

1. Continuous Training Program

The Continuous Training Program is a training program aimed at continuous development and the advancement of appropriate professional and interdisciplinary skills and expertise of judges, prosecutors and judicial and prosecutorial administrative staff.

The purpose of continuous training is professional, ethical and practical capacity building of the judicial functions. Continuous training also contributes to the independence and impartiality of judges, prosecutors and other professionals of the judicial system.

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

Professional aspects include areas such as: criminal, civil, commercial, administrative and constitutional legislation, justice for children, European and international law, human rights, gender equality and non-discrimination, offenses etc. In all areas will be included the material and procedural aspect including the execution of criminal sanctions, as well as the civil and criminal aspects of juvenile justice.

Whereas in interdisciplinary and interpersonal aspects will be included trainings aimed at developing the skills of beneficiaries not related to the implementation of the legislation, but the practical skills to exercise their function as: writing and justification of decisions and other acts in the procedure litigation, professional ethics, case management, stress management, IT field etc.

For the design of the Continuous Training Program for 2019 have been used the following mechanisms:

- Needs assessment questionnaires filled by judges and prosecutors;
- Evaluation forms after each training session;
- Recommendations of the KJC and KPC,
- Meetings with Court Presidents;
- Recommendations of national and international institutions and organizations;
- Proposals of AJ trainers;
- Working reports of judges and prosecutors
- Analysis of the instruction's agenda for drafting and amendment of the laws;
- Proposals of the staff, 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;

Criminal Justice Training

1.1 Criminal Justice Training

Criminal Justice Training is part of the Training Program for 2019, includes material, procedural, international criminal law, international legal cooperation, as well as specialized programs through which cybercrime, criminal offenses through public procurement, organized crime, money laundering and financial investigation.

1.1.1 Principal, alternative and accessory punishments;

The Criminal Code of the Republic of Kosovo, in addition to the principal punishments, has paid special attention to alternative and accessory punishments by defining the conditions for imposing punishments and the category of criminal offenses according to their sanction as well as the procedure on imposing such punishments.

Considering that these punishments are not being imposed by relevant legal obligations, and on the other hand, in practice, there are many dilemmas in the imposition of these punishments and at the same time their revocation, it has been observed necessary that in this training program we pay attention to the imposition of these punishments. In particular, all of these will effectively affect senior adult perpetrators who will withdraw from the commission of other criminal offenses and with educational effect in this age-group of our society. Therefore, based on the aforementioned during this training session, all these difficulties will be identified and addressed in practice through this training.

Objectives

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

- Advance knowledge about legal infrastructure;
- Analyze the proposals for the imposition of these punishments;
- Implement the procedure for the imposition of these punishments and their revocation, and
- Draft the judgments for the imposition of alternative and accessory punishments.

Content

- Punishment of lifelong imprisonment;
- Punishment of imprisonment;
- Punishment of a fine;
- Suspended sentence, semi-liberty, an order for community service work;
- Deprivation of the right to be elected;
- Order to pay compensation for loss or damage;
- Prohibition on exercising public administration or public service functions;
- Prohibition on exercising a profession, activity or duty;

- Prohibition on driving a motor vehicle;
- Confiscation of a driver license;
- Confiscation;
- Order to publish a judgment; and
- Expulsion of a foreigner from the territory of the Republic of Kosovo.

Training methodology

During this training the presentation of materials will be done through the Power Point; active conversation with participants; presentation of case law cases and group discussion of hypothetical cases; an analysis of the various situations in which judges could face when reviewing and imposing criminal sanctions.

Beneficiaries: Judges and prosecutors of all levels.

Duration: One day.

1.1.2 Measures to ensure the presence of the defendant in criminal proceedings

Measures to ensure the presence of the defendant in the proceedings are often not implemented in the manner and under the conditions provided by law, so in court case law there are still difficulties in identifying, evaluating and analyzing the surrounding circumstances on the determination of each ground for these measures. In the case law, there are also difficulties in preparing the requests for these measures, and especially for detention there are difficulties on justifying the grounds for the imposition of these measures, because the legal provisions require that for each legal basis to be given concrete reasoning rather than abstract.

What are the bases of imposition-extension of these measures, which are the difficulties in identifying the circumstances that justify the need for these measures and grounds for the imposition of such measures?

Through this training it is intended that the beneficiaries can analyze the measures to ensure the presence of the defendant in the procedure and to overcome the dilemmas that appear in the case law.

Objectives

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

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

Content

- Summons;
- Order for arrest;
- Promise of Defendant not to Leave his or her Place of Current Residence;
- Prohibition of Approaching a Specific Place or Person;
- Attendance at Police Stations ;
- Bail;
- House detention;
- Diversion; and
- Detention on remand.

Training methodology

During this training the presentation of materials will be done through the Power Point; active conversation with participants; presentation of case law cases and group discussion of hypothetical cases; an analysis of the various situations in which judges could face when reviewing and imposing criminal sanctions.

Beneficiaries: Judges and prosecutors of all levels.

Duration: One day.

1.1.3 Regular and extraordinary legal remedies

The Criminal Procedure Code provides that parties unsatisfied with judicial decisions in criminal proceedings are entitled under certain conditions to use the regular and extraordinary legal remedies.

The purpose of exercising legal remedies is to avoid legal and factual deficiencies allegedly being made by the respective court.

What are the bases for exercising these remedies; what procedures should be respected when exercising regular and extraordinary legal remedies? Who are the authorized persons who have the right to exercise legal remedies? These and other issues will be addressed through this training by analyzing cases when dealing with legal remedies and by disaggregating the legal provisions referring to this nature.

Objectives

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

- Implement properly the general rules regarding remedies;
- Identify the basis for exercising legal remedies; and;
- Avoid some of the potential dilemmas that have arisen in court case law;

Content

- Appeals against the Judgment;
- Appeals against Decisions;
- Request for Protection of Legality
- A request for an extraordinary mitigation of punishment;
- Reopening of Criminal Proceedings.

Training methodology

During this training the presentation of materials will be done through the Power Point; active conversation with participants; presentation of case law cases and group discussion of hypothetical cases; an analysis of the various situations in which judges could face and prosecutors in cases related to regular and extraordinary legal remedies.

Beneficiaries: Judges and prosecutors of all levels.

Duration: One day.

1.1.4 Criminal liability of legal persons

In addition to natural persons, legal persons may also be subjected to committing criminal offenses. Legal persons may be liable for criminal offenses from the special part of the Criminal Code of the Republic of Kosovo for other criminal offenses, if the conditions for the liability of a legal person provided for by the Law on Criminal liability of Legal Persons are met. According to the abovementioned law, a legal person is liable for the criminal offence of the responsible person, who has committed a criminal offence, acting on behalf of the legal person within his or her authorizations, with the purpose to gain a benefit or has caused damages for that legal person. The liability of legal person exists even when the actions of the legal person were in contradiction with the business policies or the orders of the legal person. However, despite these legal provisions, the judicial jurisprudence is faced with frequent problems in determining the criminal liability of legal persons.

What is the criminal liability of legal persons? What is the limit of this liability? What are the sanctions that can be imposed on legal persons?

This training is designed to answer questions and dilemmas that exist in practice with the focus on elaboration of national legislation. Participants will have the opportunity to discuss and analyze hypothetical cases and group work to enhance their knowledge in this area.

Objectives

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

- Implement properly the Institute of Criminal Responsibility of Legal Persons under the Law;
- Understand properly what cases and what kind of sanctions can be imposed on legal persons;
- Interpret properly the legal norms of the criminal liability of legal persons;

Content

- Basis and limit of criminal liability of legal persons;
- Legal Procedure for imposing sanctions against legal persons;
- Types of sanctions that can be imposed on legal persons;

Training methodology

During this training the presentation of materials will be done through the Power Point; active conversation with participants; presentation of case law cases and group discussion of hypothetical cases; an analysis of the various situations in which judges could face and prosecutors in cases related to criminal liability of legal persons.

Beneficiaries: Judges and prosecutors of basic and appeal levels.

Duration: One day.

1.1.5 Alternative Proceedings

The Criminal Procedure Code now also foresees alternative proceedings in comparison with the previous criminal procedure code. These proceedings provide opportunities for the resolution of cases without sending them to the court i.e. upon negotiated pleas of guilty, the court after evaluating this negotiation decides for further proceeding. This training particularly is useful for increasing efficiency and creating a criminal justice system that guarantees a fair trial in criminal cases, providing also a speedy and fair procedure to all parties. The training is designed to answer questions and dilemmas raised by participants, with the focus on analyzing the implementation of alternative proceedings in practice. Also, through this training is aimed to address the importance of alternative proceedings as an opportunity to quickly solve criminal cases.

Objectives

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

- Identify alternative legal provisions;
- Evaluate the need for alternative resolution of cases through alternative proceedings;
- Implement alternative proceedings;

Content

- Provisional Suspension of Criminal Proceedings;
- Mediation Proceedings;
- Negotiated Pleas of Guilty;

Training methodology

During this training the presentation of materials will be done through the Power Point; active conversation with participants; presentation of case law cases and group discussion of hypothetical cases; an analysis of the various situations in which these alternatives can be applied in criminal proceedings.

Beneficiaries: Judges and prosecutors.

Duration: One day.

1.1.6 The Initial Hearing and the Second Hearing

With the entry into force of the Criminal Code of the Republic of Kosovo, in the case law, many difficulties were encountered when applying the legal provisions referring to the initial hearing and the second hearing. In what situations should the second hearing be scheduled and in which situations can only be required the filing of requests to dismiss the indictment or objections to evidence? How to act if the defendant pleads guilty during the second hearing? What will be the role of the single trial judge or the presiding judge during the initial or second reading? How session will flow to establish relevant facts regarding the punishment?

All these situations will be addressed through this training by elaborating the initial, second, and trial hearing procedures through practical cases and analyzing the legal provisions that refer to this procedure.

Objectives

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

- Implement properly legal terms for holding initial hearing, second hearing and judicial hearing;
- Know the role of the judge and state prosecutor on second hearing;
- Assess the guilty plea of the defendant in the initial and second hearing;

Content

- Plea;
- Objections to Evidence;
- Requests to dismiss the indictment;
- Amended Indictment
- Dismissal of Indictment;

Training methodology

During this training the presentation of materials will be done through the Power Point; active conversation with participants; presentation of case law cases and group discussion of hypothetical cases; an analysis of the various situations in which judges could face and prosecutors during the initial and second hearing.

Beneficiaries: Judges and prosecutors

Duration: One day.

1.0.7 The main trial and the taking of evidence

The Criminal Procedure Code has, among other things, undergone many essential changes in the procedure of the main trial starting from the preparatory stages and the preconditions for conducting the main hearing, as well as the order and the way of extracting the evidences. Also, the concept of interrogation of witnesses, experts, injured parties, respectively who should first ask questions in a direct way and who can and should pose questions, i.e. re-interrogation has undergone significant changes to taking of evidences at the main hearing. Therefore, based on the above mentioned in this training session, all these novel practical difficulties will be identified and addressed through this training.

Objectives

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

- Implement properly the provisions for conducting the main trial;
- Implement properly the interrogation queue of the injured parties, witnesses and experts
- Identify cases of taking new evidence during the main trial;

Content

- Main Trial;
- Evidences of criminal procedure and their legality;
- Defendant's statement as evidence;
- Acceptable evidence;
- Witness statement;
- Unacceptable evidence;

Training methodology

During this training the presentation of materials will be done through the Power Point; active conversation with participants; presentation of case law cases and group discussion of hypothetical cases; an analysis of the various situations which emerge as a dilemma while decision making and taking of evidences at main trial.

Beneficiaries: Judges and prosecutors

Duration: One day.

1.1.8 Criminal offense against marriage and family

It is known that marriage/family is the fundamental cell of the society, so it is not incidentally envisaged the judicial criminal protection of the family and the marriage. In the Criminal Code of the Republic of Kosovo, these criminal offenses are of important significance especially those mentioned in chapter XXI. At the last time in our court case law we have many cases where these criminal offenses are treated, and often we face various dilemmas on correct understanding when applying or interpreting these provisions in this chapter. Therefore, in this training session, when presenting different cases in practice, it will be assumed that prosecutors and judges will be facilitated in practice.

Objectives

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

- Identify applicable legislation on family and marriage protection;
- Advance knowledge on these types of criminal offenses;
- Identify persons who may be the perpetrators of these criminal offenses and the victims of these criminal offenses;
- Proper interpretation of these legal provisions;

Content

- Bigamy;
- Enabling unlawful marriages to take effect;
- Forced marriage;
- Extramarital community with a person under the age of sixteen (16);
- Changing the family status of a child;
- Unlawful taking or keeping of a child;
- Mistreating or abandoning a child;
- Violating family obligations;
- Avoiding maintenance support;
- Prevention and non-execution of measures for protecting children;
- Failure to report child abuse;

Training methodology

During this training the presentation of materials will be done through the Power Point; active conversation with participants; presentation of case law cases and group discussion of hypothetical cases.

Beneficiaries: Judges and prosecutors

Duration: One day.

1.1.9 Criminal offense against the economy with a special emphasis on combating the informal economy

Criminal offenses against the economy include criminal offenses related to fraud, misuse, counterfeit, entering into harmful contracts, counterfeit securities, violating patent rights, counterfeit money etc.

Within this chapter are included the criminal offense of misuse of economic authorizations, which offense is committed by the responsible person during the exercise of the economic activity, for the purpose of the unlawful material benefit for oneself or for any other person..

How to increase the professional efficiency of prosecutors and judges in this field, how to benefit the best practices of countries in the region, all these questions raised during this training session will be addressed through the presentation and study of practical cases.

Objectives

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

- Implement properly the legal provisions regarding criminal offenses against the economy;
- Advance knowledge on these types of criminal offenses;
- Identify the responsible person in public institutions and;
- Make a differentiation between the responsible person in private and public companies;

Content

- Tax evasion;
- Pyramid schemes;
- Misuse of economic authorizations;

Training methodology

During this training session we will use the method of presenting materials in PowerPoint, by presenting hypothetical cases and case laws related to this topic, and promoting the interactive debate among participants on the issues and dilemmas identified in this field.

Beneficiaries: Judges and prosecutors

Duration: One day.

1.1.10 Seizure and confiscation

The sequestration and confiscation chapter under the Code of Criminal Procedure (CPC) represents a substantial change in domestic legislation, where the global trend moves towards what sequestration and confiscation is more achieved in crime prevention, because with the removal of assets from the hands of criminals many effects are achieved. Law on Extended Powers for Confiscation of Assets Acquired by Criminal Offence is a good opportunity for sequestration and confiscation.

What is the importance of sequestration of assets as evidence, as a mean used to commit the criminal offence or as property benefit acquired by criminal offence? What measures could be proposed to ensure the property and what freezing measures, after the filing the indictment? Why there is a hesitation to apply provisions of the Law on Extended Competence on confiscation of property acquired by the commission of a criminal offence?

Through comparisons of national and international legislation, as well as global presentations in this area, is aimed to achieve professional development and to explain the uncertainties of the current legal framework.

Objectives

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

- Implement properly existing legislation related to tracing, seizure and confiscation of assets of crime;
- Identify key methods for disclosure of assets acquired by commission of criminal offences;
- Implement the process of sequestration and confiscation of assets acquired by criminal offense;

Content

- Legal framework on tracing, freezing and confiscation of assets acquired by commission of criminal offence;
- Methods for identification of assets, sequestration and confiscation process of assets acquired by criminal offense;
- Freezing assets - attachment orders for assets acquired by criminal offense;
- Managing Sequestered or Confiscated Assets;

Training methodology

During the training, interactive discussion methods will be used in relation to practical dilemmas based on legal practices and case studies. Participants will be divided into hypothetical cases and then split into groups and offer solutions to these cases. PowerPoint presentations will also be used.

Beneficiaries: Judges, prosecutors and other professionals involved in tracing, seizing and confiscation of assets

Duration: One day.

1.1.11 Criminal offences against sexual integrity

The sensitivity of criminal offenses against sexual integrity requires more detailed treatment to remove dilemmas from the fact that legal provisions leave room for interpretation and confusion. Also, within the chapter of offenses against sexual integrity, among other things, it also foresees some offenses affecting the sexual integrity of children. Fair application of the legal provisions of this chapter is often a challenge for judges and prosecutors.

What are the criminal offenses against sexual integrity under the Criminal Code of the Republic of Kosovo? What are the elements and characteristics of offenses against sexual integrity? This training will answer these questions and dilemmas.

Objectives

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

- Expand knowledge on criminal procedure when the child is a victim;
- Analyze the forms of rape and other similar offenses related to sexual integrity;
- Implement properly the provisions regarding these criminal offenses.

Content

- Rape;
- Sexual abuse of persons with mental or emotional disorders or disabilities;
- Other criminal offenses that is included in this chapter.

Training methodology

By presenting cases according to court case law and group discussion, alternatives for many issues pertaining to criminal offenses against sexual integrity will be offered. Handling these issues will be done inter alia with an interactive participation and discussion with the participants, to answer all questions and dilemmas that may arise in court case law.

Beneficiaries: Judges and prosecutors of basic and appeal instances, as well as police investigators.

Duration: One day.

1.1.12 International legal cooperation

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 co-operation 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 the 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, the presentation of the material will be done in PowerPoint. Participants will have the opportunity to discuss and analyze hypothetical cases and group work to enhance their knowledge in this area.

Beneficiaries: Judges and prosecutors.

Duration: One day.

1.1.13 Special investigative opportunity

In this training the participants will be informed about the concrete investigative action, which is the special investigative opportunity. The principle of speeding up the criminal procedure is decisive in many cases when collecting and providing - preserving relevant evidence in criminal proceedings. Therefore, one of the investigative actions that the CPC lists within it is the special investigative opportunity.

In particular, participants will be notified for which types of offenses the pre-trial judge approves the request for special investigative opportunity. Necessary measures to be taken by the pre-trial judge to protect the rights of the defendant. How is the testimony taken by the pre-trial judge and which legal provisions are applied?

The analyses of the power of evidence obtained through special investigative opportunity are of particular importance and the evidences obtained through this investigative action are fully acceptable during the main trial.

These and other issues will be addressed through this training by making differentiations between the probative powers of the evidence obtained through this specific investigative action.

Objectives

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

- Identify the importance of the investigative action of the special investigative opportunity;
- Make differentiation between interrogation as evidence, statement in criminal proceedings as evidence and special investigative opportunity as evidence;
- Assess when and how the special investigative opportunity hearing session takes place;

Content

- Investigative action of special investigative;
- The way of implementing this investigative action;
- The importance of investigative action of special investigative opportunity;
- Eligibility of the evidence obtained through special investigative opportunity;

Training methodology

During this training, a combined methodology will be used, in addition to presentations through Power Point interactive methods will be applied with the participants. Participants will also be offered to discuss practical litigation and hypothetical cases with a view to elaborating and discussing the dilemmas that arise in legal practice.

Beneficiaries: Judges and prosecutors.

Duration: One day.

1.1.14 Pre-trial procedures, prior to initiation of investigation

In this training the participants will be notified of police actions that are carried out by the police in accordance with Article 70 of the CPC and reporting to the state prosecutor as soon as possible. Then collecting information on achieving the standard of reasonable suspicion of a criminal offense, to locate the perpetrator, to prevent the perpetrator or his or her accomplice from hiding or fleeing, to detect and preserve traces and other evidence of the criminal offence and objects which might serve as evidence, and to collect all information that may be of use in criminal proceedings.

In particular, participants will be informed about the role, relevance, reliability and probative power of information and evidence collected in the pre-trial procedure.

These and other issues will be addressed through this training by making differentiations between relevant information and evidence on a particular criminal case, which is the reliability - the way of providing information and concrete evidence, and what is the probative power of information and concrete evidence.

Objectives

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

- Identify the source of information and build a standard of reasonable doubt;
- Make differentiation between relevant information, relevant evidence, and probative power;
- Assess when and how information becomes evidence admissible in criminal proceedings;

Content

- Sources of information;
- Classification of information;
- Converting information into articulate evidence;;
- Admissibility of information and evidence in criminal proceedings;

Training methodology

During this training, a combined methodology will be used, in addition to presentations through Power Point interactive methods will be applied with the participants. Participants will also be offered to discuss practical litigation and hypothetical cases with a view to elaborating and discussing dilemmas arising in practice.

Beneficiaries: Judges and prosecutors of basic level.

Duration: One day.

1.1.15 Collaboration in commission of criminal offenses

Criminal Code of the Republic of Kosovo provides criminal liability in situations where two or more people cooperate in commission of a criminal offence, participate, or contribute to the commission in any other way. The legislator has foreseen that depending on the form of collaboration, each perpetrator of the offence should be liable for commission or omission of the offence, so that during criminal proceedings to ensure and clearly identify by which criminal offence was committed by omission or commission.

Are criminal offences of collaboration in committing the offences identified properly in practice? How should be identified collaboration forms in concrete cases? How to determine individual liability of each perpetrator? These issues and others will be addressed by analyzing cases of collaboration in commission of criminal offence, and cases dealing with incitement and assistance?

These and other issues will be addressed through this training by analyzing practical cases and by elaborating the legal provisions referring to these issues.

Objectives

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

- Differentiate forms of collaboration;
- Analyze the cases when it comes to incitement and assistance in committing a criminal offence;
- Implement the procedure regarding criminal association;
- Assess the limits of criminal liability and punishment for collaboration.

Content

- Co-perpetration;
- Incitement and assistance in committing the criminal offence;
- Criminal association and agreement to commit criminal offence;
- Limits on criminal liability and punishment for collaboration;

Training methodology

During this training will be used a combined methodology of interactive discussion with participants, followed practical cases.

Beneficiaries: Judges and prosecutors of basic and appeal instances.

Duration: One day.

