



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Akademia e Drejtësisë - Akademija Pravde - Academy of Justice

Newsletter

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April 2022

General activities

Executive Director of the Academy of Justice participates in the Forum for Gender Equality for the Western Balkans

Pristina, April 4, 2022 – At the invitation of the AIRE Center, the Director of the Academy of Justice Mr. Enver Fejzullahu together with the President of the Supreme Court Enver Peci, the President of the Judicial Council of Kosovo (KJK), Albert Zogaj, and the President of the Basic Court in Pristina, Albina Shabani-Rama, have participated in the first Gender Equality Forum for the Balkans Western, which was held this weekend in Montenegro.

The President of the European Court, Robert Spano, the Vice President of the Court, Siofra O'Leary, judges of the European Court of Human Rights and judges and experts from the region were part of this forum.

In this forum, it was discussed about combating

violence against women and girls through the promotion of gender equality and the European Convention on Human Rights (ECHR), gender equality and the ECHR - the interaction between Article 8 and Article 14 of the ECHR, violence in the family and gender-based violence and the ECHR.

The forum brought together representatives of the constitutional and supreme courts, ombudspersons, including the president of the Constitutional Court of Kosovo, Gresa Caka-Nimani, the Ombudsman of Kosovo, Naim Qela, and judges who deal with cases of domestic violence and gender equality.



Executive Director of the Academy of Justice welcomed Prof. Dr. Ismet Salihu in a meeting

April 6 2022, The Executive Director of the Academy of Justice, Enver Fejzullahu, had the pleasure to receive in a cordial meeting the honored professor Prof. Dr. Ismet Salihu.

In this meeting, Prof. Dr. Ismet Salihu donated to the Executive Director of AD a copy of his newly published work with encyclopedic dimension "Lexicon of Criminal Law", emphasizing that it is the first of its kind in Kosovo, which is dedicated to students of law faculties, judges, prosecutors, lawyers and other jurists who in their professional work

need information in the field of criminal law.

On this occasion, Mr. Fejzullahu thanked the esteemed professor for donating this Lexicon, but also for his extraordinary many years of contribution to the legal sciences in general and in the justice system in Kosovo, appreciating the Lexicon as a valuable resource for judges, prosecutors and other judicial professionals. working in law enforcement institutions.



The AJ Executive Director hosts a meeting for the Head of the EULEX Mission, Mr. Lars-Gunnar Wigemark

April 21st 2022, Executive Director of the Academy of Justice Mr. Enver Fejzullahu welcomed in a meeting the Head of the EULEX Mission, Mr. Lars-Gunnar Wigemark.

During this meeting, the two interlocutors discussed the need to advance cooperation and joint efforts in order to strengthen the rule of law in the Republic of Kosovo.

Initially, Mr. Fejzullahu informed the Head of EULEX about the work of the Academy of Justice, about the challenges and objectives of this institution, and expressed the readiness for cooperation in the processes of common interest between EULEX and AJ.

On the other hand, Mr. Wigemark, expressed

his support to continue the cooperation with the Academy of Justice in capacity building of judges and prosecutors, as well as AJ staff, providing the resources that EULEX has, in order to exchange experiences in various fields, with special emphasis on issues related to war crimes, communication with the public and other topics of interest to beneficiaries and AJ staff.

The two interlocutors further agreed to further develop inter-institutional cooperation in strengthening and advancing the justice system in Kosovo.



Activities from Initial Training Program (ITP)

Preparation of final reports for the 24 judges of the VIII generation for the KJC as well as preparations for initial training for the IX generation of new judges and prosecutors

During April, the activities of this program were oriented to the preparation of files and the final reports of 24 judges of the VIII generation who have completed the initial training at the Academy of Justice. On April 8, the submission of files to the Judicial Council of Kosovo was accepted.

Other activities in this program have been focused on the preliminary preparations for the training program for the IX generation of new judges and prosecutors, which are expected to

be decreed soon after all the recruitment stages by KJC and KPC will be completed.

Since the training program for this generation of judges and prosecutors has been approved by the Managing Board, the Academy of Justice has started the process of drafting and updating the training modules.

