



Newsletter

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September 2020

Introduction

Academy of Justice in light of the circumstances created due to Pandemic COVID-19 continued carrying out its activities during September in compliance with the protection and prevention measures and criteria.

Training activities have been focused only on Continuous Training Program since the initial trainings program for the 8th generation of newly appointed prosecutors has ended and currently this program is in the preparation stage for the upcoming generations of newly appointed judges and prosecutors.

This edition of our newsletter will present on the meetings from the inter-institutional cooperation with donors and projects with the purpose of developing and implementing joint activities, activities within the training needs assessment area, activities for drafting the training program of 2021, as well as activities conducted under the Continuous Training Program, presented according to the training topic, duration and the beneficiaries.

Besides the aforementioned activities the newsletter contains information also about developments for the training courses conducted through the distance learning platform during September.

General activities

Inter-institutional cooperation and joint activities with donors and projects

In the reporting period, the Academy of Law has continued the inter-institutional cooperation on issues and common interests and has worked intensively with representatives from donor projects, in which case the concrete steps have been determined from the regular meetings and at the same time the details about the implementation of joint activities.

Issues related to the training of SPRK prosecutors on confiscation of property were discussed with the US Embassy- OPDAT representatives, part of which discussion were also the officials from the AJ staff. The following were discussed other issues regarding the training of trainer's program planned to be implemented during November, as well as the joint workshop on "Advancing the confiscation of illegal property", where the feature of this workshop was the training methodology based in cases ranging from police investigators, prosecutors and judges.

In the framework of cooperation with the OSCE, meetings were held with the purpose of preparing for the development of Training of Trainers, which deals with the drafting of indictments.

With the USAID / CJA (Commercial Law Activities) project, all the necessary documents have been finalized to publish the request of interest for all legal professionals in the field of commercial law to participate in the training program for trainers in this field, the call for applications was published and the application process was monitored.

In September, as a continuous mutual cooperation in advancing and exchanging experiences in the field of training, a Cooperation Agreement was signed between the AJ and Kosovo Chamber of Bailiffs. By this agreement AJ aims to help and share its experience and knowledge in the field of training with the abovementioned institution.

At the request of the public TV show "Betimi për Drejtësi", a television interview was conducted with the director of the Academy of Justice, where were presented the achievements and challenges of AJ in the development and implementation of training program for beneficiaries according to AJ law.

In meetings with representatives of the British Embassy, respectively the leaders of the project "Strengthening the Justice System in Kosovo" was discussed the cooperation and mutual assistance in developing training for selected judges and prosecutors in the field of capacity building through application of methodology in practical cases. During these meetings were also discussed the possibility of cooperation in the implementation of measures and policies of functional review of the justice sector for the AJ.

In the meetings with the EC JUFREX project, issues related to the training program for trainers that will be organized in the coming months were discussed, including the participation of AJ trainers in the next regional conference related to the freedom of expression which will be held in October.

Following the cooperation with the EC KOSEJ 2 project, a questionnaire for training needs for court presidents, judges and administrative staff has been integrated in the Survey-Monkey (platform) format.

In the framework of the cooperation with the EU project "Civil Code Project", the topics that will be included in the program in terms of the civil field have been identified.

The Executive Director of AJ in the reporting period had a meeting with the Director of the EC Office in Kosovo, Mr. Frank Power, where were discussed the possibilities of expanding cooperation in support of training in the field of human rights according to the ECHR.

AJ and the EC project for prevention of domestic violence and violence against women, in a symbolic ceremony distributed certificates for attendance and successful completion of candidates who have been trained in the training module for the prevention of domestic violence and violence against women within of the HELP platform. They also met and discussed the training program for trainers that will be organized in the coming months.

At the request of the GIZ Legal Reform project, the Belgrade office, AJ held a virtual meeting with representatives of the project in question. During this meeting was discussed the possibility of regional cooperation of Justice Academies in the region, as well as priorities that may be in future cooperation.

AJ has participated in the Steering Committee of the EU project "Intellectual Property Project" where the progress report and future assistance of the project in question to the institutions of the Republic of Kosovo were discussed.

Following the cooperation with UNDP, the next meeting was held, discussing the development

of the training curriculum for non-discrimination and at the same time the possibility of prioritizing the activities from this curriculum for 2021 was examined.

At the invitation of the Ambassador Mrs. Ariana Zherka - Hoxha, Director of the Department for International Organizations in the Ministry of Foreign Affairs and Diaspora of the Republic of Kosovo, the Academy of Justice through its representatives has participated in the inter-institutional coordination meeting for preliminary preparation for the virtual meeting, Kosovo - The Council of Europe, which is expected to be held in October. In the meeting with the EC will be discussed the future support and assistance of the CoE, projects that are being implemented in cooperation with the CoE.

AJ participated in the 4th meeting of the Regional Cooperation Council of the Judicial Training Network institutions in cooperation with the Academy of Justice of the Republic of Serbia, where it was discussed and presented the practices of developing and conducting online trainings in a pandemic situation.

Also during this month AJ has participated in the SEECP Workshop organized by the Turkish Academy of Justice, where the achievements and challenges in conducting online training during the pandemic period were presented.

Finally, AJ participated in the meeting held with the EU Project Support of the Competition Authority and the State Aid Commission. The purpose of this meeting was to coordinate and cooperate in conducting several trainings in the field of Competition for Justice System officials.

Cooperation Agreement Signed between the Academy of Justice and the Kosovo Chamber of Private Bailiffs

On September 3, 2020, the Academy of Justice and the Kosovo Chamber of Private Bailiffs signed a Cooperation Agreement.



The Cooperation Agreement, signed by the Executive Director of AJ, Enver Fejzullahu and the President of KCHPB, Arben Gashi, aims to advance cooperation between the respective institutions in order to develop and increase pro-

fessional development of enforcement services, as well as expanding opportunities for joint projects.

On this occasion, President Gashi pledged that KCHPB will be proactively engaged in assessing the training needs of private bailiffs, in order to provide knowledge and experience in the field of enforcement as well as best professional practices.

On the other hand, the Executive Director of AJ, has committed that the institution he leads will be engaged in implementing trainings for private bailiffs, aiming to promote the best professional and moral values of this profession.



Certification Ceremony of the participants in the HELP Course

On August 27, 2020, the Executive Director of the Academy of Justice, Enver Fejzullahu, had a meeting with the representatives of the British Embassy Project "Strengthening the Justice System in Kosovo", Mr. Ken Taylor, Project



Director, and Mr. David Wells, Institutional Development Expert.

In this meeting, the Director initially thanked the British Embassy for the constant support given to the Academy of Justice and other jus-

tice institutions in Kosovo, at the same time informed them about the work of the Academy and enhanced cooperation with the Kosovo Judicial Council, Kosovo Prosecutorial Council and other stakeholders of the justice sector, in order to increase the capacity of the justice system and the quality of programs in general provided by the Academy of Justice.

Appreciating the so far cooperation, the representatives of this project, Mr. Taylor and Mr. Wells, informed the Director of AJ about the implementation of the Project and confirmed once again that they will have a joint coordination in the progress of activities with the aim of joint efforts to overcome this situation created as a result of the pandemic, as well as to continue cooperation to strengthening the rule of law in Kosovo.



4th Meeting of the South East European Judicial Training Institutions Network

28-29 September 2020, Kosovo Justice Academy participated on the fourth meeting of the South East European Judicial Training Institutions 'Network (SEE JTI). This two-days meeting, that was held virtually, was organized by the Regional Cooperation Council (RCC) and the Academy of Justice and the Judicial Academy of Serbia.

Purpose of this meeting was that the network participants discuss issues of mutual relevance and agree on the objectives of the network's activities in the upcoming period. Specific focus of the meeting will be the exchange of best experiences from the many different approaches towards distant learning solutions taken by each of the JTIs.

Topics on which the discussion was developed and experiences between the participants were shared related to the best practices of distance learning and the tools available for conducting the distance learning by all institutions of judi-

cial training; Promoting sustainable distance learning; further strengthening of cooperation between these institutions; introducing the legal expertise database (RLED) that is carried out by RCC; as well as experiences of all JTI's in provisions of trainings, whether in in-service trainings or the initial trainings, in form of distance learning – challenges, particularly in the context of developments deriving from the situated created by Covid-19 pandemic.

Participants in this meeting were representatives of the Regional Cooperation Council (RCC), General Secretary of the European Judicial Training Network (EJTN), Council of Europe office in Belgrade, Office of the European Union in Serbia, representatives of CoE HELP, GIZ, as well as representatives from Academies and Judicial Training institutions of the Western Balkans countries.

Workshop for the development of initial and continuous training program post COVID-19 pandemic

On September 30, October 1, 2020, the Kosovo Academy of Justice, at the invitation of the Embassy of Turkey, participated in the workshop for the development of the Initial and the Continuous Training Program for judges and prosecutors post COVID-19 pandemic. This two-day workshop, which was held in virtual form, was organized by the Embassy of Turkey in cooperation with the South East European Cooperation Process (SEECP).

The purpose of this workshop was the cooperation between the Judicial Training Institutions and the discussion of common relevant topics in the further development of training programs after the situation created by the Covid-19 pandemic.

