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February 2018

Activities from Continuous Training Program (CTP)

Organized crime

On February 1st 2018, Academy of Justice within its Continuous Training program conducted the training on Organized Crime.



Purpose of this training was to enhance the judges and prosecutors knowledge on correct implementation of the Criminal Code provisions for offences that relate to organized crime, and on issues that occur in practice with the aim of unifying application of the applicable legal provisions.

This training elaborated on organized crime as

from of criminality that is committed by a group of persons structured and organized with the purpose of direct or indirect financial benefit. Organized crime is a serious threat to democracy development and to the rule of law, jeopardizing the human rights, safety and economic growth of a state.

Primary attention was paid to prevention, investigation and punishment of organized crime which in majority of cases is related to other crimes like trafficking in human beings, economic crimes, smuggling of goods, narcotic crimes, etc.

The training was interactive where participants had the possibility to present their challenges and difficulties that they face in practice.

Beneficiaries of this training were judges of the Basic and the Appeals instances, prosecutors of the basic prosecution, the SPRK, and professional associates.



Induction training on cybercrime, electronic evidence and online illegal benefits

On 07-10 February 2018, the Academy of Justice in cooperation with the EU project, implemented by the Council of Europe/iPROCEEDS, conducted an induction training on: “Cybercrime, electronic evidence and online illegal benefits”.

The purpose of this training was to advance professional knowledge of the participants regarding the nature and evidence implication on issues related to cybercrime, search and seizure and confiscation of online illegal benefits, as well as legal instruments and access to international cooperation.

The training focused on material and procedural provision of the Budapest Convention on Cybercrime and other international acts, including also legal provisions of Kosovo sanctioning the cybercrime.

Also, during the training special attention was paid to the electronic evidence and cybercrime profits considered as very complex, whereas in order to successfully combat this phenomena, it requires a cooperation among all relevant internal and international institutions, as well as experts of this filed to investigate and punish these crimes that are growing every day.

The training was developed interactively, treating practical cases, where participants had the opportunity to express their difficulties and challenges faced during their work.

Beneficiaries of this training were judges and prosecutors of basic instance and police officers from Kosovo Police Inspectorate



Judicial protection for obstruction to possession and servitudes

On 08 February 2018, the Academy of Justice within the Continuous Training Program organized training on: “Judicial protection on obstruction to possession and servitudes”.

The purpose of this training was to advance the knowledge of participants regarding judicial protection for obstruction to possession and servitudes.

In the first part of the training, was discussed the procedure related to disputes of obstruction to possession, the right of servitude as well as elements of the act of obstruction to possession and servitude. While in the second part were elaborated the terms of judicial protection in the disputes on obstruction to possession and servitude, as well as cases of judicial practice regarding these disputes. During this comprehensive training were also discussed the theoretical and practical aspects of judicial protection from obstruction to possession and servitude.

During the training was emphasized that in the

procedure conducted for disputes due to obstruction to possession, as a special contested procedure that is regulated by the provisions of the Law on Contested Procedure, the court grants judicial protection to the person to whom the possessed item was taken or were caused obstacles during its use. With the legal provisions mentioned above it is possible to quickly and efficiently restore the disorderly factual situation, where the examination of the case according to the lawsuit on obstruction to possession, will be limited by the court only to ascertaining and proving the facts of the last state of possession and caused obstruction against it.

During the training was used a combined explanation methods, including theoretical explanations followed by practical examples.

Beneficiaries of this training were the judges of the Basic Courts and the Court of Appeal, General Department - the Civil Division, as well as the professional court associates.



Specialized training program on Public Procurement in Kosovo – Session I

On February 15-16 2018, Academy of Justice within its Continuous Training Program conducted the first training session of the Specialized Training Program in Public Procurement in Kosovo.



Purpose of this training was to enhance the professional knowledge of participants related to planning of investigation, content of the investigation plan, prosecution, identification of information sources, as well as collection of evidence in the way that allow trial of criminal offences of misuse through public procurement to be made professionally and efficiently.

This two-day training covered the positive legislation on public procurement, procedures and

stages of the public procurement and identification of corruption indicators that relate to public procurement. Principal attention was paid to primary legislation and the bylaws that regulate this area, public procurement procedures and the way in which the electronic public procurement platform operates.

