



# NEWSLETTER

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**PROFES-  
SIONAL  
JUDICIAL  
DEVELOP-**

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## **Activities of the Continuous Legal Education Program (CLEP)**

### **Seminar Civil Law: - Judicial Decision and Cadastral Actions KJI-OSCE**



On 05 May 2011, the KJI in cooperation with the OSCE organized a seminar on: "Judicial Decision and Cadastral Actions". The topics treated during this seminar were related to the

The Role and importance of the cadastre in Kosovo, development phases of the cadastre in Kosovo, the level of the cadastral database, applicable legislation on the cadastral field, Cadastral institutions in the local and central level and their relationship, private sector of the cadastre in Kosovo and registration of real estate. During this seminar was also discussed about the documents of the real estate registration and the following proceedings. The beneficiaries of this seminar were civil judges from all regions of Kosovo.

## **Roundtable Discussion - "Law on Mediation"**

On 06 May 2011, the KJI in cooperation with the System for Execution of Agreements and Decision SEAD in Kosovo supported by USAID, organized a roundtable on: "Law on Mediation".

The main purpose of this roundtable was to provide the participants with the profound knowledge on fundamental principles of the mediation in Kosovo, followed with the applicable legislation.

This roundtable was focused on the importance of the Law on Mediation with the special emphasis on the key legal in-

Which regulates mediation activities in the Republic of Kosovo. The topics treated during this roundtable were focused on the relation between the other mediation mechanisms and alternative solutions of disputes, national and international legal provisions, legal consequences of the mediation made by force, the agreement to mediate and its legal effects and the role and responsibilities of the mediators. The beneficiaries of this roundtable were civil judges from all regions of Kosovo.

## **A7 – European Criminal Law in Practice: Introduction of the EU Criminal Law KJI - Twinning**



On 10-13 May 2011, IGJK KJI cooperation with Twinning Program, (EU-LER), organized a four days training on European Criminal Law. The purpose of this training was to convey knowledge about the functioning of the European Law, starting with the EU legal acts such as regulations, directives and decision which are binding for judicial authorities and police authorities of the member states that aims to provide for their citizens freedom, security and justice, by combating crime, racism and xenophobia.

The main objectives of this training course were the identification of four fundamental freedoms of the European Union, the interpretation of the legal acts as a base of the functioning of European Union and composition of the European Court of Justice. During this training a special attention was paid to the sources of the European Law, the supremacy of the European Law over the national law and the proceedings and the effect of the European Court of Justice in cases sublimated by a member state. During this training the participants discussed about the judicial cooperation considered as very important instrument for speeding up the judicial proceedings, execution of the decisions, facilitation of the extradition between member states, having uniform penal acts in combating crime, terrorism, trafficking in person and trafficking of drugs.

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

## **A 8 -ToT Specialized Training on EU Law KJI – Twinning**

On 16 - 18 May 2011, the KJI in cooperation with Twinning Program –Legal Education System Reform in Kosovo (EU-LER) organized the last three days of specialized training courses for KJI judicial trainers.

This training course was the last part of the set of trainings which commenced in November of 2010 up to May 2011, this period covered the European Union Law in general.

During this training the participants (KJI trainers) have strengthen their knowledge on the historical background of the EU law organizational structure of the European Union, relation between the European Court of Justice and European Convention of Human Rights,

Sources of the European Law and European Convention of Human Rights, the supremacy of the European Law over the National Law, the composition, competence and the procedure of the European Union Court, European Civil Law and its mechanisms, international legal assistance in criminal matters and relevant instruments of the European Criminal Law.

The beneficiaries of this training were KJI judicial trainers, in this occasion were certified 17 trainers.

## Seminar, War Crimes KJI -ICTY/OSCE

On 11-12 May 2011, with the support of the Regional Program IPA 2010, a project for regional cooperation on criminal law, financed by the European Commission and Council of Europe, in Ohrid—Republic of Macedonia, was organized a two days regional workshop aiming to straighten the capacity of legal professional in handling cyber-crime.

The hosting place of this conference was the Academy for Judges and Prosecutors of the Republic of Macedonia. This workshop was attended by Albania delegation, Turkey, Croatia, Monte Negro, Kosovo, Bosnia and Herzegovina, Serbia and Macedonia. Each delegation was represented by two representatives of the training institutions and one judge or prosecutors.