Activities from Continuous Training Program (CTP)

Training: Evidence in criminal proceedings, covert measures of investigation and surveillance as well as Protection of witnesses and injured (victims) as well as cooperating witnesses - Session II

On April 05, 2022, the Academy of Justice, as part of the Continuous Training Program, conducted the training through the Zoom platform on: "Evidence in criminal proceedings, covert measures of investigation and surveillance, as well as protection of witnesses and the injured (victims) as well as cooperating witnesses - Session I".



The purpose of this training was to increase the capacity of judges and prosecutors in analyzing the evidence, the relevance and reliability of the evidence as a prerequisite for a fair and meritorious resolution of the respective cases.

The training is focused on dealing with the material and procedural aspect of covert measures, their types highlighting the criminal offenses for which these measures can be issued, when the covert measures are issued, what are the grounds of suspicion. Further, the training continued with clarifications about the request for the issuance of the order for covert measures, the use of covert measures as evidence in criminal proceedings, the duration of covert

measures, the admissibility of the evidence provided by the order for covert and technical measures of investigation and surveillance and the Panel for the review of Surveillance and Investigation. Also, special attention has been paid to the rights of persons to whom orders for covert and technical surveillance and investigation measures are applied.

The participants had the opportunity, through different cases from court practice, to break down legal provisions that regulate the covert measures of investigation and surveillance as well as other important procedural aspects in order to be applied correctly during the investigation and trial of the perpetrators of criminal offenses.

The applied methodology was of a combined character, with theoretical explanations and interactive discussions.

Beneficiaries of this training were 8 judges (1 from the Court of Appeal and 7 judges from the Basic Courts), 11 prosecutors mainly from the basic level as well as 1 police officer from the Kosovo Police.

Training: Court proceedings in cases of protection from Domestic Violence, with special emphasis on the types of measures, implementation and consequences

On April 6, 2022, the Academy of Justice, within the framework of the Continuous Training Program, conducted a training on: "Court proceedings in cases of protection from Domestic Violence, with special emphasis on the types of measures, implementation and consequences

The purpose of this training was to increase the capacities of judges and other stakeholders relevant to the procedure in cases of domestic violence and to respond to the needs of the victims within the legal deadlines and determine the appropriate legal measures for protection and prevention.

The training was initially focused on theoretical part due to misunderstandings, misinterpretations of notions according to the Law on Protection from Domestic Violence. Domestic violence and its types, the protection order, the request for a protection order and its content, judicial procedure for deciding according to the request for a protection order, the types of protective measures and their duration, the execution and

consequences of execution of the order have been specially addressed, as well as protection and approach to domestic violence according to the Council of Europe Convention, preventing and combating violence against women and domestic violence.

Through practical cases, the participants had the opportunity to identify and eliminate problems faced in the appellate court.

The applied methodology was of a combined character, with theoretical explanations and interactive discussions.

Beneficiaries of this training were 24 judges (1 from the Supreme Court, 3 from the Court of Appeal and another 20 from the Basic Courts), 3 police officers, 2 officers for protection and assistance to victims and 2 professional associates from the courts.



Workshop for the improvement of judicial practice between prosecutors and judges

On April 13-14, 2022, the Academy of Justice in cooperation with the American Embassy/OPDAT conducted a two-day workshop on the improvement of judicial practice between prosecutors and judges.

The purpose of this workshop was to improve the quality of indictments, requests and orders for covert investigation and surveillance measures for the fair trial of money laundering, organized crime and other criminal offenses of criminal assistance and association and the harmonization of judicial practice for the aforementioned issues.

On the first day, the training was focused on how to draft indictments, eliminating the usual shortcomings observed by judges, in the request/order for covert measures - its content and other specifics, correctly interpreting the relevant provisions of the Code of Criminal Procedure regarding covert measures. Following, it was discussed about the examination of conversations from communication applications such as Viber, Whats App as interception of communications or examination of seized electronic equipment,

for financial investigations and money laundering, namely the sufficiency of the evidence and whether it can be charged as an independent offense or is the existence of the basic criminal offense necessary, as well as cases of organized crime, eliminating dilemmas about proper interpretation of the relevant provisions and confiscation orders.

