



NEWSLETTER

June 2014, nr. 6

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Activities from Continuous Training Program (CTP)

Training “Criminal Offences against the Right to Vote”



On **03 June 2014**, KJI conducted a training on: “Criminal Offences against the Right to Vote”. The purpose of this training was to deepen the knowledge of judges regarding the identification of the essential elements of these offences, analyzing criminal offences of taking or giving bribes relating to vote and proper implementation of these rights. The Chapter of criminal offences against voting rights is a new chapter in the Criminal Code of the Republic of Kosovo, which in itself contains several new offences that were not envisioned in the previous Criminal Code. The issues dealt during this training were related to the criminal offences against voting rights - submission forms and qualifying elements including the violation of the right to run as a candidate, intimidation, prevention of exercising the right to vote, invasion of the freedom of voters to decide, misuse of official duty and falsification of elections results. Through hypothetical cases but also through discussions participants were engaged in solving practical cases addressed during the presentation. Beneficiaries of this training were judges and prosecutors of Basic level – Department of serious crimes.

Training “Means for ensuring contract execution”



On June 5th 2014, the KJI conducted training on “means for ensuring contract execution”.

Purpose of this training was to enable the participants enhance their knowledge about the contracts issue with particular emphasis on means for ensuring contract execution, principally after the Law on obligations entered into force.

The training elaborated issues related to the definition of the contract enforcement means, their types, personal and real means for contract enforcement. Also, the correct implementation of the provisions of the new Law on Obligational Relationship and other applicable provisions pertaining to earnest, caution and personal security means like: withdrawal money, penal condition, earnest as withdrawal money, and surety.

The training was interactive including the discussion of some cases from the case law. Beneficiaries of this training were judges of basic instance from different regions of Kosovo.

Strengthening International Legal Cooperation – Drafting outgoing requests for International Legal Assistance



During 9 to 12th of June 2014, the KJI in cooperation with the EU Twinning Project conducted two, two-day training sessions, as well as a training for judges and prosecutors selected to serve as future Trainers of KJI on the international legal assistance area.

Beneficiaries of these trainings were judges and prosecutors assigned as focal points for International Legal Cooperation in criminal field, while the Training of trainers was provided to both, judges and prosecutors, selected from these two groups.

Issues elaborated by German experts during these training sessions were

mainly related to basic principles on the specifics of mutual legal assistance and in particular in cases of extradition, search, as well as witness and suspect hearing. Particular attention was paid to the way of sending requests through diplomatic and direct channels in cases of existence of an international treaty.

The training also presented the standard template forms of different requests for legal assistance, unified for member states of the European Union, as well as different classical samples used previously.

On the fourth day, on June 12th 2014, the training of future trainers (judges and prosecutors) on International Legal Cooperation was provided, which elaborated on the training methodology, content of the training program and beneficiaries of these trainings.

Experts from Germany suggested to local trainers to accomplish basic trainings for judges and prosecutors who do not have sufficient knowledge about the international legal assistance. They suggested that these categories are provided training on incoming and outgoing requests for legal assistance, then on extradition, witness hearing, investigation methods, joint investigation teams, etc. While, continuation of this training shall include specialized trainings to cover topics like: cybercrime, money laundry, corruption, asset sequestration and confiscation from the aspect of international legal cooperation for these cases.

Training “Case Management”

On 12 June 2014, within the Continuous Training Program was organized a training on: “Case Management”

This training aimed to address the principles and techniques for developing and managing a modern, effective, fair and transparent management system of case management in court and prosecution offices.

During the training were discussed issues related to efficient resolution of cases, reducing the backlog, reduce the delay of cases, standardizing procedures of case management, solving disputes through alternative ways, etc.

This training was implemented through written and theoretical presentations, interactive discussion and recommendations given for the application of the best practices of case management.

Beneficiaries of this training were judges from the Court of Appeal, Basic Court Prosecutors, Special Prosecutors and professional associates.



“Judicial ethics and independence”



On June 17th 2014, the KJI in cooperation with GIZ organized training on the topic of “Judicial ethics and independence”. This training was delivered by trainers of the *Judicial College* of the United Kingdom.

The training aimed further enhancement of the judge’s and prosecutor’s skills on principles of judicial conduct.

In the context of judicial independence - as a core component of the rule of law, it was elaborated about risks that hinder judicial independence and ways to overcome these obstacles. Further it was discussed on practical issues in preserving judicial independence, recommended measures to be undertaken and suggestions about the so-called “check-up” of judicial ethics and independence.

Beneficiaries: Kosovo judges and prosecutors.

