



# Newsletter

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October 2019

## Activities from Continuous Training Program (CTP)

### Implementation of the guideline on punitive policies

On 01 October 2019, the Academy of Justice within the Continuous Training Program (CTP), organized a training on: “Implementation of the guideline on punitive policies”.

The purpose of this training was to advance the professional knowledge of judges, prosecutors and other beneficiaries in the proper implementation of the guideline as it will have a positive impact on making the punitive policy more unifying in all courts.

During this training was emphasized that in practice when imposing sentences inadequate assessment of the circumstances has been done and there is also insufficient justification of these circumstances. Attention was paid to the mitigating and aggravating circumstances characteristic of which are that they are not exhaustive so other circumstances may be taken into account. Aggravating circumstances are prone to be more specific and clarified than mitigating circum-

stances, and it is in line with the concept that the aggravated circumstances must be accurate, clear and probable. The defendant and the public are aware of what actions will result in an aggravated sentence.

During this training it was pointed out that the implementation of the Guidelines on Punitive Policies is a good opportunity which avoids the inconsistency of sentences from one court to another and that to the offenders of the same nature will be imposed similar sentences and following the unification of punitive policy.

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

Beneficiaries of the training were judges, prosecutors and professional associates of the basic level from different regions of Kosovo.



## Alternative Dispute Resolution

October 3 2019, Academy of Justice with the support of GIZ organized training on *Alternative Dispute Resolution, with particular emphasis on mediation – civil law area*, within its Continuous Training Program.



First part of the training elaborated on the role and responsibilities of judges about referral of cases to mediation, and importance and responsibility that mediator has towards parties involved in the dispute during the mediation session. Second part of the training elaborated on mediation and enforcement of agreements reached in mediation procedure.

This training emphasized that application of alternative forms of dispute resolution, mediation in particular, is really important as it increases the legal safety and enables foreign investment attraction which is a necessity for economic development, because in modern world of doing business, businesses and citizens are interested to solve their disputes outside judicial procedures.

Furthermore, it was highlighted that Republic of Kosovo in its efforts to create a modern legal system, has established legal basis that enables alternative dispute resolution. Concretely, mediation in Kosovo is regulated by the Law No. L-057 (2008), repealed by Law No. 06/L-009 on

Mediation – Official Gazette No. 14 (2018). Whereas, implementation in practice started in 2012 when the first mediators have been licensed and the Mediation Centers have opened in several cities of Kosovo. In the international aspect, mediation is regulated by the Law Model or the UNICTRAL, then with the Directive 2008/52/EC, which obliges the EU member states to regulate the matter of mediation with special laws and this tells sufficiently about importance of this tool. Also, it was highlighted that judges in Kosovo shall know new rules of national and international domain on mediation, its advantages, legal consequences, then their role for referral of cases to mediation centers, and position of mediators.

The training continued with the highlight that large number of disputes, caused that their solution through judicial ways is difficult and it takes time, and this all happened because of the courts inability to cope with the large flux of these cases, and lack of human resources and several other factors. There has been continuous search for efficient solution for disputes between different parties and one of these alternatives is mediation that is now known in democratic world and implemented in most of the countries.

Beneficiaries of this training were judges of Basic Courts – general department, civil department, and professional associates as well as mediators.

## Juvenile imprisonment

On October 8, 2019, the Academy of Justice within the CTP conducted a training for judges and prosecutors on: “Juvenile Prison”.

The purpose of this training was to advance the knowledge of the participants in proper implementation of legal provisions when imposing juvenile imprisonment, and to enhance the professional capacities of judges and prosecutors through the discussion and presentation of best practices, as well as the elaboration of cases from practice.

During the training were discussed the conditions for imposing a sentence of juvenile imprisonment, aiming the rehabilitation and development of the juvenile through education, professional development, personal development and

positive impact in order to prevent the recommitment of the criminal offense.

During the training it was noted that the Juvenile Justice Code guarantees the highest interest of juvenile justice, in accordance with international standards deriving from the Convention on the Rights of the Child. Prior attention during the training was paid to the statute of limitations for the execution of juvenile imprisonment and best practices when imposing this measure.