In this context, it was elaborated on rules and technical specifications and the tender dossier, preparing the tender dossier and processing of a tender evaluation, notification, signing and enforcement of public contracts. The training focused also on elaboration of corruptive schemes and problems related to fraud, counterfeiting, the bid setting schemes, and factors that impact on occurrence of these crimes of corruption in public procurement.

The training was delivered in form of interactive discussions where participants had the possibility of presenting the challenges and difficulties they face in practice.

Beneficiaries of this training were judges and prosecutors of basic instance from all regions of Kosovo.



“National and international standards regulating defamation & mock trial”

On 22-23 February 2018, the Academy of Justice, in cooperation with the Project “Strengthening the judicial expertise on freedom of expression and media in Southeast Europe – JUFREX, organized training on: “National and international standards regulating defamation & mock trial”.

The purpose of this training was to advance the knowledge of judges and prosecutors regarding national and international standards regulating defamation.

On the first day of the training was treated the national legal framework of the Republic of Kosovo focusing on issues such as: what is the inhibitor effect of decriminalization of defamation? Is the journalist considered as a legal person? Who is responsible for defamation? Burden of proofs, responsibility for opinions and parliamentary immunity – statements given in the Kosovo Assembly. Whereas, the local institutional framework was dominated by topics related to issues such as: who regulates online media and press? Who regulates the audio-visual media? Possibility to appeal against defamatory media reports and the role of the courts, as well as defamation cases from judicial practice.

The training focused on analyzing provisions of Article 10 of ECHR, concretely on elaboration of the nature, importance, the effect and the scope of the freedom of expression right from the judicial practice point of view of the European Court of Human Rights, defamation, public persons in media, liability and sanctions against journalists, interference in internet freedom and protection of journalism activities and media in the judicial system of Kosovo

and ECtHR case law.

Whereas, the second day continued by treating the standards of the European Court of Human Rights on protection from defamation, cases when as parties are public person – private persons, facts, opinions, burden of proofs, the amount of the damage compensation, parliamentary immunity, reporting words of others – live interviews, defamatory comments/pictures in social medias, etc.

Also, during the second day, the participants conducted a mock trial and through various role paly achieved to solve a defamation case given to them as assignment, where were included elements of state liability and sanctions in journalism, as well as protection of journalism activities and media. The epilogue of the mock trial was the decision taking relating to assumptions that the challenged decision of the national court in ECtHR contained violations of Article 10 of the ECHR by the national court of the state party of this Convention.

Beneficiaries of this training were Judges of Appeal Court and Basic Court, Basic Court Prosecutors and professional associates.



“Protection of the rights of children without parental care

On February 27-28 2018, Academy of Justice with the support of UNICEF, conducted within its Continuous Training Program a two-days training on Protection of the rights of children without parental care.



Purpose of this training was to enhance the participant's knowledge on correct application of the legislation in the judiciary for issues that relate to judicial proceeding for granting legal protection for the rights of children without parental care.

First day of the training elaborated on the notion and requirements for adoption as a special form of children protection, the needs for establishing adoption, applicable legislation in both national and international area pertaining to adoption.

The training also focused on organized social forms of the guardianship for children without parental care, as well as the role and cooperation of the Social Welfare Center with the courts in cases when placing children to another foster family.

Other topics covered in this session were the custody as an institute with social character, the guardianship authority as competent body for protection of children, and ways of practicing the custody right. It was further discussed about the practice, suspension, restriction and removal of the parental right.

This trainings was delivered using combined methods of theory and practice, work in groups, followed by practical examples from the case law.

Beneficiaries of this training were judges and prosecutors of the basic instance from different regions of Kosovo, officials from the SWC from Prizren region, UNICEF officials and other officials that deal with the rights of children without parental care.



Activities from Initial Training Program (ITP)

Training implemented in the Initial Training Program

The Academy of Justice aiming to fulfill the training program, continued to conduct its planned activities within the Initial Training Program, which is being attended by 49 newly appointed judges.

Within the theoretical training were conducted activities such as: sub-module: “Special proceeding according to CPCK conducted through one (1) training session in this period, sub-module: “Procedures according to legal remedies” two (2) training sessions, “Procedural expenses and property legal request” (1) training session, “Obtaining and communication of decision and submission of requests” one (1) training session. Also, were conducted three (3) training session on the sub-module “Initial hearing, second hearing and the main trial” where among others were also treated: objection of evidences, the request for dropping the indictment and the second hearing, preparation and the flow of the main trail.