The second day, covered the right to not be punished, the quality of judgments, the legislation in force for war crimes, trial in absentia, cooperating witnesses, direct will versus indirect, highlighting the inconsistent practice of the courts but also the dilemmas in the relevant cases.

Participants in this workshop were 7 judges from the Special Department of the Basic Court as well as 14 prosecutors (13 from the Special Prosecution and 1 from the Basic Prosecution)



Training: Criminal offenses against the environment

On April 14, 2022, the Academy of Justice in cooperation with GIZ conducted training on: "Criminal offenses against the environment"

The purpose of this training was to advance the knowledge of judges and prosecutors regarding local and international legislation on protection of the environment and correct interpretation and application of the relevant provisions in the judicial practice of criminal offenses against the environment.

The training was initially focused on the theoretical part of the notions of pollution, degradation or destruction of the environment, the destruction of the plant world with harmful substances and the desertification of forests. In the following, it is focused on the definition and essential elements of criminal offenses against the environment, the circumstances, ways and forms of committing and practical problems in the case of qualification.

During the training, the participants had the

opportunity to discuss cases from practice and clarify the adequate legal provisions. Also, as an illustration, some cases from the practice of the ECtHR have been used which, despite the "lack" of an expressly defined regulation on environment, were provided solutions to the relevant issues by implementing the articles of the Convention that include general regulations related to the protection and the enjoyment of basic rights, including protection of the environment and the right to have a clean environment, which is directly related to the right to enjoy private life, property, family, etc.

Beneficiaries of this training were 3 participants from Basic Courts, 4 prosecutors from Basic Prosecutor's Offices, 5 inspectors from the Ministry of Environment and Spatial Planning as well as 3 police officials.



Training: Recognition and enforcement of local and foreign Arbitration Tribunal decisions

On April 19, 2022, the Academy of Justice in cooperation with USAID / Commercial Justice, within the framework of the Continuous Training Program, conducted a training on: "Recognition and enforcement of local and foreign Arbitration Tribunal decisions".

The purpose of this training was to advance the knowledge of the participants regarding the procedure of recognition and enforcement of arbitration decisions, both domestic and foreign, and to unify the practice in the enforcement of these decisions.

The training initially focused on the role of alternative forms of dispute resolution with an emphasis on Arbitration and Mediation in the first place, legal certainty and the possibility of attracting foreign investments deemed to be necessary for the economic development and then discussed the recognition process of arbitration decisions, enforcement of arbitration decisions issued by Arbitration Tribunals inside and outside Kosovo.

During this training, the participants had the opportunity to study and analyze a practical case through which important aspects that judges encounter during the procedure of recognition and enforcement of arbitration decisions were clarified. The process of recognition of arbitration decisions; Enforcement of, Unification of Arbitration Recognition Practice and Case Study were among the topics discussed.

The applied methodology was of a combined character, with theoretical explanations and interactive discussions.

Beneficiaries of this training were 9 judges, of them 2 judges from the Special Chamber of the Supreme Court and 7 judges from the Basic Court from all regions of Kosovo.



Cyber Forensic Tools Workshop

On April 21-22, 2022, the Academy of Justice in cooperation with the American Embassy/OPDAT has conducted two (2) workshops on: "Cyber Forensic Tools".

The purpose of these workshops was for prosecutors to discuss and advance their knowledge in the use of forensic tools for the purpose of successful criminal prosecution, with special emphasis on corruption cases.

The first workshop was carried out with the prosecutors of the Special Prosecution office, while in the second workshop prosecutors from the Basic Prosecutions were included.

In both workshops, special attention was paid

to cyber forensic tools, the disclosure, analysis and organization of cyber evidence, namely evidence obtained from a personal computer, evidence from the Internet as well as the inclusion of this evidence in court proceeding.

In the first workshop were present: 8 prosecutors from the Special Prosecutor's Office as well as 2 legal officers from this prosecution, while in the second workshop the beneficiaries were 15 prosecutors from the Basic Prosecutor's Office in Pristina.



Training: Access and regular use of the Central Criminal Evidence System (CCES)

On April 26-27, 2022, as part of the continuous program a training was carried out on: "Access and regular use of the Central Criminal Evidence System."

