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Akademia e Drejtësisë - Akademija Pravde - Academy of Justice

**Initial Training Program
for newly appointed prosecutors
2023/2024**

Pristina, 2023



Initial Training Program

for newly appointed prosecutors

2023/2024

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on 16 February 2023



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1. Introduction

Judicial professionals play an important role in the justice system as they are the main protectors of freedoms and human rights, and they play a vital role in promoting and protecting the rule of law.

The Academy of Justice, within its mandate, organizes the initial training for newly appointed judges and state prosecutors. Based on this, the Academy develops the Initial Training Program (ITP) for newly appointed prosecutors which aims to develop their professional capacity and practical skills.

According to the legal basis, the initial training lasts 12 months and its structure is divided into two parts: theoretical training which is carried out combined with case studies from the case law, mock trials and other forms while the practical part is carried out in the prosecutor's office where they are appointed under mentor's supervision.

Initial training aims to equip young professionals with the job competencies they need to accomplish their tasks and get the job done well. This is not an easy task, given the complex situation of the Kosovo judiciary, with a large number of court cases awaiting resolution.

The initial training program for the ten (X) generation of prosecutors focuses on the development of professional capacity on the national and international legislation, drafting court decisions based on fact analysis, application of ethical rules, development of judicial and social skills, exchange of practices in institutions related to the work of prosecutors, development of research, organizational and managerial capacities and development of interdisciplinary skills. Always relying on the principle of transparency, non-discrimination, cooperation, law enforcement and standards set for legal education.

The training methodology will focus on the basic principles of case-based training as an effective approach to vocational training and judicial education, especially in the initial training program.

For the implementation of this training program, the following accompanying documents will be drafted: training modules, training calendar, training schedule and presentation materials on specific topics.

This training program has been approved by the AJ Managing Board.

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.

Main goals of the initial training program for 2023/2024 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 the Academy of Justice (No. 05 / L-095);
- Law on the State Prosecutor (No. 03 / L225)
- Law on Amending and Supplementing the Law no. 03 / L225 on the State Prosecutor (No.05 / L-034);
- Law on the Kosovo Prosecutorial Council (No. 03 / L-035);
- Law on Amending and Supplementing the Law No. 03 / L-223 on the Kosovo Prosecutorial Council (No. 03 / L-035)
- Regulation on the Initial Training Program;
- Regulation No. 07/2017 on Supplementing and Amending the Regulation on Initial Training No. 03/2017
- Regulation no. 01/2021 on Supplementing and Amending Regulation no.03/ 2017 on Initial Training
- AJ Work and Performance Plan for 2023 (approved by the AJ Managing Board on November 22, 2022);

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 the training needs assessment.

Below are some of the steps taken in order to establish this program:

- Consultation with the Chief State Prosecutor;
- Consultation with Chairman of Kosovo Prosecutorial Council
- Discussions with ITP trainers;
- 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 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 in 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

Initial training lasts twelve (12) months. The timing by law enables the training to be intensive and the structure of the initial training program for 2023/2024 is divided into two parts. The first part includes theoretical training combined with case studies from case law, mock trials, etc., while the second part is practical training accompanied by training in non-judicial institutions related to the work of judges and prosecutors.

In order to determine the structure of the initial training, it is necessary to initially determine what competencies should be developed in the newly appointed judges and prosecutors, respectively what are the qualities that a judge and a prosecutor should have.

For development of the participant's competencies, AJ is based on the following scheme:

Personal integrity and professional conduct	<ul style="list-style-type: none"> • Independence and impartiality • Self-confidence and authenticity • Just engagement for a fair trial 	<ul style="list-style-type: none"> - Is convinced about the legal system and its quality; - Represents the rendered decision; - Demonstrates individuality and stability to the impact of his/her actions; - When necessary dare to go against the prevailing views; - Is clear about the expectations, sets boundaries.
Legal and judicial skills	<ul style="list-style-type: none"> • Determination, adjudication; • Obedience • Analytic ability and ability to judge; • Managerial Responsibility; • Leadership; 	<ul style="list-style-type: none"> - Take decisions based on available information; - Acts decisively even when the pressure raises; - Provides a clear and complete meaning to the decision-making structure and the process followed in drafting of the decisions; - Takes the consent of the parties about decision; - Provides a full meaning to a formulated text; - Percepts options to bring the parties together and to mediate in resolving their dispute; - Processes and solves a variety of data; - Systematically reviews and evaluates; - Poses questions based on understanding; - Discusses issues based on situations; - Use logical thoughts deriving to establishment of statements up to clear and transparent reasoning; - Plans and organizes his/her work on the case; - Involve others in important topics; - When possible allows others to add their expertise; - Organize the work of employees in most efficient way; - Informs others about the progress of the work; - Regulate procedures (content, quality and timing) if required.
Professional commitment	<ul style="list-style-type: none"> • Ability to manage the office, • Ability to learn and self-reflect; 	<ul style="list-style-type: none"> - Develop organizing and leading capacities to lead interrogation sessions and meetings

- Ability to cooperate;
 - Flexibility and ability to deal with the work load;
- Is open to feedback by others and dedicated to learning;
 - Is curious, actively seeks new innovations and/or new situations;
 - Ready to participate in vocational education and engaged in regular training, to increase professional capacity for domestic and international legislation,
 - Is open to cooperation with others;
 - Takes initiative and uses the opportunity to share knowledge, support and consult with others to improve the quality and efficiency of justice;
 - Exchanges practices with institutions related to the work of courts and prosecution offices;

Social awareness

- Listening and communication;
 - Suitability;
 - Obedience;
 - Awareness of social environment;
- Understand the situation of others, makes personal contact and motivates - active listening - gives the impression to others that their contribution is received;
 - Adjusts the approach when the situation changes or when it leads, adapt to specific circumstances and situations;
 - Gives a clear and full understanding to the structure of decision-making and to the process followed in the drafting of decisions;
 - Gives full meaning to the formulated text;
 - Takes into consideration the options to bring parties together and to mediate in resolving the dispute;
 - Have tendencies for social developments and establish his/her own image under the law;
 - Seeks for old, new and contradictory information, as well as different perspectives that may affect the decision and the procedure;
 - Shows awareness on the impact of different circumstances and parties;
 - Assess the impact of their role and position in social context, takes that into consideration and maintains distance;
 - Has knowledge on socio-economic contexts, where functions are practiced;

ITP is conceptualized and framed as a professional qualification program, based on competence, modules and is 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 the theoretical and practical, guiding and self-learning stages, including e-learning elements.

5.3 ITP Content

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 the research, organization and management capacities;
- Development of interdisciplinary skills.

This content reflects the development of the competencies of participants which will focus on the development of practical skills of newly appointed judges and state prosecutors as it is estimated that the beneficiaries possess theoretical knowledge relevant to the function of the prosecutor. The aforementioned competencies will be developed through modules which are attached as an annex to this program, practical training, programs in non-judicial institutions related to the work of courts and prosecution offices, and 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.

Training sessions or hours for each module are determined taking into account the following:

- Content of the training module;
- The nature and difficulty of the module;
- Type of module and its relevance to case law in judiciary/ prosecution;

In general training program of each module contains at least a certain number of training sessions implemented in accordance with the work plan¹. Within the professional training program, besides professional modules and those of interdisciplinary character, additional modules that will be implemented through distance learning platform have been included.

¹ The module form is attached as an annex to this program

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 implementation of the training program as outlined in this manual and training program, evaluating also the performance of the beneficiary during the training. The practical program includes issues from a professional point of view, communication rules, case management, ethics and other practical issues of interest to the beneficiary. During this training, the newly appointed State Prosecutor can assist the prosecutor in the exercise of his/ her function, participate in prosecutorial activities during his/ her internship, but always under the 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 implementation of the practical training.

The manual is part of this program whereas, its purpose 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 competencies that should be gained by the participants during the internship program.

