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September 2017

Continuous Training Program Activities (CTP)

Application of covert investigation measures

On 05 September 2017, the Academy of Justice, within the Continuous Training Program, organized training on: "Application of Covert investigation measures".

The purpose of this training was to advance the knowledge of participants on the procedure for the implementation and application of these measures in order to clarify the dilemmas encountered in the case law.

During this training, was emphasized the importance of these measures and their fair implementation in practice, legal conditions and deadlines for issuing these measures, the types of all measures and investigation stages during which they could be authorized.

Further, were addresses legal conditions, the authorized persons for issuing covert measures, drafting of orders for the implementation of these measures, and the content of the request for authorization of the respective measures.

Training methodology was a combination of theory with practical court cases set out by the trainers in order to contribute to the standardization of work practices related to this field.

Beneficiaries of this training were the basic level judges and prosecutors as well as police officers from Kosovo Police.



Joint property of spouses and its portioning

On 6 September 2017, the Academy of Justice, within the Continuous Training Program, organized training on: "Joint property of spouses and its portioning".

The purpose of this training was to deepen the knowledge of judges regarding implementation of the legislation on the joint property of spouses and its portioning based on the judicial practice.

During the training, were treated the issues related to the notion and the role of the joint property of the spouses and verification of the spouse's contribution. Further on, the second part of the training dealt with the administration of joint property and joint ownership and the calculation of the joint property of spouses.

During this training were used combined methods of explanation, including theoretical part followed by practical examples, where each participant was active throughout the training, what brought to fully achievement of the training objectives.

Whereas, the training was dominated by cases related to the administration of the joint property and its portioning.

Beneficiaries of the training were judges of Basic Courts from General Department-Civil Division.



Article 6 of the ECHR and its implementation

On 8 September 2017, the Academy of Justice, within the Continuous Training Program, conducted training on: "Article 6 of the ECHR and its implementation".

The purpose of this training was to deepen the knowledge of judges and prosecutors regarding correct implementation of the criteria's and guarantees contained in Article 6 of the ECHR.

In the first part of the training were addressed issues related to the content of the ECHR provisions, respectively Article 6 of the ECHR, procedural protection under provisions of Article 6 of the ECHR, the right to a fair and public hearing, the right to be tried without unreasonable delays, the right of the accused to question, or ask to question witnesses of the opponents, to attend and examine witnesses under his name.

While in the second part, were addressed issues related to the right of the accused to obtain free assistance of an interpreter if they do not understand or speak the language used in the court, the independence and impartiality of the courts in the context of Article 6 of the ECHR and the ECHR case-law related to this article.

During this training, combined methods of explanation were used, including theoretical and practical explanations, followed by examples from the case law of the ECHR, where each participant was active throughout the training. The training was dominated by cases related to the correct implementation of the criteria and guarantees contained in Article 6 of the ECHR.

Beneficiaries of this training were judges and prosecutors of basic level from different courts and prosecution offices of Kosovo region



Case management

On 12 September 2017, the Academy of Justice, within the Continuous Training Program, conducted training on: "Cases Management".

This training aimed to help participants understand the importance of the proper case management process for justice institutions, how to avoid unwanted situations during their work, how to minimize delays and utilize the time and available resources, how to increase work efficiency, create a good and collegial environment, as well as increase the accountability level at work.

Trainers through presentation and interactive discussion with participants, exchanged experiences, opinions and dilemmas regarding the implementation of case management techniques, basic case management principles, and the challenges faced in case management.

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



Criminal offences against official duty

On 13 September 2017, the Academy of Justice, within the Continuous Training Program, organized a training on: "Criminal offenses against official duty".



The purpose of the training was to increase the capacities of the participants in dealing with criminal offenses that violate the rule of law, economic development and the country's perspective, since prosecution phase up to the trial.

In its content, this training activity included topics such as: effective investigation of criminal offenses against official duty, overcoming the limits of competencies, respectively official authorizations, non-performing duties and giving bribe.

