

KJI NEWSLETTER November- December 2005

This newsletter is published to fully inform the magistrates in Kosovo on the activities of the KJI. This publication is distributed to judges and prosecutors throughout Kosovo. The Monthly KJI Newsletter features articles from KJI Staff and external experts relating to issues of interest to judges and prosecutors working in Kosovo.

Introduction to the Training Application System

The mandate of the Kosovo Judicial Institute (KJI) is to train judges and prosecutors, thus contributing to the development of a professional, impartial and multi-ethnic judiciary and prosecution in Kosovo.

In order to implement its mandate the KJI continuously adapts its training activities to the changing legal environment and needs. As a step further in the development of professional judicial training delivered in Kosovo, KJI aims to introduce the Application system instead of Invitation system for training. The Application system envisages a pro-active role of the judges and prosecutors in applying for training events they are interested in instead of leaving the initiative with the training institution to select the participants for the training events. The Application system is the most common one in the Judicial Training Institutions world wide and is believed to be the most efficient. It gives the opportunity to the judges and prosecutors to develop their individual training schedule in accordance with their professional interests and of their exact training needs. Additionally, when introduced, such a system would be the most cost efficient one for the KJI as well. It would allow KJI to plan better on its training activities and to keep a track on the exact interest in professional training of judges and the prosecutors.

The Application System envisages that once the judges and prosecutors receive the KJI Yearly Training Program and the KJI Quarterly Training calendar, they apply well in advance for the preferred training sessions. After the closing date/s for applications the KJI staff shall be preparing the Final Lists of Participants attending the training.

As a launch of the new system the KJI Training Calendar for the first quarter of 2006 is attached to this Newsletter. The Kosovo Judicial Institute encourages all the judges and prosecutors to apply for the training activities listed in the Calendar by submitting an Application. The Applications for training are available with all the Court Presidents and Chief Prosecutors Offices in Kosovo.

Kosovo Judicial Institute Wishes You a Successful 2006 year!

Project Activities November/December 2005

Workshop on protection against Domestic Violence

The Workshop took place on 15 November 2005. Based on the assessment of the training held earlier this year, the Workshop focused more on the practical aspects of implementation of Regulation 2003/12. The participants had the opportunity to discuss about the different cases they are dealing with in their judicial practice in order to share their experience with the others and to express their concerns on the Regulation after two years of implementation. The training agenda included a general overview of the domestic legislation, the procedure to follow according to the Regulation and the different types of protection orders that can be issued, study cases developed on the basis of the judicial practice etc. Additionally, in order to facilitate the discussion, KJI had invited to the Workshop not only judges trying Domestic Violence cases but also representatives from the Prishtinë/Pristina Regional Centre for Social Work, Victim Advocacy and Assistance Unit of UNMIK, KPS Officers. The Workshop took place at the KJI premises in Prishtinë/Pristina.

Seminar on Minor Offences

On 17 November 2005 KJI organized the next training session for a group of Minor Offences Court judges. The seminar is a continuation of a series of training events offered by KJI to the Minor Offences Judges. The training agenda covers the minor offences in the frame of the new Criminal Code, the discussion of cases when the juveniles are involved and the court procedures in case of appeal. The Seminar took place at the KJI premises in Prishtinë/Pristina.

Workshop on Criminal Law – Punishments, Kinds of Punishments, Alternative Punishments

On 23 November 2005 KJI Organized a Workshop on the aforementioned topic. The subjects that were discussed at the Workshop focused on criminal proceedings under the provisions of the Criminal and Criminal Procedure Code of Kosovo. The training offered an interactive discussion to the participants on the disputable issues in the calculation of punishments, kinds of punishments and alternative punishments. The discussion focused mainly on examining the casework and specific procedure for court hearings on criminal cases. The Workshop took place in at the KJI premises in Prishtinë/Pristina.

Training of Trainers (TOT)

During the reporting period KJI in collaboration with the Council of Europe (CoE) concluded the last session of the TOT on the European Convention on Human Rights for twenty selected judges and prosecutors. The last part of the training programme for local judges and prosecutors aimed to develop their specific training skills and to further upgrade the professional and legal knowledge of the future trainers in regard to the application of the European Convention on Human Rights. During the training programme in December, which concluded the Second Semester of the TOT, the participants were offered a final test, after the completion of which the selected judges and prosecutors will be serving as trainers on the European

Convention on Human Rights for CoE and KJI. International experts delivered the training and assessed the final results of the training.

