



Instituti Gjyqësor i Kosovës  
Kosovski Institut za Pravosudje  
Kosovo Judicial Institute

2015

# NEWSLETTER

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## Activities from Continuous Training Program (CTP)

### Training for judges of commercial field in Kosovo – phase I

On 02 until 04 March 2015, Kosovo Judicial Institute in cooperation with RIPA International conducted a training for judges of criminal field in Kosovo.

This training aimed to identify difficult areas, develop best practices, and make decisions in a structured way, as well as establish efficient case management in commercial courts.

During this training was elaborated domestic legal framework and its gaps, with special attention in Civil Procedural Law and its implementation in practice as well as the similarities and differences of national procedure with international ones.

Most crucial issues that were identified were the large number of pending cases and backlog

for each judge, treatment of complex facts and translation of a large number of documents which is considered as an additional burden for the court.

During this training, participants had the opportunity to hear from UK experts' new experiences and best practices of their country. Study cases and assignments given to participants were also an important part for the participants.

This was the first phase, whilst this training is consisted by two other phases as well.

Beneficiaries of this training were Supreme Court judges of civil field, judges of special chamber and judges of basic court-commercial department in Pristina.



## Request for dismissal of indictment

On 3 March 2015, KJI in close cooperation with OSCE conducted a training on: “Request for dismissal of indictment”

The purpose of the training was to establish best practices in terms of preparing the indictment and securing the earliest evidence so that the defendant has the possibility of preparing a legal challenge to the evidence or request a dismissal of indictment.

On this training was discussed and addressed the first hearing (initial review) and second hearing (second review) according to CPCK, grounds for dismissal of indictment as well as practical cases

of submission of applications and judicial decisions.

During the training were discussed and raised many issues such as confession by one of the coo-perpetrator and will that be accepted by the court, should the court issue a judgment for dismissal of indictment or decision for dismissal of indictment and other issues and examples presented to the participants.

Beneficiaries of this training were judges, prosecutors, lawyers, students and interns of court and prosecutors office from Peja region.



## Diversion measures and its role in avoiding juvenile stigmatization

On 03 March 2015, Kosovo Judicial Institute with the support of UNICEF conducted a training for judges and prosecutors on: “Diversion measures and its role in avoiding juvenile stigmatization”.

This training aimed to define the purpose and conditions of imposing diversion measures, evaluate appropriate measures for specific situations and identify to whom and for what offense these measures may be imposed.

During this session were treated domestic legislation, with particular emphasis on Code of Juvenile Justice, highlighting obstacles and problems in practical application of diversion measures from judges and prosecutors perspective.

At the end, trainers conducted a survey for judges and prosecutors with the purpose of identifying advantages and disadvantages of diversion

measures. The outcome of the survey showed that there are more advantages than disadvantages, therefore there is need for more frequent imposition of these measures taking into consideration the principle of child highest interests.

This training was followed by discussions and debates through judges and prosecutors regarding challenges and current practices, as well as in applying respective measures.

Beneficiaries of this training were judges and prosecutors of basic and appellate level – juvenile department.



## International legal cooperation

On 04 March 2015, Kosovo Judicial Institute within Continuous Training Program conducted a roundtable on: “International Legal Cooperation”.



This training intended to assist participants in identifying problems in implementation of Law on International Legal Cooperation and understand the role and importance of international judicial cooperation in criminal matters as a need in modern times since the crime has exceeded the limits of internal and took international dimension.

This roundtable focused on national and international legal framework regarding interna-

tional judicial cooperation in criminal matters in order to create a more efficient practice of issuing national orders as fundamental pillar of international legal assistance requests.

In this context, participants emphasized the need for careful preparation of all kinds of international legal requirements in order to be accepted by the receiving state.

They also elaborated mutual legal assistance as national request for legal assistance as well as other countries requests for international legal assistance

Joint units of investigation and undercover investigations as other forms of cooperation were among the topics discussed during this training.

During this training was also discussed the establishment of best practices on international legal cooperation, emphasizing the importance of ability of countries to assist each other quickly and efficiently.

