

Newsletter

March 2016

Activities from Continuous Training Program (CTP),

Activities from Initial Training Program (ITP)

Other Activities

Activities from Continuous Training Program (CTP)

Alternative punishments in Kosovo

The KJI in cooperation with EU Twinning Project for Strengthening probation and correctional services in Kosovo has conducted two (2) training on the topic "Alternative punishments in Kosovo".

From 29 February to 1 March 2016, it is conducted training for the first group of beneficiaries, while from 2 to 3 March 2016, it is conducted training for the second group. The training has aimed to further strengthen the effective and efficient use of alternative sentences by judges and prosecutors in Kosovo, capacity building and application of EU best practices within the relevant structures in Kosovo.

Initially in this training was introduced the German approach and comparison to the justice in Kosovo, statistics from the practice of sanctioning with alternative penalties and recidivism in Germany. Further on, it is presented the role and functioning of the Kosovo Probation Service, legal basis, organizational structure as well as challenges faced by Kosovo Probation Service in reali-

sation of its duties and responsibilities. In this context, there were presented statistics on imposing alternative punishments in Kosovo with forcible probation. Additionally, there were elaborated alternative punishments, types, conditions and circumstances to be considered for their imposing, as well as the positive effects of the efficient application of these punishments.

Special emphasis was given to the discussion on conditional punishment and order for community service work as sanctions imposed mostly on the national level, legal conditions for their imposing as well as revocation and timelines for their revocation. Also the semi-freedom was elaborated, as kind of alternative punishments, wherein it was emphasized that this type of alternative punishment is imposed very little in Kosovo, despite its positive effects.

The beneficiaries of this trainings were judges and prosecutors of basic level as well as officials from the Kosovo Probation Service.



Expertising in criminal proceedings

On 8 March 2016, Kosovo Judicial Institute with the support of the Council of Europe Office in Pristina, has conducted training on "Expertising in criminal proceedings".

The aim of this training was to provide support to the advancement of knowledge concerning the appointment of expert and specific areas where the expertise is required as a particular proving instrument in criminal proceedings, the evaluation expert's report by the court and familiarization with international acts in the context of protection of human rights during the expertise proceedings.

Within this training there were elaborated the meaning, role, procedures and decision for appointing the expert, the role of the parties in this process and administering of the expertise during judicial hearing. In this context, there were treated the

circumstances concerning up to which phase of the proceeding the appointment of an expert can be requested, the expert's hearing and questions that may be submitted to the expert in judicial hearing as well as the case when the expert changes his stance in this phase from the preliminary report which he has lodged at court.

The training was of interactive format, in its largest part there were discussions about problems encountered in actual judicial practice, such as incomplete expertise, issuance of decisions based solely on expertise as evidence as well as were presented cases from the ECHR, wherein through expertise the human rights were violated.

The beneficiaries of this training were judges and prosecutors of basic level.



Judicial application of the Aarhus Convention

On March 15 2016, the KJI within the Continuous Training Program (CTP), with the support of UNDP, has conducted training on "Judicial application of the Aarhus Convention".

The purpose of this training was identifying the preliminary conditions for proper application of the provisions in decision making within the Law on Environmental Protection based on Aarhus Convention.

In the training was initially elaborated the legal basis on which are based the institutions of public authorities to guarantee every citizen the opportunity to influence in the decisions relating to the environment where he/she lives. There were also discussed the challenges encountered by judges while issuing court decisions since Kosovo has not yet ratified this convention.

Special emphasis was paid to the discussion regarding the right to information according to the environmental legislation of Kosovo, the participation of public in decision-making, judicial protection of environmental rights, access to environmental information, participation of public in decision-making as well as criminal liability for environmental pollution.

During this training there were also used examples from the practice wherein the participants had the opportunity to acquire the best practices in this regard.

The beneficiaries of this training were judges of basic courts.



Conflict of interest

On March 17 2016, within the Continuous Training Program (CTP), Kosovo Judicial Institute has conducted training on "Conflict of interest".

This training was intended to contribute in advancing the skills of judges and prosecutors to identify problems, irregularities and implications in the context of this criminal activity, and to deepen the knowledge about the action's mechanisms and forms of benefit in the conflict interest cases.

