



341.9	<i>E drejta ndërkombëtare private. Konfliktet e ligjit</i>
342	<i>E drejta publike. E drejta kushtetuese dhe administrative</i>
342.010	<i>E drejta publike, kushtetuese dhe administrative në B. të Mad</i>
342.030	<i>E drejta publike, kushtetuese dhe administrative në Gjermani</i>
342.096.5	<i>E drejta publike, kushtetuese dhe administrative në Shqipëri</i>
342.096.51	<i>E drejta publike, kushtetuese dhe administrative në Kosovë</i>
342.096.51.0194	<i>Dokumentet dhe burimet e së drejtës në Kosovë</i>

# Initial Training Program

For newly appointed prosecutors

This program has been approved by the AJ Managing Board  
on January 17, 2018.



Published by Kosovo Academy of Justice © AJ 2018

All rights reserved. Content of this material may be used for educational and non-commercial purposes referring to AJ as a source. Reproduction, photocopying or any other form of publication without AJ confirmation is prohibited.



## Table of content

1. Introduction .....	5
2. Main Scope of the Training Program .....	6
3. Legal Basis .....	7
4. Training Program Methodology .....	8
5. ITP Structure and Content .....	9
5.1 The aim for qualification .....	9
5.2 ITP Structure .....	9
5.3 ITP Content .....	14
5.3.1 Theoretical Training Part .....	15
5.3.2 Practical Training Part .....	15
5.4 Training Program at Non-Judicial Institutions .....	16
5.5 Mock Trial .....	17
5.6 Research Work .....	17
6. Evaluation .....	18
6.1 Evaluation Sample by the Trainer .....	19
6.2 Evaluation Sample by the Mentor .....	20
7. Calendar and Training Schedule .....	21
8. ITP Training Modules of 2018/2019 on Newly Appointed Prosecutors.....	22
9. ITP Training Modules for 2018 -2019 .....	24
9.1 Constitutional Law .....	24
9.2 Organization of the Judicial and Prosecutorial System .....	25
9.3 International Legal Cooperation in Criminal Matters .....	25
9.4 EU Law .....	26
9.5 Human Rights Legislation – ECHR .....	26
9.6 Reasoning of Judicial Decisions (accusatory acts/appeals) .....	27
9.7 Professional Ethics .....	28
9.8 Case Management .....	28
9.9 Mediation .....	29
9.10 Negotiation on Plea Bargaining Agreement .....	29
9.11 Avoiding Criminal Prosecution .....	30
9.12 Criminal Code – General Part .....	30
9.13 Criminal Code – Special Part .....	31
9.14 Initial Hearing and Second Hearing .....	31
9.15 Defendant in Criminal Procedure .....	32
9.16 Covert and Technical Measures of Investigation and Surveillance .....	32
9.17 Measures to Ensure the Presence of the Defendant in the Procedure .....	33
9.18 Witnesses and Injured Parties in Criminal Proceeding .....	34
9.19 Exercising of Legal Remedies .....	34
9.20 Criminal Offences of Official Corruption and against Official Duty .....	35
9.21 Crime scene and forensics .....	36
9.22 Division Line between Criminal Offences and Minor Offences .....	36
9.23 Cross-border Crime Investigations .....	37
9.24 Expertise and Analysis .....	37
9.25 Search and Seizure .....	38
9.26 Special Proceedings according to CPOK .....	38
9.27 Serious Crimes .....	39
9.28 Social Capacity Building of Judges and Prosecutors .....	39
9.29 Administration of the Criminal Procedure .....	40
9.30 Procedural Expenditures and Property Claims .....	40
9.31 Statutory Limitation .....	41
9.32 Records .....	41
9.33 Obtaining and Communication of Decisions and Submission of Requests .....	42
9.34 Initiation of Formal Investigation and Criminal Procedure .....	42
9.35 Criminal Report .....	43
9.36 The Role of the Prosecutor in Criminal Proceeding .....	43

9.37 Indictment, Reviewing Procedure .....	44
9.38 Evidence in Criminal Procedure .....	44
9.39 Juvenile Justice Code .....	45
9.40 Communication Rules .....	45
9.41 Stress Management .....	46
9.42 Trial Advocacy Skills .....	46
9.43 English Language .....	47
9.44 Information Technology .....	47
10. Conclusion .....	48

## 1. Introduction

Within the framework of its mandate, the Academy of Justice (hereafter AJ), as legal successor of the Kosovo Judicial Institute, since 2008 has started to implement the Initial Training Program (ITP), organizing training for professionals entering the judicial and prosecutorial system in the capacity of judge and prosecutor, right after successfully the recruitment process. ITP has been organized for five generations and so far 169 candidates for judges and prosecutors have graduated.

Judicial law amendments had an impact on the organization of ITP, on the category of beneficiaries, organization of the preparatory exam and duration of initial training. According to these amendments ITP lasts 12 months and is organized for newly appointed judges and state prosecutors, whereas the Preparatory Exam is organized and administered by KJC and KPC.

Based on these legislative changes, AJ has changed and amended by laws that regulate the division, the content, duration of the phases and ITP assessment during training and has developed a training program in accordance with the needs of newly appointed state prosecutors.

AJ main objective within ITP for 2018/2019, is the development of professional and interdisciplinary capacities and the development of practical skills of newly appointed state prosecutors.

Therefore, the Initial Training Program for the sixth generation will be developed according to a combined theoretical and practical model, through the application of modern training methodology including teaching techniques for adults, whereas the training will be provided also through distance learning.

For the implementation of this training program will be drafted additional documents such as training modules, training calendar, training schedule and presentation materials for specific topics.

## 2. Main Scope of the Training Program

Judicial training is essential to the functioning of a professional judicial and prosecutorial system. Whereas, training for newly appointed prosecutors is of the same importance and has been assessed as very useful and necessary, known as initial training in the judicial training terminology and is considered one of the key factors in ensuring the independence, impartiality and professional, ethical competence of the judiciary.

The initial training program for 2018/2019, main goals are:

- ◆ Provision of an adequate training program for initial prosecutors, based on existing knowledge of beneficiaries;
- ◆ Establishment of training program that reflects the competencies and tasks in exercising the profession of prosecutor;
- ◆ Trainers/mentors serving as facilitators in the teaching-learning process by considering the prosecution as an educational institution;
- ◆ Get equipped with the work of other judicial institutions of the justice system;
- ◆ Enabling beneficiaries to be engaged in teamwork, conduct research for their professional development and make researches for development of the judicial and prosecutorial system.



### 3. Legal Basis

The Law Establishing the Academy of Justice, is the basic law for the organization of initial training. Other provisions that define and support the initial training are found also on other laws that regulate the functioning of the prosecutorial system.

With the aim of practical implementation of this training program, AJ besides the coordination with the Kosovo Prosecutorial Council, also issues internal rules.

For this purpose AJ is based on the following:

- ◆ Law on Establishing Academy of Justice (no. 02-L / 25);
- ◆ Law on State Prosecutor (no. 03 / L225)
- ◆ Law on Amendment and Supplementing of the Law No. 03/L225 on the State Prosecutor (No.05 / L-034);
- ◆ Law on Kosovo Prosecutorial Council (No.03 / L-035);
- ◆ Law on Amendment and Supplementing the Law No. 03/L-223 on Kosovo Prosecutorial Council (No. 03 / L-035)
- ◆ Regulation of the Initial Training Program;
- ◆ Regulation No. 07/2047 on Amending and Supplementing the Regulation on Initial Training No. 03/2017
- ◆ AJ Working Program for 2017 (approved by AJ Managing Board on December 17 January, 2018);
- ◆ Administrative Directive 01/2012 on Internal Reorganization;



## 4. Training Program Methodology

For drafting of this training program discussions have been developed with leading representatives of the judicial and prosecutorial system, with judges, prosecutors, trainers and former ITP candidates. Also were assessed reports of local and international institutions in Kosovo, followed by a number of mechanisms developed for the purpose of assessing training needs.

