

# NEWSLETTER



Instituti Gjyqësor i Kosovës  
Kosovski Institut za Pravosudje  
Kosovo Judicial Institute



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

## Activities from the Continuous Training Program (CTP)

### Training on the Code of Criminal Procedure of the Republic of Kosovo



**On June 3, 5, 10 and 14, 2013**, KJI conducted two training sessions, addressing the practical implementation of the new provisions of the Code of Criminal Procedure of the Republic of Kosovo. During these training sessions were addressed the comments and recommendations of the working group which aimed to identify the new legal provisions of the CCPK and recommendations for 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 training session were: judges from the Court of Appeal, Basic Court as well as prosecutors from the Basic Prosecution Offices from all regions of Kosovo.



### Roundtable discussion “Cooperation in the commission of a criminal offence”

**On June 4, 2013**, KJI organized a roundtable discussion from the Criminal field on the topic “Cooperation in the commission of the criminal offense”.

During the training, judges and prosecutors had the opportunity to get acquainted with joint-commission and the agreement to commit a criminal offence, assistance and the push. At the same time this training addressed the criminal union, limits of the criminal liability and the punishment for cooperation. The training was followed by cases from the case-law and the exchange of experiences in order to avoid the dilemmas.

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

## Training: “European Legal Instruments on Cross-border cooperation in cases of Organized Crime and Corruption (Judicial Cooperation in Criminal Matters)”

**On June 6 and 7, 2013**, KJI in cooperation with the German Society for International Cooperation (GIZ) organized a two-day training on the abovementioned topic.



The purpose of this training was to advance the knowledge of participants regarding the Extradition, ratified agreements and legally binding norms of the international law.

During this training, international experts presented and addressed the Law on International Legal Cooperation in Criminal Matters, concepts and application of international legal cooperation on the basis of the Treaties and

Conventions as well as the extradition from and to Kosovo.

The Twinning Project (EU) was also introduced, the mutual aid organization, duties and responsibilities of organizations on Legal cooperation such as the: Eurojust, the EJM, Europol, Interpol, ICC, ICITY and ICTR. The training was marked by practical handling of cases and the exchange of experiences between trainers and participants. Participants of this training were: Judges of the Basic Courts from all regions of Kosovo, prosecutors from the Special Prosecution Office of Kosovo as well as investigators from the Customs of Kosovo.



## Roundtable discussion - Module - Fight against corruption

**On June 11, 2013**, KJI organized a roundtable discussion addressing issues related to various actions and fight against corruption.

During this workshop were discussed topics such as: the legislative framework in fighting corruption, laws in the procurement field, and law enforcement agencies against corruption, investigation strategies and tactics of cases with corruption elements.

The training was conducted through short theoretical presentations, discussion of practical examples and issuing of recommendations on fighting this dangerous social phenomenon.

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

## Workshop: Acquisition of property based on construction on foreign soil and with a winning statutory limitation



On June 12, 2013 a workshop on the topic “Acquisition of Property based on construction in foreign soil and statutory limitation”. During this workshop were addressed issues concerning the existence and legal regulation of the construction right based on positive law, the manner of establishing such a right, content and legal effects of the construction right. Also the acquisition of property in an authen-

tic way was addressed as well as the conditions for the acquisition of property under statutory limitation. This workshop was realized through short theoretical presentations, interactive discussions and issuing of concrete recommendations on the application of legal provisions related to the topics covered in this case. Participants in this training were judges of the civil division of the basic courts from all the regions of Kosovo.

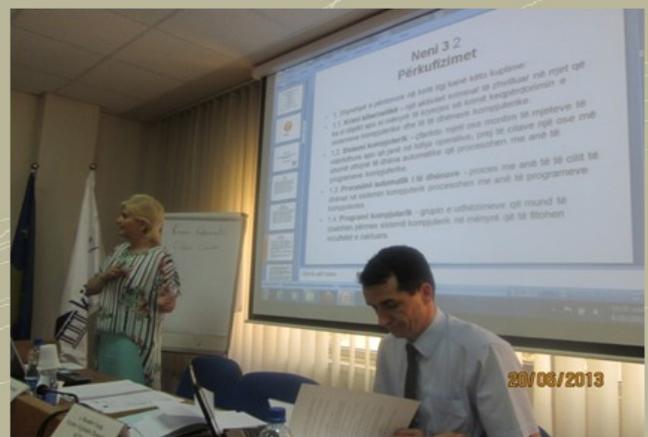


## Module – Cyber Crime

On June 19-20, 2013, KJI conducted a two day training on the topic “Cyber Crime”. The main purpose of this training was to enhance the knowledge of judges in handling cases related to cyber crime.

