



# Newsletter

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April 2017

## Activities from Continuous Training Program (CTP)

### Liability for damages caused by an object and dangerous activities

On April 5th 2017, Academy of Justice within its Continuous Training Program conducted training on “Liability for damages caused by an object and dangerous activities”.

This training aimed to enhance the knowledge of the civil law judges related to the liability for the damages caused by an object and dangerous activities.

First part of the training tackled the liability for the damages caused by an object and dangerous activities, conditions for compensation of this damage and the terms for release from the liability for the damage caused by dangerous objects and activities. While, second part of the training elaborated on special types of liabilities for compensation of damage caused by an object and dangerous activities and it provided examples from the case law.

This training also covered the part of the correct application of the Law on Obligational Relationships, which regulates the liability for damages caused by objects and dangerous activities, liability for illegal obtaining of the dangerous ob-

jects by the owner, liability for transferring the object to the third person, liability for the product deficiencies, as well as special cases of liability.

The training topic was of interest taking into account the number of cases and dilemmas in the judicial practice that refer to the claims for compensation of these types of damages. Participants extended their knowledge on correct interpretation of legal provisions pertaining to liability and the damage caused by objects and dangerous activities, on analysis and elaboration in situations when there is no civil liability on these grounds, and on assessing the height of damage compensation on the basis of objective liability.

Training was delivered using combined methods of teaching, to include theoretical presentations followed by practical examples.

Beneficiaries of this training were judges of the Appellate Court, judges of the General department – Civil division of Basic Courts, and professional associates.



## Protection of injured parties and witnesses

On April 7th 2017, Academy of Justice in Co-operation with the Strengthening Witness Protection in the Western Balkans Project – WINPRO III (NI-CO), within its Continuous Training Program conducted training on “Protection of injured parties and witnesses”.

Purpose of this training was to present best practices and elaborate on dilemmas in order for the participants to extend their knowledge on efficient protection of injured parties and witnesses during judicial proceeding.

This training covered protection of injured parties and witnesses and special categories which are envisaged by the Criminal Procedure Code of the Republic of Kosovo and in the Witness Protection Law, which present main categories in a criminal proceeding.

Initially, particular attention was paid to practical cases, in some of which the injured parties and witnesses do not testify because of the feeling of danger for their health, lives and family members. This proves that in a criminal proceeding, protection of injured parties and witnesses shall be paid the adequate attention, so that they don't have any intrusion or eventual distress from external or internal sources.

The training was delivered through interactive discussions where the participants could present their challenges and difficulties they face in practice.

Beneficiaries of this training were judges and prosecutors of basic instance, police officers, professional associates and legal officers.



## Rights of the defendant from the initial detention until the end of the criminal proceeding

On April 12th 2017, Academy of Justice within its Continuous Training Program delivered the training on “Rights of the defendant from the initial detention until the end of the criminal proceeding”.

Purpose of this training was to enhance the participant’s knowledge on the rights of the defendants from their first detention until completion of the criminal proceeding, respecting their rights in practice and forms or actions to be undertaken for consequent application of legal provisions that regulate this area.

During the training it was discussed about the rights of the suspects, respectively the defendants, in criminal proceeding, to prompt information related to the offence s/he is suspected for, the indictment and other evidence which is

his/her basic right provided by actual legislation. Also, with the purpose of protecting the dignity and basic rights of the suspected persons, it is the obligation of justice institutions to safeguard and guarantee protection of the rights of defendants during all stages of the proceeding, starting from the defendant’s arrest until completion of the proceeding.

The defendant’s must be informed timely and in details about the nature and cause of the charge against him/her, and to be given sufficient time to practice their rights of effective defense.

Beneficiaries of this training were judges and prosecutors of basic instance, and police officials from the investigation units.





## Changes and Novelties to the Code of Professional Ethics and Regulation for Unprofessional Conduct of Judges

On April 14th 2017, Academy of Justice conducted training on “Changes and Novelties to the Code of Professional Ethics and Regulation for Unprofessional Conduct of Judges”.

Purpose of this training to extend knowledge of participants related to changes and novelties to the Code of Professional Ethics and to the regulation on Unprofessional Conduct, and on increase of the citizen’s trust on judicial and prosecutorial system.

