



NEWSLETTER

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Address: Lagja e Spitalit, Str.
"Muharrem Fejza" n.n.
Prishtinë, Republika e Kosovës
Tel&fax: +381 (0) 38 512 069
+381 (0) 38 512 081 +381 (0) 38
512 095 www.kjijudicial.org
info@kjijudicial.org

Activities of the Continuous Legal Education Program (CLEP)

ToT Program on EU Criminal Law KJI- Twinning



On 28 February 01-02 March 2011, the KJI in cooperation with Twinning Program, organized a specialized training session for KJI trainers on the European Union Criminal Law”.

During this session the KJI’s trainers gained knowledge about the relevant instruments of the criminal EU law, the role of the European Arrest Warrant (EAW),

How to fill the EAW form, how to fill the EEW, how to fill the freezing and confiscation European Order and how to apply international mutual assistance in criminal matters.

The beneficiaries of this training were judges, prosecutors, lawyers from all regions of Kosovo which in the future will be trainers of EU Law.

Roundtable discussion– Civil Law—Administrative Conflict

On 03 March 2011, the KJI organized a roundtable on “Administrative Conflict”.

The topics that were discussed during this roundtable were mainly focused on the novelties of the new law on administrative conflict, administrative conflicts against, against issued acts on the issues on which the legal defense out the administrative conflict has been provided and European Convention on Human Rights and Fundamental Freedoms (ECHR) during the administrative conflict proceedings.

At the end of this session the participants will be able to:

- Distinguished the novelties of the Law on Administrative Conflict (LAC- 2010);
- Determine the types of administrative conflict;

- Understand the role and importance of the parties in the administrative conflict;
- Proceed correctly the administrative conflict;
- Determine legal means, where and to whom they should be submitted.

Identify the administrative problems of the judiciary in the Republic of Kosovo, the effect of the European Court for Human Rights and Fundamental Freedoms, respectively Article 6 of the European Convention of Human Rights and Fundamental Freedoms (ECHR).

The beneficiaries of this training were civil judges and professional associates from all regions of Kosovo.

Seminar “Drafting, Assessment and Development of the Protection System for Juveniles of Kosovo“

On 1 up to 4 March 2011, in Durres, Albania with the support of UNICEF office in Kosovo, in cooperation with “De Legibus Consulting”, Law Firm, organized a seminar on Drafting, Assessment and Development of the Protection System for Juveniles.

The purpose of this seminar was the supplementation of the so called tool-cit instrument which contains detailed important information for child protection. The seminar was conducted in working groups, these groups worked in supplementing the instruments separated into fourth sub-committees, according to the nature and the link between the relevant institutions.

This seminar was attended by a large number of representatives of all local institutions and NGO organizations dealing with the rights, protection and treatment of the children's of Kosovo.



With the UNICEF invitation, a KJI representative (head of CLEP) attended this seminar with the purpose of contributing and supporting the project.

Workshop – Criminal Law - Trafficking with Narcotics and Psychotropic Substances



On 8 March 2011, the KJI organized a workshop on Criminal Law. The beneficiaries of this workshop were judges and prosecutors from all regions of Kosovo.

The purpose of this workshop was to elaborate in depth the elements of a criminal offence of trafficking with narcotics and psychotropic substances. The learning objectives of this workshop were that in the end of this workshop the

Participants will be able to:

- Assess the elements of the criminal offence related to the dangerous drugs and psychotropic substances;
- Distinguish the types of dangerous narcotics and psychotropic substances;
- Identify which narcotic drugs, psychotropic substances and precursors are allowed to be used;

During this session were discussed issues related to the problems faced in practice and during the application of the provision of CPCM, that determines the elements of the criminal offence of the Trafficking with Narcotics and Psychotropic Substances and the penal sanctions for such offences.

This workshop also treated topics about the profile, and the level of participation, the role of individuals acting in a form of group in commission of the aforementioned criminal offences.

Workshop - Building of Trial Advocacy Skills KJI & US DOJ

On January 09-11 March and 14-16 March 2011, KJI in cooperation with the US Department of Justice, OPDAT, and the National Institute for Trial Advocacy (NITA)-USA, within the Training Program for Promotion conducted two sessions of three days workshop on the topic: “Building of Trial Advocacy Skills”.

The main objective of this session was that the participants will be able to use the most advanced techniques of trial advocacy.

The issues that were addressed in this training session had mainly to do with the techniques of direct examination, cross examination, impeachment and the re-examination of the defendants, expert witnesses as well the techniques of the opening statement and closing argument from the prosecutor as well as by the defense counsel.

During this training participants through group work were enabled to demonstrate their Trial Advocacy Skills by working on a practical case and by using the presented techniques by the certified local trainers.

Also, all the presentations of the participants were recorded, with the purpose of getting suggestions and instructions for their presentations and at the end of the workshop were delivered certificates for the successful completion of the training.

On this occasion the legal adviser of the American Embassy in Kosovo, Ms. Kimberly Moore expressed her pleasure for the professional preparation and continuous improvement of the training staff of the NITA Program and at the same time highly appreciated the contribution of KJI Trainers in the organization and successful implementation of the trainings.