Seminar: Expropriation and Compensation

On 6 December 2005 KJI organized a Seminar on the aforementioned topic for the judges hearing property law cases in order to aid the harmonization of the judicial practice on such cases. The main topic of the seminar focused on the civil procedure related to expropriation and compensation, de-expropriation and claims for compensation under the applicable law in Kosovo. Distinguished local legal professionals presented different aspects of the aforementioned topic before the trainees. The Seminar took place at the KJI premises in Prishtinë/Pristina.

Round Table Discussion: Privatization in Kosovo

On 8 December 2005, KJI organized a Round Table Discussion on the aforementioned topic for the judges hearing property law cases in order to meet the demand of the judges for further training on Privatization matters under the applicable law in Kosovo. The topics discussed focused mainly on the jurisprudence of the Special Chamber of the Supreme Court of Kosovo on KTA Related matters and on the specific legal consequences the judges handling such cases have to take in consideration. Distinguished local legal professionals presented different aspects of the aforementioned topic before the trainees. The RTD took place at the KJI premises in Prishtinë/Pristina.

Seminar: on Combat against Money Laundering, Corruption and Related Economic Crimes

On 12 December 2005 KJI organized a Seminar on the aforementioned topic. The subjects that were discussed at the Seminar examined the investigation, prosecution and court room proceedings of cases arising from the aforementioned crimes. Distinguished local and International trainers presented some of the most challenging issues before their colleagues and facilitated the discussions leading to clarification of those issues amongst legal professionals. The Seminar took place at the KJI premises in Prishtinë/Pristina.

Seminar on EU Law

Kosovo Judicial Institute (KJI) organized a Seminar on European Union Law on 13 and 14 December 2005. The subjects discussed at the Seminar focused on the EU Laws and their transposition in the law of the Member States, EU Customs Law and the Balkan countries, EU taxation law and the Balkan countries, as well as some practical examples from the practice of the European Court of Justice. A strong team of International Experts presented the aforementioned topics to their Kosovo colleagues. The Seminar took place at the KJI premises in Prishtinë/Pristina.

Forthcoming events

Training of Trainers (TOT)

In December 2005 KJI planned to organize a specialized TOT for two groups of Kosovar judges and prosecutors. It was agreed that the training will take place in Ohrid, Macedonia. Each Group shall be composed of eighteen (18) judges/prosecutors engaged as trainers at KJI. The first group shall undergo a Basic TOT and the second one – advanced TOT. Two international trainers for each group will deliver the training programme in FYROM. The training will last 5 days for a group.

Planned dates: 15-21 December 2005

Workshop on Civil Law (Family Law)

Target group: Judges hearing Family Law cases

Considering the expected changes in the Family Law in Kosovo, KJI planned to organize a Workshop on the aforementioned topic. KJI aims to facilitate the harmonization of the judicial practice on cases concerning dissolution of marriage under the applicable law in Kosovo as well as on International matrimonial issues. Distinguished legal professionals from all over Kosovo will be participating at the Workshop as trainers and experts. The Workshop will take place at the KJI premises in Prishtinë/Pristina.

Planned Date: 17 January 2006

Workshop on PCPCK: Detention, detention of persons with mental incapacities

Target group: Judges hearing Criminal cases and Prosecutors

The aforementioned topic appeared to be a challenge in the practice of the Kosovo judges and prosecutors. The KJI scheduled a Workshop to meet the demand for training of Kosovo magistrates who face multiple difficulties in applying the PCPCK in regard to Detention and particularly detention of persons with mental incapacities. One of the most experienced local trainers will be delivering the training session and facilitating the discussions. The Workshop will take place at the KJI premises in Prishtinë/Pristina.

Planned Date: 24 January 2006

Workshop on PCPCK: Simulation of Trial

Target group: Judges hearing Criminal cases and Prosecutors

The simulation of a trial has proven to be one of the most efficient and preferred by the magistrates forms of judicial training, held by KJI. Upon a request from the judges and prosecutors from Prishtinë/Pristina region, KJI scheduled the aforementioned session as a simulation of the entire trial procedure. Moderators of the session will be trainers from KJI, District Court President and District Public Prosecutor from Prishtinë/Pristina region.

Planned Date: 26 January 2006