Training “Criminal offences committed by minor and adult”

On June 17 2014, KJI held training on the topic of “Criminal offences committed in cooperation by the juvenile and adult”.

Purpose of this training was to learn identification of principles for distinction of the procedure when the minor commits an offence in cooperation with an adult, to learn implementing joint procedure in cases when the Code for Juvenile Justice and the Criminal Procedure Code are applied, as well as to analyze the form of decisions brought for joining the procedure, and decisions in the joint procedure.

The training discussed issues that are related to the form of decision when the procedure is joined, how to act when there is this type of procedure, how to apply legal provisions in the joint procedure with adult, as well as features of ruling in the joint procedure.

Training was followed with case studies from the court case law that were aiming to support judges and prosecutors in solving practical dilemmas, in order to reach to more efficient solution in cases of joint procedure.

Beneficiaries of this training were judges and prosecutors of basic instance from different regions of Kosovo, and two legal professional associates.



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Training “Administrative Conflict”

On **19 June 2014**, KJI conducted a training on: “Administrative Conflict”. The purpose of this training was to enhance the knowledge of the judges regarding the lawsuits, judgments and legal remedies of the administrative conflict

Issues that were treated during this training were related to person entitled to initiate an administrative lawsuit, which person can be sued in an administrative conflict and who can be the third person. Special emphasis during the training was paid to the elaboration of the provisions of the Law on Courts of Republic of Kosovo No.03/L-199, regarding the jurisdiction ruling on administrative issues, and the role of the Pristina Basic Court-Department of administrative matters, Court of Appeal and Kosovo Supreme Court.

Through hypothetical cases but also through interactive discussions, participants were engaged in solving practical cases presented during the respective training.

Beneficiaries of this training were Basic Court judges from different regions of Kosovo and a judges of the Appeal Court.



Training: “The EU Legislation and its effect on domestic legislation”



On June 26th 2014, the Kosovo Judicial Institute organized training on “The EU legislation and its effect on domestic legislation” which is within the KJI’s Continuous Training Program.

This training was provided by local experts who reached the following training objectives: the EU legislation, its impact on domestic legislation, function of the EU institutions, authority of the Court of Justice of European Union in Luxemburg for interpretation of the European Law, its sources in form of tractates, regulations and directives ad well as their distinction, development of preliminary procedure at the EU Court, the European Citizenship law, etc.

The training was interactive and enriched with many cases from the EU case law, some of them representing landmark cases in terms of standards created by the Luxemburg Court case law, like: the Case of Van Gend en Loos vs Netherlands, Rotman vs Germany, Hungary vs Slovakia, Rui Zambrano vs Belgium, Dereci & other vs Austria, and several more cases.

Beneficiaries of this training were judges and prosecutors from the basic instance of all regions of Kosovo.

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Activities from Initial Training Program (ITP)

Forensic Department

On 5 July 2014, Kosovo Judicial Institute in cooperation with the Forensic Department conducted a practical training with the candidates of fifth generation of Initial Training Program.

The aim of this practical training for ITP candidates was to provide knowledge about the work and activities done by the Forensic Department. The knowledge gained from this institution will serve to their future professional practice, in improving the quality of work and increasing cooperation between judges and prosecutors on the one hand and the Forensic Department.

During this training, senior official of the Forensic Department informed the candidates about the departments that operate within the Forensic Department, Forensic services, legal, civil and criminal cases related to medical examinations - 24 hours on-call service, post-mortem examiners etc.

During the training, the candidates had the opportunity to visit the: the autopsy room, histopathology laboratory and toxicology, clinical examination room and the FD archive.

The training was attended by 18 candidates for judges and 10 candidates for prosecutor.



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Kosovo Customs



On 11 June 2014, Kosovo Judicial Institute in cooperation with the Kosovo Customs conducted a practical training with the ITP candidates of fifth generation.

The purpose of this training was to provide practical training for the future judges and prosecutors who attend the ITP program. During the training, candidates also gained knowledge about the performance and activities of the Kosovo Customs, in which case the knowledge gained from this institution will serve the candidates in their professional practice, improving the quality of work and increasing cooperation between judges and prosecutors and Kosovo Customs.

In cooperation with the Customs, in the investigation office operates Tax Investigation Unit (TIU) by KTA.

TIU officials during the practical training informed the candidates about the establishment of Tax Investigation Unit, the legal basis and powers of the Unit, historical background of Kosovo Customs and the challenges that this institution has passed, problems between Customs and judges and prosecutors, and the role of the Kosovo Customs officers in.

Participants in the training were 17 candidates for judge and 10 candidates for prosecutor.



