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July –August 2018

Activities from Continuous Training Program (CTP)

Regular and extraordinary legal remedies according to the Law on Contested procedure

On July 3 2018, Academy of Justice within its Continuous Training program organized a training on regular and extraordinary legal remedies according to the LCP.



Purpose of this training was to enhance the judges knowledge related regular and extraordinary legal remedies.

First part of this training was dedicated to: the appeal, revision and proposal for repetition of the proceeding. Whereas in the second part it was elaborated on the relation between revision and proposal for repetition of the proceeding, and the request for protection of lawfulness.

This training further highlighted that in cases when decision is brought by judges of the first instances, often there are mistakes of formal and material aspects, which may impact in lawful assurance of the parties' rights in the contested procedure. Therefore, the right of appeal against a decision is a fundamental right which is guaranteed by Constitution of the Republic of Kosovo in Article 32, which states the following: "Every person has the right to pursue legal remedies against judicial and administrative decisions which infringe on his/her rights or interests, in the manner provided by law".

This training further emphasized that with regard to the scope of the review that shall be done by a higher court, a basic standard is that a judicial review from a higher instance court to include both the control of procedural rights as well as control of the case merit, enabling this way to a higher instance court to review the formal and substantial aspects of the case tried in the first instance.

This was followed by an opinion that the main aim of all extraordinary legal remedies is to ensure lawfulness of judicial proceedings which result in decisions that present lawful solutions and rights on concrete issues; also, extraordinary legal remedies ensure that the ultimate court instances control the lawfulness of these decisions which decide on objective right and interests of the parties in civil dispute on one hand, and on the other hand by issuing decisions upon utilization of these extraordinary legal remedies an impact is made in unification of court practices of the lower instances, and guarantee application of the law.

During the training, participants had the opportunity that through the training handouts, discussions, and analysis of case studies to elaborate correctly provisions of the Law on Contested Procedure. Also the training was delivered in combined theoretical explanations and practical review of the case law and studied the ways of merit based decisions in concrete cases.

Beneficiaries of this training were judges of the basic instance from general departments – civil divisions.

Trafficking in human beings

During July 5-6 2018, Academy of Justice within its Continuous Training Program conducted training on Trafficking in human beings.



Purpose of this training was to increase the participant's professional capacities in efficiency and competence in combating offenders of the trafficking in human beings' crimes.

This training covered the national and international legal framework that regulates the area,

crimes of trafficking in human beings and identification of elements of these crimes. During discussions it was also elaborated on distinctions and similarities between the trafficking in human beings and migrant smuggling, as well as on ways to prevent these crimes that are constantly growing in number.

The training, was delivered in form of interactive discussions, where participants presented their challenges and problems that participants face in judicial practice. In the last training part, participants were divided in working groups and worked in practical cases assigned by the trainer.

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



Public Procurement Contract

On July 10-11 2018, Academy of Justice supported by GIZ “Legal and Administrative Reform Project”, organized a training on “Public Procurement Contract”.

Purpose of this training was to enhance the judge knowledge about the contract and public procurement procedure, international and European standards, and best practices in this area.

First part of the training elaborated on: importance of public procurement, tendering procedure, and reaching the contract. While second part of this training elaborated on the rights and obligations of the parties after reaching the contract, contract administration and selection of the supervising body, admission of the work and compensation, problems occurring during the contract implementation stage, handling the work that exceeds the contract and compensations, additional Works, the necessary work and their alterations.

The training continued with highlighting that the public procurement process in the Republic of Kosovo is regulated by the applicable Law on Public Procurement, which ensures efficient, transparent and fair use of public funds, public sources and of all other funds and sources of contracting authorities in the Republic of Kosovo, setting the terms and rules to be applied, procedures to be followed, the rights and obligations to be met by persons, commercial operators, enterprises, contracting authorities, works concessioners and public bodies that conducts, involve, participate or are interested, in public procurement activities; or who are involved or are related to such funds and sources.

At the training it was also concluded that in relation to the administrative conflicts, it can be conducted only against the administrative act, therefore, object of the administrative conflict is the issue of lawfulness of an administrative act which is attacked by a lawsuit. In this case, object of the administrative conflict is the decision issued by the Procurement Review Body (PRB), i.e. the administrative conflict can be initiated against a decision issued by PRB, as a final administrative decision.

Further it was highlighted that according to provisions of the Law on Administrative Conflicts, lawfulness of the contested administrative act is reviewed by the court within the boundaries of the request in the lawsuit, but it is not obliged by causes of the lawsuit. While about the nullity of the administrative act, the court handles it on ex officio basis. Due to importance of the consequences of these administrative acts, the LAC obliges the court to ex officio evaluate the nullity of the administrative act, no matter if this is stipulated by the plaintiff.

