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Republika Kosova/Republic of Kosovo
Akademia e Drejtësisë/Akademija Pravde/Academy of Justice

TRAINING PROGRAMME

2024

Pristina, November 2023

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Opening Remarks of the Chair of the Managing Board

Dear all,

The Academy of Justice, based on its legal mandate, is committed to providing training for judges, prosecutors, including other legal professionals, with the aim of enhancing professional capacities and increasing the quality of work in courts and prosecutor's offices.

The responsible staff of the Academy of Justice has worked intensively on the training needs assessment, a process which precedes the design of the training programme, ensuring inclusion through regular meetings with the KJC and KPC, evaluation surveys, workshops and other forms. The Programme Council of the AJ, together with other actors of the judicial and prosecutorial system, has drawn up this programme based on the findings of this process, which is a combination of material and procedural aspects of various legal issues that have been assessed to require more best practices and promotion of the best legal solutions.

The training program for 2024 reflects the demands and needs of judges and prosecutors, which, in the framework of the training needs assessment process, were also confirmed with the heads of courts and prosecutions, as well as with the KJC and the KPC. Moreover, the training programme of the AJ also reflects the measures and activities from the Strategy on the Rule of Law, the Strategy on Protection from domestic violence as well as the National Programme for Human Rights Protection which are mandatory for the institutions of the justice system such as the result of integration processes and recommendations from other mechanisms such as NPISAA.

The process of implementing this programme will engage trainers with expertise in certain fields, who will transfer their knowledge and share their perspective with the Trainees of this programme. The programme is inclusive, meaning that every judge and prosecutor in the system will have the opportunity to apply to trainings dealing with legal issues that are their competence, as well as legal associates and other legal professionals whose work is related to the issues that will be addressed during this programme.

To conclude on what was said above, I am grateful to the staff of the AJ, Programme Council, KJC and KPC, court presidents and chief prosecutors of prosecution offices, judges and prosecutors as well as other interest groups for contributing to the design of this programme through their recommendations, proposals and other forms of inputs.

Sincerely,

Vaton Durguti,
Chair of the Managing Board

Training Needs Assessment for 2024

The training needs assessment is a process of special importance for the Academy of Justice as it precedes the drafting of this training programme.

In compliance with the legal framework in force, respectively Article 6, sub-paragraphs 1.1, 1.2 and 1.5 of the Law on the Academy, the training needs assessment was conducted for judges, prosecutors as well as administrative court and prosecutorial staff.

This year as well, the Academy was committed to the implementation of training needs assessment mechanisms which was aimed at identifying practical difficulties and challenges that judges face during trials and prosecutors during case investigations.

The training needs assessment employed mechanisms that are in line with the standards aimed at assessment during the design, drafting and implementation stages of the programme, such as:

- Evaluation forms after each training session;
- Questionnaires for judges and prosecutors once a year;
- Letters addressed to the KJC and the KPC, which also means observations from the Performance Assessment Office of judges and prosecutors
- Meetings with judges and prosecutors, court presidents and chief prosecutors of prosecution offices;
- Meetings and discussions with AJ trainers and especially their conclusions after the trainings;
- Strategies and documents approved by the institutions with recommendations for the judiciary and the rule of law;
- Involvement of civil society;
- Monitoring of print and electronic media, including civil society through NGOs.

Training Needs Assessment Methodology

The first essential step in the training needs assessment is collecting and analysing the measures defined in the Strategy on Rule of Law 2021-2026, the Strategy on Protection from Domestic Violence and Violence against Women 2022-2026 as well as the National Programme for Human Rights 2021-2025. The training needs assessment emerging from the implementation of measures provided by these strategies oblige the Academy of Justice as a leading or supporting institution to coordinate and implement trainings for judges, prosecutors and other legal professionals in the judicial and prosecutorial system. The second important step is the collection of data from evaluation surveys such as the feedback forms after every training session held throughout the year, and the questionnaires for judges and prosecutors shared with all Courts and Prosecution Offices of Kosovo in July 2023. This also includes proposals from visits and meetings with KJC and KPC, courts and prosecution offices held throughout the year, and proposals from daily meetings with trainers during the implementation of training programmes. Particularly important was the training needs assessment workshop held on 27 July 2023, which was attended by all main leaders of the judicial and prosecutorial system from all court instances and prosecution offices, including judges and prosecutors. In order to further confirm the results

from the special meetings and this workshop, formal letters were also sent to KJC and KPC on 1 September 2023, who were asked to share their final conclusions with the Academy of Justice from these meetings with regards to training needs and suggestions for the 2024 training programme. The Judicial Council, in addition to written suggestions, invited AJ to its workshop on 5 and 6 October, where it also informed about its policies on trainings for judges and supporting court staff. An important role in the training needs assessment process was also played by the civil society and print and online media perspective on the justice system.

The third step was to provide results from all the aforementioned mechanisms to the Managing Board and the Programme Council of the AJ jointly in the workshop of November 13 and 14, 2023 with the representatives of KJC and the KPC, the court presidents and the chief prosecutors of prosecutors' offices who, according to their competence, reviewed all the results, and developed the objectives and content of the training programme for 2024 according to their priorities.

Finally, the fourth and the last step was proposing this Training Programme to the Managing Board which, according to its mandate, reviews and approves the annual training programme.

Executive Summary

The findings of the training needs assessment informed the content of the Training Programme for 2024 which is outlined in the following sections of this document. Inclusion of all stakeholders of the judicial and prosecutorial system was ensured for the drafting of this programme, who together with the Programme Council of AJ integrated legal issues according to the requirements of the strategic documents, priorities of KJC and KPC as well as the training needs of its trainees according to the law.

The programme was designed to address all legal issues that are challenging for the case law through roundtables, specialized training sessions and other forms of judicial training.

In order to improve the professional performance of judges, a significant part of the activities according to the request will be implemented through professional roundtables as well as their combination through collegiums. Similarly, for prosecutors, especially for matters that are within their subject matter competence, meanwhile they will also have joint training sessions.

Legal associates, legal officers and other administrative staff remain the priority of this programme. On the other hand, basic trainings from the criminal and civil modules have been confirmed for other staff, in accordance with the nature of their work. Among the priorities was also the increase of training capacities, therefore the programme will focus on the field of Cybercrime, Discrimination and hate speech, in the field of freedom of expression and media, and training in the field of Anti-Trafficking.

Based on the requirements of the strategic documents, joint training with other legal professionals, free professions and the option of online training through the distance learning platform have also been provided.

List of training modules by fields

No.	No by fields	Criminal	Duration	Trainees	Methodology	In cooperation
1.	15	Money laundering and financial investigation	Two roundtables of two days	Judges of the Special Department, Prosecutors from SPORK, Prosecutors from DSC, judges from DSC, legal associates (different trainees in the two planned roundtables)	Discussion roundtable	IRZ OPDAT
2.		Asset sequestration and confiscation	Two days	Judges, Prosecutors, Legal associates, Investigators	Discussion roundtable	OPDAT
3.		Official corruption and criminal offences of abuse of power	Two roundtables of two days	Judges of the Special Department, Prosecutors from SPORK, Prosecutors from DSC, judges from DSC, legal associates (different trainees in the two planned roundtables)	Discussion roundtable	WBROLI OPDAT
4.		Terrorism and violent extremism	Two days	Judges of the Court of Appeals and Basic Courts (Special Departments), Prosecutors of the Special Prosecution, Prosecutors of the Appellate Prosecution, not excluding the prosecutors of the basic prosecution offices as necessary, legal associates and experts of the SPORK, as well as law-enforcement officers of enforcement agencies dealing with prevention and combating of terrorism.	Discussion roundtable	AJ
5.		War crimes	Two days	Judges from the Special Department, SPORK, Legal associates and Kosovo Police	Discussion roundtable	AJ & FDH
6.		Implementation of the Guidelines for criminal policy, unification of practice for measuring punishment	Two roundtables of one day	Judges, prosecutors and preferably leaders of these institutions	Discussion roundtable	AJ OPDAT
7.		Prosecuting Firearms Cases, Insights into New Threats and Legal Complexities	Two days	Criminal judges	Discussion roundtable	UNODC
8.		Cybercrime and cryptocurrencies	Two days	Judges, prosecutors, investigators, FUI officers, SPORK experts, legal associates	Training	AJ OPDAT
9.		Protected witnesses, plea bargain and cooperating witnesses	One day	Judges, prosecutors and legal associates	Training	AJ OPDAT
10.		Trial in absentia	One day	Judges, prosecutors and legal associates	Training	AJ OPDAT
11.		Drafting indictments, reasoning and evidence assessment	One day	Judges, prosecutors, legal associates, legal officers	Training	AJ OPDAT
12.		Criminal proceedings of	One day	Judges, prosecutors, legal associates,	Training	AJ

		perpetrators with mental disorders		witness counsel		
13.		Investigation strategy, special investigation measures	One day	Judges, prosecutors, legal associates and police investigators	Training	AJ OPDAT
14.		Treatment of sexual violence survivors from the war in Kosovo during access to justice	One day	Judges, prosecutors, legal associates and police investigators	Training	AJ & KRCTV
15.		Financial investigations and asset recovery	Two trainings of five days (10 training days)	Judges and state prosecutors in the special department, department of serious crimes and general department	Training	UNDP/SAEK
Civil			Duration	Trainees	Methodology	In cooperation
16.	9	Contract termination	Two days	Judges of the Court of Appeals and Basic Courts	Discussion roundtable	AJ
17.		Acquiring Ownership based on winning the statute of limitations and on grounds of construction	Two days	Judges of Court of Appeals, Basic Courts and legal associates	Discussion roundtable	AJ
18.		Damage compensation – lost profit (rent)	Two roundtables of two days	Judges of Court of Appeals, Basic Courts and legal associates	Discussion roundtable	AJ
19.		Non-contested procedure	Two days	Judges of Court of Appeals, Basic Courts and legal associates	Discussion roundtable	AJ
20.		Enforcement procedure	Two days	Judges of Court of Appeals, Basic Courts and legal associates /potentially private enforcement agents	Discussion roundtable	AJ
21.		Inheritance procedure and legal inheritance disputes	Two days	Judges of Court of Appeals, Basic Courts and legal associates	Discussion roundtable	AJ
22.		Preliminary examination of the claim in labour disputes, in disputes of possession obstruction and in disputes of insult and defamation - Limitation/missibility as a procedural presumption	One day	Judges of Court of Appeals and Basic Courts	Discussion roundtable	AJ
23.		International legal aid and cooperation in civil matters	One day	Judges of Court of Appeals, Basic Courts and legal associates	Training	AJ
24.		Obligational relationships with a foreign element and international legal cooperation in civil matters	Two days	Judges of all basic courts in the civil division; judges of the Court of Appeals in the civil division	Training	GIZ
Justice for children			Duration	Trainees	Methodology	In cooperation
Criminal						

25.	2	Criminal offenses against sexual integrity, the sensitivity of psychological aspects during the treatment of children - victims of sexual violence	One day	Judges and prosecutors from the Department of Minors, victim counsel, legal associates, police officers, Centre for Social Work	Training	AJ& KRCTV
26.		Criminal proceedings against minors and the measures and punishments imposed on minors	One day	Judges for minors, prosecutors for minors, Probation Service officers	Training	AJ
Civil						
27.	1	Protection of children's rights in cases of divorce and in cases of change of their status and without parental care	Two roundtables of two days	Judges of the Court of Appeals and Basic Courts	Discussion roundtable	AJ
Commercial			Duration	Trainees	Methodology	In cooperation
28.	12	Financial knowledge	One day	Judges and legal associates of the Commercial Court	Training	AJ
29.		Practical implications of the Law on Business Organizations	Two days	Judges and legal associates of the Commercial Court	Training	AJ
30.		Legal research, writing and reasoning in the commercial field	Two days	Judges and legal associates of the Commercial Court	Discussion roundtable	AJ
31.		Implementation and specifics of international instruments, EU Directives and Regulations on commercial and customs matters	Two days	Judges and legal associates of the Commercial Court	Training	AJ
32.		Contractual right, construction contracts	Two days	Judges and legal associates of the Commercial Court	Training	AJ
33.		Understanding banking industry, insurances and financial institutions	One day	Judges and legal associates of the Commercial Court	Training	AJ
34.		Bankruptcy procedure	One day	Judges and legal associates of the Commercial Court	Training	AJ
35.		Intellectual property rights, trademarks, patents and specifics of the ICT industry, licensing and industrial property rights	Two days	Judges and legal associates of the Commercial Court	Training	AJ
36.		Mediation, referral methods for cases in the mediation procedure - practical examples, Procedure for approval or	One day	Judges and legal associates of the Commercial Court	Training	AJ & USAID/ Commercial Justice

		cancellation of commercial mediation agreements; Exploring international practical examples of commercial cases in mediation				
37.		Recognition and enforcement of domestic and foreign arbitration decisions	One day	Judges and legal associates of the Commercial Court	Training	AJ & USAID/ Commercial Justice
38.		Arbitration in Investor-State disputes (ISDS)	One day	State advocates, representatives from the Ministry of Trade, Ministry of Economy, Ministry of Finance, Ministry of Justice, judges of the Commercial Court, TAK, KPA	Mock trial	AJ & GIZ
39.		Commercial relationships with a foreign element and international legal cooperation in commercial issues	Two days	Judges and legal associates of the Commercial Court in Kosovo	Training	AJ & GIZ
Administrative			Duration	Trainees	Methodology	In cooperation
40.	3	Legal protection in administrative conflict	One day	Judges of the Department for Administrative Matters of the Basic Court of Pristina and the Court of Appeal, as well as legal associates and officials of the Ministry of Labour and Social Welfare (MLSW) who are involved in administrative conflict procedures	Training	AJ
41.		Legal protection in disputes – public procurement issues	One day	Judges of the Department for Administrative Matters of the Basic Court and the Court of Appeal as well as PRB officials	Training	AJ
42.		Reasoning of court decisions in the administrative conflict procedure	One day	Judges of the Department for Administrative Matters of the Basic Court and the Court of Appeal and professional associates	Training	AJ
Constitutional			Duration	Trainees		In cooperation
43.	2	Current practice of the Constitutional Court in relation to the practice of the ECHR according to the requirements in the civil field	One day	Judges and prosecutors of all levels in the Republic of Kosovo	Training	AJ
44.		The current practice of the Constitutional Court in relation to ECHR practice according to the requirements in the criminal area	One day	Judges and prosecutors of all levels in the Republic of Kosovo	Training	AJ
ECHR			Duration	Trainees	Methodology	In cooperation
45.		Access to effective legal	Two days	Judges, prosecutors, attorneys and	Training	

	4	tools		legal associates		EC
46.		The practice of the European Court of Human Rights under Article 5 and Article 6 of the ECHR	Two days	Judges, prosecutors, attorneys and legal associates	Training	EC
47.		Freedom of expression and legal protection in cases of infringement of violation of expression - Specialized Training for Strategic Lawsuits Against Public Participation (SLAPPs)	One day	Judges and prosecutors from different regions.	Training	AJ & EC PRO-FREX
48.		Personal data protection	One day	Judges, prosecutors, attorneys, legal associates, Officials for Access to Public Documents, Personal Data Protection Officials	Training	AJ& Information and Privacy Agency (IPA)
European Law		Duration	Trainees	Methodology	In cooperation	
49.	2	The effect of the European Union Law	One day	Judges and prosecutors of all levels in the Republic of Kosovo	Training	AD
50.		Unification of criminal legislation with that of EU countries - Legal cooperation in criminal matters (procedural aspect) in the EU	One day	Judges of Basic Courts, judges of the Court of Appeals and legal associates	Training	AD
Minor offences		Duration	Trainees	Methodology	In cooperation	
51.	2	Legal entities as perpetrators of minor offences	One day	Judges of the Minor Offence Divisions in the courts of first instance	Training	AJ
52.		Law on Forests of Kosovo, Natural Protection and Environmental Protection	One day	Judges of the Minor Offence Divisions in the Basic Courts	Training	AJ
Mediation		Duration	Trainees	Methodology	In cooperation	
53.	1	Case referral in the mediation procedure: practical examples, Procedure for approval or cancellation of mediation agreements, Mandatory mediation	4 trainings (including all regions) of one day	Judges of all basic courts and departments, as well as mediators of the regions of those courts	Training	AJ & USAID/ Commercial Justice
Inter-disciplinary trainings		Duration	Trainees	Methodology	In cooperation	
54.	1	Management of criminal cases and trials schedule	One day	Judges and prosecutors of the basic level	Training	OSCE OPDAT
Domestic violence		Duration	Trainees	Methodology	In cooperation	

55.	4	Violence against Women, Domestic Violence and Gender Based Violence	One day	Judges, prosecutors and other professionals of any level and function and may be suggested as a prerequisite for attending other specialized modules, if the participant has not attended previous training in this field	Training	EC
56.		Offenses of domestic violence: The effective criminal justice response	Two days	Judges, prosecutors, legal associates, victims' counsel	Training	EC OPDAT
57.		Understanding Domestic Violence in Civil Law: Restraining Orders and Family Law Considerations	Two days	Civil court judges, and includes restraining order applications and/or family law matters (e.g. custody matters).	Training	EC
58.		Criminal offenses involving violence against women: Prosecution and trauma informed trials	Two days	Prosecutors, judges, victims' counsel and other professionals (e.g. forensic examiners)	Training	EC OPDAT
Anti-Discrimination			Duration	Trainees	Methodology	In cooperation
59.	1	Anti-Gypsyism	One day	Judges and state prosecutors, judicial and prosecutorial administrative staff, Free professions	Training	Terre Des Hommes
Trainings on court/prosecution office management			Duration	Trainees	Methodology	In cooperation
60.	1	Court and prosecution office management	One day	Court presidents, chief prosecutors, supervising judges of branches, heads of departments and divisions.	Training	OPDAT (specifically, prosecution offices)
Trainings for legal associates and legal officers			Duration	Trainees	Methodology	In cooperation
Material criminal						
3		Application of the most favourable law, causes of exclusion of illegality, Part Application of the most favourable law, Causes of exclusion of Illegality, Special Part of Criminal Law as well as Criminal Offenses against Sexual Integrity, Special Criminal Law as well as Offenses	One day per group	Legal associates and legal officers	Training	AJ
		Qualities of perpetrators - the meaning of the official person and the criminal policy for criminal acts of corruption	One day per group	Legal associates and legal officers	Training	AJ OPDAT
		Cooperation in the commission of a criminal offense as well as criminal offenses from Chapter XXVI, Chapter XXIII, Chapter XXX and	One day per group	Legal associates and legal officers	Training	AJ

	Chapter XXIX of the KCC				
Procedural criminal					
3	Stages of criminal procedure	One day per group	Legal associates and legal officers	Training	AJ
	Legal tools and special procedures	One day per group	Legal associates and legal officers	Training	AJ
	Indictment, legal review, and reasoning	One day per group	Legal associates and legal officers	Training	AJ OPDAT (emphasis on legal writing and research)
Material civil					
4	Inheritance law and family law	Two days per group	Legal associates and legal officers	Training	AJ
	Labour law	One day per group	Legal associates and legal officers	Training	AJ
	Ownership law	Two days per group	Legal associates and legal officers	Training	AJ
	Obligational law	One day per group	Legal associates and legal officers	Training	AJ
Procedural civil					
3	Contested procedure	Three days per group	Legal associates and legal officers	Training	AJ
	Enforcement procedure	One day per group	Legal associates and legal officers	Training	AJ
	Domestic violence and mediation	Two days per group	Legal associates and legal officers	Training	AJ
Trainings for administrative judicial and prosecutorial staff		Duration	Trainees	Methodology	In cooperation
10	File and case management in the judicial and prosecutorial system	One day	Administrators, assistant administrator, head of LMO, administrative clerks, statistics officers, legal officers, legal secretaries, information officers, performance assessment unit for prosecutors and judges.	Training	AJ
	Communication skills	One day	The trainees of this training will be the information and media monitoring officers in the courts and prosecution offices. Trainees of the same training may also be other officials who interact with the parties in courts/prosecutors.	Training	AJ
	Integrity and ethical conduct	One day	Administrative judicial and prosecutorial staff	Training	AJ
	Time and stress management	One day	Administrative judicial and prosecutorial staff	Training	AJ
	Training on using the Information Case System	One day	Trainees are the judicial and prosecutorial administrative staff	Training	AJ

	Training on audio/video systems and witness protection systems	One day	Trainees are judges and administrative staff	Training	AJ
	Training on protocol	One day	Trainees are judges and administrative staff	Training	AJ
	Protection of whistle-blowers	One day	Administrative officers of courts and prosecution offices and whistleblowing officers in courts and prosecution offices.	Training	AJ
	Maintaining Facebook court accounts and informing the public through them	One day	Trainees will be information and media monitoring officers in courts and prosecution offices	Training	AJ
	Introductory training for all newly-appointed court administration members	2 modules 6 days of training	Newly-appointed court administration staff	Training	AJ

TRAININGS ON THE CRIMINAL FIELD

Topic identified from the training needs assessment:

- Training Needs Assessment Report for the Special Department of the Basic Court of Pristina
- Strategy on Rule of Law
- Training needs assessment workshop, 27 July 2023

1. Money Laundering and Financial Investigation

Money laundering and financial investigation are complex criminal offences. The investigation of these cases requires institutional coordination of many actors of the rule of law. The complexity of the investigation and prosecution of the criminal offense of money laundering is also evident in judicial practice. Money laundering as a process used to conceal the source of money or assets derived from criminal activity and generally involves converting the proceeds of crime into a "legal" form that is directly contributing to significant financial damages and in the economic development of the country represents a general social challenge but also a challenge for the legal system in Kosovo.

Money laundering both as a phenomenon and as a criminal offense has been treated by prosecutors and judges, but in the case law there are still challenges and dilemmas in terms of identifying the elements of criminal offenses that are related to money laundering and the correct legal qualification of this offense criminal. Initially, there was a request to have a basic criminal offence in order to conduct a money laundering investigation, which really complicated the investigation procedure. Another challenge is also the internal and international cooperation, including other institutions that are required to provide a proactive contribution to the detection, prosecution and punishment of the perpetrators, which included the FUI, Customs and Tax Administration and other law enforcement institutions, as well as financial institutions such as banks, non-bank financial entities and foreign exchange offices, through money transfer, payment or credit channels. Attention should also be directed to the practices of international cooperation between the prosecution bodies of the Republic of Kosovo and the prosecution bodies of the European Union countries as well as the countries that have not yet recognized Kosovo.

The necessity for the implementation of the provisions of the Criminal Code and various ones in the Code of Criminal Procedure by linking them with the provisions of the special law addressing money laundering as a criminal offense, as well as the law on extended powers for the confiscation of property, but also the international standards, in particular those of the European Union, requires a distinction to be made between tax and customs crimes and those related to money laundering, identify the information they can receive through the FIU channels, Egmont, the procedures for certifying financial income from criminal offences, and legal income.

The training focuses in particular on the elements of the criminal offense of money laundering, as well as the difference between related money laundering and money laundering alone, including investigation and trial, as well as case law, especially in the European countries. It is important that the criminal act, namely the criminal activity, be investigated in these criminal offences, and conduct investigations accordingly.

Objectives

- Correctly implement the legal provisions regarding the legal qualification of money laundering;
- Distinguish between money laundering related to another criminal offense and money laundering as a separate criminal offense;
- Conduct pro-active criminal and financial investigations and provide admissible evidence that supports the indictments filed;
- Identify communication channels at the local and international level to direct the investigation in the right direction;
- Develop informal and formal international cooperation with relevant agencies and institutions in the investigation of money laundering;
- Identify at least three challenges that can be encountered in providing information at the international level and be able to find a possible solution;
- Sequester and confiscate the property acquired through these criminal acts;
- Compare local legislation with the EU *acquis*;
- Impose adequate criminal sanctions on the perpetrators of these criminal offences.

Content

- ✓ Legal, domestic and international basis for combating money laundering and conducting financial investigations;
- ✓ Elements of the criminal offense of money laundering;
- ✓ Stages of money laundering;
- ✓ Investigating and securing evidence in money laundering cases;
- ✓ Sequestration and confiscation of property acquired by criminal offense - money laundering;
- ✓ Case study from the case law in Kosovo;
- ✓ Case study from the case law in Kosovo (NIKUMA case);
- ✓ Case study from the case law of the ECHR (Zuchen vs Nederland).

