



Instituti Gjyqësor i Kosovës  
Kosovski Institut za Pravosudje  
Kosovo Judicial Institute

# NEWSLETTER

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We don't do  
justice we  
make justice  
better

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## 1. Training Activities on Continuous Legal Education Program (CLEP)

### Workshop:

Some Aspects of the Minor Offence Procedure– Law on Minor Offence



On 6 March 2012, the Kosovo Judicial Institute organized a workshop on "Some Aspects of Minor Offence Procedure".

The purpose of this workshop was to gain more knowledge on application of the legal provisions of the minor offence during the administration phase.

The objectives of this workshop were that at the end of this session the participants will be able to:

- Know the main applicable principles to for the administration of the evidenced during the minor offence procedure; and
- Evaluate properly the evidenced gathered during the minor offence procedure;

Also, in cooperation with the participants were reviewed several cases from the court practice, they exchanged their work experience and various dilemmas encountered in practice and in the end the participants demonstrated a simulation cases related to the phase of confrontation of the parties.

### Training on Trial Advocacy Skills According to NITA Program

On 07 until 09 March 2012, KJI in cooperation with the US Department of Justice, OPDAT program in Pristina, within the training program for promotion organized a three day work shop on “Trial Advocacy Skills”

The topics that were treated during this session were related to the direct examination, cross examination of the defendants, witnesses, experts, opening statement and closing argument conducted by the prosecutor also and by the defense counsel.

During this training participants had the opportunity to work in groups in order to demonstrate their practical skills during the trial using the techniques presented by the experts.



All presentations were recorded, with the purpose of gathering suggestions and guidelines for their appearance and finally they received certificates for the successful completion of training

The beneficiaries of this training were judges, prosecutors from all levels, lawyers and victim advocates from the regions of Prishtina, Mitrovica and Ferizajit.

### Roundtable discussion: Interrogation of the witnesses and protected witnesses

On March 16 2012, KJI has implemented a training session on: “Interrogation of the witnesses and protected witnesses”.

The purpose of this training was to analyze the issues related to witnesses in criminal procedure to which it is believed that can provide information about the criminal offence, the perpetrator, and the circumstances important to criminal procedure by giving a contribution in revealing the truth. The manners of implementing the interrogation, the legal obligation to testify, defend witnesses in criminal proceeding and the order for anonymity, were issues that were discussed during this training session. This session contained also practical cases and in order to avoid the dilemmas that occur in daily work.

The main objectives of this session were as following:

- To achieve the effect on the evaluation of the witness testimony given during the criminal procedure;
- Decide upon the admissibility of the statement as an evidence of the criminal proceeding;
- To differentiate on cases when anonymous witnesses and cooperative witnesses is announced

Beneficiaries of this discussion were judges and prosecutors from all levels and from all

## Organized Crime - TPP and CLEP

On 20 and 21 March 2012, within the Training Program for Promotion and Continuous Legal Education Program organized a training on: “Organized Crime”

The purpose of this training was to establish the best practices in the way of preventing and fighting organized crime, while the objective of this training was that beneficiaries of these session will be able to:

- understand the characteristics of organized crime,
- Identify the types of crimes that fall in the category of organized crime,
- know the elements of the offense of trafficking in human beings, trafficking with immigrants, narcotics and psychotropic substance and other offences such as of money laundering and informal economy,
- distinguish these criminal acts with related acts and
- To know in practice proceedings of fighting organized crime.



Issues that were discussed in the first day of this training were: trafficking of human beings, trafficking of dangerous narcotics, trafficking and psychotropic substance, corruption as a part of organized crime, informal economy and money laundering.

Beneficiaries of this training had the opportunity to gain more knowledge regarding the planning strategy on how to fight these acts that are part of the organized crime.

During this training were given clarifications regarding the specific elements of the criminal offences as part of the organized crime, its characteristics and the goal that has to be fulfilled as a result of the training.

The second day of this session contained topics such as:

covert and technical measures of investigation, protected witnesses and cooperative witnesses and the plea agreement.

On this matter were introduced cases when to file a request for these measures, who should file the request, what measures can be ordered by the prosecutor and what measures can not be issued without the order of the trial judge

Also some other clarification were provided regarding the duration of these measures, types and categories of witnesses and examples from the judicial practices with respect to the implementation of these measures.