The training was conducted through addressing issues of judicial practice and examples of templates of international legal cooperation requests in criminal matters.



## Property and its protection

On 10 March 2015, Kosovo Judicial Institute conducted a training for judges of civil field on: "Property and its protection".

This training aimed to address inherited problems in protecting the property and help participating judges to develop professionally the



procedures pursuant to the applicable laws pertaining to protection of property.

This training focused on issues of amendments and reforms of the respective legislation and

protection of property as a fundamental human right protected by national legislation and international Conventions. In this occasion was discussed Protocol 1 of the European Convention on Protection of Human Rights and freedoms, providing that any natural or legal person has the right on his/her property.

In this context were addressed the meaning, conditions and procedures for acquisition of property, powers and limitations of the owner, neighboring rights as an unlawful right and types of lawsuits.

The training was conducted through short presentations, discussions and case law examples where participants were committed in solving cases and situations that usually occur in practice regarding the procedures before the courts.

Beneficiaries of this training were judges of Appellate Court and Judges of Basic Court.



## Investigation of financial crimes

On 11 March 2015, Kosovo Judicial Institute with the support of GIZ conducted a training on: "Investigation of financial crimes" .

The purpose of this training was to address issues related to the financial investigation plan, use of modern methods of financial investigations and differences between procedure for verification of financial incomes and criminal offences, as well as deepening of knowledge regarding sequestration and confiscation.

On the first day of training was elaborated the investigation plan with the special emphasis on interrogation and expert engagement, as well as money laundering investigation through financial investigation techniques. In this regard were addressed two ways of using money laundering, as basis of crime investigation and trace of money and localization.

Elements of money laundering offence, indicators of money laundering and money laundering stages were also some of the topics raised for discussion, whilst, participants were divided into working groups for solving a practical cases.

While the second day of training focused primarily on addressing domestic legal framework and international legal framework re-

garding purpose of confiscation and seizure a two forms of acquiring unlawful property, conditions for confiscation and seizure, problems in implementing confiscation and seizure in practice. Participants also discussed about using these methods more often in daily practice.

In this context were also addressed legal provisions regarding procedure, role and actions taken by judges and prosecutors toward confiscation and seizure, submission of requests for seizure and confiscation by prosecutors and its treatment by the judge.

Also were elaborated basic principles for seizure and confiscation, with special emphasis on principles of action under the initiative - or prosecutor's request, principle of judicial supervision and principle of legality, interim measures and request for interim measures for securing the property.

The training was conducted through discussions on difficulties in implementing the legislation in practice.

Beneficiaries of this training were judges and prosecutors of Basic Court, Special Prosecutors and prosecutors from Appeal and Basic Prosecution.



## Training “Criminal offences against official duty”

On 12 March 2015, KJI within Continuous Training Program conducted training on: “Criminal offences against official duty”.

This training aimed to elaborate offenses such as criminal offences against official duty and corruption, abuse of power or official authority, taking and giving bribes, exercise of influence, embezzlement and fraud in office, illegal issuance of judicial decisions as well as many other offences covered by this chapter. Also during the training were discussed challenges faced by judges and prosecutors in practice dealing mainly with proper qualification of such offenses

The focus of this training were common elements of these offenses, as what is meant by official duty, who can be an official, intent and the purpose as special constitutive element of these offenses.

The training was accompanied by practical cases which aimed to support judges and pro-

secutors in avoiding problems that arise in practice.



Beneficiaries of this training were judges and prosecutors of basic level from different regions of Kosovo.



## Financial reporting

On 17 March 2015, KJI in cooperation with Commercial Legislation Program CLE/USAID, organized a training for judges on: “Financial reporting”.

The purpose of this training was to deepen the judges’ knowledge on application of international accounting standards and international financial reporting standards in practical application in Kosovo. Also as a training goal was to be acquainted with knowledge on regulation



of financial reporting and interpretation of financial statements.

