



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

Newsletter

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February 2022

General activities

Practical program for candidates of the French School of Magistrates in judicial institutions in Kosovo

On 07-25 February 2022, the Academy of Justice, in cooperation with the School of Magistrates through the French Embassy in Kosovo, has organized a practical program in judicial institutions in Kosovo, for the two candidates of the School of Magistrates of France (ENM), Mrs. Agnès Legagne and Mrs. Julia Depetris.

Initially, the candidates were welcomed at the meeting by the Executive Director of the Academy of Justice, Mr. Enver Fejzullahu and Mrs. Valmira Pefqeli, Head of PTF, where the candidates from the School of Magistrates of France were introduced to the organization and system of programs of the Academy of Justice, the judicial system in general in Kosovo, and were instructed to continue their stay in relevant institutions .

Afterwards, the ENM candidates continued the meeting with the Chief Prosecutor of the Basic Prosecution of Prishtina, Mr. Kujtim Munishi, where they were closely acquainted with the work in the prosecution and the cases accepted by this prosecution. It has been confirmed by the Chief Prosecutor Munishi that it will be a host institution during their internship in the offices of the Basic Prosecution of Prishtina.

This internship program lasted three weeks, where candidates from ENM had the opportunity to visit and see the practical work of prosecutors and courts from all levels in Kosovo, and held briefings with local and international AD collaborators. , depending on the topics of their interest.



Meeting of the Academy of Justices Managing Board

February 28 2022, Academy of Justice conducted the following meeting of the Managing Board, led by the Chairman of the Managing Board Mr. Vatou Durguti, Head of the Special Department at the Appeals Court.

In this meeting, members of the Managing Board as per the agenda, initially reviewed the Action Plan for 2021-2022 for implementing the Rule of Law Strategy 2021-2026, in which case they authorized the Academy of Justice to implement the foreseen activities, at the same

time approving the proposal for amending the AJ work plan in order to include the activities deriving from this action plan.

Also, the Managing Board reviewed several decisions of KPC for mandatory trainings of prosecutors, and they were informed by the Executive Director about the flow of work for the AJ new building.



Activities from Initial Training Program (ITP)

Initial training for newly appointed judges (generation VIII) during February

During February, the newly appointed judges - generation VIII have continued according to the training program set for this generation the practical training in the respective courts. The practical aspect of the training was monitored by the mentor judges who on regular basis informed the Academy of Justice about the flow and progress of this training.

In addition to the training and the progress of the practical training, based on the PTF Regulation, the newly appointed judges have been obliged to draft research papers which according to the decision of the Steering Council will be evaluated by the PTF trainers and the same together with the test. final will be attached to the file for completion of the initial training.

In addition to the training and the progress of the practical training, based on the ITP Regulation, the newly appointed judges are

obliged to draft research papers which according to the decision of the Managing Board will be evaluated by the ITP trainers and the same together with the final exam will be enclosed to the file for completion of the initial training.

Also, the Academy of Law during February has drafted the final test in the criminal field for this generation. The test was designed by a working group composed of PTF trainers in the criminal field, which concludes the final test for 24 judges of this generation.

In addition, other preparations have been made by the responsible staff of this program, which contribute to the realization of the final exam which is expected to take place on March 9 and 10, 2022.

Activities from Continuous Training Program (CTP)

Training: Criminal offenses against narcotics with special emphasis when committed in an organized form

On February 1, 2022, the Academy of Justice within the Continuous Training Program (CTP) conducted training on "Criminal offenses against narcotics with special emphasis when committed in an organized manner."

The purpose of this training was to advance the knowledge of judges and prosecutors regarding the specifics of drug offenses and the proper implementation of legal provisions in court practice.

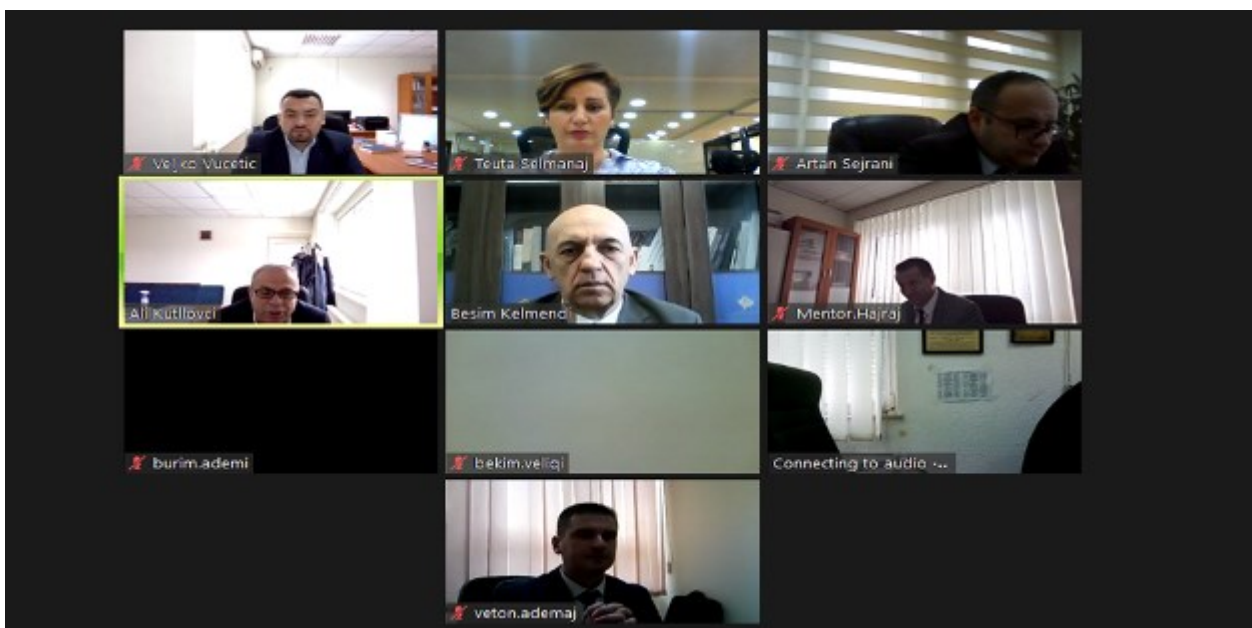
The training focused on the theoretical and practical treatment of criminal offenses against narcotics, paying attention to the meaning of narcotics, their type and distribution, as well as the consequences that their use brings to human health. Following, the elements of criminal offenses against narcotics were discussed separately, followed by practical cases on how to identify these elements in practice, the way of providing evidence and the financial

investigations related to these offenses. An important discussion has also taken place regarding the organized forms of committing these criminal offenses and the manner in which criminal sanctions are imposed in relation to the criminal offenses of this chapter.

Also in this training were discussed practical cases related to financial investigations, covert technical measures of surveillance and investigation, protected witnesses and cooperating witnesses, as mechanisms for successful combating criminal offenses against narcotics.

The training methodology is based on interactive discussions of training participants and trainers.

