



NEWSLETTER

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1. Activities from the Continuous Legal Education Program (CLEP)

Workshop – “Protected Witnesses”



On September 07, 2011, KJI conducted a workshop from the criminal field, on the topic: “Protected Witnesses”.

The main objective of this workshop was that after its completion, judges and prosecutors will:

- To enhance their knowledge regarding the competence of Protected Witnesses;
- To identify when a person can be declared as a protected witness;
- To assess the effects of the testimony of these witnesses in the criminal procedure;
- To explain the admissibility of the testimony of protected witnesses as evidence in the criminal procedure;
- To distinguish cases when a person is declared as anonymous witness;

The workshop was conducted in the form of short theoretical presentations and discussions of examples from practice, focusing on the role of the prosecutor and judge in the process of the protection of witnesses and the challenges presented during practice.

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

Roundtable Discussion: “Confiscation of the wealth acquired by the commission of a criminal offence”



On September 09, 2011, KJI organized the roundtable discussion on the aforementioned topic.

Topics that will be discussed during this roundtable will mainly focus on issues related to the confiscation of wealth acquired by the commission of a criminal offence. The main objective of this roundtable was that judges and prosecutors after its completion will be able to:

investigative actions and the main trial in which is decided upon the confiscation of the wealth.

- Determine the measure of confiscation of the material benefit acquired by the commission of a criminal offence;
- Implement the legal basis for the confiscation of the material benefit acquired by a commission of a criminal offence;
- Make a distinction between the confiscation of the material benefit and the legal-property request;
- Implement the procedure for the confiscation of the material benefit (Property) acquired by a commission of a criminal offence;
Know what happens with the administration of the confiscated property.

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

Roundtable: “Loan Contracts”

On September 19, 2011, KJI in cooperation with the Program for the System of the Execution of Agreements and Decisions in Kosovo (SEAD) of the USAID Mission, organized a roundtable on the topic “Loan Contracts”.

The purpose of this roundtable was to provide deep knowledge about the loan contract, concept, characteristics, legal nature and its forms. The objectives of this roundtable were that after its completion judges will be able to:

- Interpret and elaborate the concept of loan contract and its form;
 - Elaborate and understand the essential elements of the loan contract;
 - Interpret and implement the “provisions of the loan contract”;
 - Understand the obligations of the banks and microfinance institutions regarding the transparency of the interest rates for loans and deposits;
 - Expand knowledge on the prohibition of the interest;
 - Understand cases when the flow of the interest is stayed and to interpret the interest-delay;
- To enhance their knowledge for the way of calculating



This workshop addressed issues regarding the loan contracts, definition, characteristics, the legal nature of the loan contracts, forms and obligations of the loan lender and loan borrower, interest, interest delay and calculations of the interest.

The training will followed by a short theoretical presentation, discussion regarding the examples and practical exercises from the bank practice and judicial practice.

Beneficiaries of this roundtable were judges from all the regions of Kosovo.

Advanced Seminar for Judges and Prosecutors



On 20 and 21 September 2011, The Kosovo Judicial Institute in cooperation with OSCE – the Office for Democracy and Human Rights (ODHIR), organized a seminar for judges and prosecutors on “Exchange of the Experience in Punishment of the War Crimes Issues with the Focus on War Crimes and Types of Responsibilities”

The purpose of this seminar was the advancement of the knowledge and exchange of experience regarding to the prosecution of war crime cases and recognition

by statute and the case law of the International Tribunal for War Crimes in Former Yugoslavia (ICTY).

The seminar focused on the legal norms that defines and sanctions the criminal offences of war crimes including international instrument and national legislation, types of responsibilities, the prosecution and court cases from the practice of the International Tribunal for War Crimes in Former Yugoslavia (ICTY)

Also during this seminar, national judges and prosecutors presented and discussed about their experience in the filed of war crimes and the case law of Kosovo, these cases were handled previously by the UNMIK judges and prosecutors, and now EULEX.

The beneficiaries of this seminar were criminal judges, prosecutors from state and special prosecution offices of the Republic of Kosovo, who in support of this program will also participate in a study visit in Hague Tribunal (ICTY), in order to increase the capacity of the Kosovo judiciary in prosecuting war crimes.