During the training, participants had the possibility to refer to materials handed by the trainers, discuss and analyze cases, elaborate on legal provisions of the Law on Public Procurement, and address dilemmas and difficulties that occur in practice and ways to decide about them. Beneficiaries of this training were judges of the Appeals Court and judges of Basic Courts, and prosecutors of both, the Appeals Prosecution and of Basic Prosecutions.

Article 2 of the ECHR – The right to life

On July 13 2018, Academy of Justice within its Continuous Training Program organized a training on Article 2 of ECHR – The right to life”.

Purpose of this training was to enhance the knowledge of judges pertaining to Article 2 of the ECHR – The right to life, and application of the ECtHR case law related to this Article.

This training will elaborate on content and importance of protecting the right to life, the background and effect of implementing Article 2 of the Convention – Protocol 6 and 13 of the European Convention for Human Rights, concerning

the Abolition of the Death Penalty, full abrogation of the death sentencing, death sentencing and extradition.

During this training, the discussions and analysis of practical cases were used to address issues of the European Court of Human Rights, on how the court has settled similar cases to provide merited solution for cases of this nature.

Beneficiaries in this training were judges of the basic instance from different regions of Kosovo.



Activities from Initial Training Program (ITP)

Initial Training Program Activities for the Newly Appointed Judges conducted during July

Academy of Justice within its Initial Training Program for newly appointed judges during July conducted total of eight training sessions from the following modules: “Civil, Commercial and Administrative Law”, “personal and interpersonal skills” and “National and International Legal Order”.

In the scope of the Module on “Court decision reasoning” four training sessions were delivered to elaborate on the following: legal writing and methodology of using IRAC formula, reasoning of judicial decisions in the criminal and civil area, and principles of good writing. Objective of this module is the efficient application of legal writing according to IRAC method, drafting decision according to IRAC method, application of the principles and steps in which the good writing goes through.

Within the sub-module on “The ownership law and other related rights” three training sessions were held for the newly appointed judges, who

could develop their professional competencies on the following matters: Real estate rights in foreign objects, authentication, constitution and termination of real servitudes, and protection of real servitudes, loss of property rights and the right of construction (Superficies). While in one of the sub-modules "Organization of Judicial and Prosecutorial System", one (1) training session was organized, focusing on the structure and organization of the judiciary, judicial procedures in accordance with the competences of the courts, and the division of competencies of the Kosovo Judicial Council from the competences of courts and other bodies that carry out functions in the justice area.

Whereas the practical training component in this period was carried out through attendance of the newly appointed judges in respective courts, according to the schedule set in the program. The Initial Training Program for newly appointed judges is being attended by 54 judges - five of them are of the Serbian community.



Initial Training Program Activities for the Newly Appointed Prosecutors conducted during July

Academy of Justice within its Initial Training Program for the newly appointed prosecutors in July continued carrying out the planned activities according to the training program. In this period six training sessions from the module of Criminal Procedure Code were delivered.

Within the sub-module on “Covert technical measures of investigation and surveillance” three training sessions were held and elaborated on the following: use of tools for location tracking, simulated purchase of an item, and simulation of corruption offences, control of mail deliveries and controlled mail delivery, as well as covert photo or video surveillance and covert monitoring of conversations. The newly appointed prosecutors had the opportunity to extend their knowledge related to implementation of these covert measures, prepare requests for authorizing these measures and identification of duration of these measures.

Also, in the sub-module on “The court minutes” three training sessions were delivered, where the participants have elaborated on: preparing and minute taking, audio or video recording of court sessions, review of the court minutes and case files, etc. Focus of this training was on importance of the court minutes in practice and its preparation.

Whereas in the practical training component in this period, the newly appointed prosecutors have attended their practical training in respective prosecutions, as per the schedule of the program.

The initial training program is being attended by 22 newly appointed prosecutors, three of them are of the Serbian community.



Activities for Administrative Staff of Courts and Prosecution Offices

Communications and public relations

On July 12-13 2018, Academy of Justice with the support of GIZ conducted training for the administrative staff of the judicial and prosecutorial system on Communications and public relations.

Purpose of this training was to extend the participants knowledge for a better approach in media communications, reporting, and public relations.

This training sessions elaborated on the following: public access to judicial proceedings, media access on judicial proceedings, institutional presentation and information for the public.

