

Kosovo Judges Association

Strategic Plan

2007 - 2009

Pristina 20 September 2007

**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 Xhemali, 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



Kosovo Judges Association Strategic Plan 2007 – 2009

Contents	Page
Preface & Background Information.....	4
The Mandate, Values, and Principles of the Association.....	7
The Mission, Vision, and Goals of the Association.....	8
Problem Identification & Analysis.....	9
Objectives Based on Identified Problems.....	11
Activities Based on Identified Problems & Proposed Solutions.....	14
Strength of the Association.....	16



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 witnesses.

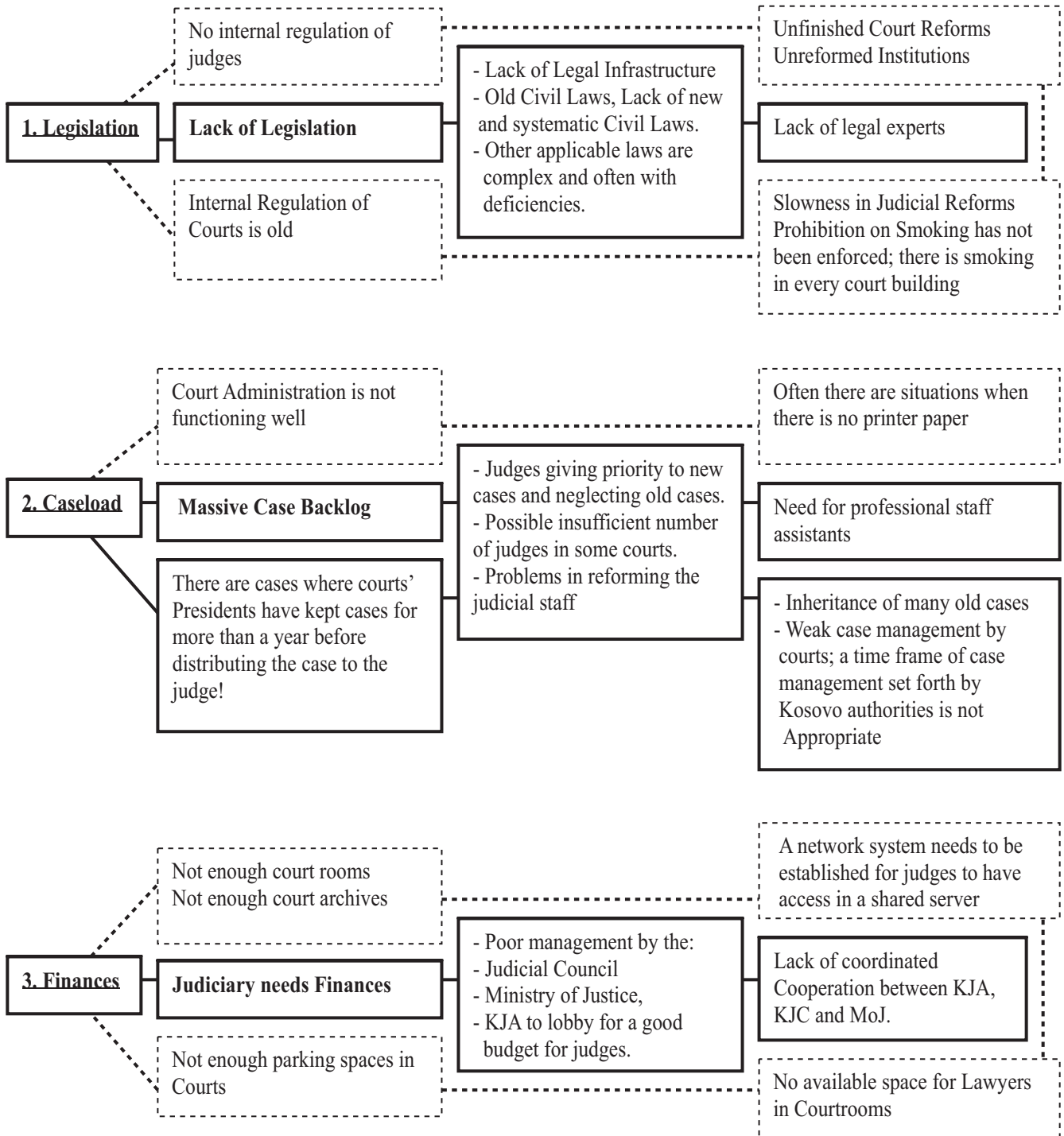
- To determine adequate manners for self-financing and fund raising from donors for the needs of the association.

