HANDBOOK
FOR PRACTICAL TRAINING OF THE INITIAL TRAINING PROGRAM (ITP)

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HANDBOOK FOR PRACTICAL TRAINING OF THE INITIAL TRAINING PROGRAM (ITP)
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Preface

I am very privileged to address you through the third edition of the Handbook on Practical Training of the Initial Training Program. The first edition of this handbook was published in 2012, whereas this edition was the first publication of its kind not only for Kosovo Judicial Institute, but also for regional training centers for judges and prosecutors. The second edition was implemented in 2014, while the publication of the revised Handbook was done in 2016, as a result of legal amendments that have influenced also the modification of the Initial Training.

This handbook comprehensively describes the practical training phase of the Initial Training Program which is organized by KJI for newly appointed judges and prosecutors. The handbook also in a professional way presents the tasks of the mentor and training participants, professional and inter-professional competences, working conditions, recommendations for the work of the mentor, and also contains several annexes to the practical training part.

This handbook presents a constant effort to summarize a set of documents and templates that have served so far as a training program for mentors and undoubtedly will contribute further in enhancing professional level of training for newly appointed judges and prosecutors.

On this occasion, I would like to thank and express my gratitude to all individuals who contributed in drafting of this handbook, including the authors who have handled the issues in a professional manner, the German society for International Cooperation (GIZ) Legal reform Project in Kosovo, mentors and KJI staff which by drafting this handbook enabled the mentors and candidates to conduct practical trainings according to the highest standards of legal education.

The third edition of the Handbook derives from the legislative amendments in the Republic of Kosovo and intends to fulfill all expectations of participants and mentors during its practical application.

Your suggestions and recommendations for supplementation of this handbook are welcomed.

With respect,

Besim Morina Act. Director of the Kosovo Judicial Institute
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I. Introduction

1. Practical training of the Initial Training Program (ITP)

1.1 Practical training description

KJI Initial Training Program (ITP) is a training program for newly appointed judges and prosecutors. With the legislative changes, newly appointed judges and prosecutors attend the initial training for 12 months, whereas during this period, cases will not be assigned to them. KJI main objective within the ITP is the professional capacity development, and development of practical skills of newly appointed judges and prosecutors. (Hereinafter beneficiaries).

Practical phase of the program, will be implemented by the beneficiaries in Courts and the Prosecutor offices. Practical phase is developed besides theoretical one, where beneficiaries attend 2 days per week theoretical training and 3 days practical training in the courts and prosecutor offices, in this part ITP beneficiaries practice their legal skills gained during the theoretical training at KJI.

1.2 The purpose of the Handbook goal

The purpose of this handbook is to outline the role and responsibilities of mentors and beneficiaries during the ITP practice (mentoring phase). The handbook also describes some of the legal powers that trainees should benefit during practical training.

Mentors also have been provided with ideas on how to expose the beneficiaries to a wide range of topics that will prepare them to take over official duties, after completion of the Initial Training Program. The focus of the handbook and the practical program is to highlight the importance of providing real practical experience to beneficiaries in developing their professional skills, ranging from legal writing, critical thinking, ethics and many others issues of practical character.

KJI would like to express its gratitude to GIZ for their support and contribution to the development of this handbook, including all the authors and contributors of this handbook. The judiciary will benefit from qualified judges and prosecutors with the skills necessary to perform their job in a professional manner and in the best interest of the public. KJI is grateful for the handbook and its
contribution towards this goal.

2. Consultation/collaboration process between mentor and newly appointed judges/ prosecutors

2.1 Mentor’s program in ITP practical training

Beneficiaries will attend practical training of the initial training Program in courts and prosecution offices. Whereas, the training is conducted with the support of a mentor who is a judge or prosecutor.

This phase involves issues that need to be known by the beneficiaries in order to implement them during their work after completion of the initial training. The program includes practical professional issues, communication rules, case management, ethics and other issues of interest to the practical character of the beneficiaries.

At the conclusion of this training, mentors provide an assessment of the beneficiaries to their overall performance during the training, and practical work in terms of professionalism, adhering the schedule, etc.

2.2 Stakeholders at consultation process

The relationship of mentor and beneficiary is characterized by personal exchange of active communication and collegiality, which can be understood as a relationship between two colleagues. The role of the mentor and the beneficiaries will illustrate the complexity of this sponsored training and should serve as a reference and inspiration for active development process. This handbook should be understood as a structured recommendation, on how to be developed as much as possible during the practical skills. The handbook also creates a flexible space for the beneficiaries to gain new training experiences through which they can be professionally developed.
2.2.1 The role of the mentor

The role of the mentor in the training process is central toward understanding the development of the competencies described in this handbook. Therefore, the mentor as training accompanist is the most important contact person for the beneficiary during the practical part of the ITP, who supports the beneficiary on his/her integration into the role of a judge / prosecutor.

Since the beneficiary under the supervision of a mentor, can participate in his work, their communication plays a central role in this process. The mentor in this case not only undertakes mediation in achieving professional competence, but also plays an important role in the development of practical competencies. Mentors provide different tasks to the presentation of the work and the culture of the profession.

During practical training, by the mentor are reflected the following types of behaviors:

• Learning

The mentor explains and demonstrates the important ways of behavior and instructs the beneficiary on the formal and informal structure of the institution, after that they paid a visit to the premises and the staff of court / prosecution office in order to inform them with the circumstances of their new job, all this must occur within two days of the training program.

• Instruction:

Guidance to the specific working tasks can be considered as an important step in practicing behavioral skills. Guidelines in combination with detailed explanations, support the training impact.

• Advice and support:

The mentor is the contact person for exchanging experiences and questions raised by the beneficiaries throughout the training process. Questions and the challenging tasks, should be discussed with the mentor in a trustful environment. First of all during the formulation and development of the training goals, the mentor supports the beneficiary.
• To be a role model:

The effect of learning model in the process of supervision should not be underestimated. Many of the concrete working ways, initially the main competences illustrated by mentor, often can be perceived by the beneficiary as a model of behavior. To the mentor this means he should show readiness to be transparent and be aware that the beneficiary may have a critical opinion about this. Therefore, from the beneficiary is required to show his/her willingness to be open and transparent, as well as reflect on the mentor’s behavior.

• Motivation:

Practical training part for the beneficiary presents a particular stage of life with very complex challenges. Therefore, it is very important for the mentors to support and motivate beneficiaries to give their best in their work. Special role of mentor ever includes the task of motivation and encouragement. Sensitivity, compassion and demand for excellence are part of the mentor’s role.

• Communication:

The main task of the mentor during the process of supervision is to establish and maintain communication with the beneficiary. Apart from being open with the beneficiary, the accessibility and time available for conversation are of a special importance. Since for the mentor during the process of supervision often is required to do additional work, it should be agreed on a regular timing for conversation. After a successful training phase, a well-trained beneficiaries will represent an important milestone for the mentor. In the process of subsequent work, a good and intensive training will paid off.

The relationship between mentor and beneficiary must be professional. Open communication also often involves treatment of personal and sensitive information. Therefore, trust is one of the most important grounds in the communication process.
• Evaluation:

Besides feedback and ongoing comments about the beneficiary, the mentor provides a comprehensive evaluation. Evaluation sheets are attached to the appendix. It is recommended for the mentor to discuss the outcome of the valuation with the beneficiary.

2.2.2 The role of the beneficiary

The role of the beneficiary is to learn practical skills, in order to use them later in his work. Thus, in the first months of the training the beneficiary's role lies in the first place. Whilst, with the development of routine the role of beneficiary will be converted in the role of a colleague.