Beneficiaries of this training were: Judges and Prosecutors from the Basic level and judges from the Appeal Court.



Training: Preliminary review of the lawsuit

On February 2nd 2022, Academy of Justice conducted an online training via Zoom platform on the Preliminary review of the lawsuit.

Purpose of this training was to advance the knowledge of judges regarding the preliminary review of the lawsuit for correct implementation of the provisions of the Law on Contested Procedure regarding verification of the fulfillment of procedural presumptions.

The training focused on theoretical and practical treatment paying attention to the understanding of procedural presumptions.

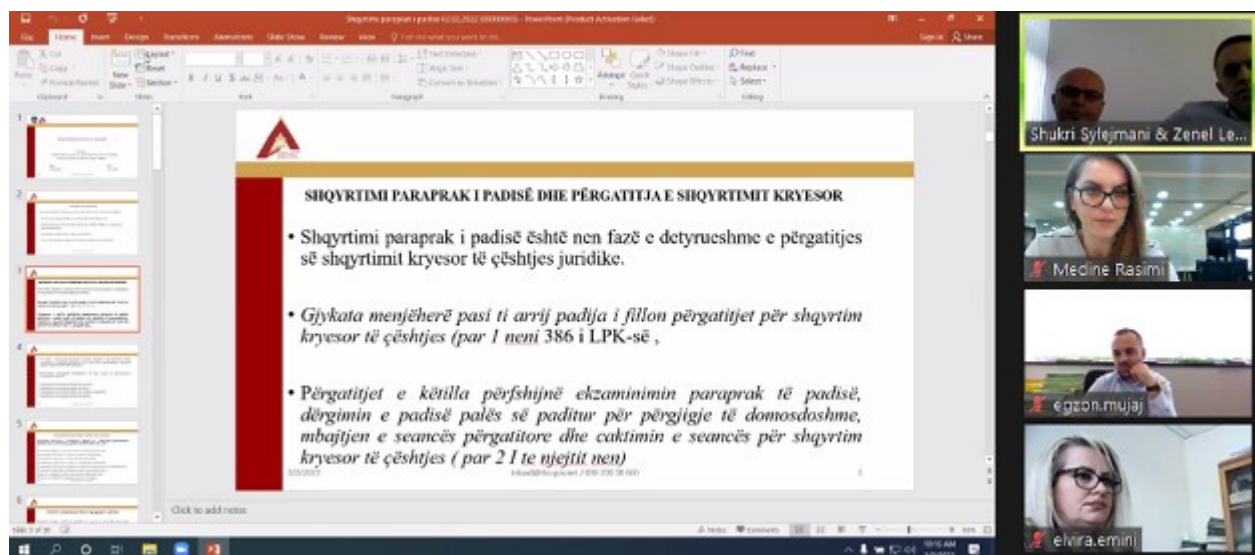
The training further elaborated on procedural presumptions regarding the court, procedural presumptions regarding the parties, the object of the dispute and the procedural presumptions regarding the lawsuit.

Significant discussion has taken place about the dismissal of the lawsuit as inadmissible during

the preliminary review, as well as the consequences for development and the epilogue of the entire trial that comes due to not understanding, and review of these procedural presumptions from the preliminary review stage of lawsuit. Special attention was also paid to the unauthorized dismissal of the lawsuit in cases where any of the procedural presumptions described above are missing from the stage of preliminary review of the lawsuit.

The training methodology was of a combined nature with theoretical explanations and interactive discussions presenting practical cases.

Beneficiaries of this training were judges from the Special Chamber of the Supreme Court, the Court of Appeals, as well as judges and prosecutors from the Basic instance.



Training: Obtaining the child-victim statement by the expert – Session I

On February 2-3 2022, Academy of Justice conducted the first training session on Obtaining the child-victim statement by the expert.

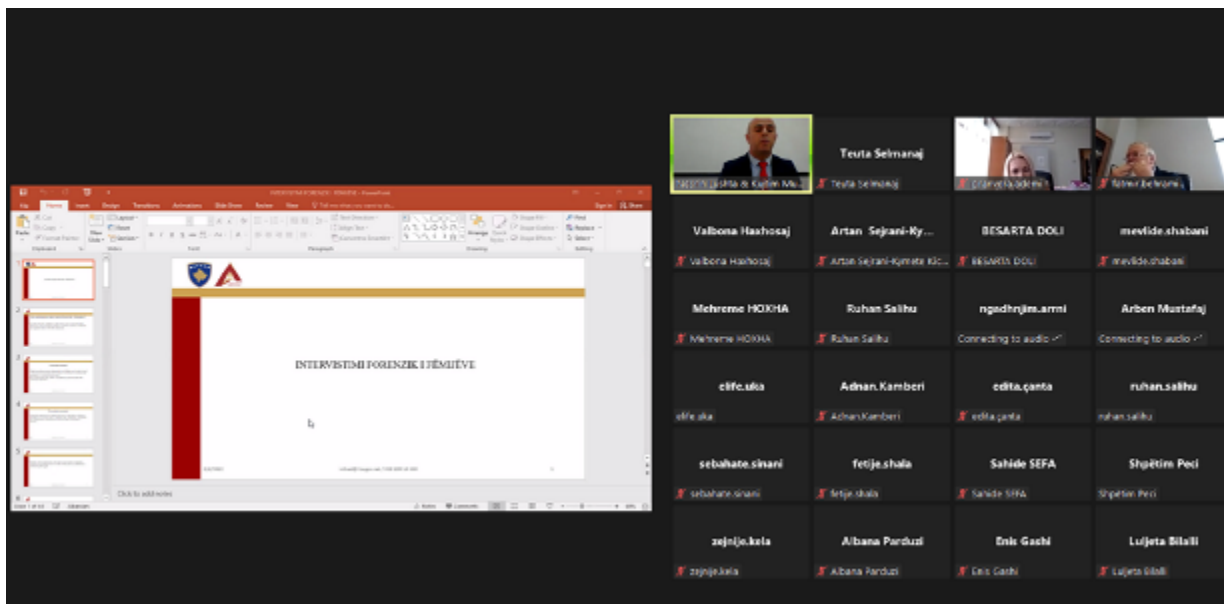
The purpose of this training was to advance the knowledge of judges and prosecutors regarding the provisions related to obtaining the statement of child victims and to create best practices that contribute to the well-being of children.

The training focused on forensic interviewing of children, methods and techniques of conversation with the child victim as well as practices related to forensic interviewing of children. All these were accompanied by practical cases and in the context of the

Convention for the Protection of the Rights of the Child. The training emphasized aspects that should be taken into account so that the child is not re-victimized promoting the welfare of children.

The training methodology is based on interactive discussions of training participants and trainers.

Beneficiaries of this training were: Judges and prosecutors at the basic level from the Department for Juveniles, the General Department and the Department for Serious Crimes.



Training: Unlawful usurpation and restitution of property

On 08 February 2022, a training on "Unlawful usurpation and return of property" was conducted.

The purpose of this training was to advance the knowledge of judges and prosecutors on criminal offenses against property with special emphasis on cases of unlawful surpation of property for the fair handling of cases by relevant entities and the meritorious resolution of these offenses.

