

## Decisions Summary Report

### 10th Assembly of the EULEX Judges

1 June 2010 in Gjilan / Gnjilane

#### Present

#### Judges:

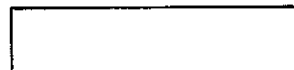
Maria Giuliana Civinini, President of the Assembly of EULEX Judges  
Gerrit-Marc Sprenger, Vice-President of the Assembly of EULEX Judges

Antoinette Lepeltier-Durel  
Arkadiusz Sedek  
Charles Smith  
Dragomir Yordanov  
Eija-Liisa Helin  
Emilio Gatti  
Esma Erterzi  
Ferdinando Buatier de Mongeot  
Francesco Florit  
Gabriele Gaube  
Gianfranco Gallo  
Guy Van Craen  
Hajnalka Karpati  
Harri Katara  
Laura Plesa  
Martti Harsia  
Nikolay Entchev  
Piero Leanza  
Richard Winkelhofer  
Riku Jaakkola  
Rositza Buzova  
Torsten Koschinka  
Vergiinia Micheva-Ruseva  
Vitor Pardal  
Vladimir Kanev  
Witold Jakimko

EULEX Kosovo

Presidency of the Assembly  
of the EULEX Judges  
Supreme Court of Kosovo  
Luan Haradinaj street  
Police Avenue  
P.O. Box: 268, 10000  
Pristina, Kosovo  
[www.eulex-kosovo.eu](http://www.eulex-kosovo.eu)  
[info@eulex-kosovo.eu](mailto:info@eulex-kosovo.eu)

Office of the President of the Assembly of the EULEX Judges:



Andrea Chmieliński Bigazzi  
Gergana Arabadjeva  
Kathinka Hewitt

**LEGAL OFFICERS:**

Alice Pisapia  
Biserka Pavković  
Chiara Rojek  
Juhani Pahio  
Tara Khan

**Absent**

**Legal Assistant to the President of the Assembly of the EULEX Judges:**

Caroline Charpentier

**Judges**

Agnieszka Klonowiecka-Milart  
Anna Bednarek  
Klaus Jung  
Klaus Huner  
Johanna Schokkenbroek  
Malcolm Simmons  
Norbert Koster

**Agenda**

It has been timely disseminated to the EULEX Judges, and also to Legal Officers as per their information, in due time prior to the Assembly and in accordance with EJU Rules as they stand until today.

**Discussion, decisions, assignments**

*Assembly commences at 10.30 am*

1) APPROVAL OF THE MINUTES OF THE 9<sup>TH</sup> ASSEMBLY  
ALREADY DISTRIBUTED VIA EMAIL.

PEJ: no modifications were requested by Judges upon dissemination of the final draft of the minutes.



*The Assembly unanimously approves.*

- 2) Amendments on MMA Guidelines in accordance to a modified MMA reporting system. It is also proposed to ask the Reporting Office to support on the drafting of a report on the MMA exercised by EJU to be rendered public.

*The Assembly unanimously approves to make these modifications, and also to appoint a specific WG to this extent. Members are: Vladimir Kanev, Vitor Pardal, Juhani Pahio, Riku Jaakkola, Verginia Micheva-Ruseva, Kathinka Hewitt, Caroline Charpentier, and Johanna Schokkenbroek (NOTE: the latter designated after the Assembly meeting, on 15 June 2010)*

- 3) European Crystal scales of Justice Prize project on the “*Court Information Point*” with Gjilan/Gnjilane Team as pilot project:

*The Assembly unanimously approves for OPEJ taking the steps to submit the project to KJC for getting it endorsing the project for the European Crystal scales of Justice Prize. (NOTE: this part of the project has been lately aborted due to procedural inadmissibility related to the Kosovo status).*

*The Assembly unanimously approves for OPEJ taking the steps to submit the project to KJC for getting it endorsing the project Kosovo wide.*

*The Assembly unanimously approves for OPEJ taking the steps to submit the project to KJC for getting it extending the project in Viti/Vitina MC.*

- 4) Extension of the mandate of the Evaluation Panel members, or their substitution if needed

*The Assembly unanimously approves that all sitting members are confirmed and extended for 1 year or end of mission whichever comes first.*

- 5) Appointment of a new Supreme Court Judge for the selection of Judges at SC level in Criminal Matters to substitute Judge Guy Van Craen who is ending the Mission, subject to the same duration of mandate of the other members.

