



SYLLABUS form Criminal Procedure Law II

Basic data of the subject	
Academic Unit:	Faculty of Law
Course title:	Criminal Procedure Law II
Level:	Bachelor
Course status:	Compulsory
Study year:	III
Number of hours per week:	3 Lectures + 2 Practical Classes
Credit value – ECTS:	7
Time / location:	Faculty of Law, Univeristy of Prizren “Ukshin Hoti”
Lecturer:	Prof.Dr. Armend Podvorica
Contact details:	armendi_537@hotmail.com tel. +383 44 163 311
Course description	<p>The course will focus on creating opportunities for students to master and gain knowledge on Criminal Procedure Law. Students will be encouraged to be active participants in lectures through presentations or seminar papers. The method of delivery of the course will be interactive. However, other forms of contemporary teaching will be used to make this course accessible, clearer, and easier to students.</p>
Course objectives:	<p>This course will provide general knowledge in solving problems of criminal nature; to understand the concepts of formal criminal law and its implementation in practice. Knowing the fact that today the world is facing the growth of crime offenses and criminal problems, the need to study this area is increasing in many dimensions, whether those institutional or legal. The aim of this course is to prevent offenses as crimes of genocide, crimes against humanity, war crimes, crimes against peace, terrorism, trafficking in human beings, smuggling of weapons, smuggling of narcotics, corruption, juvenile delinquency, financial crime, and other forms of crime.</p> <p>This branch of law is planned not only to help students</p>

	to get knowledge about the course but also as an opportunity to learn the Kosovo jurisdiction and beyond.		
Learning outcomes:	<p>- After taking this course, students will gain basic knowledge in the field of Criminal Procedure Law as a condition to deepen and broaden knowledge in the future.</p> <p>-Students are expected to have a solid knowledge of the notions of this course, including the provisions of the Criminal Procedure Code, the repressive powers and jurisdiction of the courts, extradition, the stages of the criminal procedure, criminal law cooperation and assistance.</p>		
Contribution on student load (must correspond with learning outcomes)			
Activity	Hours	week	Total /hours
Lectures	3	15	45 h
Exercise theoretical/laboratory	2	15	30 h
Practice work			
Contact with lecturer/consultations	0.5	15	7.5 h
Field exercises			
Mid-terms, seminars	0.5	15	7.5 h
Homework			
Individual time spent studying (at the library or home)	3	15	45 h
Final preparation for the exam	3	15	30 h
Time spent in evaluation (tests, quiz, final exam)			
Projects, presentations, etc.			5 h
Total			175
Teaching methods	Analysis, interactive discussion groups, practical work		
Evaluation methods	<p>Three mid-term exams</p> <p>Project work</p> <p>Presentations</p>		

	Participation and attendance Final exam
Literature	
Basic Literature:	Dr.sc. Ejup Sahiti & Dr.sc. Rexhep Murati, Criminal Procedure Law, Prishtinë, 2016.
Additional Literature	<p>Students should study the relevant provisions regulating criminal proceedings in Kosovo and the UN Conventions the Rights and Freedom, the European Convention for the Protection of Human Rights and Fundamental Freedoms and other international documents on human rights as follows:</p> <p>Criminal Code of Kosovo, Code no. 04/L-082, G. Z. No. 19/ 2012, and no.30/2012.</p> <p>Criminal Procedure Code of Kosovo, Code no. 04/L-123, G.Z., No. 37/ 2012.</p> <p>Juvenile Justice Code of Kosovo, Code no. 03/L-193 ,G.Z. No.78/2010.</p> <p>Law on the Execution Criminal Sanctions, No.03/L-191, G.Z. no.79/2010.</p> <p>Law on Courts, Law no. O3/L-199, G.Z. 79/2010 and No. 03/L-171, G.Z. no. 28/2012.</p> <p>Law on the Constitutional Court, Law no. 03/L- 121,G.Z. no. 46/2009.</p> <p>Law on Kosovo Judicial Council, No. 03/L-223, G.Z. 84/2010.</p> <p>Law on State Prosecutor, Law no. 03/L-225, G.Z. 83/2010.</p> <p>Law on Special Prosecution of the Republic of Kosovo, Law no.03/L-052, G.Z. 27/2008.</p> <p>Law on the Kosovo Prosecutorial Council, Law no. 03/L-224, G.Z. 83/2010.</p>