Within the course trainings, during this period, five (5) training sessions were organized from the sub-modules "Civil Law", where the fol-

lowing topics were elaborated: Drafting and completing legal reports, sharing legal facts and modifying legal affairs - its constitution, deadline and protection, absolute and relative rights, representation with the prosecutor (authorization), unilateral and bilateral legal and non-legal acts and null-contracts. During this period, five (5) training sessions were conducted and were dealt: the principles of contested procedure, the competence, and regular composition of the court and the exclusion of the judge, parties to the contested procedure as well as submission of requests.

During February, newly appointed judges in the framework of training practice with non-judicial institutions conducted training sessions at the Independent Oversight Board for Civil Service and the Public Procurement Commission.

Whereas the component of practical training, during this period was conducted through the practice of the newly appointed judges in the respective court, according to the schedule defined by the program.



Practical training of newly appointed judges at the Kosovo Chamber Advocates

On 05 February 2018, the Academy of Justice within the Initial Training Program for newly appointed judges conducted a practical training at Kosovo Chamber of Advocates. (KCA).



The purpose of this training was to provide an overview for newly appointed judges about the role, organizational structure and challenges faced by the KCA.

Initially, to participants was presented a short historical background of the establishment and of KCA, its legal framework, than the mission, duties, the purpose and the organization of KCA, its services toward the community and cooperative activities with other institutions.

During the visit, was also treated the internal procedure of complaints submitted to KCA, including judicial complaints toward lawyers, or criminal reports against the judiciary, how the committee decides for the lawyers who infringe the Code of Ethics, most frequent measures imposed against lawyers who infringe the Code of Ethics, as well as the role and function of the Training Center for advocates and its training programs.

Beneficiaries of this training were newly appointed judges VI generation of ITP.



Practical training of newly appointed judges in the Independent Oversight Board of Civil Service in Kosovo

During February 13-14 2018, Academy of Justice within its Initial Training Program for newly appointed judges conducted the practical training at the Independent Oversight Board of the Civil Service in Kosovo.



This training aimed to acquaint the newly appointed judges with competencies and responsibilities of this authority (the IOBCSK), the procedure for bringing decisions, procedure before reviewing the complaints, forms of decisions and timelines and actions within the employment body.

This training elaborated on legal framework, provisions that set out the procedure and timelines for complaints within the employment body and with the IOBCSK, procedure and

timelines for reviewing the complaints, types of decisions, responsibilities of the persons in charge and of the institutions for application of the IOBCSK decisions, and the procedure in cases when the decisions are not applied, as well as provisions of the related legislation pertaining to functions and competencies of the IOBCSK.

It was also mentioned and explained how the monitoring function is exercised for application of the civil service legislation, how many monitoring visits have taken place, and how the reports are prepared on public institutions of both the central and local level - in the monitoring procedure.

This training was delivered in form of theoretical explanations and interactive discussion in which case the newly appointed judges had the possibility to raise questions on issues that were focus of this training.

Beneficiaries of this training were newly appointed judges, VI-th generation of ITP.



Activities of the Research and Publication Program (RPP)

Enrichment of the Academy of Justice' library with new books

On February 15th 2018, Academy of Justice was handed over 32 titles of books, in 306 copies by the UNHCR Mission Office in Prishtina.



This collection of books from UNHCR covers the area of the law on refugees and stateless persons that were printed by the distinguished publishing houses like Oxford University, Press Cambridge University, Routledge, Claredon Books, Taylor&Fracis, Wolf Legal Publishers, Edward Elgar Publishing, Bloomsbury Publishing, Martinus Njihoff Publishers and Zed Books Ltd.

Present at this handover donation were the UNHCR Chief of Mission Mr. N.L. Narasimha

Rao with representatives, and the Executive Director of the Academy of Justice Mr. Valon Kurtaj and the Academy's staff.

The UNHCR Chief of Mission Mr. N. L. Narasimha Rao offered his willingness for further support of the Academy of Justice, particularly in the area of the law on refugees through either trainings or development of a training module in this area.

Director of the Academy of Justice expressed gratitude to UNHCR ensuring that these books will serve to judges and trainers of the academy of Justice.



Other Activities

Internship program of the candidates from the Magistrate School of France ENM

Within the framework of the cooperation agreement of the Academy of Justice with the Magistrate School of France – ENM, from 29 January up to 16 February 2018, two candidates from this school conducted the internship training program in Kosovo.