During the two-day workshop, a considerable number of international training institutions presented their training programs as initial and continuous program, the experiences from the participants were related to the best distance learning practices and the tools available for implementation of the distance learning platforms, challenges and difficulties of implementing programs through the ZOOM platform, including the use of technology and online platforms by training participants.

The Executive Director of the Academy of justice on the second day of the workshop presented the Academy in general, its activities and the implementation of the initial and continuous

program during the period created by the pandemic, including the challenges and difficulties faced by the institution in achieving its objectives through distance learning and the use of the ZOOM platform, he also expressed the readiness of the Academy to cooperate with all European institutions for judicial training in order to further strengthen cooperation and exchange of experiences and best practices between these institutions.

The workshop was attended by the Director of the Academy of Law, representatives from the Director of the Turkish Academy and the Deputy Minister of Foreign Affairs and the Director for EU Affairs; Professor from the School of Magistrates of Albania; Director of the Training Center for Judges and Prosecutors; Head of the Continuing Education Sector, Deputy Director of the National Institute of Justice, Director of the Secretariat of the Croatian Judicial Training Center, Director of Northern Macedonia for Judges and Prosecutors, Head of the Department of Institutional Management of the Judicial Institute; Director of the National Judicial Institute of Romania, Director of the Serbian Academy of Justice; Judge from the State Council, Trainer at the Judicial Training Institute of Greece.

Training needs assessment

Meetings with Courts and Prosecution Offices (Court presidents, Heads of Departments and Divisions, Chief prosecutors, Prosecutors and AJ trainers)

Following the identification of training needs for 2021, the Academy of Justice during September has held meetings with Courts and Prosecutions from all instances including Court Presidents and Chief Prosecutors of Prosecutions, the Chairman of the KJC and KPC, supervisory judges of departments as well as trainers of the Academy of Justice from the ranks of judges and prosecutors.

These meetings were held separately for each court and prosecutor either physically in the Academy of Justice or in the premises of Courts and Prosecutions as well as through the ZOOM platform thus contributing to the identification of needs for each area.

During these meetings, the difficulties and challenges faced by the case law and the possibility of addressing them through the Training Program of the Academy of Justice were discussed. During the meetings, all unanimously, starting from the Basic Courts and Prosecution Offices to the highest level of Courts and Prosecution Offices, the following needs for training in spe-

cific areas were confirmed: corruption, organized crime, misuse of official duty, sequestration and confiscation, public procurement, as well as topics like domestic violence and other issues that became known through other mechanisms.

In addition to the criminal aspect, other legal issues from the civil, administrative, economic, juvenile justice and interdisciplinary aspects were also highlighted.

Furthermore, judges and prosecutors, at the same time AJ trainers from these ranks raised the need for roundtables which would enable discussion of problematic issues of applicable law and the release of any product that would affect the harmonization of practice.

Academy of Justice after every meeting worked on collection of results and input and will have them in mind in the process of drafting the training program for 2021.

Activities from Initial Training Program (ITP)

Activities carried out during September within the Initial Training Program

While the newly appointed prosecutors of Generation VIII- completed the Initial Training Program in the previous month, all activities within this Department focused on finalizing reports on the continuity of the program. In the reporting period these reports were submitted to the Kosovo Prosecutorial Council in accordance with the Regulation on the Initial Training.

Preparations for the initial training for judges, who are expected to be appointed soon, have also continued in this period. In this regard, training modules are being designed according to the defined content and other accompanying materials.

In addition to the above activities, the assessment of training needs for the next generation of prosecutors has commenced. In this regard, proposals and data are being collected from the evaluation forms sent to the prosecutors of the VIII generation.

In order to assess the training needs, a meeting was held with the Commission for the Evaluation of the Performance of Prosecutors, whose recommendations the Academy of Justice takes into account when drafting the Program for the next generation of prosecutors.

Activities from Continuous Training Program (CTP)

Training: Necessary protection, extreme necessity and other circumstances that exclude the illegality of the criminal offense

September 1 2020, Academy of Justice within its Continuous Training program (CTP) conducted training on the topic of “The Necessary protection, extreme necessity and other circumstances that exclude the illegality of the criminal offense”. The training was held virtually through the Zoom platform.



Purpose of this training was extending professional knowledge of judges, prosecutors and other beneficiaries on the nature, forms and circumstances that exclude the criminal liability, as well as correct application of legal provisions pertaining to respective criminal offences.

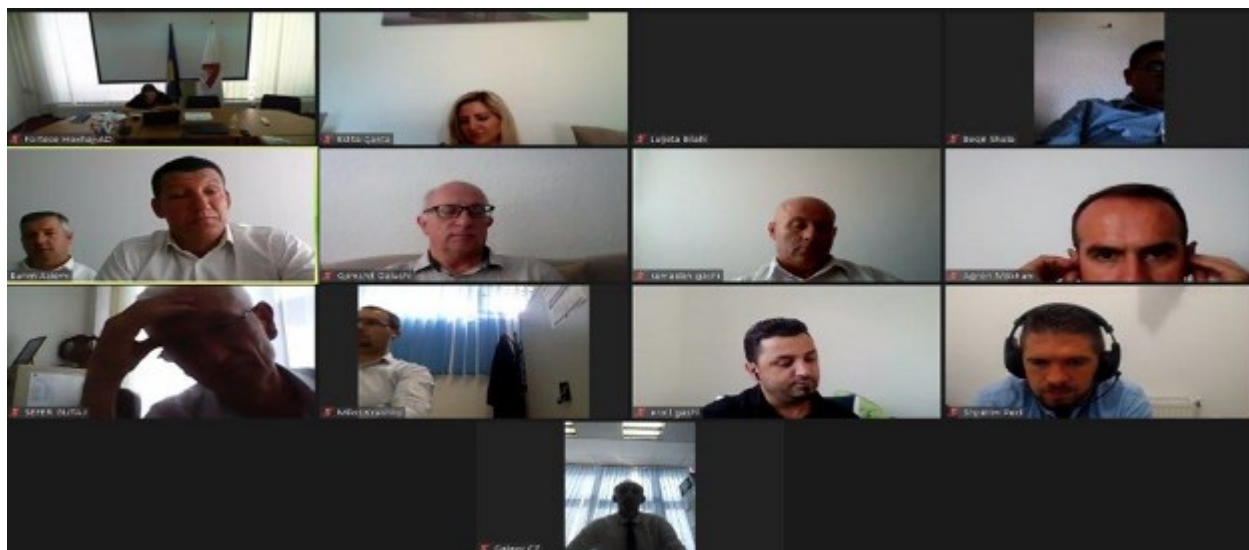
This training elaborated on the forms and circumstances that exclude the criminal offence like the necessary protection, extreme necessity

and offense of minor importance, offenses committed under violence, intimidation and coercion under certain conditions.

This training highlighted that the court case law if an offence is committed under these situations it is important to prove the fact that the crime was committed under circumstances that really exclude the criminal liability. In the following part, attention was paid to the treatment of practical cases which often present difficulties in establishing these situations where the consequences are caused but make the individual criminally not liable.

This training used combined methods of teaching, using theoretical explanations and practical cases, followed by examples from the professional practice.

Beneficiaries of this training were judges and prosecutors of the Appeals and the basic instance from all regions, as well as professional associates and victim advocates.



Training: Absolute and relative invalidity of contracts as well as the bases of liability for damage compensation

On 02-03 September 2020, the Academy of Justice within CTP organized a training on "Absolute and relative invalidity of contracts and the basis of liability for damage compensation". Unable to perform the classic training, this training was held virtually through the electronic ZOOM platform.

The purpose of this training was to advance the knowledge of judges regarding the enforcement measures, invalidity of contracts and the basis of liability for damage compensation.

The first day of the training covered topics such as: Circumstances that cause the absolute and relative invalidity of contracts, judicial proceedings and the role of the court in investigating the circumstances causes the invalidity of contracts, and effects caused in cases of declaration of invalidity of contracts. While on the second day were treated: Basics of liability for causing / compensating the damage, proving the liability and the role of the court in the process of proving the liability.

It was also emphasized that the contract and the compensation of the damage are two of the main material sources of the law on obligation and consequently the cases according to these two bases in the case law are numerous. Also, the problems and specifics that presented these cases in practice are numerous and require judges to demonstrate skills and efficiency in conducting the procedure, identifying issues of importance within a dispute and the assessments that need to be made regarding the

qualification of the facts in relation to substantive law.