Some of the steps taken in order to establish this program are as following:

- ◆ Consultation with the Chief State Prosecutor;
- ◆ Consultation with Head of Kosovo Prosecutorial Council;
- ◆ Discussions with ITP trainers;
- ◆ Alumni Conference – with ITP former candidates;
- ◆ Evaluation of the AJ Initial Training Program (conducted by the Magistrate School of France, in January 2015);
- ◆ Questionnaires distributed to ITP candidates;
- ◆ Analysis of the legal framework in force;
- ◆ Practices of international training institutions etc.

## 5. ITP Structure and Content

### 5.1 The aim for qualification

General concept for aiming professional qualification of ITP participants is:

- \* Fulfilling general requirements for the functioning of the prosecutors in Kosovo;
- \* Competencies (knowledge, skills and attitudes) necessary for successful professional performance as a prosecutor in the judicial system of Kosovo;
- \* Ability to cope with demands and constant changing challenges;
- \* Ability to use and apply directly competencies required at work (professional, methodical, social and personal), with the special emphasis on social and personal competence, independent reflection on judicial issues, taking into account the alternative procedures, convincing closing statement;
- \* Orientation on practical issues and awareness on relation between legal, social and economic dimensions;
- \* Requirements for successful finalization (self-organization and discipline, the ability to deal with the high volume of work).

### 5.2 ITP Structure

After the amendments of the laws on the judiciary, the initial training lasts twelve (12) months. The timing by law, enables the training to be intensive, therefore, the structure of the Initial Training Program for 2016/2017 has been divided in two parts. The first part includes theoretical training combined with case review from judicial practice and simulations, etc. whereas, the second part is a practical training coupled with judicial training at institutions not related to the work of judge and prosecutors.

In order to determine the structure of the initial training, firstly, should be determined the competencies that should be developed to newly appointed judges and prosecutors, respectively, should be known the qualities that a judge or prosecutors should have.

To develop competencies of the training participants, AJ is based on the following scheme:

<p>Personal Integrity and professional conduct</p>	<ul style="list-style-type: none"> <li>• Independence and impartiality</li> <li>• Self-confidence and authenticity</li> <li>• Fair commitment to a fair trial</li> </ul>	<ul style="list-style-type: none"> <li>– Is convinced about the legal system and its quality;</li> <li>– Represents its decision;</li> <li>– It shows individuality and stability to the impact of its actions;</li> <li>– When necessary dare to go against the prevailing views;</li> <li>– It is clear about the expectations, set boundaries.</li> </ul>
--	--	--

<p>Legal and judicial skills</p>	<ul style="list-style-type: none"> <li>◆ Determination, adjudication;</li> <li>◆ Obedience;</li> <li>◆ Analytic ability and ability to judge;</li> <li>◆ Managerial Responsibility;</li> <li>◆ Leadership;</li> </ul>	<ul style="list-style-type: none"> <li>- Take decisions based on available information;</li> <li>- Acts decisively when the pressure raises;</li> <li>- Provides a clear and complete meaning to the decision-making structure and the process followed by drafting of the statement;</li> <li>- Takes the consent of the parties about decision;</li> <li>- Provides a full meaning to a formulated text;</li> <li>- Perceps options to bring the parties together and to mediate in resolving their dispute;</li> <li>- Processes and solve a variety of data;</li> <li>- Systematically reviews and evaluates;</li> <li>- Poses questions based on understanding;</li> <li>- Discuss issues based on situations;</li> <li>- Use logical thoughts deriving to establishment of statements up to clear and transparent reasoning;</li> <li>- Planes and organizes its work on the case;</li> <li>- Involve others in different important topics;</li> <li>- Allows when possible others to have add their expertise;</li> <li>- Organize the work of employees in most efficient way;</li> <li>- Informs others about the progress of the work;</li> <li>- Regulate procedures (content, quality and timing) if required.</li> </ul>
----------------------------------	---	---

<p>Professional commitment</p>	<ul style="list-style-type: none"> <li>◆ Ability to manage the office</li> <li>◆ Ability to learn and self-reflect</li> <li>◆ Ability to cooperate</li> <li>◆ Flexibility and ability to deal with the work load</li> </ul>	<ul style="list-style-type: none"> <li>- Develop organizing and leading capacities to lead interrogation sessions and meetings;</li> <li>- Its open for to feedback and dedicated to learning;</li> <li>- It's curious, actively seeks new innovations and/or new situations;</li> <li>- Ready to take part in professional education and engages in regular training to enhance professional capacities for national and international legislation;</li> <li>- Is open to collaboration with others;</li> <li>- Take initiatives and uses the opportunity to share knowledge, support and consults with others to improve the quality and efficiency of justice;</li> <li>- Exchange practices with work-related institutions of the courts and prosecution offices;</li> </ul>
--------------------------------	---	--

<p>Social awareness</p>	<ul style="list-style-type: none"> <li>◆ Listening and communication</li> <li>◆ Suitability</li> <li>◆ Obedience</li> <li>◆ Awareness of social environment</li> </ul>	<ul style="list-style-type: none"> <li>- Understand the situation of others, makes personal contact and motivates - active listening - gives the impression to others that their contribution is received;</li> <li>- Adjusts its approach when the situation changes or when it leads, adapt to specific circumstances and situations;</li> <li>- Gives a clear and full understanding to the structure of decision-making and to the process followed in the drafting of the statements;</li> <li>- Gives full meaning to the formulated text;</li> <li>- Takes into consideration the options to bring parties together and to mediate in resolving the dispute;</li> <li>- Have tendencies for social development and establish its own image under the law;</li> <li>- Seeks for old, new and contradictory information, as well as different perspectives that may affect the decision and the procedure;</li> <li>- Shows awareness to the impact of different circumstances and parties;</li> <li>- Assess the impact of their role and position in social context, takes that into consideration and maintains distance;</li> <li>- Has knowledge on socio-economic context, where functions are practiced;</li> </ul>
-------------------------	--	---

ITP is conceptualized and framed as a professional qualification program, based on competence, modules and work oriented, which integrates elements of theoretical and practical learning. It is designed especially for initial professional development of judges and prosecutors. ITP is a combination of theoretical and practical, guiding and self-learning stages, including e-learning elements.

### 5.3 ITP Content

ITP content reflects on the development of competencies of the participants, focusing on development of practical skills of newly appointed judges and state prosecutors, after being assessed that the beneficiaries possess theoretical knowledge relevant to the function of the prosecutor.

The content of initial training will focus on the development of professional competence, ethical and interdisciplinary values of newly appointed prosecutors with particular emphasis on:

- ◆ Professional capacity building on national and international legislation;
- ◆ Development of judicial decisions based on fact analysis;
- ◆ Application of ethical rules;
- ◆ Compliance with the specific circumstances and situations in performing the function of a judge / prosecutor;
- ◆ Development of judicial skills;
- ◆ Development of social skills;
- ◆ Exchange of practices with institutions related to courts and prosecution offices;
- ◆ Development of research capacities, organization and management;
- ◆ Development of interdisciplinary skills.

These competencies will be developed through modules attached as an annex to this program, practical training, programs, non-judicial institutions related to the work of courts and prosecutor offices, as well as practical work assigned by trainers or mentors.

### 5.3.1 Theoretical Training Part

In this part, the training takes place in a theoretical way combined with cases from judicial practice, based on training modules and including training for all branches of law, as well as national positive laws, Acquis Communautaire, the European Convention on Human Rights and other international acts.

The amount of working hours scheduled for each of the modules that will be conducted through a combination of practical training is determined by:

- ◆ Content of training module;
- ◆ Nature and complexity of the module;
- ◆ The type of module and its importance to judicial / prosecutorial practice;

In general training program of each module contains at least a certain number of training sessions implemented in accordance with the work plan.

