

LAW NO. 02/L-25

ON ESTABLISHING THE KOSOVO JUDICIAL INSTITUTE

The Assembly of Kosovo

Pursuant to Chapter 5.3 point (e) and (f), Chapter 9.1.26 (a) and 11.2 on the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation No. 2001/09 of 15 May 2001),

Hereby adopts the following:

LAW ON ESTABLISHING THE KOSOVO JUDICIAL INSTITUTE

GENERAL PROVISIONS

Article 1

1.1. The Kosovo Judicial Institute (hereafter "the KJI") is established as an independent professional body, and enjoys the status of legal entity.

1.2. The Headquarters of the KJI is in Pristina.

1.3. The KJI may enter into working agreements, cooperation and scientific and professional activities with other local and international organizations.

1.4. Bodies of the KJI are: The Managing Board and the director of the KJI.

1.5. The Managing Board shall appoint the Director of the KJI in coordination with the Special Representative of the Secretary General after the advertisement of the competitions.

1.6. At reasoning cases, the Managing Board shall dismiss the Director of KJI in coordination with the Special Representative of the Secretary General.

1.7. The KJI as the main institution for training within the judicial system of Kosovo should perform its functions based on principles of legality, impartiality and efficiency.

1.8. KJI is independent body which acts in corporation with KJPC or with its legal successors in the coordination of needs for professional training of judges and prosecutors of Kosovo, for training of candidates for judges and prosecutors and for other issues related to the judicial system of Kosovo.

1.9. The KJI shall draft the strategy and working plan in accordance with general indicators set by the Kosovo Judicial and Prosecutorial Council (hereinafter KJPC) or by their legal successor, who are responsible for judicial or prosecutorial matters in Kosovo.

PRINCIPLE PROVISIONS

Functions of the KJI

Article 2

2.1. The KJI is the main responsible institution for the following:

- a) Training of the office holders and potential office holders, in judiciary (judges and prosecutors),
- b) Assessment and organization of the preparatory exam for judges and prosecutors,
- c) Special training courses for promotion of judges and prosecutors,

- d) Basic training courses for lay judges, and
- e) Training courses for other professionals in the area of judiciary as identified by the KJI.

2.2. During its work, the KJI:

- a) Develops short, medium and long term training plans for an efficient, effective and impartial judiciary,
- b) May perform other professional activities as a professional and research institution for the development of judiciary in Kosovo in line with the European standards.

Managing Board of the KJI Article 3

3.1. The Managing Board shall comprise of 13 members.

3.2. Mandatory members of the Board are the President of the Kosovo Judicial and Prosecutorial Council or its legal successor and the Director of Department of Judicial Administration.

3.3. 9 members shall be appointed by the Assembly of Kosovo, in coordination with the Special Representative of the Secretary General, on the proposal of the following institutions:

- a) The Government, 1(one) member,
- b) Supreme Court of Kosovo, 2 (two) members,
- c) Public Prosecutor's Office of Kosovo, 1 (one) member,
- d) Law Faculty of University of Prishtina, 1 (one) member,
- e) Kosovo Judges Association, 1 (one) member,
- f) Kosovo Prosecutors Association, 1 (one) member,
- g) Kosovo Chamber of Advocates, 1 (one) member,
- h) Kosovo Lawyer Association, 1(one) member.

3.4. Two members for the two years term shall be appointed by the following institutions:

- a) UNMIK, 1(one) member,
- b) OSCE, 1(one) member.

3.5. At least 2 (two) members of the overall membership of the Managing Board shall be from amongst the minority communities.

3.6. The Managing Board is responsible for:

- a) The adoption of the KJI's Statute,
- b) The adoption of KJI's draft budget and the training programs,
- c) Determining the structure and functions of the KJI pursuant to the present Law,
- d) The training methodology for holders of offices and potential holders of offices in judiciary in Kosovo,
- e) Giving advice in relation to the funding and contracting with donors in order to support the KJI's programs.

3.7. Members of the Managing Board shall be appointed for a term of 2 (two) years with the possibility of reappointment, but no more than for 2 (two) mandates.

3.8. The Managing Board shall convene as the KJI deems it necessary, but under no circumstances fewer than once in three months.

3.9. The President of Managing Board of KJI shall convene meetings of the Managing Board upon the notification.

3.10. The notification should be sent not later than five working days prior to the date of the meeting.

3.11. The President of the Board, who is elected by the members of the Board, chairs the meetings of the Managing Board.

3.12. The Director of the KJI is present in the meetings of the Managing Board and has the right to make proposals but not the voting right.