Methodology: Roundtable

Interpretation of the legal provisions on the criminal offense of money laundering, interactive discussion, addressing cases from the case law in Kosovo, case studies from the case law of the ECHR.

Trainees

Judges of the Special Department, Prosecutors from the SPORK, Prosecutors from the DSC, judges from the DSC, legal associates associates (different trainees in the two planned roundtables).

Duration

Two roundtables lasting for two days each (the first one in the period January-July and the second one in September-December 2024).

Topic identified from the training needs assessment:

- Strategy on Rule of Law
- Training needs assessment report from KJC
- Training needs assessment workshop, 27 July 2023

2. Sequestration and Confiscation of Property

Notably, the most efficient tool in the fight against criminality is the confiscation of property. It is very important and necessary that at the earliest stages the data and information about the property is collected, which will give the opportunity to clearly determine, based on this information, which of the forms of confiscation of the property will be applicable in a specific case. Legal practitioners can take into account the "Routes of Confiscation" document which has been adapted to the new legal amendments of 2019, both in the LEPCA and in the Criminal Code that also entered into force in 2019, but also in the CPC. International legal cooperation and the main institutions that can provide help in this direction are also incorporated here. The Routes of Confiscation document is recommended reading for all law enforcement officers and also contains useful examples of practical scenarios.

The Criminal Code of the Republic of Kosovo¹ (2019) and the Code of Criminal Procedure of the Republic of Kosovo² (February 2023), as new laws, entered into force in different time periods, and have substantially changed the method of sequestration/confiscation. While the former CCRK had several articles that regulated this field, there is only Article 92 in the new CCRK that regulates the given subject matter. Therefore, it is simpler, easier and more consistent to use for law enforcement legal authorizations in this field. While CCP has undergone almost radical changes, these were made to avoid the challenges and problems encountered in practice. Thus, while the old CCP provided different deadlines for freezing and sequestration (3 and 5 days respectively) and there were also different procedures for freezing and sequestration, now the new changes will make it much more easier to implement the articles related to sequestration and confiscation, because there is a single deadline (7-day deadline for UNP) and there is a simple and single procedure for the procedure to be followed. The CCRK and CCP contain articles with procedural possibilities that did not exist before. The general message conveyed is that "*CRIME DOES NOT GO UNPUNISHED*" and that, sooner or later, the authorities will confiscate illegal material benefits through the legal mechanisms. There is a significant change in Article 92 of CCRK defining that initially an attempt is made to confiscate material benefits acquired through a criminal offence and the tool used to commit the criminal offence. When this happens, then the confiscation procedure ends with that step, however if for any reason the material benefit or tool is no longer available to be confiscated, then the court can define an equal value. When this is also not possible, Article 92 has defined another additional possibility that did not exist before, and that is confiscation of *ANY* asset of the defendant with an equal

¹ Hereinafter, the CCRK.

² Hereinafter, the CCPK.

value, and this also includes assets that are legal assets of the defendant (see Article 273.3 of CCP). The introduction of the replacement value concept in the CCRK and CCP is meant to give full legal effect to the provision in Article 92.2 of CCRK. Article 92 para 2 of CCRK is aimed at ensuring that if the defendant acquires material benefits from a criminal offence, and the given material benefit is no longer available, then the court can confiscate other assets of the defendant (of a legal origin) equal to the value of the material benefit. This article was drafted to ensure the principle that a defendant should not benefit from their criminal activity. The old Article 97 par. 1 of CCRK of 2013 was not widely used by prosecutors or courts, and which allows *obligating* the defendant to pay the replacement value instead of confiscating the replacement value. The old CCP did not have any provisions on blocking such additional property. This has already been corrected with the changes made both in Article 92 of the CCRK and in the new provisions that have been included in the CCP. Therefore, the new provisions provide for situations where the confiscation cannot be conducted from the assets of the defendant or of a third party that has received the transferred assets. In such case, such persons shall have to pay an amount of money equal to the value of the asset subject to confiscation, and the court may order the confiscation of such assets. Furthermore, Article 97.1 of the former CCRK of 2013 refers only to the defendant and not to the third party who has received the transferred asset which is no longer available for confiscation. This situation has been rectified both in Article 92 of the CCRK and in the new provisions in the CCP. New changes have also been included in Article 19 of the CCP, or in the Definitions. Articles 19.1.34 - 19.1.41 contain a harmonized and consistent language throughout the CCP, even the LEPCA, and for law enforcers the procedure for their implementation will be much easier, clearer and more comprehensible. Thus, even if there was any eventual dilemma of the application of any provision, Article 19 or the Definitions, use such a language which will greatly help law enforcement officers in a better, easier and clear understanding of these provisions. Clarifications related to the sale or alienation of assets at the earliest stage of the sequestration of an asset are of special importance. Again, in the past there was reluctance in selling such assets, causing the country's budget to eventually be damaged because after the expiration of several years, the assets in question are depreciated. Therefore, law enforcement officers are encouraged to:

- Increase cooperation with SCAAA to cooperate with Pre-Sequestration Planning to increase the likelihood of a successful sequestration;
- Implement as often as possible the provisions of the CCP that allow and encourage the sale of depreciating assets at the earliest stage;
- Avoid the situations presented in the past, and distinguish between the permissibility of selling assets as material benefits and those listed in the indictment as evidence, because the assets listed as evidence cannot and should not be proposed for sale, and
- Compile better reasoning of these proposals to increase the likelihood of approval of such requests by the courts.

The main purpose of the roundtable is to address the challenges of the case law related to the implementation of this institute, the relevance of Article 92 of the CCRK, the route to confiscation, the control and temporary sequestration of evidence and specified assets, the temporary restraining order, the request for final restraining order, interim measures to secure the specific asset, final restraining order, confiscation, confiscation of vehicle, confiscation of material benefits, confiscation of tainted gift, replacement of asset value, additional assets, confiscation investigation, application of the Law on extended powers on confiscation of assets, and money laundering. Currently, according to the provisions of the CCRK, there is a number of

legal provisions that regulate these institutes, therefore this roundtable also aims to address the practical and legal meaning of the provisions of sequestration and confiscation.

The roundtable would basically serve two purposes for judges and prosecutors:

- Reflect on the established case law;
- Demonstrate practical cases that can be used as good models for future cases.

In order to achieve these two goals, some basic factors should be taken into account, which would reflect the table with positive results, such as: Research and the selection of practical cases should be done carefully, and specifics of practical problems within the framework of sequestration and confiscation. In order to effectively and efficiently implement the roundtable, the moderators of the roundtable should be adequately prepared, which would consist in the possibility of giving comments based on the case law according to the legislation in force for any issue that may be addressed, either of sequestration or confiscation. The framework of the agenda that would include the topics as such should be selected very carefully, which will be based on the aspects of the current procedural and material issues in the context of the established practice. The jurisprudence selected for the roundtable would help to reflect the correct application of the provisions by judges and prosecutors to reflect the established practice standards acceptable within judicial instances. This roundtable aims to achieve interaction and involvement of all participants as well as case exercises. The moderator(s) should be prepared and discuss the presented circumstances of the case(s) in relation to the topic, promoting the analysis and exhaustion of the dilemmas of the circumstances of the case, always aiming at providing explanations based on consolidated practice and legal provisions with the correct interpretation.

At the end of the work of the roundtable, the moderators will draw up the roundtable report with results which could serve to address any issue within the Academy or which would reflect on the necessity of the overarching positions of the Supreme Court to unify the application of laws by judges, which would also reflect on prosecutors.

Objectives

- Identify legal innovations of the new Code of the Criminal Procedure on sequestration and confiscation;
- Identify non-uniform practices in courts at all levels;
- Identify cases of continuation of the sequestration and confiscation procedure even after the filing of the indictment;
- Identify problems related to temporary measures for property insurance;
- Address problems through unified judicial practice as a conclusion;
- Challenges of implementing the law on Extended Powers for confiscation and sequestration;

Content

- ✓ The grounds for confiscation with particular emphasis on Article 92 of the CCRK;
- ✓ Control, temporary sequestration and confiscation;
- ✓ Temporary and final restraining order;
- ✓ Replacement of asset value;
- ✓ Confiscation of additional assets;
- ✓ Confiscation investigation;

- ✓ Requests and orders for restriction and requests for verification of assets according to the LEPCA.

Methodology: Discussion roundtable

Trainees

Judges, prosecutors, legal associates, investigators

Duration

The roundtable will last for two (2) days.

Topic identified from the needs assessment training:

- Training Needs Assessment Report for the Special Department of the Basic Prosecution of Pristina
- Strategy on Rule of Law

3. Official Corruption and Criminal Offences of Abuse of Power

Corruption in every society is current and challenging; the differences are only in the level of its extent. At the same time, it is a special legislative challenge, but also for law enforcement officers, on the other hand, for the fact that legally it is difficult to argue. In addition to the protective object that corruption has in the special chapter involving corruption, its characteristic is that we also find corruption elements in other criminal offenses included in other chapters of the criminal law. This act is performed by official persons who have a public function or exercise a public service. In this regard, official corruption means gaining rights or interests for which the official person or certain group has no legal basis, or the assertion of rights and interests. Direct intent as the main element of this criminal offense, criminal intent and criminal activity are issues that will be elaborated during these training sessions.

Objectives

- Correctly apply the legal provisions of chapter XXXIII of criminal offenses of official corruption and criminal offenses of abuse of power official duty;
- Identify the essential elements of each form of the criminal offenses of this Chapter;
- Increase understanding of the consequences and risks of these criminal acts.

Content

- ✓ Discussions related to the elements of the criminal offense of abuse of office;
- ✓ Will as an element of the criminal offense of corruption, criminal intent;
- ✓ The issue of causing or not causing damage or benefit;
- ✓ Purpose as an element for proving the criminal offense of corruption;
- ✓ Evaluation of persuasive (direct) and circumstantial evidence;
- ✓ Creation of the image of the criminal offense of corruption with circumstantial evidence;
- ✓ Fraud in procurement as a complex criminal offense; Fiscal Fraud, Tax Evasion/Customs;
- ✓ Trial in absentia;
- ✓ Abuse of official duty or authority;

- ✓ Conflict of interest; Taking a bribe; Giving a bribe;

Methodology: Roundtable

Interpretation of legal provisions for the criminal offense of official corruption, interactive discussion, treatment of cases from the case law in Kosovo, decisions of the Supreme Court of the Republic of Kosovo, case studies from international case law.

Trainees

Judges of the Special Department, prosecutors of SPORK, prosecutors of DSC, judges of DSC, legal associates (different trainees in both planned roundtables).

Duration

Two roundtables lasting for two days each (the first one in the period January-July and the second one in September-December 2024)

Topic identified from the training needs assessment:

- Training Needs Assessment Report for the Special Department of the Basic Prosecution of Pristina
- Balkan Investigative Reporting Network - BIRN
- National Strategy of the Republic of Kosovo for the Prevention and Combating of Informal Economy, Money Laundering, Financing of Terrorism and Financial Crimes 2019-2023
- National Programme for the Implementation of the Stabilisation and Association Agreement - NPISAA
- National Plan for European integration 2023-2027
- Permanent trainer in AJ (Ramadan Gashi)

4. Terrorism and Violent Extremism

Terrorism continues to remain one of the main security threats, both at the national and international level, threatening not only individual life and property, but also democratic values and the very way society functions. The state authorities have an obligation and bear the main responsibility for the prevention and fight against terrorism, as well as for the respect and protection of basic human rights and freedoms. The prevention and fight against terrorism remains one of the main strategic priorities of the Republic of Kosovo. The anti-terrorism strategy, as well as other legislative and political measures in this field, are related to the strategic priority of “Good Governance and Rule of Law”. Due to the presence of elements of extremism and radicalism that lead to terrorism, a number of important legal instruments have been developed, focusing on the efficient fight against these illegal phenomena, always from the perspective of the instruments of the justice system, namely prosecution and trial. Taking into consideration the need to increase the professional capacities of judges and prosecutors, but also of other officials of law-enforcement agencies, it is considered necessary for this community of law-enforcers to benefit from these training cycles with the aim of increasing their knowledge, skills and competencies in the function of effective, independent and professional prevention, investigation and judgment.

Objectives

- Enhance knowledge about the national and international legal framework against terrorism;
- Understand violent extremism and radicalism that favours terrorism;
- Demonstrate the technique of investigating and proving terrorism, with special emphasis on human rights and freedoms, international cooperation and victim protection;
- Compare the links between terrorism and organized crime;
- Apply the law regarding criminal sanctions against perpetrators of criminal acts of terrorism.

Content

- ✓ National and international legal framework against terrorism and violent extremism;
- ✓ Understanding and dealing with violent extremism and radicalism that favour terrorism;
- ✓ National Anti-Terrorism Strategy in Kosovo;
- ✓ Prevention of terrorism, as a strategic focus of anti-terrorist efforts;
- ✓ Links between organized crime and terrorism and violent extremism.
- ✓ Techniques of investigating and proving criminal offenses of terrorism;
- ✓ The strategic and institutional framework of cooperation, including international cooperation, in anti-terrorism issues;
- ✓ Victims, freedoms and human rights threatened by the actions and consequences of criminal acts of terrorism;
- ✓ Criminal sanctions against perpetrators of criminal acts of terrorism.

Methodology: Roundtable

The topic of this training will be taught with interactive lectures, respectively it will be combined with case studies, and performing individual and group tasks among the participants.

Trainees

Judges of the Court of Appeal and Basic Courts (Special Departments), Prosecutors of the Special Prosecution Office, Prosecutors of the Appellate Prosecution Office, not excluding the prosecutors of the basic prosecution offices, as necessary, legal associates and experts of SPORK, as well as law-enforcement officers dealing with the prevention and combating of terrorism.

Duration

The roundtable will last for two (2) days.

Topic identified from the training needs assessment:

- Training needs assessment workshop, 27 July 2023
- Training Needs Assessment Report for the Special Department of the Basic Court of Pristina
- Recommendation from the Ombudsperson Institution

5. War Crimes

In the 90s, Kosovo like other former Yugoslavian countries went through wars that took place in the territory of former-Yugoslavia. Only during the war period in Kosovo (February 28, 1998 to June 20, 1999), according to the data of the Humanitarian Rights Fund in Kosovo (HRFK), about 12,535 people were killed or disappeared, about 80% of which are civilian victims. These crimes have been investigated and judged mainly by international personnel. Initially, these crimes were investigated and judged by the ICTY and the international missions in Kosovo (UNMIK and EULEX). In June 2014, the transfer of powers from EULEX to the local judiciary began, and finally in June 2018 these powers passed to the local judiciary. Local judges and prosecutors need capacity building in this area since there has not been any long-term local case law in this direction.

The participants will first be informed about the criminal legislation as a whole in Kosovo, which addresses the criminal offenses of war crimes, as well as the criminal legislation in force at the time when the criminal offenses were committed, or the most favourable law for the perpetrators of this criminal offense. They will be informed of the criminal offenses provided for in the Criminal Code of the Republic of Kosovo, which foresee and sanction the actions of the perpetrators of the criminal offenses of war crimes, and which will be presented in relation to the international conventions as a whole and the Geneva Conventions which cover war crimes, crimes against humanity, and genocide in particular.

Special emphasis in this training will be on the categorization of the responsibility of war crimes, always based on the nature of the forms of cooperation, assistance, incitement, co-perpetration, joint criminal enterprise, and command responsibility, aiming to examine local practical cases and international tribunals to assess the punishment likelihood against the nature of responsibility

for war crimes. The forms of criminalization of war crimes will also be important, with special emphasis on sexual violence as an offense categorized as a violation of international law. This training aims to be completely built on local and international practical cases of war crimes, to highlight the flaws in the case law, either in cases that have received an epilogue or cases that have been considered that the solutions according to court decisions are not in accordance with legal provisions, in order to build a stable case law, and to avoid the mistakes already recorded in the case law.

Recent legislative amendments have introduced the novelty of trial in absentia, namely trial in absentia of war crimes cases, with the legal framework decisively defining the criteria to be met for the proceedings of a war crime case in absentia, the procedural requirements to be met by the criminal prosecution bodies and the court in order to proceed with a case of war crimes. This training will attempt to address these legal criteria as training objectives, or even the legislation itself and the parts that regulate the issue of trial in absentia. The issue of trial in absentia is an important measure to be addressed in war crime cases, but equally important is the treatment of circumstantial evidence in war crime cases and the finding of criminal responsibility based on such evidence. In these trainings, judges and prosecutors will have the opportunity to exchange experiences with international experts in the prosecution of war crimes according to the forms of command responsibility and joint criminal enterprise, which have been extensively developed by the ICTY.

In addition, this training will also address the issue of trial in absentia and legislative changes in relation to trial in absentia, which represents one of the major challenges of handling war crime cases.

Objectives

- Acquire the knowledge to deal with cases of war crimes;
- Recognize the applicable forms of criminal responsibility for war crimes;
- Recognize command responsibility;
- Acquire knowledge in the implementation of legislative changes in relation to the trial in absentia of war crimes.

Content

- ✓ Trial in absentia, trial of war crime cases in absentia, circumstantial evidence in proving responsibility for war crime cases, genocide and differences from war crimes, crimes against humanity and war crimes, trial of the same person for certain actions within war crimes, respectively the time period of committing war crimes and double or more punishment for actions within the same time period.
- ✓ Applicable forms of criminal responsibility for war crimes (armed conflict, participation in military or paramilitary formations in armed conflicts, etc.);
- ✓ Decisions of the Supreme Court and the Court of Appeal in the application of international criminal law in the jurisdiction of Kosovo;
- ✓ Joint criminal enterprise;
- ✓ Other forms of cooperation;
- ✓ Command responsibility;
- ✓ Genocide;

- ✓ Evaluation and analysis of evidence in cases of war crimes, especially against the background of the case law of international tribunals;
- ✓ The use of international mechanisms, international tribunals in securing evidence for war crimes cases.
- ✓ Trial in absentia;
- ✓ Decisions of Strasbourg;
- ✓ Interpretation of international conventions

Methodology: Roundtable

Trainees: Judges from the Special Department, SPORK, legal associates, and the Kosovo Police.

Duration

The roundtable will last for two (2) days.

Topic identified from the training needs assessment:

- Training needs assessment workshop 27 July 2023
- EULEX Monitoring Report

6. Implementation of Guidelines on Punitive Policy, Unification of Case Law on Measurement of Punishment

Punitive policy represents a constant challenge for judges in determining mitigating and aggravating circumstances in defining the type and length of punishment. As a result, numerous problems have been identified in the unequal treatment of perpetrators of criminal offenses and inconsistency in the imposition of sentences, and this has had a direct impact on reducing transparency and public trust. In order to avoid these shortcomings and help judges and especially the unification of the criminal policy, the Supreme Court of Kosovo has issued the guidelines for the criminal policy and the table for determining the sentence of the perpetrator of the criminal offense and the criminal offense committed. Taking into account the weaknesses and gaps identified in the criminal policy, the Consultative Commission for Criminal Policy has been established, which continuously monitors the phenomena and challenges that judges face in the implementation of the guidelines for the criminal policy, and continuously issues specific instructions during its work regarding harmonizing the criminal policy, which will also be presented and discussed during these roundtables that are planned to be organized. The purpose of the training is the accurate implementation of the methods of measuring the punishment by all judges, but at the same time so that the prosecutors and the victims counsel can contribute to the illumination of the circumstances before the court that would affect the correct measurement of the punishment, in accordance with penal policy guidelines. Furthermore, the specific aspects of the sentencing guidelines should be addressed, such as the criminal policy guideline for criminal offenses of corruption, in order to create equal standards of measuring the punishment for all the defendants in the procedure.

Further, the guidelines related to corruption should be incorporated as an integral part of the training session, since the problems explained in the guidelines represent a very good basis for the application of the same in practice.

The training will also touch upon instruction of the Chief State Prosecutor on the role of the prosecutor in the criminal policy, which aims to clarify and explain the role of the prosecutor during all phases of the criminal procedure in his professional preparation regarding the collection of information and the successful presentation before the court during the sentencing session.

Objectives

- Analyse the importance of fair and accurate determination of mitigating and aggravating circumstances;
- Apply the relevant circumstances in the case of sentencing;
- Analyse the implementation of the guide and the activity of the Consultative Commission for Criminal Policy.
- Understand and analyse the guidelines for corruption.
- Understand the guide for the role of the prosecutor in the criminal policy

Content

- ✓ Mitigating and aggravating circumstances when sentencing;
- ✓ Implementation of guidelines for criminal policy;
- ✓ Activity of the Consultative Commission for Criminal Policy.
- ✓ The methodology of implementation of the guidelines for the measurement of punishment;
- ✓ Methodology for assessing the circumstances of the responsibility and damage category;
- ✓ Classifying categories for measuring punishment for criminal acts of corruption;
- ✓ Unification of practice for measuring the impact of training;
- ✓ Session for measuring the sentence, and final verdict;
- ✓ Innovations of the CCK and reasoning in the final verdict.

Methodology: Roundtable

Development of activities in the form of regional roundtables. The participation of the implementers of these guidelines and the highlighting of the problems during the practical implementation of the guidelines for the measurement of punishment would be of interest to the participants, and the conclusions that would emerge from these roundtables would help in the approach as well as the right application in practice.

Trainees

Judges, prosecutors and preferably the leaders of these institutions.

Duration

Two roundtables, each lasting for 1 day, including regions such as:

- Pristina, Mitrovica, Ferizaj, Gjilan and
- Peja, Gjakova, Prizren.

Topic identified from the training needs assessment:

- UN Office on Drugs and Crime – Global Firearm Programme

7. Prosecuting Firearm Cases, Insights into New Threats and Legal Complexities

The roundtable aims to enhance judges' knowledge of firearms by focusing on the context in which firearms are presented in legal cases. It will also provide a deeper look at gun technology, legal aspects, and new threats, preparing judges to better analyse and interpret evidence and arguments when trying firearms cases.

- How to interpret and analyse expert testimony related to firearms.
- Understanding the impact of advances in firearms technology in legal cases.
- Understanding the legal implications of current risks such as artisanal and 3D printed weapons (ghost guns).
- Balancing technical knowledge with the legal framework in cases involving firearms.

How to interpret and assess expert testimony on firearms?

- Understanding the impact of advancing firearms technology on legal cases.
- Understanding the legal implications of current risks such as artisanal weapons and 3D printed weapons (ghost guns).
- Challenges in distinguishing between legal and illegal modifications of firearms.
- Balancing technical knowledge with legal frameworks in cases related to firearms.

Practical exercise in identification and tracking of firearms. Analysing case studies where firearms technology has played a key role. Exploring challenges and precedents in cases dealing with new firearms risks. Assessing the role of judges in cases with complex firearms evidence.

Objectives

- Develop knowledge related to firearms in the context of legal procedures;
- Enhance the ability to critically evaluate expert testimony and evidence related to firearms;
- Acquire knowledge about the legal challenges presented by new technologies and new risks from firearms;
- Understand the developments of the legal framework in relation to firearms.

Content

- ✓ Firearms, their parts, ammunition and tracking of weapons;
- ✓ Hands-on experience with various types of firearms, including pistols, revolvers, rifles and their ammunition. Understanding the information obtained from the marking of firearms in criminal cases and its relevance to tracking weapons in illegal arms cases;
- ✓ Firearms in the legal system;
 - Overview of how firearms are treated under the law, including statutory definitions, categorizations and legal distinctions relevant to judicial review;
- ✓ Interpreting forensic evidence
 - Detailed exploration of how forensic firearms evidence is collected, analysed and presented in court, and its implications for trial.
- ✓ Recent technological advances
 - Understanding the impact of recent technological advances in firearms, such as smart guns, and their legal and ethical implications.
- ✓ New legal challenges, discussion of new challenges in firearms legislation, including the rise of untraceable and artisanal weapons (e.g. ghost guns) and the legal complexities they present.
- ✓ Global perspective on firearms legislation
 - Comparative analysis of laws on firearms and court cases from different jurisdictions, reflecting a broader understanding of the international legal framework.

