

## Continuous Training Program

The Continuous Training Program aims at continuously develop and the advance appropriate professional and interdisciplinary skills and expertise of judges, prosecutors and judicial and prosecutorial administrative staff. These trainings also contribute to the independence and impartiality of the judicial and prosecutorial system.

The structure of the continuous training program mainly contains topics of a professional character, including interdisciplinary topics.

The program will include material and procedural training in the fields of criminal, civil, commercial, administrative, constitutional, juvenile justice (civil and criminal), European and international law, human rights, gender equality and non-discrimination, minor offence, etc.

Whereas the interdisciplinary aspects aim at developing the practical skills of beneficiaries not related to the writing and reasoning of decisions and other acts of judicial proceeding, professional ethics, case management stress management, IT field etc.

The following mechanisms have been used to design the Continuing Training Program for 2020:

Strategies and documents adopted by the institutions which contain recommendations pertaining to the judiciary and the rule of law; - Monitoring of press and electronic media;

- Needs assessment questionnaires filled by judges and prosecutors;
- Evaluation forms after each training session;
- Recommendations of the KJC and KPC,
- Communication with Court Presidents and Chief Prosecutors;
- Recommendations of national and international institutions and organizations;
- Proposals of AJ trainers;
- Working reports of Courts and Prosecution;
- Analysis of the institution's agenda in drafting and amendments of laws;
- Staff proposals, Program Council and AJ Managing Board;
- Strategies and documents adopted by the institutions which contain recommendations pertaining to the judiciary and the rule of law;
- Monitoring of press and electronic media;

## Training on Criminal Justice

## 1. Training on criminal justice

### 1.1 Domestic violence

Domestic violence is being considered as an extremely worrying phenomenon in Kosovo society, due to the severe consequences of the victims. Because of the high level of dangerousness and the severe consequences, now the KPC foresees domestic violence as a separate criminal offense. Recently, there have been a number of cases in our case law where which perpetrators are charged with a criminal offense of domestic violence and often have been various dilemmas regarding the proper application of the legal provisions referring to this criminal offense. Thus, this training, will help judges and prosecutors deal with cases of this nature.

What are the forms of manifestation of domestic violence? What are the sanctions provided for these offenses?

These and many other issues will be addressed through this training, analyzing practical cases and breaking down legal provisions referring to domestic violence.

#### **Objectives**

After completion of training, participants will be able to:

- Apply correctly the legal provisions related to domestic violence;
- Identify the essential elements of each form of manifestation of domestic violence;
- Advance knowledge on the consequences and dangerousness of this criminal offense.

#### **Content**

- Domestic violence according to CPCK;
- Forms of manifestation of domestic violence;
- Types of sanctions that may be imposed on the perpetrators of this offense, including additional sentences.

#### **Methodology**

During this training, a combined methodology will be used, where in addition to PowerPoint presentations, interactive discussion methods with participants will be applied. Participants will also be offered cases from judicial practice in group discussions and will be asked to present their views on resolving problems and dilemmas in certain situations.

#### **Beneficiaries**

Judges and prosecutors of basic and appellate instance.

#### **Duration**

One day

1.2 Necessary protection, extreme necessity and other circumstances excluding the unlawfulness of the criminal offense

Despite the fact that the offenses may have been committed by the perpetrators, there are circumstances in the general part of the Criminal Code that exclude their unlawfulness. Circumstances that exclude the criminal offense are the necessary protection, the extreme necessity and the offense of minor importance, the offenses committed under force, intimidation and coercion under certain conditions. Offenses committed in necessary defense, in extreme necessity and committed under the effect of violence, intimidation and coercion, as well as offenses of minor importance do not constitute criminal offense, based on the case law if an offense is committed in these situations, facts must be determined based on the circumstances of the particular case.

The case law contains many dilemmas regarding the application of these institutes, ranging from the defense, the degree of reaction and proportion to the unlawful attack, the intensity of the violence, threat, coercion, the value of the item and other relevant circumstances that may affect the application of this institute.

Addressing these problems will be done through doctrinal explanation, and court decisions from judicial practice.

### **Objectives**

After completion of this training, participants will be able to:

- Apply correctly the legal provisions regarding offenses committed in circumstances that exclude unlawfulness;
- Advance knowledge on these institutes;
- Distinguish necessary protection, overcoming necessary protection and extreme necessity, offenses committed under force, intimidation and coercion.

### **Content**

- Necessary protection;
- Overcoming necessary protection;
- Extreme necessity;
- Criminal offence committed under coercion;
- Offenses committed under the effect of violence and coercion;
- Offenses of minor importance.

### **Methodology**

Interactive methods, case study, group work as well as questions and discussions on the topics covered in this training will be used during the training.

### **Beneficiaries**

Judges and prosecutors of basic instance.

### **Duration**

One day

### 1.3 Narcotic offenses

Due to the importance and dangerousness of these criminal offenses, a special section of the CCRK devotes a whole chapter to these offenses. Often these offenses are of an international character, because of the cooperation of perpetrators coming from different countries, therefore convictions provided for are higher comparing to the previous criminal legislation.

What are the circumstances that make these offenses qualified? What are the sanctions provided for these offenses? These and other issues will be addressed through this training, analyzing practical cases and breaking down the legal provisions referring these offenses.

#### **Objectives**

After completion of this training, participants will be able to:

- Apply properly the legal provisions of the chapter on narcotics offenses;
- Identify the essential elements of each form of offenses of this nature;
- Expand knowledge on the consequences and dangerousness of these offenses.

#### **Content**

- Criminal offenses of narcotics according to the CCRK;
- Circumstances under which these offenses are classified;
- Types of sanctions that can be imposed against perpetrators of these criminal offenses.

#### **Methodology**

During this training, will be used a combined methodology, where in addition to PowerPoint presentations, will be applied interactive discussion with participants, providing them cases from judicial practice to discuss in groups, where they will be asked to present their views on resolving problems and dilemmas in certain situations.

#### **Beneficiaries**

Judges and prosecutors of basic and appellate instance.

#### **Duration**

One day

#### 1.4 Measures to ensure the presence of the defendant

In the case law, there are still difficulties in identifying, assessing and analyzing the circumstances of each basis for determining such measures. Problems also arise in the request for the imposition of these measures and in particular with the detention measure. Based on the case law, it is difficult to justify the grounds of detention, as legal provisions require detailed and concrete reasoning for each measure. Also, special reasoning is required for detention in relation to other measures.

Have other measures against detention been implemented in practice, adequately assessing the specific conditions and circumstances of the particular criminal case? What are the practical problems when assessing the imposition of measures to ensure the presence of the defendant in criminal proceedings? What are the difficulties in identifying the circumstances that justify the type of measure to be taken in a particular case?

During the training, participants will be more closely acquainted with the practical cases of the frequent application of detention without exhausting the alternatives of other measures for ensuring the presence of the defendant in criminal proceedings. Therefore, in addressing these dilemmas during the training, participants will also elaborate practices of the Strasbourg Court. In addition to PowerPoint presentations, trainers will also apply interactive methods in addressing these dilemmas, including hypothetical cases.

#### **Objectives**

After completion of this training, participants will be able to:

- Assess properly the elements for determining the measure to ensure the presence of the defendant in the procedure;
- Implement the basic principles for these measures;
- Provide sufficient justifications for their decisions when imposing such measure.

#### **Content**

- Summon, arrest order, promise of the defendant not to leave his/her residence;
- Prohibition to approach a specific place of person;
- Attendance at the police station;
- Bail, and house arrest;
- Diversion;
- Detention.

#### **Methodology**

Combined methods of interactive discussion and case law analysis will be used.

#### **Beneficiaries**

Judges and prosecutors of basic instance.

#### **Duration**

One day.

## 1.5 Implementation of the Guidelines on Punitive Policies

Punitive policy has been in focus of many aspects where were identified several problems in this area such as; unequal treatment, inadequate assessment of sentencing circumstances, transparency and impact on public opinion. The punitive policy guideline is intended to give perpetrators of similar offenses and roughly of the same circumstances, an equal sentence that will diminish the inconsistency of one court to another. When analyzing practical cases, it has been observed that the courts when analyzing circumstances for measuring the punishment does not provide a sufficient reasoning for imposition of a higher punishment. Whereas, the imposition of proper punishments increases the transparency and reflect the increase the trust of the public opinion.

In order to unify the punitive policy, the Supreme Court of Kosovo has issued a punitive policy guideline, which is a non-mandatory manual, but assists judges in determining the type and height of punishment by tabulating the suitability of punishment in relation to the criminal offense.

Has the punitive policy been adequately applied when measuring the sentence before issuing the punitive policy instruction? What are the practical problems with the implementation of the Guidelines when determining the type and height of punishment? How to have a uniform punitive policy, namely the elimination of discretion in imposing sentences for cases of the same nature? How has punitive policy so far affected the credibility of public opinion?

### Objectives

After completion of the training, participants will be able to:

- Asses properly the mitigating and aggravating circumstances in determining the punishment;
- Apply mitigating and aggravating circumstances of punishment;
- Apply relevant principles in determining the punishment;
- Practice the implementation of the table of Guideline on Punitive Policy.

### Content

- Relevant principles of sentencing;
- Mitigating and aggravating circumstances under Article 70 of CPCK;
- Review of the sentencing decisions by the court of appeal;
- Sentence table and sentence measure starting point.

### Methodology

Combined methods will be used during the training, namely presentation by the trainer, interactive discussion and practical case analysis related to the implementation of the guideline.

### Beneficiaries

Judges and prosecutors of basic and appellate instance.

### Duration

Two days

## 1.6 Criminal proceedings involving perpetrators with mental disorders

Persons with mental disorders are a special category of perpetrators of criminal offenses, therefore the CPCCK contains a specific procedure for cases involving such persons as perpetrators of criminal offenses. Handling of these cases requires special care, due to their mental state at the time of proceeding.

This training will focus on analyzing the procedure conducted against perpetrators with mental disorders, the expertise, the detention order against these persons and supervision of the execution of these measures.

How do they identify? What initial procedural actions are taken against them? What examinations should be carried out? What measures are imposed on them and in which institution should they be placed? How long does the court supervise the implementation of these measures?

### **Objectives**

After completion of this training, participants will be able to:

- Expand knowledge about the features of criminal proceedings involving perpetrators of mental disorders;
- Assess detention as a measure for persons with mental disorders;
- Analyze the types of mandatory treatment in health care institutions and mandatory psychiatric treatment in freedom.

### **Content**

- Features of criminal proceedings involving perpetrators with mental disorders;
- Detention for persons with mental disorders;
- Implementation of psychiatric examination;
- Mandatory psychiatric treatment with detention in health care facilities and in freedom.

### **Methodology**

During this training, a combined methodology will be used, followed by interactive discussion and practical cases.

### **Beneficiaries**

Judges and prosecutors of basic and appellate instance.

### **Duration**

One day.



## 1.7 War crimes

Our country has been through the war, therefore there are various cases alleged to be war crime cases. Thus, local judges and prosecutors need capacity building in this area, since there is no local case law in this regard.

This training aims to address in a detailed and comprehensive manner the professional development needs of judges and prosecutors dealing with war crimes. Participants will be familiarized with the offenses set forth in the Criminal Code of the Republic of Kosovo, which provides sanctions for war crime offenders, which will be presented in conjunction with international conventions as a whole and the Geneva Conventions covering war crimes and genocide in particular.

This training will also aim to make a comparison between the practices of international war crimes tribunals and the flawed practice of local courts, including elaborating on provisions of trial in absentia.

