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March 2019

Activities from Continuous Training Program (CTP)

PROPERTY RIGHTS – “Joint ownership, co-ownership and joint property”

On March 1st and 6th Academy of Justice with the support of USAID Property Rights Programme organized two trainings, one for the region of Prizren, Gjakova and Peja, and the other one for Prishtina region, on the “Property Rights – Joint Ownership, co-ownership and joint property”.

Purpose of these trainings was to extend the judges knowledge on co-ownership and joint property in Kosovo and modern trends, as well as on correct application of the applicable legislation when deciding on legal disputes.

These trainings explained what I joint property of spouses and what is separate property of spouses, what is the spouse’s contribution in creation of joint property, and how to decide fairly and lawfully in disputes between spouses when they have disagreements for the joint property, as well as some of the actual problems in the judicial practice of Kosovo.

Particular attention was paid to co-ownership, rights of the co-owners, administration of the co-ownership and termination of co-ownership according to the Law on Property and other real rights. In this part, the training elaborated also on the joint property according to this law and the joint property according to the Family Law of Kosovo, highlighting basic features and dis-

tinctions in relation to the co-ownership, joint ownership of spouses, items that constitute joint property and property acquired by work during marriage.

It continued with addressing the property acquired based on contracts, money, items purchased by loan, gifts given to spouses, responsibility for debts, administration and availability with the joint property, as well as division of the joint property of spouses.

These trainings presented practical cases in order to enable identification and easy distinction of the forms of property rights, and deciding in similar cases, particularly determining the joint owners of property including the right to division of the joint property and ways of division.

Also, it was explained about correct application of legal provisions in cases of proving contributions of spouses in the context of joint property of spouses, as one of the largest issues in the judicial practice in the Republic of Kosovo.

Beneficiaries of these trainings were judges and of the Basic Courts in Prizren, Gjakova, Peja and Prishtina.

Breach of the public order and peace

On March 5 2019, Academy of Justice within its continuous training program conducted training on the “Breach of public order and peace”.

Purpose of this training was to enhance the participant’s knowledge about the breach of public order and peace, particularly in the ways of distinguishing the public place and nonpublic place, identifying the incriminating action, how to define the act of arrogant behavior of verbal assault and disobedience of lawful orders, as well as correct application of the provisions of the Law on Public Order and Peace.

The training elaborated in details about issues and dilemmas that occur in practice in relation to the following: offences against public order and peace, arrogant behavior and verbal assault, dis-

obedience of the official authorized person’s order as in the Law on public order and peace, not acting according to the authorized persons order according to LPOP, disobedience of the authorized person in road traffic, and punishments for minor offence perpetrators – breach of the public order and peace.

Participants in this training had the possibility to discuss about practical examples, were given different alternatives on uncertainties and difficulties faced during their work in practice.

Beneficiaries of this training are judges of the basic instance – minor offence from different regions of Kosovo.



Criminal procedure involving perpetrators with mental disorders

On March 7 2019, Academy of Justice within its Continuous Training Program conducted training on the Criminal procedure involving perpetrators with mental disorders.



Purpose of this training was to increase professional skills of the judges and prosecutors in correct application of the specific procedures in cases when perpetrators of criminal offences are persons with mental disorders, and the aspect of the conditions relating to the capacity of these persons to undergo the trial.

This training elaborated on the national legal framework regulating this area, conditions for imposing measure of mandatory treatment, particularly it was discussed about the mandatory psychiatric treatment in the health care facility, and mandatory psychiatric treatment in liberty.

Also, it was elaborated on implementing the psychiatric examination by the expert, purpose of this examination and stages for issuing the order for psychiatric examination, in which context it was highlighted the unsatisfactory level of the expertise that is provided by the experts.

Attention was paid to the detention and special conditions that shall be met in order to impose detention for persons with mental disorders.

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



Financial Investigation – 1st training

In March 12-15 2019, Academy of Justice with the support of UNODC conducted the first of its series of trainings planned to take place in the topic of Financial Investigation.

Purpose of this training was to extend the knowledge about the international cooperation for a more successful investigation, collection of evidence and problematic issues in cases of money laundering and crimes that relate to that.

This training elaborated on the financial investigation, tools and techniques for multiple data analysis, tasks and data processing tools that relate to the sources of information. Also it covered the collection, processing and analysis of

the financial data in order to qualify them as evidence. Particular attention was paid to preliminary investigation of wide scale schemes of money laundering, tax crimes and customs, including the national and international cooperation which in practice is truly necessary in order to investigate and adjudicate these crimes that represent risk to economic development of a country.

Beneficiaries of this training were judges, professional associates of court and prosecution offices, FIU officials, investigation police from Kosovo Police, and legal officers from all regions of Kosovo.

Joint property of spouses, co-ownership and division

On March 14 2019, Academy of Justice within its CTP organized training on the Joint property of spouses and its division.

Purpose of this training was to extend the judges knowledge on the spouse's joint property and its division.

