



Newsletter

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April 2020

General activities

During April, as a result of circumstances created from COVID-19 pandemic and measures undertaken by Government of the Republic of Kosovo, AJ in coordination with the Managing Board and in cooperation with the KJC, KPC, with donors and different projects that assist the AJ, has undertaken and developed a series of activities, trainings and coordination efforts for continuation of the planned activities that were carried out through the forms of electronic communication.

In its endeavors, the AJ management and staff, in coordination with trainers, judges, prosecutors and staff of courts and prosecution offices, has developed the dynamics plan where training activities will be developed and conducted from home.

Initially, AJ, has subscribed in two ZOOM Pro platforms, for conducting trainings virtually, that enabled access for all interested beneficiaries on the e-learning platform. Despite the difficulties and hesitation of the beneficiaries, this way of learning resulted to be very effective and productive and participation was high, which allowed the Academy to continue without interruption to realize its training program of the 2020.

By this approach, in coordination with KJC and KPC, respectively after decisions issued for continuation of the Initial Training, Academy of Justice was engaged and successfully carried out the Initial Training Program for the newly ap-

pointed judges and prosecutors through the Zoom Pro platform, that enabled provision of the necessary interpretation to official languages for the participants. Also, the same practice was implemented for carrying out the Continuous Training Program, where participation was extremely large and the trainings were delivered according to the schedule.

Cooperation with donors and projects has been lively during this period as well. AJ Executive Director conducted meetings with representatives of the US Embassy OPDAT focusing on development and enhancement of the training modules, highlighting the Confiscation of the Proceeds of Crime, Public Procurement frauds, and Domestic Violence, as well as training curriculum development for ToT.

During April, AJ conducted virtual meetings with representatives of the GIZ/ LARP that discussed on the support and assistance of this project and possibility of developing the training module of the “Law on General Administrative Procedure – General guideline” according to specifics of the AJ E-learning platform.

Virtual meetings, were conducted also with representatives of the EU Project “Support to Civil Code – Stage II” in which it was agreed for continuation of cooperation and the dates were rescheduled for trainings that were planned to be accomplished in cooperation with this project.

Cooperation with the Council of Europe products, respectively with the HELP Initiative, it conducted a virtual meeting with participants that are attending the training on “Violence against women and domestic violence” in which representatives of the CoE headquarters Office in Strasbourg attended as well.

Whereas, virtual coordination meetings were conducted also with the USAID JSSP and CJA projects, related to training modules on Court

Management, and training needs assessment in the commercial law area. Meetings were held also with the KOSEJ project pertaining to training modules on the indicators and CEPEJ methodology for measuring efficiency of justice in Kosovo.

Activities from Continuous Training Program (CTP)

International Legal Cooperation in the Civil Field

On April 15-16, 2020, the Academy of Justice within the framework of CTP organized training on: "International legal cooperation in the civil field". Unable to perform the classic training, this training was held virtually through the electronic platform Zoom. The training was held live for two days, day I on: 15.04.2020 from 13:00-15:30 and day II on: 16.04.2020 from 13:00-15:30.

The purpose of this training was to advance the knowledge of judges regarding the international legal cooperation in the civil field..

In the following two days of training, were addressed: the local legal framework on international legal cooperation in civil matters, EU Regulations on international legal cooperation in civil matters, Brussels I, Brussels II, Rome I. and Regulations No. 805/2004, 1393/2007, 650/2012, 4/2009, as well as the Hague Conventions on International Legal Cooperation in Civil Matters.