Mentors were also given ideas on how to expose beneficiaries to a wide range of topics that would prepare them to take up their official duties upon completion of the initial training. The focus of the internship manual and program is to emphasize the importance of providing real hands-on experience to beneficiaries in developing their skills, ranging from professional, legal writing, critical thinking, ethics, communication rules, case management and many other aspects of a practical nature and of interest to the beneficiaries.

Also, during the internship the newly appointed prosecutors will attend a special training module which is to be implemented alongside the practical training. This module deals with the establishment 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 in 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 where the newly appointed state prosecutors will attend the training are listed below:

- Constitutional Court
- Ombudsperson
- Kosovo Police
- Correction Service

- Probation Service
- Kosovo Customs
- Personal Data Protection Agency
- Institute of forensic medicine

5.5 Mock Trials

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 the mock trials, participants can improve the analysis and reasoning of facts skills, develop listening and cooperative skills, better understand the judicial system, and advance the knowledge of the proving rules before the panel.

5.6 Research work

Within the competencies of the initial training is included the research work, where this competence is realized either through practical cases during the training as well as research works. These papers contain different topics that address different institutes of law, different aspects of domestic and international legislation. The purpose of these works, in addition to training and raising the skills of beneficiaries in the field of research and legal writing is also to provide professional support for young lawyers if it creates the conditions for the publication of Academy journals. This component is evaluated as well as the practical and theoretical part.

6. Evaluation

The evaluation process for 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;
- Module's testing can be implemented in various forms: written tests, verbal tests, written elaboration and presentations;
- The prerequisite for participation in module's testing is 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 facts	Recognition and implementation of the law	Fact analysis	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

	<u>Level</u>
Ability to identify and use the deontology rules (Competence “ Personal integrity and professional conduct ”)	Achieved <input type="checkbox"/> In progress <input type="checkbox"/> Not achieved <input type="checkbox"/>
Ability to analyze and describe a case or situation (Competence “ Legal and judicial skills ”)	Achieved <input type="checkbox"/> In progress <input type="checkbox"/> Not achieved <input type="checkbox"/>
Ability to identify, respect and guarantee legal rules (Competence “ Legal and judicial skills ”)	Achieved <input type="checkbox"/> In progress <input type="checkbox"/> Not achieved <input type="checkbox"/>
Ability to adjust and adapt (Competence “ Social awareness ”)	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 “ Social awareness ”)	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 “ Social awareness ”)	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 “ Legal and judicial skills ”)	Achieved <input type="checkbox"/> In progress <input type="checkbox"/> Not achieved <input type="checkbox"/>
Ability to find solutions and reconcile the parties (Competence “ Personal integrity and professional conduct ”)	Achieved <input type="checkbox"/> In progress <input type="checkbox"/> Not achieved <input type="checkbox"/>
Ability to take decisions based on justice and facts (Competence “ Legal and judicial skills ”)	Achieved <input type="checkbox"/> In progress <input type="checkbox"/> Not achieved <input type="checkbox"/>
Ability to motivate, formality and explanation of decisions (Competence “ Social awareness ”)	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 “ Social awareness ”)	Achieved <input type="checkbox"/> In progress <input type="checkbox"/> Not achieved <input type="checkbox"/>
Ability to work in groups (Competence “ Professional engagement ”)	Achieved <input type="checkbox"/> In progress <input type="checkbox"/> Not achieved <input type="checkbox"/>
Ability to organize, manage and take initiatives (Competence “ Professional engagement ”)	Achieved <input type="checkbox"/> In progress <input type="checkbox"/> Not achieved <input type="checkbox"/>

7. Calendar and Training Schedule

For the realization of this program, the calendar of training activities will be drawn up. The initial training is carried out in a combined way by theoretical and practical training. The theoretical part of the training is held at AD, while the practical training is at the prosecutor's office and is accompanied by training at other non-judicial institutions.

Theoretical and practical training will be carried out in a combined way according to the model of 2 days of theoretical training in AD and 3 days of practical training in the prosecutor's office. This schedule will be flexible in order to fulfill the theoretical training program as defined in each training module. The training schedule and the number of training sessions have been determined in close consultation with all relevant actors.

The conditions of participation in training and absences during training are regulated by the Regulation on Initial Training.

8. ITP Training Modules of 2023/2024 for 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 hrs	1.1 Constitutional Law in relation to the judicial and prosecutorial system	4
			1.2 International legal cooperation in civil and criminal matters	2
			1.3 EU Law	4
			1.4 ECHR – legislation on Human Rights	9
2.	Criminal Code of the Republic of Kosovo	111 hrs	2.1 Criminal Code of Kosovo - general part	14
			2.2 Criminal Code of Kosovo – special part	13
			2.3 Cyber crime	4
			2.4 Guideline on Punitive Policy	4
			2.5 Responsibility of the legal persons	2
3.	Criminal Procedural Code of the Republic of Kosovo	258 hrs	3.1 Criminal report	3
			3.2 Initiation of formal investigation and criminal procedure	3
			3.3 Covert measures of surveillance and investigation	6
			3.4 Measures to ensure the presence of the defendant in the procedure	5
			3.5 Crime scene and forensics	4
			3.6 Search and confiscation	5
			3.7 Expertise and analysis	5
			3.8 The defendant in the criminal procedure	3
			3.9 Witnesses and injured parties in criminal proceedings	6
			3.10 Minutes/ records	3

			3.11 Alternative procedures	7
			3.12 Administration of the criminal procedure	3
			3.13 Evidence during investigation	6
			3.14 Indictment and review procedure	7
			3.15 Role of the prosecutor in the judicial review procedure	5
			3.16 Initial hearing, second hearing and the main trial	5
			3.17 Special procedures according to CPOK	4
			3.18 Procedural expenses and property legal claim	1
			3.19 Exercising of legal remedies	5
4.	Personal and interdisciplinary skills	51 hrs	4.1 Communication rules	2
			4.2 Professional ethics and disciplinary liability	7
			4.3 Case management and performance measurement	4
			4.4 Social capacity building of judges and prosecutors, and stress management	4
			4.5 Reasoning of decisions (acts, indictments/ complaints)	4
5.	Legislation and complementary skills	12 hrs + 3 training days	5.1 Juvenile Justice Code	2
			5.2 Trial advocacy skills	
			5.3 Law on Minor offences	2

9. ITP Training Modules 2023 - 2024

9.1 National and international legal order

9.1.1 Constitutional Law in relation to the judicial and prosecutorial system

This module will address the normative framework of the Constitutional Court in Kosovo, constitutional sources in Kosovo, the competencies of the Constitutional Court and the proceedings in this Court particularly, the procedure of incidental review of constitutionality. Also, subject to treatment will be the decisions of the Constitutional Court, legal nature, types, effect and the manner of their enforcement, accompanied by cases from the case law of the Constitutional Court of Kosovo. As provided by the Constitution and the Law on the Constitutional Court of Kosovo, the constitutional judiciary operates in only one instance and no appeal or other regular or extraordinary legal remedy can be appealed against its decisions. Decisions of the constitutional courts are binding for the judiciary and all persons and institutions of the Republic of Kosovo, therefore there is a need for their comprehensive treatment.

This sub-module will address the following: Sources of constitutional law and the role of the Constitutional Court of the Republic of Kosovo, Procedure in the Constitutional Court of the Republic of Kosovo and its decisions. Also, it will elaborate on organization of the judicial and prosecutorial system according to applicable legislation. In this context the training will cover the role, function and competencies of basic courts, the Prishtina Basic Court, the Appeals Court, the Supreme Court and competencies of the Special Chamber of the Supreme Court of Kosovo.

Addressing issues that are important to the newly appointed prosecutors from the mentioned topic will be done through partial theoretical explanation, relating to practical cases, mainly related to substantive and territorial jurisdiction as well as conflict of jurisdiction. The aim is also to realize a proactive approach by the participants through interactive discussions.

