



Instituti Gjyqësor i Kosovës
Kosovski Institut za Pravosudje
Kosovo Judicial Institute

NEWSLETTER

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**We don't do
justice
We make jus-
tice better**

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Training: Law on Tax Administration

On 3 and 4 December 2012, KJI in cooperation with the USAID/DELOITTE organized training on tax violations.

The purpose of this training was to provide participants with the knowledge on custom law, customs evaluation of goods and identification of the tax violations.



During this training were discussed issues related to the customs duty that natural and legal person have toward the payment of the custom on imported goods, which shall be done based on the methods determined by the Custom Code. There were also discussed issues relates to the taxpayers, tax disputes, the complain procedure and the relation between the TAK and the court. The training was followed also by practical cases, exchange of experience and share of ideas regarding the customs issues.

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

Training: “Procedure of the Constitutional Court of the Republic of Kosovo”

On **04 December 2012**, KJI in cooperation with GIZ conducted training on “Constitutional Procedure of the Republic of Kosovo”.

As a result of this training the participants will be able to:

- Perform the procedure for the submission of the request before the Constitutional Court and know the principles and the procedural rules of the Constitutional Court,
- Differentiate the parties of the procedure developed in the Constitutional Court and distinguish the procedural characteristics of the application procedure in the Constitutional Court.
- Apply properly the constitutional provisions regarding the issue of the regular courts and their application to the Constitutional Court.
- Apply properly the decisions of the Constitutional Court and interpret the effect of its decisions.
- Interpret the case law of the European Court on Human Rights in Strasburg and its impact to the judicial system of Kosovo.

During this training were treated issues related to the procedure of the Constitutional Court and the application of the Constitutional decisions and their effect. In general was also discussed the impact of the Strasburg case law to the Constitutional Court of the Republic of Kosovo and in the judiciary. A special attention was paid also to the explanations given by the experts regarding the effect of the Constitutional Court decisions and their application. Beneficiaries of this training were judges from all levels and regions of Kosovo.



Seminar: “the Impact of the EU Law into the National Law”



On **03-04 December 2012**, KJI in cooperation with the European Institution for Public Administration/European Center for Judges and Lawyers-EIPA, financed by the Ministry of the Foreign Affairs of Luxemburg, conducted training on “the Impact of the EU Law into the National Law”. This training was organized within the program for cooperation technical and assistance of Luxemburg “EU Law and its Application (II) for Kosovo”.

This seminar aimed to provide judges and prosecutors with the knowledge on the impact of the EU law, its application by the EU member states and the states that tend to be part of the EU in the future.

In this direction were treated topics such as: EU as a special legal body, including here its purpose, establishing values, legal frame, general principles, competencies, the effect of the European Law into the National Law, its importance, conditions and obligations of the stabilization-association agreement. During the training, the participants gave their contribution through the elaboration of different important topics regarding the European practical cases and the importance of the European regulations toward the application of the national laws.

Beneficiaries of this training were municipal and district judges and prosecutors.

Seminar: “The Role of the local judge in the interpretation and application of EU law”

On 05-06 December 2012, KJI and the School of Magistrates of Albania 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, conducted a two day seminar on the topic: “**The role of the local judge in the interpretation and application of EU law**”. This seminar was organized in the framework of cooperation and technical assistance from Luxembourg “EU Law and its implementation (II) for Kosovo and “technical assistance cooperation” for Albania.



The purpose of the workshop was focused on judge’s development of knowledge on crucial procedures when the local judge requires assistance from the European judge in the interpretation and application of the EU law.

Judges of Kosovo and Albania, among others followed the topics related to legal remedies, the main principles, judicial cooperation between the national and European, the impact of the membership and the EU law in the daily work of the judiciary, the interpretation of EU law by the Court of Justice of the EU.

Participants debated about the situations of the two countries by describing the procedure how can assistance be requested when interpreting and applying the EU law in the local judicial system and cases from the judicial practice of EU law were addressed.

The beneficiaries of this seminar were the judges of our country at all levels as well as judges of the District Courts of the Republic of Albania.

Roundtable discussion: “Coordination of local institutions in the field of Children’s Justice”

On **November 4, 6 and 7, 2012**, KJI in cooperation with UNICEF organized a roundtable discussion in the region of Gjilan, Prizren and Peja with the representatives of children's justice institutions on a regional level.

The roundtables aimed at discussing problems and challenges in children’s justice at the regional level.

Representatives of the courts and prosecution offices in these regions emphasized the lack of adequate institutions where they could be sent to the juveniles after imposing measures as provided by the Children’s Justice Code. Another problem was the small number of juvenile judges and prosecutors in these regions.

Prosecutors expressed their concerns when dealing with delinquents under the age of 14, in accordance with Article 41 of the JJC, and they do not receive any report from the Guardianship Authority for the actions undertaken by them. It often happens that the child shows up again at the prosecution office. The implementation of Article 54 of the JJC, in practice, is one of the concerns of the participants because juvenile cases are sent only in the main cities of the country and not in every municipal court.