The training highlighted the importance of international legal cooperation in the field of civil law, mainly on issues related to the recognition and enforcement of foreign court decisions or equivalent decision. This topic includes, among other things, the procedure for international legal cooperation in the civil field, the requirements arising from the Republic of Kosovo, or from foreign countries to Kosovo, the role of the court and the Department for International Legal Cooperation (HRD) in this procedure, jurisdiction based of the contested procedure law and jurisdiction under arbitration law, international conventions governing the issue of international legal cooperation in civil matters, such as: the Lugano Convention, the Hague

Convention, and some of the most important conventions governing the above-mentioned



issues. The training also covered the most important acts adopted by the European Union, such as the Amsterdam Treaty, the Brussels I Regulation, the European Payment Order, the Regulation on the submission of documents no. 1393/2007, the Regulation on Cooperation between the Courts of the Member States for taking evidence in civil and commercial matters, etc. At the end, the recognition and execution of foreign enforcement documents was discussed, as well as the procedure for recognizing the foreign decision according to the Law on Settlement of Conflicts of Laws.

During this training, combined methods of explanation were used, including theoretical and practical explanations, followed by practical examples, where each of the participants had the opportunity to be active throughout the training. Scenarios of cases involving some practical issues of international cooperation that judges are encountering in their daily work were also used and laid out.

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

Seizure and confiscation

On April 22-23, 2020, the Academy of Law in the framework of the Continuing Training Program, in cooperation with the US Legal Department / OPDAT, conducted training on "Seizure and Confiscation".

Due to the situation created by COVID 19, in the impossibility of conducting classical training, this training was held virtually through the electronic platform Zoom. The training took place live for two days, day I on: 22.04.2020 from 13: 00-15: 30 and day II on: 23.04.2020 from 13: 00-15: 30.

The purpose of this training was to advance professional knowledge of the participants on the legal provisions related to the Law on Extended Competencies of the Law on Seizure and Confiscation (LESCS).

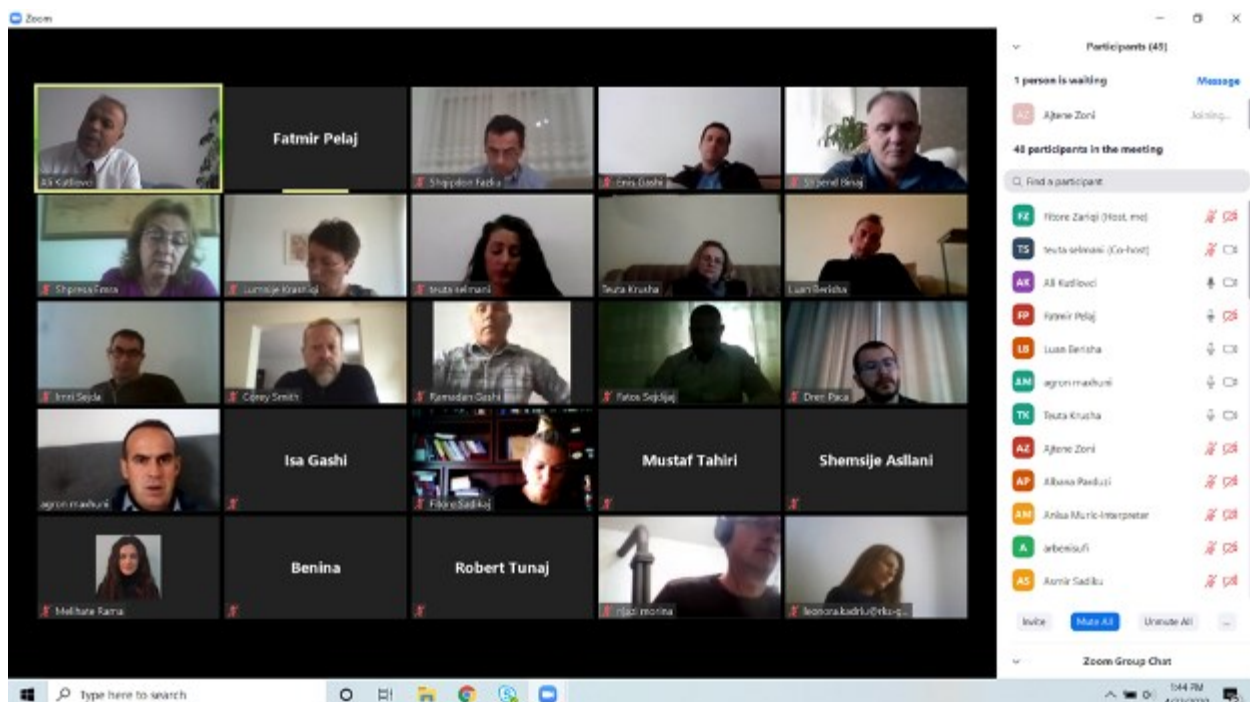
During this On-line training through the Zoom platform, local and international experts addressed the new institutes of the Law on Extended Competence on Confiscation, compliance and continuity of seizure and confiscation, provisions in basic Laws such as

