



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

Newsletter

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May 2023

General activities

Certificate distribution ceremony for Participants of the Training of Trainers Program in Mediation Area



On May 2, 2023, the Kosovo Justice Academy, in cooperation with the Ministry of Justice and the Federal Mediation and Conciliation Service (FMCS) of the USA, supported and financed by the Office for International Narcotics and Law Enforcement Affairs (INL) near the US Embassy, held the Certificate Distribution Ceremony for the successful participants of the Mediation Training of Trainers Program developed by the Academy of Justice in cooperation with the Ministry of Justice and the Federal Mediation and Conciliation Service (FMCS) of the USA, supported and funded by the Office of International Narcotics and Law Enforcement Affairs (INL) at the US Embassy.

This already 2-year program aimed to strengthen the mediation profession in Kosovo and help the Academy of Justice in identifying and training according to the highest standard 13 mediators, who in the future will train the mediators of the Academy of Justice.

As speakers to this event were: The Executive Director of the Academy of Justice, Mr. Enver Fejzullahu, Mr. Peter Swanson – Manager, Office of Conflict Management and Prevention/International Federal Mediation and Conciliation Service (FMCS), Ms. Alyson Grunder – Deputy Chief of Mission of the US Embassy in Pristina, Mr. Blerim Sallahu, Deputy Minister of Justice, Mr. Veton Shabanaj, Deputy Chairman of the Kosovo Prosecutorial Council, Mr. Qerim Ademaj, Deputy Chairman of the Kosovo Judicial Council, Mr. Christopher Thompson from the Commercial Law Program, USAID, and Ms. Ganimete Xhelili – President of the Kosovo Mediation Chamber.



Signature of the memorandum of understanding between the Academy of Justice and the AAB Faculty of Law of AAB College



Pristina, May 3, 2023, Mr. Enver Fejzullahu - Executive Director of the Academy of Justice hosted in a friendly meeting Mr. Veton Vula, the Dean and Mr. Fatmir Qollaku, professor at the Faculty of Law of AAB College.

The purpose of this meeting was signing of the memorandum of understanding for the holding the internship and study visits of students of the Faculty of Law of this College at the Academy of Justice.

The two parties agreed to organize joint professional activities with the aim of exchanging practices in order to increase the quality of the practical training program for students. They also agreed that it is necessary to have joint research, scientific projects.



Activities from Initial Training Program (ITP)

Initial training for newly appointed prosecutors, (IX generation)- 2022-2023

During May, the five prosecutors of generation IX have attended 19 sessions of the theoretical training and 6 days of the practical training.

The theoretical training sessions covered the following Modules: Criminal Code of the Republic of Kosovo, International and National Legal Order, Legislation and additional Skills, and Personal and Interpersonal skills.

Within the Module on Criminal Code of the Republic of Kosovo, there are 3 training sessions from the sub-module on “Guideline from the sanctioning policy” which covered aspects of circumstances for aggravating the sentence, reducing the sentence, as well as the guideline for imposing fines.

Within the module on “International and national legal order” there were six training sessions on ECHR covering Article 5, 6 and 10 of the Convention. This module continued with two more sessions on the EU law with emphasis on the role and competencies of the European Union and sources of the EU law.

The submodule on personal and inter-personal

skills covered 3 training sessions on the justification of court decisions, that covered explanations on reasoning of decisions, indictment acts, legal writing and the obligation to reason the prosecutor’s acts.

The sub-module on legislation and additional skills, conducted 3 training sessions focusing on trial advocacy skills, that provided the necessary instructions on the opening statement, direct examination, cross-examination, and the closing statement. All these are illustrated through a practical case and trial simulation. This module continued with two sessions from the Juvenile Justice Code which covered general provisions that characterize criminal procedure against juveniles and diversion measures.

During the theoretical training prosecutors had the possibility of studying cases from the case law and discussing, analyzing and identifying best practices in certain situations.



Practical training for newly appointed judges, (IX generation)-2022-2023

During May, the 45 newly appointed judges of generation IX, attended the practical training in respective courts where they are appointed.

This period included 21 practical training days which as part of the training program is conducted under the supervision of the mentoring judge.

Within the scope of this practical training, the newly appointed judges with supervision of the mentoring judges have reviewed cases and assisted in all judicial activities according to the work plan undertaking all the necessary steps

for respective cases.

Mentors have coordinated with the Academy of Justice in completion of the practical training according to competencies set in the Training Program.

Also, attendance of the newly appointed judges was regular and they have completed the practical training according to the training calendar.

Initial training for newly appointed judges (generation X) 2023/24



During May of 2023, 29 newly appointed judges, including one member of the Bosnian community, conducted total 42 training sessions from the following Modules: National and international legal order; Personal and inter-personal skills; the Civil, Commercial and Administrative Laws.

Within the Module on the National and International Legal Order, 1 training session was dedicated to Constitutional Justice versus the judicial and prosecutorial system, in which case the following was covered: Decisions of the Constitutional Court; this Module also included The EU Law, that elaborated on: Role

and competencies of the EU institutions, Sources of the EU Law; Decision-making in EU; citizenship of the European Union and the protection of human rights.

The module on Personal and inter-personal skills had four training sessions from the topics like social skills development and stress management. These sessions covered important aspects of the individuals and the social environment, motivation, time management as a prerequisite for stress management, as well managing work related stress. This module continued with additional 4 sessions on Case management and performance evaluation. These sessions elaborated on: the importance and principles of the case flow management; the goal of the court work; Basic methods of case management and postponement control; Leadership and measuring the judge's performance; performance evaluation of judges and the Committee for the Performance Evaluation of Judges.

The scope of the Module on the Civil, Commercial and Administrative Laws, conducted four training sessions with the following breakdown: the notion, principles and sources of civil law, legal-civil relations and the classification of subjective civil rights, legal cases, their modification and division of legal cases, as well as the representation and invalidity of legal works. This module also conducted 11 training sessions from the Contested Procedure – first part, covering: types of judgments, termination of the procedure with a court decision, regular legal remedies, extraordinary legal remedies, practical cases from the case-law, principles of the contested procedure, general review on the competence, regular constituency of the court and exclusion of the judge, parties in the contested procedure, writs and service of writs.

The sub-module on Enforcement Procedure had two sessions that covered: initiation of the enforcement procedure, competence and decisions of the enforcement entity and legal grounds for authorizing enforcement.

The Sub-module on Contested procedure –

second part, delivered 9 training sessions on: filing the lawsuit in the first instance trial, preliminary review of the lawsuit, joint litigation and participation of the third party in the trial, preparatory hearing and the judicial agreement, main hearing and witnesses, experts and the parties, insuring the claim, termination and possession of the procedure, special contested procedure.

While the sub-module on Uncontested Procedure, conducted three training sessions elaborating on: general provisions of the uncontested procedure, regulation of the personal and family status, drafting decisions in the uncontested procedure and the legal remedies.

During the theoretical trainings, the judges had the opportunity to study cases from the case law, which at the same time were discussed, analyzed, in order to identify the best practices in certain situations.



Initial training for the newly appointed prosecutors (generation X) 2022/23

During May 2023, the 21 newly appointed prosecutors attended 16 theoretical training sessions and 6 days of practical training.

The theoretical training sessions were from the Module on the Criminal Code of the Republic of Kosovo, the National and International Legal Order, and Personal and Inter-Personal Skills.

The sub-module on the National and International Legal Order conducted three training sessions on the following: Constitutional Justice in relation with the judicial and prosecutorial system, which covered the sources of the Constitutional Justice, and Role of the Constitutional Court in the Republic of Kosovo, and Decisions of the Constitutional Court.

The sub-module on Personal and inter-personal skills conducted 1 training session on the Rules of Communication, that elaborated on the communication and basis of communication. The module continued with four additional sessions focusing on Social Skills Development and Stress Management, that provided detailed

information on the social environment, and work related stress. Also, the prosecutors were trained on the Case Management and Performance Evaluation, with emphasis on the Management and its features, planning as a main function of case management, CMIS and measuring the prosecutor's performance.

The Module on Criminal Code of the Republic of Kosovo, conducted 2 sessions from the general part, that covered topics like the criminal offence and criminal liability as well as the notion of the criminal offence. The module continued with one session from the special part of the Criminal Code, with one training session on the Crimes against Economy; one session on Cybercrime, featuring the information society and the cybercrime in particular.

During the theoretical training session, the newly appointed prosecutors had the opportunity to study practical cases from the case law, discuss and analyze them, and identify the best practices in respective situations.



Activities from Continuous Training Program (CTP)

The right to the peaceful enjoyment of property - Jurisprudence of the European Court of Human Rights and Article 1 of Protocol No. 1. of the ECHR

May 2nd 2023, Academy of Justice within the Continuous Training Program conducted a training on The right to the peaceful enjoyment of property - Jurisprudence of the European Court of Human Rights and Article 1 of Protocol No. 1. of the ECHR.

Purpose of this training was to extend the judges and prosecutors knowledge on implementation of the ECHR standards in the practice of regular courts in the Republic of Kosovo when handling cases pertaining to property and harmonization of the judicial practice.

The training initially focused on elaboration of notions and categories that Article 1 of Protocol 1 contains, as well as on the interpretation ways by the European Court on Human Rights in Strasbourg. Particular attention was paid to the conditions for instruction to the property rights due to public interest that are illustrated by

relevant decisions of the ECtHR.