First part of this training elaborated on joint property and separate property of spouses, division of the spouse's joint property and the property acquired during the factual conjugal (extramarital) life. Second part elaborated on proving the spouse's contribution to the acquiring of the joint property and administration of the joint property.

The training emphasized that spouses during their marital life, besides their personal relations, create also property relations, which establishes property values, which according to the Family Law in Kosovo, constitutes the spouse's joint property. The spouses, in matrimony are equal in all personal and property relations, which are guaranteed by the European Convention for protection of Fundamental Human Rights and Liberties (ECHR), Protocol 7 of this Convention, the Constitution of the Republic of Kosovo and the Family Law of Kosovo.

The training continues emphasizing the joint property of spouses has a special legal regime, but these norms are not of mandatory nature because the spouses can regulate their relation by contract. The Family Law of Kosovo has foreseen that the joint property of spouses can be created during the marriage and conjugal life of spouses, by work, and other forms of contribution like: help of one of the spouses provided for the other, care for the children, taking care of the household work, taking care and maintenance

of property, and any form of work and cooperation related to administration, maintenance and adding of the joint property.

It was also highlighted that division of the joint property can be required during the marriage and after its termination. The right for division of the joint property have the spouses, heirs of the deceased spouse or of the spouse declared as deceased, as well as the creditor of one of the spouses when the creditors claim cannot be realized from the separate property of the spouse – debtor.

It was also concluded that contribution of the spouses in creation of the joint property is considered as equal. The spouses are considered as joint owners in equal parts of the joint property if they did not agree otherwise. But in cases of dispute, the property is divided by a judicial decision in which case the burden of proof shall be on the spouse that claims to have larger contribution in acquiring the joint property.

In this training, participants had the opportunity to analyze court decisions of the country and the region and elaborate further on legal provisions in these types of judicial contests.

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



Property rights protection – Article 1, Protocol 1 of the European Convention for Protection of Fundamental Human Rights and Liberties

On March 18 2019, Academy of Justice organized training on the topic of “Property rights protection - Article 1, Protocol 1 of the European Convention for Protection of Fundamental Human Rights and Liberties (ECHR)”. Purpose of this training was to extend the judges and prosecutors knowledge about the right of respecting the property rights in compliance with ECHR standards, and based on the European Court on Human Rights (ECtHR) case law.

This training started with elaboration of the basic notions of Article 1, Protocol 1 of the ECHR, role of the individual’s right to property, and possibilities to be deprived of this right for reasons of public interest and in conditions foreseen by law, as well as by general principles of the international law. Also, this training addressed conditions for intrusion into the property right for the reasons of public interest, as well as standards and criteria for compensation, and deprivation from the property in the light of ECHR Protocol 1, Article 1 and the ECtHR case law.

Training focused on explaining the necessary intrusion in a democratic society by national authorities according to ECHR. Focus was on explaining the notions and categories set forth in Article Protocol 1, and the interpretation made by the ECtHR.

Furthermore, the training emphasized that Constitution of the Republic of Kosovo guarantees the property rights (Article 46), therefore the right to the property is part of the values of the

constitutional-legal order in the Republic of Kosovo, and one of the basic principles for interpretation of the Constitution. Also the Law on Property and other real rights No. 03/L-154 in Article 1 foresees establishment, content, transfer, protection and termination of the real rights.

It was also emphasized that Article 1 Protocol 1 of the Convention protects every right that ECtHR recognizes the property nature in the context of the Convention itself. This is the reason why the term “property” in the convention meaning is autonomous, and that ECtHR in its decisions interprets what constitutes property, which in the sense of Article 1 Protocol 1 of the Convention is protected from various forms of intrusion to this right, whether it is made with intrusion in form of actions taken by executive or administrative authorities of a member state, or an intrusion that derives from the laws, disregarding the fact if this is a result of laws or judicial decisions, and disregarding if this is due to a legal-public or legal-private dispute.

In this training participants had the opportunity to analyze the ECtHR case law and other hypothetical cases and elaborate on the legislation that regulates this matter.

Beneficiaries in this training were judges and prosecutors of all instances in the Republic of Kosovo.

Specialized training program for capacity development in combating corruption – Session I

During 19-20 March 2019, Academy of Justice within its Continuous Training Program organized the first session of the Specialized training program for capacity development in combating corruption.

This training aimed to extend the professional knowledge of judges and prosecutors and other beneficiaries in understanding the nature and forms of corruption and criminal offences that are related to corruption.

This training session elaborated on the corruption crimes, understanding corruption according to the applicable criminal law, and forms of cooperation and institutional coordination mandat-

ed to fight the corruption. Also, the training elaborated on national and international tools available to fight corruption, dilemmas and difficulties in proving the crimes of corruptive nature, and prevention measures and exposure to official corruption.

Also, particular emphasis was put on commenting of another important legislation – the anti-corruption package, Law on protecting whistleblowers, which represents a serious step for disclosing corruption.

Beneficiaries of this training were judges and prosecutors of the basic instance of different regions of Kosovo.



