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February 2020

Activities from Continuous Training Program (CTP)

Specialized Program Organized Crime and Corruption - Session I

On 04-05 February 2020, the Academy of Justice in the framework of the Continuous Training Program (CTP) organized specialized training on: "Organized Crime and Corruption - Session I".

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

The training covered corruption offenses, corruption under applicable criminal law, the consequences of corruption, as well as forms the cooperation and coordination of institutions mandated to fight corruption. The training also elaborated the national and international instru-

ments in combating corruption, dilemmas and difficulties of proving corruption, as well as measures to prevent and expose official corruption.

The training was interactive, where participants had the opportunity to present the challenges and difficulties encountered in practice.

Beneficiaries of the training were judges, prosecutors of basic instance from different regions of Kosovo, as well as representatives from the US DOJ, the US Embassy.



Judicial proceedings in cases of protection from domestic violence

On 06 February 2020, the Academy of Justice in the framework of the Continuous Training Program (CTV) conducted a training on: “Judicial proceedings in domestic violence cases”.

The purpose of this training was to enhance the participants' knowledge of the use of standard operating procedures for protection against domestic violence, to effectively and fairly implement the provisions regarding the procedure and timeline for decision making under protection order requirements, and to compare specifics of domestic violence in civil and criminal proceedings.

The following issues were addressed during this training: domestic violence and protection order, court proceedings for protection order requests, types of protective measures and their duration, execution and consequences of non-execution of protection order.

This training discusses cases from judicial practice, problematic and more complex issues of this nature, as well as how to render decisions on merits in specific cases.

Beneficiaries of this training were Judges of the Court of Appeal and Basic Courts (civil division) from different regions of Kosovo.



Mediation in criminal, civil and economic aspect Prishtina Region

On 12 February 2020, the Academy of Justice in the framework of the Continuous Training Program, in cooperation with the USAID - Commercial Justice Program, implemented by CHECCHI and COMPANY CONSULTING, delivered a training on: "Mediation in civil, criminal and economic aspect".

The purpose of this training was to enhance the knowledge of participants about the novelties brought by the Law No. 06 / -009 on Mediation, as well as easier identification of appropriate cases to refer to the mediation procedure.

During the training were elaborated the principles of mediation, initiation of mediation procedure, compulsory mediation, procedure and obligations of judges, development of mediation procedure, mediation agreement and its effects, rights and obligations of parties to the mediation procedure.

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mediation agreement and its effects, rights and obligations of parties to the mediation procedure.

It was also discussed the referral of cases to the mediation procedure which is at the discretion of judges without prejudice to the will of the parties to the dispute and in accordance with the relevant legal provisions.

This training served as an orientation for judges and other staff of courts and prosecution offices to more easily identify the appropriate disputes for mediation proceedings, as well as other cases for which compulsory mediation is provided.

The methodology used was of a mixed nature, with theoretical explanations and interactive discussions.

Beneficiaries of these trainings were: judges from the basic Courts-General and Economic Department, prosecutors from of basic instance, Professional Associates and Mediators.



Novelties of the Law on the Special Chamber of the Supreme Court

On 13 February 2020, the Academy of Justice in the framework of the Continuous Training Program (CTV) organized a training on: "Novelties of the Law on the Special Chamber of the Supreme Court".

The purpose of this training elaborate and recognize the novelties of the Special Chamber Law no. 06 / L-086, which entered into force on May 30, 2019.

During the training was discussed about the novelties in the SCSC law, and the comparisons with the old law. Further as also discussed the jurisdiction of the Special Chamber cases and the exclusive competence established by law. The main source highlighted was the new Special Chamber Law and the old law, but also the case law already established by the SCSC Appellate Panel.

It was subsequently elaborated the position of the plaintiffs and respondents in the proceedings before the Special Chamber - Article 6,

specifying that natural and legal persons or public authorities are also as respondents in the proceedings before the Special Chamber. This has made it clear who may be a party to the proceedings, whether plaintiff or respondent. The old law lacked such a definition and brought dilemmas in decision making.

Further, the judgments, rulings and appeals, procedural part, organization, permanent session, timeline-deadlines, representation in the Special Chamber, admissibility of the claim / complaint, response to plaintiff's claim and counterclaim were also discussed..

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

Beneficiaries of this activity were Judges of the Special Chamber, judges of the Basic Courts (civil division as well as professional associates.



Narcotics offenses

On 18 February 2020, the Academy of Justice in the framework of the Continuous Training Program (CTP) conducted a training on: “Narcotic Offenses”.