Within professional training program, besides professional modules and those of interdisciplinary character, additional modules have been included that will be implemented through distance learning platform.

### 5.3.2 Practical Training Part

The practical training takes place at the prosecutor's offices. Whereas, the training is conducted under the supervision of a mentor (prosecutor), who supervises the implementation of the training program as outlined in this manual and training program, evaluating also the performance of the beneficiary during the training. The program includes practical professional issues in terms of the rules of communication, case management, ethics and other issues of interest to the practical character of the beneficiary. During this training, the newly appointed prosecutor may assist the prosecutor in exercising his function, may participate in the practical cases during his / her practice, but always under supervision of the mentor.

Practical training program is implemented based on "Practical Training Manual" which contains a training program that should be followed by newly appointed state prosecutors, and specifies the duties and responsibilities of mentors and beneficiaries during the implementation of practical training. The manual is part of this training program.

The purpose of this manual is to outline the role and responsibilities of mentors and beneficiaries during the ITP practice (mentoring phase). The manual also describes some of the legal, ethical and interdisciplinary competences that should be gained by the participants during the internship program.



Mentors also have been provided with ideas on how to expose the beneficiaries to a wide range of topics that will prepare them to take over official duties, after completion of the Initial Training Program.

The focus of the manual and the internship program is to highlight the importance of providing real practical experience to beneficiaries in developing their professional skills, ranging from legal writing, critical thinking, ethics, communication rules, case management and many others issues of practical character to the interest of beneficiaries.

Also during the internship, newly appointed prosecutors will attend a special training module which is to be implemented alongside the practical training. This module deals with the estab-

lishment of judicial skills of beneficiaries based on amendments of the Criminal Procedural Code regarding interrogation and management of the trial. In particular, special attention will be paid to increasing capacities on the opening statement, direct, indirect and cross examination, rehabilitation and closing argument.

During this part of the training, participants may also follow training on distance learning platform and various practical programs to non-judicial institutions.

At the conclusion of this training, mentors provide an assessment of the beneficiaries including, their overall performance during the training, and practical work in terms of professionalism, adhering the schedule, etc.

## 5.4 Training Program at Non-Judicial Institutions

In addition to practical training in prosecution offices, state prosecutors will also attend training in various institutions of the justice system and outside, as related to their work. This will be possible due to the cooperation established between AJ and respective institutions.

Institutions in where newly appointed state prosecutors will attend the training are as following:

- Constitutional Court
- Chamber of Advocates
- Ombudsman
- Kosovo Police
- Correction Service
- Probation Service
- Center for Social Work
- Anti-Corruption Agency
- Kosovo Customs
- Mediation Committee
- Privatization Agency
- Kosovo Cadastral Agency
- Regulative Commission of Public Procurement
- Independent Oversight Board
- General Audit Office
- Kosovo Tax Administration
- Personal Data Protection Agency
- Forensic Legal Institution

## 5.5 Mock Trial

Besides traditional training methods, like interactive discussions and practical case studies, beneficiaries of initial training will be involved also in mock trials.

Mock trials are accomplished through selection of cases from the case law on criminal field, including also elements from other areas of law.

The purpose of the mock trial is to increase abilities and expression skills, increase self-esteem, develop critical thinking and team work. Also through mock trial participants can improve the analysis and reasoning of facts, develop listening and cooperative skills, better understand the judicial system, and advance the knowledge of proving rules before the panel.

## 5.6 Research Work

The research work is included within the initial training competences, this function is implemented either through practical cases during training or in the legal magazine "Justicia". This magazine contains different topics that address different institutes of law and various aspects of national and international legislation.

The purpose of the legal magazine, in addition to training and capacity building of beneficiaries in the field of legal writing and research, is also the provision of professional support to young lawyers, judges, prosecutors and other legal professionals.



## 6 Evaluation

The evaluation process for the successful completion of the training program from newly appointed state prosecutors is determined by the Regulation of the Initial Training Program and the Regulation on Amending and Supplementing the Regulation on Initial Training Program. This process is accomplished but not limited to, training attendance report, trainers report, mentors report, and evaluation of the research papers that will be summarized in a final report prepared by AJ and then submitted to KJC and KPC.

Examination of the participants should be conducted according to the following system:

- ITP final testing consists of the test results of each module;
- Modular testing can be implemented in various forms: written tests, verbal tests, written elaboration and presentations;
- The prerequisite for participation in modular testing is a regular participation in training and autonomous fulfillment of the ITP requirements during training sessions;

The evaluation during theoretical training will be based on the above mentioned scheme regarding development of competences of the participants and based on the following scheme, while the entire process of evaluation will be based on the criteria established by law for the evaluation of prosecutors.



## 6.1 Evaluation Sample by the Trainer

Evaluation form by the trainer for the practical work or practical cases of participants in the training, in addition to exam evaluations.

Name and surname of the judge/state prosecutor in ITP:		Training Module:			
Identification of the facts	Recognition and implementation of the law	Analyzation of the facts	Conclusion and reasoning	Language used	General evaluation
Not satisfactory <input type="checkbox"/>	Not satisfactory <input type="checkbox"/>	Not satisfactory <input type="checkbox"/>	Not satisfactory <input type="checkbox"/>	Not satisfactory <input type="checkbox"/>	Not satisfactory <input type="checkbox"/>
Satisfactory <input type="checkbox"/>	Satisfactory <input type="checkbox"/>	Satisfactory <input type="checkbox"/>	Satisfactory <input type="checkbox"/>	Satisfactory <input type="checkbox"/>	Satisfactory <input type="checkbox"/>
Good <input type="checkbox"/>	Good <input type="checkbox"/>	Good <input type="checkbox"/>	Good <input type="checkbox"/>	Good <input type="checkbox"/>	Good <input type="checkbox"/>
Very good <input type="checkbox"/>	Very good <input type="checkbox"/>	Very good <input type="checkbox"/>	Very good <input type="checkbox"/>	Very good <input type="checkbox"/>	Very good <input type="checkbox"/>
Trainer's comment and recommendations on for the beneficiary that needs improvement:					

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
 Name & Signature of the Trainer \_\_\_\_\_

## 6.2 Evaluation Sample by the Mentor

	Level	
Ability to identify and use the deontology rules (Competence “ <b>Personal integrity and professional conduct</b> ”)	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>
Ability to analyze and describe a case or situation (Competence “ <b>Legal and judicial skills</b> ”)	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>
Ability to identify, respect and guarantee legal rules (Competence “ <b>Legal and judicial skills</b> ”)	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>
Ability to adjust and adapt (Competence “ <b>Social awareness</b> ”)	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>
Ability to adapt and show authority in specific circumstances and situations (Competence “ <b>Social awareness</b> ”)	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>
Ability to have meaningful relationship, active listening and exchange of information (Competence “ <b>Social awareness</b> ”)	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>
Ability to monitor the court audience, respecting the opposing party (Competence “ <b>Legal and judicial skills</b> ”)	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>
Ability to find solutions and reconcile the parties (Competence “ <b>Personal integrity and professional conduct</b> ”)	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>
Ability to take decisions based on justice and facts (Competence “ <b>Legal and judicial skills</b> ”)	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>
Ability to motivate, formality and explanation of decisions (Competence “ <b>Social awareness</b> ”)	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>
Ability to take into account institutional and national and international circumstances (Competence “ <b>Social awareness</b> ”)	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>
Ability to work in groups (Competence “ <b>Professional engagement</b> ”)	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>
Ability to organize, manage and take initiatives (Competence “ <b>Professional engagement</b> ”)	Achieved	<input type="checkbox"/>
	In progress	<input type="checkbox"/>
	Not achieved	<input type="checkbox"/>

## 7. Calendar and Training Schedule

For the implementation of this program will be drafted a calendar of training activities. Initial training will be held 5 days a week. Whereas, the theoretical part of the training will be conducted at AJ, while practical training at the prosecutor offices accompanied by trainings in other non-judicial institutions.

