completed by 141 candidates, of them 127 were assigned as judges or as prosecutors. At the moment of the preparation of this publication, KJI is in the stage of reviewing the ITP current curriculum and will draft a new training curriculum for the sixth generation based on specifics that arise from the Law, and it is awaiting the results that come from the organization process of the exam for judges and prosecutors, that will be prepared by the KJC and KPC.

The following chart shows the records for these five generation

Number of the candidates that graduated at ITP



### 8.3. . Training for Promotion

Training for Promotion is intended for newly assigned judges and prosecutors and the promoted ones, or for those that have changed the level or the functions within the courts or prosecutorial offices.

The purpose of the Trainings for promotion is to assist judges and prosecutors in their professional and interdisciplinary growth and development for effective and fair implementation of the legal provisions and best practices for standardization and unification.

TPP is a special training program which curriculum is considered as complementary to the CTP, and within this program are organized specific trainings to assist the category of the beneficiaries determined by the law.

Implementation of this training program has started from 2010, and by today it has evolved and amended depending on needs, as a result of the changes in legislation and in the judicial and prosecutorial system.

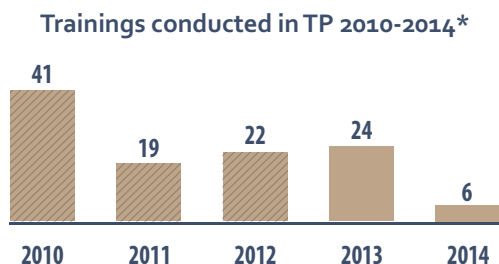
Within these trainings KJI has developed specific training programs that are called orientation training programs.



### 8.3.1. Which fields are covered within the Training for Promotion?

Training for Promotion in addition to the modules that address professional topics, adapted to the needs of the departments in the new structure of the courts and prosecutorial offices, national and international legislation, contains also the modules which support building of the specific skills of judges and prosecutors. These training modules are related to the organization of the work, communications, preparation for trial procedure, representation of the cases in trial, case managements, court, management, etc.

### 8.3.2. Trainings for promotion accomplished during 2010-2014



\* 2014 – in 2015 at the time when this brochure is published no trainings for promotion were promoted

### 8.4. Trainings for management of courts and prosecutions

General purpose of the training program for court and prosecution management was established to create a well-trained cadre with international management standards. This program is designed to facilitate in development of a strong foundation of principles and modern practices of court and prosecution management, including also application of values and characteristics of a well-functioning judicial system.

Trainings of this nature mainly include practical aspects of the role of strategic planning, leadership, communication, time and stress management, ethics, financial management, human resources, case flow management, performance standards, and research and information technology.

#### 8.4.1. Who are the beneficiaries of these trainings?

KJI will cooperate closely with Kosovo Judicial Council and Kosovo Prosecutorial Council to identify adequate officials that will attend these trainings.

Certainly, it is inevitable that part of these trainings are court presidents, chief prosecutors, administrators, as well as other managing staff who will be determined by the decentralization process in the judicial system, as well as different officials of KJCS and KPCS.

















# 9 COOPERATION WITH DOMESTIC AND INTERNATIONAL INSTITUTIONS IN KOSOVO AND ABROAD

In completing its mission, the KJI is dedicated to work together with local institutions and organizations as well as with its international partners who share same objectives.

Considering the increasing need for professionals and constant changes in the judicial and prosecutorial system, the KJI has built an effective and sustainable partnership with local and international institutions acting in Kosovo and abroad.

Cooperation with local and international partners realized through signing of many bilateral and multilateral agreements, active participation in regional initiatives aiming exchange of experiences and accomplishment of activities in the fields of joint interest. Part of this cooperation is organizing practical programs in country and abroad for the KJI beneficiaries.



# 10 DONORS

Support of international partners has helped in the increase of KJI capacities and provided possibilities for self-sustainability in several programs, through exchange of experiences and best practices. Trainings and practical programs for the management, the personnel and the trainers, have directly influenced in the increase of leading and

organizational capacities, not letting aside the training methodology development and technical infrastructure. Also, a part of financial support was focused directly on training of judges, prosecutors and the candidates for these functions. While the expectations for continuing these supports are promising at least for the upcoming short period.





# 11 IDEAS

## FOR PROGRAM IMPROVEMENT OR PUBLICATION NEEDS

KJI is very committed for provision of high quality trainings and in trend with the most recent developments for adult's education. KJI beneficiaries may suggest topics for future trainings or ideas for trainings, as well as on trainers improvement in the assessment forms which are distributed at each training, and which are analyzed with particular attention.

Also, these suggestions can be made through other opportunities that KJI created, like its web page, e-learning platform, electronic library, as well as by contacting at any time the KJI staff in charge for training programs.



# Contacts

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