The purpose of this training was to enhance the knowledge of participants about the legal infrastructure in combating narcotics offenses, actions to be taken for investigation and adjudication of these offenses, as well as problems that arise in practice during the efficient application of the relevant mechanisms.

This training addresses narcotic offenses that are among the most common crimes in daily life, harming the healthy development of society. During this training it was emphasized that the criminal offenses of narcotics as a form of criminality are manifested in various forms

such as: unauthorized purchase, possession, distribution and sale of narcotics, psychotropic and analogous substances. Further was also elaborated the unauthorized production and processing of narcotics, psychotropic substances, analogues or tools, devices or used materials.

Special attention was undoubtedly paid to the case law, with particular emphasis on delays in the determination of the type of narcotics by experts, which has a direct impact on the efficiency of the investigation and adjudication of these offenses.

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



Mediation in criminal, civil and economic aspect Ferizaj Region

On 19 February 2020, the Academy of Justice in the framework of the Continuous Training Program in cooperation with the USAID - Commercial Justice Program, implemented by CHECCHI and COMPANY CONSULTING, delivered a training on: "Mediation in civil, criminal and economic aspect".

The purpose of this training was to enhance the knowledge of participants about the novelties brought by the Law No. 06 / -009 on Mediation, as well as easier identification of appropriate cases to refer to the mediation procedure.

During the training were elaborated the principles of mediation, initiation of mediation procedure, compulsory mediation, procedure and obligations of judges, development of mediation procedure, mediation agreement and its effects, rights and obligations of parties to the mediation procedure.

It was also discussed the referral of cases to the mediation procedure which is at the discretion of judges without prejudice to the will of the parties to the dispute and in accordance with the relevant legal provisions.

This training served as an orientation for judges and other staff of courts and prosecution offices to more easily identify the appropriate disputes for mediation proceedings, as well as other cases for which compulsory mediation is provided.

The methodology used was of a mixed nature, with theoretical explanations and interactive discussions.

Beneficiaries of this training were: Judges and prosecutors of basic of instance from Ferizaj Region.



Right to a Fair Trial - Article 6 of the ECHR

On 20 February 2020, the Academy of Justice in the framework of the Continuous Training Program (CTP) conducted a training on: “The Right to Fair Trial - Article 6 of the ECHR”

The purpose of this training was to advance the knowledge of judges and prosecutors about the rights and obligations of the parties during the litigation.

During the first part of the training was discussed the notion and categories of the fair trial within the meaning of Article 6 of the ECHR and international standards, at what stage of the process does Article 6 apply, what are the responsibilities of judges, what are civil rights and obligations? what does the criminal charge mean, and the nature of the offense.

The right to a fair trial is provided for in Article 6 of the European Convention on Human Rights, as defined in the above article, with the determination of the rights and obligations, civil or any criminal charge against him. Thus,

everyone has the right to a fair and open trial within a reasonable time by an independent and impartial tribunal established by law.

The following was also discussed the specific rights applicable to juveniles where the ECtHR recognized the fact that the rights to a fair trial under Article 6 of the ECHR also apply to juvenile proceedings, and any suggestions that the accused children should not benefit from fair trial guarantees, are unacceptable.

The second part elaborated the presumption of innocence, the right to legal remedies for ECtHR jurisprudence in administrative matters.

The training methodology was combined with methods of explanation including theoretical and practical followed by practical examples.

Beneficiaries of this training were judges and prosecutors of the Supreme, Appellate and Basic instance.



Commercial disputes – not fulfillment of contracts

February 25-26 2020, Academy of Justice within its Continuous Training Program (CTP) organized training on “Commercial disputes – non fulfillment of contracts”.

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

First day of this training discusses on contracts, object of contracts, elements of the contracts, characteristics of the contract object, types of contracts, ways of bidding and terms of the offer. It further elaborated on absolutely invalid contracts, as contracts that are reached in contradiction with legal order, imperative provisions and the morale, legal effect of null contracts, the right to claim proof of invalidity, statute of limitation for the rights, partial nullity, relative invalidity of the contract, legal effect of relatively invalid contracts.

Second day discusses about termination of the contracts – withdrawing from the contracts unilaterally, non-fulfillment of the contracts and legal consequences, termination as a way to dissolve the contracts, terms for terminations and failure to fulfill obligations, termination of the contracts as a prerequisite for contract termination, the debtors fault, additional deadline, time lined contracts, notification of the debtor, legal effect of contract termination, responsibility for material flaws, and contract interpretation.