CCRK and CPCK with LECSC, differences between -old and the new LECSC, the compatibility of new LECSC and other institutes with the Constitution of the Republic of Kosovo and the ECHR.

Attention was paid to the measures that can be proposed for property insurance and what are the temporary measures for property insurance, for which the state prosecutor has articulated evidence showing reasonable suspicion that he was used in the criminal offense under investigation, is evidence of the criminal offense under investigation, or has been acquired from the criminal offense under investigation.

The training methodology is based on interactive discussions between training participants, local and international engaged trainers.

The beneficiaries of this training were judges and prosecutors of the basic level from different regions of Kosovo as well as professional associates.



The role and importance of LGAP in administrative bodies - Administrative act

On April 29-30, 2020, the Academy of Justice, within the framework of continuous trainings, organized training on: "The role and importance of the LGAP in the Administrative Bodies - Administrative Act". Unable to perform the classic training, this training was held virtually through the electronic platform Zoom. The training was held live for two days, day I on 29.04.2020 from 13: 00-15: 30 and day II on 30.04.2020 from 13: 00-15: 30.

The purpose of this training was to advance the knowledge of judges regarding the role and importance of the LAP, in administrative bodies, specifically - the administrative act.

In the following two days of training, were addressed: The role and importance of LGAP in administrative bodies, the meaning and importance of the administrative act and the time of its entry into force, proper implementation of LGAP provisions and interpretation of the Guide on administrative procedure. A special attention was paid to the administrative act, the form, content; the entry into force, its implementation, as well as its repeal, including the collective revocation, as well as the revocation and abolition of the administrative act.

The training also elaborated and provided practical solutions based on the law which will facilitate the work of the court and administrative bodies and in the last instance will affect the overall reduction of the number of cases in this field.

During the training, it was emphasized that the decision represents the administrative act by



which an administrative case is decided, as such creating also legal consequences. The decision is defined as an administrative act by which the competent body decides on the object, the concrete administrative issue, on any legal right, obligation or interest, directly applying the material legal provisions. An administrative act is a formal act defined by law, which means that an administrative act is a written form, except in cases when another form is required by law or other circumstances have been imposed.

During this training were used methods of partial and theoretical explanation, based on cases, and concrete examples. This methodology involved interactive discussions. The material of this training contains comments, notes, practical examples on the principles and rules of the general administrative procedure with a special focus on the administrative act and its elements.

Beneficiaries in this training were: judges of basic and appeal instances (Department of Administrative Affairs), as well as the officials of the public administration of the municipal and central level.

