



Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 05/L-095

ON ACADEMY OF JUSTICE

The Assembly of the Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves:

LAW ON ACADEMY OF JUSTICE

CHAPTER I
GENERAL PROVISIONS

Article 1
Scope and Purpose

This law establishes the Academy of Justice and regulates the status, its functions and bodies, method and conditions under which the professional training of judges and prosecutors is conducted in the Republic of Kosovo, the training of judicial and prosecutorial administrative staff, and other issues in accordance with the law.

Article 2
Definitions

1. For the purpose of this Law, the following expressions have this meaning:

1.1. **Trainers** – persons among judges and state prosecutors and other relevant professions, engaged to hold training in Academy;

1.2. **Mentors** – judges and prosecutors involved in mentoring participants in training.

Article 3
Work principles

The Justice Academy (hereinafter: the Academy) carries out its function in accordance with the Constitution of the Republic of Kosovo, relevant laws and sub-legal acts.

Article 4
Logo and Seal

The Academy has its own logo and seal with the shape and diameter determined under the provisions of the relevant legislation in force.

CHAPTER II
STATUS, FUNCTIONS AND BODIES OF THE ACADEMY

Article 5
Status of the Academy

1. The Academy is an independent public institution with the capacity of a legal person.
2. The Academy has its own budget which is administered independently and in accordance with the law.
3. Academy's headquarter is in Prishtina.

Article 6
Functions of the Academy

1. The Academy performs the following functions:
 - 1.1. compiles training programs and organizes trainings for judges and state prosecutors in accordance with applicable law;
 - 1.2. develops training needs assessment process through mechanisms set up by the Academy and based on the requests of the Kosovo Judicial Council (hereinafter: KJC), Kosovo Prosecutorial Council (hereinafter: KPC);

1.3. organizes trainings for the court and prosecutorial administrative staff, after prior coordination on training needs with the KJC and KPC, in accordance with the legislation in force;

1.4. may organize continuous professional trainings for the State Advocates, lawyers, notaries, private enforcement agents, mediators, bankruptcy administrators and other professions based on the Academy assessment, pursuant to the requests of competent institutions;

1.5. develops and implements training programs in cooperation with KJC and KPC, and in cooperation with respective chambers of open professions or respective institutions;

1.6. retains data on the trainings and programs conducted in the Academy in accordance with the legislation in force;

1.7. establishes and maintains cooperation with similar local and international institutions regarding the work which it performs, including professional practice and exchange programs;

1.8. performs analysis, researches and cooperates with scientific institutions;

1.9. conducts publishing activities for fulfilling the mandate for the needs of judicial and prosecution system and open professions;

1.10. performs other duties determined by the law and other acts of the Academy.

Article 7 Academy Bodies

1. The Academy Bodies are as follows:

1.1. Governing Board;

1.2. Programme Council and

1.3. Executive Director.

Article 8 Academy Governing Board

1. The Academy Governing Board (hereinafter: the Governing Board) leads the Academy and is comprised of nine (9) members, of which two (2) are ex officio members, while seven (7) members are from the following institutions:

- 1.1. Ex-officio members of the Governing Board are:
 - 1.1.1. The President of the Supreme Court and;
 - 1.1.2. The Chief State Prosecutor;
 - 1.2. three (3) members are appointed by KJC as follows: one (1) judge from Basic Court, one (1) judge from Court of Appeals and one (1) member from the Kosovo Judicial Council Secretariat;
 - 1.3. three (3) members are appointed by KPC, as follows: one (1) prosecutor from the Basic Prosecution, one (1) prosecutor from the Appellate Prosecution and one (1) member from the Kosovo Judicial Council Secretariat.
 - 1.4. one (1) member is appointed by the Minister of Justice;
2. Members from paragraph 1., sub-paragraph 1.2. to 1.4. of this Article shall be appointed for a four (4) years mandate without the opportunity to be re-appointed for one more mandate.
 3. Institutions delegating more than one member should take into account gender and ethnic representation.
 4. Members of the Governing Board cannot be members of the Programme Council.
 5. The Governing Board, from its members, shall appoint a Chairperson and Deputy Chairperson with majority of votes for a four (4) year mandate. Appointment in this function does not extend the mandate of the Governing Board member.
 6. The Chairperson of the Governing Board represents the Board, invokes and leads the Board's meetings and carries out other responsibilities determined by the law and the Rules and Procedures issued by the Governing Board.

