



# Newsletter

- \* Activities from Continuous Training Program (CTP)
  - \* Activities from Initial Training Program (ITP)
  - \* Activities from the Research and Publications Program
- \* Activities for Administrative Staff of Courts and Prosecution Offices
  - \* Other Activities

December 2019

## Activities from Continuous Training Program (CTP)

### **Professional ethics Judges who did not undertake the training in the distance learning platform – Group I**

December 3 2019, Academy of Justice within the Continuous Training Program with the support of GIZ – Legal and Administrative Reform Projects, conducted the mandatory training on “Professional ethics” for the judges who did not undertake the training in the distance learning platform, GR.I.

Purpose of this training was to extend the beneficiaries’ knowledge on the standards of the code of ethics, and position of the code of ethics in relation to the disciplinary liability and the procedure.

The focus of this training was the Code of Ethics and the basic principles of professional ethics such as independence, impartiality, equality, integrity, professionalism and responsibility at work, confidentiality and public relations and the

media, regulation of misconduct, definition of misconduct, categorization of misconduct, liability, violations and disciplinary measures against judges. Also during the brief training was discussed the Investigative Panel and the manner of its establishment, and the mandate of the Investigative Panel.

The training was delivered through a theoretical presentation followed by interactive questions and discussions between the participants and the trainers of this topic.

Beneficiaries of this training were: Judges from the Supreme Court, Court of Appeal, as well as Basic Court judges from different regions of Kosovo, who were not able to attend the training through the distance learning platform.



## Movement and residence of foreigners and legal procedures against them in the Republic of Kosovo

On 03 December 2019, the Academy of Justice within the framework of CTP, in cooperation and with the support of the UNHCR-CRP / K Office, organized a training on: "Movement and residence of foreigners and their legal procedures against them in the Republic of Kosovo". The purpose of this training was to enhance the knowledge of judges regarding legal procedures conducted against foreigners in the Republic of Kosovo.

The first part of the training covered: Entry into the territory of Kosovo, residence of foreigners in the Republic of Kosovo and the legal procedure of detention and deportation of foreigners from the Republic of Kosovo according to the Law on Foreigners, as well as illegal residence; return and deportation of foreigners. Whereas the second part of the training dealt with international refugee law.

From the outset it was emphasized that the movement and residence of foreigners in the Republic of Kosovo is regulated by the Law on Foreigners, no.04 / L-219, as amended by the Law on Amending and Supplementing the Law on Foreigners no.06 / L -036. This law regulates the conditions of entry, movement, residence and employment of foreigners in the territory of the Republic of Kosovo. The provisions of this law are consistent with the rights, obligations and responsibilities of authorities and individuals under international law, including international humanitarian law and international human rights, in particular the 1951 Convention and the 1967 Protocol concerning the Status of Refugees, the principle of non-deportation and the right to seek asylum.

This training was dominated by issues related to the status and residence of foreigners, the legal procedure of their detention and deportation from the Republic of Kosovo based on the provisions of the Law on Foreigners. Taking into ac-

count that this law regulates the entry into the territory of Kosovo and the stay of foreigners in the Republic of Kosovo, the procedures related to these issues were covered at length from the perspective of judicial practice, including the provisions on integration of foreigners into Kosovo society.



These issues and dilemmas related to the status and residence of foreigners, the legal procedure of their detention and deportation from the Republic of Kosovo were dealt with in accordance with the provisions of the Law on Foreigners and their proper implementation by the competent authorities. The focus was also on the categorization, on the issue of against whom the provisions of the law on foreigners will be applied and to which category the law will not be applied.

During this training, the methods of partial theoretical explanation were used, based on the case law accompanied by exercises, interactive discussions, case study analysis, and the applicable international and national provisions and standards governing this area.

Beneficiaries of this training were judges of the Department of Administrative Affairs of the Basic Court of Prishtina, judges of the Court of Appeal of the Department of Administrative Affairs and professional associates, Border Police Department officials, DCAM-MIA, UNHCR and civil society officials. (KRTC and CRPK) and others

## Challenging Remedies in the Special Chamber of the Supreme Court of Kosovo

On December 04, 2019, the Academy of Justice within the framework of CTP organized a training on: "Challenging Remedies in the Special Chamber of the Supreme Court of Kosovo". The purpose of this training was to advance the knowledge of judges regarding the challenging remedies in the Special Chamber of the Supreme Court of Kosovo.



The first part of the training dealt with Complaints as the sole challenging remedy, the scope of its review and proper application of legal provisions. The second part dealt with the deadlines for filing a complaint, and extraordinary remedies.

It was stated at the outset that the Law on the Special Chamber (LDL) as a separate law applied by the SCSC in Article 9.6 provides the appeal as the only remedy against the judicial decisions issued by the Panel established under Article 9.4 of this Law. (property and privatization cases) and decisions issued by a single judge (other cases under the jurisdiction of the SCSC).

All types of court decisions issued by specialized panels may be appealed, with the exception of judgments on non-appearance which may be appealed. All claims or actions of the KTA, or the Privatization Agency of Kosovo, rejecting the ownership, credit claims against the enterprises that have gone into liquidation proceedings, and the list-related claims may be challenged, em-

ployees who have a legitimate right to receive a 20% share of the proceeds of the sale of the socially owned enterprise, complaints relating to the liquidation of an enterprise under the Agency's administrative authorization, and complaints or objections to the cancellation of business transactions, any enterprise that has been subject to liquidation proceedings.

