Pristina 20 September 2007

Kosovo Judges Association
Strategic Plan
2007 - 2009

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Afërdita Surroi and Kushtrim Islami of the Advocacy Training & Resource Center,
KJA Plan Facilitators
Kosovo Judges Association
Kosovo
September 2007

Re: Kosovo Judges Association Strategic Plan 2007-2009

Dear Judges:

On behalf of the American Bar Association Rule of Law Initiative (ABA) in Kosovo (formerly ABA/CEELI), I am pleased to present to you the enclosed strategic plan developed by the Kosovo Judges Association (KJA) and the Advocacy Training and Resource Center (ATRC). I would like to personally thank the following people, who worked for the development of this plan: Mr. Ymer Huruglica, Ms. Elmaze Syka, Ms Mejreme Zekaj, Mr. Halil Derguti, Mr. Ymer Hoxha, Ms. Valdete Daka, Mr. Miodrag Paviq, Ms. Sebahate Kurtishi, Mr. Rafet Haxhaj, Mr. Agim Metbala, Mr. Miftar Jasiqi, Mr. Zait Xhemaili, Mr. Elez Hoxha, Mr. Gani Rexha, Mr. Zyhdi Haziri, Mr. Haxhi Derguti, Ms. Lumnije Krasniqi, Ms. Kadrije Brajshori and ATRC’s Ms. Aferdita Surroi and Mr. Kushtrim Islami.

The KJA Strategic Plan is part of our ongoing efforts to improve the legal professional associations in Kosovo, which includes the recently revised Code of Lawyer Ethics and newly developed disciplinary system for the Kosovo Chamber of Advocates KCA; the high-profile Bench-Bar Roundtables and Conference, during which a number of priorities have been identified and have begun to be addressed; and emphasizing the recruiting and retaining of women and minorities to the legal profession.

We believe that this plan is only as good as the people who implement it, and that this is no small plan. Our challenge is to keep this plan a living document through continual use, referral, adjustment, and focused action. By equipping yourselves with this plan, you will be better able to implement the needed legal and organizational reforms that you have identified.

We are pleased to cooperate with you, and look forward to our future work together. If we can answer any questions or respond to any comments, please do not hesitate to contact us. We wish you all the best as you implement your plan.

Sincerely,

David Sip, Director,
ABA Rule of Law Initiative – Kosovo
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Preface
In order to create an independent and efficient judiciary, it is necessary to create the conditions for it to function. Even though after the war the working conditions for judges were poor at any level, now they have begun to improve. The transfer of competencies within the justice sector from UNMIK to local authorities has resulted in the creation of the Ministry of Justice within the Provisional Institutions of Self-Government (PISG). This is an indicator that the judicial system has achieved some improvements and is advancing in the right direction. The creation of the Judicial Council of Kosovo and its role as an independent organ in managing and controlling the judicial system represents a very good foundation for creating a judicial system in Kosovo, which would be independent, competent and professional. The engagement of a considerable number of members from different ethnic groups in the judicial system, especially from the Serbian community, is an important achievement not only for having an independent, professional and competent judiciary but also multiethnic.

The Kosovo Judges Association has played an important role in achieving these results. A considerable number of activities organized by the contribution of the KJA itself, and partner organizations, have contributed much to the development of KJA.

Introduction

The Kosovo Judges Association (KJA) is a voluntary non-governmental organization of active judges of Kosovo established in May 2001. The KJA has a nine member management board, consisting of judges representing all levels of the judiciary, and from all regions of Kosovo. One position on the KJA Managing Board is reserved for a judge from the ethnic Serbian community, and another from the international community. There are five branches of the KJA, and each branch has its delegates who vote on the managing board members for four year terms. Each branch has their own meetings and each branch has its own assembly and membership.

The following committees exist: fundraising; praktikant; human resources; disciplinary; seminars and conferences; administrative issues; criminal law; civil law. The last two are for experts who can draft laws and or comment on laws. There is also an editorial board that produces the Bulletin.

The mission of the KJA is focused “on the protection and enhancement of judges’ interests and advancement of the judicial system through building an independent and impartial judiciary system based on rule of law and protection of human rights”. The KJA has focused on judicial education and professional development of its members. To such a purpose representatives of the organization participated in the Regional Conference of Kosovo, Macedonia and Montenegro Judicial Associations on Strategic Planning, sponsored by the American Bar Association/Rule of Law Initiative (ABA-former ABA/CEELI), in Skopje, Macedonia, March 2002.
As a result of this conference the organization engaged more firmly in the process of drafting their first strategic plan and implementing its activities in practice more efficiently. In addition, the KJA sponsored in cooperation with the ABA and the Kosovo Judicial Institute (KJI) a series of round-table discussions with Kosovar judges who had participated in study visits to different European countries and the United States of America. The KJA also pursued advocacy activities related to judicial appointments by international organizations (UNMIK); improvement of judicial staff work conditions and security of judges through press statements that were published in major daily newspapers of Kosovo, such as Koha Ditore and Bota Sot in the beginning of 2003.