Methodology: Roundtable

Panel discussions with forensic experts, legal experts and law enforcement officials, interactive case study reviews and panel discussions, lectures on new legal challenges in firearms legislation.

Trainees

Criminal judges

Duration

The roundtable will last for two (2) days.

Topic identified from the training needs assessment:

- Training needs assessment workshop, 27 July 2023
- Training Needs Assessment Report for the Special Department of the Basic Court of Pristina

8. Cybercrime and cryptocurrencies

With the increased use of the Internet and sophisticated techniques, it can be easily said that we are in a technological revolution, which is why Cybercrime is a challenge for today's society. The use of new information technologies and especially the Internet has taken on a special importance in everyday life. This phenomenon affects not only the activities of an organization, be it public or private, involved in the field of business or a non-profit activity, but it can also affect the common individuals in their daily activities, in the private or professional life. Like any new technology made available to a large number of users, the Internet presents not only good things and benefits but at the same time an abundance of problems, too. The fight against cybercrime is very challenging, especially after the COVID-19 pandemic, there has been a plain increase in these crimes. Due to the dynamic nature of technology, the *modus operandi* of individuals involved in these activities changes frequently, making them more difficult to stop.

Cyberspace today is one of the biggest legal challenges which has encouraged another form of crime, creating an environment for new methods of crime, where almost all crimes can be committed with the use of computers. Cybercrime is a phenomenon that affects a number of competences, such as those in the fields of information technology, energy, criminology, economics, medicine, justice and many other fields. Being a "liberalized" technology for some time, there is no denying that the benefits brought by the use of this technology are great.

According to the cyber security strategy of the European Union, cybercrime generally refers to a broad spectrum of different criminal activities, where computers and information systems are engaged either as a primary tool or as a primary target. Cybercrime includes traditional offenses (e.g. fraud, forgery and identity theft), content-related offenses (e.g. online distribution of child pornography or incitement to racial hatred), as well as offenses that are unique for computer and information systems (e.g. attacks on information systems, denial of service and goods). Based on

the great development of information technology, judges and prosecutors must be prepared to try cybercrime and examine electronic evidence. Although in many countries, law enforcement authorities have strengthened their capacities to investigate cybercrime and secure electronic evidence, this is not the case with judges and prosecutors. Experience suggests that in most cases, judges and prosecutors find it difficult to cope with the new realities of the cyber world. For this reason, special efforts are required to train judges and prosecutors to legally prosecute and try cybercrime and to use electronic evidence through training, networking and specialization. Cryptocurrencies have become a very prominent and controversial topic even among private and public sector professionals involved in preventing and combating money laundering. The most well-known cryptocurrency, Bitcoin, has generated a lot of interest especially as the media continues to deal with a number of high-profile investigations and prosecutions around the world.

This training is intended to address the audience of law enforcement agencies, prosecutors and representatives of the Financial Intelligence Unit (FIU) who are involved in financial investigations, criminal prosecutions involving economic crime and the recovery of illegal assets. The training will explore and extend the experience and expertise of practitioners from the prosecution offices and FIU in tracking illicit financial flows channelled through cryptocurrencies.

Objectives

- Identify the field of cybercrime - trends and tools;
- Enhance knowledge about the technology involved in cybercrime;
- Expand knowledge about cybercrime as a criminal offense in domestic legislation;
- Apply the legislation, procedures and practices related to electronic evidence correctly;
- Procedural law/investigative measures in domestic legislation;
- Recognize international legislation and international cooperation.

Content

- ✓ Knowledge related to cybercrime
- ✓ Protection of classified information for the protection of national security
- ✓ Criminal offenses related to cybercrime
- ✓ Electronic evidence in criminal proceedings
- ✓ Provision and storage of electronic evidence
- ✓ International cooperation
- ✓ Knowledge on cryptocurrencies

Methodology

Interactive lecture combined with case studies and group work.

Trainees

Judges, prosecutors, investigators, FIU officers, SPORK experts, legal associates.

Duration

The training will last for two (2) days.

Topic identified from the training needs assessment:

- Training needs assessment workshop, 27 July 2023
- Proposals of the Kosovo Judicial Council on the Training Programme 2024
- TNA workshop (July 2023)

9. Protected Witnesses, Plea Bargain and Cooperating Witnesses

The Criminal Procedure Code of Kosovo recognizes witnesses and injured persons as special categories, who, due to the serious danger that threatens them or their family members, may need protection. In practice, there are many cases where victims and witnesses do not testify due to the feeling of danger to their health, life and property and their family members. Therefore, in the criminal procedure, victim and witness protection should be given due and special care, so that they are not afraid to testify and cooperate with the law enforcement on one side, and on the other side to ensure their health, life and wealth as much as possible. Since the case law still faces dilemmas on how to handle the cases of protected witnesses and victims, this training will ask the following questions: What do we mean by serious risk? What is anonymity? What is the difference between witnesses protected from the public and anonymous witnesses? What is the difference between the provisions of the CCPK, for the necessary measures for the protection of victims and witnesses, in relation to the provisions of the Law on Witness Protection? What procedures should be followed to protect the injured party and the witness, etc.

Giving accurate and clear answers to such questions will lead to a better and fairer application of the legal provisions for the protection of witnesses and victims. Participants will be given access to practical cases prepared specifically for this training, where successes and failures in the case of witness and victim protection can be seen.

In most cases, the main review is the expected outcome of any investigation or indictment. However, there are alternatives that the court supports, such as the plea bargain. The first reason why the state prosecutor is looking for alternatives is the advancement of investigations, since plea bargains can result in the defendant becoming a cooperating witness. In this way, the defendant can provide additional evidence against other persons who have committed criminal offenses and in this way advance the investigations. This is an important tool for complex investigations, especially for organized crime and corruption. How is the initiative taken to negotiate the settlement? What are the legal conditions for reaching a settlement? At what stages can the plea bargain be reached? What are the benefits for the state and for the defendants? What sentences can be recommended in the settlement? What is the role of the court in reaching a plea

bargain? This program is designed to explain the possibility of reaching a plea bargain, the steps to be taken by the parties in the procedure regarding the beginning of negotiations to reach a settlement, the description of the actions of all parties within the negotiations to reach the settlement, the fulfilment of the legal conditions for the settlement to be admissible in court, as well as the role of each state body in reaching the plea bargain.

Objectives

- Understand the role and status of protected witnesses;
- Legal conditions for setting protective measures and anonymity are different;
- Analyse the plea bargain;
- Assess the legal conditions and stages of the procedure when the bargain can be reached;
- Decide on the sentences that can be recommended in the settlement;
- Evaluate the witness protection program;
- Understand the role and status of the cooperating witness in criminal proceedings.

Content

- ✓ Protection of the injured and witnesses in criminal proceedings;
- ✓ Requirements for protective measures or anonymity;
- ✓ Orders for protective measures and anonymity;
- ✓ Terms of negotiation of the plea bargain;
- ✓ The rights of the victim and the injured party in cases of plea agreement;
- ✓ Examination of the plea bargain.
- ✓ Terms of settlement with cooperating witnesses;
- ✓ The status and role of the cooperating witness in criminal proceedings;
- ✓ Declaration of cooperating witness in criminal procedure;
- ✓ Reduced sentence in the event of cooperating witnesses after the verdict

Methodology

The training will be developed through interactive discussions, practical cases, and group work.

Trainees

Judges, prosecutors, and legal associates.

Duration

The training will last for one (1) day.

Topic identified from the training needs assessment:

- Training needs assessment workshop, 27 July 2023

10. Trial in absentia

One of the most important amendments to the Criminal Procedure Code is the introduced provision regarding trial in absentia. This was done because the defendant who voluntarily fails to appear at the court hearing, after being informed of the date, should not be allowed to delay the proceedings. In those cases, where the defendant cannot be located after reasonable efforts, the trial should be allowed to be held under the circumstances provided for in the proposed article. This proposal is based on Directive (EU) 2016/343 of the European Parliament and of the Council of March 9, 2016 on strengthening certain aspects of the presumption of innocence and the right to be present in the judicial process; Articles 8, 9 and 10.

The institute of trial in absentia was introduced because there are many cases when there were difficulties in ensuring the presence of the defendant in the procedure, in which case the defendants avoided justice, especially for the most serious crimes such as war crimes. In addition, the absence of the defendant in the trial has also incurred great costs, and resulted in no final decision from the court. This institute is foreseen in some of the countries of the region. Trial in absentia has been avoided in Kosovo as a justification for the protection of human rights, because it was considered that trial in absentia is a violation of human rights. However, based on EU standards and Directives, the institution of Trial in Absentia is not a violation of human rights if certain conditions and criteria are met.

Trial in absentia applies to all criminal offences. The criteria to be met in order to hold the trial in absentia are the presence of the defendant in the trial at least once (either in the initial trial or in the judicial trial) and the notification of the obligation to be present at the trial as well as the information that otherwise the trial may continue to be held if the accused is voluntarily absent. However, the criterion of the presence of the defendant has an exception, when it comes to criminal offenses which have not exceeded the statute of limitations. The provision of paragraph 7 is constructed in such a way that for the most serious criminal offenses which have not exceeded the statute of limitations, it is not necessary for the defendant to attend the initial hearing or any of the court hearings in order to hold the trial in absentia. The criterion to be met in order to hold a trial in absentia regarding these offenses is that the court should have sufficient evidence that a reasonable effort was made to ensure the presence of the accused and the notification of the consequences of not appearing at the trial. Paragraph 8 has also been added, which gives the defendant the opportunity to request an automatic retrial if he has been tried according to paragraph 7. This paragraph is not in contradiction with Directive (EU) 2016/343 of the European Parliament and of the Council of March 9, 2016 on the strengthening of certain aspects of the presumption of innocence and the right to be present at the trial in criminal

proceedings”, Articles 8, 9 and 10, because the Directive does not require the defendant to have appeared at least once in court, but reasonable efforts must be made to notify the defendant in time of the date of the trial and that in case of his failure to attend, the trial will be held in absentia as well as some other criteria.

In the event that the accused is absent from the trial, the court must determine whether the accused is voluntarily absent. In order to make this assessment, the court holds a hearing and evaluates any testimony or explanation if the accused has voluntarily decided to be absent from the trial. The court also considers whether reasonable efforts have been made to locate the accused, assesses the difficulty of postponing the trial, especially in trials involving multiple accused and other matters.

In all cases of trial in absentia, the defendant must be represented by counsel because the new amendments require the defence in cases of trials in absentia. If the trial is held in absentia, the court makes reasonable efforts to inform the defendant about the verdict. If the court fails to notify the defendant, then the defence has the right to appeal. Unlike the cases according to the first criterion, in cases of trial in absentia for the criminal offenses defined in Article 104 of the Criminal Code, according to paragraph 7 of Article 303 of the Criminal Code, the convicted person has the right to an unconditional, automatic and complete retrial if requested.

Objectives

- Identify cases where the application of the provisions for trials in absentia is allowed;
- Assess the presence of the accused in the initial and main examination;
- Understand the legal prerequisites for the application of trials in absentia;
- Identify possible cases of application of judgment in absentia.

Content

- ✓ Legal conditions for holding a trial in absentia;
- ✓ The presence of the accused in the court hearing;
- ✓ Court hearing to determine the absence of the accused and holding the trial in absentia;
- ✓ Reasonable efforts to locate the accused;
- ✓ Notification of the defendant regarding the verdict;
- ✓ Retrial in cases of trial in absentia.

Methodology

The methods that will be used to develop this training are combined training methods, interactive discussions, study of practical cases, group work, ECHR decisions, etc.

Trainees

Judges, prosecutors, and legal associates.

Duration

The training will last for one (1) day.

Topic identified from the training needs assessment:

- Training needs assessment workshop, 27 July 2023

11. Drafting an Indictments, Reasoning and Evidence Assessment

The indictment is the most important act of the state prosecutor, which is his exclusive competence. As such, it is a formal accusatory act by which the court is required to schedule a trial against a certain person for a certain criminal offense. The new Code of Criminal Procedure has added some obligations of the state prosecutor when the indictment is filed, namely the obligation to propose aggravating and mitigating circumstances. The indictment should be drawn up clearly since a clearly written document facilitates its reading and conveys a powerful message from the prosecutor because it is the key with which the prosecutor opens the "door to the court".

The prosecutor should compile the indictment in such a way that the judge understands it, and this is achieved by outlining the history of the case, the preparation and the existing evidence in a convincing and easily understandable indictment, by organizing and analysing the facts and relating them to the evidence. The language of the law is used to describe the facts in an indictment. The facts and the law should be interwoven in a very convincing way. The case should be built on the elements of the crime, and ultimately successful investigations involve both the prosecutor and the investigators. This training will address the types of indictments, their form, the essential elements of the indictment with special emphasis on the elaboration of the evidence and their connection with the criminal offense.

Objectives

- Identify gaps in the case law;
- Extend knowledge related to the description of criminal offenses and the summary of facts in the compilation of the enacting clause of the indictment;
- Unify the case law regarding the drafting of the indictment;
- Distinguish between objective and subjective identity in the indictment and in judgments.

Content

- ✓ Content of the indictment (essential elements - personal data of the defendant, enacting clause, recommendations in the indictment, elaboration of the circumstances for the punishment)
- ✓ Reasoning of the indictment;
- ✓ Evaluation and elaboration of evidence in the indictment;
- ✓ Notice of publication of the indictment;
- ✓ The materials given to the defendant when the indictment is filed.

Methodology

Practical cases and group work.

Trainees

Judges, prosecutors, legal associates, legal officers.

Duration

The training will last for one (1) day.

Topic identified from the training needs assessment:

- Proposals of the Kosovo Judicial Council for the Training Programme 2024
- Strategy on Protection against Domestic Violence

12. Criminal Proceedings of Perpetrators with Mental Disorders

Mental disorders, namely mental health issues, are causes that provide a special status to persons who commit criminal offenses under the influence of mental illnesses. Persons with mental disorders are a special category of perpetrators of criminal offences, therefore the Code of Criminal Procedure also provides for a specific procedure in cases involving these persons as perpetrators of criminal offences. These cases require special attention, due to the mental state in which they are at the time of the procedure against them. The special mental situation in which this category of offenders is justifies the imposition of special legal measures, i.e. “Mandatory psychiatric treatment measure” in response to the criminal offence they commit. Further, the conditions for these measures and their method of execution are conditioned by the mental situation of these perpetrators.

The decisive determination of the types of measures of compulsory psychiatric treatment and the legal conditions for the imposition of such measures has a two-fold importance such as: the protection of society from the criminal behaviour of irresponsible persons and with reduced essential responsibility, and the protection of the dignity of irresponsible persons and with reduced essential responsibility, perpetrators of criminal offenses. By analysing the conditions for the imposition of these measures and the goal to be achieved through their execution, we see that the irresponsibility of the perpetrator and the risk of repeating criminal behaviour are key factors for the imposition of such measures. This training will focus on the analysis of the procedure against perpetrators with mental disorders, the expertise, the determination of the measure of detention of these persons, the legal determination of the types of measures of compulsory psychiatric treatment, the conditions, and the judicial procedure of the imposition, their execution in a clear way that defines their subjects, and the goal that is intended to be achieved through them.

Objectives

- Recognise the peculiarities of the criminal procedure involving offenders with mental disorders;
- Evaluate the legal conditions and criteria related to the imposition of detention for offenders with mental disorders;

- Analyse the types of compulsory treatment with detention in health care institutions and compulsory psychiatric treatment in freedom.

Content

- ✓ Features of the criminal procedure involving perpetrators with mental disorders
- ✓ Detention for persons with mental disorders
- ✓ Psychiatric examination
- ✓ Imposition of compulsory psychiatric treatment measures
- ✓ Challenges in implementing procedures with perpetrators with mental disorders

Methodology

Practical cases and group discussions.

Trainees

Judges, prosecutors, legal associates, victims counsel.

Duration

The training will last for one (1) day.

Topic identified from the training needs assessment:

- Training needs assessment workshop, 27 July 2023

13. Investigation Strategy, Special Investigation Measures

The purpose of this module is to provide the participants with theoretical and practical knowledge about the application of relevant provisions related to obtaining information in the investigation stage, namely the implementation of covert and technical measures of observation and investigation. Thus, the subject of these lectures are the legal provisions regulating the issue of investigation, suspension, cease and resumption of the investigation, as well as the institution of special investigative measures during the criminal procedure in the investigation phase. The criminal investigation is one of the main stages of the criminal procedure. During the criminal investigation, the prosecutor is able to ensure that the collection of evidence is carried out in accordance with the law and that it is stored and analysed properly, so that it can be used in court. To summarize, the role of the prosecutor in the investigation is quite important and includes the following elements: to ensure that the investigative work focuses on the elements of the crime; ensure that the work during the investigation is structured and coordinated; ensure that evidence is collected in accordance with the law; ensure that evidence is properly stored; ensure that evidence is properly analysed; and ensure that the evidence is admissible in trial. One of the most important areas or topics, however, is the special investigative measures and their implementation, which happen to be taken from cases of serious infringement or interference and restriction of fundamental human rights and freedoms towards the accused and other persons. For this reason, arbitrariness in the implementation of these measures by the authorized bodies should be prevented due to the risk of violation or limitation of the rights that preserve the

integrity and confidentiality of the personal communications of the person involved in these measures.

The purpose of the implementation of these measures has been and is the prevention of criminal offenses, the more efficient detection of criminal offenses, as well as the pursuit of the perpetrators in cases where they cannot be detected by other investigative actions. The Code of Criminal Procedure provides for 12 special investigative measures, while some of them, which are less intrusive on the citizen's rights, are authorized by the state prosecutor, while others are authorized by the preliminary procedure judge, at the request of the state prosecutor.

These measures notably affect the privacy of a person's life and his rights to freedom, and for them the permission to issue these measures is also conditioned by law, but for the sake of preventing the perpetrators of criminal offenses, these measures are applied when information or detection of the perpetrator of the criminal offense cannot be achieved with other measures and attempts will be made to affect human rights as little as possible. The Constitution of the Republic of Kosovo, Article 36, "The Right to Privacy", provides that "Everyone enjoys the right to respect for his private and family life, the inviolability of his home and the secrecy of correspondence, telephone and other communications."

As we know, the (positive) protection of private and family life within the framework of the European Convention on Human Rights is provided in two articles, Articles 8 and 12, which define that "every individual has the right to respect for private and family life, of residence and correspondence" (first paragraph).

Objectives

- Identify the cases when the use of covert measures is allowed and for which measures,
- Understand the nature and limits of the use of a certain covert tool, proportionality and necessity,
- Identify the conditions and criteria of use, the entities against which they can be used, their duration, the method, etc.,
- Evaluate the handling and destruction of material and personal data obtained as a result of the use of these secret measures,
- Identify the responsibility of police officers in their use and accountability regarding the authorization and use of measures,
- Assess the admissibility of evidence and information collected as a result of their use.

Content

- ✓ Developing the investigative plan;
- ✓ Providing evidence during the investigation phase;
- ✓ Initiation, suspension, cease and resumption of investigations;
- ✓ Purpose and types of special investigative measures;
- ✓ Legal conditions and orders for special investigative measures;
- ✓ Implementation and duration of special investigative measures
- ✓ Admissibility of evidence provided by special investigative measures.

Methodology

The methods that will be used to develop this training are combined training methods, PowerPoint presentations, interactive discussions, practical case studies, group work, various simulations, ECHR decisions, etc.

Trainees

Judges, prosecutors, legal associates, and police investigators.

Duration

The training will last for one (1) day.

Topic identified from the training needs assessment:

- Kosovo Rehabilitation Centre for Torture Victims – KRCTV

14. Treatment of Sexual Violence Survivors from the War in Kosovo during Access to Justice

According to the study "Justice for survivors of sexual violence during the war" (KRCTV, 2023), it is confirmed that the Justice System in Kosovo (police, prosecution, judiciary and lawyers) need support in strengthening knowledge on the sensitive approach to victims of sexual violence during the war as parties to criminal proceedings. According to the findings, there is a need to institutionalize the training of judges and prosecutors for sensitive treatment of victims of sexual violence during the war. Further, this year, 5 indictments were filed for sexual violence during the war, which are expected to be tried by the Special Department of the Basic Court of Pristina. Sexual violence during war, as a war crime, is of a special nature, therefore, the Kosovo Centre for the Rehabilitation of Torture Survivors considers it necessary that judges and prosecutors be trained for a sensitive approach to victims of sexual violence of war, with a focus on protecting their identity and preventing re-victimization and stigmatization during the criminal proceedings, as well as psychological support before, during and after the criminal proceedings. The purpose of this workshop is to discuss on the challenges, needs and sensitive approach in dealing with cases of sexual violence during the war in Kosovo.

Objectives

- Strengthen knowledge on the sensitive treatment of victims of sexual violence during the war;
- Improve and include the sensitive approach and the psychosocial aspect for survivors in the justice system;
- Exchange experiences and practices and institutional cooperation;
- Address the difficulties and needs of victims of sexual violence during the war.

Content

- ✓ Peculiarities of the treatment of victims of sexual violence during the war;
- ✓ Data and facts about the crime of sexual violence during the war (KRCTV database);
- ✓ Trauma-informed approach and the treatment of survivors in the justice system and psychosocial aspects: what is trauma and how does it affect victims of sexual violence during the war in the short and long term; how to approach the victim to minimize the risk of re-traumatization and stigmatization; the importance of integrating the gender aspect when working with victims of sexual violence during the war; the importance of enabling a safe space, maintaining the confidentiality and privacy of the victim of sexual violence during war.
- ✓ Current practice, applied approach and identified needs.

Methodology

The training methodology contains a combination of methods aimed at open and interactive discussions, discussion of case studies, exchange of experiences and practices.

Trainees

Judges and prosecutors.

Duration

The training will last for one (1) day.

Topic identified from the training needs assessment:

- Basel Institute on Governance – International Asset Recovery Centre, implementing partner UNDP Office in Kosovo

15. Financial Investigation and Asset Recovery

The main goal of this training programme is to intensify and build the investigative capacities in Kosovo to successfully investigate and prosecute cases of corruption and money laundering, as well as asset recovery. Investigators and prosecutors will develop the required skills focusing on gaining thorough knowledge of the elements of corruption and money laundering offenses in Kosovo's legislation, and improving understanding of the legal and practical processes and procedures for recovering assets acquired abroad.

Objectives

- Improve the capacities of anti-corruption investigators, prosecutors, and the judiciary in analysing, investigating and prosecuting international cases of money laundering and/or bribery;
- Develop the capacities of their staff to handle international requests and succeed in cooperating with foreign jurisdictions in the fight against money laundering and the repatriation of stolen assets.

Content

- ✓ Initial investigation and forensic stages, during which information and evidence is collected and verified, and assets are identified and located, using a variety of investigative techniques;
- ✓ The importance of matching the evidence to the specific elements of the criminal offense in question, and the use of appropriate techniques to source the evidence necessary to convict and, ultimately, to confiscate the proceeds of corruption and money laundering.
- ✓ Full knowledge of the elements of the criminal offense, effective international legal aid (ILA) with foreign jurisdictions, in cases of corruption, money laundering and other cases of serious economic crimes, where the defendant often hides the wealth acquired abroad from crime.

Methodology

Interactive discussion combined with case studies and group work.

Trainee

Judges and state prosecutors of the Special Department, Department of Serious Crimes and General Department.

Duration

2 trainings

First training, February 2024 (5 days).

Second training, April 2024 (5 days).

TRAININGS FROM THE CIVIL FIELD

Topic identified based on the assessment of the training needs:

- Workshop on the Drafting of a Training Program, 13-14 November 2023

1. Cancellation of Contracts

During the assessment of the legality of the decisions of the lower instance courts in the case law concerning the disputes related to the cancellation of contracts with a focus on the cancellation of the lifetime contract on gift and the pre-emption right, there has been ascertained a non-unique practice with respect to the assessment of relative and absolute causes for the cancellation of these contracts. In this context, there have emerged dilemmas in the case law, and there has been different decision-making related to, among other things, the applicable law, the reasons for the cancellation of contracts that refer to the relative or absolute nullity of the standard of proof—the means of proof, the manner of decision-making, and the reasoning of judicial decisions. In the proceedings according to the regular and extraordinary legal remedies, it was established that the first instance judgment and in some cases also the second instance judgment were rendered in violation of the provisions of the contested procedure and by erroneous application of the substantive law for which reasons the judgments of the lower instances had to be quashed.

