



Newsletter

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January 2020

Activities from Continuous Training Program (CTP)

Measures for ensuring presence of the defendant in the proceeding

January 28th 2020, Academy of Justice within the Continuous Training Program (CTP) organized training on “Measures for ensuring presence of the defendant in the proceeding”.

Purpose of this training was to extend the participants knowledge for correct implementation of the norms and legal criteria related to circumstances in which it may be decided, including the applicable standards that are in compliance with international standards for application of detention as the most serious measure that may be imposed for ensuring presence of the defendant in the judicial proceeding.

Focus of this training was detention as one of the measures to ensure presence of the defend-

ant as well as protection of citizens from the criminal offence perpetrator, increasing efficiency in the criminal proceeding, then elaborating on the summon, arrest warrant, promise of the defendant not to leave the residence, appearance at the police station, bail, house arrest, diversion and detention.

Training methodology was combined with theoretical explanation and interactive discussions as well as the work in groups.

Beneficiaries of these trainings were judges and prosecutors of basic instance from different regions of Kosovo.



Preliminary review of the lawsuit and preparatory session

On 30 January 2020, the Academy of Justice within the Continuous Training Program (CTP) conducted a training on: “Preliminary review of the lawsuit and preparatory session”.

The purpose of this training was to advance the knowledge of judges regarding the preliminary review of the lawsuit as a special part of the contested procedure.

During the first part of the training were discussed issues related to procedural presumptions, classification, procedural presumptions regarding the court, the parties, the subject matter of the dispute and procedural presumptions regarding the lawsuit. Following were elaborated court's decisions on removal of procedural obstacles, doping of the lawsuit as inadmissible, the existence of territorial and subject-matter jurisdiction as a procedural presumption and postponement of adjudication on certain issues, as well as the response to the lawsuit.

The preliminary review of the lawsuit is under mandatory stage of preparation of the main trial

on the legal case. This phase begins from the moment the lawsuit is filed and lasts until the commencement of the main trial. The following was discussed about general territorial jurisdiction, special territorial jurisdiction, exclusive territorial jurisdiction and selected territorial jurisdiction.

Furthermore, was elaborated the scheduling and holding of the preparatory hearing, when does the court schedules the hearing, is it after obtaining the respondent's response to the lawsuit, if the respondent didn't respond to the lawsuit, the conditions for rendering a judgment due to disobedience, whereas the court should call a preliminary review after the legal deadline for submitting a written response to the claim. It was also stated that the court should be cautious when deciding to return the lawsuit to be supplemented, due to requiring the plaintiff to present the facts.

Beneficiaries of this activity were judges of the basic courts of civil divisions and professional associates.



Activities from Initial Training Program (ITP)

Initial Training program activities for the newly appointed prosecutors

January 2020 continued with activities scheduled for the initial training program, with sixteen training sessions delivered from the following modules: Criminal Code of the Republic of Kosovo, Criminal Procedure Code, and the International legislation.

The sub-module on “Crime scene and forensics” conducted three training sessions that elaborated on the issues of legal basis, action steps in the first moments, creation of different versions of the scene, and the golden question of criminalistics that occur in the crime scene, as well as classification and communication of the crime scene, information stage, statistics, control, and preparatory stages.

The sub-module on the “Statute of limitation” conducted three training sessions where the newly appointed prosecutors could extend their knowledge on the legal nature of the statute of limitation and duration of the criminal prosecution according to the Criminal Code of the Republic of Kosovo, as well as initiation and cease of the statute of limitation for criminal prosecution.

At the training session from the sub-module on “Negotiation of the plea bargaining agreement”, it was elaborated on the agreement to plead guilty in court, presentation and review of legal systems that apply this institute.

Another training session from the sub-module on “Special procedures according to the CPCK” elaborated on the procedure against persons that have committed crimes under the

influence of alcohol or drugs, and criminal procedures involving perpetrators with mental disorders, diminished essential capacity – its impact on criminal liability and sanctioning according to the CPCK, as well as setting detention measure against a juvenile with mental disorders.