Duration: four training sessions (12 training hours)

9.1.2 International legal cooperation in criminal matters

International legal cooperation is presented as a necessity in these modern times as crime has transcended domestic borders and taken on an international dimension. In this increasingly interdependent world, no country can fight crime effectively without cooperation between states to prevent and detect crime. So the ability of states to help each other quickly and efficiently is of paramount importance.

When we talk about international legal cooperation in criminal matters, we mean any form of assistance requested or provided by another state, organization or institution, in order to support criminal proceedings in matters such as: (extradition, transfer of criminal proceedings from the states of foreigners in the Republic of Kosovo, transfer of convicted persons from other states to the Republic of Kosovo, recognition and execution of foreign judgments in the Republic of Kosovo, local requests for mutual legal assistance to another state and the appearance of witnesses, experts and defendants etc.).

While when talking about international legal cooperation in the civil field, we mainly think about issues related to the recognition and enforcement of foreign court decisions or equivalent decisions. This topic includes, inter alia, the procedure for international legal cooperation in the civil field for requests arising from the Republic of Kosovo, or from foreign countries for Kosovo, the role of the court and the Department for International Legal Cooperation (HRD) in this procedure, jurisdiction based of the Law on Contested Procedure and jurisdiction under the law on arbitration, international conventions that regulate the issue of international legal cooperation in civil matters, such as: the Lugano Convention, the Hague Convention, as well as some of the most important conventions that regulate the issue mentioned above.

Every day more and more cases are being presented in the courts and the prosecutor's office, starting from the provision of minimum legal aid - various petitions for obtaining witness statements or submitting various documents / summonses or rulings until the extradition of wanted persons according to the act of petition of the requesting state. Then in civil cases, there are aspects like difficulties in applying foreign law, procedural issues related to cross-border document services, international legal assistance and recognition and enforcement of foreign court decisions, etc. Addressing the dilemmas in practice that are important for the newly appointed prosecutors from the mentioned topic will be done through the partial theoretical explanation of the basic notions that contain the legal provisions in force nationally and internationally and their application through the elaboration of practical cases. Also through interactive discussions in separate groups of participants, who will defend and argue different positions and analysis of court cases. This module also aims to encourage participants in a pro-active learning approach.

This sub-module will address: The legal basis of international legal cooperation in Kosovo in civil and criminal matters and the importance of international legal cooperation in these matters, international and EU legislation on international legal cooperation in civil and criminal matters, the role of judges and prosecutors in the proceedings in these cases, proper implementation of legal provisions in force regarding international legal cooperation in civil and criminal matters; the necessary skills of judges and prosecutors in enforcing appropriate laws in international legal cooperation in civil and criminal matters; and cases from the practice of international legal cooperation in civil and criminal matters.

Duration: Two training sessions (6 training hours)

9.1.3 The European Union Law

This sub-module aims to address cases and provide knowledge to the newly appointed prosecutors of the Republic of Kosovo on the effect of European Union law. The focus will also be on the analysis of aspects of the applicable principles of EU law before EU membership with emphasis after the entry into force of the Stabilization and Association Agreement. How will the effect of EU law be elaborated after the entry into force of the Stabilization and Association Agreement?

The Republic of Kosovo as a country of the European legal circle is currently in the phase of the European integration process where besides the adoption of legislation with EU standards (aque communitare) it is paying attention to the reforms in the judicial system, especially that of the acquitting newly appointed judges with knowledge on the European law and procedures that take place in the relevant institutions of the European Union.

This module will address the integration processes (both in terms of in-depth integration as well as enlargement) and in more detail the origin of the EU; familiarity with the institutions of the European Union, their role and responsibility, the nature of the EU's competencies; basic knowledge of EU law (structure of the Treaty on European Union, objectives and values of the European Union) familiarity with the establishment of EU law, the relationship of this law with the national and international laws as well as the procedures of judicial review. The difficulties and dilemmas related to the interpretation of the effect of European law at the national level (direct and indirect effect) as well as the implementation of this law by the courts of the Republic of Kosovo after the entry into force of the Agreement on Stabilization - Association.

Addressing the dilemmas in practice that are important for the newly appointed judges from the mentioned topic will be done by explaining the institutions of the European Union, their role and responsibility, clarifying the competencies of the EU; familiarity with EU law, and the relationship of this law with national and international law, as well as through the breakdown of judicial review procedures, especially those that take place in the Court of Justice of the European Union (ECJ).

In the development of this module among the methods that will be used will be: partial theoretical explanations and cases from case law; interactive discussions in separate groups, which will defend and argue different positions and analysis of court cases. It is also intended to achieve an active participation of participants, so that they also contribute to the realization of the objectives of the module.

This sub-module will address: The role and competences of the institutions of the European Union, Sources of European Union Law, The Four Fundamental Freedoms in the Internal Market of the European Union, and Judicial Review in the European Union.

Duration: Four training sessions (12 training hours).

9.1.4 European Convention on Human Rights

The European Convention on Human Rights was the first international human rights instrument to aspire the protection of a wide range of civil and political rights, both in the form of a legally binding treaty for the High Contracting Parties and by establishing an oversight system for the implementation of rights within the country.

The ECHR, as an international instrument provided by the Constitution of Kosovo, is also an integral part of the legal order of Kosovo. Interpretation and implementation of national legal norms according to the practice of the European Court of Human Rights and within the meaning of the ECHR in the Republic of Kosovo is conducted in accordance with the Constitution of the Republic of Kosovo. In the case of Kosovo, although it is not yet a party to the Convention, this is not only one of the international agreements from which certain obligations arise for the signatory states, but it is one of the most important constitutional principle, with which Kosovo in the Constitution has stated that: "Human rights and freedoms guaranteed by the following international agreements and instruments, are guaranteed by this Constitution, are directly

applicable in the Republic of Kosovo and have priority, in case of conflict, over the provisions of laws and other acts of public institutions.

Addressing the dilemmas in practice that are important for the newly appointed judges will be conducted through the partial theoretical explanation of the basic notions contained in Articles 2, 5, 6, 8 and 10 of the ECHR and their application through the elaboration of practical cases of the ECHR and its interpretations. Also through interactive discussions in separate groups of participants, who will defend and argue different positions and analysis of court cases by the ECHR. This module also aims to achieve a pro-active approach of the participants.

This module will address the following: The role and importance of the Council of Europe, the European Court of Human Rights and the European Convention on Human Rights. There will also be treated comprehensively: the right to life, the right to liberty and security, the right to a fair trial, the right to respect for private and family life, freedom of expression, the protection of whistleblowers and the safety of journalists.

Duration: Nine training sessions (27 training hours).

9.2 Criminal Code of the Republic of Kosovo

9.2.1 Criminal Code – General Part

The general part of the Criminal Code is the most important criminal material part. This section will address and elaborate on the provisions related to the basic principles of substantive criminal law. These premises aim to understand and advance the skills of the newly appointed judges on the implementation of the most favorable law, the meaning of the criminal offense and the forms of criminal liability, the reasons for exclusion of criminal liability, the forms of criminal cooperation, the types of criminal sanctions that determines the criminal code and the manner of their application in practice. Statutory limitation as a very important institute, legal rehabilitation and implementation of criminal legislation in terms of scope of effect and protection of the legal goods of the country. The meaning and the possibility of applying the provisions of the general part in practice by the new prosecutors would greatly facilitate the implementation of the special part of the criminal code as well as the specific criminal offenses in the legal system of the country. This training will be focused on the aspects of interpretation of these provisions, with the focus on application of such provisions in practice, and analyzing them in context with the elements of the concrete criminal offense that would be taken as a practical case.

It will be intended that the implementation of the general part of the criminal code be applied on the basis of the case that raises dilemmas related to the general provisions, so that the newly appointed judges have a better understanding on how to approach the application of this part of the Criminal Code in their work.

