



REPUBLIC OF SERBIA

Ministry of Justice

**LAW ON INITIAL TRAINING  
OF JUDGES, PUBLIC  
PROSECUTORS  
AND DEPUTY PUBLIC  
PROSECUTORS**

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# LAW ON TRAINING OF JUDGES, PUBLIC PROSECUTORS, DEPUTY PUBLIC PROSECUTORS AND JUDICIAL AND PROSECUTORIAL ASSISTANTS

## I MAIN PROVISIONS

### Subject Matter of the Law

#### Article 1

This Law shall determine the types and manner of conducting the training of judges, , public prosecutors and deputy public prosecutor (hereinafter: "holders of judicial offices") and of judicial and prosecutorial assistants.

### Notion and Aim of Training

#### Article 2

The training of holders of judicial offices and judicial and prosecutorial assistants is organised acquiring and improvement of theoretic and practical knowledge and skills necessary for independent, professional and efficient performance of judicial office

### Types of Training

#### Article 3

Training can be initial or continuous.  
Initial training is attended by holders of judicial office prior to taking the office and by judicial and prosecutorial assistants.  
Continuous training is attended by holders of judicial offices.

## II RIGHTS AND OBLIGATIONS OF TRAINING BENEFICIARIES

### Right and Obligation to Training

#### Article 4

Holders of judicial offices have the right and obligation to improve professionally.  
Training is voluntary, unless certain forms of training are specified as mandatory by law or by a decision of the High Judicial Council in cases of change of specialisation, important changes in regulations or introduction of new working techniques.

### Beneficiaries

#### Article 5

Beneficiaries of initial training are judicial and prosecutorial assistants, and holders of judicial offices elected for the first time .

## Beneficiaries of Initial Training Judicial and Prosecutorial Assistants

### Article 6

Beneficiaries of initial training from the ranks of judicial and prosecutorial assistants are selected by the High Judicial Council, pursuant to predetermined objective criteria based on displayed work results, previous work experience, at the proposal of the president of the court and/or public prosecutor, after obtaining the opinion of the session of all judges and/or session of all deputy public prosecutors.

The number of beneficiaries from paragraph 1 of this Article shall be set for each calendar year by the High Judicial Council in extended composition, in accordance with planned number of vacant judicial or prosecutorial posts.

## Objection

### Article 7

Judicial and prosecutorial assistant shall have the right to object to the decision of the court president and/or the public prosecutor by which beneficiaries of initial training are proposed, as well as the right to object to the decision of the High Judicial Council on selection of beneficiaries of initial training.

Objection against the decision of the court president and/or the public prosecutor can be filed within eight days from the day such decision is published. The decision on the objection is passed by the High Judicial Council in narrow composition within 30 days from the day the objection is filed.

An objection may be filed against the decision of the High Judicial Council from paragraph 1 of this Article within eight days from the day such decision is published. The decision on appeal is passed by the High Judicial Council in extended composition within 30 days from the day the objection is filed.

## Beneficiaries of Initial Training – Holders of Judicial Offices

### Article 8

Beneficiaries of initial training are holders of judicial offices who are elected for the first time and who were not beneficiaries of initial training specified in Article 6, paragraph 1 hereof.

## Obligations of Beneficiaries

### Article 9

If the duty of a holder of judicial office who was a beneficiary of initial training ceases at personal request before expiry of a term of five years from the day of election, he/she shall be obliged to compensate actual costs of initial training.

## III IMPLEMENTATION OF TRAINING

### Training Programmes

#### Article 10

The contents of the training programme is determined in accordance with the previous professional experience of beneficiaries.

High Judicial Council, in extended composition, shall determine initial training programmes, at the proposal of the Training Commission (hereinafter: the Commission).

Judicial Training Centre (hereinafter: Judicial Centre) shall determine the programme of continuous training.

High Judicial Council shall supervise the implementation of initial and continuous training programmes.

## Commission

### Article 11

Commission has fifteen members, twelve of which are judges, and three of which are public prosecutors or deputy public prosecutors.

Commission members are appointed by the High Judicial Council in extended composition, taking care that all types and instances of courts and public prosecutors' offices are represented.

Commission members are appointed for a period of three years and can be reappointed.

Commission shall pass its Rules of Procedure.

## Duration of Initial Training

### Article 12

Training for beneficiaries specified in Article 6, paragraph 1 hereof shall last two years, and for beneficiaries specified in Article 8 hereof from three to six months, depending on their previous professional experience.

## Venue of training

### Article 13

Judicial Centre shall organise the implementation of training programmes. Training is conducted in courts, prosecution offices, Judicial Centre and other institutions.

## Lecturers

### Article 14

Training programme is implemented by holders of judicial offices, as permanent or occasional lecturers, and other eminent experts, as occasional lecturers.

High Judicial Council may appoint as a permanent lecturer a holder of judicial office who has held a judicial office for at least four years and who is trained for a lecturer.

Training of permanent lecturers shall be conducted in the Judicial Centre.

The High Judicial Council, following the opinion obtained from the president of the Supreme Court of Serbia and/or the Republic Public Prosecutor may, for the purposes of implementing the training program, second a judge and prosecutor, with their agreement, to work in the Judicial Training centre for a twoyear period with possibility of extension for an additional twoyear period.

Occasional lecturers shall have the right to remuneration

## Financing of Training

### Article 15

Funds for financing of initial training shall be provided in the Republic of Serbia Budget. Additional funds may be provided from donations.

## TRANSITIONAL AND FINAL PROVISIONS

### Article 16

High Judicial Council shall appoint the Commission members within 30 days from the day this Law enters into force. Upon first appointment of Commission members, six Commission members from among judges and one Commission member from among prosecutions shall be appointed for a period of two years.

Within 60 days from the day this Law enters into force, the Commission shall pass its Rules of Procedure.

Within 6 months from the day this Law enters into force, the Commission shall submit a proposal of initial training programme to the High Judicial Council.

Within 9 months from the day this Law enters into force, High Judicial Council and Judicial Centre shall establish the training programme.

### Article 17

On the day this Law enters into force, the competence of the Supreme Court of Serbia to establish and prescribe the types and manners of advanced training of judges from Article 28 and Article 41 paragraph 1 of the Law on Organisation of Courts ("RS Official Gazette" No. 63/01, 42/02, 27/03, 130/03, 29/04 and 101/05) and Article 8 paragraph 2 of the Judges Act ("RS Official Gazette" No. 63/01, 42/02, 17/03, 25/03, 27/03, 29/04, 35/04, 44/04, 61/05 and 101/05) shall cease.

On the day this Law enters into force, the competence of the Republican Public Prosecutor to establish and prescribe types and manners of advanced training of public prosecutors and deputy public prosecutors from Article 19 paragraph 2 and Article 38 paragraph 2 of the Law on Public Prosecutors Office ("RS Official Gazette" No. 63/01, 42/02, 39/03, 44/04 and 61/05) shall cease.

### Article 18

This Law shall enter into force on the eighth day from the day of publication in the "Republic of Serbia Official Gazette" and shall apply as of March 1<sup>st</sup>, 2007.