Beneficiaries of this training were judges, juvenile prosecutors of basic level and professional associates.



## Implementation of the law on protection of personal data

On 10 October 2019, the Academy of Justice, within the Continuous Training Program (CTP) conducted a training on: “Implementation of the law on protection of personal data”.



The purpose of this training was to advance the knowledge of the participants in the implementation of the law on protection of personal data.

During the training were treated the right of privacy and the legislation that guarantees this right, the process of personal data protection, legal processing of personal data, video surveillance which is the processing of personal data

applied in the public and private sector, where the purpose is to ensure the lives of people, the security of public or private property as well as the confidentiality of documentation.

The training also covered: data protection in the context of European Union and ECHR law, administrative protection of personal data, judicial protection of personal rights.

The training was delivered by presenting the content of the topics followed by questions and interactive discussions between the participants and the engaged trainers.

Beneficiaries of this training were: Appellate-level administrative cases judges, including professional associates and legal officers from this court as well as judges from the criminal division of the basic level and prosecutors and professional associates from the Basic Prosecution in Prishtina.



## Contract termination and its effects

October 15 2019, Academy of justice within its Continuous Training Program (CTP) conducted training on “Contract termination and its effects”.

Purpose of this training was to extend the participants knowledge on contract termination and effects of this termination.

This training focused on contract and object of the contract, elements, general terms, specific terms of contracts, types of contracts, ways of offering and terms of offering. It also covered absolutely invalid contracts as contracts that are reached in contradiction with legal order, imperative provisions and the moral norms, similarities and differences between invalid contracts, legal effect of null contracts, and the right to request verification of invalidity.

It was also discussed about termination as a way to conclude a contract, dissolve a contract - withdraw unilaterally from the contract, non-completion of the contract and legal consequences of termination, conditions for termination and failure to fulfil the obligations, conclusion of the contract as a condition for cease of contract and legal effect of contract termination.

This training was delivered in form of active discussion between participants on dilemmas that they ace in practice. It is worth mentioning that this training was accompanied with hypothetical cases after each section of the agenda.

Beneficiaries were: judges of basic instance from different regions of Kosovo and professional associates.



## Training on legal skills of judges and prosecutors

On 15-18 October 2019, the Academy of Justice in cooperation with the OSCE, conducted a training on protection of human rights, respectively the European Convention focusing on Article 5, 6 and Article 1 Protocol no. 1 of this Convention.



On this occasion were addressed the President of KJC, Mr. Skender Çoçaj, President of the Supreme Court Enver Peci, as well as Mr. Ilija Bundaleski, Director of the Regional Center in Mitrovica, and the OSCE Mission. All unanimously affirmed the necessity of dealing with this matter in order to guarantee and protect human rights in the course of legal proceedings, emphasizing its guarantee by the Constitution of the Republic of Kosovo.



During these two days of training were elaborated Article 5 on the right to liberty and security and Article 6 of this Convention regarding the right to a fair trial. While elaborating these Articles were used different case studies through which were provided best solutions taking into account national legislation and the case law of the European Court of Human Rights.

In the last two days, Article 1 of Protocol No. 1 on the right to property has been dealt with, which has also been elaborated through practical cases.

On the occasion of this training, the Academy of Justice for Judges and Prosecutors in the Mitrovica region distributed the Handbook on Human Rights and the Legal Dictionary, publications that the Academy has recently published to contribute to the fair implementation of the most common judicial notions and practices in the process of delivering justice.

Beneficiaries of this training were judges and prosecutors of the Mitrovica region.



## Regular and extraordinary legal remedies according to LCP

October 17 2019, Academy of Justice organized training on “regular and extraordinary legal remedies according to LCP”.

Purpose of this training was to extend the judges knowledge on the procedure for filing regular and extraordinary legal remedies by authorized parties, and decisions of the higher instance courts pertaining to these remedies.