Workshop

Violence against women and domestic violence

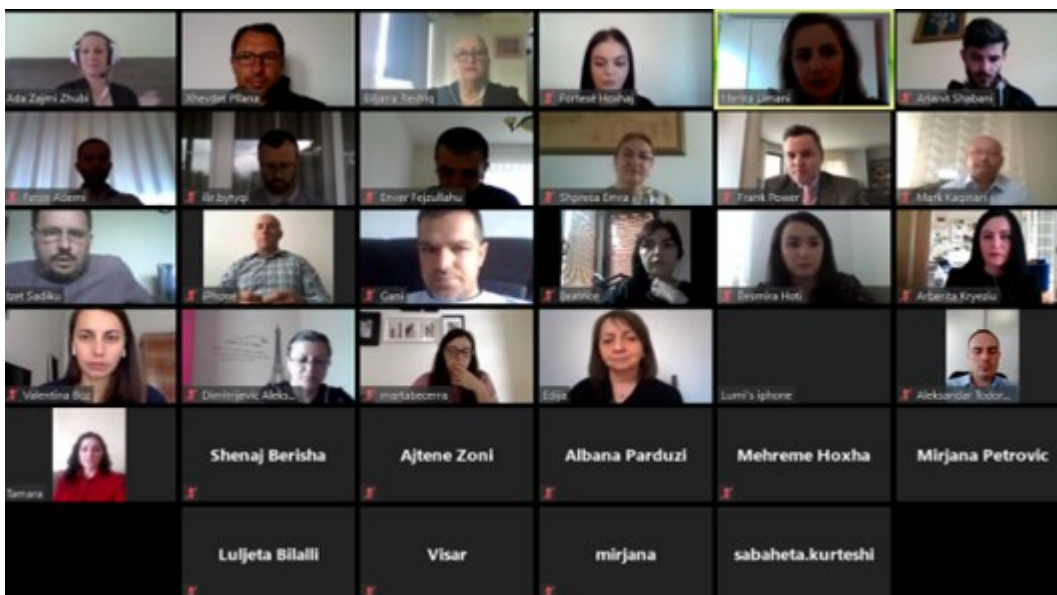
On April 29, 2020, within the ongoing HELP course, the Academy of Justice in cooperation with the Office of the Council of Europe in Pristina, held a workshop through the platform-Zoom on: "Violence against women and domestic violence."

The aim of the workshop was to advance the professional knowledge of participants on issues related to domestic violence and violence against women, in order to consistently implement all domestic legal acts with special emphasis on the Istanbul Convention.

During this online-workshop, was discussed about the implementation of the on-line course on the Zoom platform, which was attended by judges, prosecutors, victims' advocates, police officers and other participants from all regions of Kosovo, which included 7 modules, which in content dealt with domestic violence and violence against women.

These modules have been accompanied by internal legal acts such as the Constitution, the Criminal Code, the law on protection from domestic violence, as well as the Istanbul Convention, including various strategies and brochures which have addressed domestic violence and violence against women. During this session, attention was paid to the elaboration of domestic violence and its implications to human rights, making comparative views with the judgments of the European Court of Human Rights and Freedoms, which laid the foundations on how a state is punished if not taking the necessary measures to protect the victim of domestic violence.

Beneficiaries of this training were judges and prosecutors, victims' advocates, lawyers and other officials.



Activities from Initial Training Program (ITP)

Initial Training program activities for the newly appointed prosecutors

During April, is continued with the implementation of theoretical training in virtual form through the online platform. Whereas within the theoretical training for newly appointed prosecutors, (8) training sessions were conducted under the sub module: Personal and interdisciplinary skills, Legislation and additional skills.

From the module: "Increasing social skills for prosecutors were conducted three (3) training sessions where newly appointed prosecutors had the opportunity to gain new knowledge on issues such as: individual and social environment, professional and individual motivations and emotions, the impact of emotions on work and understanding of mental, emotional and physical disorder, internal and external conflicts.

Within the sub-module: "Stress Management" two (2) training sessions were conducted, elaborating the: time management as a predisposition to stress management, inevitable stress and personality assault at work, as well as reasonableness and relevance of various techniques for stress management and the impact of stress.

Under the module: "Juvenile Justice Code" was conducted a (1) training session, where participants advanced their knowledge on the general provisions that characterize the criminal proceedings against juveniles, the urgency of the procedure and short deadlines, failure to adjudicate juveniles in absentia and the principle of confidentiality and opportunity.

Within the sub-module: "Mediation" two (2) sessions were held, treating: mediation in criminal cases and its importance, the principles of restorative justice and the positive effects of mediation in the Republic of Kosovo.

