



SYLLABUS						
Level of studies	Bachelor	Program me	General Law	Academic year	2019-20	
Course	CRIMINAL PROCEDURE LAW - SPECIAL PART					
Year	IV	Course status	Mandatory	ECTS / credits	8	
Semester	VIII					
Class weeks	15		Classes	Lectures	Exercises	
				3	2	
Teaching method	Lectures, papers, consultations, tests, case studies, assignments, exercises, etc.					
Consultations	Two hours after the lectures					
Teacher	Dr.Sc. Besim Kelmendi		Tel / mob	044/124 -174		
			e-mail	besimkelmendi@ymail.com		
Assistant			Tel / mob			
			e-mail			
Purpose of study and course content			Student benefits			
<p>The purpose of the course is to ensure students understand the principles and rules of criminal procedure - the special section, including investigative actions, various measures authorized by the prosecutor or the court, indictment, judicial hearing and remedies.</p> <p>The lectures aim to provide students theoretical knowledge as well as study visits in order to study the organizational and functional structure of the justice system, in particular during criminal proceedings - the special section.</p> <p>As a new justice system was introduced in Kosovo on 1 January 2013, the course will prepare students to become part of the new judicial system.</p>			<p>Upon successful completion of the programme (course), students will be able to:</p> <ul style="list-style-type: none"> • Know the rules of criminal procedure in Kosovo - for the special section • Acquire knowledge of investigative measures and actions that may be taken by a prosecutor or court • Acquire knowledge of rulings, indictments and judgments • Prepare and draft legal remedies • Prepare in order to apply the criminal procedure in practice. 			
METHODOLOGY FOR SYLLABUS DELIVERY						

The CRIMINAL PROCEDURE LAW - SPECIAL SECTION will be introduced through lectures, in Power Point using interactive methods, which will allow students to regularly and actively engage in class.

Also during each lecture, materials from the case law will be analyzed, whereby all students will actively discuss debate or defending seminar papers.

REQUIREMENTS FOR SYLLABUS DELIVERY

Room equipped with computer and projector, desks for exercise

Students evaluation method (in %):

	Marking in %	Final Grade
• Presentation and teamwork: 0-4 %	91-100	10 (ten)
• Individual presentation: 0-3 %	81-90	9 (nine)
• Activity: 0-3 %	71-80	8 (eight)
• Seminar paper: 0-10 %	61-70	7 (seven)
• Test I: 0-15 %	51-60	6 (six)
• Test II: 0-15 %		
• Final examination: 0-50%		

STUDENT REQUIREMENTS

Lectures	Exercises
Attending Lectures Active participation, Seminar papers, projects, Participation in tests and exercises, Final examination.	Participation in exercises Individual and group work in case studies, Participation in discussions.

SUBJECT WORKLOAD ON STUDENT

Activity	Hours	Days / Weeks	Total
Lectures	3	15	45
Exercises	2	15	30
Practical work			
Contact with the teacher	1	15	15
Field exercises			
Colloquiums / seminars	10	2	20
Homework	1	15	15
Self study time	2	15	30
Preparations for final examination	10	1	10
Time spent in assessments (tests, quizzes, final exams)	5	4	20
Projects proposals	5	3	15
Notes: 1 ECTS credit = 25 hours commitment, e.g. if the course has 8 ECTS credits, the student shall have committed 200 hours per semester		Total workload:	200

Week	Lectures		Exercises	
	Topic	Hours	Topic	Hours
1	<p>Week One: Introduction to special criminal proceedings</p> <p>Subcategories:</p> <ol style="list-style-type: none"> 1. Stages of criminal proceedings 2. Pre-criminal investigations 3. Criminal report (denouncement) <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p. 172-184</p>	3	Drafting a criminal report	2
2	<p>Week Two: Covert measures</p> <p>Subcategories:</p> <ol style="list-style-type: none"> 1. Types of covert measures 2. Authority to order covert measures 3. Deadlines for applying covert measures <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p.203-216</p>	3	Drafting requests and orders for covert measures	2
3	<p>Week Three: Initiation of investigation, search and seizure</p> <p>Subcategories:</p> <ol style="list-style-type: none"> 1. Initiation of the investigation 2. Control 3. Seizure <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p. 307-315</p>	3	Drafting a ruling to initiate investigations	2
4	<p>Week Four: Obtaining evidence before filing the indictment</p> <p>Subcategories:</p> <ol style="list-style-type: none"> 1. Questioning the defendant 2. Interviewing witnesses <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p.221-254</p>	3	Simulation of direct interrogation and cross-examination	2
5	<p>Week Five:</p> <p>First test</p> <p>The statement of the defendant and the witnesses</p> <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p.254-260</p>	3	Draft request for special investigative facility	2

