PROGRAM
OF CONTINUOUS TRAINING
FOR JUDGES AND PROSECUTORS
2006-2009

This publication was made possible from the School of Magistrates
Tirana, September 2006
Contents:

- Editorial
- Gratitude
- Law on the School of Magistrates, regarding the Continuous Training Program
- Methodology of drafting the Continuous Training Program 2006-2009
- Methodology of training in the School of Magistrates
- Practical issues for the progress of the Training Program
- Using the Continuous Training Program
  - Through Codes
  - Through Calendar
- Description of courses according to codes
- Model of certificate
- Model of registration form
- Address, telephone, e-mail, website
- Administrative Staff responsible for the Continuous Training Program
- Library
- Computer laboratory
- ANEX I – Memorandum of understanding with the experts and the Council of Directors decision regarding the payment fees.
- ANEX II – Memorandum of understanding with the facilitators
- ANEX III – Information regarding the Continuous Training Program 2004-2006
- Calendar of activities
EDITORIAL

Dear colleagues judges and prosecutors,

After a long, tiring but very interesting work, the Program of Continuous Training 2006-2009 is ready and is being presented to you for use.

An important feature, which is being consolidated, of the continuous training that School organizes is its flexibility that allows other programs to be held in accordance with the training needs of judges and prosecutors. We have tried in this program to respond to the training needs, collected from many sources like for example from interviews with judges and prosecutors, round tables held on this purpose, filled forms from judges and prosecutors during training sessions, following the dynamic changes the law has suffered and from the process of approximation with the community law, from the obligations for the judiciary and prosecution derived from the Stabilization and Association Agreement, from recommendations of international organizations monitoring and supporting the process of legal reform etc.

Objectives of this program of continuous training aim at developing the quality of justice. Summarizing these objectives we can stress the following orientations:
- Accompanying legislative reforms and the development of jurisprudence,
- Accompanying the functional changes and respond to needs of qualification of magistrates,
- Deepening knowledge regarding ethics, deontology, responsibility of judges,
- Forming magistracy in community law, European law and human rights,
- Making judges and prosecutors aware of institutional, economic and social developments,
- Urging exchange of knowledge and best experiences between magistrate colleagues etc.

Since we face the challenge of realizing successfully this program together, I would like to draw your attention in two main directions for a good start:
Based on article 23 of Law No. 9414, dated 20.05.2005 “For some changes and additions to Law No. 8136, dated 31.7.1996 “On the School of Magistrates of Republic of Albania”,: “…participation in the activities of the continuous training is obligatory”.

The School is interested to increase the number of judges and prosecutors participating in these training activities and also participating as trainers. We have been addressing you before on this issue, but those who were interested were very few.

Please read carefully the following information where you will find the manner of application to be trainers and we can guarantee for our utmost goodwill for this commitment you might make.

I wish you good luck in your work.

Director

Arjana FULLANI

September 2006
GRATITUDE

The following worked for the preparation of the program and calendar of continuous training 2006-2009:

Arjana FULLANI
Arta MANDRO
Marjana SEMINI
Dashamir KORE
Arben RAKIPI

The following worked for the preparation of description of continuous training courses 2006-2009:


School of Magistrates expresses its gratitude for the assistance given in the identification of topics of this program and calendar especially thanking:

All the judges and prosecutors participating in the training activities during 2004-2006 and contributed with suggestions and evaluations for the future;

All the judges and prosecutors that carefully filled in the questionnaires distributed from the School of Magistrates regarding suggestions and evaluations of the future topics;

Presidents of courts who participated in the activity of needs evaluation and sent in a written form their concrete contributions:


Head Prosecutors in the country districts who sent their contributions in a written form: Durim Bedini, Anita Jella, Sali Hasa, Shpetim Garunja.

Members of the Council of Directors of the School of Magistrates.

Committee for the Continuous Professional Improvement of the National Judicial Conference.

Ministry of Justice.

All the Pedagogical Staff, full time and part time, in the School of Magistrates.

School of Magistrates thanks all the Albanian experts who contributed to the successful realization of the 2004-2006 program:

School of Magistrates gives special thanks to the foreign experts, who contributed in the realization of the 2004-2006 program:

School of Magistrates is grateful to its former students, already in the positions of judges and prosecutors, who directly contributed to the increase of professional level of training sessions and in the facilitation of drafting and moderating:

School of Magistrates gives special thanks to the international partners: Council of Europe and European Commission, IRZ, GTZ, UNHCR, OSCE, PAMECA, UNICEF, USAID, Soros Foundation, World Bank, Chemonics, SEED, ENLSC, ILO, AECI.

School of Magistrates avails itself of this opportunity to thank important actors of justice system in our country for the collaboration and support: High Council of Justice, High Court, General Prosecutor’s Office, Ministry of Justice, National Chamber of Advocates, Social Security Institute, Albanian NGO-s, Center for Legal and Civil Initiatives, Foundation Alternative Dispute Resolution, Juveniles Legal Clinic etc.

Special thanks go the Administrative Staff supporting the continuous training in the School of Magistrates.
LAW
Nr. 8136, dated 31.7.1996
ON THE MAGISTRATES’ SCHOOL OF REPUBLIC OF ALBANIA
Modified by the Law Nr. 9414, Dated 20.05.2005

In accordance with the article 16 of the law no. 7491, dated 29.04.1991 “On the main constitutional dispositions”, on the proposal of the President of Republic,

ASSEMBLY OF ALBANIA
DECIDED:

CHAPTER I
THE GOAL AND THE DUTIES OF THE MAGISTRATE’S SCHOOL

Article 1
The School of Magistrates is established, which is a public institution in quality of the juridical person.
The School of Magistrates has the administrative, academic and financial autonomy for carrying out its goals and duties assigned by the law.
The Center of the Magistrate’s school is in Tirana.

Article 2
The School of Magistrates assures the professional training of the magistrates. (judges and prosecutors).
The professional training includes the initial training program for candidates for magistrates and the continuous training of the judges and prosecutors in-service.
The Magistrate’s School, in accordance with the law, or upon the request of the interested institutions, depending on the free capacities created from the initial and continuous training activities of the magistrates, also from the funds putted on its disposal from the responsible institutions or from the donators, carries out activities for the judicial administrations employee’s training, as well as for another judicial professions related to the justice system.

CHAPTER IV
FUNCTIONNING OF THE SCHOOL OF MAGISTRATES

Article 23
The additional training

The judges and the prosecutors of the courts and of the prosecutor’s office of the first instance and of the appeal are subject to the continuous training.
The period of continuous training shall not exceed 20 days in a year, and no more than 60 days in five years.
The continuous training program is compiled by the School’s director, after having drawn the opinion of the Chairman of the High Court, the General Prosecutor, the Minister of Justice, the high Council of justice and of the Pedagogical Council of the School. The continuous training program is approved by the Steering Committee of the School.
The participation in these activities is mandatory.
The traveling and the accommodation expenses are provided by the funds foreseen on this purpose in the office of the Administration of judicial Budget, of the General Prosecutor’s office, and from other sources defined for these activities.

**Article 24**

The chairmen of the first instance courts or of the Appeal Court, as well as the chairman of the prosecutor’s office near these courts propose to the School of Magistrate’s Director on the participation of each judge and prosecutor in the activities of the continuous training. Upon proposal of the School of Magistrate’s director, the High Council for the judges and the General Prosecutor for the Prosecutors approve the lists with the person’s names participating in the continuous training for a period of time for at least 1 year according to the respective activities, as defined in the continuous training activity.

**Article 25**

The judges and the prosecutors participating in the continuous training are provided with a certificate issued by the School’s Director. A copy of this certificate is included in the personal file of the judges and the prosecutors.
METHODOLOGY OF DRAFTING THE CONTINUOUS TRAINING PROGRAM 2006-2009

Dear Judges and Prosecutors,

Through this information we would like to make you all aware of the procedure that School is following for the preparation of this document that is titled “the Program of Continuous Training”. The objective of giving this information is to make evident the fact of our continuous attempts, in order to offer a service of high standards and close to the requests being presented to us from our justice system, but also to be able to face the tomorrow’s challenges.

Shaping this document in the actual form has been a long road. Such is the process of needs assessment itself. Procedure of determining the topics and drafting of CTP\(^1\) has started months ago. In fact there have been no interruptions in collecting the needs. The School in continuance, even during the realization of 2004-2006 program, has had in its focus the identification of needs of judges and prosecutors in service as well as their priorities due to requests of the justice reform.

**Purpose of the continuous training program is:**

- To realize an adequate program filling the needs for professional qualification of judges and prosecutors.
- To realize a program seen from the viewpoint of strategies of approximation and multidimensional integration.
- To increase the professional level and efficiency of trainings.
- To increase the participation and interest in training.

**I. Manner of determining the training topics:**

Methods used from School to identify requests for training and drafting this program have been led by:

1. **Analysis of questionnaires of evaluation of training sessions** during 2004-2006. In every questionnaire there is a section related to special continuous training or the need to repeat the same training in an advanced level.
2. **Meetings with all the courts’ presidents and appeal courts’ presidents**. Thus, in 13\(^{th}\) of April 2006 the School of Magistrates organized a meeting with all the courts’ presidents and through:
   i. Brainstorming methods
   ii. Debate and selecting the topics on a regional and general basis
   iii. Grouping selected topics based on similarities and priorities
   Managed to realize a draft-program, making judges a direct part of it. Courts presidents in this meeting also brought opinions of their colleagues.
3. **Answers given** after sending to each prosecutor’s office and court (district and appeal) of the letters containing the request that within 10\(^{th}\) of April 2006 they should submit in a written form the requests for the CTP 2006-2009. In this communication we had the cooperation of:
   - **Courts: Districts of** Kolonja, Elbasani, Durrësi, Gjirokastra, Korça, Lushnjë, Vlorë, Fier, Bulqiza, Shkodra dhe Apeli Gjirokastër,
   - **Prosecutors’ Offices: Districts of** Elbasani (Durim Bedini), Librazhd (Anita Jella), Sarandë (Sali Hasa), Lezha (Shpëtim Garunja)
4. The following also sent their contributions for the training topics:
   - High Council of Justice
   - President of the High Court
   - General Prosecutor
   - Minister of Justice
   - Association of Prosecutors of Albania
5. the periodical press has been analysed and its sensitivity to problems affecting the training of judges and prosecutors.
6. A meeting was held with the pedagogical council and opinions were taken regarding the content of the draft CTP.
7. We received the opinions of the Council of Management of School regarding:
   a. Topics which did not have the needed reflection in the program

\(^1\) CTP = Continuous Training Program
b. Methodology of training

c. Possible experts or the manner of their selection

d. Duties or organizational issues regarding CTP

e. Possible financial support

f. Cooperation with OAJB²

g. Coordination of participation problems

h. Regional thematics

II. Setting the groups of experts who described the training courses.

Internal pedagogical staff of the School of Magistrates, judges, prosecutors, experts and part-time pedagogues contributed to the description of courses according to a uniform sample prepared from the School on this purpose. This list is already included in the Continuous Training Program, in the part where we thank all the professionals who contributed to the realization of descriptions.

III. Approval of program from the Management Council

Management Council is the competent organ that approves the thematic content of the continuous training program.

IV. Financial support for the concrete realization of continuous training sessions.

Financial support will be realized from the School of Magistrates, from the budget of courts and prosecutors’ offices, possibilities of financial support from international partners. In these conditions, based on the training needs, courts and prosecutors’ offices should make the necessary changes in their budgets. When the financial support comes from the international partners, it should be underlined that the School of Magistrates benefits only the services, because the management of funds is made from them.

V. Drafting the calendar of continuous training

In this program you will find the calendar of activities, which plan for the courses to be held once. After the filling in of questionnaires, the School will draft the calendar of activities for those training courses that need repetition. Courses that will be required from less than 15 persons will not be held.

VI. Drafting the list of experts

School of Magistrates invites the judges and prosecutors to suggest a list of trainers for each topic. All judges and prosecutors who think that they have personal expertise in one of the fields and topics of the Continuous Training Program, or who think that one of their colleagues has considerable experience for a certain topic are invited to send (within October 15, 2006) in the School of Magistrates:

- A copy of their CV or a CV of the colleague they suggest specifying his/her experience as a judge or prosecutor in the training;
- Title of topic, issue or subissue they think they will treat;
- Methodology of training to be used (e.g. using practical and hypothetical cases, discussions in small groups, demonstrations, simulations, preliminary questionnaires to test the knowledge of the auditorium, audio visual means etc.);
- A (short) description of the issues of the training course they have chosen (mini modul).

Lists of experts, after they are approved from the Management Council, will be sent to every court and prosecutor’s office.

VII. Drafting of participation lists.

School of Magistrates wishes that the participants of the training sessions be the interested judges and prosecutors. An application form is sent together with a copy of the calendar to each of them. The court president and the head prosecutor of the district and appeal court and district and appeal prosecutors’ offices is charged to send the nominal lists of the judges and prosecutors according to courses in which they wish to participate, specifying the training session code. This list serves for the drafting of participants’ lists. Lists are approved finally from the High Council of Justice and the General Prosecutor.

² Office for the Administration of Judicial Budget
This makes it possible for all to draft the work agendas and take in good time the appropriate measures to participate in the training sessions in the predetermined dates.

VIII. **Concrete realization of a training session.**
Successful realization of the Continuous Training Program asks indispensably for everybody’s contribution.
You are welcomed in making suggestions to improve a common duty such as ours.

**I wish you success!**

Prof. Assoc. Dr. Arta MANDRO -BALILI  
**Responsible for the Continuous Training Program**  
Tirana, September 2006
METHODOLOGY OF TRAINING IN THE SCHOOL OF MAGISTRATES

During the training, we aim at giving interactive and practical instructions. We mention here the lectures alternated with those in previous, which have to do with theory or doctrinal part of the justice issues and their training. During the training discussion should be organized and an extensive activity in groups, which are created under the supervision of a coordinator who puts questions, urges the debate, invites the participants to show their professional experience, and their experience from their other trainings, to put questions, to make analyses, and other recommendations for the future. The forms by which this training should be realized are:

**Seminars and studying sessions:** these courses should be realized as detailed seminars, which have to do with legal technical questions. In these seminars will be invited especially judges and prosecutors and other actors of justice system. These seminars will last up to three days. We shall use the above mentioned training methodology where the presentation of issues will be followed by casuistic in groups.

**Institutional courses:** These courses aim at giving instructions in the field of institutional issues and are especially destined for prosecutors, judges, advocates, judicial polices etc.

a. They aim at changing the field of their specialization  
b. They search a more detailed specialization in specific questions.  
c. Individual courses for persons who will become trainers by themselves

These courses will last 5-10 days and will be realized in collaboration with Albanian and foreign lectors, under the coordination of a representative from the School of magistrate, who will play the role of an organizer and will prepare the final results of the group of work.

**Local courses:** These kinds of courses are organized in different districts out of Tirana, in order to decentralize train and treat basic questions of priority that a definite region may have. These courses will last 2 or 3 days. During these days technical information connected with legal questions should be given.

**Conference:** It consists in sessions of 1 day all included or not of the actors of justice questions. The issue is broad and sensational.

**Laboratories or workshops:** These are realized through independent discussions in small groups, under the guidance of a consulters, where the participants will be focused in special legal questions. The methods used and the way of their organizing would b in the function of the question. The course will finish with a final document which aims at giving recommendations for the future. These courses will usually last 1 day.

The School of magistrate, in order to offer contemporary methods to realize these training sessions, realizes with training experts, consultative sessions where it suggests the application of new technique, (power point, and videos) and pedagogical (brainstorming, work in groups' discussions, demonstrations, simulations, etc). The School of Magistrate makes all the efforts to take from the audience of the trainers, all their demands for an effective and specific training for different questions.

Continuous Training Program foresees realization of Training of Trainers courses with the most advanced pedagogical methods appropriate for judges and prosecutors.

**PRACTICAL ISSUES FOR THE PROGRESS OF CONTINUOUS TRAINING**

All judges and prosecutors of the first instance court and of the appeals courts receive free a copy of the calendar and program of continuous training.  
List of participants of the Continuous Training Program is determined from the Presidents of Courts and Head Prosecutors of districts and appeals taking into account:

- Individual requests
- Section where the judge or prosecutor is part of
- Courts or Prosecutor’s Office needs
- Obligation and right that every judge/prosecutor has for training.

Final nominal list according to courses is compiled from the school based on the information and is submitted for approval to the High Council of Justice and the General Prosecutor.

The approved list is sent to all the courts and prosecutors’ offices. Courts’ presidents and head prosecutors make this list known to all judges and prosecutors.

Courts’ presidents and head prosecutors take care that participating judges and prosecutors do not have difficulties into coming in the training sessions.

Failing to participate for objective reasons becomes evident within a term of not more than 15 days from the organization of the course with the responsible staff of the continuous training.

School issues certificates only to the participants being present to all the sessions of a training course.

Every three months, the school reports regarding the attendance in the training sessions to the High Council of Justice and the General Prosecutor. It also, every three months, reports regarding the issuance of certificates to the High Council of Justice and the General Prosecutor.

Each participant applies the regulations of the training session, which is read ahead of the course and is in the training session room.

Each participant is presented to the training in the assigned day, time and place.

Every participant should have with him/herself the suggested legal basis for every training course and the practical cases to illustrate.

Every participant is asked to actively participate in the debate and discussion sessions.

Every participant is invited to directly communicate with the responsible persons of the Continuous Training regarding every request, complaint or clarification.

Only a high level of cooperation will make it possible for the School to realize with high professional and contemporary standards its mission to increase the professional level of justice system!

Thank you for the cooperation and understanding!
LIST OF TRAINING COURSES ACCORDING TO THEIR CODES

CODE A
CIVIL LAW AND CIVIL PROCEDURAL LAW

Course A01: The undertaking contract, conditions, form and obligations of parties. The connection of the undertaking contract to the definitive sale at the end of the construction of the object. The legal basis related to the urban planning procedures and its regulations. Judicial practice regarding conflicts arising from contract of undertaking. Securing the lawsuit in these cases.

Course A02: Contract of life and property insurance. Cases of judicial practice relating to non-performance of contract from the moment of its becoming effective.

Course A03: Compensation for non-contractual damage. Non-property damage and its compensation. Liability for causing this damage (property and non-property).

Course A04: Main indicators of the Civil Status and its legal basis. Filling out and the components of the civil registration. Name and its change after death of person. Nationality and legal cases of changing it. Judicial practical cases and problems.

Course A05: Obligations arising from unjust enrichment. Conditions and cases of unjust enrichment. Relation to other lawsuits.


Course A07: Juridical actions, their invalidity. The public procurement and the invalidity of the contracts entered into, after the termination of the public procurement.

Course A08: Right of property and titles of property. Disputes related to property. Protection of right of property. Lawsuit of revendication and lawsuit of denial.

Course A09: Real rights related to usufruct, emphyteusis, servitude, life revenues. Secondary real rights. Characteristics and distinctions. Legal basis regulating these civil law institutes.

Course A10: Challenge of administrative acts. Administrative acts issued from customs, taxation and construction police authorities. Practical problems regarding meaning and use of the administrative way. What are those decisions that constitute executive titles and the manner of challenging them.

Course A11: Subjects in civil law and their juridical personality. Non-for-profit organizations and the legislation that regulates them. Relation of law on NPO with Civil Law. Problems of court practice.

Course A12: Law on commercial companies and commercial register. Right of establishment of companies, invalidity of companies and acts of establishment. Difference of invalidity in civil law from invalidity in civil constructual law. Problems of court practice related to commercial registrar and invalidity of commercial companies.

Course A13: Mediation as an alternative of conflict resolution. Legal basis of mediation. The proving power of agreement and performance of obligations deriving from it.

Course A14: Inheritance by will. Cases of the invalidity of the will. Legal reserve and practical problems related to it.

Course A15: Trials in relation to registrations in the Office of Registration of Immovable Property and conflicts deriving from these practices. Legitimation of parties. Decisions of Committees of Restitution and Compensation of Property and their registrations. How to write and give executable and registrable decisions. Trials in relation to property, procedural position of ORIP as a party to the judicial process with object: correction of borders, recognition of property, obligation for registration, etc, as well as application of law no. 7843, dated 13.07.1994 “On registration of immovable property”.

Course A16: The judicial disputes related to the co-ownership. The co-ownership in parts and the co-ownership in general. The co-ownership and the division of the property of the agricultural family. The division phases and the probable problems.

Course A17: Special trials, types, main particular features. Trial of administrative disputes, (A. 324 – 333 of CPC, court practice and problems.
Course A18: The notaries acts and the acts to granting the credit as executive titles (n. 510/d, Civil Procedural Code)
The legal writing of the judicial decisions, as a crucial condition to assure the execution in due time of these executive titles.
Problems issued in the judicial practice in the phases of the precedent titles execution
The invalidity of the executive titles (Article 609 of the Procedural Civil Code)

Course A19: Preliminary actions and their importance to the preparation of an objective, impartial, effective legal process. Obligations of the plaintiff in filing the lawsuit and during the civil process. Legal problems encountered in court practice during litigation in cases when parties are some heirs or joint owners or when one of the parties dies during trial (plaintiff or defendant)

Course A20: Securing the lawsuit, cases when court allows taking action to secure the lawsuit, phases of this process in which this measure can be taken, types of security measures. Differences and substitution of securing the lawsuit.
Juridical problems of court practice in taking measures of securing the lawsuit in proportion to different types of lawsuits

Course A21: Proof in the civil process. Burden of proof. Limits of permitting proof by witness; Written proof and their probative power.

Course A22: Photographic films, movies and other recordings as evidences in the civil process.
The realization of photographic productions and of the movies by court decision (no. 2890). Watching the persons, the objects and the places, the experiments. The judicial practice and the problems related to it.

Course A23: Juridical assistance in the civil process from court practice of foreign countries. Obligatory international acts applicable for Albanian courts in this field and application of foreign laws. Juridical assistance for foreign states courts. Recognition of foreign state decisions. Court practice and problems.

Course A24: Fundamental principles of civil process, legal interest as a condition to be a party to trial. Principle of former adjudication. Jurisdiction and competence, problems from judicial practice

Course A25: Conclusion of judicial enquiry and rendering of decision. Decisions with temporary execution. Content of court decision, its elements. Correction of mistakes, completion, clarification and interpretation of decision.
  - Correction of mistakes, completion, clarification and interpretation of the decision.

Course A26: Participation of the third person in civil process. Main, secondary intervention and summoning of the third person. Procedural rights of parties and third persons in trial, passing the procedures, renouncement from trial and the right to lawsuit. Role of the lawyer in trial as a representative of the parties. State’s advocate and his participation trying cases where the state is a party

Course A27: Procedural terms. Procedural acts and their invalidity
Course A28: Countermand and countersuit in civil process as means of defense

CODE B
THE CRIMINAL LAW AND THE PROCEDURAL CRIMINAL LAW

Course B01: Falsification of the identity cards, passports or visas, article 189 of Criminal Code. Falsification of securities and coins, articles 184, 183 of Criminal Code

Course B02: Illegal crossing and the support given for the illegal border crossing. Article 298 of criminal code. Distinction between them and the crime of the trafficking of human beings. Elements of this crime figure. The distinction between the attempt and the full commitment of the penal act

Course B03: Robbery, in public, robbery resulting in death. Competition of similar criminal offenses
Course B04: Collaboration. Its types, distinctions between the publicly-structured group and the criminal organization.

Course B05: Distinction between abuse of office provided for the Penal Code and Military Penal Code. Subjects of the military criminal offenses. Distinctions with other subjects.

Course B06: Penal policies and the ways of addressing to them in the penal law, legislative techniques, etc.
Course B07: Meaning of criminal offenses in state activities committed from state employees or public service employees. Non-declaration of property and forms of corruption. Articles 257/a, 259, 260 of Criminal Code.

Course B08: The economic and organized crime.

Course B09: Legal criteria connected with the suspension of decision provided for article 59 of the Criminal Code.

Course B10: Special trials. Summary and direct trial

Course B11: Testimony and its role as evidence in the proving process. Indirect testimony and its value. Challenge of testimony during the pleadings in court. Permissible readings

Course B12: Invalidity of acts. Relative and absolute invalidity of acts. Notifications of the defendants Articles 139, 140, 141 of PPC. Invalidity of notifications.

Course B13: Criminal proceedings file. Article 332 of Criminal Procedure Code. Consequences of failure to meet the obligations of this provision by the prosecutor.


Course B15: Securing the evidence

Course B16: Execution of criminal decisions. Role of prosecutor and the competent court in the phase of execution of criminal decisions. Conversion of the sentence of fine

Course B17: Trial in absence. Manner of representation in this trial. Declaration of absence and voluntary withdrawal of the defendant from trial. Complaint of defendant in absence against the court decision

Course B18: Complainant in the criminal process. Distinction between complainant and the damaged person from the criminal offense. His rights during preliminary investigation and the process of determining the evidence in each phase of proceedings

Course B19: Evidence. Types of evidence (experiment, expertise) and their evaluation. Means of searching the evidence, sequestrations and phone tapping. Simulated purchase


Course B21: Review of final criminal decisions. Cases, form and the court decision. Review of a criminal decision given from the High Court.

Course B22: Cases of incompatibility with the function of judge in trial. Incompatibility, renouncement and removal of judge. Terms and form of request. Renouncement and substitution of prosecutor.

Course B23: Jurisdictional relations with other countries. Recognition of foreign courts decisions. Letters Rogatory from and to abroad. Extradition.

Course B24: Difference between revocation and substitution of security measures according to criteria defined in Article 260 of Criminal Procedure Code.

Course B25: Criminal conviction. Manner of determination and individualization. Manner of determining the conviction related to application of Article 47 of Criminal Code. Recognition of criminal decisions of foreign courts. Appearing conflict between manner of determining a conviction during the process of recognizing a foreign court decision and the position of the international acts for this issue

Course B26: Criminal offenses in the field of taxations. Refusal of declaration of property, active and passive corruption, articles 244, 245/1, 257/a, 259 and 260 of Criminal Code. Techniques of investigating criminal offenses in the field of taxations and corruption.

Course B27: Trafficking of human beings and drugs. Exploitation of prostitution. Distinction between criminal offense of “exploitation of prostitution” and the criminal offence of “trafficking women for prostitution”. Interrogation of collaborators of justice, protected witness and the damaged persons from the criminal offense. Civil lawsuit brought in the criminal process from the damaged person from the criminal offense. Infiltrated agents, simulated purchases. Sequestrations of properties coming from commission of such criminal offenses

Course B28: Trial of criminal offense with juveniles

Course B29: Procedural and practical relations between the prosecutor and the judicial police officer, in the prosecutor’s office or the judicial services. Actions which are ordered and delegated. International experience related to this.
Course B30: Money laundering. Relations of the law against money laundering with the criminal code provisions. Methodology of investigation and trial. Procedural relations with the State Unit against Money Laundering.

CODE C
FAMILY LAW AND JUVENILE JUSTICE

Course C01: Family Law.
Marriage and cohabitation, similarities and distinctions between these two institutes. Marriage with foreign elements. Conditions of marriage. Permission for marriage from court. Invalidity of marriage.
Dissolution of marriage with mutual consent, article 125. Problems of trial of family cases. Hearing of conciliation for civil-family cases with object: dissolution of marriage. Role of psychologist in family law.
Alimony. Contribution of parents and manner of determining this contribution. Execution of alimony.

Course C02: Juvenile justice

CODE D
ADMINISTRATIVE LAW

Course D01: Administrative complaint. Distinction between the administrative and judicial complaint. Procedure to be followed during the administrative complaint as well as issues related to using the right of the administrative complaint. Issues of administrative and judicial jurisdiction. Concept of lawsuit, jurisdiction and competence in resolving administrative disputes. Solution of administrative disputes and judicial decision-making.

CODE E
OTHER TRAINING ACTIVITES

Course E01: Gender equality.
Course E02: Law on consumer protection.
Course E03: Law on competition.

CODE F
PROFESSIONAL ETHICS

Course F01: Judicial career, transferal, disciplinary proceedings and removal of judges from office. New system of evaluation, obligations deriving from law “On Conflict of Interests” and “On declaration and control of property, financial obligations of the elected and some public officials”

CODE G
LABOUR LAW

Course G01: Dissolution of labour contract. Juridical effects. Return to work.

CODE H
COMMERCIAL LAW

Course H01: Bankruptcy law. Bankruptcy of commercial subjects and Ltd companies as the subject of bankruptcy. Procedural aspects of bankruptcy process. Principle of saving the debtor.
Course H02: Intellectual property.

**CODE I**
**CONSTITUTIONAL LAW**

Course: I01: Constitutional justice and its relations with the ordinary justice. Incidental constitutional control and the role of an ordinary judge. Procedure to be followed from an ordinary court and the constitutional court in a ____________ case.

**CODE J**
**HUMAN RIGHTS**

Course J01: Knowledge and application of jurisprudence of ECHR from Albanian courts. Due legal process and execution of decisions as part of this process. Non-executable decisions.
Course J02: Torture according to article 3 of ECHR. Constitution, Albanian legislation and unified decisions of High Court, decisions of Constitutional Court.
Course J03: Freedom of expression.
Course J04: Article 5 of the European Convention of Human Rights.

**CODE K**
**EUROPEAN COMMUNITY LAW**

Course K01: Knowledge on EU legislation in the field of justice and internal affairs.
Course K02: Material European Law. (4 freedoms: freedom of movement of persons, goods, services, capitals)
Course K03: Knowledge on SAA (national plan of approximation of legislation). Obligations for the justice system. Knowledge on decisions of European Court of Justice important for the Albanian judicial reality.

**CODE L**
**PRIVATE INTERNATIONAL LAW**

Course L01: Probative value of the acts of foreign States. Recognition of civil decisions of the foreign courts. Mutual juridical assistance in civil cases. Jurisdiction and competence in the trial of cases with foreign elements. Applicable law.

**CODE M**
**SOCIAL INSURANCE**

Course M01: Payment of pensions of former members of agricultural cooperatives.

**CODE N**
**FINANCIAL LAW**

Course N01: Disputes related to taxation issues. Taxation assessment and its challenge

**CODE NJ**
**LEGAL REASONING AND WRITING**

Course NJ01: Legal reasoning and writing

**CODE P**
**COURT ADMINISTRATION**

Course PO1: Management of courts and cases from the court. Knowledge and application of Regulations “On organization and functioning of Judicial Adminsitration” approved by an order of the Minister of Justice No.1830 Dated 03.04.2001
DESCRIPTION OF COURSES

PROGRAM OF CONTINUOUS TRAINING

CIVIL LAW AND CIVIL PROCEDURE LAW
1. The undertaking contract, conditions, form and obligations of parties. The connection of the undertaking contract to the definitive sale at the end of the construction of the object. The legal basis related to the urban planning procedures and its regulations. Judicial practice regarding conflicts arising from contract of undertaking. Securing the lawsuit in these cases.

Course: A01
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 2 days
Type of course: seminar
Participants: judges

Course description:
Market economy presents a variety of contracts and contractual relations, by means of which economic, private and commercial interests of subjects are realized. In addition, contracts, often, are the object of a trial in civil processes due to failure of the parties to meet the obligations, but also because of ignorance of legislation related to them. Namely, these two reasons have influenced the description of a special course for contracts in general and for the sales contract and gift contract in particular.

