

## KOSOVO JUDICIAL INSTITUTE

## NEWSLETTER

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## Calendar

## Main topics

- Roundtable discussion on Provisional Criminal Code and Provisional Criminal Procedure Code
- Seminar on European Convention for the protection of Human Rights and fundamental freedoms
- Seminar, Family Law
- Seminar, Labour Law
- Seminar, Code of Ethic
- Training of trainers



## Preface

Kosovo Judicial Institute as an independent institution, in addition to offering judicial training for judges and prosecutors, has now begun regular judicial publications.

This newsletter represents a continuation of KJI to present activities which are designed to help the professionalism of judges and prosecutor.

The purpose of this newsletter is to inform the main office holders of the judicial system of recent developments in the law and to act as a forum for discussion of common problems and dilemmas in the judicial practice. This was done with the ultimate goal to eliminate weakness and harmonize the judicial practise.

From the content of this newsletter you will see numerous activities which take place every month at KJI, such as seminars and trainings from the different fields of the judiciary.

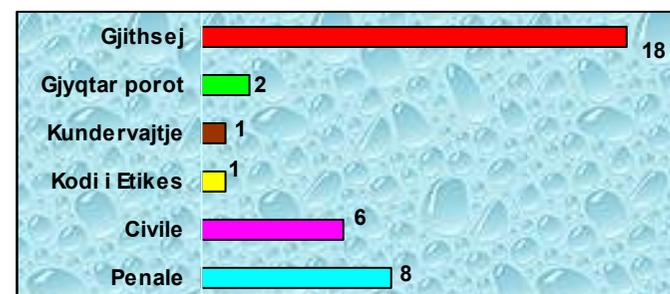
Kosovo Judicial Institute also publishes this newsletter in order to be transparent with the ultimate aim to involve other stake holders in the judiciary by way of future participation and co-operation.

Sincerely,

Lavdim Krasniqi

Acting Director

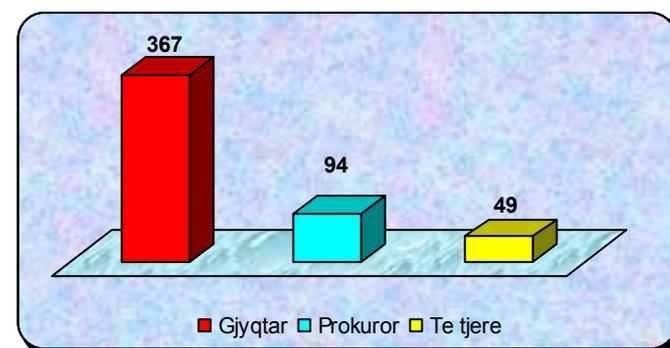
## Të dhëna statistikore për tremujorin e parë 2007



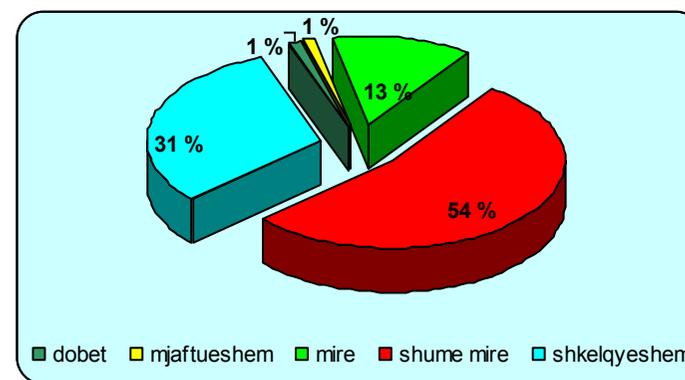
Trajnimet

e organizuara

nga IGJK ne tremujorin e pare 2007



Numri i pjesëmarrësve



Vlerësimi për e

i përgjithshëm performancën trajnimeve për

tremujor

For all your comments, suggestions, and remarks please contact us on email address:  
kji\_newsletter@hotmail.com

### Training for Trainers about Code of Ethics

KJI in co-operation with NCSC on 30 April 2007 organized a training for trainers on the Code of Ethics, where for the first time local and international experts performed together.

The aim of this training was to build a new team of trainers who could lecture about Code of Ethics.

The rules of professional conduct and application of those rules for judges and prosecutors was the main topic of this training. All experts during their presentation used modern methods such as interactive discussion, division into small groups, asking questions, presentation of practical cases and the

use of technical equipment (power point presentation).