Of a great importance will be elaborating the dilemmas that arise regarding the forms of guilt that also involve criminal liability. Then the sense of intent, negligence, knowledge, and the purpose that are constantly seen as dilemmas in the case law especially for the young judges. Sanctions and the manner of implementation, which raise dilemmas for some of the sanctions whether the judge can impose some of the additional sentences without the proposal of the prosecutor. So this part will be implemented in the context of practice followed by problems encountered in practice.

This part will include the most important provisions of the general part of the code as follows: Grounds and limits of sanctions, criminal offenses and criminal liability, cooperation in the commission of criminal offenses, criminal sanctions - punishments and measures, rehabilitation and statutory limitation, and implementation of criminal legislation.

Duration: 14 training sessions (42 training hours).

9.2.2 Criminal Code – Special Part

Considering the volume of criminal offenses contained in the special part of the Criminal Code of the Republic of Kosovo, during the training it will be aimed to acquaint the participants with the criminal offenses that are of the greatest importance from the first moment when the newly appointed judges begin their work in court, therefore, will focus on criminal offenses that fall within the competence of handling cases by initial judges and with special emphasis on those offenses that are more common in practice without leaving aside the offenses that in practice are not often committed. During the training, participants will be introduced to some criminal offenses of several chapters separately, the elements of criminal offenses and who may be the perpetrator of criminal offenses. They will also be notified which criminal offenses are committed intentionally and the cases when they are committed through negligence. They will also understand the distinguishing elements in the criminal offense of the qualified form in relation to the basic qualification of each offense that will be treated. It will be intended to use combined methods of interpretive aspect and application of practical cases.

The most necessary clarifications of practical problems that consist of general problems in the application of norms, starting with understanding the specific elements of how they are met in each case with each offense to be dealt with, building the case in that way with the display of the dilemmas of practice at work in order to understand how to eliminate those dilemmas so that there is no improper application of the concrete norm that incriminates the concrete criminal offense.

The special part will include some criminal offenses that are in the competence of the initial judges and will also deal with special emphasis on the offenses that appear most in practice, as follows: Criminal offenses against life and body, criminal offenses against freedoms and human rights, criminal offenses against employment rights, criminal offenses against sexual integrity, criminal offenses against marriage and family, criminal offenses against public health, criminal offenses against narcotics, criminal offenses against the economy, criminal offenses against property , criminal offenses against, environment, animals, plants and cultural objects, criminal offenses against the general safety of people and property, criminal offenses against weapons, criminal offenses against general safety in public traffic, criminal offenses against the administration of justice and administration offenses, criminal offenses against public order and criminal offenses against official duty.

Duration: 13 training sessions, (39 training hours).

9.2.3 Cybercrime

Experience suggests that in most cases judges and prosecutors face difficulties in handling new realities of cybercrime. Therefore, it takes particular effort for capacity development of judges and prosecutors so that they lawfully prosecute and adjudicate the cybercrime and use electronic evidence through training, connection to network and specialization.

This sub-module is designed to provide the judges and prosecutors with a basic level of knowledge on cybercrime and electronic evidence. The course will provide practical as well as legal information on this topic and will focus on ways how these matters impact the daily work of judges and prosecutors.

Judges and prosecutors have a significant role on prosecution and adjudication of individuals or groups that commit crimes. With the increase of crimes that contain elements of cybercrime or electronic evidence, also the need for adequate training for judges and prosecutor's increases, in order that they understand the nature of these crimes and also are updated on the legislation and tools of international legal cooperation available for handling these matters.

This sub-module will contain instructions and tools of international legal cooperation that can be used during investigation of cybercrimes, including the 24/7 contact points, Mutual Legal Assistance, the Judicial Cooperation Activity, the Judicial Cooperation Platforms, etc.

Duration: 4 training sessions (12 training hours).

9.2.4 Guideline to punitive policy

The Punitive Policy Guideline aims to enable the application of the methodology established by the Supreme Court of Kosovo to achieve a just goal of the court decision when it comes to sentencing the accused who is found guilty of the criminal offense charged. Through this guideline, judges will be able to apply and weigh the circumstances for sentencing to achieve two main principles of criminal law that are also embodied in the constitutional provisions as fundamental human rights and liberties. The first principle that will be implemented is the principle of legality, since through application of standard methodology of the aggravating and mitigating circumstances every citizen will be equal before the law, not having a same standard impact on similar circumstances to different accused persons in a different way. The second principle that will be achieved will be the proportionality of the sentence in criminal law that is imposed on the accused when they are found guilty of the criminal offenses they are accused of, therefore having a standard methodology of applying the circumstances to measure the sentence, which methodology is incorporated in the guideline, will also apply the principle of proportionality of the sentence in the criminal law, which at the same time is a principle incorporated in the Constitution of the Republic of Kosovo.

Through this sub-module it will be intended that the application of the circumstances of sentencing will be clarified based on specific practical cases, the so-called "Positive cases and negative cases", which will include specific explanation on which are the circumstances that reason such a sentence, how to justify them to be a satisfactory court decision for the parties- but also for the general public, by convincing each party that the court was maximally attentive to the circumstances that influenced such a sentence.

Dilemmas that constantly follow the work of new judges and not only, have been whether there should be a baseline upon which they can weigh the mitigating and aggravating circumstances, and being so, the training will try to explain application of the baseline for measuring the sentence.

The application of aggravating circumstances and not doubling the assessment of aggravating or mitigating circumstances will also be addressed, this would enable the new judges to eliminate doubts on the solid argument that such a sentence is proportional to the criminal offense but would also enable correct application of the principle of legality, above all these will address the problems and practical dilemmas that dominate the judicial system currently in the implementation of the guideline for punitive policy, always in accordance with the principles of the purpose of sentences under the Criminal Code of the Republic of Kosovo.

This sub-module will address the following: Understanding the implementation of the guideline, aggravating circumstances of sentencing, mitigating circumstances of sentencing, starting point of sentencing, the possibility of applying a milder sentence according to the circumstances and the specific case, not doubling of the assessment of aggravating and mitigating circumstances.

Duration: 4 training sessions (12 training hours).

9.2.5 Responsibility of legal entities

Given that the general social development has advanced in Kosovo and since the legal system of the country has defined judicial protection even when the rights protected by incriminating actions are violated by legal entities, where the protection of rights is incorporated by the special law which is the Law for the responsibility of legal persons for criminal offenses, it is considered

necessary and imperative that the newly appointed judges have knowledge on the aspects of legal regulation of criminal liability of legal persons for criminal offenses, which is another way of regulation than that of natural persons. Therefore, this sub-module aims to address the manner of criminal liability of legal entities as such sanctions are diametrically different from the sanctions provided by the Criminal Code for natural persons, but on the other hand the provisions apply to the criminal liability of legal entities and notions of the criminal code, such as criminal offenses, necessary protection, extreme necessity, etc., even to legal persons when criminal proceedings are conducted against them.

The Kosovo's past legal system had a rule that foresaw commercial offences, now since the legal persons can be used as coverage on different criminal activities of the responsible persons, Kosovo adopted a law on legal responsibility of legal persons for criminal offences, always with the purpose of protecting the rights aimed by the criminal law. The legal persons, in practice, most frequently occur when incriminated in some chapters of the criminal offences, like, economic crimes, crimes against justice administration, environmental crimes, etc. but not excluding incriminating actions for other criminal offences, therefore the approach will be a combination of liability findings of the responsible person, and how the responsibility of the legal person is alleged towards the actions of the responsible person.

The practical dilemmas sought to be elaborated are, the alleged liability of the responsible person, considering that the law on business organizations and other laws as well, allow organization and establishment of legal persons have a wide scope of functioning, and it aims to divide the responsible persons within the legal entities established and registered in Kosovo. What types of sanctions can be imposed to legal entities, in what form shall the proceedings be conducted, is it possible to conduct in parallel the criminal procedure and how it is done when there is a reasonability for partition of the procedure for the responsible person of the legal entity; how to apply general provisions of the Criminal Code? Does the country's Constitution permit adjudication and imposing of a criminal sanction on the grounds of the alleged liability, and why is such a solution provided, as well as application of the case studies from the case law.

