



Newsletter

- * Activities from Continuous Training Program (CTP)
 - * Activities from Initial Training Program (ITP)
 - * Activities of the Research and Publication Program (RPP)
- * Activities for other legal professions
 - * Other Activities

September 2019

Activities from Continuous Training Program (CTP)

Regular and extraordinary legal remedies

September 3 2019, Academy of Justice within the Continuous Training Program (CTP) conducted training on “Regular and extraordinary legal remedies”.



Purpose of this training was that beneficiaries extend their knowledge on the procedures when applying regular and extraordinary legal remedies and apply correctly the relevant legal provisions.

Initially the training focused on the criminal procedure stages according to the Criminal Procedure Code and then types of legal remedies

available to challenge judgments of the basic instance in the Appeals Court.

Second part of the training was dedicated to extraordinary legal remedies in a comprehensive way and covered aspects like: parties that can file requests for legal remedies, legal requirements for filing appeal, requests for protection of lawfulness, essential violations to have in mind while handling these requests, the issue of jurisdiction, situations when the judgment exceeds the indictment, and similar matters.

The training enabled discussion on practices of courts and prosecutions, and on areas for improvement in the sense of inter-institutional cooperation, including the court, prosecution and Kosovo Police.

Beneficiaries of this training were judges, prosecutors and legal officials of the basic instance.



Financial Investigation Program – 1st training

September 3-6 2019, Academy of Justice with its Continuous Training Program in cooperation with the UNODC conducted the first training on the Financial Investigation Program.



Purpose of this training was to extend the knowledge on international cooperation for successful investigation, collection of evidence, and issues that occur in practice when investigating and adjudicating money laundering and related crimes.

This training covered the financial investigation, the many data analysis tools and tech-

niques, data processing duties and tools that relate to the sources of information. Also, collection, processing and analysis of the financial data, with the aim of qualifying them as evidence. Particular attention was paid to the preliminary wide scale investigation of money laundering schemes, tax and customs crimes, including national and international cooperation which is a necessity in practice for investigating and adjudicating these types of crimes that represent a risk to the economic development of a country.

This training enabled working groups to address challenging issues and elaborated on legal provisions that regulate this area and enabled exchange of best practices in this direction.

Beneficiaries of this training are: judges, prosecutors, FIU officials, Kosovo Police, administrative staff – experts of the area in KPCS.



Law on Value Added Tax

On September 4, 2019, the Academy of Justice within the CTP organized a training on “Law on Value Added Tax”.

The purpose of this training was to enhance the knowledge of judges on the application and enforcement of VAT in the Republic of Kosovo and in the region.

The first part of the training covered: VAT application in the Republic of Kosovo and in the region - VAT registration conditions and VAT rates. Whereas the second part of the training outlined the legal provisions contained in the Law on Value Added Tax explaining the criteria related to the VAT process cycle from Customs to final customer payment, and VAT practices in the regional countries. Also, different cases were handled by the case law and the practice of other countries with which the Republic of Kosovo has more export-imports explaining how VAT rights and obligations payable to Kosovo Customs and Customs are defined, including Tax Administration of Kosovo.

As concerning this matter, it was emphasized that in practice there are often problems in the issue of VAT application and in their assessment according to their value, including legal dilemmas. Special attention was paid to the continuous changes in the tax legislation related to value added tax in order to comply with the EU Di-

rectives, as in Basic Law 03 / L-222 on Tax Administration and Procedures and Law. 05 / L-037 on Value Added Tax.

Concerning the jurisdiction, it was emphasized that the Fiscal Division of the Department of Administrative Affairs of the Basic Court in Prishtina is responsible for adjudicating in the first instance any decision by the Appeals Department regarding taxes, customs duties and any other contribution made by legislation in force. The Fiscal Division's appellate jurisdiction covers taxes and duties such as: personal income tax; corporate income tax; VAT law; customs duties; excise duties; immovable property tax and any other taxes or contributions applied in Kosovo.

During the training were used the methods of partial theoretical explanation, based on case-law accompanied by exercises, interactive discussions, material provided by the trainers, case study analysis and breakdown of the applicable legal provisions governing this area.

Beneficiaries of this training were judges of the Department of Administrative Affairs of the Basic Court and Court of Appeal, as well as professional associates of the Department of Administrative Affairs - Fiscal Division and the Economic Department.



Judicial protection in labor disputes according to the Labor Law

September 5 2019, Academy of Justice organized training on “Judicial protection in labor disputes according to the Labor Law”.



Purpose of this training was to extend the judges knowledge on labor related disputes according to the applicable legislation in the Republic of Kosovo.

First part of the training covered: Labor contracts and their types and working relation disputes according the Labor Law. Whereas the second part, covered the following: judicial procedure for protecting labor rights and adhering to deadline requirements for requesting judicial protection.

Initially the training highlighted the fact of the increasingly growing number of labor disputes. This situation is due to the gaps in the applicable legislation and judicial protection was not adequate, which hindered the employee’s rights from working relationships. Consequently, provisions that regulated this area were dispersed in many laws and regulations, that were issued and adopted in different economic, social and political circumstances. This all impacted and presented difficulties for the judges to adequately apply these laws, in relation to protection of the employee’s rights deriving from working relationship.

The training continued with elaboration of the procedure initiated by the employees in cases when employers violate the working duties, including identification of the preliminary conditions that have to be met by the claimant before addressing the court with a lawsuit seeking judicial protection.

It further covered causes of terminating the employment contract, types of judicial decisions brought for labor disputes, distinctions between disputes for civil servants and other labor disputes, competencies, timelines, legal remedies, adhering to deadlines for seeking judicial protection, i.e. the issue of exhausting internal legal remedies in order to be eligible to seek judicial protection, as well as consequences for not respecting the deadline requirements for seeking judicial protection according to the applicable legislation pertaining to labor disputes.

