



AKADEMIA E DREJTËSISË  
AKADEMIJA PRAVDE  
ACADEMY OF JUSTICE



# INITIAL TRAINING PROGRAM FOR JUDGES

Generation XV, 2026-2027

Pristina, 2026

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## **1. Introduction**

The role of a judge in society is one of the most important and sensitive, because it is directly related to the protection of the fundamental rights of citizens, the implementation of the law and the assurance of an independent and impartial justice. In order to exercise this duty with professionalism and integrity, continuous preparation and the building of a strong base of legal, ethical and practical knowledge are necessary.

The Academy of Justice, within the framework of its mandate, organizes this training for newly appointed judges and prosecutors, providing them with comprehensive preparation for the exercise of their functions.

The Initial Training Program (ITP) seeks to develop the professional capacities and practical skills of newly appointed judges. The ITP lasts 12 months and its structure is divided into two parts: the theoretical part includes lectures, discussions on court cases, simulations and other interactive forms and the practical part is carried out in the courts where they are appointed under the supervision of a mentor.

Initial training seeks to equip young judges with the basic skills required to exercise the judicial function: understanding the institutional role and responsibilities, knowledge of ethical standards and principles of impartiality, practical skills in managing court sessions and the use of legal reasoning and decision-making techniques. The knowledge acquired during this process is essential for the formation of an independent, impartial and efficient judge. The training is designed not only to provide theoretical knowledge, but also to help young judges develop practical skills and build a professional approach that strengthens public trust in justice.

The program dedicated to the fourteenth generation of judges (2026-2027) is structured in a comprehensive manner, starting with local and international legislation, drafting judicial decisions based on analysis of facts, application of ethical rules, development of judicial and social skills, development of organizational and management capacities and development of interdisciplinary skills. The program will be implemented using the methodology of conversation, discussions of cases from judicial practice and their selection by the newly appointed judges, trial simulations, and so on.

The implementation of the Program is supported by accompanying documents such as: training modules, training calendar, training schedule and presentation materials for specific topics.

This training program has been approved by the AJ Steering Council.

## **2. Main objectives of the training program**

Judicial training is essential in the functioning of a professional judicial and prosecutorial system. In particular, the training of newly appointed judges, or initial training as it is known in the terminology of judicial training, is considered to be very useful and necessary and is considered one of the key factors in guaranteeing the independence, impartiality and professional and ethical competence of the judiciary.

In the initial training program for 2026-2027, the main goals are:

- Providing an adequate training program for new judges, building on the existing knowledge of the beneficiaries;
- Creating a training program that reflects the competencies and duties in exercising the profession of a judge;
- Trainers/mentors should serve as facilitators in the teaching-learning process, considering the court as an educational institution;
- Informing about the work of other institutions of the justice system;
- Providing the opportunity for the beneficiary, by engaging in teamwork, to conduct research for their professional development and research in contribution to the overall development of the judicial and prosecutorial system.

## **3. Legal basis**

The Law on the Academy of Justice is the basic law for the organization of initial training. Other provisions that define and support initial training are also found in other laws that regulate the functioning of the judicial system.

In order to implement this training program in practice, the AJ, in addition to coordinating with the Kosovo Judicial Council, also issued internal rules.

For this purpose, the AJ is based on:

- Law on the Academy of Justice (No. 05/L-095)
- Law on Courts (Law No. 06/L - 054)
- Law No. 06/L-055 on the Kosovo Judicial Council
- Law on Amending and Supplementing Law No. 03/L-223 on the Kosovo Judicial Council (No. 05/L-094)
- Regulation on the Initial Training Program No. 01/2024
- Regulation No. 02/2019 - for Trainers and Mentors of the Academy of Justice
- Regulation No. 02/2024 - on Supplementing and Amending Regulation No. 01/2023 on Trainers and Mentors of the Academy of Justice
- AJ Work Plan for 2026 (approved by the AJ Steering Council on Decembar 19, 2025);

## **4. Methodology for designing the training program**

The drafting of this training program was developed based on several mechanisms such as: discussions with key representatives of the judicial system, judges, trainers and newly appointed judges of the previous generation. Also through evaluations of modules and trainers within the framework of theoretical training and evaluations of mentors within the framework of practical training.

Below are presented some of the steps taken to draft this program:

- Meetings with the Chairperson and members of the Kosovo Judicial Council;

- Meeting with the Presidents of the Courts, AJ trainers and judges in the initial training of the XII generation
- Conducting a workshop with the AJ Program Council and trainers
- Analyzing the legal structure in force;
- Practices of international training institutions, and so on

In the needs assessment process, the Academy reviewed all requests (if any) from the KJC for updating the program and in collaboration addressed all necessary changes.

## 5. Structure and content of the ITP

### 5.1 Qualification target

The general concept of the goals for professional qualification of participants in the ITP is:

- Fulfillment of general requirements for the function of a judge in Kosovo;
- Competencies (knowledge, skills and attitudes) necessary for successful professional performance as judges in the judicial system in Kosovo;
- Ability to cope with ever-changing demands and challenges;
- Ability to use and apply the competencies required directly at work (professional, methodological, social and personal), emphasis on social and personal competencies, independent reflection on judicial issues, consideration of alternative procedures, persuasive argumentation;
- Orientation to practical issues and awareness of the interconnection between legal, social and economic dimensions;
- Requirements for successful completion (self-organization and discipline, ability to cope with high workload);

### 5.2 Structure of the ITP

The initial training lasts twelve (12) months. The time limit set by law allows for the training to be intensive and the structure of the initial training program for the year 2026/2027, is divided into two parts. The first part includes theoretical training combined with case studies from judicial practice, simulations, etc., while the second part is practical training accompanied by training in non-judicial institutions related to the work of the judge and prosecutor. To determine the structure of initial training, we must first determine which competencies should be developed in newly appointed judges, namely we must know what qualities a judge should have.

For the development of competencies among training participants, AJ is based on the following scheme:

<i>Personal integrity and professional conduct</i>	<ul style="list-style-type: none"> <li>• <i>Independence and impartiality</i></li> <li>• <i>Self-confidence and authenticity</i></li> <li>• <i>Honest commitment to a fair trial</i></li> </ul>	<ul style="list-style-type: none"> <li>- <i>Is confident about the legal system and its quality;</i></li> <li>- <i>Represents the decision made;</i></li> <li>- <i>Shows individuality and resilience to the impact of one's own actions;</i></li> <li>- <i>Dare, when necessary, to go against prevailing views;</i></li> <li>- <i>He is clear about expectations, sets boundaries.</i></li> </ul>
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<i>Legal and judicial skills</i>	<ul style="list-style-type: none"> <li>• Determination, judicial decision-making</li> <li>• Obedience</li> <li>• Analytical skills and judgment</li> <li>• Responsibility for leadership,</li> <li>• Leading</li> </ul>	<ul style="list-style-type: none"> <li>- Makes decisions based on available data;</li> <li>- Acts decisively even when pressure increases.</li> <li>- Provides a clear and complete understanding of the decision-making structure and the process followed in drafting decisions;</li> <li>- Obtain the consent of the parties to the decision;</li> <li>- Gives full meaning to the formulated text;</li> <li>- Perceives opportunities to bring parties together and mediate in dispute resolution;</li> <li>- Processes and resolves a variety of data;</li> <li>- Systematically reviews and evaluates;</li> <li>- Asks questions based on understanding;</li> <li>- Discusses issues according to situations;</li> <li>- Uses logical thinking that leads to the creation of statements with clear and transparent reasoning;</li> <li>- Plans and organizes his/her work for the case;</li> <li>- Involves others in important topics;</li> <li>- Allows where possible others to add their expertise;</li> <li>- Organizes the work of employees as efficiently as possible;</li> <li>- Informs others about the progress of work;</li> <li>- Regulates procedures (content, quality and timeliness) if required.</li> </ul>
<i>Professional dedication</i>	<ul style="list-style-type: none"> <li>• Office management skills,</li> <li>• Ability to learn and self-reflect</li> <li>• Ability to collaborate</li> <li>• Flexibility and ability to handle workload</li> </ul>	<ul style="list-style-type: none"> <li>- Develops organizational and leadership capacities to chair questioning sessions and lead meetings.</li> <li>- Is open to feedback from others and committed to learning;</li> <li>- Is curious, actively seeks out new things and/or new situations;</li> <li>- Willing to participate in professional education and engaged in regular training, to increase professional capacities for local and international legislation,</li> <li>- Is open to collaboration with others;</li> <li>- Takes initiative and seizes the opportunity to share knowledge, support and consult with others to improve the quality and efficiency of justice;</li> <li>- Exchanges practices with institutions related to the work of courts and prosecutors' offices;</li> </ul>
<i>Social awareness</i>	<ul style="list-style-type: none"> <li>• Listening and communication</li> </ul>	<ul style="list-style-type: none"> <li>- Shows understanding of the situation of others and makes personal contact and has sensitivity to</li> </ul>

<ul style="list-style-type: none"> <li>• Suitability</li> <li>• Obedience</li> <li>• Awareness of the social environment</li> </ul>	<p style="margin-left: 20px;">motivation - active listening - gives the feeling to others that their contribution is acknowledged;</p> <ul style="list-style-type: none"> <li>- Adapts his/her approach when the situation changes or when it dictates, adapts to specific circumstances and different situations;</li> <li>- Provides a clear and complete understanding of the decision-making structure and the process followed in drafting decisions;</li> <li>- Gives full meaning to the formulated text;</li> <li>- Perceives opportunities to bring parties together and mediate in dispute resolution.</li> <li>- Has a penchant for social developments and shapes his/her own image within the framework of the law;</li> <li>- Seeks old, new and contradictory information, different perspectives that may influence the decision and procedure;</li> <li>- Shows awareness of the influence of different circumstances and parties;</li> <li>- Evaluates the impact of their role and position in the social context, takes this into account while maintaining distance;</li> <li>- Has knowledge about the socio-economic context in which the functions are practiced;</li> </ul>
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The ITP is conceptualized and framed as a professional qualification program, based on competence, modularized and workplace-oriented, which integrates theoretical and practical learning elements. It is specifically designed for the initial professional development of judges. It is a combination of practical and theoretical phases as well as instructional and self-learning ones.

### 5.3 Content of the ITP

The content of the initial training will focus on the development of professional competencies, ethical and interdisciplinary values of newly appointed judges with particular emphasis on :

- Building professional capacities for local and international legislation;
- Drafting judicial decisions based on analysis of facts;
- Application of ethical rules;
- Adapting to specific circumstances and situations while exercising the function of a judge
- Development of judicial skills;
- Development of social skills;
- Exchange of practices with institutions related to the work of courts and prosecutors' offices;
- Development of organizational and management capacities ;
- Development of interdisciplinary skills .

These competencies will be developed through modules that are attached as an annex to this program, practical training, programs in non-judicial institutions related to the work of courts and prosecutors, as well as practical work assigned by trainers or mentors.

### **5.3.1 Theoretical training part**

In this part, the training is conducted theoretically, combined with cases from judicial practice, based on training modules that include training from all branches of law and local positive laws, the Acquis Communautaire, the European Convention on Human Rights and other international acts.

The amount of working hours scheduled for each of the modules that will be carried out through combination with practical training is determined in function of:

- Content of the training module;
- The nature and difficulty of the module;
- Type of module and its importance for judicial/ prosecutorial practice;

In general, the training program of each module contains at least a certain number of training sessions carried out according to the work plan.

