

**On the occasion of the 12th Assembly of the EULEX Judges, held in
Mitrovicë/a on 23 September 2010**

The Assembly composed of the following Judges:

Maria Giuliana Civinini, President of the Assembly of EULEX Judges, Gerrit-Marc Sprenger, Antoinette Lepeltier-Durel, Arkadiusz Sedek, Caroline Charpentier, Charles Smith, Christine Lindemann-Proetel, Dragomir Yordanov, Esma Erterzi, Ferdinando Buatier de Mongeot, Francesco Florit, Gianfranco Gallo, Gunnar Oyhaugen, Hajnalka Karpati, Harri Katara, Johanna Schokkenbroek, Jonathan Welford-Carroll, Karen Asphaug-Warg, Klaus Huner, Klaus Jung, Ingo Risch, Lars Dahlstedt, Nikolay Entchev, Richard Winkelhofer, Rositza Buzova, Torsten Koschinka, Vitor Pardal.

Adopts the DECISION

Unanimously (with one Judge absent during the voting), to approve the present Organizational Guidelines for EULEX Court Teams.

Maria Giuliana Civinini
President of the Assembly of the EULEX Judges

EULEX Justice Component

Justice Component Organizational Guidelines For EULEX Court Teams

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I. Principles

1. All EULEX court team members shall:

- Carry out their duties in a functional, efficient and effective manner;
- Have mutual respect and understanding;
- Share the workload on an equal basis;
- Be open minded and respectful towards all person and institution involved in judicial proceedings.

2. All team members are bound to the rules of the EULEX Code of conduct and to the secrecy and discretion as required in the legal profession.

II. Court Teams at District / Supreme Court Level, excluding the Special Chamber of the Supreme Court on KTA related matters and the KPA Appeals Panel of the Supreme Court

II.1. General

Each court team shall be composed of:

- One civil and one criminal sections;
- The court team shall have one common focal point for both sections;
- International legal officers and national legal advisors/assistants;
- National administrative / language assistants ; and
- National interpreters / translators.

In addition, the Supreme Court team has two sections; the Special Chamber of the Supreme Court on KTA related matters and the KPA Appeals Panel. Due to their peculiar jurisdictions, these sections are excluded from the general structure of the court teams' internal organizations, while the KPA Appeals Panel is nevertheless a section of the Supreme Court team. The Special Chamber of the Supreme Court on KTA related matters is a court team by itself. Both structures and team members' duties and responsibilities are dealt with separately below in accordance with their specific tasks and staffing.

II.2. Court Team Focal Point

The focal point is assigned by and exercises powers as delegated under the authority of the President of the Assembly of the EULEX judges upon recommendation of the EULEX Judges from the relevant Team, pursuant the SOP on court management of the EJU. The focal point shall appoint another judge of the team as acting focal point during his or her absence.

In addition to the duties described in the SOP on court management the focal point - under the supervision of the President of the Assembly of EULEX Judges - shall be responsible for:

- Assigning and coordinating EULEX court team members to the on call schedule of the team and ensuring its implementation;
- Assigning any organizational and administrative tasks to the legal officers / advisors / assistants;
- Coordinating and assuring the consistency of the leave plan of the team;
- Appointing the legal officers/ advisors / assistants to a section and assigning legal officer / advisors / assistants to specific tasks;
- Evaluating the national staff and preparing the respective evaluation form;
- Providing input for the evaluation of the international staff upon request of the respective line manager;
- Reporting to the President of the Assembly on the activities of the team, including potential breaches of duties and obligations of the individual EULEX court team members;
- Submitting contribution to the mission's weekly report to the President of the Assembly;
- Ensuring full adherence to the Guidelines for the Case Allocation and Case Selection including the participation of national judges;
- Advising the President of the Assembly as a member of the Presidency Board and reporting to the court team on the relevant topics discussed during the Presidency Board meetings;
- Organizing monthly team meetings;

- Coordinating the assignments of EULEX court team members to all courts within the jurisdiction of the District Court to conduct regular MMA activities;
- Assigning complaints according to the agreed MMA responsibilities (see point above); and
- Compiling the statistics of the team as requested.

Some of the responsibilities of the focal point, may be delegated to another EULEX court team member within the court team.

II.3. General Structure of the Court Team

- Judges shall be assigned to cases according to the Guidelines for the Case Allocation and Case Selection as adopted by the Assembly of the EULEX judges;
- Legal officers / advisors / assistants shall be assigned to either the criminal or the civil section;
- Legal officers / advisors / assistants shall be, within their section, assigned to cases on an equal distribution of the workload;
- Each court team shall have national administrative / language assistance and translators / interpreters.
- In addition to the abovementioned national interpreters/translators, court teams have access to the pool of international interpreters/translators and international court recorders, assigned by the team leader of such pool.

III. Duties and Responsibilities of the team members, excluding the KPA Appeals Panel of the Supreme Court and the Special Chamber of the Supreme Court on KTA Related Matters

III.1. EULEX Judges

EULEX Judges shall be independent in the discharge of their judicial functions. However, the administrative responsibilities deriving from mission directives and the present document shall be respected by the EULEX Judges

The EULEX presiding judges shall be responsible for editing the judgments according to the Guidelines on Publishing of Judgments on the EULEX website.