The sub-module on “Exercise of legal remedies” conducted two training sessions that covered the following: drafting the appeal by state prosecutor due to violation of the criminal law, appeal against the judgment on criminal sanctions and other judgments, as well as judgments of the Appeals Court related to the Basic Instance judgment brought in panel hearing or in review basis.

Also, the sub-module on “Procedural costs” was carried out in a training session where the newly appointed prosecutors had the opportunity to obtain knowledge on criminal procedure costs where the claims, decision and review for expenses of the criminal procedure and cancellation of the legal action.

The theoretical training component conducted two more sessions from the following sub-modules “International legal cooperation in criminal matters” and “the Constitutional law” where the newly appointed prosecutors could obtain their knowledge in the International Legal cooperation in Kosovo, decision for allowing or rejecting extradition, and implementation of the law and sources of the constitutional law in the Republic Kosovo, Constitutional Court of Kosovo and incidental referral.



During this period newly appointed prosecutors conducted practical training in prosecution offices according to the schedule for 12 days.

Initial Training program activities for the newly appointed judges

Initial Training Program for the newly appointed judges, during January conducted 22 training sessions from the following modules: Criminal Code of the Republic of Kosovo and the Criminal Procedure Code, as well as practical training in respective courts.

The sub-module on Criminal Code - general part, delivered four training sessions that covered the following: stages of the criminal offence, notion, functioning and system of criminal sanctions, main features of enforcement of criminal sanctions.

Also, the sub-module on “Criminal Code – special part delivered four training sessions where the newly appointed judges were informed about: criminal offences from Chapter XXVII,

and criminal offences set forth in Chapter XXIX.

The sub-module on “Negotiation of the plea bargaining agreement” conducted three training sessions where judges were explained about the following: how to negotiate the plea bargaining agreement, plea bargaining in court, and negotiation of the plea bargaining agreement.

The sub-module on “Statute of limitation” conducted three training sessions that included: inapplicability of the statute of limitation for crimes against the international law and aggravated murders, cease of the statute of limitation and absolute statutory limitation on prosecution and sentencing.

Within the sub-module on “Crimes of corruption and against official duty” two trainings were conducted, where the newly appointed judges were acquainted with official corruption and criminal offences against official duty, as set forth in Article 414-420 of the CCRK, and crimes of official corruption and against the official duty, as set in Article 421-430 of the CCRK.

Also, the sub-module on “Administration of the criminal procedure” held two training sessions that elaborated on: Writs, timelines, bringing and communicating decisions, and delivery of writs, as well as enforcement of decisions, and other provisions.

Two training sessions are delivered from the sub-module on “Measures to ensure presence of the defendant in the proceeding”, that covered the following: Summon, arrest warrant and pledge of the defendant not to leave the resi-

dence, pledge of the defendant to appear to the closest police station, and the bail.

Within the theoretical training part, in this period two training sessions were conducted from the module on “Search and Confiscation”, in which case the judges were informed about the Search of the person’s house, meaning and steps to be taken, competence for arrest warrant, search without the courts order, admissibility of evidence obtained during control, and provisional sequestration.

Eight days of practical training in courts were attended by the newly appointed judges in their respective courts according to the schedule. Initial training is being attended by 37 judges, seven of which are of the Serbian community.



Information technology

On 15 January 2020, the Academy of Justice within the Initial Training Program for newly appointed judges of the Serbian community (generation VII) conducted the training under the module: "Information Technology".

The purpose of this training was to train the use of IT and computer programs in the court work process.

During the training was discussed the importance of technology that enables information to be accessed through Outlook, the use of the Word program used for writing court decisions and other acts, and the form of substitution and various combinations of software in Smil program. Special emphasis was given to the preparation of staff, who will work with CMIS in

terms of general IT and psychological knowledge.

The newly appointed judges of the Serb community also had the opportunity to benefit from computer and social networking systems that focus on all the basic data from the judiciary, such as formulation and archiving of documents on complete confidentiality.

Beneficiaries of the training are: Newly Appointed Serb Community Judges (7th Generation), 2019-2020.