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Probation Service

On June 12, 2014, Kosovo Judicial Institute in cooperation with the Kosovo Probation Service conducted a practical training with ITP candidates of fifth generation.

The aim of this training was to provide ITP candidates for judges and prosecutors knowledge about the performance, work and activities of the Kosovo Probation Service. The knowledge gained from this institution will serve to their future professional practice, in improving the quality of work and increasing cooperation between judges, prosecutors and Probation Service of Kosovo.

Senior Kosovo Probation officers accompanied by their director, informed the candidates about the Probation Service history, divisions that operate within the Probation Service, the execution of measures and alternative sanctions, cooperation with the courts and prosecutor offices, probation and supervision procedures of persons released on bail, social survey, the report before sentencing, and the difference between social survey and the reports given before sentencing.

In the afternoon session, candidates were divided into groups assigned to work on practical cases. The candidates for the position of judge were asked to prepare a presentencing report, whereas the candidates for the position of prosecutor were asked to prepare a social survey.



Other activities

Training of Trainers – “Developing Modern Trainer Profile”

On 6-7 June 2014 in order to support the trainers in implementing different training success in the judicial area, KJI within the ToT program conducted a training on: "Developing Modern Trainer Profile."

The main purpose of this training was to train the participants in the implementation of a training manual, development of training objectives and interactive teaching techniques, as well as the design and content of training agendas for implementation of the training plan.

During this training were practiced the methodology, modern techniques, styles and moderation techniques that induce the development of training content, were explained the trainers working practices, application of modern theories of adult learning and were identify effective teaching strategies.

A part of this training was dedicated to the working groups on compilation of the agenda and contents of the training structure through which participants had the opportunity to practice their presentation skills, planning training forms followed by the methodology and training techniques.

Beneficiaries of this training were KJI trainers who will be engaged in the second half of 2014.

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Workshop for drafting the bencbook in civil and criminal areas

On June 11th 2014, the KJI in cooperation with EROL organized a workshop with experts engaged for drafting benchbooks in the civil and criminal areas.

With the purpose of fastening the process of developing these benchbooks, it was set that continuation of the work is done through the Google Drive platform. In this light, each participant was created a Gmail address in order to use this platform.

At this workshop, participants had the chance to practically familiarize with this platform, demonstrating concretely the material download, editing, commenting, as well as conversation with other participants of the Google drive.

Utilization of this platform will enable that while the local expert's progress on developing the bencbooks, the American experts, the KJI officials and EROL will make their comments. This will allow that the work quality is checked and commented instantly.

Participants at this workshop were judges engaged for drafting the benchbooks of civil and criminal areas.

Training of Trainers – “Judicial Ethics and Independency”

On 16 June 2014, KJI in cooperation with GIZ organized a training of trainers under the subject: “Judicial Ethics and Independency”. This training was conducted by the “Judicial College” trainers of United Kingdom.

The main objectives of this training were further promotion of practical skills of KJI trainers and development of appropriate training materials in the field of judicial ethics.

Beneficiaries had the opportunity to analyze and apply modern methods of interactive training used by trainers of the Judicial College of London. Through active participation, during this training, participants developed training materials that can be used during the ethics trainings.

Beneficiaries: KJI trainers engaged in the judicial ethics trainings.



2014 HELP Network Conference

On 16 and 17 of June 2014 at the Council of Europe Headquarters in Strasbourg, France was organised a conference of the European programme for Human Rights Education for Legal Professionals (HELP). This conference was funded by the Human Rights Trust Fund.

The theme of the conference was “From good training to good judgments, challenges, methodologies and perspectives”

The purpose of this conference was to provide a forum for discussion between representatives of National Training institutions and Bar Associations of the 47 members of the Council of Europe on ways to enhance results of training on the European Convention on Human Rights for legal professionals and how to promote concrete and effective cooperation among all institutions concerned.

This conference was attended by around 150 participants; including Kosovo Judicial Institute which was represented through its director as observer member of the HELP as for the simple reason that Kosovo is not yet a member of the Council of Europe.

„Pilot- Training for judicial professionals of Southern European Countries in the field of Human Trafficking”



On 24 – 25 July June, in Belgrade was conducted a pilot training for judicial professionals of Southern European Countries in the field of Human Trafficking. This training was organized by UNODC and Serbian Justice Academy.

The purpose of the training was to discuss and evaluate the practices of the regional countries in the field of human trafficking for the judicial professionals of Eastern European countries.

Through didactic presentations and interactive exercises, were elaborated the interviewing process, assessment risk, dealing with defense strategies, investigation (objectives, forms and options) as well as specific techniques.

Participants in this workshop were representatives of judicial training institutions as well as judges and prosecutors of the regional countries.

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