This training used combined methodology of explanation and interactive discussions followed by hypothetical cases.

Beneficiaries of this training were judges of the commercial departments from the Appeals instance, the basic instance and legal officials.



Mediation in criminal, civil and economic aspect Gjilan Region

On 26 February 2020, the Academy of Justice in the framework of the Continuous Training Program in cooperation with the USAID - Commercial Justice Program, implemented by CHECCHI and COMPANY CONSULTING, delivered a training on: "Mediation in civil, criminal and economic aspect".

The purpose of this training was to enhance the knowledge of participants about the novelties brought by the Law No. 06 / -009 on Mediation, as well as easier identification of appropriate cases to refer to the mediation procedure.

During the training were elaborated the principles of mediation, initiation of mediation procedure, compulsory mediation, procedure and obligations of judges, development of mediation procedure, mediation agreement and its effects, rights and obligations of parties to the mediation procedure.

It was also discussed the referral of cases to the mediation procedure which is at the discretion of judges without prejudice to the will of the parties to the dispute and in accordance with the relevant legal provisions.

This training served as an orientation for judges and other staff of courts and prosecution offices to more easily identify the appropriate disputes for mediation proceedings, as well as other cases for which compulsory mediation is provided.

The methodology used was of a mixed nature, with theoretical explanations and interactive discussions.

Beneficiaries of this training were: Judges and prosecutors of basic of instance from Gjilann Region.

Financial investigation

February 25-28 2020, Academy of Justice within its Continuous Training Program (CTP) in cooperation with the UNODC conducted training on “Financial Investigation”.



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

This training elaborated on: sources of information, international cooperation, tools and techniques for multiple data processing, collection and analysis of financial data, transformation of financial data into evidence, analysis and visualizing the connections, open source information and evidence, investigation of wide

scale schemes of money laundering, and tax and custom crimes, as well as money laundering. The training also covered the collection, processing and analyzing the financial data with the purpose that these financial data qualify as evidence.

This training paid attention to investigation of wide scale schemes of money laundering, tax and customs crimes, including the national and international cooperation that is more than necessary to include national and international cooperation which is necessary to investigate and adjudicate these crimes that present risk for economic development of the country. This training in work groups addressed all the problematic issues elaborating legal provisions that regulate this area, and exchange of best practices in this direction.

Beneficiaries of this training were judges, prosecutors, administrative staff from prosecution offices, Kosovo Police, FIU official, and Kosovo Customs, and the Kosovo Tax administration.



Mutual legal assistance of Kosovo with non-recognition countries

On 27 February 2020, the Academy of Justice in the framework of the Continuous Training Program (CTP), in cooperation with the European Union Office in Kosovo / EUO in Kosovo / EUSR, conducted a workshop on “Mutual legal assistance of Kosovo with non-recognition Countries”.

The purpose of this workshop was to advance the knowledge of the participants in the field of mutual legal assistance with non-recognizing countries and the role of the European Union in mutual legal assistance, the way of drafting legal aid applications, the procedures and analyzing of the application.

During the workshop was discussed the role of the EU in mutual legal assistance with countries that do not recognize Kosovo, the system of international legal cooperation with non-recognizing countries, the legal basis that the EUO / EUSR as a bridge for international legal

cooperation with non-cognition countries. At the same time, the challenges that the respective institutions go through in terms of mutual legal assistance with countries that have not recognized the Republic of Kosovo were also discussed. Current problems in practice were also addressed and analyzed in a comprehensive way, as well as better understanding of the role of the European Union Office in Kosovo.

Based on practical cases, answers were provided to questions and dilemmas encountered during the legal aid procedure with non-recognition countries and the genuine cooperation of the European Union Office in Kosovo / EUO in Kosovo / EUSR.

Beneficiaries of this workshop were judges, prosecutors, officials from the Ministry of Foreign Affairs and officials from the Ministry of Justice



Activities from Initial Training Program (ITP)

Initial Training program activities for the newly appointed prosecutors

The theoretical training component for this period was fulfilled by carrying out the following activities: a total of 13 training sessions were delivered under the modules: National and International Legal Order, Personal and Interdisciplinary Skills and Criminal Procedural Code.

Under the ECHR module, five (5) training sessions were conducted, with where appointed prosecutors had the opportunity to gain new knowledge on: Council of Europe, European Court of Human Rights and European Convention on Human Rights with particular emphasis on Article 2, Article 4 of Protocol 7 and Article 5, paragraph 1, of this Convention.