Theoretical and practical training will be implemented in combination by the model consisting of 2 days of theoretical training at AJ and 3 days practical training at prosecutor's office. This schedule will be flexible in order to meet the theoretical training program as specified in each training module.

Hours of training and number of training sessions have been defined in close consultation with all relevant stakeholders.

Conditions for participation in training and the absence during the training will be regulated by the Regulation on the Initial Training Program.



## 8. ITP Training Modules of 2018/2019 on Newly Appointed Prosecutors

Initial training modules for newly appointed prosecutors and sessions for each module are as follows:

Training Modules				
No.	Name of the module	Training hours	Sub-module / subpart	No. of sessions
1.	National and international legal order	57 h	1.1 Constitutional Law	1
			1.2 Organization of the judicial and prosecutorial system	2
			1.3 International legal cooperation in criminal matters	1
			1.4 EU Law	5
			1.5 ECHR – legislation on Human Rights	10
2.	Criminal Code of the Republic of Kosovo	78 h	2.1 Criminal Code of Kosovo – general part	10
			2.2 Criminal Code of Kosovo – special part	10
			2.3 Criminal offences of the official corruption and against official duty	2
			2.4 Serious crimes	1
			2.5 Statutory limitation	3
3.	Criminal Procedural Code of the Republic of Kosovo	273 h	3.1 Crime scene and forensic	3
			3.2 Division line between criminal offences and minor offences	1
			3.3 Expertise and analysis	4
			3.4 Search and seizure	5
			3.5 Covert measures of investigation and surveillance	6
			3.6 Measures to insure the presence of the defendant in the procedure	5
			3.7 The defendant in criminal procedure	5
			3.8 Witnesses and injured parties in criminal proceeding	5
			3.9 Minutes	3
			3.10 Negotiation on plea bargaining agreements	3
			3.11 Avoidance from criminal prosecution	2
			3.12 Administration of criminal procedure	2
			3.13 Initial hearing and second hearing	4

Training Modules				
No.	Name of the module	Training hours	Sub-module / subpart	No. of sessions
3.	Criminal Procedural Code of the Republic of Kosovo	273 h	3.14 Obtaining and communication of the decisions, submission of requests	1
			3.15 Procedural expenses and property legal request	1
			3.16 Exercising of legal remedies	3
			3.17 Special procedure according to CPCCK	2
			3.18 Initiation of formal investigations and criminal procedure	8
			3.19 Criminal report	6
			3.20 Role of the prosecutor at the main trial	6
			3.21 Indictment, reviewing procedure	10
			3.22 Evidences in criminal proceedings	6
4.	Personal and interdisciplinary skills	78 h	4.1 Communication rules	2
			4.2 Professional ethics	10
			4.3 Case management	3
			4.4 Social capacity building of judges and prosecutors	3
			4.5 Reasoning of decisions (accusatory acts/appeals)	6
			4.6 Stress management	2
5.	Legislation and additional skills	18 h+ 6 training days	5.1 Justice for Children Code	1
			5.2 Mediation	2
			5.3 Cross-border investigation	3
			5.4 Trial advocacy skills	
6.	Distance learning		6.1 English language	
			6.2 Information Technology	
			6.3 Stress management	



## 9. ITP Training Modules for 2018 -2019

### 9.1 Constitutional Law

This module, provides the opportunity for participants to be informed about the Constitutional sources of the Republic of Kosovo, the normative framework on the Constitutional Court, composition of the court, its competences, the process of constitutional

control and decisions of the Constitutional Court and their effects.

Targeted competences regarding development of this module are as following:

- Being convinced on the democracy and the rule of law as the highest values and guiding principles of the state of Kosovo and the ability to represent them while exercising the prosecutor's function;
- Understand the constitution as the highest norm in the national legal system and being aware of the impact of international law in the national legal system;
- Being aware of the impact of fundamental rights in the state and the judicial system and being able to apply it in practical work as prosecutors;
- Being extremely well informed about the judicial system, its organs, the structure of the work and the status of the prosecutor tasks and being able to implement all of them in their work;
- Being extremely well informed about the Constitutional Court, its working structure and procedures and legal effects of its decisions to the courts, especially on courts of lower instances;

**Duration:** 1 training session (3 hours training)

## 9.2 Organization of the Judicial and Prosecutorial System

This module contains the basic knowledge on understanding and viewing the organizational structure of the judicial system in Kosovo, after the entry into force of the Law on Courts and State Prosecutor, it also provides knowledge on court and prosecution competences and their territorial extension.

With the implementation of the respective laws, the entire judicial and prosecutorial system has been reformed, abandoning though the old system consisting of mixed competences which at some point was not clearly defined, therefore a new system on the organi-

zation of courts and state prosecutor was built, creating as such a complete separation of competences between various judicial instances, in a vertical line, which system is consisted of three judicial levels.

The new court system has also a new territorial organizational structure comparing to the previous system, whereas, the new organization structure represents the next segment of judicial reform, aimed at rationalizing the court system, making it more efficient and facilitating access to justice for the citizens.

**Duration:** 2 training sessions (6 training hours)

## 9.3 International Legal Cooperation in Criminal Matters

Criminality of almost all profiles, in particular the organized crime, more and more is being internationalized. Due to the nowadays circumstances faced by human society, especially due to the expansion of the possibilities of the offenders to cross borders, judges and prosecutors must be familiar with the effective practices of international legal cooperation in civil and criminal matters. During the presentation of this module will be presented the basic knowledge to understand what is international legal cooperation in civil and criminal matters, and its role and importance.

Beneficiaries during the exercises will see examples of the required forms of the practice of international legal cooperation in criminal or civil matters.

Beneficiaries of this module, while using drills will get familiar with different ways when the international legal cooperation in criminal or civil matters is required.

**Duration:** 1 training session (3 training hours)

## 9.4 EU Law

Although Kosovo is not a member of the European Union, the recognition of its institutions and the law of the European Union is very important for future integration process, which in general is a legal reform toward harmonization of the Kosovo laws with the so-called *acquis communautaire*, which could be translated as "our common achievements," or in other words with European political and legal standards. In addition, European law is very interesting and intellectually challenging, because it combines many legal disciplines, including public international law, constitutional law, administrative law and commercial law.

With the entry into force of the Lisbon Treaty in December 2009, the process of European integration of countries within the European Union has reached

a new level of development and not expecting any other institutional changes in the near future.

In April 2006, the Stabilization and Association Agreement between Kosovo and the EU entered into force. This binding international contract between the two sides provides partial harmonization of the laws in accordance with the *acquis* and partial presentation of the four freedoms in market within the next five years. This requires adequate skills and legal knowledge of the judiciary.

In this regard, apart from the knowledge gained in this area during basic studies or specialized ones, at the same time it is imperative that gradually the judiciary of Kosovo to increase their knowledge on the European Union Law.

**Duration:** 5 training sessions (15 training hours)

## 9.5 Human Rights Legislation – ECHR

Human rights are the foundation of human existence and co-existence. They are universal, indivisible and interdependent. They are basically a foundation of the United Nations goal in reaching global mission of peace and development. The European Court of Human Rights based in Strasbourg, is established under the European Convention that with the seriousness and commitment of its judges has been transformed into an important and prestigious institution for the standardization of the legal systems of the member states of the Council of Europe in the field of human rights.

Court decisions, which are generally marked by rationality and emancipation, have special authority for countries with developed democracy, faced with the variety of challenges and dilemmas of modern civilization. European Convention on Human Rights is the greatest achievement of the Council of Europe.

The same has not only formulated a catalog of human rights, but also provide the control system for its implementation.

Through these modules is aimed at expanding the knowledge of participants on international standards of human rights and on the other hand the content of the modules will be a valuable resource for all those involved in the promotion and protection of human rights, which are part of the judicial system in Kosovo.

