

NEWSLETTER



Instituti Gjyqësor i Kosovës
Kosovski Institut za Pravosudje
Kosovo Judicial Institute



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(CTP)***

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(TPP)***

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**We don't do justice
We do justice better**

Activities from the Continuous Training Program (CTP)

Roundtable-“Pre-criminal procedure and investigation”



On April 2, 2013, KJI organized a roundtable discussion where it addressed issues regarding the pre-criminal procedure and investigation, foreseen in the CCPK.

During this roundtable were addressed the legal provisions dealing with pre-criminal proceedings and investigations which are implemented by the state prosecutor. Also, the decision on the initiation of the investigation, the duration, extension, suspension and termination of the investigation were subject to this training, including the rights of the injured party in the investigations procedure.

This roundtable was realized through short theoretical presentations, interactive discussion and issuing of recommendations on the practical application of the new legal provisions of the CCPK.

Beneficiaries of this roundtable were judges of the basic courts and prosecutors of the basic prosecution offices from all regions of Kosovo.

Roundtable discussion: “Compensation of damage”



On April 03, 2013, KJI held a roundtable discussion on the topic “Compensation of damage”.

During this workshop were addressed topics related to: The responsible of causing damage (subjective and objective), material damage and its assessment criteria, non-material damage and its assessment criteria and penalty interest – interest-delay.

This roundtable was followed with the review of problematic cases from the case law. In this case it was found that the current judicial practice reflects different positions with some of the issues related to the principles of liability for damages, statutory institutions, interest-delay and the criteria for determining of the particular material damage especially the satisfaction for non-material damage.

Therefore it was recommended that the Supreme Court as soon as possible, in terms of its powers to review and approve the principled positions and legal opinions which will ensure implementation of laws by courts throughout Kosovo.

The beneficiaries of this training were judges of the general Department of Civil Division of the Court of Appeal and general departments of Basic Courts.

Roundtable discussion - “Judicial Ethics”

On April 4, 2013, KJI in cooperation with the USAID Program for Effective Rule of Law (EROL) organized a roundtable discussion where were addressed various issues of professional ethics for judges and prosecutors.

During this workshop were discussed issues about the general principles of ethics, legal responsibilities, administrative, judicial activities, prosecution and non-judicial and prosecutorial activities.

Primary attention was paid to topics such as independence, impartiality, ethics violations and disciplinary procedures. The training was conducted through short theoretical presentations, interactive discussion and issuing of recommendations on dedicated application of the Code of Judicial Ethics for judges and prosecutors. The beneficiaries of this roundtable were judges of the basic courts and prosecutors of the basic prosecution office from all regions of Kosovo.

Seminar: “The impact of the EU Law on National Law”

On April 4-5, 2013, KJI in cooperation with the European Institute for Public Administration / European Centre for Judges and Lawyers - EIPA, funded by the Ministry of Foreign Affairs of Luxembourg”, held a two-day seminar on the topic: “The Impact of the EU Law on Domestic Law”. The main purpose of the workshop was to advance the knowledge of judges on European Union Law and its reflections in the national laws of the member states.

In this seminar were addressed issues of the legal nature of European law, its sources, general principles, key features and the effect of this law in the constitutional system of the Republic of Kosovo. The attention was also focused on the role of the state in relation to Mechanism of the Stabilization and Association Agreement (SAA) between Kosovo and the EU.

Beneficiaries of this roundtable were judges in the general department – civil division of the Court of Appeal and general departments of the Basic Courts.



Workshop- “Legal remedies in the criminal procedure”

On April 8, 2013, KJI organized a roundtable discussion addressing the topic of ordinary and extraordinary legal remedies in the criminal procedure.

During this workshop were addressed issues regarding the legal provisions related to legal remedies in the criminal procedure which are used for violations of the criminal code and erroneous or incomplete factual situation as well as extraordinary legal remedies in the criminal procedure. This training was conducted through short theoretical presentations, interactive discussions and concrete recommendations were issued on the application of the legal provisions related to the topics covered in this case.

The beneficiaries of this training were basic court judges and prosecutors from the basic prosecution offices from all regions of Kosovo.