Upon request, EULEX Judges shall perform and assists in the other section respectively as required.

III.2. International Legal Officers and National Legal Advisors / Assistants

Legal officers / advisors / assistants are assigned to the criminal or civil section by the focal point. However, in the interest of proper administration of justice a criminal legal officer can be requested to assist in either section and/or the KPA Appeals Panel section.

He/she is responsible for:

- Conducting legal research;
- Assisting with legal assessment, analysis and evaluation of the case;
- Advising on legal solutions including preparation and assistance in court orders and other legal documents related to the case;
- Drafting rulings, judgments and any other judicial acts as required;
- Reporting to the President of the Assembly the outcome of the judicial proceedings, such as judgments and other significant decisions;
- Dealing with complaints as assigned by the focal point;
- Liaising on behalf of the judge with the police, prosecutors and their legal officer, registry and others;
- Attending court hearings, deliberations and meetings upon agreement with the presiding judge/pre-trial judge and

- Performing any organizational tasks as assigned by the focal point, e.g. compiling/drafting reports, supervising administrative assistants on specific tasks etc.

III.3. National Administrative / Language Assistants

Administrative / language assistants are assigned to the court team.

He/she is responsible for:

- Registration of incoming and outgoing documents including ruling judgments, complaints and other documents;
- Delivering incoming documents to the judges, legal officers/advisors/assistants and/or focal point in a timely manner;
- Providing administrative and secretarial support to the team,
- Maintaining and organizing case files;
- Drafting summons for court proceedings;
- Arranging prisoner escorts for detainees;
- Arranging for court recorders and translators in court proceedings;
- Arranging for translations for court documents;
- Photocopying of files and other documents;
- Delivering documents to court registries;
- Keeping a logbook to track documents;
- Booking courts rooms and maintaining the weekly trial schedule;
- Arranging official meetings;
- Assisting in translation services if required; and
- Performing any other administration tasks as required.

III.4. National Interpreters / Translators

National interpreters / translators are assigned to the court team.

He/she is responsible for:

- Providing written translation of files, judgments, work related texts and any other documents; and
- Providing oral interpretation when required;

IV. Duties and Responsibilities of the KPA Appeals Panel Team Members

IV.1. International KPA Appeals Panel Judges

The judges shall be independent in the discharge of their judicial functions. However, the administrative responsibilities deriving from mission directives and the present document shall be respected by the Judges

The presiding judge shall be responsible for editing the judgments according to the Guidelines on Publishing of Judgments on the EULEX website.

Upon request and within the limits stated in the International Civilian Representative's letter dated 29 April 2010 the judges shall perform and assist in the other sections of the Supreme Court respectively as required.

IV.2. International Legal Officers and National Legal Advisors / Assistants

Legal officers / advisors / assistants are assigned to the KPA Appeals Panel by the Supreme Court Focal Point. However, in the interest of proper administration of justice a KPA Appeals Panel legal officer can be requested to assist in the criminal or civil section of the EULEX Supreme Court Team.

On request of the KPA Appeals Panel judges he/she is responsible for:

- Conducting legal research;
- Assisting with legal assessment, analysis and evaluation of the case;
- Advising on legal solutions including preparation and assistance in court orders and other legal documents related to the case;
- Drafting rulings, judgments and any other judicial acts as required;

- Reporting to the President of the Assembly the outcome of the judicial proceedings, such as judgments and other significant decisions;
- Dealing with complaints as assigned by the focal point;
- Liaising on behalf of the judge with the police, prosecutors and their legal officer, registry and others;
- Attending court hearings, deliberations and meetings;
- Registration of incoming and outgoing documents including ruling judgments, complaints and other documents;
- Delivering incoming documents to the judges;
- Providing administrative and secretarial support to the team,
- Maintaining and organizing case files;
- Drafting summons for court proceedings;
- Arranging for court recorders and translators in court proceedings;
- Arranging for translations of court documents;
- Photocopying of files and other documents;
- Delivering documents to court registries;
- Booking courts rooms and maintaining the trial schedule;
- Arranging official meetings;
- Assisting in translation services if required; and
- Performing any other organizational and/or administrative task as assigned by the KPA Appeals Panel judges, e.g. compiling/drafting reports.

IV.3. National Language Assistants

National interpreters / translators are assigned to the court team.

He/she is responsible for:

- Providing written translation of files, judgments, work related texts and any other documents;
- Providing oral interpretation when required;
- With his/her consent performing organizational and/or administrative tasks as assigned by the KPA Appeals Panel judges.

V. Organization of the Court Team of the Special Chamber of the Supreme Court on KTA Related Matters

Pursuant to Section 8 of UNMIK Administrative Direction No. 2008/6 of 11 June 2008 the President of the Special Chamber shall be in charge to direct the administration of the Special Chamber in its judicial business. Therefore the organization of the EULEX court team of the Special Chamber of the Supreme Court on KTA Related Matters is exempted from the regulations in these guidelines.

Organizational Chart of Court Teams at District/Supreme Court Level

