



UNIVERSITY OF MITROVICA “ISA BOLETINI”

Course Curriculum Model (Syllabus)

Fakulty:	Faculty of law	
Department:	Law	
Level:	Bachelor	
Code of the course:	04B01S08074	
Course:	CRIMINAL PROCEDURE LAW	
Course Status:		(mandatory)
Semester:	V	(summer)
Number of hours per week:	3	(2 + 1)
ECTS:		(6)
Time / location:		
Year of studies:	IV	
Lecturer:	Prof. Assoc. Dr. Islam Qerimi, LL.M.	
Assistent:	Ass. LLM Xhemajl Veliqi, PhD cand.	
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Content	This criminal learning program acquires and deepens knowledge from the Law of Procedures, General Part, which as part of criminal juridical sciences, in the broadest sense of the word to contribute to the fight against crime. The curriculum from the subject of criminal procedure law will be elaborated in the theoretical and practical aspect.
Purpose	Based on the curriculum of the Faculty of Law at the University of Mitrovica in Mitrovica, the subject - Law of criminal procedure, as a compulsory subject in the school year 2022-23, which is taught in the fifth semester, includes selected teaching units that facilitate the achievement of knowledge on issues that refer to the object of criminal procedure law, subjects of this procedure, submissions, measures for securing the defendant in criminal procedure and evidence. The purpose of this program is to prepare and train students, so that as future lawyers they can easily face the challenges of solving various procedural-criminal issues, easily compile procedural-criminal documents, correctly address issues related to the powers of the criminal procedure bodies and thus contribute to the preventive fight against criminality.
Accessi bility	After completing this course, the student will be able to: 1. To clearly distinguish the criminal case from other illegal cases, 2. To resolve the issue of the court's competence, 3. To draft various procedural-criminal documents, 4. To qualify the evidence according to the importance they have for the right resolution of a criminal case, and so on.

Program	weeks	Lecture
	First week:	IN GENERAL FOR: the stages of the criminal procedure; parties and procedural subjects; criminal procedure actions; criminal remedies as well as judgments and rulings; CRIMINAL LAW IN A BROAD SENSE AND REGULATION OF CRIMINAL PROCEDURE Understanding of substantive criminal law, criminal procedure, criminal procedure law and the right to enforce criminal procedure sanctions; Regulation of the efficiency of the criminal procedure and the realization of human rights.
	Second week:	BASIC HISTORICAL FORMS OF CRIMINAL PROCEDURE Overview of the historical development of the criminal procedure; Basic forms of criminal procedure. Accusative, inquisitorial and mixed criminal procedure; The historical development of the law of criminal procedure in Kosovo. <u>Hypothetical case</u>
	Third week:	REPORT OF THE LAW OF CRIMINAL PROCEDURE with: constitutional law, with other legal branches, with the law of comparative criminal procedure, with the law of international criminal procedure and with some scientific disciplines; Sources of criminal procedure law; Internal sources, external and international sources. <u>Hypothetical case</u>
	Fourth week:	VALIDITY OF CRIMINAL PROCEDURE PROVISIONS Validity of provisions of criminal procedures, related to territory (locus regit actum), time (tempus regit actum) and person; Immunity under domestic rights and rights of law; In general, for the interpretation of the legal provisions of criminal procedures. <u>Hypothetical case</u>
	Fifth week:	CRIMINAL PROCEDURAL PRINCIPLES Understanding the principles of criminal procedure, The principle of officiality of criminal prosecution, of legality in criminal prosecution, accusatory, fair trial and in reasonable time, presumption of innocence, truth, adversarial and equality of arms (equality of arms), direct, oral and of language, publicity, in dubio pro reo and compensation for damage to those convicted or arrested without grounds. Essential (substantial) violations of the provisions of the criminal procedure, violations of the criminal law, erroneous or incomplete determination of the factual situation and the attack on the judgment of the first instance due to the decision on the criminal sanction. <u>Hypothetical case</u>