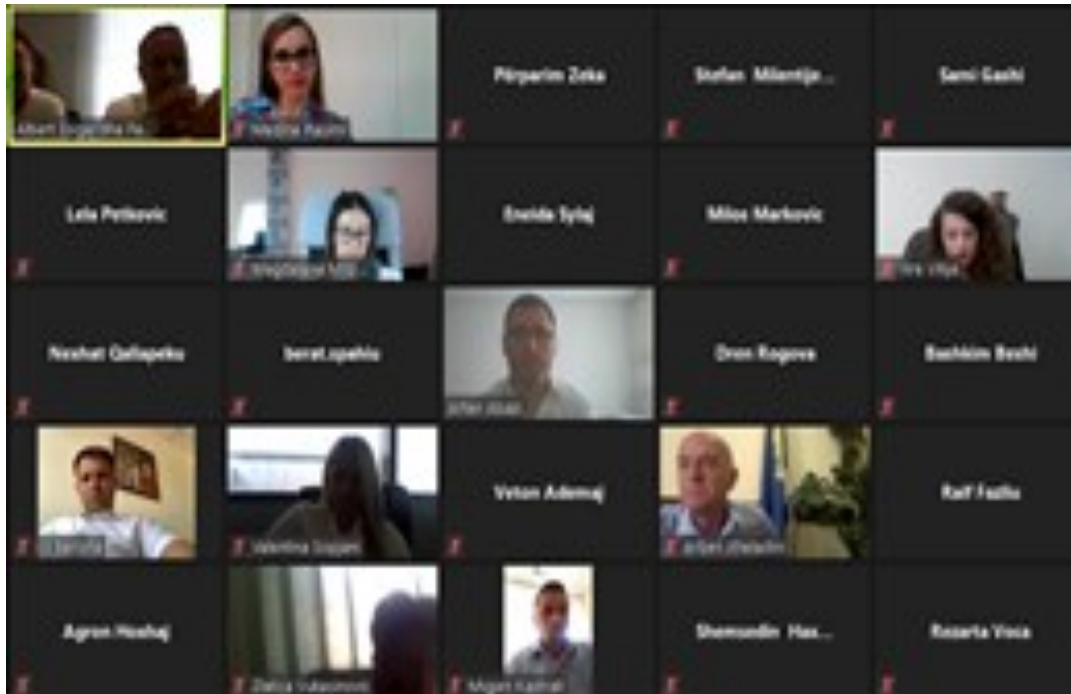
It was further pointed out that the LCT has determined the circumstances that affect the absolute and relative invalidity of contracts as well as the basis of liability for damage compensation, however in court practice there are often cases when judges fail to provide adequate assessments of which circumstances or which the basis must be assessed in the relevant case. It was also pointed out that the Law on Obligations of 2012 is the main legal basis that regulates the infliction of damage and other related issues. Non-compliance with the contract, violation of copyright, violation of competition rules, causing damage by dangerous means, damage caused by illegal actions and other cases, are just some of the forms of causing the damage. Whereas, there are only two types of compensation for damage, compensation for material damage and compensation for non-material damage. Depending on the type of damage caused, civil legal liability is also invented.

The training also highlighted the opinion that the case law is relatively developed on this topic, but the large number of cases in the courts of the Republic of Kosovo, the dynamics of increasing the number of cases submitted for compensation has led to differences in the court practice.

During this training, combined methods of explanation were used, including theoretical and practical explanations, followed by examples of how to make a meritorious decision in concrete cases. In this context, this topic was supported by genuine case law that will increase efficiency, unify case law and increase the quality of

the work of judges.

Beneficiaries of this training were judges of the Court of Appeals and basic courts, professional associates and legal officers.



Training: Educational measures and punishments

September 8 2020, Academy of Justice within its Continuous Training Program (CTP) conducted training through the Zoom platform on the topic of “Educational measures and punishments”.

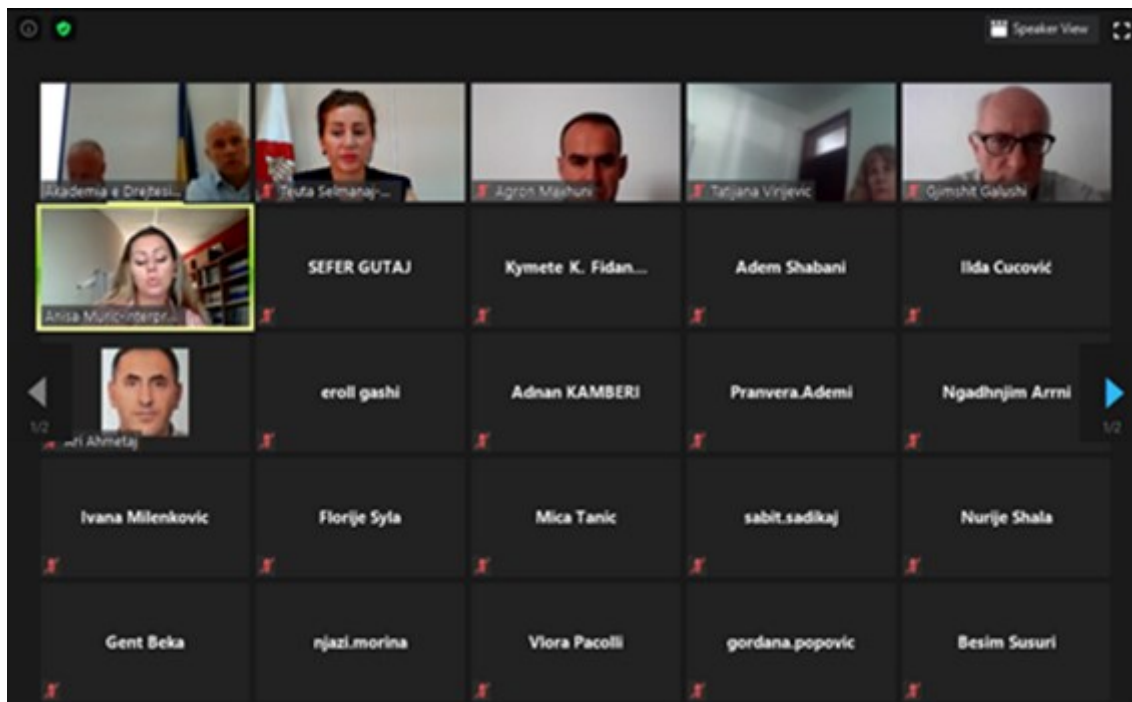
Purpose of this training was discussion and presentation of best practices in imposing educational measures and sanctioning against juveniles and correct implementation of provisions that relate to educational measures and punishments against juveniles.

This training elaborated on the purpose of educational measures and benefits of their application, types of these measures, elaborating thoroughly each of the disciplinary measures, types of additional supervision, as well as educational

institutional measures. It was also discussed about the legal conditions and the criteria that the court assesses when imposing one of the measures, determining their durations, and their role in avoiding stigmatization of the juveniles. This training paid attention also to punishments that can be imposed to a juvenile that has committed a criminal offense punishable with 5 or more years of imprisonment.

Training methodology in this case as combined with theoretical explanations and interactive discussions.

Beneficiaries of this training were judges and prosecutors of the basic instance from all regions of Kosovo, as well as administrative staff of prosecution.



Training: Arbitration

September 9-10 2020, Academy of Justice within the Continuous Training Program organized training on “Arbitration with the support of the USAID Commercial Justice Program implemented by Checchi and Company.

Not being able to conduct this training classically, this training was held virtually through the zoom platform and was delivered in two days, Day I on 09.09.2020 at 10:00-15:30 hrs, and Day II on 10.09.2020 from 10:00-15:30 hrs.

This training elaborated on the following: initiation of the Arbitration procedure and court competencies; Disputes that may be subject to arbitration; Arbitration agreement clause; arbitration procedure, The rights and obligations of the parties; Kosovo law for recognition of arbitration decisions.

The training continued with initiation of the recognition procedure; Practices for recognizing arbitration decisions; Procedures foreseen by the New York Convention for implementing foreign arbitration decisions; Recognition and implementation of the foreign arbitration decisions in Kosovo, as well as the applicable legal remedies.

Training methodology is based on interactive discussions elaborating also on different cases from the judicial case law.

Beneficiaries of this training were judges of the Appeals and Basic instances, as well as professional associates.



Training: Professional ethics for prosecutors – Group I

September 14 2020, Academy of Justice within the Continuous Training Program conducted training on Professional ethics.

Purpose of this training was extending the participant's knowledge that through discussions and presentation of best practices, as well as through elaboration of practical cases, increase the value of adhering to ethical standards.

This training, that was conducted online through the Zoom platform, focused on elaboration of the applicable norms and other norms of conduct, importance of professionalism, integrity and moral dignity, principle of independence and impartiality, as well as factors that impact on infringing these principles. It was also highlighted that these principles influence on increase of the highest standards of ethical conduct and have impact on strengthening the public trust towards the system in general. It further stated that prosecutors should act independently and impartially, avoid every conflict of interest and at all times avoid ex-

parte communication with the parties. They shall act in the manner that contributes to increase of public trust on the prosecutorial system. Continuously seek strict adherence to the rules and professional conduct while practicing their function and preserve and continuously improve the highest standards of professionalism and legal expertise.

Particular attention was paid to the disciplinary procedure against prosecutors including legal changes, actions of the prosecutors involved in disciplinary violations, disciplinary measures, appeals and their content as well as actions of the competent authority.

Beneficiaries of this training were the Appeals Chief prosecutors, chief prosecutors of Basic Prosecution offices, as well as prosecutors from different regions of Kosovo.

Traninig: Legal persons in the minor offence procedure

September 15 2020, Academy of Justice within its Continuous Training Program (CTP) conducted training on the topic pf “Legal persons in the minor offence procedure”.

The training was held virtually through the online platform Zoom, starting at 10:00 – 15:30 hrs.