It was also emphasized the need for the training of newly appointed judges and prosecutors for juveniles as well as the training of the police because there are frequent cases of violations by them. They also discussed the need for profiling of the Probation Service and Mediators. Participants in these roundtables were municipal and district court judges, municipal and district prosecutors, regional directors of probation services, social work center representatives, representatives of the municipal department of education, representatives of the Kosovo police.

Training: “Construction Law”

On **11 December 2012**, KJI conducted the training on the topic “Construction Law”.

As a result of this training, participants will be able to:

- Define the concept of the construction law as real right and separate from other rights, in particular, apart from property rights in land,
- Interpret how to establish the construction law,
- Recognize the basic concepts of construction law and best practice standards of the European Union,
- Recognize the content and termination of the construction law,
- Apply properly legal provisions in force related to the construction law in practice.
- Avoid the uncertainties associated with the determination of the content of the construction law in force as well as the difficulties encountered in practice.

During this training were broadly discussed issues related to the content, importance, legal nature and legal basis for the right of the construction law. On this roundtable were addressed also the aspects of the implementation of the legislation in practice and cases from the case law. The beneficiaries of this training were civil court judges of all levels and from all regions of Kosovo.



Roundtable discussion: Project Code of Criminal Procedure

On **December 12 and 13, 2012**, KJI conducted a two day seminar regarding the “Code of Criminal Procedure Project”.

The purpose of this workshop was for the participants to get acquainted with the novelties of the Code of Criminal Procedure, respectively supplements and general changes and comparison of the provisions of the current code of criminal procedure and the draft of the new code. The seminar addressed issues related to the competence of the court, the initiation and the duration of the investigation, filing of the indictment and the initial review of the indictment.

Also there were addressed issues regarding the changes dealing with the role of the presiding judge, single judge and composition of the panel as well as the changes regarding the trial, the judgment and the regular and extraordinary legal remedies.

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

Training: Module – War Crimes

On **December 14, 2012**, KJI organized a training module on war crimes which is drafted to support the professional capacity of judges, prosecutors and other professionals who examine cases in this area.

Topics covered in this training include: genocide, war crimes as serious violations of the laws and customs applicable in armed conflicts not of an international character, the penetration of the population of the occupied territory within or outside the territory occupied by the occupation, apartheid practices or other inhuman and degrading practices, attacks on cultural property that can be clearly distinguished, deprivation of the right to a fair and regular trial etc.

The training was followed by an analysis and the provision of practical ideas which were accompanied by practical examples, in order to avoid the difficulties which may occur in practice. The beneficiaries of this training were judges from all regions of Kosovo.

Seminar: Criminal Code of the Republic of Kosovo – Supplements and Amendments

On **15 and 22 December 2012**, KJI in cooperation with the American Embassy in Prishtina, Justice Department/(OPDAT), conducted two regional seminars (Mitrovica and Peja), where were discussed the supplements and the amendments of the Criminal Code of the Republic of Kosovo.

During these sessions were presented the supplements and the amendments included in the New Criminal Code according to the chapters and the new institutions, covered in the general and the special part of the code. In this occasion was discussed also the third and seventh chapter of the CCK that deals with the punishments and confiscations. During this session were also presented the main differences between the previous code and the actual one, including the interpretation and the application of several new legal provisions in the judicial practice.

Beneficiaries of this training were judges, prosecutors, lawyers and police officers of Mitrovica and Peja region.



Training: “Administrative Law”

On **17 December 2012**, KJI in cooperation with GIZ organized a roundtable discussion on: “Administrative Conflict Proceedings”.

During this roundtable were discussed issues related to the administrative procedure, the procedure according to the lawsuit according to the administrative conflict (open session), Kosovo judicial practice regarding the open session due to the judicial practice of the Court for Human Rights (Strasbourg) and the European Court of Justice (Luxemburg). The session was also followed by the discussions regarding the non harmonization of the provisions of the Law on Court and the on Administrative Conflicts and the court competencies. This session was also followed by group discussion and interactive debates.

Beneficiaries of this roundtable were judges assigned in the administrative department (Basic Court in Prishtina and the Court of Appeal) and other judges from all levels and regions of Kosovo.

Seminar: Cooperation of the Justice Entities with the Forensic Department

On **20 December 2012**, KJI conducted training on “Cooperation of the Justice Entities with the Forensic Department”.

During this seminar was discussed the level of cooperation of the Forensic Department with the court, prosecution office and the police, the importance of the medical-legal psychiatry in the justice system, forensic system in the world.

During the seminar were also analyzed other issues relating to the subject and their application in the practice, processing of the cases and the possibilities to treat the relevant cases in the most efficient and professional manner.

Beneficiaries of this seminar were judges from all regions of Kosovo and the officials from Forensic Department and Ministry of Justice.