EULEX Kosovo

Presidency of the Assembly  
of the EULEX Judges  
Supreme Court of Kosovo  
Luan Haradinaj street  
Police Avenue  
P.O. Box: 268, 10000  
Pristina, Kosovo  
[www.eulex-kosovo.eu](http://www.eulex-kosovo.eu)  
[info@eulex-kosovo.eu](mailto:info@eulex-kosovo.eu)



*The Assembly approves the appointment of Judge Martti Harsia with: 25 votes in favour, 2 votes white, 1 vote not submitted*

- 6) Proposal to the Assembly to set the full annual calendar on Assembly dates.

*The Assembly unanimously approves the motion and then sets a full annual calendar; 2 Assemblies will be held in the second part of 2010 (23<sup>rd</sup> of September, 25<sup>th</sup> of November) and at least 3 Assemblies in the first part of 2011 (27<sup>th</sup> of January, 24<sup>th</sup> of March, 1<sup>st</sup> of June). Locations will be Mitrovica/ë, Prishtinë/Priština, Prizren, Peja/Peć, Gjilan/Gnjilane.*

- 7) Proposal for new amendments to the Guidelines on case selection and case allocation at SC level on Criminal Cases, Annex 3.

*The Assembly approves. 27 Judges present to the votation, and 1 Judge absent: 25votes in favor; 2 abstentions.*

- 8) Protocol for conduct during trial and proceedings with the Chamber of Advocate

*The Protocol is adopted with the following: 24 in favour, 2 against, 2 abstentions*

- 9) Results on the monitoring of the handling of *corpora delicti* (meant in a broader sense as goods and assets confiscated during criminal proceedings, etc.) at various courts in accordance with the KCCP, as follow-up to the last Assembly decision to draft an *ad hoc* Advice.

It is agreed to put this point under the MMA action fiche.

Also, it is agreed that this will be a new **standard practice part of the decisions of EULEX Judges** so that to establish a best practice with local colleagues for Mentoring activities

EULEX Kosovo

Presidency of the Assembly  
of the EULEX Judges  
Supreme Court of Kosovo  
Luan Haradinaj street  
Police Avenue  
P.O. Box: 268, 10000  
Pristina, Kosovo  
[www.eulex-kosovo.eu](http://www.eulex-kosovo.eu)  
[info@eulex-kosovo.eu](mailto:info@eulex-kosovo.eu)



- 10) Discussion and approval of amended SOP on the Organizational Guidelines for EULEX DC and SC Teams

It is decided to postpone the decision related to the approval of the Guidelines to the next Assembly. Before the 10<sup>th</sup> of July specific proposal of amendments are to be sent to Ms. Hewitt.

- 11) It is proposed to establish a WG to elaborate further the evaluation procedures and also to compile benchmarks in accordance with international standards (CCEJ, etc.).

*The Assembly votes with 27 in favour of a WG composed of 5 members: Chief Registrar for the Assembly of the EULEX Judges Kathinka Hewitt as Focal Point, Antoinette Lepeltier-Durel, Gerrit-Marc Sprenger, Biserka Pavković as panel members. The WG will take minutes and disseminate them to Judges and Legal Officers during the ongoing of the works.*

*Assembly ends at 17.05 pm*

*Maria Giuliana Civinini*

President of the Assembly of the EULEX Judges

EULEX Kosovo

Presidency of the Assembly  
of the EULEX Judges  
Supreme Court of Kosovo  
Luan Haradinaj street  
Police Avenue  
P.O. Box: 268, 10000  
Pristina, Kosovo  
[www.eulex-kosovo.eu](http://www.eulex-kosovo.eu)  
[info@eulex-kosovo.eu](mailto:info@eulex-kosovo.eu)