### **Objectives**

After completion of this training, participants will be able to:

- Acquire knowledge in dealing with war crimes cases;
- Recognize the applicable forms of criminal liability for war crimes;
- Recognize command liability;
- Apply properly legal provision of the trial in absentia

### **Content**

- Applicable forms of criminal liability for war crimes;
- Decisions of Supreme Court and Court of Appeals for the implementation of international criminal law in Kosovo's jurisdiction;
- Joint criminal groups;
- Command liability;
- Legal provision of the trial in absentia

### **Methodology**

The training will focus on case studies, especially international cases and tribunals, the application of legal categories to factual scenarios, and development of operational templates that would facilitate the work of judges and prosecutors. Elaboration and shaping the practice of judges and prosecutors dealing with cases of this nature.

### **Beneficiaries**

Judges from the Special Department of both instances, judges from the SCD, judges from the Supreme, Appeal and Basic instances, as well as SPRK Prosecutors.

### **Duration**

Two days.

## 1.8 Substantial amendments to the Criminal Code and the Criminal Procedural Code

Recently, Kosovo has been making efforts in having a complete and harmonized criminal legislation in line with European Union standards. In April 2019, the new Criminal Code of the Republic of Kosovo entered into force which has undergone many changes. Considering the amendments of the Criminal Code in force, as well as the draft Criminal Procedural Code, this training aims at addressing these amendments, which, due to the innovations, may be a challenge for prosecutors and judges during the implementation in practice. The training is of an informative nature and presents a very good opportunity for trainees to get acquainted with these changes, discuss the challenges and find easier ways for interpretation and application in practice.

The inclusion of new provisions in the amendments to the Criminal Code and the Criminal Procedure Code presents a challenge and raises dilemmas in identifying changes to these Codes that were not part of the previous Codes.

Questions and dilemmas raised will be addressed by the trainers during discussions with participants in order to find answers or solutions that help them understand the changes more easily and apply them in practice.

### **Objectives**

After completion of this training, participants will be able to:

- Identify new amendments and supplements of the Criminal Code and Criminal Procedural Code;
- Apply the provisions of these Codes as accurately and as effectively as possible
- Interpret correctly the authentic or source purpose of these amendments.

### **Content**

The training includes the most important amendments of the Criminal Code and Criminal Procedural Code, as follows:

#### **1. Amendment of the general provisions of the Criminal Code,**

- a) Criminal liability of the legal persons;
- b) Criminal sanctions;
- c) Statutory limitation of criminal prosecution and execution of punishments.

#### **2. Amendments of the special provisions of the Criminal Code**

- a) Criminal offenses against international law;
- b) Criminal offenses of against sexual integrity;
- c) Criminal offenses against the economy;
- d) Criminal offenses against utility services;
- e) Criminal offenses against property;
- f) Criminal offense against official duty.

#### **3. Amendments of provisions of Criminal Procedural Code,**

- a) Defense council;
- b) Rights of the injured and the victim;
- c) Draping of criminal report and termination of investigation;
- d) Investigative actions and investigation timeline;
- e) Proofs and additional evidence;
- f) Suspension of an official person from the duty;
- g) Alternative procedure;
- h) Public access in the indictment and publication of judgments;
- i) Stages of filing the indictment and the trial;
- j) Trial in absentia;
- k) Session for determining the sentence;
- l) Regular and extraordinary legal remedies.

**Methodology**

During this training will be used the methodology of interactive discussion followed by explanations changes and amendment, including practical cases.

**Beneficiaries**

Beneficiaries of this training are judges and prosecutors, but also advocates, victim advocates and police officers or other law enforcers where necessary.

**Duration**

Three days (regional).

## 1.9 Seizure and confiscation

As important as the issue of prosecution and punishment of crime is, just as important is the issue of seizure and confiscation of assets obtained by crime. With the seizure and confiscation nothing is attempted except to seize assets from the hands of criminals, assets obtained by crime. For a period of not more than two years, legislative initiatives have been put into effect, or legislative initiatives have been adopted, which directly or indirectly affect the field of seizure and confiscation.

As important as the issue of prosecution and punishment of crime is, just as important is the issue of seizure and confiscation of assets gained through crime. The purpose of seizure and confiscation is just seizing the assets from the hands of criminals, assets obtained by crime. For a period of not more than two years, have entered into force or have been taken legislative initiatives, which directly or indirectly affect the field of seizure and confiscation.

What is the significance of seizure and confiscation of assets such as: evidence, the means by which the offense was committed or the material benefit acquired through criminal offense? What measures can be proposed to ensure the property and which to freeze the property? What procedures should be followed until the final confiscation of assets obtained by the criminal offense?

### **Objectives**

After completion of this training, participants will be able to:

- Expand the legal provisions regarding the seizure, sequestration and confiscation of assets acquired through criminal offenses;
- Apply properly the procedure of seizure and confiscation of assets acquired by criminal offense.
- Apply properly the procedure of seizure and confiscation of assets acquired by criminal offense.

### **Content**

- Legal framework on tracing, seizure and confiscation of assets acquired by commission of criminal offence;
- Methods for identification of assets, seizure and confiscation process of assets acquired by criminal offense;
- Freezing assets – seizure and confiscation order;
- Administration and sell of seizure and confiscated assets;
- Managing Sequestered or Confiscated Assets;

### **Methodology**

During the training will be used interactive methods, PowerPoint presentation, practical or hypothetical cases as well as group work.

### **Beneficiaries**

Judges, prosecutors and other professions.

### **Duration**

One day.

## 1.10 Stages of preliminary procedure – proactive investigation and ensuring of evidence

A proactive investigation, in close and professional co-operation with the police or other law enforcement, implies guaranteed success of the investigation. Providing and properly handling the evidence obtained at this stage guarantees better and easier development of the main trial.

Among the dilemmas raised in practice are: how to obtain evidence in pre-trial proceedings, respecting of the investigative deadlines, how to apply covert technical surveillance and investigation measures, measures to ensure the presence of the defendant in criminal proceedings, special opportunity investigation, in particular, the handling of witnesses and their protection, the expertise and cases where seizure is needed, therefore, in this training, these dilemmas and challenges will be handled carefully in order to find logical and clear solutions in practice.

Based on current practice, there is a need for a more professional approach to proactive investigations, and the State Prosecutor should focus not only on filing indictments but also in providing sufficient and admissible evidence before the court.

### Objectives

After completion of this training, participants will be able to:

Apply proactive investigations correctly;

Provide sufficient and admissible evidence;

In Interview and obtain statements from defendants, witnesses, injured parties and experts

- Apply properly proactive investigations;
- Provide sufficient and admissible evidence;
- Interrogate and obtain statements from defendants, witness, injured parties and experts.

### Content

- Proactive investigation;
- Ensuring evidence;
- Interrogation and obtaining of statement;
- Submission of writs in court;
- Protection of witness/injured and cooperative witnesses;
- Special opportunity investigation.

### Methodology

During the training, interactive methods, case simulation, group work, questions and discussions by participants will be used.

### Beneficiaries

Prosecutors and judges of the first instance, including special prosecutors and judges of the special department.

### Duration

One day.

### 1.11 Trafficking of human beings and smuggling of migrants

Trafficking in human beings represents a very complex criminal offense and a global phenomenon, which itself includes elements of several offenses and more serious violations of human rights. The victims or people at risk by trafficking in human beings can be all people regardless of age, gender, race or national affiliation, but especially the most vulnerable are women and children for sexual exploitation purposes. Responsible institutions are fully aware of the diversity of human exploitation. Based on this, it is necessary to further build the professional capacities of judges and prosecutors in the proper implementation of the legislation in force and strengthen cooperation with other relevant institutions for the successful combat of this phenomenon.

How can the victims of human trafficking be identified? What are the rights of victims of human trafficking? How are victims of trafficking protected? How to prevent trafficking in persons? How is rehabilitation and reintegration of human trafficking victims? What are the adequate ways of cooperation between the institutions responsible for preventing and combating trafficking in human beings?

During the training participants will have the opportunity to access case studies and deal with challenges and problems of the proper implementation of legislation in preventing and combating human trafficking and find the ways to overcome these challenges and problems.

#### **Objectives**

After completion of this training, participants will be able to:

- Implement properly the legislation related to human trafficking;
- Identify the elements of the offense of human trafficking;
- Implement and respect the rights of victims of trafficking in criminal proceedings;

#### **Content**

- Understanding and elements of trafficking in human beings;
- Criminal offenses related to trafficking in human beings;
- The rights of trafficked victims during criminal proceedings;
- Protection and assistance of victims of trafficking;
- Strengthen cooperation and coordination among key actors;
- Compensation of victims of human trafficking.

#### **Methodology**

During this training will be used a combined methodology of interactive discussion, practical cases, followed by group discussions related to training subjects.

#### **Beneficiaries**

Judges and prosecutors of basic and appellate instance.

#### **Duration**

One day.

## Specialized Programs

Specialized programs

### 1.12 Cybercrime, electronic evidence

Cyber space today is one of the biggest legal challenges that has created another form of crime, creating an environment for new methods of crime. Cybercrime is a phenomenon that affects a variety of competencies, such as in the fields of computing, criminology, economics, justice and other fields. This phenomenon affects not only the activities of an institution, whether public or private, implicated in the sphere of business or non-profit activity, but can also affect the human in the daily activity, private or professional sphere.

Cybercrime is a complex phenomenon and the only way to deal with it would be to tackle this problem globally. This requires the cooperation of all relevant institutions and experts in different fields to avoid segmental solutions.

The training program is designed to give judges and prosecutors an introductory level of knowledge on cybercrime, electronic evidence, investigation, confiscation of benefits acquired through online crimes. The course will provide legal as well as practical information on the topics and will be focused on how these issues affect the daily work of judges and prosecutors.

What makes cybercrime so prevalent? How to fight and prevent it? How much are we at risk from this crime? Who are the potential victims of cybercrime? What is the domestic and international legislation that sanctions cybercrime?

#### **Objectives**

After completion of this training participants will be able to:

- Gain basic knowledge on cybercrime and electronic evidence;
- Implement financial investigations of benefits from cybercrime;
- Gain knowledge on substantive and procedural laws, as well as the technology they can apply, and
- Assess how fast can be undertaken and what is the level of effectiveness of measures and extensive international co-operation.

#### **Beneficiaries**

Judges and prosecutors of basic and appellate instance.

#### **Structure**

The structure of this program will be conducted in three trainings lasting two days.

#### **Content**

##### **Session I:**

- Introduction to cybercrime – trends and means;
- Technology involved in cybercrime.



**Session II:**

- Cybercrime as a criminal offence according to national legislation;
- Electronic evidence, procedure and legislation.

**Session III:**

- Procedural law/investigative measures according to national legislation;
- Budapest convention on cybercrime;
- International cooperation on cybercrime and financial investigation.

**Methodology**

The use of case studies as well as the use of electronic devices (computer components) by participants is considered appropriate for this type of training and is consistent with adult learning styles rather than purely didactic learning. Use of technology examples referenced incorporating exercises and other teaching methods into the program at the local level.

**Duration**

Three session in two days.

### 1.13 Specialized Training – organized crime and corruption

Organized crime and corruption are among the most complex criminal offenses because of the way of commission and persons involved as perpetrators. In recent years Kosovo has been making continuous efforts to be part of all Euro-Atlantic structures, so in the course of these efforts Kosovo has taken the responsibility to draft legislation in line with European Union standards and to put into practice all these standards, in order to prevent and combat organized crime and corruption, including the seizure and confiscation of the assets acquired through these criminal activities, as conditions for joining EU structures, which may also directly affect the economic development.

Among the dilemmas raised in judicial practice is the identification of the elements of criminal offenses related to organized crime and the precise legal qualification of this criminal offense. There is also a particular dilemma regarding how to investigate and punish corruption, taking into account citizens' perceptions on the one hand and the small number of cases where prosecutors' indictments turned down by the courts, or cases where courts violate laws in favor of the accused. Also an ongoing challenge remains the seizure and confiscation of the assets acquired through criminal activities, so this training will be an effort to overcome this challenge.