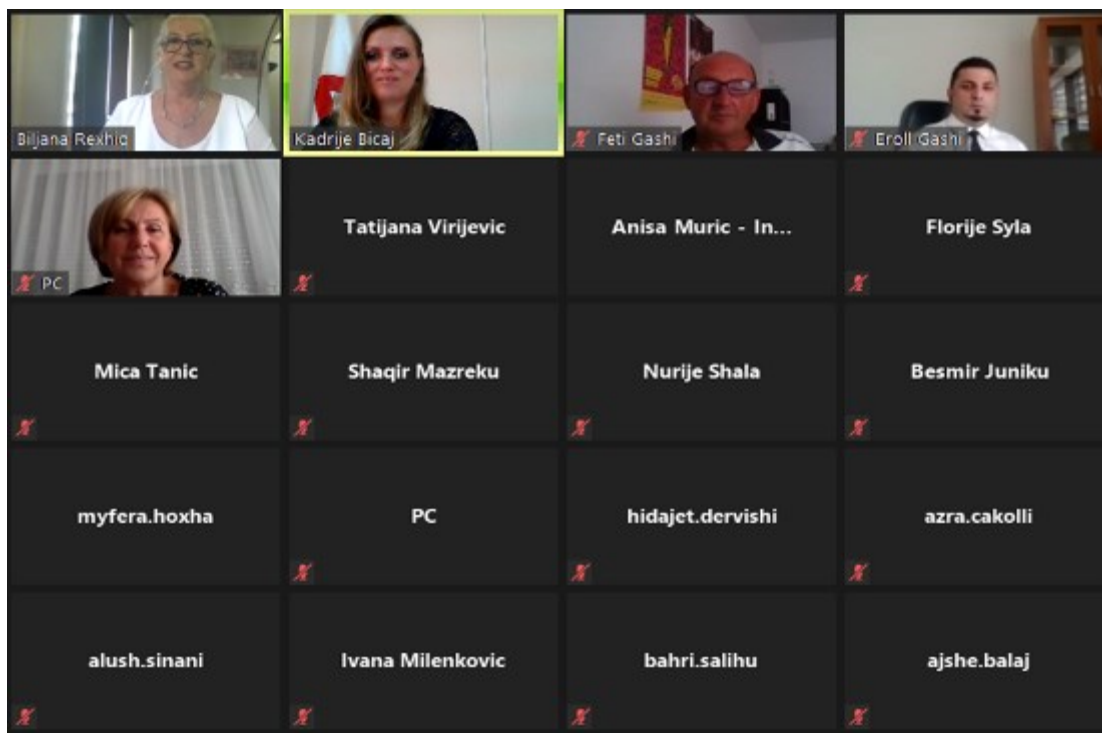
Purpose of this training was to extend the participants knowledge on correct implementation of the minor offence procedure against legal persons and on correct definition of the business entities – legal persons, as well as liability of the legal persons as defendants.

Focus of this training was on: ways of conducting the minor offence procedure against the business entity that has the status of a legal person, and against the responsible legal person.

During this training it was elaborated on the following: responsibility of the legal person and liability of the responsible person of the legal person; business entities as individual businesses and developing the legal procedure against them, as well as the liability of legal person and liability of the responsible person.

This training used combined methods of teaching using theoretical explanations and practical cases followed with examples from the case law, and discussion of the ways of merit based judgments for concrete cases.

Beneficiaries of this training were judges of the basic instance – Criminal division and the Minor offence division, as well as professional associates.



Training: Initiating and conducting administrative conflicts

September 17 2020, Academy of Justice in cooperation with GIZ Legal and Administrative Reform Project (LARP) conducted training on the following topic: “Initiating and conducting administrative conflicts” procedure within the



CTP. Purpose of this training was extending the judges knowledge related to initiation and development of administrative conflicts.

First part of the training elaborated on the following: importance of legal provisions on the administrative conflicts procedure; Legal procedure, role and importance of issuing evidence during the main hearing; Issuing judgments in administrative conflicts and legal remedies. Whereas the second part elaborated on: enforcement of decisions with the features followed in this stage.

Focus of this training was on court protection and addressing lawfulness of decisions brought by public administration departments in the Administrative Department of the Pristina’s Basic Court, and in the Administrative Department of the Appeals Court. It was highlighted that processing of these cases is facing different professional, procedural and material dilemmas pertaining to judgment of these cases.

It was further highlighted that purpose of the Law on administrative conflicts is ensuring judicial protection of the rights and legal interests of

natural persons, legal persons and of other parties whose rights and interests have been infringed by individual decisions or by actions of the public administration bodies.

Also, the training emphasized that the Court decides in the main hearing session in an administrative conflict case based on the facts proved in the administrative procedure. If the court concludes that the administrative conflict cannot be reviewed based on the facts proved in the administrative procedure, because there are contradictions in acts, and which main point have not been fully proved, and thus bringing to an unjust conclusion from the factual state’s aspect, or it concludes that rules of procedure have not been applied, and they would have been important for solving the case, then the court will cancel the contested administrative act by a judgment. In such a case, during the review the competent body has the duty to act as determined by the judgment and issue a new administrative act.

It was stated that if the competent body after cancellation of the administrative act issues the administrative act in contradiction with the legal view of the court, the claimant may file a new lawsuit and the court can cancel the contested act with a judgment which completely replaces the cancelled administrative act.

This training enabled discussions and explanations were given by the trainers offering practical solutions based on the law that will facilitate the work of judges in these departments, and in the upper instance they would impact on reduction of the general number of court cases.

Beneficiaries of this training were judges of the Appeals court, basic court judges (administrative department) from all regions, as well as professional associates.

Training: Professional ethics for prosecutors – Group II

September 21 2020, Academy of Justice within the Continuous Training Program conducted training on Professional Ethics through the online platform Zoom.

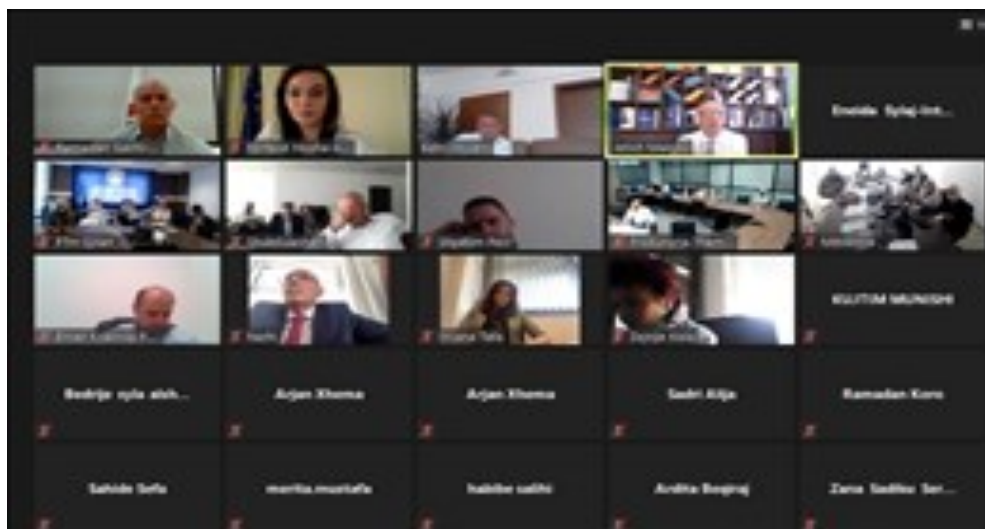
Purpose of this training was extending the participant's knowledge that through discussions and presentation of best practices, as well as through elaboration of practical cases, increase the value of adhering to ethical standards.

This training focused on elaboration of the applicable norms and other norms of conduct, importance of professionalism, integrity and moral dignity, principle of independence and impartiality, as well as factors that impact on infringing these principles. It was also highlighted that these principles influence on increase of the highest standards of ethical conduct and have impact on strengthening the public trust towards the system in general. It further stated that prosecutors should act independently and impartially, avoid every conflict of interest and at all times

avoid ex-parte communication with the parties. They shall act in the manner that contributes to increase of public trust on the prosecutorial system. Continuously seek strict adherence to the rules and professional conduct while practicing their function and preserve and continuously improve the highest standards of professionalism and legal expertise.

Particular attention was paid to the disciplinary procedure against prosecutors including legal changes, actions of the prosecutors involved in disciplinary violations, disciplinary measures, appeals and their content as well as actions of the competent authority.

Beneficiaries of this training were chief prosecutors of Basic prosecution offices and prosecutors from different regions of Kosovo.



Specialized Training Program - Public Procurement of Kosovo - Session II

On September 22-23, 2020, the Academy of Justice within the Continuous Training Program conducted training through the Zoom platform on: "Specialized Training Program - Public Procurement of Kosovo - Session II".

The purpose of this training was to advance the knowledge of the participants about the implementation of the contract, investigation and trial of criminal offenses of this nature.