Contract of undertaking, together with the sales contract, are amongst the main tools, by means of which a considerable part of civil and commercial juridical transactions are vested in the market economy. These two kinds of contracts are often encountered as the object of trials in civil processes due to non-fulfillment of obligations from parties and also due to ignorance of legislation relating to them. For these reasons a special course has been foreseen for contracts, which will be organized in the form of a two-day seminar.

Objectives:
This course aims at clarifying:
Fundamental and indispensable conditions of the contract of undertaking and its relation to the definitive sale of the object.
Manner of entering into such contract and conflicts stemming from the pre-contractual phase.
Manner of execution of contractual obligations.
Non-fulfillment of contractual obligations and its types.
Consequences coming from non-execution of contract.
Legal basis that is related to this contract.
Fundamental and indispensable conditions for entering into this contract.
Manner of execution of contractual obligations as well as non-fulfillment of obligations.
Consequences coming from non-execution of contract. Theoretical and practical problems related to the moment of transferring the property.
Problems related to the invalidity of the sale, invalidity of gift contract etc.

The above course will be structured into two days:
The course will treat issues related to the legal basis of contracts and the manner of entering into them, focusing especially in the contract of undertaking for the construction of immovable property, based mainly on the civil code of the Republic of Albania, on the legal package related to the registration of immovable properties and other laws related to sale of land, pastures, agricultural lands etc. In addition to the theoretical treatment, the course will treat different problems encountered in court practice regarding these issues.

Pedagogical methods:
The course will be organized in the form of a seminar and will consist in:
Preparation of materials or topics preliminarily from the experts and their interactive presentation.
Photocopying and distribution of various part from juridical literature in this field.
Presentation from both the experts and the participants of the cases coming from the court practice. Discussions and exchange of opinions between participants regarding debatable theoretical and practical issues. Drawing opinions for the organized course and for the future. Distribution of certificates for participants.

Participants:
In this seminar, judges will participate from different levels of judiciary according to the organization of the School administration.

Legal basis: Participants in this course should have with them the Civil Code, as well as be prepared with some concrete cases from court practice, which could be interesting to be discussed in groups.


Course: A02
Coordinator: School of Magistrates
Place of training: School of Magistrates
Type of course: seminar
Participation: judges

Course description:
Development of economic relations in Albania because of new changes in international cooperation has become complicated and considerably complex. Stability of these relations requires securing the property, goods and commercial activities. In addition to this, contracts, often, are the object of a trial in civil processes due to failure of the parties to meet the obligations, but also because of ignorance of legislation related to them. Namely, these two reasons have influenced the description of a special course for contracts in general and for the sales contract and gift contract in particular. Gifts contract is important not only for subject with a commercial nature but also for physical persons. These two kinds of contracts are often encountered as the object of trials in civil processes due to non-fulfillment of obligations from parties and also due to ignorance of legislation relating to them. For these reasons a special course has been foreseen for contracts, which will be organized in the form of a two-day seminar.

Objectives:
This course aims at clarifying:
Fundamental and indispensable conditions of insurance contract and the moment it becomes effective.
Manner of execution of contractual obligations.
Non-performance of contractual obligation and its types.
Consequences stemming from non-performance of contracts.
Legal basis related to contracts.
Fundamental and indispensable conditions for entering into contract.
Manner of execution of contractual obligations as well non-performace of obligations.
Consequences coming from non-performance of contract.

Course description:
The above course will be structured into two days:
There will be treated issues related to the legal basis of contract and manner of entering into them, focusing especially on the contract of insurance of immovable property, goods, life etc., mainly based on the Civil Code of the Republic of Albania, on the legal package related to registration of immovable property and other laws related to to sale of land, pastures, agricultural lands etc. In addition to the theoretical treatment, the course will treat different problems encountered in court practice regarding these issues.

Pedagogical Methods:
The course will be organized in the form of a seminar and will consist in:
Preparation of materials or topics preliminarily from the experts and their interactive presentation.
Photocopying and distribution of various part from juridical literature in this field.
Presentation from both the experts and the participants of the cases coming from the court practice.
Discussions and exchange of opinions between participants regarding debatable theoretical and practical issues.
Drawing opinions for the organized course and for the future.
Distribution of certificates for participants.

Participants:
In this seminar, judges will participate from different levels of judiciary according to the organization of the School administration.

Legal basis: Participants in this course should have with them the Civil Code, as well as be prepared with some concrete cases from court practice, which could be interesting to be discussed in groups.

   Liability for causing this damage (property and non-property).

Course: A03
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 2 days
Type of course: seminar
Participants: judges

Course description:
Causing non-contractual damage is one of the juridical treatments that present a lot of discussions, both for property damage and for the non-property damage. In court practice, there is often confusion about the distinction between contractual damage and non-contractual damage. Causing damage is often encountered as an object of trial in civil processes due to property damage, health or infringement of honor and personality of persons. These reasons have influenced the organization of a special course for causing non-contractual damage, which will be organized in the form of a two-day seminar.

Objectives:
This course aims at clarifying:
Conditions of causing damage and its nature.
Forms of property damage, manner of its determination and the role of the expert in assessing the damage.
Non-property damage caused to health and manner of assessment.
Non-property damage caused to name, personality and honor of persons and criteria of assessment.

Content:
The above course will be structured in two days:
First day: issues related to legal basis of causing non-contractual property damage will be treated, based mainly on the Civil Code of the Republic of Albania. In addition to the theoretical treatment, the course will treat different problems encountered in court practice regarding these issues.
Second day: practical and theoretical problems related to causing the non-property damage and court practice with conflicts having damage compensation as their object.

Pedagogical Methods:
The course will be organized in the form of a seminar and will consist in:
Preparation of materials or topics preliminarily from the experts and their interactive presentation.
Photocopying and distribution of various part from juridical literature in this field.
Presentation from both the experts and the participants of the cases coming from the court practice.
Discussions and exchange of opinions between participants regarding debatable theoretical and practical issues.
Drawing opinions for the organized course and for the future.
Distribution of certificates for participants.

**Legal basis:** Participants in this course should have with them the Civil Code, as well as be prepared with some concrete cases from court practice, which could be interesting to be discussed in groups.

4. **Main indicators of the Civil Status and its legal basis. Filling out and the components of a civil registration. Name and its change after death of person. Nationality and legal cases of changing it. Judicial practice cases and problems.**

**Course:** A04  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 2 days  
**Type of course:** seminar  
**Participants:** judges

**Course description:**  
Civil status is always a debatable issue. Nationality in the juridical regime appears as a fundamental right of a person provided for both in the international and national acts (ECHR, Constitution of the Republic of Albania, Law “On Civil Status” etc...). Thus, this issue presents a particular interest, both theoretically and practically, because nationality is provided for in the Albanian legislation for the first time as one of the components of civil status, just like the right to choose and change nationality is provided for. These rights take on a special importance, if seen in the viewpoint of national minority rights in our Republic.

**Content:**  
Issues to be treated:  
a. Cases of changing the name when the person is alive and after his/her death.
b. Meaning of nationality as one of the components of civil status, based on the comparative overview between law no. 8950, dt. 10.10.2002 "On civil status", as well as law no. 9029, dt. 13.03.2003 "On some additions and changes in law on civil status" and the previous law no. 5840, dt. 20.02.1979 "On registration of civil status acts". Treatment of this issue will try to point out the novelty of providing for the first time in law the nationality as one of the components of civil status, even though in practice nationality has been included as an element in the birth certificates issued from Civil Registry Office. Determination of nature of this element of civil status, in relation to all other components.

c. Treatment of juridical concepts provided for in the above law in relation to:
- determination of nationality ipso legis,
- choosing the nationality in agreement with the parents,
- temporary nationality,
- Final selection of nationality
- Change of nationality, coming as a change of data in the civil status,
- Registration of nationality.

Law no. 8950, dt. 10.10.2002 "On civil status" should be treated here in this course, as well as law no. 9029, dt. 13.03.2003 "On some additions and changes in law on civil status" and in a detailed manner articles 8, 10, 28, 29, 35, 40 of law no. 8950, dt. 10.10.2002 "On civil status" and law no. 9029, dt. 13.03.2003 "On some changes in law on civil status".

d. Means of defending such a right. It can be treated here the administrative and judicial way of defense, treating particularly cases coming out of everyday practice in relation to individuals, who require the change of nationality. The procedural means to be chosen from the individuals to address the court is of particular interest to be treated in the course. There are two court practices:
First: submission of a request where the Civil Registration Office is summoned as a third person in trial;
Second: when the procedural means is the lawsuit and defendant the Civil Registration Office.

Course organization:
- Theoretical treatment should be intertwined with practical cases.
- Particular study of practical cases – court decisions debating about legal solutions and means of evidence to be used in cases of conflict.
- Development of debate exchanging experiences and opinions and presenting problems coming from practice, at the same time reaching unifying conclusions in relation to practice.

Legal basis:
Legislation in force as well as the abovementioned laws. Court decisions.

5. Obligations arising from unjust enrichment. Conditions and cases of unjust enrichment. Relation to other lawsuits.

Course: A05
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 2 one-day training sessions
Type of course: workshop
Participants: judges

Importance of training: In front of many ambiguities that have appeared in civil circulation, it has been noticed a considerable increase of the use of the lawsuit of unjust enrichment. This is a lawsuit by means of which compensation of damage is required in those cases when no other lawsuit can be filed. Based on the above, treatment of this institute is particularly important to make clearer the application in practice and not confusing it with other juridical institutes, like for example non-obligatory payment or the administration of business of other people.

Objectives: Meaning of unjust enrichment as a juridical fact that produces obligations, but different from contracts and illegal facts. Also, clear determination of cases of unjust enrichment, as well as
making clear the distinction between unjust enrichment and the non-obligatory payment and administration of other people’s businesses.

**Content:** The course will treat the theoretical meaning of unjust enrichment, conditions of the civil liability according to this institute. Distinction with the illegal facts and other similar facts, like non-obligatory payment or administration of other people’s businesses. What are the most frequent and most typical cases in practice when we face an unjust enrichment. Why is it so that the lawsuit of unjust enrichment is general and auxiliary. What the court should do in those cases when the unjust enrichment lawsuit has been filed, at a time when it is appropriate for another lawsuit to be filed and vice versa.

**Legal basis:** Civil Code, doctrinal studies and court decisions regarding unjust enrichment.

**Modalities of application:** the topic is to be treated in two one-day session, with a participation of 25-30 judges, where the most appropriate methodology is the workshop.

6. **Prescription of lawsuit. Positive prescription. Decadence. What are they similarities and differences. Court practice related to conflicts stemming from prescription.**

**Course:** A06  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 1.5 days  
**Type of course:** seminar  
**Participants:** judges

**Course description:**
In this course are going to be treated the meaning, the basis and the causes of the arrangement from the right of the prescription of the lawsuit institution; the application field of the prescription and the lawsuits that can not be prescribed; what it results directly from the law and because of the nature of some rights as well as the practical problems encountered; the types and the terms of the prescription; the beginning of the prescription terms gait for special lawsuits; the suspension and the interruption of the prescription, the re-establishment within the terms, the special disposal, the counting of the prescription terms, the presclusivity, the meaning and the reasons of the regulation, the characteristics and the distinction with the prescription; the legal and voluntary decadence; the conventional decadence and the decadence in the general interest.

**Objectives:**
- To make clear the basic characteristics, the essence and the role of the prescription institution and the decadence in the civil circulation, in the frame of the meaning and the application in a uniform way.  
- To stimulate the debate and to reach a conclusion regarding some problems issued from the judicial practice, related to the mentioned institutes.  
- To take a comparative looks to the institutes as an helping tool for the good application of the internal right.

**Content:**
During this course we well be focused on the following cases:
- The prescription as a **juridical fact** from the verification of which it derives the consequences of the extinctive nature, the consequences related to the subjective right of the use of basic tool and the most important tool of the protection of the civil rights – the lawsuit  
- The distinction from the winner prescription  
- The constituted elements of the prescription: **the inaction of the titular**  
  The importance of the subjective attitude of the holder of the subjective right in the consequence coming  
- The constituted elements of the prescription: **laps of time.** The restriction of the practice of the right within the time limit judged (from the lawmaker) as **reasonable** and **sufficient** for exercising this right.
- The prescription and the **security need** in the juridical relations. The inclination towards to the equality of the juridical situation with the fact situation, how to avoid the situation of juridical insecurity!
- The right and the need for justice! The prescription. Rule or exception!
- The lawsuit in the material and procedural meaning. The lawsuit as a document.
- The application field of the prescription – the prescription object. The property rights. The personal non-property rights and the lawsuit prescription; the possibility for requiring and benefiting the protection of a subjective right of the State competent bodies, when this right is violated or contradicted.
- The lawsuits, which can not be prescribed – the recognition lawsuit and the declaring character of the correspondent judicial decision; the dividing lawsuit and the juridical nature of the co-property; the lawsuit for the restitution of the amount deposed in the bank; the fundamental contradiction
- **Denial lawsuit.** Why it can be prescribed?
- The lawsuit for heredity request. The contradiction between the article 122 and the article 351 of the Civil Code
- The revendication lawsuit. It can be prescribed or not? The common features and the distinction with the lawsuit for heredity request. The **continued character of the property right** and the possibility of the terms limitation for its protection.
- The lawsuit for the non-property damage compensation (the article 625 of the Civil Code). The confusion related to the application of the article 113/a of the Civil Code.
- The imperative feature of the representing norms
- The prescription terms. Their types.
- The special terms of the article 103 of the Civil Code and the discussion related to the validation of the juridical action relatively invalid. Is-it possible that a juridical action be declared invalid, even if the deadline foreseen by the article 103 of the Civil Code is passed, or when this passing is not pretended in conformity with the article 125 of the Civil Code?
- The term counting of the prescription. The rise of the lawsuit right and the beginning of the prescription terms gait; **actioni non natal non praescribitur**, the lawsuits which are not born can not be prescribed.
- The renounce from the prescription and the suspension of the article 126 of the Civil Code.
- The achievement of the obligation after completing the prescription term
- The suspension and the interruption of the prescription. The distinction between the suspension and the interruption
- The prescription suspension. The textual features of the suspension causes. The **justified passivity** of the right holder. The concrete causes of the suspension.
- The **suspension personal character of the prescription.** The suspension exercises its effects only on the person which is the holder of the subjective right, and for which it is verified the suspense cause, but the effects are not valid on the other persons participant in the same juridical relation. For explaining the suspension personal character we are helped by the second paragraph of the article 433 of the Civil Code: ”The prescription suspension for one solider debtor or for one solider creditor , has no effects on the others”.
- The prescription interruption. The **lacking passivity** and not a justified passivity like the suspension case.
- The presclusivity re-establishment within the terms.
- The special disposal case
- The presclusivity (the decadence of rights) and the objective need carrying out the right exercise within a predefined term, without taking into account the subjective circumstances which have defined the term gait
- The presclusivity as a right extinction as consequence of not exercising this right within definite terms. The objective fact of passing of time and the exception of the subjective situation of the titular (the holder of the subjective right)
- The decadence and the exception of the **interruption and the suspension.** The exercising of the right and the falling of the existence reason of the decadence.
- The conventional decadence or in private interest and the decadence in the general interest.
- The legal interest and the voluntary decadence
- The voluntary decadence and the **limit established by the article 138** of the Civil Code
Pedagogical methods:
- Theoretical materials; the treatment and the discussion of the practical cases and the hypothetical cases
- Comparative look; discussions related to the perspective of the debatable cases

Legal basis:
The participants must have the Civil Code. Cases from the judicial practice of each participant will be much appreciated. The theoretical materials and the comparatives treatment will be available.

---


Course: A07
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 1.5 days
Type of course: seminar
Participants: judges

Course description: The economical-social system changes, the vigorous growth of various relations inside the country and of the international relations, have increased considerably the possibilities and the variety of the juridical actions. The juridical activity subjects require the stability and the legal security of the juridical relations, where they are pair and the trust for planning their business in the future. This demands that the judicial activity for the assurance of the juridical actions and the consequence solution deriving from the juridical activity, which are or are declared invalid, be qualitative, legal and unified.

Objectives:
- To make evident the violations observed in the judicial practice regarding the cases examination with the object of juridical actions and their invalidity
- To make efforts for judges to be aware of the big importance that is in the meaning of the distinction between actions juridically invalid and those relatively invalid.
To discuss the solution way of the consequences of the juridical actions, which are declared or verified as invalid as well as the juridical problems observed in the juridical practice, which have to be eliminated.

**Content:** During this course are going to be treated the following cases:
- The meaning of the juridical action, the unilateral and bilateral juridical actions, the juridical action form and the importance of the respect of the form requested by the law.
- The juridical action form for the transition of the immovable object property and the real rights on these. Which are the elements defining the form of the juridical action for the transition of the immovable object property and the real rights on these? The juridical consequence of the lack of respect towards to the notarial form and their non-registration in the Registration Office of the immovable property.
- The theoretical and practical problems observed in the cases when is not respected the paper form of the juridical action, the paper as an element of proving the juridical actions
- The juridical actions on condition and the juridical action with terms

**The Invalidity of the juridical actions**
- The juridical actions absolutely or relatively invalid, the distinction and the importance of the distinction between them.
- The fictitious or stimulated juridical actions, their validity problems and the consequences towards to the third pair, which in good faith have acquired the rights on the basis of a fictitious or stimulated juridical action.
- The prescription of the lawsuit of the invalidity of the juridical action and the invalidity consequences of the juridical action

**Pedagogical methods:**
- The theoretical materials
- Introduce the cases from the judicial practice, their study and discussion. Bringing out the problems issued from the judicial practice.
- Opinion exchange on the perspective

**Legal basis:**
Each participant in the training session might have the theoretical materials or concrete cases from the judicial practice, as well as the Civil Code.

8. **Right of property and titles of property. Disputes related to property. Protection of right of property. Lawsuit of revendication and lawsuit of denial.**

**Course: A08**
**Coordinator:** School of Magistrates
**Place of training:** School of Magistrates
**Course duration:** 1.5 days
**Type of course:** seminar
**Participants:** judges

**Course description:**
Meaning of the institute of the right of property as a fundamental real right. Rights of the owner. Relation and distinction between the right of property as a real fundamental right and the temporary real rights. Meaning of lawsuit of claiming chattels (revendication), active legitimation, passive legitimation, lawsuit of denial, proving process. Distinction between two types of lawsuits, as a means of defending the right of property, in relation to rights being infringed upon.

**Objectives:**
Treating problems arising from the use of these two types of lawsuits from the owner as a means of defending his/her property right claimed to be violated, we aim at realizing:
- Understanding right of property, as a real fundamental right.
- Understanding these two types of lawsuits as means of protecting right of property using the general way of defense of the subjective right that is allegedly violated, more concretely, the right of property, like submission of the lawsuit for consideration in court.
- Theoretical treatment of owner's rights, pointing out the theoretical and practical problems related to violation of rights of possession and enjoyment, violation of which gives the owner the right to file the lawsuit in court.
- Common elements and distinction between two lawsuits, pointing out particularly the problems regarding violation of the right of possession, application of prescription etc.

**Content:** Seminar will be devoted to theoretical treatment of these two types of lawsuits as defense means to the property right, putting forth for debate different opinions related to particular institutes of civil law. It will be devoted to treatment of court practices and particularly to those of the High Court.

**Pedagogical methods:**
- Theoretical material related to treatment of revendication lawsuit and lawsuit of denial.
- Court practice.
- Debate and exchange of opinions.

**Legal basis:** Theoretical material from our literature in relation to these two lawsuits (Civil Law "Property", Prof. A. Nathanaili). “Disa çështje mb i pronësinë dhe trashëgiminë” A. Nathanaili, N. Papuli, “Private Law” F. Galgano, edition of 1999).


**Course:** A09  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 1.5 days  
**Type of course:** seminar  
**Participants:** judges

**Course description:**  
Property as a form of assimilation of material goods expresses a relation between people and things. These relations in social life are quite complex and in many cases they are a source of conflicts. Meaning of real right in general and particular real rights is very important to guarantee the coexistence over the same thing, of the right of property of a subject with the real regiths belonging to other subjects.

**Objectives:**  
Various juridical relations that are created between people for the same chattels require indispensably that the meaning of real right over a chattel is known. Distinction between content of right of property over the same chattel from the rights belonging to subjects different from the owner of this chattel present great theoretical and practical importance, therefore understanding them will contribute to the right solution of possible conflicts, but also for a unified meaning of juridical problems coming out of court practice.

**Content:**  
During this course will be treated mainly the following issues:  
- Meaning of the real right, types of real rights according to our Civil Code, secondary real rights.  
- Usufruct, content and how it is created, limits of enjoyment of chattels in usufruct.  
  - Obligations deriving from usufruct, termination and abandonment of usufruct.  
- Servitudes, meaning, content and types.  
  - Obligatory servitudes and voluntary servitudes, similarities and differencies.  
  - Manner of exercise and extinguishment of servitudes.  
- Emphyteusis, meaning and content.
- Rights and obligations of owner and emphyteuta.
- Life revenues, content, how it is created. Effects of contract of life revenues.

**Pedagogical methods:**
Theoretical materials.
- Presentation of court practical cases, study and discussion. Pointing out the problems that have arisen during judicial practice, as well as studying the unified decision of the Joint Colleges of High Court regarding real rights.

**Legal basis:**
Every participant in training should have with him/herself theoretical materials he/she deems necessary and practical cases, as well as the Civil Code.

10. **Challenge of administrative acts. Administrative acts issued from customs, taxation and construction police authorities. Practical problems regarding meaning and use of the administrative way. What are those decisions that constitute executive titles and the manner of challenging them.**

**Course: A10**
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 2 one-day training sessions  
**Participants:** judges, lawyers, representatives of taxation, customs and construction police authorities.

**Course description:**
The change of social-economic system, development of numerous commercial and civil relations, in and out of Albania, has brought as a consequence a number of juridical conflicts between the state and private entities. These changes has also brought constant pressure on the public administration structures, its activity, relations with citizens and how these citizens violated from a state act, can resolve the conflict through the court.

**Objectives:** Pointing out problems and violations noticed during trials, during consideration of administrative issues regarding the absolute and relative invalidity of administrave acts.  
- Making attempts at making judges aware regarding changes between these state acts, depending on the institution issuing them. The scale of violation of the investigative-administrative procedure and of the substantial law, depending on the absolute and relative invalidity of the administrative act.  
- Unification of practice concerning the consideration of administration acts of taxation, customs and construction police administrative acts, in relation to the term of filing a lawsuit, its prescription and initial performance of monetary obligations that these administrative acts contain.

**Content:** Issues to be treated during this course are:
- Meaning and form of the administrative act. Administrative acts which are relatively and absolutely invalid. Effects that these acts bring to the subjects they address.  
- Characteristics of administrative acts. Lack of determining elements of an act and type of invalidity this lacking creates.  
- Administrative and judicial jurisdiction of considering an administrative dispute.  
- Procedure of issuance and notification of an administrative act. Type of invalidity created if it is not observed the procedure of the official act.  
- Term of filing a lawsuit to challenge an administrative act, compared to the type of the state institution that has issued it and the observance of the relevant administrative complaint. Moment when this term starts depending upon receiving notification or not directly from the subject to which the administrative act is addressed.  
- Suspension of execution of an administrative act. Condition for this suspension to exist. Connection between the object of requesting the suspension of the execution of the act and the final consequences of its annulment. Legal basis over which this request can be made.
- Preliminary payment of obligation of an administrative act issued from taxation and customs authorities. Consequences brought about from non-performance of this obligation regarding considering or not the administrative dispute. Does this non-payment constitute a cause to take the issue out of the court jurisdiction or a defect of the lawsuit filed for trial?

**Pedagogical methods:**
Theoretical materials.
Presentation of practical cases, studying and discussing them. Court practice and unified decision of the High Court, Constitutional Court. Exchange of opinions on the perspective and problems arising from the court practice.

**Legal basis:**
Every participant in training should have with him/herself the Civil Procedure Code, Code of Administrative Procedures, Law “On Construction Police”, Customs Code, Law “On Taxation Procedures in the Republic of Albania”, practical cases from court practice, unified decisions of Joint Colleges of the High Court, theoretical materials (different commentaries, articles etc...).

11. **Subjects in civil law and their juridical personality. Non-for-profit organizations and the legislation that regulates them. Relation of law on NPO with Civil Law. Problems of court practice.**

**Course:** A11  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 2 days  
**Type of course:** seminar  
**Participants:** judges

**Course description:**
Subjects of civil law are all those persons or groups of persons that could participate in civil juridical relations in the capacity of holders of subjective rights and civil juridical obligations. Subjects of civil juridical relations can be people, be it particular individuals, or collective formations. Particular individuals as subjects of civil law in our legislation are called physical persons. Whereas collective formations of individuals organized in as law provides are called juridical persons.  
NPO-s are a particular subject and it is subdivided into associations, foundations, and centers. Since legal package in this field is relatively new, it is foreseen a special course, which will be organized in the form of a two-day seminar.

**Objectives:**
This course aims at clarifying:  
Meaning of NPO-s, their juridical personality and status,  
Types of subjects, associations, foundations and centers,  
Status of centers as a new subject in civil law,  
Connection of civil code to the legal package regarding NPO-s and their registration.  
Analysis of economic activity of NPO-s and their distinction from commercial and simple companies.  
Analysis of legal provisions and cases from court practice.

**Course description:**
The above course will structured into two days, where different issues will be treated related to the legal package. In addition to this theoretical treatment, the course will discuss different problems run across during court practice in relation to these issues. Meaning of NPO-s, their juridical personality and status, types of subjects, associations, foundations and centers, status of centers as a new subject in civil law, relation of civil code with the legal package providing for NPO-s and their registrations.

**Pedagogical Methods:**
The course will be organized in the form of a seminar and will consist in:
Preparation of materials or topics preliminarily from the experts and their interactive presentation. Photocopying and distribution of various part from juridical literature in this field. Presentation from both the experts and the participants of the cases coming from the court practice. Discussions and exchange of opinions between participants regarding debatable theoretical and practical issues. Drawing opinions for the organized course and for the future. Distribution of certificates for participants.

**Participants:**
In this seminar, judges will participate from different levels of judiciary according to the organization of the School administration.

**Legal basis:** Participants in this course should have with them the Civil Code, as well as be prepared with some concrete cases from court practice, which could be interesting to be discussed in groups.

**12. Law on commercial companies and commercial register. Right of establishment of companies, invalidity of companies and acts of establishment. Difference of invalidity in civil law from invalidity in civil contractual law. Problems of court practice related to commercial register and invalidity of commercial companies.**

**Course: A12**
**Coordinator:** School of Magistrates
**Place of training:** School of Magistrates
**Course duration:** 2 two-day training sessions
**Type of course:** seminar
**Participants:** judges

**Importance of training:**
Signature of Stabilization and Association Agreement will require another level not only of approximation of legal and statutory rules with those of EU, but also it will require that solution to problems be given in a high professionalism. This topic is very current and responds to legal and economic problems that Albanian companies are going through. Commercial companies, since law no. 7638, dated 19.11.1992 entered into force up to the current moment have had a lot of problems in practice, problems connected to acts issued from them and commercial relations they create with third parties, through different transactions they perform. Many conflicts that go to court have raised theoretical and practical problems that require legal solutions in order to create and preserve the permanent stability in the economic activity of commercial companies.

**Objectives and purpose of the course:**
Objectives to aim at through this training are connected with raising professional capacities of judges who try cases in the commercial section of the court and making them aware for the great importance that commercial company acts have, their invalidity and the distinction of the invalidity in civil law with the invalidity in the civil contractual law. Discussion of problems from practice regarding these issues, with the intention of reaching a common opinion for the solution of the debatable topics.

**Issues that could be treated:**
- Invalidity of the establishment acts of commercial companies. Regularity of acts that the company should issue, the form they should have. Commercial company acts can be challenged in court from the interested parties. Who should be comprised in the interested subjects cycle?
- Content and form of acts leading to the establishment of a company. Should they be acts having the same rules? Rules for “governing the companies” (ltd. and joint stock company).
- New EU norms regarding the status of a European Company (Societe Europae). Discussion of EU rules for a limited responsibility company in the European space.
- Distinction of acts issued from commercial company from other official acts. In what category do acts produced from commercial company organs enter? Place taken from the acts issued from commercial company organs in the theory system of judicial proofs.
- Solidary responsibility for damage caused from irregular drafting of acts of establishment of a commercial company, both for founders of the company and for the other members of leading organs.
- Difference of invalidity in civil law from the invalidity in civil contractual law. Problems of prescription terms in both cases. Application of prescription terms provided for by special law. Differences from the traditional concept for the problem of prescription of lawsuits for juridical actions absolutely invalid.
- Lawsuit to be filed in cases of claiming the invalidity of acts issued from the company.
- Measures for securing the lawsuit taken from the court to block the actions of commercial register. Consequences they bring in the activity of company.
- Problems of court practice regarding treatment of invalidity of the above acts and problems of commercial register practice.

**Pedagogica methods:**
- Theoretical materials (Albanian and foreign).
- Cases from court practice, their study and discussion. Pointing out problems coming from court practice.

**Legal basis:**
Participants in training should have with them as basic material three laws, commercial company law, civil law and civil procedure law.

13. **Mediation as an alternative of conflict resolution. Legal basis of mediation. The proving power of agreement and performance of obligations deriving from it.**

**Course:** A13
**Coordinator:** School of Magistrates
**Place of training:** School of Magistrates
**Course duration:** 1.5 days
**Type of course:** seminar
**Participants:** Judges

**Course description:**
Mediation is an out-of-court activity, that is realized from a third person (mediator), to resolve by conciliation disputes between citizens, between citizens and private juridical subjects, or between private juridical subjects, according to conditions provided for by law. Juridically, mediation is a process aiming at helping parties to a conflict to find an acceptable solution and at the same time not to come contrary to law or good customs.

Each conflict resolved by conciliation ends successfully, when parties to it accept each-other’s conditions and draft a conciliation agreement. Conciliation has been a part of the Albanian tradition and on the other hand civil procedure also provides that the court can be active in pointing out cases where conflicts can be resolved by conciliation in the preliminary phase of the process. For this reason, this calendar has foreseen a special course on mediation, as an alternative to conflict resolution and will be organized in the form of a two-day seminar.

**Objectives:**
This course will clarify:
Knowledge of contemporary mediation techniques;
Recognition of agreement as an executive title and a proof in the civil process;
Agreement contains obligations and conditions that parties place upon one another, manner and terms of their fulfillment, signature of parties and of mediator;
Scope of mediation and types of conflicts that could be mediated;
New legal basis approved in 2003;
Analysis of cases from court practice.

**Course description:**
The above course will be structured into two days, where there could be treated issues relating to legal basis of mediation, agreement, form and status, obligation of parties from this agreement, cases of its violation, techniques of mediation and steps to be taken from the mediator etc.