This training also provided practical instructions on the use and summary of the ECtHR decisions on respective cases. Also, there were guideline in the steps that the court shall implement for identification of eventual violations that the state might do to peaceful enjoyment of the property, as well as effective legal remedies for protection of this right.

The training methodology was combination of theoretical overviews and interactive discussion introducing practical cases.

Beneficiaries of this training were 29 judges from the Special Chamber of the Supreme Court, the Appeals Court, Commercial Court and Basic Courts, as well as one prosecutors from the Office of the Chief State Prosecutor.



Training: Use of the ballistic evidence

On May 3rd 2023, Academy of Justice in cooperation with the French Embassy, within its Continuous Training Program conducted the training on the Use of the Ballistic Evidence.

Purpose of this training was to extend the judges and prosecutors knowledge on the Ballistic evidence as well as their correct use and administration in court proceedings.

The training initially focused on the role and importance of ballistic evidence for the discovery, fixation and examination of the traces left by firearms, munitions used from them, and identification of the firearm based on the shell casing, as well as the methods and tools for determining the technical condition of the firearm and the shooting phenomena in order to solve the problems that arise in the investigation and trial of criminal cases.

The training introduced the EVOFINDER

System that enables easy register of digital images of cartridges and bullets from the library of open cases, tested and registered weapons. This system, as was said during the training, is possessed by all the developed countries of the region and will also include Albania and later also the countries that still do not have this system as it is foreseen within the objectives of the Roadmap for AVLE-2024.

Participants in this training had the opportunity to review cases from practice of the Court of Lyon, and cases from the Kosovo Forensic Agency, which enabled exchange of experiences and best practices for their use during investigation and adjudication of cases.

Beneficiaries of this training were 3 judges and 5 prosecutors from the basic instance, 2 investigators from the Kosovo Police, and 1 expert from the Kosovo Forensic Agency.



Training: Compensation for victims of crime - Amendments to the law

On May 4 2023, Academy of Justice in cooperation with the US DOJ/ OPDAT within its Continuous Training Program conducted training on Compensation for victims of crime – Amendments to the Law.

Purpose of this training was to extend the knowledge of judges, prosecutors and other legal professionals about compensation of the victims in Kosovo according to the applicable legal framework.

During this training it was discussed about amendments to the Law for Compensation of Victims of crime with emphasis on the compensation procedures and referral of the victims to the victim compensation program; Decisions of the Committee for Compensations of the victims of crime as well as the Claim for Compensation – the Forms.

Second part of the training provided the participants with examples of the filed claims for compensation and examples of the

Decisions of the Committee for Compensation of the Victims of Crime.

Focus of this training was on the proposed changes to the Law, for improvement of the access to the victim compensation program, categories of crimes and victims entitled to immediate compensations, changes to the types of offences that are compensational, extension of deadlines, changes to the functioning of the Committee and facilitations in the procedural aspects.

The training methodology is combination of theoretical presentations and interactive discussion introducing practical examples.

Beneficiaries of this train were 8 judges, 3 prosecutors, 12 professional associates and legal officers from courts and prosecution offices, as well as 3 officers from the Victim Advocates Office



Training: Protocol for handling cases of sexual violence

On May 4-5, May 11-12, as well as May 18-19, 2023, Academy of Justice in support of the European Union Mission for the Rule of Law in Kosovo, three training sessions were held on the implementation of the Protocol for Handling Cases of Sexual Violence.

The first session was dedicated to the region of Mitrovica and Peja. The second session for the region of Gjilan, Ferizaj and Gjakova, while the third session for the region of Prishtina and Prizren.

The purpose of these trainings was to increase the professional capacities of judges, prosecutors and all relevant stakeholders for handling cases of sexual violence according to the standards defined in the State Protocol for Handling Cases of Sexual Violence in Kosovo.

The focus of these trainings was on the content and purpose of the Protocol as a working document and a practical tool that clarifies the actions that must be taken during a case by all actors, starting from the Kosovo Police, Victim Advocates, Forensic Medicine, the Prosecution and the Court. Special attention has been paid to the principles on which this protocol is guided, which requires multi-sector coordination and an effective and victim-centered approach.

Throughout the training sessions, participants had the opportunity to discuss and share experiences, challenges and concerns in handling these sensitive cases. It was

unanimously emphasized that inter-institutional communication should be strengthened so that cases can be resolved meritoriously and social prejudices against survivors of sexual violence will be put an end to.

In the following months, the Mission, together with the Kosovo Justice Academy and the Kosovo Police Training Unit, will develop a standardized curriculum for officials dealing with cases of sexual violence.

Beneficiaries of the 1st session from the region of Mitrovica and Peja were 15 participants including 1 judge, 1 prosecutor, 1 legal officer of the prosecution, 3 victim advocates, 2 forensic experts and the Political Advisor of the Ministry of Justice

Beneficiaries of the II session from the region of Gjilan, Ferizaj and Gjakova were 24 participants including 4 judges, 4 prosecutors, 3 victim advocates, 4 from the Institute of Forensic Medicine and 9 police officers.

Beneficiaries of the III session from the region of Prishtina and Prizren were 24 participants including 5 judges, 6 prosecutors, 4 victim advocates, 4 officers from the Institute of Forensic Medicine and 5 police officers.

Training on Leadership and Management of the Commercial Court

On May 10, 2023, Academy of Justice in cooperation with the USAID-Commercial Justice Program, conducted a training on Leadership and Management for the management staff of the Commercial Court.

The purpose of this training was to strengthen and advance the knowledge of the management of the Commercial Court regarding the basic concepts of leadership, the responsibilities of managing the available resources and capacities for better implementation of duties within the scope of this court.

This training addressed the following: leadership types, administration management, management cooperation within the court, independence and accountability, long-term planning, etc.

Management principles, vision and authenticity of the court leader, monitoring and staff stimulation were also discussed. Special

attention has been paid to problems and challenges during work as well as more extensive discussion among staff from the entire hierarchical chain.

The training implementation methodology was of a combined style including interactive discussions between participants and trainers as well as the use of case studies.

The trainers in this activity were Mrs. Zlaty Mihailova and Mr. Jim Haines, experts engaged by the USAID Commercial Justice Program.

The beneficiaries of the training were the management of the Commercial Court, including the President of the Court, the Administrator, the Head of the Legal Unit of the Commercial Court, as well as USAID representatives and representatives from the Justice Academy.



Training: Specialized Training Program on War Crimes – Session I



During May 10-11 2023, Academy of Justice in cooperation with the Fund for Humanitarian Law, within the Continuous Training Program conducted the first Session of the Specialized Training on War Crimes.

The purpose of this training was to advance the knowledge of judges, prosecutors and other legal professionals regarding the criminal legislation in Kosovo, which deals with the war crimes, as well as the criminal legislation in force at the time of the commission of the criminal offense and their correct implementation in practice for the meritorious resolution of relevant cases.

On the first day, the training focused on detailed explanations regarding the results and current challenges in the trial of war crimes, the first indictments in absentia, the use of written evidence and witness statements instead of oral evidence, as well as other aspects important that help the law enforcement in the meritorious solution of war crimes such as free access to the use of public documents by judges, the research in the database of The Hague Tribunal and Specialized Chambers, as well as interventions by external bodies and how to deal with them.

On the second day, the training focused on the basic concepts of joint criminal enterprise and command responsibility according to the ICTY practice and obtaining evidence where possible. The training continues with the

decisions of the Supreme Court and the Appeals Court discussing the application of international criminal law in the Kosovo jurisdiction.

Judges, prosecutors and other participants had the opportunity to exchange experiences with international experts on prosecution of war crimes under the forms of command responsibility and joint criminal enterprise.

Special attention was paid to trial in absentia and legislative changes in relation to trial in absentia which will cause great difficulties and challenges when dealing with war crimes cases. According to these changes, these criminal offenses defined in Article 104 of the Criminal Code, the trial in absentia can be held even without fulfilling the criteria provided in this article for the presence of the accused, if the sole judge or the presiding judge is convinced that they are make reasonable efforts to notify the accused of the trial and ensure his presence. In this case, the accused is represented by the defense counsel during the entire criminal procedure, until the judgment becomes final, Articles 11 and 56 of this Code regarding mandatory protection are applied *mutatis mutandis*.

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

Beneficiaries of this training were 5 judges (3 from the Appeals Court and 2 from the Basic Court), 3 prosecutors (2 from the Special Prosecution and 1 from the Basic Prosecution), 7 professional associates and legal officers from the Special Prosecution as well as 5 police officers

Training: "The Right of Asylum according to local and international legislation"



On May 10-11, 2023, the Academy of Justice organizes the training on the topic: "The Right of Asylum according to local and international legislation" within the Continuous Training Program.

The purpose of this training was to advance the knowledge of judges regarding local and international legislation on asylum and its correct application in judicial practice in the Republic of Kosovo.

On the first day of the training, the following topics were discussed: the principles of the 1951 Convention regarding the rights of refugees and the principles of the 1967 Protocol; Implementation of the provisions of the Law on Asylum of Kosovo; Guide to the case law of the European Convention on Human Rights (Immigration) and the case law of the ECtHR; National and regional judicial practice on lawsuits for recognition of refugee status as well as comparison with the cases of the European Court of Human Rights (ECtHR).

