



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

Newsletter

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February 2023

General activities

HRTF - Council of Europe “HELP in the Western Balkans” NEW Project



2-3 February 2023, Belgrade – More than 20 representatives of the Judicial Academies and Bar Associations of the Western Balkans six Beneficiaries, government agents at the European Court of Human Rights and Council of Europe staff, gathered for two days to discuss the results of the previous EU/CoE Joint Programme Horizontal Facility II “HELP in the Western Balkans” action and set the activities for the new two-years project funded by the Human Rights Trust Fund (HRTF).

The new project “HELP in the Western Balkans” aims at enhancing capacities and skills of legal professionals for effective application of European standards mainly through professional training and university education at national and regional level. The specific courses were identified in close cooperation with WB partners and in coordination with the Department for the Execution of the Judgements of the European Court of Human Rights.

The meeting was chaired by Eva PASTRANA, Head of Judicial and Human Rights Training

Division, and the participants were welcomed by Mr. Lassi HARMALA, Deputy Head of the Embassy of Finland, as Finland holds the chairmanship of the Human Rights Trust Fund of the Council of Europe.

HELP courses cover Council of Europe and EU standards (extremely relevant for WB) and are adapted to domestic legal needs. They are implemented jointly with WB Justice Training Institutions and Bar Associations, with some of them becoming integral part of the national training programmes and others reinforcing the regional networking among those institutions and legal professionals.

Assessing training needs of the partner institutions in line discussions with representatives from the Government Agents and Execution Department of the Council of Europe, the following HELP courses have been tentatively selected as priority for some of the WB partners. See 2-minute introductory videos by clicking on the links below:

- Prohibition of ill-treatment
- CPT standards
- Right to liberty and security
- Alternatives to detention
- Procedural safeguards in criminal proceedings and victims’ rights
- Judicial reasoning and human rights
- Ethics for judges, prosecutors and lawyers
- Data protection and privacy rights
- Family law and human rights
- Property rights

The Academy of Justice welcomed the representative of the US Department of Justice

On 16th of February 2023, the Academy of Justice welcomed the New Resident Legal Advisor from OPDAT Mr. Erin Cox and Mr. John P, Assistant Chief Learning Officer at the US Department of Justice (DOJ), Office of Legal Education (OLE).

Mr. Moran, has been assigned to the Academy of Justice for faculty development and the training of trainers, the design of instructional/teaching materials for classroom and distance training, and training evaluation methodologies

and processes and processes for developing training needs and impact. Through engagement of Mr. Moran, OPDAT expresses its continuous support to the Academy of Justice in the advancement of legal education for judges and prosecutors.



Study visit of the judges of the Republic of Kosovo in Trier and Koblenz, Germany



From February 19-24, 2023, with the support of the IRZ, a study visit was carried out to German Academy of Justice for judges of the eighth generation in the initial training.

Part of this visit were Mr. Vaton Durguti, Chairman of the Managing Board of the Academy of Justice, Mr. Enver Fejzullahu, Executive Director of the Academy of Justice, Mr. Albert Zogaj, Chairman of the Kosovo Judicial Council and Mrs. Mejreme Mema, Acting President of the Supreme Court.

The purpose of this visit was to enable the practical observation of working methods in the German courts, as well as the exchange of experiences and the strengthening of contacts

between the institutions of the two countries.

In the framework of this visit, the participants have the opportunity to become familiar with the regulation of the judicial system in Germany and especially for criminal, civil, family justice, ethical issues, commercial issues as well as the possibility of alternative dispute resolution in Germany.

According to the visit program, the judges visited the Court of First Instance in Trier and the Court of Appeal in the city of Koblenz, Germany, and became familiar with their organization and operation, including the practical observation of a court session.

Participants in this visit were 19 judges as well as 2 officials from the Academy of Law.

The study visit is made possible for judges of the VIII generation who have completed the initial training at the Academy of Law during the year 2021-2022.



Activities from Initial Training Program (ITP)

Initial training for newly appointed judges' generation (XI)

During February, the last 4 theoretical training sessions were held for the two groups of judges (45) in total.

After the completion of the theoretical training, has commenced the implementation of the practical training in the relevant courts under the supervision of the mentor for 10 days, as well as the visits/training in 8 non-judicial institutions.

For the first group, the last session of the Civil Administrative and Economic Law module was held with an emphasis on Property Law and other real rights, which dealt with: mortgage, mortgage, real lien and the right of construction

For the second group of judges, 3 training sessions were carried out from the module: Code of Criminal Procedure where 1 session was carried out within the sub-module: "Evidence in criminal procedure" with an emphasis on: control, inspection, international requirements, proving and admissibility. Following this module, there is also 1 session

from the module Special Procedures according to the CPC and 1 session from the module Alternative Procedures, in which case the procedure for revocation of alternative damages as well as the acquittal from punishment.

In the framework of the "Program for training in non-judicial institutions" for newly appointed judges, visits were made to the following institutions: "Agency for Information and Privacy", "Forensic Institute", "Kosovo Police", "Correctional Service", "Kosovo Customs", "Exploratory Service", "Constitutional Court" and "Ombudsperson".

In the framework of these visits/trainings, judges had the opportunity to become familiar with the role and function of these institutions and also to deepen the inter-institutional cooperation.



Initial training for newly appointed prosecutors, generation (XI)



During February, 16 theoretical training sessions and 12 days of practical training were conducted for the 6 newly appointed prosecutors (1 of them on maternity leave).

The theoretical training sessions were from the Code of Criminal Procedure module and sub-modules: The role of the prosecutor in the trial phase, Second initial hearing and the main trial, alternative procedures, indictment, the examination procedure, witnesses and victims in the criminal procedure, as well as evidence during the investigation.

Under the module "The role of the prosecutor in the main trial stage" 4 training sessions were held, addressing; The role of the state prosecutor during the initial hearing, the role of the prosecutor in the second hearing, the role of the prosecutor in the judicial examination and the direct examination, cross-examination and re-examination of the witness.

