



# Newsletter

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**October 2020**

## Introduction

Professional capacity building of judges and prosecutors, including other legal professionals, continued during October in accordance with the measures and criteria set for protection and prevention of the COVID-19 pandemic. All training activities were carried out through the Zoom and e-learning platform, for distance learning.

The training activities have been focused only on ongoing training for practicing judges and prosecutors as well as judicial and prosecutorial administrative staff, whereas for the Initial Program preparations are taking place for the new generation of judges and prosecutors who are initially expected to be appointed.

This newsletter reflects the meetings from the inter-institutional cooperation with donors and projects in order to develop and implement joint activities, activities for the purpose of assessing training needs and drafting the training program for 2021 and the activities carried out by the Continuous Trainings specified according to the topic of training, duration and its beneficiaries.

In addition to the above-mentioned activities, the newsletter also contains the announcement and developments regarding the training courses realized in the distance learning platform during October.

## General activities

### Inter-institutional cooperation and joint activities with donors and projects

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During October, support, cooperation and coordination with donors continued. In order to coordinate projects, joint meetings were held with representatives of the EC and UNDP that continue to support justice institutions in the fight against corruption, then meetings were held with representatives of other projects, workshops, conferences and other activities as outlined below:

AJ in cooperation with GIZ and the Court of Appeals, in a ceremony have published the Guide to the Administrative Dispute Procedure funded and supported by the Legal Reform Project in Kosovo.

AJ has continued cooperation with the project of the United Kingdom Embassy for Strengthening the Justice system in Kosovo, in which case a two-day workshop was held for judges and prosecutors participating in the monitoring program supported and funded by the project. In addition to the workshop, in the meeting with Mr. Jason Antley, AJ has achieved further collaboration with focus on developing and updating training modules in case management and soft skills. AJ has submitted several versions of the training modules in question as a source of information for the project team.

During this month, AJ hosted Judge Langarte from France, who is also the Liaison officer at the French Embassy in Belgrade, and the Liaison officer of the French Embassy in Pristina, Mrs. Cecilie. During the meeting, it was discussed about promotion of cooperation between AJ and the School of Magistrates for judges and

prosecutors of France as well as the extension of the Cooperation Agreement between the two institutions and implementation of the exchange program.

AJ also hosted a meeting with representatives of the European Union/ Kosovo Justice Sector project, where the commencement of the project was discussed, as well as the possibility of an international and local advisor in ongoing assistance for the following 40 months.

Based on the cooperation agreement with the Kosovo Chamber of Private Enforcement Agents, the request of this institution for training needs assessment was discussed. KCPEA in its the request for trainings for 2021 has presented a total of 13 topics needed for training.

AJ at the request of the project representative of the International Labor Organization, in combating the involvement of children in severe forms of forced labor and forced labor, held a meeting to discuss the development of a training module for judges and prosecutors of the Republic of Kosovo.

AJ and OSCE during this month have held a working meeting regarding the support in the design and development of the training module for judges, prosecutors and police officers on the protection of children's rights during the interview. They also conducted the ceremony of awarding training certificates for trainers for participants in this training program.

AJ upon invitation of the Joint Program of the European Union and the Council of Europe "Horizontal Instrument for the Western Balkans and Turkey 2019–2022", as well as its project "Freedom of Expression and Freedom of the Media in South East Europe (JUFREX)" - participated in the regional conference which was organized for trainers certified by JUFREX including also judicial trainers from the Academy of Justice.

AJ as per invitation of the MFA and the Diaspora participated in the virtual meeting Kosovo - Council of Europe, where the achievements of EC projects in support of Kosovo institutions and the need for further assistance were discussed.

AJ in cooperation with the USAID Commercial Justice Project, continued discussion regarding establishment of the AJ committee for evaluation of applicants in the training of trainer's program ToT. Subsequently, it established the commission consisting of 4 members from AJ and 1 international member engaged by the project.

AJ continued with regular weekly meetings with Mr. Dragomir Yordanov, representative of the EU/ EUKOJUST project for capacity building of AJ. In the meetings it was discussed about the challenges of AJ and project assistance, about the work plan that the project is drafting and the needs and priorities of AJ in this plan; AJ initiative for development and design of the framework training program, goals, objectives and vision of the training program. AJ, at the request of the project has allocated an office for the needs of project staff.

Upon invitation of the project "Seventh Regional Forum on the Rule of Law for South-Eastern

Europe", AJ participated in a two-day workshop which was conducted virtually with the participation of all Balkan countries. In the workshop, the judges of the European Court of Human Rights, including its President, discussed and debated the practices and restrictive measures taken by governments in relation to the fight against the Covid-19 pandemic. Judges of the ECHR- presented views on the legality of measures in accordance with the ECHR.

AJ and the Non-Governmental Organization INJECT Kosovo, have signed a cooperation agreement for implementation of trainings in the field of women's property rights, inheritance, division of joint property. The project under the assistance is expected to engage an international expert who will provide training in AJ.

AJ has held a meeting with representatives from the Project "EU Support to the Intellectual Property System in Kosovo", where the need for training in this area was discussed and updating the training module that is in the E-learning platform.

The cooperation of AJ and OPDAT has continued even further in which case a joint meeting was held regarding coordination of training activities with other projects. AJ was informed about the coordination meeting held between OPDAT and the EU project EUKOJUST. There is also a need to hold a coordination meeting between AJ, OPDAT and EKOJUST, which is expected to take place in the future.

## Meeting with representatives of the European Union Kosovo Justice Sector Program - EUKOJUST

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October 8th 2020, Executive Director, Enver Fejzullahu hosted a meeting with Mr. Volkmar Theobald, the Project Team Leader, Mr. Cristian Nicoara - long term expert for criminal prosecution and criminal justice, and Mr. Dragomir Yordanov - long term expert for training and capacity building at the European Union Kosovo Justice Sector Program (EUKOJUST).

Director Fejzullahu initially thanked the program for the support provided for the Academy and informed them about achievements and challenges, processes of review and change, and he expressed readiness for strengthening cooperation in common areas of interest, for

strengthening rule of law in Kosovo.

Representatives of this project, Mr. Theobald, Mr. Nicoara and Mr. Yordanov informed the AJ Director on implementation of the project that will ensure maximal benefit for all stakeholders in Kosovo, the action plan for the following three years of project implementation, and they reconfirmed that they will coordinate activities flow aiming further reform of the Kosovo's justice system in compliance with the European and international standards.



## **Regional Online Conference for JUFREX Certified Trainers among Judges, Prosecutors and Lawyers Freedom of expression: Current (recent) developments**

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The Academy of Justice on October 08, 2020 has participated in the Regional Online Conference for trainers certified by the JUFREX Project - Kosovo who are judges, prosecutors and lawyers - with the main theme: Freedom of expression - the latest developments. This conference is organized at the regional level in which participated trainers certified by JUFREX among them also judicial trainers from the Academy of Justice. This conference is organized through and within the joint program of the European Union and the Council of Europe "Horizontal Instrument for the Western Balkans and Turkey 2019–2022", as well as its project "Freedom of Expression and Freedom of the Media in South East Europe". (JUFREX) ”- Council of Europe.

This conference aimed to advance the level of knowledge and skills of this existing group of certified Freedom of Expression trainers. During this conference were discussed the current training tools developed by JUFREX, the Manual for Freedom of Expression for Trainers, the online human rights education courses for legal professionals (HELP) on the topic of Freedom of Expression and the Safety of Journalists, and last but not least, recent developments in the case law of the European Court of Human Rights on freedom of expression.

The following topics were addressed on the occasion of this conference: Freedom of Expression and Freedom of the Media in Southeast Europe-JUFREX-2 - Focus, plans and expected results - updated and new tools developed under

JUFREX, HELP online courses on the safety and protection of journalists, Recent developments in the ECtHR case law on freedom of expression. All of this was accompanied by a case study which was widely debunked by all conference participants.

In this conference from the beginning it was emphasized that freedom of expression, as guaranteed by Article 10 of the European Convention on Human Rights, is essential for the proper functioning of democratic societies. This freedom of expression ensures, inter alia, that debates on issues of public interest can take place without undue interference and that members of the media can carry out their work in a secure and pluralistic environment.

The opinion that the protection of freedom of expression depends mainly on the work of legal professionals was further emphasized. Therefore, it is essential that legal professionals are well trained in European standards regarding the protection of freedom of expression. To achieve this goal, Freedom of Expression and Media Freedom in Southeast Europe (JUFREX) relies on JUFREX trainers, a group of judges, prosecutors and lawyers from Albania, Bosnia and Herzegovina, Kosovo, Montenegro, Macedonia and North and Serbia previously trained in freedom of expression and media freedom, so prepare to train other colleagues in the region on the subject

In the debate it was pointed out that given the unprecedented Covid-19 pandemic, continuing the certification of coaches becomes even more important. In addition to the existing challenges to freedom of expression, the Covid-19 crisis makes members of the media particularly vulnerable. As seen in various circumstances, it is not uncommon for the crisis to be used as a pretext to restrict freedom of expression and information or the independence of the media.

In the end it was concluded that for the Council of Europe it remains a priority to continue the planned training activities and to provide the means for legal professionals and law enforcement officers that are necessary to maintain freedom of expression and media freedom at the national and regional level . To ensure the safe-

ty of all, this event took place in mixed format combining physical presence with online training. This represents a unique opportunity to rethink these events without compromising their purpose or quality.