While on the second day of this training covered and discussed topics like: Review of information from the country of origin in the asylum procedure; and Review of the national and regional judicial practice so far regarding the judicial decisions on lawsuits for recognition of the refugee status, as well as the comparison with the cases of the ECtHR.

From the beginning of the training, it was emphasized that the implementation of national and international legislation on asylum and the respect of this right represents a great challenge for the judicial system today, emphasizing that it is a new practice in the courts, therefore the

trial of these cases have a great sensitivity. Also sensitivity has to do with deadlines, time as well as the efficient application of national legal provisions and international acts in this field.

Next, it was emphasized that in addition to the international instruments that protect and proclaim the right to asylum, almost all countries also guarantee this right through their internal laws. The institution of asylum has not yet been defined as a personal right, with all the tendencies to be included in the framework of human rights. Rather, asylum is considered a benevolent favor of the state.

Regarding the protection of individual rights, it was expressly emphasized that the protection of individual rights guaranteed by international human rights standards and the 1951 Convention on the Status of Refugees will constitute the minimum standards of protection, which must asylum seekers are allowed. Applicable law will always be interpreted in the spirit of the aforementioned minimum standards of protection. The Asylum Institute in Kosovo is regulated in detail by the Asylum Law.

After a debate regarding the principle of non-refoulement, it was emphasized that this has entered as a practice in international law and is applicable to any refugee, asylum seeker or foreigner who has left the country where he was last located and needs housing. According to this principle, states cannot return foreigners to territories where they may be subjected to torture, inhuman or degrading treatment, or where their lives, liberties and rights may be endangered.

In this training, numerous dilemmas related to the administrative procedure and the judicial procedure related to these issues were clarified, as well as adequate knowledge was provided for judges in cases where they issue decisions in asylum cases.

Among the main methods used in this training were: partial theoretical explanations; interactive discussions, analysis of hypothetical cases, court cases from local practice and the states of the region. Practical examples also covered key principles and rules of international and domestic law, discussions of how to make merit-based decisions in current cases, and how judges should deal with appeals at different instances when deciding on the

merits of the case.

Beneficiaries of this training were 1 judge of the administrative department of the Basic Court in Prishtina, 6 professional associates and legal officers as well as 3 senior Asylum officials from the Ministry of Internal Affairs - Department for Citizenship, Asylum and Migration.



Training: Sequestration and confiscation

On May 12, 19 and 26, 2023, Academy of Justice in cooperation with US-DOJ/OPDAT, within its Continuous Training Program conducted three regional training sessions on the topic of "Sequestration and Confiscation". The first session was dedicated to the Prishtina and Mitrovica region, the second session was held for Prizren, Gjakova and Peja, and the third session for legal professionals from the region of Gjilan and Ferizaj.

The purpose of these trainings was to advance the knowledge of judges, prosecutors and other law enforcement entities regarding the legal changes to the confiscation provisions.

During these trainings, attention was paid to the changes in the Criminal Code and the provisions of the Criminal Procedure Code regarding confiscation, which aim to avoid the challenges and problems that have been encountered in practice regarding this institute. Thus, while in the old CPC there were different deadlines for freezing and seizing (3 and 5 days respectively) and there were also different procedures for freezing and seizing, with the new changes, implementation of the articles related to sequestration and confiscation will be much easier, because it is only a deadline (7 days' deadline for UNP) and a single procedure that must be followed.

During these trainings, Article 92 was also highlighted, according to which it is attempted to confiscate the property benefit gained through a criminal offense and the means used for commission of the criminal offense. When such a thing happens, then the confiscation procedure ends at that step, but if for any reason the property benefit or instrumentality is no longer available for confiscation, then the court has the possibility of determining the equivalent value. When even this is not possible, Article 92 has defined an additional possibility that did not exist before, and this is the confiscation of EVERY property of the defendant of equivalent value, and this property can be even if it is the legally acquired property of the defendants.

During the training, the forms of seizure were discussed also, that were illustrated with examples from judicial practice, through which the participants from all regions had the opportunity to exchange experiences and identify best practices.

Beneficiaries of the training from the first session - the region of Pristina and Mitrovica were 5 judges and 9 prosecutors mainly from the basic instance.



Beneficiaries of the training from the second session - the region of Prizren, Gjakova and Peja were 15 judges and 2 prosecutors as well as a professional associate.



Beneficiaries of the training from the third session - the region of Gjilan and Ferizaj were 9 judges and 9 prosecutors as well as 4 professional associates and legal officers.



Specialized Training Program on Money Laundering and Financial Investigation - Session II

On May 16-17, 2023, Academy of Justice in cooperation with the IRZ, within its Continuous Training program, conducted the 2nd Session of the Specialized Training on Money Laundering and Financial Investigation.

The purpose of this training was to extend the participants knowledge regarding the national and international legal framework with emphasis on the German legislation against money laundering.

The first day provided elaboration of the Kosovo legal framework and the current practice of money laundering as a criminal offense in relation to organized crime, and the seizure and confiscation of proceeds of crime; at the same time an overview of the German legal basis and the best practices of the measures of security in the money laundering investigations and preparation of these cases in court were reviewed.

The second day provided comparisons and legal observations from both perspectives regarding the relationship between the initial criminal offense and money laundering, the possibilities of sanctions under criminal law in

relation to money laundering, mutual assistance and international cooperation in investigations related to money laundering and the role of the FIU (a group of international networks that share intelligence information) in the fight against money laundering.

The participants for two consecutive days had the opportunity to study practical cases based not only on the provisions of the Criminal Code and the Criminal Procedure Code, but also on the provisions of the special law that treats money laundering as a criminal offense, the Law on the powers of extended to the confiscation of assets and at the same time in finding best practices.

Beneficiaries of this training were: 4 judges (1 from the Appeals instance and 3 from the basic level of the courts), 9 prosecutors (1 from the SPRK, 1 from the Appeals instance and 7 others from the basic level of the prosecution), as well as 3 professional associates from the SPRK and 3 police officials.



Training: Risk evaluation in domestic violence cases

May 16 2023, Academy of Justice in cooperation with the US Embassy conducted a training within its Continuous Training Program, for prosecutors, victim advocates and police officers of Gjakova and Peja region, on the topic of “Risk evaluation in domestic violence cases”.

Purpose of this training is to extend the knowledge of prosecutors and law enforcement entities regarding the risk assessment in cases of domestic violence, their appropriate handling and compliance with the standards and the applicable legal framework.

This training, besides the lectures on the phenomenon of domestic violence and its categorization as a special criminal offence, particular attention was paid to the procedure and remedies for risk evaluation, difficulties in practice, communication between the police

and prosecution, standardising the form for risk evaluation and the safety planning. It also analyzed the Istanbul Convention for prevention of violence against women and domestic violence.

Participants during this training had the possibility to study cases from the judicial case law, through which they identified forms of domestic violence occurrence, and various tactics that perpetrators use to exercise power and control to the victims.

Beneficiaries of this training were 5 prosecutors and 1 legal officer, 3 victim advocates, 4 police officers and 3 officers from the Social Welfare Center from the region of Gjakova and Peja.

Training: Accusation and punishment of domestic violence cases



On May 18, 2023, Academy of Justice in cooperation with EUKOJUST, within the Continuous Training Program, carried out a training on Accusation and punishment of domestic violence cases.

The purpose of this training was to advance the knowledge of judges and prosecutors who deal with domestic violence cases for accusation and punishment in proportion to the gravity of the crime and in accordance with international and national legal standards.

The training initially focused on the local and international legal framework for dealing with cases of domestic violence, including the Guidelines of the Supreme Court of Kosovo, such as the Guidelines on the legal definition and handling of Domestic Violence cases and the Guidelines for penal policy. Special attention was paid to the cooperation and inter-institutional coordination that judges and

prosecutors must have, including other relevant actors, so that these cases are handled in a meritorious manner.

The second part of the training covered the following: the evaluation of the seriousness of domestic violence cases by judges and prosecutors, taking into account the specific nature, unnecessary delays, precautionary measures, representation of the prosecution in indictments of domestic violence, compensation of damage, review of files, previous cases of the prosecution regarding the perpetrators and other important aspects when handling these cases.

Special focus during this training was on the general overview of the mitigating and aggravating factors in the punishment of domestic violence cases, and the judgments of the courts in criminal proceedings, including the court decisions of the ECtHR.

The participants had the opportunity to study several hypothetical cases which were analyzed and offered perspectives regarding the legal setting and sanctions in accordance with the respective cases.

Beneficiaries of this training were 14 judges, 3 prosecutors and 1 legal officer of the basic instance.



Training: Advanced training for prevention of domestic violence – Istanbul Convention

May 19 2023, Academy of Justice in cooperation with the Center for Legal Assistance and Regional Development - CLARD and KDI, and with the support of the US Embassy in Pristina, the US Department of State, the Bureau of Narcotics and Law Enforcement Affairs INL, conducted an advanced training on Prevention of Domestic Violence – Istanbul Convention.

Purpose of this training was to inform the participants about the Istanbul Convention, as an important tool for combating the domestic violence and for best practices of the domestic violence cases.

The training focused on handling cases of violence against women, including the domestic violence as one of the most severe forms of gender-based violence and violation of human rights in Europe, which as reported is still covered by silence. The training also discussed about the violence against other victims like children, men and elderly which is

also qualified as a hidden phenomenon, that impacts many families and cannot be ignored.