It also concluded that the judicial protection procedure for the labor related rights that derive from the working relationship is special, which includes application of the contested procedure’ general rules, as well as special rules that are foreseen in Articles 474 to 477 of the LCP.

This training used combined methods of teaching - the theoretical lecturing based on practical cases, followed by exercises, interactive discussions, handouts, case analysis from the case law, and elaboration of the applicable legal provisions that regulate this field.

Beneficiaries of this training were judges of Basic Courts and of the appeals Court, as well as professional associates of these courts.

Protection measures for juvenile victims and witnesses of criminal offences

On September 9, 2019, Academy of Justice within its CTP with the support of UNICEF conducted training for judges and prosecutors on “Protection measures for juvenile victims and criminal offences”.



Purpose of this training was to extend the participant’s knowledge through discussions and presentation of best practices, and elaboration of practical cases on correct implementation of protection measures for juvenile victims and witnesses of criminal offences in order to respect their personality and dignity.

This training elaborated on issues that relate to the definition of juvenile victims and witnesses (children, minors, young adults) that have been victims of a crime, mainly of sexual integrity crimes. Particular attention was paid to techniques and approach of examining these sensitive victims, including the examination through video-conferencing and the witness rooms. Initially the training elaborated on the rights of these victims, psycho-social follow up in this process, the aid structures for these victims, as well as their right to compensation, their right to exclude the public as a procedural rule in order not to expose them to vulnerability again.

Beneficiaries of this training were juvenile department judges, judges of the general departments, and juvenile prosecutors of the basic instance.



Measures to ensure the presence of a minor in criminal proceedings

On September 10, 2019, the Academy of Justice in the framework of the Continuous Training Program conducted a training on “Measures to ensure the presence of the minors in criminal proceedings”

The purpose of this training was to enhance the knowledge of participants by discussing and presenting best practices, as well as elaborating cases from practice to properly apply the legal provisions governing this area as well as educational measures and juvenile penalties.

During this training was emphasized that a juvenile who has violated the law may be ordered a temporary detention, police detention and detention only as a last resort for the shortest possible time. It was also noted that in practices often oc-

curs that in the procedure against juveniles, detention as a last resort is not determined according to the manner and conditions foreseen by the JJC. Attention was paid to cases where the juvenile prosecutor proposes to the court to impose the measure of juvenile detention, including the legal requirements to be met for such cases. Therefore, joint discussions provided the best solutions in accordance with the legal provisions that regulate this area.

Beneficiaries of this training were: judges and prosecutors from juvenile department from different regions of Kosovo.



Construction contracts

On September 11, 2019, the Academy of Justice within the CTP organized a training on “Construction Contracts”.

The purpose of this training was to advance the knowledge of judges in the application and interpretation of contractual provisions for the settlement of disputes arising out of a business relationship created through these contracts and of judicial practice in accordance with international and European standards.

The first part of the training covered: Understanding the construction contract and the contract for engineering and their specifications, characteristics of the public construction contract, general terms and conditions of the contract, turnkey clause, price changes due to changes in the market and legal procedures in protecting the rights of business parties in disputes arising from non-performance of these contracts.

In the second part were treated the ways and criteria for evaluating specific elements in the case of claims for non-performance or contestation of the validity of these contracts were discussed.

On the occasion of this training it was emphasized that construction contracts and contracts for the development of construction projects (engineering) have actually found great use in the field of construction given the phase of site reconstruction. Public sector construction contracts are also widely used. When conducting business in the international field, companies often apply the contracts to which the Convention on the International Sale of Goods applies, while in the case law it was further emphasized that the number of disputes arising from these contracts is considerable, with an increasing tendency.

During this training, cases were analyzed from case law and there were interactive discussions, breaking down the applicable legal provisions that regulate this area.

Beneficiaries of this training were judges of the Department of Economic and Administrative Affairs of the Basic Court in Prishtina and the Court of Appeal as well as judges of general departments - civil divisions of basic courts.



Specialized training program on Kosovo Public Procurement Session II

On 12-13 September 2019, the Academy of Justice, within the framework of the Continuous Training Program, conducted a two-day training on: "Specialized Training Program on Public Procurement in Kosovo - Session II".

The purpose of this training was to enhance participants' knowledge on contract implementation, investigation and adjudication of offenses of this nature.

The training covered the following: contract implementation phase, needs assessment / requirement determination, preparation / design process and preparation of bidding documents, contractor selection and award stage. Particular empha-

sis was paid to corruption schemes and fraud-related problems such as investigation planning and prosecution.

Also during the training were addressed payment of ransom, conflict of interest, bidding schemes, conspiratorial bidding, fraud schemes, the content of the investigation plan, identifying sources of information, planning of research and wire-tapping, planning of use of informants, as well as asset tracking.

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



Initial and second hearing

On September 17, 2019, the Academy of Justice, in the framework of the Continuous Training Program, conducted a training on "Initial and second hearing".

The purpose of the training was to enhance the professional knowledge of the beneficiaries in the proper application of specific procedures in cases involving the initial and second hearing in view of the efficient implementation of criminal proceedings.

This training covered the initial and second deliberations, the timing of the initial deliberations upon receipt of the indictment and the second deliberations, the actions of the presiding judge or single trial judge, and the course of the initial and second hearing.