**Pedagogical Methods:**
The course will be organized in the form of a seminar and will consist in:
Preparation of materials or topics preliminarily from the experts and their interactive presentation.
Photocopying and distribution of various part from juridical literature in this field.
Presentation from both the experts and the participants of the cases coming from the court practice.
Discussions and exchange of opinions between participants regarding debatable theoretical and practical issues.
Drawing opinions for the organized course and for the future.
Distribution of certificates for participants.

**Participants:**
In this seminar, judges will participate from different levels of judiciary according to the organization of the School administration.

**Legal basis:** Participants in this course should have with them the Civil Code, as well as be prepared with some concrete cases from court practice, which could be interesting to be discussed in groups.

**14. Inheritance by will. Cases of invalidity of will. Legal reserve and practical problems related to it.**

**Course:** A14  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 2 training sessions 1.5 days each  
**Type of course:** seminar  
**Participants:** judges

**Importance of training:**
Institute of inheritance as a traditional institute of civil law with political and economic developments that our country entered into after the 90' requires special attention in the treatment of problems of inheritance and an increasing stability of civil and juridical circulation. Testamentary inheritance with its many problems has begun to take a particular place not only in the desire of the legator to dispose of his property rights by a written act (will), but also for legal problems that should be solved immediately after the opening of the will. Under these conditions, understanding the content of a will as a unilateral juridical action and solution of consequences coming from searching the invalidity of the will, has a great importance for the discussion of many problems of practice. Where there is a property conflict we can find connections with inheritance problems.

**Objectives and purpose of course:**
Pointing out cases from court practice in relation to inheritance by will and consideration of cases related to content of will as well as case having as an object the invalidity of will. Discussion of cases of invalidity of juridical action of the will. Discussion of cases of invalidity of will related to legal reserve and solution of consequences coming from this invalidity.

**Content of issues:**
- Meaning of will. The will as an unilateral juridical problem.
- Capacity to dispose by will. Circle of persons forbidden to dispose by will. Concept of patria potest.
- Distinction of the will as a unilateral juridical action with “acts among the living”, other contracts and acts that are unilateral.
- Testament as a revocable act. Revocation as a defense of testamentary freedom. Forms of revocation of will.
- Testamenti as an act of mortis causa.
- Testamenti as an act of free will of legator.
- Forms of testament. Holographic will and the will by a notarial act. Special wills. Will by universal title and will by a special title. Legacy and burden.
- Free will and interpretation of a testament.
- Cases of invalidity of a will. Forms of invalidity of a will (null testament and annulable testament). Their distinction.
- Legal reserve and practical problems related to it.
- Legal reserve as an “arithmetic fraction” of de cuis and against his will.
- What is the part that can be covered from legal reserve and the part of inheritance property. Calculation of legal reserve.

**Pedagogical methods:**
- Theoretical materials (Albanian and foreign).
- Cases of court practice, study and discussion. Pointing out the problems coming out of court practice.

**Legal basis:**
Participants in training should have with them the civil code.

**15. Trials in relation to registrations in the Office of Registration of Immovable Property and conflicts deriving from these practices. Legitimation of parties. Decisions of Committees of Restitution and Compensation of Property and their registrations. How to write and give executable and registrable decisions.**

Trials in relation to property, procedural position of ORIP as a party to the judicial process with object: correction of borders, recognition of property, obligation for registration, etc, as well as application of law no. 7843, dated 13.07.1994 “On registration of immovable property”.

**Course: A15**
**Coordinator:** School of Magistrates
**Place of training:** School of Magistrates
**Course duration:** 1.5 days
**Type of course:** seminar
**Participants:** judges

**Course description:**
Taking into account law on restitution and compensation of property this course will give a description of legal bases, cases from court practice and the administrative practice of ORIP. The course will especially analyze competencies of the court and ORIP to see the relevant jurisdictions. The course will analyze decisions of committees of restitution and compensation of property and their registrations.

In application of law no. 7843 “On registration of immovable property”, a new system of registration of immovable property, according to civil legislation, is being established in Albania based on zones of registration. When this system is operational in every registration zone, it will have a greater impact on judicial processes and content of cases that include disagreements regarding ownership over immovable property. This will happen because the System of Registration of Immovable Property intends to become the exclusive and undisputable source of information regarding as follows:

- Existence of land parcels, buildings as objects of civil legislation;
- Dimensions and borders of these properties;
- Identity of owners of these properties; and
- Identity of holders of other real rights on these properties and content of these rights.

**Objectives:**
How to write and give executable and registrable decisions.
Familiarize judges with principles which are provided for in Civil Code and other laws
How to use the information from the System of Registration of Immovable Property in taking the decision regarding immovable properties.
Understand how the System of Registration of Immovable Property produces different documents having legal importance.

**Content of course:**
Seminar will ensure training in three aspects of registration:
1. It will analyse provisions of Civil Code, Code of Civil Procedure and Law “On registration of immovable property”, Law “On restitution and compensation of Property”, as well as relevant changes in them. Documents are intended to present “prima facie” valuable evidence or the final status on the issues of property and existence and content of real rights. Process of registration is intended to be an integral and final phase in carrying out transactions on immovable property.
2. It will ensure a general review of the structure and functions of the System of Registration of Immovable Property to show how it is structured in order to produce precise legal information. Participants will consider the principle of “priority in time” of registration; will consider the ways in which the data of this priority are ensured in the system.
3. It will review the form and content of documents issued from the office of registration of immovable property. This is divided into two categories: a)property and lease certificates; b)certified copies of maps and/or registrations related to objects of property. These are provided from the Registrator to different parties and have different status. For this reason, judges should know each of them and need to understand the “weight” and process of accepting each of these cases.
4. this will give an overview on the form, content and importance of documentation of the office for registration of immovable properties that should accompany different transactions and discuss consequences, which will result from lack of this documentation.

**Methodology of training:**
This seminar will be organized in one day and will include a visit from the participants in the Office of Registration of Immovable Properties.

**Legal basis:**
Every participant should have with him the Civil Code, theoretical materials and practical cases, legal package related to registration of immovable property and restitution and compensation of property.

**16. Judicial conflicts related to joint ownership. Joint ownership in parts and joint ownership by the entirety. Joint ownership and division of property of agricultural family. Phases of division and possible practical problems.**

**Course: A16**  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates

**Course description:**
Uninterrupted development of juridical, social, economic relation in today’s society brings about the development and improvement of property relations and especially relations of joint ownership. Relations between joint owners, increasingly, are becoming more complex and more complicated. Every joint owner has the right to use and enjoy the property in joint ownership, but within limits of competition of rights that other joint owners have over this property. Relations of joint ownership are important elements of development of social life, but at the same time they are also causes of many conflicts between joint owners. Understanding the content of joint ownership, determination of rights and obligations of joint owners, administration of property in joint ownership etc. guarantee the resolution of conflicts in time and open the way to stability and legal security of juridical relations created among joint owners over the property in joint ownership in general and the third parties and joint owners in particular.

**Objectives:**
Studying causes bringing about judicial conflicts having as object conflicts of joint ownership.
Aiming at clarifying the content of joint ownership, general characteristics and distinctive features of joint ownership in parts and joint ownership by the entirety, especially between members of agricultural family.

**Content:**
In this course we will focus on the following issues:
- Juridical nature of joint ownership, meaning and content;
- Short overview of main features of joint ownership in parts and analysis of main types of judicial conflicts related to this kind of joint ownership.
- Joint ownership by the entirety, meaning, content, distinctive features in comparison to joint ownership in parts. Types of joint ownership by the entirety.
- Obligatory joint ownership, object of this joint ownership; issues related to division of property in obligatory joint ownership, rights and obligations of joint owners.
- Juridical problems deriving from the right to construct extra floors over the final floor of a building or other acts. Obligations of the subject that constructs these extra floors in proportion to the rights of joint owners.
- Joint ownership between members of agricultural family. Meaning, content, distinctive features of this joint ownership.
- Agricultural family. Who could be members of this family, representation of agricultural family property relation to the third parties?
- Chattels that are included in the property of agricultural family and those that are not object of this joint ownership.
- The right of a member of agricultural family to require his/her part in the property of the agricultural family.
- Division of property of agricultural family, features of this division in comparison to the division of chattels in joint ownership in parts.
  - Division of this property when this is required from a particular member of it.
  - Division of property of the agricultural family when it is required from several members of the family, in order to create another agricultural family.

**Pedagogical methods:**
- Different theoretical materials.
- Presentation, study and discussion of cases from court practice.
- Pointing out juridical problems that have arisen in practice and exchange of opinions regarding their solution.

**Legal basis:**
Every participant should have with him/herself the Civil Code, theoretical materials and practical cases.

17. Special trials, types, main particular features. Trial of administrative disputes, (A. 324 – 333 of CPC, court practice and problems

**Course: A17**
**Coordinator:** School of Magistrates
**Place of training:** School of Magistrates
**Course duration:** 1.5 days
**Type of course:** seminar
**Participants:** judges

**Course description:**
In this course, we will treat substantial and territorial competencies of the court sections that try administrative and commercial disputes in the district courts, competencies of judges of commercial register in the commercial section of district courts and the complaint against decisions given from commercial sections in district courts and complaints against decisions given from judges related to the registration of the commercial societies in the commercial register. Procedures of trial of
devaluation of cheques, bill of exchange, and other documents of this nature, procedure of trials of bankruptcy of commercial companies and competition problems.

**Objectives:**
- Exchange of opinions regarding trials of commercial disputes from commercial sections in district courts and judges of commercial register in the first instance court of Tirana.

**Course description:**
- Circle of commercial disputes tried by commercial section judges in the first instance courts in the country.
- Circle of cases tried from judges of commercial register in the first instance court of Tirana.
- Complaint against decisions given from judges of commercial section in district courts and against judges of commercial section in the first instance court of Tirana.

**Pedagogical Methods:**
Theoretical materials,
Treatment and discussion of cases from practice,
Exchange of opinions on cases from court practice.

**Legal basis:**
Participants should have with them:
Theoretical materials and cases from practice.

18. **Notarial acts as well as acts for giving bank credits as executive titles (a. 510/d. CPC).**

Legal writing of judicial decisions, a decisive condition to ensure the execution in time and without difficulty of them like executive titles.

Problems encountered in court practice in the phase of execution of above executive titles. Invalidity of executive titles. (Article 609 CPC)

**Course:** A18
**Coordinator:** School of Magistrates
**Place of training:** School of Magistrates
**Course duration:** 1.5 days
**Type of course:** seminar
**Participants:** judges

**Course description:**
Deep changes in the political life of our country have brought important qualitative changes in the juridical, economic and social relations.
Development of banking relationships has brought the increase of juridical relations of physical and legal persons, as well as many conflicts related to non-execution in time and from non-performance of obligations derived from acts of giving banking credits.
Knowing the juridical nature of these acts as well as the notarial acts that contain monetary obligations require also the legal writing of court decisions related to them to make effective the execution of these acts as executive titles.

**Objectives:**
Reaching a unified understanding of the content and elements that these acts should have in order to be recognized as executive titles. Role of court in the phase of considering the request of issuing the “order of execution” for these acts that constitute executive titles. Improvement of legal writing of court decisions is an important duty to increase the effectiveness of the work of bailiffs’ offices and to avoid possible conflicts and dragging of execution phase of court decisions as executive titles of court decisions.
Content:
During this course there will be treated the following issues:

- Notarial acts containing monetary obligations as executive titles.
  - Elements and conditions they should meet to be executive titles.
  - Problems from court practice and unified practice of High Court on this issue.
- Acts on giving bank credits as executive titles and practical problems.
  - Role of court in considering requests for issuing orders of execution for these executive titles (a. 510/d of CPC).
- Final civil court decisions, decisions given to secure the lawsuit, as well as for the temporary execution as executive titles. (a.510/a,b of CPC).
  - Importance of legal writing to realize the obligatory execution in the execution phase.
  - Content of court decision for each part of it and especially elements to be contained in the ordering part of the final court decision. Problems and difficulties encountered in the practice of their execution.

Pedagogical methods:
- Preparation of written materials from experts and their interactive presentation.
- Presentation from expert and from participants of practical cases and their discussion.
- Exchange of opinions and experiences, regarding practical and theoretical issues.

Legal basis:
Participants in this course should have with them cases of judicial practice, theoretical materials they deem necessary and the civil procedure code.

19. Preliminary actions and their importance to the preparation of an objective, impartial, effective legal process.
   Obligations of the plaintiff in filing the lawsuit and during the civil process.
   Legal problems encountered in court practice during litigation in cases when parties are some heirs or joint owners or when one of the parties dies during trial (plaintiff or defendant).

Course: A19
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 1 day
Type of course: seminar
Participant: judges

Course description:
As organs created to resolve disputes arising in a certain society, courts have the duty to realize such a function within a time limit which is reasonable. This is indispensable, because every delay in rendering justice will lead to arbitrariness and self-justice, compromising gravely the democratic system. The civil procedure code, having this intention, has foreseen a series of request to be fulfilled before a person who claims that his/her subjective rights have been violated can address the court with a lawsuit in order to protect or reinstate them. Such conditions start with the criteria that the lawsuit should meet, its elements, evidence to be attached to it, copies of acts of other parties, payment of court fees, value of object of lawsuit etc.

The preliminary actions from the judge with the intention of hearing the parties to the process, determination of the object of dispute and the evidence that the defendant and the third person should present to the court also serve to the purpose of quickly solving the case and within a reasonable time. In addition, to the end of trial within a reasonable time serve the duties charged by law to the court in order for it to take action to put the case in motion in the event of death of one of the litigation parties or termination of juridical person in conflicts with several parties (including cases with many heirs or joint owners).
Objectives of training:

- Theoretical treatment of rights and obligations of plaintiff in order to guarantee holding the civil judicial process within a reasonable time.
- Clarification of the elements of lawsuit; evidence to be attached to it in the moment of filing in court; as many copies of lawsuits and proving acts as there are litigation parties and juridical consequences for non-observance of these conditions that bring about the rejection of lawsuit.
- Importance to be devoted to preliminary actions of a sole judge towards determining: object of dispute; applicable law; civil judicial jurisdiction; territorial and substantial competence; taking action to secure the lawsuit or the evidence, in urgent cases; suspension of trial or dismissal of trial, if civil procedural law criteria is met; joining or dividing lawsuits when the case is etc.
- Proper attention to be devoted and proper care to be taken from the court to resolve the case by conciliation and its conditions.
- Form of procedural acts should be determined, with which the judge should dispose to carry out the above actions.
- Indispensability of carrying out preliminary action in difficult and complicated civil cases, having many pleading parties.
- To reach a consolidated position in relation to concrete actions that the court should perform in order to take action to restart the trial suspended due to death of the physical person or termination of the juridical entity.
- Evaluation of court practice in relation to application of these provisions, through receiving opinions from participants in training, bringing their personal experience during exercise of duty.

Course content:

This training, in the form of a seminar, will be held for one day. In the beginning the seminar will focus in theoretically treating: - rights and obligations of the plaintiff in relation to holding trial within a reasonable time; - form and elements of lawsuit, accompanying evidence and juridical effects of non-application of these conditions. A special treatment will be devoted to actions of a sole judge in the function of determining the jurisdiction and competence, the taking of measures to secure the lawsuit or the evidence, suspension or dismissal of trial, joining or dividing lawsuits as well as unification of procedural acts that document these actions. A considerable place will be taken from the importance of holding a preliminary hearing, cases when it is indispensable and action that should be taken by the judge during this hearing.

From another theoretical analysis we will try to a more consolidated position in relation to bigger problems that have been noticed in judicial practice regarding not forming correct litigation, especially in cases of joint ownership. Thus, there will be treated and defined concrete actions to be carried out by the court in order to take proper action to restart the trial suspended due to death of the physical person or termination of juridical person, for which the jurisprudence has shown that often are causes of delay of trials.

After these topics have been referred, the participants interactively can make comments, ask questions and seek clarifications. The last part of the seminar will be devoted to practical cases, regarding lectured topics, focusing in pointing out their characteristics and similar application of relevant provisions.

Legal basis:

Participants, judges of first instance courts should have with themselves the Civil Procedure code, Civil Code as well as bring with them concrete practical cases from their practice, which are interesting in order to be discussed in the seminar.

20. Securing the lawsuit, cases when court allows taking action to secure the lawsuit, phases of this process in which this measure can be taken, types of security measures. Differences and substitution of securing the lawsuit. Juridical problems of court practice in taking measures of securing the lawsuit in proportion to different types of lawsuits.

Course: A20
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 1.5 days
Type of course: seminar
Participants: judges

Course description:
Democratic developments in the beginning of 90-s brought in today's Albanian political, economic, and social reality important achievements in political pluralism, private property and fundamental human rights. These changes are clearly reflected in juridical relations in civil law area. Subjects that enter in such relationships need stability and security, intending to protect the property, investments and other interest of theirs. Along with other institutions, such a protection is guaranteed from the courts, through the investments from interested persons. Often, protection of subjective rights should be made urgently, because every delay would cause grave damage and may irreparable for the future. To the function of guaranteeing these rights and preserving the status quo until taking a final decision from the court, the legislator has provided for the institute of securing the lawsuit. (articles 202-212 of CPC).

Objectives of training:
1. Treatment of measures of securing the lawsuit and cases when it is taken theoretically through confrontation of Albanian doctrinal experiences and the experience of EU countries.
2. To be determined what are “other appropriate measures” that could be taken for securing the lawsuit, according to article 206/b of CPC.
3. To identify cases of court practice of mistaken application of measures of securing the lawsuit.
4. To distinguish between the security measure taken preliminarily by the court from its order in the final decision of satisfaction of plaintiff's claim expressed in the object of lawsuit.
5. To determine the manner of consideration of request for taking the measure of securing the lawsuit, as well as the content and manner of reasoning of a decision given for this, in order to avoid the perception that the court has prejudiced the solution of the case on its merits, or that by its actions the court influences the delay of trial of the case on its merits.
6. To distinguish between measures of securing the lawsuit in a civil case and measure for suspension of application of an administrative act, lawfulness of which is the object of a judicial consideration.
7. Analysis of court practice of applying these measures, through cases from different courts and mainly from the High Court.
8. Absorption of opinions of participants regarding these measures, bringing their personal experience during exercise of duty.

Course content:
This training, in the form of a seminar will be in two days. During the first day there will be treated: - meaning and content of securing the lawsuit; -cases when an interested person is legitimized to make a request with such an object; -conditions that should exist in order for this measure to be taken. Also, it will be clarified the meaning of “written proof” and “guarantee” that the plaintiff should give. There will be treated the number of lawsuits for which the measure of securing the lawsuit can be taken and conditions to be fulfilled so that this measure can be taken from the Court of Appeal. Also, there will be clarified the features of considering such requests from the court or a sole judge, determining as much as possible cases when this measure can be taken in the absence of the plaintiff. After these topics have been lectured, the participants interactively can make their comments, ask questions and seek clarifications. The afternoon session can be devoted to practical cases, with regard to topics lectured before, focusing in their discussions in pointing out their features and reaching standards in the application of the provisions.
During the second day, lecturers will treat from a theoretical point of view the types of measures of securing the lawsuit, stopping in the determination of items that could be sequestrated and the procedure of sequestration, especially in clarifying the expression “other appropriate measures, including also the suspension of execution”. Considerable space will be left to cases of replacement or change of the measure of securing the lawsuit and the conditions that should exist so that the court can take such a decision. Bearing in mind that there have been noticed in court practice quite a few number of cases of misunderstanding and wrongful application of articles 209 and 210 of CPC, that
provide for complaints against measures of securing the lawsuit and their execution or non-execution, lecturers will largely treat these issues. Of course, to this end we will use discussions of practical cases especially those of High Court.

**Legal basis:**
Participants, judges of first instance court and appeal court should have with them the Civil Procedure Code, as well as some concrete cases from their everyday practice in order to discuss them during the seminar.

**21. Proof in the civil process. Burden of proof.**
- Limits of permitting proof by witness;
- Written proof and their probative power.

**Course:** A21  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 3 two-day workshops  
**Type of course:** workshop  
**Participants:** judges

**Importance of training:**
At a time when Albanian civil legislation recognizes the principle of freedom of the forms of juridical actions as well as at a time of economic development and large informality, where civil conflicts are increasing, special importance is taken on by the process of proving in civil trial. Today’s court practice has shown that in many cases problems are sharper and more complicated in the process of proving, than in the process of applying the substantive law.

**Objectives:**
Clear understanding of the concept of burden of proof. Distinguishing this notion and features of its appearance in the civil process and other processes, as the administrative one, civil aspect of criminal processes (seizures, confiscations in the criminal process) etc. Probative value of documents, limits of permitting proof by witness, as well as receiving and considering evidence that is not explicitly regulated by law. Importance of influence of the proving process in the right solution corresponding to the truth of the case and rightful application of the substantive law.

**Content:** the course will treat the theoretical meaning of the concept of burden of proof as an expression of the principle of availability. Can burden of proof be changed by the parties and if yes in what cases? What is understood by historical or direct proof and indirect or critical proof? Collection and evaluation of evidence that is not regulated explicitly by law. It will be clearly given the meaning of the concept of limits of permitting the evidence by witness, and difficulties arising in court practice. Treatment of public act and private document as written proof. Respective probative value. Should the court consider a document sent by fax, an e-mail or a photocopy of a document to be a proof? Does the position of a party against which such proof is presented matter?

What is the probative value of a final court decision, but which does not contain the elements of a former trial? What is the probative value of the documents from other states and the way to be followed so that they have such a value. Proof of notifications as an element of a due legal process in the meaning of article 42 of constitution and article 6 of Convention.

**Legal basis:**
Civil Procedure Code, Code of Administrative Procedures, different court decisions that have to do with the proving process. etc.

**Modalities of application:**
The topic could be held in three two-day sessions with 25-30 judges, where the proper methodology is the workshop.
22. **Photographic films, movies and other recordings as evidences in the civil process.**
The realization of photographic productions and of the movies by court decision (no. 2890)
- Watching the persons, the objects and the places, the experiments.
- The judicial practice and the problems related to it.

**Course:** A22  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 1.5 days  
**Type of course:** workshop  
**Participants:** judges

**Course description:**
Nowadays, technology has evolved considerably and qualitatively. Many types of equipment now exist that record facts of life in audio, video or other forms. It is enough if we mention here, cellular phones, which in a very short time have suffered great changes, managing to perform several functions at a time, like voice registration, video recording, data transmitting or communication through computer networks like e.g. email, which are phenomena of the modern world. Since the equipment recording images in audio, video, data etc are spread considerably, then the facts that are recorded in these types of equipment can be important to the civil process. Parties can present their evidence in order to prove facts that constitute the object of their claims. For this reason, it is important that the actors of justice and especially judges should have enough knowledge regarding this kind of proof like photographic films, movies, and other recordings. The need may arise to the court to realize the photographic or film reproductions of objects, documents or different items during the examination of persons, things or places. The same need may also arise during the realization of an experiment. As means of collecting the evidence, reflecting the procedural way that the court should follow to make possible the examination of certain facts, the experiment and examination are important in certain civil trials.

All of the above constitutes the object of this course, which will make possible the clarification of basic concepts related to this kind of evidence or means of collecting the evidence, in the viewpoint of reality and new needs that we face in these high technology times.

**Objectives and purpose:**
- pointing out the importance of photographic films, movies and other recordings as evidence in the civil trial.
- pointing out drawbacks noticed in practice regarding the abovementioned evidence (photographic films, movies and other recordings).
- pointing out drawbacks of legislation regarding the concept of other recordings (informatic documents), as evidence in the civil process.
- Discussing practical problems that have to do with the truthfulness of photographic films, movies and other recordings as evidence in the civil process.
- Discussing about EU legislation and other European countries’ legislation that regulate issues that have to do with informatic documents.
- Discussing about the importance of the examination and experiment in the civil process as well as the photographing and filming as means of recording specific data.

**Content:**
During this course, the following issues will be treated:
- Meanig of photographic films, movies and other recordings as evidence in the civil process.
- Informatic document, importance, meaning and applicability in practice.
- Albanian legislation regulating the concept of the informatic document. Need for legislation that suits to the EU legislation.
- Court practice regarding the invalidity and use of photographic films, movies and other recordings as evidence in the civil process.
- Truthfulness of photographic films, movies as evidence in the civil process. Position of court regarding these issues.
- Probative power of photographic films, movies and other recordings as evidence in the civil process.
- Examination of persons, things and examination on the spot. Meaning and importance of civil process. Procedure of examination and preservation of personal dignity. Realizing photographic and film reproductions during examination. The right of court to get data and items needed for examinations. Content of minutes of examination.
- The experiment in the civil process. Meaning and importance. Procedure of realization of experiment. Legal drawbacks regarding the experiment. Documentation of experiment.
- Importance of having a clear legal terminology regarding photos, films and other recordings, as evidence in the civil process.

Pedagogica methods:
- Theoretical materials;
- Presentation of cases of court practice, study and discussion. Pointing out problems arising from court practice.
- Exchange of opinions on the perspective.

Course materials:
Every participant should have with him/herself the Civil Procedure Code of the Republic of Albania, theoretical and practical materials for this course as well as other materials, which could serve to give a contribution to discussions around the course topic.

23. Juridical assistance in the civil process from court practice of foreign countries. Obligatory international acts applicable for Albanian courts in this field and application of foreign laws.
- Juridical assistance for foreign states courts.
- Recognition of foreign state decisions
- Court practice and problems.

Course: A23
Coordinator: School of Magistrates
Place of training: School of Magistrates

Course description:
Civil judicial process is a dynamic process, during which the need may arise to take or give assistance from foreign state courts. The issues of juridical assistance in our country is an issue that is not regulated only from provision of Civil Procedure Code, but also in international agreements (treaties), that are bilateral or multilateral). Thus, in certain cases submitted to court for solution there might be foreign elements that create the need for application of foreign law for this specific case. It is fit to say that the relevant legislation regulating this procedural aspect is found both in the national field and in the international one. Further, requests may be submitted before Albanian courts for recognition of foreign courts decisions. These requests will be considered according to provisions of Civil Procedure Code regulating special trials that have to do with recognition of foreign state decisions. However, although such an issue is regulated from Civil Procedure Code, it is necessary to recognize international agreements ratified from the Republic of Albania, which have an impact on the abovementioned process.

Objectives and purpose:
Treatment of the abovementioned in the section “course description” will be the object of course. Objectives and purposes are as follows:
- Pointing out practical and legal problems noticed from judges, in the treatment of requests for giving and taking juridical assistance from foreign courts.
- Pointing out elements that need to be approximated with EU legislation in the area of giving assistance from judicial authorities.
- Recognition of international agreements applicable in the area of giving assistance from judicial authorities.
- Pointing out legal and practical problems in the application of foreign laws from Albanian courts.
- Pointing out the practice regarding recognition of foreign countries’ decisions and its approximation with international agreements ratified from the Republic of Albania.

Content:
The following issues will be treated during this course:
- Juridical assistance from foreign states courts. Understanding, criteria and role of non-judicial organs in this process. Practice followed from courts in this direction. International agreements influencing the giving of assistance from foreign states courts for Albanian courts. EU legislation regarding this issue.
- Juridical assistance for foreign states courts. Understanding, criteria and role of non-judicial organs in this process. Practice followed from courts in this direction. International agreements influencing the giving of assistance for foreign states courts from Albanian courts. EU legislation regarding this issue.
- Application of foreign law. Understanding the application of foreign law in the civil process that is being held before an Albanian court, cases of this application. Nature of foreign law in the civil process. Problems encountered in practice in this direction. Albanian legislation and international agreement, regulating aspects of application of foreign law. EU legislation regarding this issue.

Pedagogical methods:
- Theoretical materials;
- Presentation of cases from judicial practice, their study and discussion. Pointing out problems that have arisen in judicial practice.
- Exchange of opinions on perspective.

Course materials:
Every participant should have with him/herself the Civil Procedure Code of the Republic of Albania, theoretical and practical materials for this course as well as other materials, which could serve to give a contribution to discussions around the course topic.

24. Fundamental principles of civil process, legal interest as a condition to be a party to trial. Principle of former adjudication. Jurisdiction and competence, problems from judicial practice.

Course: A24
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 2 training sessions
Participants: Judges

Importance of training: treatment of such a topic is of special interest to judicial practice. Knowledge and precise application of fundamental principles of the civil process does simply constitute an issue with theoretical nature, but also a practical matter that is directly related with the application of provisions of civil procedure code. Procedural provisions that are related to civil trial should be interpreted according to fundamental principles of civil process and their application should not run counter to these principles. Under these conditions knowing and respecting fundamental principles of civil process will serve to rightfully apply in practice the procedural provisions. Treatment of concept of legal interest to be a party to civil process presents special importance to analyse the legitimation of parties in trial as plaintiffs, defendants or third parties. Treatment of principle of “former adjudication” and the analysis of procedural elements that identify the court decision that is a “former adjudication” has special importance in the judicial economy,
thus to avoid second trial of the same case and protection of the interest of parties, so avoidance of
giving different decisions for the same case.
Treatment of concepts that are related to jurisdiction and competence is especially important because
of the problems in court practice regarding application of procedural rules related to jurisdiction and
competence. Exact determination of administrative or judicial jurisdiction, civil or criminal, judicial or
constitutional) as well the identification of the court that has the terrestrial and substantial
competence for the trial of a case constitutes the first important action toward the solution on the
merits of the conflict.

Objectives and purpose: It should be pointed out the importance of knowing and applying in
practice the general principles of civil process. Making the participants aware for the importance of
practical application of general principles of civil process, especially for the solution of procedural
situations related to cases when a) legal provision is lacking b) there are contradictions between two
different procedural provisions c) grammatical interpretation of procedural provision leads to illogical
conclusions. Discussion about the manner of evaluation of “interest” to be a party to trial analyzing
the elements “legal interest” and “personal interest”.
Pointing clearly out each of procedural elements (party, object, legal cause) to analyse the principle of
former adjudication. Discussion about violations noticed in court practice and analysis of procedural
consequences of principle “former adjudication”.
Pointing out the meaning of jurisdiction, distinctions between administrative and judicial jurisdiction,
civil and criminal jurisdiction, judicial and constitutional jurisdiction and the procedure for the
solution of jurisdiction conflicts. Discussion and analysis about the observance and application of
procedural rules on territorial and substantive competence. Analysis of practical cases of violation of
procedural rules on jurisdiction and competence.