First part of the training covered the following: procedure for deciding upon an appeal, procedure for deciding about revision, and procedure for deciding upon proposal for repetition of the procedure. Second part elaborated on: relation between revision and proposal for repeating the procedure, and the Request for protection of legitimacy and the deciding procedure.

Initially, the training highlighted that when judges of lower instances take judgments, they often make mistakes of formal and material nature, that may have impact on lawful guarding of the rights of parties in the contested procedure. Therefore, by using regular and extraordinary legal remedies parties may attack these decisions that involve respecting requests for protection of their rights in the proceeding.

Analyzing the rights to attack decisions, it was emphasized that it is a fundamental right that is guarded by Constitution of the Republic of Kosovo, as well as by Law on Contested Procedure. The right to appeal a judicial decision is also an international standard of human rights, not simply a right deriving from national legislation of a

state.

The training continued with highlighting that through legal remedies of appeal, we guarantee the principle that every issue is reviewed at least in two judicial instances, and that review in the second instance is made through the remedy of appeal. With regard to the scope of review that shall be made by higher instance courts, there is an elementary standard that judicial review in second instance includes control of procedural rights as well as case merit, enabling a higher instance court to make formal as well as substantial review of the case adjudicates in the first instance.

It further elaborated on issues like: what shall regular and extraordinary legal remedies contain? What are the most frequent causes for their occurrence? What is the admission procedure and review of these remedies? And what are the decisions that the court can take related to regular and extraordinary legal remedies?

This training was conducted using the theoretical lecturing based on practical cases from the jurisprudence, accompanied with exercises, interactive discussions, handouts, analysis of cases from the sufficient jurisprudence in lieu with applicable legal provisions that regulate this area and clarifying the aforementioned uncertainties.

Beneficiaries of this training were judges of basic courts, the Appeals Court (Civil division) and professional associates.



## Protection of the rights of children without parental care

On October 22-23, 2019, the Academy of Justice within the framework of the Continuous Training Program (CTP), organized a training on: "Protection of the rights of children without parental care".

The purpose of this training was to advance the knowledge of judges on the topic of protection of the rights of children without parental care.

The first part of the training covered: Protection of the rights of children without parental care, adoption, and placement of the child in the other family. In the second part were treated: Guardianship; the exercise, suspension, restriction, deprivation and continuation of parental rights and ways of communication of the court with the child in court proceedings.

The training emphasized that the Republic of Kosovo is one of the states which is seriously engaged in the field of protection of children's rights. Since the legal protection of the family in general, and especially of children, is of particular importance, the Constitution of the Republic of Kosovo also contains provisions referring to the family sphere, by which it lists our state in the group of countries which has the family law harmonized with international legislation. The Constitution also includes the Convention on the Rights of the Child, which is directly applicable and has priority.

This training covered, inter alia, issues concerning the protection of the rights of children without parental care, as well as the forms of special protection of these children (adoption, custody, etc.), which are regulated by the Family Law, referring to the Convention on the Rights of the Child. Discussions also focused on the manner and methods of court communication with children in court proceedings, on the principle of the child's best interest, the role of the court and the guardianship body in proceedings relating to the

protection of the rights of children without care. parenting, as well as applicable national and international legislation

Among others, during this training were also elaborated issues related to protection of the rights of children without parental care, as well as the forms of special protection of children (adoption, custody, etc.) regulated by the family law, taking as a reference the Convention on Rights of Child. Discussion were also focused on the manner and methods of court communication with the child in court proceedings, the principle of the child's best interest, the role of the court and the guardianship authority in the proceeding related to the protection of the rights of the children without parental care, parenting, as well as applicable national and international legislation.

It was further emphasized that the principle of the best interest of the child is based on the Convention on the Rights of the Child, which stipulates that: all decisions regarding the child, rendered by the courts, administrative authorities or legislative bodies, must firstly take into account the best interest of the child. " This principle is also incorporated in domestic legislation and in the Law on Family and the Law on Social and Family Services.