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

## European Convention on Human Rights and Fundamental Freedoms - TPP and CLEP



On 1-2, 8-9 also 22-23 March 2012, KJI in cooperation with the Twinning Program (EU-LER), KJI organized three training sessions (two days for each session) on the European Convention on Human Rights and Fundamental Freedoms.

The purpose of this training was to prepare the judges and prosecutors in practical implementation of the ECHR. The objective of this training was that after the session the participant will be able to:

- To understand the importance of ECHR and its impact on judicial practice,
- Understand the fundamental freedoms and rights guaranteed with ECHR;
- Know the competence and jurisdiction of the Strasbourg Court
- Know the elements of admissibility and inadmissibility of the request

Understand the effect of the decisions taken by the member states of the Council of Europe and ratification of the ECHR. Addressing these issues international trainers presented a video through which the participants were introduced with the history of the Court in Strasbourg and its case law, complaints submitted by different states and the consequences of the decision made by this court toward the member state of the Council of Europe.

During this training were given explanation regarding the organizing of the Strasbourg Court the composition of the panel and the relevant.

Deadlines,

who could file a request to the court, and the differences between the European Council and Council of Europe which and the conditions for membership in Council of Europe as well as in the EU.

Beneficiaries of these training had the opportunity to work in groups in groups and demonstrate their knowledge on the identification of the violations of rights guaranteed with special emphasis on the Article 5 and 6 of the Convention.

Beneficiaries were judges, prosecutors and professional associates from all regions of Kosovo.

## Roundtable discussion: Divorce, Joint Property and Child Trust”



On 22 March 2012, KJI organized a roundtable discussion on: “Divorce, Joint Property and Child Trust”.

The main purpose of this roundtable was the treatment of legal provisions regarding : the procedures for divorce,

how to implement these provisions in court practice and avoidance of eventual dilemmas of practical cases.

Among the main objectives were that the judges after the workshop:

- To enhance the knowledge regarding initiation of the procedures to the competent Court to resolve the marriage by divorce, common property, of spouses children’s trust.
- To recognize and apply the procedure prior (attempt reconciliation) and the final procedure

- To apply in efficient way the procedure of marriage by divorce according to the legal provisions for Families in Kosovo.

By organizing such training, the civil court judges of the municipal court level and minor offense to all regions had benefited from.

During discussion from the participant were initiated some practical cases which demanded special treatment for their solution from the trainers, were discussed several court decision, and also work experiences were exchanged with the aim of unifying the judicial practice.

## Roundtable Discussion: “Ownership - Authorization and Limitation of the Owner and Real Servitude”



On 27 March 2012, KJI organized a roundtable discussion on: “Ownership, authorization and limitation of the owner and real owner”

The purpose of this training was to analyze of property rights, the authority and identification of general and special of limitations.

The focus of the roundtable were the controversial matters regarding the procedures for the acquisition of ownership, mortgages, insurance and property registration.

Objectives of these training were:

To explain throughout the ownership rights and its authorizations as well as to apply the legal provisions in practice regarding these authorizations and its limitations.

- To identify general and special limitations and the rights of the property.

- Understand the neighboring rights and missions as a regulator for limitation of the ownership rights.

- To distinguish the neighboring rights and real servitude.

- To clarify the questionable discussions and dilemmas about the way of acquiring property, mortgage, securities and property registrations.

Beneficiaries of this training were judges of from all regions of Kosovo.

## Roundtable discussion: “License contract, Leasing, Storage and Control of Goods”

On 28 March 2012, KJI in cooperation and support of USAID-SEAD, KJI organizes a roundtable on: “License Contract, Leasing, Storage and Control of Goods”.

The purpose of this training was to analyze and discuss in general the license contract, leasing, storage and control of goods. In focus of this roundtable were difficulties in understanding properly the aforementioned contracts and dilemmas that are present in practice.

The objectives of this training were:

To clarify the general legal framework in force for license contract

Leasing, control of the goods and storage also the solution that contains the Draft-Law on Obligations of Kosovo.