From the module "Second initial hearing and the main trial" 1 training session was held in which important aspects of the initial hearing and judicial review were addressed.

Under the "Alternative Procedures" module, 2 training sessions were held, in which case legal issues from the Temporary Suspension of the procedure (Article 320) and the conditions when the prosecution is not mandatory (Article 231) were addressed.

From the "Indictment review procedure" module, 5 training sessions were held, in the framework of which the filing of the indictment, the rights of the defendant after the receiving the indictment, the amendment, expansion and dismissal of the indictment, the proposals for the perpetrators of criminal offenses with mental disorders under the influence of alcohol and drugs and indictment with proposal for detention.

Under the module "Witnesses and victims in criminal proceedings" 1 training session was held with a focus on Reading the minutes.

From the module "Evidence during the investigation", 3 training sessions were held, within which the following topics were addressed: Securing evidence in the initial actions of the police, securing evidence through covert and technical measures of observation and investigation, evidence in investigation phase, raids-control-temporary seizure and expertise.

Within the framework of the Training Program in non-judicial institutions, the newly appointed prosecutors visited the following institutions: "Information and Privacy Agency", "Institute of Forensic Medicine", "Kosovo Police", "Correctional Service", "Customs Kosovo", "Probation Service", "Constitutional Court" and "Ombudsperson".

In the framework of these visits/trainings, the prosecutors had the opportunity to familiarize themselves with the role and function of these institutions and also to deepen the inter-institutional cooperation.

Activities from Continuous Training Program (CTP)

Training: Cooperating witnesses

On February 01-02, 2023, within the framework of continuous program, a training on "Cooperating witnesses" was carried out.

The purpose of this training was to advance the knowledge of judges and prosecutors regarding the Institute of Cooperating Witnesses in function of the correct application of legal provisions during the submission and justification of the request for cooperating witnesses as well as drafting of the agreement and the determination of the obligations arising from the agreement of the witness.

In this training, the Novelties of the Code of Criminal Procedure related to this institute were elaborated, highlighting the role of the cooperating witness, the cases in which the status of the cooperating witness can be obtained, as well as other specifics of the procedure based on the witness protection legislation.

On the second day, the training focused on the elements that must be contained in the cooperation agreement of the cooperating witness with the state prosecutor, such as the identity of the state prosecutor and the personal data of the cooperating witness, the obligation of the cooperating witness to testify as a witness, etc. following, special attention was

given to the identification of the cooperating witness during the criminal procedure, particularly during the investigative procedure, emphasizing the role of the prosecutor in this regard, who must identify the potential cooperating witness, taking into account the actions of each co-defendant during the commission of the crime based on the specifics of each of the co-defendants and in particular the personal characteristics of the defendants, their relationship, the motive and eventually the weaknesses expressed in relation to the co-defendants.

The judges and prosecutors participating in the training had the opportunity to discuss cases from the judicial practice, as well as the challenges and advantages of the Criminal Procedure Code in force.

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

Beneficiaries of this training were: 11 judges of the Basic Court level from all regions of Kosovo, as well as 12 prosecutors, 1 from the Office of the Chief State Prosecutor, 1 from the Special Prosecution and 10 others from the Basic Prosecutions



Training: Compensation, its types and judicial practice

On February 01-02, 2023, as part of continuous program, a training on: "Compensation, its types and judicial practice" was carried out.

The purpose of this training was to advance the knowledge of judges regarding the determination of material and non-material damage claims, as well as the obtaining relevant evidences related to the validation of the legal basis.

For two days, the training focused on identifying causes of damage and the types of responsibility for compensating the damage caused, identifying the criteria for compensation of material and non-material damage, as well as practical aspects for assigning the compensation concerning all its types and categories.

Special attention has been paid to the legal provisions of the Law on Obligation from article 136 to article 193 which regulate the relations of non-contractual obligations, respectively the infliction of damage and other related issues. The most frequent forms of causing damage in practice, which are usually breach of contract, violation of copyright, violation of competition rules, causing damage by dangerous means, damage caused by illegal actions to which the court has decided on the compensation of

material and non-material damage.

Participating judges had the opportunity to discuss different cases of compensation from judicial practice focusing on the amount of damage and the circumstances that have influenced the amount of compensation and the reduction of compensation.

Special attention has also been paid to the volume of the request for compensation, i.e. is only ordinary compensation requested or even lost profit as well as other specifics such as the market price of the damaged item, because the court is obliged to determine the compensation according to the price of the market at the time of issuing the court decision.

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

Beneficiaries of this training were: 43 judges, of them 1 from the Supreme Court, 8 from the Court of Appeal and 34 from the Basic Courts.



Training: Financial Investigation and Asset Recovery Training Program

On February 6-10, 2023, with the support of UNDP/SAEK 3 and the Basel Institute for Governance, as part of the continuous program, was conducted a training on: "Financial Investigation and Asset Recovery".

The purpose of this training was to advance the knowledge of the participants regarding the tracking of assets and the organization of evidence in the case of financial investigations and asset recovery.

On the first and second day, the training focused mainly on dealing with the important aspects of money laundering, asset tracking, organizing electronic evidence and elements of crime in the context of local legislation.

On the third and fourth day, the training focused on financial investigative approaches with an emphasis on indirect methods for proving illegal income and mutual legal assistance, as well as on mechanisms for confiscation of assets.

For four days, the participants had the opportunity of practical exercises for asset tracking and in this way to discuss eventual problems and exchange best practices in relevant cases.

On the fifth day, the training focused on the preparations and presentations of the participants for the case studies.

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

Beneficiaries of this training are: 10 Police Officers, 4 Intelligence inspectors from TAK, 2 professional collaborators from the Basic Prosecutor's Office Ferizaj and Prishtina, 2 experts and 1 administrator from PRSK as well as an expert from the Special Prosecutor's Office.