PROPERTY RIGHTS

Joint ownership, co-ownership and joint property

On March 20th 2019 in Gjilan, and March 21st 2019 in Mitrovica, Academy of Justice within the Continuous Training Program and with the support of USAID Property Rights Program, organized trainings on the Property Rights – Joint Ownership, co-ownership and joint property.



Purpose of these trainings was to extend the judges knowledge on co-ownership and joint property in Kosovo and modern trends, as well as on correct application of the applicable legislation when deciding on legal disputes.

These trainings explained what is joint property of spouses and what is separate property of spouses, what is the spouse's contribution in creation of joint property, and how to decide fairly and lawfully in disputes between spouses when they have disagreements for the joint property, as well as some of the actual problems in the judicial practice of Kosovo.

Particular attention was paid to co-ownership, rights of the co-owners, administration of the co-ownership and termination of co-ownership according to the Law on Property and other real rights. In this part, the training elaborated also on the joint property according to this law and the joint property according to the Family Law

of Kosovo, highlighting basic features and distinctions in relation to the co-ownership, joint ownership of spouses, items that constitute joint property and property acquired by work during marriage.

It continued with addressing the property acquired based on contracts, money, items purchased by loan, gifts given to spouses, responsibility for debts, administration and availability with the joint property, as well as division of the joint property of spouses.

These trainings presented practical cases in order to enable identification and easy distinction of the forms of property rights, and deciding in similar cases, particularly determining the joint owners of property including the right to division of the joint property and ways of division. Also, it was explained about correct application of legal provisions in cases of proving contributions of spouses in the context of joint property of spouses, as one of the largest issues in the judicial practice in the Republic of Kosovo.



Beneficiaries of these trainings were judges and professional associates of the Basic Courts in Gjilan, Ferizaj and Mitrovica.

Decision-making in environmental issues – international standards and the applicable legislation

On March 22 2019, Academy of Justice within its initial training program organized training on Decision-making in environmental issues – international standards and the applicable legislation.

Purpose of this training was to extend the judges and prosecutors knowledge about environmental legislation.

First part of this training elaborated on basic notions of the Aarhus Convention and the applicable national legislation, ways of access to environmental information and role of the public participation in decision making, and the right for access to environmental information. Whereas the second part of this training, elaborated on the role and importance of provisions on the right to address to the court, and criminal liability in the environmental area.

The training focused on elaboration of problems and implementation of international standards and the applicable legislation regulating this area in the Republic of Kosovo.

Afterwards, it was explained how to protect the individual rights for access to environmental information, and public participation in the decision making process, how can the Aarhus Convention be applied directly and criminal liability for environment pollution.

Furthermore, it was emphasized that Kosovo is not a contractual party of the Aarhus Convention and from the collected data it shows that judicial application of this Convention in handling administrative and civil disputes is still insufficient. As a result, judges and prosecutors concluded that they need to considerably enhance

their knowledge about application of this Convention.

The training continued to address the three main pillars of the Aarhus Convention like: 1. The right of public to obtain and request environmental information; 2. Right of the public to participate in public decision making processes related to environmental issues; 3. Right of the public to complain before a court of environmental issues. The UNECE Convention (the United Nations Economic Commission for Europe) related to the right to information, public participation in decision making and access to justice for environmental issues, places a series of rights for the public and obligation for the state authorities to empower the environmental democracy.

It was further emphasized that Constitution of the Republic of Kosovo expressly foresees responsibility for the living environment, which is further specified in the Environmental Law and other bylaws, referring to principles of the Aarhus Convention for access to information and the right to seek judicial protection for the living environment.

Participants in this training had the opportunity to elaborate the national legislation in comparison with the international one, through exercise of practical cases.

Beneficiaries of this training were judges, prosecutors and professional associates from courts of all instances in the Republic of Kosovo.

Main hearing and obtaining evidence in criminal proceeding

On March 25 2019, Academy of Justice within its Continuous Training Program conducted training on the “Main hearing and obtaining evidence in criminal proceeding”.

Purpose of this training was correct implementation of the Criminal Procedure Code for conducting main hearing and particularly correct application of the arrangement in examining injured parties, witnesses and experts, as well as obtaining evidence.

This training elaborated on the following: judicial hearing, evidence in criminal procedure and their legitimacy, the defendant’s statement as evidence, admissible evidence, statement of the witness as well as the inadmissible evidence.

Particular attention was paid to examination of the parties in the procedure, highlighting importance and proving value of evidence for fair

and complete proving of the factual situation in criminal procedure during the judicial hearing.

Besides the main hearing, it was elaborated also on the preparatory stage and preconditions for conducting a main hearing.

It was continued with ways of issuing evidence, ways of examining parties the parties, explaining who shall be the first to raise questions in the direct examination method, and who shall raise indirect questions, and at the end it was explained about evidence and legitimacy of evidence, in order to distinguish admissible evidence and inadmissible evidence in the proceeding and during the judicial hearing.

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



International legal cooperation in civil matters

On March 27 2019, Academy of Justice organized training on International legal cooperation in civil matters. Purpose of this training was to extend the judges knowledge on the international legal cooperation in civil law area.