**Duration:** 10 training sessions (30 training hours)

### 9.6 Reasoning of Judicial Decisions (accusatory acts/appeals)

This module purpose is to help newly appointed state prosecutors in building their professional capacities in terms of reasoning the acts compiled by state prosecutor. Besides theoretical instructions provided in general to reason the acts drawn up by the prosecutor, a separate session also will discuss practical cases prepared based on certain methods of legal writing and reasoning.

Through concrete cases, prosecutors will be able while implementing legal requirements of criminal procedure, to provide their conclusions in establishing the alleged decision on merits. Therefore, this module is being provid-

ed due to the identification of the lawyer's needs in general, especially those of prosecutors in enhancing their professional capacities in the field of legal writing and reasoning.

Legal writing and reasoning presents the assessment standard of the work of state prosecutors. In this sense, legal writing and reasoning for prosecutors represents a not easily reachable target. Therefore, through this module is aimed to improve the quality of legal writing and reasoning in the work of the newly appointed state prosecutors.

**Duration:** 6 training sessions (18 training hours)

## 9.7 Professional Ethics

In every country, judges and prosecutors belongs to the elite of the society. Every day, these people perform actions and make important decisions about the fate of their fellow citizens. Obviously, this great power cannot be trusted to those that do not provide sufficient guarantees of professional morality. Therefore, this is considered as the origin of legal regulation of professional judicial and prosecutorial ethics to which the entire legal system is based.

The module on professional ethics for prosecutors, in addition to knowledge, intends to convey some of the basic skills for thinking and acting of the newly appointed state prosecutors, without which the correct exercising of the respective profession would be im-

possible. In this format, judges and prosecutors take into account the ethical problems and how they are manifested in their professional lives and discuss the most effective ways to prevent ethical violations. Training of newly appointed state prosecutors on the content and meaning of the professional ethical norms helps them create a conceptual tools by which can be analyzed and resolve ethical issues they will face at the end of studies.

Since, professional ethics is not only a derivative of ethics and moral of the society in general, it is also essential that training of prosecutors to be focused as much as possible on concrete cases drawn from the reality of the life in Kosovo.

**Duration:** 10 training sessions (30 training hours)

## 9.8 Case Management

The modern theory of case management is that judges and prosecutors, together with the support staff, need to actively monitor and control the movement of pending cases in court or prosecutor offices.

During this module will be treated the meaning, nature, the importance of planning, understanding the nature and significance of evidence in criminal proceedings, the nature and importance of the investigative file. Also will be presented facts of what distinguishes the management planning process from case management in general, how to manage based on the objectives, how to plan a case investigation, what contains the investigation plan, how to plan individual investigative measures, how to collect evidence, what is the base of collection, what contains the investigation plan that relates to the collection of evidence and what is the source of the evidence, the form and content of standardized investigation file, evidence on tracking profits (material benefit) and confiscation as part of the file in question (profitable offenses) and the methods used for tracking and detection of this profit.

**Duration:** 3 training session (9 training hours)

## 9.9 Mediation

Mediation is an extrajudicial activity carried out by a third party (mediator) for resolution of disputes between subjects of law in accordance with the conditions provided by law.

Implementation of mediation in handling disputes in criminal matters constitutes a constructive extrajudicial alternative to achieve a satisfactory solution of the dispute of the involved parties.

The inclusion of mediation as a legal institution and its application in the proceeding, is a relevant possibility and very important one in solving many cases that overloaded the courts and to achieve the efficiency of the courts. They should be released from them through possible solution agreements and as a result, judges will have enough time to deal with more complex cases and adjudicate them with quality and within a reasonable time.

**Duration:** 2 training sessions (6 training hours)

## 9.10 Negotiation on Plea Bargaining Agreement

Negotiation on plea bargaining agreement is a relatively new legal institution foreseen by the Code of Criminal Procedure of the Republic of Kosovo, which raises the need for discussion and elaboration of this institute, specifically for young lawyers, respectively for candidates for judges and prosecutors.

This module aims to provide knowledge on the legislation which regulates the negotiation on plea bargaining agreement, the underlying reasons for the application of this institute and the main legal text explanations regarding the implementation of this institute, as well as issues that arise in practice in view of the practical implementation of the various solutions often provided with skepticism, expressed even by the legal community to this new institute.

During the training, participants will be provided with examples and forms for proper application of this institute, which somehow will also help, especially candidates that for the first time will face the need to apply these provisions and the need for unification of practice, respecting at the same time the specifics of each case in particular.

To the participants will be presented current judicial practice in Kosovo and in the region regarding the plea bargaining institution and will be given specific tasks-exercises in order to enhance their practical skills in the application of this institute.

**Duration:** 3 training sessions (9 training hours)

## 9.11 Avoiding Criminal Prosecution

Topics to be addressed within this module are part of the initial formal investigation phase, whereas the purpose of the investigation phase is filing of the indictment, or suspension of criminal proceedings against the defendant. The module contains a detailed explanation of the legal provisions regulating this matter, enriched with practical examples which will be challenging for active discussion by participants.

**Duration:** 2 training sessions (6 training hours)

## 9.12 Criminal Code – General Part

Criminal offense is a human action that is unlawful, committed by guilt and is defined by law as a criminal offense, at the same time is also considered as dangerous.

According to the Criminal Code a criminal offense is an unlawful act which is defined by law as a criminal offense, the characteristics of which are defined by law and for which a criminal sanction or a measure of mandatory treatment is prescribed by the law.

Participants in the training will be informed about criminal offenses, including the essential elements of the offense and the figure of the criminal offense.

Participants will also be informed about criminal offenses committed intentionally and cases when a criminal offence was committed by negligence. Also during the training participants will be introduced to the similarities and differences of the offenses from the same chapter and other chapters.

**Duration:** 10 training sessions (30 training hours)

### 9.13 Criminal Code – Special Part

Taking into account the volume of criminal offenses contained in the special part of the Criminal Code of the Republic of Kosovo, the training aims to provide participants with the knowledge on the most characteristic criminal offenses in the Republic of Kosovo, which at the same time are more relevant to the work of courts and prosecution offices.

Participants in this training will be introduced to several offenses of each chapter separately, the elements of the offenses and who may be the perpetrator of criminal acts. They will also be introduced to criminal offenses committed intentionally and by neglect.

**Duration:** 10 training sessions (30 training hours)

### 9.14 Initial Hearing and Second Hearing

Judicial hearing is considered as the most important stage of the criminal proceedings and therefore judicial hearing takes a special place also in the provisions of the Criminal Procedure Code (hereinafter CPC). Judicial hearing consists of several stages and the whole activity of the trial is summarized in: the beginning of the trial and the statement of the accused; presentation (submission) of evidence and closing argument by the parties. However, it should be noted that if the accused pleads guilty, then after the commencement of the trial and confession of the accused, immediately begins the closing argument.

In this training module, in general are handled some of the most important issues relating to judicial hearing. Whereas the structure and sequences of the topics, were made based on the structure and sequence alignment of certain legal provisions of the CPC that regulate the judicial hearing. In this regard, the training module treats topics related to the preparation of the trial, the publicity of the trial, implementation of the trial, the preconditions for holding the trial, postponement, interruption and terms of completion of the trial, the records of the trial, the flow of the trial, etc.

**Duration:** 4 training sessions (12 training hours)



## 9.15 Defendant in Criminal Procedure

During the presentation of this module will be provided the basic knowledge clarifying what is the meaning of the definition of “defendant”, when and in what cases a person can be treated as a defendant, what are the differences of the terms "suspect", "defendant" "accused" and "convicted". The presentation will provide participants the opportunity to understand the role and importance of the defendant in criminal proceedings, from the beginning until the end of procedure.

Participants will be given the opportunity that during the presentation of this module to understand what are the rights of the accused during all stages of criminal proceedings, what is the legal framework that guarantees the rights of the defendant, in which case his/her rights may be restricted under the law and what is the liability of defendant in criminal proceedings.