Training: Harmonization of the new amendments to the Criminal Procedure Code with the Juvenile Justice Code

On February 7, 2023, with the support of EULEX in the framework of the continuous program, a training was carried out on: "Harmonization of the new amendments of the Code of Criminal Procedure with the Juvenile Justice Code".

The purpose of this training was to advance the knowledge of judges and prosecutors regarding the new provisions of the Code of Criminal Procedure and the identification of legal provisions for harmonization with the Juvenile Justice Code.

The training focused on the inconsistency of the legal provisions of the Code of Criminal Procedure and the Code of Juvenile Justice which have challenged the courts and prosecutors in practical implementation. During the training, legal changes to the Code of Criminal Procedure related to the rights of the victim and the injured party, forced defense and public expenses were elaborated. Furthermore, the handling of criminal charges and the right of the injured party or the victim to file an appeal against the decisions on dismissal of the criminal charges, special

investigative measures, interrogation, obtaining the statement in the preliminary procedure, the initial review and other important changes.

It was also discussed regarding the dismissal of criminal charges as a result of the resolution of cases involving minors through diversion procedure or even in cases of opportunity and the possibility of injured party or the victim filing a complaint against the dismissal. The issue of protection of minors and the engagement of legal representatives in their protection and representation and other topics were also addressed.

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

Beneficiaries of this training were 9 judges, mostly at the basic level, as well as 18 prosecutors (1 from the Office of the Chief State Prosecutor, 1 from the Appeals Prosecutor's Office, as well as 16 at the basic level) and 1 intern from the prosecution.



Training: Contracts and their annulments

On February 08-09, 2023, the Academy of Justice, within the framework of the Continuous Training Program was conducted a training on: "Contracts and their annulment".

The purpose of the training was to advance the knowledge of judges on the interpretation of contracts in practice for the meritorious decision of cases in courts when there are requests for invalidity of contracts and compensation of damages.

On the first day, were discussed the legal conditions that must be met to be considered a void and revocable contract, relative and absolute violations of contracts according to legal provisions, revocable contract, legal causes that make a contract revocable, circle of subjects who may request the annulment of voidable contracts, contested procedures related to the confirmation of the relative and absolute nullity of contracts as well as the legal consequences of the annulment of a relatively invalid contract.

On the second day, it was discussed about the position of the contracting parties and the third party after the cancellation of the relatively invalid contract, the legal time limits within which cancellation of voidable contracts can be requested, the means of ensuring the execution of contracts, the types and characteristics of them, the contracting of the means of insurance and the way of their realization as well as for

the judicial procedure for settling such disputes.

On the second day, was discussed about the position of the contracting parties and the third party after the annulment of the relatively invalid contract, legal time limits within which annulment of voidable contracts can be requested, the means of ensuring the execution of contracts, the its types and characteristics, the contracting of the means of insurance and the way of their realization as well as for the judicial procedure for settling such disputes.

Through practical cases, dilemmas referring to the validation or not of contracts on the sale and purchase of immovable property that lack form have been clarified, unanimously agreeing that these contracts cannot be validated, but that the sales report as such enjoys judicial protection to its existence was proven. Special attention has also been paid to cases of falsification of authorization as well as the concept of legal order, rules of social morality, as elements that make a contract absolutely null.

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

Beneficiaries of this training were 44 judges, of them 1 from the Supreme Court, 6 from the Court of Appeal and 37 from the Basic Courts.



Training: Novelties of the Criminal Procedure Code

On February 10-11, 2023, with the support of the American Embassy, namely the Office of Foreign Prosecutorial Assistance, Development and Training (OPDAT), the training on: "Novelties of the Criminal Procedural Code" was carried out.

The purpose of this training was to inform participants about the Novelties of the Code of Criminal Procedure, which have a tendency for necessary and effective changes.

The training was oriented toward treatment and explanation of mandatory defense, the lawyer's public expenses and when the defense is not mandatory, as well as the rights of the injured party or the victim.

It continued with the filing of criminal charges, the right to appeal the decision, special investigative measures, witness protection, interrogation in preliminary proceedings, statements in preliminary proceedings, special investigative opportunity, investigation (investigation deadline, dismissal and reopening investigations).

Handling of these issues was done by presenting challenges identified in the practice

by courts and prosecutor's offices.

In this training, the Plea Agreement and cooperating witnesses, public access to the indictment and publication of the verdict were also discussed.

Among other things, were also elaborated the second hearing, confirmed indictment and the appointment of the main trial, followed by the standard of review of complaints, substantial violations, the change of the judgment by the Court of Appeal, the request for the protection of legality, the seizure and confiscation, as well as the criminal procedure involving perpetrators with mental disorders.

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

Participants in this training were: 15 judges (3 from the Appeal and 12 from the basic level of courts) 13 prosecutors (1 from the Office of the Chief State Prosecutor, 5 from SPRSK and 7 from the basic level) and 10 lawyers.



Training: Specialized Training Program – Domestic Violence

On 14 and 15 February 2023, in cooperation with UNDP, within the continuous training program a training was conducted on: “Domestic Violence”.

The purpose of this training was for judges, prosecutors and other relevant stakeholders to advance their knowledge regarding legal provisions on investigation and prosecution of domestic violence cases and their meritorious decision.

For two days in a row, challenges faced in practice have been addressed, both in the criminal and in civil aspect.

Special attention has been paid to the inadequate practice in terms of the description of the provision of the criminal offense of domestic violence, the failure to convincingly prove criminal offense of domestic violence. The shortcomings of some decisions in the contentious procedure were also highlighted due to the lack of clarity of the provision, which in the end result in a decision not suitable for enforcement.

From the joint discussions, some practical problems were eliminated that refer to bad practices of interrogating victims of domestic

violence, especially victims of psychological violence, proving domestic violence, clear description of actions of the domestic violence offenders, identification of domestic violence expressed through psychological violence.

Also, participants had the opportunity to become familiar with the digital platform LEXDOKS, which in the future will serve users to do legal research and have quick access to all documents of legislation and judicial practice of the Republic of Kosovo, making them electronically searchable, easily accessible and convenient.