This training uses the methods of partial theoretical explanation, based on case law cases accompanied by exercises, interactive discussions, material provided by the trainers, case study analysis as well as the breakdown of international standards and ECtHR judgments, the requirements of the applicable legal provisions governing this field.

Beneficiaries of this training were: judges of the Court of Appeal, Basic Courts-General Department-Civil Divisions, professional associates and officials of the Custodian Body.

## Implementation of the Law on Civil Registration (civil status registries, subsequent registration and re-registration)

On October 23, 2019, the Academy of Justice, within the framework of the Continuous Training Program (CTP), in cooperation with UNCHR and CRPK conducted a training on: “Implementation of the Law on Civil Registration (civil status registries, subsequent registration and re-registration)”.

The purpose of this training was to enhance the knowledge of participants regarding the organization of the civil status of Kosovo and the its developing stages toward proper implementation of legal provisions of the Law on Civil Status.

The training covered the legal provisions for civil status registries in the Republic of Kosovo,

civil status registries - correction and completion in the Central Civil Status Registry, birth registration based on basic birth documents, subsequent registration and re-registration. registration.

The training was conducted in the form of an interactive debate involving all participants. The dilemmas posed in this training have been solved through responses of trainers engaged or by experts at the UNHCR and CRPK.

Beneficiaries of this training were: professional associates, legal officers from courts and prosecution offices and officials from UNHCR and CRPK.



## Specialized training – capacity development in combating corruption (Session III)

October 24-25 2019, Academy of Justice within the Continuous Training Program conducted a specialized training program for capacity development in combating corruption – session III.

Purpose of this training was to extend knowledge of judges, prosecutors and other beneficiaries in correct application of legal provisions in cases of corruption related crimes.

This training elaborated on offences relating to corruption, highlighting the meaning of corruption according to the applicable criminal legislation, consequences of corruption and forms of cooperation and coordination of institutions in charge for fighting corruption. This training also

covered national and international tools available for fighting corruption, dilemmas and difficulties of proving corruption offences, and prevention measures and exposure to official corruption.

The training was delivered in form of interactive discussions where the participants had the opportunity to raise their challenges and difficulties they face in practice.

Beneficiaries of this training were judges and prosecutors of basic instance from different regions of Kosovo, as well as professional associates.



**On the job training for prosecutors assigned as ILC focal points and for the ILC Coordinator within the State Chief Prosecutors Office as mediation authority**

October 25 2019, Academy of Justice with the support of GIZ conducted on-the-job training for prosecutors serving as ILC focal points and for the ILC Coordinator within the State Chief Prosecutors Office as mediation authority.

Purpose of this training was increase of international cooperation and development of focal points in investigation, collection of evidence, extradition and problematic issues that occur in practice. This training elaborated also on the role and duties of prosecutor as focal points for international legal cooperation.

The training also presented the role and duties of prosecutor in the mediation authority as coordi-

nator of focal points for international legal cooperation, cooperation between focal points for the mutual legal assistance in basic prosecution offices, and the ILC Coordinator in the State Chief Prosecutor's Office as mediation authority. Particular attention was paid to preliminary review of incoming requests from focal points, and formal review by the coordinator, scope of the formal review/ decisions and reasonable proposals for case groups.

Beneficiaries of this training were the State Deputy Chief Prosecutor, chief prosecutors, prosecutors from the Special Prosecution and basic instance prosecutors from different regions of Kosovo.



## Sequestration and confiscation

October 29 2019, Academy of Justice within its Continuous Training Program in cooperation with the B&S Project on “Further support to Kosovo institutions in combating organized crime, corruption and violent extremism”, organized training on Sequestration and Confiscation.

Purpose of this training was to extend professional knowledge of participants with legal provisions of the new Law on Extended Powers on Sequestration and Confiscation (LEPSC).

In this training, national and international experts elaborated on the following: new institutes of the Law on Extended powers on confiscation, compliance and continuity of provisions of sequestration and confiscation with basic laws like the CCRK and CPCr with the old Law on Extended Powers on Sequestration and Confiscation and the new one, compliance of the new institutes in this new LEPSC with Constitution of the Republic of Kosovo and the ECHR.

