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NEWSLETTER

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Activities from Continuous Training Program (CTP)

European Standards on Human Rights for Protection of whistle-blowers

On 01 September 2015 within the Continuous Training Program, Kosovo Judicial Institute in cooperation with Thomson Foundation organizes a training on: “European Standards on Human Rights on Protection of whistle-blowers”.

This training aimed to advance professional knowledge of beneficiaries on national legislation and European standards on whistler-blowers suspicious as well as irregularities in public and private institutions.

Initially two journalists presented their experiences on reporting misuses and irregularities in public institutions, challenges of their professional work, dealing with impunity and public denunciation, furthermore the training continued with the presentation of the international expert.

Within this program will be elaborated the national legislation, legal protection according to

ECHR and European standards for whistle-blowers suspicious of abuse and irregularities in public and private institutions. The training will provide an analysis of lessons learned from major cases of denunciations on 2014-2015.

Beneficiaries of this training are judges and prosecutors of basic and appellate instances.

During this training, also were elaborated the Law on Protection of Whistle-Blowers, legal protection according to ECHR and its case law. During the last part of the training, participants were divided into working groups where they had work on a practical case for whistle-blowers classification criteria.

Beneficiaries of this training were judges, prosecutors, lawyers, officers from print media in Kosovo, Independent Media Council.



The strategy for reducing the backlog of cases based on chapter XIV of CPC- Regional training (Prishtina), group I

On October 3rd 2015, Kosovo Judicial Institute in cooperation with the Kosovo Prosecutorial Council with the support of OCSE, conducted training on the topic of “Case load reduction strategy based on Chapter XIV of the CPC”.



Purpose of the training was assessment of requirements that arise from the Strategy for case load reduction, presentation of the data on the usage degree of alternative procedures, as well as removal of obstacles during implementation

of alternative procedures by prosecutors in the country level.

The training elaborated also on provisional suspension of the procedure according to Article 230 of the CPC, terms when the prosecution is not mandatory as per Article 231 of the CPC, mediation procedure according to Article 232 of CPC, plea bargaining agreement according to Article 233 of CPC, as well as determination and commitment to priority cases.

The training was delivered in Q&A and conversation format.



Specialized Training Program for Kosovo Prosecutors – Session I

On 03-04 September 2015, KJI within the Continuous Training Program implemented the first training session on “Specialized Training Program for Kosovo Prosecutors”.

The purpose of this session consisted in developing knowledge of judges, prosecutors and other stakeholders in this field, in terms of knowing and applying in practice the procedures and phases of public procurement.

As part of the first session were treated: procurement planning as the first step in the procurement process, the advantages of procurement planning and disadvantages of not having a plan, notification indicative and scope of delivery of the plan in the Central Procurement Agency (CPA).

Also were elaborated the technical specifications as a correct statement in which case it was emphasized the importance of preparation and content of technical specification. The next phase of this session focused on the treatment of the tender dossier, submission of tenders, public open-

ing, and the clarification of tenders, establishment of evaluation committees, stages and bid evaluation criteria and recommendation of the winning operator.

The training was interactively developed and the participants had the opportunity to discuss and raise their dilemmas and problems encountered in practice.

Within the Public Procurement Training Program will be held also the second session.

Beneficiaries of this training were judges, prosecutors, officials from the Financial Intelligence Unit, Customs Service, Tax Administration and the Anti-Corruption Agency.



Taxation processes

On September 08th 2015, KJI in cooperation with USAID CLE within its Continuous Training Program organized a training on “Taxation



processes”.

Purpose of this training was extending substantial knowledge of judges on taxation system in Kosovo and usual problems occurring in the tax collection activities, where often the taxpayers tend to avoid their obligations which brings judicial disputes for the payment to take place.

This training elaborated applicable legislation and main challenges in its practical implementation, review of tax policies, basis and internal organization of KTA. It continued discussions on issues that relate to tax obligations and overview of main taxes in Kosovo, including the Value Added Tax (VAT), Vat statement and double taxes, elements of tax bills, VAT reimbursement procedure, corporate taxes, municipal taxes and property taxes.

Training was delivered in interactive mode, having participating judges discuss and raise issues that were focus of this training.

Beneficiaries of this training were civil law judges in the Kosovo Supreme Court, judges at the Appeals Court - Commercial Department, as well as judges from Basic Court of Prishtina – Commercial and Administrative departments.