During this module, training participants will understand which authorities have the power to implement the procedures that will ensure the protection and implementation of the rights of the defendant, what are their responsibilities for the protection of those rights and the consequences in case of violation or disregard of the defendant rights.

Whilst, this module part of the exercise will be implemented by providing participants practical examples regarding the position of the defendant in various stages of the procedure, so that participants through discussions will identify each stage of the procedure, as well as will identify the position of defendant in the concrete stage of the proceedings.

**Duration:** 5 training sessions (15 training hours)

## 9.16 Covert and Technical Measures of Investigation and Surveillance

The purpose of this module is to provide participants the theoretical and practical knowledge in case of application of the relevant provisions for obtaining information during the investigation stage, or enforcement of covert and technical measures of investigations and surveillance. Thus, the training objective in these lectures are legal provisions that regulate the institution of covert and technical measures of surveillance and investigation in the criminal procedure, during the investigation phase, or as called by CPCK obtaining information in the investigation phase.

In Chapter XXIX of the Criminal Provisional Procedural Code of Kosovo have been covered the Covert and Technical Measures of Investigation and Surveillance which does not have a long history of application within the criminal system in Kosovo, since as investigative actions were not foreseen by the previous crimi-

nal procedural law, but due to the technical and social development, they have been applied under the Criminal Procedural Code.

The purpose of the implementation of these measures has been and is to prevent the commission of criminal offenses, more efficient detection of criminal offenses and prosecution of offenders in cases that could be detected with other investigative actions.

According to the Criminal Procedural Code are foreseen 14 covert technical measures of surveillance, so that the pre-trial judge, at the request of the state prosecutor can order any of these measures.

These measures undoubtedly affect the privacy of human life and freedoms, therefore, ordering of these measures is limited by law, but for the sake of preventing the perpetrators of these offences, these measures will be applied, in cases when with other measures certain information cannot be reached, or perpetrators cannot be disclosed, always trying not to affect human rights.

**Duration:** 6 training sessions (18 training hours)

## 9.17 Measures to Ensure the Presence of the Defendant in the Procedure

In order to implement judicial proceedings conform to the highest standards for protection of human rights and freedoms under the Criminal Procedural Code of the Republic of Kosovo, the presence of the defendant in criminal proceedings is demanded.

In this regard, Criminal Procedural Code of the Republic of Kosovo has foreseen a series of measures to ensure the presence of the defendant in the proceeding. Through this module is aimed to provide participant's with the knowledge on practical implementation of these measures and to get familiar with problems that arise in case of failure or improper implementation of

these provisions and their effect on the proceedings.

As to of this module a special attention will not be paid to the detention measure, since this measure will be treated in a separate module, but due to the importance of this measure as well as its complexity, detention shall be treated in a general as to make its interconnection with other measures.

This module is based on the provisions of the Criminal Procedural Code, as they have been adapted to the module and will be explained by through examples and interpretations based on the case law.

**Duration:** 5 training sessions (15 training hours)

## 9.18 Witnesses and Injured Parties in Criminal Proceeding

One of the important evidence that serves to prove a proper and complete factual state in a criminal case is the testimony of the witness and the injured party as a witness.

An issue of great importance in the criminal procedure is the treatment of witnesses and injured parties who need protection because of the serious threat to the witness or his/her family, therefore in these cases there is a need to take actions by all institutions implicated in criminal proceedings such as the police, prosecution and courts. Through this module is intended to provide knowledge on types of witnesses, the difference between them, witness protection, witness interrogation manners, writing of minutes on interrogation of witnesses and cases when the testimony of the witness is considered inadmissible in criminal proceeding.

A special attention in this module will be paid to the injured party who may not be only a party to the proceeding but also a witness. Attention will be paid also to the rights of the victim, such as the right to compensation and many other rights foreseen by the new Code of Criminal Procedure of the Republic of Kosovo.

**Duration:** 5 training sessions (15 training hours)

## 9.19 Exercising of Legal Remedies

Judgement is one of the most important decisions taken by the court. The entire procedure which takes place against a person suspected for commission of a criminal offense, in the first instance ends with the judgement, apart from cases when the procedure fails at the stage of trial and ends in any other form.

This decision have a great importance for the court, as well as for the parties in the proceedings. Due to this fact, the

Criminal Procedural Code contains a series of provisions concerning the ways of submission and announcement of the judgment, its content, types of judgment, how it should be drafted, deadlines, etc.

However, the judgment of first instance is not an undertaken final decision. Rather, the judgment of first instance may be challenged on appeal as an ordinary legal remedy. This is reasonable because the judgment may

have legal gaps which, according to the lodged appeal, it should be reviewed by the court of second instance, so if the judgment will not be verified, it can be changed or turned back to the Court of the first instance.

The appeal is the only ordinary legal remedy exercised against the judgment which has not been final. However,

there are other legal remedies, called as extraordinary legal remedies, which can be exercised against the decision, which has become final.

Therefore, all these legal remedies, due to their importance, deserve a special place in training of prosecutors.

**Duration:** 3 training sessions (9 training hours)

## 9.20 Criminal Offences of Official Corruption and against Official Duty

Corruption is an old phenomenon, which has always presented a serious problem for the society. Throughout history, many countries are trying to find ways to combat this dangerous phenomenon. The problem of corruption today are faced by almost all countries of the world. Although there is not yet a unique definition for corruption, many countries have established in their legislation, corruption offenses.

From a legal standpoint, corruption is not a single offense, but a general set of specific crimes. It follows that the legal definition of corruption can be defined as a group of various criminal acts contained in a chapter under the common title "corruption". A group of corruption offenses is essential to identify the various acts that fall under the general classification of corruption.

Participants during the training will be notified with criminal offences of corruption one by one, elements of criminal offences, as well as who may be perpetrator of these criminal offences.

**Duration:** 2 training sessions (6 training hours)

## 9.21 Crime scene and forensics

This training module has been implemented in order to help training participants get familiar with the initial planning stages of criminal proceedings and preliminary procedure, covering the first hours and days after the act happened alleged as a criminal offense. At this stage, the state prosecutor and the police work together to determine whether to initiate a criminal procedure or not.

Proper and careful actions in this stage, as from collection of evidence from the crime scene as well as information obtained from relevant persons, are of essential importance for the further success of the procedure.

The module gives an overview of the finding procedure, collecting, storing and examining the evidence found at the scene. Also, this module provides an overview of actions that should be taken immediately after the offense. Of course, taking into account the nature of the subject area that is being processed, the focus of this training manual are practical aspects of police action and prosecution.

**Duration:** 3 training sessions (9 training hours)

## 9.22 Division Line between Criminal Offences and Minor Offences

Taking into account that minor offense is an offense carried out in many areas, the importance and limited duration of trainings, this session aims at providing participants with the knowledge on minor offense, the difference with other offenses, principles and definition of minor offenses according to the applicable legal provisions. Participants in the training will be introduced to the minor offense, what differs them from

other offenses, and what are the common elements with other offenses (criminal offense, commercial crime, etc.).

Also participants will be familiar with the principle of legality, and its importance in the definition of the minor offense.

**Duration:** 1 training session (3 training hours)

### 9.23 Cross-border Crime Investigations

The investigation is the first phase of the criminal proceedings. The issue of development of the investigation in the positive law of various countries is regulated in different ways, so the investigations, as has been said before in some countries is developed by the investigative judge as a subject that belongs to the court, whereas in some other countries the investigation is the competence state prosecutor and is done under his supervision. In general, there is a tendency of the transferring this competence to the state prosecutor. Whereas in our criminal procedure law the investigations are conducted by the state prosecutor.

Pursuant to the CPCK in force, the state prosecutor has the authority and responsibility to conduct the investigations. During the investigation of criminal case, state prosecutor may authorize the police to undertake investigative actions in taking evidences under his supervision. In cases provided by law, the police or state prosecutor in order to take any investigative action, should request the order of the pre-trial judge.