Roundtable discussion – “Criminal Liability of Legal Persons”

On April 11, 2013, KJI organized a roundtable discussion addressing issues related to the criminal liability of legal persons.

During this workshop were addressed topics related to the grounds and limits of criminal liability of legal persons, including security measures, penalties and other legal criminal sanctions that may be imposed on them. It was also discussed the criminal liability of persons responsible legal persons as a special aspect regulated by law. The training was conducted through theoretical short presentations, discussions and issuing of recommendations on the practical application of the Law on Criminal Liability of Legal Persons.

The beneficiaries of this roundtable were judges of the basic courts from different regions of Kosovo.

Meeting with the Presidents and Chief Prosecutors



On April 12, 2013, KJI held a workshop with presidents of courts and chief prosecutors of prosecution offices regarding the discussion of the Working Group Comments on the Novelties of the Code of Criminal Procedure.

The purpose of the workshop was the presentation of comments and discussions regarding the novelties of the Code of Criminal Procedure identified by the working group for the CCPK, proposals of presidents of courts and chief prosecutors of prosecution offices regarding the CCPK, supplementing the problematic articles for implementation in practice and identification of issues within the trainings on CCPK.

Participants of this roundtable were: the State Chief Prosecutor, the President and Chief Prosecutor of the Appeals Prosecution Office as well as presidents of courts and chief prosecutors of basic prosecution offices.



European Convention on Human Rights and Fundamental Freedoms

On **April 15, 2013**, KJI conducted a one-day training of trainers from the module European Convention on Human Rights and Fundamental Freedoms.

During training were highlighted fundamental concepts of the European Convention as a mechanism for balancing the legal standards regarding the human rights and freedoms and the effect of decisions on states that are members of the Council of Europe and the Convention Issues that are involved in the training were: The role and importance of the European Court of Human Rights in Strasbourg and the Council of Europe, the right to liberty and security (Article 5 of the ECHR) and were examined cases from practice of the Court in Strasbourg where the focus were the violations of rights guaranteed by the Article 5 of the Convention.

The beneficiaries of this training were mostly judges of Courts of Kosovo.



Roundtable Discussion – “Novelties of the Code of Criminal Procedure of the Republic of Kosovo”

On **April 17, 2013**, KJI held a roundtable discussion on the topic “Novelties of the Code of Criminal Procedure.

The roundtable was organized in order to give the opportunity to judges and prosecutors to get acquainted with the comments and recommendations of the working group committed to identify the novelties and problems regarding the application of the CCPK, with the purpose of the best implementation of its provisions. Participants at this training welcomed the explanations and comments of the working group and raised discussions regarding issues that are encountered in the practical application of CCPK and received additional information from experts who were part of the working group for the CCPK.

Participants at this training were judges and prosecutors from the Serious Crime Department, General Department and the Juvenile Department of the Basic Courts and Basic Prosecution Offices..



Workshop: “Proceedings concerning obstruction to possession”

On **April 18, 2013** KJI held a workshop on the topic “Procedure regarding obstruction to possession”

During this workshop were addressed issues related to the course of proceedings concerning disputes obstruction of possession, specifications of obstruction to possession disputes, evaluation of the lawsuit time-frame, the differences between the right of possession and possession, conditions for protection from the act of obstruction possession the order by which the obstruction possession cases are decided. The workshop was followed with group break out where participants discussed various cases from the case-law and shared their experiences from different regions. The beneficiaries of this training were judges of the Court of Appeal - Civil Division, and the Basic Courts - general departments.





Training –“Law on Protection from Domestic Violence by-laws, cooperation of judicial actors and of various institutions in the protection from domestic violence”

On **April 19, 2013**, KJI in cooperation with UNDP Project Initiative for the Protection and Security of Women Plus (WSSI PLUS) conducted a one day training on the aforementioned topic.

The purpose of this training was to establish best practices in the proper implementation of the provisions of the Law on Protection from Domestic Violence with special focus on the distinction between the measures of the protection orders and emergency protection and the implementation of these measures.