Main concepts that must be understand by the beneficiary are as following:

• Working schedule:

Beneficiaries have to work on a regular schedule and all this must be documented with their signature in the attendance registry. Beneficiaries must hold meetings with their mentors based on the agenda. Regular meetings are of particular importance.

• Confidentiality, computers-laptops and rules

Beneficiaries must understand the need for absolute confidentiality of information that they gain over the course of their work. Rules regarding the use of computers and information’s in kept in their laptop are defined (see appendix 3). Keeping files and confidential documents out of the office or after completion of the training program by beneficiaries is not allowed. In addition to this, confidential information obtained as part of the activities during the training program should not pass on to someone else. Also, keeping of confidential materials in personal computers or phone is strictly prohibited.
• Sharing knowledge:

During theoretical training, ITP beneficiaries will gain deep and comprehensive knowledge on the law. This knowledge and professional competence should be transmitted to the mentor through professional questions.

• Take over the initiative in the initial phase:

First of all, in the initial stage, the beneficiary must undertake the initiative in order to show the mentor that he/she is capable to take over the job.

• Subscribe with the cooperation rules:

Regular meetings can provide important opportunities for conversation. Besides regular professional conversation, the agreement on having joint lunch can provide enough time to make contact.

• Make questions:

There is no bad questions. Some competences can be transferred only through conversations. Therefore, it is important to show the interested not only on posing professional questions, but also posing questions regarding main important competences. Thus, ask how your mentor behaves in different situations.
2.3 Evaluation and feedback

At the end of practical training, the mentor must provide a structured evaluation for the beneficiaries. This evaluation focuses on the central areas of competence and includes inter alia the following evaluation criteria (see Appendix 2):

A. Work quality

• Professional knowledge and skills,
• precision and accuracy, and
• Analytical skills.

B. Social competence

• Ability to cooperate with colleges and
• Negotiation and convince others

C. Autonomy and adjustment

• Autonomy, ability to work with little instructions from others,
• Ability to work under the pressure, and
• Adjusting to changes

D. Leadership, self-initiative and ethics

• Leading competences,
• Self – initiative,
• Ethics, active learning of professional behaviors and
• Accuracy, courtesy at work and respecting the working schedule.
E. Communication and analytical skills

- Written expression, ability to write texts,
- Ability to verbal expression and
- Ability to provide legal analysis and evaluations.

F. Additional skills

- Usage of computers and digital equipment’s,
- Language skills,
- Organizational skills and
- Other additional skills.

Some of these transferable competences cannot be supervised in everyday work directly from the mentor, since beneficiaries cannot undertake different tasks independently during the training process. Therefore, mentors based on conversations and proposals of the beneficiaries, should create an impression on the achieved level of the above mentioned skills. The final assessment of these competencies and skills should be discussed with each of the beneficiary in the first two days of practical training.

2.4 Working conditions

Prerequisite for supervision should be the well-equipped working place. Conducting independent work can be possible only when the beneficiary's place of work is well equipped. Besides being equipped with standard computers, the beneficiary should be allowed access to commentary and professional literature provided by KJI, or other resources used by judges and prosecutors.
3. Training objectives and desirable skills

The objectives of the ITP practical training program are the development of the necessary professional, social and personal competences, in addition to acquiring the necessary technical competence and implementation of theoretical knowledge acquired during the ITP training in daily practice work. In order for each beneficiary to be successful, another objective is the introduction of professional ways, high ethical standards and development of social and interpersonal skills.

Based on the Bloom’s taxonomy during the training, should undergo through all learning process.
Essential requirements in practical work of justice, is the ability to conclude pending processes with proper quick and efficient decision. To meet these requirements, ITP beneficiaries during the practical training must learn to convert their theoretical knowledge into practice. The basis of practical work is a careful and complete coverage of the current situation and the reviewing process, when deciding which facts are and are not admissible before undertaking final decisions. Knowledge on the undertaken steps in accepting all facts and proper application of the laws, are the basis of a successful practical training. The survey of legal issues, implementation of relevant laws and conclusions to be reached are considered as essential skills. Learning to correctly draft legal documents such as court decisions, indictments, etc. is an essential quality and should be part of the beneficiaries work and should be reviewed by their mentors.

At the same time, in order integrate the beneficiary in his professional life, the mentor should prepare him/her for facing different tasks, which appear in the practical activities of the judiciary.

With the purpose of better identification of the necessary concepts of the beneficiaries, the competences in this handbook are divided in two parts; the future responsible areas as judges, respectively state prosecutors. The division of competences in two parts, varies between professional competences, which are different for newly appointed judges and state prosecutors, including transferable competences which are developed within the meaning of main competences alongside with the professional ones.

II. Structuring of transferable competences (from mentor to the beneficiary)

Transferable competences are closely related to the professional competences, were as such in principle have been clearly distinguished. Furthermore, these competences are considerably learned directly by the mentor.
1. Ethics

Training goals:

Beneficiaries learn that judges and state prosecutors are obliged to apply the Code of Ethics. They should be objective and fair, in order to apply properly the right to a fair trial, to act with dignity and respect all parties equally.

Content:

Justice, transparency and "ex parte" non-communication in the procedure, is a basic element of judicial ethics. The right to judicial hearing of the parties and the principle that no party should be damaged by negligence, clarify ethical foundation of the judge, which brings the parties together and provide them adequate opportunity to express themselves (e.g. a note for the party that bears the burden of proof in criminal proceedings, the absence of provided evidence). The border between guaranteeing judicial hearing and impartiality of the judge / prosecutor seeks an active development of its position. This has to do with the balance between judicial impartiality and the obligation to maintain necessary information and ensure a fair trial.

As one of the clear rules of official conduct related to legal ethics, is the principle of not providing information only to one party in the dispute. The principle of integrity also belongs to the classic rules of official conduct. One of the most important behaviors of a judge is the confidentiality and privacy of information in the case. Independence of the judiciary is another key element of judicial ethics. The judge / prosecutor is prohibited from being influenced by others when handling cases and should exclude him-her-self if it he/she is biased or connected with any of the parties. Beneficiaries of the training should be taught steps that they should take if their judicial independence is threatened, including the existing procedures for their protection.

Methods:
Central aspects of ethics are learned through conversations with experienced judges and mentors. Reflecting values, such as the independence and rules of conduct can be shown during the meeting. Exchange between colleagues as part of collegial consultation can also be provided as an important method of communication.

In the methodical point of view, collegial consultation method provides reflection on ethical grounds. Peer consultation is a structured conversation that enables beneficiaries to exchange questions and various aspects of practical training, whereas during a structured meeting they have the opportunity to discuss and develop cases together. Collegial consultations occur in small groups and they get together at regular intervals. The participants discuss training questions, problems and requests.

Collegial consultations usually occur in limited stages. A participant takes the role of facilitator and leads the group in consultative conversations. It is important that the person the claim brought by a certain person to be taken as a priority. Whereas under the leadership of the moderator all participants provide advices on the request and seek suggestions and ideas for solutions that will further develop the case.

2. Communication
Training goals:

Beneficiaries get familiar with the important role of written and verbal communication in their judicial and prosecutorial activities.

Content:
The priority of written communication is a clear wording of court files when contacting with the parties. For judges and state prosecutors different forms of verbal communication in the context of their work are determined. In this case the communication with certain persons can be done in different levels:
• With parties, lawyers, collaborators, colleges (in the same level),
• With subordinates (service field),
• Investigation authorities,
• At the level of state prosecutor, is also the communication with their superior, and
• With the witness and the expert, through personal approach to get information as much as possible.