The training program, in addition to professional and interdisciplinary modules, also includes additional modules that will be delivered through the distance learning platform.

### **5.3.2 Practical training part**

The practical training part takes place in the courts. The training is carried out under the supervision of a mentor (judge), who is the supervisor for the implementation of the training program as defined in this program and the practical training manual, as well as for the evaluation of the beneficiary's performance during the training. The practical program includes issues from the professional aspect, communication rules, case management, ethics and other issues of a practical nature of interest to the beneficiary. The practical training program is implemented based on the "Regulation for Trainers and Mentors" as well as the "Regulation on the Initial Training" specifying the duties and responsibilities of mentors and beneficiaries during the implementation of the practical training. Mentors are also given ideas on how to expose beneficiaries to a wide range of topics that would prepare them to take on their official duties, after completing the initial training. The focus of the practical program lies on the importance of providing real practical experience for beneficiaries in developing their skills, starting from professional ones, legal writing, critical thinking, ethics, communication rules, case management and many others of a practical nature of interest to beneficiaries. At the end of this part of the training, the mentors make an assessment of the beneficiaries, which includes their overall performance during the training, the aspect of professional practical work, respect for the schedule, etc.

## **5.4 Training program in non-judicial institutions**

In addition to practical training in the courts, the newly appointed judges will also attend training in various judicial and non-judicial institutions whose work is related to their work. This will be enabled by the cooperation established between the AJ and these institutions.

The institutions in which the newly appointed judges will attend training are:

- Constitutional Court
- Ombudsperson

- Kosovo Police
- Correctional Service
- Probation Service
- Kosovo Customs
- Information and Privacy Agency
- Institute of Forensic Medicine

## **5.5 Trial simulations**

In addition to traditional training methods such as interactive discussions, practical case studies, the beneficiaries of the initial training will also be involved in trial simulations during the training. Trial simulation is carried out through the selection of cases from judicial practice by criminal/civil law with the inclusion of elements from other areas of law.

The purpose of the trial simulation is to enhance skills and abilities in expression, increase self-confidence, develop critical thinking and the ability to work in a team. Also, through trial simulation, participants can improve the way they analyze and reason about facts, develop the ability to listen and cooperate, better understand the judicial system, and advance their knowledge of the rules of evidence before the jury.

The training program plans to conduct a total of 13 simulations, 6 of which will be in the criminal field and 7 in the civil field.

## **6. Evaluation**

The process of evaluating the successful completion of the training program by newly appointed judges is determined by Regulation No. 1/2024 on Initial Training. This process is carried out, but is not limited to, through the training attendance report, the trainer report and the mentor report, which are summarized in a final report prepared by the AJ, which is sent to the KJC at the end of the training program.

Participant testing can be done according to this system:

- The final testing for the ITP consists of the results of each modular testing;
- Module testing can be implemented in various forms: written tests, verbal tests, written elaborations , presentations;
- A prerequisite for participation in the modular test is regular participation in the training.

Assessment during the theoretical training will be based on the above-mentioned scheme related to the development of competencies among the training participants based on the following scheme, while the entire process of evaluating the results of the training will be based on the criteria set out in the law and other normative acts for the evaluation of judges.

### **6.1 Example of trainer evaluation form**

This form is completed by the trainer to assess the practical work of training participants based on their assigned practical cases, in addition to their exam evaluations.

**Trainer's report on the results of the evaluation for completion of the training module**

<b>Name and surname of the judge/state prosecutor in the ITP:</b>			<b>Training Module:</b>		
<b>Identification of facts</b>	<b>Knowledge and application of the law</b>	<b>Analyzing the facts</b>	<b>Conclusion and reasoning</b>	<b>Language used</b>	<b>Overall rating</b>
Insufficient	Insufficient	Insufficient	Insufficient	Insufficient	Insufficient
Fairly	Fairly	Fairly	Fairly	Fairly	Fairly
Good	Good	Good	Good	Good	Good
Very good	Very good	Very good	Very good	Very good	Very good
Excellent	Excellent	Excellent	Excellent	Excellent	Excellent
<b>Trainer's comment and recommendations where the beneficiary needs improvement:</b>					

Date: \_\_\_/\_\_\_/\_\_\_

Trainer's Name & Signature \_\_\_\_\_

## 6.2 Mentor Evaluation Form

### I. PROFESSIONAL JUDICIAL CAPACITY (TECHNICAL AND ANALYTICAL COMPETENCES)

The professional skills criterion assesses the professional skills of the judge participating in the training in terms of legal knowledge and legal reasoning. They must have detailed knowledge of the law – substantive and procedural. They must be able to write judgments and indictments. They must use IT tools and manage information from different sources.

Analytical skills are necessary to determine relevant information in key documents, to propose/accept relevant evidence, and for proper legal reasoning and evaluation of evidence.

1. The judge participating in the training has knowledge of substantive law

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

2. The judge participating in the training has knowledge of procedural law

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

3. The judge participating in the training knows how to use the knowledge of procedural law in practice

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

4. The judge participating in the training has the ability to draft judgments, indictments, final judgments or any other judicial acts and to properly implement legal rules.

No competence					Has excellent competence				
1	2	3	4	5	6	7	8	9	10

5. The judge participating in the training has the ability to manage information from various sources such as databases, legislative collections and uses IT correctly.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

6. The participating judge in the training has the ability to prepare and conduct investigations and respectfully query witnesses, defendants, experts, and victims of crime.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

7. The judge participating in the training has the ability to lead hearings. *(This ability can be assessed in a trial)*

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

8. The judge participating in the training has the ability to conduct the debate, use clear, logical and understandable language, explain different points of view and take an adequate position. *(This ability can be assessed in a trial)*

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

9. The judge participating in the training is able to pay attention to the presentation of facts and legal arguments in order to make a reasonable decision. *(This skill can be assessed in a trial)*

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

10. The judge participating in the training has learned to analyze and summarize a matter/case or file.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

11. The judge participating in the training has the ability to harmonize the circumstances and procedural steps of a case.

No competence					Has excellent competence				
1	2	3	4	5	6	7	8	9	10

12. The judge participating in the training has the ability to formalize and explain the legal basis of a decision and to communicate clearly and appropriately.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

13. When taking statements or testimony from witnesses, the judge participating in the training uses clear, logical and understandable language.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

14. Judge participating in training demonstrates strategic investigation skills.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

15. The judge participating in the training is able to issue a judgment in accordance with the law and the Constitution.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

## II. ORGANIZATIONAL SKILLS (FUNCTIONAL AND ORGANIZATIONAL COMPETENCES)

The organizational skills criterion assesses the ability of the judge participating in the training to cope with the workload and to handle judicial or investigative procedures and the skills to administer judicial files. These skills refer to the understanding of different organizations (courts), the agenda and the efficient organization of work.

1. The participating judge in the training has understood the organization to which he/she is assigned during the mentoring with you.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

2. The judge participating in the training demonstrates work capacity and ability to resolve issues/cases in quantitative and qualitative terms.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

3. The participating judge of the training is able to organize his/her daily/weekly/monthly schedule effectively.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

4. The judge participating in the training has learned to give each task the time necessary to complete it.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

5. The judge participating in the training is able to analyze the statements and arguments raised by the parties according to applicable law and issue a decision within a reasonable time.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

6. The judge participating in the training is able to listen willingly and with an open mind.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

7. The judge participating in the training is able to change the way he/she works when needed and accept criticism.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

### III. ETHICS AND COMMITMENT TO PROFESSIONAL JUDICIAL VALUES

The criterion of ethics and commitment to professional values measures a judge's work ethic, integrity, and impartiality.

1. The judge participating in the training is able to distance himself/herself from his/her personal political, religious and philosophical opinions and from external pressure in the performance of his/her duties.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

2. The judge participating in the training is able to remain impartial, independent and objective throughout the entire time he/she exercises his/her duties.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

3. The judge participating in the training has the ability to manage the conflict situation and act in the most appropriate manner.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

4. The judge participating in the training is approachable and shows respect, courtesy and sensitivity towards the parties and other persons involved in the court/prosecutor's office (police, victims, witnesses, employees)

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

- The participating judge of the training is able to demonstrate ethics, sensitivity, humility or authority accordingly.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

#### IV. SOCIAL AND PERSONAL COMPETENCES

Social competencies include teamwork, active listening, sensitivity, respect in communication with different people with whom the judge will have to interact. Personal competencies consist of constitutional values that judges and prosecutors must adopt as ethical principles in their personal behavior.

- The judge participating in the training is able to work in a group (this competence is especially seen when the training participant is in the prosecutor's office or in court, you can focus on the relationship with you as a judge)

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

- The judge participating in the training interacts appropriately with other persons involved in the court/prosecutor's office (lawyers, defendants, victims, witnesses, police)

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

- The judge participating in the training listens actively and sensitively

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

- The judge participating in the training understands the consequences of his/her decisions for the persons involved.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

5. The judge participating in the training has the ability to speak in public clearly and easily. *(This ability can be assessed in a trial)*

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

6. The judge participating in the training has the ability to use logical reasoning and critical thinking in the exercise of his/her duties.

No competence					Excellent competence				
1	2	3	4	5	6	7	8	9	10

## 7. Training calendar and schedule

For the implementation of this program, a calendar of training activities will be drawn up for a period of 12 months. The initial training for this generation will be carried out in a combined form of (3) months of theoretical training at the Academy in the criminal field, followed by 3 months of practical training in court, the same structure continues with the civil field.

The training schedule and number of training sessions have been determined in close consultation with all relevant stakeholders.

The conditions for participation in training and absences during training are regulated by the Regulation on Initial Training.

## 8. Training modules of the 2026/2027 ITP for newly appointed judges of the XV generation

The initial training modules for newly appointed judges and the sessions for each module are as follows:

<b>Training Modules - Generation XV</b>				
<b>No.</b>	<b>Training curriculum</b>	<b>Training hours</b>	<b>Training module</b>	<b>No. of sessions</b>
<b>1.</b>	National and international legal order	60 hours	1.1 Constitutional justice in relation to the judicial and prosecutorial system	2
			1.2 International legal cooperation in criminal and civil matters, recognition and enforcement of foreign laws	4
			1.3 EU law	6
			1.4 European Convention on Human Rights	8
<b>2.</b>	Criminal Code of the Republic of Kosovo	90 hours	2.1 Criminal Code of Kosovo – General part	12
			2.2 Criminal Code of Kosovo – special part	12
			2.3 Cybercrime	2
			2.4 Punitive policy	4
<b>3.</b>	Criminal Procedure Code of the Republic of Kosovo	129 hours	3.1 Preliminary criminal proceedings	7
			3.2 Parties in criminal proceedings, powers and disqualification of the judge in criminal proceedings	3
			3.3 Witnesses and injured parties in criminal proceedings	2
			3.4 Initial hearing	4
			3.5 Judicial review	5
			3.6 Procedure according to legal remedies	3
			3.7 Form of submission of writs and calculation of deadlines	2
			3.8 Judgment and its types	3
			3.9 Criminal proceedings against perpetrators with mental disorders	4
			3.10 Special procedures under the CPCK	2

			3.11 Evidence in criminal proceedings	6
			3.12 Alternative procedures	2
<b>4.</b>	Civil, administrative and economic law	291 hours	Contested Procedure - part One	12
			Contested Procedure - part two	16
			4.3 Uncontested Procedure	8
			4.4 Enforcement Procedure	6
			4.5 Administrative Law	10
			4.6 Law of Obligations	9
			4.7 Commercial law	9
			4.8 Property Rights and Other Real Rights	9
			4.9 Inheritance Law	4
			4.10 Labor Law	6
			4.11 Family Law	8
<b>5.</b>	Personal and interdisciplinary skills	69 hours	5.1 Communication rules	2
			5.2 Professional ethics and disciplinary responsibility	4
			5.3 Case management and performance evaluation	3
			5.4 Reasoning of judicial decisions	8
			5.5 Increasing social skills for judges and stress management	2
			5.6 Administration and responsibilities of the judiciary	4
			<b>6.</b>	Legislation and complementary skills
6.2 Mediation in civil matters	2			
6.3 Law on Minor Offences	4			
6.4 Protection from discrimination	2			
6.5 Domestic violence	8			

## **8.1 National and international legal order**

### **8.1.1 Constitutional justice in relation to the judicial and prosecutorial system**

The Constitution as the supreme act in the hierarchy of legal acts, always serving as a guide for judges in cases where judges decide on the rights and freedoms of citizens. In this regard, the Constitutional Court, through its decisions, has created an important precedent regarding the constitutionality of laws and the implementation of constitutional norms in relation to the protection of individual rights and freedoms of citizens.