During this training were highlighted basic concepts of this Law and other by-laws and the role and importance of all stakeholders of justice starting from victim advocates and social workers in the proposal for a protection order, the civil judge in the examination and imposition of measures, competencies the prosecutor for criminal offenses committed on domestic violence and the criminal judge to review and decide on such criminal offenses. Beneficiaries of this training were judges and prosecutors of the basic level and victim advocates.



Training – Developing Trial Advocacy Skills

On **April 19 and 20 2013**, KJI in cooperation with the U.S. Department of Justice, OPDAT program, within the Continuous Training Program, conducted a two day training on the topic “Development of Trial Advocacy Skills”.

The purpose of the training was to introduce and apply in practice the most advanced techniques of representation at trial, which have already taken place in the Code of Criminal Procedure.

The techniques presented during the training program were: the opening statements, direct examination, cross examination, impeachment, re-examination and the closing argument.

During the two days of training participants through group work presented practical cases, where they demonstrated their skills in a mock trial based on preliminary guidelines of the trainers.

The beneficiaries of this training were judges of Basic Courts and prosecutors from the Basic Prosecution Offices from different regions.



Seminar – “Law on Extended Powers for the Confiscation of Property acquired through a criminal offense”

On **April 24, 2013**, KJI in cooperation with the U.S. Embassy respectively the Office of Overseas Prosecutorial Development Assistance and Training (OPDAT) organized a seminar on the topic “Law on the Extended Powers for Confiscation of Property acquired through a criminal offense”.

This roundtable addressed the Law on Extended Powers for Confiscation of Property acquired through a criminal offense, including the provisions of Criminal Code, Code of Criminal Procedure and the amendment Law on Money Laundering.

There were also addressed issues regarding the implementation of extended competences of confiscation, the conditions for confiscation of property acquired from a criminal activity as well as the management of confiscated property, including the identification and freezing of assets.

The beneficiaries of this training were basic court judges and prosecutors of basic prosecution offices from all regions of Kosovo.

Roundtable discussion -“Novelties of the Code of Criminal Procedure of the Republic of Kosovo”



On **April 25, 2013**, KJI organized a roundtable discussion where it addressed the practical implementation of the new provisions of the Code of Criminal Procedure of the Republic of Kosovo.

During this roundtable were addressed the comments and recommendations of the working group which aimed to identify new legal provisions of CCPK and recommendations for the proper implementation in practice. The

training was conducted through interactive discussions in which participants and trainers were involved by raising issues related to the practical application for which they gave the necessary explanations and recommendations for the proper implementation of the new legal provisions.

Beneficiaries of this roundtable were judges of the basic courts from the general department, serious crimes department and juvenile department as well prosecutors of basic prosecution offices from all regions of Kosovo.



Roundtable “Procedure and competences regarding the expropriation”

On April 26, 2013, KJI conducted a roundtable discussion on the topic “The procedure and the competence regarding expropriation”. The main purpose of this roundtable was to enhance the knowledge of judges regarding the procedure and the competence to decide on matters of expropriation.

During this roundtable were addressed issues related to the: Procedure and competence to decide on matters of expropriation, compensation setting the value of the property expropriated through expertise and decisions in the appeals process. There were also discussions regarding the various judicial cases from practices and experiences were exchanged between judges of different regions on the proper implementation of effective legal solutions.

Beneficiaries of this roundtable were judges in the general department – civil divisions of the Court of Appeal and general departments of the Basic Courts.



Activities from Training Program for Promotion (TPP)

Seminar – “Case management”

On April 10, 2013, KJI in cooperation with the USAID Program for Effective Rule of Law (EROL) organized a seminar on the topic “Case Management”.

During this seminar, international and local experts presented interesting topics about the basic principles and major case management techniques in order to increase the efficiency, effectiveness and transparency of the courts. During the training were presented and discussed issues related to the efficient resolution of cases, reducing the backlog, reduction of the delay of cases, standardizing procedures for case management, alternative dispute resolution, etc.. This seminar was realized through theoretical short presentations, interactive discussion and issuing of recommendations on the application of best practices case management.