During the implementation of the theoretical training, newly appointed prosecutors had the opportunity to discuss with the trainers, and ask questions about the various cases they face during their work.

For this period, the newly appointed prosecutors have not conducted practical training in the prosecution.



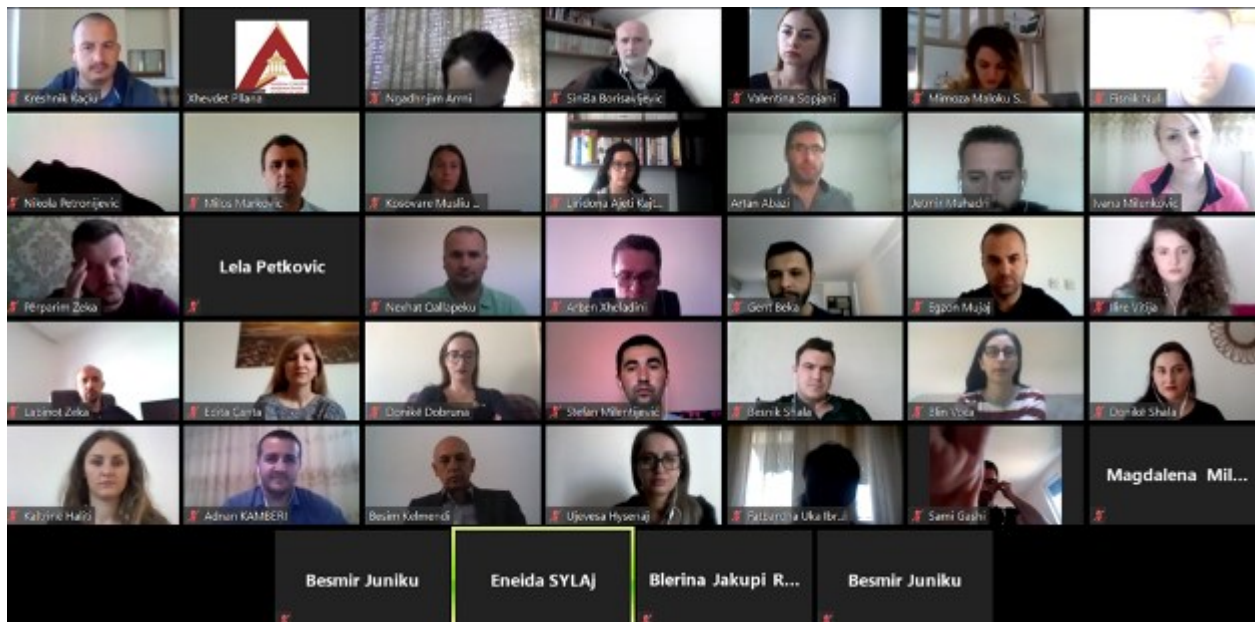
Initial Training program activities for the newly appointed judges