Content:
1. Fundamental principles of civil process, meaning and importance:
   a) Principle of lawfulness (article 4 of constitution, article 1, paragraph 1 of CPC, article 16 of
      CPC).
   b) Principle of non-refusal of giving the decision (article 1, paragraph 2 of CPC).
   c) Principle of impartiality and independence of court (article 42 of constitution, article 6 of ECHR,
      article 28 of CPC).
   d) Principle of availability.
   e) Principle of audi alteram partem (article 20 of CPC)
   f) Principle of direct trial (article 24).
   g) Principle of publicity of trial (article 42 of constitution, article 6 of ECHR, article 26 of CPC).
2. Importance of fundamental principles of civil process to guarantee the due legal process.
3. Practical cases of application and interpretation of fundamental principles of civil process, which
   have served to solving procedural situations when a) legal provision is lacking b) there are
   contradictions between two different procedural provisions c) grammatical interpretation of
   procedural provision leads to illogical conclusions etc.
4. Meaning of “interest” to be a party to a trial and its elements “legal interest” and “personal
   interest”.
5. Discussion of theory and practical cases of understanding and distinguishing the “legal” and
   “personal” interest to be plaintiff, defendant or third person.
6. Procedural consequences of the absence of legal interest to be a party to process and treatment of
   practical cases.
7. Meaning and importance of principle “former adjudication”.
8. Elements of final court decision that constitutes a former adjudication. Analysis of elements “same
   parties”, “same object”, “same legal cause”.
9. Decision, which cannot take a final form in substantive meaning, thus, they does not constitute a
   former adjudication.
10. Procedural consequences of court decision that constitute “former adjudication”.
11. Discussion of practical cases when it is pointed out the principle of “former adjudication”.
12. Judicial jurisdiction, meaning and importance. Kinds of jurisdiction (judicial, administrative,
civil, criminal, constitutional).
13. Conflicts of jurisdiction and practical cases from court practice.
14. Procedure and consideration of complaint against court decision related to jurisdiction.
15. Meaning of territorial and substantive competence. Types of territorial competence (general, special, exclusive, alternative, subsidiary, contractual, due to connexity).
16. Conflicts of competencies and cases from court practice.
17. Procedure and consideration of complaint against court decision related to competence.

**Legal sources:** Articles 4, 42, 116 of Constitution, article 6 of EHCR, articles 1-30 of CPC, article 31, 32, 90/1 of CPC, decision of Constitutional Court no.69, dt.16.10.2000 regarding principle of audi alteram partem, unified decision of High Court no.22 dt.13.03.2002 regarding the legal interest to file a lawsuit.
Article 451/1 of CPC, unified decision of joint colleges of High Court no.628, dt. 15.05.2000 (decision of the first phase of division constitutes a former adjudication).
Article 36-64 of CPC, unified decision of Joint Colleges of High Court no.686, dt. 11.05.2000.

**Modalities of application:** this topic should be treated into two training sessions. Each session should have 25 participants, who, at the end of the course, can evaluate its work and the work of the experts through questionnaires prepared for this reason. Experts can evaluate participants in the end of the training session by certificates, which can be issued depending upon the participation in the training.

**Course materials:** theoretical and practical materials.


**Course:** A25  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 2 one-day training sessions  
**Participants:** Judges  

**Importance of training:**  
In a time of many ambiguities that have appeared in court practice regarding judicial enquiry, collection and evaluation of evidence, as well as its conclusion after the collection of evidence, a special importance has the theoretical and practical treatment of these moments as aspects of the process and the only basis of rendering a right decision and close to the objective truth.

**Objectives:**  
Clear meaning of full and comprehensive enquiry, its completion as the only and ultimate manner able to give to the court all the necessary information regarding decision-making. Familiarity with content of court decision, clarification of the importance and nature of its elements. Clarification of moments of completion, clarification and interpretation and correction of mistakes of decision. Knowledge and understanding of criteria when a decision can be given with temporary execution.

**Content:**  
This course will treat the meaning of nature and manner of concluding a judicial enquiry. Rapport between the intermediate decision for the conclusion of the judicial enquiry with that of permitting the evidence to be collected. When it is decided about the end of judicial enquiry and in what cases can its reopening be asked? Who has the right to do this? When can the decision be called reasoned, in such a way so not to constitute a cause to be changed by higher level courts. In what cases correction of mistakes of the decision, completion or clarification and interpretation can be considered and in what amount so as not to infringe upon the decision itself and consequences. Why and in what cases can rendering the decision with temporary execution be justified? Should a guarantee be required in all cases? Rendering the decision with temporary execution is done in the moment when the decision on the merits is given or on the basis of a special request after its
rendering. How should provision of article 318 be understood, according to which there can be a special complaint against the decision with which the request for temporary execution is rejected?

Legal basis:
Civil procedure code, parts from doctrine and different judicial decisions regarding this aspect.

Modalities of application:
This issue can be treated into two or three one-day sessions, with the participation of 25-30 judges, where the most suitable methodology is the workshop.

26. Participation of the third person in civil process. Main, secondary intervention and summoning of the third person. Procedural rights of parties and third persons in trial, passing the procedures, renouncement from trial and the right to lawsuit. Role of the lawyer in trial as a representative of the parties. State's advocate and his participation trying cases where the state is a party.

Course: A26
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 2 two-day training sessions
Participants: Judges

Importance of training:
Under conditions of very complex civil juridical relations because of instability in civil circulation, special importance has the participation of the third person in the civil process. In many cases civil process starts in a simple way, but due to circumstances revealed by the parties themselves or from the court, the configuration of parties in the process changes and becomes more complicated. In practice it is necessary to do the clarification of the position of the lawyer, simply as a defender or as a representative in case of the absence of parties. Clear and full meaning of the participation of the state advocate in the civil process constitutes also an important moment.

Objectives:
Correct understanding of procedural rights and obligations of the third person participating in civil trial. Moments which distinguish the main intervention from the secondary one and from the summoning of the third person. Correct understanding of the difference between procedural succession and procedural substitution. Clarification of the conceptual rapport between the states advocate and the advocate of the private party. Are they the same thing?

Content:
The course will treat the theoretical meaning of the concept of the third person and how it is shown in practice this procedural moment. What are the procedural rights and obligations of the third person? Should the third person summoned from the court, under the meaning of article 193 of Civil Procedure Code, take a particular procedural position, as main or secondary interventor? Does a particular complaint against the intermediate decision of the court, with which it is rejected participation of the third person, under the meaning of article 194 of Civil Procedure Code suspends the trial? If not, what happens when the court of appeals changes its accepting the participation of the third person, in the meantime when the trial in the first level has finished? Can the third person be obliged from the court by its final decision?
Clarification of the conceptual distinction through procedural passing and procedural substitution. Can the lawyer of one party renounce the trial and the right of lawsuit? If yes in what cases. How will these cases be treated in practice? If the trial is abandoned can the lawsuit fee of 1% be returned?
Can the decision for holding the trial in the absence of the state party be taken, when the representative of the state is absent, but it is present the advocate of the state? Does the obligation to notify the state advocacy and to make known to it the lawsuit and a copy of the acts belong to the state organ, which is a party to the trial or does it belong to the court, taking into account the specific law on state advocacy? Is the state advocacy a party to the civil trial?
**Modalities of application:** this topic can be held in two two-day training sessions with 25-30 judges, where the suitable methodology is the workshop.

**27. Procedural terms. Procedural acts and their invalidity.**

**Course:** A27  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Participants:** judges

**Course description:**
Procedural acts and terms are the most individualizing aspect of the civil procedural law. Through them it is made possible the initiation, continuation and conclusion of the civil process. Procedural acts and terms condition the civil process itself, its performance and manner of conclusion. These concepts are presented closely linked with the rights and duties of subjects of civil process and influence them widely. Pointing out distinctive features of procedural terms and acts is an indispensability, in order to correctly understand the civil process. For this reason, the course aims at pointing out the features of the concepts of procedural terms and acts, as as to make a general treatment.

**Objectives and purpose:**
Objectives and purposes of the course consist as follows:
- Pointing out formal elements of civil procedural acts. Correct understanding of these elements and the influence they have in practice.
- Pointing out different problems that are related to the concept of the procedural act and its invalidity.
- Pointing out the court practice in the interpretation of procedural acts and the consequences of their invalidity.
- Discussion about the nature of procedural terms in Civil Procedure code, their types and practical consequences of these terms.

**Content:**
The following issues will be treated during this course:
- Nature and meaning of civil procedural acts and their influence in the civil process. Formal elements of drafting civil procedural acts. Content of civil procedural acts. Types of procedural acts that are realized from different subjects of civil process, their importance for the process.

**Pedagogical methods:**
- Theoretical materials;
- Presentation of cases from judicial practice, their study and discussion. Pointing out problems that have arisen in judicial practice.
- Exchange of opinions on perspective.

**Course materials:**
Every participant should have with him/herself the Civil Procedure Code of the Republic of Albania, theoretical and practical materials for this course as well as other materials, which could serve to give a contribution to discussions around the course topic.

**28. Countermand and counterlawsuit in civil process as means of defense**
Course: A28
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 2 one-day training sessions
Participants: judges, lawyers.

Course description:
Development of the system of law, after changes of the social and economic system has brought as a consequence the increase of judicial conflicts. The massive flow of cases in court brings as a consequence knowing the juridical means by means of which the defender can exercise his/her rights for the solution of the conflict.
In the framework of civil procedural law, these changes have brought as indispensability the right determination of the concepts of these juridical means like the countermand and counterlawsuit. Such a determination serves to the strengthening of the principles of the rule of law state, equality before the law and justice in resolving legally the civil conflicts.

Objectives:
- Pointing out the problems and violations noticed in practice (during investigation and trial), in the consideration of civil cases regarding the consideration of counterlawsuit, content and limits of countermands of the plaintiff.
- Attempting to make the participants aware regarding the changes of these procedural means used by the defendant in a civil process and the limits in which these challenges are extended from the defendant.
- Unification of practice in the consideration of counterlawsuit, its relation to the lawsuit accepted for consideration, its relation to the lawsuit regarding the litigation parties, territorial competence. Juridical fate of each of them in relation to final and non-final decisions.

Content:
Issues to be treated during this course:
- Meaning of lawsuit, countermand and counterlawsuit.
- Types of countermand. Limits of extension of countermand within the determined object in the lawsuit accepted for trial.
- Characteristics of counterlawsuit. Time limits within which it can be submitted. Connection of counterlawsuit with the lawsuit. Territorial competence of counterlawsuit in a civil process submitted for trial.
- Defects of lawsuit and their influence in the submitted counterlawsuit.
- Prescripton of counterlawsuit. Distinction from countermand brought in relation to the prescription of lawsuit.
- Juridical fate of counterlawsuit, when it is dismissed, suspended, or when the lawsuit submitted for trial is taken out of jurisdiction. Value of claims in lawsuit and counterlawsuit. New litigation parties, procedural position in lawsuit and counterlawsuit.

Pedagogical methods:
Theoretical materials.
Presentation of practical cases, study and discussion. Court practice and unified decision of High Court. Exchange of opinions for the perspective and problems arisen in practice.

Legal basis:
Every participant in training should have with them the civil procedure code, practical court cases, unified decisions of High Court, theoretical materials (different commentaries, articles etc.).

CODE B
CRIMINAL LAW AND CRIMINAL PROCEDURE LAW

1. Falsification of the identity cards, passports or visas, article 189 of Criminal Code.
   Falsification of securities and coins, articles 184, 183 of Criminal Code.
Importance of training – Introduction
This topic is important to be treated because through it there will be given definitions of the criminal acts against monetary system and credits (as well as criminal acts against official documents (identity cards, passports, visas).
This theoretical and practical treatment is quite necessary because of the large extension these criminal acts have in the Albanian reality. In addition, this topic is of special importance regarding the correct understanding of the elements of the figure of the criminal offence and the joint sentences (falsification of passports).

Objectives and purpose:
Through treatment of this topic it is aimed firstly: at assimilating from the auditorium the right understanding of the elements of criminal act figures and secondly: making the clear distinction of the objective side of the crimes concretely falsification through circulation or usage of coins, securities, identity cards, passports, etc.
Through practical examples it is aimed at bringing numerous examples for illustrating the theoretical side of the treatment of the abovementioned acts. Also it is aimed at giving a legal meaning to the banknotes, defined in the first paragraph of article 184 of the Criminal Code.

Issues to be treated:
Theoretical meaning of the penal acts against the monetary system, credit and against the identity-cards, passports and visas.
Objective and subjective elements of every penal act.
The objective meaning of the falsifying and usage of official documents (identity-card-passport). The distinction between them. Legal definition of securities and state documents.
Qualifying circumstances of the acts. Their meaning.
The concept of serious consequence in the objective and subjective meaning (value or quantity of the coin, security or falsified document). Judicial practices connected to these qualifying circumstances.
Penal sanctions for each act and the aim of the joint sanction (two main sentences on imprisonment and on fine) for the penalty of the falsification of identity-cards, passports, etc.
The meaning of the qualifying circumstance of the commitment of the penal act from the employees who are obliged to issue the identity-card.

Legal sources.
Penal code of the Republic of Albania.
Laws on issuance of bank-notes, checks.
Law on civil status, for provision with passports, for the visa system
Conventions for the legal system
Judicial practices of the penal college of the High Court.

Modalities
Two-training sessions per year.
Participation: 20 prosecutors + 20 judges
Evaluation: evaluation questionnaire for experts
Methodology: seminar

Materials
For experts: projector for the presentation of referring materials
For participants: penal code (respective photocopied articles) respective laws, conventions.
2- Illegal crossing and the support given for the illegal border crossing. Article 298 of criminal code. Distinction between them and the crime of the trafficking of human beings. Elements of this crime figure. The distinction between the attempt and the full commitment of the penal act.

**Course:** B02  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 3 one-day sessions  
**Participants:** prosecutors, judges, officers of the public prosecutor’s sections.

**Importance of training:**
Illegal border crossing and assistance to this illegal crossing are frequent criminal activities. Problems encountered by understanding, investigating and trying the criminal offense of giving help for illegal crossing of the border are currently a lot and have led to different positions. Signature of Palermo Convention and the first additional protocol on migration traffic are not very much known.

**Objectives:**
To be highlighted the problems seen into practice. To be given a correct viewpoint over the understanding of the penal acts. To be compared our dispositions of the P. Code with the concepts of the First Additive Protocol of Palermo and the Second Protocol over the trafficking of the human beings. To be determined the necessity of the possible change in these provisions for being in accordance with the international acts.

**Content:**
Illegal border-passing, the meaning of the penal act. The illegal border-passing as penal act and as administrative transgression, Reports.  
Supporting the illegal border-passing. History of coming into existence and of the development of the provisions, social-economic conditions which determined the aim of the legislator. Analysis of the penal act.  
Principle of former adjudication and the principle of non bis in idem.

**Legal sources.**

**Application modalities:**
To be held approximately three courses of 25–30 participants in the form of a workshop. Participants’ evaluation can be done only through the level of their involvement in the topics being debated.

**Course materials**
Legal resources mentioned above.


**Course:** B03  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 1-day training session

**Importance of training:**
Market economy, free movement and development of commercial relations all over the country, but also out of it and chiefly the informality in high percentage of the economy have influenced that
citizens in a free way can circulate huge material and monetary values. This situation has raised even the interests of the criminal element for the misappropriation of these values. On the other hand, the organization of the evil-doer element and the uncontrolled circulation of arms, has given an opportunity to this contingent that in the committing of the penal acts can use such means and ways that are distinct from the simple ‘theft’ action. The spreading of such penal acts increases the necessity for the studying of the common integrating elements and the distinctions between them, so that it may indicate to the consolidation of the judicial practice in the juridical definition of each act.

**Objectives:**
- Through this training is aimed to be achieved the theoretical study of the constituent elements of every special penal act.
- The importance of the distinction of different elements in different penal acts.
- The importance of the difference of different elements in different penal acts.
- To be done attempts for avoiding different practices and attitudes in the judging of certain acts, coming into the conclusion connected to their right legal determination.
- To be discussed in what cases we are in front of these penal acts, when they compete with other penal acts.

**Issues to be treated:**
During this course will be treated chiefly the following questions:
- Robbery as a penal act and its indispensable elements.
- Presence of violence in this act and its forms.
- Moment in which violence is used for performing this penal act.
- Distinction of the penal act of robbery from armed robbery.
- Armed robbery. Its constituent elements.
- The weapon, its keeping or use in the commission of this act.
- Competition of penal acts of “armed robbery” and "illegal carrying of weapons".
- “Theft resulting in death”. Its meaning and elements.
- Object and subjective side as important elements, which make the distinction of this act from other penal acts.
- Connection between death and the fulfillment of the criminal intent in the misappropriation of property.
- The attempt to commit the criminal offense of “theft resulting in death”

The abovementioned issues will be accompanied with presentation of cases from judicial practice, and their discussion for evidencing the raised problems.

**Legal basis and the course materials:**
- Experts in developing the course have to prepare a theoretical material accompanied by the presentation of cases taken by the judicial practice.
- In the preparing of the materials they should refer to the Penal Code in its articles 139-141, about the unifying decisions of High Court, changes of the penal legislation and judicial practical cases.
- Participants in the training can summarize and put into discussion theoretical problems over these penal acts as well as having with them concrete cases by the judicial practice and the Penal Code.

**Modalities of training:**
The training will be done in the form of a “workshop” with two day –training courses. It is thought that in every course will be 30 participants - judges and prosecutors, who at the end will make the evaluation of the course and the training experts.
The evaluation of participation can be done referring to the presented cases by everyone and to the participation in discussion about theoretical cases or other ones.

4. Collaboration. Its types, distinctions between the publicly-structured group and the criminal organization.

**Course:** B04  
**Coordinator:** School of Magistrates
Place of training: School of Magistrates

Course description: After the 90-ies Albania was confronted with a brand-new social and economic reality, which continually has suffered fast and overall developments. This is reflected also in the increase of criminality both in quantity and quality. In order to respond to these developments, the criminal legislation has also suffered continual changes. A lot of actions and omissions have been raised to the level of criminal offenses and are provided for as such in the criminal code, whereas some others, existing ones, have been reformulated with new elements and sanctions that better respond to the social dangerousness of the perpetrator and offense.

One of the biggest preoccupations of this period has been the frequent appearance of the organized crime, especially in offenses with high social danger, like the trafficking of women and narcotics. In these directions, the legislator has been very sensitive making new amendments and provisions which constitute a new and interesting development in the criminal legislation. The study and treatment of these legislative developments is very important in the theoretical and practical level.

Objectives:
- Study and understanding of the new legal provisions regarding the cooperation in the commission of a criminal offense.
- Description of cooperation forms; cooperation as an aggravating form and as a constituting element of the criminal offense figure.
- Analysis of some issues related to the investigation and proving of the criminal offenses committed in cooperation. Role of the accomplice and of the persons cooperating with the justice authorities.

Content: the first day of the seminar will be focused on two directions. First, in a treatment not only theoretical of the forms of cooperation, the manner of being an accomplice and its role, but also regarding the cooperation as an aggravating circumstance and as a constituting element of the criminal offense.

Secondly, treatment of new legal developments in this field. Role of the accomplice in the commission of the criminal offense, and also as a cooperator of justice. His importance in the investigation and proving of the offenses committed in cooperation with other persons.

During the second day more space will be devoted to practical cases as well as the proving aspects of committed criminal offenses. Also, the practice of the High Court will be brought to the attention of the audience, as well as issues of qualification of these offenses. Distinction of the offense committed in cooperation from the offense not reported to the police, accessory after the fact, actions obstructing the discovery of truth.

Legal basis: criminal code, criminal procedure code, law “on protection of witness and cooperators of justice”.


Course: B05
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 2-day training sessions
Type of course: Workshop
Participants: Judges and Prosecutors

Course development:
The dynamics of the economic-social development and the adaptation with the specific necessities which presents the war against the crime and the negative phenomenon in society has brought as consequence a changing and a continual adaptation among others even in the Albanian penal legislation. From this prospect are added many criminal provisions and is done a changing in the content of many others for their adaptation and their efficiency in front of other aspects of the appearing of the criminal activity. Such a thing of course brings the necessity of studying and
understanding of such provisions in all their complexity and content making possible their right application in practice.

Deep and continual democratic reforms, undertaken these last years in our country (especially after the approving of the constitution) have brought important changes in the legal status of our Armed Forces and other state organs that according to the actual legislation in special aspects are equaled with AF.

In the context of the penal right these changes have brought as indispensability the definition as correct as possible of the subjects of the penal acts that endanger juridical relations protected especially from the penal legislation. Such a definition serves for the strengthening of the principles of the rule of law state equality in front of the law and justice in the defining of the culpability and punishment as well as that of the humanity.

**Objectives:**
To be discussed and evidenced the correct meaning of the content of the provisions with the object the activity of people that exercise public civil and military functions;
Discussion of practical forms of the activities that are included in the formulating of these provisions as well as achieving a clear concept connected with these elements that these provisions sanction;
Making attempts for the sensibility of the judges and of the prosecutors for the importance which presents the correct understanding of the provisions as well as aiming at unifying of different practices connected with the application of these provisions.
Examination of the problems and the violations noticed in practice (during the investigating and judging), in the investigation of the cases that are connected with military penal acts committed by members of the armed forces or other subjects.
The investigation of the legal vacuum in the penal legislation as far as it concerns penal transgressions committed by members of the prison police forces during the exercising of their duty by these last ones.
The unification of the practice in the examining of the penal acts of “the duty abuse of the military man” provided by article 70 of the military penal code and “the duty abuse” provided by the article 248 of the penal code.

**Content:**
During this course will be treated the following questions:
- Meaning of abuse of office, the elements of this criminal act figure in the theoretical-practical aspect, the difference between the abuse of office and the actions considered as administrative infringements, meaning of damaging the legal interests of the state, of the citizens and other juridical entities, the existence or non-existence of material damage and limits of this damage, the definition of public functions and limits of extension of this function, etc.
- Meaning of abuse of office provided by the military penal code, the elements of this criminal act figure, and especially the subject and the objective side, the difference compared with the abuse of office provided for by penal code, the interpretation of the serious consequence;
- Stealing through abuse of office, its understanding and constituent elements, the limits of the extension of this provision in the public and private aspect, the difference compared with the duty abuse when it is accompanied with the profits of the third parties etc.
- Treatment of the practical cases and the evidencing of the problems seen during the applying of the mentioned provisions;
- Definition of subjects of the military penal acts. The difference of these subjects from the other penal ones.
- The distinction between penal acts of the “abuse of duty by the military” provided for by article 70 of the MPC also the “abuse of office” provided for by article 248 of the Pc.
- Treatment of penal responsibility of the members of the state police forces and the prison police forces, about penal acts committed on duty, being based on constitution. Law nr.8553, dt.25.11.1999 “On State Police”, the law nr.8321, dt.02.04.1998 “On Prison Police Forces” and the unifying decision of the High Court, nr.2, dt.30.06.2004.

**Pedagogical methods:**
Theoretical materials and the presentation of the cases of the judicial practice, their study and discussion;
- Opinion exchanges as well as the suggestions for changes and conformities in the future.

Legal basis:
Every participant in the training has to have theoretical materials, concrete cases of the judicial practice, penal code of the year 1952, 1977 and 1995 (a photocopy of the provisions) together with the correspondent changes as well as the military penal code year 1995 with the correspondent changes; the unifying decision no.2, dt.30.06.2004 of the High Court, law “On the state police”, law “On prison state police”, law “On the armed forces of the Republic of Albania”, theoretical materials (different commentaries, articles, etc)

6. Penal policies and the ways of addressing to them in the penal law, legislative techniques, etc.

Course: B06
Coordinator: School of Magistrates
Place of training: School of Magistrates

Course description:
- The topics of the criminal politics is important and necessary to be trained in the Albanian reality, because is quite new and has to do with the realization of the state politics through the institutions of justice for fighting and preventing the criminality.
- Criminal policies (penal) is included in the curriculum as a free subject for the students who wish to continue their career as judges, prosecutors, lawyers or compilers of penal policies. The involvement of this subject is a step towards the developed European countries. This is indispensable for the magistracy.

Content:
- Meaning and object of the criminal policies. Its links with other sciences: with the penal right, criminology, penology, criminal studies, with the social policies in the theoretical plan and on the practical plan of the fight against the criminality and its prevention.
- Punitive policies and its implementation to the courts.
- Criminal policies for penal acts against the person (illustrated with the judicial statistics)
- Criminal policies for penal acts against the property and in the economic sphere.
- Criminal policies against corruption.
- Criminal policies against the organized crime.
- Recommendations of the council of Europe for the criminal politics to the infants. The Albanian legislation for the juveniles – an important element of the criminal politics.
- The criminal politics against women in Europe and Albania.
- Measures of security and the policy of condemnation (illustrated by statistical data)
- Criminal policies in Europe.
- Crime and its tendencies.
- Penal sentences.

Legal sources:
- Criminal code and other penal laws.
- Penal procedures code.
- Laws for the organization and the functioning of the different institutions of the criminal justice.
- International acts to the ground of criminal policy.
- The system of criminal justice and the other organs related to it. Police forces, prosecutor
- unifying decisions of the united colleges of the High Court and the constitutional court
- The jurisprudence of the Strasbourg court.
- Statistical bulletins of the Ministry of Justice 92002-2005 (as well as the police forces and of the prosecutor's office).

**Modalities of application:**
Proposed to be done in the form of a seminar.
Participants’ evaluation through the essays in the form of the judicial decisions or in the form of public prosecutor’s speech.
Experts’ evaluation by the participants themselves.

**Course materials:**
Literature and the materials recommended for the experts and for the participants are included in the book “criminal policies”, Tirana 2006, p.219-223.

**7. Meaning of criminal offenses in state activities committed from state employees or public service employees. Non-declaration of property and forms of corruption. Articles 257/a, 259, 260 of Criminal Code.**

**Course: B07**
**Coordinator:** School of Magistrates
**Place of training:** School of Magistrates
**Course duration:** 1.5 days
**Participants:** prosecutors

**Course description:** Strengthening of the rule of law state requires that persons charged with public functions act or omit in accordance with the law, in the fulfillment of the duty. Precise application of these juridical norms guarantees the efficient protection of the legal interests of the state, of the fundamental rights and freedoms of citizens as well as the interests of the other juridical persons.
In penal and juridical protection of the state activity from persons charged with public functions acts also the criminal code providing for criminal offenses against it.

**Objectives:**
1. Increase of the efficiency of detection and prevention of criminal offenses against the state activities committed from persons charged with public functions.
2. evidencing of common characteristics of figures of criminal offenses against state activity like:
   a. special object: state activity
   b. special subject: person charged with a public function
3. knowledge of types of criminal offense figures (articles 248-260 of criminal code)
4. Detailed treatment of some special figures of criminal offenses against state activities, stopping especially in figures relating to the struggle against corruption like:
   a. Abuse of duty: meaning according to changes made in article 248 of criminal code. Main forms of abuse of duty: privatizations, partiality in tenders, support of informal economy, conclusion of contracts without profit for the state and other forms arising in judicial practice. Competition with other crimes.
   b. Bribery – like a form of corruption. Features in the object and subject. Competition with the crime of abuse of duty.
5. Getting to know the practice of High Court, Court of appeal and court of district of Tirana.
6. Correct qualification of these criminal offenses.
7. correct application of criminal convictions.

**Content:** General knowledge will be given regarding the state of criminal offenses against the state activities (statistics of recent years), meaning, types and common characteristics of them. We will stop especially in the changes of articles of criminal code regarding the abuse of duty and bribery. Practical cases will be presented from High Court, appeal court of Tirana and the Court of District of Tirana.

**Pedagogical methods:**
1. Presentation of theoretical materials from the lecturers
2. Presentation practical cases
3. debate about their solution

**Legal basis:** Every participant in the training will have with him/herself the criminal code of the Republic of Albania with the changes and amendments made in the law (articles 248-260).

**8. The economic and organized crime.**

**Course:** B08  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Participants:** judges and prosecutors.

**Course description:** This course will aim at improving the ability of judges, prosecutors, and officers of judicial police to work in criminal cases in the following areas of Albanian criminal code.

- Fraud – article 143 of Criminal Code, for as much as it regards the economic field.
- Special types of fraud, article 143/a – 146 of CC (fraud in insurance issues – article 145 of CC).  
  Distinction of this crime figure from theft. Issues related to competition. What is it to be understood with “the insured object”, or “creation of fake circumstances”? Problems relating to the right legal qualification in the cases when fraud in insurance matters is committed in cooperation with employees of insurance companies.
- Crimes in relation to business companies: articles 163 – 170a of CC  
- Crimes in relation to customs, articles 171-179 of CC  
- Tax evasion, articles 180-182 of CC  
- Bankruptcy as a criminal offense, articles 193-196 of CC

**Content:** course lectures will be the following:

1. Investigation in economic crimes. General overview
2. Investigation in tax evasion
3. investigation in customs
4. Investigations on bankruptcy
5. Keeping of files in court cases that have to do with the economic crime of big dimensions

**9. Legal criteria connected with the suspension of decision provided for article 59 of the Criminal Code.**

**Course:** B09  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 1-day training session.

**Importance of training:**

Penal sentences given by the court apart from being based in laws and proofs, for maximizing their efficiency, they must be in accordance even with the penal politics that a country follows. One of the essential aims of our penal policy is the risocialization of the penal condemned and the creation of the opportunities for his complete integration in society. Observed from this viewpoint, the suspending of the execution of the decision is one of the legal means that can be used in the application of this policy.

Apart from this, from many European institutions that observe the continuity of the judicial system in Albanian is suggested the usage by the courts of the up-to-now alternatives one of which is the suspending of the execution. To the prospect of the wishes for the integration of the country in the European Union these suggestions must be taken into consideration.

On the other hand, the Albanian reality and the ignorance of law has influenced that quite often this institute may be used out of the legal criteria becoming a cause not only for the non-sentencing of the criminal element but also for raising doubts for corruptive interests in its application.
Objectives of training:
Through this course it is aimed at creating correct theoretical concepts as far as the necessary legal conditions are concerns for the application of the suspending of the execution of the verdict provided for by article 59 of the penal code. There are observed different attitudes in the application of the suspension to reach correct conclusions as to when there must be applied for making possible the creation of a unified judicial practice over this question.

Issues to be treated:
- Aim of suspension of execution of imprisonment sentence as one of the alternatives of this punishment, elements that must be investigated for the determination of low dangerousness of the convicts and the ways of proving it.
- Are age, economic situation, family status and the personality of the convicts facts that precise his dangerousness and to what level?
- Relation between the type of the committed act with the dangerousness of the author of this offense and the circumstances under which it was committed.
- Criteria for the defining of the time duration for the convicts and can this time duration be needed so that this term for the convicts be characterized by restraints as supplementary convictions?
- The necessity for the immediate depositing of these decisions to the office of the civil status.

Legal basis and course materials:
The experts for the course development have to prepare a theoretical material where to include orientations of the international institutions over the case itself.
For the preparing of the material they have to refer to the penal code, verdicts of the Supreme Court and the judicial practice in special cases.
Participants in training have to present cases from the judicial practice many of which have been evidenced in special reports.

Modalities of the development of the training:
The training will be organized in the form of a“workshop” with two 1 or 2 -day training courses. it is thought that in every course will take part judges, about 30 participants.
The participants at the end of the course make its evaluation. The experts may make an individual evaluation for the participants referring to the discussion of the cases by their side.

10. Special trials. Summary and direct trial.
Course: B10
Coordinator: School of Magistrates
Place of training: School of Magistrates

Course description: Increase of efficiency of the struggle against criminality, the need of reducing the work volume done from the judicial police, prosecutors’ offices and courts, the avoidance of delays and eventual violations in the phase of proceedings an trial, increase of efficiency and of the preventive effect of proceedings and criminal trial, the need to prevent the corruption causes from unnecessary delays of trial and proceedings as well as legal effects that brought from these trials for the strengthening of legality, profits that are made from the defendants increase the need that the judicial police officers, prosecutors and judges should improve the quality of investigations of criminal offenses and understand correctly the importance of special trials.