The beneficiaries of this seminar were judges of the basic courts and prosecutors of the basic prosecution offices from all regions of Kosovo.

Training - Module “Commercial Law – Protection of Consumer Rights”



On **April 16, 2013**, KJI conducted a one-day training session on the topic “**Protection of Consumer Rights and Interests**”.

During the training were addressed the basic concepts of the Law on Consumer Protection, standards and best practices of the EU concerning the protection of the rights and interests of consumers when purchasing

goods, services and other services in the free market and the obligations of retailers, manufacturers and suppliers. Also were addressed the conditions of sale of goods and provision of services, seller’s obligations for the proper functioning of the sold item, the consequences of non-compliance with the requirements of buyers, different types of contracts etc. This training was conducted through short theoretical presentations, interactive discussions and issuing of recommendations on the application of best practices for consumer protection.

Beneficiaries of this training were judges of the department of commercial issues of the Basic Court in Prishtina.



Module: Legal Writing and Reasoning



On **April 29, 2013**, KJI in cooperation with EROL / USAID conducted a one-day training on the next module: Legal Writing and Reasoning.

The purpose of this training was to establish the best practices in terms of drafting and full reasoning of court decisions on the implementation of modern methods in identifying the legal problem (IRAC).

During this training was introduced and discussed the content and importance of the legal writing and reasoning. There were also pointed out the disadvantages regarding the reasoning of decisions in criminal and civil fields in practice.

To avoid these disadvantages and the purpose of the proper interpretation of the provisions the IRAC (issue identification, identification of the order, analysis and conclusion) method was presented and the way of its application in practice through hypothetical examples.

Beneficiaries of this training were Judges of Court of Appeal.

Other activities

Seminar on Anti-Corruption and Organized Crime

(Ankara/Istanbul - Republic of Turkey)



Kosovo Judicial Institute in its continuous cooperation with the Justice Academy of Turkey, from **April 1 until April 5, 2013**, conducted a seminar addressing issues of corruption and organized crime in Ankara and Istanbul in the Republic of Turkey, Part of this training program were also visits to the institutions responsible for the implementation of laws in this field.

The purpose of the workshop was to exchange experiences on the legal structure and the fight against corruption and organized crime as well as discussion of methods, instruments and challenges when combating these negative phenomena for the societies of the two countries.

Within this seminar were conducted a series of highly professional presentations, comments and discussions on practical cases, where an exchange of experiences was made in overcoming the challenges presented and it was also emphasized the progress achieved so far in this field.

During this training program, participants were also informed about the Turkish judicial system, focusing on the criminal justice system and the history of anti-corruption. Also the focus of the presentations were the following methods of organized crime, instruments and techniques of prosecution in the fight against corruption as well as the approach of the prosecution and the police unit in the fight against corruption and organized crime.

Through the visit conducted in the Prosecution Office in Sincan Ankara, participants closely were informed about the management of the criminal justice system and the role and importance of the prosecution in the fight against corruption and organized crime. Of a particular importance was also the visit to Ankara Gendarmerie Crime Laboratory where participants had the opportunity to see the operation, supervision and management structure and the processing of issues developed during the identification and detection of crimes through different samples used in separate laboratories within the department of criminology.

The beneficiaries of this program were the Chief -Prosecutors and prosecutors from all levels of prosecution offices of Kosovo, the Director of Administration and Finance of Kosovo Judicial Institute, officials and the Prosecutorial Council and the Special Prosecution Office of Kosovo.

The financial and professional support of this program was made by the Justice Academy of Turkey and TIKA.



KJI Staff workshop

In order to enhance the level of leadership, management and more efficient implementation of the professional activities of KJI on **April 10 and 11, 2013** a workshop was held in Prevala, where participants were the director and leading staff of departments and programs of KJI.

On this occasion was drafted the KJI framework and the Strategic Plan for the years 2013-2016, work priorities for 2013 were determined, the evaluation plan of the CTP was finalized, and there were discussions regarding the framework of the Regulation on KJI Publications and Research.