Based on prosecutorial and judicial practice, there may be a need for a different approach from what has been seen so far, because the approach of prosecutors and judges should focus not only on filing indictments but also in providing sufficient and admissible evidence to the court, in order for the court to impose adequate sanctions, including seizure and confiscation of proceeds of these criminal activities, therefore, the training will focus mostly on questions and answers as well as stimulating discussions about dilemmas and challenges faced during the work in prosecution and courts.

#### **Objectives**

After completion of this training, participants will be able to:

- Apply properly, accurately and completely the legal provisions related to legal qualification of organized crime and offenses related to corruption;
- Conduct proactive investigations and provide admissible evidence supporting the indictments;
- Impose adequate criminal sanctions on the perpetrators of these offenses;
- Seize / confiscate the property acquired through these criminal offenses;
- Implement different forms of international cooperation.

#### **Structure**

The structure of this program is realized in three sessions lasting two (2) days.

#### **Beneficiaries**

Prosecutors and judges of the first and second instance, including also special prosecutors and judges of the special department of both instances.

## **Content**

### **Session I**

- Definition of elements of organized crime offenses;
- Definition of the elements of criminal offenses related to corruption;
- Forms of organized crime;
- Forms of corruption;
- Similarities and differences between cases where there is only corruption and where there are elements of organized crime

### **Session II**

- Investigating and providing evidence in cases of organized crime;
- Investigating and providing evidence in cases of corruption;
- Financial investigation in cases of organized crime and corruption;
- Access to documents and information;
- Access to electronic evidence;
- Preparing the cases for court and adjudication of cases;

### **Session III**

- Seizure of the proceeds of organized crime and corruption;
- Confiscation of the proceeds of criminal offense of organized crime and corruption in regular procedure and in accordance with the Law on Extended Powers for Confiscation of Property;
- Criminal sanctions against perpetrators of organized crime and corruption;

### **Methodology**

During the training, interactive methods, case simulation, group work, questions and discussions by participants will be used.

### **Duration**

Three, two-day sessions.

## 1.14 Specialized Training Program on Public Procurement in Kosovo

Based on reports of institutions and organizations that monitor the judiciary in Kosovo, it is estimated that public procurement is one of the areas where there is corruption, that raises the need for the development of knowledge of judges and prosecutors in this area. It has also been a constant demand of judges and prosecutors to discuss with all relevant stakeholders in the country about public procurement procedures and problems of their implementation in practice.

This program addresses the above requirements focusing on practical elaboration of all stages of public procurement. In this context will be analyzed practical cases regarding needs assessment and setting of requirements, tender dossier and the evaluation process of a tender. The focus of this program will be on the implementation phase of the contract and also the investigation and trial of criminal offenses of this nature.

### **Objectives**

After completion of this training, participants will be able to:

- Analyze the procurement planning process;
- Understand and break down the tender dossier;
- Assess technical specifications and indicative notice;
- Understand the elements for contractor selection and awarding;
- Identify corruption indicators related to public procurement;
- Develop a plan for investigating corruption offenses in public procurement.

### **Content**

This program is implemented in two sessions lasting two (2) days.

### **Beneficiaries**

Judges of Basic and Appeal Courts, Prosecutors of Basic and Appeal Prosecution Offices and Special Prosecution of the Republic of Kosovo, police investigators, customs officials, TAK and FIU officials.

### **Content**

#### **Session I**

##### **1. Needs assessment/ setting requirements:**

- Procurement planning;
- Indicative notice;
- Technical specification.

##### **2. Preparation / Design process and preparation of bidding documents:**

- Tender dossier;
- Submission of the tender dossier (clarifications);
- Public Opening.

### 3. Contractor selection and award stage:

- Evaluation Committees;
- Evaluation criteria;
- Winning operator's recommendation.

## **Session II**

### **2. Corrupt schemes and fraud-related problems:**

#### 1. Contract Implementation Phase:

- Indicative corruption risks in procurement stages;
- Needs assessment / setting of requirements
- Preparation/design process and preparation of bidding documents;
- Contractor selection and award stage;
- Contract implementation phase;

#### 2. Corruption schemes and fraud related problems:

- Extortion payment
- Conflict of interest
- Bid-fix schemes
- Comparative bidding
- Fraud schemes;

#### 3. Investigation plan and prosecution:

4. Content of the investigation plan
5. Identification of source of information
6. House search plan and arrest
7. Technical and surveillance planning
8. Use of information plan
9. Asset tracing planning;

## **Duration**

Two, two-day sessions.

### 1.15 Specialized Training Program – Money laundering

Money laundering is one of the most complex criminal offenses due to the manner of committing the offense and the involved persons as perpetrators. In recent years Kosovo has been increasingly expanding its cooperation with other European Union countries and is making continuous efforts to be part of all Euro-Atlantic structures, so in the course of these efforts Kosovo has taken the responsibility to draft legislations in line with the European Union standards and implement them in practice in order to prevent and combat all informal actions that bring the country great financial loss, or damage which may directly affect economic development.

Among the dilemmas raised in case law is the identification of the elements of criminal offenses related to money laundering and the precise legal qualification of this offense. Also the most essential dilemma in practice is the presentation of cases where there is a possibility of conviction for money laundering of persons who for some reason could not be found guilty of the basic criminal offense, as well as the seizure and confiscation of assets acquired through money laundering. Another challenge is the international cooperation between the prosecution bodies of the Republic of Kosovo and the prosecution bodies of other countries, and in particular with those of the European Union.

Based on prosecutorial and judicial practice, there may be a need for a different approach from what has been seen so far, because the approach of prosecutors and judges should focus not only on the provisions of the Criminal Code and Criminal Procedural Code, and the law on extended competencies on asset confiscation, therefore the training will focus mostly on questions and answers as well as stimulating discussions about dilemmas and challenges faced during the work in prosecution and courts.

#### **Objectives**

After completion of this training, participants will be able to:

- Apply correctly, accurately and completely the provisions regarding legal qualification of money laundering;
- Conduct proactive investigations and provide admissible evidence supporting the indictments;
- Impose adequate criminal sanctions on the perpetrators of these offenses;
- Seize and confiscate the proceeds of crime;
- Compare domestic and EU legislation;
- Implement various forms of international cooperation

#### **Structure**

The structure of this program is realized in three sessions lasting two (2) days.

#### **Beneficiaries**

Prosecutors and judges of first and second instance, including special prosecutors and special department judges at both levels.

## Content

### Session I

- The legal basis for combating money laundering and terrorist financing;
- Understanding the elements of the money laundering offense;
- Money laundering stages;
- Competencies and cooperation with the Financial Intelligence Unit;
- Reporting entities under the Law on Prevention of Money Laundering and Combating the Financing of Terrorism.

### Session II

- Investigating and providing evidence in cases of money laundering;
- Money laundering examination techniques;
- Gathering information;
- Preparation of personal profile;
- Recipient tracking of funds;
- Payer tracking of funds;
- Restitution of hidden assets.

### Session III

- Seizure and confiscation of the proceeds of crime - money laundering
- Cross-border and international cooperation in combating money laundering;
- Possible alternative solutions;
- Preparing the case for the court;
- Seizure and confiscation of the proceeds of crime - money laundering;
- Criminal sanctions against perpetrators of money laundering;
- Cases where persons were convicted of money laundering without being found guilty of a basic criminal offense.

## Methodology

During the training, interactive methods, case simulation, group work, questions and discussions by participants will be used

## Duration

Three, two-day session.

## Training in Civil Field



### 3. Civil field

#### 2.1 Judicial protection in cases of property rights, servitudes and obstruction to possession

The right to property is one of the fundamental human rights and consequently one of the most important issues in the judicial practice in our country. This is not only due to its importance as a right, but also due to inherited legal problems. In addition to ownership as a fundamental right, another matter of great importance is the judicial protection in cases of servitude and obstruction of possession.

Within this topic there are many issues raised in the case law that need to be interpreted, harmonized and unified, starting with the legal framework governing these rights, specifics depending on the type of property whose protection is required, differences and similarities in the application of the provisions on property and servitude, the differences in the cases of protection of property and the obstruction to possession, the relation of the procedure of obstruction to possession with the protection of property.

What are the specifics for protection of the property and services by type? What are the specifics of providing judicial protection in cases of obstruction to possession?

#### **Objectives**

After completion of this training, participants will be able to:

- Identify the legal specifics of the content of judicial protection for each claim
- Evaluate the right legal conditions for granting judicial remedies for each claim;
- Apply properly legal provisions in court cases for each type of claim;
- Draft each type of court order into a regular structure and content depending on the type of request.

#### **Content**

- Types of property protection lawsuits;
- Lawsuits for protection of servitude and protection from obstruction to possession;
- The specifics of the procedure in the case of claims for protection of property, servitude and obstruction to possession;
- Draft a court decision in each case as required for protection of property, servitude or obstruction to possession.

#### **Methodology**

This training will use interactive methods, PowerPoint presentations, group work and cases from practice.

#### **Beneficiaries**

Judges of Appeal and Basic Courts, professional associates and legal officers.

#### **Duration**

Two days.

## 2.2 Absolute and relative invalidity of the contracts and liability grounds for damage compensation

Contract and damage compensation are two of the main material sources of the law on obligations and consequently there are plenty of cases under these two bases. There are also problems with the specifics of the cases presented in practice which require judges to demonstrate skills and efficiency in conducting proceedings, identifying issues of importance in a dispute and assessing the merits of the proceedings when qualifying facts in relation to substantive law. The LOR has determined the circumstances affecting the absolute and relative invalidity of the contracts, as well as the grounds for liability for damage / compensation, however in court practice there have often been cases where judges have failed to give adequate assessments of what circumstances or which grounds should be assessed in the respective case. In this context, addressing this issue, supported by good judicial practice, will also increase efficiency, unification and quality.

Where is the difference between absolute and relative invalidity of contracts? Which circumstances influence the cause of absolute invalidity and which one's relative invalidity? What is the role of the court in assessing these circumstances? What are the terms and effects caused by invalidity?

### **Objectives**

After completion of this training, participants will be able to:

- Identify the circumstances causing the absolute and relative invalidity of the contracts;
- Recognize the effects caused in cases of absolute and relative invalidity of contracts;
- Recognize the basics of liability for damages;
- Apply legal provisions to each, on a case-by-case basis.

### **Content**

- Circumstances causing absolute and relative invalidity of contracts;
- Court proceedings and the role of the court in investigating the circumstances that cause the invalidity of contracts;
- Effects caused in cases of invalidity of contracts;  
Basis of liability for damage / compensation;
- Proving responsibility and the role of the court in the process of proving responsibility.

### **Methodology**

This training will use interactive methods, PowerPoint presentations, group work and cases from practice.

### **Beneficiaries**

Judges of the Court of Appeal, Basic Courts, professional associates and legal officers.

### **Duration**

Two days

## 2.3 Judicial decisions in Contested Procedure

Court decisions in Contested Procedure represent one of the most substantive issues within the context of Contested Procedure. since the LCP contains several types of judgments that can be taken under specific procedural conditions and which in itself constitutes a challenge for implementation in practice, therefore to overcome these challenges it is necessary to increase the capacity of judges. For some of judgments that can be rendered without holding the main trial, non-unique practices have been created in the case law which promote uncertainty, poor performance and low public confidence. The need to avoid various practices is a necessity dictated by the demands for more credible justice.