The KJA hired their first staff member, an administrator – Ms. Kadrije Brajshori in 2003 and completed an ABA/RIBA assessment in 2005.

The KJA has collected a modest number of periodicals and journals for a professional library for judges in Kosovo; has implemented a Judicial Praktikant Program supported by ABA and USAID; and with financial and professional help of the ABA and USAID, the Finish Committee for Human Rights, International Committee of the Red Cross and KFOS (SOROS) is publishing a free quarterly Bulletin for all KJA members and partners.

The KJA cooperates closely and is professionally engaged with the Kosovo Chamber of Advocates. Following an initiative of the ABA and Mr. Michael Greco, former ABA President, in 2005, the KJA implemented successfully a project of bench-bar roundtables in cooperation with the Kosovo Chamber of Advocates. As a result there were roundtable discussions on issues of concern to both lawyers and judges in all five regions of Kosovo.

In late 2006, the Kosovo Judges Association (KJA), with ABA assistance, recruited and hired Ms. Lumnije Krasniqi as their first executive director. The Advocacy Training and Resource Center (ATRC) organized a workshop for the KJA on strategic planning, which resulted in a draft 3-year plan that is currently being vetted by KJA membership. The KJA also developed a draft plan for conducting advocacy efforts. Under the leadership of their newly appointed director, the KJA developed and submitted project proposals to the Open Society Foundation and to the Advocacy and Training Resource Center (ATRC). Both proposals were subsequently approved.

In addition, in 2007 the KJA in cooperation with the Kosovo Chamber of Advocates and sponsored by Advocacy Training and Resource Center (ATRC), has engaged in an advocacy project on anti-corruption. As part of this project, the KJA has jointly with other project partners staged several roundtable discussions in different centers of Kosovo, with participants representing judges, lawyers and prosecutors’ communities. The roundtables have attracted significant attention by national media receiving broad coverage in both news editions and live shows, where representatives of sponsor organizations would talk about corruption related issues. The project is on-going.
The KJA works closely with local and international organizations that contribute to support the judicial system and its role in society. Most significant organizations that the KJA has cooperated with on different projects have been: the International Committee of the Red Cross, the Finnish Committee on Human Rights, the Open Society Foundation, Advocacy and Training Resource Center (ATRC), and the ABA – the United States Agency for International Development. There is good cooperation between the KJA and the ABA, the National Centre of the State Court-NCSC, and the KJI.
Mandate, Values, Principles of the Kosovo Judges Association (KJA)

Mandate of the KJA

a. Formal
   • UNMIK Regulation on the Registration of Nongovernmental Organizations
   • Law on Regular Courts
   • Kosovo Judicial Council

b. Informal
   • Supporting the Reformation of the Kosovo Judicial System

Values of the KJA

Independence
Impartiality
Rule of Law
Abiding by the Code of Ethics
Solidarity amongst Judges
Religious and Ethnic Tolerance
Equality of Judges
Active Participation in Civil Society

Principles of the KJA

Groups of Interest:
Judicial Council
Ministry of Justice
Department of Justice
Kosovo Chamber of Advocates
Kosovo Prosecutors Association
KPS (Kosovo Police Service)
Customs Service
Legislative Commission of the Kosovo Assembly
Media
Kosovo Lawyers Association
Center for Social Welfare
Correctional Center
Center for Protection of Victims
Forensics Institute
Ombudsperson
Kosovo Judicial Institute
Kosovo Law Center
Mission, Vision, Goals of the KJA

The Mission of the Kosovo Judges Association (KJA): Building an independent and unbiased judicial system, on the basis of rule of law and respect of the rights of all, without discrimination on any kind of basis - nationality, religion, gender or race.

A great contribution into achieving this mission will be the preservation and improvement of the judges’ integrity; their efficiency in work; improving their financial (material) position; and professional empowerment. Accomplishing these goals will help to bring Kosovo’s judicial system in line with advanced judicial systems of democratic societies.

The Vision of the KJA: Kosovo, a society governed by the rule of law, integrated in the European progression, with equal opportunities for personal development of all individuals, who would contribute to the development of the judicial and social system.

The Goals of the KJA: To build an independent and impartial judicial system.

- To improve the legal infrastructure, increase the number of judges in order to apply the timely standards set forth by the Judicial Council.

- To respect the Constitutional Legal Acts as the highest jurisdictional values.

- To determine forms or ways in how to inform the public about the process of solving issues.

- To increase security for judges and create better conditions for protected witnneses.

- To determine adequate manners for self-financing and fund raising from donors for the needs of the association.

- To increase the transparency of the courts and legal process.