First part of the training elaborated on the following: Jurisdiction and procedure according to the applicable legislation of Kosovo; the Lugano Convention; The Hague Conference on the International Private Rights and Conventions of this Conference, the Brussels Convention on the Jurisdiction and Implementation of the Decisions on Civil and Trade matters like – the Brussels Regulation I; European Enforcement Order (EEO); and Regulation of submission of documents No. 1393/2007.

Second part of the training elaborated on: regulation for cooperation between courts of member states for obtaining evidence in civil and trade matters; other international tools – the Minsk Convention; Kiev Tractate and the Mosque Tractate.

This training emphasized that international legal cooperation in civil matters is one of the most complex issues characterized with difficulties in determining and application of the foreign law, including a number of procedural issues, like the cross-border delivery of documents services, international legal cooperation, recognition and enforcement of the foreign judicial decisions, etc.

The training highlighted that administrative Instruction for the International Legal Cooperation

Procedure in Criminal and Civil Matters No. 2009/1-09, approved by the Ministry of Justice of the Republic of Kosovo provides a superficial solution for the issues of international legal cooperation in civil matters. So far, in Kosovo there has been a lack of legal grounds regulating the international legal cooperation in civil matters, or in the international private law.

Also, it was pointed out that competent state bodies shall undertake all the necessary actions for approving a law that will regulate the area of international legal cooperation in civil matters, like it is regulated for the criminal matters.

Also it was concluded that the state bodies of the Republic of Kosovo shall make maximal efforts for its membership to the conventions, acts and other tools of the international private law that regulate the international cooperation in civil matters.

This training used combined method of theory and interactive discussion, questions and answers, case study analysis from the country and region, where each participant was active during the training.

Beneficiaries of this training were judges of basic courts, professional associates and officials of the Ministry of Justice – International Legal Cooperation Department.

Training: international legal cooperation and organized crime

On 28-29th March 2019, Academy of Justice in cooperation with GIZ conducted the training on “International legal cooperation and organized crime”.

Purpose of this training was operationalization of the ILC focal points and increasing the international legal cooperation for a successful investigation and collection of evidence; and problematic issues that occur in practice for cases of organized crime.

This training elaborated on the up to date investigation methods, hearing of witnesses including presentation of requests by defense attorneys, video-conference hearings, emphasis of endangering the witnesses (anonyms witnesses, protected witnesses). Also it was elaborated on practical issues like exchange of experiences,

covert investigation in foreign countries, learning from a concrete case (smuggling and unlawful distribution of medications) including creation of joint investigation teams – legal basis as obstacle, experiences, challenges, and best experiences including taking electronic decisions and content data. Attention was paid to the preliminary review of the incoming requests by focal points, formal review by the coordinator, scope of the formal review/ decisions and reasonable proposals for the case groups.

Beneficiaries of this training were judges, prosecutors and special prosecution, officials from Ministry of Justice, investigation police and legal officers from courts of all regions of Kosovo.

Intellectual property law – trademarks

On March 29 2019, Academy of Justice within its Continuous Training Program on the topic of “Intellectual property law – trademarks”. Purpose of this training was to enhance the judges and prosecutor’s knowledge about the role and importance of the trademark.

First part of the training elaborated on the roles and types of trademark, the trademark holder rights, and legal protection of trademarks. Second part elaborated on ways of registration and loss of the trademark right, legal procedure and their application in protection of the rights that derive from the trademark.

Beginning of this training emphasized that trademark is an important category from all the intellectual property rights that have a significant role in the market, considering that enterprises while conducting their business use the trade mark in order to distinguish their products and services from the other products and services, and for protection of their products.

The training continued to emphasize as well that the trademark is guaranteed with the Law on Trademarks, the Criminal Code and other administrative measures including the customs; nevertheless, in the judicial practice there are

many difficulties in application of the legal provisions and provision of effective protection.

Number of the disputes in the judicial practices deriving from the trademark area is considerable and a growing tendency.

In the resuming part, it was concluded that international standards set forth in the TRIPS Agreement and the EU Directives, the states shall ensure easily accessed legal remedies, effective and not costly, in order that the holder do not hesitate to request protection of their right by the judiciary.

Therefore, for a state to meet these international obligations of this area, is not sufficient to only foresee legislation that sets forth this or that right for the holder, but the legal remedy shall be available and de facto effective and applicable.

In this training participants were provided handouts and theoretical explanations, discussions, case study analysis, elaborated and clarified international and European standards, provisions of the Law on trademarks, and other applicable provisions that regulate this area.



Also, this training besides the theoretical explanations presented study cases from the case law, demonstrating merit based decisions in hypothetical cases. All this was accompanied with presentation of the ECtHR case law and the judicial practice in our country.

Beneficiaries of this training were judges from the commercial department of the Prishtina Basic Court and judges and prosecutors from the criminal law area, who handle cases of the financial crimes nature – particularly the trademarks.

Activities from Initial Training Program (ITP)

Official commencement of the initial training for the newly appointed judges (generation seven)

On March 11th 2019, Academy of Justice after appointment of the judges and the KJC request commenced implementation of the Initial Training Program, realizing this way the first meeting with the newly appointed judges.