The need to hold such a roundtable is dictated by the considerable number of cases that are remanded for reconsideration due to violations of the provisions of the contested procedure, the incorrect application of substantive law, as well as the need to unify the case law for all levels of judicial instances. The roundtable shall serve as a good basis for providing knowledge to the participating judges with respect to the consolidated practice for the above-emphasized issues. The roundtable is designed to take place in an interactive environment of discussions and practical exercises. The presentation of the topics will be done through the presentation of one or several practical cases directly related to the issue that must be addressed as per the agenda. To present the case, the panelists must take into consideration the factual and legal aspects of the case, ask several questions/present dilemmas on which the discussion will take place, and thereby the topic will be consumed. At the end of the roundtable, the panelists will draw up a summary report, which will serve to unify the case law, increase efficiency, and increase the quality of decision-making and legal certainty.

Objectives

- Unification of non-unique practices in courts of lower instances;
- Increasing efficiency and quality in decision-making;
- Legal Security.

Content

- ✓ Cancellation of the contract on gift, pre-emption and lifetime possession;
- ✓ Legal basis;
- ✓ Reasons for canceling these contracts.

Methodology: Roundtable discussion

During this roundtable, there will be an interactive discussion, a presentation of issues through cases, a discussion of the cases, and a summary of the conclusions on the discussed issue.

Beneficiaries

Judges of the Court of Appeals and Basic Courts.

Duration

The roundtable will last two (2) days.

Topic identified based on the assessment of the training needs:

- Workshop on the Assessment of Training Needs, 27 July 2023

2. Acquiring ownership on the basis of positive prescription and on a construction basis

The roundtable on property issues relating to the acquisition of ownership on the basis of positive prescription and on a construction basis focuses on handling and addressing the challenges of the case law which concern the implementation of material provisions in the field of property law. At this roundtable, the most essential issues will be addressed in the context of acquiring ownership on these two bases. The Supreme Court of Kosovo, within its jurisdiction as a court of assessment of the legality of decision-making at other judicial levels, aims to, through this round table organized by the Academy of Law, directly support the increase of judicial performance through increased efficiency, quality, and unique implementation of legal provisions so that the work of the courts is objective, legal, and reliable. The topics included in

this roundtable represent a careful selection of the most important cases that are faced in practice. The case law, which should be part of this sub-module, is an irreplaceable source not only to clarify the ideas on central institutes but also to understand the ways of action and the existing case law in its entirety for ambiguities, dilemmas, or even legal deficiencies. The work of the roundtable will be conducted as per the (pre-determined) framework agenda on the issues that pertain to the scope of the acquisition of ownership on the basis of positive prescription and on a construction basis. The handling of the issues will be done by presenting the challenges identified in the practice of the third instance court that will be presented by concrete cases. The cases presented should be carefully selected in order to consume all the challenges that relate to the respective field.

The roundtable is designed to take place in an interactive environment of discussions and practical exercises. The presentation of the topics will be done through the presentation of one or several practical cases directly related to the issue that must be addressed as per the agenda. To present the case, the panelists must take into consideration the factual and legal aspects of the case, ask several questions/present dilemmas on which the discussion will take place, and thereby the topic will be consumed.

Objectives

- Identification of challenges for the implementation of the provisions of the Law on Property and Other Real Rights based on these forms of acquiring ownership;
- Identification of non-unique practices in the courts of lower instances;
- Addressing challenges through the presentation of unique case law, as a conclusion.

Content

- ✓ Conditions for acquiring ownership based on positive prescription;
- ✓ Conditions for obtaining ownership on the construction basis;
- ✓ Judicial protection;
- ✓ The act of proving;
- ✓ Unification of case law.

Methodology: Roundtable discussion

Interactive discussion, presentation of issues through cases, discussion of the cases, and summary conclusions on the discussed issue shall take place during this roundtable.

Beneficiaries

Judges of the Court of Appeals, Basic Courts as well as professional associates.

Duration

The roundtable will last two (2) days.

Topic identified based on the assessment of the training needs:

- Workshop on the Drafting of a Training Program, 13-14 November 2023

3. Compensation for Damages – Lost profit (rent)

During the assessment of the legality of the decisions of the lower instance courts in the case law that concerns the disputes that relate to the compensation of material damage for the lost profit, the rent accrued, and the future rent, there has been ascertained a non-unique practice concerning the assessment of which conditions should be met to gain the right to claim the lost profit, i.e., the rent accrued and the future rent. In this context, dilemmas have emerged in the case law, and there has been different decision-making relating, among other things, to the fact that even the Court of First Instance, when examining the claims for lost profit during the procedure, has not fully established the factual situation, especially in relation to the basis and amount of the claim.

In the proceedings based on regular and extraordinary legal remedies, it was established that the judgment of the first instance and in some cases also the judgment of the second instance were rendered in violation of the provisions of the contested procedure and by erroneous application of the substantive law for which reasons the judgments of the lower instances had to be quashed.

The need to hold such a roundtable is dictated by the considerable number of cases that are remanded for reconsideration due to violations of the provisions of the contested procedure, and the need to unify the case law for all levels of judicial instances. The roundtable shall serve as a good basis for providing knowledge to the participating judges with respect to the consolidated practice on procedural issues. The work of the roundtable will be conducted as per the (pre-determined) framework agenda on the issues that pertain to the scope of the implementation of the provisions of the contested procedure.

The roundtable is designed to take place in an interactive environment of discussions and practical exercises. The presentation of the topics will be done through the presentation of one or several practical cases directly related to the issue that must be addressed as per the agenda. To present the case, the panelists must take into consideration the factual and legal aspects of the case, ask several questions/present dilemmas on which the discussion will take place, and thereby the topic will be consumed.

At the end of the roundtable, the panelists will draw up a summary report, which shall serve to unify the case law, increase efficiency, and increase the quality of decision-making and legal certainty.

Objectives

- Unification of non-unique practices in the courts of lower instances;
- Increasing efficiency and quality in decision-making;
- Legal Certainty.

Content

- ✓ The legal basis on the right to compensation for material damage - rent;
- ✓ Standard of proof – means of proof;
- ✓ The amount of compensation;
- ✓ Amendment of court decisions.

Methodology: Roundtable discussion

Interactive discussion, presentation of issues through cases, discussion of the cases, and summary conclusions on the discussed issue shall take place during this roundtable.

Beneficiaries

Judges of the Court of Appeals, Basic Courts as well as professional associates.

Duration

Two roundtables, each lasting 2 days, including regions such as:

- Prishtina, Mitrovica, Ferizaj, Gjilan and
- Peja, Gjakova, Prizren.

Topic identified based on the assessment of the training needs:

- Workshop on the Drafting of a Training Program, 13-14 November 2023

4. Out-Contentious Procedure

The roundtable on issues pertaining to out-contentious procedure has for its subject the handling and addressing of case-law issues relating to the implementation of the provisions of the out-contentious procedure. The roundtable shall enable the review of and challenges involving practical cases pertaining to a genuine and unique case law, with the aim of raising professionalism and unifying the case law in legal matters pertaining to the out-contentious procedure. The handling of cases will be done according to the selection by the panel, and they should include all the challenges and non-unique practices in the respective field, respectively, in the implementation of the provisions of the out-contentious procedure. The purpose of the roundtable is to deal with challenging cases in this field and to address the problems that judges

encounter in practice, with the aim of defining and identifying the problems and challenges in terms of the fair and lawful resolution of legal cases according to the out-contentious procedure.

Having identified the problems and challenges, clear conclusions are to be drawn from this roundtable in order to unify the case law, namely to clarify how to act in the future in terms of the quality of decision-making.

Objectives

- Identification of challenges and problems in special cases for the implementation of the Law on Out-Contentious Procedure;
- Unification of practices in the courts of lower instances and addressing of challenges;
- Drawing conclusions on a unique case law.

Content

- ✓ The course of the out-contentious procedure;
- ✓ Parties to the procedure and review of the proposal;
- ✓ Special legal cases that are reviewed in an out-contentious procedure;
- ✓ The challenges and problems of each individual case;
- ✓ Annulment of the decision by the court of first instance;
- ✓ Legal Remedies

Methodology: Roundtable discussion

This roundtable is organized with the purpose of conducting an interactive discussion among the participants by discussing challenges and divergences on the issues of special cases pertaining to the out-contentious procedure in order to draw conclusions for a unique case law.

Beneficiaries

The beneficiaries of this table will be the Judges of the Court of Appeals, the Basic Court, and the professional associates.

Duration

The roundtable will last two (2) days.

Topic identified based on the assessment of the training needs:

- Workshop on the Drafting of a Training Program, 13-14 November 2023

5. Enforcement Procedure

The case law in the cases of enforcement procedure has identified divergences in relation to the implementation of this procedure, and that has imposed the organization of such a roundtable with the sole purpose of unifying the practice that would ensure legal certainty in decision-making. Despite the organization of trainings in this field, there are practical challenges that

constitute serious concern for adequate decision-making, which, in the last instance, guarantees the rights of the parties to the procedure.

Through the roundtable format, the panel will offer a constructive approach from the practical perspective of the problems thus identified, providing clear instructions that will be harmonized within the judicial instances. During the assessment of the legality of the decisions of the lower instance courts in the case law that concerns enforcement cases, there has been ascertained a non-unique practice, starting from the preliminary review of the proposal for enforcement, the assessment of enforcement documents or enforcement titles, further proceedings according to the objection related to the decision-making, and according to the remedies for attacking a decision. In practice, there have been identified cases conducted according to the remedies for attacking a decision, wherein the decisions of the first and second instance courts have contained violations of the provisions of the enforcement procedure and erroneous application of the substantive law.

The need to hold such a roundtable is dictated by the considerable number of cases that are remanded for reconsideration due to violations of the provisions of the enforcement procedure, and the need to unify the case law for all levels of judicial instances. The roundtable shall serve as a good basis for providing knowledge to the participating judges with respect to the consolidated practice on procedural issues. The work of the roundtable will be conducted as per the (pre-determined) framework agenda on the issues that pertain to the scope of the implementation of the provisions of the enforcement procedure. The presentation of the topics will be done through the presentation of one or several practical cases directly related to the issue that must be addressed as per the agenda. To present the case, the panelists must take into consideration the factual and legal aspects of the case, ask several questions/and present dilemmas on which the discussion will take place, and thereby the topic will be consumed.

At the end of the roundtable, the panelists will draw up a summary report on the roundtable held, which shall serve to unify the case law, increase efficiency, and increase the quality of decision-making and legal certainty.

Objectives

- Unification of non-unique practices in the courts of lower instances;
- Increasing efficiency and quality in decision-making;
- Legal Certainty.

content

- ✓ Review of the proposal for enforcement;
- ✓ Examination of executive documents - executive titles
- ✓ Decision-making regarding the objection;
- ✓ Decision-making regarding the appeal;
- ✓ Decision-making regarding the request for protection of legality.

Methodology: Round table discussion

Interactive discussion, presentation of issues through cases, discussion of the cases, and summary conclusions on the discussed issue shall take place during this roundtable.

Beneficiaries

Judges of the Court of Appeals, Basic Courts, as well as professional associates/eventually the private enforcement agents.

The duration

The roundtable will last two (2) days.

Topic identified based on the assessment of the training needs:

- Workshop on the Assessment of Training Needs, 27 July 2023
- Workshop on the Drafting of a Training Program, 13-14 November 2023

6. Inheritance proceedings and court disputes on the basis of inheritance

The purpose of this roundtable is to provide the participants in the roundtable with professional knowledge and the exchange of case law experiences in the conduction of the inheritance procedure, as well as the resolution of divergences relating to the inheritance procedure when handling issues of this nature, with special emphasis on court disputes on the basis of inheritance. Further, the participants in this roundtable will exchange challenges and clarify the various issues related to court disputes on the basis of inheritance by unifying the case law in the cases pertaining to this nature, with the aim of increasing the efficiency and professionalism for the resolution of cases in an expedited and fair manner. This roundtable will involve discussions about the challenges and problems in disputes relating to the infringement of the compulsory share in cases of cancellation of the contract on gift, as well as the features that are contained in the contract on lifetime possession in relation to the infringement of the compulsory share. This roundtable aims to unify the case law in terms of the procedure and the manner of decision-making in this field, with the aim of quality decision-making.

Objectives

- Identification of challenges pertaining to the case law relating to disputes on the basis of inheritance;
- Unification of case law;
- Increasing professional capacity.

Content

- ✓ Proceedings for review of inheritance;
- ✓ Court jurisdiction;
- ✓ Decision making;
- ✓ Grounds for inheritance based on legal or testamentary succession;
- ✓ Heirs and inheritance measures;
- ✓ Inheritance ranks;
- ✓ Cancellation of Legal works;
- ✓ Infringement of the compulsory share.

Methodology: Roundtable discussion

Interactive discussion, presentation of issues through cases, discussion of the cases, and summary conclusions on the discussed issue shall take place during this roundtable.

Beneficiaries

Judges of the Court of Appeals, Basic Courts as well as professional associates.

Duration:

The roundtable will last two (2) days.

Topic identified based on the assessment of the training needs:

- Recommendation from trainers
- Workshop on the Drafting of a Training Program, 13-14 November 2023

7. Preliminary review of the lawsuit in labour disputes, in disputes of obstruction of possession and in disputes of insult and defamation – Time limits/admissibility as a procedural presumption

During the assessment of the legality of the decisions of the Courts of lower instances in the case law concerning the labour disputes, obstruction of possession, disputes against insult and defamation, there has been ascertained a non-unique practice relating to the assessment of the time limits/admissibility of the lawsuit in the above-cited disputes, namely they did not assess the time limits/admissibility of the lawsuit even in cases where there was objection from the defendant, in response to the lawsuit, in the preliminary session, the main session and with the remedies for attacking a decision. In addition, some cases have been decided in a meritorious manner without prior assessment of the limitation/admissibility of the lawsuit. The need to hold such a roundtable is dictated by the considerable number of cases that are remanded for reconsideration due to violations of the provisions of the contested procedure, and the need to unify the case law for all levels of judicial instances

The roundtable shall serve as a good basis for providing knowledge to the participating judges in relation to the consolidated practice on such matters. The work of the roundtable will be conducted according to a (pre-determined) framework agenda on the issues that pertain to the scope of the implementation of the provisions of the contested procedure. The roundtable is designed to take place in an interactive environment of discussions and practical exercises. The presentation of the topics will be done through the presentation of one or several practical cases directly related to the issue that must be addressed as per the agenda. To present the case, the panelists must take into consideration the factual and legal aspects of the case, ask several questions/and present dilemmas on which the discussion will take place, and thereby the topic will be consumed.

At the end of the roundtable, the panelists will draw up a summary report on the roundtable held, which shall serve to unify the case law, increase efficiency, and increase the quality of decision-making and legal certainty

Objectives

- Unification of case law;
- Increasing efficiency and quality of decision-making;
- Legal Certainty.

Content

- ✓ Preliminary review of the lawsuit - general reviews;
- ✓ Time limits/ admissibility as a procedural presumption ;
- ✓ Manner of decision-making;
- ✓ Reasoning of court decisions.

Methodology: Roundtable discussion

Interactive discussion, presentation of issues through cases, discussion of the cases, and summary conclusions on the discussed issue shall take place during this roundtable.

Beneficiaries

Judges of the Court of Appeals and Basic Courts.

Duration

The roundtable will last one (1) day.

Topic identified based on the assessment of the training needs:

- Workshop on the Drafting of a Training Program, 13-14 November 2023
- Permanent Trainer in the AJ

8. International legal assistance and cooperation in civil matters

International legal cooperation in civil matters is one of the most complex areas characterized by difficulties in defining, exploring, and applying foreign law, including a number of procedural issues, such as issues of cross-border document services, international legal assistance, recognition and execution of foreign court decisions, etc. Each judge has encountered in the same way both domestic and cross-border cases, and as a result, each civilian judge needs training in dealing with cases involving international elements. The program is designed in such a way as to address the dilemmas and difficulties encountered in the current case law through interactive discussions and a review of practical cases. Also, through case studies, the case law of the Court of Justice of the European Union will be addressed.

Objectives

- Advancement of knowledge about international legal cooperation in civil matters;
- Implementation of local and international legislation and cross-border cooperation in civil matters.

Content

- ✓ Sending letters;
- ✓ Recognition and enforcement of foreign decisions;
- ✓ Court Jurisdiction;
- ✓ Provision of the costs of procedure.

Methodology:

During the training, combined methods will be used, including theoretical explanations followed by examples from court practice.

Beneficiaries:

Judges of the Court of Appeals, Basic Courts as well as professional associates.

Duration

The training will last one (1) day.

Topic identified based on the assessment of the training needs:

- Legal Reform for Economic Development in the Western Balkans – GIZ

Obligational relationships with foreign elements and international legal cooperation in civil matters

This training is designed to provide general knowledge on innovations in the field of private law in Kosovo, with a focus on obligational relationships. As such, this training will address general aspects of private international law and the specialized part of obligational relationships and international legal cooperation in civil matters. The aim of the training is to update the knowledge of the judges of the respective courts on the general part of private international law and on the innovations of the law in general, the institutes, and the main pillars of private international law. They will be informed about the main innovations in the three main pillars of private international law: determination of competent law, competence of the courts, and recognition and execution of foreign judicial decisions, as well as specifics of obligational relationships involving a foreign element and international legal cooperation in this field.

Objectives

- Knowledge update: The training aims to provide general and specialized knowledge on innovations in the field of private law in Kosovo, with a special emphasis on obligational relationships. The main goal is to update the knowledge of judges about the innovations of the law and practices in this field.
- International practices: The training will provide explanations on the practice of the Court of Justice of the European Union
- Review of court decisions: The training aims to familiarize judges with the procedures and challenges of recognition and execution of foreign court decisions in the field of obligational relationships.
- International cooperation: The training aims to promote international legal cooperation, by providing practical examples of cooperation in the field of private international law.

Content

The training will address the following issues:

- ✓ Determination of the competent law in contractual relationships involving foreign elements in general and in contractual relationships with consumers;
- ✓ Determination of the competent law in individual employment contracts involving foreign elements;
- ✓ Determining the competent law in foreign contractual relationships and especially in causing of damage involving a foreign element;
- ✓ Jurisdiction of the courts of Kosovo in the aforementioned relationships;
- ✓ Recognition and execution of court decisions in these relationships in Kosovo and vice versa.
- ✓ International legal cooperation in this field: practical explanations on the cooperation of courts in obtaining evidence and service of documents.
- ✓ International legal cooperation in this field: practical explanations on the cooperation of courts in obtaining evidence and service of documents.

Methodology

In the training, shall be applied the combined methodology of theoretical explanations of the changes brought by the law and the practical part consisting of exercises. Explanations on the innovations of the law and the institutes of this field of law are provided by elaborating the main cases in the practice established by the Court of Justice of the European Union. The case law of this Court, apart from being ample, is very instructive for Kosovar judges as it interprets the same provisions that have been transposed in the LPIL in Kosovo. While, in the part of exercises, judges will be introduced to hypothetical problems of certain fields, which combine dilemmas of determining the competent law, their jurisdiction as Kosovo courts and/or dilemmas on the recognition or refusal to recognize a foreign decision.

Beneficiaries

Judges of the civil division of all basic courts; judges of the civil division in the Court of Appeals.

Duration

The training will last two (2) days.

TRAININGS FROM THE FIELD OF JUSTICE FOR CHILDREN

Justice for children - Criminal aspect

Topic identified based on the assessment of the training needs:

- Workshop on the Assessment of Training Needs, 27 July 2023
- Ombudsperson Institution

- Kosova Rehabilitation Center for Torture Victims

1. Criminal offences against sexual integrity, the sensitivity of psychological aspects during the treatment of children - victims of sexual violence

The sensitivity of criminal offences against sexual integrity requires a more detailed treatment to eliminate dilemmas due to the fact that legal provisions leave room for interpretation and confusion. Likewise, within the chapter on criminal offences against sexual integrity, among other things, are foreseen some offences that affect the sexual integrity of children. The fair application of the legal provisions from this chapter often emerges as a challenge for judges and prosecutors, including caution when obtaining the victim's statement, especially of the child victim, application of the legal provisions of the Criminal Code in relation to obtaining the victim's statement not more more than twice during the conduction of the criminal procedure, clarification-interpretation of the legal provisions related to the child's (not) granted consent regarding the actions of the defendant towards the child , presence of the persons who must be present during the obtaining of the statement, improvement of cooperation and institutional coordination for ensuring maximum security for the victim during the whole legal process, development of knowledge for the implementation of the state protocol for handling cases of sexual violence by all participating professionals.

Objectives

- Expanding knowledge related to the criminal procedure when the victim is a child;
- Analysis and forms of presentation of rape and other offences related to sexual integrity;
- Fair application of legal provisions related to these criminal offences.
- Implementation of the legal restriction related to the obtaining of the statement of a child victim and the presence of the necessary institutional representatives;
- Psychological aspects during the treatment of children-victims of sexual violence.

Content

- ✓ Criminal offences from Chapter XX of the Criminal Code of the Republic of Kosovo,
- ✓ Abuse or sexual exploitation of persons with mental disorders or mental or emotional disabilities;
- ✓ Obtaining of material and personal evidence;
- ✓ Medical and forensic examinations of the victim and the perpetrators;
- ✓ Obtaining the statement of the injured party - child victim;
- ✓ Due care in the approach because of the sensitivity of child victims;
- ✓ Respecting the confidentiality of the procedure and the child's privacy;
- ✓ Knowledge about the state protocol and its implementation;
- ✓ Inter-institutional cooperation in carrying out the necessary actions in case handling and security;
- ✓ Clarification-interpretation of legal provisions on the child's (not) granted consent regarding the actions of the defendant towards the child;
- ✓ Implementation of the legal provisions of the Criminal Code when the victim is a child;
- ✓ Avoidance of re-victimization of the child victim.

Methodology

Interpretation of legal provisions; interactivity of training participants; treatment of practice and application of international conventions; group work.

Beneficiaries

Judges and Prosecutors of the Juvenile Department, Victims; Advocates, Professional Associates, Police Officers, Center for Social Work.

Duration

The training will last one (1) day.

Topic identified based on the assessment of the training needs:

- Workshop on the Drafting of a Training Program, 13-14 November 2023
- Permanent Trainer in the AJ

2. Criminal proceedings conducted against minors, measures and punishments imposed on minors

Involvement of minors in criminal activities, namely their antisocial behavior, which is previously foreseen by legal-penal norms as criminal offences, obliges the justice bodies to apply criminal sanctions against them. Like every country in the world, Kosovo too faces many challenges. One of the most serious challenges is the presence of juvenile delinquency as part of general criminality; hence, developing the skills of prosecutors and judges in relation to the imposition of these measures is a constant need. Relying on the general social developments, our society has, without question, shown interest and readiness in perfecting the behavior towards the perpetrators of criminal offences who have come in contradiction with the legal-penal provisions. In this respect, our country has also shown tendencies to carry out an adequate fight against criminal behavior, with the aim of preventing and more efficiently fighting such behavior of minors.

Objectives

- Specifying the cases when the criminal procedure is applied to minors who have violated the law;
- Correct application of the legal provisions of the Juvenile Justice Code and international acts;
- Determination of cases in which measures or punishments can be imposed against a minor.

Content

- ✓ Criminal proceedings against minors who have violated the law;
- ✓ Measures imposed on minors;
- ✓ Sanctions imposed on minors.

Methodology

During this training, the interactive methodology will be applied in the form of discussion combined with practical cases.

Beneficiaries

Juvenile judges, juvenile prosecutors, Probation Service officers.

Duration

The training will last one (1) day.

Justice for children - Civil aspect

Topic identified based on the assessment of the training needs:

- Workshop on the Drafting of a Training Program, 13-14 November 2023

3. Judicial protection of children's rights in contested and out contentious procedure

During the assessment of the legality of the decisions of the lower instance courts in the case law concerning the disputes relating to the statutory issues that refer to parental care, appointment of contacts, and alimony—financial maintenance—it is ascertained that there is a non-unique practice related to decision-making, among other things, also for the resolution of statutory issues as stated above.

