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January 2018

Activities from Continuous Training Program (CTP)

Initial hearing, second hearing and main trial

On January 18 2018, Academy of Justice within the CTP conducted training on the “Initial hearing, second hearing and the main trial”.

This training aimed to enhance the professional skills of beneficiaries for correct implementation of specific procedures related to the initial hearing, second hearing and the judicial trial, backing the efficient implementation of the criminal proceeding.

This training included elaboration of the initial hearing and the second hearing, timelines for setting the initial hearing after admission of the indictment and the second hearing, actions of the presiding judge or of the single trial judge and the flow of the initial hearing and the second hearing.

It was initially elaborated on the criteria in cases of plea bargaining, options after plea bargaining in the initial hearing, and cases of separation of the procedure when there are more than one defendants and some of them plea bargain in the initial hearing and some of them don't. The training focused also on the main trial, as one of the most important stages of the criminal procedure, stages of the judicial hearing, duties and actions of the presiding judges and of the single trial judge in the judicial hearing, as well as intermission and postponing of the judicial hearing.

Beneficiaries of this training were judges and prosecutors from all regions of Kosovo.



”Obtaining of evidence and the main trial”

On 23 January 2018, the Academy of Justice within CTP conducted training on: “Obtaining of evidence and the main trial”. The purpose of this training was to advance the knowledge of judges regarding the main trial and obtaining of evidence, as an important phase of the contested procedure.

During this training judges achieved to enhance their skills on holding of a main trial, identify proving means in the civil procedure, evaluate facts to be proven and those not to be proven in civil procedure, including here also court authorizations about when evidences can be obtained ex officio, apply properly legal provisions related to the time for proposing the administration of evidence and the burden of proofs.

In the training was also concluded that the main trial is the most important phase of the contested procedure. This phase is the central part of the procedure when obtaining of evidence with the purpose of deciding on the merits in a concrete case is provided by the Law on Contested Procedure, which relates to the litigants to prove the

facts on which the claim is based. Proving includes all facts that are important for taking a decision, whereas the court decides which evidence should be taken in order to prove the most decisive facts.

The dilemmas that are being followed by the judges in practice are explained in detail by elaborating the procedure that is conducted by the court at the main hearing, taking of evidence or the manner of proving, because in practice there are difficulties regarding how the procedure should be developed and when the court is empowered to take the evidence that the parties have not proposed, if it finds that the parties tend to dispose the requests that are not entitled to.

Combined explanation methods were used in the training, including theoretical explanations and followed by practical examples.

Beneficiaries of this training were the judges of the Basic Courts and Court of Appeal (civil division) as well as professional associates.



Criminal offences against narcotics

On 25 January 2018, the Academy of Justice within CTP conducted training on: “Criminal offences against narcotic”.



The purpose of this training was to advance professional skills of the beneficiaries toward proper implementation of the Criminal Procedural Code of Kosovo when dealing with investiga-

tions and trial of criminal offences against narcotics.

Within this training were treated criminal offences against narcotics and psychotropic substances, including also elements of these criminal offences. Special attention was paid to the definition and types of dangerous narcotics and psychotropic substances. Meanwhile, were treated practical cases, as well as exchange of experiences with the purpose of eliminating dilemmas encountered in practice, when dealing with these offences which pose a great risk to the entire society

Beneficiaries of this training were judges and prosecutors from all regions of Kosovo.



Proper development of the procedure according to the Law on Minor Offence, evidence proceeding in minor offence procedure, commencement and development of the minor offence procedure

On 30 January 2018, the Academy of Justice within the Continuous Training Program, conducted training on: “Proper development of the procedure according to the Law on Minor Offence, evidence proceeding in minor offence procedure, commencement and development of the minor offence procedure.



The purpose of this training was to advance the knowledge of judges on novelties of the Law on Minor Offence and proper implementation of legal provisions related to the commencement and development of the minor offence procedure.

The training focused on handling the conditions determining minor offence sanctions, minor offence liability, special measure of minor offence, juvenile procedure according to this law, differences between admissible and inadmissible evidence under the meaning of the proof and facts.

On the afternoon session were treated legal conditions of commencement of the minor offence procedure and court actions after submitting the request, with a special emphasis on commencement and development of the minor offence procedure committed continuously and their conjunction.

The training was developed interactively, where participants had the opportunity to present their challenges and difficulties encountered during practical work.

Beneficiaries of this training were: judges of basic courts, general department – minor offence divisions.



Activities from Initial Training Program (ITP)

Activities conducted within ITP of newly appointed judges

The Academy of Justice within the Initial Training Program, for newly appointed judges, during January developed several activities toward completion of the training program, including theoretical training, practical training and the visits to non-judicial institutions.



During this period were conducted 16 training sessions from the submodule: “Search and confiscation” (1) “Administration of criminal procedure” (2) “Evidence in criminal procedure” (6), “Statutory limitation” (3), “Initial hearing, second hearing and the main trial” (3), Evidence in criminal procedure” (6), and “Special procedure according to CPCK (1).