In the last part, a very useful case study was treated, in the treatment of which all participants participated comprehensively through representatives of delegations from all participating countries. This case and the debate after it were concluded with the conclusions of Mr. Dirk Voorhoof and Mr. Peter Noorlander, expert of the Council of Europe and with the closing speech of Mrs. Martina Silvestri, Program Manager of the Council of Europe.

## Certification ceremony of prosecutors on drafting of advanced indictment

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On 15 October 2020, the Academy of Justice in cooperation with the OSCE, has certified 14 prosecutors who have successfully completed the Training of Trainers on: “Drafting of Advanced Indictment”, conducted on 31 August 2020 to 04 September 2020.

During the ceremony, the Executive Director of the Academy of Justice, Mr. Enver Fejzullahu, thanked the OSCE project for the continuous support given to the Academy, and highly appreciated the contribution of local and international trainers in the development of this training.

It was assessed that the training objectives were met, whereas the making the prosecutors who serve as trainers in the Academy, obtained additional knowledge about indictments in general, essential elements of indictments, the art of writing, the role and responsibilities of the trainer, learning principles, etc.

The whole ceremony took place respecting the safety measures set by the Ministry of Health and the National Institute of Public Health.



## Memorandum of Cooperation between the Academy of Justice and the Initiative for Justice and Equality (INJECT)

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On October 19, 2020, the Academy of Justice and Initiative for Justice and Equality (INJECT)



signed a Memorandum of Cooperation following the cooperation agreements which the Academy is implementing with other projects.

The purpose of the Memorandum was to organize training for judges and prosecutors in increasing their professional capacity in the field of women's rights and their access to justice, their right to property, violence against women, economic violence, etc.

Through this memorandum the parties pledged to assist each other in the development of training both technically and professionally, in the exchange of information and best practices in order to meet the objectives of the training and their direct effect to judges and prosecutors



## Training needs assessment

### Collection and processing of data from training needs assessment mechanisms

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Collection and processing of data from various sources for training needs assessment continued during October. The Academy of Justice has made further efforts to exhaust all possibilities and involve judges and prosecutors in this process.

In addition to direct meetings with judges and prosecutors, the Academy of Justice has also received additional proposals through writs from its beneficiaries which are integrated in the draft program scheme.

In the received writs, in addition to the proposals with relevant topics in civil and administrative field, submitted during this month, was noted the need regarding the methodology of program implementation. According to the proposals, the Academy of Justice should orient the training program through roundtables focused on practical cases so that the participants will know the problems but also will know how to avoid shortcomings in court practice. It is also required that at the end of each roundtable, the moderators of the roundtable provide a written report on the discussions that took place as well

as the conclusions drawn from the roundtable. These conclusions will serve both the case law and the Academy to address them through the training program or through various publications.

In addition to training for judges and prosecutors, the training proposals also confirmed the need for training of professional associates and legal officers. Further based on the data collection, it is recommended the need for basic training for these categories, analogous to the initial training for newly appointed judges and prosecutors.

These and other proposals have been taken into consideration by the Academy of Justice by collecting and classifying them according to areas to further address them with the experts for drafting the training program, up to the finalization by the Program Council and the Managing Board of the AJ.

## Activities from Initial Training Program (ITP)

### Design of training modules

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Preparations for the initial training for judges, who are expected to be appointed soon, continued during October as 22 potential candidates for judges have passed all stages of recruitment in the KJC.

Therefore, the Academy of Justice is in the process of designing training modules according to the content defined by this program, as well as other accompanying materials.

In the reporting period, the following modules were finalized: Personal and interdisciplinary skills and legislation and supplementary skills.

Whereas, other modules are in progress.

The process of assessing training needs and drafting a training program for new prosecutors for whom the recruitment process by the KPC has commenced.

Based on the methodology for training needs assessment, this process is in the process of elaborating proposals resulting from the mechanisms.

## Activities from Continuous Training Program (CTP)

### Training: “Permission for enforcement and procedure according to the objection, complaint and extraordinary legal remedies in the enforcement procedure”

October 1 2020, Academy of Justice within its Continuous Training Program conducted training on “Permission of enforcement and procedure according to objection, complaint and extraordinary legal remedies in the Enforcement Procedure”.

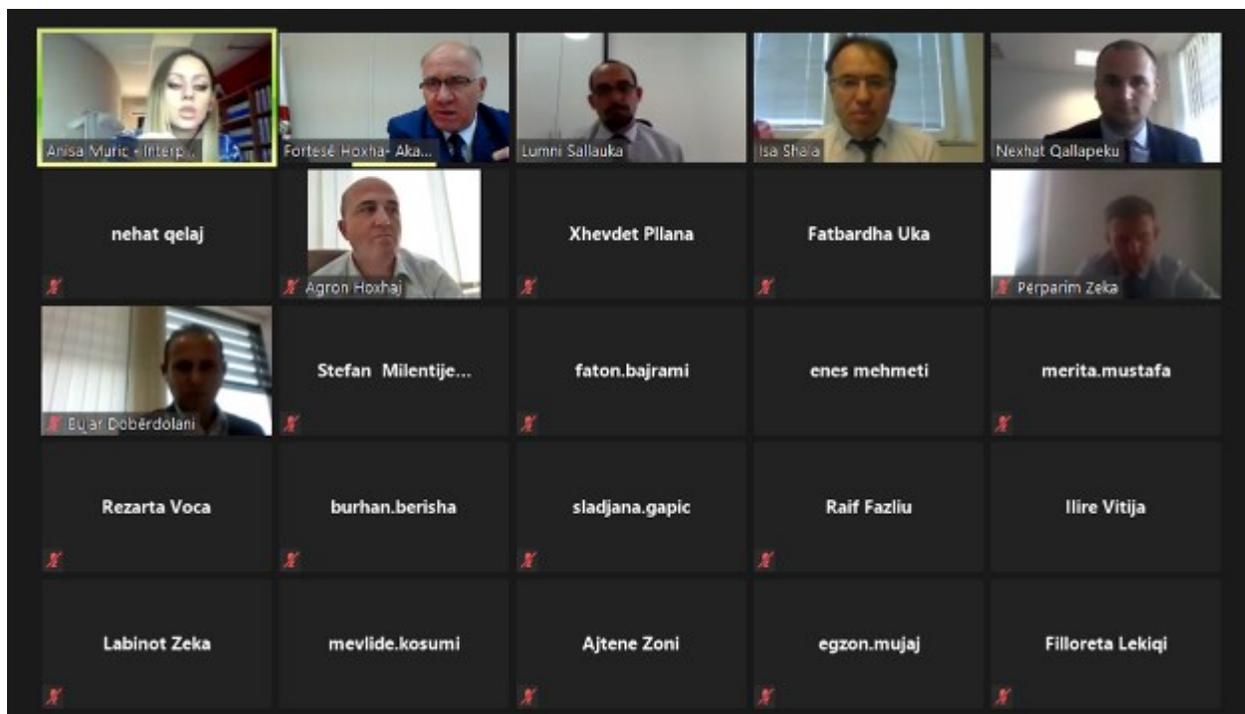
Purpose of this training was to extend the participants knowledge related to enforcement titles and the procedure upon objection, complaint and extraordinary legal remedies in order to properly and legally implement the enforcement procedure in each specific case.

This training addressed the enforcement titles and permission of their enforcement, noting that the enforcement was allowed in full compliance with the provisions of the Law on Enforcement Procedure as it depends on the commencement,

development and legal completion of the enforcement procedure. It further elaborated the objections, complaints and requests for protection of legality in the execution procedure. All these tools were clarified through practical examples addressing the most challenging issues encountered in court practice.

The methodology applied during the training was of a combined nature with theoretical explanations and interactive discussions.

Beneficiaries of this training were: Judges from the Court of Appeals of Kosovo and the basic instance from all regions as well as prosecutors from the basic instance, State Attorneys and administrative staff from the court and the prosecution.



## Training: Implementation of punitive policy guideline

6-7 October, 2020, the Academy of Justice, within the Continuous Training Program, conducted a virtual training through the ZOOM platform on the topic "Implementation of the punitive policy guideline".

The purpose of this training was to advance the professional knowledge of judges, prosecutors and other beneficiaries in the practical implementation of the guideline which aims to unify the punitive policy in all courts.

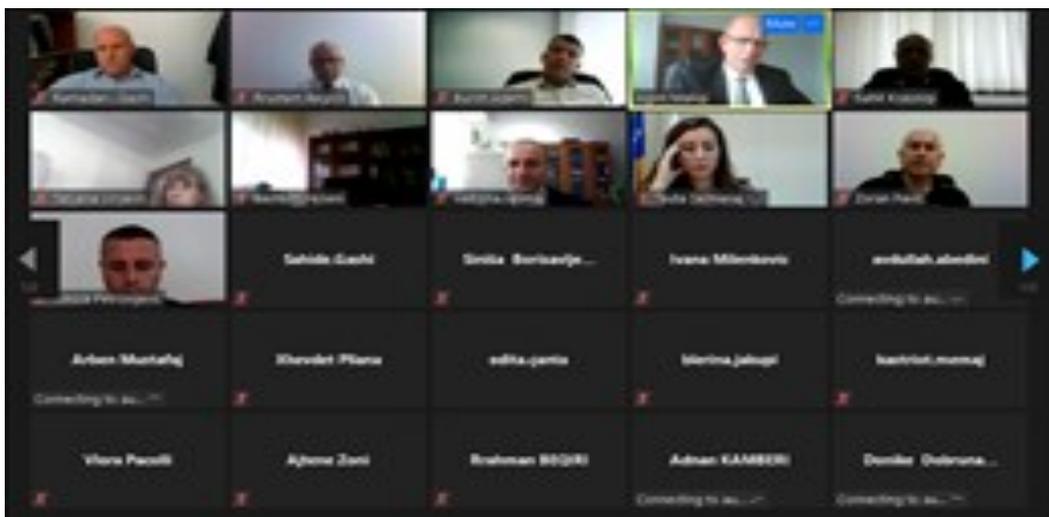
This training was addressed to the Punitive Policies Guideline which aims to impose similar sentences on perpetrators of criminal offenses of the same nature and approximately the same circumstances and not to be inconsistent in sentences from one court to another.