This sub-module will elaborate on the meaning of the responsible person according to organization of the legal entity, the alleged liability of the proved legal person, types of sanctions and safety measures that can be imposed against legal persons, statutory limitation of criminal prosecution as well as measures and procedures of the unique criminal procedure.

Duration: 2 training sessions (6 training hours).

9.3 Criminal procedure code

9.3.1 Criminal report

The criminal report is an informal act and referring to the importance of this act for initiating criminal proceedings, through this sub-module and during the training, it is intended that participants are acquainted with the criminal report in general, persons who can exercise it, who is the competent authority for his treatment and criminal charges against unknown persons.

In this sub-module, the authorizations of the police before the filing of the criminal report and after its filing will be treated, as well as the criminal report from other state bodies, from the citizens, etc. Special attention will be paid to the actions of the state prosecutor in the case of receiving the criminal report, the request for the provision of additional data of the criminal report, the undertaking of certain investigative actions and the special report. The content of this sub-module, will elaborate on consequences of the false report, respectively the criminal offense of false reporting or reporting, when it is committed, the circumstances when criminal liability is excluded, etc. Special emphasis will be given to decision to dismiss the criminal report, the grounds for making this decision and the participants will be assigned a task to compile such a decision.

Duration: 3 training sessions (9 training hours)

9.3.2 Initiation of the formal investigation and the criminal procedure

Numerous legal changes, after the war, including the Criminal Procedure Code, especially on the role of the state prosecutor who has gained greater dynamism compared to previous codes, as he has greater powers in the performance of his duties, being active at any stage of the criminal proceedings, with a dual role as a representative of the state and a party to the criminal proceedings. With the increase of the powers of the state prosecutor, now also the criminal procedure, should be understood as a fight between two equal subjects, for which the court should stand in the middle in the role of arbitrator, where the duties of the pre-trial judge are more concentrated in cases of restriction of human rights and freedoms, issuance of covert technical measures of surveillance and investigation, sequestration and confiscation, etc. Based on the accusatory principle *nemo iudex sine actore*, criminal prosecution is the exclusive competence of the state prosecutor, therefore his role is of special importance, so that he is able to orient the investigative procedure from the beginning, leading the investigation and cooperating with the police on the occasion of collecting and obtaining evidence.

This sub-module will include pre-investigation procedures, authorizations of the state prosecutor after receiving the criminal report, initiation of investigations, suspension of investigations, conditions for issuing this act, resumption of investigations, termination of investigations and conditions for issuing this act. Participants will be given the opportunity to compile the acts described in this training through exercises that will be applied during the training.

Duration: 3 training sessions (9 training hours).

9.3.3 Covert measures of investigation and surveillance

Covert technical measures of surveillance and investigation are included in the second part of Chapter IX, respectively Articles 84-100 of the CPCRK and do not have a long history of application in the criminal system of Kosovo. What has influenced the presentation of these investigative actions is the rise of technology and the introduction of various forms of crime, which is impossible to combat with classic investigative actions. As such they are in the full function of the efficiency of the criminal procedure. These measures are an attempt of the legislator to strengthen the possibility for the most efficient investigation, prosecution and fight against crime, but on the other hand they are measures by which if law enforcement officers do not take within the legal framework, there is a real possibility of violation and basic human rights and freedoms are violated, therefore they must be implemented carefully and accurately so that the human rights guaranteed by local and international acts are violated as little as possible. For this purpose, the CPC has set strict conditions for the application and issuance of these measures. The purpose of implementing these measures is to prevent the commission of criminal offenses, the efficient detection of criminal offenses, as well as the prosecution of their perpetrators in cases where they cannot be detected by other investigative actions.

According to the CPCRK, 14 covert technical measures of surveillance and investigation are foreseen and the focus of this module is to provide newly appointed prosecutors with practical knowledge when applying for these procedural institutes, conditions for their issuance, duration, termination, the persons competent for their issuance, the content of the request and the order, the legal remedies against these orders, the admissible and inadmissible evidence derived from these measures and others. During elaboration of this module will be presented the practical cases that have been treated and the participants, during the exercises will be given the opportunity to compile requests for issuance of these measures.

Duration: 6 training sessions (18 training hours).

9.3.4 Measures for ensuring presence of the defendant in criminal procedure

In order to implement the criminal procedure, in line with the standards of the European Convention on Human Rights, the Constitution of the Republic of Kosovo and other acts, according to the Criminal Procedure Code, the presence of the defendant in the criminal procedure is necessary. In reference to this, the CPRK has provided 9 measures to ensure the presence of the defendant in criminal proceedings. This sub-module aims to acquaint participants with the types of these measures, their implementation in practice, their duration, the competent authority requesting the imposition of these measures and what it orders, the content of the request for these measures and the detailed conditions for their issuance.

Considering that the most severe measure in terms of severity is detention and according to international acts but also according to local legislation it is required that detention be applied only when other measures as its alternative cannot achieve the goal according to the CPRK, a special session is left to the measure of detention on remand.

Referring to the fact that in practice these measures, especially detention, have difficulty in justifying the grounds for imposing, and to approach and address these dilemmas in practice, the newly appointed prosecutors in addition to presenting materials and practical cases will discuss cases from practice expressing their opinions. A practical case will also be exercised in relation to this measure and the conditions for issuing this measure and the standards to be used in the prosecutor's request for this measure will be explained in detail.

Duration: 5 training sessions (15 training hours).

9.3.5 Crime scene and forensics

The inspection of the scene is done immediately after the commission of the criminal offense in order to detect and preserve the traces of the criminal offense which are still fresh and its purpose is to directly establish accurately and as objectively as possible the material circumstances which dealing with the offense. While the reconstruction of the scene is ordered after a considerable time has elapsed from the moment of committing the criminal offense and is implemented by creating facts or situations under the circumstances under which the criminal offense was committed, based on the evidence gathered. Both the inspection and the reconstruction, depending on the stage of the criminal procedure, can be ordered by the prosecutor of the case.

The purpose of this training module is to assist newly appointed prosecutors with the initial steps from the moment of receipt of the notice for commission of a criminal offense, urgent action to be taken, cooperation with the police, conditions for going to the scene and reconstruction, the persons to be invited, the competent authority for issuing these actions, the difference between the inspection and the reconstruction, the adequate moment of the implementation of the reconstruction, the compilation of the minutes of the scene. In the end, a hypothetical case will be taken and prosecutors will have the opportunity to come to the scene simulating this institute.

Duration: 4 training sessions (12 training hours).

9.3.6 Search, sequestration, freezing of assets and restraining orders

The most effective tool in the fight against crime is undoubtedly the institute of confiscation and the states which have shown results in this regard are exactly those which have taken this procedural institute seriously.

This sub-module will address the provisions governing this matter, both domestic and international. During the training the newly appointed prosecutors will be acquainted with the order for temporary restriction, the request for temporary sequestration, the request for temporary measures for securing property, the restraining order, the request for a long-term restraining order,

the content of these acts, their duration, conditions for their issuance, the competent persons who issue them and the rights of the parties.

With the enactment of the Law on Extended Powers for Confiscation, a major step has been taken towards the fight against crime, therefore a special session is foreseen on the Law on Extended Powers for Confiscation of Property, Investigation for Confiscation, Collection of Evidence and Evaluation, the cooperation of the prosecutor with the agency. This training will use cases from practice which will be discussed with the participants.

Duration: 5 training sessions (15 training hours).

9.3.7 Expertise and analysis

In cases when issues arise before the prosecuting authority that require special knowledge in various fields of science, expertise is required. Expertise helps to confirm or evaluate any important fact when the assertiveness and opinion of the person who has necessary professional knowledge is acquired. Many facts would have remained unenlightened in the criminal proceedings, if the expertise had not been accepted as evidence in the criminal proceedings. Scientific achievements, especially the use of these achievements in the commission of criminal activities have inevitably highlighted the obligation to use these contemporary methods as evidence in criminal proceedings through the compilation of certain expertise. In these cases, expertise can help to determine the criminal responsibility of the defendant.