The training was conducted through presentation, interactive discussion and practical examples where participants exchanged experiences, opinions or dilemmas regarding the handling of these criminal offenses. This method proved to be very effective, as all participants were involved in a constructive and inclusive debate.

Beneficiaries of the training were judges of the basic instance from different courts of the region.



Specialized Training Program on Public Procurement in Kosovo – Session II

On 15-16 September 2017, the Academy of Justice, within the Continuous Training Program conducted a second training session on: “Specialized Training Program on Public Procurement in Kosovo – Session II”

This training aimed to provide participants with the knowledge about the stages of contract implementation, investigations and prosecution of criminal offenses of this nature.

The training session was divided into two parts, on the first day of the training, were treated: Contract implementation phase, needs assessment/determination of requirements, preparation/drafting process and preparation of bidding documents, selection of the contractor and provision of the price stage,

Whereas in the second day of the training were treated: corruption schemes and problems related to fraud, investigation plan and prosecution. A special emphasis was paid to the different types of unlawful practices, conflict of interest, bid fixing schemes, conspiratorial bids, fraud schemes, content of investigation plan, identification of information courses, house search planning and interception, use of informants plan and asset tracing plan.

Beneficiaries of this training were: Judges of and prosecutor of basic instances from different regions of Kosovo.



Hate crimes

On 18 September 2017, the Academy of Justice in cooperation with OSCE, conducted training on: "Hate crimes".

The purpose of this training was to advance the knowledge of participants regarding legal framework in Kosovo and international law in relation to hate crimes.

During this session were treated: international instruments and national legal provisions related to hate crimes, identification techniques of investigation and criminal prosecution and sanctioning of hate crimes.

Within this training were also treated general aggravating circumstances, used for determining the sanction against perpetrator as provided by paragraph 2.12 of the Article 74 of CCK, covering criminal offences pertained to be committed by prejudging motive.

In particular, was emphasized that if the of-

fense is committed against a person or group of persons or property because of ethnic or national origin, nationality, language, religious beliefs or lack of religious beliefs, color, gender, sexual orientation due to proximity to persons with the aforementioned characteristics. The provision of the general aggravating circumstances ensures that all criminal offenses defined by the CCK, which are carried out with a motivation of prejudice, are subject to the most severe punishments.

The training took place in the form of interactive discussions, pointing out the applicable legal framework for hate crimes and practical challenges and difficulties related to cases of this subject.

Beneficiaries of this training were: judges, prosecutors, lawyers, professional associates and police officers from Mitrovica region.



Compensation of immaterial damage

On 19 September 2017, the Academy of Justice, within the Continuous Training Program, conducted training on: "Compensation for Immaterial damage".

The purpose of this training was to deepen the knowledge of judges regarding the compensation of immaterial damage.

In the first part of the training, were elaborated issues related to the grounds of liability for immaterial damage and criteria for determining immaterial damage, while the second part covered the compensation of immaterial damage.

During this training were also treated topics like legal institutes in the mentioned field, whereas after completion of this training, participants were able to correctly interpret the provisions regarding liability and forms of immaterial damage, assess the criteria for deter-

mining immaterial damage, and correctly apply provisions on the compensation amount of immaterial damage.

The training methodology was combined, including theoretical explanations, followed by practical examples, where participant were fully engaged throughout the training, which resulted with achievement of the training objectives.

The training was dominated by cases related to the ground of liability for immaterial damage and the criteria for determining immaterial damage.

Beneficiaries of this training were: Judges of Basic Courts General Department - Civil Division.



Commercial contracts

On 20 September 2017, the Academy of Justice, within the Continuous Training Program, conducted training on: "Contracts in economy".

The purpose of this training was to advance the participants' knowledge about the construction contract and their specifics, the meaning of clauses in construction contracts, public contracts, and the implementation of construction usage in construction contracts.

