



NEWSLETTER

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Content

- Workshop: Judgements due to the waiver of the lawsuit, disobedience and judgment rendered outside the main trial
- Roundtable Discussion: Tax Violations-KJI+ US Department of Justice
- Workshop: (Criminal Law)- Indictment and Confirmation of the Indictment
- Advanced Convention on Human Rights
- Advanced course for Lay judges
- Workshop-on the level KJI experts, Law on Contested Procedure
- Workshop: (Criminal Law)-Site Inspection and Reconstruction
- Roundtable Discussion:: (Juvenile Justice)-Diversion Measures
- Seminar: Copyrights and Related Rights-KJI&USAID Bearing Point
- Seminar for Professional Associates
- Roundtable Discussion (Criminal Law) -Summary Proceedings and issuance of the Punitive Order
- Training of Trainers-KJI+ USAID/ NCSC

JUDICIAL PROFESSIONAL DEVELOPMENT

Workshop: Judgements due to the waiver of the lawsuit, disobedience and judgment rendered outside the main trial

On 04 May 2009, the Kosovo Judicial Institute (KJI) conducted the Workshop on the Civil Law, under the topic: “Novelties of the LCP, with focus on Judgements”. The subjects that were treated within this workshop were focused on the novelties relating rendering and reasoning of judgements, compiling of trial records, reasons for filing the appeal against those judgements and the consequences for failing to file the appeal. A special attention was paid to the difficulties faced by judges in the practical application of the new legal provisions of the LCP with



respect to Judgements. The beneficiaries of the aforementioned workshop were: civil law judges from all regions of Kosovo.

Roundtable Discussion: Tax Violations

On 5 - 6 May 2009, the KJI in cooperation with the U.S Department of Justice conducted the roundtable discussion on the topic: “Investigating and Prosecuting Tax



Crimes on the National and International level”. The subjects that were treated during the aforementioned roundtable were focused on the nature, characteristics and special features of this type of criminality, interaction between the prosecutor and other entities involved in the fight against this phenomena, investigative techniques, evidence and manner of their collection, features of the financial criminal offences, with special emphasize the

money laundering, bank fraud and the interaction between the state and federal prosecutors in the USA as well as the initiation of prosecution against the perpetrators of the tax crime in whole. In addition to, special attention was paid to the exchange of experiences, practical cases and the link between the other related criminal offences within the contest of tax violations based on the practice of both countries. The beneficiaries of the respective training were: judges, prosecutors, police officers and customs officers from all regions of Kosovo.

Workshop: Topic: “Indictment and the Confirmation of the Indictment”



On 07 May 2009, the KJI conducted the workshop on the “**Indictment and the Confirmation of the Indictment**”. The subjects that were treated within this training were focused on the drafting of the indictment, the rights of the defendant and powers of the confirmation judge. The purpose of this workshop was to establish a harmonized judicial practice and eliminate those dilemmas related to this institute as one of the most crucial parts of the criminal procedure. The beneficiaries of the respective training were: judges and prosecutors from all regions of Kosovo.

Advanced Convention on Human Rights

On 8 May 2009, the KJI conducted the advanced training course on the: “European Convention for the Protection of Fundamental Human Rights”. The issues that were touched upon during the aforementioned event were focused on the legal provisions of the European Convention, respectively the Article 5 paragraph 1 (f) and Article 8 paragraph (f) 1 and 2 of the ECHR. Within the scope of these legal provisions an attention was paid to the topics related to the transfer of the defendants and convicts from and to the foreign jurisdictions, the purpose, prerequisites and the transfer procedure. A special attention was paid to the right to respect the private and family life, in particular the cases of wire-taping and interference in the respective rights by the public authorities. In addition to, during the aforementioned training were presented various cases from the cases law of the European Court of Human Rights.



The beneficiaries of the respective training were: judges and prosecutors from all regions of Kosovo.

Advanced course for Lay judges



On 12 May 2009, the KJI conducted the training seminar dedicated to the Lay-judges. The subjects that were treated in the course of this session mainly focused the role of lay-judges in the enforcement of the Family Law of Kosovo, drawing of decisions on the juvenile and adult cases as well as the relationship between the lay-judges and the society, in the view of the Code of Ethics for Lay-judges. In addition to, various issues and problems faced during the practice were discussed, including the exchange of experiences on the disputable issues faced by lay-judges during the exercising of their entrusted function. The beneficiaries of the respective seminar were: lay-judges from all regions of Kosovo.

Roundtable Discussion:Topic: Novelties of the Law on Contested Procedure

On 14, 15, and 16 May 2009, the KJI, supported by the UNDP conducted the roundtable discussion under the topic: “Novelties of the Law on Contested Procedure”.

The subjects that were elaborated during the aforementioned training were focused on the issues related to the: assessment of the competency, court composition, reply to the lawsuit, powers of a judge during the contested procedure, submission of the statement of a claim, termination, discontinuance of the proceedings, judgments, decisions concerning the appeal at the second instance court and the motion on the

reopening of the procedure.

The main focus of the experts engaged during this three day event was to treat those troublesome issues and dilemmas arising within the court practice due to these new legal provisions.

The beneficiaries of the respective roundtable were: civil law judges (KJI trainers) from all instances.