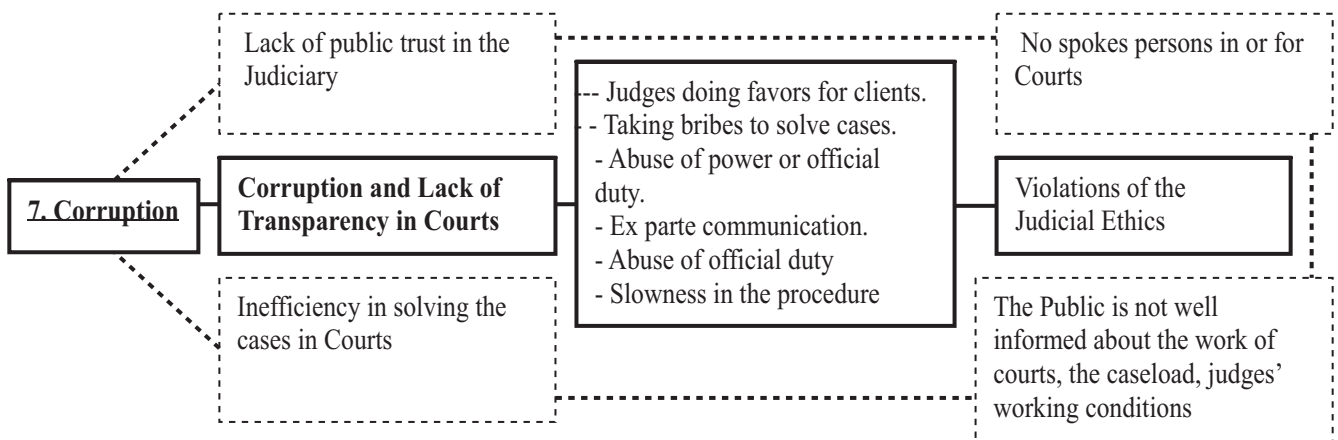
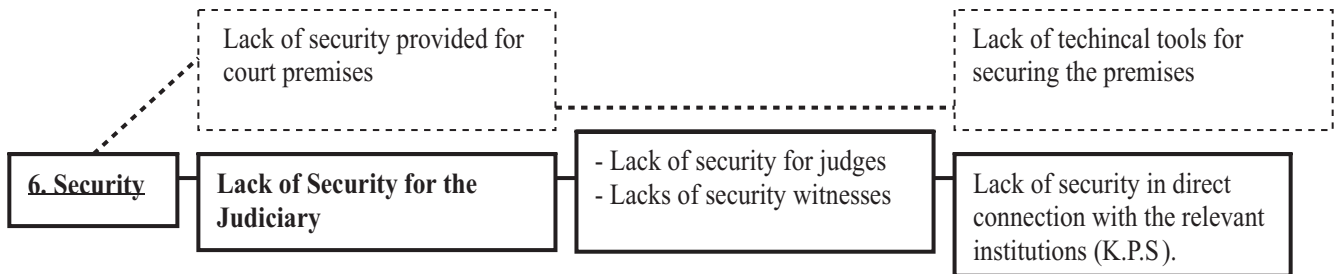
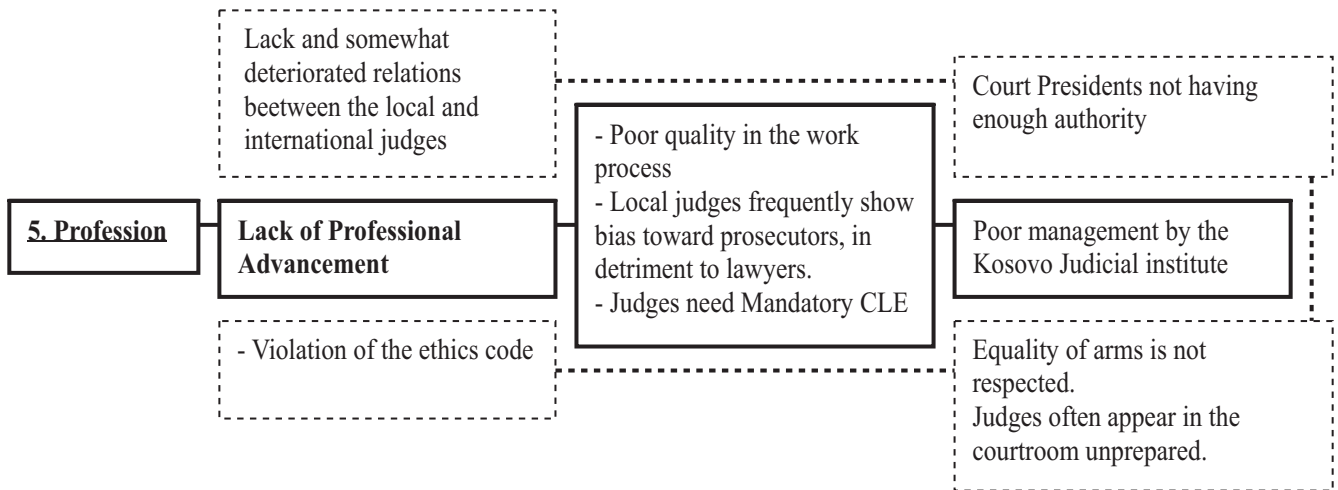