The procedure before the court of appeal is conducted on two levels: the first one is through Specialized Panels, and Appellate Panel.

Article 9.14 of the LSCH currently in force provides that "all judgments and decisions of the Appellate Panel shall be final and shall not be subject to any further appeal". This statutory wording of this legal provision removes all dilemmas about the non-applicability of extraordinary remedies to proceedings before the SCHSC, which are applied in contested proceedings in the regular court system. However, any party dissatisfied with the decision of the Appellate Panel may submit a request to the Constitutional Court of Kosovo for constitutional review of the decision in question.

This training used methods of theoretical partial explanation, interactive discussions, case law analysis as well as examples of meritorious decisions in concrete cases.

Beneficiaries of this training were judges from the Special Chamber of the Supreme Court, judges of the basic courts - general departments - civil divisions, legal officers and professional associates.

## Specialized Training Program – Strengthening professional capacities in combating cybercrime - Session III

On 04-05 December 2019, the Academy of Justice, within the framework of the Continuous Training Program (CTP), conducted specialized training on: “Strengthening professional capacities in combating cybercrime - Session III”

The training aimed at advancing the knowledge of participants on cross-border and international cooperation in combating cybercrime.

The training focused mostly on cross-border and international co-operation in combating cybercrime, competent institutions dealing with these offenses and other offenses related to cybercrime, opportunities for successful prosecution of international e-crime and cybercrime.

The training was conducted through interactive discussions, handling of practical cases, discussion of challenges and difficulties in practice faced by judges and prosecutors during their work.

During the training were used methods of comparing domestic and international legislation that sanctioning cybercrime and international best practices in combating this phenomenon.

Beneficiaries of this training were: Judges from the Court of Appeal and Basic Courts, Prosecutor from the Prosecution Offices of the Republic of Kosovo.



## Enforcement of court decisions in family matters and labor disputes

On December 05, 2019, the Academy of Justice in cooperation with GIZ conducted a training on: “Enforcement of court judgments in family matters and labor disputes”.

The purpose of this training was to advance the participants' knowledge on the legal provisions of the Law on Enforcement Procedure.

The first part of the training covered the enforcement body, its competences, the decisions of the enforcement body and their content. The second part covered the legal bases for determining the enforcement in cases of return of the employee to the workplace and handing of the child, as well as the actions of the enforcement body and the manner of enforcement.

The training emphasized that the role of the courts remains very important, as more sensitive issues such as family matters and the return of the employee to work remain the exclusive competence of the courts. Legal remedies also remain with the court, whereas another important

function is the supervision, since parties who believe that the private bailiff has violated any of their rights may appeal to the court. It was further emphasized that attention should be paid to safeguarding the dignity of the enforcement debtor and enforcement to be as less damaging to debtors as possible in the course of enforcement proceedings.

During this training, the trainers used combined methods of explanation including theoretical and practical explanations followed by practical examples, where participants had the opportunity to be active all the time, participating in discussions with other participants including the trainer.

Beneficiaries of this training were: Basic Court Judges, Court of Appeals, Special Chamber of the Supreme Court and professional associate from Courts and Prosecution offices.



## Workshop on “Harmonizing the Approach to Punitive Policy”

On 05 December 2019, the Academy of Justice in cooperation with the US Embassy Office in Pristina / OPDAT, within the framework of the Continuous Training Program, organized a workshop on: “Harmonizing the Approach to Punitive Policy”.

The purpose of this training was to enhance the professional knowledge of judges, prosecutors and other beneficiaries in the practical implementation of a guideline which has the positive effect of making punitive policy more uniform in all courts.

During the workshop it was pointed out that the perpetrators of the same nature offense and approximately the same circumstances have no consistency in sentencing from one court to another. Further, when imposing sentences, it is noted that inadequate assessment of the circumstances has been done and there is also insufficient justification of these circumstances.

Special attention was paid to mitigating and aggravating circumstances characteristic of which are that they are not exhaustive so other circum-

stances may be taken into account. It was also emphasized that aggravating circumstances are prone to be more specific and clear than mitigating circumstances.

In addition, the focus of this workshop was on the importance of cooperating with the Probation Service with particular emphasis on the assignment and implementation of alternative sentences, as well as the role and commitment of prosecutors in finding and presenting relevant mitigating and aggravating circumstances early in the investigation. Whereas, the subject of this event was the most unique approach to the imposition of fines and the advantage of imposing restitution.

The training was conducted through interactive discussions, and group work where participants had the opportunity to present their challenges and difficulties encountered in practice.

Beneficiaries of the training were judges, prosecutors and professional associates of the Mitrovica region.



## Criminal proceedings before the investigation

On 11 December 2019, the Academy of Justice within the CTP conducted a training on: “Criminal proceedings before the investigation”

The purpose of this training was to enhance the participants' knowledge on the importance and probative value of the evidence gathered in criminal proceedings prior to the initiation of the investigation and the correct application of the provisions of the Criminal Procedural Code.