Completion of proceedings with fair and legal rulings is a standard and principle of contested procedure, so acquainting participants with genuine judicial practice of the legal conditions under which each type of judicial decision is rendered, is the purpose of addressing the topic. Judicial practice has raised dilemmas about the possibility of rendering judgments without a main trial, then whether the judgments can be rendered without a main trial, under what procedural conditions they should be rendered, how they should be drafted, as well as what should be the reasoning behind the main trial.

During this training will be discussed the legal requirements for each type of court decision through the evaluation of judicial practice by the highest courts in the country, in order to provide a unique approach to the application of legal provisions for each court decision.

### **Objectives**

After completion of this training, participants will be able to:

- Understand the legal specifics of each court decision;
- Assess properly the legal conditions for issuing each court decision;
- Apply legal provisions in court cases for each type of court decision;
- Draft each type of court decision in a regular structure and content.

### **Content**

- Types of court decisions under the provisions of the LCP;
- Types of judgments according to the provisions of the LCP;
- Legal requirements for issuing any type of judgments;
- The structure and content of court decisions.

### **Methodology**

Interactive methods, PowerPoint presentation, practical cases and group work will be used during this training.

### **Beneficiaries**

Judges of Appeal and Basic Courts, professional associates and legal officers.

### **Duration**

One day.

## 2.4 Judicial protection in labor disputes under Labor Law

In recent years the number of labor disputes has increased. This due to the reason that the legislation in force had disadvantages and judicial protection was inadequate whereby the right of the employee was violated. As a result, provisions that regulate this area have been dispersed in many laws and regulations, which have been promulgated and adopted in various economic, social and political circumstances. As a result, judges have had difficulties in adequately enforcing these laws, which refer to the protection of the rights of workers deriving from employment relationships, as a result of which various judicial practices have been created.

What are the types of employment contracts under the Labor Law? What are the causes of termination of employment under the Labor Law? What is the procedure before the termination of employment by the employer? What are the tools of the employee to provide judicial protection? What are the legal deadlines for providing judicial protection in labor disputes? What are the court decisions in labor disputes?

This training is designed and structured to analyze and break down the procedure initiated by employees in cases of employer violations, including identification of the prerequisites that must be met by the applicant before filling a lawsuit for judicial protection in the court.

### **Objectives**

After completion of this training, participants will be able to:

- Distinguish civil service disputes and other labor disputes according to labor law;
- Apply properly the provisions of the relevant law assessing the deadlines for seeking judicial protection.

### **Content**

- Employment contracts and their types;
- Labor law disputes under labor law;
- Court proceedings for the protection of labor rights;
- Respecting deadlines for seeking judicial protection.

### **Methodology**

This training will use interactive methods, PowerPoint presentations, group work and cases from judicial practice.

### **Beneficiaries**

Judges of the Court of Appeal, basic courts (civil division), and professional associates of the courts.

### **Duration**

One day.

## 2.5 Main trial and the proving remedies

Main trial is the most important stage of the contested procedure, in order to decide based on the merits, this is the stage of obtaining the evidence. The LCP sets out the obligations of litigants to prove the facts on which they base their claims. Proving of evidence include all facts that are relevant to the decision, whereas the court decides which evidence will be taken in order to establish the decisive facts.

What actions should be taken in the main trial? What are the actions and powers of the court in the main trial? What are the types of remedies in contested procedure? What does the burden of proofs in contested procedure mean? How the evidence are ensured (pre-evidence)?

This training is designed to analyze and elaborate the procedure conducted by the court in the main trial, taking of evidence or the way of proving, since there have been many difficulties found in practice concerning this area.

### Objectives

After completion of this training, participants will be to:

- Improve the skills of holding the main trial;
- Identify proving remedies in civil procedure;
- Assess the facts that must be proven and those that should not be proven in civil proceedings, including the court's authority when to obtain ex officio evidence;
- Apply correctly legal provisions regarding the time of proposing and presenting evidence as well as the burden of proof.

### Content

- Convocation and holding of the main trial;
- Proving remedies and taking of evidence;
- Types of evidence in contested procedure;
- The burden of proof in contested procedure and ensuring of evidence (pre-evidence).

### Methodology

Combined methods of explanation will be used during the training, including theoretical and practical explanations, group work followed by examples from judicial practice.

### Beneficiaries

Judges of the Basic Courts and of the Court of Appeal (civil division), as well as professional associates.

### Duration

One day.

## 2.6 Preliminary review of the lawsuit and preparatory session

Preliminary review of the lawsuit marks the beginning of the activity of the court for the preparation of the preparatory and main trial. It is often the case in practice that insufficient attention is paid to this stage of this proceeding, namely that the court does not take appropriate measures to verify that the procedural presumptions for the conduct of the contested proceedings have been met. The preliminary review of the lawsuit is a filter that helps the court eliminate all obstacles in order to proceed with other stages of the proceedings.

What procedural presumptions relate to the court, the parties, the subject matter of the dispute and the regularity of the claim? What actions should the court take depending on the findings of the preliminary review of the lawsuit? How does the preliminary review of the lawsuit affect further court proceedings? What actions should the court take when convocation and holding a preliminary hearing?

The training is designed to answer the questions and uncertainties raised above by analyzing all procedural presumptions that should be assessed during the preliminary review of the lawsuit, but also when convening and holding a preparatory session.

### **Objectives**

After completion of this training, participants will be able to:

- Interpret and correctly apply the provisions of the LCP regarding the preliminary review of the lawsuit;
- Determine actions for court decisions;
- Recognize and distinguish decisions rendered at this stage of the procedure;
- Advance knowledge of convening and holding a preparatory session.

### **Content**

- Lawsuit and its content;
- Provision of the LCP on preliminary review of the lawsuit;
- The actions and decisions of the court in the preliminary review of the lawsuit;
- Types of decisions at this stage of the procedure;
- Convocation and holding the preparatory session.

### **Methodology**

Combined methods of explanation will be used during the training, including theoretical and practical explanations, group work followed by examples from judicial practice.

### **Beneficiaries**

Judges of basic court and professional associates.

### **Duration**

One day.

## 2.7 Application of enforcement and decision on objection, appeal and extraordinary remedies in enforcement proceedings

Application of enforcement and legal of remedies in the enforcement proceedings appears to be quite complex in our judicial practice, which may result in the wrong application of the entire enforcement proceedings if the parties and the court do not have due diligence. In this context, it is important that enforcement be allowed in full compliance with the provisions of the Law on Enforcement Proceedings, since the lawful initiation, development and termination of enforcement proceedings depend on this.

This topic is designed to answer all questions related to the executive title, permitting enforcement under this executive title, as well as the possibility of using legal remedies in enforcement proceedings, objection, appeal and prosecutor's request for protection of legality in order to ensure the regular and lawful implementation of the enforcement procedure in any concrete case.

How does the private bailiff decide on enforcement? Who decides on the objection against the enforcement order? What is the territorial competence of private bailiffs and courts?

In addressing these dilemmas, and providing answers, will be given theoretical explanations and current legal provisions followed by good practice of the courts.

### **Objectives**

After completion of this training, participants will be able to:

- Expand knowledge about enforcement titles in enforcement proceedings;
- Decide properly regarding the application of enforcement;
- Recognize the challenging remedies in the enforcement proceedings.

### **Content**

- Enforcement titles and permitting their execution;
- Objection, complaints and requests for protection of legality in the enforcement procedure.

### **Methodology**

The training will use combined methods of explanation, including theoretical and practical explanations, and group work, followed by examples from case law.

### **Beneficiaries**

Judges of the Basic and Appeal Court and professional associates.

### **Duration**

One day.

## 2.8 Ordinary and extraordinary legal remedies under the contested procedure

In the case of decision-making by the lower instance courts, often it happens to make mistakes in the formal and material terms, and these mistakes may have an impact on the legal guarantee of the parties' rights in contested procedure. Therefore, through the use of regular and extraordinary legal remedies, the parties may appeal against these decisions and seek respect for the claims and protection of their rights in this proceeding.

What are the most common reasons for introduction of regular and extraordinary vehicles? What is the procedure for receiving and reviewing these remedies? What are court decisions regarding regular and extraordinary remedies?

This training is designed and structured in order to analyze and break down the procedure for the submission of regular and extraordinary remedies by authorized parties, as well as the establishment of higher instance courts over such remedies.

### **Objectives**

After completion of this training, participants will be able to:

- Analyze the legal requirements for filing and adjudication under these remedies;
- Apply correctly the legal provisions referring to the preliminary review of these remedies in the court of first instance.

### **Content**

- Decision based on the appeal;
- Decision based on the revision procedure;
- Relation between revision and proposal for repetition of the procedure;

### **Methodology**

During this training, combined methods of explanation followed by practical examples and joint discussions will be used.

### **Beneficiaries**

Judges of the appeal and basic instances (civil division) and professional associates.

### **Duration**

One day.



## 2.9 Judicial procedure in cases of expropriation

As it is known the expropriation institute allows the possibility that the owner can be deprived from the right of ownership only under the conditions provided by law that the expropriation is done for the general interest. As expropriation is very common in practice, the regular application of the legal provisions of the Law on Expropriation guarantees the property right of owners whose property is expropriated for the general public interest. Therefore, it is imperative that law enforcers gain in-depth knowledge of this institute in order to contribute to the unification of judicial practice in Kosovo courts.

When and under what conditions can an immovable property be expropriated? Which body conducts the expropriation procedure? Who assigns compensation for expropriated immovable property? What are the criteria for determining the compensation for expropriated immovable property?

This training is designed aiming to analyses the procedure of expropriation, to identify the preconditions for expropriation, and criteria's when expropriation should be applied.

### Objectives

After completion of this training, participants will be able to:

- Assess the legal conditions that must be fulfilled for expropriation;
- Implement properly legal provisions of expropriation;
- Identify the manner and criteria for determining compensation in expropriation cases;

### Content

- Legal conditions for expropriation;
- Expropriation procedure in cases where the Government or Municipality is the authority that carries out expropriation;
- Preliminary and final decision on expropriation as well as legal remedies;
- Manner and criteria for determining compensation in expropriation cases;

### Methodology

During this training, combined methods of explanation will be used, followed by practical examples and interactive discussions.

### Beneficiaries

Judges of the appeal and basic courts and representatives of the Ministry of Finance dealing with compensation procedures at the expropriating authority and professional associates.

### Duration

One day.

## 2.10 Enforcement remedy

The Law on Enforcement Procedure regulates the procedure through which courts and private enforcement agents determine and carry out enforcement based on the enforcement titles and authentic documents, unless if with the special law it is foreseen otherwise. For the purpose of this law, the capacity of the enforcement authority lies on the private enforcement and the court of first instance, this was not foreseen by the previous law on enforcement procedure. This law aims to ensure that enforcement cases can be dealt with within the shortest possible time due to their urgent nature, which would have a direct impact on protecting citizens' rights to timely fulfillment of their claims.

Of particular importance in the enforcement procedure are the enforcement remedies, through which the exercise of the right acquired in the contested judicial procedure, the types of remedies of enforcement and the procedures in relation to these remedies are performed.

What are the powers and duties of the enforcement body provided by law? What are the decisions that the enforcement body makes in the first instance? What are the enforcement remedies in the enforcement procedure?

The content of the training is structured in such a way that by analyzing the legal provisions of the Law on Enforcement Procedure and current judicial practices, will be answered the above questions and dilemmas.

### **Objections**

After completion of this training, participants will be able to:

- Define enforcement remedies in the enforcement procedure;
- Categorize the enforcement remedies;
- Differentiate and recognize enforcement procedures according to enforcement remedies.

### **Content**

- Types of enforcement remedies in enforcement proceedings;
- Categorization of enforcement remedies;
- Enforcement proceedings by enforcement remedies.