Therefore, this module will address the function of the Constitutional Court in the legal system of Kosovo, the competencies and role of the Constitutional Court in the legal system, including the interpretation of the Constitution and the protection of fundamental rights in the constitutional aspect. The appointment process and composition of the Constitutional Court will also be addressed, emphasizing the independence and professionalism of its members.

This module will also address the effects of the decisions of the Constitutional Court. It will analyze in detail how the decisions of the Constitutional Court are implemented in practice and how they affect the development of the legal and social system in Kosovo. It will also assess the importance of the impact of the decisions on the state structure and respect for the law, taking into account that the decisions of the Constitutional Court are binding on the judiciary and all persons and institutions in the Republic of Kosovo. Furthermore, it will analyze the circumstances when the Constitutional Court annuls the judicial decisions of regular courts and how the latter should act to implement them in the repeated trial of a given case.

This module will also address incidental review by regular courts. It will analyze the procedures and circumstances when a case may be brought before the Constitutional Court by regular courts in accordance with Article 113.8 of the Constitution of Kosovo. It will explain the role of regular courts in incidental review and their cooperation with the Constitutional Court to ensure the correct implementation of the constitution. This section will also analyze the authorization of regular courts to implement constitutional norms in accordance with Article 102.3 of the Constitution of Kosovo.

Addressing issues that are important for newly appointed judges from the mentioned topic will be done through partial theoretical explanation, linking to practical cases of the Constitutional Court. Judges will have the opportunity to discuss cases when the conditions for incidental control by regular courts are met when judges are not sure about the compatibility of the contested law with the Constitution. Also, through interactive discussions, the aim is to achieve a proactive approach of the participants.

**Duration: 2 training sessions (6 hours of training)**

### **8.1.2 International legal cooperation in criminal and civil matters, recognition and enforcement of foreign laws**

International legal cooperation is presented as a way to provide and receive international legal assistance between courts and other competent domestic and foreign authorities. This often presents a challenge when the court needs to request international legal assistance to request information or communicate through letters with persons living abroad and involved in judicial proceedings.

In this regard, international legal cooperation in criminal matters is presented as a necessity in these modern times since crime has transcended internal borders and has taken on an international dimension. In this increasingly interdependent world, no country can effectively combat crime without cooperation between states to prevent and detect crime. Therefore, the ability of states to assist each other quickly and efficiently is of great importance. Whereas, when talking about international legal cooperation in criminal matters, it is thought of any form of assistance requested or offered by another state, organization or institution, with the aim of supporting criminal proceedings in matters such as: (extradition, transfer of criminal proceedings from foreign states to the Republic of Kosovo, transfer of convicted persons from other states to the Republic of Kosovo, recognition and execution of foreign judgments in the Republic of Kosovo, local requests for mutual legal assistance addressed to another state and the appearance of witnesses, experts and defendants, etc.).

Whereas when it comes to international legal cooperation in civil matters, it only refers to the granting and receiving of international legal assistance in civil and commercial matters, excluding tax, customs or administrative matters, nor to those of state responsibility for actions or inactions in the exercise of state authority. Whereas the recognition and enforcement of

foreign judicial and arbitral decisions is regulated by the Law on Private International Law and does not fall within the scope of the law on international legal assistance in civil matters.

This topic, among other things, includes the procedure for international legal cooperation in civil matters for claims originating from the Republic of Kosovo, or from foreign states for Kosovo, the role of the court and the Department for International Legal Cooperation (DILC) within the Ministry of Justice in this procedure, jurisdiction based on the Law on International Legal Cooperation in Civil Matters, as well as international conventions that regulate the issue of international legal cooperation in civil matters, such as: the Lugano Convention , the Hague Convention, as well as some of the most important conventions that regulate the issue mentioned above.

Every day, more and more cases are being presented to the courts and prosecutor's office, ranging from the provision of minimal legal aid - various requests for taking witness statements or submitting documents/invitations or various rulings, to the extradition of wanted persons according to the request of the requesting state.

Then in civil cases, they are presented as - requests from foreign courts, or other competent foreign judicial authorities, for the service of judicial or extrajudicial documents to addressees in the Republic of Kosovo and from the courts of the Republic of Kosovo for the service of judicial or extrajudicial documents to addressees in foreign countries; requests from foreign courts, or other competent foreign judicial authorities, to the courts of the Republic of Kosovo for the taking of evidence, and requests from the courts of the Republic of Kosovo addressed to other competent foreign judicial authorities, for the taking of evidence abroad, and other requests from foreign courts, or other competent foreign judicial authorities, regarding the law of Kosovo or other forms of procedural support and equivalent requests from the courts of the Republic of Kosovo to other competent foreign judicial authorities.

Addressing the dilemmas in practice that are important for newly appointed judges from the mentioned topic will be done through a partial theoretical explanation of the basic notions contained in the legal provisions in force, both national and international, and their application through the practical treatment of communication by the court as a recipient and provider of international legal assistance.

**Duration: 4 training sessions (12 hours of training)**

### **8.1.3 European Union Law**

This module aims to address issues and provide knowledge to newly appointed judges of the Republic of Kosovo on the effect of European Union law. The focus will also be on the analysis of aspects of the implementation of the principles of EU law before EU membership with emphasis after the entry into force of the Stabilization and Association Agreement. How will the effect of EU law be analyzed after the entry into force of the Stabilization and Association Agreement.

The Republic of Kosovo, as a country of the European legal community, is currently in the phase of the European integration process where, in addition to adopting legislation with EU standards (*acquis Communautaire*) is paying attention to reforms in the judicial system, especially to the preparation of newly appointed judges with knowledge of European law and the procedures that take place in the relevant institutions of the European Union.

This module will address the integration processes (both in terms of deep integration and enlargement) and in more detail the origin of the EU; familiarization with the institutions of the European Union, their role and responsibility, the nature of the EU's competences; basic knowledge of EU law (the structure of the Treaty on European Union, the objectives and values

of the European Union), knowledge of the creation of EU law, the relationship of this law with national and international law, and judicial review procedures. It will also address the difficulties and dilemmas related to the interpretation of the effect of European law at the national level (direct and indirect effect) and the implementation of this law by the courts of the Republic of Kosovo after the entry into force of the Stabilization and Association Agreement.

Addressing the dilemmas in practice that are important for newly appointed judges from the mentioned topic will be done through an explanation of the institutions of the European Union, their role and responsibility, clarification of the competences of the EU; familiarization with EU law, and the relationship of this law with national and international law, as well as through the analysis of judicial review procedures, especially those that take place at the Court of Justice of the European Union (CJEU). In the development of this module, among the methods that will be used will be: partial theoretical explanations and cases from judicial practice; interactive discussions in separate groups, which will defend and argue different positions and analysis of judicial cases. It is also aimed at achieving an active participation of the participants, so that they too contribute to the realization of the objectives of the module. This module will address: The EU legal order, the instruments, characteristics and fundamental principles of EU law, the judicial organization of the EU, the Court of Justice of the EU and the role of national courts, cooperation between national courts and the Court of Justice of the European Union for preliminary rulings, and the protection of fundamental rights in Europe.

**Duration: 6 training sessions (18 training hours).**

#### **8.1.4 European Convention on Human Rights and Freedoms**

This module will address the European Convention on Human Rights (ECHR) adopted by the Council of Europe, as one of the most important international instruments in guaranteeing the civil and political rights of citizens, and which instrument represents a binding legal treaty for the Contracting Parties. It will also discuss the role and function of the European Court of Human Rights (ECHR), which has a key role in interpreting the rights and freedoms set out in this Convention and supervising the implementation of the Convention.

Despite the fact that the Republic of Kosovo is not yet a contracting party to this Convention, it has become an integral part of the legal order of Kosovo with Article 22 of the Constitution of the Republic of Kosovo, so that the fundamental rights and freedoms set out in the Convention are directly applicable in the Republic of Kosovo, while the interpretation of the fundamental rights and freedoms set out in the Constitution is carried out in accordance with the judicial decisions of the European Court of Human Rights.

Therefore, addressing the dilemmas in practice that are important for newly appointed judges from the mentioned topic will be done through the elaboration of the basic notions of rights and freedoms that stem from this Convention, the explanation of the legal effect of the ECHR in the legislation of Kosovo, the elaboration of the case law of the ECHR and the interpretations it made, with particular emphasis on: The right to liberty and security (Article 5); The right to a fair trial (Article 6); The right to respect for private and family life (Article 8); The right to freedom of expression, including issues related to the protection of journalists and the protection of whistleblowers (Article 10). Also, through interactive discussions in separate groups and the treatment of practical cases, participants will defend and argue their positions and will draft solutions to practical cases by taking as a reference the standards created by the ECHR through its decisions.

**Duration: 8 training sessions (24 hours of training).**

## **8.2 Criminal Code of the Republic of Kosovo**

### **8.2.1 Criminal Code – General Part**

The general part of the Criminal Code is the most important substantive criminal part. In this part, the provisions related to the basic principles of substantive criminal law will be treated and elaborated. On these premises, it is intended to understand and advance the skills of newly appointed judges for the application of the most favorable law, the meaning of the criminal offense and the forms of criminal liability, the causes of exclusion of criminal liability, the forms of criminal cooperation, the types of criminal sanctions that the criminal code determines and the method of their application in practice. Prescription as a very important institute, legal rehabilitation and the application of criminal legislation in terms of the scope of effect and the protection of the legal assets of the country. Simply put, the understanding and possibility of applying the provisions of the general part in practice by young judges would greatly facilitate the implementation of the special part of the criminal code as well as special criminal offenses in the legal system of the country. This training will focus on the aspect of interpreting these provisions, with the primary focus being the application of such provisions in practical work cases, and analyzing them in the context of the elements of the specific criminal offense that will be taken as a practical case. It will be aimed that the implementation of the general part of the Criminal Code be applied on a case-by-case basis that raises dilemmas related to the general provisions, so that newly appointed judges can best understand how to approach the application of this part of the Criminal Code in their work.