In this context, in the case law, there have emerged dilemmas and there has been different decision-making, among other things, due to the fact that the court of first instance, on the occasion of reviewing the cited statutory issues, has not confirmed the factual situation in its entirety.

In the proceedings according to the regular and extraordinary legal remedies, it was established that the judgment of the first instance and in some cases also the judgment of the second instance were rendered in violation of the provisions of the contested procedure and by erroneous application of the substantive law for which the judgments of the lower instances had to be quashed. The need to hold such a roundtable is dictated by the considerable number of cases that are remanded for reconsideration due to violations of the provisions of the contested procedure, and the need to unify the case law for all levels of judicial instances. The roundtable shall serve as a good basis for providing knowledge to the participating judges with respect to the consolidated practice on procedural issues. The work of the roundtable will be conducted as per the (pre-determined) framework agenda on the issues that pertain to the scope of the implementation of the provisions of the contested procedure. The roundtable is designed to take place in an interactive environment of discussions and practical exercises. The presentation of the topics will be done through the presentation of one or several practical cases directly related to the issue that must be addressed as per the agenda. To present the case, the panelists must take into consideration the factual and legal aspects of the case, ask several questions/present dilemmas on which the discussion will take place, and thereby the topic will be consumed.

At the end of the roundtable, the panelists will draw up a summary report on the roundtable held, which will serve to unify the case law, increase efficiency, and increase the quality of decision-making and legal certainty.

Objectives

- Unification of case law;
- Increasing efficiency and quality in decision-making;
- Legal Certainty.

Content

- ✓ Legal basis for parental care, appointment of personal contacts and alimony - financial maintenance;
- ✓ Standard of proof – means of proof;
- ✓ Obtaining the opinion of the custodian body;
- ✓ Obtaining of evidence through expertise from the relevant field;
- ✓ Amending court decisions on statutory issues;
- ✓ Enforcement of decisions;

- ✓ Temporary measures;
- ✓ Adoption.

Methodology: Roundtable discussion

Interactive discussion, presentation of issues through cases, discussion of the cases, and summary conclusions on the discussed issue shall take place during this roundtable.

Beneficiaries

Judges of the Court of Appeals and Basic Courts.

Duration

Two roundtables, each lasting 2 days, including regions such as:

- Prishtina, Mitrovica, Ferizaj, Gjilan and
- Peja, Gjakova, Prizren.

COMMERCIAL

Topic identified from the training needs assessment:

- Recommended and endorsed by the needs assessment report from the USAID Commercial Justice Project

1. Financial literacy

Financial Literacy Training provides practical and theoretical knowledge on the finances and financial statements of businesses, where through them, participants will increase their financial ability and competence on the financial aspects of commercial matters, as well as further enhance their skills and expertise, enabling them to explore complex financial aspects with even greater knowledge.

Objectives

- Participants will gain a deep understanding of financial statement analysis, enabling them to evaluate financial documents effectively;
- Will be able to analyze the documents that make up the financial statements, ensuring that the participants can interpret these documents comprehensively;
- Identify practical examples of financial statements from public entities in Kosovo, allowing participants to apply their knowledge to real-world scenarios;
- Know the different types of audit opinions and what each one means in the context of financial reports;
- have an overview of key financial indicators and their implications, providing participants with the tools to analyze financial soundness;
- Review cases involving tax disputes with the Kosovo Tax Administration, examining lost income and providing a concrete example of lost income in a legal proceeding.

Content

- ✓ Basic concepts of financial reports
- ✓ Elements of financial statements
- ✓ How to read statements as a non-finance person
- ✓ Key performance indicators of businesses and what they show
- ✓ Case study
- ✓ Types of financial reports and their users
- ✓ Reporting framework
- ✓ Actors and specific roles of actors in global financial reporting and in Kosovo
- ✓ Financial disputes between operators with economic/financial impact
- ✓ Types of claims arising during transactions between the parties
- ✓ Concept of time value of money
- ✓ Use of the concept of depreciation of money during economic disputes
- ✓ Financial expertise and where it may contribute the most
- ✓ Case study
- ✓ Tax and fiscal issues of businesses
- ✓ General trends of fiscal disputes
- ✓ Insights from the private sector on tax and fiscal disputes

Methodology

During the training, there will be interactivity and theoretical and practical explanations will be included, accompanied by concrete examples, where all participants will be active and will be involved in discussions and exercises.

Beneficiaries

Commercial Court judges and professional associates.

Duration

Training will last one (1) day.

Topic identified from the training needs assessment:

- Recommended and endorsed by the needs assessment report from the USAID Commercial Justice Project
- Strategy on Rule of Law

2. Implications in practice of the Law on Business Organizations

Training will focus on outlining all business organizations that can be established in Kosovo based on the Law on Business Organizations and the economic activities they can exercise in accordance with the activity codes. Also, on the responsibilities and competences of the ARBK in aspects such as: charter capital, preferred shares, common shares, foundation documents, their retention, distribution of dividends, etc. as well as the rights, obligations and responsibilities arising from the Law on Business Organizations. Additionally, this training will cover corporate governance, capital and shareholder structures, as well as mergers, demergers, and corporate turnover.

Objectives

- List the various business organizations;
- Describe the form of organization of business organizations and their property structures;
- Distinguish the rights and obligations of shareholders, authorized representatives, owners, directors, managers, and third parties in relation to business organizations;
- Describe and discuss disputes (problems) that arise up to court cases.
- Have knowledge of corporate governance, capital and shareholder structures
- To understand in general how the merger, demerger and turnover of the corporation is done.

Content

- ✓ Types of Business Organizations - Functions and Competences of ARBK; Nature of Organization of Business Organizations and Ownership Structure;
- ✓ Rights, obligations and responsibilities;
- ✓ Corporate governance;
- ✓ Capital and shareholder structures;
- ✓ Mergers, divisions, and corporate turnover.

Methodology

In this training, an interactive learning methodology will be applied through lectures, exercises and discussions, as well as through concrete cases from case law on how to make meritorious decision on concrete cases.

Beneficiaries

Commercial Court judges and professional associates.

Duration

Training will last two (2) days.

Topic identified from the training needs assessment:

- Recommended and supported by the needs assessment report from the USAID Commercial Justice Project

3. Legal research, writing and reasoning in the commercial field

Training on legal research, writing and reasoning in the commercial field aims to help judges, professional associates at the Commercial Court in raising their professional capacities related to legal research, judicial examination and drafting of court decisions in the commercial field. This training will take place in an interactive discussion environment in order to directly help the development of analytical skills in the participants by addressing how to approach a legal issue from the commercial field, how to carry out the research of resources for the subject matter review not only with the internal sources but also with international ones and those of the European Union, how the legal analysis should be carried out and according to which standards the legal writing and reasoning should be done. In addition to theoretical instructions related to the principles and methods of legal writing and reasoning, this training will also include practical cases and instructions so that the participants can apply the acquired knowledge in practice. Through instructions and concrete cases from the commercial field, the participants will have the opportunity to apply the requirements of the laws from the commercial field and give their conclusions for deciding the issues they deal with.

Objectives

- Research local, international and especially EU sources in the field of commercial law;
- Use interpretive skills and develop critical thinking as well as demonstrate research skills on legal issues.
- Know the basic rules of writing legal acts and documents;
- Create clear ideas about how to reason legal acts and documents;
- Develop reasoning and legal writing skills;
- Compile legal acts and reason them according to contemporary reasoning and legal writing methods.

Content

- ✓ Legal research methods and approach;
- ✓ Types of legal reasoning;
- ✓ Principles of good legal writing;
- ✓ Legal requirements for the writing and reasoning of court decisions;

Methodology: Discussion table

Theoretical and practical discussion about legal analysis methods in concrete cases. Presentation of commercial cases and discussions on making meritorious decisions on specific cases. The participants, in addition to their contribution to the discussions, also challenge the trainer's ideas regarding the presentation and solution of many alternative or even problematic issues.

Beneficiaries

Commercial Court judges and professional associates.

Duration

Round table will last two (2) days.

Topic identified from the training needs assessment:

- Recommended and supported by the needs assessment report from the USAID Commercial Justice Project
- Strategy on Rule of Law

4. Implementation and specifics of international instruments, EU Directives and Regulations on commercial and customs matters

The training will focus on dealing with the main rules of private international law which enable the adjudication of disputes with a foreign element. Through this training, judges will be informed of the court's jurisdiction in cases where one of the parties is foreign, or when the case has any other element that connects it to another state. Also, the participants will be introduced to the ways of determining the competent law, and how to apply the foreign law when it turns out to be competent for the dispute in question.

Objectives

- Resolve commercial disputes with a foreign element;
- Describe the limits of the territorial and substantial scope of each instrument treated during the course;
- Discuss the key elements of the content of the instruments discussed during the course;
- Identify the main EU instruments and other international instruments that regulate commercial, fiscal and customs issues;
- Implement the Convention on the International Sale of Goods (CISG) in practice;
- Describe the main challenges in implementing the instruments presented during the course;
- Identify foreign elements in their disputes and evaluate their relevance in determining the competence of the Commercial Court and in determining the competent law.

Content

- ✓ Commercial disputes with a foreign element;
- ✓ UN Convention on the International Sale of Goods;
- ✓ Implementation and specifics of EU Directives and Regulations on commercial matters.

Methodology

In this training, an interactive learning methodology will be applied through lectures, exercises and discussions, as well as through concrete cases from case law on how to make meritorious decision on concrete cases.

Beneficiaries

Commercial Court judges and professional associates.

Duration

Training will last two (2) days.

Topic identified from the training needs assessment:

- Recommended and supported by the needs assessment report from the USAID Commercial Justice Project
- Strategy on Rule of Law

5. Contract law, construction contracts

In this training, the issues related to the Construction Contract will be addressed as one of the most complex contracts in contractual - economic law. During this training, the participants will benefit from general and specific knowledge about the construction contract, both theoretically and practically. The construction contract will be treated according to the legal framework of Kosovo which regulates this field, the general principles of FIDIC, EU Directives and good judicial practices.

Objectives

- Correctly interpret the construction contract, its content, the features of the construction contract, the rights and obligations of the parties, the civil-legal responsibilities of the parties in this contractual relationship;
- Identify the terms used, as well as accompanying documents of an administrative nature or technical professional nature;
- Recognize good judicial practices;
- Evaluate and break down in a professional manner all the facts that are of decisive importance in disputes with construction contracts, as a prerequisite for making fair and legal decisions, as well as;
- Professionally apply the legislation, by-laws and other acts from the field of construction, which are applicable in the adjudication of disputes of this nature.

Content

- ✓ General aspects of the Construction Contract in Kosovo and in other countries;
- ✓ Legal effects of the Construction Contract;
- ✓ Civil - legal liability under the Construction Contract;
- ✓ Termination of the Construction Contract and Liability for defects in works;
- ✓ Public Construction Contract;
- ✓ Judicial practice in disputes arising from construction contracts.

Methodology

During this training, combined methods of elucidation will be used, including theoretical and practical explanations, accompanied by practical examples, so that each of the participants will be active throughout the training, in order to fully achieve the objectives of this training. Participants are expected to be active throughout the training with the aim of clarifying all key issues and being able to apply them successfully during their work in practice.

Beneficiaries

Commercial Court judges and professional associates.

Duration

Training will last two (2) days.

Topic identified from the training needs assessment:

- Recommended and supported by the needs assessment report from the USAID Commercial Justice Project
- Strategy on Rule of Law

6. Understanding the banking industry, insurance and financial institutions

The training will focus on detailed explanations about financial institutions in Kosovo and the legislation that regulates this industry. Also, corporate governance of financial institutions with special emphasis on Banks and Insurance Companies. This is because there are few cases where there is such a governing structure as Banks and Insurance Companies.

Objectives

- Identify the specifics of the loan and deposit contract;
- Know the definition of the loan contract, the form and elements of this contract, with the most important clauses of the loan contract;
- Know the definition of interest, with the form of interest calculation;
- Know the most important clauses regarding late interest and compensation in case of delay in the performance of obligations;
- Understand the method of calculating contractual interest and the method of calculating late interest, according to the practices of banks in Kosovo - the Rules of the Central Bank of the Republic of Kosovo;
- Specifics of Compensation for damage from auto liability and voluntary insurance;
- Regressive claim.

Content

- ✓ Financial industry in Kosovo;
- ✓ Corporate governance of financial institutions and Capital Structure;
- ✓ Banking system;
- ✓ Insurance sector;
- ✓ Microfinance institutions.

Methodology

In this training, an interactive learning methodology will be applied through lectures, exercises and discussions, as well as through concrete cases from case law on how to make meritorious decision on concrete cases.

Beneficiaries

Commercial Court judges and professional associates.

Duration

Training will last one (1) day.

Topic identified from the training needs assessment:

- Recommended and supported by the needs assessment report from the USAID Commercial Justice Project
- Strategy on Rule of Law

7. Bankruptcy procedure

The bankruptcy law constitutes a comprehensive law on bankruptcy and insolvency, which reflects the best international practices, but contains many other institutes and specificities which were almost unknown in our legal system. Therefore, the training aims to increase the professional capacities of commercial judges in the specific field of bankruptcy in order to create an advanced judicial practice and in accordance with the best international practices.

Objectives

- Explain the main institutes of the Law on Bankruptcy and its scope;
- Explain the consequences of initiating a bankruptcy case;
- Carry out the bankruptcy procedure and apply its specifics;
- Assess the claims of creditors, order of presentation, terms and priority of claims;
- Assess the legal conditions and supervise the procedure of re-organization or liquidation of business organizations;
- Apply cross-border provisions.

Content

- ✓ Understanding bankruptcy;
- ✓ General provisions of the Law on Bankruptcy; Accelerated procedures (SME and pre-packages);
- ✓ Initiation and opening of cases;
- ✓ Consequences of opening cases;
- ✓ Claims of creditors; Reorganization;
- ✓ Liquidation;
- ✓ Individual discharge and closure of the case;
- ✓ Cross-border provisions.

Methodology

In this training, an interactive learning methodology will be applied through lectures, exercises and discussions, as well as through concrete cases from case law on how to make meritorious decision on concrete cases.

Beneficiaries

Commercial Court judges and professional associates.

Duration

Training will last one (1) day.

Topic identified from the training needs assessment:

- Recommended and supported by the needs assessment report from the USAID Commercial Justice Project

- Strategy on Rule of Law

8. Intellectual property rights, trademarks, patents and specifics of the ICT industry, licensing and industrial property rights

Intellectual property law in general and that of trademarks and patents in particular (all together referred to as intellectual property or IP) is a relatively new area of law in Kosovo. The institutes or concepts of this field that the judicial system is faced with are very specific and not at all similar to those that the judicial system has traditionally faced. Therefore, court decisions may not be of an appropriate level both in terms of procedural and substantive aspects, which reduces the confidence of the business community in the judiciary. The training will focus on updating knowledge in this area which is extremely important for an effective judiciary. The training will also focus on detailed explanations about technology and its impact on the justice system, especially in the field of electronic commercial law such as legal liability, service intermediaries, digital contracts, etc. and in this view the best practices in solving these issues will be offered.

Objectives

- Know the main institutes of IP rights, trademarks and geographical indications, patents and industrial designs, as well as recognize the differences between these institutes;
- Apply the principles of IP law and good practices in resolving disputes related to copyright and related rights;
- Apply the principles of IP law and good practices in the resolution of disputes over trademarks and geographical indications as well as in the resolution of disputes over patents and industrial designs;
- Better appreciate the value that technology creates and its impacts in the legal field;
- Compare different theories and good practices related to ICT Law;
- Interpret regional and global legislation, policies and good practices from different countries or organizations and be able to use this knowledge as best as possible to solve cases in Kosovo;
- Identify responsible actors and global institutions that can assist in the investigation and identification of responsible actors;
- Know the specific problems in ICT such as: legal responsibility; ownership; licensing, privacy, etc.

Content

- ✓ IP rights - protection and enforcement of copyright and related rights; Protection and enforcement of rights from trademarks and geographical indications;
- ✓ Protection and enforcement of patent and industrial design rights;
- ✓ Legal means for the enforcement of intellectual property rights.
- ✓ IT basis and electronic commercial law; Information and communication technology; Legal and ethical challenges presented by ICT;
- ✓ Regulation of ICT;
- ✓ Exercises;
- ✓ Electronic commerce;
- ✓ Electronic transactions;

- ✓ Protection of personal data;
- ✓ Difference between Privacy and Data; Data Protection Regulation;
- ✓ Analysis of Relevant Laws;
- ✓ Legal Challenges;
- ✓ Online copyright, legal challenges, online regulation, domains and intellectual property licensing.

Methodology

In this training, an interactive learning methodology will be applied through lectures, exercises and discussions, as well as through concrete cases from case law on how to make meritorious decision on concrete cases.

Beneficiaries

Commercial Court judges and professional associates, Division for Criminal Matters, Prosecutors, Police Officers from the Economic Crimes Department of the Kosovo Police and the Cyber Crimes Sector.

Duration

Training will last two (2) days.

Topic identified from the training needs assessment:

- Recommended and supported by the needs assessment report from the USAID Commercial Justice Project
- Proposals of the Kosovo Judicial Council for the 2024 Training Program

9. Mediation, ways of referring cases in the mediation procedure - practical cases, Procedure for approval or cancellation of commercial mediation agreements, Elaboration of international practical cases of commercial cases in mediation

The training aims to provide detailed explanations for the commercial mediation procedure from the moment when the case is classified as suitable for mediation, the referral of the case to mediation, the procedure for approving or canceling mediation agreements. The training aims to clarify and help judges to understand or correctly interpret the legal provisions that leave room for ambiguity in the proposed topics and the non-uniform application of these provisions by the judges handling such cases. The need for training with a focus on these specific topics was derived from the operationalization of the Commercial Court and at the same time the opening of the mediation office within this court as well as the monitoring of the implementation of the Law on Mediation and the discussions by judges about the practical challenges they encounter in their daily work. The training therefore aims to increase the capacities of judges who examine commercial cases and to offer solutions to the challenges that judges encounter when proceeding commercial cases to mediation and the exercise of their competence in the validity of mediation agreements. What are the biggest challenges for judges when referring cases to the mediation procedure, during the procedure of approving or canceling the mediation agreements? What are the dilemmas of judges in exercising their competence when evaluating the validity of mediation agreements? What are the potential pitfalls that judges see in terms of drafting agreements by mediators? Are there any potential challenges related to the implementation or content of the Mediation Law? Challenges of implementing the Mediation Protocol. The best way to understand all the concepts and solve the dilemmas is interactive conversation with the judges and asking questions and answering the same clarifying the dilemmas through practical examples.

Objectives

- Understand which commercial cases are suitable for referral to Mediation.
- Understand correctly the role of judges in the process of referring, approving or rejecting mediation agreements
- Apply the legal basis of mediation correctly;
- Unify the practice of referring, approving or canceling agreements reached through mediation
- Unify the implementation of the Mediation Protocol.
- Gain direct knowledge from an international expert with the practice of dealing with commercial cases and their mediation.
- Understand the mediator's role in dealing with commercial mediation cases.

Content

- ✓ Referral of appropriate cases to the commercial mediation procedure - practical cases;
- ✓ Procedure for approving or canceling Mediation agreements;
- ✓ Challenges in the implementation of the Law on Mediation;
- ✓ Challenges in implementing the mediation regulations and protocol.

Methodology

The training will be conducted through the provision of information by the international trainer/s, asking questions and giving answers based on the best practical examples that provide adequate clarification of the process of referral, approval or rejection of agreements reached in mediation. Also, practical cases will be presented in which the judges should give their answers or opinions, so that the understanding of the mediation procedure is as easy as possible to grasp.

Beneficiaries

Beneficiaries of mediation training will be commercial court judges, professional associates and administrative staff.

Duration

Training will last one (1) day.

Topic identified from the training needs assessment:

- Recommended and supported by the needs assessment report from the USAID Commercial Justice Project

10. Recognition and enforcement of local and foreign Arbitration decisions

The training on the subject of recognition and enforcement of local and foreign Arbitration Tribunal decisions aims to precisely clarify the importance and procedure of recognition and enforcement of both local and foreign arbitration decisions, helping judges to unify the practices of recognition and enforcement of these decisions. The training aims to increase the capacity of judges in terms of fair and accurate interpretation of the provisions that may have ambiguity regarding the recognition and enforcement of arbitration decisions. What are the challenges faced by judges during the procedure of recognition and enforcement of local and foreign arbitration awards? What are the potential drawbacks that judges see in terms of the procedure for recognition and enforcement of arbitration awards? Are there any potential challenges related to the implementation or content of the Law on Arbitration? The best way to understand all the concepts and solve the dilemmas is to have an interactive conversation with the judges and ask questions and answer them by giving best practices and clarifying the issues on practical examples or concepts.

Objectives

- Understand correctly the role of judges in the process of recognition of arbitration decisions
- Apply the legal basis of arbitration correctly;
- Unify the practice of recognition and enforcement

Content

- ✓ The process of recognition and enforcement of arbitration awards issued by Arbitration Tribunals inside and outside Kosovo

Methodology

The training will be conducted interactively by the participants, PowerPoint presentation, elaborations of practical cases.

Beneficiaries

Commercial Court judges and professional associates.

Duration

Training will last one (1) day.

Topic identified from the training needs assessment:

- Legal Reform for Economic Development in the Western Balkans - GIZ

11. Arbitration in Investor-State Disputes (ISDS)

The Legal Reform for Economic Development in the Western Balkans - GIZ project, among other things, aims to strengthen the capacities of the countries of the Western Balkans in the prevention and management of investor-state disputes. As part of this effort, in September 2023, the project in collaboration with the Regional School of Public Administration (ReSPA) has organized a regional Training of Trainers program related to Investor-State Dispute Resolution. Representatives of institutions and experts from Kosovo and other countries of the Western Balkans participated in this training with the aim of advancing knowledge from this field and then transferring it to representatives of state institutions through training and similar activities.

Currently, the investment law in Kosovo is subject to substantial changes. In October 2023, the Law on Sustainable Investments was adopted in the Assembly, which foresees a large number of procedural and institutional changes. Although this law is currently under consideration in the Constitutional Court, after overcoming this stage, it is expected that with the entry into force of the law, new changes in investment law will come into force. One of the key changes provided by this law is the removal of the automatic offer by the Republic of Kosovo to be sued in international arbitration for disputes arising from this law. In practice, this means the likelihood in the future that a dispute based on this law will be addressed to the Commercial Court in Kosovo. On the other hand, in the international sphere and in particular within the European Union, international investment law and ISDS has undergone fundamental changes. Taking into account these reforms and current developments in ISDS, GIZ is committed to strengthening capacities through trainings in order to address certain topics related to local priorities and needs. As part of this effort, in November 2023, GIZ in cooperation with the Ministry of Justice has organized a training on ISDS arbitration, with the aim of advancing theoretical and practical knowledge related to the material and procedural part of ISDS arbitration, starting from the initiation of the process until the execution of the decisions, as well as the standards of protection of the rights of foreign investors. Based on the recommendations we received during this training from the key actors from this field, GIZ will organize the ISDS Arbitration Simulation, which aims to strengthen the skills of the participants in the arbitration procedure in the investment field.

Objectives of the simulation

The conducting of the Simulation aims at the following Objectives:

- Developing participants' skills in preparing, presenting and arguing in ISDS disputes, including legal research, case analysis and advocacy skills.
- Benefiting from practical and theoretical knowledge of investment law by preparing them for problems they may encounter in real disputes
- Deepening knowledge about the legal framework of investment law, including current legislation and international agreements
- Application of knowledge gained from previous trainings
- Encouraging cooperation and teamwork through the assignment of different roles
- Advancing problem-solving skills and formulating effective strategies to handle disputes in the context of ISDS
- Awareness about the specifics of the ISDS field

ISDS Arbitration Simulation

The simulation aims to engage the participants pro-actively in the arbitration proceedings. The participants will be presented with a case, on which they will prepare arguments for the plaintiff or the defendant state (the Republic of Kosovo), depending on the roles they will choose. These arguments will be presented by them during the simulation. The practical case will be submitted to the participants in the first half of December 2023. While the parties will have the opportunity to submit their arguments until February 28, 2024. Together with the case, the Manual for the Standardized Program of Training for the settlement of investment disputes (ISDS) will also be shared).