Particular emphasis was put on importance of public presentation, understanding the context, understanding the request/ interest, understand-

ing information or the message. During this training session it was discussed about organization of press conferences, the process of conducting presentations, results of the presentation, and introduction before the public as well as media appearance.

The training was held in form of interactive discussions, where participants could present their challenges and difficulties in their daily work in relation to the media and public.

Beneficiaries of this training were: administrators, professional associates and legal officers, information officers from courts and prosecutions offices of different instances.



Case management in State Prosecution

On July 30-31 2018, Academy of Justice with the support of GIZ conducted a training on “Case Management in State Prosecution”.



Purpose of this training was to extend the participants knowledge about the process of case management.

The training started with overview of the topics for the following two days, including the meaning and importance of case flow management, functions or principles of management, registry books in the state prosecution, role of the case

management office in maintaining the registry books, organization of the work flow and case processing, case processing and management, legal timelines for certain cases, etc.

During the training it was also discussed about issues that administrative staff faces in their work in prosecution, and importance of management in regulating the peers (collegial) relations) to ensure efficiency at work.

Second day of the training elaborated on collection of statistical data and reporting, efficient case management based on CEPEJ methodology, principles of this methodology, control of the case flow and their filing (archiving).

This training was delivered in an interactive method, with discussion between trainers and participants.

Beneficiaries of this training are administrative staff of prosecution, legal officers and financial officers.



Other Activities

EJTN supported training on the EU Environmental Law

During July 09-10 2018, Academy of Justice in cooperation with the European Judicial Training network (EJTN), organized a training program for judges on the topic of EU Environmental



Law that was held in Trier of Germany.

Purpose of this training was to enhance the participant's knowledge related to application of

European Union Directives in decisions of the EU member states.

During this two-days training, the case law was presented in theory and case studies were assigned for the participants, who divided in three groups discussed and then they were required to give an accurate answer related to the case to the trainers.

The training was highly evaluated, because it enabled the participants to closely see how the European Union practices are applied, then the case law of courts of EU member states, as well as decisions of the European Courts.

This training was attended by judges of the EU member states and of other countries including Western Balkans.



Workshop for developing training courses for the distance learning platform

On July 11 2018, Academy of Justice conducted the workshop with trainers on developing training courses for the distance learning platform / e-learning.

Purpose of this workshop was to enhance the trainer's knowledge about the distance learning platform, the way of its functioning and development of training courses according to platform samples.

Initially in this workshop the distance learning platform was presented, in which case the beneficiaries were familiarized with training courses and the way of attending the platform courses. The platform user access accounts

were created and they were acquainted with samples of adjusting materials that the distance learning platform requires.

The trainers, were beforehand required to prepare their training materials in word format, whereas during the workshop participants were divided into groups based on the module they reviewed, developed, adjusted and presented the chapters of the training material in compliance with the samples and structure that is required in the distance learning platform.

Beneficiaries in this workshop were judges and prosecutors – trainers at the Academy of Justice, and authors of the training courses.



Study visit on “Adequate treatment for children and cooperation between prosecution offices, courts, probation service and other juvenile institutions”

During July 16-20 2018, with the support of IRZ project and the UNHCR a Kosovar delegation conducted a study visit in Göttingen/ Hameln of Germany featuring the topic of “Adequate treatment for children and cooperation between prosecution offices, courts, probation service and other juvenile institutions”.

Purpose of the workshops in this visit was to acquaint the participants on the children rights in criminal proceedings. The first day of the visit was dedicated to the juvenile detention facility in Göttingen and the open prison for young offenders, where participants had the possibility to see in details the rights of children and their treatment in this institution.

Delegation visited the first instance court in Göttingen, where they attended a hearing session for a juvenile, and were closely informed how the hearings are conducted in a suitable way for children, which is the role of the judge and prosecutor in criminal proceeding for juveniles, how to give an educational orientation to

the criminal proceedings for juveniles and the social-pedagogical offers for young offenders as alternative educational sanctions.

During this visit the delegation saw the Juvenile Prison in Hameln. Focus during this visit was on educational orientation of criminal enforcement for juveniles, the closed and open regime, education and training in juvenile prison, special treatment measures and preparation for release. The coming days of the visit was paid to the Juvenile Prosecution and Juvenile Detention Institution to identify what are the juvenile detention groups, the concept of short-term and educational enforcement of juvenile detention, the detention of juveniles for the implementation of alternative educational measures and cooperation with external partners.

This visit was attended by judges, prosecutors, lawyers, UNICEF representatives, officials from the Probation Service and the Academy of Justice.