Methods:

Within the methodical point of view, development of this competence provides a special challenge. Due to the legal framework, it is not allowed that the beneficiaries during the practical training to question witnesses or defendants, or to be active art of the proceedings. Therefore, the development of this central competence should take place on a certain level. The beneficiary discusses with his mentor the important questions and the content of the conversation, after conducting respective interrogation. Another important method can be the simulation of a role-play. The beneficiary plays the role of the judge / state prosecutor and independently leads the communication process. The simulation of the judicial proceeding or interrogations, primary can be carried out during meetings in KJI or in special cases in court or prosecutor offices. Furthermore, role-play is an appropriate method for learning and self-reflection.

3. Mediation

Training goals:

The judiciary is aware of the large number of cases and the need to clear the system from the backlog of cases with a high quality of results. The most appropriate way to help the system in concluding a large number cases is the use of mediation. Mediation as an effective tool for solving problems between the parties in dispute has resulted as very successful.
Mediation can be conducted at least in two ways:

1. The judge ask the parties to reach an agreement and constantly insist to make them reach a compromise.
2. Formal mediation: some cases can be referred to mediation and to go through a formal process of mediation according to procedures set by the law.

Content:

Especially in the field of civil law, the judge at any stage of the proceedings must work in reaching the agreement. This increases the need for the judge to enhance mediation skills. If the parties agree, the judge may act as a mediator to help the parties resolve the dispute without having to go to trial or undergo further court proceedings. Partially hidden motives should be identified during the procedure, so that after a discussion between the parties to reach a certain agreement.

Mediation is a structured procedure consisted of the following phases:

- Exploration phase (make contacts in order to provide facts and clarify behavioral rules of the process),
- Determine undisputable facts,
- Develop disputable points (issues),
- Proceeding the confit (questions for the needs of the parties, trying to decide on personal interest),
- Solving the problem (developing new creative ideas and their assessment, assessment and analyzation of the options),
- Provide mandatory agreements and
- Following to the end (it’s not in the process).

The overall goal of mediation is to create rights for both sides, without having a loser or winner.
To the solution of the conflict phase, a valuable source of information has been provided by the “Harvard Principles” (fig.3).

Methods:

Besides observing the behavior of an experienced mentor, training courses in the field of mediation could be provided as important annexes, in order to learn more about this very important skill. Beneficiaries must have the opportunity to observe judges / prosecutors while trying to bring the parties to an agreement, and to formal mediation processes, so they can be able to use them to their advantage when they become judges / prosecutors.

**4. Negotiation**

Training goals:

Beneficiaries must learn different methods and instruments of an effective negotiation.

Content:

Leading of negotiations includes a large number of skills, but not limited to, such as: Conducting negotiations include a number of skills, but not limited to, such as openness, understanding, communication skills, leadership skills and reliability. The judge's task is to create an open atmosphere in order to provide clear information toward reaching an agreement. Prosecutors also need to have negotiation skills in order to effectively interview witnesses, work with defense and reach the required agreement (discussed below). First of all, the negotiation groups develop a dynamic work that should be leaded by the negotiation leader. This should include primary elements of the communication psychology, complex patterns of communication, such as complex communication models and transitional analysis.

Methods:
Due to the legal framework, beneficiaries cannot be present directly in the negotiations. Therefore, knowledge and skills in the field of negotiation in principle should be acquired during simulations and role-play. The sequence of role playing and practicing negotiations will serve them to get more familiar with the subject in the future.

As a contribution to this, the "Harvard Principles" can be taken into consideration.

Starting from 4-foundation stones

![Four principles of the “Harvard Principles”](image)

**Figure 3**

### 5. Peer collaboration

Training goal:

Being a team player and getting along with others is an important part of the success at work. Therefore, beneficiaries should understand that inter-personal skills and work ethic are a very
important part of their job.

Content:
Cooperation in self-organizing committees and cooperation with the administration are significant. In addition, subsequent daily tasks, leadership tasks within the framework of the collegial bodies can later be part of the judges. Therefore, beneficiaries must be allowed to participate in collegial meetings composed by judges, respectively prosecutors. Reliable information and knowledge gained during such informal meetings are the best way to recognize and benefit from the expertise of your colleagues.

Methods:
First of all, the active participation of beneficiaries in the collegial meetings, also the learning model under the supervision framework of direct communication with the mentor about the collegial meetings should be considered as an important learning methods.

6. Office organization / time management / process management

Training goal:
Beneficiaries will get familiar with the central role of the state prosecutor in development of cases and judicial proceedings. These actors are responsible for organization of files, leading the flow of information, keeping control of deadlines, as well as issuing prompt and proper decisions.

Content:
In addition to organizing the whole process, beneficiaries must be acquitted with office organizational skills and must know the rules of the entire process. This is associated with controlling their stress through a balanced planning process, whereas the working steps have to be planned in close cooperation with the related offices. Therefore, the process of preparing and planning the working schedule is also be the main objective of the training.

Methods:
As an important source of organizational learning skills of beneficiaries can be considered the observation of the mentor’s behavior. Through individual working process, beneficiaries gradually will be introduced with the planning tasks. Therefore, training courses on time management and meetings can be provided as further support to them.

7. The capacity to cope with the work load/stress management

Content:
Beneficiaries will learn the classical methods of reducing the workload and develop their individual tolerance of the stress.

Methods:
Some stress management techniques include the discussion of some issues with colleagues, work out (after work), and have lunch breaks, deep breathing, seeking help or delegating appropriate tasks. Stress management training and books dealing with stress are also a good source to be used.

III. Structuring goals and professional qualification

During restructuring of goals for professional qualifications, should be noted if the beneficiary is active in civil or criminal law and whether he/she should be trained as judge or state prosecutor in the criminal justice, since the civil law is dominated essentially by the principle of representing the parties, whereas the criminal law applies the determination principle, therefore in this sense different techniques have to be applied.
Different training structure for judges or state prosecutors derives from the function of each activity.

1. State prosecutor
Training as prosecutor should provide the opportunity for the beneficiary that in case of reasonable suspicion of a criminal offense, to lead effective investigations within reasonable time, with the purpose of reaching a proper decision, as well as be able to present successful investigations of a concrete case in judicial hearings.

Fig.4

Necessary competences of the prosecutorial institution in criminal field

1. Professional competences
   1.1 Building of facts
   1.2. Expertise
   1.3 Implementation of the results. Proposed decision
   1.4 Additional investigation
   1.5 Results of the continuous research
   1.6 Decision making through expectancy of the accusatory acts
   1.7 Opening of the trial
   1.8 Judicial Hearing
   1.9 Turing down of the accusatory act-refusing to open the judicial hearing
   1.10 Judicial decision

2. Inter-professional competences
   2.1 Ethics
   2.2 Communication
   2.3 Mediation
   2.4 Leading of sessions
   2.5 Leadership
   2.6 Managing of the procedure
   2.7 Workload/stress management

1 Beneficiary according to the current legal selection, is not entitled to represent the Prosecution in judicial hearings, whereas the same can take part in a case a prosecutor – mentor, during his presentation of a case in the court.
Training goals:

Beneficiaries must learn the role and function of the state prosecutor during investigations. The beneficiary must also learn that, the state prosecutor must ensure and verify according to the legal procedures and gathered evidences, if there is a reasonable suspicion that the alleged person has committed a criminal offense. Beneficiaries should know that it is very important to discover what legal criteria must be defined precisely so the suspicious person should be investigated for a criminal offense. Beneficiaries must learn, which facts should be investigated, respect the rights of the accused during investigation and other procedural phases, and which method will lead to a successful investigation.