The purpose of this training was to increase professional capacities of judges and other responsible stakeholders in the independent and regular use of CCES, namely the extraction of data and the control of criminal evidence of natural and legal persons for the purposes of criminal proceedings.

The training was initially focused on the theoretical explanation of the role and importance of the CCES, reminding that the data entered must be accurate, correct and complete. Special attention has been paid to sensitive data, then the authorities who have the right to obtain extracts from criminal evidence. On the occasion of this training, the principles governing the right to access information related to personal criminal evidence, the communication of information and its use, the principles governing the right to access information related to personal criminal evidence by judicial authorities, the instructions regarding criminal evidence related to minors as well as the protection of criminal evidence during criminal proceedings as well as the principles governing rehabilitation, repayment, amnesty and forgiveness.

Apart from the perspective of the Criminal Code and the Code of Criminal Procedure, the

access and regular use of CCES was emphasized that it must also be in accordance with the Law on the protection of personal data, elaborating gradually basic concepts of this law and also the Law on information security and information classification.

On the second day, the training was focused on local and international framework with a focus on the European practice that regulates recognition of foreign decisions in Kosovo, including the KJC Regulation and the main principles for the CCES. In the following, other aspects such as the mandate of CCES, organizational structure, functions, system management, personal data of convicted persons, types of acts that can be generated by this database as well as other important details were addressed.

At the end of the training, participants had the opportunity to demonstrate practical use and operation of the CCES with a focus on the identification process, ways of searching for a convicted person, including all the special modules contained in this platform for the responsible actors to it is easier to use and receive data from CCES.

This training was attended by 5 judges and 1 prosecutor mainly from basic instances.



Activities for administrative, judicial and prosecutorial staff

Training The general and special part of criminal Law -Group II

On April 13-15, 2022, the Academy of Justice, in cooperation with UNDP, continued with the realization of 3 trainings from the Basic Module for professional associate and legal officers - Group II on the topic "General and special part of criminal law".

In order to enable the participation in trainings for all professional associates and legal officers of the courts and prosecutor's offices working in the criminal field, the Academy of Justice has divided them into 4 groups.

The purpose of these trainings was to advance the knowledge of professional associates and legal officers of the courts and prosecutor's offices regarding the legal framework in criminal field and the fair application in judicial practice for the meritorious resolution of cases.

In the framework of these training sessions from the general part of criminal law, the general principles in the implementation of the most favorable law were discussed with a focus on evaluations related to the implementation of the most favorable law, following by criminal offenses, the elements, the way of committing, time and place of committing the criminal offense, the reasons for exclusion of illegality were discussed, with an emphasis on the necessary protection, extreme need, violence and threats, the offense of minor importance and criminal responsibility.

Within the special part, criminal offenses against life and body have been discussed, with an emphasis on murder and aggravated murder, as well as criminal offenses against sexual integrity, treating with special attention important aspects of rape and sexual assault.

During the training, the participants had the

opportunity to discuss and give legal opinions and at the same time analyze legal provisions through numerous case studies of collaboration in commission of criminal offenses and assistance in the commission of criminal offenses.

38 participants took part in the first training, all professional associates and legal officers from the Court and the Prosecutor's Office. From the Prosecutor's Offices, there were 25 participants, while from the courts 13. Regarding ethnicity, 36 participants were Albanians, 2 participants were from the non-Serb majority community. In terms of gender, 23 participants were female and 15 participants were male.

The second training, was attended by 38 professional associates from the courts and prosecutor's offices, 1 of victim protection. 12 professional associates and legal officers from the Courts, and 24 from the Prosecutor's Office. Regarding ethnicity, 36 participants were Albanians, 2 participants were from the non-Serb majority community. In terms of gender, 23 participants were female and 15 participants were male.

37 professional associates from the courts and prosecutor's offices participated in the third training, 1 of from victim advocacy and protection. There were 22 from the prosecution and 14 from the courts. As for ethnicity, 35 participants were Albanians, 2 participants were from the non-Serb majority community. In terms of gender, 22 participants were female and 15 participants were male. Beneficiaries of the training were: Administrative staff from the Court and the Prosecutor's Office.

