



*We don't do Justice  
We do Justice better*



*Establishment of Framework  
for Integrated Anticorruption  
Legal Education in South-  
Eastern Europe  
Sofia, Bulgaria, 24-25 April  
2012*



# Background



- Kosovo Judicial Institute (KJI) was established in **February 2000**, by OSCE mission in Kosovo.
- Six years later the Kosovo Assembly promulgated the law for **establishment** of the KJI which came into force on 24 April 2006.
- According to this Law KJI is **independent** body and the main institution for professional training of all future and current judges and prosecutors in Kosovo.

# KJI Mandate

- **Preparatory** /Entry Exam;
- Training of **candidates** for judges and prosecutors (ILEP);
- Training of **acting** judges and prosecutors (CLEP);
- Special training courses for **promotion** of judges and prosecutors (TPP);
- Training for **lay** judges;
- Training for other **professionals** in judicial field identified from KJI;
- Other professional activities (**research**);



# Legal structure for judicial/prosecutorial system



- **Constitution**, Law on Courts, Law on Prosecution, Law on Judicial Council, Law on Prosecutorial Council, Law on Kosovo Judicial Institute.
- Judges and prosecutors are **appointed** by the President upon the **recommendation** of Judicial Council and Prosecutorial Council.
- First **mandate** is three years. In case of reappointment the mandate is **for life**, except if he/she is dismissed according to the law.

# Continuous Legal Education Programme (CLEP)

## ▶ CLEP is:

- provided to **all** judges and prosecutors;
- currently **not** mandatory, but will be **from** 2013;
- All CLEP activities are **developed** on the basis of Annual Programme;

## ▶ **Anticorruption** legal education trainings are:

- Included in CLEP training with different **topics** on corruption;
- Currently KJI is preparing a **special module** on organised crime which **include topics** on corruption, human trafficking, money laundering, trafficking of drugs and informal economy).

# Initial Legal Education Program

## ▶ The ILEP:

- began to be implemented in **September 2008**;
- lasts for **15 months** which is divided into three phases;
- is implemented through **35 modules**;
- 3 of 35 modules cover **corruption**;
  
- Modules that cover corruption are: **Criminal Code** (in 4 weeks);
- **Specialized** modules on criminal field (witnesses in criminal procedure, role and function of state prosecutor, confiscation procedure on corruption cases);

# The Training Programme for Promotion (TPP)

- Begin to be **implemented** in 2010;
- Support to **appointment** and **reappointment** process of judges and prosecutors (2009 – 2010 – ongoing);
- The TPP **support** two categories:
  - judges and prosecutors who are **promoted** from one to another level within the judicial/prosecutorial system;
  - judges and prosecutors that have been **recently appointed** and have not previously exercised the function of a judge or a prosecutor;
- Anticorruption training are **included** within special training modules:
  - Organize Crime;
  - Criminal and Criminal Procedure Code;

# Training for other beneficiaries

- ▶ On this category are **included**;
  - Lay judges;
  - Court and prosecution **administrative** staff;
  
- ▶ When the topic is **related to**, there are **other professionals** that participate: police officers, lawyers, probation service officers, social welfare officers ect.
  
- ▶ **Example** of trainings where these categories take part are:
  - Money laundering,
  - Corruption,
  - Organized crime,
  - Juvenile Justice,
  - Trial advocacy skills, ect.



## Selection of target groups for legal education?

- ▶ For selection of participants in CLEP and TPP, KJI apply several **mechanisms**:
  - ✓ **Evaluation** of training needs,
  - ✓ **Application** of judges and prosecutors in respective trainings,
  - ✓ Coordination with **KJC** and **KPC**,
  - ✓ Coordination with **presidents** of the courts and **chief** prosecutors,
  - ✓ Recommendations of **different** institutions,
  - ✓ The factor for selection of participants in **anticorruption** trainings is their field of engagement.
  
- ▶ From **January 2013** the selection of participants for training will be based on new structure of courts and prosecution offices.
  
- ▶ ILEP target group are **candidates** for judges and prosecutors;
  
- ▶ Selection of candidates for ILEP is based on **successful** scores in Preparatory Exam;
  
- ▶ Other professionals part of the mechanisms on **fighting corruption are selected** in cooperation with their responsible institution.

## Way of selection of potential topics - How is the need for education in specific area identified?

- The **evaluation** forms of the training needs;
- The **proposals** of the experts and trainers assigned to design the training programs;
- **Meetings** with heads of courts and chief prosecutors;
- Recommendations of local and international **organizations**;
- **Recommendations** of Supreme Court and State Prosecution Office;
- Proposals by the **KJC** and **KPC**,
- Legislative **Strategies** of the Government and Assembly;
- Conclusions of the **KJI Program Council**.

## Educators - what is their background?

- KJI **trainers** are:  
judges, prosecutors, lawyers, university professors  
and experts of different fields.
- In training programs related on  
**anticorruption**, trainers are **selected** based on their  
experience and field of their engagement.

# Forms of education

- ▶ KJI training programs **including** trainings on anticorruption are conducted through **various forms** such as workshops, roundtable discussions, simulations of trials and conferences.
- ▶ This year KJI is preparing to deliver trainings through **e-learning** platform.

## Evaluation of trainees and forms of estimation of the training results

- ▶ CLEP and TPP in process of **preparing** mechanisms for evaluation;
- ▶ In **ILEP**, KJI organize mead term and final exams for each phase;

# Other activities

- In relation to activities on **fighting** corruption, KJI have close cooperation with Kosovo Anticorruption Agency for implementing the Action Plan against corruption.
- The **role of KJI** is on organizing trainings for its beneficiaries on anticorruption.
- With the aim on **capacity building**, two of our trainers (judge/prosecutor) will attend the summer school for senior magistrates organized by **Regional Anti-Corruption Initiative** (RAI).

# Main challenges

- ▶ **Reorganization** of judicial and prosecutorial system;
- ▶ New **Laws** (LC, LSP, LKJC, LKPC);
- ▶ New Criminal **Code**;
- ▶ **Transformation** of KJI training programs;
- ▶ Developing **special** training modules on anticorruption;
- ▶ Implementing CLEP as **mandatory**;
- ▶ Developing **research** through National Legal Resource Centre;
- ▶ Financial and human **recourses**;

# Conclusion

The **commitment** of the KJI so far has had a vital effect on the judicial and prosecutorial system of Kosovo.

KJI had to **undergo** different important processes such as:

- The transition from international to a national **management** (2006);
- Changing **recruitment** process of judges and prosecutors (2007-2008);
- Establishing and maintaining the institutional **independency**;
- Building and managing regular **communication** with donors, international and national institutions.

KJI **will continue** to offer the highest quality education to all future and current Judges/Prosecutors in Kosovo and all other beneficiaries foreseen by law.