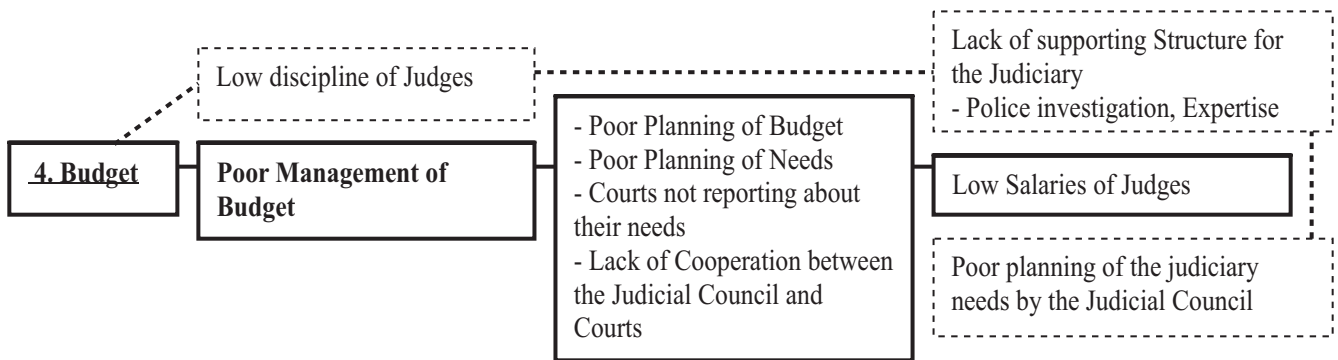
- To increase the transparency of the courts and legal process.