This sub-module will address: legal provisions governing this matter, types of expertise, persons competent to issue them, obligations of the expert, his report and statement, the rights of the parties in relation to the expertise and the probative value of the report of expertise and of the expert statement. The focus of this sub-module will be on the practical implementation of these procedural institutes and there will also be exercises based on practical cases.

Duration: 5 training sessions (15 training hours).

9.3.8 The defendant in the criminal proceeding

The defendant is one of the main subjects in the criminal proceedings. In our criminal legislation, in addition to the obligations, the defendant enjoys a number of rights which must be respected and implemented by the prosecuting authorities and the court, because despite the fact that the legislation explicitly defines the rights of the defendant in criminal proceedings, in practice there is a number of issues, in terms of their observance.

Referring to domestic and international legislation, in particular the European Convention on Human Rights, the defendant has the right to a fair and impartial trial, to be equal with the parties to the trial and to respect the principle of presumption of innocence. To be at the level of European standards, law enforcement agencies are required to prioritize respect for the integrity and personality of the defendant, guaranteeing him the rights recognized by the Criminal Procedure Code.

Since one of the basic principles of the rule of law is the respect for the freedoms and rights of the individual, the treatment of the rights of the defendant in criminal proceedings requires a good understanding of the context of these rights and the scope of their application. Rigorous observance of the rights of the defendant requires special attention in our country, at a time when criminal and criminal procedural legislation, tries to harmonize with international norms operating in this field.

Based on the case law, it is necessary to address the effectiveness of defense instruments in favor of the defendant and the respect in practice of their rights. In order for this treatment to take place in terms of respect for rights, the rights of the defendants must be seen in terms of domestic

legislation as well as in international acts that deal extensively with these rights. The purpose of this module is to what extent our legislation guarantees the protection of these rights.

Based on what was emphasized, the purpose of this module is to identify the rights and obligations of the defendant that are provided by the Code of Criminal Procedure, to see how realistically the rights of the defendant are respected. It is important to understand that a citizen, whoever that is, that has taken on the status of the person under investigation or the defendant, is not merely a procedural subject who needs to be treated coldly by the justice system. On the contrary, his figure must be seen in complexity, in order to become acquainted with the legal remedies guaranteed by law, as well as respecting his rights during the conduct of investigative and judicial activity.

During the implementation of this sub-module the approach will be interactive, giving the newly appointed prosecutors the opportunity to present and discuss all the dilemmas they have in practice and to draw conclusions and recommendations for overcoming these dilemmas. During the presentation of this sub-module it will be presented on cases when a person can be treated as a defendant, what are the differences between the expressions "suspect", "defendant", "accused" and "convicted". The presentation will provide an opportunity for participants to understand the role and importance of the defendant during the criminal proceedings, from the beginning to the end of the proceedings.

In this module the exercise part will be implemented by providing participants with examples from practice regarding the position of the defendant in different stages of the procedure so that participants through discussions identify which stage of the procedure is in question, identifying the position of defendants with the concrete stage of the proceedings. Participants will be provided with access to practical cases, where successes and failures can be seen in the case of witness and victim protection, as well as in the case of cooperating witnesses.

Duration: 3 training sessions (9 training hours).

9.3.8 Witnesses and injured parties in criminal proceedings

One of the important evidences that serves to prove a factual situation in a complete and fair way in a criminal case is also the testimony of the witness and the injured party as a witness. As a rule, a witness can be any person who can give notifications about the criminal offense, the perpetrator of the criminal offense and the circumstances relevant to the criminal proceedings.

Since every rule has exceptions and witnesses, such a principle applies, because there are cases when a person, although he can give notifications about the criminal offense, the perpetrator of the criminal offense and the circumstances relevant to the criminal proceedings, he cannot be witness because with his testimony he can reveal official or military secret. Then in the case where he is a co-defendant in the joint proceedings and counsel for what the defendant has entrusted to him in his capacity as counsel. In addition, there are witnesses who due to their proximity to the defendant or due to a position they have in society are acquitted of the testimony.

Also in certain cases in criminal proceedings there may be persons who have committed criminal offenses but who wish to cooperate with the prosecutor and if the prosecutor has any interest in criminal proceedings may accept cooperation with that person who in criminal proceedings is known as a cooperating witness.

A much more important issue in criminal proceedings is the treatment of witnesses and injured parties who need protection due to the threat of serious danger to that witness or his family, and in these cases there is a need for action by all institutions implicated in criminal proceedings such as the police, the prosecution and the courts.

Through this module it is intended that the participants learn about the types of witnesses, the difference between them, the protection of witnesses, the ways of interviewing witnesses, the

compilation of minutes for interviewing witnesses and the cases when the testimony of a witness is considered inadmissible evidence in criminal proceedings.

Through this module it is intended that the participants learn about the types of witnesses, the difference between them, the protection of witnesses, the ways of interviewing witnesses, the compilation of minutes for interviewing witnesses and the cases when the testimony of a witness is considered inadmissible evidence in criminal proceedings.

Also a part of this module will be dedicated to the injured party who can be not only a party to the proceedings but also a witness. This module will pay attention to the rights of the injured party such as the right to compensation and many other rights provided by the new Criminal Procedure Code of the Republic of Kosovo.

This module is based on the provisions of the Code of Criminal Procedure which provisions have been adapted for this module and which will be explained by giving clarifications and interpretations based on case law.

During the presentation of this module the approach will be interactive, giving participants the opportunity to present and discuss all the dilemmas they have in practice and to draw conclusions and recommendations for overcoming these dilemmas. Participants will be provided with access to prepared practical cases, where successes and failures can be seen in the case of witness protection and injured parties, as well as in the case of cooperating witnesses. The training will also conduct a trial simulation.

Duration: 6 training sessions (18 training hours).

9.3.9 Transcript

This module will present the basic knowledge to understand what is the transcript, who are the persons who exercise the actions during the criminal proceedings, respectively the competent persons who record the actions in the transcripts, how is the transcript created, how they are kept, written and stored, notes that should be included in the transcript, importance of their review and the rights of the parties giving statements. This module treats the work done in the police, prosecutorial and judicial bodies related to the transcript, as important actions in all stages of criminal proceedings.

The presentation will provide participants with the opportunity to learn how to take minutes, audio and video record during sessions, record audio and video actions, stenography and transcription, handwriting or transcription machine and transcription, recording by others, for the content and maintaining of the case files, including the minutes. The purpose of this module is also for the participants to get acquainted with the work of the state prosecutor and the court.

In this module the part of the exercises will be implemented by providing participants with examples from practice, regarding the compilation of minutes at different stages of the procedure, so that they are able to rank the minutes according to the competent bodies that undertake them, according to their importance and through discussions identify the status of each party making a statement at any stage of the proceedings in order to understand, compare and assess the necessity of obtaining them.

Duration: 3 training sessions (9 training hours).

9.3.10 Alternative procedures

In Chapter XIV of the CPC, some of the alternative procedures for resolving criminal cases are regulated. These procedures regulate the aspect of action when applying these alternative procedures, and their characteristic is that it is based on the principle of opportunity and excludes the principle of legality.

Alternative proceedings are important for the fact that they are provided by contemporary legislation and when resolved they enable the parties to the proceedings to be directly involved in their application and thus avoid lengthy proceedings through regular court proceedings.

The treatment of this sub-module for the initial prosecutors will be very useful during their work, as through the application of alternative procedures will increase the productivity of their performance and will also be useful for the parties in the procedure in order to resolve their cases in the fastest time possible. Prosecutors have an important role to play in making final decisions regarding the agreements of the parties to the proceedings. This sub-module will address the importance of alternative proceedings and their application, the role of the prosecutor in processing cases in alternative proceedings, mediation and plea bargaining through the prism of the prosecutor. Participants will be given access to prepared practical cases, where successes and failures regarding alternative procedures can be seen.