2. Training Activities of Training Program for Promotion (TPP)

Module: Criminal Code and Criminal Procedure Code

On December 3, 2012, KJI, in cooperation with UNDP within Training Program for Promotion conducted the eighth cycle and the last one for this year from the module Criminal Code and the Criminal Procedure Code on the topic: **“Fair trial and the principle of the material truth in judicial proceedings”**

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

- Identify the fundamental principles of the fair trial, and
- Understand the concept of a fair trial in the context of national legislation and international law.

During this training is to analyze the legal basis from local legislation as well as internationally, is that the focus has protecting human rights and freedoms, even if the citizen is contrary to law. When this matter was addressed, were emphasized the principles that should be respected for fair trial and the challenges of the modern judiciary.

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



3. Other activities

Annual Conference on Juvenile Justice

On 19 December 2012, KJI in cooperation with UNICEF organized an Annual Conference on Juvenile Justice.

This conference aimed to present the activities developed in the field of juvenile justice conducted in 2012, the conference were also presented ideas on solving juvenile cases and challenges faced during the application of the juvenile justice cases.

During this conference was presented a Joint Referral Protocol for Juvenile Justice Institutions. This Protocol was considered by the participants as a great achievement which will facilitate the establishment of the unique practices and the application of the national legal structure of the juvenile justice.

During the conference were emphasized the challenges and problems followed with ideas on their solution, whereas as a great achievement was also mentioned the new appointment of judges and prosecutors who will deal mainly with the juvenile cases.

Participants who attended this conference were: Head of the KJC and the State Prosecutor, judges, prosecutors, representatives from the Ministry of Justice, representatives from EU Office in Prishtina, representatives from UNICEF, Probation Service, Center for Social Work and Kosovo Police.





Meeting of the European Council Network of the Training National Institutions for Judges and Prosecutors (Lisbon Network)



On 13 and 14 December 2012 in Paris – France was held the 12 plenary meeting of the European Council Network of the Training National Institutions for Judges and Prosecutors known as Lisbon Network. This network is a part of the European Council, established in 1995, as part of the program for cooperation of the judicial training institutions in Europe, this program was established with the purpose of establishing mutual cooperation, exchange of experiences and better development of the judicial trainings in the European countries.

The objective of this training was: Promotion of the Manual of the Committee of Ministers of Council of Europe regarding the Juvenile Justice, the possibility to include these mechanisms as part of the training curriculums for judges and prosecutors within the training institutions and the proper application of this Manual. This meeting was a great opportunity for the participants to get more familiar with the new programs and the training materials of juvenile justice developed by the HELP Program of the Council of Europe.

In the meeting were present around 50 participants from different countries of Europe (directors of the training institutions and experts of the juvenile justice field as well as the representatives of the Council of Europe).

Kosovo Judicial Institute was present in the capacity of the observer (due to the fact that Kosovo is not yet a member of the Council of Europe) KJI was represented by Mr. Lavdim Krasniqi, the director of the respected Institution.



Meeting of the Experts for Training Legal Professionals



Within the project “Innovation of the Justice”, on 17 December 2012, by the organization of the Center for International Legal Cooperation (CILC), in Hague – Nederland was held a meeting of the experts engaged in the training organized for legal professionals.

Topics that were discussed in this training were; the concept and mechanisms of the trainings organized for judges, prosecutor’s candidates for judges and prosecutors and other legal professionals (the purpose, structure and the main elements) as well as the strategic plan and the development of the training curriculums for this category.

With the invitation of CILC, in this meeting was present the Director of the Kosovo Judicial Institute, Mr. Lavdim Krasniqi. This meeting for KJI marks recognition of the values in application of the international standards within the justice field.

Workshop – KJI staff

On **20-22 December 2012**, KJI conducted a workshop with its staff regarding the Working Program for 2013.

The purpose of this workshop was the preparation of the agendas and the training calendar for 2013.



The workshop was organized through working groups depending on the field which was followed with the draft of the agendas on civil law, criminal law, administrative, constitutional, commercial, minor offence field as well as specialized trainings. During this workshop was also drafted the training calendar for 2013, finalizing prior of the training calendar for the first three months of the year.

Participants in this workshop were KJI staff.

Internship Program for the Law Faculty Student of the University of Prishtina

Due to the KJI cooperation with the Law Faculty PU – the application of the internship program, on 18 December 2012, 05 internship students have completed the internship program. Through development of IPA Project 2010, which supports KJI in the establishment of the conditions for better access in legal documents, were included two interns which were engaged in cataloging the KJI library books. During the six-month period these interns have done the registration, labeling, identification of the key words and placing the inventory number for all books, official gazettes, different periodic, CD and DVD with training materials, all these were registered in the KJI library.

Three other interns provided administrative support for the Initial Legal Education Program (ILEP) and the Continuous Legal Education Program (CLEP).

At the end of the internship program, the KJI Director distributed certificates to all interns for the successful completion of the internship Program at KJI.