Responsibilities of the Director of the KJI Article 4

4.1. The Director for his duties is responsible to the Managing Board.

4.2. The Director of KJI is responsible for:

- a) Administration and general management of the KJI, as well as to ensure the fulfillment of functions entrusted to him,
- b) Ensuring appropriate, precise and unbiased guidance and professional advices, which are in the function of the KJI,
- c) Personnel management and organization of the KJI,
- d) Issuing decisions and administrative instructions on all matters that relate to his functions,
- e) Efficient and effective management of financial resources and donations allocated to the KJI,
- f) Implementing non-discriminatory personnel policies within the KJI, including gender sensitive and ethnic representation in Kosovo.

4.3. The Program Coordinator shall be elected by the Managing Board after the public advertisement of the competition, pursuant to the regulations and procedures applicable for the civil service.

Requirements for the appointment of the Director of the KJI Article 5

5.1. For the Director of the KJI may be appointed a person, who:

- a) is a person who is registered or has the right to be registered as a permanent habitant of Kosovo at the Central Office of the Civil Registration, pursuant to UNMIK Regulation No. 2000/13 of 17 march 2000 on the Central Office of the Civil Registration
- b) is a graduated lawyer with at least five years of experience in judiciary,
- c) has completed the bar exam,
- d) preferably holds a scientific degree, and
- e) knows the official languages in Kosovo, is considered as priority.

5.2. The Managing Board informs the Prime Minister and SRSB for the appointment of the Director.

Financing of the KJI Article 6

6.1. The KJI is financed by the Kosovo Consolidated Budget.

6.2. As the case may be, revenues of the KJI may be supplemented by donors and research projects of the KJI and by other local or international entities.

6.3. All contributions donated by donors shall be recorded as budgetary means designated to the KJI.

**Preparatory Exam and Course of Instruction for Candidates
that Aim to Become Judges or Prosecutors
Article 7**

7.1. KJI offers to the selected candidates for judges and prosecutors further training.

7.2. Candidates for the post of judges and prosecutors are selected based on the public and open competition through which they are submitted to preparatory exam for judges and prosecutors. The person can be elected as a candidate for the post of judges and prosecutors only if they pass the preparatory exam for judges and prosecutors. The work experience and the result of the jurisprudence exam can be taking into account at the selection of the candidates for the post of judges and prosecutors.

7.3. The assessment of the results achieved in the Preparatory Exam and the training course is made by the KJI according to the criteria and rules set by the KJPC or its legal successors.

7.4. The candidates who work in courts or in prosecutions in the capacity of professional associates can attend the courses during without cessation from their work.

7.5. The selected candidates shall receive a honorarium (fee) from the Kosovo Consolidated Budget.

**Course of Practical Training for Candidates
that Aim to Become Judges or Prosecutors
Article 8**

8.1. The KJI, in cooperation with the KJPC or its legal successor shall be responsible for the following:

- a) Shall identify courts and public prosecutions which can support the trainings for the candidates that aim to become judges or prosecutors.
- b) Shall appoint a Judge/Prosecutor to oversee the candidate during the training.

8.2. The candidate's work during the training course shall be assessed by the overseeing judge or prosecutor according to the criteria and rules set by the KJPC or its legal successors.

8.3. The eligibility to honorarium (fee) prescribed by Article 7.5 of the present Law is valid in this case, too.

**Basic Training Course for Appointed Lay Judges
and Other Professionals
Article 9**

9.1. At the proposal of the KJPC or its legal successor, the KJI shall organize the basic training course for lay judges.

9.2. Following the identification of needs by the Managing Board, the KJI shall organize training courses for other professionals in the field of law.

Special Training Courses for Promotion

Article 10

10.1. The KJI, in consultation with the KJPC or its legal successors shall organize special training course for promotion of judges and prosecutors who have been or will be promoted within the judicial system.

10.2. Recently appointed judges and prosecutors shall have the right and are obliged to attend the special training courses for promotion without any secession from employment, according to provisions of Civil Service in Kosovo which are in force.

FINAL PROVISIONS

Entry into force Article 11

11.1. Issues dealing with organization and performing of KJI which have not been regulated with the present law can be regulated with the KJI status and other sub legal acts.

11.2. Upon entry into force of the present Law, all the provisions of other laws that are non-compliant with it shall be invalid.

11.3. Responsibilities set by this law for KJPC and DJA shall be transferred to their legal successors or to the institutions who will exercise their present competencies.

11.4. The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General.

24.04 2006
UNMIK/REG/2006/23