Workshop – Juvenile Justice Field in Kosovo

On 22, 23 and 24 September 2011, KJI in cooperation with the UNICEF held a workshop on “Training of Trainers Program on Juvenile Justice filed in Kosovo”.

Main objectives of this workshop were that the participants at the end of this workshop would be able to:

- effectively implement the key legal standards of international law in the field of juvenile justice;
- analyze the national applicable norms and how to apply it during the practice;
- identify key problems in the field of the juvenile justice;
- overcome the challenges of implementing new applicable provisions of the Code of Juvenile Justice;
- Develop a draft proposal for the training module in the field of juvenile justice;

- Develop a framework of topics that have to be addressed in the training module for juveniles dedicated to judges and prosecutors of Kosovo.

The participants during this workshop also gained knowledge on how to develop an effective training on the field of juvenile justice by using interactive discussion. In this occasion was done also a selection of the KJI trainers in the field of juvenile justice.

The beneficiaries of this workshop were judges and prosecutors that work with juvenile cases from courts and prosecutors of all level and regions of Kosovo.

At the end to participants were distributed certificates due to their participation’.

Roundtable Discussion: “International Standards against Domestic Violence, Anti-Discrimination Law and Property Issues”



Centre for Minority Issues (ECMI) and the Centre for Legal Aid and Regional Development (CLARD), a project supported by the European Commission Office in Prishtina organized a roundtable discussion on “International Standards against Domestic Violence, Anti-Discrimination Law and Property Issues”.

At the end of this roundtable, the participants will be able to:

- Implement the international standards in domestic violence cases;
- Know the content of the Kosovo Constitutional provisions, which prohibit the discrimination in the Republic of Kosovo;
- Analyze and properly apply the provisions of the Law on Anti-Discrimination and Law on Protection against Domestic Violence;

Implement properly the international standards on property issues, joint ownership of spouses and when are harmed the inheritance right of female.

During the roundtable were developed and presented short theoretical presentations, working groups, interactive discussions and review of the cases from the court practice regarding the international standards against domestic violence, provisions of the Anti-Discrimination Law, domestic violence, divorce and property issues (joint ownership of spouses, the inheritance rights of ownership of female).

The beneficiaries of this roundtable were judges from all regions of Kosovo.

Roundtable Discussion: Sentencing Practice



On 26 September 2011, KJI in cooperation with Training Unit of EULEX – Mission for Rule of Law of EU in Kosovo, held a roundtable discussion on “Sentencing Practice”.

The purpose of this roundtable was to discuss about the sentencing practices in Kosovo and its unification by national and international judges, in cases with similar elements and the exchange of experience with the purpose of comparing the Criminal Codes of different countries with the Criminal Code of Kosovo.

During this roundtable, the attendees presented and discussed different important issues related to the presented topic; at this roundtable were present representatives of institutions such as:

Prishtina University, Probation Service, the Probation Panel of MD, Correctional Service and Advocacy. Topics addressed by these representatives had to do with the philosophy and purpose of the punishments compared with the real situation; what happens to people who are convicted and sentenced and what are the sentencing options; alternative measures and supervision of the prisoners released on condition, etc.

Since, in this roundtable were present judges and prosecutors from different countries (members of EULEX mission), they discussed and presented issues related to the International Sentencing Practices such as: guidelines on penalties by USA, sentencing practices from Portugal, sentencing practices from Italy, plea bargaining agreement, types of sentences, the minimum and maximum penalties and other issues important for participants and Kosovo judicial system.

On this roundtable were discussed the procedure before the Kosovo Supreme Court, sentence, the purpose of the sentence, types of sentences, detention on remand and juvenile prison, the role of the probation officers, etc.

The beneficiaries of this roundtable were: national criminal judges and EULEX from district level, representatives of probation service, correctional service, lawyers and Ministry of Justice.

Roundtable Discussion: “Financial Crime and Informal Economy”

On 28 September 2011, KJI organized a roundtable on “Financial Crime Informal Economy”.

Issues that are addressed in this roundtable were mainly related to legal instruments sanctioning the financial crimes, international conventions, national laws, functioning and competences of the Special Prosecution, corruption sources, ways of causing corruption in Public Procurement and ensuring evidences of financial cases.

During this roundtable among other issues were also discussed also issues dealing with prevention of financial crimes, adoption of the law on confiscation of property acquired by criminal offences, construction of the mechanism to control of the sales agencies, cooperation with courts and banks and increasing efficiency in criminal prosecution.

