



Republika e Kosovës
Republika Kosova/Republic of Kosovo
Akademia e Drejtësisë/Akademija Pravde/Academy of Justice

No. 01/148/2017

Date: 01/06/2017

Managing Board of the Academy of Justice pursuant to Article 10 paragraph 1, subparagraph 1.1 and Article 11, paragraph 4 of the Law No. 05/L-095 on the Academy of Justice, in its third meeting of the first constituency, held on 01 June 2017, brought the following:

DECISION

- 1.Approval of the Regulation No. 03/2017 on the Initial Training.
- 2.The decision enters into force upon its signature.

Aleksandër Lumezi

Chairman of the Managing Board
Academy of Justice

Decision sent to:

Executive Director of the Academy of Justice
Head of ITP
Archive of the Academy of Justice



Republika e Kosovës
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Akademia e Drejtësisë/Akademija Pravde /Academy of Justice

Pursuant to Article 10 paragraph 1, sub-paragraph 1.1 and Article 19 paragraph 6 of the Law NO. 05/L-095 of the Academy of Justice, in the meeting held on 01.06.2017 approved the following:

REGULATION NO. 03/2017
FOR THE INITIAL TRAINING

Article 1
Pursuant

This Regulation establishes the organization of the initial training, the rights and obligations of the beneficiaries, the relation between trainers and mentors with the Academy of Justice (hereafter Academy) and the criteria for successful completion of the initial training.

Article 2
Scope

This regulation is implemented by the Academy based on the reasons determined by this Regulation.

Article 3
Definition

1. "Beneficiaries of the Initial Training Program" —newly appointed judges and state prosecutors obliged to attend the initial training as determined by the Law on Courts and the Law on State Prosecutor,
2. "Trainer" the expert engaged to implement the training program, as determined by the Regulation for Trainers and Mentors,
3. "Mentor" a judge and state prosecutor engaged to support the judge or prosecutor during practical training as determined by the Regulation for Trainers and Mentors.
4. "Initial training" is a training determined by the Law on Amendment and Supplementing of the Law on Courts and the Law on Amendment and Supplementing the Law on State Prosecutor.
5. "Competence" is a set of professional knowledge and practical skills with the purpose of conducting the duties as defined by the Academy.

6. "Initial Training Program" the organizational unit within the Academy, responsible for implementation of the initial training.

Article 4 Organization of the initial training

1. The Academy is responsible for the organization of the initial training.
2. The Academy in cooperation with the Kosovo Judicial Council (hereafter KJC) and Kosovo Prosecutorial Council (hereafter (KPC), coordinate activities for the organization of the initial training for professional capacity building of newly appointed judged and state prosecutor.

Article 5 Training program

1. The content of the training program is approved by the Academy's Managing Board according to the duration determined by the legislation in force.
2. Training program consists on the development of the following competences:
 - 2.1 Professional capacities and practical skills,
 - 2.2 Personal integrity and ethical conduct,
 - 2.3 Implementation of the international standards on human rights,
 - 2.4 Reasoning of judicial decisions and communication skills,
3. The training program is drafted by the Academy in cooperation and coordination with KJC, KPC, Kosovo Supreme Court and State Chief Prosecutor Office.

Article 6 Structure and training duration

1. Training program is implemented through theoretical and practical training for a period of 12 months.
2. Theoretical training is conducted (2) two days per week, through training modules drafted by trainers engaged by the Academy.
3. Practical training takes place (3) three days per week and is conducted in courts and prosecution of basic instance, where they have been appointed with the support of judges, respectively state prosecutors — mentors.
4. Judges assigned in departments and divisions, attend the practical training under the mentoring of a judge who works at the respective department or division.
5. Practical training is implemented relying on the approved program by the Managing Board and the Handbook on the implementation of the practical training.

6. With exception of paragraph 2 and 3 of this Article, in order to fulfill the training program as determined by Managing Board, the number of training days may be amended due to the implementation of the determined curriculum,
7. The Academy, establishes the necessary mechanisms to monitor the implementation of the training program by the trainers and mentors.