Sixth week:	THE SUBJECT (OBJECT) OF THE CRIMINAL PROCEDURE Basic and secondary object of the criminal procedure; Types of secondary object: legal property claim, prejudicial case and costs of criminal procedure. <u>Hypothetical case</u>
Seventh week:	PARTICIPANTS (SUBJECTS) IN THE CRIMINAL PROCEDURE Basic subjects: The court, the types and composition of the courts, the principles related to the regulation and organization of the courts, the conditions that must be met in order to exercise the judicial function, as well as the institution of the dismissal of judges. <u>Hypothetical case</u>
Eighth week:	COMPETENCE OF THE COURTS Types of competencies; Assessment of competence and conflict of competence, Legal aid. TEST of -I- (duration 60 min <u>Hypothetical case</u>).
Ninth week:	PROCEDURAL PARTIES – CRIMINAL. Authorized plaintiff. The State Prosecutor's Office, its regulation and organization; The defendant and defense counsel as procedural assistants to the defendant (eg defense counsel for the suspect and the accused). Other secondary subjects in the criminal procedure: The victim in the criminal procedure, the proposal for prosecution, legal property claims; Procedural representatives of the injured party (eg legal representative and authorized representative); Third parties (witnesses, professional experts, etc.) and procedural assistants of the court (process manager, stenographers, technical recorder-filmmaker, translators, court personnel). <u>Hypothetical case</u>
Tenth week:	PROCEDURAL-PENAL ACTION Form, place and time of execution of procedural actions, criminal documents-accusatory acts and court decisions; Remedies and other submissions. <u>Hypothetical case</u>
Eleventh week:	MEASURES FOR ENSURING THE PRESENCE OF THE DEFENDANT IN THE CRIMINAL PROCEDURE AND MEASURES FOR SECURING MATERIAL EVIDENCE AND PROPERTY INTERESTS Measures directed at the defendant - summons, arrest warrant - escort, the defendant's promise that he will not leave his place of residence, prohibition to approach a certain place or person, appearance at the police station, bail, house arrest. diversion and detention

		PROCEDURE FOR REVIEWING THE MANDATORY TREATMENT MEASURE FOR REHABILITATION AGAINST PERSONS WHO HAVE COMMITTED CRIMINAL OFFENSES UNDER THE INFLUENCE OF ALCOHOL OR DRUGS PROCEDURE FOR REVOLUTION OF ALTERNATIVE SENTENCES <u>Hypothetical case</u>
	Twelfth week:	MEASURES FOR SECURING PROPERTY EVIDENCE AND PROPERTY INTERESTS Measures for securing material evidence and property interests; Measures for securing material evidence; Control of the apartment and the person; House (apartment) control procedure; Secret and technical measures of observation and investigation; Asset freezes and restraining orders; Temporary seizure of items; Confiscation. Dealing with suspicious items; Measures for securing property interests. <u>Hypothetical case</u>
	Thirteenth week:	PROCESS OF PROBATION IN CRIMINAL PROCEDURE General reviews regarding the testing process; Facts and their proof in criminal proceedings, the meaning of proof, means of proof, classification of proof, object of proof (thema probandi), burden of proof (onus probandi); Legally inadmissible evidence, related procedures and legal consequences; Procedural flow of the trial process; Theories on the evaluation of evidence. <u>Public presentation of seminars</u>
	Fourteenth week:	HANDLING OF CERTAIN EVIDENCE The defendant's statement as evidence in criminal proceedings; Interrogation of the defendant; Defendant's statement; Witness testimony; Persons who could appear as a witness; Obligation to testify, privileged witnesses; questioning procedure, eye witness; Witness protection and the cooperating accomplice. <u>Hypothetical case</u>