- To analyze the practice since 1999 and the problems associated with implementation of these contracts in actual practice.

- To clarify in overall the main elements of the license contract, leasing, storage and control of the goods.

- To clarify and the rights and obligations of the parties of contracts



- To clarify in particular the legal impact of the license contract, leasing, storage and control of goods.

- To explain and specify the responsibility for the damage caused on these contracts.

To understand the forms of the termination of these contracts.

## Roundtable Discussion: Criminal Procedure including the Offenders with Mental Disorders

On 30 March 2012, KJI organized a training session on “Criminal Procedure including the Offenders with Mental Disorders”.

The purpose of this training was the treatment of practical cases relating with procedures for the imposing of measure of mandatory psychiatric treatment at liberty or in detention, if confirmed from the court that the defendant has committed a criminal offense in state of mental disability.

The main learning objectives of this training were:

- To be informed for standards and criminal procedure conducted for this category of persons when they have committed a crime;

- To develop professional skills on authentic interpretation of the norms that regulates this area.

- To demonstrate professional skills during the implementation of this procedure.

During this roundtable analyzes has been made on cases related to the criminal procedure

that involve perpetrator with mental disabilities, including detention for persons with mental disability, judicial review and decision making and execution of these measures.

This roundtable was marked with cases from judicial practice in order to exchange experiences, respecting the international standards and the human treatment of these persons, in cases when they are perpetrator of the criminal offense.

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

## 2. TRAINING ACTIVITIES ON TRAINING PROGRAM FOR PROMOTION (TPP)

### Training on Professional Associates



On 06 March 2012, KJI within the Program of other Professionals in Justice System and Prosecutorial, has realized the second cycle of the training from professional associates module.

The purpose of this training was to offer professional cooperators more knowledge in details for several types of institutes of the law within the Criminal Code of Kosovo.

The main objective was that participants after the completion of this training to be able to :

- Understand Criminal responsibility
- Distinguish sentences and their types,
- Recognize the institution of sentence replacement;
- Have knowledge on ne bis in idem principle in Kosovo, and
- To identify criminal acts against human rights and fundamental freedoms

Cases that were discussed during this training were: criminal responsibility, replacement of the sentence, ne bis in idem principle within the Kosovo legislation and the chapter of criminal acts against human rights and fundamental.

Participants had the opportunity in groups to demonstrate their knowledge related to subject cases, they drafted three types of judgments for different criminal acts and then discussed the nature of the case, the decision taken, administrated evidences and other matters regarding adequate provisions for qualification of the offense, sentence, etc.,

The beneficiaries were professional associates of the courts and prosecution offices in Kosovo.

## Civil Material and Procedural Law



On 12 March 2012, KJI, within the Training Program for Promotion organized a training on: “Civil Material and Procedural Law”

Within this training were discussed on cases related on presumption for the development of contested procedure, indictments for protection (defense) from the act of obstruction of possession and charges for protection of property.

This training had several objectives for participants as :

- Identification of presumptions for the development of contested procedure in different fazes of procedure.
- Listing the actions of the judge to avoid the disadvantages that refers procedural,
- Knowing of possession forms and lawsuits for the protection of possession also and,
- Knowing of forms and lawsuits for the protections of ownership

To break down this matter is analyzed the legal grounds from the trainers and even from the participants, clarification have been given even the meaning of “property owner” as a new label that is entered the law, and also a lots of examples have been mention from the judicial practice as for obstruction of possession and even for protection of the property.

Beneficiaries of this training were judges from the municipal and county level from all the regions of Kosovo

## Plea Bargaining Agreement

On March 14 and 15, 2012, within the Training Program for Promotion a training on the topic: "Plea Bargaining Agreement" was organized.

This was a regional training and beneficiaries of this training were judges and prosecutors from the region of Prishtina, Gjilan and Mitrovica.

Since the plea bargaining agreement is an institute that has entered in force at the end of 2008, this training intends to establish the best practice on the implementation of this legal institute and to encourage prosecutors that when appropriate circumstances exist, without prejudice to the interests of justice, to apply this institute due to economization of the procedure, reducing cases and many other advantages.