- To improve in managing the financial budget in courts.

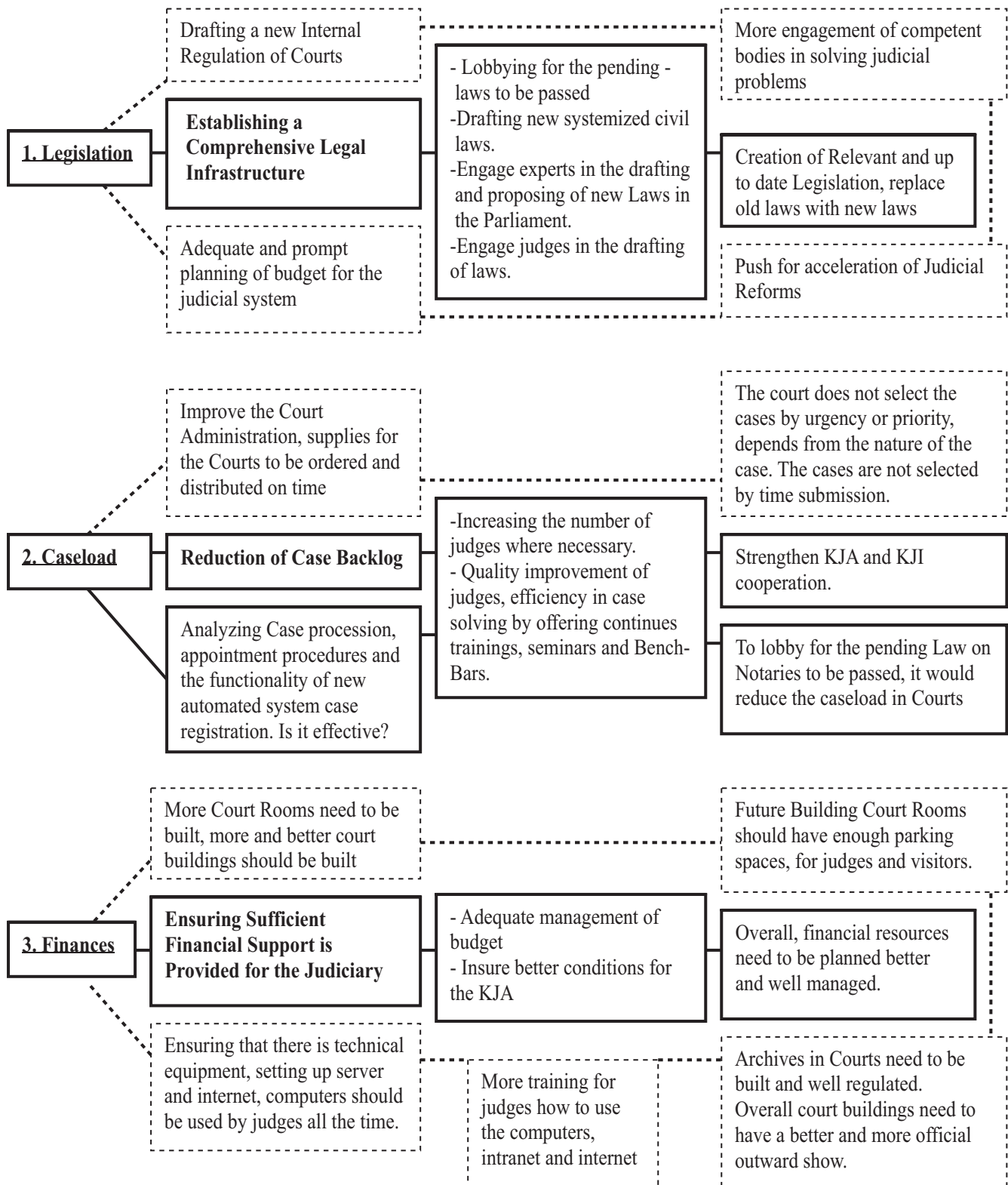


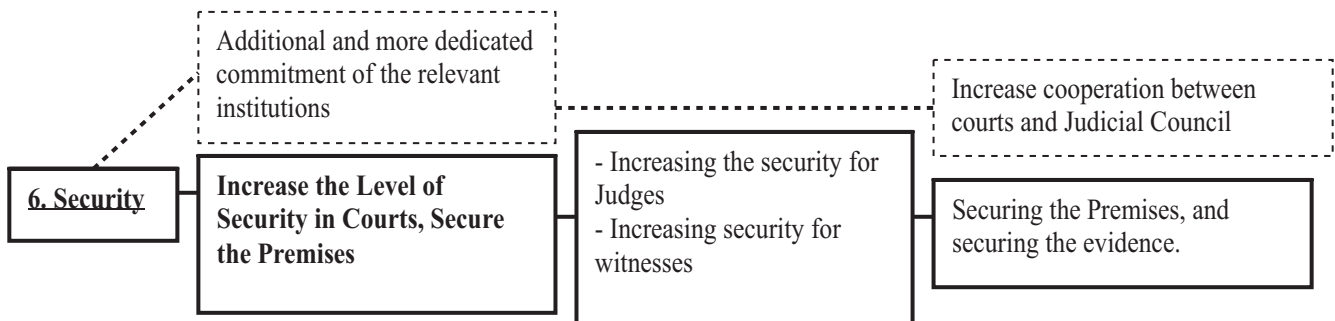
