



The OSCE Mission in Kosovo has been entrusted with the lead role in matters relating to institution- and democracy-building, rule of law, and human rights in the region. The Mission forms a distinct component of the United Nations Interim Administration Mission in Kosovo (UNMIK) and is responsible for, among other things, training police, judicial and civil administrators; furthering the development of a civil society; supporting media development; organizing and supervising elections; and, monitoring, protecting and promoting human rights.



ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

# Mission in Kosovo

## Kosovo Judicial Institute

As part of its institution building mandate, the OSCE Mission in Kosovo, through its Department of Human Rights and Rule of Law is working on the re-establishment of the judicial system based on democratic principles and according to international human rights standards.

As a principle mean of improving the judiciary, the Rule of Law Division, in conjunction with the legal community in Kosovo, created the Kosovo Judicial Institute (KJI). It formally began its activities in August 1999 as the Judicial Training Section, and in February 2000 was established as the KJI.

### Objectives

The mandate of the KJI is to train the judges and prosecutors of Kosovo. Currently, it is still part of the OSCE Rule of Law Division. However, the plan is to hand it-over to UNMIK Pillar I (Police & Justice) in order to be absorbed in, a later to be established, Ministry of Justice. Eventually it is to function as a sustainable institution which will provide continuing legal training to the Judiciary and initial legal education to its future members

### Continuous Legal Education for the Judiciary

The KJI's Continuous Legal Education

Programme (CLEP) includes education activities both in Kosovo and abroad.

The Institute started its regular training activities in Kosovo by organising symposiums on human rights standards and criminal law for all members of the Judiciary from September through December 1999, during the Emergency Judicial System. Subsequently, assessments on training needs and priorities for the Kosovo judiciary allowed the KJI to focus its training on specific legal subjects of concern. Such ongoing assessments are accomplished with the co-operation of the OSCE Rule of Law Officers.

Following the appointments of new judges and prosecutors in December 1999, June 2000 and August 2000, the KJI has provided induction seminars on criminal law, criminal procedure law and civil law in accordance with international human rights standards, intended to refresh and update their legal knowledge. The KJI has organised seminars on accusatory acts, impeachment, judgement, appeal, and the principle of truth in criminal procedure, and a training seminar on Ethics and Disciplinary Measures.

The CLEP is also composed of specific training sessions, and includes formats such as information sessions, seminars, symposiums, workshops and round table discussions.

In 2000, these specific trainings focused on the relationship between the judiciary and law enforcement services during the pre-trial procedure, on juvenile justice, on international humanitarian law and on domestic violence.

During 2001, the KJI organised workshops, seminars and information sessions



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on such topics as property rights, criminal procedure, alternative sanctions and measures to detention, forensic issues, trafficking, police and judicial co-operation, weapons possession, international law on extradition, and an open discussion on the draft criminal and procedure codes.

In 2002, currently, seminars and information sessions have been held on issues including protection of the mentally ill and youth in criminal proceedings, extradition and international legal aid in criminal matters, alternative sanction and measures, anti-corruption strategies, the Draft Law on Juveniles, trafficking of persons, and property disputes.

The other part of the CLEP is the abroad education programme, which consists of study visits and internships.

The visits are intended to foster and to promote discussions about the problems of judicial systems in post-communist countries and to share this experience with colleagues as a means to help find solutions in order of improving the actual judicial practices and techniques in Kosovo. Usually, the participants visit the Ministry of Justice and the main judicial institution of the country they travel to and observe the proceedings of courts of the first and second instances. In 2001, visits were conducted in Poland, Switzerland and the Netherlands in The Hague. For 2002, KJI plans to organise study visits to France, Slovenia, Switzerland and The Hague.

The internships allow for observing and assisting a judge or prosecutor at work in a foreign judicial system. This activity aims at developing certain areas of the magistrate's work, such as legal reasoning, questioning techniques, docketing and court management. In preparation for internships, participants attend an intensive three-day course on the judicial institutions of the country they are to visit. Upon their return, workshops are organised where they have the opportunity to share their experience with their peers.

### The future Magistrate School

In accordance with ongoing discussions about the selection and training of the future judges and prosecutors with the Department of Justice (DOJ), the KJI develops the Initial Legal Education Programme (ILEP) for prospective judges and prosecutors. This is a significant step towards the objective of KJI becoming the magistrate school of Kosovo.

### Partnership

The KJI is working closely with organisations whose efforts are linked with judicial training. The very close collaboration between the KJI, the European Agency for Reconstruction, the Council of Europe

(CoE), and the United States Department of Justice (USDOJ) should be stressed. Experts provided by the CoE assist the Institute in carrying out various training activities. Moreover, in order to satisfy the specific needs of judicial training, the KJI co-operates on an ad hoc basis with national and international institutions, such as the Kosovo Police Service School, the American Bar Association - Central and Eastern European Law Initiative, the World Bank and others.

### Practical Skills Training Programme

The United States Agency for International Development (USAID) is planning a Practical Skills Training Programme to augment the training of judges and prosecutors by the KJI. The expected duration of this programme is from six months to one year. The programme, hosted by and held within the KJI, will assist current sitting judges and prosecutors in mastering practical skills related to court proceedings and trials. This includes managing pre-trial detention, writing judgements and sentences, courtroom management and obtaining witnesses for trial.

### Staff

To date the KJI has six international and ten local staff members. The Institute is headed by two co-directors, one international and one national.

### Premises

Since March 2001, the KJI has its own facilities in Prishtina/Priština on Ramiz Sadiku street. The newly renovated building includes several classrooms and conference spaces, as well as a library with Internet access. One classroom is equipped with simultaneous translation equipment, enabling the Institute to provide simultaneous translations in English, Albanian and Serbian.

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