Prior to this, eligibility criteria were elaborated,

post-conviction options and procedure separation cases where there are more defendants and some plead guilty at the initial hearing and some not. It was further clarified that the single trial judge or presiding trial judge ensures that the state prosecutor had fulfilled his or her duty to disclose evidence, namely notifying the defendant and his or her defense counsel that prior to the second hearing, for the evidence cited in the indictment, to present a request for dropping of indictment, of it is legally forbidden to file an indictment request for failure to sign a criminal offense under the law.

Beneficiaries of this training were judges, prosecutors and professional associates from all regions of Kosovo.



Legal writing and reasoning

On September 17-18, 2019, with the support of USAID, the Academy of Justice organized a training on "Legal Writing and Reasoning". In addition to the local trainers, the lecturer in this training was Judge Mr. Russell F. Canan,



USAID expert.

The purpose of this training was to advance the knowledge of judges in the field of legal writing and reasoning through the application of contemporary standards in this field.

The first day of training covered: Pre-writing, organization and checklist and key to sound written and oral judgments, IRAC method of legal writing and its practical application, submission of request and formal assessment of admissibility litigation and legal writing and reasoning skills for judges.

The second day covered: Structure and content of court decisions according to LCP provisions and reasoning of court decisions (analysis of fact finding, evaluation of evidence and application of legal norms).

Legal writing and reasoning is part of the day-to-day work of each judge and court and prosecution official, and is therefore a prerequisite for

enhancing the quality of judicial decisions and other acts, including the efficiency and credibility of the public in judicial decisions.

After a comprehensive review of the IRAC method (the issue, the rules, analysis and conclusion) it was highlighted that it consists of the mentioned core elements of legal analysis. It is a process by which all judges and jurists think about any legal problem. Applying this formula reduces the complexity of the law to a simple equation. This method is useful because it gives the reader of the judgment an initial understanding of the case, and shows the path followed for the analysis by the court.

In this training it was emphasized that good legal writing is characterized by accuracy, analytical character, good organization, logic, correctness, persuasive reasoning and clarity.

During this training, theoretical explanation methods were used, based on case studies and practice followed by interactive facilitated discussions by trainers, through analysis and elaboration of topics, focusing on the application of legal writing principles and skills, the IRAC method for legal writing and legal research techniques as well as practical assignments and cases.

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

SCSC and KPA competences, the applicants and opposing parties before the SCSC, written and verbal proceedings before the Special Chamber as well as Court Proceedings challenging the Agency's decisions created by the privatization and liquidation process

On 18 September 2019, the Academy of Justice within the Continuous Training Program (CTP) conducted a training on: “SCSC and KPA competences, the applicants and opposing parties before the SCSC, written and verbal proceedings before the Special Chamber as well as Court Proceedings challenging the Agency's decisions created by the privatization and liquidation process”.

The purpose of this training was to enhance the participants' knowledge on the jurisdiction and powers of the Special Chamber for the proper conduct of the privatization and liquidation proceeding.

The first part of the training covered: Competencies of the Special Chamber and Privatization Agency of Kosovo, functional competencies with focus on the Special Chamber, implementation of the 1990-1999 judicial decisions by the

KPA.

On the occasion of this training it was emphasized how the procedure is conducted in the Special Chamber, what should be the content of the request, what are the consequences of the parties if they do not comply with the rules for presenting evidence. The following outlined how credit and property claims / complaints are presented to the Liquidation Committee and the Special Chamber, the objections of the Agency's decisions to the Special Chamber, and the procedure for reviewing those decisions.

During this training, were used methods of partial theoretical explanation combined with practical cases and interactive discussions.

Beneficiaries of this training were: judges of basic instance, legal officers and the Special Chamber of the Supreme Court of Kosovo.



Legal Writing and Reasoning from the Criminal Law

On 19-20 September 2019, the Academy of Justice within the Continuous Training Program, in cooperation with the USAID Program for Strengthening the Justice Sector in Kosovo - JSSP, conducted a training on "Legal Writing and Reasoning in the Criminal Law"



The purpose of this training was to advance the professional knowledge of judges and professional associates in the proper implementation of contemporary methods of legal writing and reasoning.

Within this training were elaborated the application of the IRAC method as well as its practical application in court decisions. Special attention was given to developing skills in the writing and reasoning of judicial decisions (analysis of the findings of fact, assessment of evidence and application of the rule of law - examples). Prior to this, the consistent application of the legal provisions to be applied when drafting a judicial decision were also addressed.

The methodology applied was combined, with theoretical explanations and interactive discussions as well as working groups.

Beneficiaries of this training were judges and professional associates from the Basic Court of Prishtina and the Basic Court of Mitrovica.



Compensation of material and immaterial damage and the case law

On September 19, 2019, the Academy of Justice with the CTP and with the support of GIZ organized a training on “Compensation of material and immaterial damage and judicial practice”.



The purpose of this training was to enhance the knowledge of judges on the compensation of material and immaterial damage as well as judicial practice in this field.

the first part of the training handled topics such as: material and immaterial damage according to LOR, responsibility for compensation of material and immaterial damage as a criterion for setting the amount of material and immaterial damage. Whereas in the second part were treated: the way of proving the during the compensation proceeding of the material and immaterial damage and the practice of setting the amount of material and immaterial damage compensation.

At the beginning of the training it was emphasized that the large number of damages litigation, whether material or immaterial and non-harmonization of the judicial practice in setting criteria's for determining the amount of material and immaterial damage, are indicators that impose comprehensive treatment of this topic.

It was further emphasized that civil legal protection of goods and the existence of civil legal liability is an important segment in the context of ensuring a higher level of protection of human rights. Accurate determination of the liability of the person causing the damage and the exercise

of the right of the injured party in the award of damages in non-contractual civil legal relations is one of the challenges of civil judges.