During this training were elaborated national legislation with particular emphasis on Law on Accounting, Financial Reporting and Auditing which regulates the accounting and financial reporting in Kosovo, the need for harmonization

with international standards of accounting and financial reporting in order to properly intro-

### Interpretimi i raportimit financiar

Ndërmarrjet shërbyese shesin kohën për të përfutur të ardhurat.  
Shembull: firmat e kontabilitetit, firmat juridike etj.

E ardhura Minus Shpenzimet Baras Neto e ardhura



duce the financial statements.

In this context, were treated main issues such as financial reporting which helps litigations and business transactions, responsibility of financial reporting and analyzing tools for reviewing financial statements of a company in order for them to be understandable, relevant, reliable and comparable.

The training was conducted through interactive discussions where judges treated issues and challenges faced by them in judicial practice.

Beneficiaries of this training were civil judges of the Supreme Court and judges of Basic Court in Pristina – commercial department.



## Kosovo Constitution Procedure and Constitutional Control

On 18 March 2015, KJI within Contiguous Training Program conducted a training on: “Kosovo Constitution Procedure and Constitutional Control”.



This training aimed to enhance participant’s professional knowledge in distinguishing the procedure conducted before Constitutional Court and the procedure before regular courts, as well as identify legal effects of Constitutional Court decisions as binding decisions.

During this training was treated the domestic legislative framework, in particular the Law on

Constitution Court and the importance on its organization and functioning, procedures for submitting and reviewing Constitutional requests, as well as authorized parties as special categories of institutions and persons who may initiate proceedings in the Constitutional Court as an entity with full authority to interpret the Constitution.

Harmonization of laws with Constitution Law and submission of cases from regular courts to Constitutional Court regarding noncompliance of a specific law with Constitution Law.

In this training, participants had the opportunity to discuss the working regulation of Constitutional Court, composition of this court, condition and procedures for appointment and dismissal of Constitutional judges.

Beneficiaries of this training were judges of all levels and legal advisers from Constitutional Court of Kosovo.



## Development of trial advocacy skills

On March 19 2015, Kosovo Judicial Institute conducted three-day training on “Trial advocacy Skills”.

This training program is conducted with the purpose of increasing practical skills of judges and prosecutors on representation and conducting trial, especially having in mind recent changes to the Criminal Procedure Code on ways of examination and presentation of evidence and leading the court hearing.

At the training initially it was elaborated on direct examination as a fluent and clear communication of the case topic and legal basis for direct examination, using the golden questions of criminalistics in which case simulation of direct examination was conducted by the participants divided in working groups.

Also the cross examination techniques was elaborated, as a tool for interrogation by the other party, with the purpose to present good facts and disclose weaknesses of the other party. Legal basis, rules and instructions for practical application of the cross examination were also part of discussions at this training stage. Participants were again divided in groups to exercise and conduct simulation of cross examination.

Another technique that was elaborated was impeachment, emphasizing importance of questioning only important issues and contradictory statements. Purpose and rules of using this technique, legal basis, steps for impeaching and chal-

lenges for practical application were part of discussions at this stage of the trainings. At the end of this session, participants were divided in working groups and simulated impeachment.

Direct reexamination and witness rehabilitation as new techniques foreseen in the Criminal procedure Code were also treated in this training. Participants at this phase had the chance to understand direct reexamination as an opportunity to respond to cross examination and to demonstrate how the reexamination is done in practice.

Elaboration of the opening statement and of the closing statement were also focus of this training, where the participants had the possibility to extend their knowledge about the meaning, purpose, structure and way of the opening statement and of the closing statement.

In this context it was also elaborated on the differences between the opening statement and the closing statement. For these two techniques participants were again divided in groups and prepared and demonstrated the opening and the closing statements.

At the last part of this training, a trial simulation was conducted in order to demonstrate use of these techniques in trial.

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



## Cancellation of contracts

On March 24th 2015, Kosovo Judicial Institute held its next training on “Cancellation of Contracts”.