Training: Integrity and ethical behavior

On April 21, 2022, the training on the topic: "Integrity and ethical behavior" was carried out for the administrative staff of the Courts and Prosecutor's Offices.

The purpose of this training was to increase the capacities of the administrative staff for ethical behavior inside and outside the office in accordance with the principles and norms of ethical behavior.

Initially, the training started with the basic principles and norms of ethics as well as behaviors inside and outside the office with an emphasis on the principle of legality, sincerity

and honesty as well as the principle of respect.

Then the training continued with the second part with the social awareness and responsibility of the staff at work, with a special focus on harassment of different natures within the work facility, avoidance of conflict of interest, political activity and its interaction in daily work, etc.

Beneficiaries of this training were 17 administrative staff, namely referents, legal officers, archives and finance officers from the Courts and Prosecutor's Offices of Kosovo.



Activities for other legal professionals

Training: Enforcement through bank accounts - unification of acts



On April 28, 2022, the Academy of Justice, in cooperation with The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), in continuation of the organization of trainings for Free Professions, has carried out a training for Private Executors on: "Enforcement through bank accounts - unification of acts".

The purpose of the training was for the participants to unify their actions in cases of enforcement through bank accounts, as well as to discuss the practical problems they encounter during their daily work and to offer the appropriate legal solutions for them.

During the training, important aspects were discussed such as mandatory execution, sequestration and enforcement on the bank account, the sequence of payments, periodic payments, actions in cases where there are no funds in the debtor's account, actions in case of obstacles to execution, execution towards the debtor with joint liability.

The issues of enforcement in some accounts, enforcement of funds in the foreign currency account and in foreign currency were also addressed.

The participants had the opportunity to discuss and analyze the mentioned issues through case studies and in this way they also get to know the best practices in this field.

Beneficiaries of the training were 14 private executors from different regions of Kosovo.



Activities Training for Trainers

Training of Trainers—Terrorist Financing (Phase II)

On April 7, 2022, the Academy of Justice, in cooperation with the Council of Europe, PECK III project, has carried out the II phase of the Training of Trainers in the field of Terrorism Financing.



This training comes as a continuation of the preliminary training carried out in October 2021, in which case a group of about 15 potential trainers in the field of terrorism has been established, including Judges, Prosecutors, officials from the Financial Intelligence Unit as well as officials from the Kosovo Police.

The training for two days in a row was designed more in the presentations of the training groups divided in advance by the

international expert Mr. Theo Byl.