During the discussions, concerns were raised about the cases of sentencing without an adequate assessment of circumstances and also

without sufficient justification of these circumstances. Therefore, attention during the training was paid to the mitigating and aggravating circumstances, the characteristic of which is that they are not exhaustive, so other circumstances can be taken. In addressing these issues, it was pointed out that aggravating circumstances tend to be more specific and clear than mitigating circumstances, and is in line with the accepted concept that circumstances that aggravate the sentence must be precise, clear, and can be proven.

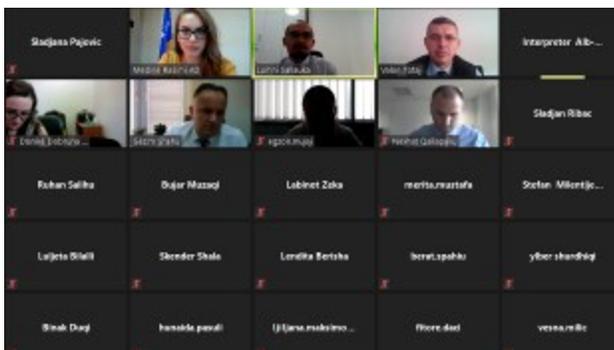
The training took place in the form of interactive discussions, where participants had the opportunity to present the challenges and difficulties faced in practice.

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



## Training: Protection of children's rights in cases of divorce and cases of domestic violence

On 07-08 October 2020, the Academy of Justice within CTP organized training on: "Protection of children's rights in cases of divorce and domestic violence". Unable to perform the classic training, this training was held virtually through the electronic platform Zoom.



The purpose of this training was to advance the knowledge of the participants in getting acquainted with the legal knowledge, whether in local or international aspect, as well as elaborating court practice of providing assistance and protection of children during the development of relevant court proceedings, in cases involving marital disputes.

The first day of the training covered topics such as: Principles for the protection of children's rights under domestic and international law, the criteria taken into account by the court in cases of child trust and the principles for determining alimony; Domestic violence, protection order and court proceedings for decision under protection order requirements; types of protection measures and their duration, execution and consequences of non-execution of the protection order.

It was also emphasized that the marriage is the basis of the family, and the family is the basis of society, where in marriage the interests of

society are realized, therefore society has the duty that through legal instruments to create the necessary conditions for a harmonious marriage.

During the training was also mentioned that research and studies on the impact of divorce on children resulted that during the divorce procedure children are often influenced and manipulated by parents. The influence and manipulation of children by their parents is confirmed by the employees of the Centers for Social Work, such as: sociologists, pedagogues, psychologists, teachers, but also judges who handle cases of marital-family disputes.

It was also emphasized that with the provision of Article 138 of the LFK, foresees the guardianship authority. According to this provision, the Guardianship authority decides on based on the interests of the child only at the request of one or both parents, and at the request of a third person, in cases where the custody of the child is under his/her supervision or by a court decision. The Family Law in Article 6 stipulates that the Custodian Body is entitle to protect the rights of children without parental care (custody, family housing, residential housing and adoption).

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

Beneficiaries in this training were judges of the Court of Appeals, judges and prosecutors of the Basic level from all regions of Kosovo, professional associates and victim protection officers.

## Training: Case analysis and trial advocacy skills

On 07 and 9 October 2020, the Academy of Justice in cooperation with the Embassy of the United Kingdom, and in the framework of the project: "Strengthening the Justice System in Kosovo, implemented by Axiom International Ltd, was conducted training on: "Case analysis and trial advocacy skills. "



The purpose of this training was to advance the knowledge of judges and prosecutors through discussions, presentation of best practices, as well as through elaboration of cases from practice by demonstrating the opening statement, direct examination and the closing argument of the state prosecutor.

The training was conducted in a combined form in which some of the participants were physically present, while the rest of them attended the training through the ZOOM platform.

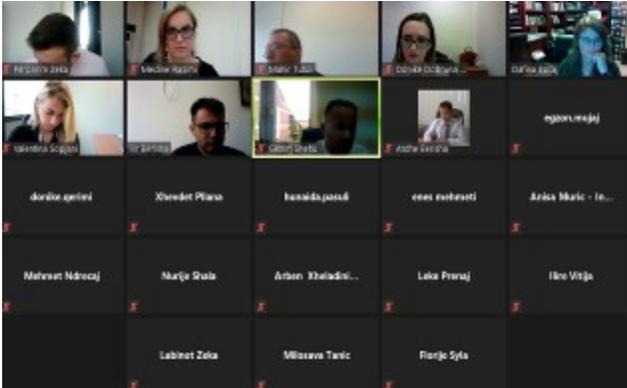
During the training, were discussed the application of advocacy skills in relation by the state prosecutor in court. Special attention was paid to the analysis of the facts based on evidence by the state prosecutor, which should be taken into account from the beginning of the investigation until filing of the indictment, based on which the success of the trial relies upon. Also of special importance was the opening statement, direct and cross examination, as well as the closing argument. In this regard, it was emphasized that the role of the prosecutor in court is of great importance and that predicts also is success during the trial.

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



## Training: Property Law - Jurisprudence of the European Court of Human Rights

On October 13, 2020, the Academy of Justice within the CTP organized a training on "Property Law - Jurisprudence of the European Court of Human Rights". This training was held virtually through the electronic platform Zoom.



The purpose of this training was to advance the knowledge of the participants on the case law of the European Court of Human Rights (ECtHR) on this article, deepening the main concepts derived from the respective case law.

The training day covered topics such as: Property Rights - Structure of Article 1 - Protocol 1 of the ECHR; "Autonomous" interpretation; Court Evaluation Steps and Admissibility of the Request; Wealth and interference in the peaceful enjoyment of wealth, legitimate expectation, proportionality, achieving the equilibrium, expropriation, compensation and restitution of property.

It was emphasized in the training that the right to property is a right guaranteed by Article 1 of Protocol 1 to the European Convention on Human Rights. In essence, this article guarantees persons the right to a peaceful enjoyment of their possessions. So, from the content of the text, especially from the case law this article does not guarantee the right to acquire property, the right to buy obtain property, meaning that only protects what has already been ac-

quired.

It was further emphasized that in addition to legality, one of the main issues discussed is the principle of proportionality, which in the vast majority of cases, the states provide a justification before the Court that the interventions they have made in this right have been interventions of general interest, thus favoring the good of the majority over the good of an individual. Through its practice, the court has consistently called for a reasonable relation between the measures taken and the goals pursued. So, any measure taken by the state, which limits the peaceful enjoyment of wealth, in a democratic society must be directed towards the achievement of a legitimate goal.

It was also pointed out that the Court has stated several times that the taking of property without payment of a reasonable amount close to the value of the property, obviously constitutes a disproportionate interference and a complete lack of compensation, this is justified by Article 1 of Protocol 1 only in exceptional circumstances. It was further stated that the state should take care that any form of compensation set by the state is effective - so that it can be carried out. The reasoning that the state may not have sufficient means to conduct the compensations will not be taken into account by the Court.

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.

Beneficiaries in this training were judges of the Court of Appeals, judges from the Basic Court as well as professional associates.

## Training: Minor offense procedure upon requests of inspectorates

On October 15, 2020, the Academy of Justice, within its Continuous Training Program (CTP) conducted training for judges and prosecutors on "Minor offenses upon requests of inspectorates."

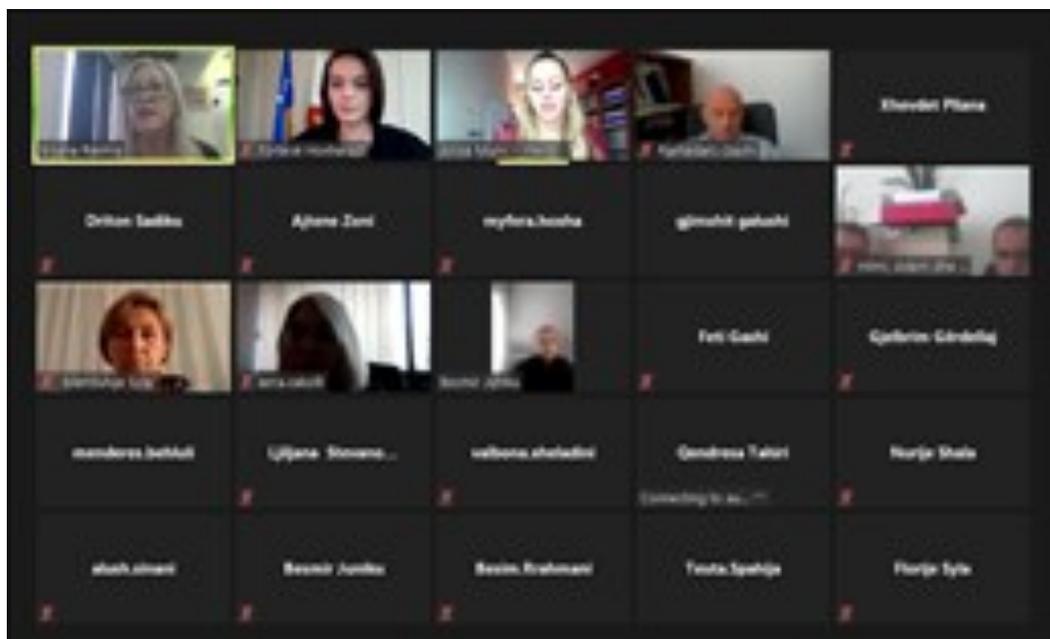
The purpose of this training was to advance the professional knowledge of judges in the proper implementation of modern methods of assessing requests made by institutions with special emphasis on inspectorates.