In general, it should be noted that during investigations, the state prosecutor reviews the circumstances and incriminating and exculpatory evidences, as well as takes care of collecting evidence which may not be available at the trial.

**Duration:** 3 training sessions (9 training hours)

### 9.24 Expertise and Analysis

Many facts would have remained unexplained in the modern criminal procedure, if the expertise would have not been accepted as an evidence in criminal proceedings. Admission and its adaptation to the needs of the criminal procedure, has confirmed that facts that can be proved in nowadays, in the past were seen only as a dream. With the use of this evidence in criminal proceedings follows also the rhythm of development in various fields of science, especially the use of these scien-

tific achievements helps the detection of criminal activities. These are only some of the records which show the importance of this evidence to contemporary criminal procedure.

This issue, like many other professional legal literature was reviewed slightly, but, even when was lectured about it, is was done in a comprehensive and inadequate manner.

Participants will have the opportunity to learn about all relevant issues related to the expertise and cases when the expert should be required, as well as cases when certain analysis are required,

how and when the outcome of that expertise or analysis can be used. Participants will also learn from this training how to apply these institutes in practice.

**Duration:** 4 training sessions (12 training hours)

### 9.25 Search and Seizure

This module will treat in general and specifically the procedural actions that are envisaged by the Criminal Code of the Republic of Kosovo, the Code of Criminal Procedure, the Law on Extended Powers on Seizure, Management and administration of seized property, as well as other legal provisions for confiscation of assets as profits of crime or property which has been used for commission of criminal offense.

**Duration:** 5 training sessions (15 training hours)

### 9.26 Special Proceedings according to CPCK

Special proceedings under the Criminal Procedural Code differ from regular procedures in criminal proceedings, so as such require extra attention by professionals when applying these procedures, particularly by newly appointed prosecutors.

This module will address procedures dealing with punitive order, judicial admonition to persons who have committed a criminal offense under the influence of alcohol or drugs, for offenders with mental disorder, revocation of alternative sanctions, the decision on expungement of conviction, damage compensation, rehabilitation, and exercise other rights of persons convicted or detained without a cause and the procedure for issuing a wanted notice and public announcement.

**Duration:** 2 training sessions (6 training hours)

## 9.27 Serious Crimes

Serious crime in general, trafficking in human beings, money laundering and cybercrime, in particular, today represent a challenge for all European Union countries, also for Kosovo as aiming to be part of it, therefore treatment of these crimes during this module has a special significance due to the fact that a successful preventing and combating of these crimes paves the way for Kosovo to join the EU and provides a legal security for all citizens of Kosovo.

**Duration:** 1 training sessions (3 training hours)

## 9.28 Social Capacity Building of Judges and Prosecutors

Considering the need of prosecutors to be equipped with information, data and instructions from the social area, as a necessary element for providing a better performance while exercising their duty, this module is considered as good opportunity of completing this dimensional subject as necessary educational contemporary profile for prosecutors.

Participants during this training will be introduced with the concept, categories of psychosocial content, the features and types of personalities, features and segments of social life of the individual in the social environment, social environment and interfering social factors.

Therefore they will gain information and will be able to develop their social communication capacities with individuals and different subjects, while exercising their profession as prosecutor.

**Duration:** 3 training sessions (9 training hours)



## 9.29 Administration of the Criminal Procedure

Taking into account the importance of the topics that will be developed in this module, the time limit for presentation and difficulties mostly faced by courts and prosecution offices in their work, topics that will be discussed during the training will make participants familiar and will clarify for them as much as possible these institutes of CCK.

Participants in the training will be also informed as much as possible about the CCK institutes, because the outcome or not settlement of a specific criminal case depends on the respective institutions.

**Duration:** 2 training sessions (6 training sessions)

## 9.30 Procedural Expenditures and Property Claims

Topics that will be discussed in this module are related to the procedural expenses and property claims in criminal proceedings. It is well known that any criminal or civil proceedings has also its expenses, for which must be found sources to cover these expenses.

In criminal proceedings the issue of procedural expenses is more complicated than in other procedures, because the procedural actions taken by the competent authorities within the official duty of every procedural action has also its cost. This module will address issues of what is included in the procedural expenditure, when should be decided on the mentioned expenses and who should be obliged to pay procedural expenditure.

Also within this module will be treated the property claim, which is also a subject of particular importance, because in principle in a criminal matter, often happens to apply provisions of civil procedure, which in this case the court is obliged decide in applying a property claim. In this regard, will be discussed upon the establishment a property claim resulting from the commission of the offense for which the parties present their requests in criminal proceedings.

**Duration:** 1 training session (3 training hours)

### 9.31 Statutory Limitation

Statutory limitation as a legal institute means that due to the expiration of the legal deadline a criminal offense cannot be prosecuted, criminal sanctions cannot be imposed or executed which are mandatory and derive from the type of offense, including the amount of punishment. On the other side, there are some criminal offenses that are never subject to statutory limitation.

This module will include, but not be limited to matters such as; the begin-

ning of the flow of statutory limitation, termination of statutory limitation of criminal prosecution, stopping of statutory limitation of criminal prosecution, statutory limitation of execution of sanctions including the absolute one, stoppage and interruption of statutory limitation of execution of the sentence, statutory limitation for execution of additional sanctions and measures of mandatory treatment, not statutory limitation of genocide and war crime offences.

**Duration:** 3 training sessions (9 training hours)

### 9.32 Records

Presentation of this module will provide basic knowledge to understand, what are the records, who are the persons that keep notes during the criminal proceedings, who are competent persons to write actions in records, how they are established, how to write them, how they are maintained, their importance and rights of the parties that gave statements.

This module handles the work done in the police, prosecutorial and judicial records as important actions at all stages of criminal proceedings.

The presentation will provide participants the opportunity to learn on keeping records, maintain recording of sessions with audio and video recording, actions with audio and video recording, steno-graphing and transcription, steno-graphing by hand and transcription machine, recording from others, and keeping the content of the file, including transcripts.

Also, this module aims at providing knowledge on the work of the state prosecutor and the judge. Whereas the module exercises will be implemented through practical examples regarding the design of protocols at different stages of the procedure, so that they will be able to rank the records as conducted by the competent authorities, according to their importance, whereas through discussions to identify the status of each party making the statement at any stage of the proceedings, making them understandable, compare and evaluate the necessity of keeping them.

They will also be given the opportunity through exercises to compile different records.

**Duration:** 3 training sessions (9 training hours)

### 9.33 Obtaining and Communication of Decisions and Submission of Requests

In this training module will be discussed types of decisions taken by courts, the procedures for making decisions, their communication and submission of requests. This module will provide information on submission of requests, personal and alternative sub-

mission of requests, delivery procedure, requests to be submitted in person, sending in special circumstances, and submission to the State Prosecutor for submitting them to other participants in the proceedings.

**Duration:** 1 training session (3 training hours)

### 9.34 Initiation of Formal Investigation and Criminal Procedure

Criminal Procedural Code stipulates that the State Prosecutor is the one who initiates, implements and carries out the investigations up to filing of the indictment. The role and duty of the pretrial judge concentrate mostly in cases where procedural investigation actions involve the limitation of the Human Rights and freedoms (Covert Investigations, house search, engaging of experts, ensuring of evidences during extraordinary investigation proceedings), precisely the judge decides on the prosecutor's request on imposing or detention or continuation of detention and the duration of the investigation, etc.

With the new Criminal Procedural Code, the role of the state prosecutor is of a special importance, since ena-

bles him/her to lead investigation procedure from the preliminary proceedings, cooperate with police investigators and supervise actions of the police in collecting-securing evidence and conduct investigations by ensuring the presence of the defendants, victims, witnesses, etc.

Therefore, this module will include all actions undertaken by the state prosecutor from the beginning of the pretrial procedure up to the completion of the investigation, therefore the module will include all the legal provisions undertaken by the prosecutor.