	<p>Law on the Bar, No. 03/L-117. Legal Clinic – Author Dr. Hashim Qollaku & Dr. Fejzullah Hasani, UPZ Hajdari, Azem, Criminal Procedure Law, Prishtinë, 2010.</p> <p>Hajdari, Azem, Criminal Procedure Law, Special Part, Prishtinë, 2013</p>
Designed study plan:	
Week	Lectures which will be held
First week:	Review of the syllabus, course schedule and other important information for the course
Second week:	<ul style="list-style-type: none"> - Special Criminal Procedure - Fundamental principles and definitions - Scope of present code - Stages of the criminal proceeding - Pre-criminal proceedings - The notion of pre-criminal proceedings - The criminal report, types and the content of the criminal report, the state prosecutor's decisions regarding criminal charges, and other forms of the police report.
Third week:	<ul style="list-style-type: none"> - Pre-trial Procedure - The definition of pre-trial procedure - Function and holders of the pre-trial procedure - Review, suspension, termination and time limits of investigations - Obligation to review the case file
Fourth week:	<ul style="list-style-type: none"> - Alternative proceedings - Provisional suspension of proceedings - Conditions when prosecution is not obligatory - Mediation proceedings - Negotiated pleas of guilty - Waiver of punishment - Cooperative witnesses
Fifth week:	<ul style="list-style-type: none"> - The Indictment - The content of the indictment - Procedure for filing the indictment - Filings supplemental to the Indictment - Materials provided to defendant upon indictment - Plea agreements during the initial hearing - The initial hearing - Plea - Plea agreements during the initial hearing - Guilty pleas during the initial hearing - Objections to evidence

	<ul style="list-style-type: none"> - Request to dismiss indictment - Responses - Amended indictment - Dismissal of indictment - Second hearing and scheduling of the Main Trial - Hearings to determine validity of motions - Materials provided by the defense
Sixth week:	<ul style="list-style-type: none"> - Main trial - Preparation for the Main Trial - Publicity of the Main trial - Adjournment of the Main Trial - Public may be excluded - Conduct of the Main Trial - Preconditions for the Main Trial - Opening of session - Adjournment and recess of the Main Trial - Commencement of the Main Trial and the plea of the accused - Presentation of evidence - Closing statements
Seventh week:	<ul style="list-style-type: none"> - Rendering of the judgment - Types of judgment -rejection judgment, judgment of acquittal - Judgment of guilty - Compilation and announcement of the judgment
Eighth week:	<p>Intermediary test 1 Group discussions</p>
Ninth week:	<p>Legal remedies</p> <ul style="list-style-type: none"> - Purpose, types of legal remedies, general rules of appellate procedure - Regular legal remedies - Appeals against judgment - Persons authorized to file appeals against judgment - Content of the appeal against judgment - Grounds for exercising an appeal against the judgment - Violation of the criminal law - Erroneous or incomplete determination of the factual Situation - Appeal against the judgment related to the decision on criminal sanction and other decisions
Tenth week:	<p>Procedure of filing appeals of judgments</p> <ul style="list-style-type: none"> - Procedure related to the appeal against a judgment at the

	<p>Court of Appeals</p> <ul style="list-style-type: none"> - Session before appeal panel and scope of appeal review by the Court of Appeals - Decisions of appeals panel made in session or in hearing -The retrial - Beneficium Cohesionis and Reformatio in Peius <p>Appeal against Judgment from Court of Appeals</p> <ul style="list-style-type: none"> - Appeal against Rulings - General reviews - Grounds for exercising an appeal against the judgment and the procedure on the appeal against the ruling of the Court of Appeals - Decision of the Court of Appeals on the appeal against Basic Court judgment - Reasoning of Appeals Court decisions - Review by review panel of Basic Court
Eleventh week:	<ul style="list-style-type: none"> - Extraordinary legal remedies - General reviews - Reopening of criminal proceedings - Reopening of criminal proceedings dismissed by a final ruling - Reopening criminal proceedings terminated by final judgment - Extraordinary mitigation of punishment - Request for protection of legality
Twelfth week:	<p>Proceedings against juveniles</p> <ul style="list-style-type: none"> - Basic characteristics of proceedings against juveniles - Preliminary procedure - Mediation procedure - Initiation and implementation of preparatory proceedings; - Provisional arrest, police detention, and detention on remand of a minor - Legal Remedies - Execution of institutional educational measures -Review, substitution and termination of educational measures
Thirteenth week:	<p><i>Special proceedings</i></p> <ul style="list-style-type: none"> - Proceedings for the issuance of a punitive order - Rendering of a judicial admonition -Measures of mandatory treatment and procedures for their application - Criminal proceedings involving perpetrators with a mental disorder - Proceedings to assess the ability of defendants to stand trial;

	<ul style="list-style-type: none"> -Proceedings to impose mandatory psychiatric treatment when the defendant was in a state of mental incompetence or diminished mental capacity at the time of the criminal offense -Proceedings regarding persons who have committed criminal offenses under the influence of alcohol or drug addiction
Fourteenth week:	<ul style="list-style-type: none"> - Proceedings for the revocation of alternative punishments - Proceedings for rendering a decision on the expungement of conviction - Proceedings for compensation, rehabilitation and the exercise of other rights of persons who have been convicted or arrested without justification - Rehabilitation of convicted or arrested persons without justification - Proceedings for the realization of other rights - Proceedings for issuing wanted notices and public announcements
Fifteenth week:	Final exam
Academic policies and rules of conduct:	
<p>Students are obliged to comply with the code and conduct of the University of Prizren. Any suspected violation of the Code of Conduct, shall be referred to the University officials for further proceeding.</p>	