During this On-line training on the Zoom platform, the conditions regarding the forms of the Request for initiating the minor offense procedure in the cases when the Inspectorates have filed a request were addressed, as well as the decisions that can be issued in the minor offense procedure by the court. Primary attention

was paid to building skills in assessing the content and form of requests which often need to be returned in practice, so as not to present difficulties in reviewing Article 56 of the Law on Minor Offenses. Subsequently, the consistent implementation of the legal provisions that should be applied for cases and the establishment of a minor offense case by the court were also addressed.

The applied methodology was combined, with theoretical explanations and interactive discussions as well as group work of participants.

Beneficiaries of these trainings were judges from all regions of Kosovo.



## Traning: Regular and extraordinary legal remedies according to the law on contentious procedure

On October 20, 2020, the Academy of Justice within CTP organized a training on "Regular and extraordinary legal remedies according to the law on contentious procedure". Unable to perform the classic training, this training was held virtually through the electronic platform Zoom.

The purpose of this training was to advance the knowledge of the participants regarding the procedure for submitting regular and extraordinary legal remedies by the authorized parties, as well as the decision of higher court instances on these remedies.

In the first part of the training were addressed topics such as: Complaint decision procedure; decision procedure according to the revision; decision making procedure according to the proposal for repetition of the procedure; the relationship between the revision and the proposal for repetition of the procedure, as well as the request for protection of legality.

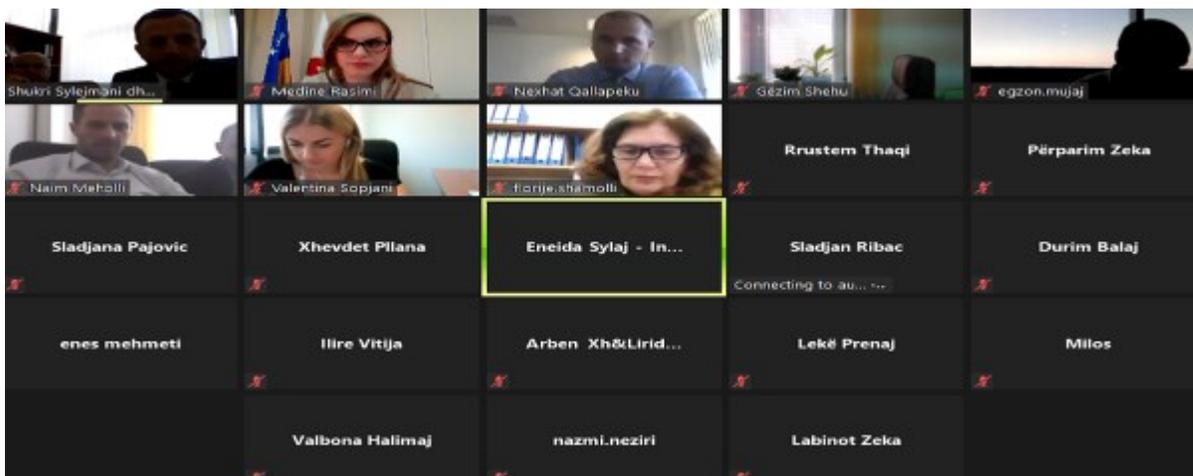
During the training it was emphasized that the very existence of courts in different instances is a guarantee for the party that any errors with or without the intention of the lower courts can be avoided and corrected by the courts of higher

instances. The unsatisfied party who thinks that the decision of the lower court is not fair and lawful, has the opportunity to activate the system of control of decisions, using initially the regular legal remedy and then also through extraordinary remedies, seeking a just decision.

It was further emphasized that the right to challenge decisions is an elementary right which is guaranteed by the Constitution of the Republic of Kosovo but also by the Law on Contested Procedure. The right to appeal a court decision is also a standard of international human rights law, and not just a right deriving from the domestic legislation of a state.

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

Beneficiaries in this training were judges from the Court of Appeals, judges from the Basic Courts and a professional associate.



## Training: Professional ethics for prosecutors – Group III

October 21 2020, Academy of Justice within the Continuous Training Program conducted training on “Professional Ethics”.

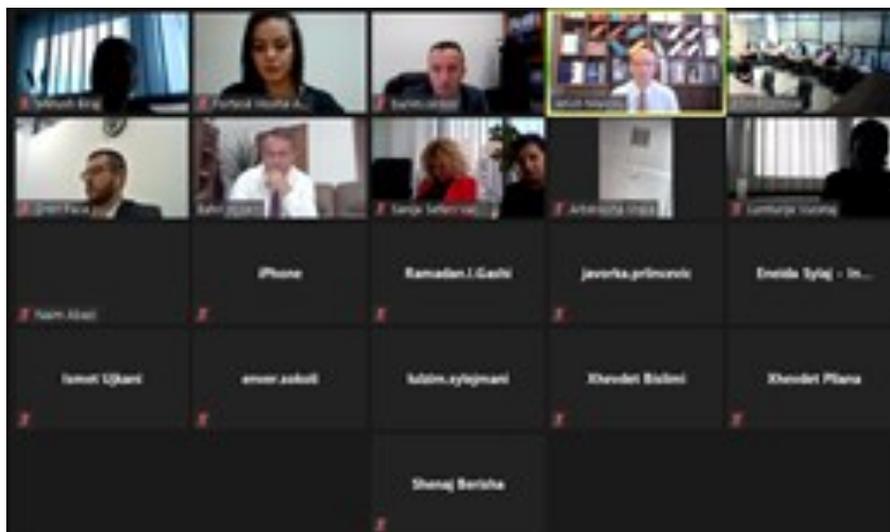
Purpose of this training was to extend the participants knowledge on the topic through discussions and presentation of best practices, as well as through elaboration of practical cases that increase values of respecting the ethical norms and professional conduct.

During this training that was held online in the Zoom platform, it was elaborated on ethics and other norms of conduct, importance of professionalism, integrity and moral dignity, principle of independence and other factors that impact in hindering of these norms. As emphasized through the training, these norms have an impact on raising the highest standards of ethical behavior and have an impact on strengthening public confidence in the system as a whole. It was further stated that prosecutors should act independently and impartially, avoid any conflict of

interest and always avoid ex parte communication with parties. They must act in such a way as to contribute to and build public confidence in the prosecutorial system. Constantly demand strict observance of order and appropriate conduct in the exercise of their function and maintain and strive to continually improve the highest standards of professional and legal expertise.

Attention during the training was paid to the disciplinary procedure against prosecutors which includes legal changes with special emphasis on the actions of the prosecutor involved in disciplinary violations, disciplinary measures, complaints and its content as well as the actions of the competent authority.

Beneficiaries of this training were Chief Prosecutors of Basic Prosecution Offices, prosecutors from the regions of Kosovo.



## Training: Acquisition of ownership in an original way / Commenting on court cases-decisions

On October 21, 2020, the Academy of Justice in cooperation with the EU project - "Support to the Civil Code Phase 2", within the Continuous Training Program organized training on: "Acquisition of ownership in an original way / Commenting on Court cases-decisions". This training was held virtually through the electronic platform Zoom from 10: 00-15: 30.

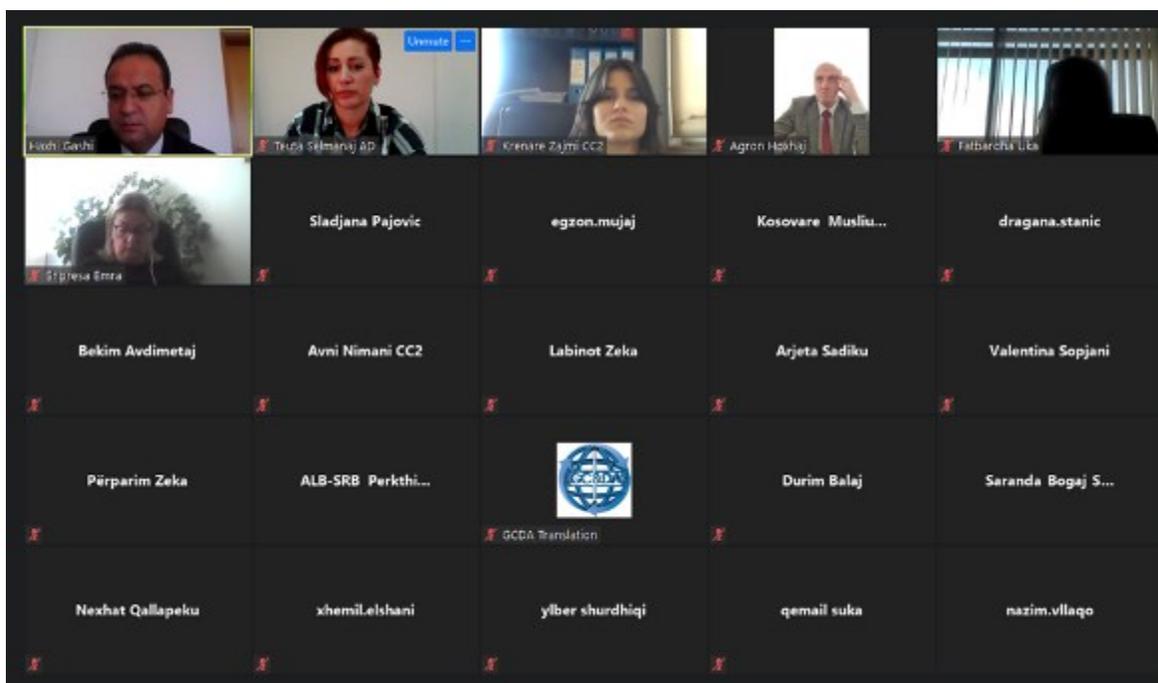
The purpose of this training was to advance the knowledge of the participants regarding the novelties and changes that the new Civil Code will bring to the legal provisions in force with a focus on how to originally acquire the property, with the emphasis on court practices.