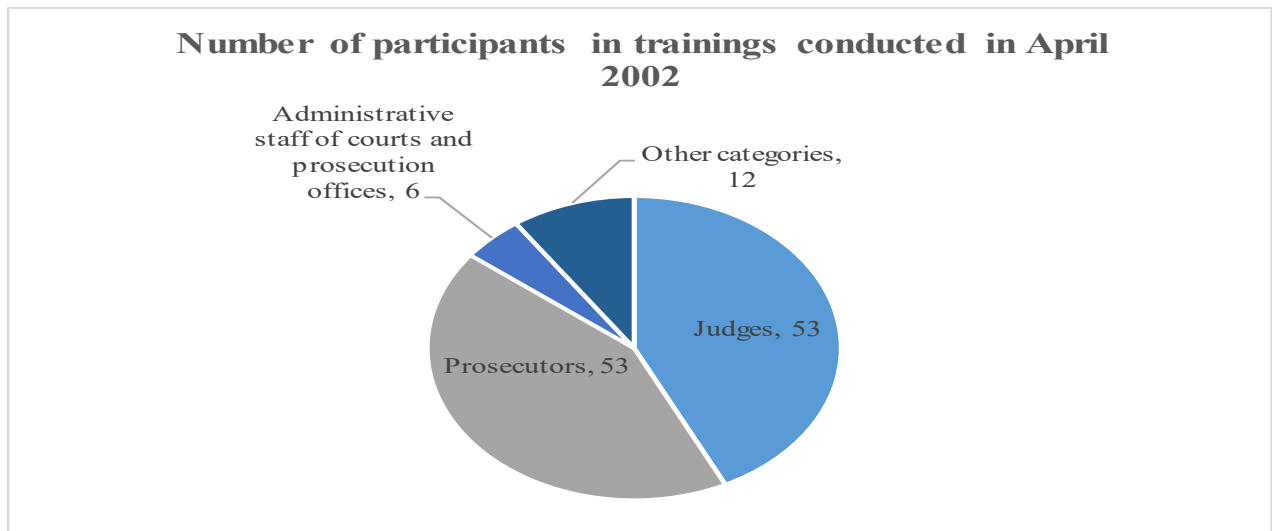
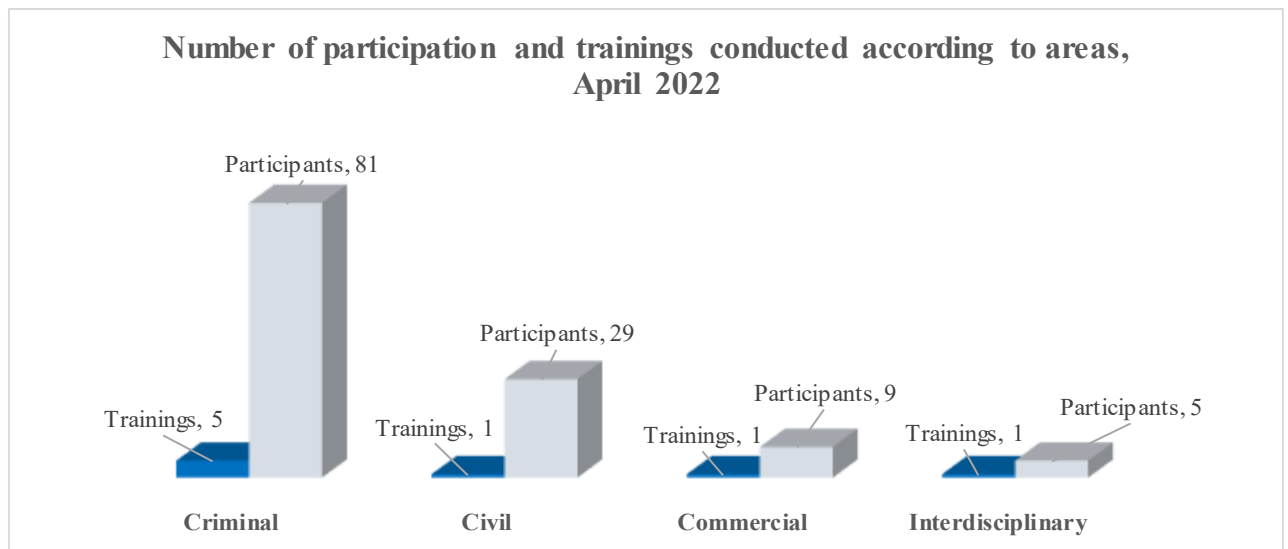
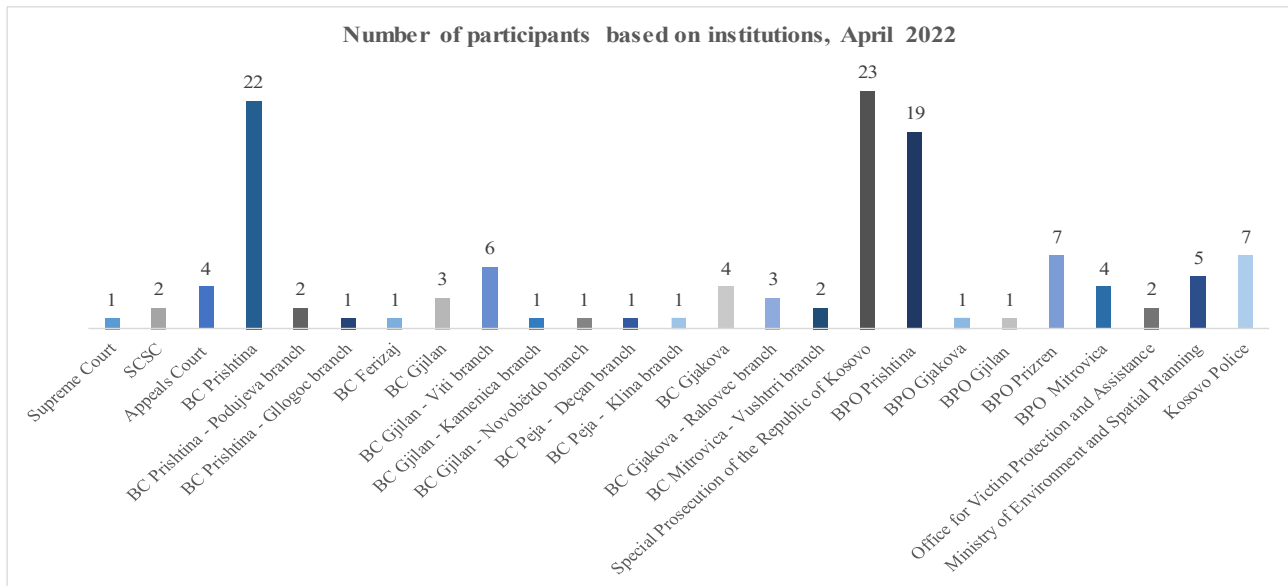
The presentations of the trainers were focused on specific topics such as: the international framework on terrorism and terrorist financing, the methods and techniques of financing terrorism, the legal framework in Kosovo for the issues of financing terrorism, collection of evidence, national and international coordination, legal assistance mutual and joint investigative teams, the return of assets and finally a simulation of the case.