1.1.16 Criminal procedure involving offenders with mental disorders

People with mental disorders are a separate category of offenders, although CPC provides a specific procedure covering the category of these persons as perpetrators of criminal offences. Handling of these cases requires special attention because of their mental condition, during the development of criminal procedure. Also the decisions taken on these cases undoubtedly need to be adapted to their mental state, so the imposing measures improve the situation of these persons.

How these persons can be identified? What initial procedural action should be taken against them? What examinations should be performed? What measures are imposed on them and in what institution should be placed? What is the duration of supervision to the application of these measures by the court?

This program is designed to answer questions by analyzing the procedure against offenders with mental disorders, the expertise which determines whether a person suffers from mental disorder, when these person shall be subject to detention, criteria's to be considered when imposing mandatory and monitored treatment..

Objectives

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

- Expand their knowledge related to the characteristics of criminal procedure involving persons with mental disorders;
- Asses the imposition of detention as a measure against persons with mental disorders;
- Analyze types of mandatory treatment in medical health institutions and psychiatric mandatory treatment in freedom;

Content

- Characteristics of criminal procedure involving persons with mental disorders;
- Detention of persons with mental disorders;
- Implementation of psychiatric examination;
- Mandatory treatment in medical health institutions and psychiatric mandatory treatment in freedom;

Training methodology

During this training will be used a combined methodology of interactive discussion with participants, followed practical cases.

Beneficiaries: Judges and prosecutors of basic and appeal instances.

Duration: One day.

1.1.17 War Crimes

The training will focus on applicable forms of criminal liability for war crimes, as addressed by international criminal tribunals. Participants will enrich their theoretical background and will make practices on concrete case studies in order to gain additional means to investigate and prosecute war crimes within Kosovo's jurisdiction. Recognition of such legal remedies will help prosecute and adjudicate war crimes cases, targeting not only perpetrators but also individuals holding higher positions in the military and political hierarchies that ruled or allowed to commit international crimes.

In which cases a military commander or a political leader may be held responsible for war crimes committed by subordinates? How to build an investigation for war crimes against senior military and political leaders when war crimes perpetrators cannot be identified? How to apply the experience and jurisprudence of international criminal tribunals to prosecute war crimes within Kosovo's jurisdiction? How to obtain and use the evidence collected by international criminal tribunals and findings made by international courts for the purpose of prosecuting and adjudicating war crimes within Kosovo's jurisdiction?

The training will be developed through case studies, practical examples and drafting of legal documents in order to increase the capacity of judges and prosecutors toward implementation of legal concepts processed by international criminal tribunals for evidence collection in concrete cases.

Objectives

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

- Acquire knowledge to deal with war crimes cases;
- Recognize the applicable forms of criminal liability for war crimes;
- Identify Joint criminal groups;
- Recognize command responsibility;
- Recognize the key concepts of international criminal law;

Content

- Legal basis of domestic and International law on war crimes;
- 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;
- Case studies;
- Joint criminal groups;
- Command responsibility;

Training methodology

Following a brief overview of legal concepts, the training will focus on case studies, the application of legal categories in factual scenarios, and the design of operational templates that would assist the practical work of judges and prosecutors dealing with cases of this nature.

Beneficiaries: Prosecutors of Kosovo - especially SPRK Prosecutors, Judges from Serious Crimes Departments in the Basic Courts, Court of Appeal and the Supreme Court.

Duration: Three days

1.1.18 Covert measures

From the point of view of procedural regulation, covert or technical investigative measures are relatively new. The reason for the drafting of these provisions, as well as the provisions regarding the protection of injured parties, witnesses and cooperative witnesses, lies in the social necessity for increasing the procedural efficiency in combating serious crime, organized crime and corruption.

With the application of covert technical measures of investigation and surveillance is interfered, or are violated human rights and freedoms as a constitutional category, and in particular the right of privacy of persons. Therefore, the Criminal Procedural Code of Kosovo in Chapter IX, provides conditions, methods and ways of using the order and the implementation of these measures. Any violation of these legal provisions constitutes a violation of individual, private and personal rights foreseen by the Constitution of the Republic of Kosovo, as well as other international Conventions and instruments.

How to increase professional efficiency of judges and prosecutors, as well as of police officers in this field? How to establish judicial practice in line with international standards? How to learn about the experiences and best practices of regional states? How to apply national instruments regulating this field? What are provisions that must be applied to ensure the covert measures?

Addressing of this issue shall provide participant the opportunity to exchange their experiences by referring to practical cases.

Objectives

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

- Advances knowledge about these types of investigative actions;
- Know the conditions to be met for issuing these measures;
- Implement timelines for issuing these measures;
- Know the rights of parties affected by these measures.

Content

- Conditions for issuing these measures;
- Time Limits for issuing these measures;
- The rights of the parties affected by these measures;
- Technical possibilities of overseeing the technical-practical implementation of these measures;

Methodology

This training will be characterized by group work and the treatment of case studies from judicial practice, where it will also be accompanied by material presentations in PowerPoint.

Beneficiaries: Judges, prosecutors and police investigators.

Duration: One day.

1.1.19 Introductory training related to cybercrime, electronic evidence and profits which resulted from the commission of a criminal offenses

Now in the contemporary world is also highly expressed cybercrime, due to the rapid development of technology. From experience we learn that in most cases, judges and prosecutors face difficulties in coping with the new reality of the cyber world. As the number of crimes involving cybercrime or electronic evidence increases, there is a growing need for judges and prosecutors to be sufficiently trained to understand the nature of these crimes and to be aware of the legislation and instruments available for international cooperation to deal with such cases. In general, the activities of criminals and criminal organizations are designed to create benefits. The concept of online crime benefits presented in this training course brings together cybercrime, financial and money laundering approaches in order to increase the efficiency and success of criminal investigations and criminal proceedings, either from a perspective the pursuit of a criminal or even the sign of the benefits of illegal acts.

Financial investigations, prevention and investigation of money laundering can be related to any benefit generated by crime, but special attention is paid to cybercrime (as defined in the Budapest Convention, Articles 2-11) and other types of cybercrimes, where electronic evidence, anonymity and unbound cyber space are a common challenge. Cybercrime issues, electronic evidence, criminal offense and money laundering deal with many different institutions and include, in particular, cybercrime, financial investigation units, Financial Intelligence Units (FIU) and prosecutions. In any case, cybercrime investigations are rarely accompanied by financial investigations or vice versa, financial or other criminal investigations are rarely associated with cybercrime investigations.

The course is designed to give judges and prosecutors an introductory level of knowledge on cybercrime, electronic evidence and search, detention and confiscation of the benefits generated by online crime. The course will provide legal and practical information on topics and will be focused on how these issues affect the day-to-day work of judges and prosecutors.

Objectives

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

- Obtain basic knowledge about cybercrime and electronic evidence;
- Implement financial investigations of benefits from cybercrime;
- Gain knowledge of 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.

Content

The training is combined and based on two separate courses: the basic course for search, seizure and sequestration of online crime proceeds and incoming cybercrime and electronic evidence.

The topics that will be treated during this training module are.

- Introduction to cybercrime - trends and tools;

- Technology involved in cybercrime;
- Cybercrime as a criminal offense in domestic legislation;
- Practice of electronic evidences, procedures and legislation;
- Procedural law / investigative measures under domestic legislation;
- International cooperation;
- Fundamentals of financial investigation;
- The role and function of the Financial Intelligence Unit (FIU);
- Introduction to the criminal offense, money laundering;
- International co-operation on cybercrime and financial investigation;

Training methodology

The course is currently structured and designed to be presented in training, using the guidelines of the trainers. Using case studies to inform participants is considered appropriate for this type of training and is consistent with adult learning styles rather than just didactic teaching. Using physical examples of the technology referred to and using the internet can improve learning. Trainers should consider incorporating exercises and other teaching methods into the program at the local level. Trainers should check the participant's knowledge during the course, through queries, quizzes or other methods to ensure that learning objectives are achieved.

The training materials (lesson plans) also contain important information aimed at instructing the trainers during each lecture/session/topic.

Beneficiaries: Judges and prosecutors of basic and appeal instances.

Duration: Two days.

1.1.20 Protection of injured and witnesses

The CPC recognizes as special categories witnesses and injured parties, due to the serious threat to them or their family members who may need protection. In practice there are many cases that the injured and the witnesses do not testify because of their sense of risk to their health, life and property, as well as to their family members. Therefore, in the criminal procedure, the protection of the injured party and the witnesses should be given due and special care so that they will not be afraid to testify and cooperate with law enforcement on the one hand and on the other, as far as it is possible to secure their health, life and wealth.

As there is still a dilemma in court case law on how to deal with cases of witnesses and protected defendants, during this training the following questions will be asked: What do we understand with a serious risk? What is anonymity? What is the difference between witnesses protected by the public and anonymous witnesses? Which procedures should be followed to protect the injured and the witness, etc. Providing accurate and clear answers to such questions will lead to a better and fairer implementation of the legal provisions for the protection of witnesses and injured.

Objectives

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

- Compile request for protection measure or anonymity and protection order;
- Compile protection orders;
- develop a fair procedure to declare cooperative protected witness;
- Understand properly the legal provisions referring to the protection of witnesses and injured;

Content

- Petition for protective measure or anonymity;
- Order for anonymity and its forms;
- Procedure to declare cooperative witness and its benefits by law

Methodology

During this training, a combined methodology will be used, in which, besides presentations in PowerPoint, interactive methods of discussion with participants will be applied. Participants will also be offered to discuss case law cases as well as a simulation of receiving a protected witness statement and drafting a protection order.

Beneficiaries: Judges and prosecutors of basic and appeal instances.

Duration: One day.

1.1.21 Official corruption and criminal offenses against official duty

Fighting official corruption and criminal offenses against official duty are one of the biggest challenges not only in our country but also in the legal practice of other states and in particular of transition countries. Conducting these offenses by official persons violates the rule of law economic development and the country's perspective. The successful investigation of these acts is complex and depends on providing enough resources to investigate and close cooperation between state bodies competent for fighting and adjudicating these offenses.

How effective is the legal framework in place to combat this crime, as it is practiced to make adequate qualification of incriminating actions with the legal designation of the offense from this chapter. How to Differentiate the dividing line between the offense of misusing official position or authority and the criminal offense of conflict of interest, all these and other issues will be the focus of the training, where participants will have the opportunity through case studies and discussions to advance their practices in the proper implementation of the law.

Objectives

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

- Analyze the situations of overcoming the limits of official authority;
- Identify criminal offenses against the official duty, the similarities and differences between them;
- Conduct effective investigation and adequate legal qualification in relation to incriminating actions;

Content

- Misuse of official position or authority;
- Misusing of official information;
- Conflict of interest;
- Misappropriation in Office;
- Fraud in office;
- Unauthorized use of property;
- Accepting and Giving bribes, giving bribes to foreign public official;
- Trading in Influence;
- Issuing Unlawful Judicial Decisions;
- Disclosing Official Secrets;
- Falsifying Official Document;
- Unlawful Collection and Disbursement;
- Unlawful Appropriation of Property During a Search or Execution of a Court Decision;
- Failure to declare or false declaration of assets, income, gifts, other material benefits or financial obligations.

Training methodology

During this training session will be used the method of material presentations in PowerPoint, accompanied by case law cases, with the aim of encouraging interactive discussion of challenges and controversial issues that arise in practice.

Beneficiaries: Judges and prosecutors of basic and appeal instances and prosecutors of the Special Prosecution of the Republic of Kosovo.

Duration: One day.

1.1.22 Organized crime

Organized crime seriously threatens the development of democracy and rule of law by violating the human rights, security and economic development of the state. The International Convention on the Fight against Organized Crime refers best to this form of criminality, which implies that this criminal offense violates the economic development of our society and state as well as of other states. What is the legal infrastructure for combating organized crime, what are the forms or actions that should be taken to prevent organized crime and how to properly implement the mechanisms involved, all these questions and dilemmas will be addressed through the presentation of cases from local and international practice.

Objectives

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

- Demonstrate professional skills to investigate this criminal offense;
- Identify the legal structure for combating organized crime;
- Implement properly the local and international legislation.

Content

- Legal definition of organized crime;
- Local and international legal framework;
- Identifying elements of this criminal offense;

Methodology

The methodology that will be used in this training will be devoted more to the interactive method of discussion with the participants, notably to discuss the dilemmas and challenges that appear in court case law, accompanied by practical training and presentations in PowerPoint.

Beneficiaries: Judges and prosecutors of the departments for serious crimes and Prosecutors of the Special Prosecution of the Republic of Kosovo.

Duration: One day.

1.1.23 Money laundering

Money laundering is a criminal offence that falls under the set of offenses against the economy and as such is considered as a permanent threat to the economy of all countries. Money laundering operations are designed to gain incomes from illegal activities, benefit from fraud, conceal of their existence, source, or presenting the illegal incomes as legal one, or in one word making “dirty money” look like clean money. Once illegal money become clean, the perpetrator will spend them or invest them in a legal activity. Since Kosovo is a post war country, it finds very difficult to fight the informal economy where the majority of transactions are carried out in cash, without going through financial institutions. This is particular makes it difficult for financial institutions to report transaction. This also contributes to a weak international cooperation in this field and incompliance of the national legislation with the EU Directive.

Which are the factors for identifying the informal economy? What is the role of the FIU? Where the report of the local legislation lies, with that of the EU?

This training will focus on addressing dilemmas and questions raised by participants, where will be analyzed in detail the national and EU legislation including best practices

Objectives

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

- Classify criminal offences of money laundering;
- Compare national legislation with EU legislation;
- Recognize and analyze the work of financial institutions and their obligation in combating money laundering;
- Use techniques for examination of frauds and money laundering;
- Know forms of international cooperation;
- Analyze the submission of the case in court.

Content

- Understanding the notion and elements of the offense of money laundering;
- Investigation of money laundering and identification of money laundering activities;
- Stages of money laundering and what characterizes it;
- The most common techniques used in money laundering;
- Trial on money laundering;

Training methodology

The methodology that will be used in this training will be devoted more to the interactive method of discussion with the participants, notably to discuss the dilemmas and challenges that appear in courts case law, accompanied by practical training and presentations in PowerPoint.

Beneficiaries: Judges of the basic and appeal courts, prosecutors of basic and appeal prosecution, special prosecutors of the Republic of Kosovo and Investigators.

Duration: One day.

1.1.24 Statutory limitation

Statutory limitation is an important institute of criminal law, which consists in the fact that with the passage of certain deadlines and in certain situations, prosecution cannot be undertaken, i.e. the imposed sentence cannot be executed. Often, in our court case law situations and instances occur when judges and prosecutors have dilemmas and uncertainties regarding issues related to prescription.

What is the period of statutory limitation for criminal prosecution? What is the period of statutory limitation for the execution of a punishment? When does the period of statutory limitation for criminal prosecution and execution of punishment commence? In which cases the period of statutory limitation is interrupted?

These and other issues will be addressed through this training by analyzing practical cases and elaborating the legal provisions referring to these issues.

Objectives

After completion of this training program, the beneficiaries will be able to:

- Understand properly the period of statutory limitation for criminal prosecution and execution of punishment;
- Analyze cases when the statutory limitation period commences;
- Implement properly legal provisions relating to period of statutory limitation;
- Assess situations when the period of statutory limitation may be interrupted;

Content

- Statutory limitation on criminal prosecution;
- Statutory limitation on the execution of punishments;
- Statutory limitation;
- interruption of periods of statutory limitation;

Training methodology

During this training, a combined methodology will be used, in which, besides presentations in PowerPoint, interactive methods of discussion with participants will be applied. Participants will also be offered to discuss case law cases in groups.

Beneficiaries: Judges and Prosecutors of basic and appeal level.

Duration: One day.

1.1.25 Criminal offenses against life and body, with particular emphasis on murder and aggravated murder

The right to life is an absolute and the most important human right which falls within the group of fundamental freedoms. This right is absolute, regardless of the individual's vital interests and regardless his/her capability to life, his/her age and health condition. For this reason, this right is guaranteed by the most important international acts, but is also guaranteed by the Constitution of the Republic of Kosovo. In addition to these, the protection of the right to life is sanctioned by the CCRK, by providing for some forms of criminal offenses of murder. In addition to the right to life, the CCRK also attaches great importance to protecting the person's bodily integrity.

How is the murder qualified? What are the essential elements of the crime of murder? Under what circumstances can the criminal offense of murder be committed? What is aggravated murder and what are its characteristics? What are other forms of murder under the CCRK? What are the other criminal offenses that fall within the offenses against life and body?

These and other issues will be addressed through this training by analyzing practical cases and by elaborating the legal provisions referring to these actions.

Objectives

After completion of this training program, the beneficiaries will be able to:

- Expand knowledge about criminal offenses of murder and aggravated murder;
- Implement properly the legal provisions of the chapter on offenses against life and body;
- Identify the essential elements of each form of criminal offense of this nature;
- Explain the consequences and dangerousness of these criminal offenses;

Content

- Murder;
- Aggravated Murder;
- Other criminal offenses that are included in the chapter of criminal offences committed against life or body;

Training methodology

During this training will be used a combined methodology of interactive discussion with participants, followed by group discussions and cases from national judicial practice and other jurisdictions case law, as well as PowerPoint presentations.

Beneficiaries: Judges and Prosecutors of basic and appeal level.

Duration: One day

1.1.26 Criminal offenses of narcotics

The CCRK attaches particular importance to narcotics offenses, due to the dangerousness and serious consequences of the commission of these offenses. In this regard, due to the importance and dangerousness of these criminal offenses, a special section of the CCRK is devoted to a whole chapter where there are provided some offenses related to narcotics and their special forms. For these reasons, the foreseen penalties are also higher, compared with previous criminal legislation.

What is the legal definition of criminal offenses of this nature? What are the circumstances that these offenses make qualitative? What sanctions are foreseen for these criminal offenses?

These and other issues will be addressed through this training, by analyzing practical cases and by elaborating the legal provisions referring to these actions.

Objectives

After completion of this training program, the beneficiaries will be able to:

- Implement properly the legal provisions of the chapter on narcotics offenses;
- Identify the essential elements of each form of criminal offense of this nature;
- Explain the consequences and dangerousness of these criminal offenses.

Content

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

Training methodology

During this training will be used a combined methodology of interactive discussion with participants, followed by group discussions and cases from national judicial practice and other jurisdictions case law, as well as PowerPoint presentations.

Beneficiaries: Judges and prosecutors of basic and appeal instances.

Duration: One day.

1.1.27 Criminal offenses against labour relations rights

Right to work and other rights deriving from labour relations rights are considered fundamental and very important human rights. These rights are guaranteed by the Constitution of the Republic of Kosovo, with laws and other sub-legal acts. Due to the great importance of these rights to human material existence, the violation of these rights is also considered a criminal offense. Thus, the CCRK with a separate chapter has foreseen some criminal offenses of this nature, a chapter which is termed as “Criminal Offenses against Labour Relations Rights”.

How is the violation of rights in labour relations defined? What are the elements of the offense of violating rights of employment and unemployment? Who can be the perpetrator and victim of these criminal offenses? What are the other criminal offenses that fall within this chapter of criminal offenses? These and other issues will be addressed in this training by analyzing practical cases and by elaborating the legal provisions referring to these actions.

Objectives

After completion of this training program, the beneficiaries will be able to:

- Expand knowledge about criminal offenses against rights in labour relations;
- Implement properly the legal provisions of this chapter;
- Identify the essential elements of each form of criminal offense of this nature;
- Explain the consequences and dangerousness of these criminal offenses.

Content

- Violating rights in labour relations;
- Violating rights of employment and unemployment;
- Other criminal offenses included in this chapter.

Training methodology

During this training will be used a combined methodology of interactive discussion with participants, followed by group discussions and cases from national judicial practice and other jurisdictions case law, as well as PowerPoint presentations.

Beneficiaries: Judges and prosecutors of basic and appeal instances.

Duration: One day.

1.1.28 Trafficking of human beings

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.

What are the elements of the criminal offense of trafficking in human beings and other related offenses related to human trafficking? How can the victims of human trafficking be identified? What are the rights of victims of human trafficking? How are the rights of victims of human 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? What are the elements of the offense of smuggling migrants?

In order to answer the above-mentioned questions during the training, participants will have the opportunity to access case studies from where to see the challenges and problems of the proper implementation of legislation for the prevention and combating of human trafficking and the ways that how these challenges and problems can be overcome or resolved.

Objectives

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

- Implement the legislation related to human trafficking;
- Identify the elements of the offense of human trafficking;
- Differentiate elements of the criminal offense of trafficking in human beings from the elements of other criminal offenses;
- Implement and respect the rights of victims of trafficking in criminal proceedings;
- Implement the procedure for compensation of damage.

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 for victims of human trafficking.

Training methodology

During this training will be used a combined methodology of interactive discussion with participants, followed by group discussions and cases from national judicial practice and other jurisdictions case law.

Beneficiaries: Judges and prosecutors of basic and appeal instances.

Duration: One day

1.1.29 Cooperative Witnesses

The CPC recognizes the cooperative witnesses as a special category in the criminal procedure, and has foreseen a special procedure to go on with such witnesses. As a witness, a person who is believed to provide proper information about the criminal offense and perpetrators, especially a cooperative witness, can be summoned, so witness protection is of particular importance. In practice there are many cases that cooperative witnesses do not testify because of their sense of risk to the life or health of them and their family members. Therefore, in the criminal proceedings, the protection of the injured party and witnesses should be given due care so that they do not have any interference or eventual distress from outside and inside.

What do we mean by cooperative witnesses? What is anonymity? What are their rights in the procedure? What do we mean with a serious risk? What is the difference between the provisions of the CPC, the measures for the protection of injured and witnesses in relation to the provisions of the Law on Witness Protection? What is the difference between witnesses protected by the public and anonymous witnesses?