In the opening speech of the AJ Executive Director Mr. Valon Kurtaj, initially congratulated the judges for their appointment and informed them with the role and importance of the initial training for their further professional growth. The newly appointed judges were presented with the structure of the training and the ways how they are conducted, with particular emphasis put on mutual cooperation in this one-year journey.

Whereas, the President of the Kosovo Judicial Council, Mr. Skender Çoçaj expressed the KJC support encouraging the newly appointed judges

for maximum dedication during the initial training, emphasizing importance of this training for their adequate preparation to exercise the judges function. Also, Mr. Çoçaj expressed his support for the Academy of Justice in successful accomplishment of the initial training for the newly appointed judges.

The newly appointed judges, were equipped with the necessary ITP related documents, like the following: Regulation for the Initial Training Program, the Initial Training Program and the Training Calendar for March 2019.

The Initial Training Program (2019/2020) will be attended by 37 newly appointed judges seven of them are of the Serbian community.



Initial training program activities for the newly appointed judges (generation VI)

Academy of Justice within the initial training program for the newly appointed judges of generation VI, conducted activities as per the training program.



Under the theoretical training part, 20 training sessions were conducted within the module on the Criminal Procedure Code of the Republic of Kosovo.

The Criminal procedure code module, had three training sessions, delivered within the following sub-modules: Measures for ensuring presence of the defendant in the proceeding, which discussed about issues of the house arrest, detention, diversion, deadlines for imposing these measures, causes and circumstances for imposing them, and distinction and impact in the proceeding.

The sub-module on Expertise and analysis, had four training sessions that elaborated on the following: house search and search of a person, ways and conditions for conducting the search, search competencies, admissibility of the evidence obtained during search, basic grounds for sequestration, items that can be sequestered, distinction between sequestration and confiscation, legal basis for taking the criminally acquired property, tracking, asset freezing, legislative changes on extended powers on confiscation, etc.

During March of 2019, the sub-module on Negotiation of the plea bargaining agreement con-

ducted two training sessions and covered the following: initiating procedure for negotiating plea bargaining agreements, role of the state prosecutor in plea bargaining agreement negotiation, position of the injured party, recommending the punishment, judicial hearing according to plea bargaining agreement, and legal systems that apply this institute.

The sub-module on Covert measures of investigation and surveillance, delivered four training sessions, where the judges had the possibility to enhance their knowledge about covert and technical measures of surveillance and investigation ordered by the state prosecutor, covert measures of surveillance and investigation after initiation of the criminal proceeding, and the rights of persons that are subject to the covert measure's order.

Also, the sub-module on Search and Confiscation had five training sessions that elaborated on the following: ways and conditions for carrying out the search, competence for search warrant, search without the court's order, notion of provisional sequestration, basic grounds for sequestration and the procedure as evidence, as possibility and benefit, ways of sequestration during search, and legal basis in our system for sequestration and sequestration.

During March, within the trainings organized by the European Union, the newly appointed judges attended two training sessions on the topic of the Rights of the crime victims.

During this period, the newly appointed judges had ten days of practical training in courts, as per the training schedule.

Initial Training program is being attended by five newly appointed judges (generation VI) of the Serbian community.

Initial training program activities for the newly appointed judges (generation VII)

Academy of Justice within its initial training program for the newly appointed judges (generation VII), continued to carry out activities as planned in the training program.

On March 11 the newly appointed judges officially commenced their one-year training program in the Academy of Justice. They will attend six training modules and the practical training in courts (judge).

The theoretical training part, during this reporting period carried out 12 training sessions from the module of “The Civil, Administrative and Commercial Laws”.

Under the Civil Law part, conducted six training sessions where we elaborated on topics like establishment and termination of the legal matters, modification, possession and types of possessions, absolute and relative rights, representation and representation by lawyers, one party

legal matters, mutual legal matters, and null legal matters, unpermitted action – delicts and ungrounded acquiring of property.

Under the sub-module on Contested Procedure – first part, six training sessions were delivered, in which the newly appointed judges could extend their knowledge about: principles of the contested procedure, general review about the competence, regular constituency of the court, and expelling of the judge, parties in the contested procedure, claims and delivery of claims and the hearings, as well as deadline to return to previous state.

This period included also weight days of practical training in courts, as per the schedule. The initial training is being attended by 39 newly appointed judges, seven of them are of the Serbian community.



Initial training program activities for the newly appointed prosecutors

During March 2019, the initial training program for the newly appointed prosecutors conducted activities in the theoretical training and in the practical training parts.

In the theoretical training part 2 two training sessions were conducted from the modules of the “Criminal Procedure Code” and the “National and international legal order”.

The sub-module on “Measures to ensure presence of the defendant in the proceeding” was covered with one training session where prosecutors had the opportunity to extend their knowledge about types of measures to ensure presence of the defendant, particularly the measures of house arrest, detention, diversion, deadline for setting these measures, causes and circumstances to impose these measures, distinction of these measures and their impact in the proceeding, etc.