Objectives:
- Results of the struggle against criminality, difficulties of the struggle to find, investigate and try the perpetrators that commit criminal offenses.
- Free movements of people in and out of the country, increase of international relations of the specialized structures fighting against the crime.
- Examination of the effects of special trials, problems coming out, recommendations for the increase of the efficiency of the application of these trials.
- Increase of the quality of these trials.
Content: the course will last for two days.

The first day
- Special trials, importance and distinction from the ordinary trials. Direct trial, meaning and importance; cases of direct trials, under what conditions and what phases of proceeding can the prosecution proceed to the direct trial.
- Direct application when the criminal offense is connected with other criminal offenses, for which the conditions lack for this kind of trial, as well as for other defendants that have committed other criminal offenses, for which it cannot be applied the direct trial.

The second day
- Summary trial, subject putting it into motion. Form and deadlines to be observed for the presentation of the request.
- Court dispositions for the request, rules of proceedings; decision of damages, the manner of their evaluation.
- Distinction between direct and summary trial
- Court practice in the application of direct and summary trial
- Practice of High Court, especially in the unification of court practice in this direction

Pedagogical Methodology:
- Theoretical materials
- Presentation of practical cases, exchange of opinions on the future of the work improvement for the application of direct and summary trials.
- Certificates

Legal basis: Every participant in the training should have with him/herself materials or practical cases of these trials as well as the Criminal Procedure Code.


Course: B11
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 2 training sessions
Participation: prosecutors and judges

Importance of training:
Treatment of this topic during the continuous training for judges and prosecutors is of interest due to the fact that this important institute of criminal proceedings, the proving in particular in the criminal proceeding is one, which is mostly used. The testimony, challenge of the testimony, the permissible readings are amongst the instruments mostly used to the judicial proceedings. As such the debatable issues about the way of receiving them, their proving value are several in the judicial practices and the theory of the law.

Objectives and purpose of training:
To be evidenced the discussible cases over this topic in the judicial practice and the theory of the penal law.
Reaching a clear meaning of the way of receiving these proofs during the judicial proceedings.
Discussing over the proving value and their argumentation in the reasoning of decision.

Content:
During this course the following issues will be treated:
- Testimony and its meaning as a proof.
- Object and limits of the testimony.
- Receiving the testimony and debate over it during the judicial consideration, invalidity, non-usability, expulsion from the obligation of giving testimony.
- Evaluation and testimony appreciation, its proofing value and the report with other proofs.
- Types of testimony.
- The indirect testimony, its meaning, its role.
- Value of clues, the sense of corresponding and importance, proving power.
- Techniques of the gaining of the direct and indirect testimony.
- The opposition of the testimony, when it must be done, the conditions where it is based.
- The way of receiving the challenge of testimony, intermediate decisions.
- Can be done the opposition of the testimony over the minutes of the denunciation of the crime, or over other acts?
- The value of the opposition of the testimony.
- The permissible readings, when can they be done.
- Their proving value, etc.

Legal sources:
Penal procedure code, penal code, respectively articles 149, 153 next, 359 next of the PPC.
Decisions of the High Court, decisions of the European Court of Human Rights.

Course modalities. Pedagogical methods:
We recommend that the course be held twice. 25-30 participants can participate in the course, equally judges and prosecutors.
The prepared materials will be given to the participants and there will be included:
- theoretical material.
- legal basis.
- column questions for discussion
- cases.
The material will be presented in power-point, there will be used interactive methods of discussion coming into a conclusion for discussion. Practical cases will be discussed by all the participants urging the activation.


Course: B12
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 2-day training sessions (2 sessions)
Participants: judges, prosecutors, judicial police officers.

Importance of training – introduction:
This topic is of importance to be treated because through it there will be given the sense of the invalidity of the procedural acts, which are the essence of the penal proceedings. This topic is important because it will deepen the theoretical-practical knowledge over the invalidity of the procedural acts in every phase of the judicial proceedings. Also the correct treatment of the notification of acts of the defendants will increase for the participant auditorium the correct understanding of this important procedural institution that is the base of the beginning of the judicial proceeding.

Objectives and the aim:
To give the correct sense of the invalidity of the acts.
-to clarify the distinction between the absolute invalidity from the relative invalidity of the acts.
To determine correctly which are legal consequences of these invalidities.

Cases to be treated:
Meaning of invalidity.
Absolute invalidity. Legal cases. Consequences.
Relative invalidity. Legal cases. consequences.
Procedural subjects which require the verification of the invalidity.
Terms when their must be require.
The evaluation of the invalidity. The competent organ which determines over the invalidity. Exclusive cases.
Notifying of the acts, organs that perform the notification and the procedural forms of notifying.
Notifying the imprisoned defendant. Its specific elements. notifying procedures.
Notifying of the free defendant. specific elements of notifying. notifying procedures.
Notifying of the defendant when he cannot be found. Notification procedures. Decision-taking of the procedural organ related to his whereabouts.
The invalidity of the notifying. Legal conditions of invalidity. Their detailed training and illustrated with examples from practice.
Legal consequences of the invalidity of notification.

Legal sources:
Decisions of the Constitutional Court.
No. 9, dt.22.01.2001;
No. 17 dt.04.04.2001;
No. 23 dt.23.04.2001;
Judicial practices of the penal college of the High Court.

Modalities:
For experts projector for the presentation of the referring material.
For the participants: Code of Penal Procedure (respective articles, photocopied), Decisions of the Constitutional Court.

13. Criminal proceedings file. Article 332 of Criminal Procedure Code. Consequences of failure to meet the obligations of this provision by the prosecutor.

Course: B13
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 1-day training session (1 day)

Training importance:
Upon entering into force of the new Criminal Procedure Code in 1995, the philosophy of criminal process in Albania changed entirely. Thus, from a process inquisitorial in essence, where the prosecutor enjoyed the right of forming the evidence, where the written process prevailed over the oral one and where the judge became familiar with the entirety of the charging documents before trial, it was passed to a completely new system. This system, which is accusatory in essence, contains, along important accusatory principles, also the principle of two trial files. In practice, this principle has not been understood correctly from the authorities who apply the law, and as a consequence it has not been applied properly. For this reason, it should be unified the manner of forming the trial file and there should be evidenced legal and practical problems.

Objectives:
The main objective is the training of the prosecutors linked with the procedural moment of forming of trial file according to article 332 of the Criminal Procedure Code.
It is aimed at evidencing the consequences of non-fulfillment of obligations deriving from this provision as well as offering proper solutions.
It is aimed at raising debates regarding some procedural acts, if they should be part of the trial file or not. Does their inclusion in the file run counter to the accusatory philosophy of our criminal code?

Content: during this course there will be treated chiefly the following cases:
- Meaning of accusatory principle of two files, the trial file, the way it is created. What is the situation in practice?
- Can the forming of trial file be left to the prosecution?
- Which are the procedural acts that must be included in the trial file and which will stay in the prosecutor’s file?
Legal analysis of each procedural act as well as a comparative view with the Italian system, a model which we have adopted.

- The nature of the act of reporting, the consequence of its inclusion in the trial file.
- The juridical nature of the unrepeated actions.
- The nature of the investigative action of recognition, contradictions created from the inclusion in the trial file with provisions regulating the securing of evidence.
- Should the acts filled out abroad based on letters-rogatory be included in the trial file?

Pedagogical methods:
- Theoretical materials
- Presentation of concrete cases of the forming of the trial file and their discussion.
- Exchange of opinions over the possible legislative recommendations.

Legal basis:
Code of Criminal Procedure


Course: B14
Coordinator: School of Magistrates
Place of training: School of Magistrates
Participants: judges and prosecutors.

Course description:
Democratic changes of the 1990 brought in Albania quite a new reality in political social-economic relations in the country. These changes were accompanied even with changes in the legislation and in the system of law.
Many changes were seen even in the Criminal Procedure Code and these changes were coronated in 1995 with the publication of the New Criminal Procedure Code. This code made the changing of the penal procedural system, changing the inquisitorial system into an accusatorial one.
In criminal trial during the judicial consideration of the case, it can happen that the fact, which constitutes the criminal offense, may turn out to be different from what is presented in the trial request or another criminal offense can be noticed to be related to the one in trial, or the juridical determination is not correct. In these cases the court upon the request of parties to the process or by its initiative when it is provided for by law, accepts or makes itself the necessary changes.
In the framework of better knowing the accusatory system and the right application of the Criminal Procedure Code, the new charges should be better known and applied during the trial of criminal offenses. For a better application of these charges it is necessary to know and unify the court practice regarding new charges.

Objectives and the aim:

- Clarification of the modalities that must be followed not only in the moral aspect but also in the procedural one for the application of the new charges during the criminal trial.
- Pointing out cases when the High Court, Constitutional Court and European Court of Human Rights has expressed its opinion regarding the application of new charges during criminal trial.
- Discussion among participants about the application of new charges in the first instance courts.

Course content:
Main issues to be treated during this course will be:

- Meaning of the new charges in their entirety.
- The change of charges with different determination of fact which constitutes a criminal offense.
• Charge of another criminal offense, which is linked with the one being tried.
• Change of charge when a new fact comes up, which is not linked with what is demonstrated in the request for trial.
• Change of charges with the changing of the juridical determination of the criminal offense and the court’s right to do this.
• Rights of the defendant in the cases of new charges.

Legal sources:
European Convention of Human Rights and the jurisprudence of Strasbourg Court.
Criminal Procedure Code, articles 372 – 377
Decisions of High Court and Constitutional Court;

Course materials:
Theoretical materials, Criminal Procedure Code, Presentation of practical cases.

15. Securing the evidence

Course: B15
Coordinator: School of Magistrates
Place of training: School of Magistrates
Participants: Judges and prosecutors

Course description:
Democratic developments of the 1990-s brought in Albania a new reality in the social economic relations in the country. Also these changes were accompanied with changes in the legislation and of the system of law in general. Many changes suffered also the Criminal Procedure Code and these changes were finalized in 1995 upon publication of the new Criminal Procedure Code. This code changed the criminal procedural system exchanging the inquisitorial system with the accusatorial one of criminal proceedings. In the accusatory system the evidence is formed in trial during the debates of the parties. Each data collected during the preliminary investigations undergoes the judicial consideration and receives its value only after this careful and comprehensive verification. But it can happen that the data regarding the offense, due to their nature, can change or disappear, and consequently their presentation in trial becomes impossible. In order to preserve the value of data collected during the preliminary investigations, we have accepted the institute of securing the evidence according to which in cases provided for by law, the evidence is formed in this phase of proceedings but only through the court receiving it, upon the request of the prosecutor, complainant or the defendant.

Objectives and purpose:
- Clarification of cases when it can be done the securing of evidence and its value in further continuation of the process.
- Subjects that can require the securing of evidence.
- Pointing out cases when the High Court and the European Court of Human Rights have expressed their opinions regarding the securing of the evidence in the criminal process.
- Discussion among participants on the securing of evidence during the court practice.

Course content:
Main issues to be treated during this course will be:
- Meaning of securing the evidence;
- Cases of securing the evidence;
- Request for securing the evidence;
- Court decision regarding the request of securing the evidence;
- Collecting the evidence;
- Use of collected evidence;
- Rights of defendants in securing the evidence.

**Legal sources:**
Constitution of the Republic of Albania;
European Convention of Human Rights and Jurisprudence of the Strasbourg Court;
Criminal Procedure Code – articles 372 – 277;
Decisions of High Court;
Commentary of the Criminal Procedure Code (H.Islami, A.Hoxha, I.Panda)

**Course Materials:**
Theoretical materials, Criminal Procedure Code, Presentation of practical cases.

16. **Execution of criminal decisions. Role of prosecutor and the competent court in the phase of execution of criminal decisions. Conversion of the sentence of fine.**

**Course:** B16  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 3 one-day training sessions  
**Participants:** judges and prosecutors

**Importance of training:**
Treatment of problems related to the phase of execution of criminal decisions are complex and less treated. Debating and clarification of the theoretical and practical aspects of the activity of the court and of the prosecutors in this phase of proceedings are closely related to the observation of the rights and freedoms of the convicted persons.

**Objectives:**
Pointing out problems encountered in practice regarding the execution of decisions. Correct determination of courts that are competent for different aspects and requests that arise during the execution phase. Correct determination of rights and obligations of the prosecutors in this phase and the relations between different district prosecutors’ offices where the sentence will be served and the the district of giving the sentence. Clarification of obligations that have the institutions dealing with the communication and control procedures of the prosecutors and the court. Clarification of problems arising in relation to prescription of execution of decisions.

**Content:**
- Role of prosecutor in the execution of decisions of imprisonment. Relations that are created between the prosecutor, court, convict, its defense lawyer and the institutions of serving the sentence.  
- Issues that may arise during the decision execution and the competent court for resolving them. Role of prosecutor in these trials.  
- Execution of criminal decisions of fines. Role of court, prosecutors, bailiffs in this type of execution. Manner of conversion of the sentence of fine and the manner of execution of the converted decision.  
- Execution of supplementary decisions. Relations between executing institutions and the justice organs.  
- Immediate execution of court orders. Prescription of execution of decisions.

**Legal sources:**

**Modalities of application:**
To be held 3 course with 25-30 participants in the form of a workshop. Evaluation of participants only through the level of their involvement in the topics to be discussed.
Course materials:
Legal sources mentioned above.

17. Trial in absence. Manner of representation in this trial. Declaration of absence and voluntary withdrawal of the defendant from trial. Complaint of defendant in absence against the court decision

Course: B17  
Coordinator: School of Magistrates  
Place of training: School of Magistrates  
Course duration: 2 two-day training sessions  
Type of course: workshop  
Participants: judges and prosecutors

Importance of training:
Indispensability of the presence of the tried person in the process is directly related to the need of applying his/her constitutional right to a fair trial. But the observance of this standard of trial is conditions from the realization of the right of society to be protected from criminal acts. Trial in absence represents a good case of treating the legal and practical modalities of the balance of these rights according to the principle of proportionality for two reasons: First, because this trial procedure is relatively new in our system of law. Secondly because the process of balancing these rights is difficult in the everyday work practice and this has given birth to unclear meanings and practices.

Course description:
During this course the following will be treated:
1. Distinctive characteristics of trial in absence in proportion to the trial when the defendant is present. Importance of the presence of the defendant in trial and the allowed cases of deviation from this principle. Theoretical treatment of proportional balancing of the right to a fair trial with the right of the society to be protected from criminal acts.
2. Notification of the defendant – way of passing the procedure of trial in absence. Problems that have come up in practice from non-observation of the procedure of notification of defendant.
3. Representation of the absent defendant. Assignment of a lawyer by the court. Cases and procedures of assignment of a lawyer from the family of the defendant and from the absent defendant.
4. Trial in absence and right of complaint. Problems of confrontation of the right of complaint applied from the defense lawyer assigned by the court and the right of complaint from the absent defendant. Treatment of problems arising from the decision of the Constitutional Court regarding the right of complaint of the defense lawyer assigned by the court or by the family members of the defendant.

Objectives:
1. Clarification of theoretical basis of the need of participation of the defendant in trial and of the causes of avoiding this standard in the form of a trial in absence.
2. Ensuring a unified application in practice from the prosecutors and the judges of the procedures of notification of the defendant.
3. Pointing out legal causes causing an incorrect application of the trial in absence with the intention of taking the needed initiatives in this direction.

Legal sources:
Legal references that will help in the treatment of this course issues will as follows:
2. Code of Criminal Procedure of the Republic of Italy.
3. Decisions of the Constitutional Court and of the Joint Colleges of the High Court.

Modalities of holding the course:
This course will be held according the following main modalities:
• Theoretical material will be presented from the experts based on concrete cases of judicial practice.
• Problems treated will be object of an interactive debate between the experts and the participants in the course.
• At the end of the course the experts will make its conclusions taking into account the suggestions and remarks from the participants. These conclusions will be distributed to the participants to serve as instructions for their work.
• Participants will be evaluated from the School based on the suggestions given from the experts in two ways:
  a. With a certificate of participation which shows their attendance of the course.
  b. With a certificate for active participation which shows their level of interest and value of ideas expressed in the course.

Course materials:
Materials that will be used from the experts are legal sources mentioned above, publications and writings of this field. Whereas the participants should have the Criminal Procedure Code and optionally any other material they deem necessary to be discussed during the course.

18. Complainant in the criminal process. Distinction between complainant and the damaged person from the criminal offense. His rights during preliminary investigation and the process of collecting the evidence in each phase of proceedings.

Course: B18
Coordinator: School of Magistrates
Place of training: School of Magistrates

Course description:
The complainant is a new procedural figure. The abrogated criminal procedure has not recognized the institute of defending an accusation from an individual in the criminal process, because traditionally such a role has been given to the prosecutor.
For this reason and novelties that these procedural norms bring it is interesting to widely treat this topic in a course.

Objectives and purpose:
Training aims at realizing the deepening of knowledge of participants in the theoretical treatment of a private accusation in a criminal process, setting forth in details the normative principles based on which the new procedural figure has been built.
Also this course aims at clarifying the position and role of a prosecutor in the cases initiated with a private accusation and its authority to help the correct decision making of the court, but without undertaking the role of the accuser. Getting to know the court practice and jurisprudence of courts, as an objective and goal of this topic, will aim at the debate regarding cases presented, identifying the best legal solutions.
Treatment of features of the complainant in the role of the damaged person from the criminal offense will clarify and deepen the knowledge of participants regarding the theoretical and practical aspects of this issue.

Content:
During this course the following issues will be treated:
- complainant and the typology of criminal offenses that legitimize its request;
- Paralellization between accusatory roles and article 148.1 of constitution. Role of prosecutor in the process;
- Request of complainant and causes of its invalidity;
- Meaning of the concept “damaged person from criminal offense”. Substitution of rights and representation. Meaning of material and non-material (moral) damage. Ambiguity of formulating the norm provided for by article 399 of Criminal Procedure Code;
- Legitimation of complainant as civil plaintiff in the process. Summoning of civil defendant. The civilly responsible person for the damaged caused from the accused;
- Features of court decision for civil lawsuit. Knowledge of securing the civil lawsuit and execution of decision.
- Discussion of cases of judicial practice.

**Modalities of application:**
Participants should not more than 20 judges and prosecutors for each course.
Evaluation of experts from participants can be done through the written report based on two criteria:
1) Proposals for discussion from the participants of debatable issues and finding interesting solutions for debatable problems;
2) Level of active role during the course.

**Course materials:**
Constitution of Republic of Albania
Criminal Code, Criminal Procedure Code, Civil Code
Cases of court decisions should be pointed out preliminarily and put at the disposal of participants.


**Course:** B19
**Coordinator:** School of Magistrates
**Place of training:** School of Magistrates

**Course description:**
In this topic the stress will be put in these aspects:
- Necessity of a correct understanding of the evidence and their importance in the criminal process, as an important condition for the increase of the struggle against crime.
- Theoretical and practical knowledge of the evidence in the new procedural system.
- Consideration of the evidence constitutes the core of the judicial process.
- The need to improve the quality of investigations in relation to evidence.
- Avoiding the invalidity of evidence due to procedural violations during the collection.

**Objectives:**
Through the course it will be aimed at the deepening of theoretical and practical knowledge of the evidence, at their importance in the criminal process, at the knowledge and observation of the rules regarding the finding, collecting, considering and evaluating the evidence, at the knowledge of investigation methods and techniques during the work on the application of the means of collecting the evidence, demonstrating the real situation, achievements and drawbacks in the investigation, especially of the judicial police.

**Content:**
In this course, procedural rules regarding the evidence and court practice will be treated regarding the application of these rules. Knowledge with sample acts for the determination of evidence and the concrete work with them. More concretely it will be discussed about:
- the object of proving (consideration of all the facts that are related to circumstances of the case, with the guilt of the defendant, with the security measures etc.)
- Process of proving (finding, collecting, considering and evaluating the evidence)
- Classification of evidence (direct and indirect proof, original and derived proof, personal and material proof etc.)

Types of evidence as: testimony, declarations of the defendant, confrontations, experiment, expertise, material proof, documents, means of searching the evidence like: examination of persons/places/things; controls; sequestrations; phone tapping.

**Pedagogical methods**
- Determination of literature and practice of the High Court and notification of participants.
- Preparation of three written topics (on the understanding and importance of evidence, on the types of evidence and means of searching the evidence). The first two topics will be dealt with
the first day, whereas the second topic and the completion of the models will be done during the second day.
- Lecturing of the topics in three sessions, 45 minutes each.
- Discussion and practical actions, 15 minutes each.

Legal basis:
Every participant should have with them legal acts and relevant decisions of High Court.


Course: B20
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 2 two-day training sessions.
Type of course: workshop
Participants: judges and prosecutors

Importance of training:
Based on the need to get adopted to the struggle against criminality, new legislation has been approved lately with the object of protection of witnesses. It represents a reaction of the legislator to the phenomenon of intimidation of witnesses that often has led to deformation of evidence and as a result damage of the work of justice organs. In conditions when before justice organs is put forward the request of intensification of suppressing the serious crimes, it is expected that the number of criminal cases can increase. Novelties brought by the law of protection of witnesses and collaborators of justice as well as the increasing number of criminal cases where the application of the protection of witnesses will be needed are enough reasons for better and detailed knowledge from judges and prosecutors of the specific procedures provided for by this law as well as the relevant instructions issued for its application.

Course description:
During this course the following issues will be discussed:
1. Subjects that can benefit protection. Meaning of witnesses and collaborators of justice.
2. Particular measures of protection. Approval and application procedures of measures of protection. Criminal offenses for which protection should be offered.
4. Features of the program for protection of witnesses.
5. Characteristics of getting declarations from witnesses and collaborators of justice.

Objectives:
1. Clarification of novelties brought by the law no.9205 dated 15.03.2002 “On protection of witnesses and collaborators of justice”.
2. Increasing the abilities of participants to correctly apply specific cases of protection in order to achieve a unified application in practice of relevant procedures of protection of witnesses and collaborators of justice.
3. Pointing out possible legal ambiguities which can cause difficulties in applying the procedures to precede such cases that can appear in work practice.

Legal sources:
Legal references that will help for the treatment of issues of the course will be as follows:
3. Law no.9205 dated 15.03.2002 “On protection of witnesses and collaborators of justice”.
4. Law no.8553 dated 25.11.1999 “On state police forces”
5. Common instructions of General Prosecutor, Minister of Justice and Minister of Internal Affairs issued based on and in the application of law no.9205 dated 15.03.2002.
Modalities of application of course:
Course will be held according to the following fundamental modalities:
- Theoretical material will be presented from the experts based on concrete practical cases of court practice.
- Problems to be treated will be object of an interactive debate between experts and participants in the course.
- At the end of the course the experts will have their main theoretical and practical conclusions taking into account the suggestions and remarks presented from the participants. These conclusions will be distributed to the participants to serve as instructions for their work.
- Participants will be evaluated from the school on the basis of given suggestions from the experts in two manners:
  - With a certificate of participation which shows their attendance of the course.
  - With a certificate for active participation which shows their level of interest and value of ideas expressed in the course.

Course materials:
Materials to be used from the experts are, apart from legal sources mentioned above, also publications or different written materials in this field. Participants should have with them law no. 205 dated 15.03.2002, Criminal Code and Criminal Procedure Code, and any other material they deem necessary to be discussed during the course.


Course: B21
Coordinator: School of Magistrates
Place of training: School of Magistrates

Course description:
Upon the approval of the Constitution of 1998, the institute of review of a criminal decision of a final form suffered fundamental changes regarding the jurisdiction of the High Court. The term “review” has taken on a meaning wider than the institute of review a final criminal decision itself and which brought as a consequence important changes in the Criminal Procedure Code itself, passing this trial competence under the jurisdiction of the High Court. Even though in appearance, the interest of this topic is related to this court, the fact that they are almost the same as the recourse, makes judges of other levels more interested, especially the judges of the first instance court. As a consequence the courses would be better to be organized mainly with first instance court judges.

Objectives:
Through treatement of this topic is aimed at explaining one of the aspects of review jurisdiction of the High Court, the request for reviewing the criminal decision of a final form. It is aimed also at explaining cases when it can be required the review of a final criminal decision and how the request is considered from the High Court, manner of trial, distinction with civil process review etc. It is aimed at clarifying how the first instance court works during the consideration of the case and what is its order in the decision and how problems and ambiguities are pointed out in practice.

Content:
During the seminar it will be aimed at clarifying the meaning of the institute of reviewal, cases when it can be required, what it is understood by it, what it is understood by a new proof; based on what decision should the calculation of terms start?; what is the nature of trial in the High Court and first instance court; consequences as well as problems raised in understanding the law in these directions. There will be a special treatment for the distinction between review in criminal process with that of the civil process etc.

Legal sources:
Constitution of the Republic, Criminal Procedure Code, Law on High court, Civil Procedure Code, unifying decision and ordinary decision of High Court, Constitutional Court decisions.

**Course methodology:**
Presentation of subject, interactive discussion of problems that it includes, discussion of practical cases presented from the lecturer and others evaluated from the participants.

### 22. Cases of incompatibility with the function of judge in trial. Incompatibility, renouncement and removal of judge. Terms and form of request. Renouncement and substitution of prosecutor

**Course:** B22  
**Coordinator:** School of Magistrates  
**Place of training:** Shkolla e Magjistraturës

**Course description:**
Even though the topic seems like it doesn't represent any special theoretical interest, in fact it is an important topic to be treated, because it has to do directly with the impartiality of the court and guaranteeing a fair judicial process. Criminal Procedure Code provisions have suffered changes through the years, mainly in the procedures of verification of cases of incompatibility. At the same time this course will treat norms of ethics codes and their meaning in proportion to legal norms.

**Objectives:**
Through treatment of this topic, it is aimed at explaining the importance of the integrity and credibility of the court, trial of cases from impartial judges, who does not have relations or interest in the case they try or in the parties to trial. The course will aim to make clear the essence of incompatibility of the judge with the trial of a case and problems that have arisen in the court practice. Same thing is true of the prosecutors. So the auditorium will be judges and prosecutors.

**Content:**
The seminar will aim at clarifying the meaning of the institute of incompatibility with the function of a judge or prosecutor, cases when it can be required removal of judge from a case, renouncement from the case or from the investigation, distinctions between them, procedure to be followed, terms for requests, consequences coming from incompatibility etc.

Cases of our court practice will be treated, Constitutional Court as well as European Court of Human Rights in Strasbourg.

**Legal sources:**
Code of Criminal Procedure, Code of Ethics, decisions of High Court, decisions of Constitutional Court, and Courts of Strasbourg.

**Methodology of course:**
Presentation of topic, interactive discussion of problems, discussion of practical cases presented from the lecturer and others evaluated from the participants.


**Course:** B23  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates

**Course description:** Cooperation between the judicial authorities in the criminal field has taken on a particular importance in the conditions of a fast development of the human society in general. The fast economic development of the countries based on the free movement of people and capitals, has made possible that the crimes also be more movable and organized. The need for cooperation between judicial authorities is a necessity and working method, already accepted and applied widely. Albania,
with the approval of the Criminal Procedure Code and in particular the ratification of a number of international acts in this field has become a part of this process and it actually offers and requires cooperation.

**Objectives:** a better knowledge from the participants of the theoretical and practical problems of the judicial cooperation in the criminal field, the common and distinct things between the forms of assistance and consequently how it should be determined the application of each of them. Discussion of problems and difficulties that have been encountered in the application and the needs for further regulations in this field.

**Content:** In the first day will be treated the need for cooperation with foreign authorities in the penal field, the forms of this cooperation, the theoretical and practical treatment and there will be debate about them. In the second day practical cases will be given and some topics for an interactive debate. Some improvised cases will be put forward for debate and give solution from the participants.

**Pedagogical Methods:**
Topics will be preliminarily distributed to participants so that they have the possibility to consult and better follow the trainers. Some cases of practice will be discussed, for which there have been a lot of debate. There will be given some improvised cases to be debated and resolved from the participants.

**Reminder for the participants:** the participants should bring to the seminar the problems that they have encountered during their professional activity. They should have with them the legal provisions that regulate this part of criminal proceedings as well as any practical cases, court decisions to be subject to the law.

**24. Difference between revocation and substitution of security measures according to criteria determined in Article 260 of Criminal Procedure Code.**

**Course:** B24  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates

**Course description:** the importance of the meaning of security measures according to Criminal Procedure Code, common and distinctive features for the special measures, legal criteria for their definition, legal means, complaint and the rules of consideration of complaints as well as different issues coming out of judicial practice, make more actual and indispensable to return once again to this topic. Determination of security measures with a time limit, value of the documents during the determination of these measures and the types of their application, bail and the rapport of measures with the dangerousness of criminal offenses have been some of the most important issues with which judicial practice has been faced, and which forces us to return once again to the theoretical treatment of this topic.

**Objectives:**
- Meaning of security measures, types of security measures, measure of personal security according to the Criminal Procedure Code.
- Distinctive and common features regarding the request and the placing of security measures. Its form.
- Legal conditions and criteria for the determination of the security measure, or the arrest in flagrance as well as the features of their judicial determination. The common procedure for the determination and the special procedure for the case of arrest in flagrance and the taking into custody of the suspect.
- Duration of security measures, determination of security measures with a time limit. Revocation, substitution, and extinction of security measures. Legal causes.
- Compensation for unjust imprisonment.

**Content:** the course will last for two days. **In the first day** the issues to be treated are: meaning of security measures, types of security measures, personal security measure according to Criminal
Procedure Code; common and distinct features for the request and placing of security measures. Its form.

In the second day of the training will be treated issues like legal conditions and criteria for the determination of the security measure “arrest in prison” and that of the evaluation of the custody or the arrest in flagrancy as well as the features of their judicial consideration. The common procedure for the determination and the special procedure for the case of arrest in flagrancy and the taking into custody of the suspect. Duration of security measures, determination of security measures with a time limit. Revocation, substitution, and extinction of security measures. Legal causes; compensation for unjust imprisonment.

Methodology: Theoretical materials and official publications of the judicial practice will be used from the trainers in this seminar, like Criminal Code, Criminal Procedure Code, Commentary of the Criminal Procedure Code, publication of year 2003 in Tirana and other publications in relation to security measures. Practical cases from the High Court will be studied. Opinions and experiences will exchanged from the participants in the seminar.

Legal basis: Each participant should have with him/herself the codes both the criminal code and the criminal procedure code and possible a study case for discussion.

25. Criminal conviction. Manner of determination and individualization. Manner of determining the conviction related to application of Article 47 of Criminal Code. Recognition of criminal decisions of foreign courts. Appearing conflict between manner of determining a conviction during the process of recognizing a foreign court decision and the position of the international acts for this issue

Course: B25
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 2 two-day training sessions
Type of course: workshop
Participants: judges

Course description:
Criminal legislation just as any other legislation of a particular field of life is having important developments that are dictated from time and development of society, modernization where all aspects of society are included. We are living in a time when providing for freedoms and human rights and guaranteeing them constitute one of the main goals of contemporary legality. This tendency is reflected in the laws that regulate all aspects of life and it is understood that this tendency is reflected also in the criminal legislation as a particular aspect. Criminal sanctions are one of the fundamental issues of criminal law. These are the most dynamic parts of this branch of law. During the history of criminal law frequent changes are in this field. Conviction from the court of the perpetrator of the criminal offense and the amount of conviction is a complex process. In this process the court considers above all the realization of the intention of conviction both in the prevention area and in the general area. This manner of determination of conviction is related to recognition of foreign courts criminal decisions and the position towards international acts for this issue.