- To improve in managing the financial budget in courts.
## KJA Problem Identification and Analyses

### Lack of Legislation
- **Lack of Legal Infrastructure**
- **Old Civil Laws, Lack of new and systematic Civil Laws.**
- **Other applicable laws are complex and often with deficiencies.**
- **Internal Regulation of Courts is old**

### Unfinished Court Reforms
- **Unreformed Institutions**
- **Lack of legal experts**
- **Slowness in Judicial Reforms**
- **Prohibition on Smoking has not been enforced; there is smoking in every court building**

### Court Administration is not functioning well
- **Massive Case Backlog**
- **Judges giving priority to new cases and neglecting old cases.**
- **Possible insufficient number of judges in some courts.**
- **Problems in reforming the judicial staff**

### Often there are situations when there is no printer paper
- **Need for professional staff assistants**
- **- Inheritance of many old cases**
- **- Weak case management by courts; a time frame of case management set forth by Kosovo authorities is not appropriate**

### Not enough court rooms
- **Not enough court archives**

### A network system needs to be established for judges to have access in a shared server
- **- Poor management by the:**
- **- Judicial Council**
- **- Ministry of Justice,**
- **- KJA to lobby for a good budget for judges.**

### Judicry needs Finances
- **Court Administration is not functioning well**
- **- Inheritance of many old cases**
- **- Weak case management by courts; a time frame of case management set forth by Kosovo authorities is not appropriate**

### Lack of coordinated Cooperation between KJA, KJC and MoJ.
- **No available space for Lawyers in Courtrooms**

### Need for professional staff assistants
- **- Inheritance of many old cases**
- **- Weak case management by courts; a time frame of case management set forth by Kosovo authorities is not appropriate**

### 1. Legislation
- **Lack of Legislation**
- **No internal regulation of judges**

### 2. Caseload
- **Massive Case Backlog**
- **There are cases where courts’ Presidents have kept cases for more than a year before distributing the case to the judge!**

### 3. Finances
- **Judiciary needs Finances**
- **Not enough parking spaces in Courts**
4. Budget

- Poor Planning of Budget
- Courts not reporting about their needs
- Lack of Cooperation between the Judicial Council and Courts

- Poor Salaries of Judges
- Lack of Cooperation between the Judicial Council and Courts

5. Profession

- Lack of Professional Advancement
  - Poor quality in the work process
  - Local judges frequently show bias toward prosecutors, in detriment to lawyers.
  - Judges need Mandatory CLE

- Violation of the ethics code

6. Security

- Lack of Security for the Judiciary
  - Lack of security for judges
  - Lack of security witnesses

- Lack of security provided for court premises

- Lack of technical tools for securing the premises

- Lack of security in direct connection with the relevant institutions (K.P.S.)

7. Corruption

- Corruption and Lack of Transparency in Courts
  - Judges doing favors for clients.
  - Taking bribes to solve cases.
  - Abuse of power or official duty.
  - Ex parte communication.
  - Abuse of official duty.
  - Slowness in the procedure

- Inefficiency in solving the cases in Courts

- No spokes persons in or for Courts
- Violations of the Judicial Ethics
- The Public is not well informed about the work of courts, the caseload, judges’ working conditions
KJA Objectives Based on Identified Problems

1. Legislation
- Drafting a new Internal Regulation of Courts
- Establishing a Comprehensive Legal Infrastructure
  - Lobbying for the pending laws to be passed
  - Drafting new systemized civil laws.
  - Engage experts in the drafting and proposing of new Laws in the Parliament.
  - Engage judges in the drafting of laws.
- Adequate and prompt planning of budget for the judicial system
- Creation of Relevant and up to date Legislation, replace old laws with new laws
- Push for acceleration of Judicial Reforms
- More engagement of competent bodies in solving judicial problems

2. Caseload
- Reduction of Case Backlog
  - Increasing the number of judges where necessary.
  - Quality improvement of judges, efficiency in case solving by offering continues trainings, seminars and Bench-Bars.
- The court does not select the cases by urgency or priority, depends from the nature of the case. The cases are not selected by time submission.
- Strengthen KJA and KJI cooperation.
- To lobby for the pending Law on Notaries to be passed, it would reduce the caseload in Courts
- More engagement of competent bodies in solving Judicial problems

3. Finances
- Ensuring Sufficient Financial Support is Provided for the Judiciary
  - Adequate management of budget
  - Insure better conditions for the KJA
  - More training for judges how to use the computers, intranet and internet
- Overall, financial resources need to be planned better and well managed.
- Archives in Courts need to be built and well regulated. Overall court buildings need to have a better and more official outward show.
- Future Building Court Rooms should have enough parking spaces, for judges and visitors.
- More Court Rooms need to be built, more and better court buildings should be built
- Ensuring that there is technical equipment, setting up server and internet, computers should be used by judges all the time.
Increasing the level of Court discipline.
- Code of Ethics

Managing the Budget Adequately
KJA and KPA together to lobby for increase of salaries in the Judiciary.

