



UNMIK/REG/2006/23
24 April 2006

REGULATION NO. 2006/23

**ON THE PROMULGATION OF
THE LAW ON ESTABLISHING THE KOSOVO JUDICIAL INSTITUTE
ADOPTED BY THE ASSEMBLY OF KOSOVO**

The Special Representative of the Secretary General,

Pursuant to the authority given to him under United Nations Security Council resolution (UNSCR) 1244 (1999) of 10 June 1999,

In conformity with sections 9.1.44 and 9.1.45 of the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation No. 2001/9 of 15 May 2001),

Taking into account a communication from the President of the Assembly of Kosovo, dated 7 March 2006, concerning the Law on Establishing the Kosovo Judicial Institute adopted by the Assembly on 23 February 2006,

Taking into account the responsibilities of the Provisional Institutions of Self-Government under sections 5.3(e) and 5.3(f) of the Constitutional Framework,

Noting that the provisions of the Law shall be without prejudice to the authority of the Special Representative of the Secretary-General under UNSCR 1244 (1999) or his reserved powers and responsibilities under the Constitutional Framework for Provisional Self-Government in Kosovo,

A. Hereby promulgates, subject to Part B below, the Law on Establishing the Kosovo Judicial Institute (Law No. 02/L-25) adopted by the Assembly of Kosovo, attached to the present Regulation, and

B. Determines that the following changes shall be made to the Law:

1. The words "legal successors" in Articles 1.8, 7.3, 8.2, 10.1 and 11.3 and the words "legal successor" in Articles 1.9, 3.2, 8.1 and 9.1 shall be revised to read "legal successor(s)".
2. Article 1.5 shall be revised to read:

The Managing Board shall appoint the Director of the KJI in coordination with the Special Representative of the Secretary-General after a public competition.

3. Article 1.6 shall be revised to read:

Where justified, the Managing Board shall dismiss the Director of the KJI in coordination with the Special Representative of the Secretary-General.

4. The chapeau of Article 3.3 shall be revised to read:

Nine members shall be appointed by the Assembly of Kosovo in coordination with the Special Representative of the Secretary-General upon the proposal of the following institutions:

5. Article 4.3 shall be revised to read:

The Program Coordinator shall be appointed by a Commission established by the Managing Board after a public competition in accordance with the rules and applicable procedures of the Civil Service.

6. Article 5.1(a) shall be revised to read:

is a person who is registered, or is eligible to be registered, as a habitual resident of Kosovo with the Central Civil Registry in accordance with UNMIK Regulation No. 2000/13 of 17 March 2000 on the Central Civil Registry,

7. Article 7.2 shall be revised to read:

Candidates for positions as judges or prosecutors shall be selected on the basis of a public and open competition in which they shall take the preparatory examination for judges and prosecutors. A person may only be selected as a candidate for a position as a judge or prosecutor if he or she passes the preparatory examination for judges and prosecutors. Working experience and the results of the bar examination may also be taken into account in the selection of candidates for positions as judges or prosecutors.

These changes shall be reflected in the final official text of the Law.

Signed on this 24th day of April 2006.

Søren Jessen-Petersen
Special Representative of the Secretary-General