

Akademia e Drejtësisë  
Akademija Pravde  
Academy of Justice

# Newsletter

- \* Continuous Training Program  
Activities (CTP)
- \* Initial Training Program  
Activities (ITP)
- \* Other activities

February 2017

## Continuous Training Program Activities

### Organized Crime

On February 1<sup>st</sup> 2017, Kosovo Judicial Institute, within its CTP conducted training on organized crime.

Purpose of this training was enhancement of the participant's knowledge related to legal infrastructure for combating organized crime, actions that shall be undertaken for preventing and fighting organized crime, as well as problems that occur in practice with the purpose of efficient implementation of respective mechanisms.

This training elaborated organized crime as form of criminality made by a structured group with the purpose of direct or indirect financial or other material benefit.

Organized crime seriously threatens democra-

cy development and rule of law, endangering human rights, safety and economic growth of the state.

Training focused mainly on elaboration of national and international legal framework that regulates this area, legal definition of organized crime, as well as identification elements if this crime.

Training was delivered in form of interactive discussions, where participants had the possibility to present challenges they face in practice.

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



## Protection and promotion of diversity, tolerance and equality in context of the anti-discrimination legislation

On February 2<sup>nd</sup> 2017, Kosovo Judicial Institute with the support of the Council of Europe Office in Prishtina, within the continuous training program has conducted training in the area of human right protection, focusing on “Protection and promotion of diversity, tolerance and equality, in the context of anti-discrimination legislation”.

The training was held with the purpose to contribute to enhancement of professional knowledge of beneficiaries on clarification and elaboration of the legislation complexity on anti-discrimination in Kosovo, as well as approach and equal treatment of the LGBT community by the judiciary.

This training elaborated on national legal

framework regulating the area, principle of equal treatment, main concepts of discrimination, discrimination categories, as well as most impacted areas by this phenomena.

This training also conducted awareness activities on diversity, prejudice, anti-dissemination and equality.

Training was delivered through theoretical lecturing and interactive discussion of difficulties in correct application of the anti-discrimination legislation.

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



## Judicial protection of the right to possession

On February 3<sup>rd</sup> 2017, Kosovo Judicial Institute within its Continuous Training Program and the support of the Council of Europe Office in Prishtina, conducted training on “Judicial protection of the right to possession”.

Main purpose of this training was to elaborate in details the national legislation changes on the ownership law and the standards set forth in protocol 1 of the ECHR.

This training also aimed to present case law samples and groups discussions, to provide alternatives on problems and practical difficulties for protection of the right to possession in general.

This training also elaborated on the ownership right, lawsuits for protection of ownership, *actio revindicatio*, *actio negatoria*, and *actio publiciana*. Particular emphasis was put on Protocol 1 of the European Convention on Human Rights.

Training was delivered in combined methods, through theoretical explanations, active discussion with participants presenting their challenges and issues from their point of view on this topic.

Beneficiaries of this training were judges of the basic and appeals instances.



## Novelties to the Insolvency Law

During February 7-9 2017, Kosovo Judicial Institute, within its CTP, conducted the training on “Novelties to the Insolvency Law”.

Purpose of this training was to elaborate the new law on insolvency, as well as identification and acquaintance of participants with the changes that this law contains.

This training focused on insolvency procedures that have changed with the new law, the law’s scope of work, principles, application process for insolvency, insolvency of small and medium enterprises, and the creditor’s requests.

This training particularly elaborated the accelerated procedures, beginning, opening cases and

consequences, creditor’s requests, reorganization process, liquidation process and international insolvency.

Training was delivered in the following form, through theoretical lecturing and interactive discussion, all the dilemmas and difficulties faced in judicial practice were elaborated, focusing on the changes of the new insolvency law and its impact.

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



## Specialized Training Program on Public Procurement in Kosovo Session I

During February 10-11 2017, Kosovo Judicial Institute, within its continuous training program organized the first session of the specialized program on Public Procurement in Kosovo.