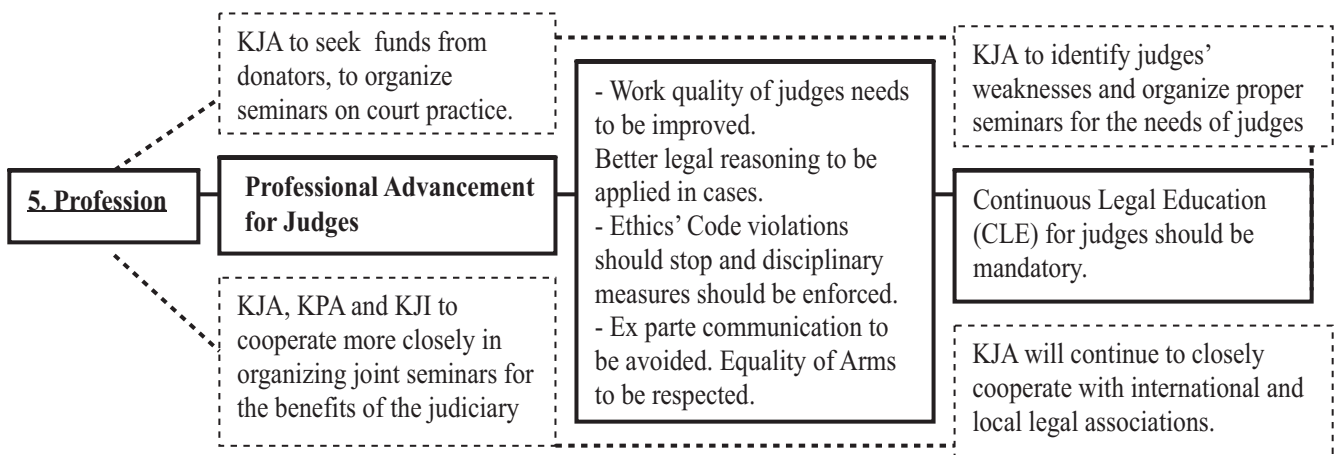
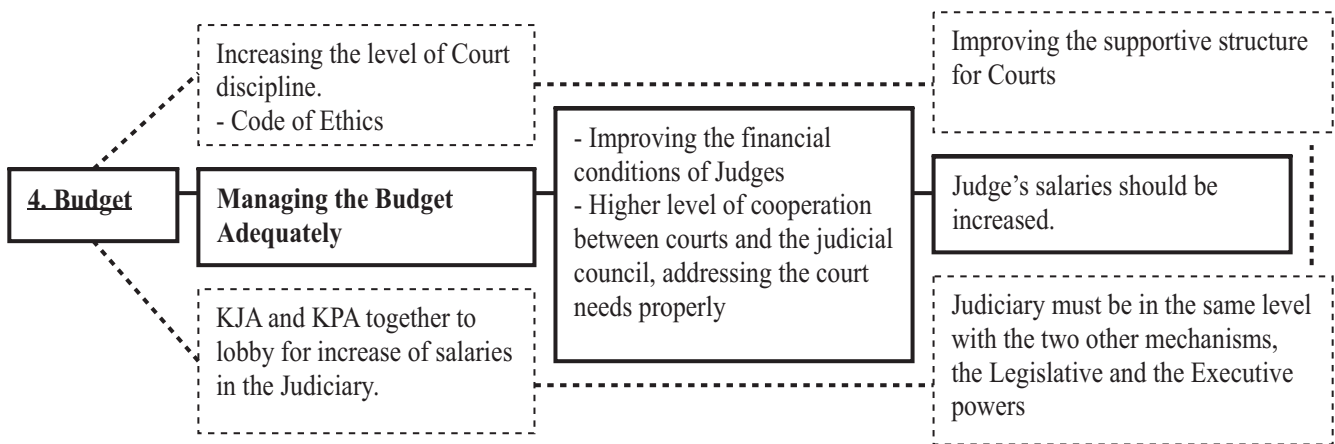
KJA Problem Identification and Analyses