Within this training is elaborated the legal framework regulating this field, focused in the Law on Prevention of Conflict of Interest, as main legal act to prevent these incriminating actions as well as other laws and regulations of the respective fields.

Additionally, the conflict of interest was treated as a minor offense, sanctions and security measures, as well as conflict of interest as a criminal offense. In this context there were elaborated forms of committing this criminal offence, public and private interests and the consequences that causes the perpetration of these actions.

The training was conducted in such a way that through theoretical explanations and interactive discussions all dilemmas were addressed about the topics that were on the focus of the training.

The beneficiaries of this training were judges and prosecutors of basic level as well as police officers.



Minor offences in the field of public peace and order

On 18 March 2016, Kosovo Judicial Institute conducted training for judges and prosecutors of the minor offence division on: “Minor offences in the field of public peace and order”.

The purpose of this training was to address and elaborate dilemmas raised during practical application of the legal provisions of LPPR, with the focus on Art. 4 and 6 of the respective law and to help judges identify the essential elements of the minor offences against public peace and order.

The training also focused on issues related to incriminated actions such as minor offences against public peace and order, qualifying elements of public places from

non-public places, legal remedies and competences of the minor offence division -first instance.

Also was treated the disobedience of lawful orders and requests, the content, object, terms and repetition of the procedure as a legal remedy.

During the training was used a combined methodology of theoretical and practical explanation, interactive discussion and study cases from the practice.

Beneficiaries of the training were judge of the minor offence division from basic level.



Legal writing and reasoning

On 22 March 2016, within Continuous Training Program (CTP), Kosovo Judicial Institute with the support of UNDP conducted training on: “Legal writing and reasoning”.

This training aimed to increase professional capacities of judges in terms of promotion and possession of skills in writing professional, good and detailed legal argumentations

As part of this training were elaborated the content and importance of legal writing and reasoning, parts of the judgment, drafting techniques and judicial reasoning. In this context was discussed the IRAC method, compilation of decisions in ac-

cordance with this method, forms and difficulties of its implementation, as well as theoretical guidelines when drafting judicial decisions and providing of practical cases worked by IRAC method.

During the training was used a combined methodology of theoretical and practical explanation, interactive discussion and study cases from the practice, as well as expression of problems and challenges faced by the participants when drafting and reasoning of judicial decisions.

Beneficiaries of this training were judges of basic instance.



Dividing line of police competences and prosecution during investigation stages

On 24 March 2016, Kosovo Judicial Institute conducted training on: “Dividing line of police competences and prosecution during investigation stages”.

This training aimed to enhance professional capacities of the prosecutors in proper evaluation of police authorizations and actions during investigation stage, recognition of different requirements of the police at this stage and contribution to increase the level of cooperation between all law enforcement agencies with state prosecutors.

The training focused on elaboration of the initial investigative actions, importance of the police investigation, proactive and re-

active investigation as a form of collection of information at the exchange information stage and the possibility of police-prosecutor coordination during the investigation stage. In this context it was stressed out the importance of establishing joint investigation teams, starting from initial actions to the indictment, which would increase the efficiency of the development of investigations.

This topics was elaborated through theoretical presentation, examples, practical cases and debates.

Beneficiaries of this training were judges, prosecutors and Kosovo Police Officials.



Law on Bankruptcy

On 25-26 March 2016, Kosovo Judicial Institute in cooperation with USAID-CLE, organized training on: “Law on Bankruptcy”.

The purpose of this training was the elaboration of the structure of draft law on bankruptcy, in particular new concepts set forth therein.

The focus of this training were bankruptcy proceedings that differ from the applicable law, such as: the scope of the law, principles, the bankruptcy application process, bankruptcy of small and medium enterprises, bankruptcy assets and the creditor claims.

Particularly during this training was elaborated the reorganization process, liquidation process and international bankruptcy. Training on bankruptcy law concluded a series of 18 training within specialized program on commercial law.

Beneficiaries of this training were judges of commercial department from basic and appellate instance and judges of the administrative department from two instances, as well as and judges of Special Chamber.



Specialized Training Program on Capacity Building in Combating Corruption - Session I

On 29-30 March 2016, Kosovo Judicial Institute with the support of GIZ conducted training on “Specialized Training Program on Capacity Building in Combating Corruption - Session I”.