The training also continued with elaboration on Article 2 and 3 of the Convention, which according to Article 2 the appropriate measures shall be taken to protect the lives of those under jurisdiction, and it constitutes a primary duty of the state to protect the lives by putting effective provisions of the criminal law in preventing commission of crimes against persons.

Handling of these issues was made by presenting the challenges identified in the daily practice of courts and prosecution offices.

The training methodology was combination of theoretical presentations and interactive discussion through practical cases.

Beneficiaries of this training were 6 lawyers from all regions of Kosovo, 1 Victim Advocate and 1 Police Officer.



Training on the case law for the Enforcement Procedure

On May 23-24, 2023, Academy of Justice in cooperation with GIZ within its Continuous Training Program conducted Training on the case law for the Enforcement Procedure.

Purpose of this training was to advance the knowledge of participants regarding practical cases, the discussion of the difficulties faced by judges during the proceedings of enforcement cases, clarifying the dilemmas for development of a genuine and unique judicial practice.

During these two training days, through the cases, practical problems were identified from the examination of the proposal for enforcement, the role and importance of the enforcement body, in which cases it is the court and in which cases the private bailiff is competent, examination of the enforcement document, the assessment of claims from procedural and material violations, the principle of formal legal consistency and misunderstanding in practice, the reliable documents that circulate today and their

deficiencies in terms of the lack of elements that must be filled cumulatively.

Also, during the roundtable, the essential issues of the enforcement procedure were addressed, both for cases where the procedure is initiated at the private bailiff, and for cases when the procedure is initiated at the court, without excluding the issues related to implementation of the enforcement as well as the procedure according to the means of appeal.

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

Beneficiaries of this training were 29 judges, 5 of them from the Appeals Court, 2 from the Commercial Court as well as 17 free legal aid officials.



Training: Trial Advocacy skills

Continuous Training Program conducted a training on Trial Advocacy Skills.

The purpose of this workshop was to advance the knowledge of the participants regarding representation in the trial, through elaboration of the theory of the trial, giving an effective opening statement, direct and indirect examination, the use of evidence in the trial, giving the closing statement, as well as arguing for a damage that has taken place.

On the first and second day, the important aspects of the trial, the theory of the trial and the giving of an opening statement were addressed. Direct examination and cross examination, the use of evidence in trial, and the closing statement, as well as the argument for a just sentence, were further elaborated.

While on the third day, the participants had the opportunity to study practical cases and prepare the topics and strategy for the trial, where each of the participants had the opportunity to play the roles of the prosecutor and the defense lawyer, give opening statement about the specific case, demonstrate the acquisition in direct and cross examinations, and finally the closing statement.

The training methodology was of a combined character with theoretical explanations and interactive discussions, case simulations, video camera recordings, feedback by trainers and self-critique.

The beneficiaries of this workshop were 7 prosecutors and 3 state attorneys.



Training: Enforcement procedure - authorization of enforcement

On May 31, 2023, Academy of Justice within the Continuous Training Program organized a training on Enforcement procedure - authorization of enforcement.

The purpose of this training was to advance the knowledge of judges regarding the legal basis for imposing enforcement and the legal criteria for allowing the enforcement.

Topics related to legal basis were particularly focused during both, in the morning and in the afternoon sessions. Especially the dilemmas that relate to the administrative and notarial document with emphasis on the reliable document - the invoice in the case of allowing enforcement. Also, the principles were discussed, especially the rigorous formal principle.

During the training, detailed explanations were provided regarding the content of the proposal for enforcement, the procedure for examining the proposal, the procedure for setting the enforcement, the content of the decision for enforcement and the order for enforcement.

It was further said that in the most frequent cases, the proposal for enforcement is presented by natural or legal persons, which means that even in the enforcement procedure, the principle of the disposition of the party

applies, which is one of the basic principles of the contentious procedure, i.e. the initiation of this procedure depends on the wish of the creditor, as well as the further development of this procedure depends on the will of the creditor because the creditor without the consent of the debtor during the development of the procedure can withdraw from the enforcement proposal entirely or partially, and the procedure ends and that the proposal after the withdrawal can to appear again in court.

Special attention has also been paid to the enforcement of the debtor's part of the property in the commercial company, the execution of securities, the sequestration of securities, the evaluation and sale of securities, including the repossession, appeal and means of extraordinary remedies for appeal.

During the training, the participants were provided with case exercises from judicial practice that have been more frequent and with more dilemmas through which they were encouraged to offer the best legal solutions.

Beneficiaries of this training were: 5 judges, 3 state attorneys and 8 private bailiffs.



Trainings for professional associates and legal officers of the court and prosecutor

Training in the material criminal field for Professional Associates and legal officers



On May 02-04, 2023, Academy of Justice in cooperation with SAEK, conducted 3 trainings for the 2nd Group of professional associates and legal officers of courts and prosecution offices with a focus on General and special part of criminal law.

The purpose of these trainings was to advance the knowledge of professional associates and legal officers of the courts and prosecution offices regarding the legal framework in the 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, the qualification of the perpetrators - the meaning of the official person and the Sanctioning policy for the criminal offenses of corruption as well as Cooperation in the commission of the criminal offense, as well as the criminal offenses from Chapter XXVI, Chapter XXIII, Chapter XXX and Chapter XXIX of the CCK.

These trainings included the following: the reasons for the exclusion of unlawfulness, with an emphasis on the necessary protection, extreme need, violence and threats, the offense of minor importance and criminal

responsibility. Within the special part of the criminal code, the training covered criminal offenses against life and body, with emphasis on the murder and aggravated murder, as well as criminal offenses against sexual integrity, treating with special attention important aspects of rape and sexual assault.

Particular elaboration was made on the punitive policies for criminal acts of corruption such as misuse of official position or authority, conflict of interest, deceit and fraud in office, receiving and giving bribes, illegal issuance of court decisions and disclosure of official secrecy. The aggravating circumstances and the mitigating circumstances for the measurement of the punishment, the prohibition of doubling the circumstances for the measurement of the punishment as well as the specific factors of the circumstances to be weighed in the case of the measurement of the punishment were also elaborated.

During the training, the participants had the opportunity to discuss and give legal opinions through numerous case studies of cooperation in the commission of criminal offenses and assistance in the commission of criminal offenses and at the same time elaborated on the legal provisions.

May 2, 2023, Beneficiaries in the training were 22 participants, to include 9 professional associates, 12 legal officers and 1 executive officer.

03 May 2023, Beneficiaries in the training were 25 participants, including 9 professional associates, 15 legal officers and 1 executive officer.

May 4, 2023, Beneficiaries in the training were 25 participants, including 9 professional associates, 15 legal officers and 1 executive officer.

Training: Basic Module - civil aspect-Labor Law

On May 11, 2023, Academy of Justice in cooperation with UNDP, within its Training scope for professional associates and legal officers of the courts conducted a training from the Basic Module - civil aspect, on the topic of Labor Law.

The purpose of this training was to increase the professional capacities of professional associates in the correct implementation of the legal provisions of the Labor Law.

During this training, the deadlines and procedures for the resolution of labor disputes were discussed, as well as the role of the court in the case of examining lawsuits in labor disputes, the causes for termination of the employment relationship according to the Labor Law, elaborating article 67 of the Labor Law.

The procedures for protection of labor rights, the protection of the rights of employees within the employer's bodies and the protection of employees in court were dealt with in detail. The participants had the opportunity to discuss court decisions related to labor disputes.

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

Beneficiaries of this training were 25 professional associates and legal officers from the courts, 5 of them coming from the Supreme Court, 8 from the Appeals Court, and 12 others from the basic instance courts from all regions of Kosovo.



Training: Basic Module - The Criminal material and procedural aspects – Group III



On May 15-17, 2023, Academy of Justice in cooperation with SAEK, continued with training of the 3rd Group of professional associates and legal officers of courts and prosecution offices in three trainings with a focus on General and special part of criminal law.

The purpose of these trainings was to advance the knowledge of professional associates and legal officers of the courts and prosecution offices regarding the legal framework in the 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, the qualification of the perpetrators - the meaning of the official person and the Sanctioning policy for the criminal offenses of corruption as well as Cooperation in the commission of the criminal offense, as well as the criminal offenses from Chapter XXVI, Chapter XXIII, Chapter XXX and Chapter XXIX of the CCK.

These trainings included the following: the reasons for the exclusion of unlawfulness, with an emphasis on the necessary protection, extreme need, violence and threats, the offense

of minor importance and criminal responsibility. Within the special part of the criminal code, the training covered criminal offenses against life and body, with emphasis on the murder and aggravated murder, as well as criminal offenses against sexual integrity, treating with special attention important aspects of rape and sexual assault.

Particular elaboration was made on the punitive policies for criminal acts of corruption such as misuse of official position or authority, conflict of interest, deceit and fraud in office, receiving and giving bribes, illegal issuance of court decisions and disclosure of official secrecy. The aggravating circumstances and the mitigating circumstances for the measurement of the punishment, the prohibition of doubling the circumstances for the measurement of the punishment as well as the specific factors of the circumstances to be weighed in the case of the measurement of the punishment were also elaborated.

During the training, the participants had the opportunity to discuss and give legal opinions through numerous case studies of cooperation in the commission of criminal offenses and assistance in the commission of criminal offenses and at the same time elaborated on the legal provisions.

May 15, 2023, Beneficiaries in the training were 23 participants, including 12 professional associates, 9 legal officers, 1 information officer, 1 administrative staff.