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

Workshop - Civil Law - Protection against Domestic Violence

On 15 March 2011, KJI organized a workshop on “Protection against Domestic Violence”. The topics that were discussed during this roundtable were mainly focused on the explanation of measures for protection against domestic violence according to the Law on Protection against Domestic Violence (LPDV), procedures for the protection against domestic violence and judicial decisions which determine the respective measures.

- The purpose of this workshop was to enhance the efficient and adequate application of the protection measures against domestic violence.
- It is important to emphasize that at the end of this session the judges will be able to distinguish the types of measures according to the Law on Protection against Domestic Violence (LPDV).
- To apply the protection measures according to the Law on Protection against Domestic Violence.
- To distinguish the characteristics and types of measures according to LPDV.

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To know the competent organs for the execution of the protection measures.

To draft judicial decisions on protection orders, emergency protection orders and interim emergency protection orders.

- To apply the decisions related to the protection measures determined by LPDV.

To improve the cooperation between the judges, Kosovo Police (KPS) and Center for Social Work (CSW) toward the efficient protection against domestic violence. To unify the case law of protection measures and protection against domestic violence applied in courts of different regions of Kosovo.

The beneficiaries of this workshop were judges and professional associates from all regions of Kosovo, representatives from Ministry of Justice and representatives from KPS.

Workshop - Construction Contract



On 17 March 2011, KJI organized a workshop on: “Construction Contract”. The topics discussed during this session were mainly focused on the essential elements of the construction contracts, resources and legal effects, parties of the contract special provisions, specific types of contract and the joint construction and termination, types of termination of the contract. The importance of this session was that at the end of this session,

Judges will be able to:

- Interpret the legal frame on construction according to the law on obligation of Kosovo and its applicable provisions.
- Know the construction practice since 1999, and the essence of the legal problems related to the construction contracts.
- Distinguish the essential elements of the construction contract.
- Distinguish the rights of investors and the employee.
- Clearly determine the responsibility for damages and construction.
- Distinguish the types of construction contracts and explain the ways of determining a contract.
- Unify the case law on application of the construction legislation applicable in Kosovo.

The beneficiaries of this workshop were civil law judges from all regions of Kosovo.

Measures and Alternative Punishments applicable to Minors - Novelties of the Juvenile Justice Code

On 22 March 2011, KJI conducted a seminar on: “Measures and Alternative Punishments applicable to Minors - Novelties of Juvenile Justice Code”.

The topic that were discussed during this seminar were focused on the diversion measures, types, the purpose, conditions, and duration of the diversion measure and the novelties of the Juvenile Justice Code.

During this session was also discussed about the types of alternative punishments for juveniles, punishment by fine and order to community service work.

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



And three representatives (judges and legal advisor) from EULEX.

Roundtable Discussion on Expert level - Law on Contested Procedure

On 23 March 2011, KJI organized a roundtable discussion on expert level on: “Law on Contested Procedure”.

During this roundtable were treated issues related to legal provisions of the Law on Contested Procedure:

dilemmas related to this law and the possibility of its amendments and supplementation, proposals for the eventual amendments related to the insurance of the lawsuit, the procedure of the second instance based on the complain and the application of the principle of the fair trial.

The purpose of this roundtable was to provide the participants with profound knowledge on legal provisions of LPC related to the claims and the procedure of second instance court according to the respective claim.

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

- Explain the obscurities of the LCP provisions related to the response to the claim and the need for its amendment and supplementation.

- Apply in a proper way the provisions of Article 296, 394 and 397 of LCP.

- Distinguish the competencies of the first instance court and second instance court in insuring the charge claim.

- List the causes of attacking the judicial decision.

- Apply properly the procedure according to the complaint.

Distinguish the decision taken by the court of the first and second instance.

The beneficiaries of this roundtable were civil judges from all regions of Kosovo, especially just appointed judges.

Roundtable Discussion - Right to Liberty and Security (Article 5 ECHR)



On 24 March 2011, the KJI implemented a training session on European Convention on Human Rights and Fundamental Freedom (ECHR).

The main purpose of this training was to analyze deeply the Article 5 of ECHR, the participants

During this course were mainly focused on deprivation of liberty and its duration.

The participants had the opportunity that through practical cases to make a detailed overview of cases when this article was infringe, considering this infringement as an invasion of the fundamental freedoms.

The learning objective of this course was that the participants at the end of this training will be able to:

- Interpret the Article 5 of ECHR;
- Asses that each deprivation of the liberty shall be in line with legal proceedings, always applying the ECHR;
- Harmonize the practical application of certain legal provisions of Criminal Procedural Code of Kosovo and ECHR.

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

ToT Program on EU Civil Law KJI- Twinning

On 28, 29, 30 March 2011, the KJI in cooperation with Twinning Program, organized a specialized training session for KJI trainers on the European Union Civil Law”.

During this session the KJI’s trainers gained knowledge about the relevant instruments of the consumer protection

In the focus of this training session was the role of the EU legislation on consumer protection, the role of the Regulation of European Council (EC - Brussels I) no.44/2011 on jurisdiction, execution and recognition of the judgment in civil and commercial matters and the applicable law on contractual and non contractual obligations.