On this occasion, the concept of ownership was elaborated according to the law in force and the ways of gaining the ownership in an original way through examples and cases from the court

practice, following by the novelties in regulating legal titles for acquisition of ownership and original gain. The interpretation of the implementation of legal provisions related to the acquisition and loss of ownership and the unification of court decisions in resolving these cases were also discussed.

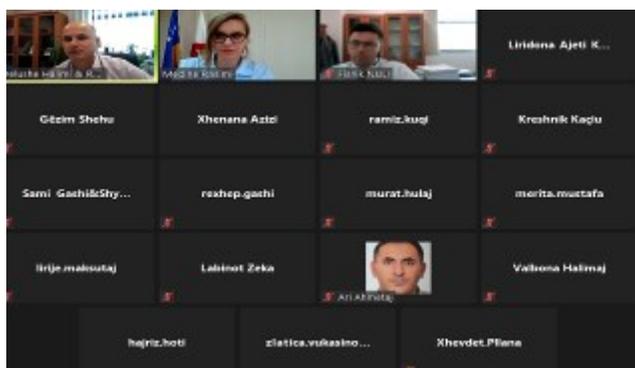
During this training, combined methods were used: brief theoretical explanation, interactive discussions, presentation of participants' perspectives, PowerPoint presentation, question-answer and case analysis from practice.

Beneficiaries of this training were: Judges from the Court of Appeals, judges from the Basic Court from all regions of Kosovo and administrative staff from the court and prosecution offices.



## Training: Administrative Procedure and Administrative Conflict in the Field of Pension Schemes, Civil Service Disputes, Taxation and Customs and Cadastral Agency

On October 22, 2020, in cooperation with GIZ - Legal and Administrative Reform Project LARP, a training was conducted on the topic: "Administrative Procedure and Administrative Conflict in the field of Pension Schemes, Civil Service Disputes, Tax and Customs and Cadastral Agency". This training was held virtually through the electronic platform Zoom.



The purpose of this training was to increase the professional capacity of judges in the proper implementation of the law of administrative procedure in general in tax and customs disputes, civil service, pension schemes and cadaster.

In the first part of the training were addressed topics such as: Administrative Procedure in Tax Disputes and Customs; Administrative Procedures in the field of Pension Schemes, Civil Service and Cadastral Agencies; Procedure in Administrative Conflict in Tax and Customs Disputes; Procedure in Administrative Conflict in the field of Pension Schemes, Civil Service and Cadastral Agencies.

During the training was also emphasized that the administrative procedure initiates at the request of the party or ex officio by the public body in matters in which, according to the law or the nature of the case, the request of the party is required, where the public body can act only on a such a request. The initiation of an ex officio administrative procedure is at the lawful discretion of the public body, except in cases where the law expressly provides the obligation to initiate a procedure, the public body is made aware of the facts requiring the initiation of proceedings in order to protect the public interest.

It was further pointed out that the appeals for tax assessments or official determinations made by TAK are exclusively led by the provisions on the appeals provided in Article 77 of the Law on Tax Administration, where the person who does not agree with the tax assessment, official determination or other tax documents issued by TAK or requests that its rights and obligations have not been respected due to TAK's inaction, may be appealed to the Complaints Department.

The training methodology was of a combined nature, with theoretical explanations and interactive discussions.

Beneficiaries in this training were judges from the Court of Appeals, judges from the Basic Court from all regions of Kosovo, professional associates and victim protection officers.

## Specialized Training Program - Organized Crime and Corruption-Session III

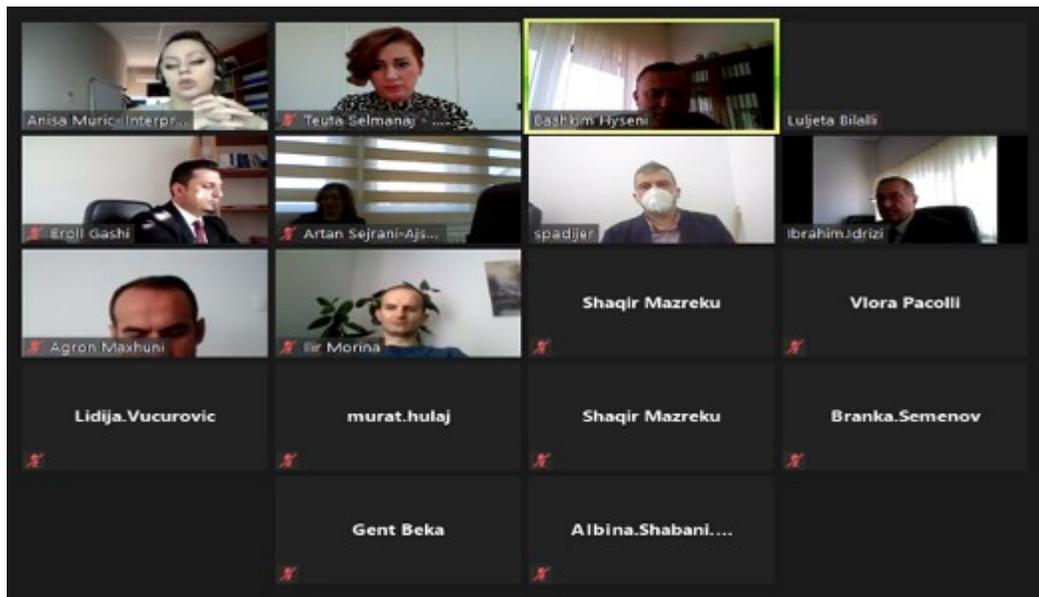
On October 27-28, 2020, the Academy of Justice within the Continuous Training Program organized training through the Zoom platform on: "Specialized Training Program - Organized Crime and Corruption-Session III".

The purpose of this training was to advance professional knowledge of judges, prosecutors and other beneficiaries regarding the nature and forms of corruption, as well as criminal offenses related to corruption.

During this training were presented the topics such as: Sequestration of property acquired through criminal offenses of organized crime and corruption, confiscation of property acquired through criminal offenses of organized crime and corruption in due process and accord-

ing to the Law on Extended Powers for Confiscation of property, Criminal sanctions against perpetrators of organized crime and corruption. During this training, combined methods were used: brief theoretical explanation, interactive discussions, presentation of participants' perspectives, PowerPoint presentation, question-answers and case analysis from the practice.

Beneficiaries of this training were: Judges from the Special Department, judges and prosecutors from the court and Basic Prosecution Offices from all regions of Kosovo and administrative staff from the courts and prosecution offices.



## **Training: “Marital property regime according to the Civil Code / Commenting on court cases”**

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On October 28, 2020, the Academy of Justice with the support of the Project for the Civil Code of the European Union organizes training on the topic: "Marital property regime under the Civil Code / Commenting on court cases". This training was held virtually - through the zoom platform.

The purpose of this training was to advance the knowledge of judges regarding the innovations that will bring the Civil Code of the Republic of Kosovo for the property regime.

In the first part of the training the focus was on: Novelties of the Civil Code, challenges in implementing the new provisions of the CC, the concept of marital property regime, separate property and joint property under applicable law, discussion of court decisions, and Challenges in the implementation of legislation related to the joint property of spouses. While in the second part were treated: Novelties in the Civil Code regarding the marital property regime, Joint property and special property and Premarital and marital contracts.

From the beginning, the latest developments in the Draft Civil Code of the Republic of Kosovo were presented, which will make important developments in property rights. Further in the training were highlighted the novelties brought by the Civil Code related to the marital property regime such as: Joint property, special property and premarital/ marital contract, Article 1170-1173. The opinion was set that the registration rules remain the same in the Civil Code. The concept of living together is better clarified in

the Civil Code, also the rules of apportioning remain the same in terms of procedure and competent body.