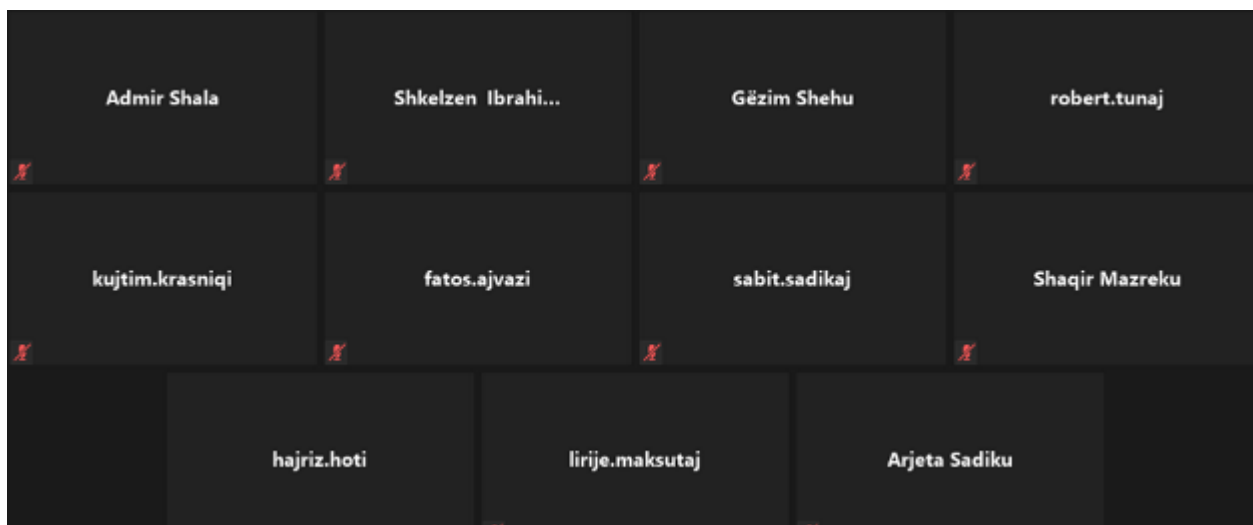
During this training were addressed: contract implementation phase, needs assessment / definition of requirements, preparation / design process and preparation of bidding documents, selection of the contractor and the award phase.

Particular emphasis was placed on corruption schemes and fraud-related problems, such as

how to plan an investigation and prosecution. Ransom payment, conflict of interest, bidding schemes, conspiracy bidding, fraudulent schemes, content of investigation plan, identification of sources of information, planning of house search and interception, planning of use of informants, as well as asset tracking plan.

During this training, combined methods of explanation were used, including theoretical and practical explanations, followed by examples from court practice and discussions on how to make a meritorious decision in concrete cases.

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



Workshop: Advancing the confiscation of illegal property

On September 22-23, 2020, the Academy of Justice within the Continuous Training Program and in cooperation with the US Department of Justice / OPDAT, conducted a virtual workshop through the ZOOM platform on "Advancing the confiscation of illegal property."

The purpose of this workshop was to advance the knowledge of the participants that through discussions and presentation of best practices, as well as the elaboration of these cases increase their professional capacity of police investigators, prosecutors and judges in the confiscation of illegal property.

During this training, the procedural aspects were addressed with a focus on identifying assets and proving them for confiscation purposes. All these issues were addressed through practical cases and group work in which the prosecutors assisted by police investigators identified assets with potential for confiscation. Further during

the workshop, participants were assigned to give a presentation on the findings for each asset.

During this workshop, the evaluation of evidence in cases of confiscation was also discussed, focusing on what the Court needs to make a final decision on confiscation. Subsequently the prosecutors were assigned to present an identified asset and the evidence supporting their claim for confiscation.

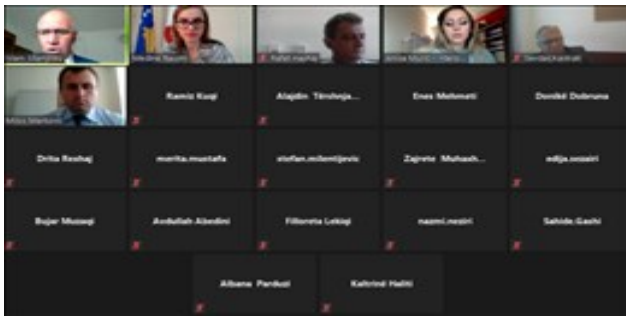
Finally, from the point of view of the court, the decision-making procedure was treated according to the request of the prosecutor for confiscation.

Participants in this workshop were judges, prosecutors appointed coordinators for confiscation, prosecutors of the basic prosecution and police investigators.



Training: Decisions of the Constitutional Court of Kosovo and their legal effects

On September 29, 2020, the Academy of Justice within CTP, through the zoom platform conducted a training on "Decisions of the Constitutional Court of Kosovo and their legal effects."



The purpose of this training was to advance the knowledge of judges regarding the decisions of the Constitutional Court of Kosovo, the legal nature, the effect and the manner of their enforcement.

In the first part of this training were addressed topics: the role of decisions of the Constitutional Court of Kosovo, their importance and legal effects. Whereas, in the second part were treated: Types of decisions of the Constitutional Court and their enforcement, as well as the correct implementation.

It was further elaborated that decisions of the Constitutional Court are binding for the judiciary and all persons and institutions of the Republic of Kosovo and until the procedure is completed before the Constitutional Court, it may temporarily suspend the contested action or law until a court decision is rendered, and if it considers that the application of the contested action or law, may cause irreparable damage. Further was emphasized that as defined by the Constitution, the Constitutional Court of Kosovo is the final authority in the Republic of Kosovo for the interpretation of the Constitution and the

compatibility of laws with the Constitution. The Constitutional Court operates only in one instance and no appeal or other regular or extraordinary legal remedy can be appealed against its decisions.

Also was pointed out that individuals can file claims to the Constitutional Court only after they have exhausted all legal remedies available under the law. The Constitutional Court in many of its decisions rationalizes this constitutional principle with the argument of the European Court of Human Rights that it must first enable the regular state institutions, especially the courts, to correct the violation, before the case reaches the Constitutional Court.

Analyzing the provisions of "Article 53 of the Constitution of Kosovo, it was mentioned that this article obliges judges to reflect in their court decisions the interpretive spirit of the ECHR in Strasbourg. Although this practice of referring to the case law of the ECHR by regular courts is still in its beginning, the Constitutional Court of Kosovo has consistently referred to this case law when dealing with cases whose review has been the limitation of constitutional freedoms and rights.

During this training, the methods of theoretical explanation were used, based on cases from court practice and accompanied by interactive discussions facilitated by the trainers, through analysis and elaboration of topics, focusing on the effect and adequate implementation of the decisions of the Constitutional Court in case law of the Republic of Kosovo, in the region and beyond.

Beneficiaries were judges of all instances in the Republic of Kosovo.

Training: Advancing the confiscation of illegal property

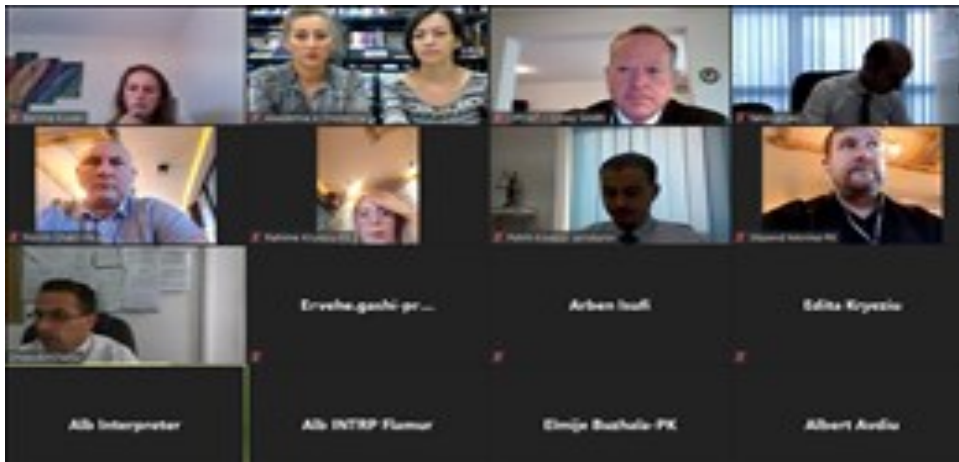
On September 30 and October 1st 2020, the Academy of Justice, within the Continuous Training Program, in cooperation with the US Department of Justice / OPDAT, conducted a training on "Advancing the confiscation of illegal property".

The purpose of this training was to develop the knowledge of the participants that through discussions and presentation of best practices, as well as through elaboration of cases from practice to increase professional capacity of police investigators, prosecutors and judges.

During this On-line training on the Zoom platform was addressed the confiscation of the property of the person who has committed a criminal offense that results in illegal gain. It

was further emphasized that the law enforcement institutions should investigate any property which has been obtained through a criminal offense. During this training, special attention was paid to the good reasoning of the requests of prosecutors based on evidence for freezing, detention and confiscation of illegal property. In this regard, it was said that the requests of prosecutors are not well justified and results on failure cases.

Beneficiaries of this training were judges, prosecutors appointed as coordinators for confiscation, prosecutors from basic prosecution offices and police investigators.



Activities for judicial and prosecutorial administrative staff

Training: Work management in the administration of the judicial and prosecutorial system

On September 30, 2020, the Academy of Justice, within the Continuous Training Program, conducted training on: "Work management in the administration of the judicial and prosecutorial system." This training was held virtually through the electronic platform Zoom live, from 10:00 to 15:30h.