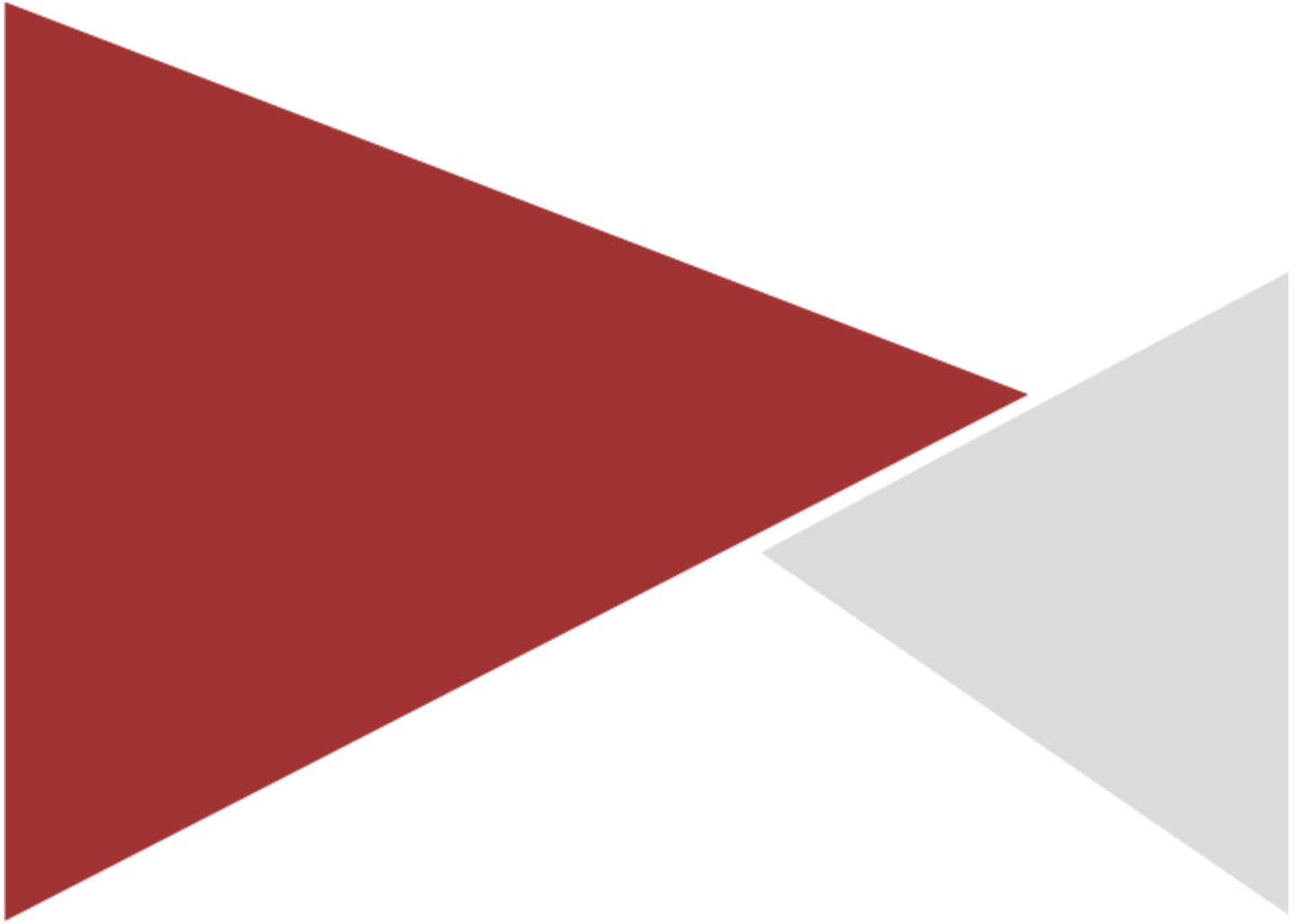
During April, the theoretical training was carried out through the online platform "Zoom" according to the training calendar. In the framework of theoretical training for newly appointed judges, (5) training sessions were conducted under the module: Criminal Procedure Code.

Under the sub module "Evidence in criminal proceedings" were conducted three (3) training sessions, where judges had the opportunity to deepen their knowledge regarding the: Evidence required for confiscation of property obtained through criminal offenses, general rules on the evidence in criminal proceedings, evidence and order in court, the use of previous statements during the trial and evidence for determining of guilt.

In the framework of the sub-module "Witnesses and injured parties in criminal proceedings" have been conducted two (2) training sessions, where judges were informed about: Interrogation and statements of witnesses before the indictment, failure of the witness to appear in court, interrogation and of the statement in the preliminary procedure and the special investigative possibility, the record of the actions in the procedure and the recording of the sessions with audio and video recording.

The initial training was attended by (37) newly appointed judges, seven (7) of whom are from the Serb community





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