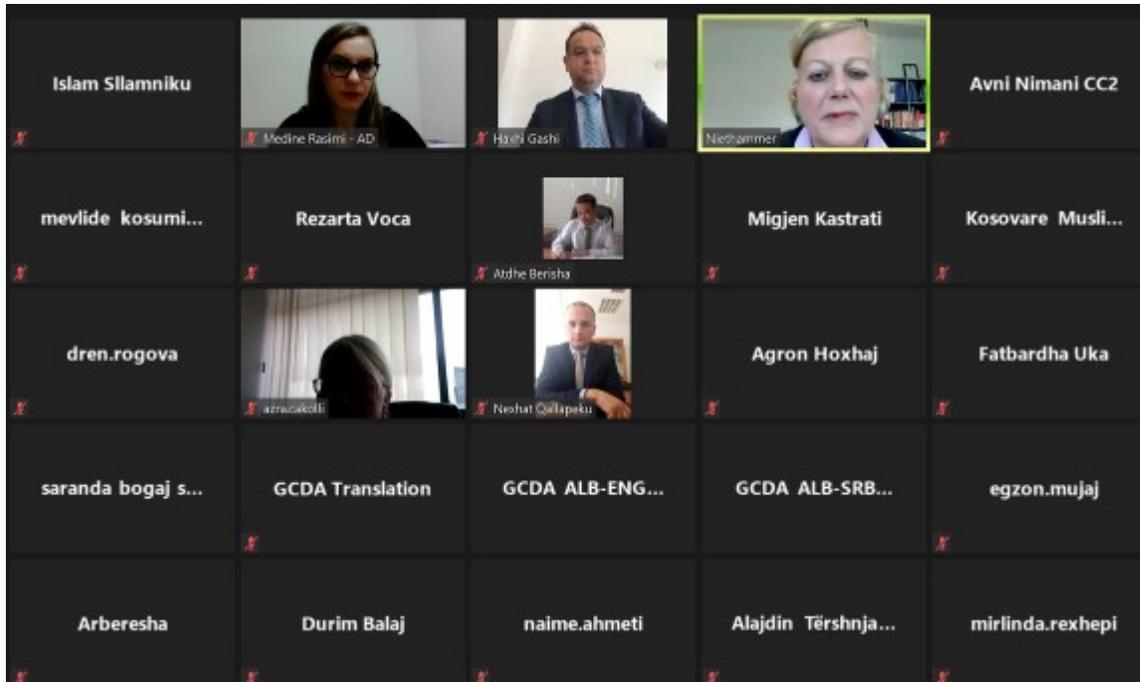
Currently in Kosovo the Family Law of Kosovo (FLK) is in force and this is a special law which regulates the property relations of spouses in marriage from the beginning to the end or dissolution of marriage. With the FLK changes in 2018, the shares of assets and contributions are equal, unless otherwise agreed. Even in the Civil Code, contributions are equal, unless there is a premarital or marital arrangement.

After the discussions, it was pointed out that as long as the legislation in force creates the possibility for the division of joint property between spouses to be done unequally, the Civil Code has eliminated this possibility. According to the Code, in case of divorce, the joint property of the spouses is divided into equal parts (1/2). Exceptions to this, make only pre-marital contracts or during marriage, where another division of property may be provided. The legal criterion for equal distribution in the Code is made for reasons of protection of women's rights in Kosovo, which in certain cases have been discriminated in this regard.

Summarizing it was concluded that the Civil Code has provided other rules of property regime of spouses. FLK, continues to be implemented until the entry into force of the Civil Code but the courts must be prepared for the new development of law enforcement, adapting to new changes in the Civil Code.

During this training, the methods of partial theoretical explanation, in-depth interpretations of the law were used, based on cases from court practice and accompanied by interactive discussions, analysis of some cases from court practice and legal provisions contained in the Draft Civil Code of Kosovo.

Beneficiaries in this training were civil judges from all levels of the Republic of Kosovo.



## Activities for judicial and prosecutorial administrative staff

### Training: Legal writing and reasoning

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October 14 2020, Academy of Justice within its Continuous Training Program for the administrative staff of the judicial and prosecutorial system conducted training on “Legal writing and reasoning”.

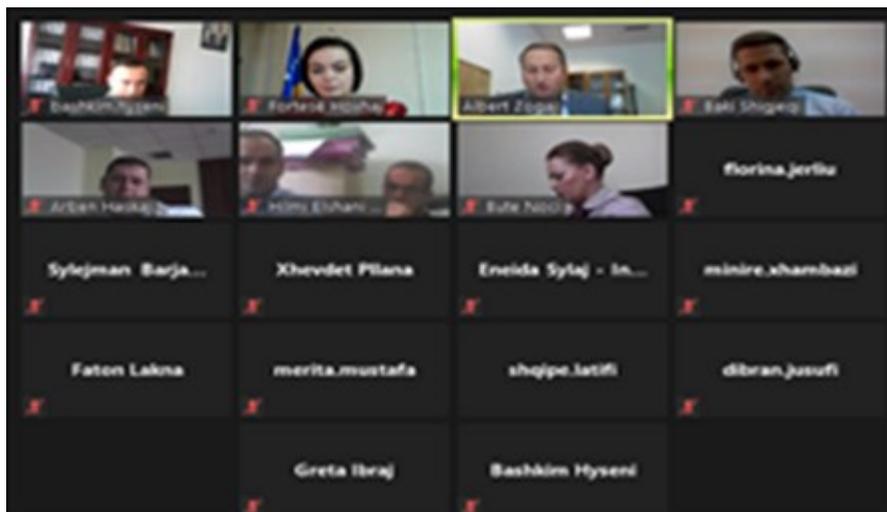
The purpose of this training was to develop analytical and skills to write effectively when drafting court acts and decisions by correctly applying the principles of best legal writing, legal writing methods and reasoning as well as legal requirements for the content of reasoning of court decisions.

During this training it was discussed about the process and principles of good legal writing as well as legal writing and reasoning through the IRAC method. Particular attention was paid to the importance and need for the analytical process focusing on guidelines for writing and reasoning judgments as well as legal research techniques.

On the occasion of this training, there were questions and comments from the participants as well as recommendations for the future with emphasis on the IRAC method which enables the problem to be addressed in a logical consistent and complete manner. So by pointing out the court case or the problem that is addressed, then the legal norm is explained by continuing with its application to the specific facts of the case situation to reach the conclusion with the answer to the question posed earlier.

The training methodology is based on interactive discussions, elaborating on various cases from court practice.

Beneficiaries in this training are Professional Associates from the courts of all regions, as well as Legal Officers from the courts and the Chief State Prosecutor’s Office.



## Training: File and case management in the judicial and prosecutorial system

October 29 2020, Academy of Justice within its Continuous Training Program conducted training on “File and case management in the judicial and prosecutorial system”. Unable to perform the classic training, this training was held virtually through the electronic platform Zoom live / live from 10:00 to 15:30.

The purpose of this training session was to increase the professional knowledge of the judicial and prosecutorial administrative staff for the bylaws as well as the legal practices applicable in case management in courts and prosecutors.

Within this training were treated: registers of courts and prosecutors, organization of work-

flow and case development, collection of statistical data and reporting, efficient case management based on the CEPEJ methodology. Special attention was paid to the digitalization of the work process in courts and prosecution.

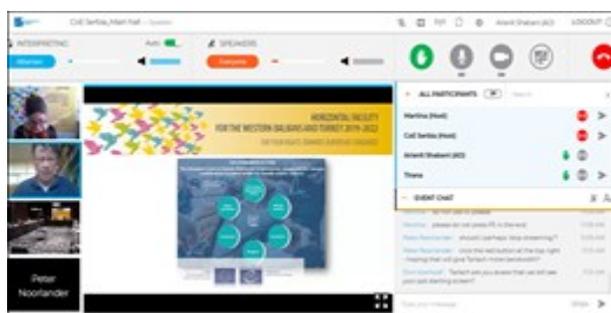
The methodology applied during the training was of a combined nature with theoretical explanations and interactive discussions.

Beneficiaries of this training were: Assistant administrators from the courts, clerks, supervisors of the registry office and legal officers from the courts and prosecutors' offices.



## Freedom of Expression and Media Freedom in Kosovo (JUFREX2) - Training for Trainers in the Field of Freedom of Expression

The Kosovo Academy of Justice on October 09, 2020 has organized Training of Trainers in co-operation with the Project on: "Freedom of Expression and Freedom of the Media in Kosovo (JUFREX 2)", part of the joint program of the European Union / Council of Europe "Horizontal Instrument for the Western Balkans and Turkey.



This training has held online and was dedicated to legal professionals (judges, prosecutors and lawyers), certified as trainers in the field of freedom of expression, during the first phase of the JUFREX project.

The training aimed at bringing together already trained trainers for reviewing and discussing the new Handbook on Freedom of Expression. The updated training manual was noted to contain new modules and new case law from the European Court of Human Rights. The training was a brief summary of the content used during the first training of trainers and where the new content of the Manual in question was presented in detail. Given that the trained trainers had the necessary knowledge and experience in this field, the training was interactive even though it was held online.

The following topics were addressed in this

training: Refreshing the knowledge from the first training of trainers-JUFREX-1 - Summary of main training points and learning objectives from the first training of trainers - JUFREX-1, Main thematic areas of the training of trainers - JUFREX 1, Case study in the field of defamation, Introduction of new modules and their presentation - Comparison of two versions of the Manual as well as participatory analysis of these modules, Content of modules and interactive discussion and a case study from the new Handbook (Safety and protection of journalists). The following concepts such as: Freedom of expression which is the general rule (Article 10 (1)), Restrictions on freedom of expression which are the exception (Article 10 (2)), The three-step test, and Margin of evaluation were analyzed. Regarding the three-step test of the ECHR, it was emphasized by this the ECHR estimates that: Has there been interference on the law guaranteed by the Convention and is the interference provided by law? Does the intervention pursue or aim a legitimate goal? Is the intervention a necessary in a democratic society?