Under the sub module "EU Law", four (4) training sessions were conducted, whereby prosecutors expanded their knowledge of the Structure of Treaties, the nature of competences and the fundamental principles of European Union Law, The European Union and the decision-making process, the four fundamental freedoms in the European Union's internal market and the European Union Trial.

During the theoretical training the prosecutors conducted two (2) sessions under the module "Communication Rules" where participants benefited from: Communication rules and external communication rules, as well as the best practices in the work environment.

Also under the sub module "Control and Confiscation" were conducted two (2) training sessions addressing: the Judgment of the European Court of Human Rights, Freezing under Article 264 CPC, and Prohibition of Assets under Article 266 of the CPC, the provisional confiscation under Article 267 of the CPC and the determination of the material benefit gained through these offenses.

During this period, newly appointed prosecutors have completed twelve (12) days of practical training in the respective prosecution offices as provided by the training program.

Initial training is being attended by 12 newly appointed prosecutors.



Initial Training program activities for the newly appointed judges



The Academy of Justice, during February, within the framework of the Initial Training Program for newly appointed judges, in fulfilling its training program has conducted training activities on theoretical and practical aspect.

During this period, 23 training sessions were conducted from the modules: Criminal Procedure Code, Legislation and additional skills.

Within the module “Proceedings according to legal remedies”, two (2) training sessions were held where the defendant's right to appeal and court decisions after the conclusion of the panel hearing upon request for review of criminal proceedings were dealt with.

From the submodule: “Special Procedures under the CPCK” two (2) training sessions were conducted, whereas were developed procedures regarding persons who committed offenses under the influence of alcohol or drugs and criminal proceedings involving perpetrators with mental disorders, as well as implementation of the procedure on imposing the measure of compulsory psychiatric treatment.

Three (3) training sessions were conducted under the module “Control and Confiscation”. From this sub module the newly appointed judges had the opportunity to gain new knowledge about the competence for control

order, acquisition of property obtained by criminal offense, meaning of sequestration and confiscation as two forms of the acquisition of the property obtained by criminal offense and confiscation according to the extended competences.

Also under the sub module: “Measures to ensure the presence of the defendant” were conducted three (3) training sessions where the participants expanded their knowledge on the arrest warrant and the defendant's promise not to flee from his residence, detaining the defendant for approaching the specific place and persons, the defendant's obligation to appear at the police station as well as house arrest, diversion and detention.

During the theoretical training, the judges conducted four (4) training sessions under the module “Investigation and Surveillance Measures”. Topics covered were: covert and technical measures of surveillance and investigation under the Kosovo Criminal Procedure Code, type of covert technical surveillance and investigation measures and their meaning, procedures for issuing covert technical surveillance measures and investigation.

Also under the sub module “Expertise and analysis” four (4) training sessions were conducted among which the judges were informed about the expertise as evidence in the criminal procedure, the expertise as a procedural action in the criminal procedure and the need for an expert examination.

Within the sub module: “Initial and second Initial hearing and the main trial” a (1) training session was held where were discussed the assignment of a judge to adjudicate the case and the initial hearing.

In addition, one (1) training session was organized under the sub module: “Evidence in criminal proceedings” were was discussed about obtaining of important evidence, identifying and summarizing of evidence.

According to the training calendar, the newly appointed judges have also attended training on “Development of Judicial Skills”, covering: Opening statement, the meaning of direct and indirect examination and the closing argument, whereas judicial skills were developed through

practical cases simulated by the newly appointed judges themselves.

During this period, there were 8 days of practical training in the courts in accordance with the schedule.

Initial training is being attended by (37) newly appointed judges, seven (7) of whom are from the Serb community.



Activities for Administrative Staff of Courts and Prosecution Offices

Protocol, diplomacy and label

February 26-27 2020, Academy of Justice conducted a two-days training on “Protocol, Diplomacy and Label” for the administrative staff of the Kosovo prosecutorial Council and of Basic Prosecutions from different regions of Kosovo.



Purpose of this training was to inform the participants about the protocols of the state, executive and institutional level.

The training focused on informing the participants on general rule of appearance and organization of hosting delegations, organizing ceremonies and other institutional events, as well as diplomatic relations.

Particular importance during this training was given to presentation of legal basis for application of protocol in the working areas like the

Law on the States Protocol;, and the Vienna Convention on Protocol of 1961, and the Convention on Consular Relations of 1963.