Article 7 Initial Training Program

1. The Academy conducts all preparations for the commencement of the initial training program in the first week of the October of the Calendar year;
2. With exception of paragraph 1 of this Article, the initial training may start at thrushes 3 months after the request of KJC and KPC;
3. The Academy can enter into cooperation agreement with KJC and KPC for the implementation of the initial training.

Article 8 Training schedule

1. The training is organized during the working days, according to the official working schedule;
2. Exceptionally, with the purpose of fully implementation of the training program, the training can be organized also during the weekend, or with the extended schedule of the official hours, according to the conditions determined by the legislation in force.

Article 9 Attendance

1. Regular training attendance is mandatory for participants of the initial training;
2. The Academy will implement criteria's and rules determined by KJC and KPC regarding the use of holidays as determined by law.

Article 10 The course of the initial training

1. Newly appointed judges and state prosecutors are obliged to:
 - 1.1 To send a written notice (email or other ways) for their absence in the training to the President of the Court, Chief Prosecutor of a certain prosecution office, the Academy and the mentor;
 - 1.2 Respect the laws, relevant Regulations regarding initial training and rules professional ethics rules, rules and the silence in the interior of the Academy and other non-judicial institutions which are part of the practical training;
 - 1.3 To maintain and well- administrate the materials and equipment's to their disposal during the attendance of the initial training;

- 1.4 Respect dressing code used during the initial training period;
 - 1.5 Respect trainers, mentors and the Academy's staff during the training program;
 - 1.6 Not use mobile phones or other technology items during training development in the Academy;
 - 1.7 Sign in the registration sheet in the Academy or in Courts/Prosecution building;
2. Repeated and not justified absence will be considered as a ground to initiate procedures as determined by normative acts and Code of Professional Ethics.
 3. The Academy prepares weekly reports related to attendance of judged and state prosecutors during the training, as well as notifies the KJC and KPC.

Article 11 Criteria for successful completion of the training

1. In order to properly evaluate the proper completion of the training by the beneficiaries of the initial training, the Academy is based on the following criteria:
 - 1.1. Attendance report (annex 1);
 - 1.2. Trainers report on the assessment results for completion of the training modules (annex 2);
 - 1.3. Reports and evaluation by mentors (annex 3);
 - 1.4. Research papers (annex 4);
2. Initial training results as determined in paragraph 1 are included in the Academy's report for each training beneficiary which is evaluated for the proper completion of the training program, the same is sent to KJC and KPC for further evaluation;
3. Evaluation forms are part of this Regulation attached in the form of annex.

Article 12 Additional training

1. Based on the final evaluation report for completion of the training, KJC and KPC may require additional training for judges and state prosecutor which have not shown satisfactory performance in the end of the training;
2. The request for additional training contains the duration and the training content to be followed by the newly appointed judge or state prosecutor;
3. After completion of the training, according to paragraph 1 and 2 of this Article, the Academy will prepare a final report for judged and state prosecutors who have attended additional training;
4. The Academy commence additional initial training within a reasonable timing, but not later than 3 months from the day of the request.

Article 13
Rights and obligations of the beneficiaries

1. The judge and state prosecutor who does not commence or terminates the initial training due to a reason, can attend the training in the next generation, according to the request of KJC or KPC.
2. During the attendance of the initial training, judges and state prosecutors are subject to the legislation in force for the work of judges and prosecutors, ethical rules and this Regulation.

Article 14
Disciplinary rules

1. For disciplinary violations and other training rules, judges or state prosecutors attending the training will be subject to procedural rules developed by KJC or KPC.
2. The Academy informs KJC and KPC regarding the behaviors of judges and prosecutors during the training, which may be subject of violations of rules and ethics.

Article 15
Evaluation of the training completion

1. The evaluation of the initial training beneficiaries is organized in written and in accordance with the competencies developed within the initial training.
2. Evaluation of state prosecutors in training has the following content:
 - 2.1 National and International legal order;
 - 2.2 Criminal Code;
 - 2.3 Criminal Procedural Code;
 - 2.4 Personal and interdisciplinary skills;
 - 2.5 Legislation and additional skills;
3. Evaluation of judges has the following content:
 - 3.1 National and International legal order;
 - 3.2 Criminal Code;
 - 3.3 Criminal Procedural Code;
 - 3.4 Civil Material Law;
 - 3.5 Civil Law;
 - 3.6 Personal and interdisciplinary skills;
 - 3.7 Legislation and additional skills;
4. Evaluation of the training through distance learning platform will be conducted based on technical possibilities provided by this platform.
5. Judges assigned in criminal division will be assessed according to paragraph 3 point 3.1, 3.2, 3.3, 3.6 and 3.7, whereas judges assigned in civil division will be assessed according to paragraph 3.1, 3.4, 3.5, 3.6 and 3.7 of this Article.