Closing conference of the EU Twinning Project on “Further support to Legal Education Reform”

On July 23rd 2018, Academy of Justice and the EU Twinning Project “Further Support to Legal Education Report” conducted the closing conference of this Project. The Twinning Project “Further support to legal education Reform” was funded by the European Union implemented by the German - Dutch consortium, represented by



the German Foundation for International Legal Cooperation (IRZ) and the Dutch Center for International Legal Aid (CILC), where beneficiary of this Project was Academy of Justice.

Main purpose of this project was empowering the Rule of Law in Kosovo through improvement of the training and legal professional education, particularly supporting the transformation process of the Academy of Justice increasing its capacities for training.

Present at this closing conference were the State Chief prosecutor Mr. Aleksandër Lumezi who at the same time is Chairman of the Academy’s Managing Board, Mr. Enver Peci President of the Supreme Court, representatives of the European Union Office in Kosovo, the IRZ and CILC, and other international and national

organizations, judges and prosecutors.

Mr. Aleksandër Lumezi, in this occasion highlighted the Academy’s efforts who in compliance with its legal mandate, aimed to enhance the training programs and increase the quality of professional services for judges and prosecutors, with the continuous support of the twinning project. In his speech, Mr. Lumezi emphasized the fact that Academy of Justice in 2017 closed the process of transformation from the Kosovo Judicial Institute. “During this time there were numerous meetings, discussions, consultations, comparative analysis between different systems of the judicial training in the region and in EU countries, concept papers, and as a final point everyone agreed that the actual system that is set by the Law on Academy of Justice, is the most suitable for Kosovo, and it is fully functional also in this stage, when the outcomes of this project are being presented. To include also the value of other donor projects that have supported the Academy of Justice for years, and whose support made the Academy a distinguished training institution alongside to other judicial training institutions in the region and further”.

Ms. Katarina Grbesa, representative of the European Union Office in Kosovo, underlined the fact that in this two-year period the Academy has had great challenges, like the transformation process, and the state administrative reform but we managed to push through our ideas thanks to excellent cooperation with the Academy of Justice, Kosovo Judicial Council and the Kosovo Prosecutorial Council. She also emphasized that in the reforms process the academy of Justice shall be treated as an independent institution.



Mr. Valon Kurtaj, Director of the Academy of Justice, Ms. Christine Jacobi, head of the Project, representative of the German Foundation for International Legal Cooperation (IRZ) and Ms. Eva Erren, Head of the Project from the Dutch Center for Free Legal Aid (CILC), presented the role and importance of cooperation between national and international institutions, with the purpose of achieving high results in implementation of projects similar to this one, at the same time they highlighted the significant role that the Academy of Justice has for building an independent, impartial and professional judicial system.

Mr. Klaus Erdman Resident Advisor as well as expert for carrying out this project, in his speech summarized the main results of the project like: elaboration of the Strategic Plan 2018-2020 for the Academy, presentation of the competence framework for judges and prosecutors, the Case-based Training Handbook and the Handbook for Training Management, that will contribute to efficiency and sustainability of the project results, as well as many other activities.

Initial training program activities conducted for the newly appointed judges during August

The initial training program for newly appointed judges during August delivered fifteen training sessions from the following modules: “National and international legislation”, “Legislation and additional skills” and “Personal and international skills”.

Under the sub-module on “Legislation and human rights” six trainings were provided, in which the following were elaborated: Article 2 the right to life, Article 6 the right to a fair process, Article 8 The right to private and family life, and Article 13 the right to effective remedy before a national authority.

Under the “Professional Ethics sub-module, AJ delivered six training sessions where the newly appointed judges developed their professional skills on matters that relate to: acquainting with basic rules of judicial and prosecutorial ethics, as set forth in the Codes in different real life situations, analysis and solution of the ethics problems, identification and solution to ethical issues, developing critical thinking pertaining to ethics, and correct application of ethical rules and the Code of Professional Ethics.

During this reporting period, the first group of newly appointed judges conducted three training sessions from the sub-module on “trial advocacy skills” that will be delivered also for the other two groups. This training is delivered in practical mode and specifically impacts on skills development on the opening statement, direct and cross examination, impeachment, rehabilitation and the closing statement.

During august two practical trainings were conducted in non-judicial institutions like in the Kosovo Property Comparison and Verification Agency, and the Kosovo Cadastral Agency.

Also, newly appointed judges undertook nine days of practical training in respective courts, as planned in the training program.

The initial training is being undertaken by 54 newly appointed judges, five of whom are of the Serbian community.