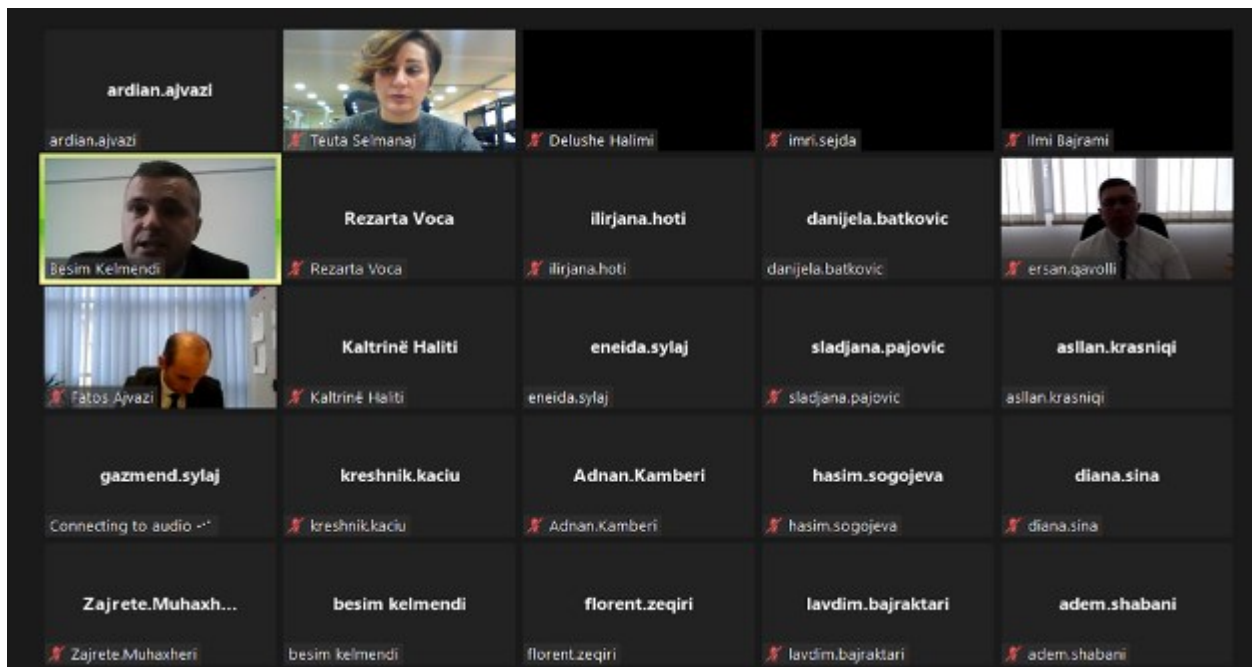
The training focused on the theoretical and practical treatment of unlawful usurpation and restitution of property, paying attention to the legal infrastructure related to unlawful usurpation, elements of the criminal offense, criminal sanctions, practical cases, similarities and differences between this criminal offense and obstruction to possession or destruction of illegal structures built on foreign property, reports of the Ombudsman, OSCE, as well as decisions of the regular courts and the Constitutional Court of the Republic of Kosovo.

During the training, in particular, the elements of the criminal offense of unlawful usurpation and restitution of property were discussed, presenting practical cases on how to identify these elements in practice, then the way of providing evidence and the manner of investigations related to unlawful usurpation and property restitution.

An important discussion has taken place regarding the similarities and differences between this criminal offense and other procedures – such as civil and administrative, addressing the legislation in these areas.

The training methodology is based on interactive discussions of training participants and trainers.

Beneficiaries of this training were: Judges from the Supreme Court, Appellate Court, Judges and Prosecutors from the Basic level and administrative staff from the judiciary.



Training: Judicial control over Agency decisions created by the Privatization and Liquidation process

On February 9 2022, Academy of Justice conducted an online training via Zoom platform on Judicial control over Agency decisions created by the Privatization and Liquidation process.

Purpose of this training is to extend the participants knowledge on privatization and liquidation procedures.

The training focused on the Kosovo Privatization Agency's (KPA) authorizations in the privatization process, liquidation as an administrative process, handling credit claims with the liquidation authority of SOE's, as well as approving and rejecting claims with the KPA. So, in the theoretical and practical treatment of the legal remedies available to the parties with legal interest in decisions of the Agency that are created by the Privatization and Liquidation process.

It also discussed on the elements and decisions of the KPA separately, presenting practical

cases on how to resolve them, transformation, sale, suspension, instruction and other decisions of the KPA.

Also, this training provided general conclusions according to which, the legal remedies available to the interested parties achieve their goal. In addition to decisions, the court also issues instructions to the KPA during liquidation proceedings. The parties have every opportunity to challenge on their own initiative any decision of the KPA in Court.

Beneficiaries of this training were judges from the Special Chamber of the Supreme Court as well as judges from the civil division from all regions of Kosovo.



Legal provisions regarding joint property and financial maintenance

On February 9-10 2022, Academy of Justice in Cooperation with the Initiative for Justice and Equality – INJECT conducted a training on Legal provisions regarding joint property and financial maintenance.

Purpose of this training was to advance the professional knowledge of judges to improve the efficiency of adjudication and management of cases related to joint property, elimination of all uncertainties and resolution within the shortest possible time of unresolved cases.

During the meeting it was discussed about legal provisions of the legislation in force comparing it with the provisions before the amendment, as well as the legislation that is expected to be amend and supplement the provisions on joint property with the new draft Civil Code, with the best intention that based on practice to avoid possible obstacles in the relevant provisions proposed for amendment that relate to joint property, separate property, alimony

and maintenance.

This workshop covered the following topics: Financial maintenance and alimony - Legislation, Discussion of practical cases, Maintenance - Legislation, Joint property - Legislation, Discussion of practical cases.

During the training, questions and answers were asked by the participants during the discussion of practical cases, implementation of legislation related to the topics addressed and the best practices in resolving concrete cases were exchanged. Also, each of the participants in the training was active and shared the experiences and solutions provided for certain cases and situations.

Beneficiaries of this workshop were: Judges from the Court of Appeals and judges from the Basic Court.



Minor offence procedure at the request of inspectors

On February 10th 2022, Academy of Justice conducted an online training via Zoom platform on the Minor offence procedure at the request of inspectors.

Purpose of this training was to extend the knowledge of judges about the implementation of the Law on Minor Offence Procedure.

The training is focused on the theoretical treatment of the Law on Minor Offences as well as many laws on Inspectorates in the Republic of Kosovo.