Second part of this training focused on hosting delegations, implication of cultures in protocol rules, diplomacy, and protocol basics – hierarchic position. Also, the training provided advices on the immunity and privileges, the state protocol relation with institutions and foreign offices, accreditation of diplomats and diplomatic staff, scope of immunity and privileges.

The training was conducted through presentations, conversation and presentation of scenarios depending on the topic.

At the end, participants drew some recommendations about continuation of this type of training and to extend it to other beneficiary categories as well.

Beneficiaries of this training were the SKPC staff and of the state prosecution offices, including spokespersons, communication officers and professional associates.



Activities for other legal professions

Judicial protection from obstruction to possession and servitude

On 19 February 2020, The Academy of Justice, within the framework of its activities for free professions, at the request of the Free Legal Aid Agency and with the support of GIZ, conducted a training on: "Judicial protection from obstruction to possession and servitudes".

The purpose of this training was to enhance the knowledge of free legal aid officials in identifying legal specifications for the content of judicial protection for each claim and to assess and correctly apply legal requirements for granting judicial protection in cases of obstruction to possession.

During this training were also drafted the regular structure and content for each type of court decision depending on the type of request. Special attention was paid to the cases of free legal aid officials dealing with problematic issues of this nature, with particular emphasis on the types of lawsuits for protection of property and lawsuits for protection of servitude and protection against obstruction to possession.

Beneficiaries of this training were 20 officials from the Free Legal Aid Agency from all regions.



Compensation of the material and immaterial damage

On 20 February 2020, the Academy of Justice within the framework of its activities for free professions, at the request of the Free Legal Aid Agency in support of GIZ, conducted a training on: "Compensation of the material and immaterial damage".

The purpose of this training was to enhance the knowledge of free legal aid officials on specific cases of causing the damage to the subjects of law, as well as the proper implementation of the judicial compensation procedure.

The training elaborated the compensation of

damages outside the court procedure, where participants had the opportunity that through practical cases brought by free legal aid officials, to discuss issues concerning such matters, with particular emphasis on: Compensation of material and immaterial damage from the insurance policy, the criteria for assessing the damage and the right to rent and damage evaluation.

Beneficiaries of this training were 20 officials from the Free Legal Aid Agency from all regions.



Other Activities

Alternative Dispute Resolution – Mediation

On 06 February 2020, the Academy of Justice in the framework of the Continuous Training Program and in cooperation with the USAID - Commercial Law Program implemented by CHECCHI and COMPANY, conducted a workshop on: "Alternative Dispute Resolution-Mediation".

The main purpose of the workshop was to enhance the knowledge of judges, professional associates and lawyers on ways of alternative dispute resolution with a focus on mediation.

The first part of the workshop addressed: the role and responsibilities of judges, professional associates and lawyers in referring mediation cases and the responsibilities of the mediator in relation to the parties involved in the dispute during the mediation hearing. The second part dealt with: mediation agreements and the enforcement of the agreements concluded in the mediation procedure.

The training covered the Law on Mediation, the scope of this law, the functioning, procedure and organization of mediation, the rights, duties

and responsibilities of mediators in order to facilitate access to alternative dispute resolution which promote their amicable resolution.

The following highlighted the application of alternative forms of dispute resolution, in particular the importance and advantages of mediation, referral of cases to mediation centers and the role of mediators in harmonizing the position of parties in the dispute.

During the training were used the methods of partial theoretical explanation, based on the case law, accompanied by exercises, interactive discussions, case study analysis, as well as elaboration of international standards and requirements, including applicable legal provisions governing this field.

Participants in the workshop were judges of the Basic Court of the Prizren region, professional associates, lawyers and mediators.



Workshop for review/ drafting the Initial Training Program for the eighth generation of newly appointed judges 2020/2021



On 24-25 February 2020 Academy of Justice in cooperation with OSCE conducted workshop on the review/ drafting of the Initial Training Program for the eighth generation of newly appointed judges 2020/2021.

This workshop is developing the Initial Training program content, designing concepts, structure, editing and review of training sessions, and adding new sub-modules that are important for the practical work of judges.