### **Methodology**

This training will use combined methods of explanation, accompanied by interactive conversations and examples from case law.

### **Beneficiaries**

Judges of the appeal and basic instances (civil division) professional associates, legal officers and private enforcement agents.

### **Duration**

One day.

## 2. 11 Judicial procedures in cases of damage compensation and evaluation criteria

In the case-law, the largest number of claims for damage compensation arise from the range of damages caused in traffic and as a result of injuries caused at work. Therefore, this training will focus on the ways of dealing with the damage, compensation of damages, liability bases and regressions in case of insurance, as well as taking the necessary measures by the employer to provide working conditions for the workers including evaluation of criteria for damage compensation in the respective cases.

How to create case law in line with European and international standards in compensation cases? What are the experiences and best practices of states in the region in compensation cases? What are the evaluation criteria used in these cases?

The training is designed to address the dilemmas and difficulties encountered in current case law through interactive discussions between participants and the presentation of practical cases.

### **Objectives**

After completion of this training, participants will be able to:

- Recognize the specifics of cases of damage to the litigants;
- Differentiate compensation proceedings outside court proceedings;
- Apply properly the compensation procedure;
- Know the basics of liability in cases of damage;
- Identify the types of adequate compensation in cases of claimed damages;
- Identify and apply the damage assessment criteria.

### **Content**

- Litigants in damage cases;
- Liability Insurance and Workers Insurance;
- TPL insurance policy and cover margins;
- Claim for compensation of damage;
- Compensation for material and immaterial damage from the insurance policy;
- Criteria for damage assessment;
- Right to Rent and damage registration.

### **Methodology**

The methodology applied during the training covers presentation of concrete cases and discussions regarding decision making based on merits.

### **Beneficiaries**

Judges of the Court of Appeal and Basic Courts (civil division), professional associates and legal officers.

### **Duration**

One day.

## 2. 12 Court proceedings in cases of protection from domestic violence

Domestic violence is one of the harmful acts that violate human rights and endanger the great value of the individual and society. Human rights are fundamental rights of every human being. Domestic violence is considered any violation of the rights of women, men and children by persons who are considered members of the family. Cases of domestic violence become even more difficult and challenging for responsible institutions in combating this phenomenon, also due to the impact of the way of life of Kosovar families who treat family issues as internal family matters.

What factors affect domestic violence? What are the consequences of domestic violence? Who is protected by law? Who can request a protection order? What information should the lawsuit include? Who should be notified for the protection order?

The training is designed to respond questions and dilemmas raised through case studies and analysis of the legal framework.

### **Objectives**

After completion of this training, participants will be able to:

- Use standard operating procedures for protection against domestic violence;
- Effectively enforce provisions regarding the procedure and deadlines for rendering of the decision as required by the protection order;
- Compare the specifics of domestic violence in civil and criminal proceedings.

### **Content**

- Domestic violence and protection order;
- Court proceedings for adjudication under protection order request;
- Types of protection orders and their duration;
- Execution and consequences of non-execution of the protection order.

### **Methodology**

This training will apply an interactive learning methodology consisting of exercises and discussions, presentation of concrete cases and discussions regarding decision making based on merits.

### **Beneficiaries**

Judges of the Court of Appeals and Basic Courts (civil division), professional associates, legal officers, Kosovo police, victim advocates and Centers for Social Work.

### **Duration**

One day.

## Training on Justice for Children

### 3. Training on Justice for Children

#### 3.1 Criminal Justice for children

##### 3.1.1 Interrogation of the injured party in criminal offences against sexual integrity

Children are the most vulnerable category of society for which the state with its mechanisms is obliged to take care and provide protection. The child as victim of these offenses should be treated in a friendly and sensitive manner, respecting his or her dignity throughout legal proceedings, taking into account the personal situation and the immediate and special needs, age, gender, disability, if any, and level of his maturity. Therefore, the interrogation of these victims is carried out with the help of a psychologist and is led by the state prosecutor.

What are the distinguishing characteristics of interviewing a victim who has been violated with sexual integrity by a criminal offense? What are the methods and tactics of interviewing crime victims against the sexual integrity of children?

The training is designed to address the problems and dilemmas encountered in case law.

#### **Objectives**

After completion of this training, participants will be able to:

- Properly analyze the procedural actions taken when dealing with a child victim;
- Interpret correctly the provisions of the JJC when dealing with a child victim or witness of a criminal offense;
- Identify cases where the rights of a child victim or witness of a criminal offense against sexual integrity may be violated.

#### **Content**

- Respecting general principles when dealing with a victim of against sexual integrity offense;
- Procedural actions taken when dealing with a child victim of sexual integrity;
- Support provided to child victim under the provisions of the JJC.

#### **Methodology**

The training will be delivered through interactive discussions, group work and case studies from judicial practice.

#### **Beneficiaries**

Judges and prosecutors from Juvenile Department.

#### **Duration**

One day.

### 3.1.2 Diversion measures

Children are distinguished from adults in terms of physical and psychological development, as well as emotional and educational needs. When making any decision regarding the administration of juvenile justice, first of all should be taken into consideration the best interest of the child. Taking into account the best interests of the juvenile, the Juvenile Justice Code has provided diversion measures that may be imposed on juvenile offenders in order to prevent the commencement of juvenile delinquency proceedings, exclusively on juvenile perpetrators who committed the offense punishable by a fine or imprisonment up to three years, or by a negligent act punishable up to five (5) years of imprisonment, with the exception of those that lead to death.

What are the types of diversion measures? What conditions must be met for the imposition of diversion measures? What are the effects of imposing diversion measures? How much do these measures affect juvenile reintegration?

The training aims to provide adequate knowledge and skills in the implementation of the JJC when imposing juvenile diversion measures in the spirit of international standards for protection of the rights of the child and the best interest of the juveniles.

#### **Objectives**

After completion of this training, participants will be able to:

- Apply properly the provisions of the Juvenile Justice Code;
- Identify what legal requirements must be met for the imposition of diversion measures;
- Properly evaluate the effects of implementing diversion measures in practice.

#### **Content**

- Legal requirements for the imposition of diversion measures;
- Types of diversion measures;
- Benefits of diversion measures;
- Imposition of these measures by the court or prosecutor.

#### **Methodology**

The training will focus on analyzing practical problems through discussions and case studies.

#### **Beneficiaries**

Judges and prosecutors from Juvenile Department.

#### **Duration**

One day.

### 3.1.3 Educational measures and punishments

When a measure or punishment is imposed on a minor, the court primarily takes into account the best interest of the minor. The educational measures as well as the punishment that may be imposed on perpetrators of criminal offenses have some legal limitations, so they can be imposed on any minor who has reached the age set by the JJC. According to the principles of the JJC, imposition of these measures should be considered as the first alternative, which in practice are not always applicable. Incomplete or inadequate social surveys and failure to properly assess the benefits of these measures are often considered factors for non-implementation. Juvenile justice in Kosovo is pervaded by a number of principles, some of which are universal.

What are the legal and factual circumstances that influence the selection of these measures or punishments? What are the types of educational measures and punishments that can be imposed on juveniles? What are the benefits of these measures and punishments? What is the purpose of educational measures or punishments?

Problematic issues that arise in practice will be the main objective of the training.

#### **Objectives**

After completion of this training, participants will be able to:

- Analyze properly the conditions for the imposition of educational measures and punishments;
- Apply educational measures as well as punishments foreseen by the JJC;
- Assess the duration of educational measures and the type of punishments imposed on juveniles.

#### **Content**

- Educational measures and punishments that may be imposed on juveniles;
- Conditions to be met for imposing educational measures or punishments on juveniles;
- Determination of the duration of educational measures as well as punishments imposed on juveniles.

#### **Methodology**

The training aims to answer questions about practical issues by analyzing and clarifying dilemmas in implementation of educational measures or punishments. The training will focus on elaborating best practices regarding the imposition and implementation of educational measures including the types of punishments.

#### **Beneficiaries**

Judges and prosecutors from Juvenile Department.

**Duration:** One day.



### 3.2 Civil law on juveniles

#### 3.2.1 The protection of children without parental care and cases of changing their status

Trainings in the field of protection of children's rights are of a great importance in the training program. Therefore, this program will address inter alia issues concerning the protection of the rights of children without parental care, as well as forms of special protection of the children which regulated by the Family Law (KFL), taking as reference the Convention on the Rights of the Child (CRC). The manner and methods of court communication with children in court proceedings, the principle of the child's best interest, the role of the court and the guardianship body in proceedings relating to the protection of the rights of children without parental care will also be discussed and in cases of changing their status, as well as applicable national and international legislation.

What are the conditions to be met for permission of child adoption? What is the legal procedure that must be followed by the adoptive parent to adopt a child? Can children of Kosovo citizens be adopted by foreign nationals? What are the international acts that apply to the adoption procedure? What are the effects of recognizing or objecting paternity / motherhood in relation to the child?

This program will focus on analyzing the applicable legislation referring to the judicial procedure for granting legal protection for the rights of children without parental care and in cases of changing their status.

#### **Objectives**

After completion of this training, participants will be able to:

- Assess cases related to the protection of the rights of children without parental care;
- Analyze the legal provisions on adoption, paternity and maternity;
- Apply correctly the ways and methods of court communication with children in court proceedings.

#### **Content**

- Protecting the rights of children without parental care;
- Adoption, maternity and paternity;
- Ways and methods of court communication with children in court proceedings;
- Protecting the rights of children in the process of challenging and proving paternity or maternity and the principle of the best interest of the child.

#### **Methodology**

The training will use a combination of theoretical and practical methods, group work, followed by examples from case law.

#### **Beneficiaries**

Appellate and basic level judges (civil division), professional associates, custodian officials.

**Duration:** Two days.

### 3.2.2 Protection of children in case of divorce and cases of domestic violence

Marital-family disputes are very complex because of their nature, and the role of the court in these disputes is not only scrutinizing but also investigative. Domestic violence is considered any violation of the rights of women, men and children by persons who are considered members of the family. Domestic violence cases become even more difficult and challenging when children are involved.

What are the principles for the protection of children's rights under the legislation in force? What is the international legislation applicable in these cases? On what criteria does the court decide in these cases? What are the consequences of children as a result of domestic violence? Who can request a protection order? What information should the lawsuit include? Who should be notified about the protection order?

The training will focus on analyzing domestic and international legislation on child rights protection issues in marital - family disputes and domestic violence cases.

#### **Objectives**

After completion of this training, participants will be able to:

- Apply effectively protection of children's rights during the divorce procedure;
- Apply correctly the legal provisions regarding the trust, custody and care of children;
- Apply standard operating procedures for protection against domestic violence;
- Apply correctly the procedure and decision-making deadlines according to protection order requirements;
- Compare the specifics of domestic violence in civil and criminal proceedings.

#### **Content**

- Principles for the protection of children's rights under national and international law;
- Criteria taking into account by the court in child trust cases and the alimony principles;
- Domestic violence, protection order and court proceedings for adjudication under protection order requirements;
- Types of protection order and their duration, execution and consequences of non-execution of the protection order.

#### **Methodology**

The training will be conducted through interactive discussions and presentation of concrete cases from judicial practice.

**Beneficiaries:** Appellate and Basic Judges (Civil Division), professional associates, legal officers, Kosovo Police, victim advocates and social center representatives.

#### **Duration**

One day.

## Training on Economic Field

## 4. Training on Economic Field

### 4.1 Bankruptcy

The bankruptcy procedure is intended to collectively settle the debtor's liabilities by reorganizing the business or by liquidating all of the debtor's assets and distributing the proceeds. This law regulates the liquidation and reorganization procedures of all companies, including individual businesses, general partnerships and limited partnerships, limited liability companies or joint stock companies.

