

KJI NEWSLETTER

October 2003

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

“To see further than one’s nose”

Special educational opportunities

Travelling in general mostly is animating and informing. It widens the horizon helps to get suggestions and orientation and motivates to improve his/her own knowledge and skills. This is reason and legitimacy for Kosovo Judicial Institute (KJI) to perform study trips and internships for judges and prosecutors of Kosovo, who long time were excluded of the modern judicial development in Europe and further western world and now are eager for orientation in the process of transition of a legal system and on. The way of getting partners in the international community. The participants of study-trips and internships, who get in touch with their colleagues in foreign countries, will find as well confirmation of their own knowledge, recognising the wealth of their own tradition and practice and the consciousness being accepted and respected.

KJI offered study-trips to Switzerland, Germany, France, Netherlands, Poland, Luxembourg, Slovenia and Croatia. A

study-trip to Bulgaria is planned. Other countries in Europe and on the Balkans are envisaged. Several internships up to now have been performed in Konstanz/ Germany. In the beginning of October an internship will start in Gera/Germany, situated in Thuringia, a former part of German Democratic Republic. A new study-trip to Germany is scheduled the 9.11. - 15.11.03. Selected participants are: judges Mejreme Zekaj, Meleqe Bexheti, Vjollca Rizaj, Selman Bogiqi, Ragip Zeneli, Fehmije Zhubi, Jonuz Bugari and the prosecutors Ismet Ujkani, Vaxhit Idrizi and Slobodan Stevanovic.

Goals of study- trips and internships.

Besides the mentioned and intentioned effects of widening the horizon of the participants, **study-trips** can help to arrange contacts of the acting judges and prosecutors to improve the co-operation with foreign colleagues especially on the field of legal assistance and mutual extradition. They will get knowledge of modern methods of defeating crime and of modern management.

Related to the growing integration of Kosovo into the international family and



due to the fact that Kosovarian people are spread all over the world, such co-operation and instruction is needed. .Experience in handling of rules in International Private and Public Law must be gained. Standards of the International legal order, the realisation of human rights in procedure must be learned. It is useful for the judicial work in Kosovo to find out how courts are functioning and co-operation of courts and prosecutor-offices is organised and thus of prosecutors and police. Such patterns for the own work will be found in the consolidated legal systems in Europe. Interesting is as well to watch how the former parts of FRY managed the problems of transition in the judiciary.

The study-trips will be accompanied by national or international judicial trainers of KJI, corresponding to their experience and the chosen aims of the study-trips.

Study- trips will strengthen group morals, including representatives of minorities.

In contrary to study-trips, **internships** are aiming to give an intensive impression of the daily work of the colleagues abroad. They usually last three weeks. The sent judges and prosecutors – all together two or three- will follow the hearings in court or in prosecutor-offices. They will have to prepare the cases together with the instructing colleagues. Therefore the applying judges and prosecutors must be able to understand the language of the country. Such precondition limits the

number of appropriate applicants. Working with interpreters is- in contrary to study-trips- not possible.

Challenging of performing study-trips and internships

The educational opportunities are attractive and find great interest. Such travels

are challenging KJI and OSCE on behalf of the organisational efforts and the financial requirements. This may be demonstrated by the scheduled study-trip to Germany, where nearly 150 applicants are competing with 10 positions. After the general planning of study-trips in the yearly program of KJI and drawing up the budget the concrete program with assistance of the German colleagues must be established. The trip has to be announced by Monthly Newsletter of KJI and invitation letters to all judges and prosecutors in Kosovo, translated by our language assistants in Albanian and Serb language. The rule of law- officers of OSCE will be informed to pass the information to the judges and prosecutors in their region. The presidents of the courts additionally are addressed, being asked to instruct their colleagues. The process of selection will follow, exhausting nearly all capacities of the understaffed Kosovo Judicial Institute: The senior administrative officer collects the applications, shows up if the applicant has been sent already abroad or if their might be other obstacles as lacking valid documents, the national co-director and the responsible judicial trainer will have to choose the happy



applicants. That means they will have to respect the different regions and the levels of court, they have to take into consideration that male and female candidates are represented, that minorities will get a chance etc. Then the result has to be published, which will cause positive reactions of the successful competitors and disappointment of the others. Now we have to seek for the visa, the tickets and the further necessities. That will extend the work to other people working in KJI as the finance officer, the administrative assistant and the driver. After performing of the study- trip and the internship colleagues will share their experience with colleagues in meetings arranged by KJI.

Up to now OSCE supplies KJI with the necessary budget. Council of Europe, the German and Swiss Government have funded our program and will

hopefully do it in future, though Kosovo Judicial Institute is on the way to get a local Magistrate School, and financial means of the funding states get rare.

Despite all the trouble study-trips and internships are satisfactory for the involved trainers and staff, who are touched by the interest and engagement of the participants. That is motivation to continue the efforts.

Dr.iur. Horst Proetel,
Judicial Trainer officer in KJI
and former judge and instructor in
Germany

Project Activities October 2003

- Training on new Provisional Criminal Codes
- Training on Terrorism. Organized crime, Witness protection and related issues and on court practices
- Study Abroad program

Training on new Provisional Criminal Codes 3-4 October 2003

The main training event in early October is training on new Provisional Criminal Codes.



It is scheduled for 3 and 4 October, to take part at the Kosovo Police Service Scholl (KPSS) in Vushtrri/Vucitrn. This training is organised in co-operation with many partners, such as OSCE, CoE, DoJ, KPSS and others. The participants will be judges, public prosecutors, defence attorneys and the representatives of KPSS. Because the representative groups are expecting a large turnout for this important event, participants will be divided into two groups with one course offered on Friday and one in Saturday, so that disruption to the courts will be minimised. After the opening remarks to be given by the top people of the legal community, the legal Adviser-UNMIK and representatives of this Office will give the introduction of the New Codes, and the summary of changes will be given by local experts as well as international experts-CoE consultants, who worked together on the drafting process.

Training on Terrorism, Organised Crime, Witness protection and related issues and on Court Practices 17-18 October 2003

This training for both international and national judges and public prosecutors, is being organising by the KJI, Department of Justice and ICTY. The topics of the first day will be: definition and element of crime of terrorism, as defined in UNMIK Regulation 2001/12, organised crime, as defined in UNMIK Regulation 2001/22, witness protection-policies, practices and legislation, covered measures under UNMIK Regulation 2002/6, media coverage of criminal proceeding and the topics of the second day: sentencing legislation and practices and exercise and range of judicial discretion. The training will be combination of lecturing, discussions and case studies.

OTHER – FUTURE EVENTS Study Abroad Program

After finalising the study trip to Switzerland at 23-30 August, the KJI is doing preparations for one internship and one study visit to Germany. The internship is planed for 5-25 October 2003, for two judges/public prosecutors and the study visit for 9-15 November 2003, for approximately 10 magistrates. Preparations for the study visit to Bulgaria are also underway.