Beneficiaries

State lawyers, representatives from the Ministry of Trade, Ministry of Economy, Ministry of Finance, Ministry of Justice, Commercial Court judges, representatives from the Tax Administration of Kosovo, representatives from the Privatization Agency of Kosovo as well as representatives of other relevant agencies in ISDS disputes.

Duration

The simulation will last one (1) day.

Topic identified from the training needs assessment:

- Legal Reform for Economic Development in the Western Balkans - GIZ

12. Commercial relations with a foreign element and international legal cooperation in commercial matters

This training is designed to provide general knowledge on novelties in the field of private law in Kosovo with a focus on commercial/trade relations. As such, this training will address general private international law and the specialized part of commercial relations. The purpose of the training is to update the knowledge of the judges of the respective courts in the general part of private international law and on the novelties of the law in general, the institutes and the main pillars of the private international law and will be informed about the main novelties in its three main pillars: in determining the competent law, in the competence of the courts and in the recognition and execution of foreign judicial decisions and with the specifics of commercial/trade relations with a foreign element.

Objectives

- Updating knowledge: The training aims to update the knowledge of Kosovo court judges in the field of private international law, with special emphasis on commercial and trade relations. This goal includes knowledge of legal novelties and institutions related to relations with foreign elements.
- Understanding the autonomy of the will: The training aims to help judges in understanding the autonomy of the will of the parties in determining the competent law in commercial relations with a foreign element.
- International practices: The training will provide explanations on the practice of the Court of Justice of the European Union
- Review of court decisions: The training aims to familiarize judges with the procedures and challenges of recognition and execution of foreign court decisions in the field of commercial and labor relations.
- International cooperation: The training aims to promote international legal cooperation, offering practical examples of cooperation in the field of private international law.

Content

- ✓ Determination of the competent law in commercial relations with a foreign element, the autonomy of the will of the parties in this determination;
- ✓ Determination of the competent law in labor relations with a foreign element;
- ✓ Jurisdiction of Kosovo courts in commercial relations with a foreign element and in labor law disputes; the jurisdiction of the Commercial Court in Kosovo in these relations; the autonomy of the will of the parties in determining the competent court (Kosovo or foreign);
- ✓ Recognition and execution of foreign court decisions in the field of commercial relations and labor law; recognition of Kosovo court decisions in other countries.
- ✓ International legal cooperation in this field: practical explanations on the cooperation of courts in obtaining evidence and serving documents

Methodology

In the training, a combined methodology will be applied between the theoretical explanations of the changes brought by the law and the practical part consisting of exercises. Explanations on the novelties of the law and the institutes of this field of law are made by elaborating the main cases in practice decided by the Court of Justice of the European Union. The case law of this Court, apart from being very rich, is very instructive for Kosovar judges as it interprets the same provisions which have been transposed in the LPIL in Kosovo. Meanwhile, in the exercise part, judges are presented with hypothetical problems of certain fields, which combine dilemmas of determining the competent law, their competence as a court in Kosovo and/or dilemmas on the recognition or refusal to recognize a foreign decision.

Beneficiaries

Kosovo Commercial Court judges and professional associates.

Duration

Training will last two (2) days.

ADMINISTRATIVE

Topic identified from the training needs assessment:

- Recommended by Permanent Trainer in AD
- Workshop for designing the training program, November 13-14, 2023

1. Judicial protection in administrative conflict

The focus of this training will be judicial protection in the administrative conflict procedure including the right of access to court, standards of proof and evidentiary means, decision-making and legal remedies. The topic will focus on the treatment of the legality of the decisions of the Department for Administrative Affairs of the Basic Court of Prishtina and the Department for Administrative Affairs of the Court of Appeals, in the case law, the presented professional and procedural dilemmas regarding the deciding of these cases. The other aim of this training is to provide recommendations and solutions based on the law which would facilitate the work of judges and would affect the overall reduction of the number of cases. Also in the training, the types of cases that are presented more often to the Department for Administrative Affairs of the Basic Court of Prishtina will be examined.

Objectives

- Correctly interpret the legal provisions on the administrative conflict procedure;
- Break down and recognize the right of access to the court;
- Apply the standards of proof;
- Issue fair and legal decisions; AND
- Recognize the role and importance of legal remedies in the administrative conflict procedure.

Content

- ✓ Legal provisions in the administrative conflict procedure;
- ✓ Right of access to courts;
- ✓ Standards of proof;
- ✓ Issuing legal and reasoned decisions; AND
- ✓ Legal remedies in the administrative conflict procedure.

Methodology

In this training, the issues raised will be addressed through partial theoretical explanations, and more based on concrete cases and examples. Discussions and practical examples will also be applied on the main principles and rules of procedure in administrative conflicts, then working in groups, discussing them with participants and finally offering recommendations on the discussed issues.

Beneficiaries

Judges of the Department for Administrative Matters of the Basic Court of Prishtina and the Court of Appeals, as well as professional associates and officials of the Ministry of Labor and Social Welfare (MLSW) who are involved in administrative conflict procedure.

Duration

Training will last one (1) day

Topic identified from the training needs assessment:

- Recommended by Permanent Trainer in AD

- Workshop for designing the training program, November 13-14, 2023

2. Judicial protection in public procurement disputes-issues

This training is aimed at advancing the knowledge of judges regarding judicial protection in public procurement disputes. Another goal is the comprehensive treatment of procurement procedures in all stages such as: the review procedure, the evaluation of documents by the review expert and the recommendation for the Procurement Review Body - PRB. In this training, the legal provisions in force on public procurement will be interpreted, breaking down the criteria related to the cycle of the public procurement process and disputes with PRB. In practice, there are often problems regarding the criteria and their assessment according to their weight, and therefore the need for their treatment. Also, the procedure in the Procurement Review Body and the way of conducting the administrative conflict in the competent court will be comprehensively addressed. Another goal is that the explanations and recommendations from this training help the procurement procedures to be developed through defined legal criteria and the judges to correctly apply the legal provisions on public procurement.

Objectives

- Recognize and sort out the stages of the public procurement procedure;
- Identify the characteristics of the administrative conflict procedure related to public procurement issues;
- Correctly interpret the legal provisions in force on public procurement.
- Correctly apply the legal provisions on public procurement in judicial practice.

Content

- ✓ Types and implementation of procurement procedures - general rules.
- ✓ Conducting and management of procurement procedures;
- ✓ Initiation and initial implementation of the review procedure;
- ✓ Procedure before the Procurement Review Body;
- ✓ Legal remedies, punitive and final provisions in procurement procedures.

Methodology

Issues and dilemmas will be addressed through: partial theoretical discourse, interactive discussions, explanations of experts who will argue different positions and analysis of legal provisions and cases from practice. Through the conversation, the participants will exchange experiences among themselves regarding the various current issues before the PRB and the judicial practice of the administrative department of the Basic Court in Prishtina and the administrative department of the Court of Appeals.

Beneficiaries

Judges of the Department for Administrative Matters of the Basic Court and the Court of Appeals and PRB officials.

Duration

Training will last one (1) day.

Topic identified from the training needs assessment:

- Recommended by Permanent Trainer in AD
- Workshop for designing the training program, November 13-14, 2023

3. Reasoning of court decisions in the administrative conflict procedure

The aim of this training is to deal with issues of lack of adequate legal reasoning for the decisions issued in the administrative conflict procedure. Another aim is to deal with issues related to judicial protection and addressing the legality of decisions of public administration bodies in the Department for Administrative Affairs of the Basic Court of Prishtina and the Department for Administrative Affairs of the Court of Appeals. In the proceedings of these cases, various professional, procedural and material dilemmas are presented in the courts regarding the deciding of concrete cases. This training aims to offer practical solutions based on the law which would facilitate the work of judges and ultimately affect the overall reduction of the number of cases. Also, the training will focus on the procedure of initiating the administrative conflict and its conducting in the competent court to the decisions of the public administration bodies and governing bodies in Kosovo.

Objectives

- Recognize the importance of reasoned court decisions in the administrative conflict procedure;
- Break down the types of legal reasoning and understand the role and importance of the principles of good legal writing;
- Correctly implement the provisions of the administrative conflict procedure;
- To become familiar with the requirements of the European Court of Human Rights (ECHR) regarding the reasoning of judicial decisions of administrative courts - Departments for Administrative Affairs in the context of the standards required by the ECHR in Strasbourg.

Content

- ✓ The role and importance of reasoned court decisions in the administrative conflict procedure;
- ✓ Types of legal reasoning and Principles of good legal writing;
- ✓ Reasoning of the judicial decisions of the Departments for Administrative Affairs (of the Basic Court and the Court of Appeals) in the context of the standards required by the ECHR in Strasbourg.

Methodology

The issues raised will be addressed through partial theoretical explanation, based on concrete cases. Through explanations, discussions and practical examples on the main principles and rules of the Law on Administrative Conflicts, Group Work and their discussion with participants.

Beneficiaries

Judges of the Department for Administrative Matters of the Basic Court and the Court of Appeals and professional associates.

Duration

Training will last one (1) day.

CONSTITUTIONAL

Topic identified from the training needs assessment:

- Recommended by Permanent Trainer in AD
- Workshop for designing the training program, November 13-14, 2023

1. Current practice of the Constitutional Court in connection with the practice of the ECHR according to the requirements in the civil field

The main goal of this training is to advance the knowledge of judges and prosecutors regarding the new knowledge and the main decisions in the current practice of the Constitutional Court of Kosovo in connection with the practice of the European Court of Human Rights (ECHR) according to the requirements in the civil field. Another goal is to deal with the judicial protection of human rights, including the main cases of the Constitutional Court of Kosovo and those of the ECHR, more specifically, it is to provide instructions and recommendations for individual human rights that are protected by the Constitution of Kosovo, jurisprudence of the Constitutional Court, as well as that of the ECHR, then the analysis in the field of judicial protection of constitutional rights in the Republic of Kosovo, based on the comparison of this protection with the standards of interpretation of the Constitutional Court of Kosovo and the ECHR, as well as the relationship between the constitutional and regular courts is addressed, especially the relationship between the constitutional and high courts. Attention will also be paid to the incidental control of constitutionality in the context of developments in current judicial practice.

Objectives

- To become familiar with the main legal issues raised in cases according to requests in the civil field before the Constitutional Court;
- To understand the approaches and positions of the Constitutional Court of Kosovo regarding the main procedural and substantive aspects of individual rights and freedoms, in connection with the practice of the European Court of Human Rights (ECHR);
- To get to know the practices of the two courts, and their peculiarities, given that the Constitutional Court is a national court, unlike the ECHR in Strasbourg, which is a supranational-international court, at the same time to understand the worldviews and professional approaches of these two courts, in relation to judicial protection of human rights, which are related;
- Effectively implement the specific constitutional obligation from Article 53 of the Constitution of the Republic of Kosovo - "Human rights and fundamental freedoms... (shall be) interpreted consistent with the court decisions of the European Court of Human Rights";
- To become familiar with the reasons why the Constitutional Court of Kosovo, in its practice, strongly relies on the jurisprudence of the European Court for Human Rights and how it approaches the incidental control of constitutionality.

Content

- The procedure for the permissibility of requests of a civil nature and the features of the current practice of the Constitutional Court according to requests in the civil field;
- Main legal issues raised in the cases-requests in the civil field before the Constitutional Court;

- Approaches and positions of the Constitutional Court of Kosovo and the European Court of Human Rights regarding the main procedural and substantive aspects of individual rights and freedoms.
- The features of the practices of these two courts as a challenge in itself and the professional attitudes-approaches of these two courts, regarding the judicial protection of human rights.
- The reasons why the Constitutional Court of Kosovo, in its practice, strongly relies on the jurisprudence of the European Court of Human Rights and the comprehensive explanation of the specific constitutional Obligation for the implementation of Article 53 of the Constitution - "Human rights and fundamental freedoms... (shall be) interpreted consistent with the decisions of the European Court of Human Rights";
- Learn and apply the institute of incidental control of constitutionality.

Methodology

In this training, the participants will have the opportunity to gain new knowledge about the main decisions in the current practice of the Constitutional Court of Kosovo in connection with the practice of the European Court of Human Rights (ECHR) through the interactive conversation and the explanations of the trainers, according to the requests -complaints in the civil field as well as on the role of incidental control of constitutionality. The focus will also be on providing instructions and recommendations for individual human rights that are protected by the Constitution of Kosovo, the jurisprudence of the Constitutional Court, as well as that of the European Court of Human Rights.

Beneficiaries

Judges and prosecutors of all levels in the Republic of Kosovo.

Duration

Training will last one (1) day

Topic identified from the training needs assessment:

- Recommended by Permanent Trainer in AD
- Workshop for designing the training program, November 13-14, 2023

2. The current practice of the Constitutional Court in relation to the practice of the ECHR according to the requirements in the criminal field

The main aim of this training is to advance the knowledge of judges and prosecutors regarding the new knowledge and the main decisions in the current practice of the Constitutional Court of Kosovo in connection with the practice of the European Court of Human Rights (ECHR) according to the requirements in the criminal field. Another goal is to deal with the judicial protection of human rights, including the main cases of the Constitutional Court of Kosovo and those of the ECHR, more specifically, it is to provide instructions and recommendations for individual human rights that are protected by the Constitution of Kosovo, jurisprudence of the Constitutional Court, as well as that of the ECHR, then the analysis in the field of judicial protection of constitutional rights in the Republic of Kosovo, based on the comparison of this protection with the standards of interpretation of the Constitutional Court of Kosovo and the ECHR, as well as the relationship between the Constitutional Court and the regular ones is addressed, especially the relationship between the constitutional and high courts. Attention will also be paid to the incidental control of constitutionality in the context of developments in current judicial practice.

Objectives

- To become familiar with the main legal issues raised in cases according to requests in the criminal field before the Constitutional Court;
- To understand the approaches and positions of the Constitutional Court of Kosovo regarding the main procedural and substantive aspects of individual rights and freedoms, in connection with the practice of the European Court of Human Rights (ECtHR).
- To get to know the practices of the two courts, and their peculiarities, given that the Constitutional Court is a national court, unlike the ECHR in Strasbourg, which is a supranational-international court, at the same time to understand the worldviews and professional approaches of these two courts, in relation to judicial protection of human rights, which are interconnected.
- Effectively implement the specific constitutional obligation from Article 53 of the Constitution of the Republic of Kosovo - "Human rights and fundamental freedoms... (shall be) interpreted consistent with the decisions of the European Court of Human Rights";
- To become familiar with the reasons why the Constitutional Court of Kosovo, in its practice, strongly relies on the jurisprudence of the European Court for Human Rights and how it approaches the incidental control of constitutionality.

Content

- ✓ The procedure for the permissibility of requests of a civil nature and the features of the current practice of the Constitutional Court according to the requests in the criminal field;
- ✓ Main legal issues raised in the cases-requests in the criminal field before the Constitutional Court;
- ✓ Approaches and positions of the Constitutional Court of Kosovo and the European Court of Human Rights regarding the main procedural and substantive aspects of individual rights and freedoms.
- ✓ The features of the practices of these two courts as a challenge in itself and the professional attitudes-approaches of these two courts, regarding the judicial protection of human rights.
- ✓ The reasons why the Constitutional Court of Kosovo, in its practice, strongly relies on the jurisprudence of the European Court of Human Rights and the comprehensive explanation of the specific constitutional Obligation for the implementation of Article 53 of the Constitution - "Human rights and fundamental freedoms (shall be) interpreted consistent with the decisions of the European Court of Human Rights";
- ✓ To learn and implement the institute of incidental control of constitutionality.

Methodology

In this training, the participants will have the opportunity to gain new knowledge about the main decisions in the current practice of the Constitutional Court of Kosovo in connection with the practice of the European Court of Human Rights (ECHR) through the interactive conversation and the explanations of the trainers, according to the requests-complaints in the criminal field as well as on the role of incidental control of constitutionality. The focus will also be on providing instructions and recommendations for individual human rights that are protected by the Constitution of Kosovo, the jurisprudence of the Constitutional Court, as well as that of the European Court of Human Rights.

Beneficiaries

Judges and prosecutors of all levels in the Republic of Kosovo.

Duration

Training will last one (1) day.

ECHR

Topic identified by the training needs assessment:

- EC-Office in Pristina, the project “Support to the Constitutional Court in Applying and Disseminating European Court of Human Rights Standards”

1. Access to effective legal remedies

The aim of the training is to enhance participants' knowledge of the law as an effective legal remedy, which is an essential component of human rights according to the European Convention on Human Rights (ECHR) and other human rights instruments. Article 13 of the ECHR establishes that "Everyone whose rights and freedoms as set forth in the Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity". Access to effective legal remedies must be ensured in national legal systems at all levels of judicial proceedings. In practice, these legal remedies must be exhausted at the lowest level before applying to the highest judicial institutions, as well as in the hierarchy of the national legal system before applying to the European Court of Human Rights (ECtHR). The creation of internal mechanisms must be exhausted first before individuals can turn to the European Court of Human Rights (ECtHR), the right to an effective legal remedy gives effect to the principle of subsidiarity, which is reinforced by the admissibility criteria defined in Article 35 of the ECHR. Thus, this principle reflects the fundamental role of national judicial systems in guaranteeing respect for human rights standards, as an integral part of the Convention system. Participants will analyze many cases from the practice of the ECtHR referring to the violation of Article 13, which reveal the failure of member states to implement effective domestic remedies. Furthermore, participants will learn that a violation of Article 13 always occurs in conjunction with another right defined by the ECHR and its Protocols, as the right to an effective remedy implies a violation of human rights in the first place, or at least a complaint in this respect. Additionally, the jurisprudence regarding Article 35 of the ECHR which deals with the non-exhaustion of domestic remedies is full of concrete examples of cases involving effective remedies that were not exhausted before applying to the ECtHR.

Objectives

- To apply the relevant standards and practices of the ECtHR for the right to an effective legal remedy in their judicial practice;
- To further enhance the capacity of domestic legal remedies to effectively address violations of Convention rights;
- To apply fundamental legal principles referred to effective legal remedies and become familiar with the necessary characteristics of legal remedies in specific situations, as well as with legal remedies in general.

Content

- ✓ Access to effective legal remedies - Standards and principles applied by the ECtHR (references to the ECtHR, relevant articles, guidelines);
- ✓ Subsidiarity Principle– Practical implementation;
- ✓ Violation of Article 13 in relation to other articles of the ECHR;
- ✓ Procedural aspects of inadmissibility to the ECtHR – relevant judicial practice of the European Court of Human Rights according to Article 35 of the ECHR;
- ✓ The right to effective legal remedies (Article 13 of the ECHR) – Judicial Practice of the Court; European Court of Human Rights (ECtHR);
- ✓ Case study/hypothetical scenario/discussion.

Methodology

The training will consist of presentations, interactive discussions, and exchanges with participants in a peer-to-peer environment. The main focus will be on analyzing the relevant jurisprudence of the European Court of Human Rights, along with the standards and practices applied in its jurisprudence. To effectively evaluate the training, participants will be asked to complete pre- and post-training evaluation questionnaires.

Beneficiaries

Judges, prosecutors, lawyers and professional associates.

Duration

The training will last for two (2) days.

Topic identified by the training needs assessment:

- EC-Office in Pristina, the project “Support to the Constitutional Court in Applying and Disseminating European Court of Human Rights Standards”

2. The practice of the European Court of Human Rights under Article 5 and Article 6 of the ECHR

According to Article 22 of the Constitution of Kosovo, the primary international human rights instruments, such as the European Convention on Human Rights (ECHR) are directly applicable in the legal system and take precedence in interpretation over national legislation. Additionally, Article 53 of the Constitution stipulates that all human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted in accordance with the judicial decisions of the European Court of Human Rights. In this aspect, the Academy of Justice considers it important to provide training for legal practitioners in the Kosovo judiciary on the relevant standards defined in the ECHR and the practice of the European Court of Human Rights (ECtHR) according to the various articles of this living instrument. This was also emphasized by judges and prosecutors during the training needs assessment process recently carried out by the Academy of Justice. Based on the needs of practice, specific requirements were presented for jurisprudence under Article 5 of the ECHR, Right to liberty and security, and Article 6 of the ECHR, Right to a fair trial and public hearing, which in many cases are considered interconnected.

The Right to liberty and security (Article 5 ECHR), which corresponds to Article 29 of the Constitution, is of great importance in a democratic society, and is a fundamental human right that guarantees that all individuals should be free from arbitrary or unjustified deprivations. This right has the status of relative rights and as such, its limitation can only be done in special cases based on court decisions and in accordance with the conditions and limitations established by law. The guiding principle is that deprivation of liberty should only occur in exceptional cases and as a last resort, in situations such as the execution of imprisonment sentence for committing a criminal offense, and for reasonable suspicion of having committed a criminal act, only when deprivation of liberty is reasonably considered necessary to prevent commission of another criminal act, and only for a limited time before trial as provided by law, and for the purpose of educational supervision of a minor or for the purpose of bringing the minor before a competent institution in accordance with a lawful order. In addition, the legal framework of Kosovo includes key pieces of legislation in this area such as the Constitution, the Criminal Procedure Code and the Juvenile Justice Code, therefore, this course will examine how these law are implemented, taking into account the ECtHR and ECHR, as well as providing practical tools for practitioners to improve the decision-making process, the quality of decisions and their reasoning. Specifically, three key aspects identified by evaluations made by international organizations that should be addressed through the analysis of European standards and practices

broadly include the implementation of detention, excessive duration and inadequate justification of detention. The right to a fair trial is protected by Article 6 of the European Convention on Human Rights (ECHR), which specifies in its paragraph 6.1 In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Paragraph 6.2 further states that Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law. Paragraph 6.3 sets out the minimum rights of any charged person, including to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him. In addition, he/she have adequate time and facilities for the preparation of his defence and to defend himself in person or through legal assistance with the right to attend and cross-examine all witnesses on his/her behalf under the same conditions as witnesses against him/her and to have the free assistance of an interpreter if he cannot understand or speak the language used in court. The workshop will provide a platform to explore the case law of the European Court of Human Rights in line with the ECtHR Guidelines on Article 6 of the ECHR, which provides references to landmark cases in both civil and criminal law. The workshop will focus on practice developed by the ECtHR and its approach when deciding specific cases. This will serve as a valuable resource for practitioners in the Kosovo judiciary, particularly in relation to the right to a fair trial, procedural rights and due process, as well as the qualitative reasoning behind judgments.

Objectives

- Implement the standards and practices of the European Court of Human Rights regarding the Right to Freedom and Security
- Increase the use of alternatives to detention during the preliminary phase of the procedure
- Reduce the duration of detention, using it only as a last resort and for a limited time
- Provide quality reasoning when imposing detention
- Implement the standards and practices of the ECtHR in accordance with Article 6 of the ECHR, ensuring the Right to a fair trial
- Process cases more efficiently to respect reasonable processing times
- Provide quality reasoning at all stages of the procedure

Content

- ✓ The right to liberty and security, Article 5 of the European Convention on Human Rights (ECHR);
- ✓ The non-absolute nature of the right to freedom and security;
- ✓ Scope of implementation;
- ✓ Legal deprivation of the right to freedom;
- ✓ Detention;
- ✓ Guarantees for persons deprived of their liberty.

The right to a fair and impartial trial, Article 6 of the ECHR

- ✓ Scope of implementation;
- ✓ The right to access the court;

- ✓ The concept of "tribunal" ("court");
- ✓ Independence and impartiality of the court;
- ✓ General considerations on Article 6, in the criminal aspect;
- ✓ Scope: the notion of "criminal appeal";
- ✓ General guarantees: institutional requirements;
- ✓ General guarantees: procedural requirements;
- ✓ Specific guarantees;
- ✓ The extra-territorial effect of Article 6.

Methodology

The training will consist of a combination of presentations and interactive discussions with participants. It will also include case studies that involve analyzing case law and working on hypothetical scenarios. In-person workshops based on the Council of Europe methodology on human rights education for legal professionals (HELP), will be held and supplemented by e-learning modules available on the HELP online platform. These modules will cover topics such as the Right to liberty and security, Alternatives to Detention under Article 5 of the ECHR, Procedural Protective Measures in Criminal Procedures and Judicial Reasoning, and Human Rights, in accordance with Article 6 of the ECHR. To measure the impact of the training, pre- and post-training evaluation questionnaires can be distributed to beneficiaries.