Particular attention was paid to measures that may be proposed for ensuring assets and what are provisional measures for ensuring property for which the state prosecutor has articulate evidence that show grounded suspicion that it has been used in a criminal matter under investigation, is evidence of a criminal offence under investigation, or has been acquired through a criminal offence under investigation. Beforehand, the training presented examples, analyzed methods for identification of assets, and the sequestration and confiscation process of criminally acquired proceeds.

Beneficiaries of this training were judges, prosecutors and administrative staff of courts and prosecution offices from different regions of Kosovo.



## Trafficking with human being

On 30-31 October 2019, the Academy of Justice in cooperation with the European Organization for Public Law (ELPO) project held a two-day workshop on: “Combating trafficking in human beings”.

The purpose of this workshop was to increase the professional capacities of the participants in the proper implementation of the legislation in force and to strengthen the cooperation between other relevant institutions for the successful fight against this phenomenon.

During this workshop were treated legal aspects of human trafficking, understanding the victim and the perspectives of the victim. Special attention was paid to the protection of the victim before and during the criminal process, support, rehabilitation and reintegration of the victim in

the society. During this workshop through practical cases it was pointed out that trafficking in human beings is a widespread and more profitable phenomenon of organized crime, reaching the same dimensions as drug and weapons trafficking. Therefore, participants were required to understand correctly the elements of the offense of trafficking in human beings and to know the forms of exploitation of victims of human trafficking in order to have results in combating these offenses.

Beneficiaries of this workshop were judges, prosecutors and judicial and prosecutorial administrative staff from all regions of Kosovo.



## Activities from Initial Training Program (ITP)

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

The theoretical training component for this period was accomplished by carrying out the following activities: a total of 18 training sessions were conducted through modules: “Personal and interdisciplinary skills”, “national and international legal order”, “Legislation and additional skills” and the Criminal Code of the Republic of Kosovo.



Within the module “Professional Ethics”, were conducted four (4) training sessions, respectively elaborating the: Regulation on Determining Misconduct, cooperation and coordination of courts with other institutions on sensitive cases and duties and functions of the office of disciplinary Counsel (ODC).

Within the sub-module “ECHR” were conducted two (2) training sessions aiming to expand the knowledge of newly appointed judges on the European Convention on Human Rights, respectively Articles 13 and 14.

During October, two (2) training sessions were conducted under the module “Mediation”, which addressed: Mediation in criminal cases and the importance of mediation as well as mediation in civil cases.

During this period, the newly appointed judges attended four (4) training sessions under the

module: “EU Law”, where the following topics were discussed: Structure of treaties, nature of competences and fundamental principles of European Union Law as well as the institutions and sources of European Union Law.

Also under the module “Serious Crimes” a training session was held where newly appointed judges had the opportunity to gain new knowledge about human trafficking, money laundering and cybercrime. Whereas, under the module “Juvenile Justice Code” during October, two (2) training sessions were held where were dealt: definitions used in the Juvenile Justice Code and the imposition of measures against the adults and punishments for criminal offenses committed as minors.

Also under the module “Reasoning of Judicial Decisions” was organized a training session where judges had the opportunity to gain knowledge about the importance of legal writing.

In the framework of the practical training, were carried practical trainings followed by newly appointed judges in the respective courts, in accordance with the schedule set by the program. The newly appointed judges during October also conducted practical training in the Privatization Agency of Kosovo, the Kosovo Cadastral Agency and the State Agency for the Protection of Personal Data, where were able to discuss the role, structure and problems encountered. in practice.

The initial training is being attended by 39 newly appointed judges, seven of whom are from the Serb community.

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

The Academy of Justice, in completion of the training program, has continued with the implementation of the planned activities under the Initial Training Program, which is being attended by the newly appointed state prosecutors.

During October, within the theoretical training for newly appointed prosecutors, (18) training sessions were conducted under the module “Criminal Procedural Code” and “Criminal Code of the Republic of Kosovo”.