This training addressed police actions performed by the police and reporting them to the state prosecutor. Particular attention was paid to the procedure of gathering information in achieving standard of reasonable suspicion of a criminal offense, the detection of the perpetrator, its location, prohibition of the perpetrator or his collaborator from hiding or fleeing, detecting and keeping track of and other evidence of the offense. Further on were discussed the items that

could serve as evidence and the gathering of all information that could be used in criminal proceedings.

During this training, special attention was paid to the reliability and probing power of the information and evidence collected in the pre-trial procedure by law enforcement.

The training took place in the form of interactive discussions followed by practical examples where participants had the opportunity to present the challenges and difficulties encountered in practice.

Beneficiaries of this training were judges, prosecutors of basic level from all regions of Kosovo as well as professional associates





## **The right to private life, family life, residence and correspondence, to marry and to found a family and to the equality of spouses – ECHR Article 8**

On 12 December 2019, the Academy of Justice within its CTP organized a training entitled "The Right to private life, family life, residence and correspondence, to marry and create a family and the equality of Spouses - Article 8 of the ECHR". Purpose of this training was to extend the judges knowledge on proper application of the provisions of Article 8 - ECHR.

First part of the training addressed the notion and the legal nature of private life, and meaning and legal nature of the family life. Second part of the training covered the privacy, correspondence, residence-interception and data collection and interference by the public authority in the exercise of this right to the extent provided by law.

It was highlighted that a wider interpretation of the Court pertaining to the definition of private life - under Article 8 of the Convention includes elements like gender identification, name, sexual orientation and sexual life. The article also protects the right to identity and personal development and the right to establish and develop relationships with other persons and with the outside world, including activities of a professional or business nature that may be created in a public context. Private law is closely linked to the notion of personal integrity. Any interference with a person's physical integrity must be provided by law and requires approval from that person.

It was also emphasized that the concept of family life has developed gradually over the life of the Convention and continues to be developed taking into account social and legal changes. The court, as with the concept of private life, maintains the same balanced attitude in interpreting family life given the diversity of modern family problems, divorce issues, and upgrades in medicine. According to the word order in this article,

family life is positioned directly in the private sphere where it has the right to act without arbitrary state interference.

Addressing the intervention "in accordance with the law" it was stated that: "For an intervention to be justified it must be in accordance with the law, which is a measure of protection against arbitrary interference." In relation with the freedom of appraisal it was emphasized that it is clear that the Court grants the State discretion when deciding whether an interference with a right under Article 8 is justified under paragraph 2 of this provision. The discretion given to the



competent national authorities will vary according to the circumstances, the subject matter and its background. It has already identified that factors to be considered in determining the scope of the discretion in this area include the existence of common grounds between the laws of the Contracting States; the sensitivity of the area to be considered and the variability in customs, policies and practices among contracting states. This training used methods of partial theoretical explanation, based on cases from the ECtHR case law, followed by interactive discussions, training material handouts provided by the trainers, and elaboration and clarification of the provisions of Article 8 – ECHR and other applicable legislation that cover this area.

Beneficiaries of this training were judges and prosecutors of all instance in the Republic of Kosovo and professional associates.

## Judgment in minor offence procedure

December 13th 2019, Academy of Justice within the CTP trainings, conducted training on “Judgment in the minor offence procedure”.

Purpose of this training was to extend the judges professional knowledge on correct implementation of the modern methods of drafting, writing and reasoning of court decisions.

This training elaborated on the forms of decisions that may be issued in the minor offence procedure. Principal attention was paid to skills development in writing and reasoning of court decisions (analysis of the factual situation, assessment of evidence and implementation of the legal norms – examples).

Preliminarily, the training elaborated on consequent implementation of legal provisions that shall be applied when writing a court decision for cases when deciding about a minor offence case by the court.

Training methodology was combined with theoretical explanations and interactive discussions followed with group work of the participants.

Beneficiaries of these trainings were judges from the minor offence division from different regions of Kosovo.



## Activities from Initial Training Program (ITP)

### Activities conducted within the initial training for newly appointed judges, (generation VII)



Academy of Justice, within the Initial Training Program for the newly appointed judges in December conducted activities of the training program, including the theoretical training, practical training, and visits in non-judicial institutions.

This period conducted 16 training sessions from the following modules: Criminal Procedure Code, personal and inter-disciplinary skills; National and international legal order, and the Criminal Code of the Republic of Kosovo.

Under the sub-module on “Procedural Costs”, one training session was held which elaborated on the decision on the criminal procedure costs.

Also, one training session was conducted under the sub-module on “Skills development” and discussed about: social skills development for judges and professional performance enhancement.

Under the sub-module on “Stress management”, two training sessions were delivered, in which the newly appointed judges could obtain new knowledge on time management – prerequisite for stress management, health protection and enhancement of the work and life.

Also, the sub-module on “international legal cooperation” conducted two training sessions that includes the criminal and civil aspect, focusing on extradition and arrest warrant from the European Convention, as well as international legal assistance in civil cases.

Within the theoretical training’s scope, the judges conducted also six training sessions from the sub-module on “Criminal Code – general part”. Topics covered in this part are: elements of the criminal offence, object and subject of the criminal offense, categorization of criminal offences, action, venue and times of commission of the criminal offence, and unlawfulness.