Of decisive importance will be the treatment of dilemmas that arise in the practice of forms of guilt that also attract criminal liability. Then the meaning of intent, negligence, knowledge, and intent that are in continuity with dilemmas in judicial practice, especially young judges who encounter them. Sanctions and the method of implementation, which reveal dilemmas for some of the sanctions whether the judge can impose some of the additional penalties without a proposal from the prosecutor. So this part will be implemented in the context of practice and problems encountered in practice. This part will include the most important provisions of the general part of the code as follows: Bases and limits of sanctions, criminal offenses and criminal liability, cooperation in committing criminal offenses, criminal sanctions - penalties and measures, rehabilitation and prescription, liability of legal persons and the bases and limits of liability of legal persons.

**Duration: 12 training sessions (36 hours of training)**

### **8.2.2 Criminal Code – Special Part**

Given the volume of criminal offenses contained in the special part of the Criminal Code of the Republic of Kosovo, during the training it will be aimed that the participants are informed, with the criminal offenses that have the greatest importance from the first moment when the newly appointed judges begin their work in the court, so the focus will be on the criminal offenses that fall within the competence of handling cases by the initial judges and with special emphasis on those offenses that are most frequent in practice but without overlooking the offenses that are not often committed in practice. During the training, the participants will be informed about several criminal offenses of several chapters separately, the elements of the criminal offenses as well as who can be the perpetrator of the criminal offenses. They will also be informed about which criminal offenses are committed intentionally and the cases when they are committed by negligence. They will also understand the distinguishing elements of the criminal offense of the qualified form in relation to the basic qualification of each offense that will be treated. It will be aimed that the construction of the approach is done through combined methods of the interpretative aspect and application in practical cases. The most

necessary clarifications of practical problems that consist of general problems in the application of norms, starting with understanding the specific elements of how they are fulfilled in each case with each offense that will be treated, by building the case in such a way as to reveal the dilemmas of practice at work in order to achieve an understanding of how to eliminate those dilemmas so that there is no unfair application of the specific norm that incriminates the specific criminal offense.

The special section will include several criminal offenses that are within the jurisdiction of initial judges, and will also focus on the offenses that most frequently occur in practice, such as the following: Criminal offenses against life and body, criminal offenses against human rights and freedoms, criminal offenses against employment rights, criminal offenses against sexual integrity, criminal offenses against marriage and family, criminal offenses against public health, criminal offenses against narcotics, criminal offenses against the economy, criminal offenses against property, criminal offenses against the environment, animals, plants and cultural objects, criminal offenses against the general safety of people and property, criminal offenses against weapons, criminal offenses against general safety in public traffic, criminal offenses against the administration of justice and administration, criminal offenses against public order and failure to declare assets and false declarations.

**Duration: 12 sessions, or 36 hours of training.**

### **8.2.3 Cybercrime**

With the increase in computer crimes and the use of electronic/digital devices by criminals in criminal acts, more and more data and evidence is found stored in electronic format. To cope with this changing environment, it is necessary to prepare judges in developing the skills to adjudicate cases of criminal offences related to cybercrime.

Experience suggests that in most cases, judges face difficulties in dealing with the new realities of the cyber world. For this reason, special efforts are required to build the capacity of judges to adjudicate cybercrime and utilize electronic evidence through training, networking and specialization.

This module is designed to equip judges with a basic level of knowledge regarding cybercrime and electronic evidence. The module will provide both practical and legal information regarding the topic and will focus on how these issues impact the daily work of judges.

Judges play an important role in trying individuals or groups who commit crimes. With the increasing number of crimes that have elements of cybercrime or electronic evidence within them, there is a growing need for judges to be properly trained and understand the nature of these crimes and also to be up to date with the legislation and international cooperation instruments available to deal with these issues.

This module will contain guidelines and instruments of international cooperation, which can be used when investigating cybercrime cases, including the 24/7 use of contact points, MLA, Judicial Cooperation Activity, Judicial Cooperation Platforms, etc.

This module will address electronic evidence, its securing and obtaining in accordance with the provisions of the Law on Preventing and Combating Cybercrime as well as the provisions of the Kosovo Criminal Procedure Code. Sources of electronic evidence on the internet, the challenges of obtaining evidence from another jurisdiction, and issues of admissibility of electronic evidence in judicial proceedings, in terms of its authenticity, accuracy, and completeness, will also be addressed.

**Duration: 2 training sessions or (6 hours of training).**

## 8.2.4 Punitive policy

The Guide to Sentencing Policy aims to enable the application of the methodology that the Supreme Court of Kosovo has determined to achieve a fair judicial decision when it comes to measuring the punishment of the accused who is found guilty of the criminal offense charged. Through this guide, judges will be able to apply and weigh the circumstances for measuring the punishment to achieve two main principles of criminal law that are also embodied in the framework of constitutional provisions such as fundamental human rights and freedoms. The first principle that will be implemented is the principle of legality, since by applying a standard methodology to aggravating and mitigating circumstances, every citizen will be equal before the law, without having the impact of the standard for applying one circumstance to one accused and another. The second principle that will be achieved will be the proportionality of the punishment in criminal law that is imposed on the accused when they are found guilty of the criminal offenses they are accused of, therefore, by having a standard methodology for applying the circumstances for measuring the punishment, which methodology is incorporated in the guidelines, the principle of proportionality of punishment in criminal law will also be implemented, which is also a fundamental human right incorporated in the Constitution of the Republic of Kosovo.

Through this module, the aim will be to clarify the application of the circumstances of sentencing, based on specific practical cases, so-called "Positive and Negative Cases", on which specific clarification will be incorporated according to the case as to what are the circumstances that justify such a sentence, how to justify them in order to be a satisfactory judicial decision for the parties but also for the general public, convincing each party that the court was maximally attentive to the circumstances that influenced such a sentence.

The dilemmas that have continuously accompanied the work of the young judges, but not only, have been whether there should be a starting point where mitigating and aggravating circumstances are then weighed, therefore, the aim will also be to clarify the application of the starting point for measuring the sentence. The application of aggravating circumstances and the non-duplication of the assessment of aggravating or mitigating circumstances will also be addressed, this would enable the young judges to eliminate doubts about the sustainable argument that such a sentence is proportional to the criminal offense but would also enable them to correctly apply the principle of legality, above all, the practical problems and dilemmas that currently dominate the judicial system in the implementation of the guidelines for penal policy, always in compliance with the principles of the purpose of sentences according to the Criminal Code of the Republic of Kosovo, will be addressed.

This module will address: Understanding the implementation of the guidelines, aggravating circumstances in sentencing, mitigating circumstances in sentencing, starting point for sentencing, possibility of applying a more lenient sentence according to the circumstances and specific case, non-duplication of the assessment of aggravating and mitigating circumstances.

**Duration: 4 training sessions (12 hours of training).**

## **8.3 Criminal Procedure Code of the Republic of Kosovo**

### **8.3.1 Preliminary criminal proceedings**

During the development of criminal proceedings, several pre-criminal actions of the bodies that proceed in the course of their activity are often carried out and which actions should have a legal basis in the provisions of the CPC. In order for these pre-criminal actions to be legal, it is necessary to have knowledge on the part of the pre-trial judge, and moreover, some actions are related to the granting of prior permission by the pre-trial judge.

According to the Code of Criminal Procedure [CCP], the pre-trial judge has an important role in the pre-trial criminal procedure. This judge in any case serves from the beginning of the criminal procedure until the stage of filing the indictment. Important at this stage of the criminal procedure is the fact that the judge aims to guarantee the development of a regular judicial process which may be due to the fact that we may have deprivation of liberty of persons who have not yet started criminal proceedings that may be in the stage of detention or arrest. The role of the pre-trial judge is also related to the rights of the injured party in the procedure and other aspects that are important for the future stages of the criminal procedure.

The pre-trial judge, during the investigation phase, is competent to decide on measures to ensure the presence of the defendant in the criminal procedure, to order the search of the person, thing and objects, to order covert investigation measures, to develop the extraordinary possibility of investigation, to order the seizure, freezing and temporary measures on property, as well as to order expertise which are within the exclusive competence of the court.

Therefore, addressing this topic is of particular importance, also considering that at this stage of the criminal procedure, errors may occur on the part of the bodies dealing with their handling, so the judge has a role as a guarantor and controller that the procedure is being conducted in accordance with the provisions of the CPC.

This module will cover: Preliminary proceedings and the judge's powers in this procedure, search of persons, objects and temporary seizure, special investigative measures in criminal proceedings, summons, arrest warrant, promise of the defendant not to leave his/her place of residence, prohibition of approaching a person or place and bail, house arrest and detention. Also, a trial simulation will be conducted within the framework of this module.

**Duration: 7 training sessions (21 hours of training).**

### **8.3.2 Parties in criminal proceedings, competence and disqualification of the judge in criminal proceedings**

This module will address the provisions that apply throughout all phases of criminal proceedings. The focus will be on treating these provisions in a general context, supported by practical case examples that illustrate their application, as well as the role of the parties involved in criminal proceedings. The court's competencies will be interpreted in relation to the balance between procedural efficiency and the legitimacy and legality of judicial decisions, ensuring that the outcome is both lawful and legitimate. The section on the disqualification of judges and prosecutors will enable participants to gain a clear understanding of both mandatory and optional exclusions from an ongoing judicial case. It will also clarify the circumstances that may lead to disqualification, the procedure for exclusion, and the safeguards that protect

the integrity of the process in such cases. Furthermore, it will explore the ethical and integrity implications for judges in situations involving potential disqualification.

A concise and accurate interpretation will be provided regarding when a deviation from procedural principles may occur, under what circumstances, and for what reasons. It will also address the stages and methods of reviewing competence and how the process should be conducted. Furthermore, the circumstances that lead to disqualification and how such circumstances should be presented in order to preserve the integrity of the judicial process before the public, as well as to avoid any impropriety on the part of the judge, will be discussed. Particular emphasis will be placed on addressing, in the context of existing dilemmas, the optional circumstances that may cause disqualification and the appropriate manner of action in such cases.

This module will cover: the powers of the court and the disqualification of the judge in criminal proceedings, the state prosecutor and the defendant and the defense attorney in criminal proceedings, the injured party in criminal proceedings and mandatory defense with lawyers.

**Duration: 3 training sessions (9 hours of training).**

### **8.3.3 Witnesses and injured parties in criminal proceedings**

One of the important pieces of evidence that serves to fully and fairly establish a factual situation in a criminal case is the testimony of the witness and the injured party in their capacity as a witness. Also, a very important issue in criminal proceedings is the treatment of witnesses and injured parties who need protection due to the threat of serious danger to that witness or his family, and in these cases there is a need to take action by all institutions involved in the criminal procedure, such as: the police, the prosecution and the court.

Through this module, participants are expected to learn about the types of witnesses, the difference between them, the protection and methods of interviewing witnesses, the preparation of minutes for interviewing witnesses, and cases when witness testimony is considered inadmissible evidence in criminal proceedings. Special attention will be paid to witnesses exempted from testifying and privileged witnesses. Witnesses exempted from the obligation to testify will be treated separately, as well as cases where a witness cannot be questioned due to being treated as a privileged witness. The cooperative witness, his status as a cooperative witness, the agreement with the cooperative witness and its content, as well as special protection measures for the cooperative witness and his family will also be addressed. A part of this module will also be devoted to the injured party, who may not only be a party to the proceedings but also a witness.