The main objective was that participants after the completion of this training be able to :

- To interpret the adequate provisions dealing with the plea bargaining agreement.
- Undertake the appropriate actions on realizing the plea bargaining agreement,
- To apply the procedure before the court in case when the plea bargaining agreement is accepted.



- Recognize the cases when the court can approve or not approve the plea agreement

This two-day training, addressed issues concerning the plea bargaining agreement, understanding, background, effect, party negotiations according to CCPK, initiatives, the content and forms of the plea bargaining agreement, the introduction of the agreement on the court, the position of the parties and of the damaged parties of the agreement, court hearings for reviewing the agreement, court decisions during the review of the agreement and the verdict that is based on the plea agreement.

During the training cases from the judicial practice in Kosovo were also introduced, also the case-law of the Hague Tribunal where through the video recording participants had the opportunity to be known with a court hearing of reviewing the plea agreement.

## Execution Procedure

In cooperation with the USAID/SEAD project – System for the Execution of Agreements and Decisions on March 19, 2012, within the training program for other professionals in the judicial system was conducted a training session regarding the execution procedure.



This training had a regional character where executive officers from the region of Prishtina, Gjilan and Mitrovica were included.

The purpose of this training was to offer detailed knowledge on the execution procedure with special emphasis on the execution of decisions that are based on authentic documents and executive document and execution of judgments in real estate.

After the completion of this training the executive officers will be able to:

- Recognize the amendments and novelties on the draft Law for the Execution Procedure regarding the execution of decisions according to the authentic document,

- Distinguish the consistency of the executive document, and
- Recognize the criteria of the system of private execution.

The topics that were addressed during this training were: the execution of decisions and the consistency of the executive document, execution in real estate including the determination of the value, sale and public sessions for sale, payment of the creditors and pledge in real estate.

The focus of the matters that were addressed were the novelties of the draft Law on execution procedure.

### Workshop: Judicial and Prosecutorial Ethics



On March 26, 2012, KJI has conducted the next module on the topic "Judicial and Prosecutorial Ethics.

The purpose of this training was to establish best practices in the implementation of the Code of Ethics for judges and prosecutors.

The main objectives were that the participants after the completion of this training will be able to:

- recognize the good and improper behavior according to principles and rules of the judicial and prosecutorial ethics and
- Implement the best practices in this field.

The topics that were addressed within this training mainly were general principles of the Code of Ethics for Judges and Prosecutors, specific rules of ethics, judicial and non-judicial responsibilities as well as the Novelties on the Judicial Council and Prosecutorial Council regarding the disciplinary procedure.

The implementation of this training was consistently associated with various examples from practice concerning possible violations of these rules, with particular attention to the practical cases handled by ODC's office .

Beneficiaries of this training were judges and professional associates of courts from Prishtina region.

### **3. ACTIVITIES FROM THE INITIAL LEGAL EDUCATION PROGRAM (ILEP)**

#### **Exams in ILEP**



On March 1, 2 and 5, the candidates of the IV-generation have continued with ILEP exams on the training modules which have not been completed during February. The exam is developed and evaluated by trainers, and is administered by KJI.

The exam is organized into two groups, due to the large number and diverse profile of candidates.

The entire process was monitored by OSCE monitors.

56 candidates were subject to the exams, 41 candidates for judges and 15 for prosecutors for whom this exam also marked the completion of training in the Initial Legal Education Program for this generation.

## Meeting with the Mentors

The meeting with the Mentors of ILEP IV candidates was held on March 23, 2012.

This training addressed the issue of the realization of training program for the third phase (mentoring phase), for the importance of the work of mentors, their responsibility as mentors and the difficulties and challenges that they faced during this phase as well as the engagement of the candidates during this training phase.

The Director of KJI by addressing to the participants highly evaluated the commitment of mentors towards the candidates during this phase despite the large number of two generations (ILEP III and IV).

The mentors considered the practical training as very successful and necessary for candidates.



At the end of the meeting the mentors submitted the completed forms, attendance lists and other materials made by candidates during the practical training and confirmed the successful completion of this phase of training.

## Evaluation of the Exam of the Second Phase of ILEP IV

Upon the completion of training of the second phase of ILEP IV, candidates were subject to the exams in all training modules in which they attended the training during this phase.