Within these sub-modules were treated confiscation according to the expanded competencies, source of evidence and proving means, obtaining evidence before and after the formal initiation of the investigation and their admissibility, the manner of obtaining evidence from witnesses and experts Article 123 of the CPCK, inadmissible evidence, evidence under Chapter XVI of the Criminal Procedural Code, as well as general rules for the assessment of evidence. Also were treated complaints, time frames, and obtaining and communication of decisions, sub-

mission of documents, execution of decisions and other provisions, initial hearing, plea bargaining agreement, guilty plea during the initial hearing and punishment, objection of the evidence, request for filing the indictment and the second hearing. Also, a special attention was paid to the procedure against persons who committed criminal offenses under the influence of alcohol or drugs, and criminal proceedings involving perpetrators with mental disorders and their detention.

In the framework of the Criminal Code module, the statutory limitation has been treated - its legal nature, non-enforcement of statutory limitations for offenses against international law and serious murder and statutory limitation of execution of the sentence.

The methodology applied during the implementation of these training sessions was combined, including theoretical lectures and interactive discussions where newly appointed judges raised issues of interest and dilemmas which they have noticed during the practical training phase in the respective courts. Through tasks and practical exercises, they engaged in the preparation and presentation of cases for different hypothetical situations.

Whereas, within the practical training, newly appointed judges have continued their practice in relevant courts according to the program schedule, under the supervision of their mentors. Also, newly appointed judges during this period have conducted training to the Center for Social Work.

Practical training for newly appointed judges at the Center for Social Work

On 30 January 2018, the Academy of Justice within the Initial Training Program for newly appointed judges, conducted a practical training at the Center for Social Work in Prishtina.



The purpose of training was to inform newly appointed judges with the role, function and responsibilities of the Center for Social Work.

The training focused on the role of this Center in relation to its function, including provision

of care and social welfare, protection, shelter and prevention of domestic violence, anamnesis or collection of data of persons to whom the aid is provided, as well as establishing contact with the child/parent if there is a court decision for the children to establish contact through CSW.

During the visit was also elaborated the issue of child adoption, conditions to be fulfilled by adoptive parents, rights of the abandoned children when they reach the age of 18, to seek for their parents, as well as maintenance of information by CSW.

Also participants were informed in detail about the beneficial category treated by CSW and its services, difficulties and challenges faced in order to meet its responsibilities.

Beneficiaries of this training were newly appointed judges of VI generation of ITP.



Activities of the Research and Publication Program (RPP)

Meeting of the Editorial Board

On 04 January 2018, the Academy of Justice held the forthcoming meeting of the Editorial Board on publication of the Academy of Justice of “Justicia” magazine.

The purpose of this meeting was the discussion of the Editorial Board on research paper of the newly appointed prosecutors, attending the Initial Training Program of the Academy of Justice, these paper work have been subject to evaluation and selection of the topics that met

the criteria for publication in the “Justicia” magazine

In this occasion were presented the paper work one by one before and after the review required by the comments and recommendations of the editor. Further, after the discussion, was done a final evaluation of the paper works, and was decided on articles for publication in the Justicia magazine, taking into consideration the criteria for publication.



Roundtable with judges

On January 26 2018, Academy of Justice with the support of the GIZ Legal and Administrative Reform Project conducted a roundtable with judges on “Identification of needs related to the jurisprudence of the European Court on Human Rights and how is it applied in the daily work of judges”.

Purpose of this roundtable was identification of the judges needs related to jurisprudence of the European Court on Human Rights and drafting a compilation of cases of this court, based on their significance, particularly of those that impacted on establishing main principles of this court.

Experts from the rank of University of Prishtina’s Law Faculty professors engaged in preparing this compilation, emphasized the difficulties for accessing the decisions of the European Court on Human Rights, which although are public considering that they are available only in French or English language are difficult to refer to by our courts. Also, in most cases these decisions are voluminous therefore summary of main issues would facilitate the

judge’s work and reference to decisions of this court.

In this roundtable, important contribution for selection of topics was given by participating judges who presented their needs in more challenging issues like: the property issues, inheritance cases, discrimination, compensation of the claims when freedom of expression is endangered, duration of investigation, practice of religion and many other issues.

At the end of this roundtable it was concluded that the compilation shall contain for each article of the Convention 6-7 cases. Also, when preparing this compilation, cases of 2017 for Albania will be followed, eliminating other translated compilations.

Besides the need for this type of compilation the participating judges raised their need for training on case referral.

Participants in this roundtable were judges by all basic courts including judges of the Appeals Court as well.



Other Activities

Eight meeting of the Managing Board of the Academy of Justice

Prishtina, 17 January 2018 – was held the eight meeting of the Managing Board of the Academy of Justice, chaired by the Chair Person of the Academy of Justice, Chief State Prosecutor Mr. Aleksandër Lumezi.

During this meeting, where all members of the MB were present, initially was discussed the agenda of the meeting and minutes of two previous meetings.

Further, the Managing Board approved the Working Plan of the Academy of Justice for 2018, emphasizing that this plan meets the legal mandate and working objectives of the Academy.

Managing Board, took a decision for compensation of the mentors for newly appointed judges

and prosecutors, of the Initial Training Program for 2018.

In this meeting MB reviewed and approved the list of mentors proposed by the Kosovo Judicial Council for newly appointed judges, and have decided upon the compensation of the editorial members of the Justicia magazine.

Members of the Board unanimously agreed with the Kosovo Prosecutorial Council that the newly appointed prosecutors to continue with the Initial Training Program same as the last year.

At the end of the meeting, Managing Board discussed also other topics related to work and good function of the Academy.



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