Article 9

Governing Board member's appointment procedure

The Governing Board, through a request, shall initiate the procedure for appointment of Governing Board members, no later than three (3) months before the expiration of the mandate of current Board members.

Article 10
Governing Board competencies and responsibilities

1. The competences of the Governing Board are as follows:
 - 1.1. approving bylaws foreseen by this Law;
 - 1.2. approving the draft budget of the Academy;
 - 1.3. approving of the development strategy, work plan of the Academy and training program;
 - 1.4. approving the list of trainers and mentors;
 - 1.5. overseeing the work of the Academy;
 - 1.6. setting priorities in provision of trainings in cooperation with KJC and KPC;
 - 1.7. electing and dismissing the Executive Director;
 - 1.8. electing and dismissing the Members of the Programme Council;
 - 1.9. performing other duties defined by the law and sub-legal acts.
2. The Governing Board, if necessary, shall establish special committees which would help in exercising competences foreseen in paragraph 1. of this Article. These committees have no decision-making competences.
3. The Governing Board shall submit to the Assembly of the Republic of Kosovo a report on the work of the Academy at least once a year not later than 31st of March.

Article 11
Governing Board`s work and decision-making method

1. The Chairperson of the Governing Board summons and leads the meetings of the Governing Board.
2. Chairperson of the Governing Board shall also summon a meeting of the Governing Board upon a proposal from at least one-third (1/3) of the Governing Board`s members or upon a written justified proposal of the Executive Director.
3. Written notices regarding the meetings shall be sent to each member of the Board at least five (5) working days in advance and shall contain the meeting agenda.
4. The Governing Board issues its decisions with a majority of votes from the total number of members.

5. The Governing Board shall hold regular meetings at least four (4) times per year, every three (3) months if more than half of the total number of Governing Board members is present. If in the meeting summoned pursuant to paragraph 2. and 3. of this Article, the necessary majority according to this paragraph is not ensured, the Governing Board shall, in the next meeting summoned at least fifteen (15) days later, issue the decisions by majority of votes of members present at the meeting, but only if the agenda of the meeting is sent to all members of the Board.

6. The working method and decision-making in the Governing Board is more closely regulated with the Rules of Procedure of the Governing Board.

Article 12

Termination of the function of Governing Board members

1. The function of the Governing Board member terminates upon:

1.1. expiration of the mandate;

1.2. termination of the status on which appointment is based;

1.3. dismissal;

1.4. written request by the institution that appointed him/her, by providing an advanced notice of thirty (30) days to the Governing Board;

1.5. resignation;

1.6. death.

2. The member of the Governing Board shall be dismissed in accordance with paragraph 1., subparagraph 1.3. of this Article by a decision of the institution that appointed him/her, based on the request of the majority of other Governing Board members, if the member performs any of the following actions:

2.1. does not perform the function of the Governing Board member in accordance with the Constitution and the law;

2.2. unreasonably fails to attend 3 (three) consecutive meetings of the Governing Board;

2.3. discharges a function which is in contradiction to his/her duties and responsibilities; and

2.4. is convicted for a criminal offence.

3. The appointing institution shall inform the Governing Board regarding the termination of a member's function, within a reasonable term, under all cases provided in paragraph 1. of this Article, as soon as it is practical.
4. If a position in the Governing Board is opened before the expiration of the mandate of a member, the open position shall be filled in the same manner with that of the member whose term expired. The person who is elected to fill the empty position in the Governing Board is appointed or elected for a full four (4) year mandate.
5. The competent appointment body is obliged to decide on the request of the Governing Board within a period of thirty (30) days from the day of its receipt and to notify the Governing Board within a period of eight (8) days from the day the decision is taken.
6. The competent body for appointment shall appoint the new member within a period of thirty (30) days from the day of issuing the decision for terminating the function of the Governing Board member.
7. In addition to the grounds from paragraph 1. of this Article, the function of the chairperson of the Governing Board may also be terminated based on the decision of the Governing Board.