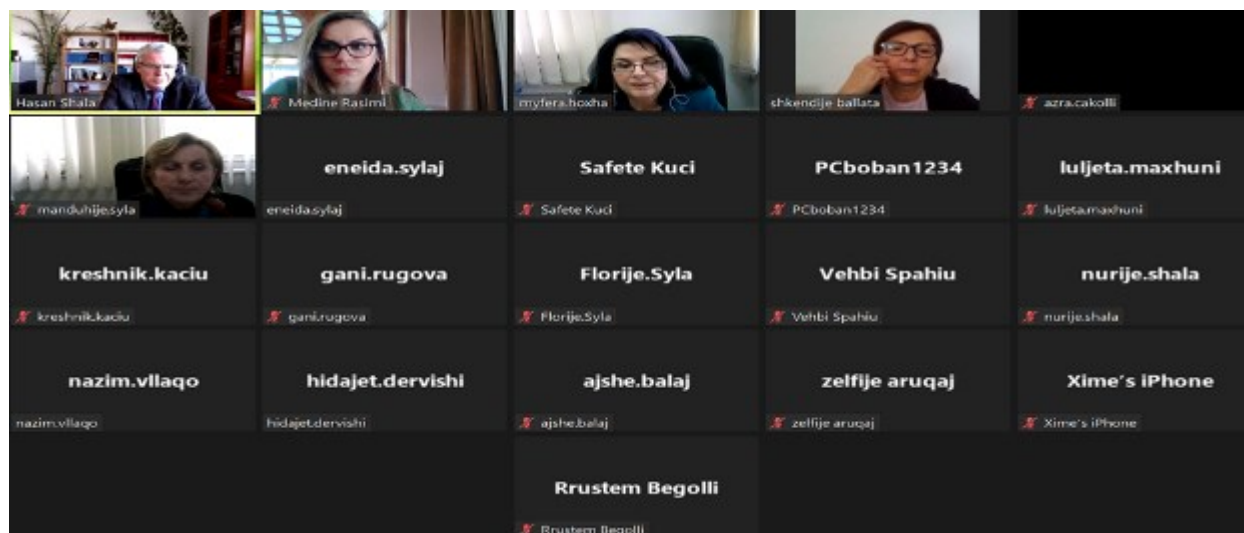
This training elaborated on the initiation of the procedure or the initiation of the minor offence procedure by the inspectors, the minor offence procedure before the minor offence bodies, as well as the types, manner of determination and imposition of minor offence sanctions.

This training also covered some dilemmas that were identified and are related to the

competence to decide about cases of imposing sanctions by the inspectorate, since in practice, the commission for evaluation of complaints - as a second instance body sends cases to the Basic Court - Minor Offenses Division, for which it was found that the commission erroneously refers cases to the court, because in such cases the exclusive competence belongs to the appeals commission, as the second instance body for deciding on decisions of the inspectorate.

The training methodology is combined with theoretical explanations and interactive discussions followed with practical examples from the case law.

Beneficiaries of this training were judges of basic courts – minor offence divisions and inspectors of the Inspection Directorate.



Training: Engaging children in heavy forms of labor and forced labor



February 11th 2022, Academy of Justice in cooperation with the International Labor Organization (ILO) conducted a training on Engagement of children in heavy forms of labor and forced labor.

This training comes as a result of 2 workshops conducted during 2021, the results of which were incorporated with the drafting of Standard Operating Procedures for judges and

prosecutors, about cases of engaging children in hard labor and forced labor.

During the training, in addition to the disclosure of the prepared material and its analysis, participants through hypothetical cases in working groups presented related to the investigation, trial and protection of cases of child labor.

The training was conducted physically, according to the recommendations and instructions of the Ministry of Health and NIPHK.

Beneficiaries of this training were judges from basic courts, prosecutors from basic prosecution offices, Victim Advocates and officials from social work centers.



Specialized Training Program - Domestic Violence

On February 15-16, 2022, the Academy of Justice within the Continuous Training Program (CTP) conducted a training on "Specialized Training Program - Domestic Violence".

The purpose of this training was to advance the professional knowledge of judges and prosecutors on proper implementation of legal provisions and procedures in cases of domestic violence and their meritorious resolution with the victim at the center and holding the perpetrators accountable in accordance with international standards especially the Istanbul Convention.

The training for two days in a row focused on: General and specific elements that constitute the figure and criminal offense of Domestic Violence, according to Article 248 of the CCRK, Psychological Violence, Economic Violence, Legal qualification in cases where within Domestic Violence another criminal offense was committed.

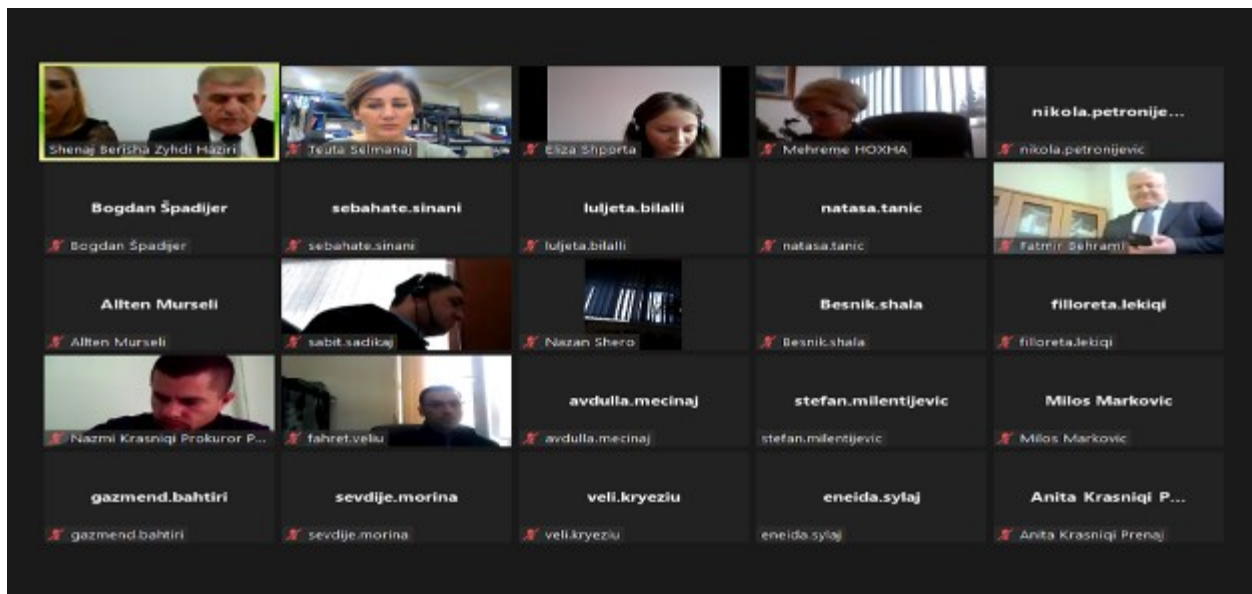
An important discussion was also developed on the criminal offenses of domestic violence and child abuse and abandonment (elements of the

criminal offense of discrimination and competence), the violation of the protection order and the legal provisions that apply for legal qualification.