Duration: Seven training sessions (21 training hours).

9.3.11 Administration of the criminal procedure

Given the importance of the topics that will be developed in this module, the time allocated for presentation and what difficulties are most often faced by courts and prosecution in their work on topics that will be elaborated during the training. This module will present and inform the participants, as closely as possible on topics from this chapter of the CPCRK.

The content of this sub-module will focus on submissions, deadlines as well as rendering and communicating decisions, submission of letters, execution of decisions and other provisions, and decision making-communication and submission of letters. Participants will be provided with access to practical cases prepared especially for this training, where successes and failures in the case of criminal procedure administration can be seen.

Duration: Three training sessions (9 training hours).

9.3.12 Evidence during investigation

The circumstances of the commission of the criminal offense and the guilt of the defendant can be determined only by means of evidence. In order to pronounce a fair and legal decision in criminal proceedings, the process of proving (arguing) in terms of establishing relevant legal facts in a criminal case is very important. Therefore, part of this module is generally the process of proving during the investigation phase, the role of evidence in the procedure in shedding light on a criminal case, procedural subjects who can collect and provide evidence at this stage of the procedure, and inadmissible evidence.

During the training, participants will be introduced to the types of evidence, provision of evidence in the initial police actions, provision of evidence through covert and technical measures of surveillance and investigation, evidence in the investigation phase, raid - search - temporary seizure and expertise, taking evidence during the investigation, defendant's statement and witness testimony, as well as inadmissible evidence.

Duration: 6 training sessions (18 training hours).

9.3.13 Indictment and review procedure

The indictment is one of the accusatory acts which according to the authorization is presented by the state prosecutor, after the investigation phase or directly, against the perpetrators of criminal offenses for criminal offenses which according to the Criminal Code of the Republic of Kosovo

are defined as criminal offenses. The importance of the indictment lies in the fact that it sets the criminal procedure in motion against the perpetrators of criminal offenses and opens the way for the court to sanction the perpetrators of criminal offenses.

This sub-module will address the types of indictments, the content of the indictment, the filing of the indictment, the rights of the defendant upon receipt of the indictment, the amendment, extension and dismissal of the indictment, and proposals to perpetrators of mental disorders under the influence of alcohol and drugs, and the indictment with a motion for detention. Through this module, especially with the practical part, we aim to achieve the preparation of the newly appointed state prosecutors, so that they do not have obstacles and ambiguities in drafting and presenting indictments during their work.

Duration: 7 training sessions (21 training hours).

9.3.14 The role of the prosecutor in the stages of the main trial

This module will acquaint the participants with the role of the state prosecutor in the initial and second review. They will also be introduced to the role of the State prosecutor in the main trial regulated by Chapter XIX of the CPCRK (Articles: 285 - 358) as well as with the competence, obligations and authorizations of the prosecutor at all stages of the main trial.

Duration: 5 training sessions (15 training hours).

9.3.15 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: 5 training sessions (15 training hours).

9.3.16 Special procedures according to CPCRK

Special procedures under the Code of Criminal Procedure differ from regular procedures in criminal proceedings, and as such require additional attention for professionals applying these procedures, especially the newly appointed prosecutors.

This module will deal with the procedures related to issuance of a punitive order, the issuance of a court reprimand, to persons who have committed a criminal offense under the influence of alcohol or drugs, for perpetrators with mental disorders, the revocation of alternative sentences, the decision to repay from the records of convicts, compensation for damage, rehabilitation, and the exercise of other rights of persons convicted or arrested without reason, and the procedure for issuing warrants and public announcements.

Duration: 4 training sessions (12 training hours).

9.3.17 Exercise of legal remedies

The Criminal Procedure Code in Chapter XXI has defined the types of legal remedies which can be used by the parties in proceedings to appeal a court decision. Article 274 of the CPC provides for four (4) categories of legal remedies which the parties to the proceedings may file against court decisions. The Criminal Procedure Code provides that parties dissatisfied with court decisions in criminal proceedings have the right under certain conditions to use regular and extraordinary legal remedies. The purpose of using legal remedies is to avoid legal and factual flaws that are alleged to have been committed by the relevant court.

This training will use active conversation with participants on issues and dilemmas from court practice, not leaving aside the discussion of different situations before which judges and prosecutors would face in deciding cases related to regular and extraordinary legal remedies.

This module will elaborate on the following: drafting an appeal by the state prosecutor against the rulings of the pre-trial judge, the single trial judge, the presiding judge after the initial hearing or the juvenile judge, drafting an appeal by the state prosecutor against the verdict due to essential violations of criminal procedure provisions, Article 384 of the CPC, compilation of complaints by the state prosecutor due to violation of criminal law, due to erroneous and incomplete determination of the factual situation and due to the decision regarding a criminal sanction, confiscation of property acquired through criminal offense, the costs of criminal proceedings, and property claims.

Duration: 5 training sessions (18 training hours).

9.3.18 Costs of proceedings and legal property claims

The Criminal Procedure Code of the Republic of Kosovo, in Chapter XXIV has determined that the costs of criminal proceedings are costs that occur as a result of criminal proceedings. Respectively, from Article 450 to Article 457, the legal and procedural conditions for determining the costs of criminal proceedings are provided. This is of particular importance for the fact that the defendant is obliged to pay all the costs incurred during the proceedings against him. Also, in cases where the costs of the proceedings are calculable, the state prosecutor must propose them in the indictment so that the court has them in mind when making the final decision. Article 450 of the CPC defines eight (8) categories of procedural costs which must be taken into account by the state prosecutor and the court throughout the criminal proceedings. The legal property claim defined in Chapter XXV of the CPC has the same importance.

This sub-module will address the following: Prepayment of criminal proceedings costs, translation costs and in cases of compulsory defense, decision on criminal proceedings costs and who pays the costs of the criminal proceedings, the exemption, remuneration and the necessary expenses for the defense counsel or the authorized representative, persons authorized to file legal property claims. The review of the proposal for legal property claim, the decision for the proposal for realization of the legal property claim, the return of the thing, the annulment of the action of the legal entity, the change of the final judgment regarding the legal property claim will also be treated. temporary for securing the property-legal claim.

This sub-module will focus on addressing the criteria that need to be taken into account when initiating criminal proceedings, the proposal/ indictment phase, the court proceedings phase and the legal remedy phase, relating to the costs of criminal proceedings and legal property claim. Relevant legal provisions should be discussed as part of the training and best practices regarding legal conditions and practical situations, which the state prosecutor should take into account when proposing the costs of criminal proceedings and legal property claims should be presented.

Duration: 1 training session (3 training hours).

9.4 Personal and interpersonal skills

9.4.1 Communication rules

Communication in general is a skill and ontological and ethical-social attribute of human beings. The rapid socio-economic, technical-technological development has been accompanied by standardizations in communication, sometimes preserving national, ethnic, cultural and subculture finesse, and sometimes synchronizing them with institutionalized standardizations in relevant fields, especially in the field of information technology and in the legal field.

The profession of lawyer, especially of the judge - in our country in Kosovo and beyond, just like other professions, requires development of qualitative, delicate and consistent normative and professional communication within the court institution itself and in other institutional structures and public in general. In addition to adequate professional qualification training, the education and training of contemporary judges also means their training and development of communication skills.

This sub-module will focus on communication skills within the internal rules, i.e. the development of internal communication skills by learning and mastering the internal communication rules within the court institution itself in the vertical-subordinate and horizontal-cooperative line, and the development of communication skills with external structures, other institutions and the public in general.

This module will address: The basis of communication, and its types, features of verbal and non-verbal communication, differences and connections between verbal and non-verbal communication, interpersonal, personal communication, listening and speaking, active listening skills, problems in interpersonal communication and rules of good communication.

Duration: Two training sessions (6 training hours).