Although the case law is relatively developed on this topic, but the large number of cases in the courts of the Republic of Kosovo, the continuous increase of the number of cases for damage compensation has resulted in causing differences in the case law, so there are different criteria for determining the amount of material and immaterial damage, but also the method of establishing the factual situation in these cases are often flawed.

It was further stated that the purpose of the compensation of damages in our law, if we look at the legal provisions of the LOR on compensation of damages shows that is the obligation of the person responsible for restoring the condition that was before the damage was caused. Thus, the primary purpose of damages is to restore the situation before causing the damage, if this is not possible and it is usually impossible to fully restore i, then the responsible person is having to compensate the damage. The LOR prioritized compensation of damage based on the nature of the cause and also in cash, although in the case-law, cash compensation is more widely applied.

This training uses the methods of partial theoretical explanation, based on the case law accompanied by exercises, interactive discussions, material provided by the trainers, case analysis and breaking down the applicable legal provisions regulating this area, as well as clarifying the ambiguities mentioned above.

Beneficiaries of this training were basic court judges and professional associates.

Freedom of expression and information - Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms

On 20 September 2019, the Academy of Justice organized a training on "Freedom of Expression and Information - Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)".

The purpose of this training was to advance the knowledge of judges and prosecutors on freedom of expression and information, in breaking down the notions and categories contained in Article 10 of the ECHR and the way the European Court of Human Rights (ECHR) interprets Strasbourg.

The first day of the training covered: Freedom of expression in the context of public debate and the role of freedom of expression and information available to the public. The second day addressed: The importance of freedom of expression and respect of the judiciary and the positive obligations of the State under Article 10 of the ECHR.

It was further emphasized that the purpose of this training is to address free expression in order to receive and impart information or ideas, to explain freedom of expression in the context of public debate, public affairs comments by public figures or the media.

It was emphasized that public officials serving in the judiciary can be expected to show restraint in exercising their freedom of expression in all cases where the authority and impartiality of the judiciary may be questioned.

During the training was emphasized that the ECtHR jurisprudence on this topic proves that although the judiciary enjoys special protection, it does not operate in a vacuum, and questions regarding the administration of justice may be part of the public debate.

In principle, defamation of a judge by the press occurs during debates over the malfunctioning of

the judicial system, or in the context of questioning the independence or impartiality of judges. Such cases are important to the public and should not be left out of public debate, especially in a country experiencing the transition to an independent and effective judiciary.

It was further emphasized that the public should be able to obtain information about the activities of the judicial authorities through the media. Therefore, journalists should be able to freely report and comment on the functioning of the justice system.

Concerning the entry into force of Protocol 16, the ECHR (1 August 2018), it was emphasized that this Protocol enables the highest domestic courts and tribunals to seek advisory opinions from the ECtHR concerning questions of interpretation of the Convention. The Advisory Opinions, which will be given by the Grand Chamber, will contain reasoning and will not be binding.

Theoretical explanation methods were used during this training, based on case studies and practice followed by interactive facilitated discussions by trainers, through analysis and elaboration of the subject, with a focus on the application of the standards and requirements contained in Article 10 i. ECHR as well as through cases selected by the ECHR practice.

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



Administration of evidence – minor offence

On September 24, 2019, the Academy of Justice within the Continuous Training Program (CTP), conducted a training on: “Administration of - Principles”.

The purpose of this training was to advance the knowledge of the participants regarding the legal provisions related to the identification and handling of evidence in the minor offence procedure.

The training focused on presentation of the basic principles for identifying and the manner of administration of evidence in a minor offense pro-

cedure with particular emphasis on their fair assessment, understanding of the evidence and facts.

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

Beneficiaries of this training were: judges of basic instance - Department of Minor Offenses from different regions of Kosovo.



Capacity development of the SPRK prosecutors and legal officials in prosecution of terrorism cases

September 24-25 2019, Academy of Justice within its Continuous Training Program in cooperation with EULEX conducted training for capacity development of the SPRK Prosecutors and legal officials in prosecution of terrorism cases.



Purpose of this training was to extend the participants knowledge through discussion and introduction of best practices and through elaboration of practical cases that increased professional

skills in investigating and combating terrorism crimes.

This training elaborated on the particulars and challenges when prosecuting terrorism cases in Kosovo, including issues related to prosecution of terrorism and other serious crimes, preparing the preliminary procedure and witness protection.

Principal attention was paid to the opening statement, the matter of law and collection of evidence from witnesses, and cross examination of the suspects, closing statement and the appeals.

International expertise was hired to provide this training along with SPRK prosecutors with the purpose of sharing experiences in cases of prosecuting terrorism crimes.

Beneficiaries of this training were judges of the special department, special prosecutors and legal officials from the Special Prosecution.



Implementation of the Law on Citizenship of Kosovo

On September 25, 2019, the Academy of Justice within the CTP and with the support of the UN-HCR organized a training on: "Implementation of the Law on Citizenship of Kosovo". The purpose of this training was to enhance the knowledge of judges on the effective implemen-



tation of the Law on Citizenship in the Republic of Kosovo.

The first part of the training covered: Legal provisions of citizenship in the Republic of Kosovo and ways of acquiring citizenship. Whereas the second part dealt with the ways of losing citizenship, the deadlines for examining claims and appeals, as well as local court practice and the regional practice.

During the training was emphasized that in practice were identified legal problems and uncertainties regarding the ways of acquiring, losing and regaining citizenship of the Republic of Kosovo and other issues related to citizenship. Also were discussed questions seeking answered in the training such as the dilemmas that are emerging regarding the ways of gaining and losing citizenship in Kosovo and the main problems in the implementation of the Law on Citizenship of Kosovo.