**Duration: 2 training sessions (6 hours of training).**

### **8.3.4 Evidence in criminal proceedings**

The process of evidence occupies a central place in criminal proceedings. This process in itself encompasses a series of issues that then determine the entire criminal case and its essence. During criminal proceedings, the parties may present their evidence, which the court administers in an open and transparent process, through which it aims to establish the disputed facts of decisive importance on which the outcome of a specific case depends. In principle, the parties have the right, up to a certain stage of the proceedings, to present their evidence before the court, in order to establish the facts that they consider to be most important for the process. In addition to the parties, the court may also produce and examine evidence ex officio or at the proposal of the parties until the trial. In this training, the focus will be on the process of

evidence, evidence and its type, means of evidence, taking evidence in preliminary proceedings, as well as the general rules for the administration and assessment of their provability, legality and admissibility. The content of this sub-module will focus on: Source of evidence, classification of evidence; taking and securing evidence, legality of evidence, and admissibility of evidence. In this module, a trial simulation will be conducted.

**Duration: 6 training sessions (18 hours of training).**

### **8.3.5 Initial hearing**

After the indictment is filed, the single trial judge or presiding judge must schedule the initial hearing, at which point, after the indictment is read, the defendant is given the opportunity to plead guilty or not guilty. If the defendant pleads guilty, the single trial judge or presiding judge has three options: to proceed with sentencing the defendant; to schedule a hearing to determine any facts relevant to sentencing; or to suspend sentencing until the defendant has cooperated with the state prosecutor. If the defendant does not plead guilty or if the single trial judge or the presiding judge of the trial panel rejects the plea of guilty by a ruling, then during the initial hearing, the single trial judge or the presiding judge of the trial panel has two options: to schedule a second hearing no earlier than thirty days after the initial hearing and no later than forty days after the initial hearing or to request only the submission of objections (requests) by the specified date which cannot be later than thirty days from the initial hearing. These and many other issues related to the initial hearing and the second hearing, as well as to the objection of evidence and the request to dismiss the indictment, will be the subject of treatment during this sub-module. Also, while addressing these topics, newly appointed judges will have the opportunity to analyze many situations that may arise during their work related to the preliminary examination of the indictment, how the judge should act in cases where the indictment contains significant deficiencies, how to act in cases where a decision is made regarding the admission of guilt or not and other issues related to the second hearing, including the decision regarding the objection of evidence and the request for the dismissal of the indictment. This module will examine the following topics: Initial hearing, sentencing hearing, objection of evidence and the request for the dismissal of the indictment. In this module, a trial simulation is planned.

**Duration: 4 training sessions (12 hours of training).**

### **8.3.6 Judicial review**

The trial is considered the most important phase of the criminal procedure, where the entire trial activity is summarized in: the beginning of the trial and the statement of the accused, the presentation (presentation) of evidence and the closing arguments of the parties.

However, it should be noted that if the accused pleads guilty, then after the start of the trial and the accused's statement, the parties immediately proceed to the final statement. In order for the trial to proceed successfully and without obstacles, it is necessary for the sole trial judge or the presiding judge to make certain preparations in advance. These preparations relate to both the scheduling of the trial and other preparatory matters. The sole trial judge or the presiding judge conducts the trial, ensures a comprehensive and fair examination of the case in accordance with the administration of evidence, as provided for in the CPC, and decides on the parties' proposals. These and many other issues related to the trial will be addressed during this module. In particular, newly appointed judges will have the opportunity to address all issues that may arise during their judicial practice and that relate to the preparation of the trial, the publicity of the trial, the conduct of the trial, the prerequisites for holding the trial, the postponement, interruption and deadlines for the completion of the trial, the minutes of the trial, the course of

the trial, etc. This module will cover: Preparations for the trial, publicity for the trial, conduct of the trial, reading of the indictment and statement of the accused, the course of the trial, as well as the minutes of the trial and the session for consultation and voting. This module is intended to conduct a trial simulation.

**Duration: 5 training sessions (15 hours of training).**

### **8.3.7 Procedure under legal remedies**

Given that the Criminal Procedure Code addresses regular and extraordinary legal remedies, and since the module is designed for junior judges, we consider that regular legal remedies will be addressed essentially in this module, while extraordinary remedies will be addressed only when they relate to decisions that junior judges need in relation to their work.

The focus will be on the appeal or objection in criminal proceedings. The substantive elements of legal remedies in accordance with the provisions of criminal procedure will also be addressed in order to know precisely from a practical aspect what such legal remedies should contain in their essence, but also taking into account the form, since the procedural aspect in essence also requires the formal aspect.

The approach to this module will be built around the basic categorizations of legal remedies, namely, Appeals and Objections, the legal bases and reasons for raising these remedies, the methods of decision-making and who has the authority to decide.

This module will aim to eliminate dilemmas by highlighting the content of decisions and judgments that potentially have grounds to be challenged, i.e. by interweaving the practical aspect of judgments or rulings and the legal remedies that would potentially challenge such a judicial decision. It will give importance to some aspects of the competence to decide, such as the basis from Article 98, paragraph 5 of the Code of Criminal Procedure, which in a certain form creates ambiguity of competences, it will also interpret the legal basis for challenging decisions when the decision alleges that constitutional rights have been violated, i.e. what categorization of rights should be considered, then the meaning of the different deadlines for appealing against the decision. It will also address some aspects of the dilemmas related to extraordinary legal remedies, which must be decided by the court of first instance referred to in Article 434. It will aim to address the dilemmas related to the establishment of the review panel or the investigation and monitoring panel, respectively by the court of second instance. This module will address: Regular legal remedies, grounds for appeal and extraordinary legal remedies.

**Duration: 3 training sessions (9 hours of training).**

### **8.3.8 Form of submission of writs and calculation of deadlines**

This module will aim to help newly appointed judges understand the role and importance of submitting writs and calculating deadlines under the Criminal Procedure Code. It will be explained which submissions (Indictments, proposals for prosecution, prosecutors' decisions, legal remedies and other statements and notifications) must be understandable and contain everything necessary to be able to act on them, as well as the calculation of deadlines. Special importance will be given to the fact that the court summons the submitter of an incomprehensible submission or one that does not contain what is necessary to be able to act on its basis, to correct or supplement the submission, and if he does not do so within the specified deadline, the court rejects the submission, warning him in the summons for correction and about the consequences of the inaction of the submitter of the submissions.

The approach to this module will be structured in such a way that newly appointed judges will be ready to identify these shortcomings at the moment they begin their work as judges, as well

as the calculation and observance of deadlines. All of this will be achieved by relying on procedural provisions that will be based on practical cases, where newly appointed judges will be directly engaged through practical cases in order for deadlines to be calculated correctly, since the deadlines provided for in this Code cannot be extended or changed unless provided for by law.

**Duration: 2 training sessions (6 hours of training) .**

### **8.3.9 Judgment and its types**

This module will aim to help newly appointed judges understand the role and importance of a judgment based on the standards required by the Criminal Procedure Code. It will explain the types of judgments, the substantive parts of the judgment, and the technical aspects.

Also of particular importance will be the construction of the judgment depending on its type, so that it has a stable and clear structure for each person, and especially the importance of including the material and procedural aspects of the criminal case in the judgment, as well as being understandable and with a logical and chronological flow. This module will address the specifics of the conviction judgment, the acquittal judgment and the rejection judgment and the legal bases for supporting these types of judgments.

The approach to this module will be structured in such a way that newly appointed judges are ready to construct the judgment with all its parts at the moment of starting their work as judges, and this will be achieved by relying on the procedural and material provisions where it will be achieved on the basis of practical cases. The focus will remain on the aspect of the operative part, being aware of the fact that there are many judgments in practice that have fundamental flaws in the most substantive part of the judgment, which is the judgment enactment clause. The aspects of the content of the reasoning in relation to the enacting clause will also be addressed in order to fulfill the legal requirement for the content of the judgment and at the same time to respond within the judgment to the claims of the parties in the process, the manner of legal solutions that the case should have found.

Also, in every criminal procedure initiated and concluded against the defendant, regardless of the form in which it will be concluded, the same decision will also have to decide on the costs of the criminal procedure and related to the legal property claim. Therefore, this module will address the conviction, acquittal and rejection judgments and the costs of the criminal procedure and the legal property claim.

**Duration: 3 training sessions (9 hours of training).**

### **8.3.10 Criminal procedure of perpetrators with mental disorders**

Criminal proceedings involving perpetrators with mental disorders are a special procedure under the Criminal Procedure Code of Kosovo. This special criminal procedure applies in cases where the perpetrator of the criminal offense at the time of the commission suffered from mental disorders of a permanent or temporary nature, which resulted in a substantial reduction in his mental capacity, or complete incapacity (irresponsibility).

Also, this type of procedure is applied in cases where the perpetrator of the criminal offense, mental disorders, temporary or permanent mental illnesses have appeared during the development of the criminal procedure or during the trial. It is important to note that as in the regular criminal procedure, the general principles of justice must also be applied to this special procedure, which are also guaranteed by the Criminal Procedure Code of Kosovo. In a word, this criminal procedure differs from the regular procedure in its content, the manner of initiating the criminal procedure, the development of the procedure, its conclusion, as well as

the final judicial decisions. Therefore, this module will focus on: Psychiatric examination, mental incapacity and reduced capacity, decision on incapacity to stand trial, detention for persons with mental disorders, type of compulsory treatment measures, criminal procedure and imposition of compulsory treatment measures, and monitoring the implementation of psychiatric treatment measures. In this module, a trial simulation will be conducted.

**Duration: 4 training sessions (12 hours of training).**

### **8.3.11 Special procedures under the CPCK**

Special procedures under the Criminal Procedure Code differ from regular procedures in criminal proceedings, therefore, as such, they require additional attention for professionals who apply these procedures, especially for newly appointed judges. This module will address procedures against persons who have committed criminal offenses under the influence of alcohol or drugs, procedures for revoking alternative sentences and procedures for expunging a sentence from the record and a punitive order and judicial warning.

**Duration: 2 training sessions (6 hours of training).**

### **8.3.12 Alternative procedures**

Chapter XIV of the CPC regulates some of the alternative procedures for resolving criminal cases. These procedures regulate the aspect of action when applying these alternative procedures, and their characteristic is that they are based on the principle of opportunity and exclude the principle of legality.

Alternative procedures are important due to the fact that they are provided for by contemporary legislation and, when resolved, enable the parties to the procedure to be directly involved in their application and thus avoid lengthy procedures through regular court proceedings.

The treatment of this topic for novice judges will be very useful during their work, since through the application of alternative procedures the productivity of their performance will increase and it will also be useful for the parties in the procedure in order to resolve their cases in the fastest possible time. Although the involvement of judges in alternative procedures is in the later stages, judges nevertheless have an important role in making final decisions regarding the agreements of the parties in the procedure and which role will be addressed through the training sessions that are planned to be held. A special focus of the training will be the importance of the application of alternative procedures and the role of the judge in the application of the mediation procedure and the plea agreement. This module will address: Diversion and mediation and the plea bargaining agreement.