	<i>Fifteenth week :</i>	EXPERTISE, In general for expertise; Appointment, dismissal of the expert and expert procedure; Types of expertise and probative value of expertise; Examination and reconstruction of material evidence - TEST -II- (duration 60 minutes <u>Hypothetical case</u>).
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Literatu re	Basic literature : Sahiti, Ejup, Murati, Rexhep E drejta e procedurës penale, Prishtinë, 2016, Murati, Rexhep, Rishikimi i procedurës penale për shkak të fakteve dhe provave të reja, Prishtinë, 2006 - CODE NO. 08/L-032 OF CRIMINAL PROCEDURE 2022 Publication date: 17.08.2022 - enters into force after 6 months. Sahiti, Ejup, Murati, Rexhep, Elshani, Xhevdet, Komentari i Kodit të procedurës penale, Prishtinë, 2014. Supplementary literature: - Hoxha, A., Islami, H., Panda, I (2011). Procedura Penale. Tiranë: Morava - Sahiti, Ejup, Dëshmia e dëshmitarit si prove në procedurën penale, Prishtinë, 1993. - Sahiti, Ejup, Argumentimi në procedurën penale, Prishtinë, 2006. - Sahiti Ejup, Murati Rexhep, Kunštek Eduard, “Criminal Procedure System of Kosovo”, ed. Berislav Pavišić, “Transition of Criminal Procedure Systems”, Rijeka, 2004., fq. 125-145 - Islam Qerimi LL.M.: Diversion in Österreich und im Kosovo. Rechtsvergleich insbesondere bei strafbaren Handlungen gegen Leib und Leben (Disertacion për mbrojtjen e gradës shkencore “DOKTOR JURIS), Fakulteti Juridik, Universiteti i Vjenës 2015 (Bibliotekë UMIB); - Islam Qerimi & Bedri Bahtiri, Die Entwicklung des Strafrechts- und Strafprozessrechts im Kosovo, Zbornik Pravnog fakulteta Sveučilišta u Rijeci, Vol. 39 No. 3, 2018, Hrčku: 2. 2. 2019 (Biblioteke UMIB). - Islam Qerimi LL.M.: Einige Fakten und Ansichten des Terrorismus in ex- Jugoslawien. Die Albaner unter der einhundertjährigen jugoslawischen Herrschaft, GRIN Verlag, München 2010 (Bibliotekë UMIB); - Islam Qerimi, SPECIAL INSTITUTES OF THE KANUN OF LEKË DUKAGJINI AND ITS APPLICATION IN CONTEMPORARY TIME AMONG THE ALBANIANS, Zbornik Pravnog fakulteta Sveučilišta u Rijeci, Vol. 41 No. 2, 2020, (Bibliotekë UMIB). - Islam Qerimi & Ardrit Gashi, Wirtschafts- und Organisierte Kriminalität in den Ländern Südosteuropas Kriminalistik 63, Heidelberg, 2009, 21-27, (Bibliotekë UMIB); - Winfried Hassemer, Warum Strafe sein muss. Berlin 2009; - Klaus Lüderssen, Abschaffen des Strafens, Frankfurt am Main 1995; - Diana Maria Carina Bernreiter, nulla poena sine culpa. Tat – oder Täterschuld? Jan Sramek Verlag, Wien 2013; - Anna Zabeck, Funktion und Entwicklungsperspektiven ambulanter Sanktionen. Ein Rechtsvergleich zwischen England/Wales und Deutschland, Herzholheim 2001; - Islam Qerimi, Mejreme Berisha, Criminal Offences, Sentences and its Enforcement under the Albanian Customary Law, GRIN Verlag, München 2011, (Bibliotekë UMIB); - Islam Qerimi, Institucionet e gjakmarrjes dhe hakmarrjes tek shqipëtarët, në Revista shkencore ndërkombëtare “ILIRIA”, Numri 2, 2009, (Bibliotekë UMIB); - Islam Qerimi, Die Bemühungen und Opfer der Albaner zur friedlichen Lösung der Konflikte mit anderen auf dem Balkan, München 2011; - Islam Qerimi / Bedri Bahtiri, Alternative Sanktionen im kosovarischen Strafrechtssystem, Alternative Strafen, Diversion, Mediation und Entziehungsmaßnahmen, në: Zeitschrift für die Gesamte Strafrechtswissenschaft, vol. 128, libri 4, 2016 (Auslandsrundschau der ZSTW – herausgegeben von Max Planck Institut für ausländisches und internationales Strafrecht in Freiburg);
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	- Bedri Bahtiri & Islam Qerimi, The Regulation and Protection of Children’s rights in Kosovo from a legal aspect, Pravni Vjesnik – Journal of law and sciences of the Law Faculty of University J.J. Strossmayer in Osijek, Vol 35 No 3-4, pp. 83-104 (2019); - Islam Qerimi, Legal comparison of the Kosovo and Austrian Criminal Law System with a special emphasis on diversity measures, European Journal of Economics, Law and Social Sciences IIPCCL Publishing, Graz, Vol. 3 No. 1, pp. 248-259 (2019). Updates from my new releases 2022: - Islam Qerimi & Bashkim Preteni & Teuta Abazi Betrug beim Kauf eines Gebrauchtwagens am Beispiel der Tachomanipulation. Rechtsvergleich: Zivil- und strafrechtliche Einordnung im deutschen und im kosovarischen Recht. Kriminalistik. Unabhängige Zeitschrift für die kriminalistische Wissenschaft und Praxis, Heidelberg Deutschland. ISSN 0023-4699, Volume 76 no.4, 4/2022. S. 232-237. Published: 2022-04. - Ahmet Maloku & Islam Qerimi & Elda Maloku THE SCOPE OF CRIME, BY SOCIAL ORIGIN IN THE REGION OF GJILAN DOI: 10.36941/ajis-2022-0107, Academic Journal of Interdisciplinary Studies Richtmann Publishing Ltd., Registered In England and Wales, Reg. No. 09517713 Reg. Office: Office 1, Forest House Business Centre, 8 Gainsborough Road, London, England, E11 1HT. E-ISSN: 2281-4612 /ISSN: 2281-3993 DOI: 10.36941/ajis, AJIS Vol. 11 No. 4 Published: 2022-07-05. - Islam Qerimi & Ahmet Maloku & Elda Maloku - “Customary law and regulation: Authenticity and influence”. JOURNAL OF GOVERNANCE AND REGULATION, Social Sciences: Public Administration, Gagarina 9, office 311-312, Sumy, Ukraine, Registered by Ministry of Justice of Ukraine № 22969-12869P. 2022: Vol. 11 – 2022, ISSUE 5, ISSN:2220-9352E-ISSN:2306-6784 - Islam Qerimi (first author), Shqipe Kastrati, Ahmet Maloku, Omer Gabela, Elda Maloku. “The Importance of Theory and Scientific Theories for the Scientific Study of Genocide in the Context of the Contribution to the Development of the Science of Genocide”. Academic Journal of Interdisciplinary Studies Richtmann Publishing Ltd., Registered In England and Wales, Reg. No. 09517713 Reg. Office: Office 1, Forest House Business Centre, 8 Gainsborough Road, London, England, E11 1HT, ISSN 2281-3993 (print); ISSN 2281-4612 (online) Vol 12 No 1 January 2023. - Islam Qerimi & Vebi Mujku The situation of children's rights in Kosovo, Band 18, Gesellschaft für Kriminologie, Polizei und Recht e.V. (Hrsg.): IX. Sammelband. Köln Verlag für Polizeiwissenschaft, Dezember 2022 https://www.polizeiwissenschaft.de/schriftenreihen/schriftenreihe-der-gesellschaft-fuer-kriminologie-polizei-und-recht-ev#openCloseUpProductContentID893
Teaching methodology	Lectures, exercises, individual work, experimental work, seminar papers, colloquia, essays, field work, group work, etc. - Presentation of the learning topic in Power Point (students can download it after each lecture from the faculty website); - Case study or assignment (for the exercise class) related to the taught topic, - Repetition of the previous topic by a certain group of students, analysis and discussions.