It was further stated that the United Nations (UN) in its report raised the alarm about the in-

crease of the number of persons without citizenship. The UN points out that over 12 million people worldwide do not enjoy the right to citizenship of any state and are consequently deprived of their basic human rights. It calls on all countries for help by granting citizenship to these persons. The situation is getting worse, the UN report says, and stateless parents are giving birth to stateless children.

It was also emphasized that it arises as a result of administrative legal relations in cases where, by the final administrative act (decision) of the Citizen Appeals Commission, the dissatisfied party files a lawsuit, when he cannot use regular legal remedies then the conflict between the party and the body that has issued the final administrative act commences. This conflict arises as a result of the legality of the final act by which the state body decides on the right, obligation or legal interest of the claimant for the acquisition or loss of citizenship.

During this training were used methods of partial theoretical explanation, based on case law accompanied by exercises, interactive discussions, material provided by the trainers, case study analysis as well as breaking down the standards and requirements of International Conventions and applicable legal provisions regulating this area.

Beneficiaries of this training were judges of the Department of Administrative Affairs of the Basic Court and Court of Appeal and professional associates of the Department of Administrative Affairs and officials of the Department of Citizenship, Asylum, and Migration-MIA

Human Trafficking - Session II

On 26-27 September 2019, the Academy of Justice in cooperation with the project of the European Organization for Public Law ELPO, held a two-day workshop on “Fighting Human Trafficking”

The purpose of this workshop was to combat and properly enforce the applicable law with respect to these offenses.

During this workshop, were discussed the legal aspects of human trafficking, understanding of victims and the perspectives of the victims. Of particular focus was the protection of the victim before and during the criminal process, support, rehabilitation and reintegration of the victim into society.

During this workshop through practical cases 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 human trafficking offense 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, professional associates.



Specialized training program for capacity development in fighting corruption – Session II

During September 26-27 2019, Academy of Justice within the Continuous Training Program organized the second session of the Specialized training program for capacity development in fighting corruption.

Purpose of this training was to extend the participating judges, prosecutors and other professionals knowledge on the nature and forms of corruption and criminal offences that relate to corruption.

This training highlighted ways of fighting crimes of corruption, understanding corruption according to the applicable criminal legislation, consequences of corruption, and forms of cooperation and institutional coordination mandated to fight corruption.

The training also covered the aspect of national and international tools available for fighting corruption, dilemmas and difficulties in proving crimes of corruption, and measures for preventing and exposure to official corruption.

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

Beneficiaries of this training were judges of the Appeals court, judge's prosecutors and professional associates of the basic instance from different regions of Kosovo.



Activities from Initial Training Program (ITP)

Initial Training Program Activities for the newly appointed judges (generation VII)

.Within the Initial Training Program, generation VII of the newly appointed judges during September 2019 conducted 16 training sessions, out of which seven were from the Module on “Personal and inter-disciplinary skills”, 9 sessions from the Module on the “National and International legal order”.

The sub-module on “Professional ethics” conducted six training sessions covering: independence – content and legal value of the principle of independence – influence from the executive and legislative, impartiality – content and legal value of this principle and conflict of interest – misuse of the judicial and prosecutorial function.

Within the sub-module on “Rules of communication” one training session has been delivered in which the beneficiaries had the opportunity to obtain new knowledge on the following: rules of external communication and best practices in working environments.

During this period, the sub-module on ECHR, conducted eight training sessions that elaborated on: The Council of Europe, European Court on

Human Rights, and the European Convention on Human Rights, being presented through respective provisions.

Also, within the theoretical training part, this period delivered one training session from the sub-module on the Constitutional Law, where the newly appointed judges had the possibility to acquaint more closely with the role of the Constitutional Court of the Republic of Kosovo – the procedure and its decisions.

During this reporting period, the practical training part in non-judicial institutions arranged for the newly appointed judges to visit the Kosovo Correction Center and the Anti-Corruption Agency.

Whereas the practical training component in this period was completed through attendance of practical training in respective courts as per the schedule set forth in the program.

The Initial training program is being attended by 39 newly appointed judges, seven of whom are of the Serbian community.



Initial Training Program activities for the newly appointed prosecutors (generation VIII)

Activities planned for the newly appointed prosecutors (generation VIII) for September were carried out as per the training program. This period conducted eighteen training sessions from the Module on the “Criminal Procedure Code”.

The sub-module on “The review procedure of the indictment” conducted nine training sessions that covered the following aspects: the necessary elements of indictment, raising indictment, the rights of the defendant after receipt of indictment, as well as change, extension and dismissal of the indictment.

The sub-module on “Initiation of formal investigation and the criminal procedure” conducted seven training sessions where the newly appointed prosecutors had the opportunity to extend their knowledge on the preliminary procedure –

filing of the criminal charges, initiation and duration of investigation, as well as covert measures of surveillance and investigation.

Within the sub-module on “Avoiding criminal prosecution” two training sessions were delivered that elaborated on the following: Avoiding criminal prosecution according to CPCK and suspension of investigation according to the CPCK.

Also, the practical training component in non-judicial institutions the newly appointed prosecutors visited the Kosovo Correction Service, and the Anti-corruption Agency.

This period had ten days of practical training in prosecutorial offices as per the schedule



Visit of the newly appointed judges and prosecutors to the High Security Prison

September 4 2019, Academy of Justice in cooperation with the Kosovo Correction Service, organized a visit to the High Security Prison in Dyz, attended by the newly appointed judges (generation VII) and the newly appointed prosecutors (generation VIII).



Purpose of this visit was that the newly appointed judges and prosecutors acquaint with the role, the work, functioning and conditions of the High Security Prison.

