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

We don’t do Justice
We do Justice better
Background

- Kosovo Judicial Institute (KJI) was established in February 2000, by OSCE mission in Kosovo.

- Six years latter 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


- 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 etc.

▶ **Example** of trainings where these categories take part are:
  • Money laundering,
  • Corruption,
  • Organized crime,
  • Juvenile Justice,
  • Trial advocacy skills, etc.
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.