The purpose of this program was to inform the candidates for judges and prosecutors of France, with the judicial system in Kosovo, particularly in prosecuting, investigating and adjudicating criminal offenses, as well as enforcing sentences, and civil court cases with a focus on family affairs, contracts and liabilities, understanding of international dimension of justice and understanding of foreign training systems of judges.

The Academy of Justice prepared the agenda of the internship program which contains practical training conducted in courts and prosecution offices in support of judges/prosecutors in the capacity of mentors, and were organized meetings at other national and international institutions in Kosovo. The implementation of this program commenced with a meeting at the

Academy of justice, where the candidates were notified in general about the function of the judicial and prosecutorial system in Kosovo, as well as functions, responsibilities and programs developed by the Academy.

According to the agenda, ENM candidates continued the training in the Basic Court and Basic Prosecution of Prishtina, hosted by a prosecutor and two judge's one of civil field and one of criminal field. Candidates had the opportunity to follow various court hearings regarding investigation proceeding, and gained broad knowledge on the judicial system, starting from the first actions taken by the judge of the case, initial hearing, second hearing and the main trial, plea bargaining agreement in the preliminary procedure, handling of detention cases, covert measures in preliminary procedure and execution of punishments in Kosovo.

Also, during this program the candidates followed preparatory sessions and judicial hearings related to civil disputes, family and property cases, etc. they also were informed about the content of judicial decisions (judgement, rulings), where they had the opportunity to compare the legislation of two countries, compare the content of judicial decisions and exchange experiences in judicial field. As determined in the agenda, was conducted a meeting with the two newly appointed judges attending the Initial Training Program, where they discussed about the judicial system in Kosovo and exchanged different experiences related to the activities implemented within the Initial Training Program.



ENM candidates paid a visit to the Correctional Center in Lipjan, where were informed about the role and the mandate of this Center, its organizational structure and functioning, as well as the category of detained persons in the Correctional Center. Further, together with the staff of the Center, they visited the premises of this institution, seeing closely the surroundings of the Correctional Center in Lipjan, conditions and activities provided by the Center for detainees and their medical and psychologic treatment.

Also during this period were conducted meetings with representatives of national and international institutions, such as Constitutional Court of Kosovo, USAID, and EULEX, representatives from Twinning Project, Council of Europe and GIZ.



At the end of the program, ENM candidates conducted a final meeting at the Academy, with the purpose of discussing their impression about the organization of the internship program, how much knowledge they gained about the judicial prosecutorial system in Kosovo, and provided their recommendations for organization of similar joint programs in the future.

This is the fourth generation of the candidates of the Magistrate school of France following the internship program in Kosovo.

“Gender equality in judicial proceeding in general and domestic violence cases”

On 20 February 2018, the Academy of Justice within the Continuous Training Program conducted training on: “Gender equality in judicial proceeding in general and domestic violence cases”.

The purpose of this training was to advance the knowledge of judges regarding handling gender equality in judicial procedure, particularly in domestic violence cases, treating as such comprehensively the theoretical and practical aspect of the training.

In the first part of the training was elaborated the national and international legislation on gender equality, domestic violence and other forms of its appearance with the focus on gender, protection order, conditions to issue a protection order, as well as measures for preventing the violence. Whereas, in the second part of the training, was handled the judicial procedure for decision making according to the request for protection order, drafting and reasoning of the decision according to the specifics of the cases itself, and respecting legal provisions, the execution of protection order, as well as consequences for violation of the protection order.

During the training was emphasized that the basic principle of judicial procedures in democratic societies, guaranteeing human rights, is the equality of parties in judicial procedure and

basic principle of gender equality. In the Republic of Kosovo, the quality of parties in the procedure is guaranteed by the Constitution, international Convention and internal laws.

In this occasion was also mentioned that the main purpose of the Law on Protection against Domestic Violence is prevention of all its forms. Therefore, in order to fulfill this purpose, the law has foreseen a set of measures for protection against domestic violence, such as: protection measure of psycho-social treatment, protection measures of prohibition to approach the victim of domestic violence, protection measure of prohibition to bother the persons exposed to violence, protection measure for moving from the residence, house or any other leaving space, protection measure to escort the victim, medical treatment from addiction to alcohol and psychotropic substances, protection measure for obtaining the item and property protection measures explained one by one while discussing them with participants.

During the training was used a combined methodology of explaining theoretical and practical cases.

Beneficiaries of this training were, judges of basic court, prosecutors of basic prosecution offices, professional associates and victim advocates of the Republic of Kosovo.



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