Within the scope of this visit, the newly appointed judges and prosecutors were hosted by the Director of the High Security Prison who made a presentation on the ways of organization and operations of the High Security Prison, managing of the prisoners, their conditions, and enabled the beneficiaries to closely see the forms of medical treatment for prisoners.

Also, the newly appointed judges and prosecutors had the opportunity to visit the facilities and the areas where prisoners conduct their sports activities, recreational halls and the library, and they were informed about capacities of this prison, categorization, ways how the visits are organized, and other aspects that directly relate to the work of judges and prosecutors.



Practical training of newly appointed judges and prosecutors at the Anti-corruption Agency

On September 25, 2019, the Academy of Justice, under the Initial Training Program for newly appointed judges and prosecutors, conducted a



practical training at the Anti-Corruption Agency. The purpose of this training was to introduce the newly appointed judges and prosecutors with the role, function and responsibilities of this institution.

The training emphasized the role of the ACA in

combating and preventing corruption, criminal reports of relevant institutions, such as the State Prosecutor's Office, Kosovo Police, cases prosecuted according to the structure of criminal offenses, conduct of investigations, termination of investigations, and dropping of cases.

Conflicts of interest were also addressed, with special emphasis on the declaration and control of property and gifts, types of asset declaration, asset declaration of senior public officials, control of asset declaration, and prevention of conflict of interest.

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



Activities of the Research and Publication Program (RPP)

Meeting of the Editorial Board of the Academy

Prishtina, 02 September 2019, at the Academy of Justice, was held the first meeting of the Editorial Board of the "Opinio Juris" and "Justicia" magazines of the Academy of Justice.

Ms. Luljete Hetemi, Acting Director of the Academy of Justice based on the decision of the Managing Council on May 31, 2019, informed the members of the Editorial Board with the mandate of this Council as well as the rights and responsibilities of the Academy's "Opinio Juris" and "Justicia" magazines. Further, she informed the members that the transformation of the KJI into the Academy has raised the need to revise the former Kosovo Judicial Institute's Research and Publication Regulations, as well as the establishment of new bodies including the composition of the Editorial Board.

During this meeting, special attention was paid to the discussions on Publication Standards issued by the AJ Executive Director, which will be the basis for the evaluation of the material and other issues related to the work of the body.

Furthermore, members of the Editorial Board discussed in particular the motivation of the legal community on research work for the magazine "Opinio Juris" with the purpose of increasing the quality and the work for this magazine. In addition, other issues related to the lack of international impact on this magazine were highlighted and therefore the focus of this body (the Editorial Board) will be on raising the awareness on this issue as a first step and then on publication.

Since the Justicia magazine of newly appointed judges and prosecutors who completed the Initial Training Program is unpublished due to the lack of consolidation of the Editorial Board, all unanimously agreed to evaluate the work that has ever been submitted by and then work on the next publication of Justicia Magazine of newly appointed judges and prosecutors currently undergoing initial training at the Academy of Justice.



Meeting of the Editorial Board of the Academy of Justice Magazines

On 18 September 2019, in Pristina, was held following meeting of the Editorial Board of the Academy of Justice magazines.

The purpose of this meeting was to review the work of newly appointed Judges and Prosecutors who have completed the Initial Training Program and distribution for assessment of their paper work for publication in “Justicia” Magazine.

In its review of the proceedings, the Editorial Board identified 54 paper works by judges and 22 paper works by prosecutors, and classified them by fields. Further during the review of the

work the board decided to ask the authors to reduce their work to a maximum of 15 pages in order to proceed further.

At the end of the meeting, the members of the Editorial Board of the Academy of Justice Magazines agreed that once the authors have reduced their work in the shortest possible time, they should conduct the assessment and publish the selected paper works in “Justicia” Magazine.



Handbook Release Ceremony: Court of Appeal Practice Focused on Cases Returning to Review

On September 23, the Academy of Justice, in cooperation with the United Nations Development Program (UNDP), organized the publica-



tion of the Handbook: "The Court of Appeal's practice focused on cases return to retrial".

The handbook presents an overview of the Court of Appeal practice, the civil division, the administrative affairs department and the economic affairs department. Judges of the Court of Appeal in coordination with the Academy of Justice have identified the most frequent violations in practice, offering solutions through the practice of the Court of Appeal. The Handbook also contains adequate guidance on the procedural actions to be taken to reduce the trend of cases being returned for retrial and the increase if the efficiency in resolving court cases.

Those present at the ceremony were addressed on this occasion by Ms. Luljet Hetemi, Executive Director of the Academy of Justice, by Mrs. Marta Gazideda, on behalf of the United Nations Development Program (UNDP) Good Governance Portfolio Manager / Deputy Program Coordinator, President of the Supreme Court, Mr. Enver Peci, as well as from the Judicial Council, Makifete Saliuka.

On behalf of the authors of this handbook, Mr. Hasan Shala, President of the Court of Appeal, and Mr. Albert Zogaj, Judge of the Court of

Appeal.

Mrs. Luljet Hetemi emphasized, among other things, that this publication will serve as a guide in the process of making justice and at the same time as an additional tool and resource for professional development of judges.

Mrs. Marta Gazideda, in her speech, emphasized the readiness of the Norwegian state to provide assistance to Kosovo and its institutions and in this case through the UNDP project



the printing of this manual.

Mrs. Saliuka emphasized the importance of this handbook, and thanked all the contributors without exceptions, while the President of the



Supreme Court, Mr. Enver Peci said, among other things, that the handbook is a value that will be of benefit to all judges regardless



and thanked the Academy and UNDP including the judges of the Court of Appeal for its publication.