May 16, 2023, Beneficiaries in the training were 26 participants, including 14 professional associates, 11 legal officers and 1 administrative staff.

May 17, 2023, Beneficiaries in the training were 26 participants, including 14 professional associates, 11 legal officers and 1 administrative staff.

Training: Basic module – Civil material and procedural aspects - Property right/ Obstruction of Possession

On May 16-17, 2023, Academy of Justice in cooperation with UNDP, continues with the training sessions for professional associates and legal officers of the courts from the Basic Module - civil material and procedural aspects, with an emphasis on Property right/ Obstruction of Possession.

The purpose of this training was to increase the professional capacities of professional associates and legal officers on the correct implementation of the Law on property and other real rights for the correct resolution of property disputes.

Initially the training focused on understanding the concept of possession, nature, types of possession, gain and loss of possession. In this view, special attention has been paid to the protection of possession, stressing that possession enjoys legal protection, no one can violate the actual power arbitrarily, but only with the help of competent bodies. The possessor of the item has the right to protection from interferences (obstacles) or from taking the item from possession, where in this case the

possessor is deprived of the possession of the item.

The participants had the opportunity to discuss the Competence, in which case the trainers were informed that from a territorial point of view, the court in whose territory the immovable object in which the possession exists is exclusively competent. Everything was also discussed about the types of lawsuits, the deadlines for submitting the lawsuit. During this training, servitude was elaborated as a real right over a foreign object, the division of servitudes, the method of earning servitudes, as well as the extinguishment of servitudes.

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

Beneficiaries of this training were 26 professional associates and legal officers from the courts, to include 6 from the Supreme Court, 6 from the Appeals Court, and 14 others from Basic Courts from all regions of Kosovo.



Training: Basic module – Civil material and procedural aspects - The Law on obligations

On May 18, 2023, Academy of Justice in cooperation with UNDP, continued with trainings for professional associates and legal officers of the courts from the Basic Module - civil aspect with an emphasis on the Law on Obligations.

The purpose of this Training was to increase the professional capacities of professional associates and legal officers in the correct implementation of the Law on Obligations for the correct resolution of disputes in the courts.

During this training, it was emphasized that the Law on Obligational Relationships (LOR) has not decisively defined the notion of contract, but in provisions of Article 15 it defines: "the contract is concluded when the contracting parties have agreed on essential elements of the contract". From the content of this provision, it is clearly seen that in principle the LOR does not define a formal moment as the moment to consider the contract concluded, but defines that the contract is concluded when the contracting parties have agreed on the essential elements of the contract.

In the framework of this training, it was

discussed about the conditions that must be fulfilled in the case of connection, the effects, the interpretation and convalidation of contracts. The participants had the opportunity to discuss about void contracts, the consequences of nullity, the means of ensuring execution of the contract, damage, bases of liability and types of damages. Also the training elaborated on the criteria for determining the amount of compensation for damage, the reduction of the amount of compensation due to the material condition of the injured party and the injured party due to shared responsibility, as well as exemption from responsibility.

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

Beneficiaries of this training were 23 professional associates and legal officers from the courts, including 4 from the Supreme Court, 6 from the Appeals Court, and 13 others from Basic Courts from all regions of Kosovo.



Training: Basic module – Civil material and procedural aspects - Inheritance law and family law

. On May 30-31, 2023, Academy of Justice in cooperation with UNDP, conducted the following 2 training sessions for professional associates and legal officers of the courts from the Basic Module - civil aspect with an emphasis on: 1. The right of inheritance and 2. Family law.

The purpose of these trainings was to advance the knowledge of professional associates and legal officers of the courts regarding the legal framework regarding inheritance and family law and the correct application in judicial practice for the meritorious resolution of cases.

These training sessions covered the following aspects of the Law on Inheritance, the object of inheritance, inheritance based on the law and the ranks of inheritance. Following with the aspects of the inheritance based on the will, the types of will, the necessary part and its violation, as well as the procedure for its review.

In the framework of the Family Law sessions, it was discussed about the marriage dissolution procedures, the stages of the divorce procedure, the ways of settling in the divorce procedure, children's trust and the way of regulating contact with the other parent, alimony, protection of rights of children in marital

disputes, special forms of protection of children without parental care, adoption, guardianship, status of children and their protection in case of changes to their status, as well as judicial procedure for division of the common property of the spouses.

During the training, the participants had the opportunity to elaborate on the issues that were discussed for two consecutive days through numerous case studies and to find the appropriate legal solutions for each case.

24 professional associates and legal officers from the courts participated in the training focusing on hereditary issues. The participants included 4 professional associates from the Special Chamber of the Supreme Court, 7 from the Appeals Court and 13 from the Basic Courts from all regions of Kosovo.

For two days in a row, 24 professional associates and legal officers from the courts participated in the training, with 4 from the Special Chamber of the Supreme Court, 7 from the Appeals Court and 13 from the Basic Courts from all regions of Kosovo.



Training: Basic Module – the Criminal procedural aspect – Group I



During May 29-31 2023, Academy of Justice in cooperation with SAEK, conducted three trainings for the 1st group of the Basic Module for Professional Associates and Legal Officers. The Trainings were conducted in three parts on the following topics: Stages of the Criminal Procedure; Legal Remedies and Special procedures; and the Indictment – Main Hearing and the Reasoning.

Purpose of these trainings was to extend the knowledge of professional associates and legal officers of courts and prosecution offices on the legal framework in the criminal area and correct implementation in the judicial practice.

Training sessions discussed about the principles, competence and parties in the criminal procedure; preliminary criminal actions and stages of the criminal procedure; Technical covert measures of investigation and surveillance in criminal procedure; Stages of the criminal procedure; Indictment; Court Hearing; as well as the Reasoning.

The trainings covered the following: Criminal

report, preliminary procedure; decision for dismissing the criminal report, decision for initiation of investigation, decisions for extending the investigation, and the Decision for cease of investigation. The trainings continued with: Legal remedies, administration of the procedure, the procedure for issuing the sanctioning orders as a special procedure, as well as the procedure for erasing sanctions from the criminal record. Particular review was made on the Court Hearing and the Judgment.

During these trainings, the participants had the possibility that through practical cases from the case law, work in groups and prepare court decisions, discuss them and provide legal opinions and at the same time elaborate on legal provisions.

On May 29 2023, beneficiaries were 18 participants, including 12 professional associates, 1 head of the administrative section and 1 senior clerk;

On May 30 2023, beneficiaries were 20 participants including 14 professional associates, 11 legal officers and 1 administrative staff, 1 head of the administrative sections and 1 senior clerk;

On May 31 2023, beneficiaries were 20 participants to include 15 professional associates, 4 legal officers and 1 senior clerk.



Training: New changes to the Criminal Procedure Code

On May 30, 2023, Academy of Justice in cooperation with EULEX carried out a training on new changes to the Criminal Procedure Code, which is a follow up to the trainings for professional associates and legal officers of the courts and prosecution offices from the basic modules for the criminal and civil aspects.

The purpose of this training was for professional associates to be informed of the main novelties of the Criminal Procedure Code and their correct application in judicial practice.

The training was oriented to the treatment and explanation regarding the filing of the criminal complaint with a focus on the right to appeal the decision, search and seizure, and special investigative measures.

The training continued on investigation, with emphasis on the term of the investigations, the suspension and re-opening of investigations, the examination in the preliminary procedure,

the statements in this procedure, as well as the special investigative opportunity.

Special attention has been paid to the novelties regarding the trial in absentia, the plea bargaining agreement and cooperating witnesses, as well as the procedure for the suspension of the person from office.

Elaboration of these issues was done by presenting the challenges identified in the practice of courts and prosecution offices.

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

Beneficiaries of this training were 25 professional associates and legal officers from the Courts and Basic Prosecution Offices, mainly in the region of Mitrovica and Ferizaj.



Activities for trainers-free professions

Mediation Training

On May 20 and 24, 2023, the Academy of Justice in cooperation with the Department of Justice and the US Federal Mediation and Conciliation Service (FMCS), supported and funded by the US Embassy Office of International Narcotics and Law Enforcement Affairs (INL), continued with 4 training sessions dedicated to mediators.

The first session was on the criminal field, the second session for the property field, the third session for the family field and the last session for the commercial field.

During the training, the participants had the opportunity to discuss the goals and conditions

of mediation, the role of the mediator, the prosecutor and the judge in the mediation procedure in the criminal, property, family and commercial fields.

Special attention was paid to mediation agreements and the role of the court in evaluating the agreement, as well as the discussion of practical cases related to mediation.

Beneficiaries of the training were 7 mediators, 1 lawyer and 1 official from the Kosovo Center for the Rehabilitation of Torture Survivors selected in the Training of Trainers program.

Activities Training for Trainers

Mediation Training

May 30 to June 1, 2023, the Academy of Justice and CEELI Institute in Prague, Czech Republic, in cooperation with the 'Lëvizja FOL' and IFES, are conducting training of trainers on the topic of Adjudicating cases of organized crime and corruption.

The purpose of this training was to strengthen and advance the training skills as well as update the training methodology and curriculum for the judges and prosecutors of the Republic of Kosovo.

The training was carried out by the training instructors Mr. Jonathan Hawley - Magistrate Judge, US Federal District Court for the Central District of Illinois, and Mr. Jim Chance - Senior Counsel for Judicial Education and Development at the US Federal Judicial Center, and Ms. Celine Calpo, Training Programs Specialist at the US Federal Judicial Center.