6	<p>Week Six: Detention before filing indictment</p> <p>Subcategories:</p> <ol style="list-style-type: none"> 1. Arrest 2. Police custody <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p</p>	3	Drafting a ruling on detention	2
7	<p>Week Seven: Measures to ensure the presence of the defendant in criminal proceedings</p> <p>Subcategories:</p> <ol style="list-style-type: none"> 1. Detention on remand 2. Home Arrest and Other Measures <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p.187-199</p>	3	Draft rulings on pre-trial detention and other measures for the security of the defendant in proceedings	2
8	<p>Week Eight: Minutes in criminal proceedings</p> <p>Subcategories:</p> <ol style="list-style-type: none"> 1. Minutes in investigations 2. Minutes in the main trial 3. Minutes in second instance <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p.349</p>	3	Drafting of minutes	2
9	<p>Week Nine: Witnesses</p> <p>Subcategories:</p> <ol style="list-style-type: none"> 1. Witnesses 2. Protection of witnesses and victims <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p.261-289</p>	3	Draft request for protected witnesses	2
10	<p>Week Ten: Second test</p> <ol style="list-style-type: none"> 1. The injured parties <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p.163-164</p>	3	Drafting a request for compensation	2
11	<p>Week Eleven: The stage of filing the indictment and pleas</p> <p>Subcategories:</p> <ol style="list-style-type: none"> 1. Procedure for filing an indictment 2. Initial hearing 3. Second hearing <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p.326-338</p>	3	Drafting an indictment	2

12	<p>Week Twelve: Judicial hearing</p> <p>Subcategories:</p> <ol style="list-style-type: none"> 1. Preparation of judicial hearing 2. Participants in the main trial 3. Examining the evidence in the main trial <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p.342-349</p>	3	Trial simulation	2
13	<p>Week Twelve: The order of presenting evidence in the main trial and the judgment</p> <p>Subcategories:</p> <ol style="list-style-type: none"> 1. Submission of evidence 2. Voting session 3. Issuance of judgment <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p.352-370</p>	3	Drafting a judgment	2
14	<p>Week Fourteen: Remedies</p> <p>Subcategories:</p> <ol style="list-style-type: none"> 1. Regular Remedies 2. Extraordinary remedies <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p.374-415</p>	3	Drafting of regular and extraordinary remedies	2
15	<p>Week Fifteen: Alternative procedures</p> <p>Subcategories:</p> <ol style="list-style-type: none"> 1. Plea bargain 2. Mediation <p>Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013, p.316-324</p>	3	Drafting guilty plea agreement	2

LITERATURE

Basic bibliography:

-1. Criminal Procedure Law – Sahiti, Ejup & Murati, Rexhep, Prishtinë, 2013,

Additional bibliography:

-2. Commentary on the Kosovo Criminal Procedure Code (2015)

-3. Mr.sc. Besim Kelmendi “Fundamentals of the Justice System” lectures published by University College “Business”,

-4. Juvenile Justice Code (2004)

-5. Commentary on the Criminal Code of the Republic of Kosovo (2014)

-6. Law no. 03 / L-223 on the Kosovo Judicial Council,

- 7. Constitution of the Republic of Kosovo,
- 6. Law no. 03 / L-224 on the Kosovo Prosecutorial Council,
- 8. Law no. 03 / L-199 on Courts,
- 9. Law no. 03 / L-225 for the State Prosecutor and
- 10. Law no. 03 / L-117 on Attorneys in Kosovo.

Notes:

For each subject, students will be provided with necessary materials in Albanian. At the end of each lesson, certain groups of students will be given assignments or case studies on the lectured topic. *Groups of students will be asked to present the results of the assignment and discuss them in class.*

STUDENT REMARKS

- The students must, above all, be responsible and respect the institution and school rules;
- The students shall observe the schedule of lectures, exercises and seminar papers and be attentive in the classroom;
- All students shall carry and present the index at tests and exams;
- When drafting seminar papers, the students must adhere to the instructions given by the teacher for conducting research and technical work;
- Tests and exams are assessed individually for each student. Therefore, students should focus only on personal knowledge.
- Any violations of these ethical principles (rules) shall be punished in accordance with the norms provided by law.

Course Mentor:

PhD Besim Kelmendi