In the beginning of the workshop, the Minister of Justice of the Republic of Macedonia welcomed the participants and wished them a pleasant work.

The main purpose of this workshop was to incorporate the training courses on “cyber crimes and electronic evidences” into the curriculums of training institutions for judges and prosecutors.

- The objectives of this workshop were: development and drafting of the basic and advanced training modules;

- Incorporation of the respective modules into the curriculum of the Initial and Continuous Legal Education Program of the judicial training institutions;
- Development of the pilot training courses in each member state; establishment of at least one regional pilot center.

This regional workshop aims to commence this process in order to achieve the objectives foreseen in the project.

During this workshop the participants discussed and reached an agreement about the structure of the basic and advanced training modules, which will be drafted in accordance with the project, for this reason was created a working group to work and finalize the aforementioned modules.

On this workshop were also defined the steps that should be undertaken in order to incorporate these modules into the training curriculums of the participating places in the workshops.

In this workshop the Kosovo Judicial Institute was represented by the Program Coordinator and the Head of the Continuous Legal Education Program.

## Workshop: Civil Law - Execution Procedure (part I I) KJI - SEAD

On 27 May 2011, the KJI in cooperation with USAID, held a workshop on the Execution Procedure (part II).

The purpose this workshop was to enhance the capacities on taking efficient decisions during the execution procedure.

The topics that were discussed during this workshop were mainly focused on the differences between the legal provisions of LEP-1978 and provisions of the LEP 2008,

Fines, taking and handing over the child. Special attention was also paid to the emptying of the property, the attacking remedies in the executive procedure, objections and motives of the objection, appeal and objection against the decision taken based on the credible documents.

The beneficiaries of this workshop were judges and executive officers.

## 2. Activities of the Training Program for Promotion TPP

### Training for Legal Professionals



On 19- 20 May 2011, the KJI in cooperation with the OSCE -ODIHR, the Project “War Crime Justice” implemented four training sessions for professional associates of courts and prosecution offices mainly of district and supreme level on: ICTY/TPNJ (International Criminal Tribunal of ex-Yugoslavia).

The objectives of this training were the research and database access of war crimes in the International Tribunal for prosecution of the responsible persons for heavy violation of the International Human Law committed within the ex-Yugoslavian territory since 1991, and the possibility to use the relevant material and expertise of ICTY

This training also covered topics such as the overview of the ICTY website, the court records database (ICR), the appeal chamber, case law, research tools and judgment lists and requests for assistance (RFA) rule 75.

During these training sessions the participants used also practical examples by doing researches on the record database finding so transcripts of evidences, material evidences and other judicial documents against the accused persons for war crimes by the Tribunal of Hague.

Beneficiaries of these training courses were legal professionals of courts and prosecution offices of district and supreme level, Special Prosecution and State Prosecution.

## Judicial and Prosecutorial Ethics

On 20 May 2011, the Kosovo Judicial Institute within the Training Program for Promotion implemented the coming module on “Judicial and Prosecutorial Ethics”.

The main objective of this module was that in the end of this training the participants will be able to know the good conduct and misconduct based on the principals and rules of the judicial and prosecutorial ethics, will know how to apply best practices by respecting the Code of Ethics and Professional Conduct for judges and Prosecutors.

Within this module were treated topics related to the general principles of the code of ethics for judges and prosecutors, specific rules of ethics, judicial and non-judicial responsibilities and the novelties of the Law on Judicial Council and Prosecutorial Council on disciplinary proceedings. During this training the participants had the opportunity that through practical cases (cases gone through prosecution disciplinary office)



To demonstrate their skills in identifying misconducts and ethical violation presented on practical cases.

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

## Module 2: Civil Material and Procedural Law (TPP)



On 3 May 2011, the KJI within the Training program for Promotion organized the coming session on “Civil Material and Procedural Law”.

The purpose of this training; identification of the presumptions for the development of the contested proceedings during all phases, actions taken by the judge in order to avoid incompleteness related to the procedural presumptions, forms of lawsuits.

Protection from obstruction to possession and the claim for protection of the property.