He must learn also how to take into consideration not only the evidence that incriminates the defendant, but also the evidence and mitigating circumstances that go in favor of the defendant and contribute to the principle of fair trial, these evidences should be collected and presented in time. Beneficiaries must learn, the investigative actions and which of these actions, or methods could be determined by the state prosecutor in a particular case, and how he/se, as the head of the case should cooperate during investigations with police authorities and other state institutions.

Content:

• Detailed presentation of the function and prosecutorial structure;
• Deep knowledge on investigation techniques;
• Cooperation with police authorities and other state institutions;
• Covering all presented facts on a respective case by the prosecutor;
• Summary of all facts while defining a criminal offence;
• Full knowledge of the applicable law on presentation of facts;
• Careful analyzation of facts;
• Ensuring facts;
• Using other possible approaches during investigations;
• Continuing with further investigations; interrogation of the witnesses, experts or defendant, with the purpose of further investigations, close cooperation with police authorities.

The beneficiary must understand that is the state prosecutor duty to find out the truth based on adequate facts.

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2 Article 19 paragraph 1 of the Criminal Procedural Code (hereafter CPCK) clearly defined the status of a person during different stages of the criminal procedure. This legal provision defines that: the suspected person is a person for whom the police and state prosecutor suspect that the same has committed a criminal offense and against whom were investigations not initiated; the accused person is the person against whom an indictment has been submitted and was determined a judicial hearing; a convicted person is a person who with the final judgment by the court was pronounced guilty for commission of a criminal offense, whereas a defendant is a person against whom a criminal proceeding has been applied. The term “defendant” is also used by CPC and also as a general term for “the defendant”, “the accused” and “convicted person”.

3 The nature of certain evidences requires speediness and need to be ensured as soon as possible, due to the risk of losing them or inefficiencies.
Methods:

Beneficiaries should discuss with their mentors for all aspects of their training goals listed above. Therefore, they should be subject to all targets through work or observation of the work of their mentors during treatment of different cases. The nature and function of the State Prosecutor as head of the investigations should be made clear to the beneficiary.

Cooperation between the state prosecutor and police authorities should be explained in detail. While the mentor, due to certain working circumstances should constantly cooperate with certain police authorities, it may be recommended to introduce the beneficiaries with the police officers.

The mentor must provide beneficiaries with the file of any investigation conducted recently, asking them to collect and verify presented facts, whereas the beneficiary should create his/her opinion if there as a reasonable suspicion of a criminal offense. Special attention by the beneficiaries should be given to a fair evaluation of the facts.

Criminal report should be discussed in detail with the beneficiary. Whereas, the focus should be on the evaluation of the fact. The mentor should evaluate the beneficiary and inform him/her what evidences are sufficient for the prosecution of a criminal offense.

The possibility of further investigations and predication of the outcome should also be discussed. The mentor must show the beneficiaries of which investigation methods can be used and how state prosecutor cooperates with the police authorities during investigation.

While there are other ways of investigation, the beneficiary should propose a more independent organization of the procedure. However, it should be discussed with the beneficiary if required to supplement or change anything. Whilst, the draft proposal of the beneficiary cannot be used, the mentor should discuss the issue with the beneficiary and explain to him/her the additional instructions added to the case, while making clear that the case should proceed as such.
Beneficiary shall be involved in further implementation of investigation, providing access in the work that the mentor – state prosecutor does in the given case, in order to enable the beneficiary to gain practical skills. The beneficiary shall also take part during interrogation conducted by the state prosecutor.4

For gaining further knowledge on the work of investigation bodies, beneficiaries shall have the possibility to participate in further police investigation (interrogation of witnesses and the suspects, search warrants in houses, autopsy, and in other investigative actions), authorized by the case prosecutor.

1.1 Results of the prosecution
Training Goals:
Beneficiary shall learn when the conditions are met for concluding an investigation, including here the negotiation for plea bargaining agreement.5 He shall be able to practically draft a final decision after investigation. The beneficiary shall learn the principles of sanctioning, as well as for which cases the plea bargaining agreement is reached, and what approach shall the state prosecutor have during the plea bargaining agreement. Beneficiary shall learn the legal requirements and methods that bring this agreement.

Content:
• In-depth coverage of investigation subject and investigation results;
• Expertise and its significance during the investigation stage;
• Preparation of the case;
• Decisions of the prosecutor after conclusion on investigation;
• Determining if the plea bargaining agreement may be reached;

Methods:
Beneficiaries shall be clarified the various results of prosecution of criminal offence and be demonstrated based on examples. Beneficiaries shall have the possibility to see different models of final decisions. Beneficiaries shall be assigned tasks for further proceeding of different investigations. Also, beneficiaries shall do verification of the procedure, the criminal report and evidence ensured up to that stage, and propose a decision or, if necessary, continue investigation, or for any reason suspend the investigation, or in absence of reasonable suspicion terminate the investigation, or propose the indictment to be raised. It should be made clear to beneficiaries that it is of crucial importance to understand the facts right and with accuracy, which mean that the law shall be applied according to determining facts.

4 Actual legal basis, does not give the beneficiary the right to interrogate the defendant, the witness, or the damaged party, etc.
5 The institute of plea bargaining agreement is foreseen in Article 233 of the CPC.
The Mentor shall discuss the proposed decision. While the decision proposed by the beneficiary may not be used by the mentor for further processing of the case, and if the mentor proposes a different decision, then s/he shall discuss it with the candidate and make it clear for him/her that the procedure shall go in certain form. It should also be discussed with the beneficiary when a negotiation for punishment height agreement is legally possible and when it is useful. When the negotiations for punishment height agreement are taking place, the beneficiary shall be enabled to participate.

1.2 Representation of state prosecution in court proceeding
Training goals:
Beneficiary shall be informed with the functioning of the state prosecution during court proceedings. S/he shall be enabled to represent the state prosecutor during court sessions and practice the right application of the process, and be able to make a verbal presentation about results of the closing statement during the session.⁶

Content:
• Reading the case files, represented by the mentor during the case session;
• Preliminary discussion with the mentor on the procedures, estimated problems and possible solutions, discussion on the expected punishment and discussion of the required measures in the closing statement;
• Discussion on the expected problems and possible solutions;
• Discussion on the advantages and weaknesses of the case;
• Discussion on the, submissions, opening statement and the closing statement;
• Participating in the hearing as observer, and
• Consultation session with the mentor.

⁶Beneficiary may not represent the state prosecutor in court sessions as there is no legal basis for that but, s/he shall be given access to be present during court sessions.
Methods:
Mentor shall discuss with the beneficiary about formalities, respective sequences and individual elements of court hearing, and more importantly make it clear what is the position and what is the role of state prosecutor. Mentor shall give the beneficiary the possibility to take part in trials where s/he represents the prosecution. Before this, he shall give the beneficiary the case file to read and discuss about the potential flow of the trial the expected appeal and supporting reasoning. After the beneficiary participates as observer in a trial, the mentor shall discuss it with him/her. The mentor shall answer to questions of the beneficiary and explain the reasons for his statements, questions and the requests that the trial relied on.
2. Judge of the criminal cases

Training as judge of criminal cases will give the beneficiary the possibility to come to a final fair judgment after an effective, prompt and fair process, based on CPC principles.

Chart 5
2.1 Initial hearing and the second hearing

Training Goals:

The mentor shall explain to the beneficiary the basic principles to be adhered to during the initial hearing and the second hearing. He shall be informed that the initial and second hearing are certain stages of the criminal procedure, against the defendant after the investigation results when there is grounded suspicion that he/she committed a criminal offence. The beneficiary shall be explained that it is crucial to obtain evidence accurately and correctly, which means that the law shall be applied based on verified facts. The beneficiary shall learn how the court proceeds in case that there is lack of facts. Beneficiaries shall learn how to proceed if the defendant pleads guilty during the initial hearing, and how to write a judgment when the defendant pleads guilty at the initial hearing. Also, the beneficiary shall be advised how to act in situations when the defendant does not plead guilty in the initial hearing; instructions that are given to the defendant and his defense; setting the second hearing, etc. Mentor shall explain to beneficiaries the way how to conduct a second hearing and cases when the presiding judge or the sole trial judge shall dismiss the indictment and terminate the criminal procedure, and how are these judgments written.