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

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

Remuneration of Immaterial damage and the compensation of the immaterial damage caused by vehicles in motion

On September 20, 2011, KJI, within the Training Program for Promotion organized the training session from the Module 2 – Civil, Material and Procedural Law on the topic:

Remuneration of Immaterial damage and the compensation of the immaterial damage caused by vehicles in motion”.

The purpose of this seminar was to establish the best and most functional practices in the process of the compensation of the immaterial damage and the fair implementation of the legal provisions in these cases.

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

- Identify the distinguishing elements regarding immaterial and material damage;
- To implement the adequate provisions dealing with the remuneration of immaterial damage;
- recognize cases where the court may order compensation of less than the amount of damage, and
- List the circle of persons that have the right of immaterial damage compensation.



Advanced Training for Lay Judges



On 29 September 2011, KJI held an advanced training session with a regional character for lay judges. The objectives of this training were that at the end of this training lay judge will be able to:

- Understand their role in determining the practice of statutory issues,

Issues that have been in focus during this training session were related to the role of a lay judge during the application of the family law, the important role of the lay judge during the court proceedings for juveniles and adults, the consultation and voting method and the ethics and professional conduct of lay judges according to the principals of the Code of Ethics for Lay Judges.

During the training were also presented practical cases concerning the ethical violations, in this occasion the participants had the opportunity to work individually demonstrating so their practical skills in finding violations and misconduct covered in the practical case presented to them.

The beneficiaries of this session were lay judges from Prizren and Peja region.

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

ILEP IV Trainings

First and third ILEP IV trainings continued even during the September according to the schedule and training program. Candidates attended intensive trainings (6 days a week), three days of first phase trainings were conducted at KJI and 3 other days of the third phase were conducted at courts and prosecution offices depending on their profile. The last three days contained the practical part of the training program. 56 candidates during the third phase have attended 12 training modules including some specialized trainings, whereas, on the third phase with the cooperation and under su-



pervision of the mentors, the candidates attended practical trainings in courts and prosecution offices. This was done with the purpose of facing with challenges and difficult situations presented in real and concrete cases, this will help the candidates in improving and demonstrating their skills and their level of preparation to handle complex cases in their future positions as judges or prosecutors. Candidates attended the training.

ILEP III Trainings

September was the last month of training for the third generation of candidates of the Initial Legal Education Program.

During this month, the candidates attended the practical training of the third phase, namely the mentoring phase, as determined by KJI in coordination with the Mentor Coordinator. 32 candidates attended these trainings



Study Visit at the Magistrate School of the Republic of Albania



With the invitation of the Magistrate School of the Republic of Albania, on 12-14 September a KJI delegation paid a visit to the Albanian Magistrate School.

The purpose of this visit was to enhance the level of coordination and cooperation toward development of the training activities, particularly the implementation of the preparatory exam for new candidates for judges and prosecutors of the Initial Legal Education Program in the respective institutions.

In this occasion, the KJI delegation except the meetings held with the officials, were also engaged in monitoring process of the preparatory exam of the Albanian Magistrate Schools. From this process, KJI made several recommendations relates to the advancing process of the candidates Preparatory Exam for the ILEP program of the Kosovo Judicial Institute



Meeting with Mentors



After the completion of the Initial Legal Education Program for the third generation of the candidates for judges and prosecutors, on September 30, KJI held a meeting with the Mentors with to discuss the course of the ILEP third phase training and receiving confirmation from the mentors for the successful completion of this phase of the training by the candidates.



At this meeting were discussed many aspect of this phase of training and were given several conclusions in order to enhance the performance of the candidates and mentors during the practical trainings, conclusions were given also for the candidates that may be involved in the future practical trainings.

Meeting with GIZ for the third phase of ILEP

Within the cooperation with international partners and donors KJI is working on a project in developing a program or curriculum for the third phase of the training in the Initial Legal Education Program.

This project is being supported by the GIZ, and several meetings were conducted with its representatives and experts,

to discuss regarding the identification of issues that they can support in this training phase.

The meetings were conducted with the KJI staff and the mentors of the candidates.