Under the submodule: “Indictment review procedure”, one (1) training session was held, where prosecutors were able to deepen their knowledge on the challenges of the state prosecutor in terms of forensic expertise when filing the indictment, and when facing forensic autopsy. Also under the submodule “Avoidance and prosecution” was conducted one (1) training session, where participants were able to advance knowledge about avoidance of prosecution under the CPCK and suspension of investigation under the CPCK.

Prosecutors also conducted two (2) sessions under the module “Administration of Criminal Proceedings” and discussed: Submissions, deadlines as well as decision making and communication, sending of writs, execution of decisions and other provisions and documents to be submitted in person as well as the submission procedure.

Within the submodule: “Criminal offenses of corruption”, two (2) training sessions were held addressing: Official corruption and offenses against official duty of Article 414-420 of the CCRK..

Whereas under the submodule: “Evidence in criminal proceedings”, six (6) training sessions were conducted, where prosecutors were able to discuss in general the evidence, and ensuring the evidence during the investigation phase.

As part of the submodule: Criminal report” six (6) training sessions were held, where prosecutors had the opportunity to expand their knowledge on criminal report, police criminal report and additional data.

In in order to fulfill the practical training program, newly appointed prosecutors continued their training in the Privatization Agency of Kosovo, Kosovo Customs, Kosovo Cadastral Agency as well as in the State Agency for Personal Data Protection through which they had the opportunity to gain knowledge about the work carried out by these institutions.

During this period the newly appointed prosecutors have attended (10) days of practical training in the respective prosecution offices as foreseen by the training program. Whereas, the Initial training is being attended by 12 newly appointed prosecutors.





## Practical training of the newly appointed judges and prosecutors in the Kosovo Privatisation Agency

October 9 2019, Academy of Justice within the practical training component for the newly appointed judges and prosecutors - undergoing the Initial Training organized a training at the Kosovo Privatisation Agency (KPA).

Purpose of this training was to acquaint with developments and function of privatisation of the KPA entities, role of the Agency in the process of privatization, with particular emphasis on elaborating and verifying and announcing the provisional winner, approval and rejection of the offer, and general information on the process of privatization and bankruptcy in Kosovo.

During this training, it was comprehensively elaborated on actual problems in practice,

knowing and understanding better role of the Agency in the privatization process in Kosovo, and correct application of the privatization procedure of entities.

This training was interactive in which case the newly appointed judges and prosecutors had the possibility to discuss issues of interest that they see in cases of this nature.

Beneficiaries of this training were the newly appointed judges – generation VII, and the newly appointed prosecutors – generation VIII, participants of the Initial Training program.



## Visit / practical training of newly appointed state prosecutors in Kosovo Customs

On 16 October 2019, the Academy of Justice, in the framework of the Initial Training Program for newly appointed prosecutors, paid a visit to Kosovo Customs.



The purpose of this visit / training was to inform newly appointed prosecutors on the role, mission, work, structure and activities performed by the Kosovo Customs.

The agenda of this visit / training included topics directly related to combating illegal activities, border crime, combating drug trafficking,

as well as preventing the smuggling of nuclear weapons and explosive substances.

Also during the training were discussed various topics that are in the interest of newly appointed prosecutors. In particular, they discussed customs tax, value added tax, excise tax on the Kosovo Consolidated Budget, control of import and export, protection of the economy and protection of trademarks.

The training was conducted through theoretical explanations and interactive discussions, whereby newly appointed prosecutors had the opportunity to ask different questions on the issues that were the focus of the training.

Beneficiaries of this training were the newly appointed prosecutors of the VII generation of the ITP.



## Visit of newly appointed judges and prosecutors at the Kosovo Cadastral Agency

On 23 October 2019, within the training program for newly appointed judges and prosecutors, the Academy of Justice paid a visit to the Kosovo Cadastral Agency.

The purpose of this visit was to inform newly appointed judges and prosecutors on the activities, the structure and legal functioning of this institutions.