Content:

- Writing a judgment when imposing a sentence to the defendant who pleaded guilty in the initial hearing;
- Writing a judgment for dropping the charges and ceasing the criminal procedure after the second hearing.

Methods:

Mentor in a meeting shall discuss with the beneficiary about the court’s response. S/he shall explain them the need and functioning of the initial hearing and of the second hearing. Mentor, together with the beneficiary shall discuss the prerequisites for pleading guilty during the initial hearing. Mentor shall give to the candidate examples of court judgments and trial records of the initial hearings with cases when the defendant pleaded guilty and the court imposed a punishment to the defendant. Mentor shall explain to the beneficiary in what cases are when the sole trial judge or the presiding judge have the possibility to drop charges and terminate criminal proceeding. Also, mentor shall
give to beneficiaries some samples of trial records from the second hearing and judgments that are brought during or after the second hearing. These samples will help clarifying how to write and what is content of these decisions.

Methods:
Beneficiaries shall be given the possibility to apply in practice what they learn. Mentor shall give the beneficiary a file to work on, which contains the judgment on imposing the punishment after pleading guilty in the initial hearing. Beneficiaries shall be given the possibility to present before mentors the proposal for judgment in a case, presenting facts, laws, analysis and reasoning for the conclusion they reached.

Mentor shall show to beneficiaries that the sole trial judge or the presiding judge, have the authority to assess merits of the indictment, and assess if there are sufficient evidence that support the grounded suspicion for the criminal offence which is subject of the indictment. S/he shall demonstrate to beneficiary how to make assessment of the quantum (quantity) and quality of evidence upon which the indictment is raised. Beneficiary shall learn cases when the court may exclusively order obtaining evidence ex-officio, without proposal of the parties in the judicial review stage for complete and correct verification of the criminal case, but not in other stages of the proceeding.

Drafts of the aforementioned judgments shall be discussed with the beneficiary. While the judgment drafts may not be used in this form, the mentor shall present his/her decision to the beneficiary and together discuss what the changes are and why they were necessary.

2.2 Preparation of trial

Training goals:
In this training part for trial, the beneficiary shall learn how to prepare the trial. In this case they will learn what is particularly presented for reaching conclusions (i.e. the need for accelerating custody cases, pushing forward cases dealing with domestic violence, emergency protection order, or in some cases hearing several defendants) and what organizational steps shall be taken in order to prepare
for a trial, like summon of the defendants and the defense attorneys, notification for hearing in the court, summoning witnesses and necessary experts, requesting evidence related to the case, when necessary ensuring technical equipment for conducting hearing like videos or photography reproduction, as well as booking of the court room, etc.

Beneficiary shall learn that the sole trial judge or the presiding judge that will decide about a particular criminal case is a “special appointment”, which distinguishes from the judge of preliminary procedure who acts in the preliminary proceeding; whose tasks are to prepare the trial, complete without delays and at the same time ensure a fair process for all parties involved, enabling them to present all relevant evidence about the case, which is subject of the hearing.

Content:
• Preparing an order for setting the trial.

Methods:

Mentor, based on certain case shall discuss with the beneficiary on how to continue after completion of the trial. S/he shall explain how to prepare trial and how to elaborate the necessary measures. Mentor must provide to beneficiary previous orders from earlier proceedings and discuss about them.

Mentor shall give to beneficiaries a case file to prepare for trial. The proposed draft shall be discussed with the beneficiary. As this draft cannot be used in that form, mentor shall provide the candidate with his/her draft-judgment and talk about changes to be done and why should they be made.

Mentor shall inform the beneficiary about preparations for trial starting from the competence to set the trial which is done by the case judge, respectively the presiding judge, who issue particular order that besides the date, time and venue, determines which persons will take part (prosecutor, the defendants, their defense attorneys, etc.), and it is to the presiding judge’s discretion to decide which witnesses will be summoned.

It can also be discussed with the beneficiary about the role of the judge in plea bargaining agreement. Mentor shall explain to the beneficiary, that this is exclusively the parties’ matter (of the prosecutor, the defendants and his/her defense). Implication of the judge is in form of assessing the legality of the plea bargaining agreement, who if convinced that the foreseen terms have been met and after
admission of the plea bargaining agreement, will set a date when the parties will give statements in relation to the punishment, after which the court will impose the punishment. Beneficiaries will be given the opportunity to participate in this procedure in order to acquaint with the way it is conducted.

2.3 Trial

Training goals:

Beneficiary shall learn, what formalities shall be observed during the criminal case trial. They shall learn how the sole trial judge, or the presiding judge, lead calmly and effectively a trial session, allowing on one side a fair hearing meeting the CPC provisions, and on the other side allow a prompt and guaranteed conclusion.

The sole trial judge or the presiding judge, shall act independently, free of any external influence and have knowledge about the facts and the law. The sole trial judge or the presiding judge, shall ask from the parties to adhere to the scheduled time for trial and understand his/her authority to sanction in cases of failure to appear in the hearing.

Content:

• Participate in hearing sessions;
• Participate in consultations of the panel.

Methods:

Mentor shall discuss with beneficiaries about the rules, exact flow and functioning of special elements during trial of a criminal case. S/he shall clarify how to act with the facts provided by prosecution and defense, to what extent shall legal questions be discussed during case review, if the legal advice has been offered, etc.

Beneficiary shall take part in the procedure s/he was in charge so far. Otherwise, mentor shall give
an opportunity to the beneficiary before the negotiation date, to look the case files. S/he shall discuss in details cases how the hearing is planned and what issues may appear. Mentor shall discuss with the candidate what the expected punishment is.

While the mentor is active in trial panels, beneficiaries may participate in preparation of trial. Beneficiaries shall be given the possibilities to present the case before mentors or before the panel of judges.

At the end of trial hearing, mentor shall explain to the beneficiary its flow. Trial records shall also be discussed with the beneficiary. If the trial is not concluded yet, it shall be explained what are the data that proceeding brought up so far, and how to proceed further in order the procedure to be closed.
2.4 Decision

Training goals:

Beneficiaries will learn how to bring a judgment in a criminal case. Legal provisions determine that the written judgment shall be in line with the announced verdict, the judgment includes introduction, disposition and reasoning. Introduction and disposition are clearly set by provisions on what should they contain. The court in its reasoning shall present reasons for every point of judgment, it shall clearly and completely present what facts and for what reasons it considers them as admissible or inadmissible, as well as reasons for this.

While it shall clearly assess accuracy of contradicting evidence, reasons on which it relied in solving legal cases, particularly in cases of proving existence of criminal offence and criminal liability of the defendant, as well as the case of applying certain provisions of the criminal law against the defendant and his offence.

Beneficiary shall understand that it is important that reasoning is comprehensive in elaborating all evidence and not to let aside or ignore evidence that does not suit to the court findings. It is the court’s competence to assess and weigh the evidence, explain and convince why an evidence is reliable or not.