Improving the supportive structure for Courts
Judge’s salaries should be increased.
Judiciary must be in the same level with the two other mechanisms, the Legislative and the Executive powers

4. Budget

Adequately
- Improving the financial conditions of Judges
- Higher level of cooperation between courts and the judicial council, addressing the court needs properly

KJA to seek funds from donators, to organize seminars on court practice.

5. Profession

Professional Advancement for Judges
KJA, KPA and KJI to cooperate more closely in organizing joint seminars for the benefits of the judiciary

KJA to identify judges’ weaknesses and organize proper seminars for the needs of judges
Continuous Legal Education (CLE) for judges should be mandatory.
KJA will continue to closely cooperate with international and local legal associations.

Increase cooperation between courts and Judicial Council
Securing the Premises, and securing the evidence.

6. Security

Increase the Level of Security in Courts, Secure the Premises
- Increasing the security for Judges
- Increasing security for witnesses

Additional and more dedicated commitment of the relevant institutions
Cases need to be solved efficiently, on time, judges to stay focused on their cases. Fighting Corruption

- KJA will focus on its joint Strategic Plan with KPA to fight Corruption in the Judiciary and abuse of Power in the Judiciary
- Judges to respect the working hours, start working on time, and to leave work on time or after
- Increase the Public Trust on the Judiciary
- A media spokes person is necessary to react on behalf of judges and provide explanations for the public when necessary.

Public needs to be better informed about the work of the courts.

7. Corruption

Informing the membership on the reappointment process
- Advocacy and lobbying to raise the public awareness and the awareness of the relevant institutions about the judicial system
- Informing the membership of the association about the position of the judiciary according to Ahtisaari package
- Leveling salaries of workers in the judicial institutions
- Keeping contacts with the relevant Institutions who have influence on the Judiciary

8. Integrity

Raising the Integrity of the Judiciary, Filling the Legal Infrastructure

Kosovo Judges Association Strategic Plan 2007 – 2009
KJA Activities
Based on Identified Problems and Proposed Solutions

1. Objective: Creating the Legal Infrastructure

Activities:

- Define and identify experts;
- Organize roundtable discussions;
- Organize meetings, seminars;
- Identify priorities;
- Conduct advocacy;
- Establish and develop legislative contacts in the Assembly

2. Objective: Reduction of Case Backlog

Activities:

- Identify needs of courts;
- Increase the number of Judges in Courts
- Analyse case assignment in Courts
- Conduct advocacy and press conferences w/media;
- Begin new program to prepare new judges

3. Objective: Ensuring Financial Support

Activities:

- Request in writing increase in financial support;
- Request in writing request for office space;
- Develop funding proposals

4. Objective: Managing the Budget Adequately

Activities:

- Develop list of needs of judiciary;
  - Plan midterm budget;
  - Organize joint meetings
5. **Objective: Professional Advancement of Judges**

**Activities:**

- Draft one-year program for training;
- Contact KJI and discuss priority needs for trainings;
- Select experts for trainings;
- Conduct study and exchange visits with counterparts

6. **Objective: Increase the Level of Security**

**Activities:**

- Establish contacts with security officials at KJC;
- Develop strategy for protection of judges in emergency situations;
- Contact relevant bodies for implementation of the security plan

7. **Objective: Fighting Corruption**

**Activities:**

- Joint Strategic Planning of KJA and KPA to fight Corruption
- Lobby for more Competencies to the Court Presidents
- Contact KJC regarding drafting of the documents and dividing Competencies

8. **Objective: Advocacy and Lobbying/Raise Public Awareness**

**Activities:**

- Conduct live TV and radio programs and press interviews;
- KJA working group on advocacy active and conduct regular meetings;
- Conduct regional roundtables with judges at all levels
The Strength of the KJA

- Good management of the association
- Good coordination between board and staff
- Good cooperation with the branches of the association
- Greater involvement of the members of the association in the work of the association
- Transparency
- Satisfactory involvement of minorities
- Involvement of international judges
- Good cooperation with other associations and with the chamber of advocates

- Cooperation with international and national organizations

  United States Agency for International Development (USAID)
  ABA/Rule of Law Initiative
  National Center for State Courts (NCSC)
  International Committee of the Red Cross (ICRC)
  Organization for Security and Cooperation in Europe (OSCE)
  Finish Council for Human Rights
  Macedonia Judges Association
  Kosovo Chamber of Advocates (KCA)
  Kosovo Prosecutors Association (KPA)

- Publication of the Bulletin
ABA/Rule of Law Initiative supported by USAID has contributed to the drafting of this Strategic Plan.