Speaking of the Doctrine of the 'margin of appreciation' it was emphasized that it allows states a certain degree of discretion in determining whether or not there is an urgent social need to impose restrictions on the right to freedom of expression. In terms of political language this margin is very narrow. While in cases which are related to public morality this margin is wider.

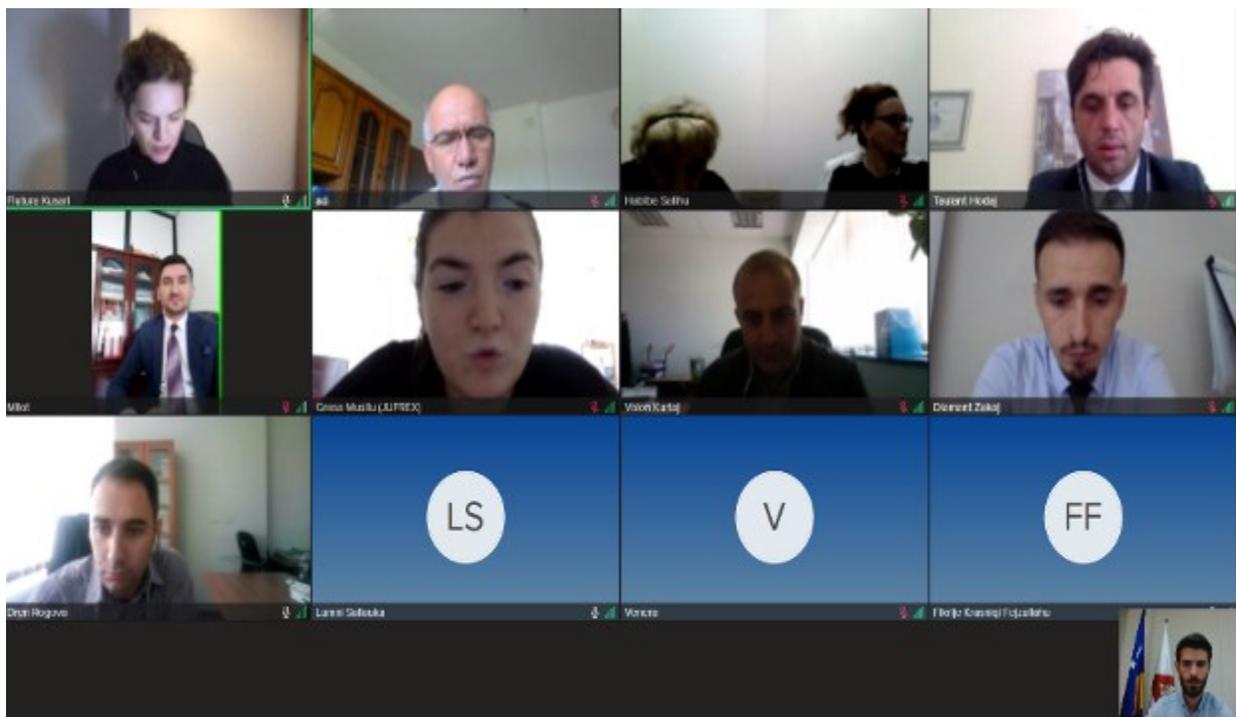
Theotions of Reputation, Privacy (Articles 8 and 10), The Difference Between Facts and Opinions, Harsh Criticism, The Inhibitory Effect, and Defense Against Defamation (Truth, Political Expressions, Satire, Opinions, Public Interest, Defamation addresses the public institution and disproportionate sanctions).

Further, were elaborated the topics relates to the Internet and Freedom of Expression - Responsibility of the user-generated content, the right to be forgotten and jurisprudence that is currently being developed. A similar attention was paid to the topic of Journalists' Safety - Risks of Journalists, Prosecution from Threats against Journalists, promoting a favorable environment for journalism and avoiding impunity, recommendation CM / Rec (2016)4, on the protection of

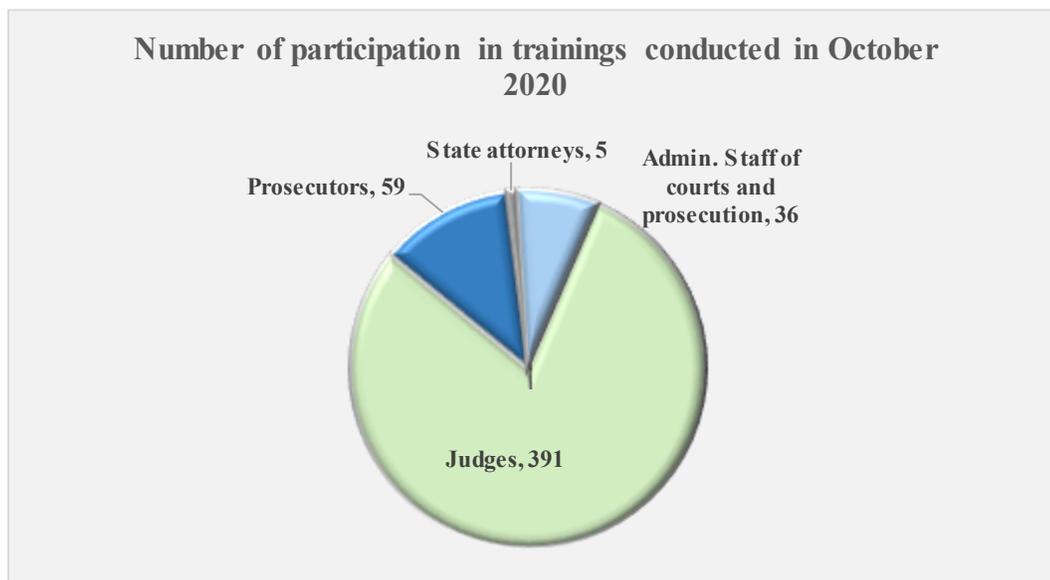
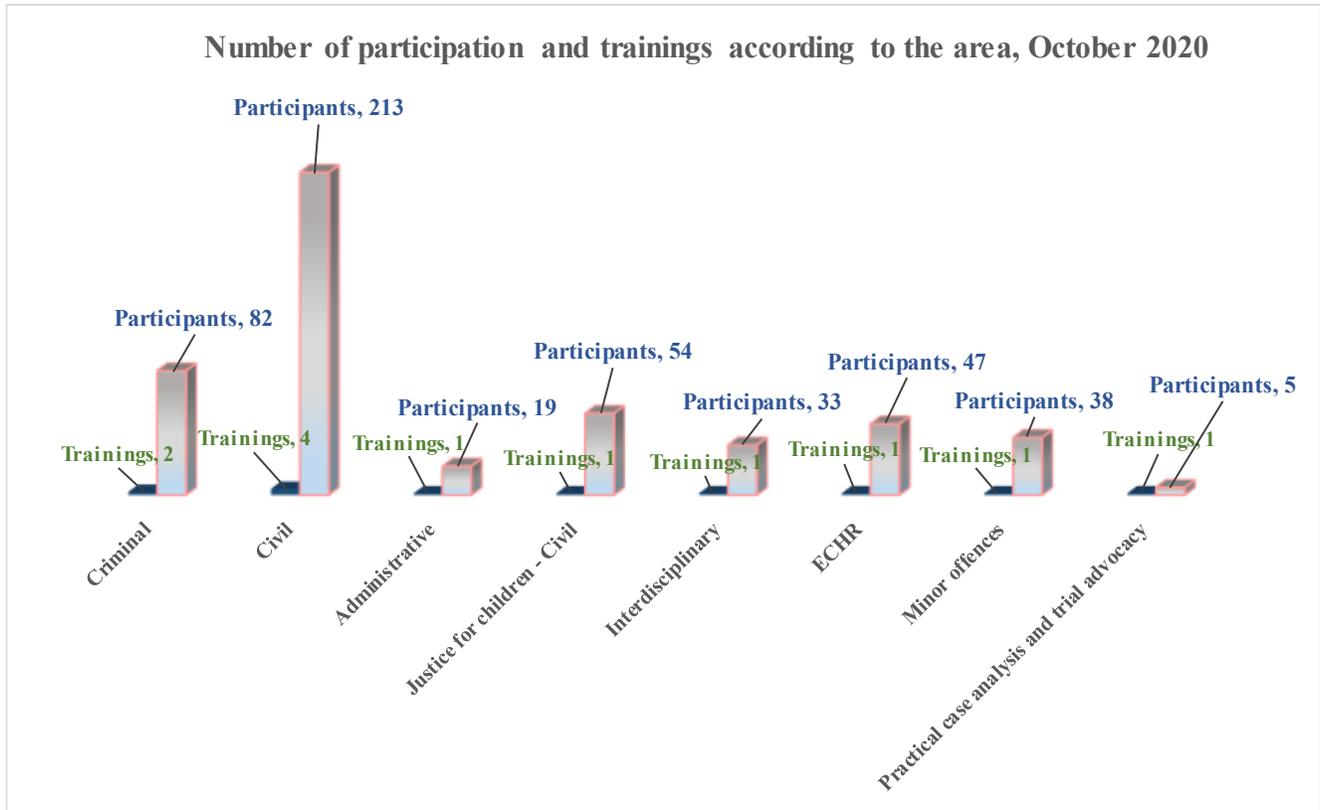
journalism and security of journalists and other media stakeholders.