Also discussed during this training was the role of the judicial inspectorates office. At the end of this training all participants were certificated as new trainers on the Code of Ethics.



Photo of experts during this training

### Observation



Over the last few months KJI has invested a great deal of time and money into train the trainer programs. These trainings ranged from Judge Tim Balland study of a KEK case to Judge John Fields presentation on Ethics. And let's not forget the three day train the trainer programme in Struga, Macedonia.

I want to take a moment to congratulate all those judges and prosecutors who have attended those programs. Over the last few months I have seen with my own eyes that you have put that training to good use by incorporating new training methodologies into your presentation. There is no question that your improved training methods have contributed to the significant increase in the approval rating of all training.

Again congratulations for a job well done and keep up the good work.

Sincerely

*Harold D. Dampier, Jr.*

OSCE Special Advisor to the KJI



Photo of training of trainers in Struga

### Code of Ethics

Kosovo Judicial Institute on 2 April 2007 organized a seminar on the code of ethics for judges and prosecutors in the region of Peja.

During this seminar a discussion was held on the basic rules of professional conduct of judges and prosecutors. Experts used interactive discussion to inform the participants about the necessity to respect the Code for Professional Conduct of Judges and Prosecutors. Other topics discussed included:



Photo of this training

### Case study – Practical example

KJI on 5 April 2007 organized a training in which a practical case from the judicial practice was studied. An international judge with the assistance of four local trainers of KJI demonstrated a practical case. The purpose was to improve the practical skills of judges relating to the presentation and evaluation of evidence and the delivery of a judicial decision. The case which was demonstrated related to two criminal cases for which three persons were accused and punished by an international judge who was the expert in this seminar.

During this training new modern methodologies were used to help the participants learn more in the conference. This included break out sessions so that all participants of the training had an opportunity to



Photo of this training

The attempt of the public prosecutor to protect an anonymous witness. It was determined through discussion that prosecutors need more experience in order to handle this issue.

It was also agreed that the purpose of the Code of Ethics was to build a healthy judicial system.

There was a questions and answer session on the judicial inspectorates and it's role.

Finally practical Code of Ethics cases were discussed.

actively participate through working groups.

During the work in small groups all participants of the training had the opportunity to review all relevant facts of a case and use legal reasoning to deliver a decision of punishment. They also had to explain the reason for the punishment.

At the end of the training the international judge distributed the actual decision. It was determined that the participants made almost the same decision as the international judge in the actual trial. The methodology used in this training was highly evaluated as very successful.

### Training for Trainers held in Struga, Macedonia

Kosovo Judicial Institute from 25 to 27 April 2007 organized a train the trainer seminar in Struga, Macedonia. International trainers from the Judicial Institute of Bulgaria, used modern techniques and interactive discussion to transmit knowledge to KJI trainers on how make effective presentations. The training was financed by KJI.

Participants of the training were KJI trainers, judges and prosecutors from all levels of the courts. Also those who participated had shown a propensity to use modern technique and methods of lecturing during seminars and trainings organized by KJI.

During this training the following topics were discussed: the planning and introduction of a programme, purpose of the programme, basic principals in adult education, how to work with difficult participants, methods of holding training, managing time, working groups, the use of attractive methods during a presentation, the Colby Cycle and finally the use of evaluations.

During the above-mentioned seminar, there was an open exchange of ideas, opinions and positive discussion. At the end of the training KJI trainers also made a presentation (in pairs). The simulation forced presenters to practice the skills they had just learned.

At the end of the training all participants as well international trainers determined that the conference was a



Training of trainers in Struga

great success. After the training KJI delivered to all participants a certificate of completion.

**Labour law**

On 19 April 2007, KJI held a training on labour law. This training examined actual problems from labour law. Also discussed were the application of UNMIK Administrative Regulations especially Regulation nr. 2001/9 and 2001/36.

During this seminar, it was also elaborated in detail, employers rights, means to realise those rights before the Independent Executive Board (IEB) and the protection of employer's rights before the court. The competency of the Independent Executive Board was discussed. Despite the fact that this organization was a court, litigation from labour law cases rest in the competency of regular municipal courts.

Other areas of discussion included how to handle disputed cases from labour law, the elements of labour relations and regulation nr.2001/27 for unemployed person's who perform ministerial work and the rights for those who perform periodical work. There was also issues made regarding delays to submit a labour claim, title of the organization to whom appeals should be submitted, the types of

claims and the procedure for execution of decisions. The problems concerning unique legal regulation for regulations the question from labour relations were outlined.