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

Beneficiaries of this training were: 11 judges from Basic Courts, 7 prosecutors (1 from the Office of the Chief State Prosecutor and 6 other prosecutors from Basic Prosecutor's Offices), 1 official for the protection of victims as well as 1 official for social services.



Workshop on Drafting the Guideline on Confiscation



On February 15 and 16, 2023, in cooperation with the American Embassy/OPDAT, within the framework of continuous training, a workshop on Drafting of the Confiscation Guide was held.

The purpose of the workshop was to draft the Guidelines for confiscation according to the Criminal Code and the Code of Criminal Procedure of the Republic of Kosovo.

To begin with, the participants on this workshop, were mainly prosecutors who are also coordinators of the confiscation network and other relevant stakeholders, discussed the structure and content of the guide. Furthermore, they agreed that the guide should be as practical as possible and include all the

concrete stages that must be implemented in cases of confiscation in accordance with the new legal changes of the Criminal Code and the Code of Criminal Procedure.

Coordinated all together in working groups for two days, they worked on its drafting, which, once finalized, is recommended to be applied by all law enforcements.

During the workshop, the Academy of Justice confirms its commitment in providing training for seizure and confiscation, within which the implementation of the Guidelines on confiscation will be as an integral part. The workshop also discussed holding regular meetings with the coordinators of the confiscation network.

Participants in the workshop were the coordinators of the confiscation network of the Prosecutorial System, namely 8 prosecutors from all regions, 1 judge, 1 official of the Agency for Confiscation and Sequestration and 1 Counselor from the Prosecution Council of Kosovo.



Workshop: Justice versus protection of personal data.

On February 21, 2023, in cooperation with the Agency for Information and Privacy and EULEX, as part of the continuous training, a workshop was held on: "Justice versus protection of personal data.

The purpose of this workshop was to advance the knowledge of judges, prosecutors and other legal professionals regarding the Constitutional and legal framework on protection of personal data and its fair implementation in practice by all law enforcements.

During this workshop, the basic concepts of the Constitution of Kosovo and the Law on the Protection of Personal Data, the Standards built by the European Court for Human Rights were discussed; as well as, the role of the Agency and judicial protection.

During this workshop, concrete court cases and the role of the court in protection of personal data were discussed. Situations were highlighted, how judges, prosecutors, or the police should act in a proportional way, so as

not to damage investigations, respectively access to public documents and at the same time protect personal data. They also discussed certain cases which could eventually end up in court and the way the courts act in the face of such situations, namely the authorizations of the courts to provide protection in these cases.

The methodology of the workshop was of a combined character with theoretical explanations and interactive discussions, followed by practical cases.

Beneficiaries of this workshop were 1 judge, 3 prosecutors, 31 administrative staff of the courts and prosecutor's offices, which were mainly from the ranks of officials for information and media monitoring, heads of the office for case management, professional associates and other officials, 13 police officers as well as 3 others from the KJC, the Forensic Agency and the Ministry of Justice



Procedure by subject in reinstatement

On February 21, 2023, in the framework of continuous program, a training was carried out on: "Procedure according by subject in reinstatement".

The purpose of this training was to advance judges' knowledge of the procedure related to the cases returned to reinstatement-retrial.

During the training, important aspects of the procedure were addressed, starting from the Court Session; Administration of evidence and extraction of new evidence; Recommendations of the Court of Appeal and the Supreme Court; Elimination of remarks and violations as well as calculation of procedure costs.

It was also discussed that in case of overturning, namely the overturning of the first instance court decision, by the Court of Second Instance, the entire case file is returned to the same Court of First Instance for retrial. The case can also be dismissed by the Kosovo Supreme Court, as a court of third instance. When the case of the second instance court is overturned by the Supreme Court, this court returns all the documents of the case to the

same court of first instance for reinstatement-retrial, while when the Supreme Court of Kosovo annuls only the judgment of the Court of Appeal, then returns the case with its documents to the Court of Appeal of Kosovo for retrial and decision.

During this training, through practical cases, the dilemmas that refer to the procedure that must be developed by the court after the return of the cases for retrial, starting from the appointment of sessions, the invitations of the parties and other participants in the procedure, the taking of evidence and the serial decision for all contentious matters.

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

Beneficiaries of this training were 25 participants, of them 24 judges (1 from the Appeal and 23 others from the basic level of courts) as well as 1 prosecutor from the Basic Prosecution.



Training: Specialized Training Program-Organized Crime– Session I

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.