Regional Conference “Strengthening the cooperation between judges who work in field of law for refugees – asylum” (Western Balkans) April 10 to 12 in Skopje – Macedonia

The Academy for Judges and Public Prosecutors of FYR-Macedonia with the support of TAIEX (EU funds), on **April 10, 11 and 12, 2013** organized a regional conference on the topic “Asylum and Migration”.

The purpose of this conference was to exchange experiences through advanced knowledge of law enforcement and administrative authorities which decide in the first instance for the right of asylum and asylum-seekers.

At the conference, the European Asylum Support Office introduced the support for the implementation of the Common European System of Asylum and in addition to presentations from the EU experts, a case study was presented which was actively analyzed and discussed by all participants. Also a mock trial was held in which participants were divided into groups where each group played a role in the simulation.



This conference was of great importance for the enhancement of international judicial cooperation in the field of administration in order to increase the coordination between countries to improve the training curricula in this field, in order to have uniform practices in the implementation of national legislation and international standards in this field.

Participants at this conference also presented general aspects of the right of refugees in their countries and issues in the field of training regarding asylum and migration. Also, participants worked in groups to identify the best practices and common needs for capacity building and strengthening of regional judicial cooperation in the field of the refugee law.

The conference was attended by representatives from the region (FYR-Macedonia, Albania, Bosnia and Herzegovina, Croatia, Kosovo, Montenegro and Serbia), respectively judges working in the administrative field and representatives of judicial training academies and institutions of each country. Part of the conference was representatives of the Asylum Division of the Ministry of Internal Affairs of the Republic of Macedonia, representatives of the Office of the Ombudsman, representatives of the UNHCR Office in Skopje etc. Participants and beneficiaries in this conference were also the delegation of the Republic of Kosovo composed of five judges from the administrative departments of the Court of Appeal and the Basic Court in Prishtina and one judicial Trainer from the Kosovo Judicial Institute.

Two day training: Procurement procedure, Asset Management and their Audit

Based on the objectives of the KJC for the professional preparation of the staff, **April 11 - 14, 2013**, two KJI officials participated in a two day training regarding Procurement, Asset Management and their Audit.

During the training were addressed issues concerning: procurement planning, types of procurement procedures, administration of procedures, the tender dossier, technical specifications, contract management, assessment, inventory and disposal of assets, receipt of goods, the process of audit in procurement audit process and asset management.

With a special focus were discussed issues concerning the practical implementation of the procurement, audit as an important process for the procurement, procurement problems in our country as well as the discussion for the assessment of the capital assets held by the Budget, which must be identified and evaluated using the appropriate basis for evaluation.

Participants in this training were the procurement manager and senior official of the Budget and Finances from KJI as well as other official from the institutions of the country. Certificates were distributed at the end of the training for all the participants.

Internship program for the interns of the Law Faculty if the University of Prishtina



On **April 14, 2013** the ninth group of interns completed the internship period at KJI - students of the Law Faculty of the UP. Four interns during the three-month period provided administrative support in the preparation of training materials, review of various documents for the implementation of various training programs of KJI.

After the successful completion of the internship, the Director of KJI distributed certificates to the interns.

Meeting with the Trainers of the NITA Program “Development of Trial Advocacy Skills”



Before the commencement of the training sessions of this program, KJI on **April 15, 2013**, conducted the next meeting with the trainers who implement this program.

The organization of this meeting intended to unify the issues in group, the preparation of presentations by the trainers including the novelties of the new Code of Criminal Procedure and to discuss issues of implementation of the program in practice.

Key points that were discussed at this meeting were:

- » How to apply the techniques of NITA program;
- » What are the general rules regarding the techniques;
- » Which of these techniques has an advantage;
- » How to apply the techniques according to CCPK;
- » How do these techniques influence in the whole criminal proceedings;



Staff Training

On **April 19 to 22, 2013** KJI in support from UN-WOMEN conducted a workshop for the staff focusing on: UNWOMEN Project assessment - the impact on the quality of the training programs, KJI strategic priorities for 2013; The Assessment of the continuous training program and mechanisms for the drafting of the continuous program; the identification of training needs in the field of gender equality and publications in the field of gender equality.