	Contribution to student workload (which should correspond to student learning outcomes - 1 ECTS credit = 25 hours)			
	Activity	Hours	Days/weeks	Total
	Lectures	2	15	30
	Exercise sessions (with TA)	1	15	15
	Practical work	-	-	-
	Office hours	-	-	-
	Fieldwork	1	15	15
	Midterms, seminars	1	15	15
	Homework	1	5	5
	Self-study	2	15	30
	Final exam preparation	3	5	15
	Time spent in exams	2	6	12
	Projects, presentations, etc	1	13	13
	Total			150
Evaluation	Teaching methodology: (according to the Statute and Regulation for studies of UMIB)			
	Tests / Colloquia	The first test : 0-15 %; The second test : 0-15%;		
	Practical test during exercises	0 - 5%		
	Seminary work	0-10%		
	Interpretation and presentation of artistic creativity and other works	0- 5%		
	Final exam	0- 50%		

Academic policies	Essential instructions; • Timely entry to lectures - a must. Delays over 5 minutes are not justified; Cell phones are disconnected before the lecture begins; Any contact with the professor and the assistant professor regarding the issues arising from the respective course - via the official e-mail addresses of UMIB or during the regular weekly consultation hours and at the end of the lecture. Further instructions: • Computer work Written works must be computer written. In the works it is obligatory to respect the criteria for both the visual and the content aspect of the required works. During the works it is required to respect the spelling rules and APA style Ethics in teaching • The different semester papers should be papers of each student. There will be no tolerance for copying, "borrowing" from the Internet or any other material. The same or similar works will have negative evaluations in the final evaluation of the student. Deadlines • In agreement with the students, the deadlines for submitting works will be determined. There will be no tolerance for delays in the submission of works. Failure to arrive at the time when the assignment is explained does not justify the student for not submitting the paper. The deadline will be given earlier. If you are going to travel abroad, then you need to submit the paperwork in advance. The student has the right to request a consultation with the professor whenever he / she deems it reasonable and necessary to carry out his / her work. ○ Rules of conduct and academic policies: ○ o active participation of students in lectures ○ o participation in discussion, comments and free expression of opinion, opinion and academic position (with arguments) ○ o Mandatory independent work and use of additional sources of information (various scientific websites, scientific journals, conference proceedings, etc.) ○ o Respecting lecture schedules without compromising academic freedom (silent cell phones) ○ o respecting the word, thoughts and ideas of colleagues ○ o low tolerance for late arrivals and departures without any valid reason ○ o preparation and provision of relevant lectures, (obligation of the teacher).
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Mitrovica

Course provider:

01/10/2022

Prof. Assoc. Dr. Islam Qerimi, LL.M.
(Name Surname)

(Signature)