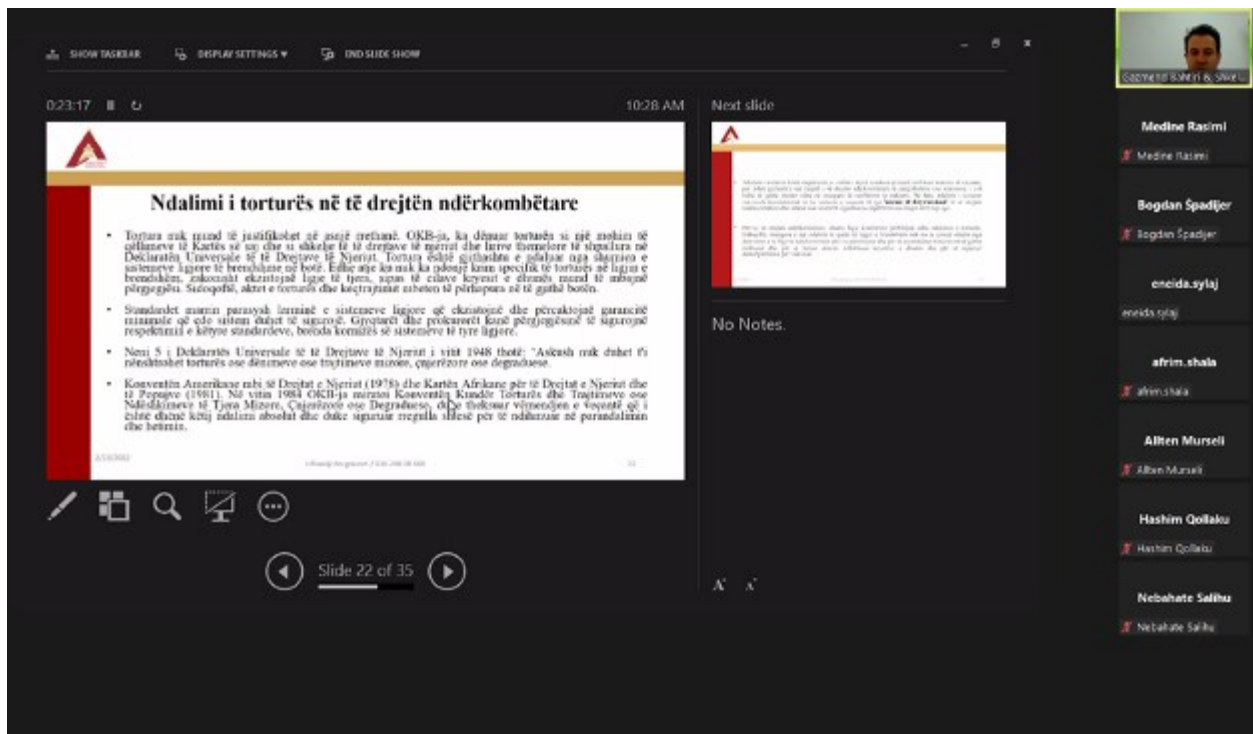
The training focused on addressing the key concepts of Article 3 of the ECHR. Special attention was also paid to the Istanbul Protocol and the international recognition of the Istanbul Protocol.

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.



"Judicial procedure in case of judgment on merits in the administrative conflict procedure"



On February 23, 2023, with the support of the German GIZ, in the framework of continuous program, a training was carried out on: "Judicial procedure in the case of merit judgment in the administrative conflict procedure".

The purpose of this training was to advance the knowledge of judges and state officials regarding the role and importance of the judicial procedure in the administrative conflict and the fair implementation of the legislation in force in the relevant procedure.

In the first part, the following were addressed: the legal provisions for the administrative conflict procedure, the object of the administrative conflict; the specifics of the main trial (Procedure of evidence, Evaluation of proposals for expertise from litigants, Assignment of expertise according to official duty). While in the second part, the importance of the decisions of the Department for Administrative Affairs of the Basic Court were discussed; and Fair application of the provisions of the administrative conflict procedure, apart from the procedure according to legal remedies.

During the training, the focus was on the problems, challenges and solutions, in case of the meritorious decision on issues in the administrative conflict procedure. After the debate, practical solutions based on the law were offered which will facilitate the work of the judges in the procedure when judging these cases. The training also focused on the procedure of initiating the administrative

conflict, the development of this procedure and its conclusion in the three judicial instances and how it is developed by the competent court against the final administrative decisions of the public bodies of the state government in Kosovo.

In the training, it was concluded that the Court decides in cases of administrative conflict based on the facts proven in the administrative procedure. If the court finds that the administrative conflict cannot be examined on the basis of the facts proven in the administrative procedure because, in view of the proven facts, there are contradictions in the acts, which essentially have not been fully proven, and since the proven facts have been are draws an unfair conclusion from the point of view of the factual situation, or finds that in the administrative procedure the rules of the procedure, which would be important for the resolution of the case, were not respected, the court will cancel the disputed administrative act with a judgment.

During the development of this training, the issues that have caused difficulties in the case of adjudication in the administrative conflict were identified, the same were addressed through explanations based on practical cases and concrete examples which are presented in court procedures. Through discussions and exchange of experiences, the main rules of this procedure according to the LKA were also discussed, but separately for the specifics contained in the procedure of judging the case on the merits. The training had a practical character accompanied by discussions, as well as an exchange of various opinions.

The officials of the participating institutions, during all the discussions, have asked questions and raised dilemmas encounter in their daily work and at the same time they have received clarifications and useful answers from the trainers.

Also, participating institutions expressed their opinions about the administrative procedure and the administrative conflict procedures,

This roundtable was attended by 10 participants, out of which 5 judges from the Department for

Administrative Affairs, the General Department and the Commercial Court, 4 inspectors and 1 legal officer from the Ministry of Environment and Spatial Planning (Inspector of Environment, Water, Nature, Spatial Planning and Construction).

Training: Mediation (Civil) Prishtina - Mitrovica Region

On February 28, 2023, in support of the USAID Program - Commercial Justice, implemented by DEXIS, in the framework of continuous program, a training was carried out on: "Mediation in Civil Aspects", for judges and mediators of the region of Pristina and Mitrovica.

The purpose of this training was to advance the knowledge of the participants regarding mediation in the civil aspect and its application in practice as an alternative method of dispute resolution in cases to meet the needs of the parties and at the same time reduce the number of cases accumulated in the court.

During this training, through practical cases, important aspects of the referral of cases in the mediation procedure, mandatory mediation, the procedure for approving or canceling mediation agreements, the mediation procedure, the mediation agreement as well as the mediator,

their role and responsibility were addressed.

The training participants from both regions had the opportunity to discuss some disputes that are suitable to be developed in the mediation procedure, as well as some of the other subjects for which mandatory mediation is provided. Special attention has been paid to the referral of cases to the mediation procedure, which is at the discretion of the judges, not ignoring the will of the parties in dispute and in accordance with the relevant legal provisions.

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

Beneficiaries of this training were 8 judges, 4 professional associates and 12 mediators from the region of Pristina and Mitrovica



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

Indictment and initial review

On February 28, 2023, within the framework of training for professional associates and legal officers of courts and prosecutor's offices, a training was carried out from the Basic Module - criminal procedural aspect on: "Indictment and initial hearing review".

The purpose of this training was to increase the professional capacities of professional associates in the correct drafting of indictments and the initial review in accordance with the legal provisions.