Within this training were addressed issues related to conclusion of the contract, preliminary actions for conclusion of the construction contract, the decision to build the facility, the provision of financial means, building permits, working price and the change in fee.

Training was also focused on the investment program and technical documentation, where the investment program contains the facility description and the data on the purpose of the facility and the duration of the construction, as well as the terms of work as specified in the contract.

The training was conducted in the form of interactive discussions where participants had the opportunity to present the challenges and difficulties faced in current judicial practice.

Beneficiaries of this training were judges of Basic and Appeal Courts and legal officers from the Department of Commercial Affairs.



Punishments imposed against juveniles

On 26 September 2017, the Academy of Justice with the support of UNICEF, conducted training on: “Punishments imposed against juveniles”.

The purpose of this training was to raise the participants' knowledge and skills in implementing legal provisions on the imposing juvenile punishments in the spirit of conventions and international standards for the protection of children's rights.

The topics presented by the trainers encouraged constructive debate for the participants.

The training session was divided into two parts, including: types of punishments that can be

imposed on juveniles, conditions to be fulfilled for imposing any of these sentences against juveniles, setting the duration of the order for social service work, determining the length of juvenile imprisonment.

The training was conducted in the form of interactive discussions where participants had the opportunity to present the challenges and difficulties they face in practice regarding the implementation of legal provisions when imposing punishments against juveniles.

Beneficiaries of this training were judges and prosecutors of juvenile department from different regions of Kosovo.



Execution of measures and punishments against juveniles

On 27 September 2017, Judicial Academy with the support of UNICEF, conducted training on: "Execution of measures and penalties against juveniles".

The purpose of this training was to approximate the practices in executing measures and punishments imposed on juveniles, and correctly apply the provisions for reviewing and replacing measures and punishments, as well as identify cases when against a juvenile should be ceased the execution of measures and punishments.

During the training, trainers focused on addressing the implementation of diversion measures and educational measures, the execution of a fine and the order on community ser-

vice work, the reviewing procedure, replacing and dismissing of educational measures and executing juvenile imprisonment.

Also during the training it was emphasized that the punishment of imprisonment for juveniles should be imposed carefully, due to the consequences that can be left to the juvenile, and the guiding principles set out in the CPC, such as the best interest of the juvenile, ensuring his/her well-being, the principle of urgency, provision of professional legal assistance, commencement of proceedings, etc.

Beneficiaries of this training were judges and prosecutors from Juvenile Department, judges of Basic and Appeal Courts from different regions of Kosovo.



Movement and residence of foreigners and legal provisions against them in the Republic of Kosovo

On 27 September 2017, the Academy of Justice, in cooperation with CRPK, UNHCR Implementing partner, conducted a training on: "Movement and residence of foreigners and legal proceedings against them in the Republic of Kosovo.

The purpose of this training was to raise the participants' knowledge regarding the legal provisions in force for asylum and their implementation when deciding on asylum, recognition of asylum procedure conducted by the Department of Citizenship, Asylum and Migration within the Ministry of Interior Affairs and the National Commission for Refugees in Kosovo, as well as administrative conflict procedure before the competent court.

During this training special attention was paid to the cooperation between states and UNHCR in resolving refugee problems, especially when there is a sudden and massive movement of displaced people across borders, harmonization and improvement of provisions on international protection in the regions, as well as the definitions of refugees regarding national and inter-

national legislation.

Also within this training were elaborated national legislation, in particular the Law on Asylum of Kosovo and other bylaws regulating this field. In this regard were treated, the asylum seekers' rights under the national legislation, the procedure for handling asylum applications and the conditions for the suspension of this procedure, as well as, restriction of the right to asylum.

The dilemmas and questions during the training were addressed through partial theoretical explanation, as well as working groups of participants, based on cases and use of concrete examples from current judicial practice.

Beneficiaries of this training were Judges of the Court of Appeal, Basic Prosecutors, Officials from the Department of Citizenship, Asylum and Migration within the Ministry of Interior Affairs, and an official from the Free Legal Aid Agency.