Activities for Administrative Staff of Courts and Prosecution Offices

Basis of consecutive translation (taking notes) for judicial translators - 3rd group

January 30-31 2020, Academy of Justice in cooperation with the USAID Justice System Strengthening Program – JSSP, conducted training on “Basis of consecutive translation (taking notes) for judicial translators – 3rd group”.

This training aimed to enhance the judicial translator’s and interpreter’s knowledge regarding consecutive translation or taking notes.

First day of the training elaborated on the following: importance of consecutive translation (brief video for importance of taking notes), analysis of speech, structured maps and mind maps.

Second day elaborated on: identification and division of ideas, translation softwares – ad-

vanced training for use of Trados and its role.

This training used methods of theoretical lecturing, new methodologies for consecutive translation, cases from the translation practice in courts and prosecution offices, accompanied with exercises, interactive discussions, analysis of study cases, and elaboration of international standards, and legal requirements regulating this area.

Beneficiaries of this training were translators of courts and prosecution offices of all instances in the Republic of Kosovo and the Academy of Justice.



Activities for other legal professions

Preliminary review of the lawsuit and the claim

January 21st 2020, Academy of Justice within its activities for the free legal professions, with the request of the Free Legal Aid Agency and supported by GIZ, conducted training on the “Preliminary review of the lawsuit and the claim”.

Purpose of this training was to help the free legal aid officials to obtain new knowledge on fulfilling procedural requirements for correct conduct of the contested procedure and the court actions in this procedural stage.

This training elaborated on the following topics: assessment of the judicial competence,

merit of the dispute and dismissal of the lawsuit as invalid. In form of discussions with the trainers it was elaborated on examples from the practice of the free legal aid officials on the most challenging issues of this nature, with particular emphasis on assessment of the judicial competence, assessment of the litispendence, and the stage for taking decisions, as well as on the binding decisions.

Beneficiaries of this training were eighteen officials of the free legal aid from all regions of Kosovo.



Ways of acquiring ownership and its protection

January 22nd 2020, Academy of Justice within its activities for free legal professions with the request of the Free Legal Aid Agency and with the support of GIZ, conducted training on “Ways of acquiring ownership and its protection”.

Purpose of this training was to extend knowledge of the free legal aid officials for correct implementation of the legal aid in property disputes.

This training covered the following topics: ways of acquiring ownership, protection of ownership in general and lawsuits for protec-

tion of ownership in national level, as well as the ECtHR perspective and case law.

This training was conducted in form of joint discussion where the participants raised questions related to the most challenging issues of ownership, authorizations, limitations and its attainment, comparison and types of lawsuits for protection of ownership.

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



Other Activities

Ethical behavior and general overview regarding the Law on Protection of Whistleblowers

On 21 January 2020, the Academy of Justice conducted a training for its staff on the subject: “Ethical behavior and general overview regarding the Law on Protection of Whistleblowers”.

The purpose of the training was to promote the observance of ethical behavior and the establishment of standards of moral integrity and guidelines for the personal and professional conduct of staff.

The training covered issues related to ethical behavior and its principles. Attention was paid to enhancing the quality of professional performance, ensuring the proper practical application of ethical principles and standards in line with the Code of Ethics such as: professionalism, discipline at work, impartiality, independence, confidentiality, avoidance of conflict of interest and misconduct, honesty and accountability. It was also emphasized during this training that staff should always avoid behaviors that can create unfriendly, stressful, fearful, in-

secure or other forms of humiliation. It was further stated that in order to have a good prestige and image, the staff of Academy need to adhere to ethical rules and standards not only while in office during office hours, but also outside the office, as they present a border picture of the employees at the Academy.

Following, was elaborated the Law on Protection of Whistleblowers, where any person who reports or discloses information on a threat or infringement of public interest in the context of his or her employment in the public sector is likely that a breach has been committed, is being committed or will be committed, or when the person has failed, is failing or is likely to fail to comply with any legal obligation, the whistleblower has legal protection to do the internal, external or public signaling.