Initial training program activities conducted for the newly appointed prosecutors during August

Academy of Justice in its Initial training program continues carrying out trainings for the newly appointed state prosecutors.

During August, the theoretical training component for the newly appointed prosecutors conducted 12 trainings from the module on “Criminal procedure Code” and the module on “National and International legislation”.

Under the sub-module on the “European Union Legislation” AJ delivered five training sessions, where prosecutors had the opportunity to extend their knowledge about the integration processes (in the context of integration and extension), and to understand in details the EU functioning, familiarize with the its institutions, their nature and competencies; acquaint with the EU legislation, and relation of this legislation with the national and international one, and the judicial review procedures.

Also, under the sub-module on “Evidence in criminal procedure” four trainings were held in which the participants were trained about: ensuring evidence in the initial police actions, ensuring evidence through covert measures of sur-

veillance and investigation, evidence in the investigation stage, as well as search, sequestration and expertise. Also, under the sub-module on “Witnesses and injured parties in criminal proceeding” two trainings were conducted, where the newly appointed prosecutors extended their knowledge about legal infrastructure functioning in relation to witnesses in criminal proceeding, distinction between usual witnesses, privileged witnesses, witnesses that cannot testify, witnesses waived of the testimony, witnesses with special needs, cooperative witnesses and protected witnesses, as well as correct application of the witness examination and the witnesses testimony.

During this period, the newly appointed prosecutors attended eleven days of practical training in their respective prosecution offices as planned in the training program. Whereas within the trainings in non-judicial institutions, they visited the Correction Service, respectively the High security prison.

The initial training is being undertaken by 22 newly appointed prosecutors, three of them are of the Serbian community



Report from the visit of the newly appointed judges to the Kosovo Property Comparison and Verification Agency

On August 20th 2018, Academy of Justice within its Initial Training Program organized a visit to the Kosovo Property Comparison and Verification Agency for the newly appointed judges (generation VI).



Purpose of this visit was to acquaint the newly appointed judges with the work, role, functioning, activities and challenges of this institution.

During the visit the newly appointed judges were briefed with the background, the structure

and legislation establishing the Kosovo property comparison and verification agency, which is a successor of the two previous directorates: The Kosovo Property Agency (KPA) and the Housing and Property Directorate.

The visit focused mostly on administration of the Agency's property, solution of agricultural disputes, registration of property disputes and property notification. Also, it was discussed about challenges that this institution faces in practice, particularly with the large number of cases, and the large number of unregistered properties.

Beneficiaries of this training were the newly appointed judges of the 6th generation (2017-2018).



Report on the newly appointed prosecutors visit to the High Security Prison

On August 22nd 2018, Academy of Justice in cooperation with the Kosovo Correctional Service organized a visit to the High Security Prison in Gërdovc, for the newly appointed prosecutors (Generation VII).



Purpose of this visit was to inform the newly appointed prosecutors with the role, the work, functioning and conditions in the High Security prison.

In this visit the prosecutors were welcomed by the Director of this Prison who presented the

organizational structure and functioning of this institution, control and management of prisoners, their conditions, the security system, and different activities that are available for the prisoners.

The prosecutors also had the opportunity to visit the facility and see the areas where prisoners develop their sports activities, recreation rooms and the library. Also the prosecutors were informed about the capacity of this prison, categorization, visitation order, and other aspects that directly relate to the prosecutors work.

Participants considered this a productive visit and necessary for their work in the future.

Beneficiaries of this training were the newly appointed prosecutors (7th generation) 2018-2019.



Report on the visit of newly appointed judges at the Kosovo Cadastral Agency

On August 29, 2018 within its Initial Training Program for newly appointed judges, Academy of Justice conducted the next visit to the Kosovo Cadastral Agency.

Purpose of this visit was on informing the newly appointed judges on the work, activity, legal basis of functioning and problems that this institution faces.

The newly appointed judges had the possibility to discuss about registration of parcels, buildings, business buildings, provision of permits for residing, photographing residence buildings, and their placement on topographical maps, geodesy work, and the state measurements. They were also informed about the new system for obtaining the certificate, the so called “e-kiosk”.

Similar to other institutions, the Kosovo Cadastral Agency also faces problems of different nature, particularly the large number of unregistered parcels, gender equality disrespect in the aspect of property registration, horizontal system of organization, etc.

The newly appointed judges, together with officials of the Kosovo Cadastral Agency discusses issues of common interest, with the purpose of mutual cooperation in the future.

Beneficiaries of this training were the newly appointed judges (Generation VI) 2017-2018.



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