Minor offences related to field of Public Peace and Order (Article 4, 5 and 16 of the Law on Public Peace and Order)

On 29 September 2017, the Academy of Justice, within the Continuous Training Program, organized training on: "Minor offenses in the field of public peace and order (Articles 4, 5 and 16 of the Law on Public Peace and Order)".

The purpose of this training was to advance the knowledge of participants in the field of public peace and order, in particular how to distinguish public place from non-public place, by identifying incriminating actions, defining the act of arrogant behavior or verbal assault and disregarding lawful orders, in order to correctly apply the provisions of the Law on Public Peace and Order.

The training focused on the detailed elaboration of issues related to the dilemmas that arise

in practice regarding: minor offenses against public order, arrogant behavior and verbal assault, failure to act on the order of an authorized official according to the LPPR, omissions according to the order of the authorized official in road traffic, and penalties for perpetrators - disturbance of public peace and order.

Participants in this training through interactive discussions and practical examples were provided with different alternatives for the uncertainties and difficulties encountered during their work in practice.

The beneficiaries of this training were judges of the basic level – minor offence division, from different regions of Kosovo.



Specializes training program for strengthening professional capacities in combating money laundering – Session I

On 29-30 September 2017, the Academy of Justice, within the Continuing Training Program, conducted the first training session on: "Specialized training program for strengthening professional capacities in combating money laundering – Session I".

This training aimed at advancing participants' knowledge of fraud- examination techniques in money laundering, collection of information, money laundering methods, transaction discovery methods, money laundering and search techniques, as well as planning for money laundering information within the Financial Intelligence Unit of Kosovo.

The training session was divided in two parts, the first session elaborated the use of intelligence and money laundering prevention, the process of gathering and planning information on money laundering by the FIU, the nature of the case, report analysis, addressing the claims, risk management, criminality and identification of perpetrators, and how to identify the alleged

crimes.

On the second session, was elaborated the manner of preparation of the materials related to the covert technical measures of surveillance and investigation for the detection of money laundering, types, conditions, persons competent to issue such measures, the content and duration of orders for issuance of measures, the assistance of other bodies for the implementation of these measures, the manner of submitting documents and reports to the parties regarding these measures in the procedure.

The training was conducted in an interactive form where were discussed the challenges faced in practice and difficulties that judges and prosecutors encounter during their work.

The beneficiaries of the training were judges and prosecutors of different instances.



Initial Training Program Activities (ITP)

Activities implemented in ITP – for newly appointed prosecutors

During September, the Academy of Justice within ITP, conducted activities for the newly appointed state prosecutors, as planned by the program.

The theoretical training component for this period has been completed by conducting the following activities: within the sub-module: "Obtaining and communication of decision and submission of documents", was conducted one (1) training session.

Within the sub-module: "Professional Ethics" were conducted seven (7) training sessions, covering: Code of Ethics history, judicial and non-judicial activities of judges and lay judges, judicial and administrative liabilities, independence - content and the legal value of the principle of independence - the influence exercised by the executive and the legislature, impartiality and general principles of ethics and professional conduct of prosecutors.

As part of the sub-module: "Initial hearing, second hearing and the main trial", four (4) training sessions were conducted, covering:

initial examination, plea bargaining agreement, guilty plea during the initial hearing and punishment, rejection of evidences, request for draping of indictment and the second hearing, main trial and preparations for the trial, as well as the course of the main trial.

Within the sub-module; "Investigation of financial crimes", two (2) training sessions were organized.

Part of the activities carried out during this period were also practical training conducted in non-judicial institutions. In this framework, were implemented two (2) programs, one in the Public Procurement Regulatory Commission and the other in the Kosovo Privatization Agency

Whilst, as part of the practical training, in the judicial institutions, newly appointed prosecutors continued their practice in the respective prosecution offices according to the schedule defined by the program.