In order to elaborate deeply the presented material, the faculties and participants together analyzed the legal base that determines these legal institutions, they clarified the meaning of the notion “property possessor”, as a new notion foreseen by law.

To reach the training objectives, the faculties used lots of examples of the judicial practice, such as cases related to the protection from obstruction to possession and protection of the right to property.

The topics treated during this course were highly evaluated by the participants, therefore the participants required to have another training course with the focus on the procedure for determination of the temporary measures of insurance.

The beneficiaries of this course were judges of the municipal and district level from all regions of Kos-

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

#### ILEP IV Commencement Ceremony



This ceremony was attended also by representatives of UNDP, USAID, European Commission Office in Prishtina, EULEX, GIZ, UN Women and other representatives from local and international institutions.

All attendees that made a speech in honoring the ceremony have highly estimated the engagement and the result of the process reached by KJI, they stated that this training program marked the commencement of a new way for recruitment of the judges and prosecutors. This program is a step toward the fulfillment of the professional criteria's by following the best practices in preparation of the new judges and prosecutors, this program will help the judiciary to reduce the backlog of the cases and to increase the number of judges and prosecutors.

After a successful completion of the Preparatory Exam, within the Initial Legal Education Program, 11 May 2011, was held the solemn ceremony for the fourth generation of the candidates for judges and prosecutors of Kosovo. At this ceremony was attended by the President of the Republic of Kosovo Ms. Atifete Jahjaga, Mr. Hajredin Kuçi d.p. Prime Minister and Minister of Justice, Mr. Fejzullah Hasani President of the Kosovo Supreme Court, Mr. Enver Peci Head of the Judicial Council of Kosovo, Mr. Ismet Kabashi State Chief Prosecutor.

On 12 May 2011 will commence the training program for the fourth generation of the candidates for judges and prosecutors. The candidates are attending intensive training courses (6 days per week) three days at KJI and three days in courts or prosecution offices depending on their profile, this program is currently attended by 57 candidates.

#### III ILEP Training

Second and third phase training courses for ILEP candidates of the third generation have continued during May. The second phase training have been completed at the end of May, where the candidates should have taken the exam and then continue attending practical trainings in courts and prosecution offices 5 full days until the end of the determined period foreseen by the training program of the third phase.

The practical trainings are conducted under the supervision of the Mentor judge or prosecutor, according to the KJI program in coordination with the Mentors Coordinator. These trainings were attended by 32 candidates.



## Other Activities

### Study visit at the National Magistrate School in Bordeaux—France

On 02-05 May 2011, the Kosovo Judicial Institute (KJI), with the support of the Twining Project “Legal Education System Reform”, implemented a study visit at the National Magistrate School, District Court and the Court of Appeal in Bordeaux, – France.

The beneficiaries of this study visit were KJI’s Managing Board, members of the Program Council and KJI’s staff, State prosecutor and OSCE Special Adviser to KJI.

The purpose of this study visit was to provide the participants with knowledge on the general work of the school, in particular the legal infrastructure that regulates the organization and functioning of the school, implemented programs, school’s curriculum and the recruitment of the candidates of the Initial Legal Education Program and the manner of evaluation and monitoring of the future candidates for judges and prosecutors.

The representatives of the school also presented other pedagogic activities, practical programs in courts, prosecution offices and other institutions that are closely linked with the judicial system, and the school’s program implemented abroad with the cooperation of the school with other international schools, especially with neighboring countries.

The visit to the Department of Researches and Documentation was of a good interest for the participants, providing them knowledge on how to develop further the Department of Researches and Publication of KJI.

In the end of this study visit, the members of the Managing Board and Program Council held a regular meeting where they discussed about their impressions and proposed concrete issues for the promotion of the KJI’s work including the need of KJI to be transformed into the Judicial Academy or Magistrate School.

Furthermore, the participants adopted the Strategic Platform for the development of KJI and its transformation, they decided to start immediately the work on making necessary changes on legal infrastructure in achieving the foreseen objectives, this was considered as a precondition for the implementation of the KJI reforms and judicial and prosecutorial system in Kosovo.

In this occasion, the KJI’s Director invited the representatives of the National Magistrate School to visit KJI, meanwhile, both parties agreed to sign a memo of cooperation for the future.