Photo of the training on 05.04.2007

Further, it was established that the IEB has status to consider claims from labour relations whose decisions may be disapproved before the court.

It was determined that in the future the municipal court will be competent to handle Labour Law cases.

**Round table discussion on the family law**

KJI organized on 6 April 2007 a round table discussion on family law. During this seminar topics discussed included property rights for spouses, contested paternity and maternity, the procedure for adoption pursuant family law as well as divorce.

This round table was focused on property rights of the spouses. In this field of the law it was said that there are two judicial systems: the property law system and the system of contract law. Forms of the ownership in the law are: private and joint property, parts of ownerships and so on. One key question was whether the property owned during the marriage was joint property. Family law was defined as every kind of intellectual work which was done by individual work. It was possible to contest this fact, if one of the spouses contributed to the intellectual and scientific work to achieve the best results. Therefore, it was considered that this component should belong to joint property of the spouses.

When we are speaking about joint property which has parts of joint property of the spouses it is important that the spouses not dispose of individual or joint

property if the property was not divided. There is an exemption when there is a testament and the property will be used individually. The reason for this is that one of the spouses who is very old might die soon. This means that he cannot dispose of the parts of the joint property if the division is not done soon.

Regarding the contest of paternity and maternity, a comparison was done in relation to the new and old laws. There questions about the methods to determine maternity and paternity.

Also discussed during this seminar was the procedure for adoption and divorce. To help elaborate this issue there was a presentation on practical examples of divorce.



Photo of the seminar on 14.02.2007

## 5 Round table for confirmation of indictments

Kosovo Judicial Institute on 10 April 2007 organized a round table on existing dilemmas relating to the confirmation of indictments. The aim of the round table was to harmonize the judicial practice during the procedure for confirmation of indictments. The round table focused on the questions concerning the refusal of indictments, guilty pleas, acceptance of

the criminal offence and the order of detention on remand.



## Seminar of European Convention of Human Rights

Kosovo Judicial Institute on 12 and 13 April 2007 in co-operation with Council of Europe organized a two day training on the European Convention for Human Rights for judges and prosecutors in Pristine. During these two days of training Article 5 and 6 of the Convention was discussed.



Seminar held on 12-13 April

## Evidence procedure

Kosovo Judicial Institute in co-operation with EU, on 17 April 2007 organized a round table on evidence. The purpose of this seminar was to improve professional skills of judges during the evaluation and derivation of evidence. The experts in this round table was an international prosecutor, judges, and prosecutors from Kosovo. Special attention was paid to the delivery of international legal aid during

the evidence procedure.

An expert from Finland pointed out that the difference between the criminal code of Kosovo and Finland was that in Kosovo the evidence can be admissible even if there was a violation during the gathering of evidences but in Finland, the evidence was admissible, because the investigation can be conducted by police.

During discussion, special attention was paid to the question of gathering the evidence from other countries, from the persons which are involved in the concrete case, from police or other authority, pursuant international agreements such as Interpol, Europol, and the use of a court or prosecution under the rights of mutual legal aid.

Local experts were focused on the procedure and difficulties during the investigation, taking into consideration that in certain actions the public prosecutor can institute without agreement of the court, procedure for collecting evidence, delivering international legal aid in the cases when foreign courts ask for it, expired agreement, means which can serve as evidence, definition of evidence in a wider sense, importance of evidence, classification of evidence which can be admissible and not admissible pursuant PCPCK, statement of witnesses, opinion of experts, inspection in-locu, free evaluation of evidence based on the opinion of the court.

Local experts emphasised three cases from judicial practise, where judgements were revoked because they were based on evidence without respect to procedural provisions.

In the first case – minutes from hearing of the witnesses by public prosecutors was inadmissible, because a defence lawyer was not present at the hearing and investigations actions were undertaken before deciding on the initiative of an investigation.

In the second case – a question related to the minutes were taken without the presence and information of a defence lawyer.

In the third case – the defendant in the investigation plead guilty before a public prosecutor but in the main trial refused to admit his guilt saying that he was afraid of the public prosecutor.

Of importance in this training was interactive discussion of participants and through their contribution by way of asking questions, suggestions and giving comments made the training a success.



Seminar held on 17 April