Newly appointed judges and prosecutors had the opportunity to learn about the registration parcel, buildings, business premises, granting housing permits, identification of residential buildings and their placement on topographic maps, geodetic works, and state surveys. They were also introduced to the new system for ob-

taining the so-called "E-Kiosk" certificate.

Special attention was paid to the issue of large unregistered properties and parcels, disrespect for gender equality in property registration and the horizontal system of organization.

During the training, the newly appointed judges and prosecutors had the opportunity, together with officials from the Kosovo Cadastral Agency, to discuss issues of common interest, with a view to mutual cooperation in the future.

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



## Activities from the Research and Publications Program

### Presentation of the distance learning platform, AJ legal and electronic library

On 31 October 2019, the Academy of Justice in cooperation with the OSCE conducted a workshop on: “Presentation of the distance learning platform, AJ legal and electronic library”.

The purpose of this workshop was to get acquainted with the information technology services provided by the Academy of Justice its beneficiaries such as: AJ web site, online training application, distance learning platform operation, platform access, application for training courses, attending trainings through the platform, accessing the Academy's electronic library, finding literature in this library, and literature of the Academy's physical library.

On the occasion of this workshop, the participants have practically demonstrated the access to the platforms and databases provided by the Academy so that in the future will be users of the legal resources and materials offered by these platforms.

Participants in this workshop were the President of the Basic Court in Gjilan, judges, prosecutors, professional associates, legal officers, IT officials, from the Basic Court and Basic Prosecution in Gjilan.



## Activities for other legal professions

### Protection of the rights of children in judicial proceeding

October 25 2019, Academy of Justice supported by GIZ conducted training on “Protection of the rights of children in judicial procedure”, within its activities for free professions with the request of the free legal aid agency

Purpose of this training was to present the beneficiaries the correct form of applying provisions of the Law on judicial protection of the rights of children in civil area and in marital-family disputes.

This training covered the following topics: protection of the rights of children in divorce proceeding, principles of protecting the rights of

children according to the Family Law, parental care, decisions of the court to practice the parental care.

This training discussed also on cases from the practice of the free legal aid officials mainly on problematic issues of this nature. Particular focus was paid to the matter of entrusting the child custody to third persons, and role of the custody body in the procedure for entrusting the child.

Beneficiaries in this training were 16 officials of the Free Legal Aid Agency from all regions of Kosovo.



## Judgements and types of judgements according to the LCP provisions, main trial and obtaining of evidence

On October 26, 2019, the Academy of Justice, within the framework of its activities for free professions, at the request of the Free Legal Aid Agency in support of GIZ, conducted a training on: “Judgments and types of judgments according to LCP and Main trial and obtaining of evi-



dence”.

The purpose of this training was to properly implement the legal provisions governing the main trial by free legal aid officers.

The following issues were addressed during this training: Types of judgments and the conditions for their issuance, the content of the judgment and the reasoning of each type of judgment, as well as the identification of cases when evidence have been obtained during trial.

Also during the training were discussed cases from the practice of free legal aid officers, where were discussed the following topics: Evaluation, drafting and justification of types of judgments by merits, as well as examination of evidence.

Beneficiaries of this training were 13 officials of the Free Legal Aid Agency from all regions.



## Other Activities

### Regional launching of the Horizontal Facility for Western Balkan and Turkey - stage II

October 9 2019, Council of Europe conducted the regional conference launching the “horizontal facility for western Balkans and turkey – II within the coordination and expertise facility. This conference took place in Skopje, Republic of North Macedonia.

Purpose of this conference was to support the results of the first stage, to help technical cooperation tailored for countries in achieving a greater fulfillment of Europeans standards, providing advices and expertise as a response to requests for analysis and assistance, through the coordination and expertise facility.

During this conference it was elaborated on mat-

ter pertaining to justice guarantee for a fair and impartial trial, with emphasis on judicial transparency towards citizens. Particular attention during this conference was paid to the fight against economic crimes, combating discrimination and protecting the rights of vulnerable people. Freedom of expression and the media, as well as gender equality were also covered and discussed in the conference.