Economic Principles of the Commercial Law

On 09 September 2015, within the Continuous Training Program, and in cooperation with CLE-USAID, KJI organized training on: “Economic Principles of the Commercial Law”.

The purpose of this training was to introduce the latest trends and economic developments which affect indirectly in obtaining a professional court decision on commercial disputes towards resolving commercial disputes efficiently.

The training focused on analyzing the legal framework that regulates this area, with particular emphasis on Law on Business Organizations and Foreign Investment. As part of this training was also discussed the role of commercial law in the promotion of economic development, bilateral investment agreements and referral of disputes to international arbitration.

The training was conducted through discussions in were judges had the opportunity to share their experiences on the aforementioned topics.

Beneficiaries of this training were judges of civil field from the Supreme Court, judges of the Court of Appeal - Economic Department and judges from the Basic Court Prishtina -Economic and Administrative Department.



Training on Torture, Istanbul Protocol and International Conventions

On September 9 2015, Kosovo Judicial Institute in cooperation with the Forensic Department supported by the EU funded project IPA, conducted training on “Torture, Istanbul Protocol and International Conventions”.



Purpose of this training was to support the participants in familiarizing with the role of international conventions against torture. In this light, focus was to elaborate the Istanbul protocol, as well as importance of its application by prosecutors, which would help the work of forensic ex-

perts and increase the inter-institutional cooperation.

Particular attention was dedicated to training on torture, which was discussed in the context of global perspective on torture, forensic investigation of alleged torture, specific aspects of torture investigation and legal procedures. It was also discussed about importance of monitoring the prisons.

Beneficiaries of this training were judges, prosecutors, officials and forensic experts from the Forensic Department, as well as officials from the Kosovo Rehabilitation Center.



Application of Article 6 of the ECHR in national level – the right to a fair trial in the context of ECtHR case law

On September 10 2015, Kosovo Judicial Institute conducted training for judges and prosecutors on “Application of Article 6 of ECHR in national level – The right to a fair trial in the



context of ECtHR case law”.

Purpose of this training was to enhance profes-

sional knowledge of participating judges and prosecutors on correct implementation of Article 6 of ECHR provisions on the right to a fair trial.

This training elaborated issues that relate to elements of the right to a fair trial in context of the ECtHR case law. In this light, the following was particularly elaborated: the courts independence and impartiality, and internal and external influences, accompanied by samples of ECtHR cases.

Training was delivered in form of interactive discussions about cases of the ECtHR case law.

Beneficiaries of this training were judges and prosecutors of basic instance.

The strategy for reducing the backlog of cases based on chapter XIV of CPC – Regional training (Gjakova, Peja and Prizren), group I

On September 10th 2015, Kosovo Judicial Institute in cooperation with the Kosovo Prosecutorial Council and supported by OSCE, conducted training on “Strategy for reduction of case backlog in prosecutorial offices based on Chapter XIV of the CPC”.

Purpose of this training was to assess application of requirements that derive from the strategy for reduction of case backlog, to present the data on the rate of using alternative procedures, as well as elimination of difficulties during implementation of alternative procedures by prosecutorial offices in national level.

The training also discussed about provisional suspension of the procedure according to Article 230 of the CPC, terms when prosecution is not mandatory as per Article 231 of CPC, mediation

procedure according to Article 232 of the CPC, plea bargaining agreements as in Article 233 of the CPC, as well as determination and dedication to priority cases.

Beneficiaries of this training were prosecutors of Basic Prosecutorial Offices in Gjakova, Peja and Prizren



The strategy for reducing the backlog of cases based on chapter XIV of CPC – Regional Training (Prishtina), group II

On 14 September 2015, Kosovo Judicial Institute in cooperation with Kosovo Prosecutorial Council and supported by OSCE, conducted a training on: “The strategy for reducing the back-



log of cases based on chapter XIV of CCK”.

The purpose of the training was to assess the implementation of the requirements arising from

the strategy for reducing the number of cases, the presentation of data to the extent of use of alternative procedures and the elimination of difficulties in the implementation of alternative procedures by the prosecution at the local level.

Special emphasis was paid to the temporary suspension of the proceedings under Article 230 of the CCK, the conditions when prosecution is not mandatory under Article 231 of the CCK, the mediation procedure under Article 232 of CCK, the negotiation of plea bargain agreement under Article 233 CCK, determination and commitment to priority cases.