At the training it was discussed about changes and novelties to the Code of Ethics and on Regulation on unprofessional conduct, which foresee

adherence to the standards of professional conduct, proper application of the law and constant vigilance of judges and prosecutors to observe international standards of professional conduct. Considering that it all impact on increase of the standards of professional conduct and strengthen the public trust on judiciary.

Training was delivered through interactive discussions, using combined methods of lecturing and practical cases.

Beneficiaries of this training were judges of the basic instance from all regions.



## International legal cooperation in criminal cases

On April 19th 2017, Academy of Justice conducted training on “International legal cooperation in criminal cases”.

Purpose of this training was to enrich knowledge of participants on the international legal cooperation in criminal cases, when we have to deal with efficient application of legal provisions in obtaining evidence, solving legal assistance requests, as well as in extradition cases.

This training elaborated on international legal cooperation as a necessity, as the crime has exceeded internal borders and has taken international dimension. In an inter-reliant world, no country can fight the crime effectively without cooperation between states for preventing and

discovering the crime.

Due to circumstances of the nowadays society, particularly because of extended possibilities for crime perpetrators to cross borders, the judges and prosecutors shall acquaint with efficient practices of international legal cooperation in criminal matters.

Training was conducted through interactive discussions where participants could present their challenges and difficulties they face in practice.

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



## Handling cases of domestic violence

On April 19, 21 and 27, 2017- Academy of Justice within its Continuous Training Program with the support of OSCE conducted three regional trainings on the topic of “Handling cases of domestic violence” in the regions of Prishtina, Gjilan, Peja and Gjakova.



Purpose of these trainings was to increase the participant’s knowledge about legal provisions of the Law on domestic Violence, and on handling cases of domestic violence in the most professional way.

These training sessions elaborated on ways to create the case at the investigation stage by the police, inclusion of the Victims Advocates and Assistance Office, investigation by the State Prosecutor, and the trial stage.

Dilemmas presented during trainings were related to obstacles that judges have during examination of these cases, particularly in relation to the standard operation procedures for protection

from domestic violence, precise application of legal provisions related to the procedure and timelines to decide upon writs and requests for protection order.

Furthermore, it was discussed about procedures for bringing judgments on requests for protection orders, types of protection measures and their extent, execution and consequences of not executing the protection order.

Goals of the training was to use presentation of practical examples from the case law, and the



group discussions, in order to provide the participants with alternatives to their problems and practical difficulties, with adequate elaboration of the domestic violence cases.

Beneficiaries of these trainings were judges, prosecutors and professional associates, police representatives that deal with domestic violence, as well as victim protection officials from Prishtina, Gjilan, Peja and Gjakova regions





## Compulsory share of the inheritance and its infringement

On April 21st 2017, Academy of Justice within its Continuous Training Program conducted training on the topic of “Compulsory share of the inheritance and its infringement”.

This training aimed to help civil law judges extend their knowledge on the compulsory share of the inheritance and its infringement.

First part of the training was dedicated to the compulsory share of inheritance and the heirs, as well as calculation of the compulsory share of inheritance; while the second part elaborated on the compulsory share and circle of heirs entitled to the compulsory share of inheritance.

This institute from the Law on Inheritance was comprehensively elaborated by providing answers to the following: what is the compulsory part of the descendant’s inheritance? Who are the compulsory heirs? What are limitations to the right to disposition of the inherited estate? How can the compulsory share be calculated?

What is infringement of the compulsory share and judicial protection?

The training elaborated also on correct application of the Law on Inheritance provisions that envisage the compulsory share, it also referred to case studies, judicial protection in cases of infringement of the compulsory share, as well as examples from the case law. This was a topic of interest for the participants considering the number of cases and dilemmas in the case law that relate to the infringement of the inheritance’ compulsory share.

The training used combined methods of lecturing and practical explanations followed by many practical cases keeping the participants active during all the time.

Beneficiaries were judges of the Appellate Court, judges of the civil divisions/ General Departments in Basic Courts, as well as professional associates.





## Civil registration, subsequent registration and re-registration according to the Law on Civil Status

On April 28th 2017, Academy of Justice within its Continuous Training Program conducted training on “Civil registration, subsequent registration and re-registration according to the Law on Civil Status”.

This training aimed to extend the judges knowledge on civil registration, subsequent registration and re-registration according to the Law on Civil Status.