On behalf of the authors of this publication, Mr. Hasan Shala and Mr. Albert Zogaj unanimously stated that this handbook will be of particular assistance to the judges of the Basic Courts and the implementation of its instructions will have the effect of reducing the cases returned for retrial. They further expressed their gratitude to the Academy and the UNDP for facilitating the drafting of this handbook, hoping that it will

not be over as they expect legislative changes such as the Civil Code, that without discussion will need a commentary and other resources such as this handbook.

The ceremony was attended by presidents of courts, judges of all levels, judges of all levels especially from the civil division, administrative and economic department, representatives of UNDP and the Academy of Justice.

Activities for other legal professions

Criminal Code and Criminal Procedure Code matters – joint property of spouses

On September 17 and 18 2019, Academy of Justice within its Initial Training Program (CTP) with the support of US Legal State Department OPDAT conducted two one-day trainings on the Criminal Code and Criminal Procedure Code for Kosovo Police Officials.



Purpose of these trainings was to extend the beneficiaries' knowledge on changes to the Criminal Code of Kosovo, and the expected changes to the Criminal Procedure Code, particularly for aspects that impact on the work of police as law enforcement body.

Trainings focused on legislative changes in CPC, new criminal offences included with these changes, as well as impact of these changes in the daily work of relevant police units and in cooperation of the police-prosecution-lawyer-judge line.

These training focused on the following: commencement of the criminal procedure for crimes against property; identity theft and ac-

cess obtaining; setting up matches and sports games; animal maltreatment and contamination of food and animal water; illegal construction; endangering public traffic and driving in a disabled or intoxicated state.

Advices and instructions were given from the perspective of defense pertaining to: qualification of defense; defense with public funds, when protection is not mandatory; the rights of the injured or victim and examination by police.

Furthermore, it was continued with: collection of information and evidence by police (initial actions of police and police authorizations); police criminal charges; dismissal of criminal charges; special investigative measures – with particular emphasis on articles that regulate authorizations of police; initiation of criminal procedure with the stage of formal investigation or raising indictment; Decision for initiation of investigation; identification of persons and items; timeline of investigation; termination and reopening of investigation, as well as interrogation before the charges are raised.

The trainings were conducted in form of presentations and interactive discussions between participants and trainers related to concrete situation in their work.

Beneficiaries were mainly police investigators and officials from different regions of Kosovo Police.

Gender equality in court proceedings and in cases of domestic violence in particular, as well as gender equality in family matters – joint property of spouses

On September 20, 2019, the Academy of Justice within the activities for free professions, upon the request of the Free Legal Aid Agency and with the support of GIZ, conducted a training on: “Gender equality in court proceedings and domestic violence cases in particular, Gender equality in family affairs – joint property of spouses ”

The purpose of this training was the proper implementation of the legal provisions of the Law on Domestic Violence and Gender Equality and establishment of best practices in providing free legal aid on domestic violence and gender equality by free legal aid officers.

The following topics were addressed during

this training: Domestic violence and the form of gender-based discrimination and protection order, condition for determining protection order for detention and orders for prevention measures, gender equality in family affairs and joint property of spouses.

This training discussed cases from the practice of free legal aid officials addressing issues of particular emphasis of this nature, in particular the contribution to the creation of joint property and the sharing of joint property. In this regard it was instructed how the parties can write their legal right.

Beneficiaries of this training were 18 Free Legal Aid Officers from all regions.



Gender equality in inheritance law disputes and disputes from the employment relationship

On September 21, 2019, the Academy of Justice within the activities for free professions, upon the request of the Free Legal Aid Agency and with the support of GIZ conducted a training on the topic: “Gender equality in inheritance law disputes and disputes from the employment relationship”.

The purpose of this training was to properly implement the legal provisions of the Law on Inheritance and to establish best practices in the provision of legal assistance in inheritance issues and in labor relations disputes by free legal aid officers.

The following topics were covered during this training: Non-declaration of heirs and post-

declaration of inheritance procedure, discrimination in the right to inheritance in other forms such as invasion while living or even factual separation, discrimination at work, manner of displaying discrimination on gender basis, as well as judicial protection in cases of gender-based discrimination.

This training discussed cases from the practice of free legal aid officials addressing problematic and more complex issues of this nature, especially heirs not included in the inheritance. In this regard was explained also how the parties could exercise their right through the lawsuit.

Beneficiaries of this training were 18 Free Legal Aid Officers from all regions.



Other Activities

Legal Writing and Reasoning Training of judicial trainers of the Academy of Justice

On September 16, 2019, with the support of USAID, the Academy of Justice organized a training of trainers on: "Legal Writing and Reasoning". The lecturer in this training was Judge Mr. Russell F. Canan, USAID expert.



The purpose of this training was capacity building of judicial trainers in the field of legal writing and reasoning.

The first part of the training covered: Review of materials (syllabus, templates (criminal and civil), reviewing methodologies (lecture / PowerPoint presentation, interactive discussion, hypotheticals and writing exercises, quizzes) as well as discussing possible improvements.

The second part covered the pre-writing phase, discussion of publication requirements, discussion of the use of oral judgments, the use of grammar.

Within this training it was emphasized that there are three basic principles during the drafting process; Increasing efficiency, promoting access and clarity, and ensuring correctness. It was also pointed out that preliminary drafting is the process and methodology for conducting legal research, organizing evidence, and sketching while preparing for the issuance of a sound oral or written judgment. Preliminary legal research helps to identify relevant facts.

Whereas concerning the IRAC method (the case, the rule, analysis and conclusion) it was emphasized that it consists of the mentioned core elements of legal analysis. It is a process that all jurists think about when dealing with any legal problem. Applying this formula reduces the complexity of the law to a simple equation. This method is useful because it gives the reader of the judgment an initial understanding of the case, and shows the path followed for the analysis by the court.