**Duration: 2 training sessions (6 hours of training).**

## **8.4 Civil, administrative and economic law**

### **8.4.1 Contested Procedure - first part**

Civil Procedure is part of positive law and as such includes all legal rules according to which the protection and realization of subjective civil rights related to civil-legal relations is carried out. In this sense, within the framework of the initial program, civil procedure, respectively the modules on civil procedure, are an important part of the curriculum for the development and enhancement of capacities and generally judicial skills of young judges. This module is designed to present the way in which the provisions of the Law on Contested Procedure should be implemented in judicial practice. Therefore, an important part are practical cases which are supported by a genuine and unique judicial practice. This module is presented by continuously referring to judicial practice regarding the challenges of the unique implementation of the Law on Contested Procedure, as a guarantee of the legality of the judicial process and the advancement of standards for a fair trial and within a reasonable time. The module is designed to be developed in an interactive environment of discussions and practical exercises, and also includes two separate sessions on judicial practice and implies that the trainer should present the selected practice for all the issues discussed previously, thanks to careful research and supported by relevant material from the practice of the highest level courts. The module will address: Principles of contested procedure , general reviews regarding competence, general reviews regarding competence, regular composition of the court and the exclusion of the judge, parties to the contested procedure , submissions and sending of documents, hearings, deadlines and return to the previous state, termination of the procedure by court decision, types of judgments according to the LCP, regular means of impact, extraordinary means of impact, and judicial practice on cases from the contested procedure . As part of the module, a simulation of the hearing will also be carried out that refers to the evidence tool - the document.

**Duration: 12 training sessions (36 training hours)**

### **8.4.2 Contested procedure - second part**

The civil procedure module – part two is an important part of the curriculum for the development and enhancement of capacities and generally judicial skills of young judges. The contested procedure – part two, contains legal provisions that regulate the issues of the course of the procedure in the court of first instance, starting from the filing of the lawsuit in court, co-litigation, the participation of a third person in the dispute - procedure, preparatory and judicial reconciliation sessions, main hearing sessions, etc. This module is presented by constantly referring to judicial practice regarding the challenges of the unique implementation of the Law on Contested Procedure, as a guarantee of the legality of the judicial process and the advancement of standards for a fair trial and in a reasonable time. An important part of addressing the challenges is also the individual confrontation of the participants with tasks/examples (practical cases that also include the factual situation of the case) requiring the presentation of their views in an analytical process on the factual and legal basis of the case. The topics that will be covered in this module are: Filing a lawsuit in the court of first instance, preliminary examination of the lawsuit and response to the lawsuit, co-litigation and participation of third parties in the trial, preparatory hearing and court settlement, main hearing, evidence and taking of evidence, witnesses, experts and parties, securing the claim, interruption and termination of the contested procedure , special contested procedures , as well as three trial simulations, one referring to the evidentiary tool - examination at the scene of the crime and the evidentiary tool - expertise, as well as preparatory hearings and the main hearing.

**Duration : 16 training sessions (48 hours of training).**

### **8.4.3 Non-contested procedure**

Non-Contested Procedure is part of positive law and as such includes all legal rules that regulate the structure of the non-contestable procedure, the position and role of the subjects in the non-contestable procedure, their procedural activities and the mutual relations between them. The connection between the non-contestable procedure and the contested procedure is great because the non-contestable procedure uses the provisions of the contested procedure but also instructs that in some cases the issues from the non-contestable procedure are transferred/initiated in the contested procedure. In this logic, the non-contestable procedure module is part of a whole that constitutes the civil procedure and as such is presented as necessary content for the initial program. In addition, the Non-Contested Procedure contains numerous types of procedures, both statutory and property ones, and consequently contains many specifics that are addressed within this sub-module.

This module will address the non-contested procedure and general reviews, the removal and restoration of the capacity to act and the declaration of the disappearance or death of a person and the proof of death, the placement and detention of the mentally ill in a health institution, the continuation and termination of parental rights - removal and restoration of parental rights, the expropriation procedure. Within the framework of this module, a trial simulation will be carried out - judicial procedure for establishing adoption.

**Duration: 8 training sessions (24 hours of training).**

### **8.4.4 Enforcement procedure**

The enforcement procedure is a procedure that guarantees the involuntary implementation of enforcement according to court decisions and other executive titles, therefore the number of enforcement cases is extremely large, which in itself justifies the need to include this sub-module in the curriculum of the initial program for newly appointed judges. The module contains the most essential issues of the enforcement procedure both for cases when the procedure is initiated by a private enforcement agent and for cases when the procedure is initiated by the court, without excluding issues related to the implementation of enforcement as well as the procedure according to the means of impact. This module is designed to present the way in which the provisions of the Law on Enforcement Procedure should be implemented in practice, therefore an important part of this module are practical cases which are supported by a genuine and unique enforcement practice. The “Enforcement Procedure” module is presented by constantly referring to practice regarding the challenges of the unique implementation of the Law on Enforcement Procedure, as a guarantee of the legality of the enforcement process for the rights of creditors and the protection of the debtor against erroneous actions for the implementation of enforcement. This module is designed to be developed in an interactive environment of discussions and practical exercises. This module will address: Initiation of the enforcement procedure, competence and decisions of the enforcement body, legal bases for the appointment of enforcement, means, object and implementation of enforcement and legal remedies in the enforcement procedure, return of workers to work and the procedure for receiving and delivering children, enforcement through a bank account, unification of acts and the enforcement procedure based on the document - mortgage contract.

**Duration: 6 training sessions (18 hours of training).**

#### 8.4.5 Administrative law

This module will include the General Administrative Procedure as well as the Administrative Conflict Procedure, which separately mean the following:

The law of administrative procedure is defined as a set of provisions that regulate the activity of administrative bodies, other state bodies and organizations that exercise public authority, when in administrative matters directly by implementing the provisions, they decide on the rights and obligations of individuals or legal entities and other parties. It follows that these provisions regulate the form of activity of administrative bodies regarding the issuance of administrative acts. The Law on General Administrative Procedure contains not only the fundamental principles but also legal institutions and procedural legal rules that ensure the legality and objectivity of work and decision-making, the protection of the subjective rights of the parties and inspires the rationalization and economization of the procedure and at the same time prevents the arbitrariness of the administrative body that conducts this procedure. Administrative Conflict - is a judicial procedure that is led by the judiciary, including three levels of courts, and at the same time, in addition to reviewing the legality of decisions of administrative bodies, which procedure develops through lawsuits that are filed by dissatisfied parties against a final decision in an administrative procedure, at the same time it is a procedure that also serves as an instrument for controlling the work of administrative bodies during the decision-making regarding the requests of the parties during the review of the request and until the decision is made, where in this procedure the legality of administrative acts is also assessed, which also gives the importance of the special institution of Administrative Conflict, as a guarantee in the realization of the rights and interests of citizens in a special procedure and by an independent judicial body and judicial procedure. This module will address all the dilemmas that we as judges have encountered during our many years of work in cases resolved in practice, such as those related to the general administrative procedure that takes place before the administrative body as well as the procedure that takes place in court in an administrative conflict. It will also examine and possibly clarify any dilemmas raised by judges during the training sessions.

This module will address: the initiation of administrative proceedings until the issuance of the administrative act, the administrative act and legal remedies, the initiation of an administrative conflict, the preliminary procedure in the administrative conflict and the main hearing session, the judgment and legal remedies in the administrative conflict, the administrative proceedings until the issuance of the decision, legal remedies, the execution of administrative acts, types of judgments and rulings, judicial procedure in cases of tax, customs and procurement disputes.

**Duration: 10 training sessions (30 hours of training).**

#### 8.4.6 Law on Obligations

This module has been given due importance due to the large volume of civil legal relations that are the subject of regulation by the Law on Obligations, but also because in judicial practice, according to statistics, a relatively large number of court cases are precisely from this field. The topics included in this module refer to the material sources of the law of obligations as the basis for the creation of contractual and non-contractual civil legal relations, as well as the legal effects, i.e. the legal consequences that derive from these civil legal relations. This module addresses in a concise manner all the basic issues that are included/regulated in the Law on Obligations, paying special attention to the judicial practice that exists for cases that may have the Law on Obligations as a basis. The presentation of the topics will be done through the presentation of one or several practical cases directly related to the topic that should be addressed in the relevant session. To present the case, the trainer should consider the factual

and legal aspects of the case, pose some questions/dilemmas on which the discussion will take place and the topic will be consumed. This module covers: general considerations from the law of obligations, contracts and cancellations, bases of liability, categories of damages and interest, prescription, unjust enrichment, extension of foreign affairs without order and unilateral expression of will, real and personal means for securing the execution of claims, contracts with usury and excessive damages, interest and contracts for gift and perpetual possession.

**Duration: 9 sessions (27 hours of training).**

#### **8.4.7 Commercial law**

This module elaborates on the subject of Economic Law, which primarily encompasses what is commonly referred to as Commercial Law, including the legal status of economic entities. It represents a complex branch of law that governs the legal position of economic actors and their business activities within the market. Kosovo's pursuit of rapid and sustainable economic development has underscored the need for a stronger legal framework in this area. Consequently, the institutions of the Republic of Kosovo, in coordination with relevant stakeholders and international partners, have undertaken a series of initiatives aimed at developing and implementing economic legislation that supports sustainable growth. Despite the adoption of appropriate legislation, challenges persist in its practical implementation—both for enterprises and business professionals, as well as for legal practitioners and the judiciary. As a result of these ongoing efforts, a broad range of commercial and economic laws are currently applied in Kosovo. In addition to domestic legislation published in the Official Gazette of the Republic of Kosovo, several key international instruments are also applicable in this field, including: the United Nations Convention on Contracts for the International Sale of Goods (CISG); the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards; the Paris Convention for the Protection of Industrial Property (1883) under the auspices of the World Intellectual Property Organization (WIPO); the TRIPS Agreement (World Trade Organization); and other relevant international instruments with which legal professionals in this field must be familiar. The Economic Law module aims to strengthen the professional capacities of judges in this domain. It will be delivered through interactive teaching methods designed to actively engage participants, thereby enhancing the practical application of legal knowledge and developing analytical reasoning skills. In addition to general theoretical instruction, the module will include the discussion of practical case studies to explore the specifics of complex issues and methods for their resolution. This module will cover the following topics: commercial companies; contracts in business transactions; banking and insurance law; credit contracts; insurance contracts, compensation for damage and recourse; construction contracts; the effects of contract termination; intellectual property rights—including copyright and trademarks; bankruptcy; and alternative dispute resolution, with a focus on arbitration.

**Duration: 9 training sessions (27 hours of training).**

#### **8.4.8 Property and other real rights**

Property issues in our country are a complex area and involve a wide range of issues, ranging from legal and judicial challenges to the courts' dealings with these issues. The importance of property relations for citizens and the state, as well as the complexity and challenges that this area presents, make this module treated with seriousness and depth in the curriculum of the initial legal education program. Understanding property rights and judicial practices related to them is essential, especially considering that the right to property is one of the fundamental

human rights according to the Constitution of the Republic of Kosovo and the ECHR. Court decisions in this area have a direct impact on respecting human rights and maintaining social peace. The module includes a case law that is essential to clarify not only the concepts on the central institutions of property rights, but also to understand more deeply the ways of judges and to analyze the existing case law regarding unclear issues, dilemmas or legal shortcomings. This module deals with general considerations from civil law, general considerations from property law, co-ownership and joint ownership, ways of acquiring property, judicial protection of property rights, real rights in foreign objects, confirmation, constitution and termination of real easements and protection of real easements, possession and its protection, pledge, mortgage, and real lien, and acquisition of ownership in construction, neighboring law and construction law. This module is designed to develop an interactive environment, which includes discussions and practical exercises, to help judges understand and analyze these complex and important topics of property law.