Handling of this topic aims to enhance the professional expertise of judges in this field, establish case law in line with international standards and the best practices of states in the region, and implement international instruments regulating this area.

The training is designed to address the dilemmas and difficulties encountered in current case law, through partial theoretical discussions, interactive discussions between participants, and the presentation of practical cases.

### **Objectives**

After completion of this training, participants will be able to:

- Assess the specifics of the opening of bankruptcy case, legal procedures, deadlines and court decisions;
- Recognize the creditors' claims, method of filing, deadlines and priority of claims;
- Expand their knowledge of reorganization, liquidation and their specifics;
- Apply properly cross-border provisions and their content.

### **Content**

- Accelerated procedures (SMEs and pre-packages);
- Initiation, opening of cases and consequences of opening a case;
- Creditors' claims;
- Reorganization and liquidation;
- Individual release and case closure;
- Cross-border provisions.

### **Methodology**

This training will apply an interactive methodology, discussions, group work as well as case law review.

### **Beneficiaries**

Judges from the Department of Economic Affairs at the Appeal and Basic level as well as prosecutors and judges in the criminal field.

### **Duration**

Two days.

## 4.2 Arbitration

Arbitration as an alternative method of dispute resolution is considered as one of the rapid and more efficient resolution of economic disputes as well as a method that may serve to dismiss the Courts from cases that can be settled through arbitration. The success of arbitration depends directly on the recognition and enforceability of these decisions, given that arbitration decisions are executive title only after being recognized by the Competent Court in Kosovo. In this context, it is essential to advance the knowledge of judges on the procedure for recognizing arbitration awards and other specifics.

What are the powers of the court in the arbitration procedure? What are the rights and obligations of the parties?

The training will focus on enhancing the professional expertise of judges in this field, creating case law in line with international standards and the best practices of states in the region, as well as implementing international instruments regulating this area.

### Objectives

After completion of this training, participants will be able to:

- Expand knowledge about the court's power in arbitration proceedings;
- Apply the procedure of arbitration agreement correctly;
- Recognize the rights and obligations of the parties;
- Interpret correctly the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

### Content

- Initiation of arbitration procedure and court competences;
- Disputes that may be the subject to arbitration;
- Arbitration agreement clause;
- Arbitration procedure, rights and obligations of the parties to the proceedings;
- Kosovo law on the recognition of arbitration decisions;
- Initiation of the recognition procedure;
- Practices of recognizing arbitration awards;
- The procedures provided for in the New York Convention on the Execution of Foreign Arbitration Decisions;
- Recognition and enforcement of foreign arbitral awards in Kosovo;
- Applicable Remedies.

### Methodology

The training methodology includes concrete and hypothetical presentations. This methodology is based on exercises, discussions, simulations, and activities designed to apply the concepts of business structures to practice.

### Beneficiaries

Judges of the Department of Economic Affairs of the Basic Court and Court of Appeal, Professional Associates, Arbitrators.

### Duration

Two days.

#### 4.3 Trade mark – and failure to fulfill of the contract

In a market economy, developed businesses that engage in specific activities use contracts that are specific to their business, which differ both in structure and in the rights and obligations they create for the parties. These contracts have specifications and require special knowledge when applying and interpreting contractual provisions and therefore require special legal knowledge in the areas covered by these contracts. Due to the complexity often these contracts fail to be fully implemented and disputes arise between the contracting parties whose resolution is quite complex.

What are the specifics of contracts in the economy? What are the obstacles in fulfilling contractual obligations? What are the causes of contract invalidity? What are the consequences of non-execution of the contract?

The training aims at enhancing professional expertise of judges in this field, creating case law in line with international standards and the best practices and practices of states in the region, and implementing international instruments regulating this area.

The training will focus on enhancing the professional expertise of judges in this field, creating case law in line with international standards and the best practices of states in the region, as well as implementing international instruments regulating this area.

#### **Objectives**

After completion of this training, participants will be able to:

- Recognize the specifics of contracts in the economy;
- Advance the knowledge related to obstacles in fulfilling contractual obligations;
- Expand knowledge on the causes of contract invalidity and the consequences of non-implementation of the contract.

#### **Content**

- Contract specifics in the economy;
- Obstacles in fulfilling contractual obligations;
- Contract annulment and its nullity;
- Non-fulfillment of obligation - delay;
- Legal consequences of delays in fulfilling the obligation and termination of the contract;
- Legal procedures for protecting the rights of business parties in disputes arising from non-performance of these contracts;
- Ways and criteria for evaluating specific elements when there are claims of non-performance or challenging the validity of these contracts.

#### **Methodology**

Interactive methodology, presentation of hypothetical cases and concrete cases from judicial practice will be applied in this training.

#### **Beneficiaries**

Judges from the Department of Economic Affairs, Appeal and Basic instances.

#### **Duration**

Two days.

Training on Mediation  
(criminal, civil and economic field)

## 5. Training on Mediation

### 5.1 Alternative dispute resolution, with particular emphasis on mediation

Mediation as an alternative method of dispute resolution is regulated by Law no. 06 / L-009 on Mediation, which is a relatively new law and has brought some innovations to the practice of mediation in Kosovo, especially as regard to mandatory mediation. With the inclusion of mandatory mediation in the legal framework, the responsibility of the Courts to refer such cases has also increased. The development of mediation as an alternative method of dispute resolution would also help alleviate the workload of courts.

The purpose of this training is to enable the beneficiaries advance their knowledge on the mediation procedure in general and mandatory mediation in particular.

#### **Objectives**

After completion of this training, participants will be able to:

- Advance knowledge in the development of the mediation procedure, its specifics, other characteristics, with particular emphasis on mandatory mediation;
- Apply correctly the procedure of reaching a mediation agreement and its legal effects;
- Recognize the rights and obligations of the parties in the mediation procedure.

#### **Content**

- Principles of mediation;
- Initiation of the mediation procedure;
- Mandatory mediation, procedure and obligations of judges;
- Development of mediation procedure;
- The mediation agreement and its effects;
- The rights and obligations of the parties in the mediation procedure.

#### **Methodology**

The training methodology includes concrete and hypothetical presentations, examples and cases, interactive discussions and simulations.

#### **Beneficiaries**

Judges from Basic Courts, Department of Economic Affairs of Basic Court and Administrative Department, Prosecutors, Professional Associates, Mediators.

#### **Duration**

One day (regional)



## Administrative law trainings

## 6. Administrative law trainings

### 6.1 Implementation of the Law on Public Officials

One of the main goals of this training is to clarify legal provisions related to position of public officials, because this law contains the legal basis for employment of public officials in institutions of the Republic of Kosovo, based on merits, moral integrity, impartiality and sustainability. This law makes classification of working places in public administration which means every functional category of public officials including the job grades that are set based on responsibility.

How is classification of public officials made? What are the rights of public officials according to this law? What are the challenges that occur in implementation of this law?

Actually, when this law entered into force, dilemmas and difficulties occurred in implementing legal provisions related to positions of public officials, ways of their employment, rights and obligations that are set forth in the Law on Public Officials, like the right for equal treatment, the right to wages, the right to working place and maintaining the equivalent position.

#### **Objectives**

After completion of this training participants will be able to:

- Elaborate on procedure before the administrative body when issuing the act of appointment for public officials;
- Make distinctions between different categories of public officials;
- Know the rights of public officials;
- Apply correctly legal provisions of the Law on Public Officials.

#### **Content**

- Procedures before the administrative body upon employment of public officials;
- Classification of officials and the rights of public officials;
- Disciplinary measures and dispute management.

#### **Methodology**

Dilemmas and issues raised during the training will be addressed through theoretical explanations, case studies and concrete examples from the judicial practice.

#### **Beneficiaries**

Judges of the Appeals and basic instances (Administrative Department) members of the Independent Oversight Board of Kosovo, as well as officials of administrative bodies of the municipal and central level.

#### **Duration:**

One-day training.

## 6.2 Initiation and conducting administrative disputes

This training will primarily focus on the administrative dispute procedure, elaborating also on topics that relate to judicial protection and addressing lawfulness of public administration decisions in the Administrative Department of the Pristina Basic court and consequently on Administrative Department of the Appeals Court.

The courts are having different professional, procedural and material dilemmas when handling and deciding about these cases. This training aims to provide practical solutions based on law that would simplify the work of this court and of the last instance impacting on general reduction of the number of cases in courts.

What is the procedure for initiating administrative conflict and how is it conducted in competent court for decisions of the public administration bodies and governmental bodies in Kosovo? What are the cases with more emphasized issues? What types of cases occur most frequently in the Administrative Department of the Prishtina Basic Court?

### **Objectives**

After completion of this training participants will be able to:

- Interpret correctly provisions on the administrative conflict procedure;
- Understand the role and importance of issuing evidence during the main hearing;
- Apply correctly provisions of the administrative conflict procedure.

### **Content**

- Importance of legal provisions on the administrative conflicts procedure;
- Legal procedure and importance of issuing evidence during the main hearing;
- Enforcement of decisions.

### **Methodology**

Dilemmas and issues raised during the training will be addressed through interactive discussions, use of practical cases and work in groups.

### **Beneficiaries**

Judges of the Kosovo Supreme Court, judges of the Appeals instance and of basic instance (Administrative department).

### **Duration**

One-day training.

### 6.3 Law on general administrative procedure – Practical guideline

Purpose of this guideline is to facilitate implementation of the LGAP by bodies of public administration, judges, as well as physical and legal entities. In this light, the training will focus on administrative procedure, concretely on the topics that relate to time of entrance into force of administrative act, implementation of administrative individual and collective act, as well as revocation and abolishment of the administrative act.

What is the role and importance of the LGAP in administrative bodies? How will implementation of the guideline impact on administrative procedure.

Also, this training aims to provide practical solutions based on law that will facilitate work of the courts and administrative bodies and in the last instance that would impact on general reduction on the number of cases in this area.

#### **Objectives**

After completion of this training participants will be able to:

- Interpret correctly legal provisions on administrative procedure;
- Understand role and importance of the administrative act and time of its entrance into force;
- Apply correctly provisions of the LGAP;
- Interpret the guideline on administrative procedure.

#### **Content**

- Role and importance of the LGAP in administrative entities;
- Understanding and importance of the administrative act and time of its entrance into force;
- Correct implementation of the LGAP provisions;
- Interpretation of the guideline on administrative procedure.

#### **Methodology**

Dilemmas and issues raised during this training will be addressed through theoretical explanations followed by practical cases and examples in form of exercises, discussions and practical examples.

#### **Beneficiaries**

Judges of the Appeals and basic instance (administrative department) as well as public administration officials of the municipal and central level.

#### **Duration**

One-day training.

## 6.4 The right of asylum and the applicable legislation

Having in mind that 2018-19 have been years of armed conflicts, violence and violation of the Human Rights in middle East and in Africa, consequently there have been floods of asylum seekers in Europe, including here the Republic of Kosovo as a transit place for these refugees and asylum seekers. As a result, it was necessary to train officials of the administrative bodies of the MIA and judges in the area of the refugees and asylum seekers refugees, with the aim that decision-making bodies are in the required level of professionalism in facing the potential challenges when implementing the respective law.

What are the provisions of the Law on Asylum for initiating administrative conflict in asylum cases? To what extent are the national and international provisions elaborated in this matter?

Elaboration of this topic aims to extend knowledge of judges and competent MIA officials as decision-making bodies in Kosovo.

### Objectives

After completion of this training participants will be able to:

- Analyze the right of Asylum in compliance with the applicable legislation;
- Compare the Kosovo Law on asylum with the International Convention for Refugees;
- Interpret correctly provisions for initiating administrative conflict in asylum cases;
- Decide for cases of provisional stay of foreigners.