The training curriculum has been developed

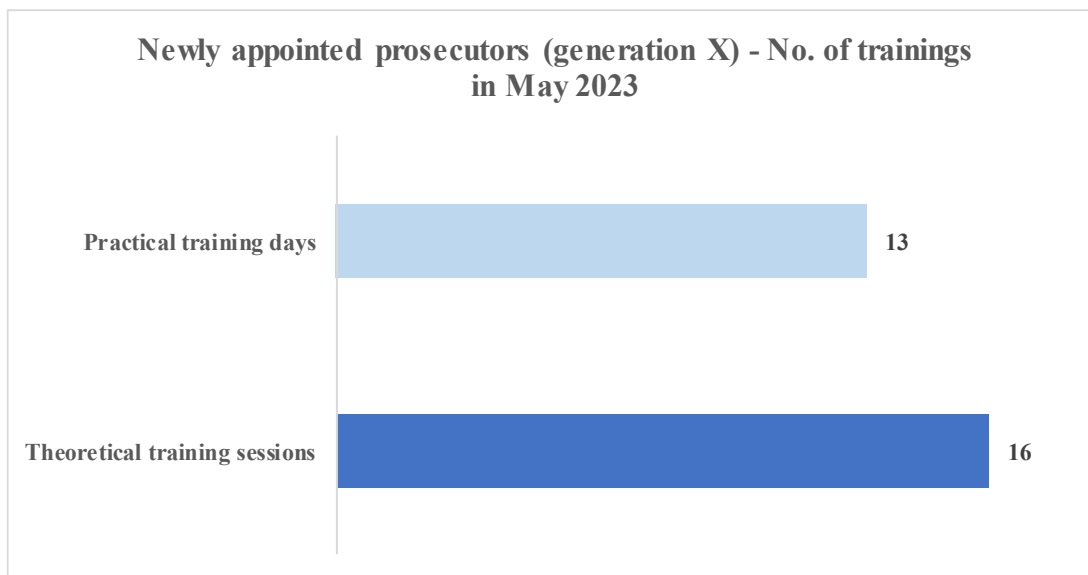
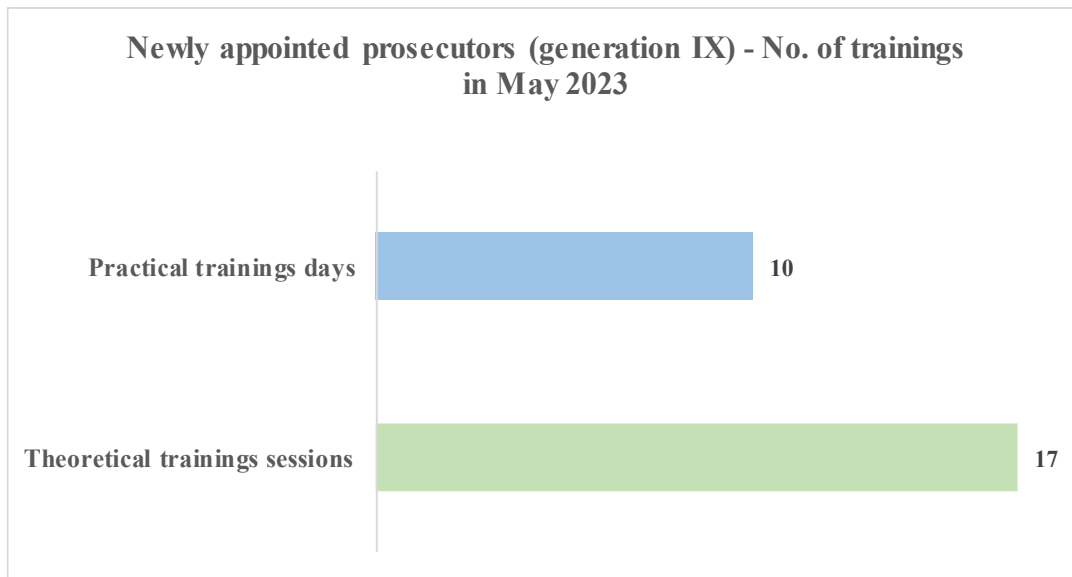
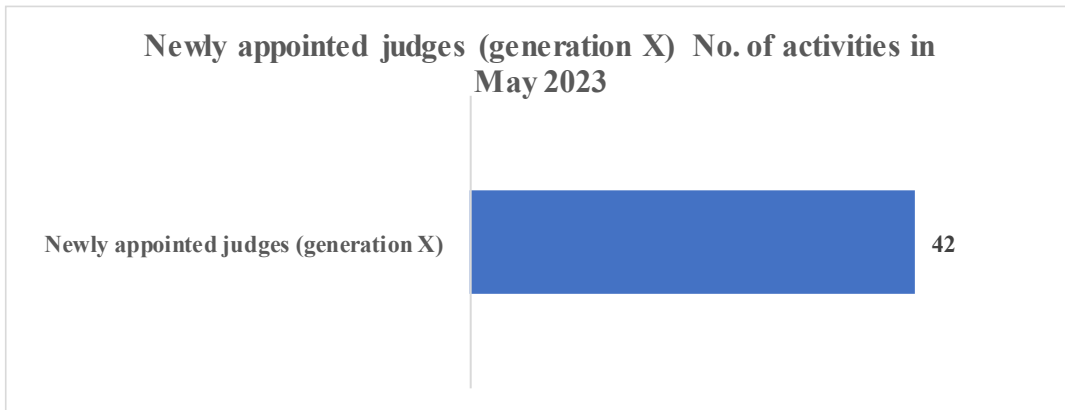
and updated by the trainers of the Academy of Justice led and supported by instructors of the US Federal Judicial Center. Part of the training was also the drafting or designing the training curriculum and the organization of the training program, the improvement of the training objectives, in which case the trainers are presented with the content and number of training objectives per session.

Also during the training, exercises for the training activity were carried out, hypothetical cases were drawn up, the content and effectiveness of the PowerPoint presentation, other necessary training materials and the finalization of the training plan were discussed.

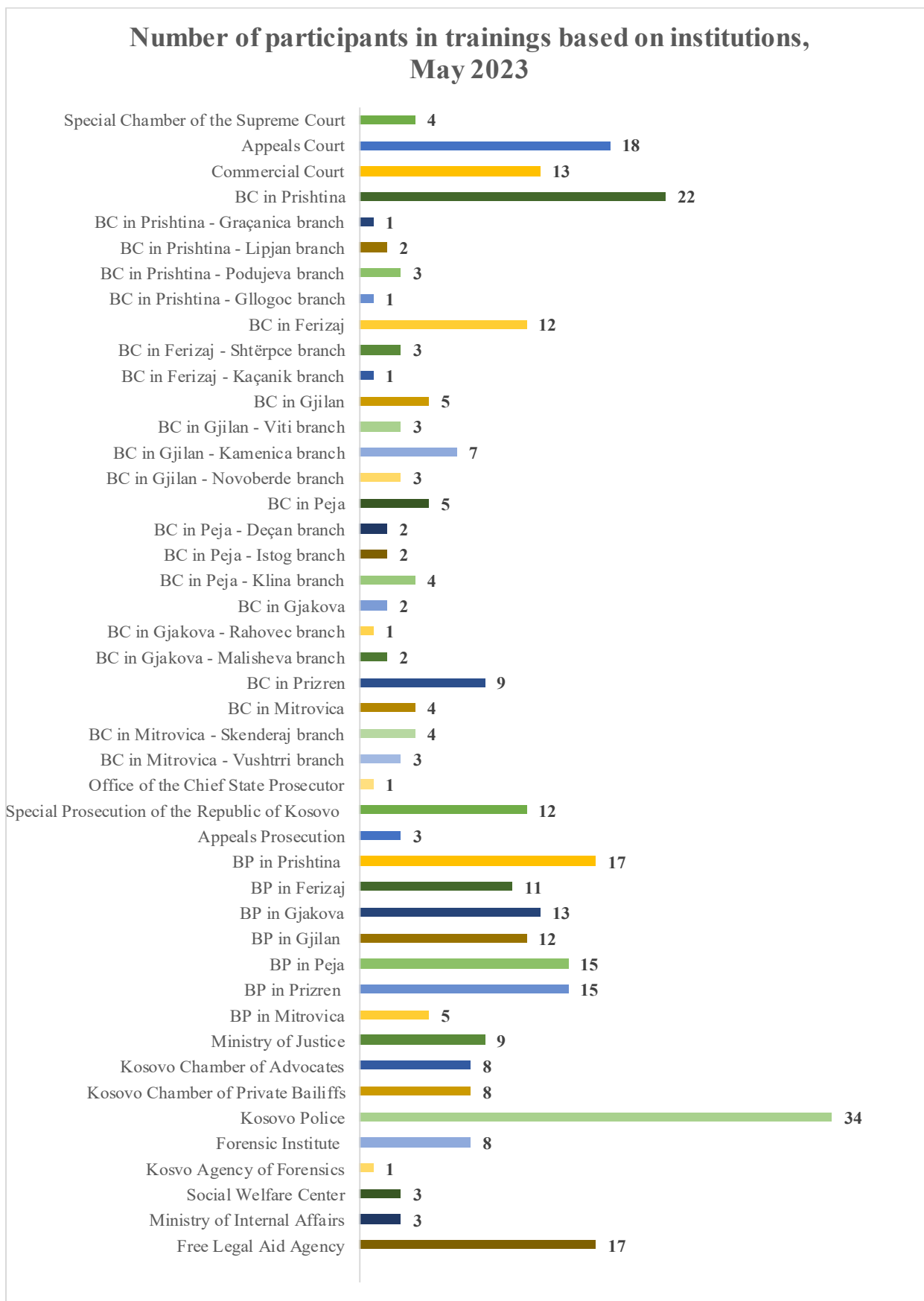
Beneficiaries of the training were criminal judges from the Basic Court of Pristina and judges from the Appeals Court who are trainers of the AJ.