According to the training program the newly appointed prosecutors conducted one training session from the module on the “Constitutional law” which elaborated on the history of the constitutional law in Kosovo, sources of the constitution, relation of these sources in Kosovo and the European countries, comparison of

the decisions of the Kosovo Constitutional Court with decisions of the European Court on Human Rights, reform of the Kosovo Constitutional Court, legal effect of the Constitutional Court decisions, etc.

Also, in cooperation with the French Embassy, the newly appointed prosecutors conducted additional training on Trafficking in human beings and money laundering.

During March, the newly appointed prosecutors conducted two visits to non-judicial institutions: The Kosovo Tax Administration and the Mediation Committee.

Also during this period, during March 18, 19, and 20, the newly appointed prosecutors undertook the final exam after completion of the theoretical training in the Academy of Justice. In the same period, the newly appointed prosecutors conducted three days of practical training in their respective prosecutorial offices, as planned in the training program.

The Initial Training program is being attended by 21 newly appointed prosecutors, two of them are of the Serbian community.



Kosovo tax administration

On March 7 2019, Academy of Justice in the Initial Training Program organized for the newly appointed prosecutors (generation VII) training focusing on Kosovo Tax Administration.

Purpose of this training was to extend the newly appointed prosecutor's knowledge on the role, responsibilities and practical work of the Kosovo Tax Administration.

Initially, the training presented activities of the institution and actual challenges that KTA faces while carrying out its mandate. Focus of this training was on the applicable legislation in Kosovo, norms and types of taxes, KTA applicable

procedures, and other issues that relate to the prosecutors work and cases of this nature that it faces in practice.

This training included interactive discussion with the newly appointed prosecutors and the KTA officials on issues of the common interest, with the purpose of establishing the first basis of the mutual cooperation.

Beneficiaries of this training were the newly appointed prosecutors (generation VII) 2018-2019.



Mediation Procedure

On March 25 2019, Academy of Justice within the Initial Training Program organized training on the Mediation procedure for the newly appointed prosecutors (generation VII).



Purpose of the training was to inform them with the history of the mediation procedure in Kosovo, areas to be implemented, its importance in criminal proceeding, difference from the civil procedure, etc.

This training initially elaborated on legal basis of the mediation procedure that is regulated by the Law on Mediation in Kosovo.

Also, it addressed the legislative changes that mediation law has had, extension of its competencies, agreements before mediators, persons

who are entitled to be mediators, etc.

It was discussed also about distinctions between mediation procedure in the criminal area and the civil area, mediation agreement reached in court, as well as legal effect of the mediation agreement.

Also, discussions continued about number of persons involved in mediation procedure, procedure for becoming a mediator, and conditions that and agreement shall meet in order to be solved through mediation.

Participants were informed about departments of free professions within the Ministry of Justice, where mediation takes part, as well as about the mediation Chamber, types of mediation particularly mediation for juveniles, role of the state prosecutors and the caution to be paid when an agreement is reached by mediation.

Beneficiaries of this training were the newly appointed prosecutors (generation VII) 2018-2019.



Other Activities

Alimony and child custody

On March 1st 2019, Academy of Justice within the trainings provided for free professions upon the request of the Free Legal Aid Agency, with the support of UNDP is organizing training on the Alimony and child custody.

Purpose of this training was correct implementation of legal provisions that relate to alimony and the child custody, and establishment of best practices in provisions of the legal aid in marital-family disputes to the function of protecting the rights of children by officials of the free legal aid.

This training focused on issues such as parental responsibility principles, principles for setting alimony, financial retention and nutrition - alimony, trusting, child custody and care as

well as contact, entrusting the child to one parent and assigning contact to another one, as well as the child's custody by the third person. Special attention was also paid to divorce and its impact on the child's personality by emphasizing the implementation of international standards and legislation in this regard.

Participants during this training had the opportunity to clarify their dilemmas and difficulties they face in practice of this area while providing free legal aid.

Beneficiaries of this training were officials of the Free Legal Aid Agency from all regional of Kosovo as well as representatives of NGO's like CRPK, CLARD, NORMA and Active Women of Gjakova.



Academy of Justice organizes internship program for the candidates of the French National School of Magistrates (ENM)

On March 4-22 2019, Academy of Justice within its cooperation with the French Embassy in Kosovo this year continued to host and organize an internship program for two candidates of the French National School of Magistrates.



Purpose of this program was to inform the candidates for judge and prosecutor of France, with the Kosovo judicial system, particularly the prosecution, investigation and adjudication of criminal offences, and punishment enforcement, civil cases, and the training system of judges and prosecutors.

This program commenced with the welcoming meeting at the Academy of Justice, that presented the agenda of the internship and it continues with attending a training for the newly

appointed prosecutors in the Initial Training in the Academy, and with visits to judicial and non-judicial institutions that were of interest for the candidates.

Internship program contained the practical training in offices of the Basic Prosecution in Prishtina, and in the Basic Court – general department, serious crimes department and the civil one, with the purpose to directly see law application, ways the hearing sessions are conducted, and in general the functioning of the Kosovo judicial and prosecutorial system.