After the administration of the exam, the evaluation of all exams was made by the trainers during March. The results of the candidates were considered very positive and some of the candidates scored very high results, which shows their preparation for taking the duty of a judge or prosecutor.

After evaluating, checking and placing the points in the proper forms the results were published.

## Graduation Ceremony of Candidates of ILEP IV



The solemn ceremony of the graduation of the fourth generation of candidates for judges and prosecutors was organized on March 30, 2012.

Candidates for judges and prosecutors attended trainings in the Initial Legal Education Program divided into three training phases. This program has been implemented since 2008 and so far 141 candidates for judges or prosecutors in four generations graduated, including 56 candidates of the fourth generation who recently graduated.

At this ceremony the President of the Republic, President of the Supreme Court and also the Head of the Managing Board of KJI, Head of the Kosovo Judicial Council, State Chief Prosecutor, deputy Minister of Justice, US Ambassador in Kosovo, Representatives of the EU Office in Kosovo and the Ambassador of Netherlands in Kosovo held speeches.

It was highly evaluated by the speakers the success of this program and the graduation of candidates in supporting the judicial and prosecutorial system of Kosovo. The representatives of the institutions emphasized the support for KJI in conducting the legal education for judges and prosecutors especially for candidates for future judges and prosecutors.

Certificates were distributed to candidates for judges and prosecutors at the end of this ceremony, by wishing them luck in the realization of the sacred mission of justice.

## 4. Other Activities

### Development of Trial Advocacy Skills KJI + US DOJ (OPDAT)

On March 5, 2012 KJI in cooperation with the Department of Justice of US—OPDAT Program in Prishtina, organized a three day training with the certified trainers of the program for building of trial advocacy skills (NITA).

The purpose of this training was for the participants to refresh their knowledge regarding their presentations in the trainings according to NITA Program which are expected to be of a more advanced level.

The main focus of this training was the adequate preparation of trainers that present the various techniques during trial such as: Opening Statement, Direct Examination, Cross Examination, Impeachment as well as the Closing Argument, techniques that are advanced for the examination of parties during a trial, techniques that are included in the NITA program. Beneficiaries of training were the KJI trainers.

### Staff Training

On March 6, 2012, KJI in cooperation with the Twinning Program (EU –LER), organized a training for the KJI staff regarding the e-learning platform (distance learning) called ILIAS.

The purpose of the training was that the KJI staff will develop their skills regarding the use of possibilities that this platform offers in providing courses through distance learning.

The main objectives of this training were that after the completion of this training the staff will be able to:

- Create and maintain the professional website in ILIAS;
- Open accounts and separate the rights and the roles in the platform;
- Introduce materials, presentations and various modules on the platform;
- Invite and register participants in the distance learning course;
- Draft the pool of questions, questionnaire and tests regarding the evaluation of training;
- Develop knowledge regarding communication in the platform with the participants in the training through email, forums and chat;
- Get acquainted with terminology used in the platform, etc .

The training was conducted in the form of teaching through directly practicing the platform so that each of the participants created its own course. The methodology of the training was interactive and participants had the chance to exchange their experiences and to clarify the unknown regarding the platform .



## Training of Trainers of KJI on ECHR

From March 14 until March 16, 2012, KJI in cooperation with the Twinning Program (EULER), conducted a three day Training of Trainers regarding the European Convention on Human Rights and Fundamental Freedoms (ECHR)”.

The purpose of this training was their qualification as specialized trainers on Human Rights, with the aim to continue in the future with trainings with the beneficiaries of these trainings on the practical implementation of ECHR and the case-law of Strasbourg Court related to the use of profound legal argument.

Main objectives of this training were that trainers:

- Understand the importance of ECHR and its influence today in the case-law in Kosovo;
- Compare the practical cases in Kosovo regarding specific aspects of Article 5 and 6 of the ECHR through the interpretation of methods of the Strasbourg Court;
- Analyze the needs of the target groups in the future for human rights including the basic and advance level of training;
- Draft and develop the content of the curriculum of trainings by the trainers for the target groups in the future at KJI.