Beneficiaries of this training were 22 prosecutors from basic Prosecution in Prishtina.



Asset tracing, seizing, confiscation and their use

On 15 September 2015, Kosovo Judicial Institute within continuous training program and in cooperation with EU project supporting the Asset Tracing and Confiscation Agency, with the support of B&S organized training on: “Asset tracing, seizing, confiscation and their use”

The training focused on national and international legislation including (direct and indirect) methodology used for tracing, seizing and asset confiscation as well as their use.

During the training was elaborated the legal framework relating the administration and designation of the confiscated assets acquitted by criminal activity. Whereas, the international trainer put the emphasis on Italian way of confiscating assets, and their use by the state. Also

during the training was done a comparison between the Italian and Kosovo legal framework, including advantages and disadvantages of both laws.

The training was developed through interactive discussions treating confiscation of incomes of criminal offences in Kosovo, identifying gaps of current system, and best practices of using the illicit assets for institutional and social purposes such as: use of illicit assets by the Government institutions, local authorities through direct or indirect ways.

Beneficiaries of this training were local judges and prosecutors of basic instances and EULEX judges, prosecutors and legal advisers.



Enforcement of judicial decisions under exclusive competence of courts and enforcement of foreign decisions

On September 17 2015, Kosovo Judicial Institute conducted training on the following topic “Enforcement of judicial decisions under exclusive competence of courts and enforcement of foreign decisions”.

Purpose of this training was to provide the participants more extensive knowledge about the competencies of the enforcement body as per the Law No. 05/L-139 on Enforcement Procedure, as since the new law entered into force besides the court competence to permit and apply enforcement there are also private enforcement agents who apply this procedure.

Focus of this training elaborated the exclusive competence of courts in contested procedure and in cases that are related to family law, labor disputes, as well as deciding about legal remedies filed against decisions for enforcement issued by the private enforcement agents.

Also, it was discussed about the international legal cooperation in practice between different local and international judicial institutions for

eliminating practical dilemmas for recognition of judgements issued by courts or bodies of other states, if these judgments shall be acknowledged having in mind the fact of difference between laws, or lack of reciprocity with respective states.



Beneficiaries of this training were judges and legal associates of basic instance.



Implementation of the Code of Ethics and Professional Conduct, Challenges and Recommendations

On 18 September 2015, within CTP, KJI in close cooperation with the President of the Basic Court of Gjilan, supported by Organization for Security and Co-operation in Europe (OSCE), conducted a training on: “Implementation of the Code of Ethics and Professional Conduct, Challenges and Recommendations”.

This training was a continuation of the sessions held in April and June of this year. The main purpose of this training was to identify challenges faced during the practical application of the Code and its harmonization with the international courts and standards.

On this occasion were also identified recommendations that will be used in case of supplementing or amendments of the existing Code.

During the session, participants through study cases and working groups evaluated to what extent the judge maintains the ethical standards during court sessions and public appearance.

Beneficiaries of this training were judges, professional associates from courts of Gjilan region



The strategy for reducing the backlog of cases based on chapter XIV of CPC - Regional Training (Mitrovica, Gjilan and Ferizaj) group I

On September 21st 2015, Kosovo Judicial Institute in cooperation with Kosovo Prosecutorial Council and supported by OSCE conducted training on “Strategy for reduction of number of cases based on Chapter 14 of the CCP”.

Purpose of the training was to assess implementation of the requirements arising from the strategy for reducing the number of cases, the presentation of data to the extent of use of alternative procedures, and elimination of difficulties in the implementation of alternative procedures by the prosecution at the local level.

This training paid particular importance to the temporary suspension of the proceedings under Article 230 of the CCK, the conditions when prosecution is not mandatory under Article 231 of the CCK, the mediation procedure under Article 232 of CCK, the negotiation of plea bargain agreement under Article 233 CCK, determination and commitment to priority cases.



Beneficiaries of this training were 11 prosecutors from Basic Prosecutorial Offices of Mitrovica, Gjilan and Ferizaj, as well as the Training Office Manager of the KPC.



Penal Sanctions in the field of Intellectual Property Rights

On 22 September 2015, Kosovo Judicial Institute in cooperation with EUIPR conducted a training on: “Penal Sanction in the field of Intellectual Property Rights”.

This training aimed to inform judges and prosecutors on penal sanctions set by national legislation and EU legislation on Intellectual Property Rights (IPR), as well as provide information regarding EU case law on this area.