**Duration: 9 training sessions or 27 hours of training.**

#### **8.4.9 Right of inheritance**

The “Inheritance Law” module includes the most essential issues within the framework of inheritance law, which includes the entirety of legal provisions regulating inheritance relations related to the transfer of property from the testator to other persons called heirs. In 2019, several changes were made to the Law on Inheritance regarding the competence of the body to review inheritance, but at the same time, judicial practice has recognized its development in the treatment of cases from inheritance relations, which will also be treated within the framework of this module. Inheritance issues have their own complexity both as a procedure for reviewing inheritance but also as a right that faces its denial in everyday life. The legal consequences of issues in inheritance relationships in many cases must be determined by a court decision, which requires dedication and professionalism at a high level to be handled by the court, therefore this sub-module has its own importance as part of the curriculum of the initial program.

The module will serve as a good basis for providing knowledge to young judges who in their work will face issues different from inheritance relations, it also relies on the legal concepts of regulating inheritance law, being enriched with the standards of judicial practice for issues of this nature, which are extremely important in relation to cases of denial of inheritance, infringement of the necessary part, etc.

The topics included in this module are a careful selection of the most important and current issues. The case law that should be part of this module is an irreplaceable source not only to clarify the way in which legal provisions are implemented but also to recognize the standards developed in this field. This module will address: Inheritance by law and inheritance orders, inheritance by will, the indispensable share, infringement of the indispensable share, unworthiness and exclusion from inheritance, and the transfer of hereditary property to heirs.

**Duration: 4 training sessions (12 hours of training).**

#### **8.4.10 Labor law**

Labor relations have experienced significant developments and changes both in terms of law and judicial practice, while the number of court cases is extremely high, which dictates the need for this module to be part of the curriculum in the initial program. The module will serve as a good basis for providing knowledge to young judges who will face various issues from labor relations in their work. This module relies on the legal concepts of regulating labor relations, being enriched with the standards of judicial practice on issues of this nature. This

module addresses in a concise manner all the basic issues that are included/regulated in the Labor Law and the Law on Civil Servants, as well as some issues from the protection and compensation of damage at work, it will also focus on the issue of competence for judicial protection, taking into account whether the employee is a civil servant or employed under the labor law. The case law that should be part of this module is an irreplaceable source not only to clarify the manner of implementing legal provisions but also to recognize the standards developed in this field.

In its content, this module will include: Establishment of the employment relationship (Labor Law - LP, and the Law on Civil Service LSHC), disputes arising from the employment relationship under the Labor Law, disputes arising from the employment relationship under the Law on Civil Servants, protection at work, and compensation for damage caused at work and handling of cases from judicial practice.

**Duration: 6 training sessions (18 hours of training).**

#### **8.4.11 Family law**

Family rights as a whole are governed by the *Family Law of Kosovo*, which underwent several amendments in 2019 concerning the method of calculating the contribution of spouses. At the same time, judicial practice has evolved in addressing cases arising from marital and family relationships, which are also examined within the framework of this module.

Family matters are usually sensitive and require a high level of commitment and professionalism to be handled by the court, therefore this module has its own importance as part of the initial program curriculum.

The module will serve as a good basis for providing knowledge to young judges who, in their work, will face various issues related to marital and family relationships.

Within the framework of this module, the issue of domestic violence is also addressed with all its complexity and specificity as an issue of special importance and care. The judicial practice that should be part of this module is an irreplaceable source not only to clarify the manner of implementation of legal provisions but also to recognize the standards developed in this field. The addressing of each issue/topic summarized in this module should also be done through a brief (theoretical) presentation of the other notions and meanings of each issue raised and at the same time should be followed by examples for each topic/issue.

The examples should be carefully selected and should be based on consolidated judicial practice. This module will address: Family law, sources of family law, gender and types of gender, marital law, dissolution of marriage, divorce procedure, maintenance obligation and parental rights, special forms of protection of children without parental care, opposition and confirmation of maternity or paternity, property relations between spouses and the amendment of a final decision regarding the trust of children, contact and financial maintenance. Within the framework of this module, a trial simulation will be carried out with an emphasis on hearing the parties as a means of evidence. **Duration: 8 sessions (21 hours of training).**

### **8.5 Personal and interdisciplinary skills**

#### **8.5.1 Improving social skills and stress management**

The interdisciplinary modules included in the Initial Training Program provide newly appointed judges with the opportunity to become familiar with key concepts, categories, and essential information from the fields of social sciences and psychology. The purpose of this module is to enhance the social skills of judges and equip them with fundamental psychosocial

knowledge—an important component in shaping the profile of the modern judge. In addition to possessing extensive professional knowledge and experience in the field of justice, judges who acquire this interdisciplinary understanding are better prepared to perform their duties with greater quality, sensitivity, and efficiency.

Special emphasis will be placed on time management as a prerequisite for effective stress management, the promotion of health and well-being, and the improvement of both the quality of work and personal life. The module will also address internal communication practices, as well as communication between judges, the parties, and the public.

Time management is an essential predisposition for stress management among judges, a group of professionals who often face high pressures and tight deadlines.

By using effective time management techniques, such as prioritizing, task planning, and delegating responsibilities, judges can significantly reduce their workload and better control their workflows. This not only helps prevent feelings of overload and stress, but also ensures a more balanced and consistent approach to decision-making, increasing efficiency and improving the quality of their work. Time management practices are essential for maintaining work-life balance, a key factor in maintaining the mental health and well-being of judges. Protecting the health and improving the quality of work and life of judges is essential for the fair and efficient functioning of the justice system.

This includes ensuring a healthy, high-quality work environment, where stress is effectively managed and where the needs for work-life balance are respected. The inclusion of professional development and continuing education programs are key to supporting judges in their daily tasks. Furthermore, creating an organizational culture that promotes well-being and a healthy work-life balance will contribute to improving their professional performance and the quality of the decisions they make. This module addresses topics such as: individual motivation and the social environment, time management as a predisposition to advancing professional performance, motivation, stress and physical health, social psychology and criminality, psychosocial sources of criminality, and criminality as a social phenomenon.

**Duration: 2 training sessions (6 hours of training).**

### **8.5.2 Professional Ethics and Disciplinary Responsibility**

A judge is expected to uphold important constitutional values towards the creation of an institutional environment that will improve citizens' trust in the Kosovo judicial system. In this sense, the “Professional Ethics” module is an important part of the initial program and aims to raise the level of caution of new judges towards behaviors that may damage the image of the judge and the integrity of the judiciary as a whole.

The Code of Ethics and Professional Conduct for Judges, adopted by the Kosovo Judicial Council, is intended to be a commitment to professionalism, not a plan for punishment. The Code also serves as an acknowledgment of the great responsibility that accompanies public service in the Kosovo judicial system. Strict adherence to the Code of Ethics is a demonstration of the highest level of professionalism. This is especially true in countries like Kosovo, where the Code of Ethics reflects fundamental principles of civil rights. If a judge understands the purposes and requirements of the code of ethics, that knowledge will help him or her avoid disciplinary risks, otherwise judges may face disciplinary proceedings.

The “Professional Ethics” module is presented by constantly referring to the established practice regarding the implementation of the Code of Ethics and Professional Conduct for Judges, as a guarantee for objective, professional and reliable judicial processes and also a guarantee for the overall integrity of the judicial system. An important basis of this sub-module

are also the training concepts built over the years and the international expertise that exists regarding ethics in general. This module is designed to be developed in an interactive environment of discussions and practical exercises. The trainer should be prepared and open to discussing the case/cases related to the topic of the respective session by encouraging interactive and analytical discussion of the respective issue, but at the same time offering the perspective built over the years regarding Professional Ethics. An important part of addressing the challenges is also the individual confrontation of the participants with tasks/examples (practical cases including the factual situation of the case) by requesting the presentation of views regarding ethical dilemmas that may exist. Content: Code of Professional Ethics for Judges, principles of the Code of Professional Ethics for Judges, disciplinary liability - violations and disciplinary measures, and disciplinary procedure for judges.

**Duration: 4 training sessions (12 hours of training).**

### **8.5.3 Case management and performance evaluation**

Management is a planned process of activities to achieve certain goals in the relevant field. From this simple definition, it is clear how important this process is for courts in general and for judges in particular. Courts exist to provide fair and speedy solutions to the parties to the proceedings. Therefore, the most central function of the court is the management of the cases before it. The modern theory of case management is that judges, together with support staff, should actively monitor and control the movement of pending cases in the court.

To approach and address these dilemmas in practice, the newly appointed judges, in addition to presenting materials, discussions, and case presentations from judicial practice, will also be divided into groups to discuss hypothetical cases, expressing their opinions on their solution in practice. This module will address: The importance and principles of case flow management, the purpose of the work of the courts and the basic methods in case management, as well as the control of postponement, leadership and performance measures in the courts, and the evaluation of the performance of judges and the Commission for the evaluation of the performance of judges.

**Duration: 3 training sessions (9 hours of training)**

### **8.5.4 Communication Rules**

Ethical and social skills are essential attributes of every individual. The rapid socio-economic, technical, and technological development of modern society has been accompanied by the standardization of communication—sometimes preserving national, ethnic, cultural, and subcultural nuances, and at other times harmonizing them through institutionalized norms, particularly in the fields of technology, information technology, and law. The legal profession, and especially the role of the judge, both in Kosovo and internationally, requires the cultivation of refined, consistent, and normatively grounded professional communication—both within the court institution itself and externally with other institutional structures and the wider public.

Beyond adequate professional and academic preparation, the education and development of the modern judge also necessarily involve training in communication and interpersonal skills. These competencies are indispensable for maintaining judicial integrity, professionalism, and effective interaction within and outside the courtroom. This module will focus on communication skills within internal rules, i.e. the development of internal communication skills by learning and mastering the internal rules of communication within the court institution itself in the vertical subordinating and horizontal cooperative lines and the development of external communication skills, namely communication with other structures, institutions and

public opinion as a whole. This module will address: The basis of communication, and its types, the features of verbal and non-verbal communication, the differences and connections between verbal and non-verbal communication, interpersonal, personal and impersonal communication, listening and speaking, active listening skills, problems in interpersonal communication and the rules of good communication. Internal communication rules, as well as communication with the parties and the public, are an integral part of the role of judges in the justice system. At the internal level, judges must follow clear communication protocols that respect the confidentiality and integrity of judicial cases.