In this program, the candidates focused on comparison the legislation in the area of confiscation and sequestration, for which purpose they had the informing meeting with the National Coordinator for Combating Economic Crimes. Also, they had meetings with other institutions like EULEX, Constitutional Court of the Republic of Kosovo and similar.

Internship program for the ENM candidates concluded with a meeting with the AJ Program Coordinator, where they exchanged impressions and recommendations about this program and cooperation in the future.



Academy of Justice reached a Memorandum of Understanding with the Law Faculty of the University of Prizren “Ukshin Hoti”

Prizren, March 8 2019, Mr. Valon Kurtaj – Executive Director, and Mr. Faton Fetoshi – Acting Director for Administration and Finance of the Academy of Justice conducted a meeting with representatives of the University of Prizren “Ukshin Hoti”.



Purpose of this meeting was to sign a memorandum of understanding for conducting internship for the Law Faculty students of this University at the Academy of Justice.

Representatives of the rectorate and the Dean of the University of Prizren’s Law Faculty Mr. Halim Bajraktari, expressed their pleasure for extending cooperation with the Academy of Justice, considering this an important step for the students, because relation of the theoretical knowledge with the practical one is more than necessary for them.

During this meeting, both parties agreed to organize joint professional activities with the purpose of exchanging practices in the area of increasing the practical training quality for the students. Also, they agreed that it is necessary to have joint research and scientific projects.



Domestic violence

On March 14 2019, Academy of Justice within the trainings for free professions, upon request of the Free Legal Aid Agency and with the support of UNDP conducted training on the topic of Domestic violence.

Purpose of this training was correct application of legal provisions of the Law on protection of the domestic violence victims and establishment of the best practices for provision of the free legal aid for these cases by officials of the legal aid.

This training elaborated on the basic principles of the law on protection from domestic violence, which foresees to help the affected persons with no discrimination, and other issues like: forms of occurrence of the domestic violence, protection order, conditions for setting the protection order, and measures for preventing violence. Also, particular attention was paid to the presence of the officials for protection of the victims during the first statement

provided by the victim, knowing that that statement is the most real and honest, that precisely presents the experience that the victim has had. The training continued to give explanations about the role of police, the Officials for victim's protection and the center for Social welfare, and of the Free Legal Agency itself, in handling these cases.

The afternoon part, discussed about the judicial procedure, judicial decisions, execution of the protection order and consequences for violating the protection order, as well as cases and problems that the free legal agency officials face in handling these cases, by addressing potential solutions in compliance with legal provisions.

Beneficiaries of this training were Officials of the Free Legal Aid Agency. Participants in this training were representatives of NGO's like CRPK, CLARD, NORMA and Active Women of Gjakova.



Drafting legal acts in the minor offence procedure

On March 15 2019, Academy of Justice within the trainings for free professions, upon the request of the Free Legal Aid Agency and with the support of UNDP conducted a training on the topic of “Drafting legal acts in the minor offence procedure”.



Purpose of this training was to implement correctly the Law on Minor offences and establishment of best practices in the free legal aid provision for such cases by officials of the free legal aid.

This training elaborated on basic concepts for determining an offence as minor offence as well as other issues like: principles that shall be implemented, minor offence reliability (liability and unaccountability), legal remedies (regular and extraordinary), reasons for filing legal acts, as well as essential violations. Also, particular emphasis was paid on the procedure upon appeal knowing that a large number of appeals coming in court are drafted by officials of the

legal aid. Also, advices were provided on how to act in this procedure and what are the best practices in drafting the acts.

In the afternoon part of the training, participants were divided in four groups to demonstrate the skills for drafting acts in 4 different hypothetical situations: drafting appeal in cases of essential violations; violation of the material law; the wrong or incomplete proving of the factual state; as well as cases of appealing against the height of the imposed sanction.

In the presentation of the work in groups, participants could show their experience using their knowledge that obtained in the first session of their trainings and their experience concluding correctly the tasks that were assigned.

Particular attention was paid to practical cases of the Free Legal Agency officials in elaborating cases of the minor offence procedure and addressing solutions in compliance with legal provisions.

Beneficiaries of this training were officials of the Free Legal Aid Agency from all regions. Participants in the training were representatives of the NGO's like CRPK, CLARD, NORMA and Active Women of Gjakova.



Academy of Justice reaches a Memorandum of Understanding with the Kosovo Prosecutorial Council

Prishtina, March 20 2019, Mr. Valon Kurtaj – Executive Director of the Academy of Justice and Mr. Bahri Hyseni – Chairman of the Kosovo Prosecutorial Council have signed a Memorandum of Understanding on behalf of the two institutions.



Purpose of this memorandum was to support professional enhancement and facilitate training

programs for the prosecutorial system.

Both parties agreed to exchange the training needs assessment information for prosecutors and the administrative staff, cooperate in preparation of the training programs, share information of training participation of the prosecutors and administrative staff. Also this MoU establishes agreement between AJ and KPC to exchange through electronic databases the basic information of prosecutors and administrative staff related to participation in trainings and in other programs of the Academy of Justice.