Objectives:
Pointing out violations that might have been noticed in court practice during the application of convictions. Making attempts to make aware judges for the great importance that the conviction has to reach its purpose.
Discussing the applications of different types of convictions and juridical problems that have come up in the court practice which should be eliminated.

Content:
The following should be treated during the course: meaning of criminal conviction, types of convictions, ways of serving the sentence, manners of determining the sentence, alternatives of
conviction, purpose of conviction, recognition of foreign courts criminal acts, international acts on these issues.

**Pedagogical methods:**
- Theoretical materials.
- Presentation of practical cases, study and discussion, pointing out problems that have come up in the judicial practice.
- Exchange of opinions on the perspective.

**Legal basis:**
Every participant in the training should have with them the theoretical and practical cases from court practice and the criminal code.

26. **Criminal offenses in the field of taxations. Refusal of declaration of property, active and passive corruption, articles 244, 245/1, 257/a, 259 and 260 of Criminal Code. Techniques of investigating criminal offenses in the field of taxations and corruption.**

**Course:** B26  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 2 two-day training sessions.  
**Type of course:** workshop  
**Participants:** judges and prosecutors

**Introduction:**
Taxations are the most important and main instrument and the income realized from them constitute the best part of the state budget. Importance and role of taxation in the economic and social life of our country has been increased. On the other hand it has increased the circle of juridical and physical persons that are avoiding taxations. Tax evasion has become one of the most spread economic crimes; therefore it is indispensable to know this phenomenon and its consequences. But this tax evasion cannot be understood divided from corruption, which is taking fearful dimensions from day to day. Changes in legislation during the last times have brought the need for a more detailed treatment of criminal offenses of corruption. This is also the purpose of this training.

**Objectives:**
- Pointing out main forms of tax evasion encountered in practice.
- Discussion of drawbacks of taxation and criminal legislation as well as the relations taxation administration – prosecutor's office.
- Making attempts to find more suitable solutions regarding juridical problems in cases of evasion and corruption.
- Making the interpretation of new criminal provisions and proper qualification of penal actions.
- Consideration of cases of application in practice of criminal offense of refusal of declaration of property.

**Content:**
During this course the following issues will be treated:
1. Tax evasion, meaning and consequences.  
2. Organization of taxation administration and its functions to discover and investigate tax evasion. Contradictions between judicial police and taxation police.  
3. Forms and mechanisms of committing tax evasion.  
4. Other criminal offenses in the taxation field.  
5. Theoretical and practical problems regarding the moment of initiation of criminal prosecution of tax evasion.  
7. Analysis of new provisions of corruption in the public sector and how they have been applied in practice.
8. Types of corruption subjects. Their classification.
9. Refusal of declaration of property, conditions of applying this criminal offense in the cases encountered in practice.

**Legal sources:**
Every participant should have with them in the training:
- Criminal code
- Criminal convention against corruption, no. 173, dated 27.1.1999
- Theoretical materials
- Concrete cases from practice of the court and prosecutor’s office.

**Pedagogical methods:**
- Theoretical materials.
- Presentation of practical cases of prosecutor’s office and court, their study and discussion. Pointing out problems coming out of practice.
- Exchange of opinions on perspective.

27. Trafficking of human beings and drugs. Exploitation of prostitution. Distinction between criminal offense of “exploitation of prostitution” and the criminal offence of “trafficking women for prostitution”. Interrogation of collaborators of justice, protected witness and the damaged persons from the criminal offense. Civil lawsuit brought in the criminal process from the damaged person from the criminal offense. Infiltrated agents, simulated purchases. Sequestrations of properties coming from commission of such criminal offenses.

**Course:** B27  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates

**Course Description:** Expansion of this criminal phenomenon, social dangerousness it represents, social consequences and those in the international image of the country in the European Integration. Trafficking of Human Beings, of women, children from criminal organizations, brings the danger the incrimination of the economy and of the future, as a result of investing the income coming out of these criminal activities in our country. For this reason the need arises and the indispensability of attempts to forego its evolution, especially through improvement of methods of investigation and trial of these cases.

**Objectives:**
Through this course we aim at realizing:
1. Meaning of trafficking, getting to know the nature and typology of criminal offenses on trafficking, meaning of these criminal offenses.
2. Changes in the criminal legislation and its evolution in relation to the meaning of these offenses after the ratification of the UN convention “Against International Organized Crime”, as well as of the protocol against the traffic of emigrants by land, air and sea, as well as the protocol on the prevention, hindering and punishing of trafficking of persons, especially of women and children.
3. Techniques of the investigation of these cases and their trial, including the elements of evidence, measures of conviction, sequestrations and confiscations of the property gained as a result of the criminal activity.
4. Getting to know the judicial practice and practical cases.

**Content:**
Course will continue for two days. In the first day, issues on the meaning of trafficking, criminal offenses of trafficking, their nature and typology, trafficking of human beings and special regulation
for the trafficking of women and children, as well as the evolution of criminal legislation on these offenses.

In the second day will be treated issues on the investigative techniques, elements of evidence, trial of these offenses, their sanctions, sequestration and confiscation of income from this criminal activity, as well as the analysis of judicial practical cases.

**Methodology:**
Theoretical materials will be used from the trainers, as well as official publications, criminal code and criminal procedure code, convention against organized crime, Council of Europe Convention on the mutual juridical assistance in criminal area, law on actions against organized crime and the law on witness protection. Cases of judicial practice from High Court will be used as well as the focus will be on the debate and exchange of opinions and experiences amongst participants.

**Legal basis:**
Every participant should have with him/herself the codes both the criminal and criminal procedure code and possibly practical cases for discussion.

**28. Trial of criminal offenses with juveniles.**

**Course:** B28  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates

**Description of course:**
The confrontation of the minors with the justice, as victims or authors of criminal offences, is a special concern for the society and the state. A lot of child are maltreated in family and society, and exploited for criminal targets, physically, morally and sexually, trafficked and violated. There are the other children who commit criminal offences, pushed by the adults or the need, who abandon the school, begging or committing rowdies’ acts etc.
The justice has an important role for the minor protection in the family and society, applying the right and favorable legislation for them, resolving duly the civil disputes or developing a suitable process against them.

**Objectives:**
Through this course we aim at approving the acknowledgment of the judicial legislation and practice related to the minor rights, and the respect for these rights in the concrete civil or criminal cases. To reach e special preparation of the prosecutors and judges that follow up cases with the minors, and especially of them who are going to work in the respective sections of the first instance courts.

**Content:**
The course will focus on these directions:
- the knowledge of the New Family Code and the Civil Legislation related to the property and social rights of the minors, their relations with the parents, the parental obligations and responsibility, the defense of their economic interest from the family and the state, the adoption conditions and the control of the State and the society on the families that have adopted the minors etc
- the further deepening of the acknowledgments and the meaning of the dispositions of the Criminal Code that punish the criminal offences against the minors, for example against the child, the marriage and the family (articles 124-133) the sexual and indecent crimes against the minors (articles 100, 101, 108, 114-a, 117), the trafficking (article 128-b), the urge of the minors towards the crimes (article 129, etc). Also, during the course we well make clear the cases when the offences are committed by the minors and their differences between them who are proceeded and punished

**The legal defense of the minors during all the phases of the proceeding**
During the course we well explain the rules related to the special conditions for the beginning of the process against the minors, the limits for defining the security measures, especially arresting in prison, the assurance of the defense lawyer and the psychologist, the way of their inquiring in the
judicial session, the reducing of the punishment and its suffering in the appropriate conditions, separated from the convicts, the special treatment in the execution phase of the sentence for the education and the qualification.

**Pedagogical methods:**
- Defining the literature and practice of the Supreme Court and the information of the participants
- Preparing three written topics (the minors and the family code, the criminal offences against the minors and by the minors, the minors treatment under a criminal process)
- lecturing about the topics during the three sessions of 45 minutes and to discuss the practical cases for 15 minutes
- Each participant must have the legal acts and the respective decision of the Supreme Court

29. **Procedural and practical relations between the prosecutor and the judicial police officer, in the prosecutor's office or the judicial services.** Actions which are ordered and delegated. International experience related to this.

**Course:** B29  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** two-day training course  
**Participants:** Prosecutors, heads of different police stations or services in the districts from where the prosecutors are coming.

**Importance of training – introduction.**
Prosecution and criminal proceedings are conducted from the prosecutor or under his/her lead. Fundamentally important is the chains are working closely together, which ensures a qualitative criminal prosecution and a finalization of it with qualitative proceedings.

**Objectives and purpose:**
Main objective of seminar is to freshen knowledge taken from prosecutors and judicial police officers during the exercise of their work. It is expected that bilateral disputes be resolved regarding the manner of criminal prosecution, role of prosecutor during preliminary investigations, and the position of the judicial police officer in relation to the leading position of the prosecutor in the investigation.

**Content – issues to be treated:**
The material that will be offered to the participants will contain such issues as:
- manner of passing the preliminary information from the police services to police sections in the prosecutors’ offices;  
- Investigations before preliminary investigations that are conducted from the judicial police;  
- Notifications for commission of criminal offenses to the prosecutor;  
- Investigative actions with initiative that are carried out from the police and after this notification the actions carried out according to orders given from the prosecutors to the judicial police officers during the phase of criminal trial.

**Legal sources:**
Criminal Procedure Code. Some other laws are necessary for the course to be held completely like for example, law on state police, law on prosecution in the Republic of Albania, Law on judicial police etc. Other materials can be Albanian commentaries or foreign ones, mainly Italian.

**Modalities of application:**
This course can be held 4 times with 35-40 participants in each seminar. Both prosecutors and judicial police officers can participate. The evaluation will be made based on their commitment during the practical part of the seminar.

**Course materials:**
Experts will present their materials. It is fit for the experts to discuss their materials with the head of the institution. This seminar can take the form of a guide for the manner of how the participants’ everyday work should be carried out.

30. Money laundering. Relations of the law against money laundering with the criminal code provisions. Methodology of investigation and trial. Procedural relations with the State Unit against Money Laundering.

Course: B30
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: two-day training session
Participants: judges and prosecutors

Importance of training - Introduction
Money laundering, as one of the crimes in the activity of criminal organizations, has turned into the main intention of all their criminal activity. Influence of not legitimate money and the informal economy in the life of this country is evident. Based on the danger that the criminal activity constitutes for the country, it is suitable that judges and prosecutors can talk and discuss about it, defining tools and methods how to face this activity. Relations of this activity with the international terrorism.

Objectives and purpose:
The first objective of the seminar should be making aware the participants of the great danger that presents of the economy of a country the criminal activity of money laundering. It should be stressed that the prosecutors should adopt similar investigation methods depending upon the type of case they have in front of the. The goal is to form the same culture and the manner of presentation in court in order to ensure the best possible results.

Content – Issues to be treated:
Seminar will have in its focus such issues as: the role of the State Unit against Money Laundering, getting information from the banking system or other institution that according to law should report about suspicious financial transactions, actions committed from the agents of this Unit, report of a case to the prosecutor, initiation of a case from the prosecutor in the cases when he is basing himself in related proceedings, mutual relations, prosecutors-Unit experts, means of investigation for these types of criminal offenses, cases of investigation and judicial practice.

Legal sources:
Laws where the experts should base their materials like: relevant law against money laundering and the law on measures taken against terrorism, Criminal Code and Criminal Procedure Code, Law in relation to the bank of Albania or the banking system in general, other laws that regulate the obligation of other subjects like notaries, lawyers etc. to declare financial transactions or transfer of properties, international acts regulating issues that are treated in this seminar like the convention against money laundering, convention against international terrorism etc.

Modalities of application:
Course should be held 4 times with about 35-40 participants. It would be interesting that experts from the State Unit against Money Laundering could participate in the course. Some of them could share experiences on how they conduct the investigation and the relations they have with the prosecutors.

Course materials:
Course materials should be written and should contain all the legal sources belonging to the topic of each expert.
1. Family Law.
   Marriage and cohabitation, similarities and distinctions between these two institutes.
   Dissolution of marriage with mutual consent, article 125. Problems of trial of family cases.
   Hearing of conciliation for civil-family cases with object: dissolution of marriage.
   Role of psychologist in family law.
   Alimony. Contribution of parents and manner of determining this contribution. Execution of alimony.
     Granting the custody of children. Custodianship of mature persons. Adoption.

Course: C01
Coordinator: School of Magistrates and Chemonics
Place of training: “Adriatik” Hotel, Durrës
Course duration: Conference
Type of course: Conference
Participants: Judges, prosecutors, social workers, lawyers, psychologists.

Importance of training – introduction
New family code has brought many changes in the treatment of some institutes which cannot be the object of a sole or separated training activity because of organic relations with other parts of this legislation. Increasing interest of the actors of justice, mainly of judges and prosecutors, to get trained in issues of family law, was thought to be realized in a more proportional way through
organization of a conference where theoretically and practically there can be treated problems of our judicial reality in the area of family, marriage and children etc.

**Objectives and purpose:**
Increase of professionalism of judges dealing with family cases, correct understanding of principles of the new family code and their observation in court practice, understanding the principle of the highest interest of the child, role of psychologist, etc.
Description of new elements brought about from the family code regarding the abovementioned instituted and the judicial practice and problems encountered up to now.
Theoretical explanation of the institutes of Family Code and their features.
Explanation of particular functions of institutes, social reality and Albanian law related to them.

**Legal basis:**
Every participant should have with them the Family Code and Civil Procedure Code. They can bring cases from court practice, copies of decisions with particular nature related to this issue.
Participants should bring problems that are noticed during their work in relation to application of provisions of family code.

**Modalities of application:**
Conference will be organized in about 4 to 5 days.
In the first day and the fourth one will be the presentation and theoretical analysis in a plenary session of about 4 issues, which have to do with: dissolution of marriage and its consequences, alimony, invalidity of marriage and adoption; as well as parental responsibility, paternity and maternity of children, custodianship, role of the psychologist in family law, role of prosecutor.
In the second day, participants will be divided in four groups according to topics and they will also treat interactively and practically juridical arguments of these situations and the application of principles of Family Code.

<table>
<thead>
<tr>
<th>Day II</th>
<th>Group 1</th>
<th>Group 2</th>
<th>Group 3</th>
<th>Group 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.00 – 10.30</td>
<td>Dissolution of marriage and consequences</td>
<td>Support to families and alimony</td>
<td>Invalidity of marriage and consequences</td>
<td>Adoption</td>
</tr>
<tr>
<td>10.30 – 11.00</td>
<td>Break</td>
<td>Break</td>
<td>Break</td>
<td>Break</td>
</tr>
<tr>
<td>11.00 – 12.30</td>
<td>Adoption</td>
<td>Dissolution of marriage and consequences</td>
<td>Support to families and alimony</td>
<td>Invalidity of marriage and consequences</td>
</tr>
<tr>
<td>12.30 – 13.30</td>
<td>Lunch</td>
<td>Lunch</td>
<td>Lunch</td>
<td>Lunch</td>
</tr>
<tr>
<td>13.30 – 15.00</td>
<td>Invalidity of marriage and consequences</td>
<td>Birësimi</td>
<td>Dissolution of marriage and consequences</td>
<td>Support to families and alimony</td>
</tr>
<tr>
<td>15.00 – 15.15</td>
<td>Break</td>
<td>Break</td>
<td>Break</td>
<td>Break</td>
</tr>
<tr>
<td>15.15 – 16.45</td>
<td>Support to families and alimony</td>
<td>Invalidity of marriage and consequences</td>
<td>Adoption</td>
<td>Dissolution of marriage and consequences</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dita II</th>
<th>Group1</th>
<th>Group2</th>
<th>Group3</th>
<th>Group4</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.00 – 10.30</td>
<td>Parental responsibility. Parternity and maternity.</td>
<td>Custodianship</td>
<td>Role of psychologist and social worker</td>
<td>Role of prosecutor in family cases</td>
</tr>
<tr>
<td>10.30 – 11.00</td>
<td>Break</td>
<td>Break</td>
<td>Break</td>
<td>Break</td>
</tr>
<tr>
<td>11.00 – 12.30</td>
<td>Role of prosecutor in family cases</td>
<td>Parental responsibility. Paternity and maternity</td>
<td>Custodianship</td>
<td>Role of psychologist and social worker</td>
</tr>
<tr>
<td>12.30 – 13.30</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.30 – 15.00</td>
<td>Role of psychologist and social worker</td>
<td>Role of prosecutor in family cases</td>
<td>Parental responsibility. Paternity and maternity</td>
<td>Custodianship</td>
</tr>
<tr>
<td>15.00 – 15.15</td>
<td>Break</td>
<td>Break</td>
<td>Break</td>
<td>Break</td>
</tr>
<tr>
<td>15.15 – 16.45</td>
<td>Custodianship</td>
<td>Role of psychologist and social worker</td>
<td>Role of prosecutor in family cases</td>
<td>Parental responsibility.</td>
</tr>
</tbody>
</table>
Course materials:
Theoretical materials prepared from Albanian and foreign lecturers.
- Presentation of experiences and different practices, including the comparative one.
- Discussion about concrete practices of judiciary.
- Exchange of opinions for future developments and around the needs to amend the substantive and procedural law.

2. Juvenile Justice

Course: C02
Coordinator: School of Magistrates and Unicef
Place of training: to be determined
Course duration: to be determined
Time: 2006-2008 (1 year training program)
Type of course: workshop, seminar, etc.
Participants: judges, prosecutors, social workers, psychologists

Information:
Based on the fast reforms of justice system, the School of Magistrates in cooperation with UNICEF is preparing a “draft” program and calendar of trainings in this field. The following will serve as suggestions for future topics:

- Abused childhood. Violence, causes, effects.
- How should a violated child be treated?
- Dualist role of media (in preventing criminality amongst juveniles). Distribution of video games with violent or pornographic content.
- Techniques of investigation of criminal offenses with juveniles as defendants.
- Juridical defense of a juvenile in criminal process.
- Juvenile and organized crime.
- Proceeding and trial of criminal offenses of sexual exploitation of minors as pornography and prostitution with purposes of material profits. Meaning, proceedings and trial of criminal offenses of trafficking of children (human beings).
- Judicial conflicts during execution of civil decisions.
- Trial of criminal, civil and administrative cases with minor subjects. Relevant techniques.
- Juvenile and criminal punishment. Relevant alternatives.
- Understanding of nature of juvenile delinquency.
- Influence of environment on juvenile delinquency.
- Interpersonal communication.

CODE D
ADMINISTRATIVE LAW

1. Administrative complaint. Distinction between the administrative and judicial complaint. Procedure to be followed during the administrative complaint as well as issues related to using the right of the administrative complaint.
2. Issues of administrative and judicial jurisdiction. Concept of lawsuit, jurisdiction and competence in resolving administrative disputes.
3. Solution of administrative disputes and judicial decision-making.

Course: D01
Coordinator: School of Magistrates
Place of training: School of Magistrates
Participants: Judges

Description of course:
The treatment of each topic is very important because of the problems included there. It is evident a considerable increasing of the administrative disputes examined in the courts and the juridical jurisprudence is been very contradictory on this aspect. There are uncertainties regarding the administrative and judicial practice related to the acts issued by the local government bodies and especially related to the acts with discretionary character. A part of these topics are studied for the first time, so the problems posed in these cases are very concrete.

Objectives:
The theoretical and doctrinal treatment of the conceptions related to the judicial conflict
The progress of the foreign theories and practice and especially Albanian practice and theories in this sense
The study of the cases raised in the Albanian judicial jurisprudence in the framework of the absolute and relative invalidity
Aiming at having a clear concept of the character of the acts issued by the local government bodies
The tendency to unify the contradictory attitudes observed in the practice etc.

Description of course:
For each topic, the course will be organized in two days:
During the first day, we will discuss on the theoretical cases intertwined with the practical one for the above-mentioned topics.
We will have two topics divided in sub-topics, exchanging the opinions and the attitudes among the lecturers and in interactive way we will learn the participant attitudes.
During the second day, we will discuss only practical and concrete cases.

Pedagogical methods:
The participants will have in their disposal the theoretical materials. The theoretical materials will be represented in PowerPoint.
The participants will have in their disposal cases from the judicial practice and the attitudes shown essentially by the jurisprudence of the Supreme Court, or the Constitutional Court, as well as the courts of the other levels.
Dividing the participants in groups (about three groups) and discussing on the principals cases There will be opinion exchanges about the debatable cases among these groups.
Participants:
Judges of first instance and appeal courts will take part in this seminar.

CODE E
OTHER TRAINING ACTIVITIES

1. Gender equality

Course: E01
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: two-day training session
Participants: judges

Importance of training – Introduction:
Gender - (Përkatësia Gjinore) refers to possibilities and social attributes related to the fact of being man or woman, girl or boy, as well as relations between men and women. These attributes, possibilities and relations are built and learnt from the society during the process of socialization. They are changeable and time-oriented. Gender determines what it is to be expected, permitted and evaluated in a woman or man in a given context. In most societies there are differences
and inequalities between men and women regarding the responsibilities assigned to them, access, sources as well as possibilities to make decisions.

Process of gender integration is important as a part of obligations that the Albanian state has, in the framework of national and international documents signed, where we can mention: Albanian constitution, Law “On a equal gender society”, Millenium Development Goals, Beijing Conference Action Platform, Convention for Elimination of all forms of Discrimination against Women (CEDAW), Conference of United Nations + 10, etc.

Many instruments and international agreements oblige states that have ratified them to guarantee gender equality.

Human society consists of females and males and this division is almost equal. Since the state is responsible to its citizens, the state is obliged to meet their needs otherwise the state will lose its credibility as an institution. Programs, policies, and legislation should address the needs of women and men as part of the society. Every government should be responsible to ensure a constant development and social justice for all individual members of our society.

Involvement of both genders in all aspects of development creates the possibility of use of all human resources, abilities, contributions and values ensuring an efficient, full and permanent development for all society.

Some societies does not experience ethnic or racial divisions, but all societies experience an asymmetry of gender equality, changes and inequality of different levels. Often these asymmetries need time to change, but those are far from being static. Understanding gender, seeing it as something built from the society as well as social class, race etc. will make one aware for the possibility of change.

**Objectives:**
Clarify and deepen understanding of basic concepts of gender.
Strengthen the personal commitment of participants in relation to gender issues.
Offer knowledge and abilities to promote and integrate gender aspects in society.

**Content – Issues to be treated:**
Opening:
Identification of expectations and contributions from participants for the training.
Meaning of gender notions and sex and distinctions between them. Gender (social distinctions) – sex (biological distinctions).
How does the society turn males and females into male and female beings? Stereotypes in gender. Process of socialization or Genderization.
Women in development WID and gender and development GAD.
Gender integration – Gender Mainstreaming. Why is it important. Some difficulties accompanying it. When, what and where it will be used.
Analysis of social problems in the viewpoint of gender. Drafting strategies for prevention and solution of problems.

**Methodology:**
Active participation, group dynamics, individual teaching, sharing experiences.
Techniques of training:
Short lectures
Discussion – Sharing experiences-
Brainstorming – Rrahje mendimesh
Practical exercise
Individual work
Group work
Role play

**Materials:**
Some publications of the Center of Gender Alliance for Development of Gendre will be made available to participants.
2. Law on consumer protection

Course E02
Coordinator: School of Magistrates
Place of training: School of Magistrates

Law of consumers is one of the juridical treatments that presents a lot of discussions and has as a goal the protection of health, environment, life safety, protection of the economic interests of the consumer, consumer rights. In addition to rights with an economic nature, the law includes the rights with a non-economic nature such as right of information, rights to education, right of complaint etc.

This law defines the rights of consumers, relations between consumers and producers, salesmen, providers of services as well as organs of market control and standardization. This law is applicable for the relations between consumers on one side and producers, salesmen, service providers on the other side, as well as for all the obligations deriving from international agreements that are related to consumer interests, in the territory of the Republic of Albania, complementing the provisions of the Civil Code of the Republic of Albania.

Law on Consumer Protection No. 9135 in September 11 2004 is an important step in the process of European integration, in the primary framework of approximation of the law in accordance with the provisions of article 70 of the Draft-Agreement of Stabilization and Association.

Also, resolution of alternative disputes is included recently in the local legal regulations and is considered to be in the level of European Union as one effective tool to ensure the protection of the consumer in the local cases and those of the borders.

Objectives:
- Increase of awareness of the judiciary about the strengthening of the law on consumers through a comparative study.
- Unfair conditions and contractual compatibility.
- Contracts to enter into with the consumer.
- Institutional structure and legal defense.
- Obligations of state administration bodies.

Content:
The above course will be structured in two days:
During the first day will be treated issues related to legal basis, on the basis mainly of law “on consumers” in the Republic of Albania. In addition to this theoretical treatment there will be discussions regarding different problems arising in court practice in relation to these issues.
During the second day theoretical and practical problems will be treated like consumer contracts, obligations of the organs of state administration, with the judicial practice and conflicts that have as an object its application.

Short description of law on Consumer Protection and evaluation of approximation with the legislation of European Union.
Short description of the settlement of alternative disputes in the legal domestic regulations.
Legal issues from the member states in the field of Consumer Protection.
Development of settlement of alternative disputes in the level of European Union for the settlement of disputes in the field of consumer protection.

Reminder for the participants:
Participants are invited to present issues addressed to Albanian courts in the field of consumer protection.
**Pedagogical methodology:**
The course will be organized in the form of a seminar and will consist in:
- Preparation of materials and topics preliminarily from the theoretical experts and their presentation in an interactive way.
- Photocopying and distribution of different parts from the literature in this field.
- Presentation both from the experts and the participants of the practical cases from judicial practice.
- Discussions and exchange of opinions between participants regarding theoretical and practical debatable issues.
- Drawing of opinions about the organized course and for the future.
- Distribution of certificates for the participants.
- Power point presentation and distribution of materials in the Albanian language.
- Study of practical cases.
- Exchange of opinions.

**Legal basis:** participants in this course should have with themselves the Civil Code as well as they should prepare some concrete cases from judicial practice, which could be interesting to be discussed in groups. This law defines the consumer rights, relations between consumers and producers, salesmen, businessmen, service providers as well as of the organs of market control and standardization. Its goal is the protection of health, environment, safety of life and other rights of consumers sanctioned by law.

The law aims at protecting economic interests of the consumer, in a time when article 4 of the draft law, among the consumer rights, includes those having a non-economic character such as right to information, right to education, right of complaint etc.

This law is applicable for the relations between consumers on one side and producers, salesmen, service providers on the other side, as well as for all the obligations deriving from international agreements that are related to consumer interests, in the territory of the Republic of Albania, complementing the provisions of the Civil Code of the Republic of Albania.

**3. Law on competition**

**Course:** E03  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates

**Course description:** the change of the economic and social system, development and increase of economic relations has made necessary a free market. Market economy in the field of competition requires regulatory and protective measures for the fair competition against unfair competitors. Law of competition serves as a wide protection to competition, which requires legal stability and guaranty of juridical relations in which they are a party and the guaranty to plan their business for the future, both for the end-user, for the small and medium enterprises, and for the investors. Creation of a legal guaranty means a correct application of the law because only in this way can it become possible that the conflicts could be resolved in a legal way and not through personal relations and corruption, setting rules of action for the participants in the market and for their rights and obligations under the conditions of a fair competition.

**Objectives:**
Attempts to make aware the judges for the great importance that the law on competition has. Citizens, local enterprises and investors should have a guaranty for their violated rights, they should claim them in court and the decision taken should be executable.

**Content:**
**First day**
- Directory of economic competition, role, activity and duties.
- Prohibition of the horizontal and vertical limitations of competition.
- Rules of competition.
- Actions in contradiction to competition.
- Prohibitions for illegal actions of the employees.
- Prohibitions for illegal actions of the competitors.
- Active and passive legitimacy.
- Subjects: the creditor in competition law; debtor in competition law; consumer rights; rights and obligations of employed persons or of the public and private person, like the directory of economic competition, or the associations of businessmen or consumers.
- Theoretical and practical problems that have arisen in the cases when the law on competition is not observed; complaint in court against the decision of the directory of competition.

**Second day**
- Ethics, commercial secret etc.

**Pedagogical methodology**
- Theoretical materials
- Presentation of judicial practice cases, study and discussion, pointing out the problems that have arisen in the everyday court activities.
- Exchange of opinions about the perspective.

**Legal basis:**
Every participant in the training should have with him/herself theoretical materials or concrete cases of court practice as well as the civil code, law on competition, no. 8044 and the relevant changes.

**CODE F**
**PROFESSIONAL ETHICS**

1. Judicial career, transferal, disciplinary proceedings and removal of judges from office. New system of evaluation, obligations deriving from law “On Conflict of Interests” and “On declaration and control of property, financial obligations of the elected and some public officials”.

**Course:** F01  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Participants:** judges of first instance and appeal courts, inspectors from the High Council of Justice and Ministry of Justice (having the status of a judge).

**Importance of training – introduction**
The issue of the absence of a system of judicial career has continuously been in the focus of critics address to the Albanian state. Thus, legal regulation of cases and control, disciplinary measures and removal from duty of judges have been issues for which there have been much discussion and they still being discussed amongst jurists, and especially judges, who often have pretended that there is a need for deep changes. The above issues have been object of the control from the Constitutional Court, meanwhile that a lot of juridical discussion has often created the impression of the existence of conflicts between different actors of justice system.
In the meantime, High Council of Justice has approved a new system of evaluation of professional and ethics abilities of judges, which has not started to be applied yet.

**Objectives and purpose:**
- Detailed treatment of legal provisions regarding issues and subissues making up the topic.
- Knowledge of decisions of High Court and Constitutional Court.
- Knowledge of determined standards for the disciplinary proceedings and obligations deriving from laws “On conflict of interest” and “On declaration and control of property, financial obligations of the elected and some public officials”.

At the end of the course, it is expected that the participants:
- Should be aware of the legal obligations in the field of declaration of property and private interests and disciplinary responsibility they hold for their judicial and extrajudicial activity.
- Should be familiarized with the standards put down by law, High Court and Constitutional Court regarding cases of taking disciplinary action and removal from office of judges.
**Issues to be treated:**

**Judicial career:**
- What is understood by judicial career,
- Influence of the system of career in the setting up of an efficient and independent judicial system,
- Is there a system of judicial career in Albania?
- Models and ideas for a system of judicial career.

**Transfer of judges:**
- Transfer of judges as a tool to eliminate problems of judicial system;
- Transfer of judges as a disciplinary measure from Albanian practice and models from other countries that recognize this disciplinary measure for judges;
- High Court and Constitutional Court on disciplinary measure of transfer to another court.