The purpose of this training was to advance the knowledge in the implementation of adequate standards of management and leadership through drafting plans, making reasonable decisions and creating the environment for creative and successful work.

During this training were addressed the work management and leadership in times of global crisis as well as the levels of hierarchy and the active management in times of crisis.

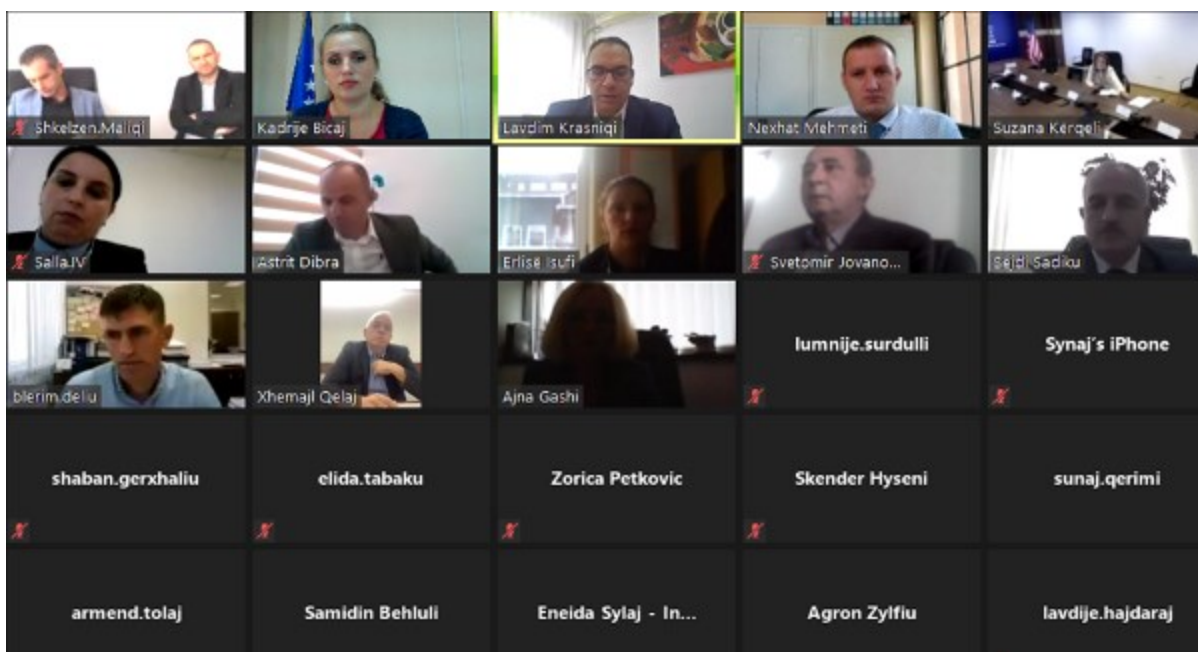
Special attention was paid to the Pandemic Crisis Management Plan, the structure and effect of

its operation in practice, unprecedented risks such as the Covid-19 pandemic how to manage, alleviate, eliminate or predict it.

The training also discussed the principles of management, the role and importance of the manager, managerial skills and competencies, how to distinguish the manager from the leader and how to exercise the function of manager based on standards that guarantee success.

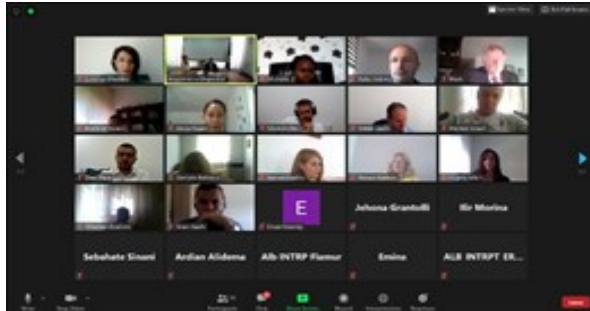
The applied methodology was combined with theoretical explanations and interactive discussions, where the trainers shared their experiences by transmitting their professional knowledge to the most efficient work.

Beneficiaries of this training were: Administrators and assistant court administrators and Prosecution Administrators from all regions of the Republic of Kosovo.



Training of Trainers (ToT) on Advanced writing of Indictments

During August 31st until September 4th 2020, Academy of Justice in cooperation with OSCE conducted the five-day ToT training on Advanced writing of Indictments.

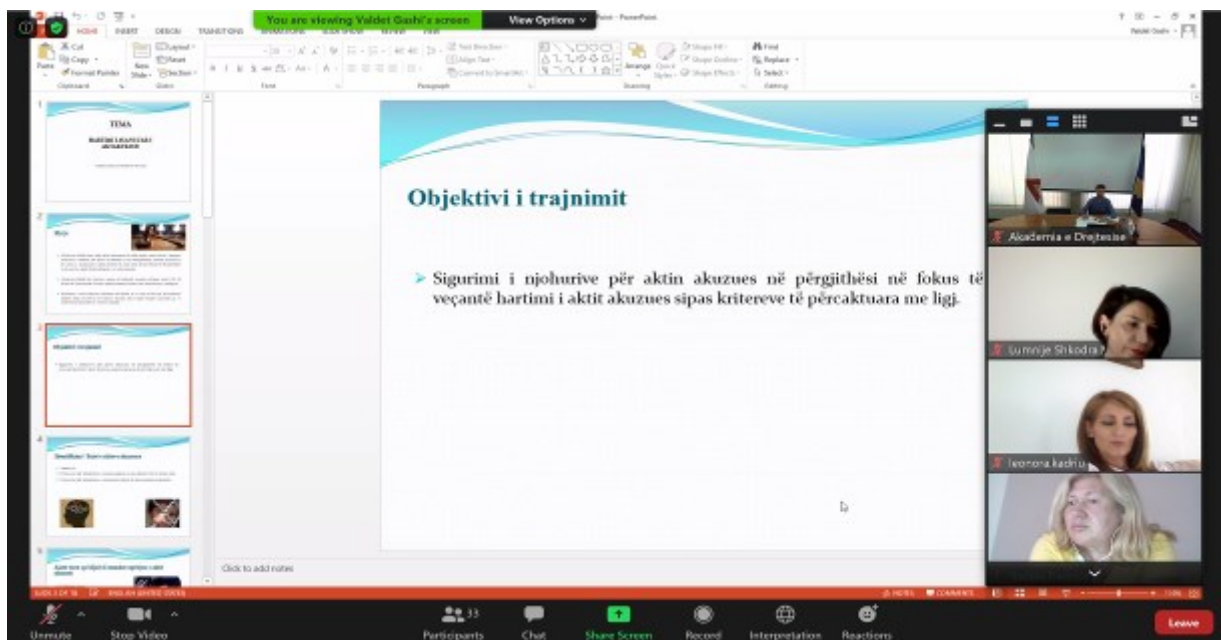


Purpose of this training was to design accusatory acts in compliance with the legal criteria in a professional and efficient manner.