Special attention was also paid to the Implementation of the Guideline of the Supreme Court, (Guide number Gj.A.Su. 113/2020), Domestic violence committed by perpetrators with mental disorders, Amendment No. 26 of the Constitution of the Republic of Kosovo, The Council of Europe Convention on Preventing and Combating Violence against Women, referred to as the Istanbul Convention on the Use of Mitigating and Aggravating Circumstances in Criminal Procedure as part of the calculation of a sentence focused on cases of domestic violence

The training methodology is based on interactive discussions of training participants and trainers.

Beneficiaries off this training were: Judges and prosecutors from all levels and regions of Kosovo.



Compensation for material and non-material damage and the case law

On February 22, 2022, an online training was conducted through the zoom platform on the topic "Compensation for material and non-material damage and the case law".

The purpose of this training was to advance the knowledge of the participants in the correct implementation of the provisions regarding the liability of material and non-material damage.

The focus of the training was on compensation for damage caused as a result of damages caused and which are included under insurance coverage, liability for causing damage and division of liability, as well as established court practice and the most common problems in resolving these disputes.

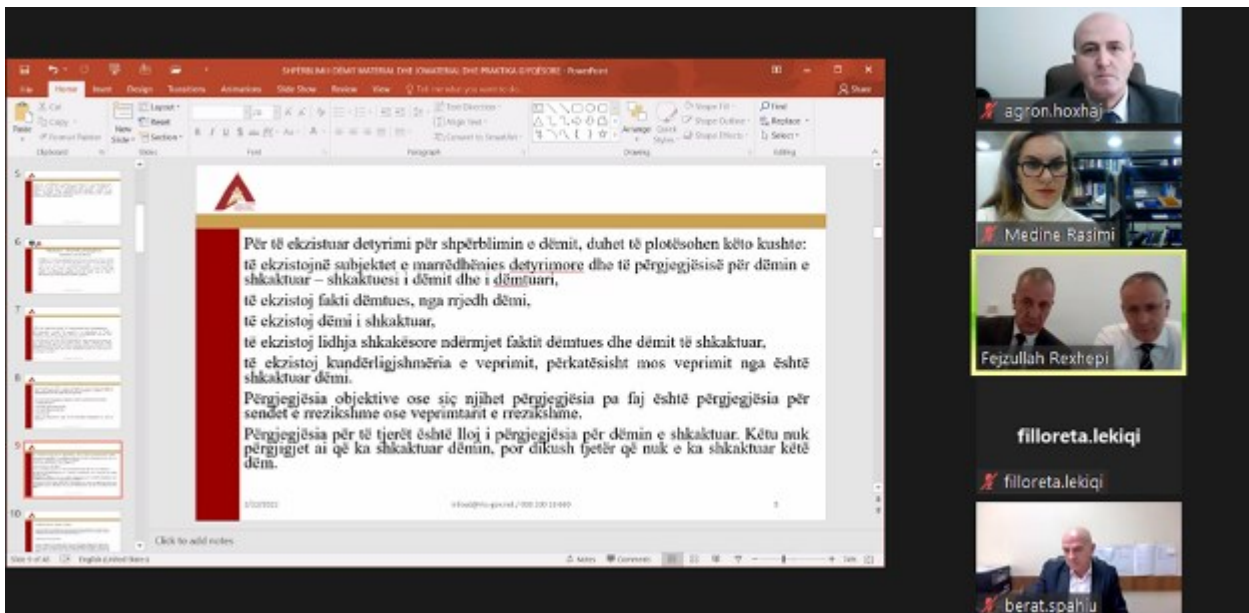
During the training it was discussed that causing damage is among the important sources of the law on obligations, where the rules of causing damage are numerous and varied because they include numerous cases

and situations of relationships that are created with the very fact of causing damage.

An important discussion was also about the way of proving in the procedure of compensation of material and non-material damage as well as in the practice of determining the amount of compensation of material and non-material damage.

The training methodology was of a combined nature with theoretical explanations and interactive discussions followed by examples from court practice.

Beneficiaries of this training were judges from the Supreme Court, the Court of Appeals, judges and prosecutors from the Basic level.



Training: Prohibition of torture - Jurisprudence of the European Court of Human Rights

On February 23rd 2022, Academy of Justice conducted an online training via Zoom platform on Prohibition of torture - Jurisprudence of the European Court of Human Rights.

The purpose of this training was to advance the knowledge of the participants about the Prohibition of Torture and the Istanbul Protocol.

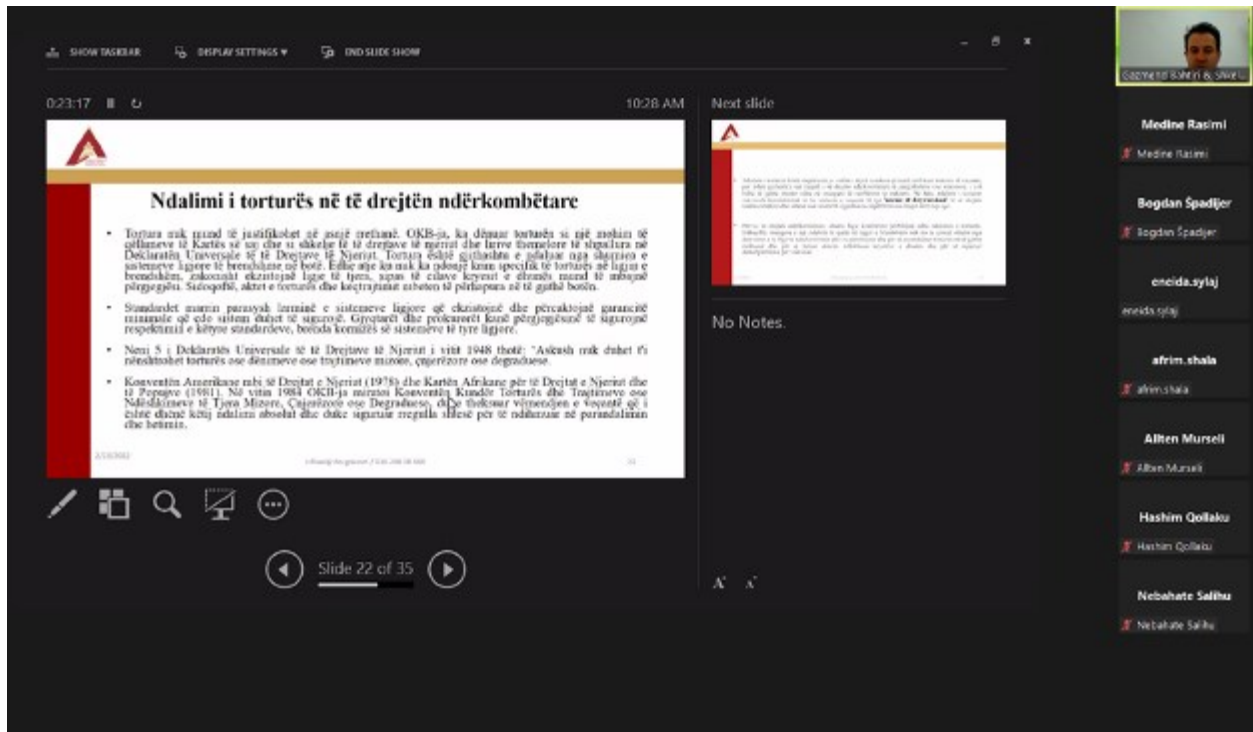
The training focused on addressing the key concepts of Article 3 of the ECHR. Special attention was also paid to the Istanbul Protocol and the international recognition of the Istanbul Protocol.