Some of the issues that were discussed focused on the importance of ECHR in Kosovo today and in the future, advanced presentation of the Competence and the Jurisdiction of the Strasbourg Court, the procedure to address the request before the Strasbourg Court and the effect of these judicial decisions, case-study on the newest case-law of the ECHR for Articles 5, 6 and 9 of the Convention and the development of arguments pro and contra ECHR in situations when the Code of Criminal Procedure of Kosovo, is in contradiction with the Convention and how to resolve those.

Also, within this training, necessary explanations were given regarding the differences between the Luxembourg Court, respectively, the European Council and the Strasbourg Court or Council of Europe and many other issues within this field of activity .

With the aim of strengthening and the continuous implementation of the Convention at the local level, the presentation of topics by the international experts is followed with some case study examples from practice through the use of case-law of the European Court of Human Rights. Certificates were finally distributed for the successful completion of KJI training of trainers.



## Study Visit of the Director of the German Judicial Academy at the Kosovo Judicial Institute



From March 15 until March 26, 2012, the Director of the German Judicial Academy (DRA) made a study visit at the Kosovo Judicial Institute (KJI). The purpose of the visit was to exchange the idea for the development of a handbook and the further cooperation between KJI and DRA.

On March 25 a roundtable discussion was organized with the KJI staff. During this roundtable the Director of DRA and the Director of KJI presented the organization and functioning of both training institutions that they lead.

In this roundtable the Head of the Continuous Legal Education Program (CLEP) and the Head of the Initial Legal Education Program (ILEP) presented the organization of the programs and their activities, they also presented the achieved progress, the organization of the preparatory exams for candidates for judges and prosecutors, as well as the content and implementation of the CLEP and ILEP programs.

As part of this roundtable, the Director of DRA made a very important presentation regarding the composition of DRA, its function focusing always on the continuous program and initial program for legal education of judges and prosecutors.

Various comments and ideas were exchanged in the aspects of the legal education of judges and prosecutors and at the end both directors agreed to maintain contacts in the future and to have a close cooperation between DRA and KJI.

During the second day of the visit, the Director of DRA visited the Supreme Court, State Prosecutor's Office and the Municipal Court of Prishtina. Also during the meeting it was discussed about the organization of courts, prosecution offices and various reforms in the judicial and prosecutorial system of Kosovo.

## Visit to the Justice Institutions and the Justice Academy of the Republic of Turkey



From March 18 until March 23, 2012, KJI within the continuous cooperation with the Justice Academy of Turkey conducted a study visit to the Academy and to the highest institutions of the justice system of the Republic of Turkey.

The delegation was composed of the retired president of the Supreme Court of Kosovo, judges from the Supreme Court, the administrator of the Supreme Court and KJI staff.

The purpose of this visit was to be familiar with justice system of the Republic of Turkey, the organization and functioning of the training programs of the Academy and the exchange of experiences in order to increase the mutual cooperation.

The delegation initially visited the Justice Academy of Turkey and by its representatives it was notified about the background, organizational structure, composition, training programs and their development methodology as well as the publication conducted by the the Academy.

Within the visit the delegation conducted meetings and was greeted by the heads of the Constitutional Court, Cassation Court, High Administrative Court, Representatives of the High Judicial and Prosecutorial Council of Turkey.

It was very interesting also the visit to UYAP (National Center for the registration of judicial information) and to the Forensics. During these meetings the participants were informed about the role and functions of these institutions and experiences were exchanged on the judicial systems of both countries and the opportunities for mutual cooperation.

## “Advanced Level Workshop on Trainers of Juvenile Justice”



On March 28 and 29, 2012, KJI in cooperation with UNICEF, held a Advanced Level Workshop for Juvenile Justice Trainers.

The purpose of the workshop was the recognition and the demonstration of modern techniques of interactive training and their application in the training program of children justice.

Participants in this training, through practical demonstration of training techniques were introduced to the group discussion methods, preparation of quizzes and role of this methodology in action during interactive training. Among other techniques were visual impact, role-playing and thinking maps where participants had the opportunity to see their demonstration through examples brought by the case-law in the field of juvenile justice.

The training was conducted by international trainers and beneficiaries of the training were juvenile judges and prosecutors which are in the process of their certification as KJI trainers in juvenile justice field.