The training was initially focused on the local legal framework and the perspective of the ECHR regarding the indictment with an emphasis on the elements that should be taken into account when drafting the indictment, as the legal determination of the criminal offense, the evidence that should be presented and the reasoning.

Special attention has been paid to the cases when the indictment is filed without development of the investigation and the cases when the indictment is filed after the investigation has been conducted. In any case, it was emphasized that the prosecutor comes to the conclusion that the legal evidence he has provided create a well-founded suspicion that a criminal offense has been committed and the

perpetrator of that criminal offense is the defendant. Following, were presented cases of development of the special investigations where the indictment should contain the names of the judges who established the panel of the special investigative opportunity, the property if it is proposed by the court to be confiscated, the evidence on the basis of which the confiscation took place, proposal for detention, or even release from detention if the accused is in custody.

During the training, the aspect of the formal control of the indictment, the procedure for filing the indictment and the initial review, which must be scheduled within 30 days from the filing of the indictment, was also examined.

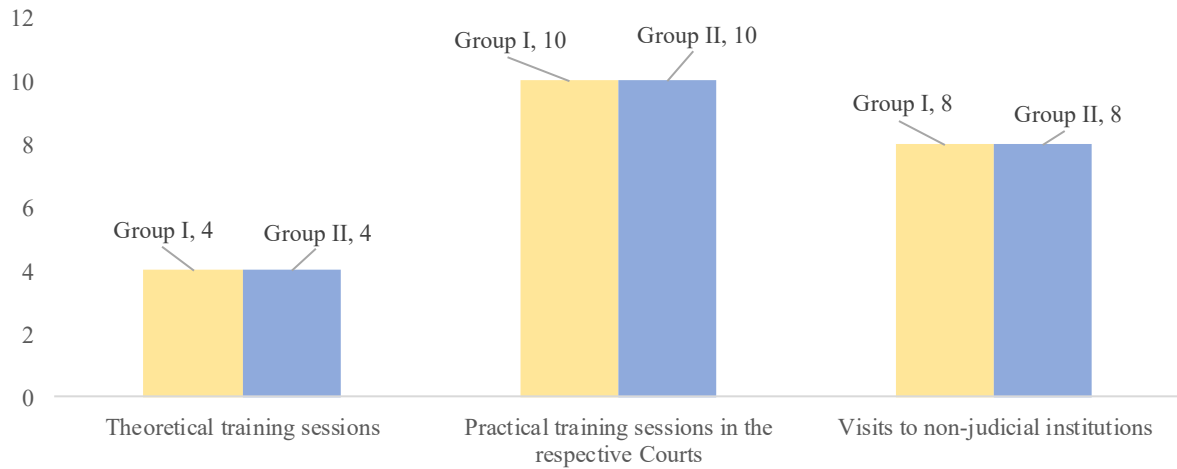
In the second part, the participants had the opportunity to draft the indictment based on the hypothetical cases provided to them, with the recommendations of the trainers, the drafting of the indictments and the appropriate legal proposals.

Beneficiaries of this training were 24 professional associates and legal officers from the court and prosecution offices of Kosovo. Of them, 4 were from the courts and 20 from the prosecutor's offices.

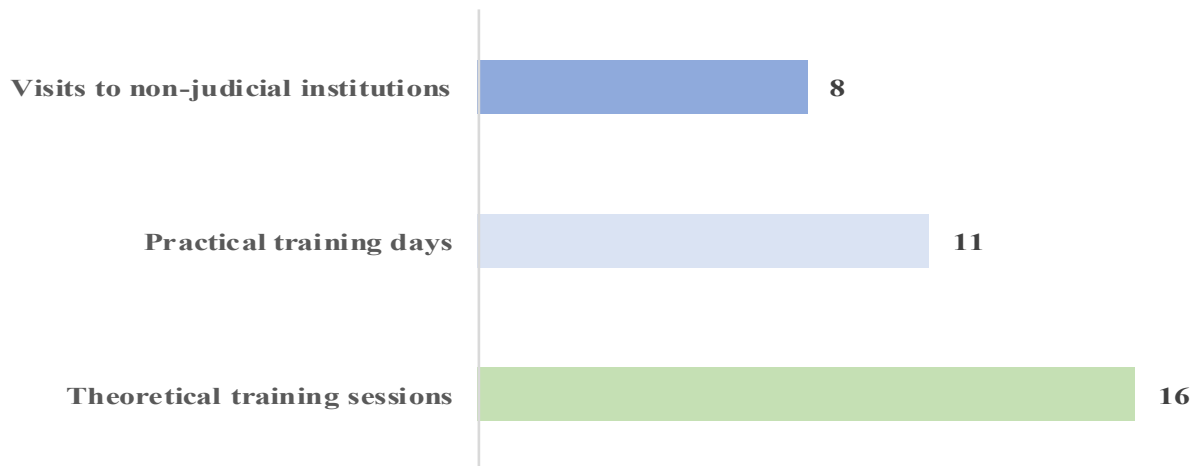


Attendance at trainings on PTF presented through graphs

Newly appointed judges (generation IX) No. of activities carried out February 2023