Practical Training in the Kosovo Privatization Agency

On September 20th 2017, within the visits in non-judicial institutions, Academy of Justice in cooperation with the Kosovo Privatization Agency conducted training for newly appointed prosecutors in this institution.

Training at the KPA aimed to equip newly appointed prosecutors with thorough knowledge on the role, the mandate and organizational structure of this institution.

Initially, this training, elaborated on the mandate, role and responsibility of KPA in legal privatization processes of socially owned enterprises, and main challenges that its faces in carrying out its mandate and legal obligations. It was further elaborated on organizational struc-

ture of KPA, including regional offices that are under its management, decision-making process in KPA and mandate of the KPA's Board of Directors - as the main decision-making instance. In this light, it was discussed about asset sales component and liquidation of enterprises as operational process at KPA.

Newly appointed prosecutors, had sufficient space to raise and discuss on matters of interest that were followed up by joint discussions between them and KPA officials.

Beneficiaries of this training/ visit were newly appointed prosecutors of the sixth generation of ITP.



Training of the Initial Training Program Mentors

On September 28 2017, Academy of Justice in cooperation with the EU Twinning project on “Further Support to Legal Education Reform”, conducted training for mentors of the criminal law area who are engaged as mentors for newly appointed judges.

Purpose of this training was to familiarize mentors with mentoring techniques, their role and tasks as mentors, as well as adequate forms of their approach in relation with newly appointed judges.

This training initially presented the structure of the Initial Training Program with emphasis on its practical part, rules and standards that are set on the Mentors Handbook. Ways of organization and implementation of this process, as well as role and duties of mentors in relation

with newly appointed judges and the Academy of Justice.

It was further elaborated in details on mentoring component as a process, then duties and responsibilities of mentors in assisting newly appointed judges, and ways and best practices on how to transfer professional knowledge and practical experiences to the judges under their mentorship. Also, this training discussed on main principles of case flow management and introduced best practices of case management with the aim of transferring them to the newly appointed judges.

Mentors were informed and equipped with necessary documents for ITP liker the Initial Training Program Regulation, the Initial Training Program, the Mentors Handbook, etc.



Official commencement of the Initial Training Program for newly appointed judges

On September 29 2017, Academy of Justice officially commenced with the Initial Training Program for newly appointed judges marking the first meeting with them.

In the beginning the newly appointed judges were addressed by Acting Director of the Academy of Justice Mr. Besim Morina, who congratulated the judges for their appointment, wishing them successful career. Mr. Morina informed new judges about the role and significance of the initial training in their professional and practical skills growth with the aim to prepare them adequately for practicing the judge's profession. Mr. Morina continued with brief elaboration on the ITP structure, its organization and implementation of both -the theoretical and the practical parts, as well as on other issues that relate to this program. He also expressed his and the Academy's readiness to continuously support newly appointed judges, in order that the initial training is delivered in the best possible way.

Whereas the Kosovo Judicial Council President, Mr. Nehat Idrizi expressed the KJC's

support for new judges and encouraged them for maximal devotion and engagement during the initial training, emphasizing its importance for their adequate preparation for professional practice of the judges function. Also, Mr. Idrizi informed the newly appointed judges with KJC expectations from them as judges and the need for professional capacity increase in order to achieve the professional improvement of the judiciary and increase of the public trust, and he also offered support for the Academy of Justice for successful implementation of the initial training program.

Newly appointed judges were informed and equipped with the necessary documents of ITP, like the Initial Training Program Regulation, the Initial Training Program, the ITP Mentors Handbook, Training Calendar, etc.

The Initial Training Program will be attended by 49 newly appointed judges.



Activities for administrative staff of court and prosecution

Administration Management of Courts and Prosecutions

On September 28 2017, Academy of Justice under the support of GIZ conducted the training for administration management of courts and prosecutions on the following topic “Administration management of courts and prosecutions”.

Main objective of this training was to provide equal access and suitable conditions for increasing professional qualification and practical skills of the administration management of courts and prosecutions based on professional principles of transparency and efficiency.