Purpose of this training was to enable the participants to learn more about the legal conditions which shall be met in order a contract to be considered null and dismissive, and apply correctly provisions of the Law on Obligational Relationships that relate to invalidity of contracts.

Work in this training session focused on treatment of null contract with particular emphasis on causes of nullity and persons entitled to seek contract nullity, consequences of absolute null contracts, and consequences of nullity of partially invalid contracts.

Also the dismissive contracts were elaborated with discussions on consequences on nullity of these contracts; persons entitled to seek cancellation of these contracts and statute of limitation of the right to seek contract cancellation.

Material and nonmaterial conversion and forms of its expression were also elaborated, in

which case discussion focused on conditions for validity of another contract and legal effects of conversion.

In the last part of the training participants were



engaged in solving hypothetical cases presented by trainers, in relation to identification of nullity and contract cancellation.

Beneficiaries of this training were judges of basic courts.



## Relation between contested and uncontested procedure

Kosovo Judicial Institute, on March 26th 2015, within CTP held the training for judges on the topic of “Relation between contested and uncontested procedure”.

This training aimed to enhance knowledge of judges on practical implementation of these two procedures, differences and similarities between them and identification of actions undertaken in one procedure that may be valid for the other procedure as well.

This training elaborated topics related to principles and rules of the contested and uncontested procedures, as two different judicial procedures that serve for protection of two entities requiring judicial protection.

In this context, the relation between contested and uncontested procedures was treated, their inter-relation and court actions in cases when contested procedure provisions are applied in the uncontested procedure, then cases when the uncontested procedure turns into contested procedure.

Assessment of conditions by the court for conducting contested procedure and the uncontested procedure, in cases when allowing the judicial proceeding was also elaborated.

During discussions it was also discussed on other matters pertaining the parties in contested procedure and participants in the uncontested procedure, as well as court judgments for both procedures, emphasizing differences be-



tween them.

Training methodology was combined with theoretical explanations, discussion of case law with the aim of bringing together the judges positions related to their dilemmas and unification of judicial practice.

Beneficiaries of this training were judges of basic courts.



## Activities from Initial Training Program (ITP)

### Practical training for candidates for judges and prosecutors – ITP third stage

The Initial Training Program continues carrying out the third stage of practical training for ITP candidates which is taking place in courts and prosecutions under the mentor's supervision.

This training program covers practical aspects of the judges and prosecutors work which impact on developing practical skills of candi-

dates which they apply in their work after appointment.

Candidates for judges and prosecutors under supervision of their mentor during this month will attend various court hearings and participate in drafting judgments.

This training is undertaken by: 17 candidates for judges and 11 candidates for prosecutors.

### Training of ITP Candidates in Kosovo Police

On March 31st 2015, KJI in cooperation with Kosovo Police conducted training for candidates of the fifth generation of the Initial Training Program.

Purpose of this training was to acquaint the candidates with the work and activities of KP,



according to respective fields. Knowledge obtained from this institution will serve the candidates in practicing their profession, improve the work quality and increase cooperation between law enforcement agencies.

At this training, Senior Officials of different KP Departments informed the candidates with the legal grounds and organizational structure of KP, role of policies, types of investigation, international cooperation in the law enforcement area, increase of capacities, as well as challenges that KP faces and which relate to the work of judges and of prosecutors in particular, with a focus on deficiencies occurring in practice when applying the Criminal Code and the Criminal procedure Code, which impact effectiveness of KP.

This training was highly interactive, in which case the candidates for judges and prosecutors had the opportunity to ask about topics focused in this training.

Beneficiaries of this training were 15 candidates for judges and 11 candidates for prosecutors from the Initial Training Program.

## Other activities

### Second Regional Rule of Law Forum for Eastern Europe

On 6-7 March 2015, in Belgrade was conducted Second Regional Rule of Law Forum for Eastern Europe organized by the AIRE Centre from London and the Civil Rights Defenders.