During this session were addressed issues related to the identification of local and international legal provisions dealing with cyber crime, criminal offences of cyber crime and elements and electronic evidence. In this case, the judges were able to get information how to deal with cases of cyber crime, which laws and technology which can be applied, how to undertake urgent and effective measures and how to establish an extensive international cooperation.

Beneficiaries of this training were judges from the Basic Courts of Prizren and Mitrovica.



## Road Traffic Accidents

**On June 24, 2013**, KJI organized a one-day training for judges of the Minor Offence division on the topic: Road Traffic Accidents. The purpose of this training was to establish the best practices in the proper implementation of the provisions of the Law on Road Traffic.

In this training were addressed and discussed issues related to road traffic accidents, bypassing as a cause of accident, the impunity and the proper application of Article 352 of the Law on Road Traffic.

Upon treatment of the Law on Road Traffic Safety were also highlighted its disadvantages, particularly the lack of harmonization of this law with the Law on Minor Offences and the European Union directives, terminological mistakes, lack of harmonization of penalties in relation to the risk of the minor offense and the lack of more punitive measures for minor offenses foreseen by law.

Participants of the training required further clarification regarding the application for commencement of the procedure in cases where the request is presented to a person whereas other contributed to the cause of the accident with a certain percentage. For these and other dilemmas the trainers provided recommendations and their solutions.

In the afternoon participating judges divided into groups had the opportunity through practical exercises to demonstrate their knowledge of the issuance of the ruling on the measure or criminal sanctions against the perpetrator of minor offenses according to the Law on Road Traffic Safety.

Beneficiaries of this training were judges of the minor offence division from all Basic Courts of Kosovo.

## Roundtable discussion: “Legal Writing and Reasoning”

**KJI on June 24, 2013** held a roundtable discussion in Peja on the topic: “Legal Writing and Reasoning”. This roundtable was supported by USAID Program for the Effective Rule of Law and the main purpose was to advance the knowledge of judges in the field of practical application of modern methods of legal writing and reasoning in solving legal issues.

Judges after this roundtable will be able to apply a form of legal writing and reasoning which promotes a method of clear and logical thinking and a form of verbal and written expression, which supports the logical and responsible conclusions. The focus of the roundtable was the IRAC method (abbreviation in English) which presents a four-step analytical process, the application of this method in judicial practical cases. The roundtable was followed with reviewing cases and solving practical tasks set out in this field.

This roundtable was regional and the beneficiaries were judges of the Basic Courts from the region of Peja Gjakova and Prizren.



## Roundtable discussion “Criminal Offences against voting rights”



**On June 25, 2013** KJI held a roundtable discussion on the abovementioned topic. The main purpose of this roundtable was to enhance the knowledge of judges in identifying qualifying elements of criminal offences against the voting rights. During this workshop were addressed issues related to criminal offenses against the voting rights; submission forms, qualifying elements, the importance and weight of

these criminal offenses. There were also addressed the novelties of such criminal offenses according to the Criminal Code of Kosovo, in particular those relating to the infringement of the right to run, threatening the candidate, misuse of the official duty during the elections, giving or receiving bribes in relation to voting and preventing the voting process. Beneficiaries of this training were judges of the Basic Courts from the Mitrovica, Gjakova and Gjilan region.



## Roundtable discussion “Litispence and intermediaries”



**On June 26, 2013**, KJI held a roundtable discussion on the abovementioned topic. The purpose of this workshop was to establish the best practices in the proper implementation of the legal provisions of the LCP which relate to litispence and intervention. During this workshop were addressed issues such as: types of litispence, participation of third parties in the court process, the legal predecessor appointment and no-

tification of the third party to the process. The roundtable was conducted through interactive discussions regarding the covered topics. Beneficiaries of this training were judges of the civil division from the Basic Courts from the regions of Kosovo.



## Roundtable discussion- “Legal Instruments on Trafficking in Human Beings and International Cooperation”



From **June 24 to June 27**, KJI in cooperation with the EU-EC KMOM - MIA (Strengthening the fight against human trafficking and domestic violence) held a roundtable discussion on the abovementioned topic.