The purpose of this training was to address carefully, comprehensively and in detail the need for professional development of judges and prosecutors involved in combating corruption offenses and handle challenges on the implementation of national legislation on combating corruption properly, with the focus on specific aspects that appear as problematic in practice.

initially, during this session was elaborated the meaning of corruption under the criminal legislation in force, international legislation in this field, the elements, consequences of corruption and forms of inter

-institutional cooperation and coordination of the institutions mandated to fight corruption.

Furthermore, were discussed the investigative plans and initial steps of investigations, development of investigation plan, handling and analysis of the available and public information, access to non-public documents and information, as well as reception and requirement of the electronic evidences.

The structure of this program contains also Session II and III composed by the same group of participants with the aim of completing the respective training cycle.

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



Activities from Initial Training Program (ITP)

Internship program of the candidate from Magistrate School of France

Based on the cooperation agreement between Kosovo Judicial Institute and the Magistrate School of France - ENM, concerning the candidates exchange program in the initial training, in March it is conducted last week of internship program for the candidate of this school in Kosovo.



During this week, the ENM's candidate Mr. Arnaud GILQUIN-VAUDOUR has conducted internship in the Basic Court of Prishtina under the supervision of a judge for civil matters. The candidate has had the opportunity to participate in various sessions related to property and family issues, the role of the litigants, the hearing of witnesses, issues related to contracts and other substantive and procedural aspects in the civil field. He is also notified with medical expertise, field work in cases of allocation of parcels etc. Special emphasis is paid to the understanding of procedures, comparison of the two countries' judicial systems and the exchange of ex-

periences.

Within the program's agenda, several meetings are conducted in the Correctional Service - Lipjan and Kosovo Probation Service. At these meetings the candidate has had the opportunity to familiarize with the work and functioning of these institutions as regards to punishment system in Kosovo and execution of alternative punishments.

At the end of the program the candidate has conducted a closing meeting at Kosovo Judicial Institute, which intended to discuss the candidate's impressions about the organization of internship program, how much he has achieved to be acquainted to judicial and prosecutorial system in Kosovo, his recommendations and opportunities of mutual cooperation in the field of exchange of professional practices.



Other activities

Study visit to the European Court of Human Rights and Council of Europe

On 14 to 18 March 2016, within the framework of the international cooperation and through the EU-funded project, implemented by “Thomson Foundation”, as conducted a study visit in Strasbourg, concerning the standards of the European Court on Human Rights (ECHR) and the Council of Europe on the Right to Freedom of Expression.

During the visit, participants had the opportunity to learn more on general statement of the ECHR standards for access to public documents, defamation, right to privacy, dissemination of information, protection of resources and the respective legal framework of Kosovo.

Also within this program was held several

meetings with senior officials of different sections of Council of Europe and the ECHR, where participants had the opportunity to get more familiarized with standards and practices of the Council of Europe and the European Court of Human Rights regarding Article 10 ECHR to freedom of expression.

Beneficiaries of this study visit were representatives of KJI, judges, representatives of the Constitutional Court, lawyers, representatives of the Independent Media Commission and the Press Council of Kosovo



Visit of delegation of the Turkey Justice Academy to Kosovo Judicial Institute

On 25 – 30 March 2016, Kosovo Judicial Institute hosted a visit of the delegation of Turkey Justice Academy.



The visit was implemented with the Memorandum of Cooperation between the two institutions aiming to exchange ideas on

best practices of the justice administration, exchange of experiences on judicial training and finding the opportunity to organize joint programs.

During the visit, the delegation was informed about KJI organizational structure, activities that fulfill legal mandate and challenges faced by KJI. Representatives of both institutions stressed out the readiness for implementation of joint programs with the aim of developing professional capacities of both countries.

During this visit the delegation will meet with senior representatives of the judicial and prosecutorial system in place such as meetings with the Head the KJC KPK, Chief State Prosecutor and the President of the Basic Court in Prizren.



<http://igjk.rks-gov.net>

Address: Lagja e Spitalit
"Muharrem Fejza" str. n.n.
Prishtina, Republic of Kosovo

Tel: + 381 38 200 18 660
Fax: + 381 38 512 095
E-mail: infokji@rks-gov.net