Duration

The training will last for two (2) days, while the timeframes for the HELP courses (if linked) will be agreed upon with the beneficiaries, as these courses are available as self-study and tutored modules (time required to completed is 7-10 hours, and it is up to the beneficiaries to choose when they want to attend module by module). Participants in the training will include judges, prosecutors, lawyers and professional associates.

Beneficiaries

Judges, prosecutors, lawyers and professional associates.

Topic identified by the training needs assessment:

- CE-Office in Pristina, PRO - FREX project

3. Freedom of Expression and Judicial Protection in Cases of Infringement of Freedom of Expression - Specialized Training on Strategic Lawsuits Against Public Participation (SLAPPs)

SLAPPs (Strategic Lawsuits Against Public Participation) represent a new challenge for legal professionals, requiring a fresh emphasis on legal comprehension and strategy. SLAPP lawsuits are lawsuits that *prima facie* seem to lack a solid foundation and are likely to fail in court. The objective of the claimant in these lawsuits is not to win the case, but rather intimidate and discourage journalists from further reporting on matters of public interest by subjecting them to lengthy and costly legal proceedings. For judges and prosecutors, the rise of SLAPPs requires increased awareness and a nuanced approach to dealing with them. It is essential that these lawsuits are identified early, that their often threatening nature is understood, and that legal principles balancing the right to due process with the protection of public participation and free expression are applied.

Effectively handling SLAPPs will require targeted judicial training, familiarity with the anti-SLAPP legal framework, and a commitment to deterring such practices through sound decision-making. As SLAPP evolves, the judiciary's role in protecting democratic values and ensuring justice against these legal tactics becomes increasingly imperative.

Objectives

- Clearly identify and differentiate SLAPP lawsuits;
- Gain a better understanding of the European Court of Human Rights jurisprudence regarding SLAPPs, and how these precedents influence the interpretation and application of human rights in relation to freedom of expression and legal intimidation;
- Recognize the characteristics of strategic lawsuits against public participation, and distinguish them from legitimate legal claims, in order to provide a more informed and effective judicial response;
- Understand and utilize specific legal principles and anti-SLAPP actions to provide a strong defense for those unfairly targeted by such lawsuits;
- Understand trends at the EU level, and recognize developments and legal responses to

SLAPP lawsuits within the European Union level;

- Gain a deeper understanding of the initiatives at the level of the Committee of Ministers addressed to member states in opposition to the use of SLAPP lawsuits.

Content

- ✓ Definition and Characteristics of SLAPPs
- ✓ Historical context and their actualization
- ✓ Impact of SLAPPs on Freedom of Expression and Democratic Processes
- ✓ Case studies illustrating the impact on individuals and society
- ✓ The role of SLAPPs in uppressing public participation and discourse
- ✓ Legal principles and human rights concerns
- ✓ Overview of relevant human rights protected by the European Convention on Human Rights (ECHR)
- ✓ The interaction between freedom of expression, the right to a fair trial and privacy
- ✓ Overview of Council of Europe Recommendations and Resolutions on SLAPPs
- ✓ The role of the Committee of Ministers in addressing SLAPPs
- ✓ The case law of the European Court of Human Rights (ECHR) on SLAPPs

Methodology

Specific training methods will be applied to this training for legal professionals. These methods include icebreaker exercises, PPT presentations, case studies, group exercises, public opinion polls, debates facilitated by specialized trainers in the field of freedom of expression, and assessment exams. The training will be entirely based on the training manual developed by the Council of Europe project, PRO-FREX.

Beneficiaries

Judges and prosecutors from various regions.

Duration

The training will last for one (1) day.

Topic identified by the training needs assessment:

- Information and Privacy Agency (IPA)

4. Protection of personal data

The Information and Privacy Agency (IPA) is responsible for supervising the implementation of Law No. 06/L-081 on Access to Public Documents and Law No. 06/L-082 on the Protection of Personal Data. Its main objective is to safeguard the fundamental rights and freedoms of individuals in relation to their processing of personal data, while also ensuring access to public documents. Under the Law on Access to Public Documents, the Agency is responsible for handling complaints regarding access to public documents, monitoring and reporting on the implementation of the LAPD, cooperating with responsible institutions and imposing punitive measures on institutions that fail to fulfill their legal obligations regarding access to public documents. In relation to the implementation of the Law on Protection of Personal Data, the Agency handles complaints from entities and individuals regarding the protection of personal data, provides advice to public and private bodies on issues related to data protection, conducts inspections to ensure compliance with this law, offers opinions on public institutions and other bodies, and publishes information on any topic related to the protection of personal data.

The Information and Privacy Agency cooperates with state, international and European Union bodies on matters concerning access to public documents and the protection of personal data. Recognizing the role and significance of the Academy of Justice of Kosovo, the Agency considers it necessary and important to establish cooperation with the Academy of Justice in order to promote the right to access to public documents and protection of personal data within the judicial and prosecutorial system of Kosovo.

The importance of the implementation of the right to access to public documents and the protection of personal data, represents an imperative need for the implementation of these two rights in practice by the judicial and prosecutorial system, requiring continuous inter-institutional cooperation and coordination to provide solutions for potential dilemmas that may arise when exercising these two rights.

The inter-institutional cooperation program aims to address the questions and dilemmas that arise during the handling of complaints regarding access to public documents. These include:

- Balancing the right to access public documents and the protection of personal data
- Conducting of damage test, and

- Managing requests for access to public documents that contain sensitive content

The approach to addressing the dilemmas or questions raised during the training will be achieved by handling specific complaints regarding access to public documents and the protection of personal data with the concrete examples of response and case management.

Objectives

- Promoting the right to access public documents
- Promoting the right to the protection of personal data

Content

Protection of personal data:

- ✓ Purpose and scope of the law
- ✓ The role of Chief Administrative Officers and officers responsible for the protection of personal data
- ✓ Principles of personal data processing
- ✓ The role of the Information and Privacy Agency in the implementation of the LPPD
- ✓ Legal processing of personal data
- ✓ Information and access to personal data
- ✓ Anonymization of personal data

Access to public documents:

- Purpose and scope of the law
- The role of Chief Administrative Officers and officials responsible for Access to Public Documents
- Basic principles of the right to access public documents
- The role of the Agency for Information and Privacy in the implementation of LAPD
- Access to public documents based on request
- Publication at the public institutions initiative

Methodology

- Analysis of requests for access to public documents from Courts and Prosecution Offices;
- The management cycle of requests, from acceptance to reporting addressed to institutions;
- Possible consequences of non-compliance with legal obligations;
- The direct impact of law enforcement on increasing the transparency and accountability of institutions.

Beneficiaries

Judges, Prosecutors, Professional Associates, Officials responsible for Access to Public Documents, Officials responsible for the Protection of Personal Data.

Duration

The training will last for one (1) day.

EUROPEAN LAW

Topic identified by the training needs assessment:

- Permanent trainer in AoJ

1. The Effect of European Union Law

The main objective of this training is to enhance understanding of the impact of European Union law and analyze its implementation before and after membership in the European Union. Another goal is to explore the implementation of European law and its effects at the national level (both, direct and indirect impact); The impact of EU law on the Republic of Kosovo law - after the entry into force of the Stabilization-Association Agreement. (Harmonization of national and European law, the legal basis for harmonized interpretation, the extent and limitations of harmonized judicial interpretation during the pre-accession period and the challenges); Implementation of EU law by national courts – experience from countries in the region; Practical cases of the implementation of the EU law by the courts of certain EU member states.

Objectives

- To analyze the impact of EU law on the constitutional system and the legal framework of the Republic of Kosovo - after the entry into force of the Stabilization-Association Agreement.
- To interpret the impact of European law on a national level (both, direct and indirect impact), specifically within the Republic of Kosovo.
- To effectively implement EU legislation within the Republic of Kosovo - after the entry into force of the Stabilization-Association Agreement.
- To analyze practical cases where EU law has been applied by the courts of a member state.

Content

- Implementation of European law and its effects at the national level (both, direct and indirect impact)
- The impact of EU law on the Republic of Kosovo law - after the entry into force of the Stabilization-Association Agreement. (Harmonization of national and European law, the legal basis for harmonized interpretation, the extent and limitations of harmonized judicial interpretation during the pre-accession period and the challenges).
- Implementation of EU law by national courts – experience from countries in the region.

- Practical cases of the implementation of the EU law by the courts of certain EU member states.

Methodology

The main methods that will be used during this training will include partial theoretical explanations and cases from judicial practice; interactive discussions and analysis of court cases. Furthermore, this training aims to actively engage participants and encourage their contribution towards achieving the training objectives.

Beneficiaries

Judges and prosecutors at all levels in the Republic of Kosovo.

Duration

The training will last for one (1) day.

Topic identified by the training needs assessment:

- Permanent trainer in AoJ

2. Unification of criminal legislation with that of EU countries - Judicial cooperation in criminal matters (procedural aspect) in the EU

The main goal of organizing this training is to enhance the understanding of judges regarding the harmonization of criminal legislation with that of EU countries, with a focus on judicial cooperation in criminal matters (procedural aspect) within the European Union (EU). Another objective is to provide comprehensive overview of the implementation of European criminal law and its impacts at the national level. This will be achieved by showcasing practical cases that demonstrate the application of EU law courts of various EU member states and neighboring countries in the region.

Objectives

- recognize the correct application of European criminal law and its impact at the national level,
- enhance the understanding of judges regarding the harmonization of criminal legislation with that of EU countries, with a focus on judicial cooperation in criminal matters (procedural aspect) within the European Union (EU)
- develop skills in terms of recognizing and implementing EU legislation in the field of protection and support for victims of criminal offenses;
- proceeding cases with an international element;
- Acquire skills in implementing provisions and practices of EU member states in this field.

Content

- ✓ The correct application of European criminal law and its impact at the national level,
- ✓ Harmonization of criminal legislation with that of EU countries, with a focus on judicial cooperation in criminal matters (procedural aspect) within the European Union (EU)

- ✓ Recognition and implementation of EU legislation in the field of protection and support for victims of criminal offenses;
- ✓ Proceeding of cases with an international element;
- ✓ Implementing provisions and practices of EU member states in this field.

Methodology

The main methods that will be used during this training include partial theoretical explanations and cases from judicial practice; interactive discussions in separate groups, where participants will defend and argue different positions and analyze court cases. Additionally, active participation from the participants will be encouraged in order to contribute to the achievement of the training objectives.

Beneficiaries

Judges of Basic Courts, judges of the Court of Appeals and professional associates.

Duration

The training will last for one (1) day.

MINOR OFFENCES

Topic identified by the questionnaire for assessment of continuous training needs

1. Legal persons as perpetrators of minor offenses

The person responsible for a legal entity can be held accountable and sanctioned, even in cases where they are not directly responsible for the specific minor offence. In judicial practice, the business entity is often treated as an individual entity, and the first instance courts sometimes fail to properly follow the minor offense procedure when dealing with legal entities. What distinguishes a business entity as a legal entity from a business entity as an individual business? Under what circumstances is the person responsible for a legal entity not held accountable for minor offenses? How does the minor offense procedure differ when dealing with a business entity as an individual business versus a legal entity? The program aims to unify judicial practice in this field by elaborating applicable legislation related to the legal status of business entities in court proceedings. It also provided practical examples regarding the prosecution and trial of minor offenses committed by legal entities and individual businesses, including interactive discussions.

Objectives

- Clearly and accurately define the business entities as legal entities and identify the responsible person within the legal entity;
- Establish a fair and lawful procedure for addressing minor offenses committed by legal entities and their responsible persons;
- Apply legal provisions to determine the liability of the legal entity, the responsible person within the legal entity, and the natural person involved.

Content

- ✓ The way of establishing a procedure for minor offenses committed against the business entity that has the status of a legal entity, as well as against the responsible person of the legal entity;
- ✓ Liability of the legal entity and liability of the responsible person of the legal entity;
- ✓ Business entities as individual businesses and the development of legal procedures against them;
- ✓ Responsibility of the natural person.

Methodology

Elaboration of the applicable legislation in criminal procedures that pertain to the status of legal entities as business entities, through interactive discussions, practical examples, working in groups to solve specific case-scenarios, and the presentation of alternatives to address any ambiguities raised by the judges.

Beneficiaries

Judges of the Minor Offence Divisions in the First Instance Courts.

Duration

Training will last for one (1) day.

Topic identified by the questionnaire for assessment of continuous training needs

2. The Law on Forests in Kosovo, Nature Protection and Environmental Protection

Considering the degradation of the environment, the ongoing damage to forests, national parks, and nature as a whole, and the subsequent impacts on human health and overall quality of life that we are witnessing, it is crucial to address this topic. Special emphasis should be placed on the importance and priority that the divisions responsible for minor offenses must give to this field. This training aims to address questions and dilemmas such as: What are the fundamental principles of this law? Which body initiates the infringement procedure? How does the infringement procedure unfold? What are the sanctions for minor offenses?

These and other issues will be addressed through the breakdown of the legal provisions of the Law on Forests in Kosovo. Practical examples will be used to illustrate cases, and alternatives and meritorious solutions will be offered in such situations.

Objectives

- Apply the provisions of the Law on Forests in Kosovo correctly;
- Clearly and fairly define the competences for minor offenses and sanctions under the Law on Nature Protection and the Law on Environmental Protection in relation to the Courts - Misdemeanor Body;
- Issue fair judgments based on the law.

Content

- ✓ Definition of a public place;
- ✓ Implementation of the Law on Forests in Kosovo, the Law on Nature Protection, and the Law on Environmental Protection in the minor offense procedures;
- ✓ Interconnection of the Law on Forests in Kosovo with the Law on Nature Protection and the Law on Environmental Protection in the infringement procedure/dilemmas and ambiguities.

Methodology

The material will be presented through PowerPoint, interactive conversations, examples from judicial practice, a hypothetical case, and a question and answer session, which aims to influence the unification of judicial practice and the elimination of violations in this field.

Beneficiaries

Judges of the misdemeanor divisions of the basic courts.

Duration

Training will last for one (1) day.

MEDIATION

Topics identified by the training needs assessment:

- Proposals of the Kosovo Judicial Council for the 2024 Training Program;
- Recommended and supported by the needs assessment report from the USAID Commercial Justice Project

1. Referral of cases in the mediation procedure-practical cases, Procedure for approval or cancellation of mediation agreements, Mandatory mediation

The training aims to provide detailed explanations of the mediation procedure, starting from the referral of cases to mediation, the procedure for approving or canceling mediation agreements, and clarification on mandatory mediation. It is designed to help judges understand and correctly interpret the legal provisions that may be ambiguous in the proposed topics and the not unique application of these provisions by the judges handling such cases. The training is necessary due to the monitoring of the implementation of the Law on Mediation and the discussions among judges about the practical challenges they face in their daily work.

The training aims to enhance the capabilities of judges who handle civil cases and provide solutions to the difficulties they face during mediation proceedings and when assessing the validity of mediation agreements. What are the main challenges for judges when referring cases to mediation procedure, during the approving or canceling the mediation agreements procedures? What are the challenges of the referral procedure of cases for which Mandatory Mediation is envisaged? What dilemmas do judges encounter when evaluating the validity of mediation agreements? What potential pitfalls do judges see in the way mediators draft agreements? Are

there any potential challenges related to the implementation or content of the Law on Mediation?
What challenges exist in implementing the Mediation Protocol?

Objectives

- Understand the role of judges in the process of referring, approving or rejecting mediation agreements correctly
- Apply the legal basis of mediation accurately;
- Standardize the practice of referring, approving, or canceling agreements reached through mediation
- Clarify the procedures for referring family cases in the mediation procedure
- Standardize the referral of disputes that require mandatory mediation
- Standardize the implementation of the Mediation Protocol

Content

- ✓ Referral of appropriate subjects in the mediation procedure - practical cases;
- ✓ The procedure for approving or canceling mediation agreements;
- ✓ Mandatory mediation, with special focus on family cases;
- ✓ Challenges in the implementation of the Law on Mediation;
- ✓ Challenges in implementing the mediation protocol.

Methodology

The training will be conducted by the trainer/s, who will provide information, ask questions and provide answers based on the best practical examples. These examples will help clarify the process of referral, approval, or rejection of agreements reached in mandatory mediation. Additionally, during the training, practical cases will be presented for the judges to provide their answers or opinions, and this approach aims to make the understanding of the mediation procedure as easy as possible to grasp.

Beneficiaries

The beneficiaries of mediation training will include judges from all basic courts and their branches, as well as mediators from the respective regions of these courts. The training session will be organized on a regional level, and it may be organized by combining judges from nearby geographical regions.

Duration

4 trainings (including all regions) 1 day each.

INTERDISCIPLINARY TRAININGS

Topic identified by the training needs assessment:

- OSCE (court monitoring report)

1. Management of criminal cases and trial schedules

In the daily work of the judges and prosecutors, in addition to decision-making, case management plays a crucial role in reaching decisions, especially when judges and prosecutors are facing a large number of cases that they have to decide. The case management and the implementation of case management techniques by judges and prosecutors, especially with a large flow of cases assigned to them, represent a major challenge, and therefore the key issues are: managing cases based on their nature, complexity and priority in practical work; identifying difficulties related to case management, and finding efficient methods to address challenges that arise during case management. This training aims to address these questions and issues that are directly related to case management and administration of cases in courts and the prosecution offices. The focus is on tackling new problems and strategies to continuously improve work effectiveness and prevent practical issues.

Objectives

- Apply the principles of case management;
- Utilize knowledge in case management;
- Implement case management techniques.

Content

- ✓ Case management;
- ✓ Efficient administration procedures;
- ✓ Basic principles of case management;
- ✓ Key case management techniques.

Methodology

During the training, a combination of methods will be utilized, including explanations that are both theoretical and practical, group work, and the use of practical examples, and also PowerPoint presentations.

Beneficiaries

Basic level judges and prosecutors.

Duration

The training will last for one (1) day.

TRAINING PROGRAM CURRICULUM ON VIOLENCE AGAINST WOMEN, DOMESTIC VIOLENCE AND GENDER-BASED VIOLENCE

Topic identified by the training needs assessment:

- EC-Office in Pristina, Project Aligning laws and policies with the Istanbul Convention

1. Violence against Women, Domestic Violence and Gender Based Violence

The purpose of this training is to enhance the capacities of the legal framework on the main concepts, local normative frameworks and laws related to Violence against Women (VAW), Domestic Violence (DV) and Gender-Based Violence (GBV).

Objectives

The objective of this training is to enhance the capacities and knowledge of legal officials regarding the fundamental concepts of Violence against Women, Domestic Violence and Gender-Based Violence. With the inclusion of the Istanbul Convention into the Constitution in 2020 and CEDAW in 2008, it is essential for all justice officials to be aware and well-versed in international standards, and to effectively apply them in their work. Therefore, this training also aims to achieve these objectives.

Content

The training will cover the following content: understanding the gendered nature, manifestations and dynamics of VAW and DV, and participants will receive an overview of the guiding principles for addressing these cases, which includes adopting a victim-centered, gender-responsive approach and ensuring accountability for the perpetrator, explaining the trauma and its impact on the victim, emphasizing the importance of making decisions in these cases without relying on gender stereotypes.

Methodology

The training methodology is mixed, it is recommended to combine following the online course on the main platform of the Council of Europe for legal professionals, called "HELP", with the course on "Violence against Women and Domestic Violence", which covers the Istanbul Convention and relevant local laws and policies on VAW, DV and GBV. Additionally, it is proposed that the remaining training be conducted in person to provide participants with opportunities to reflect on how to implement these principles in their work.

Beneficiaries

This training is specifically designed for judges, prosecutors, and other professionals at any level and in any role. It is recommended as a prerequisite for those who have not previously received training in this field and may be attending other specialized modules.

Duration

On-line + 1 day training

Topic identified by the training needs assessment:

- EC-Office in Pristina, Project Aligning laws and policies with the Istanbul Convention

2. Offenses of domestic violence: The effective criminal justice response

The aim of the Training Program is to prepare judges, prosecutors and other professionals to effectively handle cases involving VAW, DV and GBV in accordance with local laws and international standards. The program emphasizes a victim-centered approach, trauma-informed practices, gender-responsive strategies, and holding perpetrators accountable to contribute to stopping the cycle of impunity.

Objectives

The objectives of the training include enhancing the capacity of the legal framework effectively respond to cases of domestic violence, based on concepts and circumstances related to the case such as the dynamics of domestic violence, the cycle of power and control, combating common stereotypes associated with victims and perpetrators of violence, and improving interviewing

techniques. Additionally, the training aims to promote the inclusion of programs for perpetrators of violence as part of the punishment.

Content

The module will cover a summary of the relevant provisions of the Criminal Code, as well as the relevant Guidelines and Policies of the Supreme Court and the Prosecution Office. It will also include the new definitions in the Law on DV, VAW and GBV. Participants will gain insight into the dynamics of domestic violence, such as coercive control, the cycle of power and control and the cycle of violence, and common stereotypes about victims and perpetrators of domestic violence that can negatively impact decision-making in the justice system. The latest research on trauma, domestic violence and risk factors, including post-separation violence, will also be reviewed. Participants will engage in the development of practical skills such as identifying criminal acts of domestic violence, utilizing interviewing techniques - do's and don'ts, gathering and evaluating evidence, exercising prosecutorial judgment and selecting charges. Additionally, they will learn how to effectively reduce secondary victimization of victims, cases without victim testimony (i.e. prosecution when a victim of DV does not testify in the prosecution's case), combat discriminatory use of rules of evidence, ensure appropriate verdicts for perpetrators, include treatment program for perpetrators as part of their sentence, and address protection order violations. Participants will have the opportunity to work through challenging cases, such as those involving psychological and economic violence; responding to the defense argument that the accused is not criminally responsible due to mental disorders; and managing and empowering witnesses and victims who are reluctant to testify.

Methodology

The proposed methodology for this training includes reviewing relevant legal and policy provisions, international principles and concepts related to the topic, reviewing the latest research on DV, VAW and GBV, and developing practical skills through examples and case studies.

Beneficiaries

This module is designed for judges, prosecutors, paraprofessionals, victim advocates and other relevant professionals who regularly handle domestic violence cases within the criminal justice system.

Duration

The training would last for two (2) days

Topic identified by the training needs assessment:

- EC-Office in Pristina, Project Aligning laws and policies with the Istanbul Convention

3. Understanding Domestic Violence in Civil Law: Protective Orders and Family Law Considerations

The main objective of this training is to enhance understanding of the legal framework regarding the meaning of domestic violence in Civil Law, with a focus on protective orders and considerations in family law.

Objectives

The objective of this training is to enhance understanding of domestic violence within the civil law framework and improve knowledge on the proper implementation of protective orders. It will focus on addressing critical protection issues, and family law matters that have an immediate and obvious connection to VAW.

Content

The training will examine the relevant provisions in the Law on DV, VAW and GBV regarding the judicial procedure for establishing requests for protection orders. It will also review relevant provisions in the Family Law relating to custody and access, child protection, child and spousal support and property division. Participants will be introduced to the dynamics and types of domestic violence, including how, when and where it can occur, and they will learn to recognize some of its indicators. Using a gender and trauma-informed approach, participants will explore the impact of VAW on family court proceedings. This includes understanding the best interests of the child, challenges with shared custody, approaching a perpetrator of violence, and the relationship between child protection and VAW. They will engage in developing skills such as analyzing VAW/DV, being aware of VAW risk factors, knowing when to refer for a full assessment, being able to respond appropriately to a disclosure of abuse or violence, conducting an effective interview with individuals who have experienced abuse, recognizing the non-influence of women in alternative dispute resolution, especially mediation, and recognizing the need for reassurance and support.

Methodology

The proposed methodology for this training includes reviewing relevant legal and policy provisions, international principles and concepts related to the topic, reviewing the latest research on DV, VAW and GBV, and working to develop practical skills through examples and case studies.

Beneficiaries

This training is specifically designed for civil court judges and focuses on the application of protective orders and/or family law matters (e.g. custody issues).