This training elaborated on importance of administration management, the skills and necessary knowledge to lead internal processes of the system, to develop plans and undertake concrete actions for creating new forms and methods that could help achieving administration of courts and prosecutions.

It was particularly elaborated on issues that relate to principles and standards of good management, management styles, role of court and prosecution administrators in implementing strategic plans and policies, main feature of leadership, team building and solving problems, time management, as well as human resources management as elements that empower and contribute to the work of courts and prosecutions.

The training methodology was based on theory and interactive discussions elaborating also on different cases from the judicial practice, and in group work of participants.

Beneficiaries of this training were administrators, assistant administrators of courts and prosecutions as well as human resources personnel



Other activities

Administration Management of Courts and Prosecutions

On September 21 2017, Academy of Justice in cooperation with the EU Twinning project “Further Support to Legal Education Reform” conducted roundtable on “Initial case-based training – Elaboration of the case-based training handbook”.

Purpose of this roundtable was to explain thoroughly the didactic model for elaboration of training modules based on effective learning with group work through real cases.

At this roundtable, Academy of Justice and the Twinning project experts agreed that a case based training model would be a useful approach and implementation of this methodology will also support the didactic learning for newly appointed judges and prosecutors. Therefore both parties confirmed the need to prepare a Handbook for case-based learning.

This roundtable focused on the way of select-

ing the practical/ real case, compiling the case to be briefer during the initial training presentation, structuring the case in different learning modules, finding important questions and didactics for selection from the trainees in each level, as well as creation of the possibility for them to present the cases.

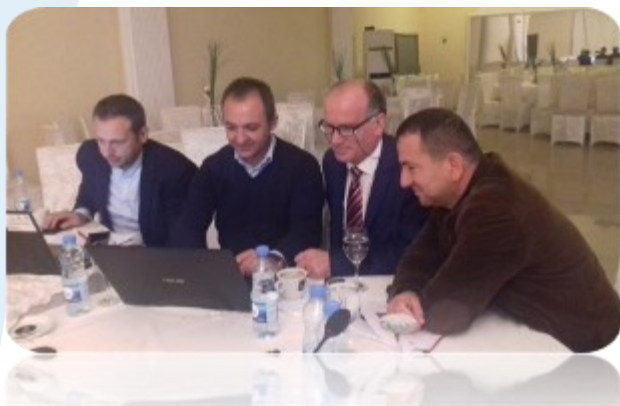
This roundtable also planned the forthcoming activities that will be carried out for drafting a case based handbook. Also, the working group was assigned the tasks and further work was coordinated.

Participants at this workshop were trainers of the Academy of Justice coming from the judges and prosecutors communities, other experts hired by the Twinning project, and staff of the Academy of Justice.



Workshop for drafting the training program for administrative staff of courts and prosecutions

On September 26-27, Academy of Justice in cooperation and under the support of GIZ conducted the “Workshop on drafting the training program for administrative staff of courts and prosecutions”.



Purpose of this workshop was setting the structure of proposed modules to be part of the training program for 2018, as well as preparing the concept for these training modules, which derived as a result of the needs assessment process conducted by the Twinning project, the Academy of Justice in cooperation with Kosovo Judicial Council and Kosovo Prosecutorial

Council supported by international partners as well.

The workshop begun with analysis of proposals and recommendations that were issued as a result of developing needs assessment and based on them the Training Program structure for 2018 for administrative staff of courts and prosecutions.

Based on the structure of the training program concept of the module and sub-module was prepared, which include the following: purpose of the training, writing the dilemmas and describing the training objectives, content, training delivery methodology, beneficiaries and duration of the training.

Beneficiaries in this workshop were trainers of the Academy of Justice from among the judges and prosecutors, other experts from relevant fields, GIZ representatives, Twinning projects, Judicial Support Strengthening Project (JSSP) and staff of the Academy of Justice.



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