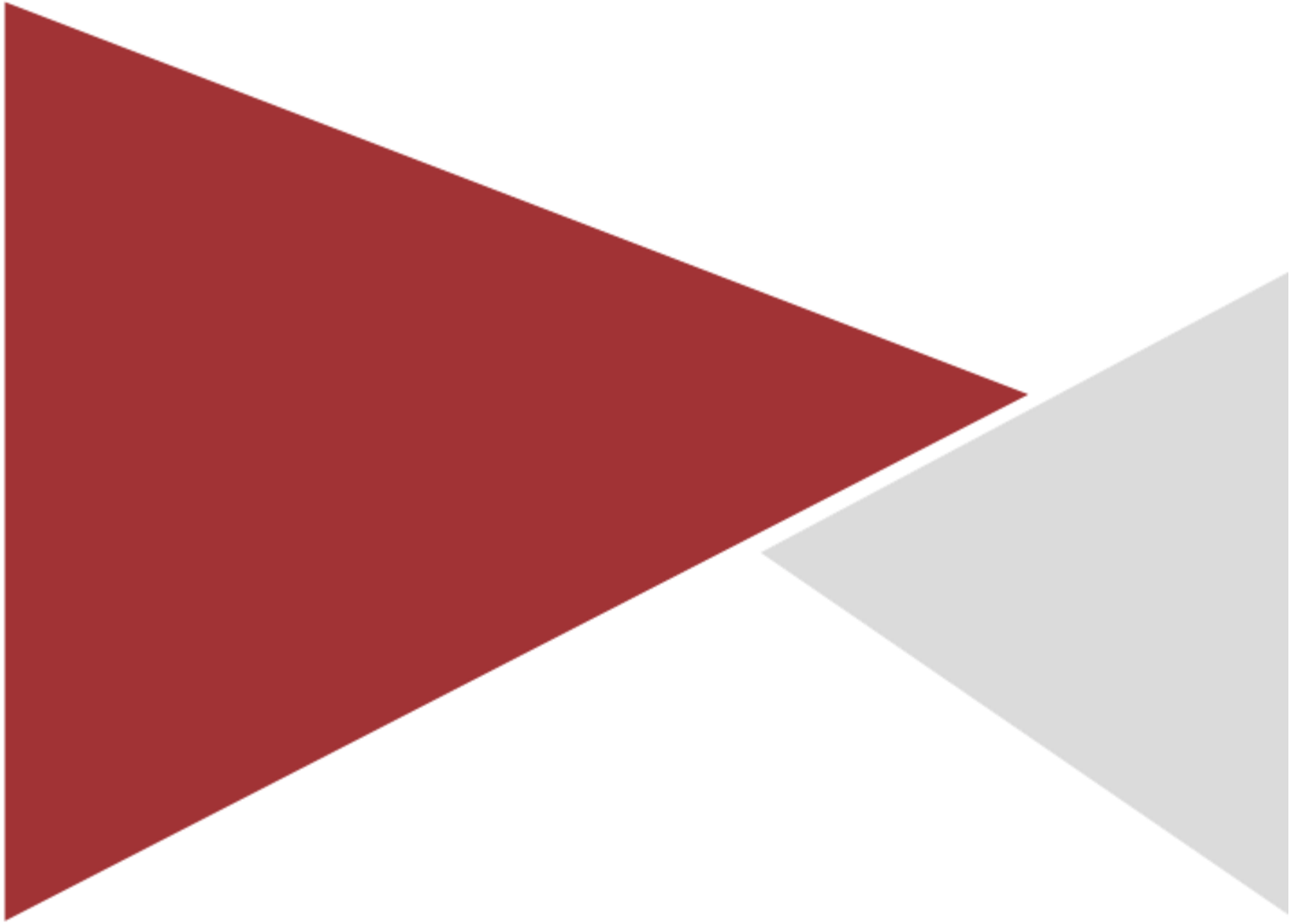
During this workshop it was discussed about the methodology of initial training delivery

with the trainers, and participants were divided into groups according to areas. It further highlighted that theoretical trainings shall address cases from the judicial practice drafting judgments in order to enable the newly appointed judges to illustrate different examples and specify cases that they face in practice.

Also, during the workshop participants – experts, reviewed the initial training program and edited the sub-modules and provided their proposals for the eighth generation of newly appointed judges to be evaluated periodically according to subject areas. During the theoretical training to take into account cases not abstract discussions, and while delivering initial training for newly appointed judges not to schedule court hearings.

Participants of this workshop were trainers and staff of the Academy of Justice as well as representatives of OSCE.





**Address: Lagja e Spitalit
“Muharrem Fejza” str. n.n.
Prishtina, Republic of Kosovo**

**Tel: + 383 38 200 18 660
E-mail: infoad@rks-gov.net
<https://ad.rks-gov.net>**