This conference was attended by representatives of Kosovo, Albania, Bosnia and Herzegovina, Republic of North Macedonia, Montenegro and Turkey.



## Training of trainers on court management

October 15-16 2019, Academy of Justice with the support of USAID organized training on Court Management that was delivered by an USAID expert, Mr. Ingo Keilitz.

Purpose of this training was to extend knowledge of court leaders on the management area.

First day of training covered the following: management in general as well as court and prosecution management, features of a good manager, duties and responsibilities of judges, and management features and tendencies to be avoided. Second day of this training covered aspects like: measuring employee's engagement, data interpretation for court employee's engagement and pursuing for bright spots.

It was further highlighted that this training aims to increase professional capacities of participants on management, which encompasses organization and harmonization of resources in order to achieve certain goals towards success. Management requires planning, organization, instruction and monitoring.

After a comprehensive review this training provided answers to the following: how to successfully manage a court or prosecution? What are standard principles of good management? And what are challenges and actual deficiencies of court or prosecution management?

At the training it was emphasized that the first step towards correct reformation is analysis. Seal of a high performing justice system is the political will and performance capacities on regular and continuous basis in order to obtain knowledge and reach new realities, possibilities

and needs, and in order to turn the knowledge and this achievement into an effective strategy for improvement.

Furthermore, the following recommendation was distinguished, "to measure the measurable" and "calculating the quantifiable" is the main principle, which in order to be efficient has to align performance measures and indicators with values, fundamental obligations and key factors of a public institution's success. The latter ones, are typically expressed in the statement of goal, vision and strategic purposes, that in return reflect wide scope of obligations set forth in the law on public policies. The focus shall be on results and accomplishments, not necessarily on forms (sources and structures) or in functions (activities).



This training offered explanations that relate to management of courts and prosecution offices through combination of presentations which elaborated advanced strategies pertaining to successful management of courts and prosecution offices. During the entire process, a pragmatic approach was developed for implementing rules of a successful and effective management.

Beneficiaries of this training were court presidents, supervisory judges of court branches, as well as heads of departments and divisions.



## Court management

On 22-23 October 2019, the Academy of Justice with the support of the USAID conducted a training on: “Court management”. The purpose of this training was to advance the knowledge of heads of court divisions in management field.

Initially, during the training were treated the duties and responsibilities of judges and managerial features, including trends that should be avoided. Further were handled the measuring of employee’s engagement, interpretation of data’s on court employee’s engagement and research of bright points.

It was also mentioned that the training aims to enhance professional capacities of participants in management covering the organization and harmonization of recourses in achieving the purpose and success. Management requires planning, organization, guidance and monitoring.

After a comprehensive review, the following questions were answered: How is a court or

prosecutor successfully managed? What are the standard principles of good management? And what are the current challenges and disadvantages of court and prosecution management? It was further emphasized that organizing an analysis is the most important first step towards reform. The hallmark of a high performing justice system is the political will and capacity to perform on a regular and ongoing basis, to gain insights into new realities, opportunities and needs, and to turn knowledge and insights into effective strategies for improvement.

During this training, theoretical explanation methods were used, based on case studies and practice followed by interactive discussions, through analysis and elaboration of topics, focusing on efficient court management as well as tasks and cases. practical.

Beneficiaries of this training were: heads of court divisions.



## Meeting of the AJ Normative issues committee

October 23 2019, Academy of Justice conducted the subsequent meeting of the AJ Normative issues committee.

Purpose of this meeting was to discuss difficulties and practical problems for implementing Regulation No. 06/2017 for Trainers and Mentors of the Academy of Justice, and to address them through complementing and amending this regulation.

At this meeting members of the committee reviewed the regulation with particular emphasis on provisions that regulate engagement of trainers to implement training programs, training of trainers, the possibility for the right of appeal, and other important issues, for which the Committee agreed to issue a new regulation, considering that this regulation has already been amended and complemented.



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