Content:

*Main training goals are the following:*

- Write a punishment judgment with all necessary evidence
- Draft decision reasoning that contains:
  - Relevant presented issues,
  - Finding evidence, this means content of the raised evidence during the main hearing,
  - Reason for such finding of evidence based on the cautious assessment of collected evidence,
  - Detailed explanation, on how the facts found by the judgment are contradicting the criminal offences, and a thoughtful analysis of all the considered evidence, and
  - Explanation of additional decisions.
Mentor shall show to the beneficiaries that in order to write a good reasoning of a judgment they should at least go through the following stages:

- Procedural background,
- Assessing the defense of the defendants,
- Assessing evidence in the main trial,
- Legal assessment,
- Assessment related to the sentenced punishment,
- Assessment of the defense and their arguments, and
- Assessment of property – legal claims and procedural expenses.

Methods:

The mentor shall explain to the beneficiary content and structure of a judgment in a criminal proceeding in individual manner. He should provide samples of judgments based on which the beneficiary can be oriented. The beneficiary can conclude writing a judgment on a case, which he has followed as observer during trial, or while obtaining evidence. Mentor should discuss drafting of decisions with the beneficiary. Whilst, the drafting of the decision can be used as such, the mentor should inform the beneficiary about his/her decision and discuss which changes are necessary.

1. Civil judge

Main Goal:

Training for Civil judge shall provide to the beneficiary the ability, based on the civil procedural laws, to take some final verdict that is fair, effective and prompt. In this case, beneficiary shall learn special techniques of the work as civil judge, which focuses on disclosure of presented evidence by the parties, in order to determine the legal state based on assessment, what procedural measures to be taken, and what verdict shall be brought on the dispute.
Chart 6

1. Professional competences
   1.1 Preliminary review of the lawsuit
   1.2 Preparatory session
   1.3 Main trial. Obtaining of evidences
   1.4 Judicial decision

2. Inter-professional competences
   2.1 Ethics
   2.2 Communication
   2.3 Mediation
   2.4 Leading of sessions
   2.5 Leadership
   2.6 Managing of the procedure
   2.7 Workload/stress management
   2.8 Case management
Below we will describe in details professional competencies, as well as the scope of different fields, and later we will go in more depth to transferable skills.

3.1 Collection of evidence

Training goals:

Beneficiaries will be explained, that for a fair and effective treatment of a legal matter in civil area (contested, uncontested and enforcement fields), it is crucial to know what facts to present, what facts between parties are disputable and which are not.

Content:

• Careful reading of presented facts
• Understanding the background of the respective procedure and parties’ requests.
• Systematic alignment of parties’ arguments, described chronologically as in order of occurrence,
• Identification of different positions of the parties, which facts are contested and which aren’t.

Based on the aforementioned, a full presentation has to be made, in form of a decision for trial which is relevant with these facts.

Methods:

Mentor has to explain to the beneficiary importance of full coverage of facts. S/he shall explain, in form of a table (see Annex 1) method of spotting and understanding facts, comparing to presentations of the opposing party. S/he shall give to the beneficiary the file of a legal dispute, assigning a task to collect evidence and write a factual report, which corresponds with the facts in form of a verdict (see Annex 2). Mentor shall discuss the report with the beneficiary weather the facts and the context were correctly introduced.
3.2 Review of the level of expertise

Training goals:

Beneficiary shall learn, how based on reviews in a legal matter of civil area, and based on collected evidence to prove and decide what other procedural measures shall be taken (setting the schedule, take the necessary decision or requesting collection of other evidence, summoning parties and witnesses, setting the deadline for legal comments or presentation by the opposing party). Beneficiary shall be clarified that it is crucial to make fair reviews, which means applying law based on collected evidence.

Content:

Drafting an opinion report from the expert’s level (Annex 3), which means the following:

• Proving admissibility of the indictment – claim;
• Proving consistency of the indictment – claim based on undisputable facts, and the contested matter by the plaintiff;
• Proving relevance of the plaintiffs defense based on undisputable facts, and the contested matter by the plaintiff;
• Deciding about the contested material facts;
• Deciding, if the party that carries the burden of proof has provided evidence in relation to the indictment-claim;
• Deciding on what counter-evidence has the other party provided.

Methods:

Mentor shall explain to the beneficiary through a conversation, how to develop and functioning of an assessment report as a professional opinion over a case. S/he shall submit to the beneficiary a case file of his/her own, which the beneficiary will be able to review and give a professional opinion in form of a report. The report shall be discussed with the mentor upon completion.
3.3 Application of outcomes/ proposed verdict

Training goals:
Beneficiary shall learn how to draft a proposed verdict from the preparatory session or the main hearing session, as a result of implementing the process outcomes.

Content:
In order to take a fair decision from the situation occurring on a concrete procedure, the candidate shall gain knowledge on the following:

• A process that results to appointment of meetings to cover all the necessary elements, based on situations of certain procedure (setting a date for a hearing, or site visit, setting schedule for parties to appear, preparing summons for witnesses, inviting an expert, arranging payment for witnesses, arranging documents, issuing official announcements, Annex 4).

• Decision on announcement
• Decision on evidence
• Draft verdicts
• Referring decisions
• Decision on evidence

Methods:
Mentor shall discuss with the beneficiary each type of decision. S/he shall explain the meaning and purpose of each draft verdict and its components. S/he shall provide the beneficiary with a case file with a task to develop a proposed verdict after having reviewed the facts and verification of opinions about the case. S/he shall discuss the proposed verdict the beneficiary. In case that the proposed verdict cannot be of use for the mentor, and the mentor writes a different verdict then they shall discuss explaining for the beneficiary that the procedure has to continue the following way.
3.4 Court hearing and obtaining evidence

Training goals:
Beneficiary shall learn what formalities have to be taken into account during the court hearing, in both the preparatory and in the main hearing. They shall learn how the judge conducts the court hearing and obtaining of evidence in safe and effective manner, which on one hand guarantees parties a fair hearing, and on the other hand provides a prompt completion of the proceeding. It shall be explained to the beneficiary how to conduct a hearing and how the records are kept (Annex 5).

Content:
• Participate in judges preparation for court panels, and individual judges, discussion with the mentor about negotiations
• Participation in court hearing and collection of evidence
• Participate in consultations, respectively discussions for court hearing and collection of evidence
• Conducting individually the court hearing and/ or collection of evidence by the beneficiary under supervision of the mentor (as long as there is legal basis for this).

Methods:
Mentor shall discuss formalities, accurate flow and function of each element of the court hearing and collection of evidence. They shall be clarified to what extent to discuss legal queries, how to provide advice for parties and under what circumstances, as well as is a fair hearing being guaranteed. Mentor shall discuss with the beneficiary the procedure flow and record keeping.
Mentor shall give an opportunity to beneficiary, before the hearing, to see the case files. He shall discuss individual matters, how the court hearing is planned and what problems may occur. As long as mentor is active in court panels, beneficiary should take part in preparation. Beneficiaries shall be given the possibility to present before the mentor or even before the panel of judges.

Beneficiary shall participate in court hearings.

The court hearing flow and the records of the hearing shall be discussed with the beneficiary. Mentor shall explain, what novelties did the proceeding bring and how to proceed further, in order to come to a settlement of the dispute.

### 3.5 Verdict

Training goals:
Beneficiary will learn how to take, write and publish a court verdict.

Content:
Core content of this part of learning are the following:

- Drafting verdicts, and all additional decisions
- Drafting facts based on a report, relying on the report after the hearing session
- Drafting reasoning of the verdict, in which part the essentials are:
  - Style for writing a verdict
  - Full description of facts
  - Elaboration of all legal issues
  - Reasoning on obtaining evidence in the way of assessing all collected evidence
  - Reasoning for all other decisions
Methods:
Mentor shall explain for the beneficiary the content and preparation of the decision. He shall provide him samples of his/her own verdicts that can serve as guide to the mentor. Mentor shall provide for the beneficiary also a case file for which the beneficiary shall write a verdict. It would be ideal that this is a case in which the mentor was previously familiarized with its court hearing or collection of evidence hearing. Mentor shall discuss the verdict with the beneficiary. If the drafted verdict cannot be used in this form, mentor shall make it clear what is his/her decision and what are the changes to be made and why they should be done.
4. Recommendation:

For better illustration, below will be presented some of the recommendations describing the main issues to be discussed by the mentor with the beneficiary at certain stages of the procedure.