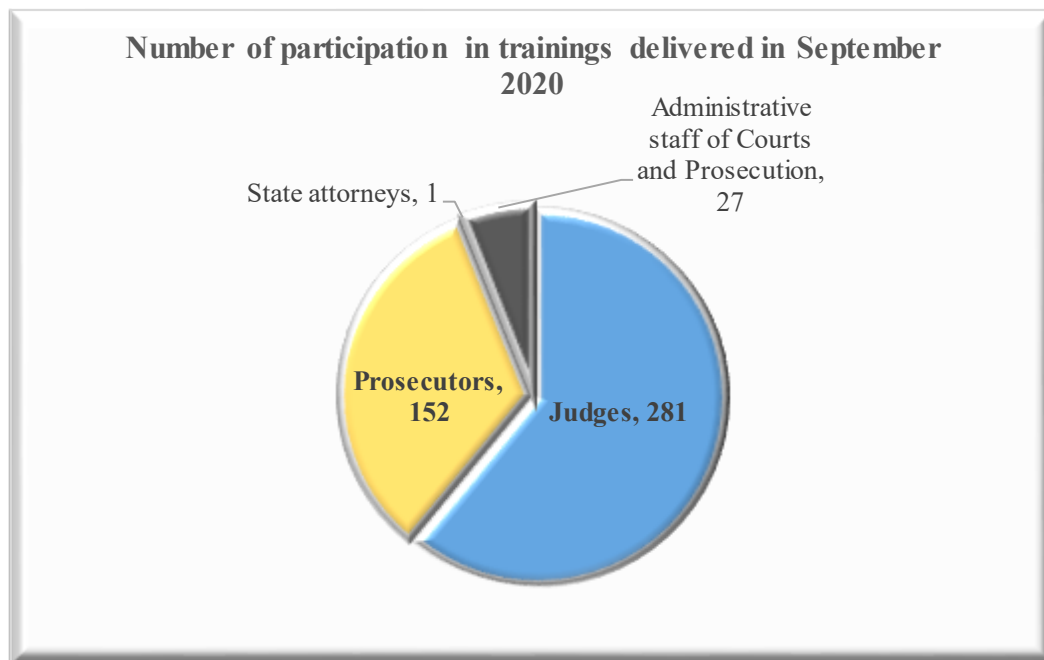
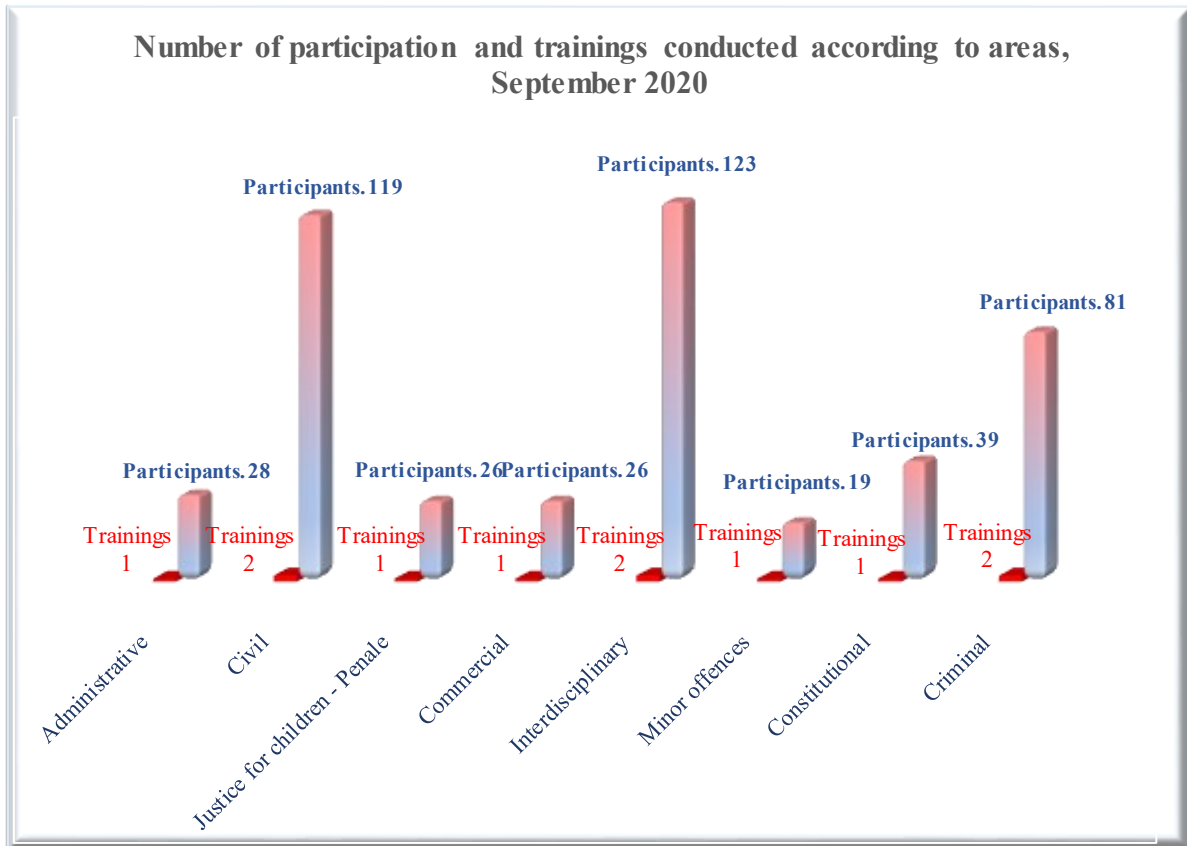
This training included discussions on the Criminal report, Importance of Indictments, Representation of the Indictment, Types of Indictment, Amendment and extension of the indictment, drafting of indictments and identified any shortcomings that in court practice.

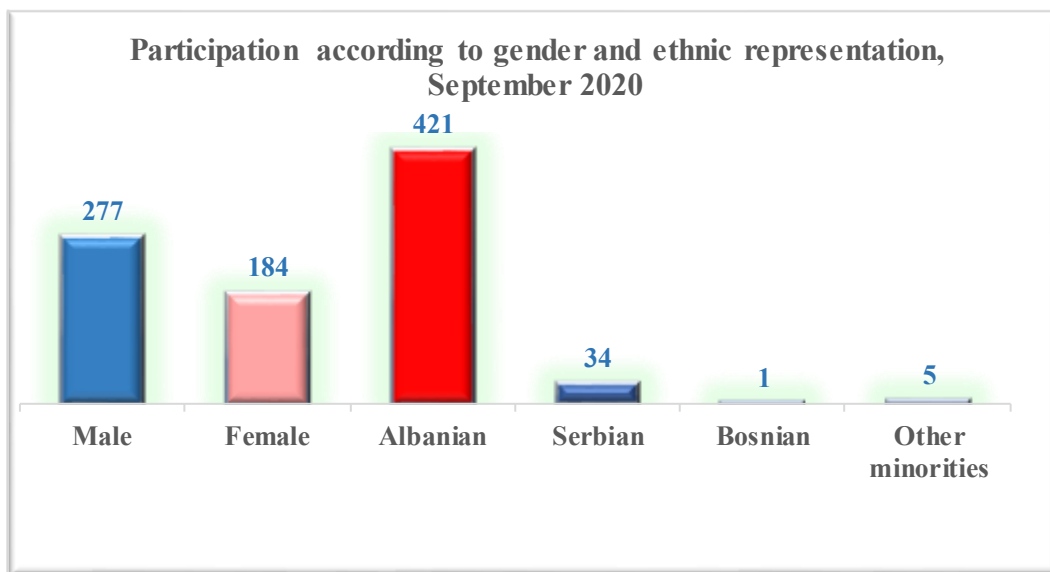
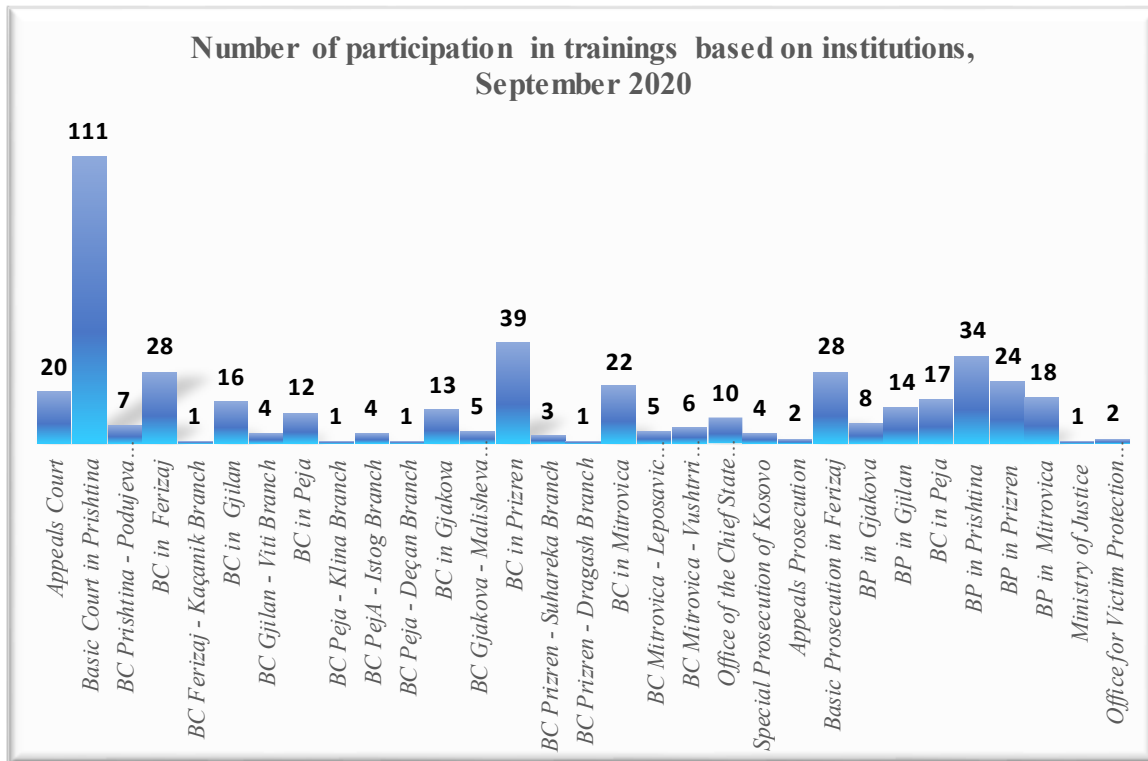
This training was delivered by national trainers with the support of international experts with the purpose of unifying the experiences and legal practices.