### Content

- The right of asylum and applicable legislation;
- Relation of the Kosovo Law on Asylum with the International Refugees Convention;
- Provisions of the Law on Asylum for initiating administrative conflict in cases of asylum and decision for cases of provisional stay of foreigners.

### Methodology

Dilemmas and issues raised during this training will be addressed through theoretical explanations followed by concrete examples and cases from the judicial practice.

### Beneficiaries

Judges of the Appeals and basic instances (administrative department) as well as officials of the Department for citizenship, asylum and migration – MIA.

### Duration

One-day training.

## Minor offence law trainings

## 7. Minor offence law trainings

### 7.1 Legal persons in minor offence procedure

Person in charge of the legal entity may be declared responsible and may be imposed a sanction also in cases when s/he does not carry the responsibility for the particular minor offence. Judicial practice often identifies the business entity as individual business and the first instance courts, in some cases, do not conduct correctly the minor offence procedure when parties in the procedure are businesses as legal persons.

Where is distinction between the business entity as legal person and the business entity as individual business? In which cases the person in charge of the legal entity is not held accountable for the minor offence? How is the minor offence procedure conducted against the business entity as individual business, and how is it conducted against the business entity as legal person?

The program aims to elaborate on the applicable legislation pertaining to the legal status of business entities in the judicial case-law, present practical examples of adjudication of minor offences of the person in charge of individual businesses; and through interactive discussion unify the judicial practice in this area.

#### **Objectives**

After completion of this training participants will be able to:

- Define clearly and correctly business entities as legal persons and the person in charge of the legal person;
- Conduct correctly and lawfully the minor offence procedure against legal person and against person in charge of the legal person;
- Apply correctly provisions that define the responsibility of the legal person, the person in charge of the legal person, and of the natural person.

#### **Content**

- Ways of conducting minor offence procedure against the business entity in capacity of the legal person, and against the person in charge of the legal person;
- Liability of the legal person and liability of the person in charge of the legal person;
- Business entities as individual businesses and conducting legal procedure against them;
- Liability of the natural person.

#### **Training methodology**

Power point presentation of the material, interactive discussions, examples from judicial case law, and hypothetical cases.

#### **Beneficiaries**

Judges of Basic Courts – Minor Offence Division.

#### **Duration**

One –day training.

## 7.2 Minor offence procedure upon the request of inspectorates

The judicial case law notices uncertainties regarding requests of inspectorates of different fields to initiate and conduct minor offence procedures, and consequently the minor offence procedure in the first instance courts is conducted in contradiction with legal provisions. It often happens that persons, who are suspected of having committed a minor offence, are charged with provisions of different laws, without specifying which law – and which concrete provisions sanction the action/ non-action that constitutes a minor offence. In this sense, most of the cases do not apply correctly respective legal provisions.

How should the request for initiation of minor offence procedure be drafted and what law shall apply in a concrete case? What action shall the judge take after receiving the request filed by respective Inspectorate, particularly in cases of action/ non-action that constitute minor offence that is not adequate with the law/s sanctioning that respective minor offence.

The program aims to elaborate the applicable legislation, clarify actions that shall be taken by judge in order to eliminate these contradictory actions that are related to correct application of different bylaws in the area of Inspections, by both, parties filing the request, as well as by judges in Basic Courts.

### **Objectives**

After completion of this training, participants will be able to:

- Design clearly and correctly the requests for initiation of minor offence procedures with factual description and adequate legal qualification;
- Conduct correctly and lawfully the minor offence procedure applying correctly respective legal provisions;
- Determine accurately the real competence between the courts and minor offence body of the respective inspectorate, in the view of Article 56 of the Law on Minor offences.

### **Content**

- Content of the request for initiation of the procedure filed by Inspectorate;
- Decision for initiating the procedure.

### **Methodology**

Power point presentation of the material, interactive discussion, examples from judicial case law, hypothetical cases, questions and answers that help unification of judicial practice and eliminate violations in this area.

### **Beneficiaries**

Judges of basic courts – minor offence divisions and Inspectors of the inspection director in central and local level.

### **Duration**

One-day training.



### 7.3 Kosovo Laws on Forests, Protection of Nature and Environment

Being witnesses of the environmental degradation, ruthless damage of forests, national parks and of nature in general, that is all reflected in the human health and life quality, it is necessary to cover this topic, with particular emphasis on importance and priority this topic has to be given by the minor offence divisions.

This training will address the following queries and dilemmas: what are basic principles of this law? Which body initiates the minor offence procedure? How is minor offence procedure conducted? What are the minor offence sanctions?

These are some of the aspects that will be addressed in this training by elaborating on legal provisions of the Law on Forests, through practical examples, that will provide alternatives and merit based solutions for cases of this nature.

#### **Objectives**

After completion of this training participants will be able to:

- Apply correctly provisions of the Kosovo Law on Forests;
- Clearly and correctly determine competencies for minor offences and minor sanctions set forth by the Law on Protection of Nature, and the Law on Protection of Environment in relation with the courts – minor offence body;
- Issue fair and legally founded judgments.

#### **Content**

- Implementation of the Kosovo Law on Forests, Law on Protection of Nature and the Law on Protection of Environment in minor offence procedure;
- Relation of the Law on Kosovo Forests with the Law on Protection of Environment, and Law for Protection of Environment/ dilemmas and uncertainties.

#### **Methodology**

Power point presentation of the material, interactive discussion, examples of judicial practice, hypothetical cases, questions and answers that will help in unification of judicial practices and elimination of violations in this area.

#### **Beneficiaries**

Judges of basic courts – minor offence divisions.

#### **Duration**

One-day training.

## Constitutional Law Trainings

## 8. Constitutional law trainings

### 8.1 Decisions of the Kosovo Constitutional Court, legal effects and ways of their enforcement

The role of the Constitutional Court lies precisely in the power of its decisions. However, the realization and practical implementation of constitutional judicial decisions is a matter of special importance that requires comprehensive elaboration. The Constitutional Court case law has several types of decisions. Likewise, processes that are carried out through these decisions may have different nature.

This training aims to develop professional capacities of judges about the role of Kosovo Constitutional Court decisions, their legal nature, effect and ways of their enforcement.

#### **Objectives**

After completion of this training participants will be able to:

- Recognize the role of Constitutional Court decisions and elaborate on legal effects deriving from decisions of the Constitutional Court,
- Interpret correctly the legal nature and enforceability of the Constitutional Court decisions, the judiciary and all persons and institutions of the Republic of Kosovo,
- Differentiate the types of the Constitutional Court decisions,
- Apply properly Constitutional Court decisions in accordance with the Constitution of the Republic of Kosovo and the Law on Constitutional Court.

#### **Content**

- Kosovo Constitutional Court and importance of its decisions;
- Constitutional Court decisions and their effects;
- Types of Constitutional court decisions;
- Ways of enforcing the Constitutional Court decisions.

#### **Methodology**

This training will use interactive discussion, work in groups that will have the participants argue on different positions and make analysis of the Kosovo Constitutional Court case law. Also, this training aims to realize an active participation of beneficiaries in order to reach accomplishment of the training objectives.

#### **Beneficiaries**

Judges of all instances of the Republic of Kosovo.

#### **Duration**

One-day training.

## Training on the Special Chamber of the Supreme Court

## 9. Trainings on the Special Chamber of the Supreme Court

### 9.1 Novelties to the Law on the Special Chamber Supreme Court

Law on Special Chamber of the Supreme Court has had novelties starting from: constituency and organization, court jurisdiction, which now has wider scope pertaining to cases filed by the Agency against third persons. Presidium as a body that had a considerably wide authority in the SCSC, now with the new law is replaced with the collegium of judges of the Supreme Court, where judges of the SCSC are also included.

What are novelties in Article 5 of the Law on Special Chamber? Are there set timelines to file requests against decisions or actions of the Agency? Does the law foresee raise of the number of judges in the Special Chamber? How are judicial procedures in the first and second instances? Have the timelines and judicial procedures shortened? What is the constituency of the judges in the first and second instance?

Training will focus on discussions and issues raised by participants pertaining to court jurisdiction and novelties on the Law on SCSC.

#### **Objectives**

After completion of this training participants will be able to:

- Acquaint with novelties of the Law on Special Chamber;
- Identify extend to which the jurisdiction of the special Chamber has extended;
- Apply correctly legal norms on issues filed with the court;
- Assess correctly what are the novelties related to legal timeline for challenging decisions or actions of the KPA.

#### **Content**

- Jurisdiction of the Special Chamber of the Supreme Court;
- Claimants and opposing parties in the special chamber;
- Constituency and organization of the court with the new Law on SCSC.

#### **Methodology**

Interactive discussions with participants, practical cases and their elaboration, power point presentations.

#### **Beneficiaries**

Judges from the Special Chamber, judges of basic courts (civil division) professional associates and legal officials.

#### **Duration**

One-day training.

## 9.2 Remedies to dismiss decisions of the Special Chamber of the Supreme Court

In principle an appeal as a challenging remedy may object all decisions or actions of the Kosovo Privatization Agency, that refuses property or credit claims against enterprises that have entered the liquidation procedure. The Procedure upon appeal/ claim or objection of KPA decisions or actions before the court is conducted in two instances: in the first instances it is adjudicated by individual judges and the specialized panel, depending on the cases; whereas in the second instance it is handled by the Appellate panel.

What are the judicial proceedings for dismissing the agency decisions? To whom is the appeal addressed to? What are causes for filing an appeal? What shall the appeal/ claim contain? What are boundaries of reviewing the appeal or objection? Shall the procedural legal remedies before the KPA be exhausted before addressing to the Court?

This training will focus on discussions, practical cases and issues raised by the participants about dilemmas they have faced or can face in the future.

### **Objectives**

After completion of this training participants will be able to:

- Recognize remedies for dismissing the KPA decisions or actions;
- Apply correctly legal provisions related to boundaries of the appeals or objection examination;
- Identify what are the legal timelines in filing the appeal or objection;
- Assess what shall an appeal or objection contain.

### **Content**

- Judicial procedure for dismissing agency decisions that derive from the privatization and liquidation process;
- The claim or appeal as a remedy to dismiss decisions with the Special Chamber;
- Boundaries to review the appeal or objection;
- Timelines for filing the claim or appeal.

### **Methodology**

Interactive discussion with participants, practical cases and their elaboration, power presentation.

### **Beneficiaries**

Judges of the special chamber, judges of the basic court (civil division), professional associates and legal officials.

### **Duration**

One-day training.

## ECHR trainings

## 10. ECHR Trainings

### 10.1 The Right to liberty and security – Article 5

The purpose of organizing this training is to advance and extend the knowledge on the European Convention on Human right, i.e. the right to liberty and security of the person, in conformity with the ECHR, also notions and interpretation of the European Court of Human Rights (ECtHR) in Strasbourg, as well as correct application of the relevant provisions with the right to liberty and security. Also, this session shall address standards that protect physical freedom and, in particular, the freedom from arbitrary arrest and detention. This shall be accompanied by examples from the practice of the European Court of Human Rights (ECtHR).

#### **Objectives**

After completion of this training participants will be able to:

- Apply correctly Article 5 of the ECHR;
- Interpret main standards contained in the provisions of Article 5 of the ECHR regarding the case of detention of a person by the state;
- Elaborate the specific legal basis and provisions governing the situation of detainees,
- Get acquainted with judicial practice and innovations it brings regarding the implementation of Article 5 of the ECHR.

#### **Content**

- Content of the basic provisions and notions of Article 5 of the ECHR.
- Main standards in the provisions of Article 5 of the ECHR regarding the detention of a person by the state,
- Specific legal basis and provisions governing the situation of detainees,
- Judicial practice and innovations it brings regarding the implementation of Article 5 of the ECHR.