**Duration:** 8 training sessions (24 training hours)

### 9.35 Criminal Report

Taking into account the importance of the criminal report as a procedural act to initiate criminal proceedings for a criminal offenses prosecuted ex officio, through this module and during training is intended to make the participants familiar with the criminal report in general, persons who are alleged to file a criminal report and to whom a criminal report can be addressed.

In this module, participants will be introduced to the police authorization before filing of a criminal report, supplementary report of criminal report, special report and criminal report against the unknown persons.

Participants during the training will be also introduced to the criminal report filed by other state bodies, such as by citizens and state prosecutor actions in relation to the respective criminal report.

Also, participants will be notified on false reporting offense, when it is carried out, circumstances when excluding criminal liability, the request for provision of additional information, dismissal of criminal report as an autonomous action of the state prosecutor, when there is no evidence of the criminal offense or the offender and other circumstances prescribed by law.

**Duration:** 6 training sessions (18 training hours)

### 9.36 The Role of the Prosecutor in Criminal Proceeding

In this module, participants will be introduced about the role of the state prosecutor in the initial and second hearing. Also they will be introduced to the role of the state prosecutor in the main trial, as regulated by Chapter XIX of CPCK (Article 285-358), his competencies, duties and powers during all phases of the trial.

**Duration:** 6 training sessions (18 training hours)

### 9.37 Indictment, Reviewing Procedure

Indictment is one of the accusatory acts which is filed under the authority of the state prosecutor, after the investigation phase or directly against perpetrators of criminal offenses as foreseen by Criminal Code of the Republic of Kosovo. The indictment importance lies on the fact that set activates the criminal proceedings against offenders and pave the way for the Court to sanction offenders.

The importance of explaining the indictment in the Initial Training Pro-

gram, is that through this program, beneficiaries will be able to understand the basis of indictment and will be able while performing their duty to draft indictment without any problem. Through this module, especially the practical part of aims at preparing newly appointed state prosecutor, in overcoming obstacles and uncertainties when drafting and presenting accusatory acts during their daily work.

**Duration:** 10 training sessions (30 training hours)

### 9.38 Evidence in Criminal Procedure

Consequently, the circumstances of the criminal offense and the guilt of the defendant can be determined only by evidence. In order to render a proper and legal decision in a criminal procedure, the proving process (argumentation) in the direction of establishing relevant legal facts in a criminal case is very important. Therefore, part of this module, in general will be elaborated the process of proving during the investigation, the role of evidence in the criminal proceedings, case lighting, procedural subjects that can collect and secure evidence at this stage of the proceedings, inadmissible evidence.

Participants in the training will be familiar with types of evidence that can be obtained during investigations, with certain investigative actions, with special specifications, type and classification of evidence in the preliminary proceedings and general rules of evidence. Also during the training participants will be introduced with the novelties and amendments presented with the entry into force of the Criminal Procedural Code referring to the procedure of evidence during the investigation phase.

**Duration:** 6 training sessions (18 training hours)

### 9.39. Juvenile Justice Code

This training module is designed with the aim of providing basic knowledge to beneficiaries of the Initial Training Program regarding practical implementation of the Juvenile Justice Code of Kosovo (JJCK).

Through this training is aimed to define the basic principles of JJCK, its interpretation, the purpose, types of measures and sanctions applicable against minors, measures and penalties

imposed against adults with regard to offenses committed as juveniles, diversion measures when conditions are met, interpretation of the purpose, type and duration of educational measures, educational-institutional measures, analyzation of alternative measures to juvenile imprisonment, punishment by fine community service work, conditions for imposing juvenile imprisonment.

**Duration:** 1 training session (3 training hours)

### 9.40 Communication Rules

The context of communication in court varies, but seems to come in two basic categories, which are described below: internal communication and external communication.

Within this training module will be discussed the characteristics of an effective communicator, will be done a self-assessment of communication skills of the participants and a review of relevant case study to enable participants in applying best practices of communication in a real working environment.

**Duration:** 2 training sessions (6 training hours) and 4 training hours in distance

## 9.41 Stress Management

This module addresses the broader subject of personal well-being and stress management. The judiciary constantly face the workload, criticism from the public, severe budget restrictions, as well as hectic and exceptional responsibility.

Studies have shown that work-related stress is a determinant cognitive, emotional and behavioral symptom, that effects low concentration, decision making, and expressing annoyance to lawyers and litigants.

Studies have shown that work-related stress is a determinant cognitive, emotional and behavioral symptom, that effects low concentration, decision making, and expressing annoyance to lawyers and litigants. Studies have also identified psycho-physiological symptoms associated with stress, such: prob-

lems with the functioning of the digestive tract (digestive problem), including nausea, chest pain usually prescribed by heart malfunctioning; difficulty in breathing or insufficient air in the lungs; difficulty in sleeping, and a feeling of being tense or anxious. Symptoms associated with interpersonal conflicts such as: unusual outbursts, temper, frequent arguments, a sense of isolation and a sense of increase of awareness in social situations.

This interactive program provides participants the opportunity to identify the degree of stress in their lives, their strengths, risk factors, and areas for the implementation of better opportunities for their welfare. Among other things, the training is intended to improve the health, cognitive skills, sustainability, creativity and happiness.

**Duration:** 2 training sessions (6 training hours) and 5 training hours in distance

## 9.42 Trial Advocacy Skills

Taking into account changes in the Criminal Procedural Code regarding interrogation and conducting judicial hearings, it is necessary that newly appointed prosecutors to be trained on development of judicial skills in line with these changes. Specifically development of judicial skills will be conducted through opening statement, direct and indirect examination, rehabilitation and final statement.

**Duration:** 6 training days

### 9.43 English Language

E-module is connected with the English legal education module to be used by legal professionals who wish to improve their communication skills in English language in their daily activities within the judiciary. It is designed to meet the communication needs and

provides legal professionals with the basics legal terminology in English.

This module has been developed and placed on the online distance learning platform and will be used for the beneficiaries of initial training.

**Duration:** 5 training hours in distance

### 9.44 Information Technology

This module helps beneficiaries who have basic knowledge of information and communication technology. Working with computer and good knowledge on application of programs has become essential for every job, efficient computer work is the key success for every individual.

Information Technology helps the judiciary to carry out its responsibilities in the right, efficient and transparent way, i.e. the use of IT decreases the possibility to multiply documents. If a court has an automated computer system of case recording, then it is sufficient for this case to be once registered and the data to be used whenever are needed at later stages. For example, in order to generate a case report, to generate a summons and trial reports etc.

By using IT we will be able to constantly monitor cases, and release dif-

ferent statistics. Through computers, by default we can conduct more prompt and efficient statistical analysis in comparison with the manual systems. Court management can use these analysis in order to improve judicial operation, planning and other issues assigned by court.

Use of the Information technology, the judicial system is more reachable for all those who seek judicial services, as well as provides a higher quality in justice by catalyzing accountability and transparency, not only in decision making but also in the rule of law.

Use of IT helps the judiciary to meet its objectives by increasing judicial capacity, as well as increase access and quality in justice.

**Duration:** 4 training sessions in distance learning



## 10. Conclusion

The Initial Training Program reflects the training need for newly appointed state prosecutors and expectations of judicial and prosecutorial system institutions in preparing and developing professional skills, ethics and practical skills, with the purpose that by the end of the program, its beneficiaries will be ready to fully exercise their function in professional, independent and efficient way.

The program structure, training modules and the practical training, reflect the AJ goal on capacity development, relying on the training duration as provided by law, and taking into account the preparation and previous professional experience of the beneficiaries, which they have already gone through all testing and evaluation phases of professional competencies by the Prosecutorial Council, respectively the relevant commissions.



**Academy of Justice**

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

**[infoad@rks-gov.net](mailto:infoad@rks-gov.net)**

**038 200 18 660**

**Address “Lagjja e Spitalit”**

**Str. Muharrem Fejza n.n.**

**Pristina, Republic of Kosovo**