4.1 Recommendation 1 – preliminary review of the lawsuit

<table>
<thead>
<tr>
<th>Reference</th>
<th>Plaintiff</th>
<th>Respondent</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 1</td>
<td>Between parties, on: 15.02.2010 was concluded a contract on purchase of a vehicle, brand VW Golf.</td>
<td>Not disputable</td>
<td>Page 15</td>
</tr>
<tr>
<td>Page 1</td>
<td>Was reached the agreement on the sale price 2.000 €</td>
<td>Was reached the agreement on the sale price 1.500 €</td>
<td>Page 15</td>
</tr>
<tr>
<td>Page 1</td>
<td>The vehicle was given to the respondent</td>
<td>Not disputable</td>
<td>Page 16</td>
</tr>
<tr>
<td>Page 2</td>
<td>The plaintiff was not paid as agreed on sale price</td>
<td>Respondent has paid the plaintiff the amount of 1.500 € after receiving the vehicle (fact: witness X.Y)</td>
<td>Page 16</td>
</tr>
<tr>
<td>Page 2</td>
<td>With the request of the date: 18.03.2010 the plaintiff summons the respondent that until the date 25.03.2010 to make the payment in the amount of 2.000 €.</td>
<td>Not disputable</td>
<td>Page 16</td>
</tr>
</tbody>
</table>
It is recommended that in addition to the table above in this stage of the proceedings, the mentor together with the beneficiary should largely discuss and apply in practice issues such as:

- Preliminary review of the lawsuit, instructions regarding preliminary review of the lawsuit,
- Preparation of the respective legal provisions, giving instructions on preliminary review of the lawsuit, checking of the drafted decisions by the beneficiary, articulation of the eventual mistakes and their correction,
- Drafting of decisions issued by the court in case of preliminary review of the lawsuit inconsistent, and cases when the lawsuit is consistent such as: ruling on incompetency to supplement the lawsuit, responding to the lawsuit, etc.
- Preparation of the main trial, discussion of the general provisions from Articles 386, 387, 388, 390, 391, 392, 393, 394, 395, 396, 397, 398 and 399 of LCP
- Do discuss the possibility of receiving the judgment without a judicial hearing of the case, judgment due to the disobedience and other judgments.

4.2 Recommendation 2 – the content of the minutes

It is recommended that the beneficiary and the mentor in addition to issues to be discussed by Annex 1, to also discuss and to observe the following:

- The content and form of the judicial hearing minutes, (minutes of the preparatory session and minutes of the main trial).
- Discuss the possibility of the parties to show the facts and evidence which they propose to be taken into consideration,
Example
The plaintiff requires from the respondent to pay the price of the vehicle.

On 15.02.2010, both parties are bound to a purchase agreement for a used car brand VW Golf. The car has been given to the respondent on the same day. With the request dated on 18.03.2010 the plaintiff requires the respondent that not later than 25.03.2010 to pay a fee of € 2,000.

The plaintiff claims that, the parties when entered into the purchase agreement, have agreed to a sale price of € 2,000. Plaintiff requests that the respondent should be ordered to pay to the plaintiff € 2,000.00 with the interest in the amount of 5% above the basic rate, from the date: 26.03.2010.

The respondent requires to turn down the lawsuit against him.

The respondent claims that, the agreement was reached for the sale price of € 1,500. The amount € 1,500 was submitted to the plaintiff by receiving the vehicle on: 15.02.2010.

4.3 Recommendation 3 – court activity in judicial hearing

It is recommended to discuss and implement in practice the following:

• Development of the judicial hearing,
• Participation of the beneficiary in the preparatory session and in the main trial,
• The possibility for the parties to reach a judicial settlement,
• Available and not available request for the parties, court authorizations in such cases,
• Case analysis of the court hearings in which the beneficiary has participated, including discussion of legal material provisions,
• Drafting of decisions on procedural issues in the preliminary hearing and the main trial,
• Broad discussion on the exclusion of the judge, the language in the procedure and sending requests
• Drafting of court decisions regarding the temporary security measures and security measures
4.4 Recommendation 4 – Obtaining of evidences

It is recommended to discuss and implement in practice the following:

- Means of evidence and evidence collection under the provisions of the LCP, Article 319 through 385 of the LCP,
- To discuss specifically the examination of the sight scene by the court due to the power of the case evidences, witnesses, experts and parties, ensuring the evidences, (pre-evidences),
- Participation in sessions, extended discussion about litispendence, tried cases, termination of the trial, parties in disputes, participation of the third party in the trial and change of the lawsuit,
- Special contested procedures from work relation, obstruction to possession, small value disputes and procedure in issuing a payment order.
4.5 Recommendation 5 – Deciding on merits

- It is recommended to discuss and implement in practice the following:
- Ending of the main trial and issuing of the final decisions,
- Repetition of the relevant legal provisions and final analyzation of the final judicial process, up to the closing statements of the parties, including discussion on the merits of the claim,
- Drafting of the judgment of first instance,
- Repetition of the relevant legal provisions, instructions on the content of judgments, checking of drafted decisions by the beneficiaries, making articulation of possible mistakes and their correction,
- Drafting of judgments and discussions regarding partial judgment, based on acceptance, based on withdrawing charges, because of disobedience, because of the absence and without hearing of the case,
- Complaint as a legal ordinary remedy,
- Beneficiaries will discuss legal provisions according to LCP, on filing of the appeal against the judgment and against the ruling. Also will be discussed the reasons based on which the judgment and the ruling can be challenged,
- Decisions of the court of second instance on the appeal,
- Proceedings according to the extraordinary remedies in challenging the appeal,
- Revision, the request for protection of legality and repetition of the procedure,
- Should be disused and as allowed by the program and the non-contended procedure,
5. Appendix’s

5.1. Example of designing the training time schedule (appendix 1)

In practice, the flow of training for the beneficiaries does not always go according to the planned scheme. Personal burden of the mentor’s work, reducing of the sector, practical need to familiarize the beneficiaries as soon as possible with the daily work of court and prosecution office, as well as the available time for training, makes it necessary for them to adapt to specific training requirements. Therefore it expected that training of beneficiaries from different mentors to flow differently. However, the mentors have to communicate with beneficiaries as often as possible during daily work days in court.

Subsequent training plan in the field of civil law should therefore be understood as an example which makes it clear that such recommendations provide basic principles of law and its function in accordance with the needs of everyday work. Therefore, it is important for the mentor to invite to the beneficiaries during the daily work, especially to give them time to prepare a report or decision in order to learn and execute these tasks comfortably and carefully.

Also, a beneficiary must often learn in the first practice, the same tasks (preparation of the collected material, prepare a report with proposed decisions, preparation of a decision) before the mentor can entrust him/her further duties tasks. Also in these cases the training model order should be understood as such.
Day 1

- Presentation of the component of the referring judge by the mentor, essentially

- Review of the evaluation forms of the beneficiaries, expectations (working hours, etc.)
- Competence and activity, the workload
- Session days

- Presentation of the planned training course (frequency of presence, learning objectives, activities, formalities, code of conduct, etc.)
- Visiting the authorities,

- Introducing the beneficiary with the court president (if the mentor is part of the collegial bodies) and colleagues
- Presentation of the candidate with the office colleagues and security guard services,
- If in disposal, a short presentation of the library and supporting services.