During this session were also presented practical cases from case law of European Court of Justice in Luxemburg.



The beneficiaries of this training were judges, prosecutors and lawyers from all regions of Kosovo which in future will be in title to deliver trainings on EU law.

Seminar - Minor Offence - Juveniles as Perpetrator of Minor Offence

On 31 March 2011, KJI organized a seminar on: “Juveniles as Perpetrator of Minor Offence” .

The main purpose of this seminar was to provide the participants advanced knowledge on how to apply properly the procedural principles for juveniles in the capacity of a suspect or as perpetrators of a minor offence from all regions of Kosovo. This seminar also treated topics like educational measures and punishments imposed against the minors during the minor offence proceedings, where were presented also cases from judicial practice.

The beneficiaries of this session were judges and prosecutors from all regions of Kosovo and representatives from EULEX (judges/prosecutors)



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

Module - Criminal Code and Criminal Procedural Code of Kosovo”

On 1,2 March 2011, KJI within the Training Program for Promotion implemented a seminar on “Criminal Code and Criminal Procedural Code”.

The purpose of this session was to enhance the professional capacities of prosecutors in the investigation of the criminal offences, drafting of the indictment and presenting well written complains, in the course of this training were discussed also important issues for judges such as how to write properly a judicial decision and reasoning and the ability to conduct fairly the judicial hearings.

The main objectives of this training were: the identification and analyzing of provisions dealing with the substitution of the punishment by fine with the punishment by presentment or vice-versa, application of the measure of community service work, application of semi-liberty and drafting and reasoning of proper judicial decision

This training was mainly focused on the legal institution such as substitution of punishments, semi-liberty and detention on remand, heavy murder, con-



Acquired by the commission of criminal offence, obligatory protection, the rules for taking evidences, legal opinion writing and reasoning and judgment, announcing the appeal and the appeal of the prosecutor, judicial proceedings and fair trial.

The beneficiaries of this training were judges and prosecutors from municipal and district level that were appointed during the vetting process.

Module: Plea Bargaining Agreement



On 24 and 31 March 2011, KJI within the Training Program for Promotion organized a training session on: “Plea Bargaining Agreement”. The purpose of this training was to provide the participants knowledge

About the legal basis that regulates the plea bargaining agreement, the difficult issues occurring during the its practical application and the skepticism expressed by the legal community toward this institution.

This training was organized to encourage the prosecutors to apply this institution within the reasonable circumstances and without harming the interest of parties or justice, this institution is considered as a good tool to reduce the backlog the of cases and other related issues.

The focus of this training were the legal provisions dealing with the application of the plea bargaining agreement, court actions toward such an agreement and legal means during the bargaining proceedings.

To elaborate deeply this institution were used different practical examples from Kosovo and other regions.

3. Activities of the Initial Legal Education Program (ILEP)

ILEP III Trainings

During March continued the second and third phase training courses for the candidates of Initial Legal Education.

These training courses were attended by the candidates depending on their profile. The candidates for judges and the candidates for prosecutors attended different courses within different modules. Each group had to attend 12 training modules.

The training courses of second phase will continue until the end of May and at the and

Of this phase the candidates have to take the exams for each training module.

Whereas the phase three of this training was conducted in courts and prosecution offices, based on the candidates profile.

The practical training were held under the supervision of the mentors (judges/prosecutors), according to the KJI program in cooperation with Mentors Coordinators.

These training courses were attended by 32 candidates

Public announcement of the candidate's registration for Preparatory Exam



With the mutual cooperation and coordination with the KJC, KPC and KJI, on 5, 6, 7 March 2011, the announcement for the organization of the Preparatory/Entry Exam and the Initial Legal Education Program was published in daily newspapers, in this occasion

40 positions were published for the candidates for judges and prosecutors.

The registration of the candidates who intended to take part in the exam started at day of publication and continued until 25 March 2011.

The registration was done in the KJC offices. The KJI officials were responsible also for the control of the documentations, in particular for the work experience of the registered candidates. This process was supported by KJI officials.

During this time were registered 170 candidates, 102 were male, 68 female, 169 Albanians and 1 Serbian.

126 candidates preferred the position of judge, and 44 the position of prosecutor.

Drafting of the ILEP Preparatory/Entry Exam

On 07 up to 12 March 2011, was held a workshop on drifting of the Preparatory/Entry Exam by the commission for drafting and assessing the Preparatory Exam. The composition of the respective commission was approved by the Managing Board of KJI.

During this workshop the KJI's Director Mr. Lavdim Krasniqi presented before the members of the commission the purpose, importance and the methodology of the exam, he also gave necessary instructions about the duties of the members of commission.

This process was monitored by Mr. Harold D. Dampier, Jr., Head of OSCE Legal Monitoring System and Ms. Mary Aguirre Shahin, OSCE legal adviser to KJI.

The members of the commission drafted questions from all fields of the applicable law.



Each section of the exam and the overall exam drafted by the working groups was examined in order to check if there is any eventual mistake or grammatical mistake.

This workshop was supported by the United Nation Program (UNDP).