

Newsletter

- * Activities from Continuous Training Program (CTP)
- * Activities from Initial Training Program (ITP)
- * Other Activities

January 2017

Activities from Continuous Training Program (CTP)

Initial Hearing, second hearing and main trial

On January 18th 2017, the Kosovo Judicial Institute within the Continuous Training Program conducted training on the initial Hearing, Second Hearing and Main Trial.

Purpose of this training was to extend knowledge of the participants on the criminal procedure that takes place after criminal indictment is raised by the prosecutors, and elaboration of the CPC provisions that regulate conducting of the initial hearing, second hearing and the main trial, in order to efficiently apply the proceeding in these stages.

This training elaborated on the initial hearing and second hearing, the timelines for setting the initial hearing after receiving the indictment and the timeline for setting second hearing, actions of the presiding trial judge or of the single trial judge, as well as the flow of these hearings; participants in the initial and in the second hearings, and actions between the initial hearing and the second hearing.

Also, it was elaborated on the criteria in cases of

plea bargaining, options after pleading guilty and cases of separating the procedure when there are more defendants and some of them plead guilty in the initial hearing and some of them don't.

It was further elaborated on objection of evidence, response and rulings to these objections, as well as requests and circumstances of dropping the charges in this stage.

The training also focused on the main trial, as one of the most important stages of the criminal procedure, stages of the judicial review, tasks and actions of the presiding trial judges or of the single trial judges in main trial, as well as discontinuing and postponing the main hearing.

Also, the training covered the area of witnesses and the defendants, as well as the timeline for concluding the main trial.

Beneficiaries of this training were judges and prosecutors of basic instance.



“European Convention on Human Rights and Fundamental Freedoms – Article 2, 3,4,5,6 and 7”

On 18 January 2017, Kosovo Judicial Institute in cooperation with the State Department – Office of Overseas Prosecutorial Development, Assistance and Training (OBDAT), American Department of Justice – International Office for Narcotic and Law Enforcement, within the Continuous Training Program organized training on: “European Convention on Human Rights and Fundamental Freedoms – Article 2,3,4,5,6 and 7”.

This training aimed to deepen the knowledge of participants regarding the importance of the European Convention on Human Rights and Fundamental Freedoms and its effect to the legal system of national countries, particularly the Republic of Kosovo.

Main focus of the training was the analyzation of legal provisions of Article 2, 3, 4,5,6,7 of the ECHR.

More concretely the training focused on the elaboration of the nature, importance, effect

and the scope of the right to life from the perspective of case law of the European Court on Human Rights, the torture, inhuman treatment, degradation or punishment, unlawful arrest, urgent procedures and rights of the detainee, ECHR case law and the right to a fair trial, as well as the ECHR case law in this field.

Special attention was paid to the analyzation of the provisions of Article 7 of ECHR – upon the right that “no punishment without law”, more precisely – standards and ECHR case law from this point of view.

Through discussion and study examples were elaborated the above mentioned rights of ECHR and important decisions of the ECHR jurisprudence as mandatory for judges and prosecutors of the Republic of Kosovo.

Beneficiaries of this training were judged from all court instance, prosecutors and lawyers from COA.



Preparatory session, main trial and obtaining evidence

On January 20th 2017, Kosovo Judicial Institute within its CTP conducted training on Preparatory Session, Main Trial and Obtaining Evidence.

Purpose of this training was to advance knowledge of judges related to preparatory session, main trial and obtaining of evidence.

This training elaborated on conditions for conducting preparatory session, summon to this session, conducting it, main trial – conditions in order to be held, proving procedure and obtaining evidence, etc.

Comprehensive theoretical and practical aspects were tackled in relation to preparatory session, main trial and obtaining of evidence, as special

stages of the contested procedure.

The judge's dilemmas were elaborated in details, on how to act in the preparatory session, in the main hearing and how to obtain evidence in the light of the LCP provisions.

This training used combined methods of teaching including theoretical and practical explanations followed by practical examples, where participants were active at all times engaging in discussions with the trainer after each topic.

Beneficiaries were judges of Civil Division – General Department of Basic Courts.



Special investigation opportunity

On January 25th 2017, Kosovo Judicial Institute within its Continuous Training Program conducted a training on Special Investigation Opportunities.

Goal of the training was enhancement of participant's knowledge related to the criminal procedure that takes place when implementing successfully legal provisions that regulate the legal institute of special investigation opportunity.

During this training it was elaborated on special investigation opportunity as main point to overcome uncertainties that exist in the case law, like interrogation of parties involved in the proceeding as well as analysis of cases when the testimony obtained in the special investigation op-

portunity is an admissible evidence for the court, on which the judgment relies on.

Besides this, it was also elaborated on the evidence, review and admissibility of evidence obtained in the special investigation opportunity stage, as well as composition of the trial panel in reviewing these evidence.

The training was conducted in form of interactive discussions, where participants had the possibility to present their challenges and difficulties they face in practice.

Beneficiaries of this training were judges and prosecutors of basic instance.