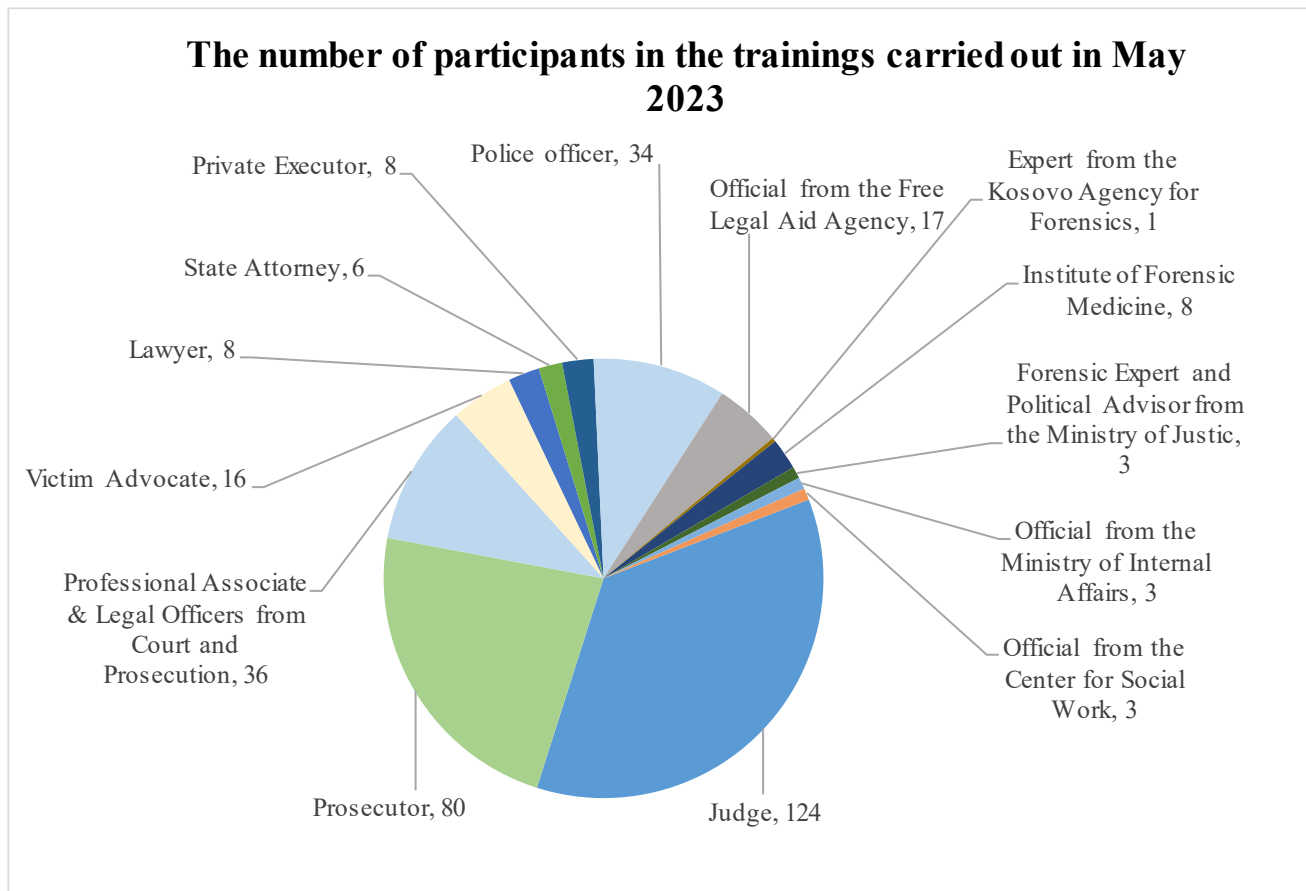
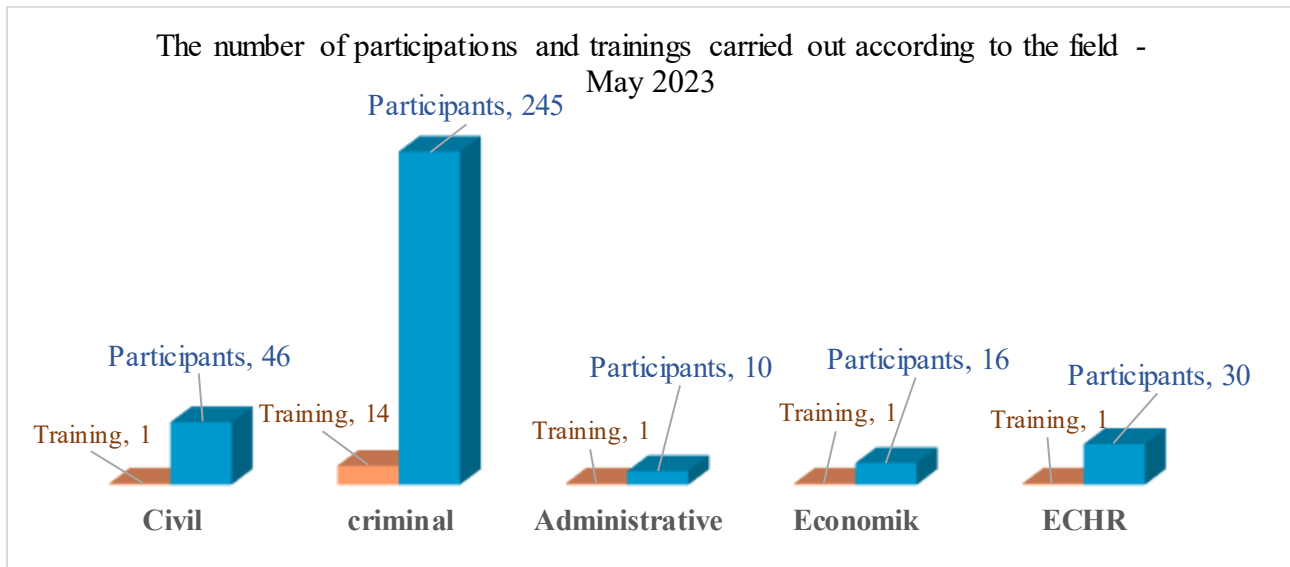
Attendance at trainings on PTF presented through graphs