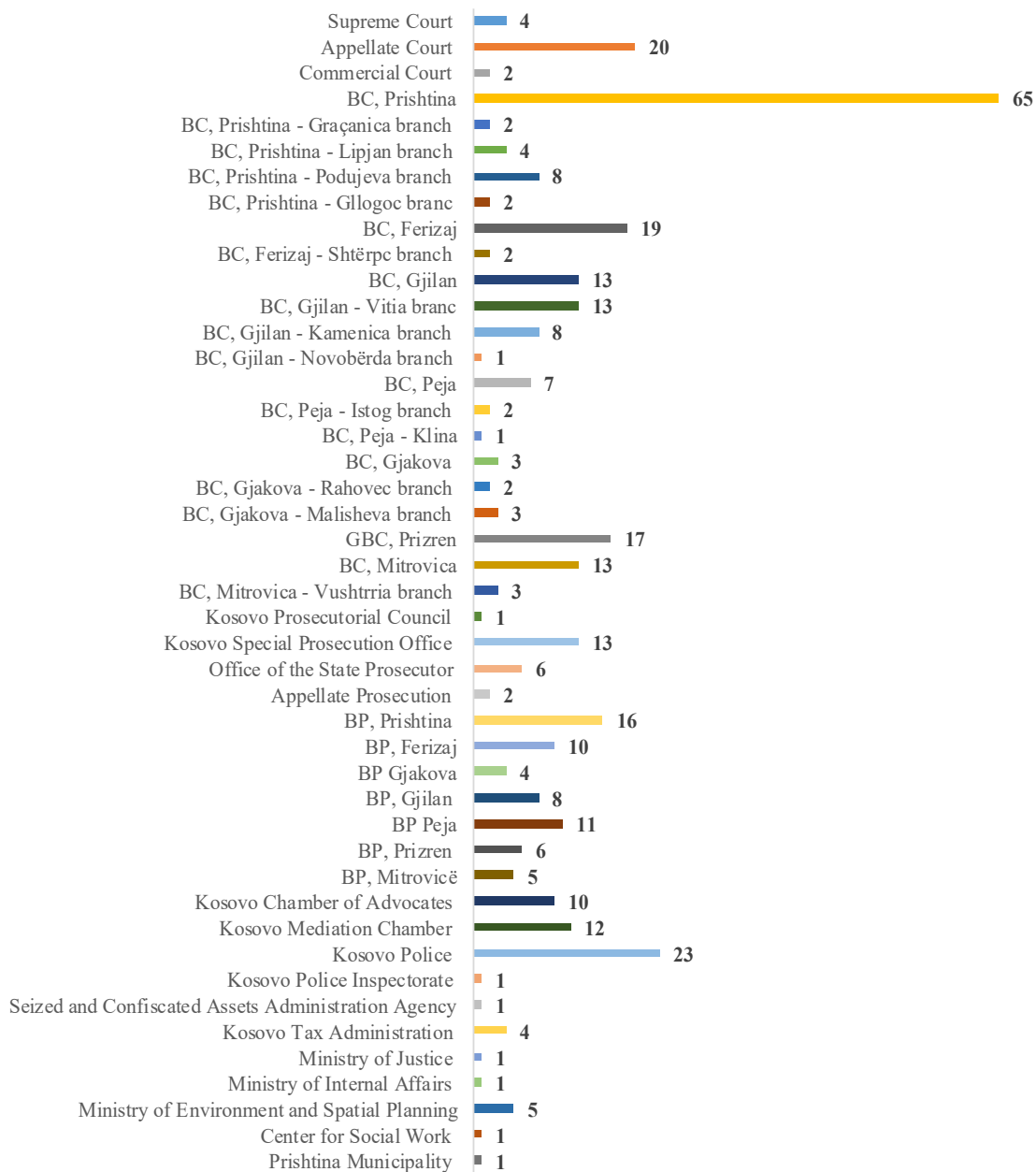


Newly appointed prosecutors (generation IX) -No. of the trainings carried out in September 2022



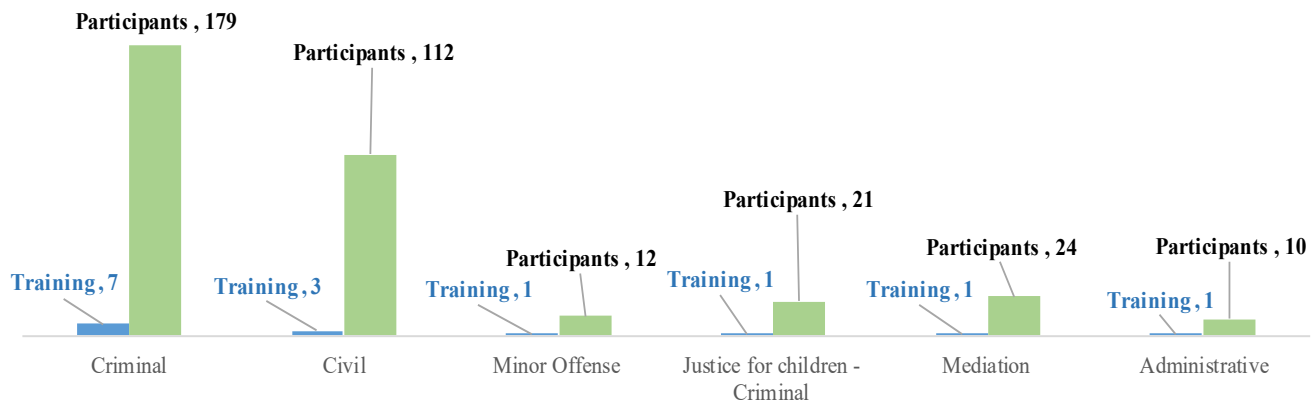
Attendance at trainings on PTV presented through graphs