Regional Conference under the topic: “General principles of EU Law and the Role of National Courts in the application of the Community Law”

On 14, 15 May 2009, in Macedonia - Skopje “IRJM”, Training Academy for Judges and Prosecutors of the Republic organized the Regional Conference on the topic: “General principles of EU Law and the Role of National Courts in the application of the Community Law”.

The issues that were treated during the aforementioned conference were focused on: the importance of the legal education of judges and prosecutors according to the European profile, development of the judicial training on the EU law in the West Balkan Countries, the link between the EU law and national legislation including its origin, means of the implementation of the EU law, the role of local judges and their functioning as European judges, legal framework of the judicial cooperation in the view of civil and

criminal legislation, Convention on Mutual Legal Assistance and its Protocols. In addition to, during this conference were delivered presentations on the achievements and development of training on the EU law within the judicial training institutions of the Western Balkan.

The beneficiaries of the aforementioned conference were: all institutions of the Western Balkan Countries that intend to join the EU.

This conference was also attended by KJI representatives, judges and prosecutors of Kosovo.

This conference was supported: Technical Assistance and European Informative Commission (TAEIX), (Web site): <http://taiex.ec.europa.eu/>.

Workshop:Topic: Site Inspection and Reconstruction

On 18 May 2009, the Kosovo JJI conducted the Workshop under the topic: “Site Inspection and Reconstruction”.

The subjects that were treated during the aforementioned training were focused on the main issues related to the site inspection and reconstruction including the identification of objects and persons.

A special attention was paid to procedural guarantees in drawing a proper decision, with special emphasizes on the harmonization of the judicial practice and the applicable provisions.

The beneficiaries of the respective training were: judges and prosecutors from all regions of Kosovo.



Roundtable Discussion Topic: Diversion Measures



The subjects that were treated during respective training focused on the practical imposition and enforcement of diversion measures and the purpose of these measures in order not to conduct court proceedings against the juvenile perpetrators.

Therefore, the imposition of the respective measures is a process throughout which the integrity and dignity of a juvenile shall be preserved.

On the same occasion was also discussed the issue of the prosecutor's role in the imposition of the diversion measures and the advantages that these measures can provide in facilitating the work of courts.

The beneficiaries of the respective training were: judges, prosecutors, probation officers and police officers from all regions of Kosovo.

On 20 May 2009, the KJI conducted the Roundtable Discussion on the Juvenile Justice under the topic: "Diversion Measures".

Seminar: Copyrights and Related Rights-KJI&USAID Bearing Point

On 21-22 May 2009 KJI in cooperation with USAID/Bearing Point organized a two days training under the subject: "Copyrights and Related Rights".

The main objective of the seminar was to provide advanced knowledge on the policies envisaged under the New Law on Copyright and Related Rights.

A special attention will be paid to the harmonization and enforcement of the copyright law in line with the EU and International requirements.

Beneficiaries of the respective training were: judges of the civil field from all regions of Kosovo and judges of the Commercial Court and professional clerks.



Seminar for Professional Associates

On 25 and 26 May 2009 KJI in cooperation with USA/NCSC organized a two days training under the subject: "Fundamental skills for Professional Associates".

The topics that were discussed during this seminar were mainly focused on the role and the importance of the professional associates during their work, public service and parties, technical knowledge, the challenges faced

by the professional associates during their work, proceedings of the cases, civil disputes, communicative skills and professional safety.

Special attention was paid to the difficulties faced by the professional associates during their work.

The beneficiaries of the respective were: professional associates of Kosovo courts.

Rountable Discussion (Criminal Law)-Summary Proceedings and issuance of the Punitive Order

On 27 May 2009, Kosovo Judicial Institute organized a roundtable discussion on criminal law under the topic: “**Summary Proceedings and issuance of the Punitive**”.

The topics that were discussed during this roundtable were mainly focused on analyzing the issues related to the detention on remand as well as provisions applicable for the criminal offences punishable of a fine or imprisonment of up to three years.

Prior of considering the powers that the public prosecutor has in requesting the imposition of more than one punishment for a judicial admonition.



The beneficiaries of the respective training were: judges and prosecutors of all regions of Kosovo

Training of Trainers-KJI+ USAID/NCSC

On 28-29 May 2009, Kosovo Judicial Institute in cooperation with NCSC supported by Kosovo Justice Department organized a two days training for KJI trainers.

The main subjects that were discussed during this advanced training were the methodology and training techniques with purpose of development of the professional skills of the trainers.

Special emphasis was paid to the principles of the adult learning as a special category of the audience, identification of the needs, learning objectives, content and structure of a training, learning types, successful lecturing and delivery skills



The beneficiaries of the respective training were: KJI trainers.

Preparation of future judges and prosecutors – Initial Legal Education Program

The implementation of the second phase of the Initial Legal Education Program commenced at the end of March 2009. What makes this phase characteristic is that the candidates are currently following separate courses based on the profile for judge or prosecutor. Out of the total number of 30 candidates, 22 of them have chosen the profile of a judge, whereas the remaining 8 have chosen the profile of a prosecutor. The organization of 24 training modules is foreseen for this phase, 12 courses per each group. Out of all these modules, 2 of them are common, meaning that both profiles will follow these classes together. All modules drafted by the trainers were printed in special format. Also during this phase the classes will take place in full three working days, as determined and implemented during the first phase when the candidates were all together.



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