**Duration: 2 training sessions (6 hours of training).**

### **8.5.5 Reasoning of judicial decisions (in criminal and civil matters)**

Reasoning of judicial decisions is one of the most important issues in judicial decision-making, through which judges provide arguments in a concise manner as to why they have decided in a certain way, against several alternative options. In addition to the methodological aspect, reasoning of a judicial decision is also a legal, constitutional obligation and a relevant aspect of the right to a fair trial set out in Article 6 of the ECHR. The ongoing case-law of the ECtHR reflects a principle related to the good administration of justice, that judicial decisions must sufficiently indicate the reasons on which they are based (*Papon v. France*). Reasoning of decisions aims to show the parties that they have been heard and, in this way, to help make the decision more acceptable to them. In addition, it obliges the judge to base his reasoning on objective arguments and preserves the rights of the defense. However, the extent of the duty to state reasons for a decision may vary depending on the nature of the latter and must be analyzed in light of the circumstances of the case (*Ruiz Toria v. Spain*, § 29).

Within the framework of this module, the rules and methodologies on how to write a judicial decision, how to properly argue and analyze it, etc. will be addressed. Sufficient explanation of the standards on the right to a reasoned judicial decision, and the obligation of the courts to provide sufficient and substantial reasons for the decision. The structure of judicial decisions, and the methodologies for drafting judicial decisions, the explanation and application of the IRAC and TREAC legal writing methods, will be deconstructed and adapted to our judicial practice, incorporated into the reasoning of decisions and by raising and strengthening the analytical component of decisions, making the aspect of problem identification, explanation of the legal norm, analysis and conclusions from a logical and structural process of legal writing sufficient. The fundamental dilemma of newly appointed judges is how to draft a structured judicial decision, regular in content, clear in meaning and which does not contain procedural and material violations that can be attacked. The writing and reasoning of judicial decisions represents a standard for evaluating the work of judges. In this sense, legal writing and reasoning in the work of judges represents a difficult objective to achieve, therefore, through this module it is aimed to develop the capacity of judges and to raise the quality of legal reasoning and writing in the work of new judges. Understanding and practical application of legal writing methods known as IRAC and TREAC, is a substantial issue for the advancement of legal writing in general in the country, to build standards of decisions that will raise the quality of reasoning and consequently of judicial decisions in general. The approach is that the use of these legal writing methodologies should become a common and daily practice of the work of judges in drafting judicial decisions. In this regard, to prepare for their effective use, there will be practical examples of their application in judicial practice during training sessions. Developing analytical skills in young judges is one of the challenges of the initial program which is dictated by the needs of judicial practice. This module will address: The right to a reasoned judicial decision, the principles of legal writing, the methodology of using the IRAC and TREAC Formula, the structure and methodology of drafting criminal and civil judgments.

**Duration: 8 training sessions (24 hours of training).**

## **8.5.6 Administration and responsibilities of the judiciary**

Within this module, the ways in which the administration functions, the responsibilities of the judge, as well as systems such as CMIS, criminal records, audio and video recordings, and the electronic administration file will be addressed.

**Duration: 4 training sessions (12 hours of training).**

## **8.6 Legislation and complementary skills**

### **8.6.1 Juvenile Justice Code**

The Juvenile Justice Code entered into force in April 2019 (JJC), like the previous Code, regulates the general part, the procedure against minors, the trial of adults for criminal offenses committed against children, the protection of children as witnesses and victims of criminal offenses, and the execution of sanctions against minors.

The JJC contains provisions that incorporate the principles of the European Convention on the Rights of the Child and with each amendment, there are innovations that follow the changes in the most advanced international standards. This time, a chapter on the protection of children as witnesses and victims of criminal offenses has been added. The best interest of the minor is the most important principle of the JJC, expressed not only in the special provision, but also in many other provisions, both in the general part and in the part of the criminal procedure against the minor, while the best interest of the child victim is the prevailing principle in the chapter on the protection of children as witnesses and victims of a criminal offense. The JJC is intertwined with other principles of the procedure against the minor, such as the urgency of the procedure, its confidentiality, professional protection required at every stage of the procedure, the age of criminal responsibility, special measures and punishments, judges and prosecutors specialized for minors, the possibility of changing the decision and the eventual non-execution of the measure, the application of the principle of opportunity in criminal prosecution, and many others, which guarantee a quick, fair and just procedure against the minor perpetrator of the criminal offense.

Addressing the dilemmas in practice that are important for newly appointed judges from the mentioned topic will be done through a partial theoretical explanation of the basic notions contained in the Juvenile Justice Code and their concrete application through cases from national judicial practice. The addressing will also be done through the interpretation of the provisions of the European Convention on the Rights of the Child. The module will include: Guiding principles, definitions, measures and punishments against minors and their selection, imposing measures and punishments on adults for criminal offenses committed as minors, the effect of punishment in the educational measure, diversity measures and mediation, educational measures and punishments, preparatory procedure, judicial review, decisions and legal remedies, and the protection of the child as a victim in criminal proceedings.

**Duration: 3 training sessions (9 hours of training).**

### **8.6.2 Mediation in civil matters**

Mediation is an extrajudicial activity carried out by a third party (mediator) to resolve disputes between legal entities in accordance with the conditions provided for by law. The application of mediation in the treatment of disputes in civil matters constitutes a constructive extrajudicial alternative for achieving a satisfactory solution for the parties involved in the dispute, where in addition to being an alternative solution, mandatory mediation has also been defined with

legislative amendments, where the court obliges the parties to try to resolve the issue through mediation.

The inclusion of mediation as a legal institution and its application in judicial procedures is a relevant and very important opportunity in resolving many cases with which the courts are overloaded and would achieve the efficiency of the courts by freeing them from possible cases for settlement by agreement, while judges would have sufficient time to deal with more complicated cases to complete them in a more reasonable and qualitative time frame. Within the framework of this module, the following will be addressed: mediation in civil disputes and the conclusion of a mediation agreement between the parties.

**Duration: 2 training sessions (6 hours of training).**

### **8.6.3 Law on Misdemeanors**

Considering that the offense of misdemeanor is an offense that is committed in many areas, their importance, the limited time for training, it will be aimed that the participants are acquainted with the offense of misdemeanor, the difference with other offenses, the principles of the offense and the definition of the offense with the legal provisions in force, the nature of the offense and the measures that can be imposed. During the training, the participants will be acquainted with the offense of misdemeanor, what distinguishes it from other offenses, and what are the common elements with other offenses (criminal offense, economic crime, etc.).

Participants will also be introduced to the principle of legality, and its importance in the definition of a misdemeanor.

**Duration: 4 training sessions (12 hours of training)**

### **8.6.4 Protection from discrimination**

The module "*Protection from Discrimination*" is designed in such a way that it includes a contemporary treatment of the principles and procedures for preventing and combating discrimination on the basis of nationality or association with a community, social or national origin, race, ethnicity, color, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and belief, political affiliation, political or other opinion, social or personal status, age, family or marital status, pregnancy, maternity, property status, health status, disability, genetic inheritance or any other basis, with the aim of implementing the principle of equal treatment. Since the number of cases initiated in court on the basis of protection against discrimination is increasing, this also determines the need to include this sub-module in the curriculum of the initial program for newly appointed judges. The module contains the most essential issues regarding the bases and forms of manifestation of discrimination, types of unequal treatment, obligations of public institutions in preventing and handling cases against discrimination, as well as procedures, deadlines and decision-making by the court for handling claims based on discrimination. This module is designed to present the way in which the provisions of the Law against Discrimination (LAD) should be implemented in practice, through the treatment of practical cases, which are based on the judicial practice of local courts and that of the ECHR, based on the interpretation of Article 14 of the ECHR, for protection against discrimination. The module "*Protection from Discrimination*" is presented by constantly referring to practice, regarding the challenges of the unique implementation of the Law on Protection against Discrimination, as a guarantee of the legality of the process for the rights of the parties and their protection against discriminatory actions. This module is designed to be developed in an interactive environment of discussions and practical exercises. The module will address: The bases and forms of manifestation of discrimination according to the LMND, Types of Unequal Treatment, Responsibilities of the

Institutions of the Republic of Kosovo, Access to the Ombudsman Institution and the procedure before it, Procedure before the court, Deadlines, Burden of Evidence, Examination of facts by the court in relation to proving discrimination, types of decisions and legal remedies, Compensation for damage due to discrimination from the employment relationship, Substantive Law for the Prohibition of Discrimination, International Instruments that are Applicable in Kosovo according to the Constitution of the Republic of Kosovo, Interpretation of Article 14 of the ECHR by the Court, ECHR practice applicable according to Article 53 of the Constitution of the Republic of Kosovo.

**Duration: 2 training sessions (6 hours of training).**

### **8.6.5 Domestic violence**

The issue of preventing domestic violence in all its forms is regulated by the Law on Protection from Domestic Violence No. 03/L-182, which entered into force in August 2010, repealing UNMIK Regulation No. 2003/12, on Protection from Domestic Violence. Despite the formal progress that has been made in the protection of human rights and freedoms, certain phenomena such as domestic violence, etc., have continued to remain a serious challenge for society and the mechanisms/agencies that implement these laws, regarding the prevention of violence in all its forms. In 2020, Kosovo, through a Constitutional Amendment, accepted as part of its legal system the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Based on this convention and the need for reform in the legislation regulating this field, the Law on Prevention and Protection from Domestic Violence, Violence against Women and Gender-Based Violence (Law No. 08/L-185 of 21 September 2023) was adopted in 2023. The purpose of this law is to prevent and address violence against women, domestic violence and gender-based violence, to protect and contribute to the elimination of all forms of discrimination against women, to promote gender equality and the empowerment of women, and to build the necessary mechanisms to provide support to victims of all forms of violence regulated by this law.

The module on the topic of “Domestic Violence” will elaborate on the meaning and definition of domestic violence, violence against women, gender-based violence against women, political harassment, political violence, psychological violence, economic violence, constant control, sexual harassment via the Internet, the syndrome of the abused person and the definition of the parties and representatives for the protection of the interests of victims. Within the framework of this module, issues related to the subjects that have the right to initiate the procedure for the imposition of protective measures, protective measures based on domestic violence, violence against women and other forms of violence regulated by this law, the procedure for reviewing the request for a regular protection order and the procedure for reviewing the request for an emergency protection order will be addressed. The role and duties of the competent institutions for the implementation of this law will be addressed as well as the Administrative Instructions, international and regional instruments covering this field. As part of this module, a trial simulation will be conducted in the civil field on the topic of victim interrogation and one in the criminal field.

**Duration: 8 training sessions (21 hours of training).**

## **9. Conclusion**

The initial training program for newly appointed judges constitutes a necessary step in their professional preparation and in guaranteeing an independent, impartial and effective judicial system. Through this program, newly appointed judges are provided with the basic legal knowledge, practical skills and ethical orientation that enables them to exercise their function in accordance with the Constitution, laws and international standards of the rule of law.

This training serves to build the foundations of a sustainable judicial career, emphasizing the importance of impartiality, integrity and respect for fundamental human rights. Through a combination of theory, practice and case analysis, newly appointed judges acquire not only technical knowledge, but also the ability to make fair, reasoned and legally based decisions.

In this sense, the program does not end with the formal closure of training, but marks the beginning of a continuous process of professional and ethical development of judges. It is an important institutional investment in building a judiciary that enjoys public trust and remains the main pillar of guaranteeing justice and equality before the law.

The structure of the program, training modules and practical training, reflect the defined goals of the AD for the development of competencies, based on the duration of the training determined by law and taking into account the preparation and past professional experience of the beneficiaries who have already passed all stages of testing and assessment of professional competencies by the Kosovo Judicial Council, respectively the relevant commissions.

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