**Disciplinary proceedings of judges:**
- Procedure of taking disciplinary measures against judges and procedural guarantees for them,
- Initiation of disciplinary proceedings from the Minister of Justice: arguments in favor and against,
- Types of disciplinary measures and cases from practice of evaluation of the importance of the violation permitted from the judge,
- Statistics on disciplinary measures taken against judges during the last years;
- Substance of disciplinary proceedings: what part of a judge’s activity cannot be part of disciplinary proceeding?
- Disciplinary proceedings and the internal judicial control,
- High Court and Constitutional Court on disciplinary proceedings,
- Prescription of disciplinary violations and disciplinary measures.

**Removal from duty of judges:**
- Jurisprudence of Constitutional Court and High Court regarding the removal from duty of judges,
- High Council of Justice’s right to evaluate cases when a judge can be removed from duty, decision no. 75, dated 25.03.2002 of Constitutional Court,
- Citizen’s right to have an independent and impartial court, as the fundamental principle of disciplinary proceedings and removal from duty of judges.

**System of evaluation for judges:**
- Elements of the new system of evaluation for judges, methodology of carrying out this evaluation,
- Novelties brought about by the new system of evaluation for judges,
- Consequences of professional and ethical evaluation in judicial career.

**Obligations deriving from laws “On conflicts of interests” and “On declaration and control of property, financial obligations of the elected and some public officials”:**
- Cooperation between two abovementioned laws,
- Persons that carry the obligation for declaration of property and private persons,
- Object and manner of declaration,
- Sanctions for non-observation of obligations stemming from these laws,
- Influence of these obligations in judicial career (case of Gjermeni).

**Legal sources:**
1. Constitutions, Section 9 “Courts”, articles 135- 147
2. Law No.8678, dated 14.05.2001 “On organization and functioning of the Ministry of Justice” articles 5, 6, 11.
4. Law No.8811, dated 17.05.2001 “On the organization and functioning of the High Council of Justice”.
5. Law No.9049, dated 10.04.2003 “On declaration and control of property, financial obligations of the elected and some public officials”.
7. Decisions of Joint Colleges of High Court 
   a. No. 30, dated 31.03.2003 
   b. No. 33, dated 26.09.2004 
   c. No. 15, dated 29.06.2004 
   d. No. 16, dated 29.06.2004 
   e. No. 6, dated 08.03.2006 
   f. No. 7, dated 07.03.2006 
   g. No. 8, dated 08.03.2006 
   h. No. 10, dated 08.03.2006 
   i. No. 11, dated 08.03.2006 
   j. No. 12, dated 08.03.2006 
8. Decisions of Constitutional Court 
   a. No. 3, dated 20.02.2006 
   b. No. 11, dated 02.04.2003 
   c. No. 75, dated 19.04.2002 
   d. No. 11, dated 27.05.2004 
   e. No. 29, dated 09.11.2005 
   b. Decision “On criteria of measuring the judicial activity” (No. 199/3, dated 15.09.2006) 
   c. System of Professional and Ethical Evaluation of Judges (Decisions No.193, dated 11.05.2006) 
   d. Application for of Judge’s evaluation 
   e. Preliminary draft act of a judge’s evaluation 
   f. Final draft act of a judge’s evaluation 

**Modalities of application**

Course should be held in the form of a workshop, because the participant are familiar with its object and are able to discuss the raised issues.

This academic year 4 such courses can be held, because the system of evaluation for judges has just been approved and is still not very known to judges. Participation can be 15 judges for each course. Evaluation of participants can be made based on the knowledge they have for their obligations before the course, their abilities to debate on the raised issues and the responsibility towards obligations of the laws.

**Materialet e kursit**

Experts should have all the mentioned acts in the legal source section, whereas the participants should have with them the Constitution, Law no.8436, dated 28.12.1998 “On the organization of judiciary in the Republic of Albania”, Law no.8811, dated 17.05.2001 “On organization and functioning of High Council of Justice”, Law No.9049, dated 10.04.2003 “On declaration nand control of property, financial obligations of the elected and some public officials”, Law No.9367, dated 07.04.2005 “On prevention of conflict of interests during exercise of public functions”. During the course, materials on system of evaluation will be distributed.

**CODE G**

**LABOUR LAW**

1. Dissolution of labour contract. Juridical effects. Returning to work.

Course: G01
Coordinator: School of Magistrates
Place of training: School of Magistrates

Course description:
New changes in the labor code have brought juridical novelties regarding the termination of contract. These changes need interpretation. Both in the court practice and ordinary practice, in general many problems have been pointed out to interpret articles about the termination of contract. A full list of mutual obligations of parties in the labor contract is needed to clarify the drafting and correct application of labor contract.

**Objectives**
- Changes in labor code about contract termination.
- Description of correct termination of contract
- Description of incorrect termination of contract
- Description of sanctions in case of incorrect termination of contract
- List of obligations of parties

**Course content:**
A. Termination of contract
- correct termination of contract (articles 143, 144 of LC)
- Abusive termination of contract (article 146 of LC)
- Termination of contract in an unsuitable time (art. 147 LC)
- Termination of contract with a determined duration.
- Immediate termination of contract (articles 153, 154, 155 LC)
- Termination of contract and transferal of enterprise (art. 138 LC)
- Special cases
- Old age compensation (article 145 LC)

B. Employer’s obligations
Obligations of obedience, loyalty, secret preservation, work safety etc.

C. Employee’s obligations
Obligation of protection of personality, giving certificates, of payments, vacations, obligations during illness, accident, or pregnancy of employee etc.

**Pedagogical Methodology:**
The interactive method will be used. In the beginning the theoretical material will be presented illustrated with practical cases and judicial experience. Then the participants will discuss making questions or solving other practical cases.

**Reminder for the participants:**
Participants will have with them the labor code and should have prepared questions or personal experiences.

**CODE H**

**COMMERCIAL LAW**


**Course:** H01  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 2 two-day training sessions  
**Participants:** judges

**Importance of training:**
Legislation of bankruptcy is one of the important indicators of showing the stability of the legal system in relation to relevant economic developments and, consequently, one of the most important elements of the disciplines of commercial legal system.

Law no.8901 dated 23.5.2002 “On bankruptcy” is a new law, like those parts of commercial legislation that are still unknown and unapplied to help in reaching the goal for which they were approved. In other words, to give the possibility to commercial companies “to start afresh”.

88
After more than 13 years of commercial activity, especially limited liability companies, have experienced the debtor’s situation due to financial insolvency. However, number of cases considered from Albanian courts in relation to bankruptcy procedures is still small, because, above all, the special law and its benefits is not yet known. Likewise, we have seen in practice cases of interborder bankruptcy, which need knowledge and care in trainings.

Since we are operating in a new field and since according to our law bankruptcy is a judicial procedure, judges are the first group that should be well informed of the new legislation that has to do with bankruptcy and possibilities that this legislation gives about performing the procedures of bankruptcy; this would be in the interest not only of the parties involved in the process. Treatment of bankruptcy problems with judges for the improvement of quality of decisions given in these cases and managing to make similar decisions to cases with similar elements.

**Objectives and purpose:**

*Purpose* of this training activity is for judges to have a full understanding of the process of bankruptcy in order for them to take decisions of high quality to serve to the economic increase of commercial subjects.

At the end of the training activity:
- Judges will be more informed on parts of Albanian commercial legislation and some international acts that have to do with bankruptcy;
- Judges will be more familiar with main elements of bankruptcy process regulated in the relevant law and with important procedural aspects.
- Judges will know how to be oriented easily in cases of inter-border bankruptcy.

**Content:**

1. Overview on the Albanian bankruptcy legislation.
2. Conditions on bankruptcy:
   - Short overview on subjects of bankruptcy.
   - Limited liability companies (ltd) as subject of bankruptcy.
   - When can a subject be qualified “de facto” bankrupt? Causes of bankruptcy.
3. Procedural aspects of law on bankruptcy:
   - Procedure of bankruptcy under jurisdiction of commercial section of the first instance court and their role.
   - Who can require initiation of bankruptcy procedure?
   - Measure of bankruptcy.
   - Steps of judicial procedure of bankruptcy.
   - Administrator of bankruptcy and his/her functions.
4. Termination of bankruptcy procedure:
   - Sale of debtor.
   - Saving the company: principle of saving and drafting, approval, application, supervision and effects of non-implementation of the reorganization plan.
   - Liquidation of debtor.
5. On some important aspects of interborder bankruptcy an some main international aspects on bankruptcy:
   - Opening of procedure of bankruptcy in Albania for foreign debtors and opening of bankruptcy procedure in Albania for Albanian debtors based on the request of a foreign creditor.
   - Recognition for application of decisions of court of other countries from the Albanian courts and vice versa.
   - EU regulations on bankruptcy and Model Law of UNCITRAL.

**Legal sources:**

- Law no.8901, dated 23.05.2002 “On bankruptcy”
- Law no.7638, dated 19.11.1992 “On commercial companies”
- Civil procedure code
- EU regulations on bankruptcy
- Model Law of UNCITRAL

**Modalities of application:**
This training activity is thought to be performed in 2 two-day sessions. The activity will be held in the form of a training seminar. 15 judges can participate in each seminar.

It would be suitable that the seminars be held during April 2007 and April 2008.

Evaluation of the seminar (including evaluation of participants and training experts) will be made through questionnaires. Complete evaluation of the training seminar will be made according to CIPD methods.

**Pedagogical methods:**
The seminar will be held based on:
- Theoretical presentations of the training expert on topics of the content of the training activity. (Theoretical explanations will be also based on a comparative overview of the legislation of other countries);
- Presentation and discussion of concrete cases on bankruptcy;
- Other discussion that is of interest to the participants;
- Continuous evaluation of phases of application of seminar to make the needed changes for further training steps.

**Course materials:**
Participants should have with them Law no.8901 dated 23.05.2002 “On bankruptcy”, Law “On commercial companies” and Civil Procedure Code.

Participants will be distributed practical cases (considered from the Albanian court or other European countries) of bankruptcy which will be used as basis of discussion on basic topics of the course.

Participants will be given copies of them while in seminar. Participants will be distributet a presentation of the EU Regulations and Model Law of UNCITRAL.

Albanian Law Manual on Bankruptcy 2005 and Teaching Manual on Bankruptcy 2005 (publication of School of Magistrates) will be used as basic materials for the training expert.

2. Intellectual property.

**Course: H02**
**Coordinator:** School of Magistrates
**Place of training:** School of Magistrates

**Course description:**
In the framework of negotiations for the stabilization and association agreement, Albania should reach the standards of European Union countries in the field of protection of intellectual property rights.

**First,** most fundamental principles should be known better, on which this area of law in based, making it more concrete with the legal regulation that the Albanian legislator has made until now.

**Secondly,** there should be pointed out the constituting elements of the intellectual property law, based on the Albanian doctrine, and in the foreign doctrine, treating separately two constituting branches of this field in the civil law, thus: the intellectual property law (on one side), as well as the copyright and neighboring rights or the rights of artistic, literary and scientific property (on the other side).

**Objectives:**
- Getting to know better this field of law.
- Filling the existing vacuum regarding the theoretical and specialized treatment of the intellectual property law.
- Clarification and explanation of debatable positions regarding the manner of settlement of conflicts arising in the case of infringement of legal rights and interests in this field of law.

---

3 Certified Institute for Personnel Development, UK
- Orientation of appliers and interpreters of law (judge, prosecutor, judicial police officer, customs employee) to improve their work regarding the cases which could be presented in the future.

Course description: during the first day there will an introduction to the intellectual property right as well comments on it. During the second day it will be treated the copyrights and neighboring rights from the practice of the Albanian judiciary regarding both fields of intellectual property right.

Pedagogical methodology:
- Theoretical materials, from Albanian and foreign authors
- Imaginary case studies
- Concrete case discussions from court practice etc.

Legal basis: Every participant should have with him/herself legal and sub legal acts regulation the intellectual property right, including the international acts ratified from the Albanian parliament.

CODE I
CONSTITUTIONAL LAW

1. Constitutional justice and its relations with the ordinary justice. Incidental constitutional control and the role of an ordinary judge. Procedure to be followed from an ordinary court and the constitutional court in a preliminary hearing.

Course: I01
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 2 two-day training sessions
Participants: judges

Hyrje:
Relations created between constitutional justice and the ordinary justice constitutes an important issue to the protection of the principle of constitutionality and to the guarantee of fundamental rights and freedoms sanctioned in the constitution. In this framework, the incidental control of referral represents, as the most important aspect of concrete constitutional control in the Albanian model, represents one of the key points of relations created between the Constitutional Court and the ordinary courts of rendering justice. Therefore, initiation of a constitutional process from the ordinary judge requires further awareness and abilities for the role in the protection of constitutionality and to follow the correct procedures, with the intention of not damaging the lawful interests of parties to the process. On the other hand, the ordinary judge should also know the constitutional process in the in the preliminary hearing, as well as the authority of the constitutional decision, in order to better position its role in all the process of incidental control.

Main goal and course objectives:
Main goal of training remains judges' qualification for the application of article 145/2 of Constitution and their awareness as to the important role they have in the exercise of incidental control of referral. The course has the following objectives:
- Pointing out cases and conditions to be fulfilled from judges during application of article 145/2 of constitution for the initiation of constitutional process.
- Discussing the relation of international law to domestic law. Role of an ordinary judge in the application of international norm.
- Discussing procedural problems arising during this process in the courts and the possibility of improvement of used practices.
- Discussing role of an ordinary judge in considering the preliminary hearing; pointing out problems encountered in practice as well as ways to resolve them in the future.
- Discussing about the problems faced during application of constitutional court decision in the preliminary hearing.
Course content:
1. Meaning and importance of Incidental Control of referral and the preliminary hearing. Its content, characteristics and distinctions from other controls of constitutionality of juridical norm.
2. Rules to be observed from an ordinary judge for the initiation of the constitutional process based on article 145/2 of Constitution.
3. Control of compatibility of law with international conventions ratified from the Republic of Albania, exercised from an ordinary judge. Application of international norm from an ordinary judge. Discussion of constitutional jurisprudence regarding this issue.
4. Application of procedures from an ordinary judge in the preparation of a preliminary hearing. Discussion of problems pointed out in the three levels of trial.
5. Consideration in the preliminary hearing from the Constitutional Court, role of an ordinary judge and the interested subjects.
6. Effects of decision of Constitutional Court on the concrete procedure. Cases of non-acceptance of the incidental request and effects in the process.

Methodology:
Training will be divided into 5 sessions that will be held in the form of a workshop. Judges are invited to know preliminarily the recommended materials and they should have prepared examples from their practice. Topics will be accompanied from active discussions and questions from the participants. The analytical method will be accompanied with the comparative one.

Legal sources:
2. Law no.8577, dt. 10.2.2000, “On the organization and functioning of Constitutional Court of RA”.
3. Decisions of Constitutional Court (summaries based on years)
4. Information from the internet: www.gjk.gov.al

Course materials:

CODE J
HUMAN RIGHTS

1. Knowledge and application of jurisprudence of ECHR from Albanian courts. Due legal process and execution of decisions as part of this process. Non-executable decisions.

Course: J01
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: two-day training session
Participants: judges and prosecutors

Importance of training - introduction
In the hierarchy of legal norms, European Convention takes up a special place. Article 17 of Constitution provides for the juridical equality of the Convention with the Constitution in relation to limitations of rights and fundamental freedoms. On the other hand, European Conventoin is directly applicable, be it because of article 122 of Constitution, be it because of the fact that its dispositions are clear enough in this direction. The Conventoin itself has created an international jurisdiction that has as a mission verification of known violations in this Convention. Since court decisions are obligatory for countries that have ratified the Convention and are considered part of it, each judge should be familiar with the most significant decisions and the court interpretation for important legal issues.
Objectives and purpose:
Purpose of this course is:
- Knowledge on the role and competencies of European Court of Human Rights and the obligatory nature of its decisions, regarding interpretation of Convention,
- Knowledge of the standards defined from the Court regarding the right to a fair legal process and execution of decisions as part of this process,
- Knowledge of the most important decisions of this Court, that can be referred to from judges during their everyday activity.

At the end of the course, it is expected that the participants should:
- Be aware of the role played by ECHR not only in resolving individuals’ claims for violations of their rights, but also in determining the content of these rights and the limitations put to the state,
- Be familiarized with main decisions that have to do with the right to a due legal process.

Issues to be treated:

Knowledge and application of the jurisprudence of European Court of Human Rights:
- Role of Convention in the albanian legal system,
- Obligatoriness of decisions of ECHR and their interpretation power,
- Basic principles of interpretation of Convention from the ECHR,
- Decisions of ECHR given against Albania.

Right to a due process of law:
- Right to a due process of law or right to a fair trial? European and American tradition, position of Albanian Constitution.
- Philosophical concept of the right to a due process of law.
- Right to a due process of law is a substantive or procedural right?
- Sources of law for a due legal process: Constitution, Convention, criminal and civil procedure codes, other laws.
- Guarantee mechanisms of law for a due legal process: courts (and other organs that are equal to them), Constitutional Court, European Court of Human Rights.
- Content of law for a due legal process:
  - Scope: subject, limitation of abuse of right, non-discrimination,
  - Civil rights and obligations,
  - Existence of conflict (dispute),
  - Criminal charges,
  - Right to address the court,
  - Independent, impartial court created by law,
  - Character of process: fair, adversary, equal, public,
  - Reasonable time,
  - Guarantees in criminal process: right to silence, right of non-selfincrimination, presumption of innocence, right to defense, right to interpretation, etc.
  - Right of complaint against court decisions.

Execution of decisions:
- Existence of a decision: every person should have the right to address the court, but there should at least be one competent court to consider his case,
- Final nature of decision; solution of case on its merits and its final form,
- Existence of one final decision for a case,
- Reasoning of decisions,
- Clear holding of decision, to the effect of execution,
- If decision is not executed, conflict is not considered resolved effectively,
- Period of execution of decision is considered part of trial duration.
Non-executable decisions:
- Court decisions that cannot be executed; means of realizing the right in this case,
- Court decisions that cannot be executed because they are unclear; means of defense of citizens in these cases.

Legal sources:
1. Constitution
2. European Convention of Human Rights and Fundamental Freedoms
3. Code of Civil Procedure, Fourth part "Obligatory Execution"
4. Decisions of European Court of Human Rights:
   - Albert and Le Compte against Belgium
   - Allenet de Ribemont against France
   - Ashingdane against United Kingdom
   - Belilos against Switzerland
   - Benthem against Holland
   - Brozicek against Italy
   - Campbell and Fell against United Kingdom
   - Colozza against Italy
   - Delcourt against Belgium
   - Deweer against Belgium
   - Dombo Beheer B.V against Holland
   - Eckle against Germany
   - Ektabani against Sweden
   - Engel and others against Holland
   - Erknen and Hofanes against Austria
   - Feldbrugge against Holland
   - Glimmerveen and others Hagenbeek against Holland
   - Goldner against United Kingdom
   - Hakansson against Sweden
   - Hiro Balani against Spain
   - Hornsby against Greece
   - Janus and others against United Kingdom
   - Kamasinski against Austria
   - Klass and others against FR of Germany
   - Konnig against Germany
   - Lauko against Slovakia
   - Lealess against Irlandés
   - Leander against Sweden
   - Le Compte, Van Leuven and De Meyere against Belgium
   - Loizidou against Turkey
   - Luedicke, Belkacem and Koc against Germany
   - Lutz against FRG
   - Mantovanelli against France
   - Minelli against Switzerland
   - Murray against United Kingdom
   - Piersack against Belgium
   - Pretto and others against Italy
   - Remli against France
   - Ringeisen against Austria
   - Ruiz Mateos against Spain
   - Salabiaku against Switzerland
   - Saraiva de Carvalho against Portugal
   - Saunders against United Kingdom
   - Schenk against Switzerland
   - Schelen – Zggragen against Switzerland
• Silva Pontes against Portugal
• Sporrong and Lonroth against Sweden
• Sramek against Germany
• Tomasi against France
• Van Michelen and others against Holland
• Vermeulen against Belgium
• Eeber against Switzerland
• Eintereerp against Holland
• Zimmerman and Steiner against Switzerland

Modalities of application: Course will be held in the form of seminar, where the expert carries the main burden of explanation of issues, whereas the participants can raise issues that they have encountered during their everyday activity. Participation can be 15 judges for each course.

Course materials:
Experts should have all the mentioned acts in the legal sources part, whereas the participants the Constitution, Convention and Civil Procedure Code.

2. Torture according to article 3 of ECHR. Constitution, Albanian legislation and unified decisions of High Court, decisions of Constitutional Court.

Course: J02
Coordinator: School of Magistrates
Place of training: School of Magistrates

Course description: Repeal of provisions of Criminal Code that provided for capital punishment does not exclude the Republic of Albania from the responsibilities that has before the Strasbourg Court responsible for the violations of the right to life. Evolution of the jurisprudence of this court in the cases against some countries and in relation to similar situations also in judicial or investigative practice set forward the need for the clarification of this concept of the right to life.
On the other hand, the situation in the Albanian prisons, or even in the pre-detention cells reinforces this idea and sets forth the need for a better understanding of the maltreatment elements, or even the torture, which not always imply beating or physical violence.

Objectives:
- Explanation of concept of positive obligations in relation to the right to life and the right not to be maltreated.
- Explanation of the concept of life according to the jurisprudence of the European Court of Human Rights and of the circle of victims of this violation
- Explanation of the concepts of torture, degrading and inhuman treatment according to the European Court of Human Rights and of the circle of victims of this violation.
- Effect of extraditions and exiles for the intentions of the right to life and degrading and inhuman treatment.

Course description:
A. The concept of the right to life according to the European Convention of Human Rights, article 2, protocol 6 and 13.
   - positive obligation of state
   - effective investigation
   - the element of proportionality and absolutely necessary measures
B. The concepts of torture, degrading and inhuman treatment
   - corporal punishment
   - state’s responsibility for maltreatments as a result of the actions of the private persons
   - discrimination
   - prison conditions and treatment
   - conditions in prison
   - treatment in prison
- isolation
- conditions of privation of liberty and health status
C. jurisdictional aspects
- exile
- extradition

Pedagogical methodology:
- theoretical materials
- power point presentation
- practical cases from the European Court of Human Rights
- Simulating practical case
- Open debate and discussion

Reminder for the participants:
Each of the participants should be equipped from the School of Magistrates, or individually, with copies of the ECHR and of the jurisprudence of the European Court of Human Rights published in Albanian.


Course: J03
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 1 training session
Participants: Judges of the first instance and appeal courts and prosecutors of the first instance and appeal

Importance of training – introduction
Freedom of expression, together with freedom of conscience and religion are among the fundamental rights of an individual and basic evaluation criteria for a democratic and pluralist society.

Objectives and purpose:
Purpose of this course is:
- Knowledge on content of freedom of expression.
- Knowledge with determined standards of ECHR regarding freedom of expression
- Knowledge with important decisions of this court, as well as with the jurisprudence of the Constitutional Court.
At the end of the course, it is expected that the participants should:
- Be familiarized with the legal framework for freedom of expression and its content, as well as obligations that the state organs have in relation to this right;
- Be familiarized with jurisprudence in relation to freedom of expression.

Content – Issues to be treated:
Freedom of expression:
- Importance of freedom of expression for individuals, society and truth,
- Sources of freedom of expression: Pact for political and civil rights, European Convention, Constitution. Distinctions between definitions given for these freedoms,
- Content of freedom of expression:
  - Protection of political expression, artistic work, outfit, professional and commercial expression,
  - Protection of form and content of ideas,
  - Protects all legal entities,
- Five principles of protection of freedom of expression,
- Contitions for intervention of the state in the enjoyment of freedom of expression,
- Particular issues:
  - Interference in private life,
  - Defamation, Insult,
- Critics against judges,
- Prejudice of criminal trials,
- Electoral expenses,
- Protection of journalism sources,
- Licensing of massive communication media, censure,
- Freedom of expression and right to information.

**Legal sources.**
2. European convention on human rights and fundamental freedoms
3. Decisions of European Court of Human Rights:
   a. Leander, 1987,
   b. Guerra, 1998,
   c. Otto Preminger Institut, 1994,
   d. Tolstoy, 1995,
   e. De Haes and Gijsels, 1997,
   f. Prager and Oberschlick, 1995,
   g. Sunday Times, 1979,
   h. Worm, 1997,
   i. Bowman, 1998,
   j. Goodwin, 1996,
   k. United Christian Broadcasters, 2000
   l. Jersild, 1994,
   m. Rommelfanger, 1989,
   n. Grigoriades, 1997,
   o. Rekvenyi, 1999,
   p. Feldek, 2001

5. Decisions of Constitutional Court
   a. Nr. 16/ 2004

**Modalities of application:** Course will be held in the form of seminar, where the expert carries the main burden of explanation of issues, whereas the participants can raise issues that they have encountered during their everyday activity. Participation can be 15 judges for each course.

**Course materials:**
Experts should have all the mentioned acts in the legal sources part.

**4. Article 5 of European Convention of Human Rights**

**Course:** J04
**Coordinator:** OSCE presence in Albania, Council of Europe and School of Magistrates
**Place of training:** School of Magistrates
**Course duration:** 2 two-day training courses
**Time:** 9-10 and 13-14 November
**Type of course:** Seminar
**Participants:** Oficers of Judicial Police, Prosecutors, Judges, Lawyers.
**Financial support:** OSCE Presence and Council of Europe

**Importance of training – Introduction**
Right not to deprive anybody arbitrarily from their freedom, as a fundamental right, has been mentioned explicitly in article 5 of ECHR. Standards of guaranteeing the freedom of person should be sanctioned by correct legal procedures in a juridical state. The spirit of article 5 of ECHR has been integrated in our criminal and procedural legislation. Current criminal procedural practices have raised discussions on different issues like those of security measures, rights of detainees and instruments to guarantee these rights, as such they are of interest to be the object of discussion.
Objectives and purpose:
This course aims at creating basic knowledge in the participants and also deepened knowledge on issues of human rights that are related to the freedom of the person. The purpose of this course is to:
Get to know the observation of freedom of person in our country.
Standards of Albanian legislation on limitation of freedom of person, constitutional and legal basis, instruments of guaranteeing this freedom, right to defense etc.
Knowledge of European standards based on the practice of ECHR.
Analysis of Albanian legal issues, seen from the perspective of article 5 of ECHR and an in-depth analysis of the Albanian legislation.

Content – Issues to be treated:
Issues to be treated are:
Knowledge on reports on detention published from different organizations.
Presentation of cases seen from the perspective of Human Rights.
Presentation of international legal acts and practice of European Court of Human Rights.
Albanian procedural legislation of the pretrial phase.
Setting the security measure, reasonable doubt based on proof and standards of evidence.
Rights of person during arrest and security measure.
Prevention terms.
Right to a real defense.
Issues of court practice.
Cases of different standard of interpretation of these rights etc.

Legal sources:
Participants should have with them the Criminal Code and Criminal Procedure Code or the specific articles related to security measures, unifying decisions of High Court and ECHR. Practical cases and court cases regarding issues, which have to do with security measures.

Modalities of application:
The course will be a seminar with 25-30 participants and will consist in:
Preparation of materials and topics from the experts and their presentation interactively (in powerpoint)
Photocopying and distribution of different parts from literature in this field.
Presentation from both the experts and participants of practical court cases.
Discussions and exchange of opinions between participants regarding debatable theoretical and practical issues.
Group work for discussion of cases.
Getting opinions on the organized courses for the future.
Distribution of certificates for participants.

CODE K
EUROPEAN COMMUNITY LAW

1. Knowledge on EU legislation in the field of justice and internal affairs.

Course: K01
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: two-day training session
Participants: judges, prosecutors, officers of judicial police.

Importance of training – introduction
Relations between EU and Albania have been characterized from a permanent request for improvement of situation in the field of justice. This has been a key element which has characterized the progress of the process before, during and after the end negotiations.
The last report of the European Commission for Albania (November 9 2005), in its summary for this field, stressed that “In spite of some positive developments, proper implementation of the existing legislative framework and the general functioning of the judicial system remains a preoccupying issue”.

This sensibility is expressed continuously during negotiations of the SAA, as well as in the meetings in the framework of Consultative Task-Force EU/Albania, where issues related to functioning of justice and judicial system have always been “prima facia” in discussions.

Objectives and purpose:
Purpose of the training course is to increase the awareness of judges, prosecutors and other actors of justice of the spaces to be filled from internal legal issues in order to particularly apply the clauses of Stabilization and Association Agreement (signed in February 18 2006 and ratified in 27.7.2006), where chapter VIII, (articles 78-84) is entirely devoted to problems of justice and internal affairs, and especially issues that have to do with strengthening of institutions and rule of law state, asylum, emigration, management of borders, visas, prevention of illegal emigration, terrorism, money laundering, drugs and other criminal activities.

Also, in a more advanced level, the training session will treat legal means to be used from judges and other law implementators in rendering decisions or carrying out acts that comply with decisions given in similar cases from the organs of applying the law (courts, prosecutors’ offices etc.) in EU territory, in the function of following interpretations given from the Court of Justice of Luxembug (EU court).

Content – issues to be treated:
Historical overview of the progress of development of justice issues in EU.
Structures and institutions of cooperation in justice and internal affairs.
Legal instruments and juridical European order in justice and internal affairs.
EU-Albania relations in justice and internal affairs. Stabilization and Association Agreement, national plan of approximation of legislation and European partnership.

Legal sources:
All EU legislation (constitution, treaties, primary legislation, trials of Luxembourg court, secondy legislation, international agreements, as well as the Albanian legislation of the field (constitution, Criminal Procedure Code, Criminal Code, International agreements ratified in the field).

Modalities of application:
Power point presentation of lectures, distribution of materials in written form (in albanian language for those documents that are translated), study of practical cases and exchange of opinions. Internet can be used to consult web pages of the Court, Eurojust, etc.

Course materials:
Materials (to be determined 3-4 weeks before holding the seminar) from EU relevant legislation (constitution, treaties, primary legislation, trials of Luxembourg Court, secondy legislation, international relations) as well as from the Albanian legislation of this field (constitution, CPC, CC, ratified international agreements), practical cases.

2. Material European Law. (4 freedoms: freedom of movement of persons, goods, services, capitals)

Course: K02
Coordinator: School of Magistrates
Place of training: School of Magistrates

Course description: the phase in which Albania has entered in its relations with EU means new and important developments with a legal and jurisprudential character. The most critical moment to realize these commitments is the realization of the free exchange market, which consists in the implementation step by step of the four abovementioned freedoms. The European experience and jurisprudence has shown that the jurists of judicial practice have encountered more frequently these
concepts and that change or legislative provisions have been insufficient for the realization of the market.

**Objectives:**
- Explanation of the concept of free market of exchanges in a European and regional level.
- Explanation of the concept free circulation of goods and of the concept measure with the same effect.
- Explanation of the concepts service, capital, worker and person for the free circulation in a market.

**Course description:** 1. Introduction; 2. common market; forms of economic integration – realization of common market; main principles, non-discrimination – proportionality – subsidiary; 3. free movement of goods – non-custom internal aspects (quantitative limitations, measures with the same effects as quantitative limitations a) rule (article 28) b) exclusions (article 30). 4. Free movement of persons, services, capitals and payments, free movement of workers, introduction, free movement of employees, sojourn, public policies, mutual recognition of diplomas, and freedom of decision. Free movement of services, free movement of capitals and payments, harmonization of legislation; 5. competition, general aspects art 81, 82, application and procedures, regulations 17 (application of article 81, 82); trusts, article 81, abuse of dominant position – article 82, merger control, public enterprises and state assistance, public enterprises (art 86), state assistance (art 87-90).