Also, under the sub-module on “Criminal Code - special part” conducted six training sessions where judges were informed about the following: Criminal offences from Chapter XIV to Chapter XXV, and crimes against life and body, and against human rights and liberties.

Also, within the activities of the practical training part, the newly appointed judges conducted trainings in the Kosovo Tax Administration, and the National Audit Office, where they had the opportunity to learn about the work of these two institutions.

During this period, the newly appointed judges had 10 days of practical training in courts according to the schedule. Initial training is being attended by 37 newly appointed judges, seven of which are of the Serbian community.

## Activities conducted within the initial training program for newly appointed prosecutors, generation (VIII)

Theoretical training component for this period was achieved with the following activities: 18 training sessions from the Modules on the Criminal Procedure Code, and the Criminal Code of the Republic of Kosovo.

Under the sub-module on “measures to ensure presence of the defendant in the proceeding”, two sessions were delivered providing knowledge on house arrest, diversion and detention.

Under the sub-module on “Covert measures of investigation and surveillance” three training sessions were conducted, that extended the newly appointed prosecutor’s knowledge on suspension and termination of investigation, extending and reinitiating investigation, covert measures of technical surveillance and investigation, as well as witnesses and their handling during the investigation stage.

Within the theoretical trainings, the newly appointed prosecutors had one session from the sub-module on “serious Crimes” where participants were informed related to serious crimes, trafficking in human beings, money laundering and cybercrime.

Under the sub-module on “role of the prosecutor in judicial hearing” six training sessions were conducted which elaborated on: role of the prosecutor during the initial hearing, in the

second hearing and in the closing argument. Also, under the sub-module on “The minutes” three trainings were conducted to cover areas like: minutes and their establishment and maintenance, minutes of the prosecutorial office and the case file writs.

Under the theoretical training component two sessions were conducted under the sub-module on “Negotiation of the plea bargaining agreement” that discussed about subjects of the plea bargaining agreement, initiation of the procedure and role of the prosecutors in this process. Under the sub-module on “Exercise of legal remedies”, one training session was conducted to cover the topic of “Writing the appeal by the state prosecutor against judgments of the preliminary procedure judge”.

Also, within the practical training program, newly appointed prosecutors conducted training in the Kosovo Tax Administration and in the National Audit Office where prosecutors obtained knowledge about the work in these institutions.

In this period, the newly appointed prosecutors conducted 10 days of practical training in prosecutorial offices as planned in the training program. The initial training is being attended by 12 newly appointed prosecutors.



## Practical training of the newly appointed judges and prosecutors at the Kosovo Tax Administration

December 3-4th 2019, Academy of Justice within its Initial Training program for the newly appointed judges and prosecutors conducted practical training at the Kosovo Tax Administration institution.

Purpose of this training was to acquaint the newly appointed judges and prosecutors more closely with the functions and developments of KTA, their activities, and challenges of this institution in practice.

This training also discussed about the legislative changes, types of businesses in Kosovo, categorization of businesses, registration, types of applicable taxes in Kosovo, tax norms, value added tax, invoices and fiscal coupons, the net and gross incomes, as well as pension contribution.

Particular emphasis was put on the crediting, reimbursement and competencies of the Kosovo Tax Administration to file lawsuits against irregular tax-payers after a certain period.

The training was conducted in form of interactive discussion where the beneficiaries had the opportunity to discuss on issues of interest for them related to the tax payers, permitted expenses and sanctioning measures for legal violations of the tax-payers.

Beneficiaries of this training were the newly appointed judges (generation VII), and the newly appointed prosecutors (generation VIII).



## Visit of the newly appointed judges and prosecutors at the National Audit Office

December 11th 2019, Academy of Justice within its Initial Training Program for the newly appointed judges and prosecutors conducted the visit at the National Audit Office.



Purpose of this visit/ training was that the newly appointed judges and prosecutors establish a clear overview about the mandate, legal basis, role, organizational structure and responsibilities of the National audit Office.

Within the scope of this visit/ training, Director of the National Audit Office made a presentation on its establishment, mandate and development, and its cooperation with justice bodies related to the common issues. Also, in this training the beneficiaries were informed about the challenges and difficulties of the institution in realizing its mandate in compliance with the

international standards, and in reference to the Code of Ethics, as well as responsibilities of this institution in carrying out annual auditing to other state institutions like the Ministries, Municipalities, Executive and carrying out audit upon request of Independent Agencies and donors who assists with funds.

It further elaborated on independence of the National Audit Office, internal and external functions of auditing, as well as auditing of compliance and performance aiming approval of funds and provision of the public trust of the people for the funds that are spent.

This training provided space for the newly appointed judges and prosecutors to discuss and raise questions of interest related to cooperation of the judiciary with the NAO, focusing on the aspect of institutional reporting to the NAO, access for the interests of publication of reports, and cases when NOA may find violations and criminal offences of the institutions on which they present financial reports.

Beneficiaries of this training were the newly appointed judges (generation VII) and prosecutors (generation VIII) 2019-2020.