- Preliminary discussions for forthcoming procedural days, providing the files and the judgement to be read, participation in court panels during consultation,
- Discussion the system for maintaining evidences on legal civil disputes, submission of the first and second file on preparation and collected material, as well as the report on evidence.

Day 2

- Participation as observer at the judicial hearing, discussion after the meeting and discussion of other issues,
- Discussion on how to continue with negotiation cases, discussion of any reached decision.
Day 3

- Return of the first file by the beneficiary with collected material/facts
- Discussion of the judicial hearing due to the event that may have occurred (e.g. assessment of the withdrawal, obtaining of new evidence, results of the solving the problems presented at the hearing)
- Discussion of techniques and legal options, providing of the written file with the task of writing a summary of facts and make proposals how to continue with the procedure
- The work at office, explanation of the functioning and office operation

Day 4

- Discussion of collected material / facts, completed by the beneficiaries in the first file
- Return of the second file from the beneficiaries with opinions / decisions proposed
- Discussion of the next day hearing, providing documents for this case study, participation in discussions with the panel
- Discussion of the draft decision (formalities, construction, style, evidence, burden of proof, etc.)
- Provision of a file (ideal would be the first case of proceedings) with the task of writing a decision

Day 5

- Participation as observers on the judicial hearing day, discussions after the session and discussion of other issues,
- Discussion on how to proceed with the negotiation cases, discussion of the decision,
- Discussion of evidentiary approach, interrogation techniques, use of equipment for dictation (or cooperation protocol)
Day 6
- Return of the third file with the decision of the beneficiary
- Discussion of the second file – opinions/proposal of the decision
- Discussion of the judicial hearing day
- Recognition of the techniques and judicial decisions
- Provision of the file in order to prepare the proposal for continuing with the procedure

With advanced steps, taken by the candidate, gradually can be involved in the practical work of the mentor.

2. Evaluation form of the beneficiary performance (Appendix 2) (Mentor’s report)

The mentor is obliged at the beginning of the program to inform the beneficiaries about the evaluation of their work and the evaluation form as proposed below.
EVALUATION FORM OF THE ITP BENEFICIARY PERFORMANCE

PART I: To be completed by Kosovo Judicial Institute (KJI)

Please return this report to KJI until:

Name and last name:

Position:

Institution:

First day:

Conclusion of the training day:

Reviewing period: From: To:

PART II: Completion of the task/function during the reviewing period (to be completed by the beneficiary)

Please, write shortly main tasks during the reporting period.

1.

2.

3.
## Part III: Evaluation and comments of the Mentor (to be completed by the mentor)

<table>
<thead>
<tr>
<th>Ability</th>
<th>Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ability to identify and use the deontology rules</td>
<td>Achieved</td>
</tr>
<tr>
<td>(Competence “Personal integrity and professional conduct”)</td>
<td>In progress</td>
</tr>
<tr>
<td></td>
<td>Not achieved</td>
</tr>
<tr>
<td>Ability to analyze and describe a case or situation</td>
<td>Achieved</td>
</tr>
<tr>
<td>(Competence “Legal and judicial skills”)</td>
<td>In progress</td>
</tr>
<tr>
<td></td>
<td>Not achieved</td>
</tr>
<tr>
<td>Ability to identify, respect and guarantee legal rules</td>
<td>Achieved</td>
</tr>
<tr>
<td>(Competence “Legal and judicial skills”)</td>
<td>In progress</td>
</tr>
<tr>
<td></td>
<td>Not achieved</td>
</tr>
<tr>
<td>Ability to adjust and adapt</td>
<td>Achieved</td>
</tr>
<tr>
<td>(Competence “Social awareness”)</td>
<td>In progress</td>
</tr>
<tr>
<td></td>
<td>Not achieved</td>
</tr>
<tr>
<td>Ability to adapt and show authority in specific circumstances</td>
<td>Achieved</td>
</tr>
<tr>
<td>and situations (Competence “Social awareness”)</td>
<td>In progress</td>
</tr>
<tr>
<td></td>
<td>Not achieved</td>
</tr>
<tr>
<td>Ability to have meaningful relationship, active listening and exchange</td>
<td>Achieved</td>
</tr>
<tr>
<td>of information (Competence “Social awareness”)</td>
<td>In progress</td>
</tr>
<tr>
<td></td>
<td>not achieved</td>
</tr>
<tr>
<td>Ability to monitor the court audience, respecting the opposing party</td>
<td>Achieved</td>
</tr>
<tr>
<td>(Competence “Legal and judicial skills”)</td>
<td>In progress</td>
</tr>
<tr>
<td></td>
<td>Not achieved</td>
</tr>
<tr>
<td>Ability to find solutions and reconcile the parties</td>
<td>Achieved</td>
</tr>
<tr>
<td>(Competence “Personal integrity and professional conduct”)</td>
<td>In progress</td>
</tr>
<tr>
<td></td>
<td>Not achieved</td>
</tr>
<tr>
<td>Ability to take decisions based on justice and facts</td>
<td>Achieved</td>
</tr>
<tr>
<td>(Competence “Legal and judicial skills”)</td>
<td>In progress</td>
</tr>
<tr>
<td></td>
<td>Not achieved</td>
</tr>
<tr>
<td>Ability to motivate, formality and explanation of decisions (Competence “Social awareness”)</td>
<td>Achieved</td>
</tr>
<tr>
<td>Ability to take into account institutional and national and international circumstances (Competence “Social awareness”)</td>
<td>Achieved</td>
</tr>
<tr>
<td>Ability to work in groups (Competence “Professional engagement”)</td>
<td>Achieved</td>
</tr>
<tr>
<td>Ability to organize, manage and take initiatives (Competence “Professional engagement”)</td>
<td>Achieved</td>
</tr>
</tbody>
</table>

Date: ____/____/_____

Name & Mentor signature: _______________________
3. Agreement to for using the equipment (Appendix 3)

KJI policies for using of the computers by ITP

Beneficiary: ___________________________ Identification No. of computers: ______

Release date of ITP practical phase VI: ________________________________

The aforementioned beneficiaries were provided with laptop computers for usage during ITP practical phase, for using the computers by the beneficiaries following rules apply:

3.1 Beneficiaries are responsible for maintenance and protection of the laptop computers provided to them.

3.2 The computers shall not be left unattended, at office where they are assigned, or any other public place. Laptops shall be stored and maintained if eventually taken at home in order to complete the unfinished work,

3.3 No one except the beneficiary or the mentor is allowed to use the laptops, they are assigned only for the beneficiaries,

3.4 Beneficiaries are allowed to take laptops at home only when they are used for work purposes. Beneficiaries cannot use social media or internet in these laptops, except cases when used for work relation

3.5 In case a laptop is lost or stolen, the beneficiary immediately should inform the Head of the Program of the ITP Initial Training Program (add phone number).

3.6 If the laptop is lost or stolen, the police should be informed immediately. Depending on the facts of each case, will be determined if the beneficiary will be asked to pay for the loss, stolen or replace of the laptop,

3.7 Beneficiaries are not allowed to keep in their computer confidential files of the court, which derive in disclosure of the party’s name of a specific case that should have remained confidential. This issue should be treated seriously and is related to the protection of judges, prosecutors, ITP
beneficiaries and mentors

8. When the beneficiaries draft a decision, indictment, or when they conduct any other task assigned to them, they should replace the real names of the parties with the word: respondent/defendant/plaintiff, etc. This way they maintain confidential information.

Signature of the recipient of the laptop Date: __________

___________