Beneficiaries of this training were the staff of the Academy of Justice



Training of trainers on the “HUDOC Usage Guide”

On 22 January 2020, the Academy of Justice in cooperation with UNDP and the Ombudsperson Institution organized a training of trainers on the “HUDOC Usage Guide”.

The purpose of the training was to provide judges and prosecutors with the capacity of trainers to be informed about the possibilities of research and to summarize the judgments of the European Court of Human Rights - HUDOC.

During the training, the content of this platform, which is rich in judgments, decisions, legal summaries, and other cases decided by the ECtHR, were discussed. It also clarified

the procedure of the decision-making process and filtering information by country, language, articles, etc.

Participants also shared the benefits of this platform, and opportunities for further advancement, in order to make decisions faster and more efficiently.

Beneficiaries of the training were judges and prosecutors from all regions of Kosovo including permanent trainers of the Academy of Justice.



Meeting with experts engaged by EU-funded Civil Code Support Project-Phase II

On 23 January 2019, at the Academy of Justice, was a held a meeting with the experts engaged by the EU-funded Civil Code Project-Phase II, Mr. Haxhi Gashi, Dean of the Law Faculty at the University of Prishtina and Bashkim Preteni, a professor at this university discussed the inclusion of a package of trainings covering legislative amendments to the Civil Code of the Republic of Kosovo.

On the occasion of this meeting, it was agreed that the curriculum of continuous training should include 6 training sessions with 8 training days in which different institutes will be treated with special emphasis on property, fam-

ily, inheritance and compulsory issues.

It was also agreed that these training activities will take place within the period March-July, whereas other details on the training methodology were discussed, including the beneficiaries of these trainings from the competent judges.

From the Academy of Justice, in addition to the Director of the Academy, staff from the Program Department also attended the meeting.



Meeting with trainers of translators and court interpreters

on 23 January 2020, the Academy of Justice under its activities and in cooperation with the USAID Program on Strengthening Justice Sector in Kosovo – JSSP, conducted a meeting with the trainers of translators and court interpreters.

The purpose of this meeting was for translators and interpreters to be trained as trainers, and to help transfer their knowledge to future translators, aiming at improving translation in court proceedings, as well as to ensure that parties

have access and equal representation in the official languages of Kosovo.

One of the main topics of this meeting was the methodology of the explanation and the ways of using Translation Software or the use of Trados.

Beneficiaries of this meeting were selected translators and court interpreters as a result of the training sessions conducted during 2019.



Initial meeting in combating illicit financial flows in the Western Balkans



On January 28, 2020, under the organization of the German-Norwegian Partnership, an "Initial Meeting in combating illicit financial flows in the Western Balkans" was held in Skopje, Macedonia.

The purpose of this initial meeting was to gather all relevant authorities in the Western Balkan Partner countries to familiarize themselves with the purpose of the project, and to present the overall program activities to be implemented in

the Western Balkans in the period of 2020-2022.

During the meeting were presented the components of the Global Program in Combating Illegal Financial Flows implemented by GIZ. This program will focus on improving the transparency of business ownership, establishing bank account registries, preventing illegal money transfers, developing law enforcement capacities and engaging civil society.

In this meeting, the Academy of Justice participated in the capacity of judicial training institution and was represented by the Executive Director Mr. Enver Fejzullahu and Mrs. Melihate Rama, Head of Continuous Training Program (CTP).



Workshop on developing the training of trainers (ToT) curriculum for judges and prosecutors on domestic violence and violence against women

January 28-29 2020, Academy of Justice in cooperation with the Council of Europe, organized the workshop for developing the training of trainers curriculum for judges and prosecutors on the domestic violence and violence against women.

Purpose of this workshop was to ensure that the ToT curriculum addresses specific challenges of the judges and prosecutors in implementing criminal laws in Kosovo, ensuring that the proposed training methodology is effective, and to conceptualize the final draft of trainings in this area.