Number of participation in training based on Institutions February 2023

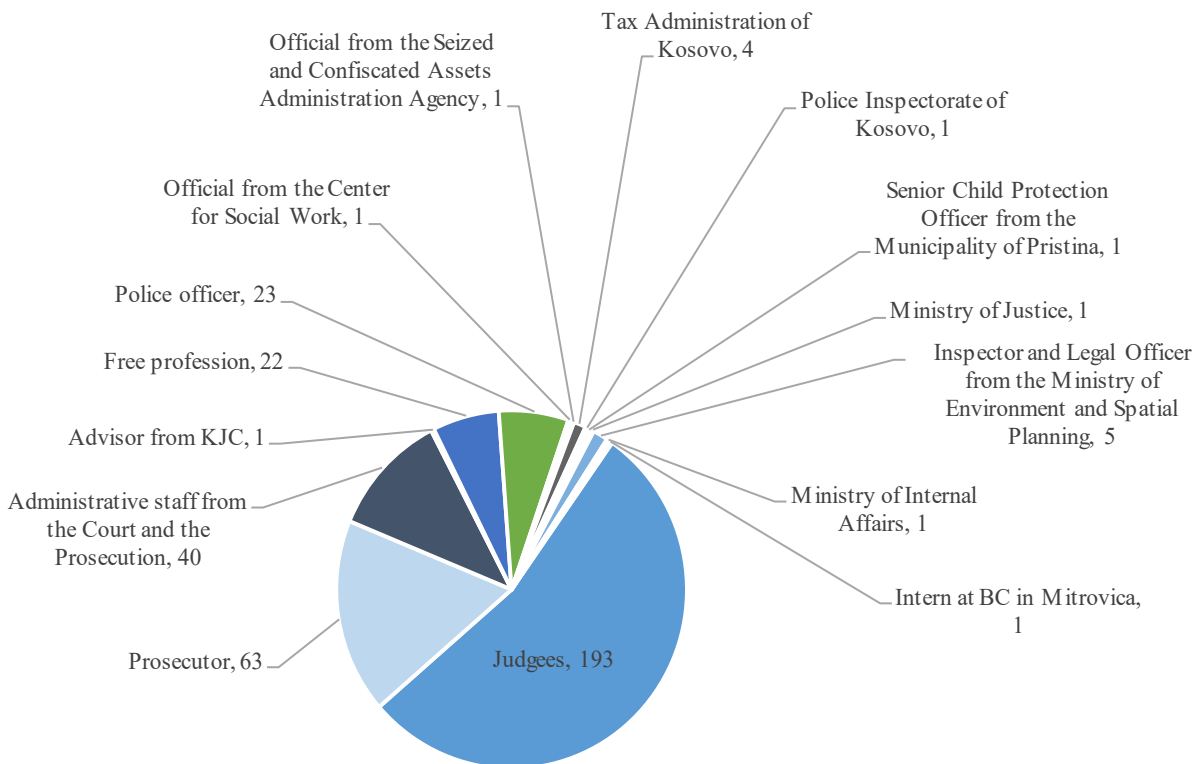


Attendance at trainings on PTV presented through graphs

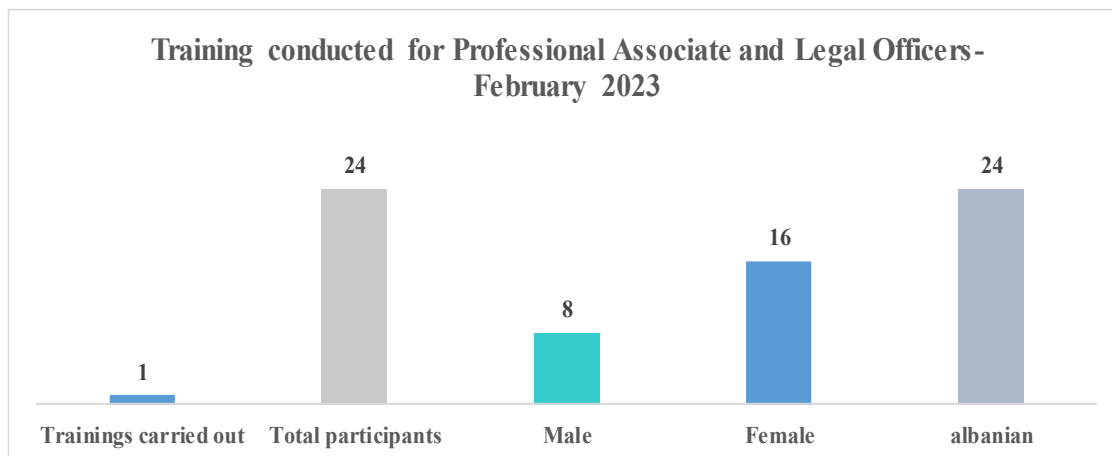
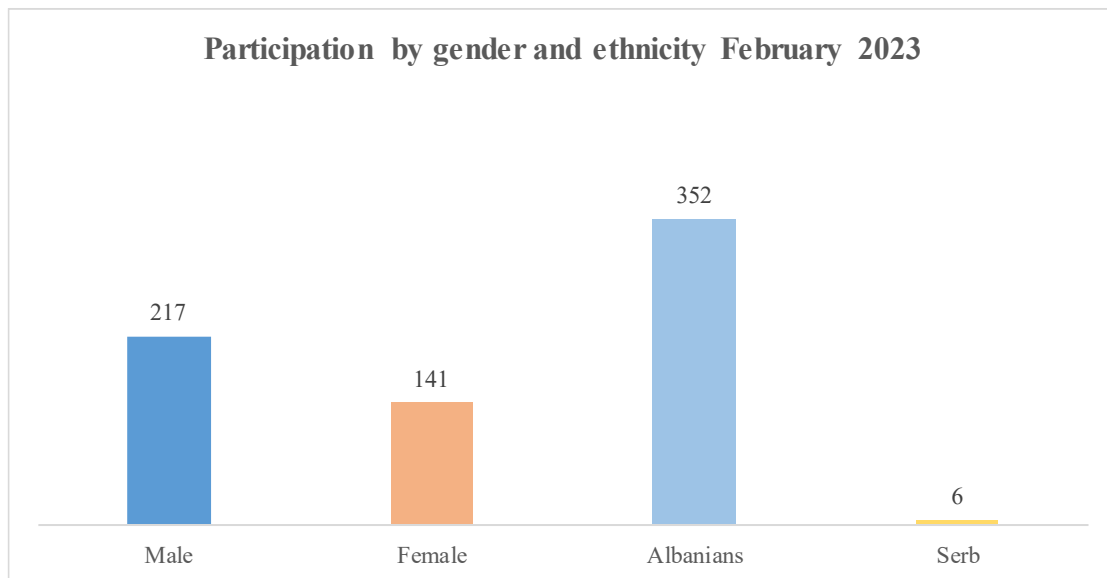
**Number of participations and trainings carried out according to the field
February 2023**



Number of participation in training implemented in February 2023



Attendance at trainings on PTV presented through graphs



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