During this training it was elaborated on issues related to civil status registers – correction and supplementation in the Central Civil Status Register and registration of birth based on basic birth documents; it was also discussed about issues related to subsequent registration and re-registration, as well as on cases from the administrative and judicial practice.

Training focused on the following: correct implementation of the primary and secondary legislation provisions in the area of registration and the civil status, procedures to be followed in civil status area, identification of challenges in the relation between the courts – Civil registration Agency, and on exchange of experiences between regions in Kosovo.

The training was delivered using combined methods of lecturing followed by practical examples, where participants were active at all times getting involved in discussions with the trainer after each topic.

Beneficiaries were judges of the civil and criminal divisions – general department of Basic Courts and professional associates.



## Activities from Initial Training Program (ITP)

### Activities conducted in ITP – April 2017

April 2017, the Academy of Justice with the purpose of implementing the training program as planned for April, continued implementation of its activities within the Initial Training Program, which is attended by newly appointed state prosecutors.

In this regard, within the framework of the theoretical training, two remaining session of the sub-modules “Indictment – reviewing procedure” were completed. These sub-modules treated subject such as: Indictment with the proposal for detention and challenges of state prosecutor in terms of forensic medical expertise when filing of indictment.

Covert technical measures of investigation and surveillance was another sub-module completed during this period, out of which 6 training were conducted treating topics such as: legal conditions for authorization of covert measures and the right of the accused persons, surveillance of telecommunication and recording of phone calls, covert investigation and disclosure of financial data, use of site tracking cars, simu-

lated purchases of items simulation of corruption offence, postal delivery control and mail delivery of the control, as well as hidden photo or video recording and secret conversation monitoring.

The sub-module on Serious Crimes has been also developed during this period, through 1 training session treating topic such as: trafficking in human beings, money laundering and cybercrime. Whilst, the sub-module on Minutes, were conducted 3 training sessions focusing mainly on: minutes, writing and keeping of minutes, recording of trials with audio and video record, viewing of minutes and the file case.

In the framework of the practical training, newly appointed prosecutors continued their practice in the respective prosecution offices, according to the program schedule and under the supervision of mentors, as well as have attended training in the following institutions: National Audit Office, Forensic Institution and Kosovo Tax Administration



## Practical Training at National Audit Office

On 05 April 2015, as part of the training program, the Academy of Justice continued with the implementation of initial training at non judicial institutions. In this regard, newly appointed prosecutors conducted training at the National Audit Office.

The purpose of this training is to familiarize the newly appointed prosecutors with the role, the scope and practical work of the National Audit Office.

Initially, this training reflected on the mission and the mandate of the National Audit Office, international standards in this field, practical work, challenges and difficulties faced by this

institution in terms of exercising responsibilities set by the law.

In this regard, discussions were focused on the treatment of criminal legislation regulating this matter, respectively the relevant articles from the Criminal Code, the current forms of cooperation between National Audit Office and the Office of State Chief Prosecutor, as well as possibilities of cooperation with newly appointed prosecutors in the future.

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





## Practical Training at Forensic Medicine Institution

On 13 April 2017, the Academy of Justice conducted a practical training for newly appointed state prosecutors at the Forensic Medicine Institution in Prishtina.

The training aimed at advancing the knowledge of newly appointed state prosecutors relating the legal mandate, responsibilities and the role of Forensic Medicine Institution in providing support to the prosecutor's work, when handling cases of this nature.