Article 13

Compensation of Governing Board Members

1. The members of the Governing Board have the right to compensation for participating in a meeting.
2. Members of the Governing Board receive their compensation for each meeting held, but the total amount of compensation cannot exceed the amount of two-hundred (200) Euro per month, with the exception of the Chairperson of the Governing Board whom cannot receive more than two hundred and fifty (250) Euro per month, regardless to the number of meetings held within a month.

Article 14

Programme Council

The Programme Council is professional body engaged in ensuring quality for the trainings provided by the Academy.

Article 15
Composition of the Programme Council

1. The Programme Council consists of seven (7) members, who are appointed by the Governing Board, from the group of judges or state prosecutors and other experts as follows:
2. The Director of the Academy is ex officio member.
3. The mandate of Programme Council members, with the exception of the Executive Director, is four (4) years, with the right of re-appointment for one more mandate. The provisions for terminating the function of the Governing Board member, foreseen by this law, shall apply to the termination of the function of Programme Council member accordingly.
4. The Chairperson of the Programme Council is ex officio the Executive Director of the Academy.
5. Programme Council members, with the exception of the Executive Director are compensated in the amount of seventy (70%) percent of Governing Board members compensation, based on held meetings and participations to the meetings.

Article 16
Duties and Responsibilities of the Programme Council

1. The Programme Council is a professional body, and has the following competencies:
 - 1.1. drafts the program-proposal for training of the Academy in cooperation with KJC and KPC;
 - 1.2. monitors the implementation of programs and their success;
 - 1.3. provides guidance for advancing training methods and techniques, independently and in cooperation with the trainers and mentors;
 - 1.4. provides opinions on the list of trainers and mentors;
 - 1.5. provides advices, proposals and suggestions to the bodies of the Academy for improvement of the quality of training;
 - 1.6. carries out other duties determined under this law, and bylaws of the Academy.
2. The Programme Council reports for its work to the Governing Board.

Article 17
Director's competencies and responsibilities

1. Executive Director of the Academy leads with the Academy of Justice (hereinafter Director) and has the following competences:

- 1.1. represents the Academy before local and international institutions;
- 1.2. is responsible for the management, overall administration and legality of the Academy's work;
- 1.3. participates in the work of the Governing Council without the right of voting, and chairs the Programme Council;
- 1.4. ensures the implementation of Governing Board decisions;
- 1.5. proposes annual draft budget of the Academy;
- 1.6. proposes the Academy's working plan;
- 1.7. proposes the Strategy, and Training Work Plan and Program;
- 1.8. proposes the list of trainers for approval by the Governing Board and from the list appoints trainers for implementation of the program;
- 1.9. manages financial means and property of the Academy;
- 1.10. proposes the Draft-Regulation on internal organization and systematization of job positions within the Academy, draft-regulation on the selection of trainers, Draft Rules of Procedure of the Governing Board, and the Draft Rules of Procedure of the Programme Council and other sub-legal acts determined by this Law;
- 1.11. prepares regular annual reports and other reports as requested by the Governing Board;
- 1.12. performs other duties in accordance with the law and bylaws of the Academy.

2. The Director is Chief Administrative Officer of the Academy and is competent for recruiting, leading and supervising the Academy personnel in accordance with the provisions on civil service;

3. The director holds the status of a Senior Executive leader as determined in the Civil Service legislation, and is accountable before the Governing Board with regard to his work.