The purpose of the two-day forum was to promote implementation of the European Convention on Human Rights (ECHR), strengthening regional cooperation through ongoing development of rule of law and human rights, as well as improving the process of European integration in Eastern Europe. In this forum were also addressed key barriers to effective implementation at the national level, particularly Article 6 of the ECHR.

This forum was attended by delegations of Supreme Court and Constitutional Court of Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia. Also as participants were judges of European Court of Human Rights from the mentioned countries, representatives from academies and training institutions, judicial institutions, government agents before the ECHR as well as NGO representatives.

During discussions were stressed out current trends of CHR case law concerning the right to a fair trial, large number of complaints from regional countries, the role and importance of deviation-avoidance from regular practice, problems with non-execution of court decisions, access to court and other aspects dealing with equality of the parties in the procedure.

In this occasion, was promoted regional database which contains the ECHR jurisprudence in the respective native languages as a result of cooperation between legal team of AIRE Centre with members of governments in Strasbourg region. This database will allow judges, prosecutors and other legal practitioners' easier access to ECHR jurisprudence in regional languages and will help as a resource to strengthen implementation of the Convention at the national level.

In this forum, KJI took part in the quality of judicial training institution and was represented by a permanent trainer.



## Visit of the Supreme Court President and Director of the School of Magistrates of Albania

On March 13th 2015, Kosovo Judicial Institute



hosted

Mr. Xhezair Zaganjori, President of the Supreme Court of the Republic of Albania, and Mr. Sokol Sadushi Director of the School of Magistrates, promoting in this occasion the book on “Standards of Civil, Administrative and Criminal Trial through Unified Judgments of the Supreme Court 2000-2014”. On this day, Mr. Zaganjori and Mr. Sadushi delivered lecture before candidates for judges and prosecutors of the ITP fifth generation.

The lectures focused on issues that the Supreme Court faces, challenges and activities of the School of Magistrates, exchange of ideas on best practices, exchange of experiences in relation to organization of judicial trainings, possibilities of organizing joint judicial training programs, as well as increase of the level of cooperation between KJI and the School of Magistrates.

The promoted publication and other publications of the School of Magistrates that were brought for participants intend to help people who practice justice in carrying out this duty, with the purpose of strengthening the rule of law, in order to gain the trust of people as well as protect human rights and liberties.

Lectures were very interactive, in which case the candidates for judges and prosecutors had the chance to raise questions about the topics in focus of the lecture and about the justice system of Albania.



## Training of Authors for drafting E-learning

On March 18 2015, KJI in cooperation with the EU funded Project on “Further Support to Legal Education reform in Kosovo” delivered a training for authors of distance learning modules or E-learning modules.

Goal of this training was to work on templates, the author’s checklist, function of exercises and distance learning modules, various types of exer-

cises including open questions and closed questions, as well as presentation of type B template.

Beneficiaries of this training were: authors of distance learning modules and the Senior It Office of KJI who will be engaged as trainers using this learning technique.

The training was delivered by German experts of the distance learning area.



## KJI staff training on distance learning

On March 19th 2015, KJI in cooperation with



the EU funded Project “Further support to legal education reform in Kosovo” conducted training

for KJI staff on distance learning of E-learning.

Purpose of this meeting was refreshing and updating the project proposal for developing e-learning modules, setting the priorities, conducting workshops in the future. During this training participants exercised work in template in Word format.

Training was delivered by German experts of distance learning area, with the following participants: Program Coordinator, Program Heads, Senior IT Officer, and Senior Officer for Development and Judicial Cooperation.

## Meeting with trainers

On March 24 2015, KJI held a meeting with trainers for organization of trainings for court

well as administrative staff of courts and prosecutions.

Purpose of the meeting was to discuss on assigning topics and set the dates planned for trainings to take place.

At the meeting it was decided that initially the trainings for administrative staff of prosecutions, while the training for court's administrative staff to be held later, for the fact that the process of court administration reform has started.

Trainers, based on the training program decided about topics in which they could be engaged as trainers.

Also, during this meeting the trainers took over to present topics for which they decided in the next meeting with trainers.



management and prosecution management, as





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