## Activities from the Research and Publications Program

### Meeting of the Editorial Board of the Academy of Justice

Prishtina, 23 December 2019, at the Academy of Justice, was held the follow-up meeting of the Editorial Board of the magazines of the Academy of Justice.

The purpose of this meeting was to review the work of the newly appointed VI Generation Judges and Prosecutors and the VII Generation of Judges and Prosecutors who have completed the Initial Training Program and the further process until the finalization of the work for publication in the magazine " Justicia "

During this meeting, some of the papers that were edited by the Editorial Board were reviewed which highlighted that much had to be done as the authors did not adhere to the standards for publication, and at the same time was discussed their expectations for the magazine.

Further in the review of the papers, were also discussed the expectations that the Editorial Board has for the magazine, recommending that the work should have more references to sources as well as to case law.

At the end of the meeting, the members of the Editorial Board of the Academy of Justice agreed to complete the editing of the papers by January 15 and identify the papers that meet the criteria for publication.

In addition to the members of the Editorial Board, the meeting was also attended by the Executive Director and Head of the Research and Publications Program of the Academy of Justice.

## Activities for Administrative Staff of Courts and Prosecution Offices

### Trafficking in human beings

December 6th 2019, Academy of Justice in co-operation with the EU funded Project implemented by the European Public Law Organization conducted training on “Combatting trafficking in human beings”.

Purpose of this training was to strengthen the fight and correct implementation of the applicable legislation on these types of criminal offences.

The training initially, elaborated on legal aspects of trafficking in human beings, understanding the victim and the victim perspective. Focus of the training was on protection of the victim before and during the criminal proceeding, the support, rehabilitation and reintegration of the

victim in the society.

This training provided practical cases that emphasize that trafficking in human beings is a widespread phenomenon and profitable activity of organized crime, reaching same dimensions with the drugs and weapon smuggling crimes. Therefore, it was required from participants to understand correctly elements of the crime of trafficking in human beings, and recognize forms how the victims of trafficking can be used in fruitful fight against these crimes.

Beneficiaries of this training were administrative staff of the judicial and prosecutorial system.





## Soft Skills

On 10-11 December 2019, the Academy of Justice, in the framework of trainings for the judicial and prosecutorial administrative staff, under the Module 7 conducted a training on: “Soft Skills”.

The purpose of this training was to advance the knowledge of participants about conflicts and overcoming them, as well as advancing their knowledge on computer programs.

During the first day of training were discussed the basic conflict and classification of conflicts, conflicts and theoretical definition, problems and other barriers at work, interpersonal and collegial relationships at work, formal mandate and individual responsibility to the workplace,

protection from "burnout", safeguarding and protection from mobbing, overcoming conflicts, lasting peaceful relationships and modalities.

The second day covered the aspect of information technology which is part of the Soft Skills module. This session elaborates hardware and software, such as Microsoft word, Microsoft - outlook and chat (Lync). Whereas on the Hardware were discussed: central unit, arithmetic-logic unit, memory unit, input unit, output unit and other units.

Beneficiaries of this training were: professional associate, legal officer and other administrative staff of courts and prosecution offices.



## Basics of consecutive translation (taking notes) for judicial translators –Gr.I

On December 17-18 2019, Academy of Justice in cooperation with USAID/ JSSP organized a training within its activities for the administrative staff of courts and prosecution offices on “Basics of consecutive translation (taking notes) for judicial translators”. This training aimed enhancement of the judicial translator’s knowledge on the consecutive translation.



First day of the training elaborated on the following: importance of consecutive translation (brief video on importance of taking notes), speech analysis, structured maps and mind maps. Second part of the training covered the following: identification and division of ideas, translation softwares – advanced training for use of Trados and its role.

Initially this training highlighted the role importance of consecutive translation in the justice system, elaborating its integral elements. Also, it emphasized the opinion that role of the translators in this process is very important.

The first example demonstrated the speech analysis through consecutive translation and taking of notes, that was presented through a video from an important internet program in the judicial area. Through individual tasks an explanations provided by experts, the beneficiaries had the opportunity to adopt techniques and tools of

elaborating and taking notes on a concrete speech. In this light, the translators learned the steps to be followed for a qualitative consecutive translation by continuous reading, preliminary reading of the materials, taking separate notes in blocs in short-diagonal form, etc. The training also highlighted importance of using legal dictionaries in official languages of the Republic of Kosovo, distinguishing the Albanian-Serbian Dictionary, then the small dictionary - OSCE publication, the Albanian-Serbian-English and German dictionary published by AJ and GIZ, etc.

The trainings continued with explanation of the role and ways of using symbols by translators, then relations, word acronyms, brackets, diagonal note-taking and other elements that help the translators in the process of qualitative consecutive translation. The symbols that are used shall be consistent, organic, and the signs showing the symbols have to be in the form of characters and pictures.

This training used adult learning techniques in combination of theoretical explanation, new consecutive translation methodologies, examples from the translation practice in courts and prosecution offices, followed with exercises, interactive discussion, case study analysis and elaborating international standards and legal requirements that regulate this area.

Beneficiaries of this trainings were translators of courts and prosecution offices of all instances of the Republic of Kosovo.