The training aims to contribute, through discussion and presentation of best practices, and through elaboration of the aforementioned dilemmas, to the more effective protection of witnesses during the trial. Beneficiaries of this training have the opportunity to discuss and share their experiences regarding the challenges they face during their work as a judge or prosecutor.

Objectives

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

- Implement the legal provisions regarding the position of cooperative witnesses in criminal proceedings;
- Build professional skills for the implementation of legal provisions during their work;
- Demonstrate high professional standards during interviewing cooperative witnesses.
- Interpret the benefits of a cooperative witness according to law.
- Conduct fair procedure so that a person is declared a cooperative witness.

Content

- Cooperative witnesses in the various stages of criminal proceedings;
- The rights of cooperative witnesses in criminal proceedings;
- Who can testify as a cooperative witness?
- Procedure for declaring a person as a cooperative witness and his benefits under the law.

Beneficiaries: Judges and prosecutors of first instance level.

Duration: One day

1.1.30 Expertise and its use by prosecutors in criminal proceedings

It is known that during the conduct of criminal proceedings, the main task is to establish the facts relevant to and against the defendant, through which the factual situation is established. During the procedure, special knowledge of non-legal sciences is often required for the verification of different facts, knowledge that a judge does not possess and therefore, different expertise is required. An expert is to carry out an activity assigned by an expert to certify or evaluate any relevant fact, when knowledge or special professional skills are required for the certification or assessment.

When is expertise needed? At what stage of the procedure can a certain expertise be required? Can the defendant or the injured party seek an expert to carry out the expertise? How is the expertise evaluated as evidence by the court?

Through this training, certain cases will be dealt as to when expertise is needed, situations where the necessary expertise is needed, or how the report on the expertise and the hearing of the expert is administered, and how much the court depends on the assessments made by the expert to certify a certain fact.

Objectives

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

- Assess cases when expertise is necessary;
- Expand knowledge on the administration of expertise;
- Analyze the expert report;

Content

- Engaging of an expert;
- Special fields when an expertise may and should be engaged;
- Management of expertise during the main trial;
- Evaluation of expert report by court;

Beneficiaries: Judges and prosecutors of criminal cases of all instances.

Duration: One day.

1.1.31 Implementation of Guideline for Penalty Policies

The Penalty Policies in Kosovo court case laws is assessed not to be uniform and harmonized. Decisions have shown serious deficiencies in the way courts impose punishments. To this end, the Supreme Court of Kosovo issued a Guideline for Penalty Policies which aims to address the problems in determining punishments and provide a uniform approach in this regard. Although the guide is not legally binding, however, it may have the effect of avoiding unreasonable differences in the imposition of penalties. The guide presents a very important tool for judges in assessing a number of individual circumstances of the defendants as well as a framework for assessing the decision on punishment.

Objectives

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

- assess the mitigating and aggravating circumstances in determining the punishment;
- assess the mitigating and aggravating circumstances in determining the punishment;
- Implement relevant principles in determining the punishment;
- Implement unified standards in determining alternative punishments;

Content

- Procedural aspects of Penalty Policy;
- Relevant principles in determining punishment - Mitigating and aggravating circumstances
- Mitigating and aggravating circumstances under Article 74
- The application of alternative punishments and other penalties
- Review of decisions for appealing conviction
- Table for measuring the sentence

Beneficiaries: Judges and prosecutors of basic and appeal instances.

Duration: One day.

Specialized programs

1.2 Specialized programs

1.2.1 Specialized training program on capacity development in combating corruption

The specialized training program aims to address in detail and comprehensive manner the need for professional development of judges and prosecutors who are assigned to combat corruption. The program will address challenges on the implementation of effective national legislation in combating corruption, by focusing on specific aspects that appear to be problematic in practice. Apart from them, will be elaborated the international legislation in this field with a focus on the EU legislation, including successful standards and practices of countries that have succeeded in combating this phenomenon. The case law of the European Court on Human Rights and Fundamental Freedoms will be part of this program as well.

Also this training will focus on advancing the development of legal acts. Forms of inter-institutional cooperation and coordination of institutions mandated to fight corruption are among the topics included in this program, followed by the efficient managing aspects of corruption cases. A very important part of the program is also the discussion about aspects of code of ethics for judges and prosecutors.

Objectives

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

- Demonstrate the exact use of the concepts and principles in combating properly the corruption offences;
- Implement laws and theories in practical situations;
- Assess the relevance of the data and resources in the approach to this phenomenon;
- Formulate a new scheme for combating efficiently the corruption offences;

Structure: The structure of this program will be conducted in three sessions which will last two (2) days per each session.

Beneficiaries: Judges of basic and appeal court, prosecutors of basic and appeal prosecution offices and Special Prosecutors of the Republic of Kosovo, police officers- department for combating corruption and custom officers.

Content

Session I

1. Identification and evaluation of possible official corruption:

- National and international legal structure and practices
- Recognition and assessment of potential corruptive issues.

2. Analyzing available public information:

- Investigation plan and first steps
- Development of the investigation plan
- Access to documents and non-public information
- Collection and obtaining of electronic evidences;

Duration: Two days.

Session II

1. Forensic analysis:

- Using the tools of relevant institutions to combat corruption in accessing financial records.

2. Analysis high risk transactions:

- Use of relevant institutional means for combating corruption in accessing financial data
- Analyzing high risk transaction;

3. Interviews and preparation for trial:

- Interviewing techniques and challenges;
- Interviewing potential witnesses;
- Interviewing possible objectives
- Listing of evidences;
- Possible defence arguments and challenges in court;

Duration: Two days.

Session III

- Solving cases of official corruption
- Going to the court – submission of the case
- Possible alternative solutions
- Prevention measures and exposing to official corruption;

Duration: Two days.

1.2.2 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 corruption may be found which 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 procurement planning process;
- Understand and elaborate tender dossiers;
- Evaluate technical specifications and indicative notification;
- Understand elements for selection of the contractor and providing the price;
- Identify indicators of corruption relating to public procurement;
- Draft a plan for investigation of criminal offences of public procurement corruption;

Structure: The structure of this program is realized in two sessions lasting two (2) days each of them.

Beneficiaries: Judges of basic and appeal court, prosecutors of basic and appeal prosecution, special prosecutors, police investigators, custom police, ATK and FIU officials.

Content

Session I

Needs Assessment/Setting of requirements:

- Procurement planning;
- Indicative Notice;
- Technical Specification;

Preparation/designing process and preparation of bidding documents:

- Tender Dossier;
- Submission of tender dossier (clarifications);
- Public opening;

Contractor's selection and giving the price stage:

- Evaluation Commissions;
- Evaluation criteria;
- The winning operator's recommendation;

Duration: Two days

Session II

Contract implementation phase:

Indicative risks of corruption in procurement phases

- Needs Assessment/Setting of requirements
- Preparation/designing process and preparation of bidding documents
- Contractor's selection and giving the price stage;
- Contract Implementation Phase;

Corruption schemes and fraud-related problems:

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

Investigation plan and prosecution:

- Content of the investigation plan
- Identification of source of information
- House search plan and arrest
- Technical and surveillance planning
- Use of information plan
- Asset tracing planning;

Duration: Two days

1.2.3 Specialized Program in strengthening professional capacities in combating cybercrime

The use of new information technologies and especially the internet has taken on a special importance in everyday life. This phenomenon affects not only the activities of a body, whether state or private, involved in business or non-profit activity, but may also affect the ordinary person in his or her daily activity in his or her private or professional sphere. As any new technology makes available to a large number of users, the internet presents not only good and benefits, but at the same time a number of problems. Cybercrime is a complex phenomenon and the only way to cope with it would be to tackle this problem globally. To this end, cooperation of all relevant institutions and experts from different fields needs to be sought to avoid segmental solutions. For this it's important to conceive a global information security architecture that takes into consideration the technical and operational dimension, the legal and regulatory dimension, the organizational and economic dimension, not forgetting the human dimension.

What is cybercrime? Where do you come from? What helps it to be so widespread? How to combat and prevent cybercrime? How much are you at risk of this crime? Who are the potential victims of cybercrime? What is domestic and international legislation sanctioning cybercrime?

The training program is designed to provide insight to judges and prosecutors about current cybercrime tendencies and key techniques for successful combat of such offenses.

Objectives

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

- Evaluate the potential risk of cybercrime and develop techniques for combating it;
- Manage cybercrime investigations;
- Identify and prevent in a more efficient way the criminal offences of this nature;
- Recognize the tendencies of cybercrime.

Structure: The structure of this program will be implemented in three (3) sessions lasting two (2) days per each.

Beneficiaries: Judges of the basic and appellate courts, prosecutors of basic prosecution and appeals and special prosecution of the Republic of Kosovo, police officers of relevant departments for combating cybercrime.

Content

Session I

- Technology and Crime;
- Internet and crime;
- Threat, tendencies and cybercrime challenges;
- Cybercrime as a criminal offense and the challenges in combating it.

Duration: Two days

Session II

- Evaluation and risk management;
- Combating virtual security risks, emails, viruses and hackers;
- Detection and prevention of money laundering;
- Forensic role in detecting cybercrime;
- Collection of electronic evidences;
- Electronic evidences – procedure and practices;.

Duration: Two days

Session III

- Cross-border international cooperation in combating cybercrime
- Possible successful prosecution of international crime and cybercrime.

Duration: Two days.

1.2.4 Specialized training program for professional capacity strengthening in combating money laundering

Money laundering is a criminal offence that falls under the set of offenses against the economy and as such is considered as a permanent threat to the economy of all countries. Money laundering operations are designed to gain incomes from illegal activities, benefit from fraud, conceal of their existence, source, or presenting the illegal incomes as legal one, or in one word making “dirty money” look like clean money. Once illegal money become clean, the perpetrator will spend them or invest them in a legal activity. Since Kosovo is a post war country, it finds very difficult to fight the informal economy where the majority of transactions are carried out in cash, without going through financial institutions. This is particular makes it difficult for financial institutions to report transaction. This also contributes to a weak international cooperation in this field and incompliance of the national legislation with the EU Directive

Which are the factors for identifying the informal economy? What is the role of the FIU? Where the report of the local legislation lies, with that of the EU?

This training will focus on addressing dilemmas and questions raised by participants, where will be analyzed in detail the national and EU legislation including best practices

Objectives

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

- Classify criminal offences of money laundering;
- Compare national legislation with EU legislation;
- Recognize and analyze the work of financial institutions and their obligation in combating money laundering;
- Use techniques for examination of frauds and money laundering;
- Know forms of international cooperation;
- Analyze the submission of the case in court.

Structure

The structure of this program will be conducted in three sessions which will last two (2) days per each session.

Beneficiaries:

Judges of basic and appeal court, prosecutors of basic and appeal prosecution offices, Special Prosecutors of the Republic of Kosovo, police officers from departments for combating corruption and custom officers.

Content

Session I

- Criminal offense of money laundering, financing of terrorism and sanctions;
- Weaknesses of financial institutions on money laundering and terrorist financing;
- Combating money laundering and financing terrorism in practice;

- Combating money laundering and terrorist financing - legal structure;
- Financial Intelligence Unit and reporting entities.

Duration: Two days

Session II

- Techniques for examination of frauds and money laundering;
- Collecting of information
- Preparation of personal profile
- Tracing of funds by the recipient
- Tracking of funds from the payer
- Recovery of hidden assets.

Duration: Two days

Session III

- Cross-border international cooperation in combating money laundering
- Going to court – submission of the case
- Possible alternative solutions
- Prevention measures of money laundering.

Duration: Two days.

Civil field



1.3 Civil field

1.3.1 Preliminary review of the lawsuit

From the moment of the receipt of a lawsuit and until a meritorious decision is rendered in relation with the lawsuit, the court acts *ex officio* and with due diligence to find out whether the lawsuit meets the requirements to proceed according to it. In judicial practice very often the court does not pay attention to preliminary review, due to workload, negligence or other factors, which have negative impact on the contentious procedure and in some cases may lead to wrong conclusion given by the court. The preliminary review of the lawsuit is a filter that helps the court in eliminating all the obstacles in order to continue with other stages of the proceedings and to have a more effective judgment.

At this stage of the proceedings the court assesses whether the procedural presumptions are: presumptions relating to the court, parties, subject of dispute and the claim.

What procedural assumptions are related to the court, parties and the subject matter of the dispute? What procedural assumptions are related to the regularity of the claim? What actions should be taken by the court, depending on findings of the preliminary review of the claim? What is the impact of the preliminary review of the lawsuit on judicial proceeding?

The training is designed to answer questions and uncertainties raised above by analyzing all procedural presumptions dealing with preliminary review of the claim.

Objectives

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

- Assess the fulfilment of procedural presumptions for the proper conduct of contested procedure;
- Identify the decisions taken at this stage of the procedure;
- Undertake appropriate actions and decisions at this stage of the procedure;

Content

- Review of the lawsuit
- Court actions at this stage of the procedure;
- Decisions taken at this stage of the procedure;

Training methodology

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

Beneficiaries: Judges of the basic and appellate courts as well as the professional associates

Duration: One day

1.3.2 Insuring the Charge Claim

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. In order to guarantee property rights, but also other rights, the issuance of security measures is a powerful and important tool available to litigants in civil cases.

The motion for security measures to protect the rights and interests of parties in court cases, preventing irreparable loss or damage before the court makes a final decision on the merits of the claim. Such measures are most often proposed in cases involving property disputes, but also in disputes according to claim for debts as well as in family disputes. Security measures are sort of a court order prohibiting a party from alienation, hiding, indebteding or availability of the property until a decision on the merits of the claim is rendered. Security measures can also take the form of an order that some assets will be frozen or alternatively confiscated until final judgment is issued in relation to the dispute at hand.

Who can file a motion to secure the statement of claim? At which stage of the procedure can the motion be filed? What are the types of measures for securing the claim? Which courts have the power to decide on these security measures? What are the differences between temporary measures and security measures? When should the warranty be set?

The training will focus on providing answers to all questions and dilemmas set forth above, by supporting judicial professionals in the proper implementation of the legal provisions of securing claims.

Objectives

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

- Assess who may file a motion for securing the claim;
- At what stage of the procedure the motion can be filed;
- Differentiate the types of measures for securing the claim;
- Determine the competence of the court to decide on these measures;;
- Make differentiations between temporary measures and security measures for securing the claim; and;
- Assess the cases when the warranty should be provided;

Content

- Securing the claim
- Conditions for setting security measures
- Types of measures securing the claim
- Temporary measures
- Competence to decide on issuance of security measures for securing claim
- Content of the decision on the issuance of the security measure.
- Differentiations between temporary measures and security measures for securing the claim

- Warranty upon issuance of security measures for securing the claim

Training methodology

During this training, combined methods of explanation will be used, followed by practical examples and joint discussions, in order to fully achieve the objectives of this training.

Beneficiaries: Judges of the basic and appellate courts as well as the professional associates

Duration: One day

1.3.3 Ways for acquiring the right of ownership and protecting it

For the acquisition of the right of ownership to movable and immovable property the legal doctrine and the legal provisions in force determine the terms and ways of its acquisition. The applicable law on property and other property rights has novelties about the ways of acquiring ownership that make a differentiation from the previous law.

Any violation of the property right entitles the owner to seek judicial protection for the protection of the right to property. The treatment of this topic for the judiciary is a necessity due to changes in domestic legislation and standards set forth in Protocol I to the ECHR.

Ways in which ownership is acquired over the movable and immovable property, according to the legislation in force? What protection is given to the right of ownership under the Constitution, laws and international acts? What are the authorizations and limitations of the right to property? Where are the differences between claims for the protection of property rights? How to implement the material provisions in concrete cases in property disputes?

The purpose of this training is to clarify all the dilemmas that appear in court practice regarding the ways of acquiring the right of ownership and claims for the protection of property rights.

Objectives

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

- Extend knowledge of property rights, authorizations, restrictions and its protection;
- Differentiate the ways of acquiring the right of ownership under the applicable law;
- Compare types of claims for property protection;
- They Implement the ECHR's case-law on property protection cases.

Content

- Ways of acquiring the right of ownership;
- Protection of property rights in general;
- Claims for property protection;
- Protocol I of the ECHR;

Training methodology

During this training, combined explanation methods will be used, including theoretical and practical explanations, followed by practical examples, interactive participation and power-point presentation method.

Beneficiaries: Judges of the basic and appellate courts as well as the professional associates.

Duration: One day

1.3.4 Judicial protection of the right of ownership

The right of ownership as one of the basic human rights enjoys protection in all legal systems and international acts, and in particular with Protocol I to the ECHR. Claims for the protection of property rights are the traditional ones that have been inherited since Roman law, and recognize all the positive legal systems. These claims are: *actio revindicatio*, *actio negatoria*, and *actio publiciana*, these claims may occur in cases of violation of ownership right over the real estate.

Who has the legitimacy to file such claims? Which are the evidences to be provided by the claimant against the respondent for the violation of property right? What objections may be used by the respondent against the claimant? What are the characteristics of claims for the protection of property rights? Is the right for filing claims subject to prescription? What are the restrictions on the right to property?

These are some of the key issues to be addressed during this training.

Objectives

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

- Differentiate the definitions between property and ownership right
- Advances knowledge about Article 1 of Protocol 1 to the ECHR
- Implement the neighbouring right
- Implement provisions on immunities
- Implement provisions on property protection
- Differentiate the purpose and specification of the types of claims

Content

- The notion of ownership
- Property and asset
- The importance of protecting the right of ownership
- Claims for the protection of property rights
- Restrictions on the right to property

Training methodology

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

Beneficiaries: Judges of the basic courts and professional associates.

Duration: One day

1.3.5 Judicial protection from the act of obstruction to possession and protection of servitudes

Possession is the actual power over the real right and the ownership is the legal power over the real right. The property owner cannot be ascertained at first glance; while as a possessor of a real right can be immediately noticed because of his/her factual power over the real right. In Roman law, there was a differentiation between ownership and possession that required two conditions to be fulfilled: factual power over the possessions or Corpus possessions and the will to keep the possessor as the owner of the real right. All civil codes make the difference between possession and ownership.

The real rights, therefore the right of servitude, enjoy judicial protection from obstruction of the right of servitude. Servitudes, as real rights, enjoy legal protection and positive legislation has been provided for the protection of servitudes. Judicial practice has dilemmas about claims demanding protection of servitudes and issues related to the verification of the existence of the actual servitude and their constitution.

Who enjoys judicial protection from obstruction of the right to possession and the right to use the servitude? What should the claim for obstruction of possession contain? What are the facts that must be established in disputes of possession and servitude? What is the deadline for filing obstruction to possession?

This training is designed to answer the questions and dilemmas that exist in practice relating judicial protection from the act of obstruction to possession and protection of servitudes.

Objectives

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

- Differentiate the specifics of disputes of obstruction to possession and right to servitude;
- Differentiate claims for obstruction to possession from other claims;
- Identify the conditions for protection from the act of obstruction to possession;
- Implement fairly the timelines for judicial protection in disputes of possession and servitude;
- Implement the judicial practice regarding these disputes;

Content

- Specifics of disputes of obstruction to possession and right to servitude;
- Elements of the act of obstruction to possession and servitude;
- Timelines for judicial protection in disputes of possession and servitude;
- Judicial practice regarding these disputes;

Training methodology

During this training, combined methods of explanation, followed by practical examples, and joint discussions will be used, so that each participant will be active throughout the training period.

Beneficiaries: Judges of the basic courts and professional associates.

Duration: One day

1.3.6 Judicial protection in cases of insult and defamation

Today, various definitions or definitions of defamation circulate. In some modern laws regulating human rights, defamation is defined as “unlawful attack” against the “honour and reputation” defined in article 17 of the International Covenant on Civil and Political Rights. The European Convention on Human Rights does not give a clear or direct defence of the right to honour or reputation, but in some special rulings it accepts its protection in terms of privacy, family life and inviolability of the home and correspondence from Article 8 the European Convention on Human Rights. The law against defamation and insult defines defamation as follows: defamation shall mean the publication of a untrue fact or statement and the publisher knows or should know that the fact or the statement is untrue, the meaning of which injures the reputation of another person,” while the insult shall mean the statement, behaviour, or publication of a statement directed at another person that is humiliating. “From the fact that in our courts there is an increasing number of cases for compensation for defamation and insult, there is a lack of court case law on elaborating such topics for the judges in need.

What is the notion of defamation and insult? What conditions should be met for the prosecution of defamation and insult? A statement or publication of a true fact can be considered defamation? What form of damage compensation shall be given to person who was subject to defamation and insult? What is case law of Court of Human Rights regarding defamation and insult?

These and other issues will be addressed through this training.

Objectives

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

- Differentiate the responsibility for defamation and insult, the cases of exclusion of liability and the limits of liability;
- Implement correctly the manner of determining compensation for defamation and insult, and
- Know the case-law of European Court of Human Rights regarding defamation and insult;

Content

- Filing of lawsuit for defamation and insult;
- The right to compensation for material damage in the case of defamation and insult;
- Judicial practice of the European Court of Human Rights;

Training methodology

During this training, combined methods of explanation, followed by practical examples, and joint discussions will be used, so that each participant will be active throughout the training period.

Beneficiaries: Judges of the basic and appeals courts as well as the professional associates.

Duration: One day

1.3.7 Judicial protection in labour relationship disputes according to Labour Law

In recent years, the number of labour disputes has increased. The reason for this is that the legislation in force had deficiencies and the judicial protection was not adequate and violated the employee's labour relation. Consequently the provisions which have regulated this field have been disseminated in many laws and bylaws which were approved in different economic social and political circumstances. As a result thereof, judges have had and are having difficulties in the proper implementation of these laws (labour legislation), which refer to the protection of workers' rights arising from the labour relation.