Damage compensation

On March 25 2019, Academy of Justice within the trainings for free professions with the request of the Free Legal Aid Agency and with the support of UNDP conducted training on Damage Compensation.

Purpose of this training was correct implementation of the Law on Obligations and establishment of best practices in provision of the free legal aid in cases of requests for damage compensation.

This training elaborated on basic concepts of the Law on Obligations focusing on the cause of damage, damage caused by dangerous means, damage caused by unlawful activity, types of damage compensation, civil liability and the grounds for liability for material and non-material damage as well as the criteria for determination of the damage. Attention was paid to analysis of the case by legal aid providers in these cases, and drafting of requests for damage

compensation, including elements that this request shall contain. In this training it was discussed about the most frequent cases in the courts practice and of the agency, giving examples and necessary explanations on the ways how to proceed in order to make the damage compensation claims successful.

Beneficiaries of this training were officials of the Free Legal Aid Agency from all regions of Kosovo, to include participants from NGO's like CRPK, CLARD, NORMA and Active Women of Gjakova.



Basic Principles of ownership

On March 26th 2019, Academy of Justice with- in its trainings for free professions, upon the re- quest of the Free Legal Aid Agency and with the support of UNDP conducted the training that closes the cycle of training program for the legal aid providers, on the topic of “Basic principles of ownership”.



Purpose of this training was correct application of legal provisions of the Property law and other real rights, and establishment of best practices in provision of the legal aid in cases of proving the ownership, possession, and obstruction to pos- session.

This training elaborated on basic concepts of the Law on Property and other real rights, focusing on ways of acquiring property, proving owner- ship, possession and obstruction to possession.

Particular attention was paid to case studying by providers of the free legal aid, and writing claims and requests of this nature.

The training discussed about most frequent cas- es from the case law and cases of the Free Legal Aid agency, which enabled provision of the nec- essary explanations for the steps to take in order to make successful lawsuits for acquiring own- ership, proving of ownership, and obstruction to possession.

The afternoon session participants were divi- dend in groups and were assigned tasks to iden- tify elements of the lawsuit in the property dis- putes, particularly in cases of obstruction to pos- session.

Beneficiaries of this training were officials of the Free Legal aid Agency from all regions of Kosovo, including representatives of the NGO’s like CRPK, CLARD, NORMA, Active Women of Gjakova, Institution of the Ombudsperson, and officials of the Victim Advocates Office.



Exchange of best practices in combating trafficking in human beings

On March 27 2019, Academy of Justice in cooperation with the French Embassy in Kosovo organized a training on the topic of “Combating Trafficking in Human beings”.



Purpose of this training is exchange of experiences about policies in the fighting of trafficking in human beings, focusing on the tools of technical and judicial cooperation, as well as the role of civil society in the victim recuperation.

At the opening of this training present were Mr. Dieder Chabert – Ambassador of the Republic of France in Kosovo, and Mr. Jean-Louis Falconi, Permanent Representative of France in the United Nations Organizations and International

Organizations in Vienna.

Director of the Academy of Justice expressed gratitude to the French Embassy for its support provided to the Academy of Justice and the judicial system in general. Also, the French Ambassador Mr. Dieder Chabert listed activities of the French Embassy in the area of Trafficking in Human Beings, appreciating this cooperation for building strategies in fighting this phenomenon. In this training, Mrs. Caroline Charpentier, Judge and Regional Advisor for the Fight against Trafficking in Human Beings in the Southeastern Europe, presented the tools of technical and judicial cooperation pertaining to this phenomenon. At this training it was discussed also about the criminal investigation strategy, cooperation with the law enforcement authorities and non-governmental organizations, advantages and weaknesses in the trafficking files, as well as actual trends in this area.

Beneficiaries of this training are the newly appointed prosecutors – generation VII.



The 6th steering Committee Meeting of the iPROCEEDS Project

On March 29 2019, the iPROCEEDS Project held its sixth Steering Committee Meeting held in Bucharest, Romania.

Purpose of this meeting was to inform the steering committee about project implementation, in determining the necessary strategies for project implementation, as well as determining the needs of national authorities to support capacity increase in the future.

The meeting initially presented activities carried out during July - December 2018, from the office of the Cybercrime Program of the Council of Europe. It further discussed about the legislation on cybercrimes, coordinated cybercrimes, cyber security policies and strategies, and public reporting systems.

During the meeting it was discussed about capacity empowerment of the specialized investigation units and cooperation between cyber-

crime agencies, financial investigators, prosecutors, FIU representatives and experts of the cyber security, as well as cooperation between criminal justice authorities and providers of the national and multi-national service providers. Particular emphasis was put on discussion of the Training Programs on cybercrime that are organized for judges and prosecutors, international cooperation and information exchange.

The last session was dedicated to the future plans and needs of national authorities, in which case, representatives of all participating regions could take the floor and present their needs in this area.

Republic of Kosovo in this meeting was represented by: prosecutors, senior police officials from the cybercrime department and Acting Head of the Continuous Training Program at the Academy of Justice.



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