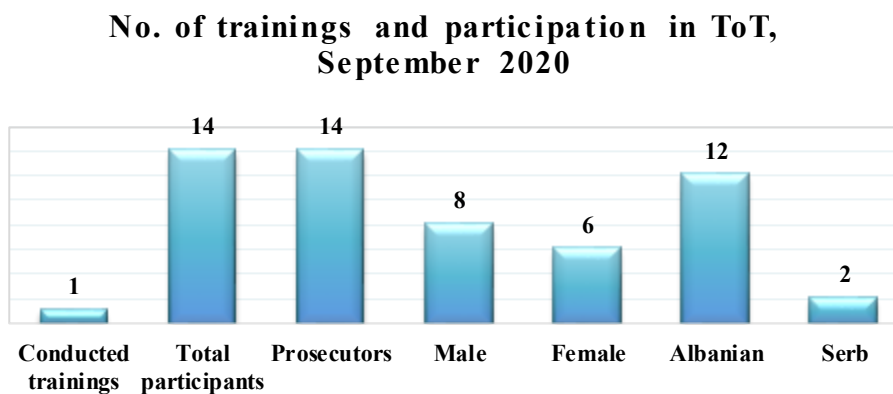
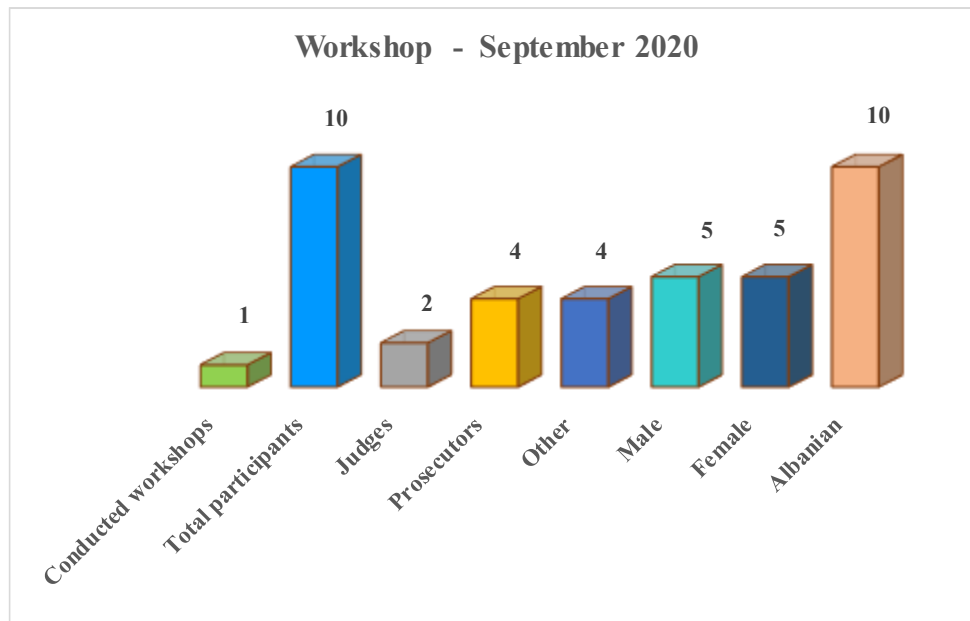
Beneficiaries of this training are prosecutors of different instances within the Republic of Kosovo's territory.



Attendance at trainings on PTV presented through graphs







E-learning platform, July 2020

During July the distance learning platform continued to be opened for the interested participants (judges, prosecutors, administrative staff of courts and prosecution offices and for law students) with no time limitation.

This platform includes 18 online accessible courses, 8 of which are available also in Serbian language.

July 20 2020, according to regulation of the Ko-

sovo Judicial Council (No. 06/2019) on amendment and supplementation of Regulation (No. 06/2017) the online mandatory course on “Professional Ethics” has been launched for judges of the republic of Kosovo.

For details please see the tables below which layout the attendance and progress in attending the courses according to topics in this platform.

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>(Professional ethics) Procedure and disciplinary liability (Albanian)</i>	202	73%	44	16%	29	11%
<i>Professional ethics I</i>	213	77%	47	11%	15	5%
<i>Professional ethics II</i>	227	83%	20	7%	28	10%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>(Professional ethics) Procedure and disciplinary liability</i>	26	9%	18	7%	23	84%
<i>Professional ethics I (Srb.)</i>	24	9%	79	29%	172	63%
<i>Professional ethics II (Srb.)</i>	24	9%	49	18%	202	73%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Diversion</i>	3	3%	9	8%	101	89%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Effective management</i>	3	18%	12	71%	2	12%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Justice for children – Civil aspect</i>	16	16%	19	17%	76	67%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Justice for children – Criminal aspect</i>	10	19%	15	13%	88	78%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Investigation and detection of corruption</i>	11	10%	10	9%	92	81%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Corruption according to national and international</i>	7	6%	7	6%	99	88%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Court management</i>	13	12%	6	5%	94	83%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Leadership</i>	11	10%	9	8%	93	82%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Copyright and legal protection</i>	9	8%	19	17%	85	75%
<i>Copyright and legal protection</i>	2	22%	3	33%	4	44%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Phases of indictment and pleading of guilt</i>	19	17%	16	14%	78	69%
<i>Phases of indictment and pleading of guilt</i>	2	22%	3	33%	4	44%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Stress management (Albanian)</i>	38	34%	20	18%	55	49%
<i>Stress management (Serbian)</i>	6	67%	3	33%	0	0%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Social communication skills (Albanian)</i>	9	8%	8	7%	96	85%
<i>Social communication skills (Serbian)</i>						

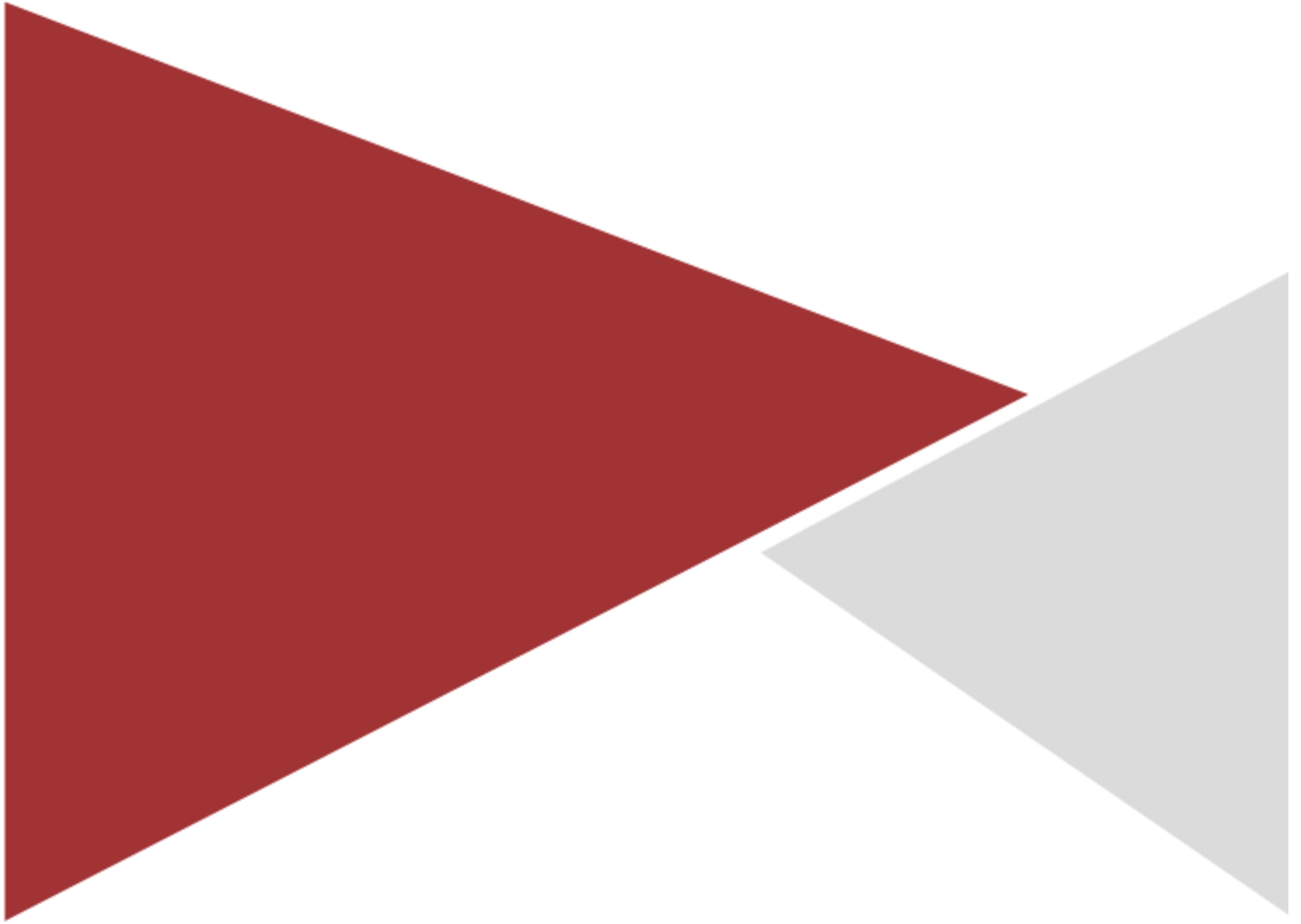
Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Training on implementing tax legislation in Kosovo (Albanian)</i>	7	7%	6	6%	87	87%
<i>Training on implementing tax legislation in Kosovo (Serbian)</i>	1	11%	3	33%	56	56%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Communication and public relations (Albanian)</i>	15	13%	40	35%	58	51%
<i>Communication and public relations (Serbian)</i>	1	11%	4	44%	4	44%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Legal English</i>	39	35%	23	20%	51	45%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Information technology</i>	32	28%	14	12%	67	59%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Domestic violence (Albanian)</i>	0	0%	19	86%	3	14%
<i>Domestic violence (Serbian)</i>	0	0%	3	23%	10	77%



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