Minor offence and minor offence sanctions according to the new law on minor offence

On 27 January 2017, Kosovo Judicial Institute, within Continuous Training Program conducted training on: “Minor offence and minor offence sentences according to the new law on minor offence”.

Main purpose of this training was a detailed elaboration of the new law provisions on minor offence, information of participants with the conditions for determining the minor offence and minor offence sanctions, parties and minor offence liability, minor offence procedure, juvenile special procedure and the execution procedure of minor offences.

Issues treated during this training session dealt also with the minor offence liability, minor offence sanctions and special measures of minor

offence.

Also, during the training was treated the statutory limitation of the development of minor offence procedure and how this procedure is developed according to the new law on minor offence.

The methods used during this training was a combined presentation, including practical examples and interactive discussions of participants, followed by alternatives to uncertainties and difficulties faced during practical implementation of the new law on minor offence.

Beneficiaries of this training were judges of basic courts – minor offence division from all regions of Kosovo.



Activities from Initial Training Program (ITP)

ITP activities conducted in January 2017

During January 2017, the Initial Training Program conducted training activities for newly appointed prosecutors including theoretical and practical trainings.



Within the scope of theoretical trainings, 14 sessions were conducted during this period, to include the module on “Criminal Code of Kosovo”.

In the general part on Criminal Code of Kosovo seven training sessions were elaborated separately, focusing on each element of criminal offences like acting, impropriety and law determination, criminal liability, etc.

These trainings elaborated also on stages of commission of the crime, notion, systematization and main features of criminal sanctions and their enforcement.

While in the special part of the Criminal Code

of Kosovo seven trainings were delivered elaborating the following: criminal offences set forth in Chapter XX and XXII, criminal offences from Chapter XXIII and XXV, chapter XXVII and crimes of chapter XXIX.

The teaching methodology in trainings was combined method of lecturing to include presentations and interactive discussions where newly appointed prosecutors expressed their topics of interest and dilemmas that they are facing in the practical part of the training in respective prosecution offices.

Through tasks and practical assignments, they were engaged in preparation and presentation of hypothetical cases.

The practical training in prosecution offices continued to provide the newly appointed prosecutors the practice as set in the program schedule, under supervision of their mentors.

Also within the practical training part, on January 18 2017, the newly appointed prosecutors attended training at the Social Welfare Center in Prishtina.



Practical training of newly appointed state prosecutors at Social Work Center

On 18 January 2017, Kosovo Judicial within Initial Training Program for newly appointed state prosecutors, conducted practical training at Social Work Center in Prishtina.



The purpose of this training was introduce the newly appointed prosecutors with the role, function and responsibilities of the Social Work Center.

Initially during this training was presented a

short history of the development of the Social Work Center, organizational structure and its functioning.

Furthermore, in detail was elaborated the categories of the clients treated by the Social Work Center and its services, as well as difficulties and challenges faced during fulfilment of its responsibilities.

The newly appointed state prosecutors had the opportunity to closely see the work of the SWC in Prishtina by visiting its premises and SWC offices.

Beneficiaries of this training were newly appointed state prosecutors, ITP VI generation.



Other Activities

Kosovo Judicial Institute Program Council Meeting

On 30 January 2017, at the Kosovo Judicial Institute was held the forthcoming meeting of KJI Program Council.

The purpose of this meeting was to discuss and review the draft of the Initial Training Program for 2017/2018 of newly appointed judges, who are under the recruitment process by the Kosovo Judicial Council.

Program Council members discussed the structure and content of the initial training program for judges, the topics included in the program, the duration of training sessions and other im-

portant issues for the implementation of this training program.

Program Council considered that the 2017/2018, draft Initial-Training Program for newly appointed judges, meets all the criteria of a proper, professional program and very balanced in terms of distribution of sessions across all areas of law, as well as recommended to present the program to the KJI Managing Board for further discussion and its approval.

Enrichment of the KJI Library

On January 30th 2017, Acting Director of Kosovo Judicial Institute had the pleasure to welcome in a cordial meeting the honorable Professor PhD. Ejup Sahiti.

At the meeting it was discussed about the role of Kosovo Judicial Institute in the increase of professional capacities of the judicial system in Kosovo, particularly for legal sources that KJI library provides for judges, prosecutors and other legal professionals.

Professor PhD. Ejup Sahiti expressed willingness to enrich the KJI library with some of his

titles from the scientific work like: the Criminal Procedure, Judicial Psychology, Arguing in the Criminal Procedure, Witness Testimony as Evidence in Criminal Proceeding, contributing this way to enrichment of the KJI library with new titles of legal field.

KJI Acting Director, Mr. Besim Morina expressed gratitude to the honorable professor for the books and for his continuous input in the KJI Program Council as expert and a member.



<http://igjk.rks-gov.net>

**Address: Lagja e Spitalit
“Muharrem Fejza” str. n.n.
Prishtina, Republic of Kosovo**

**Tel: + 381 38 200 18 660
Fax: + 381 38 512 095
E-mail: infokji@rks-gov.net**