The forensic documentation of torture and medical ethics, as well as physical and psychological evidence were further discussed. Thus, the Istanbul Protocol was emphasized as prescribing minimum standards for compliance

by states to ensure effective documentation of torture in its principles on effective documentation of torture and other cruel, inhuman or degrading treatment or punishment, or the Istanbul Principles.

The training methodology was of a combined nature with theoretical explanations and interactive discussions presenting practical cases.

Beneficiaries of this training were judges from the Supreme Court, the Court of Appeals, the Basic Courts, prosecutors from the Office of the Chief State Prosecutor, the Special Prosecution Office and the Basic Prosecution Offices.



Specialized Training Program - Organized Crime-Session I

On 23-24 February 2022, the academy of Justice conducted training through the Zoom platform on "Specialized Organized Crime Training Program - Session I".

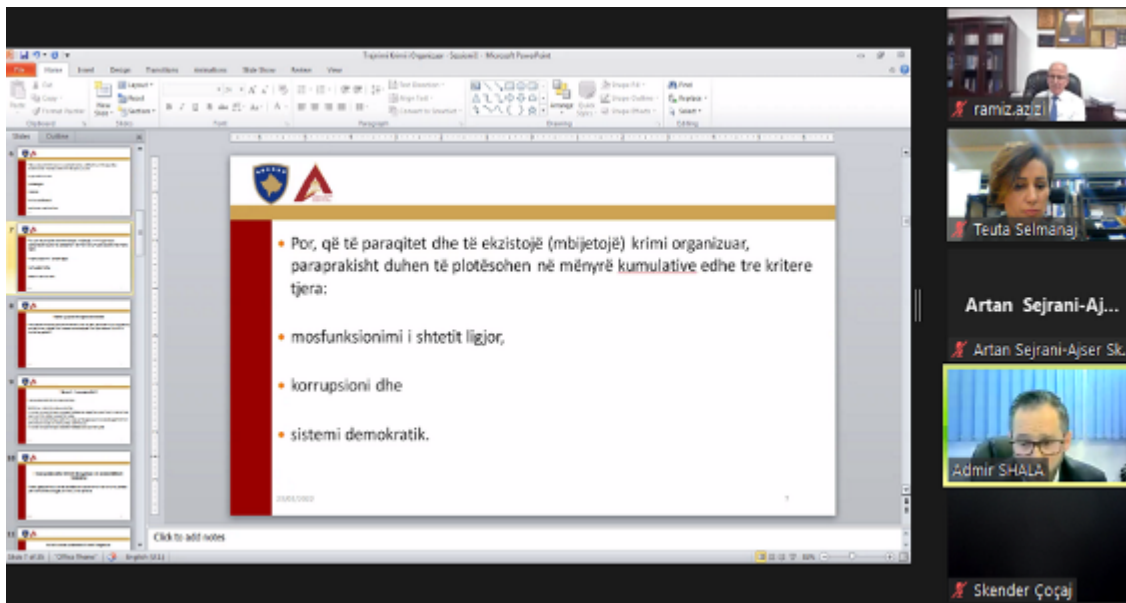
The purpose of this training was to advance the knowledge of the participants regarding the Legal Framework against organized crime and organized crime markets.

The training on the first day focused on addressing the legal framework for organized crime and corruption markets, the causes and mitigating factors of organized crime, the infiltration of organized crime into businesses and public institutions, and the interrelationship between organized crime, money laundering and corruption. For all these, questions and answers were asked by the participants offering adequate legal solutions in the respective cases.

On the second day, the training focused on forms of organized crime and forms of cooperation in committing a criminal offense. Participants had the opportunity to discuss a case study that dealt with the main methods of infiltrating organized crime in the public works procurement system in ITALY.

The training methodology is of a combined nature, with theoretical explanations and interactive discussions.

Beneficiaries of this training were: Judges and prosecutors of basic and appellate level as well as professional associate from the relevant Department and expert from SPRK.



Activities for free professions

Delivery of submissions in the enforcement procedure



February 16, 2022, Academy of Justice in cooperation with GIZ organized a training on the following topic “Delivery of submissions in the Enforcement procedure”.

This training is a result of cooperation between the AJ and the GIZ, with the goals of assisting and providing trainings for other professionals, in this case for the private enforcement agents.

The training mostly focused on practical issues that private enforcement agents face in this

field, particularly for delivery of submissions by the mail services that they cooperate with.

It was also discussed on forms of delivery of submissions, change of address, delivery note, subjective delivery registered through attachment, etc.

During this training, participants and the trainer Mr. Isa Shala discussed on unification and some working practices, particularly when the lawyers forget to file claims for compensation of expenses during the appeal or when individual businesses change their activity scope from IB to LLC.

Beneficiaries in this training were 12 private enforcement.



Activities for trainers

Delivery of submissions in the enforcement procedure

February 8 2022, Academy of Justice in cooperation with Council of Europe iPROCEEDS Project is conducting training of trainers in the cybercrime area.

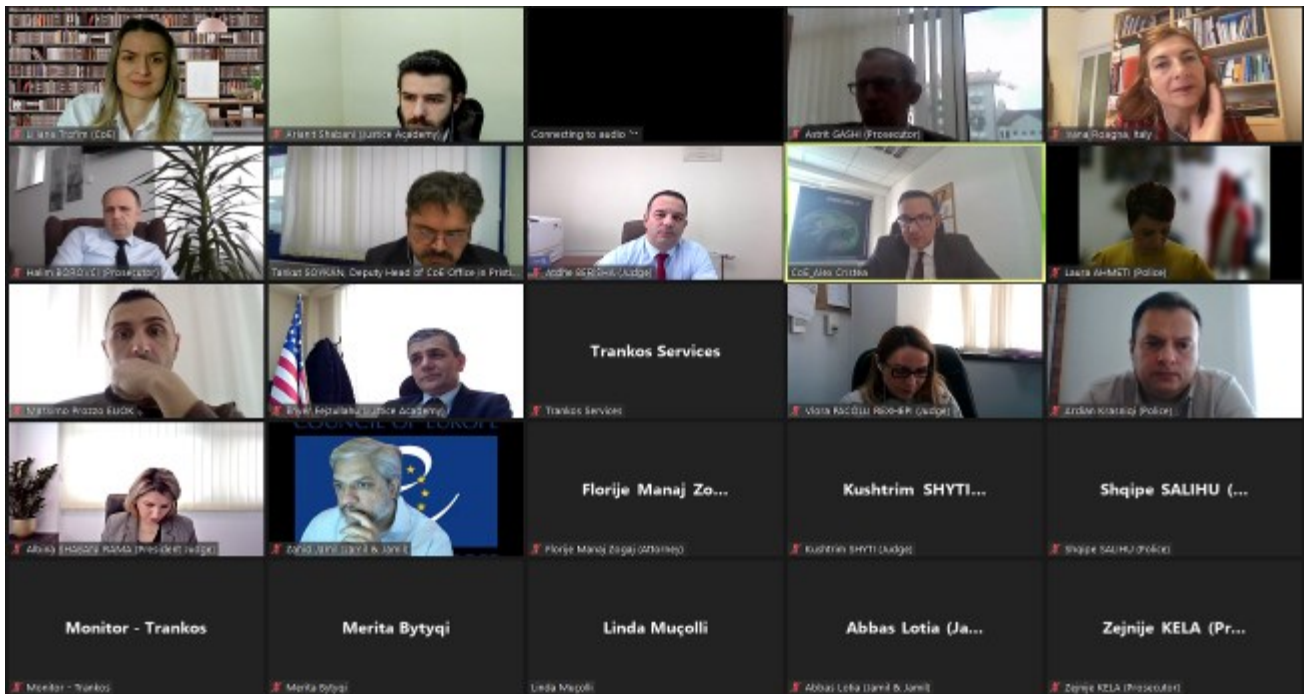
The goal of the Academy of Justice and the Council of Europe is that through this training work with local trainers on trading needs identifications, and then create a pool of trainers that will be able to realize the future trainings in the cybercrime area.