From these meetings is developing a program and a working agenda in which German experts from this field will present their experiences and options that could be applicable in the Initial Legal Education Program of KJI

Training Course: “EU Law in practice: Introduction and focus on civil law”



From September 12 until September 16, 2011, Kosovo Judicial Institute in cooperation with the Twinning Project EU-LER - Legal Education System Reform in Kosovo, conducted a five-day training on the topic:

“EU Law in practice – Introduction and focus on civil law”.

This training course addressed issues related to EU Law, its history and the organizational structure of European Union, the relation between the EU Law and the ECHR and the Court of Justice of EU.

This training was conducted by two international experts in cooperation with local trainers which are certified as trainers on EU Law, from this training program.

In this training were discussed topics such as;

- The concept of “European Union”, “Council of Europe”, and “European Council”,
- The role of the European Court of Justice in Luxembourg,
- The role and the function of the European Court of Human Rights in Strasbourg,
- Differences between the ECJ in Luxembourg and ECHR in Strasbourg,
- Legal sources of European Union,
- The effects of the European directives and regulations in national laws,
- Case-Laws of the European Court of Justice in Luxembourg.

Beneficiaries of this training were candidates for judges and prosecutors of the third generation of ILEP at KJI.



4. Aktivitetet tjera

KJI staff workshop on drafting of internal documents of KJI



From September 01 until September 04 2011, KJI with the support from the United Nations Development Program – UNDP, conducted a workshop for the KJI staff.

The purpose of this workshop was the drafting of internal administrative instructions as well the drafting of the KJI Trainers Handbook. These documents will have a direct impact in the capacity building of the KJI staff for official communication and advancing the training methodology by KJI trainers. As a result of this workshop, two administrative instructions were drafted: the Administrative directive for coordination of the Activities with Donors and Administrative Instruction regarding the forms of the official communication as well the preparation and addressing the official documentation, while it was drafted also the first draft of the Faculty

Handbook. Two Administrative Instructions were drafted as a result of this workshop; The Administrative Instructions for the Coordination of the Activities with Donors and the Administrative Instruction on the forms and ways of the Official Communication as well the Preparation and addressing the Official Documentation while it was drafted also the first draft of the Faculty Handbook.

KJI staff training: “Proposal Writing, Team Building and Creativity at Work”

On September 08 and 09, 2011, KJI within the project “Justice for Gender Equality” supported by UWOMEN, organized a workshop in Istog on the topic: “Proposal Writing, Team Building, Creativity at Work”.

The purpose of training was to enhance the knowledge of the staff regarding the drafting of project proposals as well the capacity building for team work and creativity at work.

After the completion of this training, KJI staff will be able to:

- Draft project proposals for donors with an acceptable, reasonable and professional content;
- Develop different ideas on drafting of proposals for the needs of KJI;
- Promote team work and develop their creativity at work.



This training mainly included group work, where the participants drafted concrete project proposals, developed and presented ideas for the capacity building of KJI. Also through examples and practical demonstration, various discussions and ideas were developed for the capacity building of team work and creativity at work. Beneficiaries of this training were KJI staff.

Regional roundtables: Certified trainers of KJI/UNWOMEN from the field of Human Rights, conducted trainings in five regions of Kosovo.



From September 12 until 16, 2011, KJI with support by UNWOMEN, Office in Prishtina, organized one day trainings in five regions of Kosovo on the topic: Domestic Violence, International Standards and Law on Gender Equality, Children's Rights and Trafficking of Human Beings.

The certified trainers by KJI and UNWOMEN for the first time organized trainings from this field.

The purpose of these roundtables was the capacity building of the Kosovo Judiciary and other actors of the justice system from the field of Human Rights and Gender Equality.

After the completion of these trainings, the beneficiaries will be able to:

- Implement more effectively in practice the national and international laws from this field;
- Expand their knowledge for the international instruments regulating this area,
- Define the procedure that should be applied in cases of the criminal offence of Trafficking on Human Beings,

- To implement in a more effective and efficient way the process of the protection of victims rights;
- Understand better the concept, types and consequences of Domestic Violence as well as to know about the procedure that should be applied in those cases.

Trainings held in this field were conducted by combining the training methodology through the presentation of the theoretical part, practical cases, group work and discussions. The participants were provided with a material developed by trainers as well the international and national legislation regulating this field.

Beneficiaries of these trainings were: judges; prosecutors, Kosovo Police Officials, Probation Service and the Center for Social Work from all the regions of Kosovo.