Article 18
Appointment and dismissal of the Director

1. Conditions to be appointed as Director are as follows:
 - 1.1. to be a citizen of the Republic of Kosovo;
 - 1.2. to have a university diploma in the field of justice, valid in the Republic of Kosovo;
 - 1.3. to have passed the bar exam;
 - 1.4. to have high professional reputation and personal integrity;
 - 1.5. to have been working as a judge or prosecutor for at least five (5) years, or to have at least eight (8) years of working experience, of which at least five (5) years managerial experience;
 - 1.6. to not be convicted, with a final decision, on a criminal offence.
2. Candidates coming from the position of a judge or prosecutor, after the expiry of the mandate of the Academy director, can return to exercise the function they had exercised prior to their appointment in this position.
3. Director`s appointment and dismissal is conducted accordingly to the provisions of the Civil Services of the Republic of Kosovo for appointment in senior positions.
4. The appointment procedure of the Executive Director is conducted by the Governing Board based on a public competition.
5. The Governing Board establishes the Appointment Committee in a composition of five (5) members out of which: two (2) from the Governing Board, one (1) judge from the Basic Court, one (1) prosecutor from the Basic Prosecution and one (1) representative of the civil society.
6. The Governing Board with a majority of votes decides for the appointment of the Executive Director.
7. The procedure for selection of the Executive Director is defined in details by means of a bylaw approved by the Governing Board thus reflecting the civil service principles.

CHAPTER III TRAINING ACTIVITIES

Article 19

Initial training of candidates for judges and state prosecutors

1. The Academy organizes initial trainings for training of newly appointed judges and state prosecutors.
2. Initial training shall last twelve (12) months and shall be composed of the theoretical and practical part. Theoretical training shall be performed with the support of trainers while the practical training with the support of the mentor.
3. The Academy keeps data during the training and issues the results of participants in initial training, on the basis of which will be decided on completion of the initial training properly by newly appointed judges and prosecutors.
4. After the completion of the initial training, the judges and prosecutors shall undergo an assessment in accordance with the relevant provisions of the applicable legislation, and based on results shown during the initial training in Academy.
5. Upon a specific request by KJC and KPC, the Academy shall organize additional training for judges and prosecutors with unsatisfactory performance.
6. Training implementation method shall be defined with regulation by the Governing Board.

Article 20

Continuous training for judges, state prosecutors and judicial and prosecutorial administrative staff

1. With the purpose of continuous development and advancement of relevant skills and appropriate professional expertise, the judges, prosecutors, and administrative and prosecutorial staff shall participate in continuous training.
2. Continuous training is voluntary. Exceptionally of this, on request of the KJC, KPC, court presidents, chief prosecutors, some training may be obligatory for judges, prosecutors or administrative staff, depending on their performance at work.
3. The Academy publishes the annual training program for the upcoming year in its website, at the latest by December 1 of the current year, if for realization of the planed program was ensured a sufficient budget. The Programme Council shall continuously update the training program, as needed, taking into account the requirements of respective institutions.

4. Participation in the training should be offered to all employees without payment. Food expenses shall be offered by the Academy`s budget, while the travelling expenses shall be covered by the budget of KJC, respectively KPC.

5. Participation in the training is done in coordinated manner between the Academy, KJC, KPC, presidents of courts, chief prosecutors and representatives of open professions.

6. To the participants of continuous trainings, upon completion of the training, shall be issued a certificate.

Article 21 Training for promotion

1. The Academy organizes training for all judges and prosecutors who are advanced in office, whether in departments within the same level or even in higher levels.

2. Advanced Judges and prosecutors should participate in these trainings.

Article 22 Continuous training for State Advocate and other open professions

1. Based on the requirements of the competent institutions and depending on the opportunities, the Academy may organize continuous trainings, including but not limited to:

1.1. State advocates;

1.2. Lawyers;

1.3. Notaries;

1.4 Private enforcement agents;

1.5 Mediators;

1.6 Bankruptcy administrators.

2. For the trainings provided for categories defined in sub-paragraph 1.2 until 1.6 of this Article, the relevant institutions or professional institutions are obliged to bear the training costs, in accordance with the relevant applicable legislation and market conditions, under fees determined by the Regulation approved by the Governing Board.

3. Training requirements from paragraph 1. of this Article, shall be submitted to the Academy, not later than 1st of November, for training program in the coming year. In

special cases training requirements can be accepted even after this date, if the Academy is able to realize them.

4. The participants in trainings from paragraph 1. of this Article shall receive a certificate upon completing the continuous training.