In this light, the AJ and CoE came with a program that initially will focus on “ways to conduct trainings” on cybercrime and electronic evidence. This will ensure that the training effectively contributes to capacity development of legal professionals on cybercrime, and inspire future trainers to overcome their comfort zone, switching from the didactic teaching and trainings to more complex, challenging and certainly more

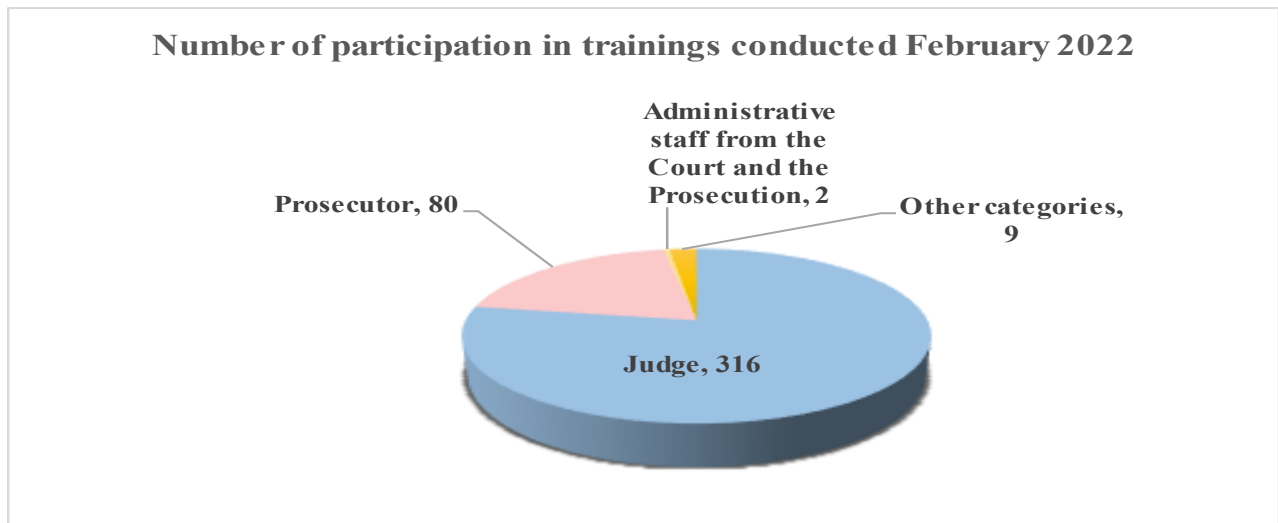
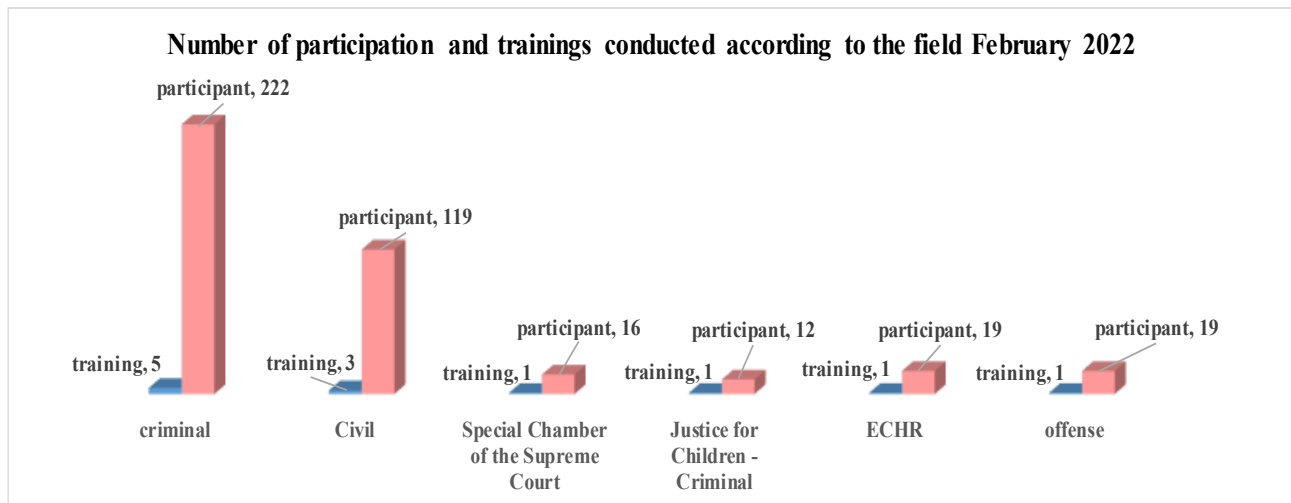
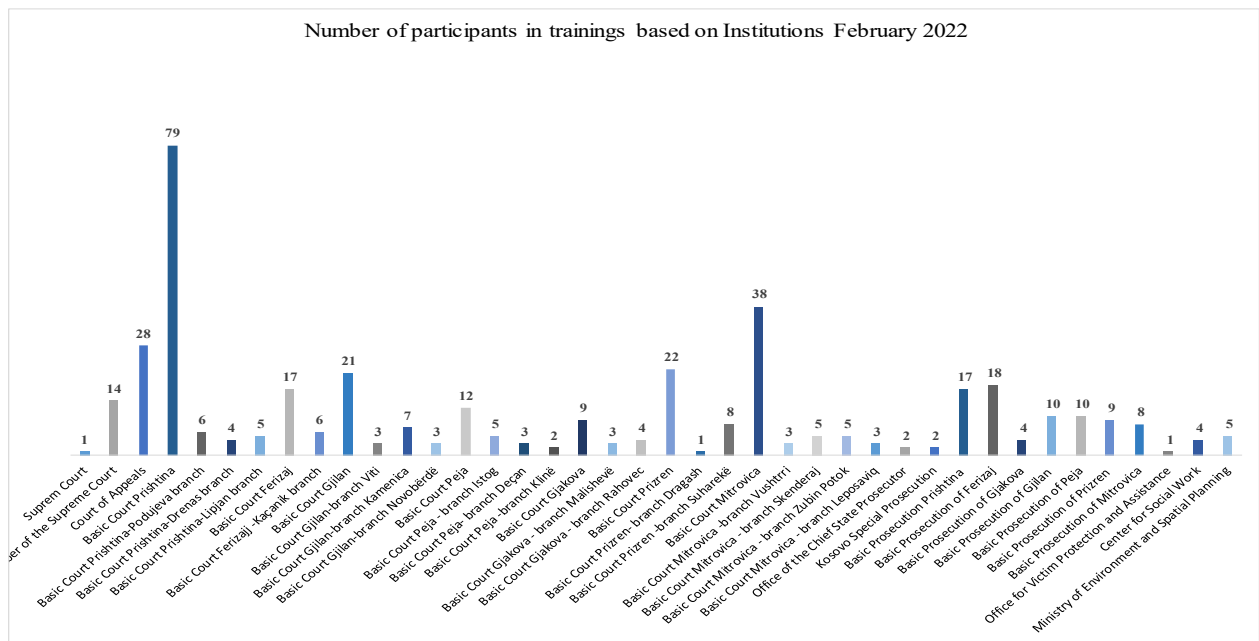
effective training techniques. The aim is to make sure that the trainings implemented in national level are in line with the adult education principles, and be sufficiently accessible to enable development of knowledge as well as skills and practical competencies of participants, using a variety of methods.