In the end, the whole group of local trainers received recommendations, advices and the final evaluation from the expert Mr. Byl, preceding after with the certification of the participants.

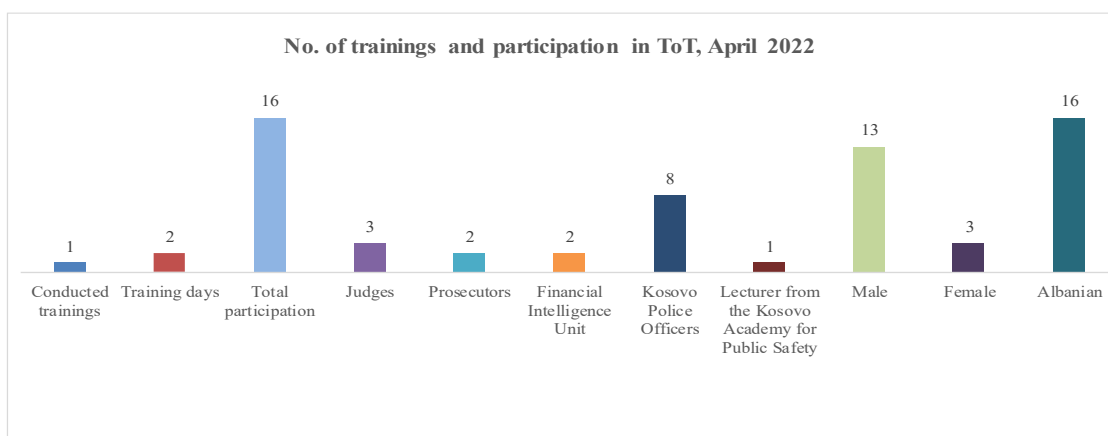
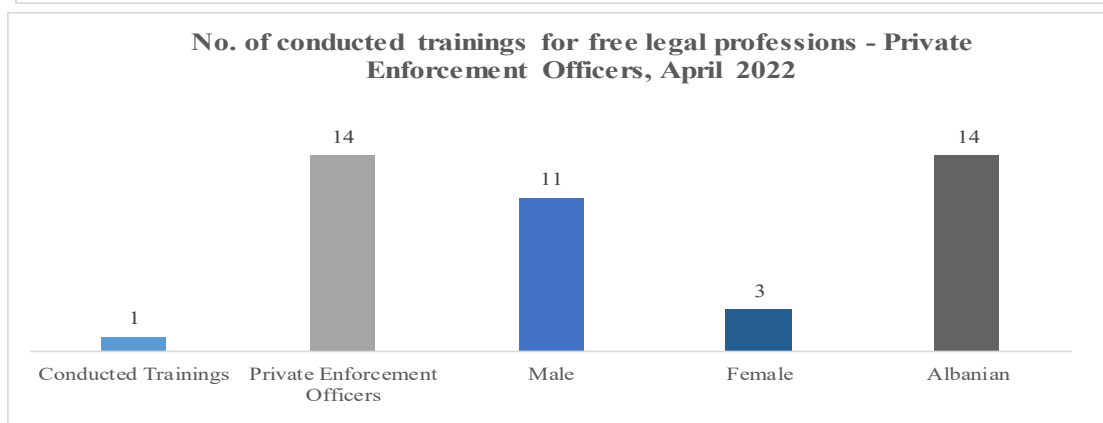
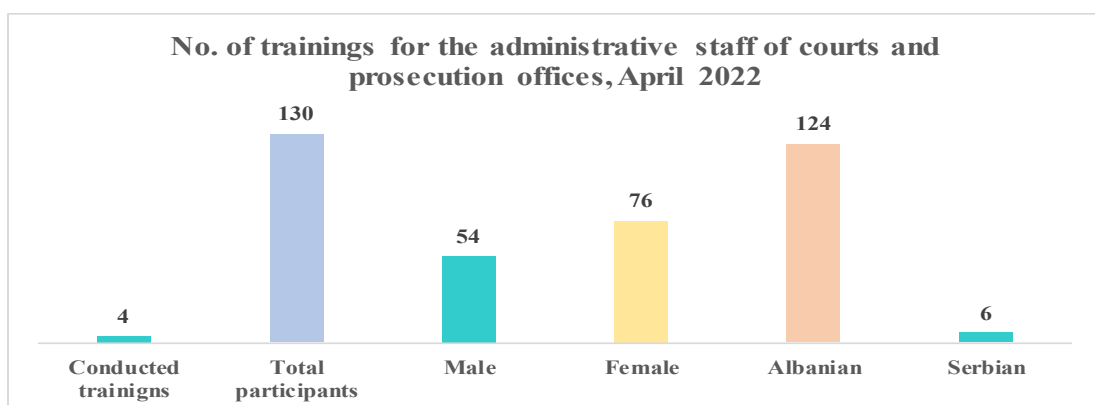
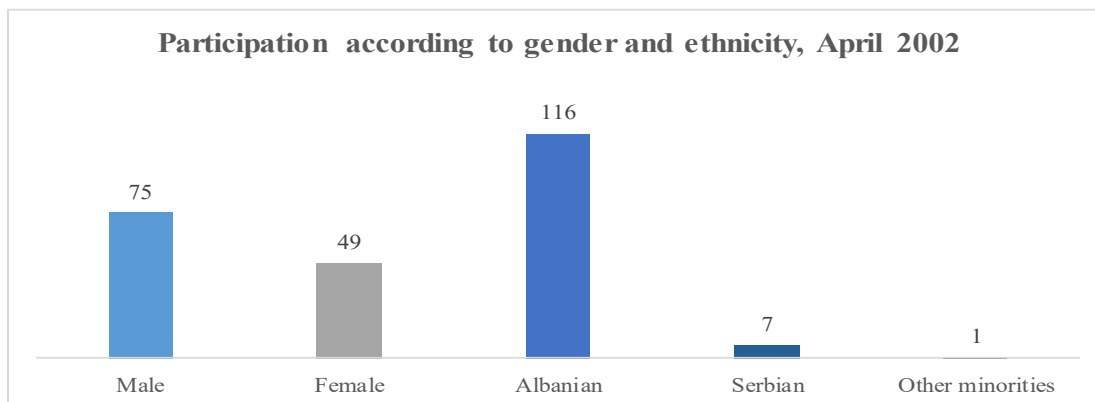
This training was attended by 4 judges, 2 prosecutors, 2 from the Financial Intelligence Unit, 1 lecturer from the Public Security Academy and 8 police officers from the ranks of supervisors, investigators, heads of units and supervisors from the Kosovo Police.



Attendance at trainings on PTV presented through graphs



Attendance at trainings on PTV presented through graphs



Akademy of Justice

<https://ad.rks-gov.net>

infoad@rks-gov.net

“Muharrem Fejza” str. n.n. Prishtina

Tel:+383 38 200 18 660