## Basics of consecutive translation (taking notes) for judicial translators –Gr.II

On December 19-20 2019, Academy of Justice in cooperation with USAID/ JSSP organized a training within its activities for the administrative staff of courts and prosecution offices on “Basics of consecutive translation (taking notes) for judicial translators”. This training aimed enhancement of the judicial translator’s knowledge on the consecutive translation.

First day of the training elaborated on the following: importance of consecutive translation (brief video on importance of taking notes), speech analysis, structured maps and mind maps. Second part of the training covered the following: identification and division of ideas, translation softwares – advanced training for use of Trados and its role.

Initially this training highlighted the role importance of consecutive translation in the justice system, elaborating its integral elements. Also, it emphasized the opinion that role of the translators in this process is very important.

The first example demonstrated the speech analysis through consecutive translation and taking of notes, that was presented through a video from an important internet program in the judicial area. Through individual tasks and explanations provided by experts, the beneficiaries had the opportunity to adopt techniques and tools of elaborating and taking notes on a concrete speech. In this light, the translators learned the steps to be followed for a qualitative consecutive translation by continuous reading, preliminary reading of the materials, taking separate notes in blocs in short-diagonal form, etc. The training also highlighted importance of using

legal dictionaries in official languages of the Republic of Kosovo, distinguishing the Albanian-Serbian Dictionary, then the small dictionary - OSCE publication, the Albanian-Serbian-English and German dictionary published by AJ and GIZ, etc.



The trainings continued with explanation of the role and ways of using symbols by translators, then relations, word acronyms, brackets, diagonal note-taking and other elements that help the translators in the process of qualitative consecutive translation. The symbols that are used shall be consistent, organic, and the signs showing the symbols have to be in the form of characters and pictures.

This training used adult learning techniques in combination of theoretical explanation, new consecutive translation methodologies, examples from the translation practice in courts and prosecution offices, followed with exercises, interactive discussion, case study analysis and elaborating international standards and legal requirements that regulate this area.

Beneficiaries of this trainings were translators of courts and prosecution offices of all instances of the Republic of Kosovo.

## Other Activities

### **IPROCEEDS Project Closing Conference - Evaluating Progress Made and Further Steps**

On 09-10 December 2019, in Strasburg-France was held the closing conference of the project iPROCEEDS - Evaluation of the Progress achieved and further steps in the cybercrime area and electronic evidence.

The purpose of the Closing Conference was to evaluate the progress in each of the seven project areas for the period 2016 - 2019, based on the results of the seven final evaluation missions, the initial situation report drafted at the beginning of the project and the project logical framework, with particular emphasis on performance indicators related to Cybercrime, electronic evidence, financial investigations and money laundering.

The Conference focused on reviewing the results and challenges during the project implementation, exchange of best practices, case studies and successes achieved in the last 48 months in the field of cybercrime, electronic evidence. Whereas, the participants in this Conference were informed about the launch of a new project based on the training needs assessment of institutions in relation to cybercrime and professional development of judges and prosecutors.

Participants during this conference shared their experiences, best practices as well as the needs and priorities related to this area, including the steps to be taken in relation to a network of local cybercrime prosecutors and electronic evidence. This conference was supported by the Council of Europe with the participation of: Project Team Members - Cybercrime Units, Financial Investigation Units, Prosecutors, Financial Intelligence Units (FIU), Ministry of Justice, Local Trainers and Judicial Training Institutions from Kosovo, Albania, Bosnia and Herzegovina, Montenegro, Serbia, Northern Macedonia and Turkey.

Beneficiaries of this training were: Head of the Judicial Council, Prosecutors, Trainers of the Academy in this field, Director of the Department of International Legal Cooperation from the Ministry of Justice, Head of the Cybercrime Investigation Sector - Kosovo Police, Head of Investigation Unit Integrated Finance – Kosovo Police Representatives from the Department of Advanced and Specialized Training - Kosovo Police and Senior Officer from the CTP, Academy of Justice.



**Workshop on drafting the 2020 Work Plan and monitoring the Work Plan and Strategic Plan for the period July - December 2019**

From 10-11 December 2019, the Academy of Justice conducted a workshop on drafting the 2020 Work Plan of the Academy of Justice, as well as monitoring the July-December 2019 Strategic Plan.

The working group initially monitored the developments and activities carried out during the period July-December 2019 which were planned in the Strategic Plan 2019-2021, and then defined the structure and objectives of each training program, priorities for one (1) year period and drafted the Work Plan for 2020.

Based on the structure of this plan, the working group has also drafted an action plan which is

part of the work plan, where the group has defined the work priorities, activities, responsible units, actions, timeline for their implementation and indicators or the results achieved through these activities.

Participants of the workshop were the Executive Director, Permanent Trainers, staff from the Program Department and the Department of Administration and Finance.

## Training of trainers "Property Regime of Spouses: Joint Ownership and Marriage Contract"

On 06 December 2019, the Academy of Justice with the support of the European Union-Civil Code Project organized a training of trainers on: "Property regime of spouses – joint ownership and marriage contract". This training was aimed at preparing the trainers for future trainings and enhancing their knowledge on the novelties that will be brought by the Civil Code of the Republic of Kosovo which is in the phase of its adoption.

The focus of the training was on: novelties contained in the Kosovo Civil Code on Marital property regimes / separate and joint property, portioning of joint property and marriage Contracts, as well as the needs and methodology to be used in subsequent training on these novelties.