CHAPTER IV EMPLOYEES OF THE ACADEMY

Article 23 Employees of the academy

1. The number of employees in the Academy is determined by the act on internal organization and systematization of job positions of the Academy.
2. The civil service legislation provisions are applied to the civil servants of the Academy accordingly, unless otherwise provided by this law.

Article 24 Trainers and mentors

1. The trainers at the Academy are judges, prosecutors, university professors and other professionals. The trainers are permanent or temporary.
2. The selection manner of permanent trainers from the judges and prosecutors is determined with internal regulation of KJC and KP, who shall be proposed for approval to the Governing Council of the Academy, for one (1) year period with the possibility of renewable of two times at most.
3. Permanent trainers who are not judges and state prosecutors shall establish the employment relationship in the Academy according to the rules of civil service.
4. Temporary trainers shall be hired as needed for implementing the training programs.
5. Temporary trainer`s and mentor`s rights and duties are regulated by a contract between them and the Academy.
6. Trainers and mentors of the Academy are obliged to participate in trainers training programs of the Academy.
7. The selecting manner of trainers and mentors, excluding trainers from paragraph 2 of this Article, shall be determined by a regulation adopted by the Governing Board based on a competitive and transparent process.

Article 25
Compensation of trainers and mentors

1. Permanent trainers are entitled to a salary in accordance with the law which regulates the civil servants salary; whereas permanent trainers from the judges and state prosecutors are entitled to the same salary they would have if they were to serve as a judge, or a state prosecutor respectively, that is paid by the budget of KJC, respectively the KPC.
2. Temporary trainers are entitled to compensation for their work related to the provisional application of training in accordance with the decision of the Governing Board.
3. Mentors are proposed by KJC, respectively KPC and adopted by the Governing Board. Mentors are entitled to compensation determined by the Governing Board.

CHAPTER V
FINANCING AND SUPERVISION

Article 26
Financing of the Academy

1. The Academy is financed by the Budget of the Republic of Kosovo in accordance with the Law on Public Financial Management and Accountability.
2. Revenues from the Academy shall be allocated in the budget of the Republic of Kosovo.
3. During the regular budgetary process established by the Law on Public Financial Management and Accountability, will be taken into consideration projections for the expected revenues from paragraph 2. of this Article.
4. The annual activity of the Academy must be in harmony with annual budgetary appropriations of this institution.

Article 27
Financial Supervision

The academy manages its budget independently and undergoes internal and external audit in accordance with the applicable law.

Article 28
Donations

The Academy may receive additional donations from local and international donors.

CHAPTER VI
TRANSITIONAL AND FINAL PROVISIONS

Article 29
Transitional provisions

1. With the entry into force of this law, the employees of the Kosovo Judicial Institute shall continue to work in the Academy in accordance with the provisions of this law.
2. With the entry into force of this law, the Academy becomes the legal successor of the Kosovo Judicial Institute.
3. Upon entry into force of this law, members of the Governing Board of the Kosovo Judicial Institute, the Executive Director and members of the Programme Council will continue to perform their duties and responsibilities until the appointment of the new Members of the Governing Board, Executive Director and Programme Council Board members, respectively until the end of the term.
4. The candidates, who are pursuing trainings in the Kosovo Judicial Institute, after the entry into force of this law, shall continue training at the Academy until the full completion of their training program and their status shall be the same with that of the candidates commencing their training at the Academy.
5. Within six (6) months after the entry into force of this law, shall be issued sub-legal acts foreseen by this law.
6. Until the issuance of bylaws under this law, the bylaws which are currently in force shall be applied.
7. The term Kosovo Judicial Institute mentioned in any applicable law or bylaw is replaced with the term Academy of Justice.

Article 30
Abolishment

With the entry into force of this law, the Law No.02/L-25 on Establishing the Kosovo Judicial Institute, Official Gazette of the Republic of Kosovo, Year III/no. 23/01 April 2008 is abolished.

Article 31
Entry into force

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

Law No. 05/L-095
19 January 2017

President of the Assembly of the Republic of Kosovo

Kadri VESELI