It was of interest to break down the SLAPP Lawsuits - Strategic Lawsuits Against Public Participation (SLAPP). These lawsuits are used by powerful politicians and businessmen, who through these lawsuits that have no basis and no chance of success, demand from journalists, media and activists hundreds, thousands and even millions of euros in the name of "reputation damage".

In the last part a very useful case study was treated that involved all participants in discussion. This case and the debate after it were concluded with the explanations and conclusions by the trainer of this training.



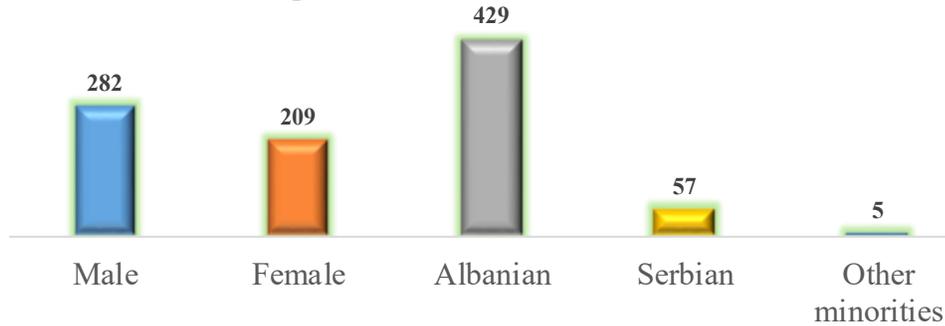
Attendance at trainings on PTV presented through graphs

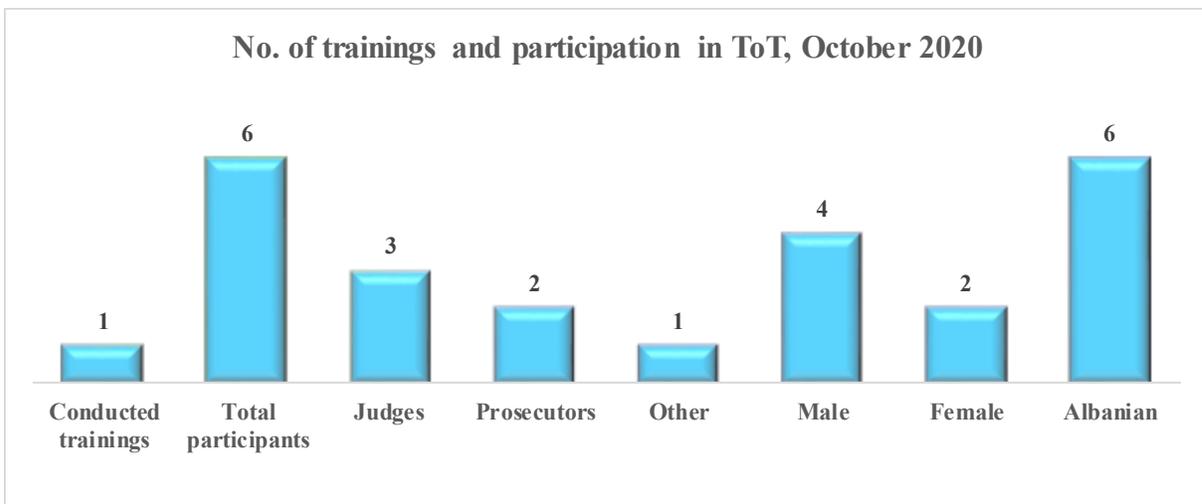


**Number of participation in trainings based on institutions, October 2020**



**Participation according to gender and ethnic representation, October 2020**





## Distance Learning Courses

During October 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.

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.

July 20 2020, according to regulation of the Ko-

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence	Percentage
<i>(Professional ethics) Procedure and disciplinary liability (Albanian)</i>	212	75%	40	14%	29	10%
<i>Professional ethics I</i>	219	78%	46	16%	16	6%
<i>Professional ethics II</i>	232	83%	21	7%	28	10%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence	Percentage
<i>(Professional ethics) Procedure and disciplinary liability (Serbian)</i>	27	10%	17	6%	237	84%
<i>Professional ethics I (Srb.)</i>	25	9%	81	29%	175	62%
<i>Professional ethics II (Srb.)</i>	24	9%	50	18%	207	74%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence	Percentage
<i>Diversion measures</i>	3	3%	11	10%	99	88%

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Effective manage-</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 –</i>	18	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	9%	16	14%	87	77%

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

Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence	Percentage
<i>Corruption according to national and international legislation</i>	7	6%	7	6%	99	88%
Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence	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 (Albanian)</i>	9	8%	19	17%	85	75%
<i>Copyright and legal protection (Serbian)</i>	3	23%	5	38%	5	38%

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 (Albanian)</i>	20	18%	15	13%	78	69%
<i>Phases of indictment and pleading of guilt (Serbian)</i>	2	15%	4	31%	7	54%

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	46%	3	23%	4	31%

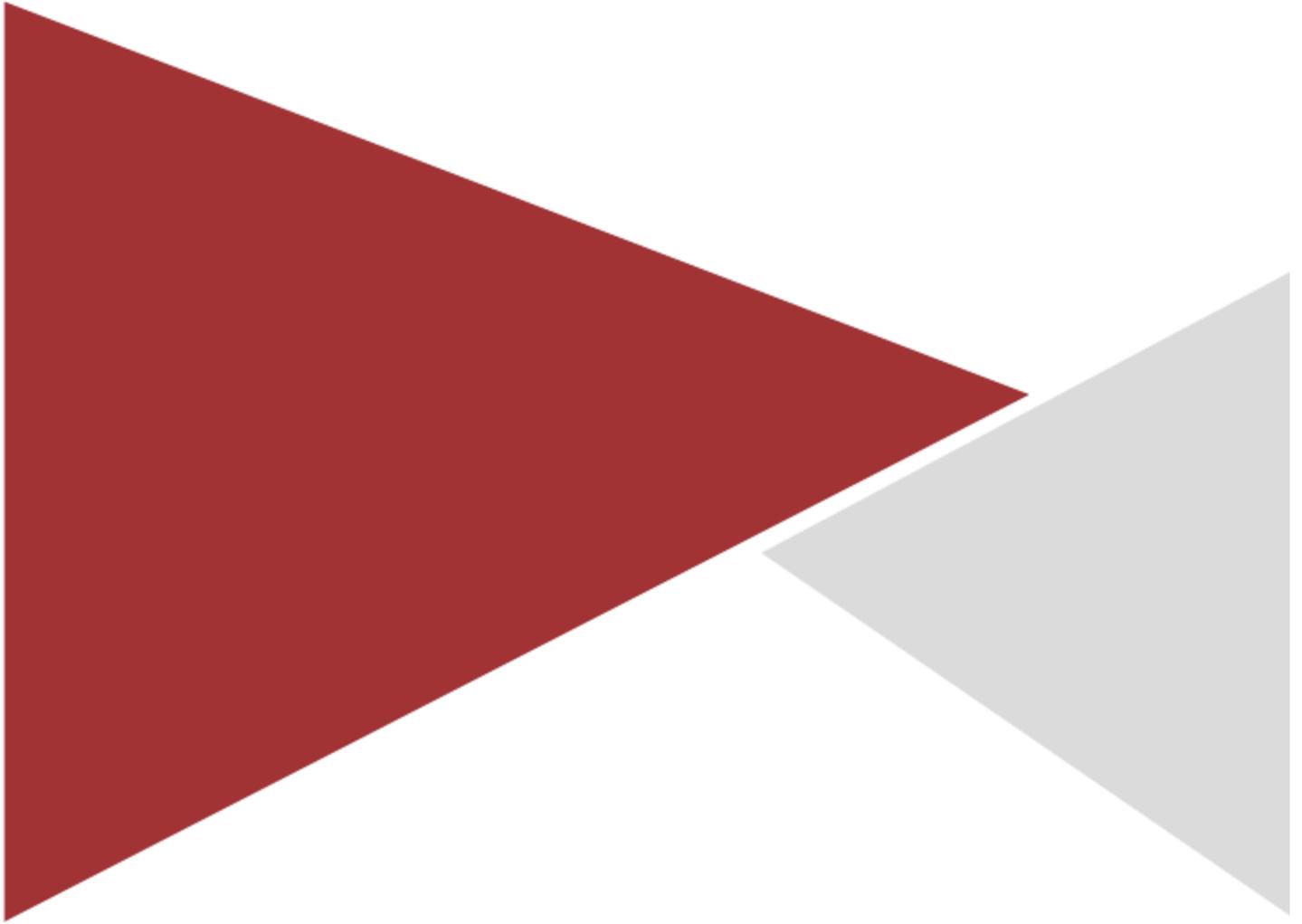
Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Social communication skills (Albanian)</i>	9	8%	8	7%	96	85%
<i>Social communication skills (Serbian)</i>	2	15%	4	31%	7	54%
Name of the course	Completion of the course	Percentage	In progress	Percentage	Did not commence at all	Percentage
<i>Training on implementing tax legislation in Kosovo (Albanian)</i>	7	6%	6	5%	100	88%
<i>Training on implementing tax legislation in Kosovo (Serbian)</i>	2	15%	3	23%	8	62%

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	15%	4	31%	7	54%

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%	20	87%	3	13%
<i>Domestic violence (Serbian)</i>	0	0%	3	13%	20	87%



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