What is the scope of application of the Labour Law? What are the types of labour contracts under the Labour Law? What are the causes of termination of labour relations under the Labour Law? What is the procedure before the employer terminates the employment relationship? What are the means of the employee to provide judicial protection? What are the legal deadlines for securing judicial protection in labour disputes? What are the judicial decisions of the court in labour disputes?

This training is designed and structured in order to analyze in depth the procedures initiated by employees in cases of termination of labour relations by employers, including the identification of preliminary conditions that must be met by the claimant before addressing to the court for judicial protection in labour disputes.

Objectives

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

- Differentiate civil servant disputes and other labour disputes under labour law;
- Implement properly the provisions of the relevant law by evaluating the deadlines for seeking judicial protection;

Content

- Employment contracts and their types;
- Labour disputes under Labour Law;
- Legal proceedings for the protection of labour rights;
- Respecting of deadlines for seeking judicial protection;

Training methodology

Combined explanation methods will be used during the training, including theoretical and practical explanations, group work, followed by case law examples.

Beneficiaries: Judges of the basic and appeals courts as well as the professional associates.

Duration: One day

1.3.8 Joint property of spouses, co-ownership and division

Spouses, besides their personal relationships, during the conjugal life, also create wealth relations, which creates wealth values, which according to the Kosovo Family Law are referred to as the common property of spouses. In marriage spouses are equal in all personal and property relationships as the European Convention on Human Rights guarantees as well as by the Protocol 7 to the Convention, by the Constitution of the Republic of Kosovo and by the Law on the Family of Kosovo.

What constitutes Joint Property of Spouses? What is Separate Property of Spouses? What does the spouses' contribution to the creation of joint property include? What should we consider when deciding on the joint property and division?

These are the most current issues faced by courts when deciding and implementing the legislation on the joint property and division.

Objectives

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

- Assess the joint property of spouses and separate property of spouses.
- Assess what does the spouses' contribution to the creation of joint property include,
- To decide lawfully and fairly in disputes between spouses in case of no agreement on joint property.

Content

- Joint Property and Separate Property of Spouses.
- Division of joint property of Spouses.
- The wealth created during factual relationship (out-of-marriage relationship)
- Certification of the spouse's contribution to the creation of joint property
- Administration of joint property

Training methodology

During this training, combined methods of explanation, including theoretical and practical explanations, will be followed by practical examples, so that each participant will be active throughout the training period to fully achieve the objectives of this training.

Beneficiaries: Judges of Basic Courts and professional associates

Duration: One day

1.3.9 Compensation of material and immaterial damage and judicial practice

The large number of litigation cases for the compensation of damage, whether material or immaterial damage, non-aligned judicial practice with regard to the placement and criteria for determining the immaterial damage, are indicative that this topic is very important to be treated.

The civil legal protection of the goods and the existence of civil legal responsibility is an important part of ensuring a higher level of protection of legally protected human rights. The accurate determination of the liability of the cause of the damage and for the realization of the injured party's right to compensation for damage in the non-contractual civil relationship is one of the challenges of the judges of the civil field. Although judicial practice is relatively developed on this subject, however, the large number of cases in Kosovo courts, the dynamics of increasing the number of cases filed for compensation of damages has affected differences in court case law, especially as regards the criteria for determining the material and immaterial damage, but also the manner of establishing the factual situation in these cases often faces deficiencies.

What are the basis of responsibility for the compensation of material and immaterial damage? What are the criteria for determining the material and immaterial damage? How can be proved the factual situation in the material and immaterial compensation procedure? How to implement the material provisions in concrete cases in litigation cases seeking compensation for material and immaterial damage? What is the practice of determining the amount of compensation for material and immaterial damage?

This training is designed to answer all raised questions and dilemmas, by analysing the cases from judicial practice concerning the compensation of material and immaterial damage.

Objectives

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

- Interpret properly the provisions relating to material and immaterial liability;
- Implement the same criteria in court case law as to the criteria and the extent of the immaterial damage;
- Implement correctly the provisions relating to the determination of the amount for the compensation of material and immaterial damage;
- Calculate the interest for immaterial damage.

Content

- Material and immaterial damage according to the LOR;
- Responsibility for the compensation of material and immaterial damage;
- Criteria for determining the magnitude of material and non-material damage;
- The way of proofing in the procedure of compensation for material and immaterial damage;
- The practice of determining the amount of compensation for material and non-material damage;

Training methodology

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

Beneficiaries: Judges of Basic Courts and professional associates

Duration: One day

1.3.10 Expropriation and compensation for expropriation

As is known, the legal expropriation institute allows the owner to be deprived of his right of ownership only under the conditions provided by law, provided that the expropriation is done for the purpose of the general interest. Since expropriation in practice is presented very often, the regular application of the legal provisions of the expropriation law guarantees the property right of the owners whose property is expropriated for the public interest. Therefore, it is necessary for the implementers of this law to gain in-depth knowledge of this legal institute so that this knowledge contributes 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 analyse the procedure of expropriation, to identify the preconditions for expropriation, and cases where the municipality is the authority that carries out the expropriation and where the government is the authority that carries out expropriation.

Objectives

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

- Assess the legal conditions that must be fulfilled for expropriation;
- Implement correctly the provisions of the Law on Expropriation where the Government or Municipality is the authority that carries out expropriation; and
- 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;

Training methodology

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

Beneficiaries: Basic courts judges and representatives of the Ministry of Finance dealing with compensation procedures at the expropriating authority and professional associates of courts.

Duration: One day

1.3.11 Causes of termination of contracts, with particular emphasis on the sales contract

The contract represents one of the most important sources of obligations and at the same time the central institution of legal communication between the contracting parties. In order for the contract to be valid the contracting parties must meet some of the conditions set forth by law and in cases where the contract is in contravention to the public order, compulsory regulations or moral principles shall be null and void, if the contract has been concluded by the party with disabilities to act, or has been faulty in the view of the will of the parties then comes to the contract crash. In practice there are many cases where contracting parties do not respect the conditions foreseen for the validity of the contract, for which the treatment of this topic would also assist the judges in analyzing and explaining the causes on the basis of which can lead to the annulment or rescission of the contract.

Which contracts are considered absolutely null and void? How do you decide on these cases? In which cases can their conversion be made? Who can apply for nullity and annulment of the contract??

This topic is structured in such a way as to answer questions, conditions to be fulfilled to reach the cancellation of contracts and their rescission, the manner of establishing and evaluating legal deadlines in such cases.

Objectives

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

- Assess the legal conditions that must be met to be considered a null and rescindable contract.
- Identify the consequences of nullity and rescission of contracts
- Implement the provisions of the Law on Obligation Relationships to the nullity of Contracts.

Content

- Invalidity of contract
- Challengeable contract
- Consequences of nullity and annulment
- Conversion

Training methodology

Combined explanation methods will be used during the training, including theoretical and practical explanations, group works, followed by case law examples.

Beneficiaries: Judges of the basic and appeals courts as well as the professional associates.

Duration: One day

1.3.12 Statutory limitation of claims according to LOR

Institute of statutory limitation is a significant institute of the law on obligation relation under which a creditor's claim cannot be realised through a court, i.e. by a court-violence apparatus as a state body, due to prescription of time limit within which the claim should have been filed. The statutory limitation of claims takes place in order to guarantee legal certainty, so that creditors can protect their claims within a fixed period of time because it may be impossible to protect the rights through court proceedings due to expiration of time limits as defined by law.

Institute of statutory limitation is a significant institute, based on which certain entities lose or acquire a right. Creditors need to be very careful that their demands are met and that statutory limitation is not allowed to have an impact on their obligatory relationships. Therefore, the statutory limitation represents one of the ways when the termination of obligation comes to an end because of passive behaviour of the creditor and the active behaviour of the debtor.

Objectives

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

- Expand knowledge about statute-barring period,
- Calculate statute-barring period, and
- Determine the running of statute-barring period.

Content

- General rules on statute-barring period
- Calculation of running time, termination and limitation of statute-barring period
- waiver of statute-barring
- Limitation periods for certain claims
- Suspension of statute-barring

Training methodology

During this training, combined methods of explanation will be used, followed by practical examples and joint discussions, so that each participant is active throughout the training time.

Beneficiaries: Judges of the basic and appeals courts as well as the professional associates.

Duration: One day

1.3.13 Alternative dispute resolution, with particular emphasis on mediation

Applying alternative forms of dispute resolution, especially mediation, is of particular importance as it increases legal certainty and enables attracting foreign investment so much needed for economic development, because in the contemporary business world citizens are interested in settling their disputes outside the court proceedings. Kosovo, in its efforts to create a contemporary legal system, has established a legal basis that enables alternative dispute resolution. The handling of this topic is more than necessary, as Kosovo judges and prosecutors will learn about new national and international rules on mediation, the advantages of mediation, the legal consequences of mediation, the role of judges and prosecutors in referring cases to mediation centres and the role of mediators in harmonizing attitudes with the parties involved in the dispute.

How alternative procedures are applied in practice? What are the competencies of the court to review the validity of the mediation agreement? What are the best experiences and practices of countries in the region in applying alternative procedures? How harmonized is the domestic and international legislation?

The program has been designed in such a way as to address the dilemmas and difficulties encountered in actual court case law, through interactive discussions and reviewing practical cases.

Objectives

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

- Implement alternative dispute resolution;
- Differentiate the jurisdiction of the court and the mediators regarding mediation;
- Implement correctly to legislation regulating this matter;;

Content

- The role and responsibilities of judges and prosecutors regarding the referral of mediation cases.
- The role and responsibility of the mediator in relation to the parties involved in the dispute during the mediation session.
- Mediation Agreements.
- Execution of agreements reached in the mediation procedure.

Training methodology

Combined explanation methods will be used during the training, including theoretical and practical explanations, group work, followed by case law examples.

Beneficiaries: Basic Court Judges, Prosecutors of Basic Prosecutions, professional associates and mediators.

Duration: One day

1.3.14 Judgements and types according to the Law on Contested Procedure

Law on contested procedure foresees different forms of proper decision making rendered by the court on specific circumstances and under compliance of special procedural conditions. Evaluation of specific conditions for each type of judgment has created dilemmas and has affected the proper evaluation of these conditions by the court, whereas as a result, very often drawing of conclusions or while rendering a judgment, judges may make mistakes on evaluation and infringe the Law on Contested Procedure.

What are the types of judgments under the provisions of the Law on Contested Procedure? What conditions should be met when issuing a judgment? What should be the content of the reasoning of each type of judgment?

This topic is designed to provide answers to all questions related to the judgment as a form of proper decision making in a contentious legal matter and types of judgments issued by the court on a contentious legal matter.

Participants will have the opportunity through materials provided by the trainer to discussions, analyze case studies and Implement provisions of contested procedure regarding judgments and types of judgments.

Objectives

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

- Evaluate conditions for issuing different type of judgments;
- Draft reasoning for each type of judgment as a form of meritorious decisions.

Content

- Judgment
- Types of judgments and their conditions
- Content of a judgment and reasoning of each type of judgment;

Training methodology

During this training, combined methods of explanation will be used, followed by practical examples and joint discussions, so that each participant is active throughout the training time.

Beneficiaries: Basic court judges and professional associates

Duration: One day

1.3.15 Ordinary and extraordinary legal remedies under LCP

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 should the regular and extraordinary legal remedies contain? What are the most common causes for exercising such remedies? What is the procedure for receiving and reviewing these remedies? What are the decisions that can be taken by the courts regarding regular and extraordinary legal remedies?

This training is designed to respond to all questions and dilemmas that may arise in judicial practice regarding ordinary and extraordinary legal remedies by authorized parties, as well as the decisions of higher instance courts in relation to these remedies.

Objectives

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

- Analyze the legal conditions for submitting and decision making according to these remedies;
- Implement the legal provisions referring to the preliminary review of these remedies to the court of first instance.

Content

- Appeal procedure;
- Revision-setting procedure;
- Placement procedure according to proposal for repetition of the procedure;
- Report between revision and proposal for repeating the procedure;
- Request for Protection of Legality and Placement Procedure;

Training methodology

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

Beneficiaries: Judges of the Basic Courts and the Court of Appeal (Civil Division), as well as professional court associates

Duration: One day

1.3.16 Application of enforcement and decision on objection

The Law on Enforcement Procedures shall provide for the procedure in which courts and private enforcement agents determine and carry out enforcement, on the basis of the enforcement titles and authentic documents, unless if with the special law it is foreseen otherwise. The Law on Execution Procedure foresees the objection as a legal remedy by which the parties may appeal the decision of the private enforcement agents, which applied the enforcement. Application of enforcement procedures by visions private enforcement agents has the advantage of removing the responsibility of managing the enforcement process from judges and private enforcement agents, who often take an important part of their time.

How does a private enforcement agent decide on application of enforcement? Who decides on the objection against the enforcement writ? Which is the jurisdiction of private enforcement agents and courts? In what cases do the court allows the application of enforcement?

The program has been designed in such a way as to address the dilemmas and difficulties encountered in actual court case law, through interactive discussions and reviewing practical cases.

Objectives

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

- Differentiate which are the enforcement documents and what are the authentic documents;
- Categorize and evaluate cases as to when the enforcement is carried out by private enforcement agents and when by the court;
- Assess the remedies in the enforcement procedure.

Content

- Enforcement titles - enforcement document and authentic document;
- Conditions for application of enforcement;
- The jurisdiction to decide on the objection;
- Reasons for filing objection and court decisions related to it;

Training methodology

Combined explanation methods will be used during the training, including theoretical and practical explanations, group work, followed by case law examples.

Beneficiaries: Judges of the Basic Courts, Judges of the Court of Appeal, professional associates and private enforcement agents.

Duration: One day

1.3.17 Enforcement of court decisions in family affairs and labour disputes

Upon the entry into force of the Law on Enforcement Procedure, it is envisaged that the enforcement procedure in first instance shall be managed and decided by the private enforcement agent, and exceptionally by the individual (single) judge when this law provides that the enforcement is set and enforced by the court (first instance body). Through this law, it was intended that enforcement cases due to their urgent nature could be addressed within a short period of time, which would directly have a positive impact on the protection of the citizens' rights for the timely realization of their requests.

Who shall decide on the enforcement procedure in first instance? Which are the competencies and duties of the private enforcement agent under the law? What are the decisions issued by the enforcement authority in the first instance? In which cases the court of first instance has the exclusive jurisdiction to decide on execution proposal based on enforcement document?

Content of the training is structured in such a way that through analyzing the legal provisions of the Law on Enforcement Procedure and current court case law, we answer the questions and remove the above dilemmas.

Objectives

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

- Correctly assess the cases for which the court of first instance has exclusive jurisdiction to decide on enforcement proposal;
- Assess that according to which enforcement document the first instance court as a enforcement authority can decide on the execution proposal;
- Implement enforcement procedure by enforcement authority to the cases of returning the worker to work and handover of a child to parent, other person or institution to which the child is entrusted to custody, retention and education.

Content

- Enforcement authority and its competences;
- The decisions of the enforcement authority and their content;;
- The legal basis for the application of enforcement in cases of return of the worker to work and handover of a child to parent;
- Actions of enforcement authority and method of application of enforcement;

Training methodology

Combined explanation methods will be used during the training, including theoretical and practical explanations, group work, followed by case law examples.

Beneficiaries: Judges of the Court of Appeal and Basic Courts, professional associates.

Duration: One day

1.3.18 International legal cooperation in civil matters

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 the 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 with an international element.

How the national legislation regulates 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 training aims, through presentations and discussions, to analyse new instruments for which judges have not been informed earlier. In addition, through case studies will be treated judicial practice of the European Union's Court of Justice.

Objectives

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

- Advance knowledge about international legal cooperation in civil matters;
- Implement local and international legislation on cross-border cooperation in civil matters;

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;

Training 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: Basic Court Judges, Professional Associates and officials of the Ministry of Justice - Department for International Legal Cooperation.

Duration: One day

Justice for children



1.4 Justice for children

1.4.1 Criminal Justice for Children

1.4.1.1 Sexual Abuse and Criminal Offenses against Child Sexual Integrity

Sexual abuse of children has many physical and emotional consequences on children. The chapter of offenses against sexual integrity has undergone significant changes and after the entry into force of the CCRK, many difficulties and confusion have arisen in the application of these legal provisions. Appropriate application of these legal provisions has indeed been and is a challenge for judges and prosecutors, especially for offenses that affect the sexual integrity of children. Children are the most sensitive category of society for which the state with its mechanisms is obliged to take care of and provide protection for them.

What are the distinctive features of criminal offenses against child sexual integrity? What are the criminal offenses against sexual integrity of children under the Criminal Code of Kosovo? These questions and other questions and dilemmas will be addressed during this training.

Objectives

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

- Identify criminal procedure when the child is a victim of criminal offenses against sexual integrity;
- Implement properly the legal provisions relating to criminal procedure when the child is a victim;;
- Differentiate forms of rape and other similar offenses related to the sexual integrity of children;

Content

- Identification of criminal procedure when the child is a victim of criminal offenses against sexual integrity;
- Proper implementation of the legal provisions relating to criminal procedure when the child is a victim;
- Differentiate forms of rape and other similar offenses related to the sexual integrity of Children.

Training methodology

The training aims to answer the questions on this issue by analyzing and clarifying the legal provisions regulating the imposition and implementation of diversity measures. Practical problems will also be analyzed through discussion and case studies in practice.

Beneficiaries: Judges and prosecutors from the Juvenile Department at all levels.

Duration: One day.

1.4.1.2 Juvenile imprisonment

The juvenile imprisonment aims to rehabilitate and develop the juvenile by educating, developing professional skills, personal development and have a positive impact to the child, in order to prevent the child from committing a criminal offense again. The Juvenile Justice Code considers the imprisonment of children only as a last resort and sanctions alternative measures for children in conflict with the law. The code guarantees that the best interest of the child be carefully defined in the justice system, as well as it will make the system of the juvenile justice in compliance with international standards, which derive from the Convention on the Rights of the Child.

What are the conditions for the imposition of imprisonment for juveniles? It is specified the duration of imprisonment for juveniles? What is the impact of deprivation of liberty in rehabilitation of juveniles? Whether the execution of the imprisonment for juveniles be statutory limited? These and other questions and dilemmas of this area will be addressed in this training.

Objectives

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

- Identify properly legal provisions regarding the terms for imposing imprisonment for minors;
 - Determine the duration of the juvenile imprisonment
 - Evaluate the criteria for parole;
- Expand knowledge regarding of statutory limitation on execution of juvenile imprisonment

Content

- The conditions for imposing juvenile imprisonment;
- The duration of the juvenile imprisonment;
- Statutory limitation of execution of juvenile imprisonment;

Training methodology

This topic is designed to provide adequate knowledge and skills in implementation of legal provisions in the occasion of imposing imprisonment for juveniles, choosing the prison for juvenile, parole, statutory limitation on the execution of juvenile imprisonment in the spirit of international conventions and standards on protection of children's rights.

Beneficiaries: Judges and prosecutors from the juvenile department of all levels.

Duration: One day.

1.4.1.3 Diversity measures

Juvenile justice in Kosovo is permeated by a large number of principles, some of which are universal. Among the special and specific principles is that minor offenders, when appropriate, are imposed diversity measures. These measures may be imposed against minors as perpetrators of criminal offenses where the Juvenile Justice Code has also defined the conditions when juveniles may be issued measures aimed at preventing the commencement of the preparatory proceedings for juvenile as well as no criminal procedure will be conducted.

What are the provisions of the Juvenile Justice Code that regulate diversity measures? What are the legal conditions to be met for the imposition of diversity measures? How to assess the effects of implementing diversity measures in practice? This training will try to answer these dilemmas and other possible ones.

Objectives

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

- Identify properly the provisions of the Juvenile Justice Code that regulate diversity measures;
- Interpret properly legal conditions for the imposition of diversity measures;
- Assess the effects of implementing diversity measures in practice;

Content

- Understanding of diversity measures;
- Types legal conditions to be met for the imposition of diversity measures;
- Practical insights on imposing these measures by the prosecutor or the court;

Training methodology

This training is intended to address issues by analyzing and clarifying the legal provisions that regulate the imposition and implementation of diversity measures. The training will focus on the elaboration of best practices regarding the imposition and enforcement of these measures, which are put into practice by the prosecutor or the court.

Beneficiaries: Judges and prosecutors from the juvenile department of all levels

Duration: One day.

1.4.1.4 Educational measures and punishments imposed on juveniles

Children differ from adults in terms of physical and psychological development as well as emotional and educational needs. When a measure or punishment is imposed on a minor, the court primarily takes into account the best interest of the minor. The court also takes into account the type and severity of the offense, the age of the juvenile, the level of psychological development, its character and inclinations, the motives that incited him to commit the criminal offense, his education at that stage, the environment and the circumstances of life if a measure or punishment has been imposed earlier and other circumstances that may affect the imposition of a measure or punishment.

This training aims to answer questions as follows: what are the Conditions that must be met so that educational measure is imposed to the minors; what are the types and duration of educational measures or punishments and how to specify the effects of applying the measures or punishments?

Objectives

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

- Know which conditions must be met so that educational measure be imposed to the minors;
- Interpret the types and duration of educational measures or punishments;
- Determine the effects of applying measures or punishments;

Content

- Types of educational measures that can be imposed on juveniles;
- The forms of decisions that courts face when imposing educational measures or punishments;
- Changing the decision to execute the educational measure;
- Execution of measures and penalties in cases where juveniles are foreign nationals and international legal cooperation in cases where juvenile offenders are foreign nationals;

Training 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 the juvenile department of all levels.

Duration: One day.

1.4.1.5 Measures to ensure the presence of juveniles in criminal proceedings

Measures to ensure the presence of a juvenile in the proceedings are often not implemented in the manner and under the conditions provided by law, so there is still a difficulty in judicial practice in identifying, evaluating and analyzing the circumstances surrounding the placement for each of these measures. In order to ensure the presence of the juvenile and the efficiency of the criminal procedure, measures may be imposed on minors under the provisions of the Criminal Procedure Code. According to this code, temporary arrest, police detention, house arrest, bail and detention may be ordered against a juvenile who has been in conflict with the law as a last resort for as short a time as possible. In the juvenile detention procedure as a last resort is often not fixed in the manner and conditions foreseen by the JJC.

In what cases are the measures taken to ensure the presence of the minor? What are the conditions to be met to impose measures to ensure the presence of a minor? Where are the difficulties in identifying the circumstances that justify the request for these measures and justifying their imposition? These questions, but not the only ones, will be discussed in this training.

Objectives

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

- Implement properly the rules when selecting measures for the presence of a minor on procedure;
- Fairly enforce the measure of restriction of liberty;
- Draft and justify enough decisions to impose these measures;

Content

- Measures to ensure the presence of a minor in the procedure;
- Cases when the court determines the detention measure for the minor;
- Legal conditions to be met in cases of the imposition of these measures

Training methodology

Through this training, it is intended that the beneficiaries can analyze the security measures of the defendant in the procedure and may overcome the dilemmas that appear in the case law. During the training, PowerPoint presentations will be used, presenting practical cases and active discussion of practical issues that are concerned with the judicial system in this field.

Beneficiaries: Judges and prosecutors from the juvenile department of all levels.

Duration: One day.

1.4.1.6 Criminal procedure with adult offenders where the victim is a minor

Proceedings against a person committing a criminal offense against a child under Article 145 of the Criminal Code shall be applied in accordance with the provisions of the Criminal Procedure Code of Kosovo, except the provisions for the issuance of a punitive order determined by the provisions of the Criminal Procedure Code of Kosovo. Where a criminal offense has been committed against a child, the authorities or institutions shall exercise particular care against the child who has suffered a criminal offense, taking into account his age, personal characteristics, education and the environment in which he or she lives, in order to avoid possible harmful consequences for its education and development. This protection is realized by acting with special care in order to eliminate the consequences that the child has suffered during the commission of the offense.

What procedure is applied when adult commits a criminal offense against a minor? What are the criminal offenses committed against children under Article 145 of the JJC and other questions and dilemmas in this area will be addressed in this training.

Objectives

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

- Implement properly provisions applicable when adult commits a criminal offense against a minor;
- Identify criminal offenses against minor regulated by Article 145 of the Criminal Procedure Code;
- Differentiate the criminal procedure when adult commits a criminal offense against a minor;

Content

- Characteristics of criminal procedure in cases when adult commits a criminal offense against a minor;
- Criminal offenses against minor regulated by Article 145 of JJC;
- A minor (child) as a victim against whom a criminal offense has been committed;

Training methodology

This training is intended to answer questions about these issues by analyzing and clarifying the legal provisions that regulate them. Practical problems will also be analyzed through interactive discussions and hypothetical case studies.

Beneficiaries: Judges and prosecutors from the juvenile department of all levels.

Duration: One day.

1.4.1.7 Criminal proceedings against juveniles

Authorities or institutions participating in juvenile court proceedings as well as other persons and institutions from which requests, reports and opinions are required are obliged to act quickly and without unnecessary delays. Also another feature is that the child's right to privacy shall be respected at all stages in order to avoid harm being caused to him or her by undue publicity or by the process of labelling. In principle, no information that may lead to the identification of a minor offender shall be published, meaning that the criminal proceedings against juveniles who are in conflict with the law are confidential in order to protect the privacy and personality of the minor.

For which criminal offenses can the preparatory procedure be conducted against the minor? What are the characteristics of criminal proceedings relating the minor? What is the composition of the juvenile panel and what are the essential features of the judicial review when it comes to minor.

Objectives

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

- Identify the provisions of the Juvenile Justice Code governing juvenile delinquency;
- Differentiate the basic features of the criminal procedure;;
- Assess the criminal procedure in cases when the minor commits a criminal offense;

Content

- The principle of opportunity;
- The preparatory proceeding against juveniles;
- Characteristics of the criminal procedure relating to juveniles;
- The composition of the juvenile panel and the main trial;;

Training methodology

This training aims to answer the questions about these issues by analyzing and clarifying the legal provisions that regulate them. Practical problems will also be analyzed through discussion and hypothetical case studies.

Beneficiaries: Judges and prosecutors from the juvenile department of all levels.

Duration: One day.

1.4.2 Civil Justice for Children

1.4.2.1 Protection of the rights of children in marital - family disputes

The number of marital-family disputes is constantly increasing in our courts. It is important to address this topic because the marital – family relationship, consequently marital–family disputes are quite complex due to their nature and the role of the court in these disputes is not only the review but also the investigative one. Alongside with analysing the role of the court in marital – family disputes, it is also important the elaboration of the topic on abduction of children, since cases of child abduction occurred even in the past but our legislation only in 2010 has regulated this issue by law that is an innovation for our judicial system.

What are the principles for protection of children’s rights according to legislation in force? Which international legislation is applicable in these cases? On what criteria the court shall take decisions? What is the role of the Custodian Body in protecting children’s rights in marital disputes?

This program is designed of answers to all questions and dilemmas, by analysing the national and international legislation on issues of protection of children’s rights in marital – family disputes.

Objectives

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

- Implement efficient and effective protection of children’s rights during divorce proceedings;
- Apply righteously the law on the occasion of entrust, protection and care of children
- Decide on alimony respecting lawfulness;

Content

- Principles for the protection of children’s rights according to national and international legislation;
- The criteria, taken into account by the court in cases of entrustment of the children;
- Principles for the determination of alimony;
- The active role that the court should have in these matters/disputes;
- International Child Abduction in civil matters-procedure;

Training methodology

Combined explanation methods will be used during the training, including theoretical and practical explanations, group work, followed by case law examples.

Beneficiaries: Judges of the Court of Appeal, judges of the basic courts, professional associates, officials of Custodian Body.

Duration: Two days

1.4.2.2 The protection of children's rights in cases of changing their status

The state through its mechanisms is obliged to take care in order to create the conditions for their proper upbringing and well-being, regardless of their status. These obligations arise from international acts that are approved by various international organizations that are dealing with the protection of human rights, in general and children's rights in particular, but also from the legal infrastructure adopted by each state separately.

Who has the right to file a lawsuit in court for verification of paternity and maternity of the child? What about the lawsuit for challenging paternity or maternity? Whether the filing of the lawsuit is interlinked with deadline for the above mentioned matters? What are the effects of challenging or rejection of paternity/maternity in relation to the child? Which is applicable legislation in above mentioned cases? What is the role of the Custodian Body in court proceedings in cases of change of their status?

This program is designed to answer to all questions and dilemmas, by analysing in depth the applicable legislation that refers to judicial procedure for granting legal protection for children's rights in cases of changing their status.

Objectives

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

- Implement the legal provisions regarding paternity and maternity
- Implement the principle of best interests of the child
- Apply modes and methods of communication with children in court proceedings.

Content

- Maternity and paternity
- Protection of children's rights in the challenging procedure and confirmation of paternity or maternity
- Protection of children's rights in cases of domestic violence
- The principle of the best interests of the child
- Modes and methods of communication of the court with children in judicial proceedings.

Training methodology

Combined explanation methods will be used during the training, including theoretical and practical explanations, group work, followed by case law examples.

Beneficiaries: Judges of the Appellate Court – Civil division, Judges of the Basic Courts – Civil Division, professional associates, officials of the Custodian Body and victim advocates.

Duration: Two days

1.4.2.3 Protecting the rights of children without parental care

Kosovo is one of the states which is quite engaged in field of the protection of children's rights, initially by sanctioning in the Constitution that in addition to other international instruments and agreements, it is also directly applied the Convention on the Rights of the Child, and has priority in the Republic of Kosovo. In this program, among others, will be addressed the issues about protecting the rights of children without parental care, as well as the forms of special protection of these children (adoption, custodianship, etc.), which are stipulated by the Law on Family, having as reference the Convention on the Rights of the Child (CRC). Moreover, it will be discussed about ways and methods of communication of the court with children in court proceedings, as well as about the principle of the best interest of the child, the role of the court and the Custodian Body in procedures related to the protection of children's rights without parental care, as well as applicable of national and international legislation.

Who is considered children without parental care according to the applicable law? What are the specific forms of protection of children without parental care? What are the conditions and criteria that must be met to allow the adoption of a child? What is the legal procedure to be followed by an adoptive parent to adopt a child? Which court has competence on subject matter to establish adoption? Whether the children that are citizens of Kosovo can be adopted from foreign nationals, if so, in what cases and what will be the applicable legislation? Which are international acts that apply in the procedure of the establishment of the adoption?

This program is designed to answer in all questions and dilemmas, by analysing in depth the applicable legislation that refers to judicial procedure for granting legal protection for the rights of children without parental care.

Objectives

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

- Implement legal provisions on adoption;
- Apply criteria for placing a child in another family;;
- Implement properly legal provisions on the right custodian, parental rights in the spirit of the principle for best interest of the child.

Content

- Protecting the rights of children without parental care
- Adoption
- Placing the child in another family
- Custodianship
- Exercising, suspension, limiting, removal and extension of parental right
- The principle of the best interests of the child
- Modes and methods of communication of the court with children in judicial proceedings.

Training methodology

Combined explanation methods will be used during the training, including theoretical and practical explanations, group work, followed by case law examples.

Beneficiaries: Judges of the Court of Appeal, judges of the basic courts, professional associates, officials of Custodian Body.

Duration: Two days

Economic filed



1.5 Economic filed

1.5.1 Construction contract

Construction contract and the contract for the development of construction projects (engineering) has currently found great use in the construction field, given the country's reconstruction phase. Also, construction contracts in the public sector are widely used. Business Organizations in the course of business development in the international sphere often apply the contracts to which the Convention on the International Sale of Goods applies.

These contracts have specific specifications and require special knowledge in the application and interpretation of contractual provisions, so they require special knowledge, not only legal but also the areas covered by these contracts, for solving disputes arising from the business relationship created through these contracts. In court case law, the number of disputes arising from these contracts is considerable, with a tendency of growth, and therefore the treatment of this sphere is of great interest.

Objectives

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

- Increase professional expertise to understand the construction contract, its specifics, special clauses and other characteristics;
- Establish judicial practice in accordance with international and European standards;
- Knowledge about the best practices and practices of states in the region;
- Application of international instruments that regulate this sphere;

Content

- Understanding the construction contract and the engineering contract and their specifics;
- Characteristics of the public construction contract and their specifics;
- General terms and conditions of the construction contract;
- The clause "key in hand";
- Price changes due to changes in the market;;
- Legal procedures in the protection of the rights of business parties in disputes arising from non-performance of these contracts;
- Ways and criteria for assessing specific elements in cases of claims for non-fulfilment or contestation of the validity of such contracts;
- In the case of claims for non-fulfilment or contestation of the validity of these contracts;;

Training methodology

This training will apply an interactive learning methodology consisting of lectures, exercises and discussions and will include the theoretical treatment of specific contracts, the presentation of hypothetical cases and concrete cases from judicial practice. Also discussion on the way of making merits for concrete cases, discussion-conversation, so that all participants can be active all the time giving their contribution by asking questions, providing solutions and opinions.

Beneficiaries: Judges from the Department of Economic and Administrative Affairs of the Basic Court and the Court of Appeal.

Duration: One day.

1.5.2 Insurance contract

Insurance plays an important role not only in the lives of individuals, but also in the economic and political aspects of a country. At the time of the free movement of persons and the free movement of goods, insurances appear as a necessary component to be protected from any eventual damage that may arise.

For the proper handling of insurance cases, sufficient knowledge is required not only in terms of addressing damages that arise from secured cases but also knowledge of the nature of the insurance, the specifics of the insurance contracts, the manner of their conclusion and interpretation, the procedure for treating the damage as well as the ways of assessing the damage in terms of liability and adequate compensation.

Since in the judicial practice the largest number of disputes arise from the field of damages caused by traffic, the focus of the training will be compulsory auto insurance coverage, including ways of treating the damage, compensation of damage, bases of liability and regression in “Casco” insurance cases.

Objectives

- Increase professional expertise of judges in the field of insurance, its specifics, special clauses and other characteristics;
- Establish judicial practice in accordance with international and European standards;
- Implement in practice to best practices of states in the region;
- Implement international instruments regulating this field;

Content

- Purpose and importance of insurance;
- Specifics of the insurance contract - general and special conditions;
- Procedures for compensation of damage outside court proceedings;
- Judicial proceedings for compensation of damage;
- The basics of liability in the event of damage;
- Types of adequate compensation in case of damages caused;
- Regression of damage in Casco insurance cases;

Training methodology

In this training, the inter-active learning methodology will be implemented, consisting of lectures, exercises and discussions and will also include: theoretical insurance coverage, presentation of hypothetical and concrete cases of court case law and discussion about meritorious decisions rendered on these particular cases. The training material to be distributed includes: comments, notes, presentation, practical examples on the principles and major bankruptcy rules and examples illustrating the implementation of these rules.

Beneficiaries: Judges of the Basic Court, Court of Appeal and Supreme Court of Kosovo, with special emphasis on judges who decide on economic affairs.

Duration: One day.

1.5.3 Contracts in Economy

In the market economy, developed businesses that deal with specific activities use specific contracts for their business, which differentiate both by their structure and the rights and obligations they create for the parties.

Franchise, assignation, leasing, know-how and licensing agreements etc, are used in the field of business. Public contracts also have a widespread use in the public area. While commercial companies in international business development often apply contracts to which the Convention on the International Sale of Goods applies.

These contracts have specific specifications and require special knowledge in the case of implementation and interpretation of contractual provisions and therefore special knowledge is required not only judicially but also from the areas covered by these contracts for solving disputes arising from the business report created through these contracts.

Objectives

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

- Understanding franchise, assignation, leasing, know-how and licensing agreements etc, and their specifics;
- Understanding the contract of guarantee for the execution of the contract;
- Understanding the contract for the international sale of goods and their specifics;
- International Convention on the Sale of Goods, its characteristics and its Implementation in Kosovo;

Content

- The franchise agreement and its characteristics;
- The assignation agreement and its characteristics;
- The leasing agreement and its characteristics;
- The know-how agreement and its characteristics;
- The licensing agreement and its characteristics;
- Guarantee contracts for the execution of the contract;
- International Convention on the Sale of Goods, its characteristics and implementation in business relationships with foreign elements;
- Legal procedures in the protection of the rights of business parties in the disputes arising from non-fulfilment of these contracts;
- Ways and criteria for assessing specific elements in cases of claims for non-fulfilment or contestation of the validity of such contracts;

Training methodology

In this training, the inter-active learning methodology will be implemented, consisting of lectures, exercises and discussions and will also include: theoretical insurance coverage, presentation of hypothetical and concrete cases of court case law and discussion about meritorious decisions rendered on these particular cases, discussions, giving ideas so that all participants are active all the time by giving their input in asking questions, providing solutions and opinions.

Beneficiaries: Judges from the Department of Economic Affairs of the Basic Court and the Court of Appeal as well as Prosecutors of Basic Prosecutions and Appeals who deal with the handling of financial crime cases.

Duration: Two days.

1.5.4 Practical handling of the loan agreement

Loan agreements have extensive use in the social life and are largely used in the economic field of the country, because commercial companies, while developing their business, provide capital for financing their projects, mainly through loans from financial institutions.

These loan agreements have special specifications and require special knowledge during the implementation and interpretation of the contractual provisions and therefore require special knowledge, not only legal but also the areas covered by these loan agreements. Moreover, the financial market in the Republic of Kosovo has continuously undergone substantial changes, which has followed with legislative changes in this field. In order to enable the updating of judges' knowledge in accordance with legislative amendments and their implementation in disputes before the courts, there is a need for ongoing training in this field.

Objectives

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

- Increase the professional expertise of judges to deal with the Loan Agreement, its specifics, special clauses and other characteristics;
- Establish judicial practice in accordance with international and European standards;
- Knowledge about the experiences and best practices of states in the region;
- Implementation of international instruments regulating this field;

Content

- Understand the loan agreement and its elements;
- Characteristics of the loan agreement and its specifics;
- Special interest rate clauses and their calculation;
- Special clauses on late payment and penalties;;
- Early loan repayment and legal consequences;;
- Means of securing loan performance - pledge and mortgage;
- Price changes due to changes in the market;
- Legal procedure for protection of the rights of the parties in the disputes arising from the non-performance of these agreements;
- Methods and criteria for the assessment of specific elements in cases of claims for non-performance or contestation of the validity of special contractual provisions;

Training methodology

In this training, the inter-active learning methodology will be implemented, consisting of lectures, exercises and discussions and will also include: theoretical insurance coverage, presentation of hypothetical and concrete cases of court case law, therefore all this is done in order to answer the dilemmas and ambiguities that arise in court practice.

Beneficiaries: Judges from the Department of Economic and Administrative Affairs of the Basic Court and the Court of Appeal.

Duration: One day

1.5.5 Termination of contract and effects of the termination

Although the parties conclude contracts based on their will in order to fulfil and accomplish the purpose for which they are linked, however, in practice, during the implementation of the contracts, different situations arise which imply the termination of the contracts, respectively, prevent their performance. Some contracts are also presented with non-binding provisions that do not create legal effects on the contracting parties.

Non-performance of the contract, its termination and the nullity of the contractual provisions create legal consequences for the contracting parties which are often subject to review in court proceedings. These consequences are highlighted in the economic sector because companies during their operation due to the termination of the contract may suffer damage of specific nature, such as lost profits, harm to third parties, compensation of penalties against other contractors, etc. Therefore dealing with these cases requires specific knowledge not only of substantive laws but also of operational specifications in the economic field.

In court case law, the number of disputes of this nature, especially in the area of the movement of goods and services, is considerable with a tendency of growth, so the treatment of this topic is of particular importance.

Objectives

- Increase the professional expertise of judges in the contractual area;
- Legal consequences for contracting parties in cases of non-performance of contract, termination of contract and nullity of contractual provisions;
- Termination specifications, special clauses and other features;
- Establish judicial practice in accordance with international and European standards;
- Applying in practice to best practices of states in the region;
- Implementation of international instruments regulating this field;

Content

- Characteristics of contracts in economy and contractual obligations;
- Partial performance and non-performance of the contract;
- Specific contractual conditions in case of non-performance of the contract;
- Rights of the parties in case of non-performance of the contract;
- Legal consequences in case of termination of contract;;
- Legal consequences in case of nullity of contractual provisions;
- Types of compensation due to non-performance of contracts in economy;
- The way of calculating the amount of compensation;
- Legal procedure for protection of the rights of the parties in the disputes arising from the non-performance of these contracts;
- Methods and criteria for the assessment of specific elements in cases of claims for non-performance or contestation of the validity of special contractual provisions;

Training methodology

In this training, the inter-active learning methodology will be implemented, consisting of lectures, exercises and discussions and will also include: theoretical insurance coverage, presentation of hypothetical and concrete cases of court case law and discussion about meritorious decisions rendered on these particular cases, discussions, giving ideas so that all participants are active all the time by giving their input in asking questions, providing solutions and opinions.

Beneficiaries: Judges from the Department of Economic and Administrative Affairs of the Basic Court and the Court of Appeal.

Duration: One day.

1.5.6 Industrial Property Rights - Trademarks

Trademarks are an important category of intellectual property rights that play an important role in the market economy, as enterprises in the development of their business use trademarks in order to differentiate their products and services from products and services of others, as well as for the protection of their products.

Trademark protection is guaranteed by the Law on Trademarks, the Criminal Code and other administrative measures including customs, but in legal practice there are many difficulties in enforcing legal provisions and providing effective protection.

In court practice, the number of disputes arising from trademarks is considerable, with a tendency of growth, and therefore the treatment of this topic is of particular importance to increase knowledge in addressing these cases.

Objectives

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

- The trademark and the need for legal protection;
- Types of trademarks and legal protection they enjoy;
- Rights of trademark holders;
- Ways of registration and loss of trademark rights;
- Legal procedures and their application in the protection of rights deriving from trademarks;
- Ways and criteria of assessment in cases where the holder claims for violation of his trademark;

Content

- Understanding trademarks;
- Trademarks as source identifiers - types: individual, collective, quality, reserved, defensive;
- Trademarks according to the spectrum of distinctness - types: imaginary, suggestive, descriptive, generic;
- Trademark registration conditions and legal protection they enjoy;
- Rights and obligations of trademark owners;
- Judicial protection and trademark protection procedure;
- Criteria for assessing trademark infringement;
- Loss of trademark right “after the first sale” of the product;

Training methodology

Treating trademarks and rights deriving from it, presentation of hypothetical and concrete cases of court case law and discussion about meritorious decisions rendered on these particular cases, discussions, giving ideas so that all participants are active all the time by giving their input in asking questions, providing solutions and opinions.

The training material that will be distributed includes comments, notes, presentations, and practical examples of key principles and rules related to the topic as well as examples illustrating the implementation of these rules.

Beneficiaries: Judges from the Department of Economic Affairs, Judges and Prosecutors in Criminal Matters who handle cases of financial crime with emphasis on trademarks.

Duration: One day.

1.5.7 Intellectual Property Rights – Copyright

Copyright is increasingly being shown as an important development factor in the market economy and economic development of the country, so respecting and enforcing copyright is of particular importance. In addition to economic development, copyright enforcement also influences the promotion of cultural and creative creativity. The economic system and the copyright protection system are indicative of a country's economic development.

Although there is a legal infrastructure for copyright protection in Kosovo both civil and criminal, it has not yet been possible to create functional mechanisms for preventing violations of this right, and consequently to those entitled of these rights the only possibility of effective protection of rights is judicial protection. As a result of the above mentioned, a certain number of cases have been presented to the court, but this number is expected to increase considerably in the near future. Therefore, addressing this topic is of special importance to increase participants' knowledge and to create uniform practices in dealing with cases.

Objectives

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

- Copyrights and authorizations of the right holder;
- Legal and civilian legal protection;
- Alternative copyright protection - professional associations;
- Judicial proceedings for the protection of copyright;
- Copyright transfer agreement;

Content

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

- What does copyright include?
- Assess allegations of copyright infringement;
- Legal procedures and their application in the protection of this right;
- Methods and legal transaction for the transfer of copyright from one title to another;

Training methodology

The training will include theoretical copyright treatment. presentation of hypothetical and concrete cases of court case law and discussion about meritorious decisions rendered on these particular cases, discussions, giving ideas so that all participants are active all the time by giving their input in asking questions, providing solutions and opinions.

The training material that will be distributed includes comments, notes, presentations, and practical examples of key principles and rules related to the topic as well as examples illustrating the implementation of these rules.

Beneficiaries: Judges from the Department of Economic Affairs, Judges and Prosecutors in Criminal Matters who handle cases of financial crime with emphasis on copyright.

Duration: One day.

1.5.8 Law on business organizations

Business Organizations are the bearers of economic development in countries with a market economy. Kosovo in its economic development efforts has taken various measures to provide the necessary infrastructure to create preconditions for business development. In this regard, Kosovo has adopted the Law on Business Organizations which constitutes a good foundation for creating a market economy and facilitating foreign investment in Kosovo. This law defines the types of business organizations, the conditions of registration, the establishment and termination of business organizations, the rights and obligations of the owners, the officials of the business organizations and their representatives.

In the judicial practise, the number of disputes arising from the business activity of the business organizations is considerable, with a tendency of growth, and therefore the treatment of this topic is of special importance for increasing the knowledge of judges in dealing with cases.

Objectives

Increase the professional expertise of judges to understand:

- Types of business organizations, their specifics, and other characteristics;
- The capacity and legal structure of business organizations;
- Conditions for registration, establishment and termination of business organizations;
- Rights and obligations of owners, business organization officials, their representatives and third parties;
- Establishing judicial practice in dealing with cases in accordance with international and European standards;

Content

- The main purposes of the law and its scope;
- Ways of establishing and terminating of business organizations and the legal consequences created;
- Ways of organization, capital structure, and the rights and obligations of owners, business organization officials, their representatives and third parties;
- Legal procedures and their application in the protection of rights deriving from business organizations;

Training methodology

The training methodology includes presentations that are orientated and used as examples of concrete and hypothetical cases. This methodology is based on exercises, discussions, simulations, and activities designed to apply the concepts of business structures in practical situations. The training material to be distributed to the participants includes comments, notes, presentations, and practical examples of the principal and practical rules regarding the business associations, as well as examples illustrating the implementation of these rules.

Beneficiaries: Judges from the Department of Economic Affairs of the Basic Court and the Court of Appeal.

Duration: One day.

1.5.9 Bankruptcy Procedure of Business Organizations

The new law on bankruptcy emerged to be absolutely necessary for regulating the bankruptcy procedure of business organizations, as the previous law was incomplete, relied on regulations that had never been announced and consequently this law became unenforceable. The new bankruptcy law is a comprehensive law on bankruptcy and insolvency of business organizations, which reflects the best international practices, but contains many other institutes and specifications that were almost unrecognizable in our legal system.

This law regulates the establishment and functioning of business organizations, such as a an individual business, general partnership, limited partnership, limited liability company, joint stock company and branches of foreign businesses. The law contains 9 chapters in which regulate the reorganization and liquidation procedure, including new concepts such as: Facilitation of Small and Medium Enterprises, Individual Discharge and International Procedures.

After the entry into force of this law, a noticeable increase in the number of cases is expected, therefore taking into account the innovations of this law and the increase of cases that are expected to appear before the courts, the treatment of this topic is of special importance for increasing the knowledge of judges.

Objectives

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

- The main purposes of the law and its scope;
- Expedited proceedings and their specifics;
- Opening bankruptcy procedures, legal proceedings, terms and court decisions.
- Consequences of opening the case;
- Creditor claims, manner of submission, deadlines and priority of claims;;
- Reorganization - Specifications;
- Bankruptcy - Specifications;
- Individual Discharge and Closure of the Case - Legal Conditions;
- Cross-border provisions - content and implementation;

Content

- General Provisions of the Law;
- Expedited proceedings (SMEs and pre-packages).
- Initiation and opening of case;
- Consequences of opening the case;
- Creditor Claims;
- Reorganization;
- Bankruptcy;
- Individual Discharge and Closure of the Case;
- Cross-border provisions;

Training methodology

In this training interactive learning methodology will be applied which consists of lectures, exercises and discussions and will include:

- Theoretical treatment of bankruptcy, liquidation and reorganization of legal entities in bankruptcy proceedings;
- Presentation of hypothetical cases and concrete cases from court practice and discussions in order to make meritorious decision regarding concrete cases;
- Discussion-conversation, giving ideas, so that all participants are active all the time giving their contribution by asking questions, providing solutions and opinions;
- The training material to be distributed includes comments, notes, presentations, and practical examples of the principles and main rules regarding bankruptcy, as well as examples illustrating the implementation of these rules;

Beneficiaries: Judges from the Department of Economic Affairs of the Basic Court and the Court of Appeal.

Duration: Two days.

Administrative Matters



1.6 Administrative Matters

1.6.1 Movement and stay of foreigners as well as legal procedures against them in the Republic of Kosovo

This training will address the status and residence of foreigners, the legal procedure for their detention and deportation by the Republic of Kosovo based on the provisions of the Law on Foreigners. Given that this law regulates the entry into the territory of Kosovo, during the departure and stay of foreigners in the Republic of Kosovo, it is necessary that the procedures conducted regarding these cases be treated extensively and in terms of judicial practice, as well as the provisions on the integration of foreigners into Kosovo society.

Discussion issues and dilemmas are relating the status and stay of foreigners, the legal procedure for their detention and deportation from the Republic of Kosovo on the basis of the provisions of the Law on Foreigners and their proper implementation by the competent authorities of the Republic of Kosovo. The focus will be on the issues of the categories to which the provisions of the law on foreigners apply and to which categories such provisions are not applicable.

Dilemmas and questions in this training will be addressed through handling cases from judicial practice.

Objectives

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

- Interpret provisions on entry into the territory of Kosovo, the departure and stay of foreigners in the Republic of Kosovo.
- Assess properly the implementation of the legal procedure for the detention and deportation of foreigners from the Republic of Kosovo in accordance with the Law on Foreigners.
- Apply to procedural provisions regarding illegal stay, return and deportation of foreigners.

Content

- Entry in the Republic of Kosovo, departure and stay of foreigners in the Republic of Kosovo.
- Legal Provisions for Detention and Departure of Foreigners from the Republic of Kosovo in accordance with the Law on Foreigners, No. 04 /4-217.
- Illegal stay, return and departure of foreigners.

Beneficiaries: Judges of the Administrative Department of the Basic Court and Court of Appeals, Officers of the Police Border Department, DCAM - MIA (Division for Return and representatives of Detention Center for Foreigners) as well as MFA, Officers of UNHCR, IOM and civil society (KRCT and CRPK) and others.

Duration: One day

1.6.2 Initiation and development of administrative conflicts procedure

Training on the administrative conflict procedure will address topics related to judicial protection and addressing the legality of the decisions of public administration bodies in the Department of Administrative Affairs of the Basic Court and the Court of Appeal. In the proceedings of these cases in the courts there are various professional, procedural and material dilemmas regarding the placement of these cases. This training aims to provide law-based practical solutions that would facilitate the work of this court, and ultimately affect the overall reduction in the number of cases in courts.

What is the procedure of initiating an administrative conflict and how does it proceed to the competent court on the decisions of public administration bodies and governing bodies in Kosovo? Which are the cases with the most significant problems?

In this training the dilemmas and questions will be addressed through partial theoretical explanation, based on cases and using concrete examples that are usually presented in court proceedings.

Objectives

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

- Interpret properly the legal provisions on the administrative conflict procedure;
- Understand the role and importance of remedies against the decisions of the Department of Administrative Affairs in the Basic Court;
- Properly apply the provisions of the administrative conflict procedure;

Content

- Legal Provisions on Administrative Conflict Procedure;
- Legal Procedure at the Department of Administrative Affairs of the Basic Court and remedies against its decisions;
- Execution of the decisions of the Department of Administrative Affairs of the Basic Court;

Training methodology

Dilemmas and issues raised during the training will be addressed through practical exercises, discussions and examples on the main principles and rules of the Law on Administrative Conflicts and group work.

Beneficiaries: Judges from the Department of Economic Affairs in the Basic Court and the Court of Appeal.

Duration: One day

1.6.3 Implementation of the Law on Asylum in the Republic of Kosovo

In this training participants will be familiar with the features of the Kosovo Asylum Law, the report of this law with the International Asylum Convention and the implementation of the provisions of the law in question when deciding on asylum. The role of parties in the asylum procedure in the Republic of Kosovo will be explained. Discussion issues and dilemmas relate to the status and status of persons seeking international protection, the legal procedure for their detention and deportation by the Republic of Kosovo on the basis of the provisions of the Law on Asylum and their proper implementation by the competent authorities of the Republic of Kosovo. The focus will be on issues of categories to which the provisions of the Asylum Law apply.

Objectives

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

- Identify the characteristics of the Kosovo asylum law
- Identify the characteristics of the Kosovo asylum law
- Apply properly the provisions of the Law on Asylum in Kosovo when deciding on asylum issues

Methodology

Among the main methods to be used during the training are: partial theoretical lecture, interactive discussions, which will support and argue different attitudes and critical analysis of legal provisions and cases from practice. The theoretical material is structured in such a way that the greatest time is given to the debates and discussions with participants.

Beneficiaries: Judges of administrative department of the basic and appellate instances, Officers of the Police Border Department, DCAM - MIA (Division for Return and representatives of Detention Center for Foreigners) as well as MFA, Officers of UNHCR, IOM and civil society (KRCT and CRPK) and others.

Duration: One day

1.6.4 Procurement procedures according to the Law on Public Procurement of Kosovo in particular disputes with PRB

The thematic to be addressed in this training relates to procurement procedures, initial implementation of the review procedure, evaluation of the papers by the review expert and recommendation for PRB. The legal provisions contained in the Public Procurement Law will be analyzed by setting out the criteria related to the cycle of the public procurement process and disputes with PRB. Since in practice there are often problems with these criteria in their assessment of their relevance and legal dilemmas, their treatment has become more and more necessary. Of particular interest is the treatment of these procedures in the Public Procurement Review Body and the manner of initiating administrative conflict in the competent court.

In this training, the issues to be addressed will be the management of procurement procedures, the beginning and implementation of the review procedure, initial assessment of the documents by the review expert and recommendation for PRB. In the public procurement procedure if the contracting authority has specified in the tender dossier that the award of a public contract shall be made to the economic operator submitting the most economically advantageous tender, such award shall be made only on the basis of the criteria and weighting that have been specified in the tender dossier in accordance with Section 52 paragraphs 2 and 3 of this Law.

During the training, there will be addressed the dilemmas and questions through partial theoretical explanation, based on cases and using concrete examples. There will be used exercises, discussions and practical examples on the main principles and rules of the Law on Administrative Conflicts, group work, preliminary assignments, practical cases and discussions with participants as well as practical examples will be used from both the court and PRB.

Objectives

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

- Determine the stages of the public procurement procedure;
- Identify the characteristics of the claim in the administrative procedure under the Law on Public Procurement;
- Interpret and implement properly the provisions of the Public Procurement Law in the case law.

Content

- Conduct of Procurement Procedures - general provisions;
- Initiation and initial implementation of the screening procedure;
- Initial review of the documents by the review expert and recommendation for PRB.

Methodology

The main methods that will be used during the training are: partial lectures, interactive discussions and critical analysis of legal provisions and case law cases. The theory material is formulated in such a way that the greatest time is given to debates and discussions with the participants.

Beneficiaries: Judges of administrative department of the basic and appellate instances and PRB Officers.

Duration: One day

1.6.5 Procedure in the Independent Oversight Board, and judicial protection in labor disputes in the civil service of the Republic of Kosovo

In this training will be treated the procedure that takes place in the Independent Oversight Board of Kosovo (IOBK) and judicial protection in disputes from the labor relations with focus on the Civil Service of the Republic of Kosovo. In the procedure of violating the rights of civil servants such as IOBK and the Basic Court in Prishtina, there are dilemmas and ambiguities regarding the competence to decide on these disputes. There are also difficulties regarding the non-implementation of certain decisions of the managing board, the enforcement of court decisions, the implementation of constitutional standards for the right to work and the implementation of ECHR requirements. Questions and dilemmas related to the implementation of the provisions of the Law on Civil Service will also be addressed. These topics relate to the separation of civil servants from other employees subject to the Labour Law, institutions and other entities involved in judicial protection from civil service employment, as well as the procedure and deadlines for administrative appeal. Initiating an administrative conflict against the IOBK's decision, and judicial protection of labour rights for civil servants, powers, time limits and remedies shall be carried out.

These dilemmas will be elaborated through theoretical explanation, discussions and examples from judicial practice, with the engagement of participants in the selection of cases that habitually occur in court proceedings in the courts.

Objectives

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

- Determine the legal provisions for civil servants;
- Review legal remedies against IOBK decisions
- Apply correctly the LCS provisions in civil service disputes
- Determine the procedure for issues related to civil servants.

Content

- Legal Provisions for Civil Servants;
- Legal procedure in IOBK and remedies against its decisions;
- Execution of IOBC Decisions;
- Occasions from court case law regarding the procedure in matters relating to civil servants.

Methodology

The main methods that will be used during the training are: partial lectures, interactive discussions and critical analysis of legal provisions and case law cases. The theory material is formulated in such a way that the greatest time is given to debates and discussions with the participants.

Beneficiaries: Judges of administrative department of the basic and appellate instances and IOBK Officers.

Duration: One day

1.6.6 Procedures object of administrative conflicts

This training regarding administrative conflict procedure will address issues related to judicial protection and addressing the legality of the decisions of public administration bodies in the Department of Administrative Affairs of the Basic Court and consequently the Court of Appeal. During the proceedings of these cases in the courts there are various professional, procedural and material dilemmas regarding decision making process for these cases. This training aims to provide law-based practical solutions that would facilitate the work of this court and ultimately affect the overall process by reducing the number of cases. The training will focus on the procedure of initiating an administrative conflict and how it is conducted at the competent court on the decisions of public administration bodies and governing bodies in Kosovo, and which types of cases are most often filed with the Department of Administrative Affairs in the Basic Court.

Objectives

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

- Interpret the legal provisions on the administrative conflict procedure;
- Elaborate the subject of administrative conflict.
- Understand the role and importance of the decisions of the Department of Administrative Affairs in the Basic Court;
- Implement properly the provisions of the administrative conflict procedure;

Content

- Legal Provisions on Administrative Conflict Procedure;
- Object of administrative conflict;
- Legal Procedure in the Department of Administrative Matters of the Basic Court;
- Execution of decisions of the Department for Administrative Affairs of the Basic Court;
- Occasions from court practice regarding the administrative dispute procedure.

Training methodology

During the training, there will be addressed the dilemmas and questions through partial theoretical explanation, based on cases and using concrete examples. There will be used exercises, discussions and practical examples on the main principles and rules of the Law on Administrative Conflicts, group work, preliminary assignments, practical cases and discussions with participants.

Beneficiaries: Judges of administrative department of the basic and appellate instances.

Duration: One day

1.6.7 Customs and Excise Code of Kosovo

The purpose of this training is to advance the knowledge of judges and professional associates regarding the application and implementation of the Customs and Excise Code of Kosovo. Also, the methods of assessing import goods, the methods of estimating transport costs will be addressed by analyzing Administrative Instruction No.11/2009 and setting of tariff codes. Likewise, the legal provisions contained in the Customs and Excise Code of Kosovo and the administrative instructions for its implementation will be elaborated. It will also be addressed the establishment of tariff codes based on accompanying documents to be attached to the customs declaration for releasing products to free circulation. It is also interesting to address issues about temporary imports.

Objectives

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

- Implement the Customs and Excise Code of Kosovo and the accompanying administrative instructions in litigation;
- Assess properly the tariff codes and the binding tariff information;
- Understand properly the provisions and criteria on temporary imports;

Content

- Application of the Customs and Excise Code of Kosovo;
- Tariff Codes (TARIK) and binding tariff information for the fair evaluation of the tariff code
- Treatment of temporary imports

Methodology

During the training, there will be addressed the dilemmas and questions through partial theoretical explanation, based on cases and using concrete examples. There will be used exercises, discussions and practical examples on the main principles and rules of Customs and Excise Code of Kosovo, group work and practical cases.

Beneficiaries: Judges of administrative department of the basic and appellate instances as well as professional associates.

Duration: Two days

1.6.8 Interpretation of the tax legislation in Kosovo

The purpose of this training is to advance the knowledge of judges and professional associates regarding the application and implementation of legislation on tax issues both in the direct training format and in the distance learning format, so that judges and associates treat tax issues effectively. Also in this training will be treated the provisions of the Law on Corporate Income, the Law on Personal Income Tax, the Law on Tax Administration and Procedures, the Administrative Instruction on the Transfer Pricing and the Agreement for the Avoidance of Double Taxation.

Objectives

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

- Comply with the rules for the implementation of the Law on Corporate Income,
- Implement properly the Administrative Instruction for the Transfer Pricing,
- Elaborate the Law on Personal Income Tax,
- Interpret the provisions of the Law on Tax Administration and Procedures,
- Understand and implement properly the Agreement for the Avoidance of Double Taxation, by applying them fairly to court disputes.

Content

- Law on Corporate Income
- Administrative Instruction on Transfer Pricing
- Law on Personal Income Tax
- Law on Tax Administration and Procedures
- Agreement for the avoidance of double taxation

Methodology

The main methods that will be used during the training will be the following: partial lectures, interactive discussions and critical analysis of legal provisions and case law cases. The theory material is formulated in such a way that the greatest time is given to debates and discussions with the participants.

Beneficiaries: Judges of administrative department of the basic and appellate instances as well as professional associates.

Duration: Two days

1.6.9 Implementation of the Law on Protection of Personal Data

In the Constitution of the Republic of Kosovo one of the fundamental rights provided for by the Constitution of Kosovo is the right to privacy. This article of the Constitution is further concretized through the Law for Protection of Personal Data in Kosovo. Data protection is a new topic for Kosovo and represents a requirement for visa liberalization and the EU integration process. Recent reports point out that Kosovo should progress to improve implementation and harmonization of laws on protection of personal data and build up capacities for law enforcement. This training is intended to review the judicial protection of the right to privacy as guaranteed by constitutional and legal provisions.

There are also some issues that will be addressed by asking questions that require answers to this training such as: What are the legal and constitutional guarantees of the right to privacy and data protection in Kosovo? What are the main problems in implementing the Law on Protection of Personal Data? How were treated allegations of the parties at the protection of personal data by the judiciary, and what are the imposed standards?

Objectives

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

- Interpret the legal provisions for the protection of personal data,
- Differentiate the domestic legal framework for the protection of personal data with the right of the European Union and of the ECHR;
- Determine the ways of personal data protection,
- Implement properly the provisions for the judicial protection of personal data.

Content

- The legal framework for the protection of personal data;
- Data protection in the context of European Union law and the ECHR;
- Administrative protection of personal data;
- Judicial protection of individual rights.

Training methodology

The methods to be used during this training will be partial theoretical explanation, exercises, discussions and practical examples on the main principles and rules of the Law on Personal Data Protection, interactive discussions, questions and answers as well as case law cases. Particular attention will be given to the case law of the ECHR in Strasbourg to analyze its attitudes regarding the protection of personal data in relation to the European Convention on Human Rights.

Beneficiaries: Judges of administrative department of the basic and appellate instances, officials of the State Agency for the Protection of Personal Data.

Duration: One day

1.6.10 Implementation of the Law on Citizenship of Kosovo

In practice, problems and legal uncertainties regarding the ways of acquiring, losing and reacquiring the citizenship of the Republic of Kosovo and other issues related to citizenship have been identified. Therefore, these problems and the procedures for acquiring citizenship need to be addressed through a comprehensive training course explaining ways of acquiring citizenship, implementing procedures for loss of citizenship and deadlines for review of claims and appeals.

There are also some issues that will be raised in the form of questions that require answers to this training, such as: what are the dilemmas that are appearing regarding citizenship and ways of acquiring and losing the citizenship of the Republic of Kosovo? What are the main problems in implementing the Law on Citizenship of Kosovo?

Objectives

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

- Interpret the legal provisions on citizenship in the Republic of Kosovo,
- Elaborate the ways of acquiring citizenship,
- Understand the forms of loss of citizenship.
- Observe the deadlines for review of claims and appeals.
- Implement properly the provisions of the Law on Citizenship of Kosovo.

Content:

- Legal Provisions on Citizenship in the Republic of Kosovo,
- Acquisition of citizenship - ways of acquiring citizenship,
- Loss of citizenship,
- Deadlines for review of claims and appeals

Training methodology

The methods to be used during this training will be a partial theoretical explanation, exercises, discussions and practical examples on the main principles and rules of the Law on Citizenship of Kosovo, interactive discussions, questions and answers as well as case law cases. Particular attention will be paid to cases of this subject matter.

Beneficiaries: Judges of administrative department of the basic and appellate instances, and officials of the Department of Citizenship, Asylum, and Migration-MIA.

Duration: One day

1.6.11 Implementation of the Law on Civil Status, (Civil Status Registers, Subsequent Registration and Re-Registration)

The purpose and the reason for organizing and conducting this training is to deepen the knowledge of judges on civil status registers - how to make corrections and additions to the Central Register of Civil Status, the registration of births according to basic birth documents, subsequent registration and re-registration. The provisions of this law need to be addressed by the fact that this law regulates the meaning and civil status components of the Kosovo citizens, foreign nationals and stateless persons with temporal or permanent residence in the Republic of Kosovo, defines the rules for their creation, maintenance and amendment, as well as the organization and functioning of civil service in the Republic of Kosovo.

Objectives

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

- Implement properly the relevant provisions regarding birth registration according to basic birth documents.
- Understand the ways of birth registration according to the basic birth documents.
- Differentiate the procedures between subsequent registration and re-registration.
- Interpret and implement properly the provisions of the Law on Civil Status of Republic of Kosovo.

Content:

- Legal Provisions on Civil Status Registers in the Republic of Kosovo,
- Civil Status Registers - Correction and Completion in the Central Register of Civil Status.
- Birth registration according to the basic birth documents.
- Subsequent registration and re-registration.

Training methodology

The methods to be used during this training will be partial theoretical explanation, exercises, discussions and practical examples on the main principles and rules of the Law on Civil Status Registers of Kosovo, interactive discussions, questions and answers as well as case law cases. Special attention will be paid to cases from practice in this field.

Beneficiaries: Judges of administrative department of the basic and appellate instances, and officials of the Department for Civil Status Registers in the Ministry of Internal Affairs of Kosovo.

Duration: One day

1.6.12 Law on Value Added Tax

The purpose of this training is to advance the knowledge of judges and professional associates regarding the VAT application and implementation, VAT registration conditions and VAT rates in the Republic of Kosovo and in the region. Also, the legal provisions contained in the Law on Value Added Tax will be elaborated by explaining the criteria related to the VAT cycle from Customs to the final customer's payment. Due to these reasons, in practice there are often problems with the issue of VAT application rules for registration that refer to requests for settlement is high, instigate that this topic become an important for treatment.

It is also of interest to address case law cases of other countries with which the Republic of Kosovo has more exports-imports in order to clearly define the rights and obligations of VAT that are paid in Kosovo, Customs and the Tax Administration of Kosovo.

Objectives

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

- Recognize VAT application rules for registration in the Republic of Kosovo;
- Interpret and implement properly the legal provisions on VAT in practise;
- Get acquainted with the legal provisions on VAT and the practice of implementation in the countries of the region.

Content

- Application of VAT to the Republic of Kosovo;
- An analysis of the legal provisions contained in the Law on VAT;
- Legal Provisions and VAT Practices in the Countries of the Region and Discussion of Judicial Courts.

Training methodology

Dilemmas and questions raised during the training will be addressed through partial and theoretical explanation based on concrete cases and examples, followed by exercises, interactive discussion in separate groups, who will defend and argue different attitudes and analysis of court cases. Theoretical explanation is structured in such a way that the greatest time is given to the debates and discussions with participants.

Beneficiaries: Judges of administrative department of the basic and appellate instances as well as professional associates - Fiscal Division and Economic Departments.

Duration: Two days

Minor offenses



1.7 Minor offenses

1.7.1 Legal Persons as the perpetrator of the minor offense

Based on the cases filed with the Court of Appeal, it can be seen that in many cases, even the first instance courts, the applicants requesting the initiation of the minor offence procedure and the inspectors of the respective fields do not clearly define the business entity as a legal person, so that business entities as individual businesses are identified as legal persons, while individual business owners identified as persons in charge of the legal entity, and therefore there is a need to elaborate these uncertainties, by clarifying the differentiation between business entities as legal persons when it comes to business entities as individual businesses, and the responsibility of the person in charge of the legal entity.

How is the minor offence procedure conducted against business entities as an individual business, and what makes it different when conducting minor offence procedure against business entities as legal persons?

This training aims to address the issues raised herein by elaborating the legislation, and through practical examples to provide righteous solutions.

Objectives

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

- Make differentiations between business entities as individual businesses in relation to legal entities (JSC and LLC) as well as the responsible person of the legal entity;
- Conduct a fair and lawful minor offence procedure against legal entities and persons responsible of legal entities;
- Conduct a fair and lawful minor offence procedure against business entities as individual businesses;

Content

- Legal basis for the manner for conducting minor offence procedure against business entities as legal persons;
- When the business entities are considered responsible legal persons, the responsibility of the legally responsible person, and cases when the responsible person of the legal person is not responsible;
- Who is the person responsible in the legal person?
- Conduct of legal procedures against business entities as individual businesses.

Training methodology

The elaboration of the applicable legislation on offence proceedings regarding the status of legal entities as business entities, through interactive discussions, practical examples, group work for solving the specific cases – case reconstruction, and providing alternatives to the uncertainties presented by the judges.

Beneficiaries: Judges of minor offence division and judges of basic courts.

Duration: One day

1.7.2 Breach of public peace and order.

The law in force for public order and peace is very poor and incomplete in the inclusion and definition of minor offenses in the area of public peace and order, and as such, in many cases the problem of enforcement presents a difficulty for judges to decide on cases of this nature.

What is the difference between the public peace and order offence and a criminal offence? What are the competencies of the first instance court? What is the difference of Article 4, 5 and 16 of LPPO (Law on Public Peace and Order)?

The training will focus on providing answers to all questions and dilemmas raised by participant, which will be done through analysis of the law and discussions of study cases.

Objectives

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

- Identify the essential elements of minor offense of public peace and order;
- Clearly define the verbal assault, and the competence to decide;
- Apply to legal provisions in the field of public peace and order.

Content

- Definition of the public place;
- The difference between Articles 4 and 5 of the LPPO, as well as the difference between disobeying lawful order - Article 16 LPPO, and offense - disobeying lawful order in the field of road traffic;
- Sanctions foreseen for perpetrators breaching of public peace and order;
- Punishments for perpetrators breaching of public peace and order.

Training methodology

Detailed elaboration of all provisions of the Law on Public Peace and Order, through Power Point presentation, interactive discussions, practical examples, providing alternatives to the difficulties encountered in practice, etc.

Beneficiaries: Judges of minor offence division and judges of basic courts.

Duration: One day

1.7.3 Initiation and development of the minor offence procedure.

The applicable law on minor offenses contains many novelties in comparison with previous law, especially regarding the competence to decide, the initiation and development of the procedure, the way of imposing sanctions, the execution of sanctions, etc. Cases of filing requests for initiation of minor offense procedure by an incompetent body, where complete content is missing, etc.

What are the legal conditions for the initiation of the minor offence procedure? When the minor offence procedure can be initiated against juveniles? Why and how to develop a special procedure against juveniles?

The training will focus on providing answers to all questions and dilemmas presented in the minor offence procedure and manners for the initiation and development of the minor offence procedure.

Objectives

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

- Identify the fulfilment of the legal conditions for the initiation and development of the minor offence procedure.
- Implement properly the legal provisions relating to the initiation and development of the minor offence procedure.
- Apply correctly the minor offense proceedings against juveniles,
- Differentiate the admissible evidence from the unacceptable ones,
- Correctly apply sanctions for the minor offense.

Content

- Presentation of summary data regarding the initiation and development of the minor offence procedure.
- Conditions for determining offenses and sanctions for minor offence,
- Minor offence liability and special measures for the minor offence,
- Juvenile proceedings,
- Court actions upon receipt of the request for the initiation and development of the minor offence procedure

Training methodology

Detailed elaboration of the provisions of the Law on Minor Offenses, with particular emphasis on amendments to the previous law, through practical examples and interactive discussions, the approach to addressing dilemmas - questions during the training.

Beneficiaries: Judges of minor offence division and judges of basic courts.

Duration: One day

1.7.4 Administration of evidence - principles

In court case law, we often encounter evidence-based decisions that are not administered in accordance with legal provisions that are unacceptable, or even in decisions not based on evidences administered by the court.

Regarding these uncertainties in the implementation of the minor offence procedure, there is a need to raise the knowledge about the manner and the handling of evidence in the minor offence procedure.

Objectives

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

- Correctly define the evidence,
- Identify admissible evidence from those inadmissible in the minor offence procedure,
- Correctly evaluate the evidence

Content

- Presentation of the basic principles for identifying and administering evidence in minor offence procedure, with particular emphasis on fair evaluation of evidences;
- Understand the evidence and the fact;
- Type of evidence to be administered;

Training methodology

The elaboration of principles for evaluation of evidences, examples on different ways administering of evidence, power point presentation, case work on hypothetical cases, discussion of practical cases, etc.

Beneficiaries: Judges of minor offence division and judges of basic courts.

Duration: One day

1.7.5 Judgments in minor offence procedure

The current law on minor offenses, unlike the previous law, foresees the manner of deciding by judgment, and in the cases decided by a decision, consequently the need for elaboration of cases deciding by judgment and by decision.

In particular, on most occasions the judgments are not based on legal provisions, both procedural and sanctioning, and also the reasoning of the decisions leave much to be desired, and consequently there is a need to elaborate the way of drafting the judgment with a clear enacting clause and correct legal reasoning.

There is also a need to address the manner of regular and legal delivery of the judgment, and consequently the need to elaborate the legal way of delivering the judgment and other documents as well as the legal basis for the delivery.

Objectives

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

- Compile clear enacting clause and correct legal reasoning,
- Identify the types of judgments, and the manner to justify them,
- Know the legal way of submitting documents

Content

- Judgment and legal reasoning,
- Deciding by a decision,
- The regular delivery of the judgment.

Training methodology

Presentation through power point, interactive discussions, practical case discussions, alternatives to ambiguities and dilemmas will be offered.

Beneficiaries: Judges of minor offence division and judges of basic courts,

Duration: One day

Constitutional Law



1.8. Constitutional Law

1.8.1 Decisions of the Constitutional Court of Kosovo and their legal effects

The purpose of organizing this training is to deepen the knowledge of judges regarding the role of the Constitutional Court of Kosovo and its decisions, the legal nature, the effect and manner of their execution. In the Constitutional Court case law, some types of decisions differ depending on their stances to the norms they control. Likewise, processes that are carried out through decisions may have different nature. 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 treatment.

What is the role of constitutional court decision? What is the legal nature of constitutional court decision? What are the types of constitutional court decisions? How the execution of constitutional court decisions is made?

These are the issues that have been raised for treatment during this training, due to their importance to the work of the courts.

Objectives

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

- Recognize the role of Constitutional Court decisions and to elaborate the legal effects that produce the decisions of the Constitutional Court,
- Assess properly 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

Content

- Role of the Constitutional Court of Kosovo and its decisions.
- The legal nature of the Constitutional Court decisions and their effects,
- Types of the Constitutional Court decisions,
- Execution of Constitutional Court decisions

Methodology

Dilemmas and questions during the training will be addressed through partial theoretical explanation, based on cases and using concrete examples, interactive discussions in separate groups and analysis of court cases by the Constitutional Court of Kosovo.

Beneficiaries: Judges of all levels in the Republic of Kosovo.

Duration: One day

Trainings for the SCSC

1.9 Trainings for the SCSC

1.9.1 The written and verbal procedure before the Special Chamber

In the Special Chamber the procedure is conducted in two phases in both the written and the verbal. The claim or complaint shall be submitted in writing with the Special Chamber. The law has clearly defined what such claims or complaints should include, including details of the parties, subject matter and all material facts relating the claim or complaint, the basis for the primary jurisdiction of the Special Chamber in relation to a claim or complaint, the legal arguments on which the claim or complaint is based and a list of evidence that the applicant intends to submit. In the Special Chamber, the written procedure is very long it consists of the defence of the opposing party, the applicant's response, the opposing party's response, and the counter-claim. So it is longer than the procedure under the LCP.

How is SC procedure conducted? What does a statement of claim contain? What are the consequences of the parties if they do not adhere to the rules for providing evidences? What are the consequences of not filing a defence? Should a hearing be held for each proceeding before the Special Chamber?

The training will focus on the discussions and issues raised by participants about the dilemmas regarding the proceedings before the SCSC.

Objectives

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

- Apply correctly the written and oral procedure before the Special Chamber;
- Know what are the consequences of not filing the defence;
- Easily identify the criteria for admissibility of the claim/complaint;

Content

- Written and verbal procedure;
- Criteria for admissibility of the claim/complaint;
- The defence of the opposing party, the applicant's response, the opposing party's response, and the counter-claim;

Training methodology

There will be interactive discussions with participants, practical cases and their elaboration, presentation by PowerPoint.

Beneficiaries: Judges from the Special Chamber, judges of the Basic Courts - Civil Division, legal officers and professional associates.

Duration: One day

1.9.2 The jurisdiction of the Special Chamber and the Privatization Agency of Kosovo, the Applicants and the Opposing Parties before the Special Chamber.

The jurisdiction of the Special Chamber is laid down in Article 4 of the Law on the SCSC (No. 04 / L-033).

This provision establishes that the Special Chamber shall have exclusive jurisdiction over all cases and proceedings involving any of the following a challenge to a decision or other action of the KTA (now PAK) or the Agency, respectively, the KTA Regulation or the Law on the Privatization Agency of Kosovo a claim against the KTA or the Agency for financial losses alleged to have been caused by a decision or action taken by the KTA or the Agency claim against an Enterprise or Corporation that is alleged to have arisen during or prior to the time that such Enterprise or Corporation is or was subject to the administrative authority of the KTA, the Agency.

What is the jurisdiction under Article 4 of the SC Law? What are the competences of the Agency? What are the components of competency? What is functional competence? Why the PAK is creating obstacles in implementing the final court decisions of the period from 1990-1999? Who may be the Applicant and the Opposing Party before the Special Chamber?

The training will focus on the discussions and issues raised by the participants about the dilemmas regarding the jurisdiction of the SC and of the Agency, respectively uncertainty and dilemmas even to the judges who are not sure which cases are under exclusive jurisdiction of the Special Chamber.

Objectives

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

- Apply to the exclusive jurisdiction of the Special Chamber;
- Apply properly the legal norms relating jurisdiction;
- Identify the competent persons who may be applicants and opposing parties in the proceedings before the Special Chamber;
- Easily resolve or evaluate cases in compliance to jurisdiction;

Content

- Jurisdiction of the Special Chamber and the Privatization Agency of Kosovo;
- Functional jurisdiction with a focus on the Special Chamber;
- Implementation of court decisions of 1990-1999 by the PAK;
- Applicants and opposing parties before the Special Chamber;

Training methodology

There will be interactive discussions with participants, practical cases and their elaboration, presentation by PowerPoint.

Beneficiaries: Judges from the Special Chamber, judges of basic courts - civil division, legal officers and professional associates.

Duration: One day

1.9.3 Judicial proceedings challenging Decisions of the Agency arising from or related to the conduct of the privatization process and liquidation.

Any person challenging a decision or action of the Agency taken on or after the effective date of the present law must file the concerned claim or complaint with the Special Chamber no later than one hundred and twenty (120) days after the date on which the decision or action has been served on the concerned person. A creditor of the Enterprise who has timely filed a claim with the Agency and who is prejudiced by a decision of a Liquidation Authority may challenge such decision by filing a complaint against the Agency with the Special Chamber within thirty (30) days after being served with such decision. Any such complaint must be based on an allegation that the liquidation process has not complied with the Law on the Privatization Agency of Kosovo. The complainant shall comply with the requirements of paragraph 2 of Article 27 of this Annex and attach a copy of the decision being challenged.

Should the Applicant exhaust all legal remedies with the PAK in order to then address the Court? Is this a criterion to be met in order to go any farther or not? Should the persons who have property or credit claims against an SOE be waiting for initiation of the liquidation in order to address the Liquidation Committee?

These and other dilemmas raised by the participants will be dealt with through training sessions, by introducing practical cases, so that such dilemmas are eliminated.

Objectives

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

- Apply the procedure relating to claims / appeals to the Special Chamber;
- They respect timelines for objections to the Agency's decisions;
- Apply correctly the legal provisions that apply depending on the challenged decision;
- Understand fairly and clearly the privatization procedure and the liquidation;

Content

- Credit and property claims filed with the Liquidation Committee and before the Special Chamber;
- Challenging the decisions of the Agency, with the Special Chamber and the procedure for reviewing these decisions;

Training methodology

There will be interactive discussions with participants, practical cases and their elaboration, presentation by PowerPoint.

Beneficiaries: Judges from the Special Chamber, judges of basic courts - civil division, legal officers and professional associates.

Duration: One day

1.9.4 The role of the Agency and the privatization process carried out by PAK

The Privatization Agency of Kosovo as an independent public body exercises its functions and responsibilities in a fully autonomous manner, and according to law all assets and responsibilities of the PAK are now the assets and responsibilities of the Agency. The Law on Privatization Agency of Kosovo clearly defines the role, respectively, of the Agency's intention and purpose for what it was created. Pursuant to the conditions set forth in this Law, the Agency is authorized to administer, including the authorization for the sale, transfer and/or liquidation of the enterprises and assets defined in this Law.

Is there any violation of the procedures by the PAK when approving or rejecting bids? In what conditions were the Kosovo SOEs after the war? Did the SOEs left debts behind? Is there stagnation in the liquidation process of the SOE? What are the difficulties of the judiciary in solving the cases before it?

The training will focus on discussions and issues raised by participants about the role of the Agency in the privatization process carried out by PAK.

Objectives

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

- Understand the fairness of the procedures for the privatization process carried out by PAK
- Assess cases where transformation of an SOE has been or has not been discriminatory.
- Know competences of the Agency related to SOE administration;
- Identify who are banned for bidding;

Content

- Powers of the Agency in the privatization process.
- Bidding bidders.
- Verification and announcement of the provisional winners.
- Approval and rejection of the bid;

Training methodology

There will be interactive discussions with participants, practical cases and their elaboration, presentation by PowerPoint.

Beneficiaries: Judges from the Special Chamber, judges of basic courts - civil division, legal officers and professional associates.

Duration: One day

1.9.5 Legal remedies for challenging decisions before the Special Chamber of the Supreme Court of Kosovo

The Law on the Special Chamber only recognize the regular remedies for challenging decisions such as a appeal. All types of court decisions issued by specialized panels may be appealed, with the exception of a default judgment that cannot be challenged. With an appeal as a regular remedy, all decisions or actions of the PAK or the Privatization Agency of Kosovo may be challenged, by which the property claims, credit claims against the enterprises that have been entered in the liquidation procedure, the complaints relating to the list official employees who have legitimate rights to receive 20% of the proceeds from the sale price of the socially-owned enterprise, the complaints relating to the liquidation of an enterprise under the Agency's administrative authorization and the complaints or objections to the cancellation of the any enterprise that has been subject to the liquidation procedure. The appeal procedure before the court is conducted in two instances: at the first instance court before the Specialized Panel and at the second instance court before the Appellate Panel.

To whom the appeal may be filed? What are the reasons for the appeal? What should the appeal contain? What are the time limits for the review of the complaint/appeal?

The training will focus on discussions, practical cases and issues raised by participants about dilemmas regarding the time limits for the review of complaint/appeal.

Objectives

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

- Apply correctly the legal provisions regarding the time limits for the review.
- Assess what are the legal deadlines for filing a complaint.
- Assess what should contain a complaint/appeal.

Content

- Complaint/appeal as the only remedy for challenging decisions.
- The time limits for the review of the complaint/appeal.
- Deadlines for filing a complaint.
- Extraordinary legal remedies;

Training methodology

There will be interactive discussions with participants, practical cases and their elaboration, presentation by PowerPoint.

Beneficiaries: Judges from the Special Chamber, judges of basic courts - civil division, legal officers and professional associates.

Duration: One day

Trainings for the European Convention on Human Rights (ECHR) and EU

1.10 Trainings for the European Convention on Human Rights (ECHR) and EU law

1.10.1 The Right to Life - Article 2 of the ECHR

The purpose of organizing this training is to advance and deepen the knowledge on the right to life and to elaborate interpretation in a wider manner of the right to life. Also, this session shall address the state's obligation to respect the right to life and positive obligations to protect individuals under their surveillance, as well as interpretations of the European Court of Human Rights (ECtHR) regarding the procedural aspects of right to life.

What are the state's obligation to protect individuals who are kept under their surveillance? What are the situations when life is not considered deprived in contravention of this Article when it results from the use of force which is no more than absolutely necessary? What are the criteria contained in the provision of Article 2 of the ECHR?

These and other important issues of judicial practice are intended to be elaborated during this training.

Objectives

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

- Understand the substantive aspects of the right to life,
- Elaborate the state's obligations to protect individuals who are kept under their surveillance,
- Evaluate when life is not considered deprived in contravention of this Article when it results from the use of force which is no more than absolutely necessary,
- Apply correctly the criteria contained in the provision of Article 2 of the ECHR and the procedural aspects of the right to life.

Content

- Substantial aspects of the right to life,
- State's obligation to protect individuals kept under its surveillance,
- Situations when life is not considered deprived in contravention of this Article when it results from the use of force which is no more than absolutely necessary,
- Correct applying of criteria contained in the provision of Article 2 of the ECHR and the procedural aspects of the right to life.

Training 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 ECtHR.

Beneficiaries: Judges and prosecutors of all levels in the Republic of Kosovo and professional associates.

Duration: One day

1.10.2 The right to liberty and security - Article 5 of ECHR

The purpose of organizing this training is to advance and deepen the knowledge on 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 Article 5 of the ECHR.
- Interpret the 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.

Training 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 levels in the Republic of Kosovo and professional associates.

Duration: One day

1.10.3 The right to a fair trial - Article 6 of the ECHR

The purpose of organizing this training is to advance the participants' knowledge of the right to a fair trial. It also aimed elaboration of notions and interpretation of the European Court of Human Rights (ECtHR) in Strasbourg, regarding the right to a fair trial in the context of Article 6 of the ECHR. This article contains provisions on the right to a fair trial process, which is very important for all States party to the ECHR and those implementing the Convention.

Objectives

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

- Understand the notions and categories contained in Article 6 of ECHR,
- Elaborate procedural protection in accordance with the provisions of Article 6 of ECHR,
- Interpret the notion of independence and impartiality of the courts in the context of this Article.
- Apply correctly the standards and requirements contained in Article 6 of ECHR.

Content

- Notions and categories contained in Article 6 of ECHR,
- Procedural protection in accordance with the provisions of Article 6 of ECHR,
- Independence and impartiality of the courts in the context of this Article,
- Standards and requirements contained in Article 6 of ECHR,

Training 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 ECtHR.

Beneficiaries: Judges and prosecutors of all levels in the Republic of Kosovo and professional associates.

Duration: One day

1.10.4 The right to respect for your private and family life, home and correspondence, right to marriage and equality of the spouse – Article 8 of ECHR

The purpose of organizing this training is to advance the knowledge of judges and prosecutors regarding the right to respect for private and family life. Another additional reason for addressing this topic is the encouragement of judges to implement the ECHR referring to ECHR judgments and practice. The focus of the training will be on the elaboration of notions and categories contained in Article 8 on the right to respect for private and family life, 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 notion and legal nature of private life,
- Recognize the ECHR criteria regarding privacy, correspondence and home - data surveillance and collection.
- Apply correctly the provisions of Article 8 regarding the intervention of the public authority in the exercise of this right, to the extent provided by law.

Content

- Notion and legal nature of private life.
- Meaning and legal nature of family life.
- Privacy, correspondence and home - data surveillance and collection.
- Intervention of the public authority in the exercise of this right, to the extent provided by law.

Training 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 levels in the Republic of Kosovo and professional associates.

Duration: One day

1.10.5 Freedom of expression and information - Article 10 of ECHR

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 additional 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,

Training 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 levels in the Republic of Kosovo and professional associates.

Duration - One day

1.10.6 Protection of property - Protocol 1, Article 1 of the ECHR

The purpose of organizing this training is to advance the knowledge of judges and prosecutors regarding the right to respect the property of a person and the possibility of deprivation of this right for public interest reasons and under conditions provided by law as well as by the general principles of international law. Another additional reason for addressing this topic is the explanation of the necessary intervention in a democratic society by national authorities. The focus will be on the elaboration of notions and categories contained in Article 1 of Protocol 1, as well as the interpretation of the European Court of Human Rights (ECtHR) in Strasbourg.

Objectives

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

- Understand the basic notions contained in Article 1 of Protocol No. 1 of the ECHR,
- Recognize the role of the right to respect the individual's property,
- Elaborate the conditions for the interference of property right for reasons of public interest,
- Apply correctly standards and criteria for compensation for deprivation of property in the context of Article 1 of Protocol No. 1 of the ECHR and the case law of the ECtHR

Content

- Basic notions contained in Article 1 of Protocol No. 1 of the ECHR,
- The role of the right to respect the individual's property,
- The conditions for the interference of property right for reasons of public interest,
- Standards and criteria for compensation for deprivation of property in the context of Article 1 of Protocol No. 1 of the ECHR and the case law of the ECtHR.

Training 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 ECtHR.

Beneficiaries: Judges and prosecutors of all levels in the Republic of Kosovo and professional associates.

Duration - One day

1.10.7 EU law enforcement law by national courts - especially in the Republic of Kosovo and its interpretative effect before accession

The purpose of organizing this training is to advance and deepen the knowledge of the interpretative effect of European Union law and analyze the aspects of the enforcement of this principle before EU accession. Also, another objective is to deepen the knowledge of judges regarding the effect of European law on national law, of the Republic of Kosovo, after the entry into force of the Stabilization and Association Agreement. It will also address its enforcement manner by the national courts, especially those of the Republic of Kosovo after the entry into force of the Stabilization and Association Agreement. Moreover, this training will address the difficulties and dilemmas associated with the interpretation of the effect of European law at the national level as well as its fair application from the practice of the courts of an EU member state and other states in region.

Objectives

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

- Interpret the direct and indirect effect of European law at the national level, especially in the Republic of Kosovo.
- Elaborate the effect of EU law on the constitutional system and the right of the Republic of Kosovo - after the entry into force of the Stabilization and Association Agreement.
- Apply correctly the EU legislation in the Republic of Kosovo, after the entry into force of the Stabilization and Association Agreement.
- Elaborate practical cases of EU law enforcement by courts of a member state of the EU.

Content

- EU law enforcement and its effects at the national level (direct and indirect effects)
- EU law effect on the constitutional system and law of the Republic of Kosovo - after the entry into force of the Stabilization and Association Agreement.
- Enforcement of EU law by national courts - experiences from countries in the region.
- Practical cases of EU law enforcement by courts of a member state of the EU.

Training 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.

Beneficiaries: Judges and prosecutors of all levels in the Republic of Kosovo.

Duration: One day

Interdisciplinary competence

1.11 Interdisciplinary competence

1.11.1 Code of Ethics

The rule of law in the real democratic societies represent the basis for guaranteeing and respecting fundamental human rights, as defined by national and international legal acts. The question is whether a legal order that aims the rule of law can be built without taking into account the mechanism of ethics, or without professional and inter-personal ethics. Considering the importance of ethics in general and in particular the judicial ethics, this training will specifically address the general principles of judicial ethics compared with the principles of Bangalore and the Code of Ethics in Kosovo. Specific provisions of the Code of Ethics will be elaborated, of course, by looking at ethical dilemmas as well as the Regulation for Judges and Prosecutors Misconduct. Moreover, it will address the issues such: What standards of professional conduct should judges and prosecutors represent? What are general principles of the Code of Ethics? How should ethical dilemmas be resolved? How do the improper conduct categorize? What are the disciplinary measures that may be imposed depending on the type of misconduct? Etc. So, this training is designed with the aim of addressing high ethical issues and their combination with practical cases and practice of solving these dilemmas.

Objectives

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

- Recognize and apply the basic rules of judicial ethics as envisaged in the Code of Professional Ethics for Judges and Prosecutors;
- Elaborate on principles and rules of the Code in different real-life situations;
- Identify and solve ethical problems;
- Recognize the regulations for determining misconduct;
- Recognize the measures and types of measures that can be imposed for misconduct;

Content

Code of Professional Ethics for Judges and Prosecutors - Basic Principles:

- Regulation on Defining Misconduct;
- Definition of misconduct;
- Categorization of misconduct;
- Disciplinary measures;

Training methodology

Theoretical elaboration of the norms by the Code of Professional Ethics for Judges and Prosecutors, and Professional Misconduct Regulation will be discussed. For demonstration purposes will mainly be used the form of discussions – conversation to ensure that participants are active at all times by giving their contribution by raising questions, providing solutions and suggestions.

Beneficiaries: Judges and prosecutors of all levels in the Republic of Kosovo and professional associates.

Duration: One day.

1.11.2 Case management

In the daily work of judges and prosecutors, in addition to decision-making, case management has an essential role in reaching it, especially when judges and prosecutors face a large number of cases they have to make a decision. Thus, case management and enforcement of case management techniques by judges and prosecutors, especially when they have a large number of cases to address, poses a great challenge and therefore the key issues are: case management based on nature, complexity and priority in practical work; identification of difficulties in case management and what are the methods that could be used to effectively manage cases and challenges arising from case management.

This training is prepared to answer questions that are directly related to case management and administration in courts and prosecutorial offices. The focus lies in addressing new issues and strategies in order to continuously improve the effectiveness of work and avoid practical problems.

Objectives

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

- Apply case management principles;
- Apply knowledge on case management;
- Apply case management techniques.

Content

- Case management;
- Main case management principles;
- Main case management techniques;

Training methodology

The training will use combined methods of explanation, theoretical and practical explanations, group works followed by practical examples, as well as Power Point presentations.

Beneficiaries: Judges and prosecutors of basic instance.

Duration: One day

1.11.3 Time management as a prerequisite for stress management

It is almost impossible to think of daily lives in “modern world” without stress as integral part of it, especially when it comes to exercising the function of judge and prosecutor.

Stress is a total of emotional, bodily, and behavioural responses to those demands, challenges, and burdens to which the individual is subjected to in different circumstances of life and work. In general, stress is a consequence and an indication of a “suffocation” of the spiritual life at the level of dominance of the techno sphere towards the socio sphere. The frequent presence of stress in an individual’s daily life causes demotivation, reduces productivity, deteriorates performance, causes physical mental problems, changes individual’s behaviour, etc.

Good time management and prioritization of needs are good prerequisites and continuous control of stress as a precondition for maintaining the health and well-being of the individual. Many studies of this problematic prefer setting limits as a technique of preventing the negative effect of stress. Setting material and formal limits as well as the content of emotional boundaries are the elements of this technique. The needs identification is also a prerequisite to stress management.

What should I be is the question we shall pose to ourselves to learn the answer of whether I will be happy? What do I want versus to what do I need? What would I do if I would not have problems with...?

These are some of the questions that individuals shall pose to themselves in order to be in advantage of time and stress management with the purpose of achieving better wellbeing.

Objectives

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

- Recognize the characteristics and distinctive features of the personalities that will be in relation to them in different qualities;
- Differentiate positive influencing factors and factors and degenerative negative factors insocium and work environment;
- Identify determinants of the individual in deviant and illegal behaviour;
- Learn the best ways to overcome stressful situations;
- Develop skills on good time and stress management;

Content

- Stress factors;
- Types of stress;
- Signs and warning symptoms of stress;
- Stress at work;
- Time administration;

Training methodology

Participants will have an exercise on priorities of activities, interference of the philosophy professor’s anecdote and two packages of coffee.

Beneficiaries: Judges and Prosecutors of all instances.

Duration: One day.

1.11.4 Trial advocacy skills

Development of trial advocacy skills is essential not only for prosecutors representing cases in court but also for judges who rule in trials. Given the procedural provisions applied by judges and prosecutors, it is most essential for prosecutors to be professionally prepared for case presentation in trials, and judges for conducting trials.

The Criminal Procedure Code has foreseen specific techniques of introducing the opening statement, direct examination, cross examination, redirect and closing argument, these techniques are not yet being implemented as provided in the CPCK and as applied in Anglo-Saxon countries from which these techniques have been model. In the judicial practice many deficiencies have been noticed in application of the opening statement part, and in the direct examination, but also in other advocacy skills, because very often while delivering the opening statement the case argument is made, like it is the closing argument, and very rarely the cross examination is done properly, while still there is no clear differentiation made between the direct or cross examination.

In order to avoid these dilemmas the training will use interactive methods including simulation of these techniques and video recording, so that participants are able to make themselves the video critiques and to improve the potential inaccuracies.

Objectives

After completion of this module participants will be able to:

- Present the opening statement using adequate techniques;
- Apply the direct examination;
- Present evidence that prove facts before the court;
- Apply rules and principles of cross-examination;
- Apply the impeachment through the following steps (confirm, credit and confront);
- Demonstrate the redirect examination;
- Present the closing argument;
- argue on factual state through evidence administered in the proceeding;

Content

Opening statement using the adequate techniques;

- Direct examination;
- Cross examination and impeachment;
- Redirect;
- Closing argument;

Training methodology

Interactive method, case simulation, video camera recording, critiques and self-critique.

Beneficiaries: Prosecutors and judges of the first and second instance.

Duration: Two days and a half.

1.11.5 Legal writing and reasoning

Legal writing and reasoning is an assessment standard of the work of judges and prosecutors. In this sense, legal writing and reasoning in the work of judges and prosecutors represents an objective not easily achievable. Legal writing and reasoning is intended to assist judges and prosecutors in enhancing analytical skills and abilities to effectively write when drafting judicial acts and decisions. The quality of court decisions depends largely on the quality of reasoning. Reasoning of decisions not only enables parties to easily understand and accept decisions, but first of all presents protection from arbitrariness. Firstly, reasoning obliges judges to respond to parties' claims, to present standings that justify the decision and make it lawful, to enable the society to understand the functioning of the judicial system.

Through the IRAC method, there is a possibility that the problem can be treated logically, consistently and thoroughly. Initially, the court case or the problem to be addressed shall be identified, then the legal norm (first premise) shall be explained, continuing with its application on the specific facts of the case situation (secondary premise), to reach the conclusion with the answer to the question posed in the first step. Which are the types of legal reasoning? Which are the principles of good writing and good reasoning? Which are the methods of legal writing and reasoning? How should procedural laws/codes requirements be respected for the content of reasoning of judicial decisions? The training is designed to respond to the questions and ambiguities raised above through the theoretical treatment and practical cases for all components included within this training such as: types of legal reasoning, principles of good legal writing, methods of legal reasoning and writing and legal requirements for the content of reasoning of judicial decisions.

Objectives

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

- Advance the implementation of the methodology of writing decisions, accusatory acts and other legal documents;
- Develop the skills of legal writing and reasoning;
- Draft the judicial decisions according to the highest standards;
- Implement the IRAC method when drafting judicial decisions;

Content

Types of legal reasoning:

- Principles of good legal writing;
- Legal requirements for writing and reasoning of judicial decisions;
- Implementation of the IRAC method when drafting judicial decisions;

Training methodology

Theoretical and practical discussion on the methods of legal analysis in concrete cases; conversation in order for all participants to be active all the time by giving their contribution in asking questions, providing solutions with their suggestions. Participants, in addition to their contribution to the discussions, also challenge the trainers' ideas about presenting and solving of many cases.

Beneficiaries: Basic Court Judges and professional associates.

Duration: One day.

1.11.6 Decision-making and Access to Environmental Justice - International Standards and Legislation in Force

The purpose of this training is to advance the knowledge of judges and prosecutors regarding environmental justice. The training will address problems in the implementation of international standards and applicable legislation in this field in the Republic of Kosovo. Then it will address the protection manner of the rights of individuals to access environmental information and public participation in the decision-making process and how can the Aarhus Convention and the criminal liability for environmental pollution be applied directly. The Republic of Kosovo is not a party to the Aarhus Convention but from the data provided it results that the judicial enforcement of this Convention in the handling of administrative and civil disputes is still incomplete. Consequently, judges and prosecutors also have a considerable need to advance their knowledge of the implementation of this Convention. The Convention contains three basic pillars: 1. The right of the public to receive and to require environmental information; 2. The right of the public to participate in public decision-making on environmental matters; 3. The right of the public to appeal to the court on environmental matters. The UNECE Convention on the right to information, public participation in decision-making and access to justice in environmental matters establishes a set of rights to the public and obligations to state authorities regarding the empowerment of environmental democracy.

Objectives

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

- Understand the fundamental notions contained in the Aarhus Convention and the national legislation in force,
- Elaborate the ways of access to environmental information;
- Familiarize with the role of public participation in decision-making and the rights to access to environmental information;
- Implement properly the provisions on the right to address the court;
- Understand and familiarize with the criminal liability in the field of environment;

Content

- The fundamental notions contained in the Aarhus Convention and the national legislation in force,
- Ways of access to environmental information;
- The role of public participation in decision-making and the rights to access to environmental information;
- The importance of the provisions on the right to address the court
- Criminal liability in the field of environment.

Training methodology

The methods to be used during this training will be: partial theoretical explanations and cases from national and regional level case law. Dilemmas and questions will be addressed through theoretical and normative analysis of the Convention by relying on concrete judicial cases. In addition, practical examples, training, and discussions will be used in the framework of the Aarhus Convention and other acts that regulate this area.

Beneficiaries: Judges and Prosecutors of all levels in the Republic of Kosovo and professional associates.

Duration: One day.

Training against discrimination

1.12 Training against discrimination

1.12.1 Gender equality in court proceedings in general and in cases of domestic violence in particular

There is general agreement that gender issues in any democratic society represent values for which the state and society must undertake to promote and protect them through appropriate legal mechanisms. Undoubtedly, gender equality is an important parameter through which the democratic level of society and the level of functioning of the rule of law state are measured. The assessment of the reports of different organizations related to gender issues emphasizes that gender equality in our society is at an undesirable level, and in this regard, the efficiency of judicial procedures to provide adequate judicial protection in gender equality cases also. On the other hand, domestic violence is one of the harmful actions, which violates human rights and endangers the precious values of the individual and society.

Which international acts refer to gender equality? How is gender equality regulated by Kosovo legislation? How is gender equality defined in court proceedings? How is the issue of domestic violence regulated? How the court proceedings are conducted in domestic violence cases, and what measures can be taken to prevent domestic violence? What are the protective measures that can be imposed on cases of domestic violence? Which is the judicial protection that is offered in cases related to domestic violence? What are the consequences of domestic violence? To who is offered judicial protection under the Law on Protection against Domestic Violence? What should the request for a protection order contain? Who should be notified of the protection order? Which are the protection orders?

The training is designed in order to answer the questions and ambiguities raised above by analysing all international and local acts on gender equality in general and gender equality in court proceedings focusing specifically on cases of domestic violence.

Objectives

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

- Recognize the main principles of international conventions on gender equality;
- Recognize constitutional provisions and internal legislation on gender equality;
- Assess the conditions and the need for issuing the protection order;
- Establish adequate safeguards for the protection of victims from repeated violence;
- Implement properly the procedures of action for cases of protection from domestic violence;
- Compile judicial decisions according to the specifics that have domestic violence matters.

Content

- International and local legislation on gender equality;
- Domestic violence and forms of gender-based violence and protection order;
- Conditions for issuing a protection order as well as measures for preventing violence;
- Court proceedings for decision upon request for a protection order;

- Drafting and reasoning of the decision according to the specifics of the case, respecting the legal provisions;
- Execution of protection order and consequences for a violation of the protection order;

Training methodology

During the training, theoretical approach to international and local acts related to gender equality will be used and, in order to achieve the objectives, practical cases will be provided for discussion and consequently models for certain procedural situations and merit decision making.

Beneficiaries: Judges of the Court of Appeal and Basic Courts, Prosecutors of Basic Prosecutions, professional associates, victim advocates, etc.

Duration: One day

1.12.2 Gender equality in family matters - Joint property of spouses

In the case law, the issues of joint property of spouses appear to be quite complex due to the difficulties to accurately determine the joint property, the contribution and the division of property. In such proceedings, there are also difficulties in verifying the decisive facts that are determinative for assessing what is the joint property and what is the contribution of the spouses in its creation. Regarding the difficulties in the procedure, the way how the court should approach the calculation of each spouse's contribution to the creation of joint property is handled and, consequently, the criteria to be assessed for the way of dividing the joint property.

What is meant by the joint property of spouses? How is the contribution to the creation of joint property valued? What are the types of contribution that are taken into account in the creation of joint property? How is the division of joint property carried out? Can compensation be made instead of dividing the property for the contribution? How should the enacting clause of the judgment be in such cases? How should the judgment on the division of joint property be reasoned?

The training is designed in order to answer the questions and ambiguities raised above by analysing all legal provisions referring to joint property and case law for such cases.

Objectives

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

- Differentiate the separate and joint property of spouses;
- Assess whether there is joint property or an increase of any property with the spouse's contribution;
- Recognize the types and manner of assessing the contribution to the creation of common property;
- Draft decisions in accordance with legal requirements, case specifications, and case law standards;

Content

- Gender equality in family matters;
- Separate and joint property of spouses;
- Contribution to the creation of joint property;
- Legal nature and registration of joint property;
- Division of joint property;
- Drafting and reasoning of the court decision on the division of joint property;

Training methodology

During the training, theoretical approach to international and local acts related to gender equality will be used and, in order to achieve the objectives, practical cases will be provided for discussion and consequently models for certain procedural situations and merit decision making.

Beneficiaries: Basic Court Judges and professional associates.

Duration: One day

1.12.3 Gender Equality in disputes on the right to inheritance and in labour disputes

An important role in the right to inheritance is the procedure for granting judicial protection in cases of violation of the right to inheritance on a gender basis and consequently the legal possibilities to provide adequate protection. Also, the procedure for granting judicial protection in cases of discrimination at work is important given the elimination of gender-based discrimination. The way of dealing with such issues at court, due to the sensitivity of these issues, is very complex and requires prudence and professionalism.

What do we mean by the right to inheritance? What is the indispensable part? How to deal with cases of violation of the indispensable part? How to act in case of non-declaration of inheritors? How to act in case of non-inclusion in the inheritance decision of all inheritors? What do we mean by discrimination at work? How can gender-based discrimination at work be manifested? How can judicial protection be provided in such cases? What measures can be undertaken in this procedure? The training is designed in order to answer the questions and ambiguities raised above by analysing all legal provisions referring to the right to inheritance and protection in labour disputes due to discrimination.

Objectives

After completion of this module, the participants will be able to:

- Apply correctly the legal provisions on gender equality in inheritance;
- Conduct the procedure efficiently and make fair decisions in cases of violation of the indispensable part;
- Conduct the procedure and provide adequate protection in cases of non-declaration of inheritors on a gender basis;
- Develop and reason decisions according to specifications that represent issues of inheritance and discrimination at work;

Content

- Violation of the indispensable part and judicial proceedings in cases of violation;
- Non-declaration of inheritors and procedure after the announcement of inheritance;
- Discrimination in the right to inheritance in other forms such as infringement while alive and factual allotment;
- Discrimination at work, the manner of manifesting gender-based discrimination;
- Judicial protection in cases of gender-based discrimination;
- Drafting and reasoning of court decisions according to the procedure and cases specifics;

Training methodology

During the training, theoretical handling method related to legislation and case law regarding the right to inheritance and against discrimination in employment relationship will be used and, in order to achieve the objectives, practical cases will be provided for discussion and consequently models for certain procedural situations and merit decision making.

Beneficiaries: Basic Court Judges and professional associates.

Duration: One day