The purpose of the workshop was to identify the staff's work challenges and ideas for overcoming them, and to develop strategic documents and internal by-laws that will facilitate the practice of various development activities for the implementation of the working program. This workshop was combined with group work and creative ideas regarding the publication of KJI.

The entire staff of KJI benefited from this training.





On **April 26, 2013**, a delegation from the High Judicial and Prosecutorial Council of the Republic of Turkey, hosted by the Kosovo Judicial Council, as part of their visit to the country's justice institutions, visited also the Kosovo Judicial Institute.

The participants of the delegation were the President of the Office / First Chamber of the High Judicial and Prosecutorial Council, members and representatives of this office of Justice of the Republic of Turkey.

The purpose of the visit was to become familiar with the work and activities of KJI and also to deepen the mutual relations in the justice system. The delegation was hosted by the Director of KJI Mr. Lavdim Krasniqi, the Director for Administration and Finance and the Head of the Initial Training Program.

The director of KJI informed the guests on the functions, organizational structure and activities of KJI. During the meeting there were discussions regarding the judicial trainings, the case-law, reforms in the justice system and the cooperation with international training institutions in particular with the Academy of Justice of the Republic of Turkey. There were also discussions on issues of interest from the Turkish delegation.

Representatives of the delegation expressed their willingness to continue the support and further cooperation in the judicial field in order to exchange the best practices.

Closing Conference “Strategic Priorities for Regional Cooperation against Cyber Crime”

On **April 29-30, 2013**, a closing conference regarding the project “Regional Cooperation in Criminal Matters: Strengthening capacities in the fight against cyber crime” was conducted in Budva, Montenegro. This conference was supported by the joint project of the European Union and the Council of Europe, “Cybercrime @ IPA”.

The aim of the 32 month project was the capacity building of institutions of countries of the Western Balkans and Turkey, for effective regional cooperation in combating computer crime.

On the first day of the conference participants had the opportunity to assess the achievements of the project, to discuss the possibility of the use and promotion of tools developed to support the project, and discussed the possibilities for regional cooperation and advancing to the next steps in to ensure the sustainability of the project. In this framework was adopted the Expert Evaluation Report on the status and progress of the beneficiary countries during the implementation period of the project.

On the second day of the conference, on April 30, 2013, was signed the Memorandum of Understanding for the operation of the Regional Centre for Judicial Training in Cyber Crime, established with its headquarters in Zagreb, Croatia. The memorandum was signed by the heads of the training centers and project beneficiaries such as: Croatia, Albania, Kosovo, Macedonia, Serbia, Bosnia and Herzegovina, Montenegro and Turkey. On this occasion was approved the Work Plan of the Regional Judicial Training Center for Cybercrime for 2013/2014.

The Republic of Kosovo in this conference was represented by officials from the Kosovo Judicial Institute, Ministry of Justice - Department for International Legal Cooperation, the Kosovo Police- Department against Organized Crime/Sector of the Computer Crime Investigation, and MED officials from the Post and Telecommunications and Information Technology Department.



Review of the financial report of the Kosovo Judicial Institute in 2012 by the Committee on Budget and Finance of the Assembly of the Republic of Kosovo

On 29.04.2013 Committee of the Budget and Finance of the Assembly of Kosovo reviewed the financial report of the Kosovo Judicial Institute in 2012.

The director of the Kosovo Judicial Institute presented a brief summary regarding the developed activities, KJI's budget and expenses incurred during this year. After the presentation of the financial report and the following questions and clarifications made by the members of the committee the report was accepted and approved for adoption by the Assembly.

Review of the annual report of Kosovo Judicial Institute for 2011 by the Committee for Legislation of the Assembly of the Republic of Kosovo

On 29.04.2013 Committee for the Legislation of Assembly of Kosovo reviewed the annual report of the Kosovo Judicial Institute in 2012.

The director of the Kosovo Judicial Institute presented a brief summary regarding the conducted activities, the achievements and challenges of KJI during 2012. The committee assessed the report as well completed and as a good overview of all the activities during the year and congratulated KJI for the work done during this year. After the following questions and clarifications made, the report was supported by the members of the committee and was approved for adoption by the Assembly.