**Pedagogical methodology:** Legal basis:
- presentation with power point
- practical cases from the European Court of Justice
- Simulating practical case
- Open discussion and debate

**Reminder for the participants:** Each of the participants should be equipped from the School of Magistrates or individually with copies of the European Community Pact.

**3. Knowledge on SAA (national plan of approximation of legislation). Obligations for the justice system. Knowledge on decisions of European Court of Justice important for the Albanian judicial reality.**

**Course:** K03  
**Coordinator:** School of Magistrates  
**Place of training:** School of Magistrates  
**Course duration:** 1 one-day training session  
**Participants:** judges and prosecutors of the first and second level of the judiciary.

**Importance of training – introduction:**
Stabilization and Association agreement has just been signed, but its legal status and obligations it puts forward for the Albanian state, especially for the judicial system, are still unknown.

**Objectives and purpose:**
Purpose of this course is:
- Knowledge on the SAA and its role in the legislative system and court practice,
- Knowledge on National Plan of Approximation of Legislation and albainian state commitments in this framework,
- Knowledge on some decisions of the European Court of Justice, which can be referred to during the everyday court activity.

At the end of the court, it is expected that the participants:
- Will have sufficient informaion on the purpose, manner of approval and application of SAA and NPAL,
- Will know the fundamental competencies of European Court of Justice and its role in relation ot national courts,
- Will know main principles of interpreting the European Law from the European Court of Justice.
Content – Issues to be treated:

Stabilization and Association Agreement:

• Main characteristics
• Decisions that have to do with the legal status and application of SAA:
  o Case 270/80 Polydor,
  o Case 26/62 Van Gend en Loos,
  o Case 43/75 Defrenne II,
  o Case 12/86 Demirel,
  o Case C-192/89 Sevince.

National Plan of Approximation of Legislation with that of the European Community and Application of Stabilization and Association Agreement.

Reason and manner of approval, obligations and objectives:

Knowledge on decisions of European Court of Justice:

Public Procurement:
  C- 327/00 Santex,
  C-275/98 Unitron Scandinavia and 3-S k. Ministeriet for Fødevarer, Landbrug og Fiskeri
  Çështja C-324/98 Telaustria and Telefonadress k. Telekom Austria
  C- 380/98 University of Cambridge
  C- 19/00 SIAC Construction

Telecommunications
  Albacom

Free movement of goods
  C- 72/84 Campus Oil,
  C- 5/94 Headley Lomas,
  C- 324/93 Evans Medical,

Dominant position in the market
  Michelin
  United Brands
  Hoffman La Roche

Protection of human rights and relations with ECHR:
  Matthaus

Legal sources:

1. Stabilization and Association Agreement.
2. National Plan of Approximation of Legislation with that of the European Community and Application of Stabilization and Association Agreement.
3. Decisions of the European Court of Justice:
   Case 270/80 Polydor,
   Case 26/62 Van Gend en Loos,
   Case 43/75 Defrenne II,
   Case 12/86 Demirel,
   Case C-192/89 Sevince,
   C- 327/00 Santex,
   C-275/98 Unitron Scandinavia and 3-S k. Ministeriet for Fødevarer, Landbrug og Fiskeri
   Çështja C-324/98 Telaustria and Telefonadress k. Telekom Austria
   C- 380/98 University of Cambridge
   C- 19/00 SIAC Construction
   Albacom
   C- 72/84 Campus Oil,
   C- 5/94 Headley Lomas,
   C- 324/93 Evans Medical,
   Michelin
   United Brands
   Hoffman La Roche
   Matthaus
Modalities of application:
Course will be held in the form of a session, during which the expert carries the main burden of explanation of issues, where the participants can make questions and ask clarifications.

Course materials:
Experts should have all the above acts in the legal sources, whereas the participants can be distributed copies of SAA.

E DREJTA NDERKOMBETARE PRIVATE

1. Probative value of the acts of foreign States. Recognition of civil decisions of the foreign courts. Mutual juridical assistance in civil cases. Jurisdiction and competence in the trial of cases with foreign elements. Applicable law.

Kursi: L01
Koordinator: Shkolla e Magjistraturës
Vendi i trajnimit: Shkolla e Magjistraturës

Description of course: The value of the acts of foreign states authorities considered in the meaning of probative power for the Albanian civil procedural legislation, the recognition of the foreign courts decisions as well as the various problems related to the jurisdiction in the point of view of the private international right, constitute three important cases considered as tangible, in the framework of the Albanian court activities. The treatment of such cases carries a considered importance taking into account the increase of international civil circulation, in the framework of the Albanian Republic integration, to the effect of the international globalization, in various supra-national structures, as well as on the condition of a consistent increasing of the number of cases with foreign elements to be resolved by the Albanian judicial authorities. Certainly, it would be excessive to make evident the fact of the impossibility of the treatment of such cases in a hour of seminar, because of the width and variety of these crucial cases.

Objectives: Making evident the most usual cases encountered in the judicial practice related to the juridical acts of the foreign states authorities, the probative power of these acts in the meaning of the Albanian civil procedural legislation and international private legislation.
Making evident the cases with the problems posed during the recognition of a judicial foreign decision in the Albanian Republic
Making evident the problems raised during the practice of the Albanian judiciary related to the civil judiciary jurisdiction, in the cases when we have an agreement with the foreign element as well as the more adequate solutions for the cases of this nature.
The first part of this session well be devoted to the theoretical treatment of the cases pointed out as the most outstanding, as the acts of the foreign authorities presented from the pairs in a civil judicial process, their probative power, the way of the evaluation as an evidence in the Albanian civil procedural legislation and international private legislation., etc; the recognition of the judicial foreign decisions, the recognition conditions, the most delicate cases encountered in the practice related to the jurisdiction, the parallels proceedings, the transferring of the judicial cases etc.
Secondly, we well aim to make a treatment of some of the most typical cases encountered in the judge practice, and the most appropriate solutions offered in such cases.

Pedagogical methods: The participants well have at their disposal the theoretical materials
Using the interactive way even during the theoretical explanation of the cases
The resolution of the cases encountered in the Albanian judge practice
Representing the typical experiences of the foreign countries courts, with which the Albanian civil and procedural legislation and the international, private legislation have more approximation.
Opinion exchange related to the problems point out in the most typical cases from judge practice
Visiting internet sites in the frame of broadening out the knowledge, exchanging the experience on the above-mentioned cases

CODE M
SOCIAL INSURANCE

1. Payment of pensions of former members of agricultural cooperatives.

Kursi: M01
Koordinator: Shkolla e Magjistraturës
Vendi i trajnimit: Shkolla e Magjistraturës

Course description: Everyone has the right to social insurance in the old age, when one is sick, when jobless for reasons independent of his will and when there are no other means of income. On the other hand everyone who has income as an employee is obliged to pay contributions, with which the payments for the above cases are coped with. Work experience and reaching a certain age are legal criteria to get social insurance. Lack of documents that prove these criteria as well as other reasons, are causes to go to the court. As an interested party in such processes is the representative of social insurance, because from such a process, consequently, is determined a pension, an invalidity payment is made, funds of social insurance are used. Funds of social insurance are common funds of all the people who work and regularly pay contributes. The benefit from these funds, equally and when conditions are met and not before, is the goal of their well-administration. This is the extraordinary importance of the judicial decisions with object benefiting from social insurance, which should be fair based in law and evidence.

Objectives:
At the end of the course, the participants should have knowledge on issues:
- Old age pensions, especially, old age pensions in rural areas.
- Invalidity pensions.
- Conditions to benefit a pension.
- Birth of right to pension.
- Exercise of request and starting of payment.
- Court processes with object rural area pensions and invalidity pensions.

Course description:
Course will have two parts: the first part is theoretical.
A) For rural area pensions.
New law of social insurance for farmer pensions, but with a comparative overview of the pensions of former members of agricultural cooperatives, thus, the old law of social insurance. Council of Ministers decisions, other sublegal acts, from where stemm rights and obligations in the area of rural area pensions and invalidity pensions.
B) Invalidity pensions: law of social insurance and sublegal acts related to it. Especially a decision of the Constitutional Court, no.20, dated 23.12.2004. After consideration of request of an individual claiming violation of his rigat to a due legal process. The Court considered the case “Can the individuals address the court to challenge a decision of the Medical-Legal Commission? Decision of the Constitutional Court does not find anti-constitutional the law of social insurance, which provides that the medical commission decision is of a final form. Second part will be focused on concrete treatment of cases of rural area pensions and invalidity pensions. Documentation of work experience, age correction, acknowledgment of juridical fact of being employed, work accident and the documentation certifying it, obligation to pay contributions as an executive title, failure to insure workers from the employers etc.

Pedagogical Methodology:
- theoretical materials
- concrete cases for illustration
Reminder for participants:
Participants in the training should have one or two cases from judicial practice with object social insurance.

CODE N
FINANCIAL LAW


Course: N01
Coordinator: School of Magistrates
Place of training: School of Magistrates
Course duration: 1 one-day training session
Type of course: workshop
Participants: judges and prosecutors

Importance of training:
Implementation of a new system of legal and administrative rules from taxation authorities organized on the basis of taxation functions, complication of evasion schemes and increase of education of taxation payers result in an increased number of taxation controls, criminal charges and tax assessments that can be challenged. Improvement of specific professional qualities of persons engaged in investigation and trial would help the installation of a fair taxation system, collection of more income and fair competition of tax payers.

Objectives:
Pointing out sample cases of violation of taxation laws from tax payers (evasion) as well as non-observance of administrative procedures from taxation inspectors.
Knowledge on rights and obligation of tax payers during a taxation control process that ends with an assessment.
Knowledge with rules and circumstances of carrying out a taxation control as well as the procedure of appeal in the judicial and administrative authorites.

Content:
Procedures of taxation administration.
Taxation assessment.
Alternative methods of determination of taxation obligation.
Prescription of the right to determine the taxation obligation.
Ordinary and extraordinary procedures of collecting the taxations.
Administrative control.
Taxation control.
Obligation of tax payers to give information. Obligation of other parties to give information.
Validity of taxation assessment.
Description of functioning of basic systems of main taxations as VAT and Income taxation. Object of VAT. Furniture of goods and services with VAT.
Administration and procedures in general.
Object of taxation on the personal income and on the companies income.
What is and how taxation on income functions.

Legal sources:

Modalities of application:
Course can be one day in the form of a seminar for judges and prosecutors together. Evaluation can be a short summary test with alternative choices.

Course materials:
Primary and secondary legislation for taxation published in www.tatime.gov.al
1. Legal reasoning and writing.

Course: NJ01  
Coordinator: School of Magistrates  
Place of training: School of Magistrates  
Course duration: 2 two-day training sessions.  
Type of course: training session  
Participants: judges

Importance of training – introduction: 
Continuous training with the course on Legal Reasoning and Writing aims at increasing the quality of legal decisions through development of interpretative and reasoning capacities, generalization and pointing out of the best judicial practice in this field, aiming at giving justice.

Objectives: 
This training program aims at the following in the end of the course:

a- Participants should know and apply properly the procedural requests in writing the court decisions;

b- They should know and use reasoning and interpreting techniques and methods during drafting of judicial opinions;

c- They should know and exchange experience between different judicial districts and jurisdictions generalizing the most positive experiences;

c- They should know and apply the principles of organization and interpretation of legal instruments as well as new techniques in this field, which will help in developing interpretation techniques.

Content: 
Training is based to be held in two days. In the first day main theoretical concepts will be presented, intertwined with Albanian practice: General knowledge on the system of legal reasoning and writing; different types of legal provisions; interpretation principles, complex legal analysis; IRAC method of analysis as one of legal writing methods; structure of preparation and writing of legal decisions according to article 310 of CPC and 383 of CPC, problems encountered in Albanian practice. 
The second day will be devoted mainly to practical exercises: practical exercises for the identification of weak points in legal reasoning and writing (illustration of IRAC Method); discussions of practical cases from court practice.

Modalities of application: 
Special importance in the organization and setting up of the training course will have exercises to have an active participation from the participants. The theoretical material will be structured in such a way as to leave more time to exercises, debates and discussions from the participants. The part of giving new information will be 20-30 minutes, whereas the other part will be left to exercises for participants as well as debates and explanations. Special exercises will be used for each topic.

Evaluation: 
1. A test will be made at the end of training. The test will be set up in such a way as to evaluate objectively the development of knowledge and abilities of participants in the training.

2. Participants in training will also be evaluated during the training process for the increase of their level in drafting court decisions.

3. at the end of training there will be an evaluation of course from the participants. These evaluations will be considered very important for the trainers to bear in mind in other training activities, aiming at increasing the efficiency and quality of these trainings.

Expected results:
At the end of the course:
1. Participant judges should know and apply the rules of writing judicial decisions;
2. Participant judges should know and apply the techniques of reasoning and interpretation of legal issues;
3. Participant judges should know and apply the best practices in the field;
4. Unified rules will be applied in the practice of drafting legal decisions;
5. Judges will have less rejected decisions due to lack of fulfillment of procedural criteria in writing legal decisions and consequently an increase of quality in rendering justice.

Course materials:
The following materials should be used for preparation of course materials: lectures of legal reasoning and writing in the School of Magistrates; ABA CEELI materials; “The Fundamentals of Legal Drafting” Reed Dickerson; "Legislative Drafting" prepared in Central European University, in Budapest; Drafting Federal Law from Donald Hirsch; Checklist on Law Drafting and Regulatory Management in Central and Eastern Europe – prepared from SIGMA- OECD; Rules issued from Albanian authorities in the process of approving the legislation; different laws, Codes of Procedure, Decisions of High Court, Decision of Constitutional Court.

 Coronel  P
COURT ADMINISTRATION

1. Management of courts and cases from the court. Knowledge and application of Regulations “On organization and functioning of Judicial Adminsitration” approved by an order of the Minister of Justice No.1830 Dated 03.04.2001

Course: P01
Coordinator: School of Magistrates
Place of training: School of Magistrates

Course description:
Efficient management of the Judicial Service in Courts, even the most usual aspects, (which are many) is fundamental in the well-being of the state. This is as true now as it has been when this concept was introduced in the worldwide judicial system. Court presidents and chancellors learned very much through their experience.

Many times, the courts rightly were looked upon as a complex ball of judicial cases, files and documents and personnel. The delayed cases and delays are very important. Many studies point out to the nature and causes of delays, strategy that try to resolve this problem have been drafted, including methods of responsibility for the management of case circulation and finally the adoption of the standards of the flows of judicial cases. In this endeavor it is indispensable to include a higher level of cooperation with the Court presidents, chancellors and even judges and jurists.

Already there is an immediate sensibility regarding the complexity of functions and organization of the court needs managers and professional staff, which, together with judges, can participate in policy making and play an important role in the execution of these policies. Professionalism in management of courts is needed, so as the judges can be able to fulfill their major responsibility of trial and resolution of conflicts and that the judicial system can preserve its independence.

All these issues should undergo a wide discussion and an in-depth study, which are the main aims of this course.

Objectives:
• Making presidents of courts, chancellors and magistrates familiar with the importance of the strategic planning;
• Identification of the elements of successful strategic plans, that include a strong vision and realistic declaration of the purpose;
• Determination of standards for the results in court.
• Description of fundamental qualities of a well-managed court.

Course description:
In the first day, the course will pay special importance to setting up the vision and strategic planning:

a. Determination of goals and responsibilities of courts;

b. Understanding the court structure, organization, environment and court processes.

c. Basis for creation of a vision of the court and a strategic plan – use of principles, methods, and used techniques,

d. Organizational fundamentals needed for the process of drafting the strategic planning and vision.

e. Change and adoption – can judges move the court, the staff and justice partners towards the same direction and towards the same devotion?

f. Strategic thinking – thinking and acting for the future.

The second day will pay attention to the fundamental qualities of the well managed and well organized courts like: equality and impartiality, independence, readiness, efficiency, access etc., which will be illustrated with concrete examples.

Also during this day some measure units (standards) will be defined by means of which results in courts can be measured.

**Pedagogical methods:**

- Theoretical materials – administration of courts and management of cases;
- Presentation of different experiences in the court administration;
- Law on organization of judicial power, internal regulations for the functioning and administration of courts, Procedure Codes, etc.
- Small groups study
CERTIFICATE

TIRANA, 02.06.2004

MR. ___________________

FOR PARTICIPATION TO THE TRAINING SESSION REGARDING

“ALTERNATIVE DISPUTE RESOLUTION”

ORGANIZED FROM THE SCHOOL OF MAGISTRATES, COUNCIL OF EUROPE, WORLD BANK AND

IRZ IN TIRANA DURING 01-02 JUNE 2004.

DIRECTOR

ARJANA FULLANI

Further information can be taken in the following telephone numbers, contact the electronic mail or visit the School of Magistrates website:

Tel: 04 364 943      Address:  Tel: 04 363 914
Fax: 04 363 914

Shkolla e Magjistraturës
Rruga e Elbasanit
Pranë Fakultetit Gjeologji-Miniera, Tirana

Email: shmlrtrajnimvazhd@hotmail.com
Website: www.magjistratura.edu.al
REPUBLIC OF ALBANIA
SCHOOL OF MAGISTRATE

TRAINING SESSION

The theme: -----------------------------------------------------
The course with code: -----------------

Registration form.

(Please, fill this form with capital letters and send it to the Magistrate School in the following address within the date May 20th). (Our address is: Rruga e Elbasanit, (Prane) Fakultetit Gjeologji-Miniera, Tirana. or Fax: 04363914: or you may send messages in this address: shmtrajnimvazhd@hotmail.com)

Name:---------------------------Surname :-----------------
Function: ----------------------
Court/ Prosecution: -------------------------------
Postal Address: ----------------------------------
Telephone number: -------------------------------
E-mail: ------------------------------------------

Please, put the sign X for a positive reply.

I will not take part in this training session ---
I will take part in this training session ----

If you will take part in this training, please specify it putting tee sign X for a positive reply.

I will take part only in the first day of training ----
I will take part only in the second day of training----
I will take part in both days of training------

Please, put the sign X for a positive reply.

I need a room to be booked in a hotel for the first day---
I need a room to be booked in a hotel for the second day----
I need a room to be booked in a hotel for both days-----

Thank you very much for your collaboration.

Name---------------------------Surname-----------------

Signature----------------------

PS. We remind you that we will provide with the certificates, only those participants who will fully take part in all the training sessions.
Administrative staff, responsible for the Continuous Training Program

Department of Continuous Training Program in School offers an efficient service and a very serious commitment in successful realization of the Continuous Training Program 2006-2009. This staff offers the following:

1. Notifications of Albanian and foreign experts, moderators, facilitators for training sessions for which they are engaged from the Management Council of School.
2. Opening of files and equipping the participants with materials of the course.
3. Invitations to judges and prosecutors based on their requests for training courses offered by the school.
4. Distribution of certificates for participants in the training activities.
5. Different notifications for judges and prosecutors in all courts and prosecutors’ offices in the country.
6. Drafting of a final report based on questionnaires distributed as well as reporting done from facilitators and different opinions for each training session.
7. To fulfill any other duties that can come up during the training sessions.

Library

Library of the School offers literature and theoretical and practical materials according to topics treated in training sessions for judges and prosecutors. Participants are given relevant codes according to topics treated in the seminar. Among other things, library offers other auxiliary materials for the treated subjects.

During breaks of the seminars, library puts at the disposal of participants a reading room they are free to use when reading about the literature or other individual activities. At the same time the library room is at the disposal of the trainers or experts in the training seminars if there is any need.

Practical cases are used from foreign literature in our library, making comparisons with similar cases in our country.
School of Magistrates has a laboratory with 25 computers. All computers are linked in a network and have full access to internet. Apart from students the laboratory is at the disposal of the participants of training seminars that are held from the school. The laboratory can be used for the internet searches, to check the electronic mail as well as to access different law-related web pages. The participants in training sessions can freely work and print out training-related materials from our laboratory.
Annex I- The understanding agreement with the experts and the decision of the Management Council, regarding the payment fees.

Agreement

Entered into, today, __.___.______

Between the School of Magistrates

And Mr.Mrs.__________ in the capacity of the training expert in the training session:

1. ______________________
2. ______________________

With object:

“Progress of training sessions from the formal and substantive viewpoint”

The School of Magistrates and the Experts of the Continuous Training Program, for the academic year ________, aiming at successful performance of the training session, have undertaken the accomplishment of the duties and agreed as follows:

Duties of the School of Magistrates

Experts from each field and topic will be assigned at the beginning of the new academic year by the School of Magistrates and will be approved by the Management Council.

The experts and/or the group of experts will be well informed on the training fields by the School of Magistrates at the beginning of the academic year.

Experts will be reminded one month before the training about the date, time and place of training from the School of Magistrates.

School of Magistrates will put at the disposal of the experts all the available equipment (one secretary, computer, power point, flipchart, projector, computer discs, other materials, etc.), to facilitate and assist for their preparation.

School will assign a moderator, a facilitator from its former students, (with high results) and one secretary, who will be present and will help during the training session.

Experts will be paid according to the fees approved from the Management Council of the School of Magistrates by its Decision no. 7/1 dated 26.07.2004 “On the payment of the teaching activity in the School of Magistrates”. According to this decision:

“Experts of the continuous training will be paid 16 teaching hours for the preparation of the materials and 16 hours for the participation in training. In case the same training session is repeated they will be paid only for their participation in the training.

Payment of one teaching hour (45’) is 1.100 Leks.

Duties of the experts:

Experts in cooperation with each other and the assistance of the School of Magistrates will draft the training program which will be deposited in the School not later than 45 days before the training.

---

4 These duties are part of the agreement that the school has with the experts for which both parties, in principle, have agreed in the meeting of September 2003 organized in the School of Magistrates with the pedagogical staff and the training experts.
Experts will deposit in the School of Magistrates the prepared lecture also in an electronic copy, a list of questions for the audience, a bibliography (where they have been based and what is suggested for the future), a list of cases and unifying decisions of the High Court and important decisions of international courts on the current issue as well as the legal basis that participants should have during the training.

**Experts should be present during the entire training seminar.**

Experts should notify the School of Magistrates for every impossibility not later that 1 month from the day of training. In such a case the experts should recommend the substitute expert, bearing in mind the standards of the School of Magistrates.

Two weeks before every training the group of experts will be summoned in school and also moderators, facilitators and the secretaries to cooperate and discuss the progress of training.

Experts will take notes regarding:
- Suggestions and remarks of the audience on the topics and the perspective trainings,
- Methodology of teaching suggested from the audience and them.
- Suggestions and modifications of the legislation derived from the debates and discussions of the training.
- All these and others that are related to the continuous training, they will reflect in the “minutes” in the School of Magistrates, not later than 2 weeks after the training.

Experts will perform their duty according to the standards determined by the school.

**Regarding the training methodology the experts/moderators should:**
- **Develop an interactive training method where the auditorium should be treated as a partner.**
- **Try to maintain an equilibrium between the theoretical and practical treatment of issues.**
- **Take care to constructively intervene in the debate, not dominating it but leaving enough space to discussions from the participants.**

For the School of Magistrates                                      Training expert
REPUBLIKA E SHQIPERISE
IKOLLA E MAGJISTRATURES
Bordi i Drejtimit

VENDIM

Nr. date 26.07.2004

„Per shperblimin e veprimtarise drejtuese dhe mesimdhene
ne Shkolliten e Magjistraturese“

22.4.1999 te Bordit te Drejtimit

Ne mbeshtetje te nenit 4, pikat d, te Ligit Nr. 8136 date 31.07.1996
„Per Shkoliten e Magjistraturese te Republike se Shqipere“, Vendimit te Keshillit te Ministrave Nr.694 date 21.10.1996,
Udhezimit te Ministrise se Arsimit Nr.14 date 19.10.1995,
Vendimit te Keshillit te Ministrave Nr.424 date 11.6.2001, Bordi i
Drejtimit te Shkolles

VENDOSI:

1. Ne pagesen e pedagogove dhe specialisteve te jashtem te
pasqyrohet Vendimi i Keshillit te Ministrave Nr. 424 date
11.06.2001.
2. Pjesetaret e Komisionit te vleresimit te diplomave te kandidatve
per magjistrate te vitit te dyte te vazhdojne te shpehbehen
mbeshtetet ne piken 15 te Udhezimit te sipercluar.
3. Anetaret e Komisionit per vleresimin e vendimeve te perpilua nga
studentet e vitit te trete te shpehbehen sipas tarifes 10 vendime 1
ore.
4. Udheheqesit dhe oponentet e temave te diplomave te vazhdojne te
shpehbehen perkatessiht sipas pikave 13 dhe 14 te Udhezimit te
sipercluar.
5. Ekspertet te trajnimit vazhdues te shpehbehen 16 ore per
pergatiten e materialete dhe 16 ore per pjesemarrjen ne trajnim.
Ne rast se perseritet e njefa teme trajnimi te shpehbehen vetem
per pjesemarrje ne trajnim.
6. Shperblimi per anetaret e Bordit te jete 10 000 leke dhe shpehlimi
i sekretares se Bordit te jete 7000 leke per mbledhje. Ky shperblim
jepet vetem kur ata jate te pranishem ne mbledhje.

KRYETARI
Thimjo KONDI
REPUBLIKA E SHQIPERISE
Shkolla e Magjistratës
Bordi i Drejtimit

VENDIM

Nr. date 22.04.1997

Per siperblimin e veprimtarise drejtuese dhe mesimdhënise ne Shkollën e Magjistratës

Ne mbeshtetje te nenit 3 te Ligjit per Shkollën e Magjistratës te Republikes se Shqiperise, Bordi i Drejtimit:

VENDOSI:

I. -
1. Pagesa per pedagoget dhe specialistet e jashtëmi te behet ne baze te oreve mesimore plus orët e provimeve.
- Tarifa e orës mesimore percaktohet duke u mbeshtetur ne V.K.M. Nr. 694 dt. 21.10.1996 si dhe ne udhezimin e Ministrit se Arsimit Nr. 14, dt. 19.10.1995, lidhur me kriteret e vlerësimit te ngarkeses pasuniversitare plus 20% mbi kete tarife per shkak te pozicionit te vecante te Shkolles se Magjistratës.
2. Anetaret e jurise se pranimit te studenteve te siperblehen ne baze te tarifes baze qe eshte llogaritur nje ore mesimore plus numerin e studenteve qe konkurronje cdo vit. Elementet perberes te normes mesimore dhe konvertimi i tyre do te jete 3 studente 2 ore.
3. Pagesa e udheheqsesve te stazheve eshte e barabarte me 1/3 e pageses se pedagogut te brendeshem te Shkolles se Magjistratës.
4. Siperblimi i anetarive te bordit te drejtimit te jete 4500 leke per mbledhje.
II. Ky vendim i shtrin efektet nga dt. 15.09.1997.

PER BORDIN E DREJTIMIT

[KRYETARI]

Avni SHEHU

TIRANA
Annex II – Agreement of Understanding with facilitators
List of facilitators is approved from Management Council

AGREEMENT

Entered into today ___.___.______

Between the School of Magistrates

and Mr./Mrs. _________ in the capacity of the facilitator of the training session.

With object:
“Progress of training sessions from the formal and substantive viewpoint”

The School of Magistrates and the Experts of the Continuous Training Program, for the academic year ________, aiming at successful performance of the training session, have undertaken the accomplishment of the duties and agreed as follows5:

Duties of the School of Magistrates:
Facilitators for each field and topic will be assigned in the beginning of the academic year from the School of Magistrates and will be approved from the Management Council.
The facilitators and/or the group of facilitators will be well informed on the training fields by the School of Magistrates at the beginning of the academic year.
Facilitators will be reminded one month before the training about the date, time and place of training from the School of Magistrates.
School of Magistrates will put at the disposal of the experts all the available equipment (one secretary, computer, power point, flipchart, projector, computer discs, other materials, etc.), to facilitate and assist for their preparation.

Duties of the facilitator:
Facilitators in cooperation with the experts and the assistance of the School of Magistrates will draft the training program which will be deposited in the School not later than 45 days before the training.
Facilitators will deposit in the School of Magistrates the prepared lecture also in an electronic copy, a list of questions for the audience, a bibliography (where they have been based and what is suggested for the future), a list of cases and unifying decisions of the High Court and important decisions of international courts on the current issue as well as the legal basis that participants should have during the training.
Facilitators will be present during the entire training session.
Experts should notify the School of Magistrates for every impossibility not later that 1 month from the day of training.
Two weeks before every training the group of facilitators will be summoned in school and also moderators, experts and the secretaries to cooperate and discuss the progress of training.
Facilitators will take notes regarding:
- Suggestions and remarks from the audience regarding the current issues and the perspective of training,
- Methodology of teaching suggested from the audience and themselves,
- Suggestions for modifications and changes of legislation coming out of the sessions “discussions and debates”.
All of these and others related to the continuous training will be presented in “minutes” in the School of Magistrates, not later than 2 weeks before the training.

5 Facilitators’ list is approved from teh Management Council by decision no. 330 dated 28.09.2005.
Facilitators in cooperation with the experts will perform their duty according to the standards determined by the school.

Facilitators will be a part of the panel together with the experts.

Facilitators will take care that the methodology applied in training from the experts/moderators:

- Develop an interactive training method where the auditorium should be treated as a partner.
- Try to maintain an equilibrium between the theoretical and practical treatment of issues.
- Take care to constructively intervene in the debate, not dominating it but leaving enough space to discussions from the participants.

For the School of Magistrates

Facilitator
Annex III
Some information regarding the Continuous Training Program 2004-2006

I. Flux of sessions for 2004-2005:

<table>
<thead>
<tr>
<th>Month</th>
<th>Sessions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tetor</td>
<td>1</td>
</tr>
<tr>
<td>Nentor</td>
<td>8</td>
</tr>
<tr>
<td>Dhjetor</td>
<td>5</td>
</tr>
<tr>
<td>Janar</td>
<td>4</td>
</tr>
<tr>
<td>Shkurt</td>
<td>7</td>
</tr>
<tr>
<td>Mars</td>
<td>8</td>
</tr>
<tr>
<td>Prill</td>
<td>4</td>
</tr>
<tr>
<td>Korrik</td>
<td>1</td>
</tr>
</tbody>
</table>

II. Flux of training sessions 2005-2006

III. Foreign and Albanian expertise

Eksperte shqiptare – albanian experts
Eksperte te huaj – foreign experts
IV. Attendance of training sessions

Te ftuar – invited participants
Konfirmime – confirmations
Pjesemarres – participants

V. Local expertise]

Profesore – professors
Avokate – lawyers
Gjyqtare – Judges
Prokurore – Prosecutors
Te tjere - others

In the component “others” are included specialists of state administration, as well as experts from the private sector.
VII. Judges, prosecutors and judicial police officers trained during the Continuous Training Program 2004-2006.

Gjyqtare – Judges  
Prokurore – Prosecutors  
Oficere Policie – Police Officers