From the beginning of the training, several components have been broken down that make a successful training such as: Selection of the target topic based on training needs and prior planning, selection of competent trainers based on the training subject, preparation of material and distribution, adaptation of audience training - participants, selection of appropriate method for transferring knowledge on the topic, use of case studies (court cases that are more controversial), small group work, open discussion with participants, case resolution, recommendations and training evaluation .

Following have been presented the latest developments in the Draft Civil Code of the Republic of Kosovo, covering new developments in property rights, whereas, in particular was emphasized that the Kosovo Family Law is currently in force. This law shall enter into force upon the approval of the Civil Code. Property relations in marriage and cohabitation are regulated by the

LFK. With the LFK amendments in 2018, published in OG, on January 17, 2019, the shares of the property and the contributions of the spouses are equal, unless otherwise agreed. Even in the Civil Code, contributions are equal, unless there are premarital or marital agreements.

The rules of registration remain the same in the Civil Code, whereas the concept of conjugal partners has been better explained in the Civil



Code. While the rules of portioning change with the approval of the Civil Code. According to the applicable LFK, with the amendments in 2019, spouses' contributions are equal and Divorce requests can be filed in the same manner by the same persons. The rules of division also remain the same as regarding the procedure and the competent authority.

During this training, were used partial theoretical explanation, contemporary methods of lecturing were demonstrated, based on case law and interactive discussions, case study analysis and contemporary standards of teaching methodology as well as the legal provisions contained therein in the Draft Civil Code of Kosovo.

Beneficiaries of this training were judicial trainings of the Academy of Justice that will lecture in the future the Civil Code of the Republic of Kosovo.

## Roundtable: Civil Code Novelties

On 13 December 2019, the Academy of Justice with the support of the European Union-Civil Code Project organized a roundtable on: “Civil Code Novelties”. This roundtable aimed at preparing the trainers for future trainings and enhancing their knowledge of the novelties that will be brought by the Civil Code of the Republic of Kosovo which is in the phase of its adoption.

The roundtable focused on: Civil Code novelties, challenges in implementing new provisions of the CC / capacity building / legal commentaries, needs and methodology to be used in the following trainings on respective novelties.

Initially, were presented the latest developments in the Draft Civil Code of the Republic of Kosovo, important developments in property rights such as: Legal provisions have been harmonized and the Code contains 5 Books: Book 1- General Part, Book 2- Obligations, Book 3- Property and Other Real Rights, Book 4- Family, and Book 5- Inheritance. The Civil Code will have a total of 1632 Articles and is in the process of being approved by the Government.

Further, were highlighted the novelties of the Civil Code of the Republic of Kosovo as follows: through definitions of the ownership, the meaning of legal provisions is specified and clarified, foreign persons may acquire real rights, unless otherwise provided by law. in particular, confidentiality and mistrust has been clarified, animal ownership, specific rules, types of ownership - public and private, neighborhood rights have been clarified, whereas ways of acquiring ownership and legal titles have been regulated.

In addition, while dealing with the acquisition

and loss of ownership and legal titles under the Civil Code, it was stated that this Code specifies the legal titles for the acquisition of ownership (Articles 863-898 of the CC). The right to ownership can be acquired on the basis of legal work, inheritance, court decision, decision of administrative body and the law (Article 863 CC). The right to ownership under paragraph 1 of this Article shall be acquired if all the conditions provided for in this Code regarding the acquisition of ownership of movable and immovable property are fulfilled.

As for the acquisition of ownership by legal work (Article 864 of the CC) it was emphasized that: the ownership passes from former-owner to owner through legal work, as provided by law; 2. Any valid legal work, the purpose of which is to acquire ownership of an immovable property, must be in writing and in the form of a notarial deed, and 3. Valid legal refers to the legal work as foreseen by Book 2 of this Code, and the rules on the will as foreseen by the Book 5 of this Code.

During this training, were used methods of partial theoretical explanation, including lecturing, case law and interactive discussions, case study analysis and contemporary standards of teaching methodology, as well as the legal provisions of the Draft Civil Code of Kosovo.

Beneficiaries of this training were judicial trainers of the Academy of Justice who will provide lectures on Civil Code of the Republic of Kosovo for judges of civil field.

## Meeting of the AJ Executive Director with the Chairman of KJC

Prishtinë, 17 December 2019, Mr. Enver Fejzullahu – Executive Director and Mrs. Valmira Pefqeli – Acting Program Coordinator of the Academy of Justice have had a meeting with Mr. Skender Çoçaj – Chairman of the Kosovo Judicial Council.