In this training it was emphasized that good legal writing is characterized by accuracy, analytical character, good organization, logic, correctness, persuasive reasoning and clarity. In this training it was also emphasized that a good legal writing is characterized by accuracy - a solid legal basis, analytically - not to be merely a statement or review of facts and opinions, organized - to have a rule in presenting it - headlines, complete- cover all aspects, specific and concrete — not ambiguous, logical — structure and organization, good grammar, punctuation, persuasive — make the reader believe the writing and clear — easy to understand.

During this training, theoretical explanation methods were used, based on case studies and practice followed by interactive facilitated discussions by trainers, analysis and elaboration of topics, focusing on the application of legal writing principles and other hypothetical cases.

Beneficiaries of this training were the Judicial Trainers of the Academy teaching this subject in the Academy programs.

Continuation of good cooperation between AJ - KJC – signing of the Memorandum of Understanding between KJC and DJ

Prishtina, 19 September 2019, Mrs. Luljete Hetemi – Acting Executive Director and Ms. Valmira Pefqeli- Acting Program Coordinator at the Academy of Justice have held a joint meeting with Mr. Skender Çoçaj - Head of KJC.

The purpose of this meeting was the cooperation of the KJC and the AJ aiming at enhancing the professional capacity of judges and the judicial system in general, as well as the signing of a Memorandum of Understanding between the two institutions to further strengthen inter-institutional cooperation in the field of exchange of information on matters of common interest. During this meeting, besides signing of the

Memorandum of Understanding between the two parties, they also discussed the process of training plans, in particular the Initial Training Program for newly appointed judges and the Continuous Training Program where legislative changes were made.

At the end of the meeting the interlocutors agreed to continue the coordination and mutual cooperation for the better functioning of the training programs and other services offered by the Academy of Justice.



Meeting of the Program Council of the Academy of Justice

September 23 2019, Academy of Justice held the subsequent meeting of the AJ Program Council.

Main topic to be discussed in this meeting was review of the Applications Review Committee Report for Trainers and proposal for temporary trainers to the AJ Managing Board.

In this occasion, members of the Program Council reviewed the Committees reports and files received by each candidate within the timeline

for completing the additional documents. Based on findings after the deadline for completion of documents, Program Council unanimously agreed to address and opinion to the Academy's Managing Board for the list of temporary trainers of the AJ.

During this meeting, members of the Program Council discussed also other important topics on the Academy of Justice that are under the competence of the Program Council.



Meeting with project representatives of the Regional Anti-Corruption Initiative

September 24th 2019, Mrs. Luljetë Hetemi Acting Director of the Academy of Justice hosted in a meeting Mrs. Desislava Gotskova, Project Manager of the regional anti-corruption Project implemented by AIRE CENTRE and RAI supported by the Great Britain Government, and Mrs. Ganimete Ismaili the National Project coordinator.



This meeting took place as continuation of cooperation of the academy of Justice and the

project's Secretariat that targets six countries of the Western Balkans on Anticorruption, with the goal of strengthening international cooperation in the process of asset recovery in compliance with the best practices.

On the occasion of this meeting, Ms. Gotskova provided for the Academy of Law exemplars of the "Handbook on Effective Return of Assets in accordance with European and International Standards" and "Tools and Best Practices in International Asset Recovery Cooperation"

Both sides assured that the cooperation will continue in the interest of strengthening the professional capacities of judges and prosecutors in this field.



Meeting of the Managing Board of the Academy

On September 26, 2019, at the Academy of Justice, conducted the nineteenth meeting of the Managing Board of the Academy of Justice chaired by the Chairman of the Board, Mr. Alexander Lumezi, Chief State Prosecutor.

The purpose of this meeting was to review the Final Report of the Recruitment Commission's recommendation on the position of AJ Executive Director and election of a new Director as well as discussion and decision making of various issues within the scope and mandate of the Academy.

According to the agenda set for this meeting, initially the members of the Board approved the minutes of the previous two meetings. Subsequently, the Board proceeded with the procedure for the election of the Director. By voting of the three candidates recommended by the Recruitment Commission conducted by secret ballot, it resulted that none won the majority of votes. In this regard, the Managing Board decided to cancel this competition and

announce a new one.

The Managing Board continued the discussion about the Program Council's opinion on the list of trainers deriving from the two announcements for trainers that the Academy of Justice, which was unanimously approved.

During this meeting the Board also decided to amend and change the decision on the composition of the Editorial Board as one of the members of this body has resigned for health reasons. Further, the opinion of the Managing Board on the recognition of the final examination of two judges of the VI Generation, who remain in the VII generation of the newly appointed judges, was also approved.

At the end of the meeting, other important issues were discussed within the scope and mandate of the Academy.



Workshop on drafting the Module on professional Ethics

September 27-28 2019, Academy of Justice with the support of the GIZ Legal and Administrative Reform Project, conducted workshop for drafting the Module on Professional Ethics.

Purpose of the workshop was to draft and finalize the training module on Professional Ethics that will be used in the mandatory trainings for judges in this area.

This workshop discusses about the content of this module and other sub-modules coming to common agreement that focus shall be on: parts of the Code of Ethics, responsibility, vio-

lations and disciplinary measures and the disciplinary procedure.

The trainers continued to design the content on these basis considering examples from the judicial case-law and agreed that the ethics trainings shall mainly focus on practical cases.

Participants in this workshop were trainers of the Academy of Justice engaged in drafting this module, the SKJC staff (former DPO), representatives of the Academy of Justice and GIZ representatives.



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

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

**Tel: + 381 38 200 18 660
Fax: + 381 38 512 095
E-mail: infoad@rks-gov.net**