During this four-day workshop were addressed topics such as: the UN Convention against transnational organized crime, international treaties and the EU framework on human trafficking, international cooperation, Human trafficking cases, treatment of informants, surveillance activities of regional and cross-border police cooperation, interrogation techniques and financial investigation on human trafficking. On the fourth day of the training was conducted a mock trial in which all participants were involved.

Beneficiaries of this roundtable were judges and prosecutors of basic level from all regions of Kosovo, police officers as well as employees from the Agency for Seizure and Confiscation of Property (MJ).

## Training: “Developing Trial Advocacy Skills”

**On June 28 and June 29, 2013**, KJI in cooperation with the US Department of Justice, OPDAT program, conducted a two day training on the topic “Developing Trial Advocacy Skills”. The purpose of the training was to develop practical skills of representation at the trial, techniques which have already taken place in the Code of Criminal Procedure of Kosovo.

Topics presented during the training were: opening statements, direct examination, cross-examination, impeachment, re-examination and closing argument. During this training, participants through the group work had the opportunity to work on a practical case and present certain parts, thus demonstrating their advocacy skills relying on preliminary instructions of trainers.

Beneficiaries of this training were judges from the Basic Courts and Prosecutors from the basic prosecution offices from different regions of Kosovo.



## ***Activities from Training Program for Promotion (TPP)***

### **Module for the professional associates of courts and prosecution offices**



**On June 3, 2013**, KJI within the training program for administrative staff of the courts and prosecution offices conducted the first training cycle of the module for professional associates.

The purpose of this training was to provide more detailed knowledge to professional associates regarding their professional activity in the judicial and prosecutorial system and the establishment of best practices in terms of cooperation with judges and prosecutors.

This training addressed the role of the professional associations in the judicial and prosecutorial system, the importance of judicial independence, the international standards for office of the judiciary, the independence and impartiality of the judiciary as well as the relations between the judicial authorities and the legislative and executive power.

Beneficiaries of this training were professional associates of the courts and prosecution offices of Kosovo.



### **Module: Minor Offence Procedure**



**On June 19, 2013**, KJI organized a one-day training from the module: Minor Offence Procedure.

The purpose of this training was the Establishment of best practices in the implementation of the minor offence procedure against juveniles and adults. During this training were discussed topics such as: the legal basis for the initiation and development of the civil procedure, criminal offenses, impunity and other issues relating to the suspension and termination of the minor offence procedure, measures to ensure the presence of the defendant in the minor offence proceedings, examination of the defendant and witnesses, and crime scene examination and expertise, obtaining temporary the items, oral hearings as well as the ruling on the minor offence procedure.

In this case, were addressed the minor offence procedure against juveniles, their way of representation in court and other entities involved in this procedure. The participating judges had the opportunity in this training through a hypothetical case to demonstrate their knowledge on issuing a judgment with a measure or criminal sanctions against the juvenile as a perpetrator of a minor offence.

Beneficiaries of this training were judges from the minor offence division from all Basic Courts of Kosovo.



## Other activities

### Human Rights and Training for Legal Professionals

**On June 18 and 19 in Strasbourg, France** was conducted a conference entitled “Issues Related to Human Rights and Training for Legal Professionals”. This conference was organized by the Council of Europe, respectively the HELP program which as a main purpose has the capacity building support for the implementation of trainings on human rights.

Topics addressed in this conference were the: cooperation in the organization of the trainings for legal professionals regarding the European Convention on Human Rights and Fundamental Freedoms, the interaction between the training curricula on human rights, including the perspectives of human rights in the training curricula, international initiatives to train legal professionals, open training resources for legal professionals and model curricula in the field of human rights training.

The conference was attended by representatives of national institutions for the training of judges, prosecutors and other legal professionals from 47 member countries of the Council of Europe. Since Kosovo is not a member state of the Council of Europe, KJI was invited at this conference as a monitor and was represented by the Director Lavdim says.

The experiences and recommendations of this conference are important in determining the content and methodology of the training programs for human rights which are applied from KJI.

### Report on the Preparatory Exam

**On June 22, 2013**, KJI organized the written Preparatory Exam for the fifth generation of candidates for judges and prosecutors in the Initial Training Program which was held at the Kosovo Academy for Public Safety in Vushtrri.

146 candidates were subject to the exam, of them 94 for judges and 52 for prosecutors.

Selection of the written exam questions was made randomly by the candidates.

The Preparatory Exam was administered by KJI and during the whole time was monitored by the international representatives from the OSCE and the EROL-while the security was provided by KAPS staff.