#### **Methodology**

The main methods to be used during this training will be: partial theoretical explanations and cases from judicial practice, interactive discussion in separate groups, and case law analysis by ECHR.

#### **Beneficiaries**

Judges and prosecutors of all instances in the Republic of Kosovo and professional associates.

#### **Duration**

One-day training.



## 10.2 The right to a fair trial – Article 6 in ECHR

Purpose of organizing this training is to advance the participants' knowledge of the right to a fair process as foreseen in Article 6 of the ECHR, in the sense of its correct implementation according to Article 22 of the Kosovo Constitution. Objective of this training is to have the participants obtain sufficient knowledge on the notion and interpretation that the European Convention on Human Rights (ECtHR) in Strasbourg makes pertaining to a fair trial. Also this training will make comparison of the decisions of this court in relation with court decisions in Kosovo, respectively reference of Kosovo court decisions in ECHR decisions.

### Objectives

After completion of this training participants will be able to:

- Recognize the fair and public judicial process;
- Interpret and apply in practice the ECHR Article 6;
- Reference to ECtHR case law in the sense of ECHR Article 6 to national judicial decisions;
- Apply correctly standards and requests that Article 6 of ECHR.

### Content

- Definition of notions and categories for a fair judicial process in the light of ECHR Article 6;
- Guaranteed procedural protection according to provisions of ECHR Article 6;
- Understanding independence and impartiality of courts in the context of this legal provision;
- Standards and international requirements that ECHR Article 6 contains.

### Methodology

Main methods used during this training will be: theoretical explanations followed by practical cases from the judicial practice, interactive discussions in groups, and case analysis of ECtHR.

### Beneficiaries

Judges and prosecutors of all instances and professional associates.

### Duration

One-day training.

### 10.3 Protection of property – Jurisprudence of the European Court on Human Rights

This training will focus on human rights on property as one of the rights guarded by Article 1 Protocol 1 of the European Convention on Human Rights. Training will elaborate basic knowledge on the ECtHR jurisprudence on this article, extending the knowledge on main concepts deriving from this practice.

Training is designed to combine theoretical elaborations of this right, with an emphasis on its implementation by ECtHR. Therefore, this module elaborates some of the main concepts, going beyond the text of Article 1, which are explained only through practical cases of the jurisprudence. Training aims to increase professional expertise of judges in this area, establish judicial practice in compliance with jurisprudence of the European Court on Human Rights, and application of experiences and best practices of the countries in the region.

The program is designed to address dilemmas and difficulties occurring in the actual judicial practice through theoretical explanations, interactive discussions between participants and presentation of practical cases.

#### **Objectives**

After completion of this training participants will be able to:

- Interpret main concepts of Article 1 Protocol 1;
- Apply correctly decisions of ECtHR for purposes of their work in trial of similar cases;
- Analyse typical cases of the region in implementing the rights and obligations deriving from this article.

#### **Content**

- Protection of property – Structure of Article 1, Protocol 1 of the ECHR;
- Autonomous interpretation;
- Assessment steps of the court and admissibility of the claim;
- Possession and interference to ‘peaceful enjoyment of possession’;
- Legitimate expectation, proportionality: reaching the fair balance’;
- Expropriation, compensation and restitution of property.

#### **Methodology**

Training is expected to take place in interactive manner will elaborate on hypothetical cases followed with specific cases where the sued states are regional countries.

#### **Beneficiaries**

Judges from general department, commercial and administrative cases.

#### **Duration**

One-day training.

#### 10.4 Freedom of expression and information – ECHR Article 10

The purpose of organizing this training is to advance the knowledge of judges and prosecutors regarding freedom of expression to receive and provide information or ideas. Another reason for addressing this topic is the explanation of freedom of expression in the context of public debate, public commentary by public figures or the media. The focus of the training will be on the elaboration of notions and categories contained in Article 10, as well as the interpretation manner of the European Court of Human Rights (ECtHR) in Strasbourg.

#### **Objectives**

After completion of this training participants will be able to:

- Understand the fundamental notions of freedom of expression in the context of public debate,
- Recognize the role of freedom of expression and information available to the public,
- Elaborate the importance of freedom of expression and respect for the judiciary,
- Apply correctly the provisions relating to the State's positive obligations under Article 10 of the ECtHR.

#### **Content**

- Freedom of expression in the context of public debate,
- The role of freedom of expression and information available to the public,
- The importance of freedom of expression and respect for the judiciary,
- Positive obligations under Article 10 of the ECHR.

#### **Methodology**

Main methods to be used during this training will be: partial theoretical explanations and cases from judicial practice, interactive discussion in separate groups, and case law analysis by ECHR.

#### **Beneficiaries**

Judges and prosecutors of all instances in the Republic of Kosovo and professional associates.

#### **Duration**

One-day training.

## Interdisciplinary competence training

## 11. Interdisciplinary competence training

### 11. 1 Writing and reasoning of judicial decisions

Purpose of legal writing and reasoning is to help the judges and prosecutors increase their analytical and writing skills to write effectively when drafting judicial acts and decisions. Quality of court decisions mainly depends on the quality of reasoning. Reasoning of decisions not only enables parties to easily understand and accept decisions, but it also presents protection from arbitrariness. Initially, the reasoning obliges the judges to respond to parties' claims, to present positions that justify the decision and make the decision lawful, and it allows the public to understand functioning of the judicial system. Use of IRAC method enables the issue to be treated in logical, consistent and comprehensive way. It initially identifies the judicial issue at hand, then it explains legal norms (first premise), continuing with its application in specific facts of the situation (secondary premise), to reach to conclusion with the response to the question raised in the first step.

What are types of legal reasoning? What are principles of the good legal writing and reasoning? What are methods of legal writing and reasoning? How to adhere to legal requirements/ procedural codes pertaining to content of the judicial decisions reasoning?

Purpose of this training is to respond to the aforementioned questions and uncertainties raised through theoretical lecturing and practical cases for all components included within this training: types of legal reasoning, principles of good legal writing, methods of legal writing and reasoning, and legal requirements for content of the court decisions reasoning.

#### **Objectives**

After completion of this training participants will be able to:

- Improve the method of writing decisions, accusatory acts and of other documents;
- Develop the legal writing and reasoning skills;
- Write court decisions in highest standards;
- Implement IRAC method when drafting court decisions.

#### **Content**

- Types of legal reasoning and principles of legal writing;
- Legal requirements for writing reasoning of court decisions;

#### **Methodology**

Theoretical discussion and practice for methods of legal analysis in concrete cases, conversation and examples of the case-law.

#### **Beneficiaries**

Judges of basic courts and professional associates.

#### **Duration**

Two-day training.

## Trainings on international legal cooperation

## 12. Trainings on international legal cooperation

### 12.1 International legal cooperation – in criminal law area

Combating crime is not just a need and a duty of a particular state or society. At the time of the development of information technology, free movement and migration of the population in different countries around the world, to live and operate, has resulted in the need for state cooperation in the provision of criminal and civil legal assistance in order to prevent and combat all forms of crime. In this regard, our state also issues the Law on International Legal Cooperation in order to facilitate and implement the principle of reciprocity between different countries and our country, approves and ratifies agreements on issues of international legal cooperation. In our day-to-day legal practice in courts and prosecutions, every day we face many different cases, ranging from providing minimum legal assistances, requests for witness statements or submitting documents/summons or decisions, for persons sought for extradition upon the request submitted by the requesting state.

Is the legal infrastructure for international legal cooperation sufficient? Are Judges and Prosecutors regularly notified of state-level agreements in this field? How to deal with cases of confiscation of property claims upon the petition by the requesting state? During the training the participants will be notified of the legal infrastructure for international legal cooperation and the possibility of extending the detention on remand for the person sought for extradition upon the request by requesting State will be considered.

#### **Objectives**

After completion of this training participants will be able to:

- Advance knowledge in the field of international legal assistance;
- Compile requests for international legal assistance;
- Analyze petitions submitted by the requesting State; and
- Compile the decisions for permitting extradition of the persons sought.

#### **Content**

- Orders issued for detention on remand for persons sought;
- Requests for detention on remand for person sought by the requesting State;
- Decision for the detention on remand and their duration and the decision to allow the extradition of the person sought;
- Recognition and execution of foreign judgments.

#### **Training methodology**

The training will be realized by applying interactive method with the participants, power point presentations, work in groups studying hypothetical cases.

#### **Beneficiaries**

Judges and prosecutors.

#### **Duration**

One-day training.

## 12.2 International legal cooperation – in civil law area

International legal cooperation in civil matters is one of the most complex fields characterized by difficulty in determining the exploration and application of Law on foreigners, including a number of procedural issues such as issues of documents of cross-border services, international legal assistance, recognition and execution of foreign judicial decisions, etc. Each judge is juxtaposed similarly both with internal and cross border issues and consequently each civil judges need to be trained in handling cases of international nature.

How does the national legislation regulate matters of international judicial cooperation in civil aspect? Which are conventions that regulate this issue? What EU directives provide for cross-border legal cooperation in civil matters?

The program is designed to address dilemmas and difficulties occurring in the actual judicial practice through interactive discussion and review of practical cases. Also, the case-law of the European Union Court of Justice.

### **Objectives**

After completion of this training participants will be able to:

- Extend knowledge on international legal cooperation in civil matters;
- Implement national and international legislation for cross border cooperation in civil.

### **Content**

- National Legal Framework for international legal cooperation in civil matters
- The EU regulations for international legal cooperation in civil matters (Regulations Brussels I, Brussels II, Rome I as well as Regulation no. 805/2004, 1393/2007, 650/2012, 4/2009)
- The Hague Conventions on international legal cooperation in civil matters;

### **Methodology**

Combined explanation methods will be used during the training, including theoretical and practical explanations, group work, followed by case law examples, so that each participant is active throughout the training time, in meeting the training objectives.

### **Beneficiaries**

Judges of basic courts, professional associates and officials of the Ministry of Justice – International Legal Cooperation Department.

### **Duration**

One-day training.



## Training for promotion of judges and state prosecutors

### 13. Trainings for promotion of judges and state prosecutors

For judges and state prosecutors promoted from one instance to another, or one department to another, adequate trainings will be provided with the purpose of meeting the needs and requirements of professional, inter-disciplinary and personal nature. The orientation program designed for this category prepares the beneficiaries to successfully carry out new duties.

#### 13.1 Judges and prosecutors promoted from one department to another within the same instance

Promotion of judges and prosecutors from one department to another raise the need to attend several specific trainings tailored for their needs. In this light the Academy offers orientation programs that are ready for implementation at any time when these promotions within the judicial or prosecutorial system take place.

Orientation program for judges and prosecutors that are promoted from one department to another focus on developing the following skills and practices:

- Facing new procedures and jurisdiction;
- Role of judge or prosecutor according to competence of respective department.

#### 13.2 Judges and prosecutors promoted from basic to the Appeals instance

This training program contains modules that focus on professional competence of promoted judges or prosecutors, like the following:

- Competence and jurisdiction in the appeals instance;
- Competence and jurisdiction in the respective department of the appeals instance.

#### 13.3 Judges promoted from the Appeals Court to the Supreme Court

Training program for judges promoted from the Appeals Court to the Supreme Court, contains the following modules that focus on professional competence:

- Competence and jurisdiction in the Supreme Court;
- Competence and jurisdiction in the respective area.

#### 13.4 Prosecutors promoted from the Appeals Prosecution to the States Chief Prosecutor

Training program for prosecutors promoted from the Appeals Prosecution to the State Chief Prosecutors Office, contains the following modules:

- Competence and jurisdiction in the State Chief Prosecutors Office;
- Competence and jurisdiction in the respective area.