Article 16
Drafting of evaluation test

1. Drafting of the evaluation tests is conducted in the safe environment protected by external interference.
2. The test is drafted and evaluated by trainers selected by the Academy, but not by the mentors.
3. The test is conducted after completion of each module.

Academy 17
Administration of the evaluation process

1. Beneficiaries are informed in time about the day and the location of the test, not later than 3 days before the exam.
2. If any of the beneficiaries for any particular reason do not appear on the day and the time of the test, Director of the Academy can decide that they can undergo the test on another day.
3. The test is organized in the area with comfortable conditions for the test, which starts and ends at the same time for all beneficiaries.
4. In the room where the examination takes place, beneficiaries are allowed to have with them only relevant laws, provided by the Academy based on the testing structure.
5. The administration of the test will be supervised by the Academy's Director.
6. In the room where the test takes place, beneficiaries should sit in the front row and the place assigned by the supervisor of the room immediately. Beneficiaries who show up after the commencement of the test and after the doors are closed, will not be allowed to take part in the test.
7. No hand-bags, paper, backpack, folders, pens, pencils, notebook, documents, mobile, technology equipment, headphones / headset or other electronic devices of any type are not allowed in the testing room. This equipment's will be taken and stored during the registration process.
8. Violation of this rules revealed before the distribution of the test questions will result with the temporary seizure of the item until the end of the test. If the violation is detected during, or after the test, the test will be declared invalid evaluated with zero points for that part of the exam.

Article 18
Evaluation of the test

1. Evaluation of the test, will be conducted as soon as possible, but not later than 5 (five) days from the test.
2. The evaluation is conducted by the same trainers that drafted the test.
3. The Academy drafts the evaluation criteria in advance, with the purpose of providing equal evaluation for all beneficiaries.
4. Evaluation will be anonymous and accordingly with provisions of Article 16 of this Regulation.

Article 19
Test results

1. Testing is conducted separately for state prosecutors and for judges.
2. For each section of the test, the newly appointed judges are scored in the following order:
 - 2.1 National and international legal order — 10 points;
 - 2.2 Criminal Code — 20 points;
 - 2.3 Criminal Procedure Code — 20 points;
 - 2.4 Civil Law/ material part — 20 points;
 - 2.5 Civil procedure — 20 points;
 - 2.6 Personal and interdisciplinary skills — 5 points;
 - 2.7 Legislation and additional skills — 5 points.
3. For each section of the test, the newly appointed state prosecutors are scored in the following order:
 - 3.1 National and international legal order — 10 points;
 - 3.2 Criminal Code — 25 points;
 - 3.3 Criminal Procedure Code — 40 points;
 - 3.4 Personal and interdisciplinary skills — 15 points;
 - 3.5 Legislation and additional skills — 10 points;
4. Evaluation of the judges and state prosecutors in the training is made in the following levels:
 - 4.1 Insufficient level, is considered for 0-40 points;
 - 4.2 Sufficient level, is considered for 41-60 points;
 - 4.3 Good, is considered for 61-80 points;
 - 4.4 Very good, is considered for 81-100 points.

Article 20
The complaints procedure

1. Training beneficiaries have the right to complain about the testing results, within 3 days from the day when the results are announced.
2. The complaints commission consists of 5 members that are appointed by the Academy's
 - 2.1 two judges,
 - 2.2 two prosecutors, and
 - 2.3 one member of the Managing Board

Article 21
Final provisions

This regulation, upon its entrance into force, repeals the Regulation No. 01/2016 on the Initial Training Program.

Article 22
Entrance into force

Regulation enters into force on the day of approval by the Academy's Managing Board.