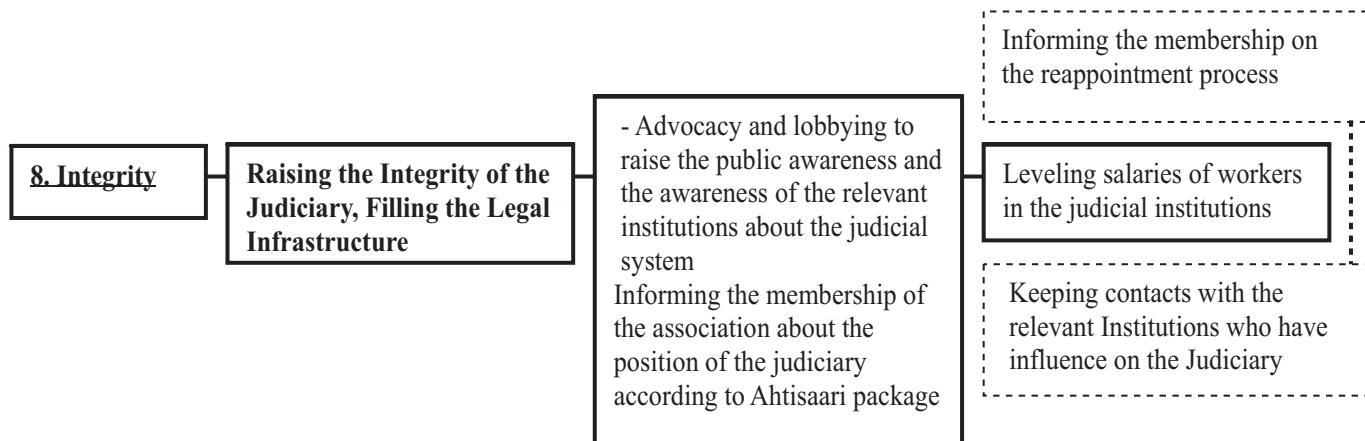
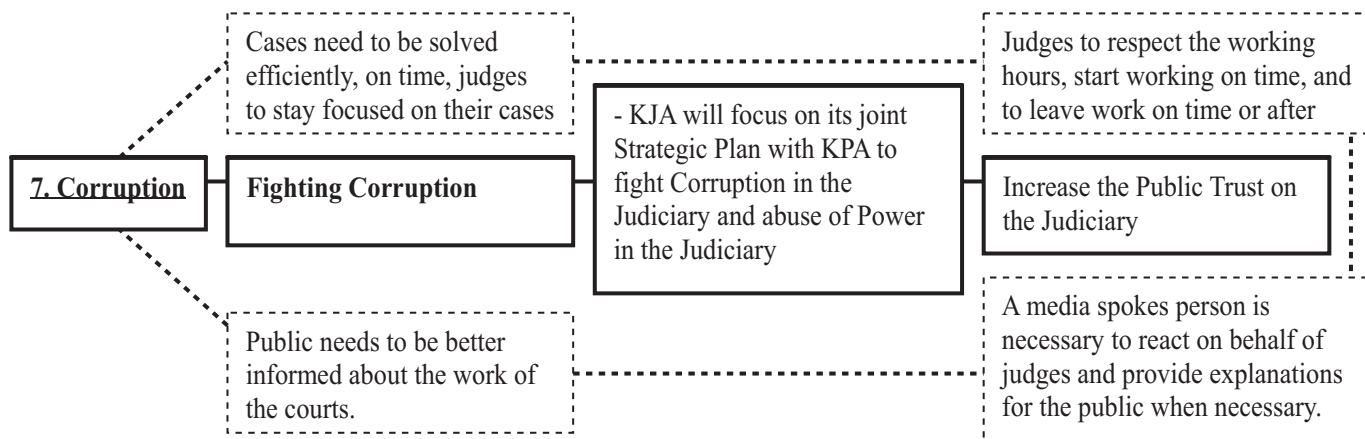




KJA Objectives Based on Identified Problems







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**





USAID
FROM THE AMERICAN PEOPLE

*Në hartimin e Planit Strategjik kanë kontribuar ABA/Iniciativa për Sundimin e Ligjit e mbështetur nga USAID
Na pripremi Strateškog Plana doprineli su ABA/Iniciativa za Vladavinu Zakona podržani od USAID
ABA/Rule of Law Initiative supported by USAID has contributed to the drafting of this Strategic Plan*