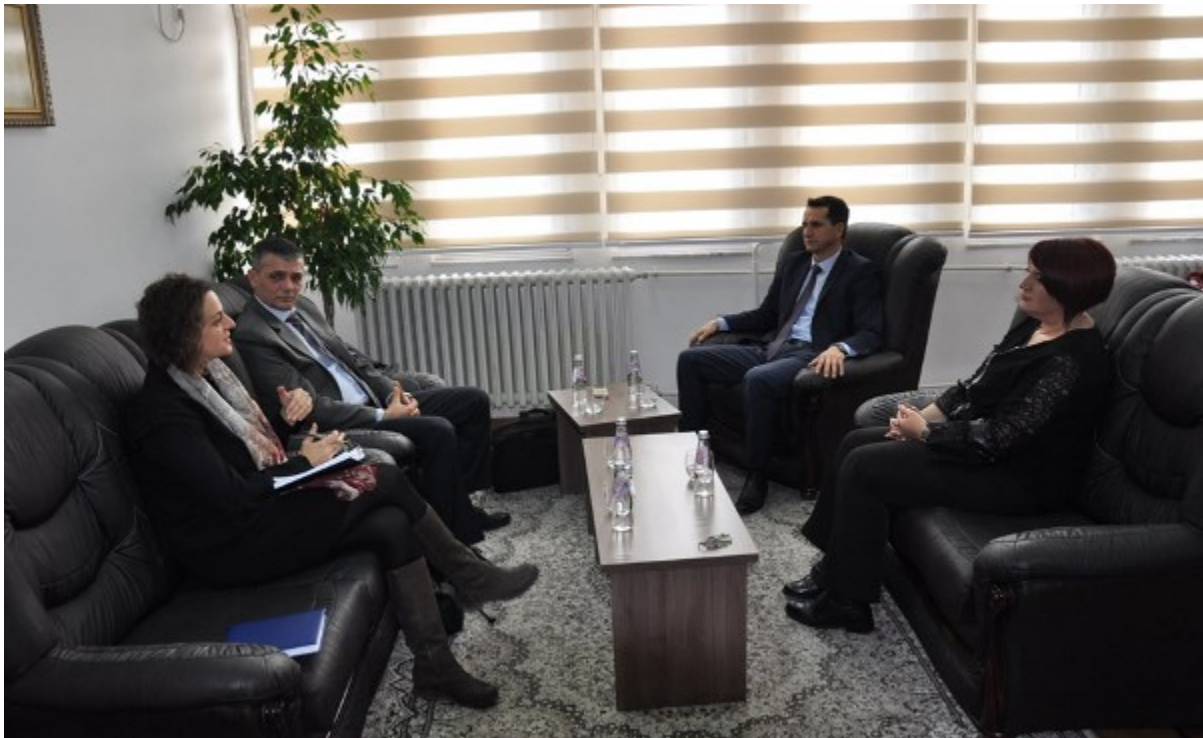
Purpose of this meeting was cooperation of KJC and AJ to the benefit of increasing professional capacities of judges and judicial system in general.

Mr. Enver Fejzullahu, expressed gratitude to the KJC Chairman for the assistance and continuous support that this institution provides to the Academy of Justice, and highlighted the need

and readiness to continue carrying out this cooperation between the two institutions in the capacity of the AJ Executive Director.

Mr. Skender Çoçaj, emphasized that both institutions should continue cooperation for drafting training modules, conducting trainings and organizing joint activities with the purpose of reaching efficiency of the judge's practical work.

This meeting was concluded with the parties' agreement to continue mutual coordination for a better and more qualitative functioning of the training programs and other services provided by the Academy of Justice.





## Meeting of the Managing Board of the Academy



Prishtina December 24 2019, Managing Board of the Academy of Justice held the twentieth meeting chaired by Mr. Aleksandër Lumezi, the Chief State Prosecutor.

Purpose of this meeting was review of the AJ Work plan for the 2020 and its approval, as well as other activities that are undergoing development process within the Academy's development.

Initially, at this meeting Chairman and members

of the Managing Board congratulated Mr. Enver Fejzullahu welcoming him in the position of the Executive Director of the Academy of Justice. It followed with review of the AJ work plan emphasizing challenges and risks that may occur during its implementation in practice, for which the Managing Board offered its support for overcoming them. Members of the Managing Board unanimously confirmed that content of this document is good and its implementation is in conformity with the Law on Academy of Justice, the Strategic Plan for the period of 2019-2021, and with the Academy's Training Program for 2020.

At this meeting, managing Board discussed also on other issues important for the functioning of the Academy of Justice.

## Meeting with trainers of the Academy of Justice

December 26th 2019, Academy of Justice held a meeting with trainers that will be engaged for delivering training activities of the Continuous Training Program for the period of January-June 2020.



Purpose of this meeting was to introduce the trainers with the AJ Director, discuss about the role and trainer's competence in carrying out these trainings and accomplishment of the Training Program, in order that the conducted trainings reflect in the work of the AJ benefi-

ciaries.

This training presented samples for preparing the training materials, duties of the trainer for delivering the certain topic, timelines for submitting the training material to the Academy, participation in trainings, inclusion of professional associates in continuous trainings, as well as other important matters related to CTP trainings.

Trainers on the other hand, congratulated the director for the position and expressed their readiness for cooperation in provision of qualitative trainings.

At the end of this meeting, Mrs. Melihate Rama informed the trainers that necessary preparations have been made for the trainings of the first half of the 2020.



**<https://ad.rks-gov.net>**

**Address: Lagja e Spitalit  
Str. "Muharrem Fejza" n.n.  
Pristina, Republic of Kosovo**

**Tel: + 381 38 200 18 660  
E-mail: [infoad@rks-gov.net](mailto:infoad@rks-gov.net)**