This training session aimed elaboration of positive legislation, developing the judges and prosecutors knowledge about procedures and stages of public procurement, as well as identification of corruption indicators that relate to public procurement.

This training, initially elaborated on primary and secondary legislation regulating this area, legislative changes, public procurement procedures and the operation way of the electronic public procurement platform.

In this context, the rules of technical specification and the bidding file were elaborated, draft-

ing the tender file, tender assessment process, as well as notification, signature and execution of public contracts.

Furthermore, the training was focused on elaboration of corruptive schemes and problems related to fraud, the bid-fixing schemes as well as factors that impact on occurrence of corruption crime in public procurement.

During the last stage of this session, it was discussed about investigation planning, content of the investigation plan, identification of information sources, as well as importance for creating an investigation scheme.

Beneficiaries of this training were judges and prosecutors of the basic and appeals instances as well prosecutors from the Special Prosecution of Kosovo.



## Alternative procedures

On February 15<sup>th</sup> 2017, Kosovo Judicial Institute within its Continuous Training Program delivered the following training “Alternative Procedures”.

Purpose of this training was enhancing the participant’s knowledge on practical implementation of alternative procedures in criminal proceedings, as well as treatment of the developing process of Negotiation of the Plea Bargaining Agreement.

This training elaborated on alternative procedures that had changes in comparison with the previous criminal procedure code, which offer possibilities for more prompt solution of the criminal cases.

This training emphasized benefits of alternative procedures, particularly for the increase of

efficiency and for creating a criminal justice system that guarantees a fair trial of criminal cases.

Also, this training elaborated on important issues of alternative procedures, as a more prompt possibility for solving criminal cases, like diversion and temporary suspension of the procedure, mediation and negotiation of the plea bargaining agreement.

Training was delivered in form of interactive discussions, where participants had the possibility to present challenges and difficulties they face in practice.

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



## Judicial protection in cases of domestic violence

On February 16<sup>th</sup> 2017, Kosovo Judicial Institute within its CTP conducted training on judicial protection in cases of domestic violence.

Propose of this training was to enable the participants to acquaint with domestic violence, consequences of domestic violence, who may issue protection orders, judicial procedures for decision upon the request and duration of the measures.

During this training, participants presented dilemmas, uncertainties and their obstacles during case hearings and which are related to standard operation procedures for protection from domestic violence and their precise application, legal provisions and timelines for deciding on protection orders.

Also, it was discussed about the decision upon requests for protection order, types of protection orders and their duration, enforcement and consequences of non-enforcement of the protection order.

Training aim was that through presentation of the case law and group discussions, to provide alternatives to the problems and practical difficulties related to judicial protection in domestic violence cases.

Beneficiaries of this training were judges of basic courts and professional associates.





## Investigation of financial crimes

On 22 February 2017, Kosovo Judicial Institute, within continuous training conducted training on: “Investigation of financial crimes”.

This training aimed to advance the knowledge of participants on preventing actions to be undertaken in combating financial crimes and drafting of proper strategies for combating financial crime, corruption, money laundering and tax evasion.

During this training were also treated financial crimes as part of serious crimes, aiming to prevent the development of economic society. Also, in this occasion were treated the forms of criminality such as corruption and all its characteristics, money laundering, tax evasion,

public procurement, criminal offences related to financial crimes and damages caused within the system itself.

The training was interactively developed, providing participants the opportunity to discuss and express challenges and difficulties faced in their daily work practice.

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



## Protection of rights of the children without parental care

On 24-25 February 2017, the Academy of Justice conducted training on: “Protection of the rights of the children without parental care”.

The purpose of this training was proper implementation of the legislation by the judiciary on issues related to judicial procedure when providing judicial protection for the rights of the children without parental care.

Within this training initially were treated topics related to adoption as a special form of protection of these children, notion, condition and the needs for establishing the adoption, judicial procedure of the national and international adoption and its elements.