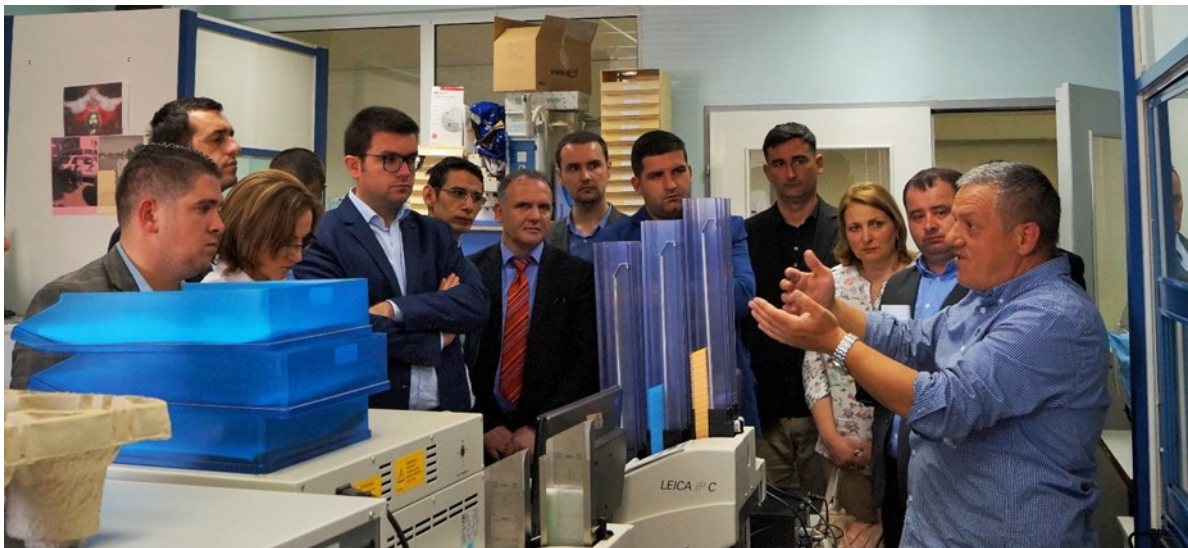
Initially, during the training was elaborated the overall organizational structure of the FMI, legal basis and current challenges faced while

exercising its legal mandate.

Furthermore, was elaborated the role and importance of the forensic medicine in a criminal process, expertise and forensic investigation, as well as scientific-technical methods of forensic medicine investigations.

Newly appointed prosecutors in this occasion had the opportunity to closely see the practical work of FMI, by visiting its premises and by following closely the autopsy process.

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





## Practical Training at Kosovo Tax Administration

On 19 April 2017, within the framework of practical training in non-judicial institution, the Academy of Justice in cooperation with the Kosovo Tax Administration, conducted training for newly appointed prosecutors at the respective institution.

The purpose of this training was to deepen the knowledge of newly appointed prosecutors about the role, responsibilities and practical work of the Kosovo Tax Administration.

During this training, initially were treated the mission and vision of KTA, the organizational structure and current challenges of this institution toward fulfillment of its mandate. The applicable tax legislation in Kosovo was further

dealt with, rates and types of taxation, applicable procedures by KTA, as well as other issues related to practical work of prosecutors and cases of this nature to be faced by them in practice.

The training was of interactive character at every stage of the event, whereby newly appointed prosecutors, together with KTA officials discussed issues of common interests with the aim of establishing first steps of mutual cooperation.

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



## Other Activities

### Visit of the Delegation of Magistrate School of the Republic of Albania

On 6-7 April 2017, in the framework of regular co-operation, the Academy of Justice, hosted a Delegation of the highest representative of Magistrate School of the Republic of Albania, as well as other experts from the field of law.



On the first day of the visit, the delegation was hosted by Mr. Besim Morina, Act. Director of the Academy of Justice together with the heads of departments. Mr. Morina closely informed the representatives from the School of Magistrates about the transformation process of the Kosovo Judicial Institute into the Academy of Justice, the organization, functions and competencies based on the Law on the Academy of Justice.

The purpose of the visit was to intensify the co-operation between two judicial training institutions, as well as to share experiences in overcoming the challenges faced, particularly in the stages of judicial reform. In this regard, the directors of respective institutions expressed their readiness and willingness to further engage in drafting of concrete exchange program of judges and prosecutors, as well as trainers of these institutions.

According to the agenda, the delegation also held meetings with representatives of the judicial institutions where they were hosted by Mr. Blerim Isufaj, Head of the Kosovo Prosecutorial Council and Mr. Hasan Shala, President of the Court of Appeal.

The delegation of Magistrate School also held meetings with the heads of the Initial and Continuing Training Programs where they were acquainted with information about training process of judges and prosecutors, especially those newly appointed one and the flow of the continuous training courses



## Training of Trainers on Freedom of Expression

On 25-26 April 2017, officials of the Academy of Justice participated in the Freedom of Expression Training of Trainers organized by the project "Strengthening Judicial Expertise on Freedom of Expression and Media in South East Europe - JUFREX".