9.4.2 Professional ethics

The Law on Disciplinary Responsibility of Judges and Prosecutors (Law no. 06 / L - 057), has defined disciplinary violations, procedures for initiating investigations for allegations of disciplinary violations of judges and prosecutors, disciplinary proceedings before the Kosovo Judicial Council and the Prosecutorial Council of Kosovo, disciplinary sanctions and legal remedies related to disciplinary violations before the Supreme Court.

This law is built on principles of legality, respect for the independence of the judiciary, fair trial, proportionality, transparency, and accountability. Respectively, this law provides the legal and procedural conditions for initiating and conducting disciplinary proceedings against judges and prosecutors, assigning disciplinary violations, their types, duration of disciplinary measures, procedures and bodies that impose disciplinary measures. This is especially important for the fact that judges and prosecutors are obliged to act in accordance with the rules contained in this law.

The training should focus on the treatment of concrete cases and criteria that should be taken into account when initiating disciplinary proceedings, what are those disciplinary violations that are contrary to the law on disciplinary responsibility, the stage of proposing the initiation of this procedure, type of the proposed measures, the stage of the procedure in the decision-making bodies, the rights of the subject, in this case the judge or the prosecutor and the stage of the legal remedy.

This sub-module will address the issues and dilemmas that have emerged in daily work by accurately analyzing and presenting the best procedural standards when proposing disciplinary violations by the state prosecutor in a given case. Relevant legal provisions should be discussed as part of the training and best practices regarding legal conditions and practical situations should be

presented, which should be taken into account by the state prosecutor and the competent authority when proposing the initiation of disciplinary proceedings and the imposition of measures.

Duration: Five training sessions (15 training hours).

9.4.3 Case management

Management is a planned process of activities to achieve certain goals in the respective field. From this simple definition it can be seen how important this process is for the courts in general and for judges in particular. Courts exist to provide fair and expeditious solutions to litigants. Therefore, the most central function of the court is to manage the cases they have. The modern theory of case management is that judges, together with the support staff, should actively monitor and control the movement of backlogs in court.

To approach and address these dilemmas in practice, the newly appointed judges, in addition to presenting materials, conversation, presentation of cases from case law will also be divided into groups to discuss hypothetical cases expressing opinions on their solution in practice.

This sub-module will address: Modern principles for case management, methods in case planning and management, case postponement control, leadership and measurement of prosecution's performance.

Duration: 4 training sessions (12 training hours).

9.4.4 Prosecutors social skills development and stress management

The need for a flexible and qualitative completion of new prosecutors, results in the introduction in the initial training program even under interdisciplinary modules through which the newly appointed prosecutors will have the opportunity to get acquainted with notions and categories, content and other important information from the social and psychological areas.

This sub-module aims to increase the social skills of prosecutors and equip them with basic psycho-social knowledge, this important component of completing a contemporary judge who in addition to the volume of knowledge and professional experience in the field of justice, with this knowledge, new information and experiences from the social psychological field is advanced for a better performance during the exercise of a very important and extremely delicate task. Thematic structural diversity of this sub-module as e.g. topics about the individual and society, the social magnitude of the individual with others, motives, conflicts, stress and its management, etc., provide the wide range of information from the broad sociological and psychological field needed for a newly appointed prosecutor.

This sub-module addresses topics such as: Individual and social environment, conflicts, predisposition to social skills, motivation, stress and bodily health, social psychology and crime, psychosocial sources of crime, and crime as a social phenomenon.

Duration: Four training sessions (12 training hours).

9.4.5 Reasoning of court decisions (indictments/ appeals)

The Criminal Procedure Code of the Republic of Kosovo, in Chapters XV, XX and XXI, define the form and content of decisions, requests, accusatory acts as well as legal remedies and all documents that are part of the criminal procedure. Respectively, starting from simple requests, requests for measures, ruling for initiating investigations to legal remedies, legal conditions and justification of procedural acts are provided.

This is especially important for the fact that the correct interpretation of the legal provisions depends on the content of the acts and the reasoning of the decisions and that we are obliged to

adhere to them in order not to come to procedural violations that would consequently have the development of procedure. It is also important that in cases where court decisions or even prosecution acts are drafted, the state prosecutor must have his proposals in the indictment well-reasoned so that the court can take them into account when making the final decision.

This sub-module will address the issues and dilemmas that arise in the daily work of the state prosecutor, analyzing and accurately presenting the best standards of legal writing and reasoning when making procedural decisions and in the case of submission of procedural requests by the state prosecutor in a criminal case or even legal remedies.

The training should focus on addressing the criteria of what a decision or a prosecution submission should contain, which should be taken into account when initiating criminal proceedings, the investigation phase, the secret measures request phase, the indictment phase, the stage of the main trial and the stage of the legal remedy, which have to do with their form and content or reasoning. Relevant legal provisions should be discussed as part of the training and international best practices should be presented, which should be taken into account by the state prosecutor when drafting and reasoning decisions.

Duration: Four training sessions (12 training hours).

9.5 Legislation and additional skills

9.5.1 Juvenile Justice Code

The Juvenile Justice Code regulates the actions against the juvenile as the perpetrator of the criminal offense, the children involved and the juvenile as participants in the procedure, the bodies which implement the criminal procedure against the juvenile, the execution of measures and punishments against the juvenile perpetrator criminal protection, as well as the protection of minors and children who are victims and injured from criminal offenses.

To make it clearer, the Juvenile Justice Code regulates the entire criminal procedure when juveniles are involved as well as the general part of the substantive law which deals with the measures and punishments provided for juveniles as perpetrators of criminal offenses such as and part of the execution of these measures.

The Juvenile Justice Code is also of particular importance for the fact that in the commission of many criminal offenses, ranging from the lightest to the most serious criminal offenses, juveniles are involved either as individual perpetrators, together with other minors but also with adults. It is also important that in cases where criminal offenses are committed together with adult persons, the prosecutor should have knowledge of when the proceedings may be joined or even when the criminal proceedings may be conducted separately.

This sub-module will address the most important issues related to the Juvenile Justice Code and the dilemmas that appear in the daily work of prosecutors during the implementation of this code, by analyzing and accurately presenting the best procedural standards, the best interest of the juvenile when proposing measures or even punishments.

The training should focus on addressing the criteria that should be taken into account when initiating criminal or preparatory proceedings, the possibilities of imposing measures before the start of the preparatory proceedings, the proposal phase for educational measures, the trial phase and the legal remedy phase. Relevant legal provisions should be discussed as part of the training and best practices regarding legal conditions and practical situations should be presented, which the juvenile prosecutor should take into account when the juvenile is involved in a criminal proceeding up to its conclusion.

Duration: Two training sessions (6 training hours).

9.5.2 Development of trial advocacy skills

Given the amendments to the Criminal Procedure Code regarding interrogation and conduct of the main trial, it is necessary for newly appointed prosecutors to be trained in the development of judicial skills in accordance with these amendments. Specifically, skills building will be done for introductory speech, direct and indirect interrogation, impeachment, rehabilitation and final speech.

Duration: 3 training days.

9.5.3 Law on minor offences

Given that the minor offenses are committed in many areas, their importance and limited time for training, this training session will intend that the participants are introduced with the offense, its difference from other offenses, principles of the offense and the determinability of the minor offense with the legal provisions in force.

During the training, the participants will be introduced to the offense, what distinguishes it from other offenses, and what are the common elements with other offenses (criminal offense, economic crime, etc.).

Participants will also be introduced to the principle of legality, and its importance in defining the offense.

Duration: 2 training sessions (6 training hours).

10. Conclusion

The initial training program addresses the training needs of the newly appointed state prosecutors in the preparation and development of professional, ethical and practical skills, so that at the end, beneficiaries are ready to fully exercise the function of prosecutor in professional, independent and efficient manner.

The structure of the program, training modules and practical training, aim at the development of competencies, relying on the duration of training defined by law and taking into account the preparation and past professional experience of beneficiaries who have already passed all stages of testing and assessment of professional competencies by the Kosovo Prosecutorial Council, respectively the relevant commissions.

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