Also, during this training were treated the cooperation of the courts with guardianship authority in adoption procedure, as well as court decisions on adoption, placing of the child in

another family as another form of social organization for welfare of the children without parental care and the role of the Social Center Work in this aspect, as for the placement of the child in another family or organizing the placement of the child in another family

Custody as an institution of social character, guardianship authority as a competent body for protection of rights of the children and custody manners, were some of the topics also treated in this event.

In this part were discussed about exercising, annulment, restriction and suspension of the parental right.

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



## Initial Training Program Activities (ITP)

### Practical training of newly appointed prosecutors at the Constitutional Court of Kosovo

On 01 February 2017, Kosovo Judicial Institute within the Initial Training Program for newly appointed prosecutors, conducted a practical training in Kosovo Constitutional Court.

This training aimed to notify the newly appointed prosecutors with the role, mandate and the function of the Constitutional Court of Kosovo.

Within this training, initially were treated the main principles based on which functions the Constitutional Courts, its structure and the relation with the executive, legislative and the judiciary. Also during this training were treated the concept and implementation of the incidental control in the Constitutional Court.

Furthermore, in detail were treated the practical

work of the court, its internal functioning, authorized parties, submission and reviewing process of various cases sent to this court for further development, as well as decision making level by the Kosovo Constitutional Court.

The training was implemented through theoretical and interactive discussions, where newly appointed prosecutors had the opportunity to pose questions and treat issues related to the respective training and that falls under the competence of this court.

Beneficiaries of this training were newly appointed prosecutors, generation VI of ITP.



## Activities conducted in ITP – February 2017

During February 2017, within the Initial Training Program, were developed training activities according to the adopted training program which covers the theoretical and practical part of the training.

Within the theoretical part, in this period were conducted 8 training sessions of the ECHR module – “Human Rights Legislation”, whereas main topics elaborated in this training were related to: Council of Europe, European Court of Human Rights and the European Convention on Human Rights, Article 4 of the Protocol 7, Article 5, Article 6 and Article 8 of the European Convention on Human Rights.

Also, in order to complete the theoretical part of the training, in this period were conducted 8 training sessions on the module “Initiation of the formal investigation and criminal procedure”.

During this period of the sub-module were elaborated: preliminary procedure-filing of criminal report and duration of the investigations, suspension and annulment of the investigations, extension and re-initiation of investigations, covert technical measures of investigation and surveillance, witnesses and their in-

vestigational phases, special investigation opportunity, sequestration as a procedural act during the investigation process.

During the implementation of these training sessions was applied a combined methodology, covering theoretical lecturing and interactive discussion, where newly appointed prosecutors had the opportunity to raise dilemmas faced by them during the practical training phase in the prosecution office.

Through different tasks and practical drills, they have been engaged in preparation of different cases.

Within the practical training at prosecution office, the newly appointed prosecutors continued their practice at the respective prosecution conform the determined program agenda, under the supervision of their mentors.

Also, due to fulfillment of their practical program, newly appointed prosecutors attended training in the following institutions: Constitutional Court of Kosovo, Independent Oversight Board for Civil Service of Kosovo and Anti-Corruption Agency.



## Practical training of newly appointed prosecutors at the Independ-

On 08 February 2017, within the practical training in non-judicial institutions, KJI conducted training for newly appointed prosecutors at the Independent Oversight Board for Civil Service of Kosovo.

The purpose of this training was to deepen the knowledge of the newly appointed prosecutors about the role, responsibility and practical work of the Independent Oversight Board for Civil Service of Kosovo.

During this training were elaborated topics related to legal basis, based on which the respective Board functions, its legal mandate, competences, review of complaints, the procedure and forms of decisions taken by this Board.

Further, were elaborated deadlines and actions of the employment bodies in relation to implementation of the decisions taken by the Board, persons responsible for implementation of these decisions, as well as notification procedure and non-implementation of the Board decisions, whereas, the last one was presented as an actual, ongoing challenge.

The training was interactive in every phase, including lots of discussions about practical cases and actual challenges faced in the field of civil service, as presented by the newly appointed prosecutors and Board officials.