The training of trainers lasted for (4) days in a row, during which the training methodologies, online learning, ways of preparing for training, as well as many tasks and practical cases were elaborated.

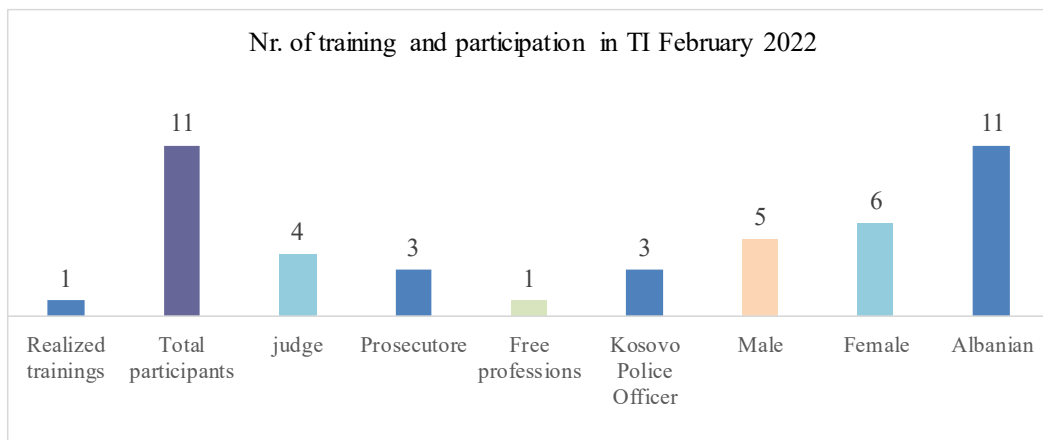
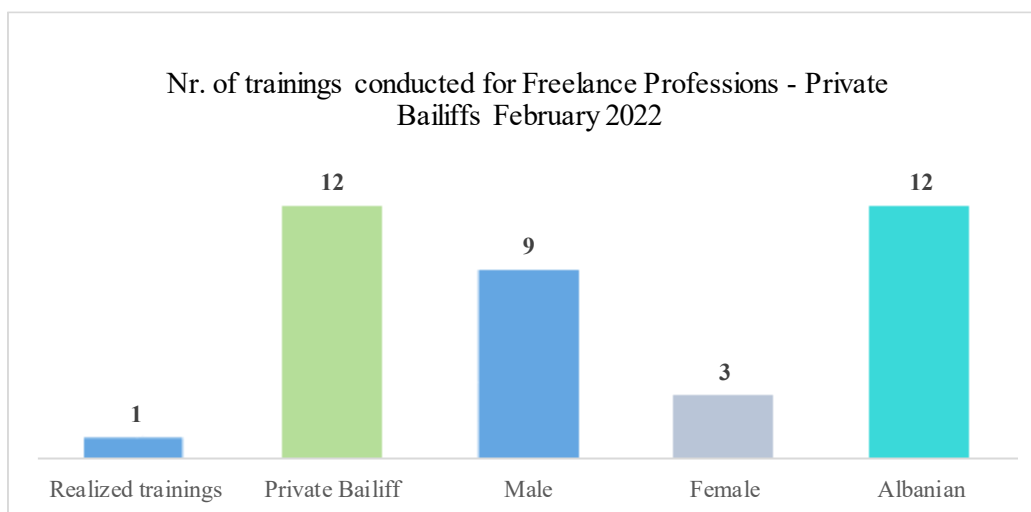
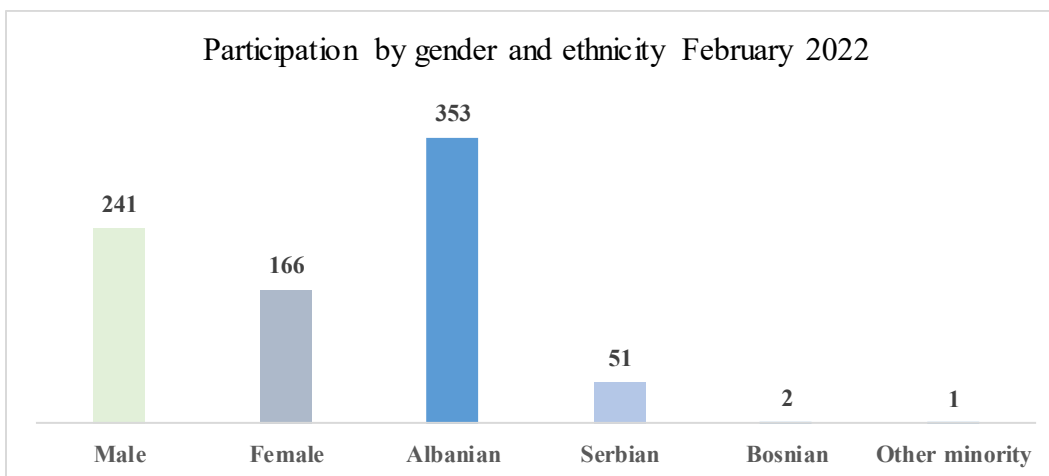
Beneficiaries of the training were trainers from the ranks of judges, prosecutors, lawyers, police officers and from the IT and forensics unit.



Attendance at trainings on PTV presented through graphs



Attendance at trainings on PTV presented through graphs



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