Duration

The training will last for two (2) days.

Topic identified by the training needs assessment:

- EC-Office in Pristina, Project Aligning laws and policies with the Istanbul Convention

4.Criminal Offenses Involving Violence Against Women: Prosecution and Trauma Informed Trials

The main objective of this training is to enhance the capabilities of the legal system in effectively prosecuting criminal offenses and making informed decisions regarding the trauma experienced by the victim, in accordance with local laws, international standards and the National Strategy Against Domestic Violence and Violence against Women for the period 2022-2026.

Objectives

The training objectives include raising awareness of important factors that play a role in prosecution and trauma-informed judgments, delving into common myths about rape, the issue of consent, and interrogation practices in such cases

Content

Participants will gain insight into common rape myths, including issues of trust and consent; the neurobiology of trauma and how it affects victim behavior and memory, and implications for investigations, prosecutions and trials. Additionally, participants will practice techniques for properly questioning witnesses and traumatized victims, where the participants will have the opportunity to practice these through simulated exercises in a controlled environment. Training topics will include: general interviewing approaches, witness and victim protection, examination techniques (direct, cross, redirect), questioning strategies for different witnesses, handling traumatized witnesses, supporting approach of witnesses, and addressing secondary traumatization, all while applying a trauma-informed approach to investigating and prosecuting perpetrators of violence, as well as the treatment of drug/alcohol-facilitated sexual violence cases.

Methodology

The training is intended to be multidisciplinary, involving various actors who are part of the case management chain. The proposed methodology for this training includes reviewing relevant legal and policy provisions, international principles and concepts related to the topic, reviewing the latest research on DV, VAW and GBV, and developing practical skills through examples and case studies.

Beneficiaries

This training is specifically designed for participants from the criminal justice system such as prosecutors, judges, victim advocates and other professionals (e.g. forensic examiners), dealing with offenses covering various forms of violence against women, including rape and sexual assault, stalking, forced marriage, and sexual harassment.

Duration

The training will last for two (2) days.

ANTI DISCRIMINATION

Request:

- Social Justice for Roma, Ashkali and Egyptian - Terre Des Hommes

1. Anti-Gypsyism

Anti-Gypsyism, also known as specific racism against the Roma, Ashkali and Egyptian communities, encompasses a complex network of historical, cultural, and systemic prejudices leading to marginalization, exclusion and mistreatment of Roma, Ashkali and Egyptian communities. Anti-Gypsyism is rooted in stereotypes and negative perceptions, and manifests itself through various forms, including social prejudice, institutional discrimination, hate speech, and even acts of violence. This deeply rooted phenomenon perpetuates unequal access to education, health care, employment, and justice, further worsening the socio-economic inequalities faced by the Roma, Ashkali and Egyptians communities. To understand anti-Gypsyism, we must recognize its historical origins and contemporary manifestations, and

eradicating it requires collaborative efforts across society, institutions and policies to foster a more inclusive and just society for all.

Objectives

- Awareness and understanding: to provide participants with a comprehensive understanding of the concept of anti-Gypsyism, including its historical context, manifestations and impact on Roma, Ashkali, and Egyptian communities.
- To help participants recognize cases of anti-Gypsyism within legal and administrative processes and understand how it effects the administration of justice.
- Mitigation and prevention: to equip participants with tools and strategies to effectively address and combat anti-Gypsyism within their professional roles, promoting fair and equal treatment for Roma, Ashkali, and Egyptian individuals.
- Cultural competence and sensitivity: to increase the cultural competence and sensitivity of participants when dealing with cases involving Roma, Ashkali and Egyptian individuals, promoting a more inclusive and equitable justice system.

Content

- ✓ Definition and main concepts of anti-Gypsyism, historical context and social roots
- ✓ The relationship between discrimination, prejudice and anti-Gypsyism
- ✓ Historical background and cultural diversity of Roma, Ashkali, and Egyptian communities
- ✓ Socio-economic challenges and systemic inequalities faced by Roma, Ashkali, and Egyptian communities
- ✓ Manifestations of anti-Gypsyism, stereotypes, prejudices and discriminatory attitudes towards Roma, Ashkali, and Egyptian communities
- ✓ Institutional and structural discrimination
- ✓ Hate speech, hate crimes, violence and exclusion
- ✓ International and national laws dealing with discrimination and anti-Gypsyism
- ✓ Judicial practice and jurisprudence related to anti-Gypsyism
- ✓ States' obligations to combat anti-Gypsyism
- ✓ The role of the judiciary and the prosecution in ensuring equal treatment in legal proceedings
- ✓ Recognizing and addressing bias and prejudice in legal proceedings
- ✓ Promotion of fair trials and protection of the rights of Roma, Ashkali, and Egyptian individuals;
- ✓ Mitigation and prevention, promotion of comprehensive legal procedures
- ✓ Strategies for the identification and treatment of antigypsyism within cases
- ✓ Awareness and training within the justice system;
- ✓ Cultural competence and sensitivity, the importance of cultural awareness in legal and administrative processes,
- ✓ Building respectful communication with Roma, Ashkali and Egyptian individuals
- ✓ Overcoming biases and prejudices

Methodology

The training will utilize a combination of methodologies to ensure effective learning and practical application.

These methods include:

- Presentations and lectures
- Case studies and real-life examples
- Group discussions and role-playing exercises
- Display of multimedia materials

Beneficiaries

State judges prosecutors, judicial and prosecutorial administrative staff, and freelance professionals

Duration

The training will last for one (1) day.

**TRAINING FOR
COURT/PROSECUTION
MANAGEMENT**

1. Court and Prosecution management

Management means organizing and harmonizing resources to achieve specific goals for success. It encompasses planning, organizing, directing and monitoring. Therefore, it is crucial to have a thorough understanding of court and prosecution management, starting with the management of human resources, finance, the central case management office, the legal support office, the logistics office, and the information office. This understanding can be further enhanced through practical training.

How can a court or prosecution office be successfully managed? What are the standard principles of good management? What are the current challenges and shortcomings of court and prosecution management?

This training is designed to answer questions related to the management of courts and prosecution offices through a combination of presentations that will address advanced strategies related to the successful court and prosecution office management. Throughout the process, a pragmatic approach will be taken to implement rules for successful and efficient management.

Objectives

Upon completion of this training, participants will be able to:

- Apply the standard principles of good management;
- Identify the criteria for successful planning;
- Apply planning principles and methodology.

Content

- ✓ Management in general, including court and prosecution office management;
- ✓ Managerial responsibilities;
- ✓ Human resources and finance.

Beneficiaries

Court presidents, Chief prosecutors, Branch supervising judges, heads of departments and divisions.

Duration

The training will last for one (1) day.

TRAINING FOR PROFESSIONAL ASSOCIATES AND LEGAL OFFICERS

Basic training modules for professional
associates

(Criminal-material and procedural)

(Civil-material and procedural)

Basic training for professional associates and legal officers

The role of professional associates and legal officers is crucial as it directly impacts the development, advancement and efficiency of the judicial system. Therefore, enhancing professional capabilities is one of the top priorities of the Academy of Justice. As part of this objective, a substantial number of trainings from the Basic Training Module - Civil and Criminal Aspects are scheduled for the year 2024.

Trainings in Criminal Law

Material

1. Application of the most favorable Law, Causes of Exclusion of Illegality, Part of Application of the most favorable Law, Causes of Exclusion of Illegality, Special Part of Criminal Law as well as Criminal Offenses against Sexual Integrity Special Criminal Law, and Acts - October 16, 2023
2. The quality of the perpetrators - the meaning of the official person and the Punitive Policy for criminal acts of corruption, October 17, 2023
3. Cooperation in committing a criminal offense as well as criminal offenses from Chapter XXVI, Chapter XXIII, Chapter XXX and Chapter XXIX of the Criminal Code, October 18, 2023

Trainings in Criminal Law

Procedural

4. Phases of the criminal procedure
5. Legal Remedies and Special Procedures
6. Indictment, judicial review and reasoning

Trainings in Civil Law

Material

1. The right of inheritance and family law
2. The right to work
3. The property right
4. The obligation right

Trainings in Civil Law

Procedural

1. Contested procedure
2. Enforcement procedure
3. Domestic violence and Mediation

JUDICIAL AND PROSECUTORIAL ADMINISTRATIVE STAFF

1. File and case management in the judicial and prosecutorial system

The main purpose of this training is to inform and prepare participants with the skills to identify and address the case management issues. Through the presentation of concepts and principles of case-flow management, participants will learn how to develop and implement a plan for the efficient case-flow management.

Objectives

- Advance knowledge of case management;
- Respect the principles of case management;
- Demonstrate case management techniques;
- Advance knowledge related to the CEPEJ principles and methodology

Content

- ✓ Courts and prosecution office registers;
- ✓ Organization of the work flow and case development;
- ✓ Collection of statistical data and reporting;
- ✓ Efficient case management based on CEPEJ methodology;
- ✓ Digitalization of the work process in courts and prosecution offices.

Methodology

The PowerPoint presentation methods, group work and the use of practical cases will contribute to the implementation of this training.

Beneficiaries

Administrators, assistant administrators, the head of CMO, registry officials, statistics officers, legal officers, legal secretaries, information officers, and the performance evaluation unit of prosecutors and judges.

Duration

The training will last for one (1) day.

2. Communication skills

Some professions require continuous skill development and regular updates to stay current. This

is especially true for information officers, as lacking adequate skills cannot only leave much to be desired, but also harm the reputation of the institution they represent. That's why, the "Communication Skills" training program aims to enhance the skills of court/prosecution information officers, enabling them to excel in their work and present their institution in the best possible light. The training focuses on various aspects, including writing and speaking skills, non-verbal communication, conveying key messages, building confidence, showing empathy, handling crisis situations, dealing with missing information, and more.

In addition to covering these topics, the training also provides information officers with an opportunity to evaluate the program and share their own experiences related to these skills.

Objectives

- Understand the essential skills for effective communication;
- Apply the learned tactics in writing and speaking;
- Create key messages and cultivate empathy;
- Recognize the significance of non-verbal communication;
- Handle and confront the crises within the institution;
- Enhance adequate communication skills.

Content

- ✓ Advantages and disadvantages of written and verbal forms of communication;
- ✓ Knowledge of communication skills;
- ✓ Special emphasis on confidence, empathy and non-verbal language;
- ✓ Discussion on the skills and potential for their implementation.

Methodology

In this training, several combined training methods will be utilized, starting with a PowerPoint presentation, which provides theoretical explanations, interactive discussions, and exercises.

Beneficiaries

The beneficiaries of this training will be officials responsible for informing and monitoring the media, in the courts and the prosecution offices. Additionally, other officials who interact with the parties in courts/prosecutors may also benefit from this training.

Duration

The training will last for one (1) day.

3. Integrity and ethical behavior in judicial and prosecutorial administration

The highest goal of the judicial and prosecutorial administration in Kosovo, for all staff belonging to the judicial and prosecutorial system, is to increase the quality of professional

performance. This is achieved by ensuring the proper practical implementation of ethical principles and standards in accordance with the Code of Ethics such as professionalism, discipline at work, impartiality, independence, confidentiality, avoidance of conflict of interest and unethical behavior, honesty and accountability.

The module is designed to address the established rules of ethical and professional behavior through partial theoretical explanations and interactive discussions. It provides participants with the legal basis and practical examples necessary to understand and apply these principles effectively.

Objectives

- Distinguish between ethical behavior inside and outside the office;
- Apply the Code of Ethics and its principles fairly;
- Identify cases where ethical violations can occur.

Content

- ✓ Principles and norms of ethical behavior;
- ✓ Behavior inside and outside the office, and
- ✓ Social awareness and responsibility

Methodology

During this training, we will apply a methodology that combines theoretical explanations with PowerPoint and interactive discussions.

Beneficiaries

Judicial and prosecutorial administrative staff.

Duration

The training will last for one (1) day.

4. Time and stress management in the workplace

This training is designed to develop time and stress management skills for officials in Courts and Prosecution Office administrations. It is a prerequisite for improving their performance in order

to support the work and increase the performance efficiency of the Courts. and Prosecution Offices in carrying out their duties and functions as defined by law.

Stress today is a pervasive issue that accompanies all activities, developments, actions, and behaviors of the individuals and is an inevitable phenomenon in society as a whole. Officials in the Courts and Prosecution Office administrations face numerous stressful situations and are exposed to various stressors during their daily work which have a negative impact on the services provided by these officials, not only in relation to Judges and Prosecutors, but also in relation to other parties and subjects involved.

Therefore, there is an immediate need for time and stress management to prevent the detrimental effects of stress on the well-being of officials in the administration in the specific case, as it ensures that their work is of high quality and efficiency.

Objectives

- They know how to manage their time;
- They prioritize their daily, weekly and monthly activities;
- They know and apply techniques for maintaining their health and working conditions.

Content

- ✓ Stress and its theoretical definition;
- ✓ Time management;
- ✓ Prioritization of activities;
- ✓ Techniques for maintaining health and working condition;
- ✓ Protection from professional "burn out".

Methodology

During this training, we will utilize contemporary methods and techniques, including PowerPoint presentation, group work and case studies from reape practice.

Beneficiaries

Judicial and prosecutorial administrative staff.

Duration

The training will last for one (1) day.

5. Improving Court Efficiency based on CEPEJ Instruments and Indicators for Performance using CMIS Statistical Reports and Tables

This training curriculum aims to convey key knowledge related to the use of the CEPEJ methodology in courts to increase quality and efficiency, in accordance with the recommendations of the EU Enlargement Report 2021. The report recommends providing reliable statistical data in in-line with the methodology of the European Commission for the Efficiency of the Judiciary, improving strategic planning, which also requires a commitment to presenting reliable statistical systems for the judiciary based on CEPEJ indicators and utilizing the findings for management and policy-making purposes, as well as strengthening commitments to reduce the accumulation of cases based on the digitalization strategy.

This training will present the main instruments developed by the Working Groups at CEPEJ (Working Group on Evaluation of Judicial Systems, SATURN Working Group, Working Group on Quality, and the newly established Working Group on Cyber Justice), and it will explain how these instruments can be utilized in the judicial system of Kosovo, considering the specific needs that have been identified. Additionally, the training will provide guidance on how to interpret the statistical reports and tables created for CMIS, which includes some of the crucial CEPEJ indicators.

Objectives

- Calculate, use, read and understand CEPEJ performance indicators (CEPEJ rate for verification, time of resolution of court cases, time of pending cases, duration of procedures) incorporated in SMIL statistical reports and tables;
- Utilize CEPEJ instruments for time management, quality, and cyber justice
- Change work practices, behaviors, and attitudes to improve efficiency.

Content

- ✓ Presentation of the European Commission for the Efficiency of Justice and relevant areas of interest;
- ✓ CEPEJ Performance Indicators;
- ✓ Case Management Information System (CMIS) and Interrelated Statistical Reports and Tables;
- ✓ Data available from CMIS;
- ✓ Time frames of CEPEJ, one of the main CEPEJ instruments;
- ✓ Court policies that have proven successful in further reducing the length of court proceedings in European judicial systems, and how these policies can be adapted to Kosovo's experiences;
- ✓ European Case Weighing Systems for judicial procedures and the possibility of adapting these systems in the Courts of Kosovo;
- ✓ Surveys of court users as an instrument to inform courts and judges about the perception of users regarding "justice brought", as well as being open to civil society;
- ✓ Summary of concepts and information.

Methodology

The training sessions are designed to be as concise and interactive as possible. They will include question and answer sessions and discussions to encourage proactive participation. Short sessions are more suitable for judges with busy schedules. It is necessary to repeat the main concepts to ensure that participants fully understand them, which is essential to ensure that they will implement them in their daily work.

Beneficiaries

Court staff, particularly staff directly assisting judges and administrative staff

Duration

The training will last for two (2) days.

6. Protocol and Etiquette Training

Hospitality is a unique aspect that necessitates adherence to etiquette guidelines not only in society, but also during official ceremonies and functions. With this in mind, a protocol has been established that outlines a set of rules to be followed by state institutions when hosting foreign delegations in our country or within our own institutions.

The objective of this training is to enhance the abilities of courts and prosecution offices staff in arranging receptions for delegations, in accordance with the rules set forth by the State Protocol.

Objectives

- Understand the definition of Etiquette and Protocol;
- Familiarize oneself with examples of official dress (dress codes) for women in both public and official settings;
- Compare protocols and good practices across different countries;
- Independently expand knowledge about diplomatic practices.

Content

- ✓ Protocol and Ethics;
- ✓ Protocol for the reception of delegations;
- ✓ Diplomatic correspondence;
- ✓ The changing nature of diplomacy;
- ✓ Diplomatic method;
- ✓ Development of diplomatic practices;
- ✓ Instruction on communication and international traditions.

Methodology

The training will be conducted through an interactive lecture, providing participants with the opportunity to analyze the ceremonial aspect of protocol procedures using special cases. This will be done through questions and conversations.

Beneficiaries

The training is intended for judges and administrative staff.

Duration

The training will last for one (1) day.

7. Whistleblower Protection

The purpose of this training is to address issues related to the protection of whistleblowers, enhance understanding of whistleblowers rights, and generate knowledge on the latest developments in the field of whistleblowing in Kosovo, the region and Europe. The training aims to educate administrative staff of the courts and the officials responsible for whistleblowing across all regions of the country.

Objectives

- Understand international and local standards for human rights that pertain to the work of the judiciary
- Implement best practices in the areas of freedom of expression and whistleblower protection;

Content

- ✓ International and local standards for human rights related to the work of the judiciary;
- ✓ Principles, institutions, processes and practices in the field of freedom of expression in general, and in the field of whistleblower protection in particular.

Methodology

This training will utilize specific training methods tailored for legal professionals. These methods include icebreaker exercises, PPT presentations, case studies, group exercises, public opinion polls, debates facilitated by specialized trainers in the field of freedom of expression, as well as assessment exams. The training will be entirely based on the training manual developed by the JUFREX project.

Beneficiaries

Courts and prosecution offices administrative officers, and whistleblowing officials within the courts and prosecution offices.

Duration

The training will last for one (1) day.

8. Maintenance of Facebook Court pages and public information

All courts in Kosovo have official pages on the Facebook social network. The purpose of creating these court profiles on the network was to enhance transparency, accountability, and provide information to the general public. The training "*Maintenance of Facebook Court pages and Public Information*", aims to introduce innovative practices to these pages, making it easier for the public to access information and increasing the appeal of these profiles.

Aside from previous posts, which have mainly consisted of announcements regarding detentions in basic courts, court hearings as media, and stories featuring the court staff, no other alternatives have been utilized. This training will provide creative ideas for presenting judicial procedures, ensuring that citizens with court cases are aware of their rights and understand the necessary procedures to exercise those rights.

Furthermore, Public Information Officers (PIOs) need to stay updated with the latest innovations of this network in order to effectively maintain the Facebook court pages, having the opportunities to attend lectures by technology experts.

Objectives

- Utilize court Facebook pages to create engaging posts;
- Process written materials with legal language, making them understandable for the general public, and then post them through various ideas on Facebook;
- Stay updated with Facebook innovations;
- Apply in practice the lessons taught by IT experts.

Content

- ✓ The new perspective of accessing the court's Facebook page;
- ✓ Familiarizing the public with new ideas on presenting the court's work and its functioning;
- ✓ Providing examples of translating/processing legal language into simpler terms for the public;
- ✓ Explaining the modules offered on Facebook.

Methodology

This training will utilize a combination of training methods including PowerPoint presentations, theoretical explanations, interactive discussions, and exercises.

Duration

The training will last for one (1) day.

9. Induction training for all newly appointed members of the judicial administration

The purpose of induction trainings is to offer every employee the opportunity to participate in relevant training courses that are essential for carrying out administrative duties in courts and prosecution offices (all general modules of the Continuous Training Program, as well as specialized modules that are specifically relevant to the country's work within the courts/prosecution offices administration).

Objectives

The main objective of this induction training is to provide training to all newly appointed members of the administration, with a focus on the most important areas for developing their professional skills and capacities as members of the judicial and prosecutorial administration. The purpose of the training is to provide general information about the structure and administration of the judicial system, the main principles and tasks involved in performing administrative tasks within the system, and to promote the quality of services provided by members of the administration.

Content

Module 1:

- Introduction to Kosovo's judicial system, constitutional principles and regulations, relevant legislation and institutions;
- Introduction to judicial administration, relevant legislation, functions and responsibilities
- Code of Ethics and professional conduct
- Access to information, confidentiality of data and classified information, and data protection
- The concept of "Services Oriented to Quality" and serving citizens
- Introduction to planning, management, time and stress management

Module 2:

- Introduction to the work of courts and prosecution offices; structure, organograms; categories of administrative staff and their rights and obligations
- Internal and external communication and teamwork
- The main rules and regulations for managing the case-flow.
- Specifics of work in civil cases, criminal cases and administrative cases; types of cases, court acts and court hearings.
- Judicial procedures and the corresponding tasks of the administrative staff, including sending summons, deadlines, presenting the types of registers and documents maintained by the administrative staff; rules and samples.

Methodology

- Presentations, interactive discussions, and practical exercises, including simulations will be utilized.

Beneficiaries

Newly appointed members of court and prosecution office administration and staff who have less than 6 months of experience in their relevant positions.

Duration

Module 1, 3 days

Module 2, 3 days

Training of Trainers

Implementation of Training of Trainers (ToT)

The Training of Trainers program will continue to be a result of cooperation with the AoJ projects and donors. The AoJ Training of Trainers program consists of a study plan that combines theoretical and practical aspects, aiming to equip trainers engaged in AoJ with the latest experiences and techniques in various fields including training methodologies, communication language, learning techniques for adults, as well as professional aspects from criminal, civil, and interdisciplinary fields.

In this component, the Academy of Justice has numerous collaborations with various institutions and organizations such as the Council of Europe Office in Pristina and its projects, the United States of America Embassy, the British Embassy, and various NGOs operating in our country.

In 2024, AoJ plans to expand its training program in cooperation with its donors. This expansion will focus on specific areas where there is a need to increase the number of trainers or update training methodologies and curricula.

One of the areas in which AoJ aims to continue the Training of Trainers is in the field of Cybercrime, training with support primarily from the Council of Europe's iPROCEEDS project. AoJ also offers other trainings such as Training of Trainers in the field of Discrimination and hate speech, Training of Trainers in the field of freedom of expression and media, and Training of Trainers in the field of anti-trafficking.

The number of sessions and the duration of other ToT program will be determined based on the content of the relevant trainings. These activities are preceded by the identification of suitable trainers, which is initially done through public announcements on the AoJ website, giving all interested individuals equal rights in their applications. The participants are then selected based on their experience and professional profile.

HELP Courses Platform

Platform for the education of legal professionals on freedoms and human rights - HELP online courses

The Council of Europe’s HELP online platform is a distance learning platform developed by the Secretariat of the Council of Europe, and it aims to facilitate and provide top-notch training for legal professionals. HELP online courses are designed to be interactive and visually engaging. They cover different topics related to human rights, and reflect different areas of the Council of Europe’s work.

The main objective of the Council of Europe’s Human Rights Education Program for Legal Professionals (HELP) is to enhance the capacity of judges, lawyers and prosecutors, in all 46 member states of the Council of Europe, as well as beyond, in applying European standards of human rights in their daily work. This is achieved through HELP online courses that cover a wide range of human rights topics.

No.	HELP Courses developed in the Albanian language
1.	Access to Justice for Women
2.	Admissibility Criteria of requests submitted to the ECHR
3.	Alternative Measures to Detention
4.	Alternative to Immigration Detention
5.	Anti-discrimination
6.	Asylum and Human Rights
7.	Business and Human Rights
8.	Child-friendly justice
9.	Data Protection and Privacy Rights
10.	Ethics for Judges, Prosecutors and Lawyers
11.	Freedom of Expression
12.	Hate Crimes
13.	Hate Speech
14.	Introduction to the ECHR and ECtHR
15.	Judicial Reasoning and Human Rights
16.	Procedural Safeguards in Criminal Proceedings and Victims' Rights
17.	Prohibition of Ill-treatment
18.	Property Rights
19.	Protection and Safety of Journalists
20.	Radicalization Prevention
21.	Refugee and Migrant Children
22.	Violence Against Women