Beneficiaries of this training were newly appointed state prosecutors – VI generation of ITP.



## Practical training of newly appointed prosecutors at the Anti-Corruption Agency

On 22 February 2017, Kosovo Judicial Institution concocted a practical training for newly appointed prosecutors at the Anti-Corruption Agency.

This training aimed to advance the knowledge of newly appointed prosecutors related to the legal mandate, responsibilities and the role of the Anti-Corruption Agency in preventing and combating corruption.

Initially, within this training was treated in general the mission and organizational structure of the Agency, legal basis, based on which the Anti-Corruption Agency functions and challenges faced by this Agency in fulfilment

of its mandate. Furthermore, in detail were treated: preliminary investigation process, declaration of the property and incomes, conflict of interest and the role of the Agency in preventing corruption in public procurement.

The training was interactively developed in every phase, where the newly appointed prosecutors had the opportunity to discuss issues that may be faced by them in practice when dealing with cases of this nature.

Beneficiaries of this training were newly appointed state prosecutors, generation VI of ITP.



## Other Activities

### Judicial didactic

On 23 February 2017, Kosovo Judicial Institute in cooperation with the Twinning Project “Further support to legal education reform” EU funded, conducted a workshop on: “Judicial didactic”

The purpose of this workshop was the preparation of a group of trainers that will be used for implementation of the future training activities and development of the methods and modern techniques during a training activity.

During the workshop, a special attention was paid to the training based on competences, application of a modern methodology and development of advanced techniques during the training, the structure and designing of the Training of Trainers Program, training for mentors and preparation of the training materials.

Moreover, was elaborated the teaching intensity, advanced training methods and their efficiency.

During the workshop, participants were divided in two groups, the first group focused on integration of the theory and practice in the training program, particularly in the Initial Training Program, whereas the second groups had to focus on the program and the structure of the training of trainers and ensuring the training quality.

Issues discussed in these groups, will be also a focus of the next workshop, with the purpose of improving the training program quality.

This workshop was conducted by international experts of judicial training field with the support of KJI staff.

Participants in this workshop were judges, prosecutors and KJI trainers.



## Transformation of the Kosovo Judicial Institute into Academy of Justice

On 24 February 2017, has entered into force the Law No. 05/L-95 of the Academy of Justice. By this Law, Kosovo Judicial Institute is transformed into the Academy of Justice.

Academy of Justice is an independent public institution, having as a main mandate the training of judges, state prosecutors of the Republic of Kosovo, training of the administrative staff of courts and prosecution and other issues as provided by law.

According to the law, the Academy of Justice have the following functions:

- drafting of training programs and organization of the training for judges and state prosecutors in accordance with the applicable law;
- development training needs assessment, through mechanism set by the Academy and based on requirements of the Kosovo Judicial Council and Kosovo Prosecutorial Councils;
- organizes training of the administrative staff of courts and prosecution, after prior coordination of the training needs with KJC and KPC, in line with the applicable law;
- may organize professional continuous training for state attorney, lawyers, notary, private bailiffs, mediators, bankruptcy administrators and other professions based on the Academy's assessment, according to the

- requirement of the competent institutions;
- develops and implement training program in cooperation with KJC and KPC, free professions chambers or relevant institutions;
- maintains data's for training and programs implemented at the Academy, in accordance with the applicable law;
- establishes and maintains cooperation with national and international institutions similar to or related to the Academy's work, including professional practices and exchange program;
- conducts analysis, researches and cooperates with scientific institutions;
- conducts editorial actions in accomplishment of the mandate for needs of the judicial and prosecutorial system and free professions;

Academy of Justice as an heir of the Kosovo Judicial Institute, will continue with the organization of the trainings as determined by the working program and organization of trainings, as well as will implement all the bylaws until the promulgation of the bylaws as determined by law

For all other amendments, all interested parties will be informed in time through the webpage <https://ad.rks-gov.net/> or other communication forms.



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