Prishtina, 01.06.2017

Aleksander Lumezi

President of the Managing Board
Academy of Justice

Annex II — Trainers report on the evaluation results for the completion of the training module

Name and last name of the judge/ state prosecutor in ITP:			Training module:		
Identification of facts	Law knowledge and application	Fact analysis	Conclusion and reasoning	Language used	General Evaluation
Insufficient <input type="checkbox"/>	Insufficient <input type="checkbox"/>	Insufficient <input type="checkbox"/>	Insufficient <input type="checkbox"/>	Insufficient <input type="checkbox"/>	Insufficient <input type="checkbox"/>
Sufficient <input type="checkbox"/>	Sufficient <input type="checkbox"/>	Sufficient <input type="checkbox"/>	Sufficient <input type="checkbox"/>	Sufficient <input type="checkbox"/>	Sufficient <input type="checkbox"/>
Good <input type="checkbox"/>	Good <input type="checkbox"/>	Good <input type="checkbox"/>	Good <input type="checkbox"/>	Good <input type="checkbox"/>	Good <input type="checkbox"/>
Very good <input type="checkbox"/>	Very good <input type="checkbox"/>	Very good <input type="checkbox"/>	Very good <input type="checkbox"/>	Very good <input type="checkbox"/>	Very good <input type="checkbox"/>
Trainer's comment and recommendation on the field (s) where the beneficiary needs improvement and development of the competence / when training if applicable are needed:					

Date: _____

Name & Signature of the Trainer _____

Annex III — Mentors report

	<u>Level</u>
Ability to identify and use the deontology rules (Competence "Personal integrity and professional conduct")	Achieved <input type="checkbox"/>
	In progress <input type="checkbox"/>
	Not achieved <input type="checkbox"/>
Ability to analyze and describe a case or situation (Competence "Legal and judicial skills")	Achieved <input type="checkbox"/>
	In progress <input type="checkbox"/>
	Not achieved <input type="checkbox"/>
Ability to identify, respect and guarantee legal rules (Competence "Legal and judicial skills")	Achieved <input type="checkbox"/>
	In progress <input type="checkbox"/>
	Not achieved <input type="checkbox"/>
Ability to adjust and adapt (Competence "Social awareness")	Achieved <input type="checkbox"/>
	In progress <input type="checkbox"/>
	Not achieved <input type="checkbox"/>
Ability to adapt and show authority in specific circumstances and situations (Competence "Social awareness")	Achieved <input type="checkbox"/>
	In progress <input type="checkbox"/>
	Not achieved <input type="checkbox"/>
Ability to have meaningful relationship, active listening and exchange of information (Competence "Social awareness")	Achieved <input type="checkbox"/>
	In progress <input type="checkbox"/>
	Not achieved <input type="checkbox"/>
Ability to monitor the court audience, respecting the opposing party (Competence "Legal and judicial skills")	Achieved <input type="checkbox"/>
	In progress <input type="checkbox"/>
	Not achieved <input type="checkbox"/>
Ability to find solutions and reconcile the parties (Competence "Personal integrity and professional conduct")	Achieved <input type="checkbox"/>
	In progress <input type="checkbox"/>
	Not achieved <input type="checkbox"/>

Ability to take decisions based on justice and facts (Competence "Legal and judicial skills")	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>

Ability to motivate, formality and explanation of decisions (Competence "Social awareness")	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>

Ability to take into account institutional and national and international circumstances (Competence "Social awareness")	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>

Ability to work in groups (Competence "Professional engagement")	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>

Ability to organize, manage and take initiatives (Competence "Professional engagement")	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>

Date: ___/___/___

Name & Signature of the Mentor:

Annex IV — Research papers

EVALUATION CRITERIA	Evaluation (completely, partially, none)
A. First level	
Structure and organization	
Errors in law	
Errors in grammar	
Plagiarism	
Comment:	
B. Second level	
Facts identification	
Legal basis and other sources	
Case law elaboration	
Comment:	
C. Third level	
Relevance	
Clear conclusions	

Comment:

The Editorial Board's final evaluation on the work
paper:

Date: ___/___/_____

Name & Signature of the Editor in chief:
