



Instituti Gjyqësor i Kosovës
Kosovski Institut za Pravosudje
Kosovo Judicial Institute

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NEWSLETTER

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

Infokji@rks-gov.net
<http://igjk.rks-gov.net>

Activities from Continuous Training Program (CTP)

Training “Public procurement for combating corruption”

On May 5th 2015, KJI within its CTP organized training on the topic of “Public procurement and possibilities for combating corruption”.



Purpose of this training was to enhance professional skills of judges and prosecutors related to necessary skills on laws and competencies form

the procurement areas and the scope of work of procurement institutions in discovering and successful investigation of corruption in procurement area.

Issues discussed during the training were public procurement legislation in Kosovo, public procurement institutions, role and functioning of these institutions, procurement procedures, tender dossier, public opening and bid assessment, corruption in the area of corruption, cooperation of institutions in combating corruption, as well as other issues of interest for the participants.

Training was delivered in questions and answers and discussion, and in the afternoon session participants elaborated practical cases.

Beneficiaries of this training were judges and prosecutors of basic courts.



Judicial hearing

On May 7th 2015, Kosovo Judicial Institute conducted training for judges and prosecutors on the topic of “Judicial hearing”.

Main goal of this training was enhancing theoretical and practical knowledge on issues that relate to correct implementation of legal provisions that relate to judicial hearing and respecting procedures for fair, efficient and effective decision making about cases.

Presentations and discussions in this training were mainly focused in treating preconditions for commencing judicial hearing, order for setting the judicial hearing, commencement of the judicial hearing and the defendant’s statement related to guilt, timelines for holding judicial hearing, bringing judgment and cases of post-

poning the judicial hearing.

Also, the examination techniques during the judicial hearing were elaborated with focus on legal basis and purpose of the opening statement, direct examination, cross examination, impeachment, both direct and cross reexamination, as well as the closing statement.

The training was conducted in form of discussions about challenges and problems in the actual practice in judicial hearing cases.

Beneficiaries of this training were judges and prosecutors of basic instance.



Road traffic accidents

On May 12th 2015, Kosovo Judicial Institute within CTP conducted training for judges on the topic of “Road traffic accidents”.



Aim of this training was to contribute to the direction of expanding theoretical and practical skills of judges related to all uncertainties in the area of road traffic minor offences, and correct application of legal provisions that cover this area.

Work in this direction was initially focused on

treating local legal framework and practical challenges in its implementation, identification of incriminating actions of accident perpetrator as well as evidence that shall be administered for proving the cause of accident and correct assessment of this evidence, as in practice it was noted that in many cases procedure is initiated against innocent people involved in the traffic accident.

In this light, the factors of causing accidents were identified with particular emphasis on speed exceeding, taking improper actions in cases of connecting and disconnecting to traffic, as well as over passing, bypassing and frontal-passing as reasons for causing accident.

At the last stage of this training participating judges were divided in working groups and were assigned practical tasks by the trainers.

Judges were at all times during training were engaged with discussions and raising questions and issues that they face in judicial practice.

Beneficiaries of this training were judges of the minor offence division.



Asylum Law – National and International Legislation

On 14 May 2015, the Kosovo Judicial Institute in cooperation with UNHCR conducted training on: "Asylum Law – National and International Legislation".

The purpose of this training was to deepen the knowledge and cooperation between relevant institutions which somehow are related to asylum, recognizing the characteristics of Kosovo asylum law and its relation with the international convention on asylum.

Initially during the training was elaborated the international refugee law and international standards with the emphasis on UN Convention on Refugees of 1951, on which occasion the participants were informed regarding the obligations and the fundamental rights of refugees, as well as the role of UNHCR in protection of refugees.

The next phase of the training was focused mainly on domestic legislation in particular the Kosovo Law on Asylum, as well as other bylaws regulating this field. In this regard were discussed the asylum rights under domestic legislation, procedures on how to handle a request for asylum, conditions for suspension of this procedure as well as termination of the asylum right.

Final phase of the training focused on the initiation of administrative conflict to the right of asylum, the procedure and the role of parties in administrative dispute to the right of refugee and appeal procedure at first and second instance. In this regard they were also treated extraordinary



legal remedies regarding the decision of the second instance.

Beneficiaries of this training were judges of basic and appellate level, an official from the Ministry of Internal Affairs department for citizenship, asylum and migration, officials from the Ministry for Returns and Communities and representatives of various NGOs.



Money laundering and terrorism financing

On 19 May 2015, Kosovo Judicial Institute with-in CTP conducted training for judges and prosecutors on "Money laundering and financing of terrorism".

The purpose of this training was primarily to advance theoretical and practical knowledge of judges and prosecutors on issues related to classification of money laundering offences and terrorist financing, identification of cases of this nature and recognizing financial institutions and their obligations in fight against this phenomenon.

Initially during the training was elaborated national legislation covering this field, with special emphasis on legal prevention preventing money laundering and terrorist financing, forms of committing these offences, forms of investigations used by investigators and prosecutors in detecting and prosecuting money laundering offences.

In the afternoon were treated offenses of terrorism financing, elements, and phases of these offences, as well as evaluation and supervision of the financing of terrorism as a major challenge in

the fight to prevent this phenomenon.

During this training a senior official from the Financial Intelligence Unit (FIU) made a presentation notifying judges and prosecutors about the role and challenges faced by them, as well as emphasized the importance of co-operation with



this institution, and other relevant institutions to prevent these offenses.

Beneficiaries of this training were judges and prosecutors of basic level and special prosecutors.



The right to trial within a reasonable time, internal factors affecting the delay of trials

On 25 May 2015, Kosovo Judicial Institute in cooperation with Basic Court in Prizren, supported by the OSCE Mission in Kosovo, conducted training on: "The right to trial within a reasonable time, internal factors that affect the delay of trials".



The purpose of the training was to identify the factors affecting the length of proceedings and establish best practices in terms of conducting

trials within a reasonable time.

During this training was discussed and generally elaborated the internal factors affecting the length of the proceedings, in particular, the lack of inviting parties. Also was highlighted the preparations before the trial in order to prevent delays in criminal as well as in civil proceedings which directly affect the efficient management of cases, of time and in this context issuance of judgment within a reasonable timing.

Beneficiaries of this training were judges, prosecutors, professional associates, of courts and prosecutors from Prizren region.



Apportioning of spouses of the spouses' joint property and co-ownership

On May 26, 2015, Kosovo Judicial Institute within CTP conducted training for judges on: "Apportioning of spouses of the spouses' joint property and co-ownership"

This training intended to examine relevant judicial practice regarding these two forms of property, in order to contribute on the advancement of knowledge and professional skills of judges in order to unify legal standards.

The training mainly focused on the elaboration of legal provisions that regulate this field, the meaning of joint property of spouses and identification of specific elements distinguishing these institutes.

Participants also discussed about the grounds, legal nature and forms of creation and termination of joint property of spouses.

Especially during this training were treated the separation of joint property of spouses and legal criteria to be considered when apportioning the spouses property.

The training was conducted through interactive discussions where judges had the opportunity to express their dilemmas and uncertainties about the interpretation and implementation of decision-making process by the courts.



Beneficiaries of this training were judges of basic courts.



Activities from Initial Training Program (ITP)

Graduation Ceremony of the fifth generation of judges and prosecutors in the Initial Training Program

On 25 May 2015, Kosovo Judicial Institute organized the graduation ceremony of the fifth generation of candidates for judges and prosecutors.

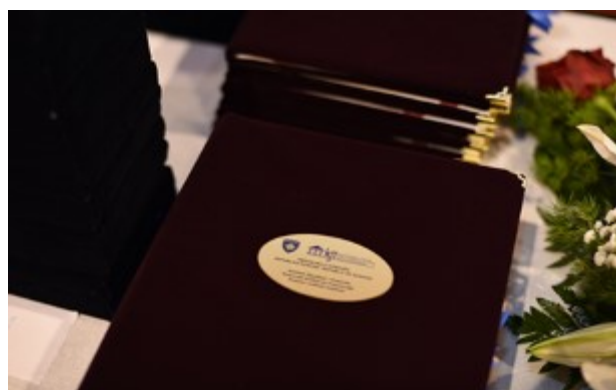


Candidates for judges and prosecutors have attended trainings in the Initial Training Program delivered in three training stages. This program started implementation in 2008 and besides the generation that is graduating today, the training program has delivered training for another 141 candidates in four previous generations.

At the ceremony speeches were delivered by the President of the Republic of Kosovo, Mrs. Atifete Jahjaga, Mr. Hajredin Kuçi – Minister of Justice, Mr. Fejzullah Hasani – President of the Supreme Court of Kosovo, Mr. Aleksandër Lu-

mezi – State Chief Prosecutor and Chairman of the Prosecutorial Council, Mr. Enver Peci – Chairman of the Judicial Council, Mr. Ymer Hoxha – President of the KJI Managing Board, Mr. Samuel Žbogar – Head of the EU Office in Kosovo.

The speakers highly appreciated the success of this program, emphasizing a positive turn in the professional growth of young judges and prosecutors. At the end of the ceremony, the candidates for judges and prosecutors were awarded with diplomas, wishing them a great success in accomplishing the mission toward justice



Other activities

Formalizing cooperation between Kosovo Judicial Institute and the French National School for the Judiciary (ENM)

During May 4-8 2015, a KJI delegation comprising of KJI Director, Program Coordinator and Heads of Training Programs, with the support of French Embassy in Kosovo and the EU TAIEX Program stayed in the French National School for the Judiciary (ENM).



Purpose of this study program is primarily to establish formal cooperation between Kosovo Judicial Institute and the French National School for the Judiciary (ENM), which was reached through signing of a Memorandum of Cooperation between both institutions in the area of judicial training.

This agreement is reached aiming to strengthen the role of training into enhancement and functioning of judicial institutions and promotion of judicial independence, as well as setting the activities within the bilateral cooperation and implementation modalities.

With this agreement the French National School for the Judiciary and Kosovo Judicial Institute express their readiness to continue cooperation, depending on resources and possibilities available for activities that will deal with the follow-

ing; initial training, continuous training and familiarization of French and Kosovo prosecutors and judges. This cooperation will take place through exchange of documents (scientific publications and pedagogical materials), study visits, practical trainings and programs of both, sitting and future judges and prosecutors, technical expertise missions, as well as mutual participation of French and Kosovo judges, and future judges, into seminars with topics of common interest.

During this visit, participants had the chance to acquaint with programs of the French National School for the Judiciary (ENM) on initial training, entrance exam and final exam of candidates for judges and prosecutors, assessment system of candidates during trainings, the continuous training program, the research and documentation program, international cooperation program, as well as other aspects of the ENM's work which will impact on enhancing professional work of the Kosovo Judicial Institute.



Study visit at the National Institution for Justice in Bulgaria

On 18-22 May 2015, KJI in cooperation and financed by EU Project “In support of Legal Education Reform in Kosovo EULER II”, conducted a study visit at the National Institution for Justice and other justice institutions of Bulgaria for KJI staff.

The purpose of the visit KJI's staff was to gain knowledge of judicial and prosecutorial system of Bulgaria, institutional organization and management of the National Institute of Justice, implementation of initial and continuous training for judges, prosecutors and administrative staff,

particularly the functioning of the Information Centre regarding distance learning.

Part of the agenda was the visit at the Supreme Court of Cassation, where was introduced the Bulgarian judicial system, where was also signed a Memorandum of Cooperation between the Kosovo Judicial Institute and the National Institute for Justice of Bulgaria.



Report from the study visit in Bulgaria

Organized by the Kosovo Judicial Institute in cooperation with the National Justice Institute in Bulgaria

During May 18 through 29, a group of officials consisting of judges, prosecutors, judicial trainers, officials of the Kosovo Judicial Council and of the Prosecutorial Council, as well as court administrators conducted a study visit within the internship – exchange program in various institutions of judiciary and prosecution in Bulgaria. This study visit was organized by the Judicial Institute of Kosovo and of Bulgaria and the EU Project “Further Support to Legal Education Reform in Kosovo”. During this visit members of the group had the opportunity to acquaint with the work of main judicial and prosecutorial institutions of Bulgaria.

In the first week, meetings of interest were at the National Judicial Institute of Bulgaria, Supreme Judicial Council, the Supreme Cassation Court, State Prosecution, Judicial Inspectorate, Ministry of Justice, Supreme Administrative Court and the Law Faculty of University of Sofia. In these meetings the group received explanation on activity of these bodies, results, problems, working methods and challenges they face actually. During entire visit Kosovo delegation raised questions and interest to receive explanations and valuable experiences from all these institutions through their senior representatives.

In the second week, the group divided in three sub-groups where they separately visited the District Court in Plovdiv, the District Court in Stara Pazova and the District Court in Veliko Tervno. In meetings in courts, the judges’ prosecutors and officials of the groups received knowledge and useful experiences by bodies, units, judges, prosecutors and Bulgarian officials in these courts. Meetings mainly had detailed presentation of the work of each body, segment of the court and their units with orientation on training that came from the interest and needs or questions of the Kosovo officials.

The main event was signing of the Memorandum of Cooperation on 21st of May 2015 in the Justice Palace of Bulgaria, between the Kosovo Judicial Institute and the National Justice Institute of Bulgaria. This memorandum was signed by the Director of Kosovo Judicial Institute, Mr. Lavdim Krasniqi and Director of Bulgaria Justice Institute Mr. Dragomir Yordanov.

This visit will empower and extend areas of cooperation between two training institutions that serve to increase capacities of judiciary and prosecution of both countries.





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Tel. +381 38 200 18 660
web: <http://igjk.rks-gov.net>
e-mail address: infokji@rks-gov.net