In this regard, an international expert treated the criminal provisions of Rumania regarding intellectual property rights. The expert emphasized the importance of the application of intellectual property in having an efficient system for the protection of intellectual property. Also during the training were elaborated the skills and expertizes for identification of criminal offences of

this nature.

The training was developed interactively where the participants had the opportunity to discuss the challenges faced during practical application of the intellectual property rights.

Beneficiaries of this training were judges, prosecutors and professional associates of basic instances, as well as representatives from Kosovo Police and Custom Officers.



The strategy for reducing the backlog of cases based on chapter XIV of CPC - Regional training (Prizren, Gjakova dhe Peja) – group II

On September 23rd 2015, Kosovo Judicial Institute in cooperation with the Prosecutorial council under the support of OSCE, conducted training



on “Strategy for reduction of backlog of cases based on Chapter XIV of CCK”.

Purpose of the training was to assess implemen-

tation of the requirements arising from the strategy for reducing the number of cases, the presentation of data to the extent of use of alternative procedures, and elimination of difficulties in the implementation of alternative procedures by the prosecution at the local level.

This training paid particular importance to the temporary suspension of the proceedings under Article 230 of the CCK, the conditions when prosecution is not mandatory under Article 231 of the CCK, the mediation procedure under Article 232 of CCK, the negotiation of plea bargain agreement under Article 233 CCK, determination and commitment to priority cases.

Beneficiaries of this training were 14 prosecutors from Basic Prosecutorial Offices of Prizren, Gjakova and Peja.



The strategy for reducing the backlog of cases based on chapter XIV of CPC - Regional training (Mitrovica, Gjilan and Ferizaj), group II

On 28 September 2015, Kosovo Judicial Institute in cooperation with Kosovo Prosecutorial Council and supported by OSCE conducted



training on “Strategy for reduction of number of cases in prosecution offices based on Chapter XIV of the CCP”.

Purpose of the training was to assess implementation of the requirements arising from the strategy for reducing the number of cases in prosecu-

tion offices, the presentation of data to the extent of use of alternative procedures, and elimination of difficulties in the implementation of alternative procedures by the prosecution at the local level.

This training paid particular importance to the temporary suspension of the proceedings under Article 230 of the CCK, the conditions when prosecution is not mandatory under Article 231 of the CCK, the mediation procedure under Article 232 of CCK, the negotiation of plea bargain agreement under Article 233 CCK, determination and commitment to priority cases.

Beneficiaries of this training were 13 prosecutors from Basic Prosecutorial Offices of Gjilan, Ferizaj and Mitrovica.



Protection at work and compensation of the damage caused at working place

On 30 September 2015, Kosovo Judicial Institute within CPT conducted training on: “Protection at work and compensation of the damage caused at working place”

The purpose of this training was to enhance the knowledge of the participants on applicable legislation in cases of accidents at working places



or occupational deceases.

During this presentation initially were treated the rights of employees and the employers responsi-

bilities in cases of accidents at the working place or occupational deceases, with the special emphasis on material laws, including collective contract and internal acts of legal person applicable in cases of accidents at working places or occupational deceases.

At the afternoon were discussed about reimbursement of medical treatment and rehabilitation as damage compensation in cases of accidents at working place or occupational deceases, including providing conditions for protection at work.

During the training were used combined methods of practical and theoretical explanation followed by judicial practice.

Beneficiaries of this training were judges of basic instances from all regions of Kosovo.



Other activities

Workshop with KJI trainers for implementation of training during October-December 2015

On 21-22 September 2015, Kosovo Judicial Institute with the support of UNDP, conducted a workshop with KJI trainers for implementation of training agenda for the period of October-December 2015”.

The purpose of this training was for the trainers to draft training agendas where they are engaged as trainers and to fill out the training application forms of Training implementation Plan, along with other issues related to training implementation plan for the period of October-December 2015.

Initially the workshop elaborated training manual, in terms of updating the content and rules contained in this manual, with the purpose of its proper implementation during the preparation of training courses organized by KJI. The next phase of the workshop focused on drafting agendas and filling out forms for the implementation

of trainings, in which case trainees were divided into working groups, depending on their involvement in specific training.

In addition, the trainers also were coordinated for trainings that will be covered in co-teaching and materials which will be presented during the training.

Participants in this workshop were KJI trainers who are assigned to hold trainings during the October-December 2015





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