The purpose of the training was to develop and advance the skills of trainers in the implementation of interactive training based on the exercises proposed in the Training Manual prepared under the JUFREX project.

Regional training of trainers enabled participants to improve and strengthen their competences in designing and running educational programs based on model curricula and project manual, as well as adapting these curricula to the local context of respective countries.

Furthermore, on the use of the resources and tools available during the trainings, development of their capacities in carrying out trainings in a neutral manner, the exchange of their knowledge in the field of freedom of expression to the training participants and the understanding and facilitation of individual processes learning groups in the field of freedom of expression.

This training has included the most successful participants from six trainings held in different countries of the region in order to create a forum for exchanging their experiences in the future.

The beneficiaries of the training were trainers from six countries in the region.





## Steering Committee Meeting on “Strengthening Judicial Expertise on Freedom of Expression and Media in South East Europe – JUFREX”

On 26 April 2017, in Durres, Albania, was held the Steering Committee Meeting on “Strengthening Judicial Expertise on Freedom of Expression and Media in South East Europe – JUFREX”.

The purpose of the Steering Committee meeting was to discuss the current activities of the program implemented during the first year of the project, drafting of a work plan for next year at the local and regional level, discuss the challenges encountered by the project during the development and implementation of the project activities, challenges that may arise in the future as well as the exchange of ideas and new proposals.

During the meeting were presented the JU-

FREX components focusing on freedom of expression. First component main focus was on the training programs aiming at capacity development of judges, prosecutors and lawyers on freedom of expression, whereas, the two other components were related to the Regulatory Authorities and Media stakeholders.

The meeting was attended by representatives of European Union and Council of Europe, JUFREX project staff from the regions, as well as representatives of all Justice Academies from the region.

This meeting, organized by the Council of Europe, was also attended by the representative of the Kosovo Justice Academy.





## Second Meeting of Judicial Training Institution Network of South East Europe

On 26-27 April 2017, representatives of the Academy of Justice participated at the second Meeting of Judicial Training Institution Network of South East Europe, organized by Regional Cooperation Council, in Istanbul.

This meeting aimed at presenting and discussing the organizational structure of judicial training institutions, management bodies, strengths and weaknesses of functioning including best practices in this regard.

During the meeting were also discussed the needs of training institutions in the field of judicial training and support their independence, as well as the possibility of Regional Cooperation Council to serve as a sustainable judicial training center in the countries of South East Europe.

In the meeting were presented concrete activi-

ties of the Regional Cooperation Council, as well as was discussed about the exchange of proposals for the future joint activities of judicial training institutions, through Regional Cooperation Council such as various studies, training for judges and prosecutors and the staff of training institutions.

The meeting also served to discuss the most important projects in the judicial training area, where challenges and good practices toward implementation of these projects were introduced .

The meeting continued by discussing the expected future results at the regional level, as well as the role of the Regional Cooperation Council for capacity building, support and strengthening the cooperation of judicial training institutions.



## From Judicial Institute to the Academy of Justice - Strategic Planning for Legal Education of the Kosovo Judiciary

On April 28, 2017, the Academy of Justice in cooperation with the EU-funded Twinning Project "Further Support for Legal Education Reform" conducted a workshop on "From Judicial Institute to the Academy of Justice - Strategic Planning for Legal Education of the Kosovo Judiciary".



The purpose of this workshop was the Strategic Planning for Legal Education of the Kosovo Judiciary by the Academy of Justice.

During this workshop, experts of this project discussed the essential elements of the strategy for training and legal education from the perspectives of EU countries, as well as analyzing and discussing judicial training in Kosovo. In this regard, the concept of the strategic plan for legal education in Kosovo was introduced, which reflected the values, principles and objectives on which the Academy of Justice should be led.

During the workshop, participants were divided

into three groups. The first group focused on training policies - the resources and goals of the KJC and KPC regarding human resources development, the second group focused on the needs and requirements for orientation in practice within the initial training, whereas, the third group was focused on discussions regarding training needs assessment, training of trainers and the use of information technology.

At the end, a summary of the working group results was presented by the participant, which will be taken into account in the next workshops in order to finalize the Strategic Plan of the Academy.

Participants in this workshop were the Chair of the KJC, KPC representatives, judges, prosecutors, and management staff of the Academy of Justice.



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