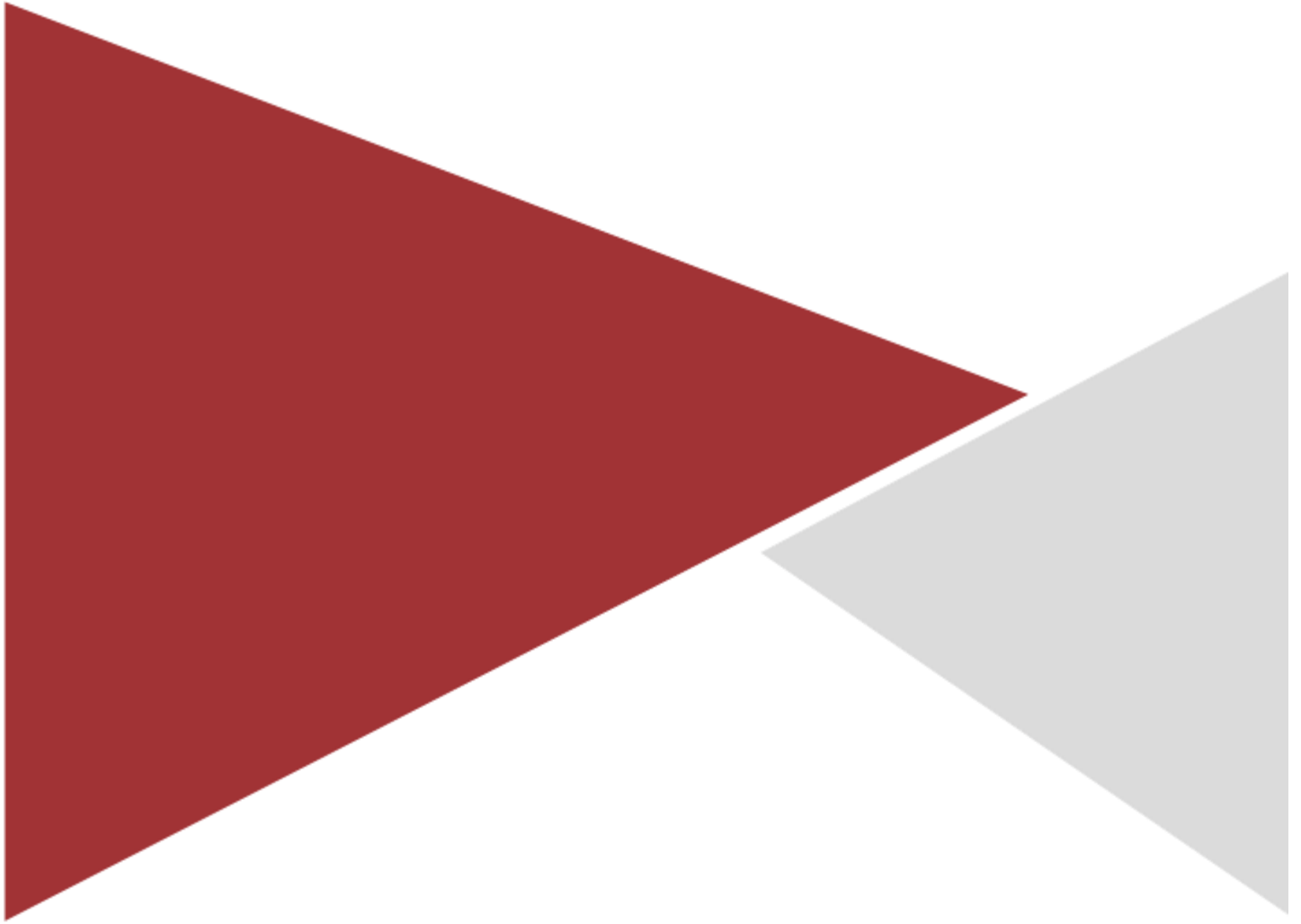
This workshop discussed the following issues: cases from the Convention of Istanbul, chal-

lenges in trainings on domestic violence, training needs identification in the area of domestic violence/ violence against women, forced marriages, the so called “honor crimes”, etc.

Participants in this workshop were divided in work groups and developed practical tasks.

Beneficiaries of this training were judges, prosecutors of all instances, representatives of the Ministry of Justice, legal officers of courts and prosecution offices, and officials from the victim advocates office.





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