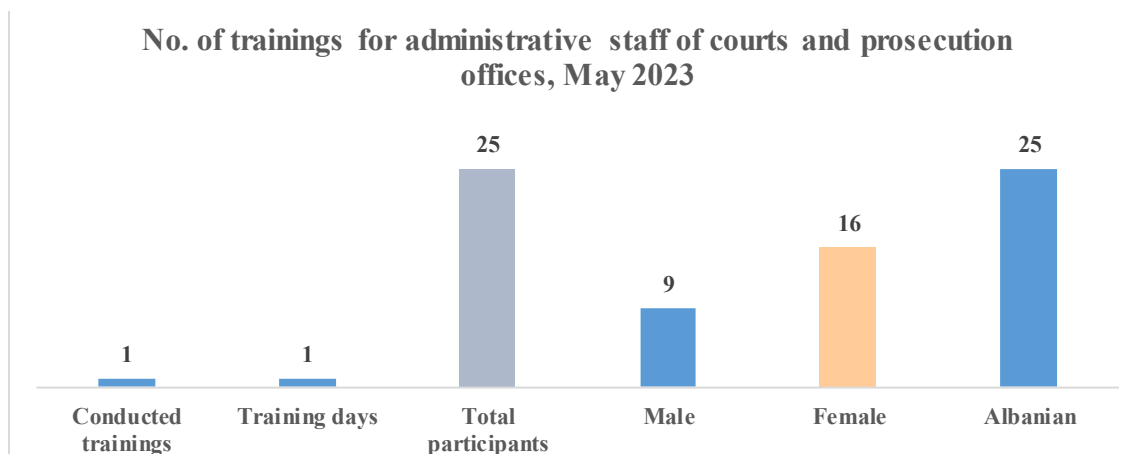
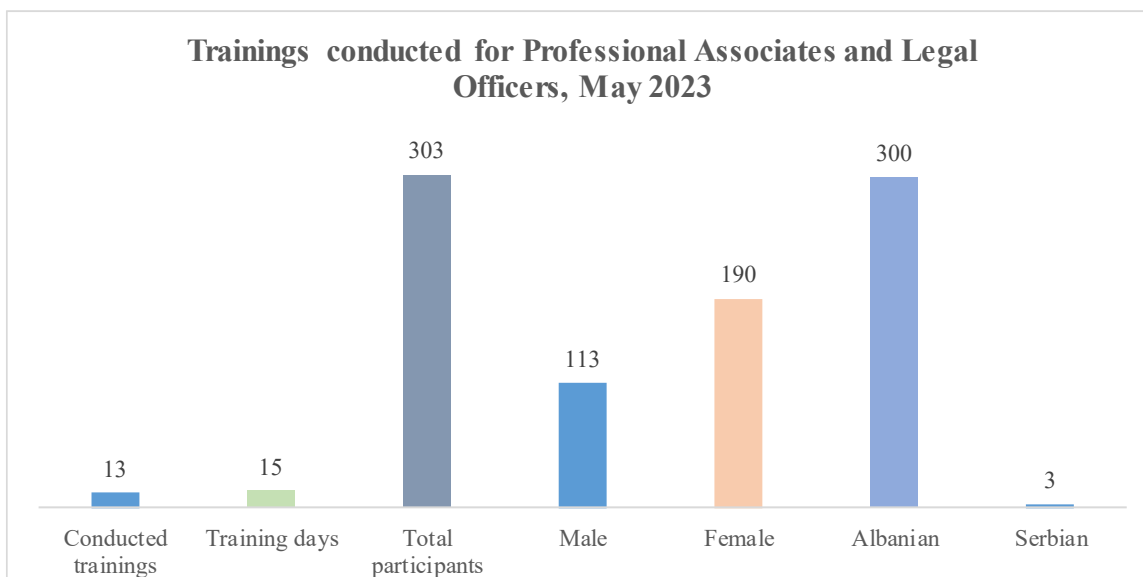
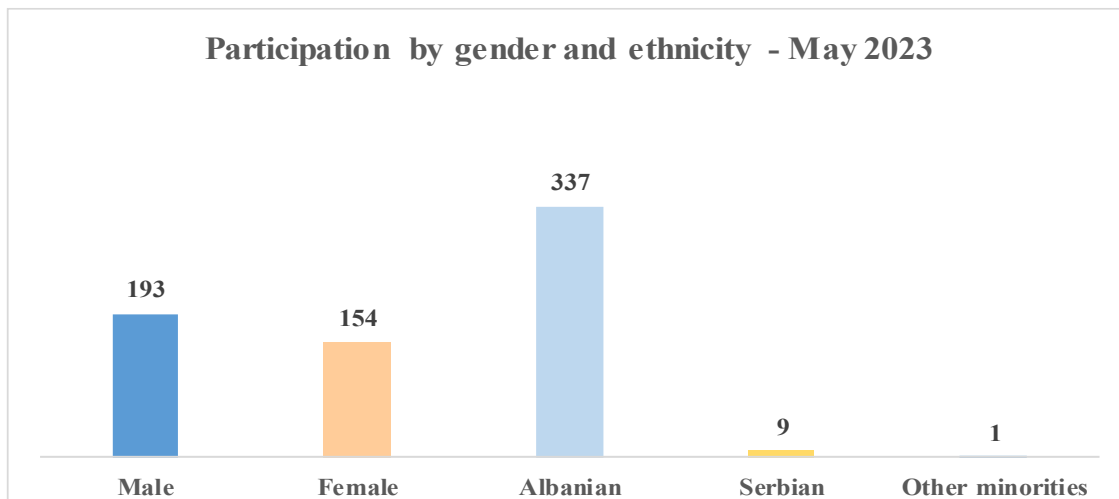
Attendance at trainings on PTV presented through graphs



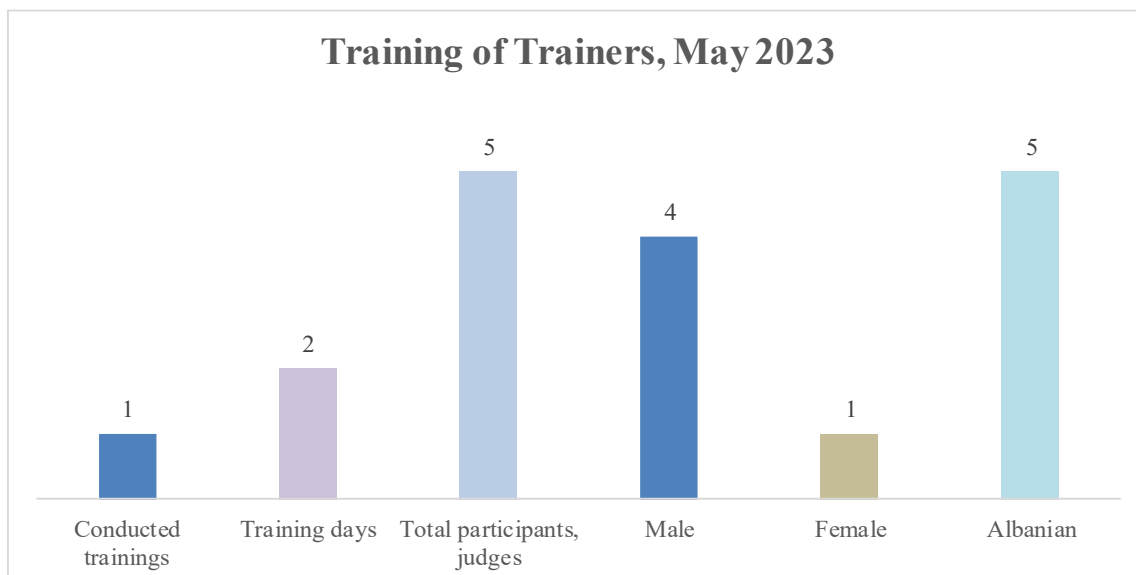
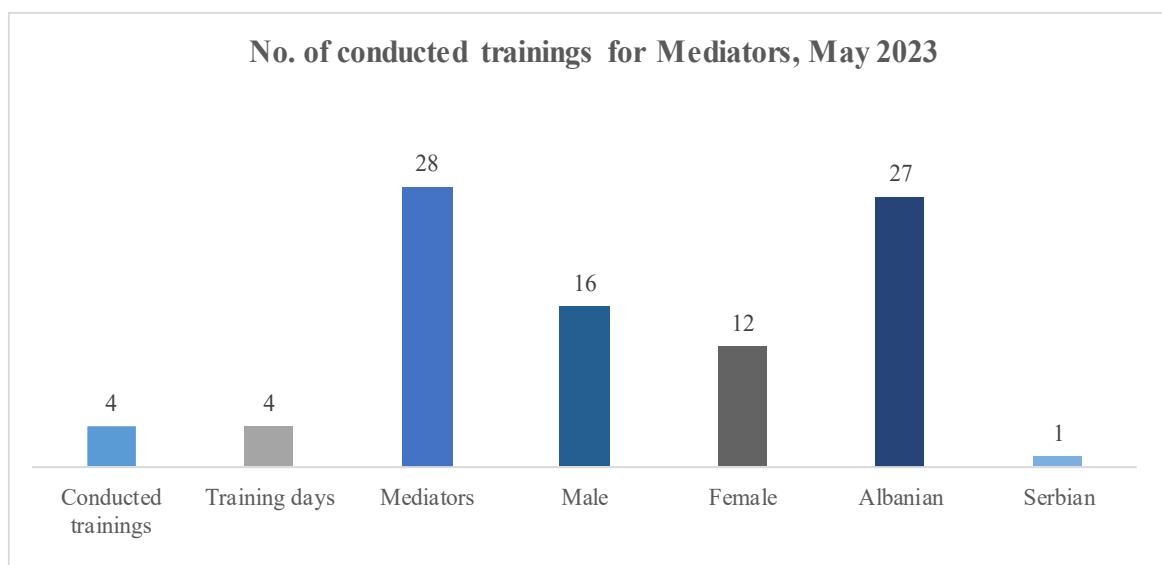
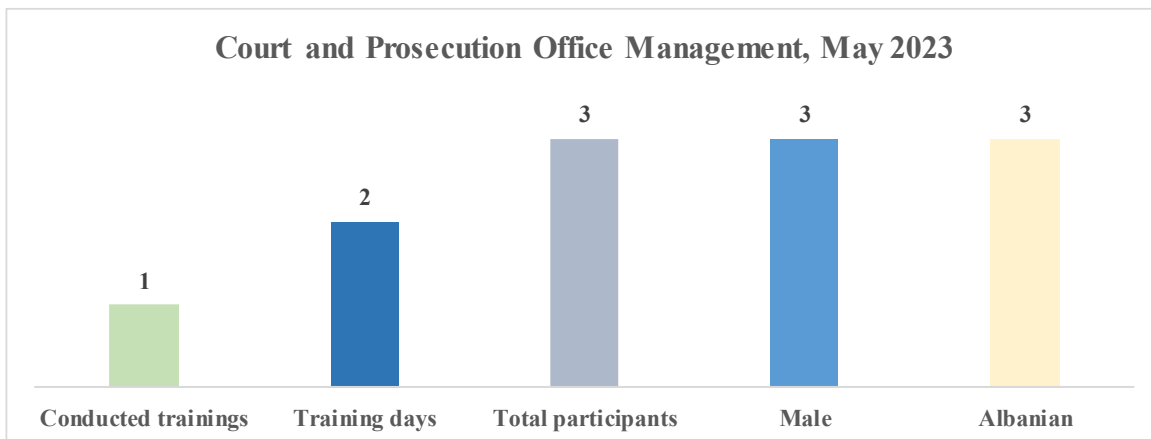
Attendance at trainings on PTV presented through graphs



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