

EULEX Justice Component

Justice Component Organizational Guidelines for EULEX Court Teams

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I. Principles

1. Judicial work in the court of EULEX Judges is organized on the basis of:
 - Functional, efficient and effective work of a team composed of EULEX and national judges, international legal officers, local legal advisors, administrative assistants, interpreters/translators and court recorders;
 - Mutual respect and understanding;
 - Fair functional repartition of the workload with respect of each personality;
 - Flexibility considering the impediments linked with the judicial work and needs in their field of expertise;
 - Open mind and respect towards all person and institution requesting judicial service, inter alia towards defendants, lawyers, prosecutors, victims, witnesses, police-officers, court personnel etc..
2. All team members are bound to the rules of secrecy and discretion as required in the legal profession.

II. Court Teams at District Court Level

II.1. General

The following has been designed on the supposition that according to present calculation as well as guidelines for case selection and case allocation and rules on the Assembly of EULEX judges each court at district level will be provided with

- One section for civil cases composed of two EULEX judges and one national civil judge,
- Two sections for criminal cases each composed of one or two EULEX judges and one national criminal judge,

- Each section is headed by one EULEX judge, who is a focal point to the President of the Assembly of EULEX judges and has to deliver reports on weekly bases,
- Head of war crime section is member of the Presidency Board and as such responsible to support the President of the Assembly of Judges in his/her activities inter alia in court management,
- Three international legal officers and three national legal advisors,
- Two national administrative assistants (exception in Pristina: three),
- Four national interpreters/translators, and
- Two national court recorders.

Hereinafter you find brief descriptions of posts accompanied by abstracts of announced job description attached as annexes with more detailed information. Furthermore an organization chart is enclosed.

According to the rules on the Assembly of EULEX judges, the **head of the war crime section** is a member of the presidency board supporting the President inter alia in court management activities. Corresponding to it, he/she is **will have coordinating functions and responsibilities** to act on behalf of the President in matters concerning the court management (of course without any power to interfere in the independence of judges). He/she may delegate some responsibilities to other judges/subordinates.

It is suggested to conduct **monthly team meetings** convened by the head of the war crime section. These meetings serve as a platform inter alia to organise, schedule and allocate the workload in order to ensure the efficiency of the court team as a whole.

In addition to the abovementioned national interpreters/translators and national court recorders, district courts have access to a **pool of international interpreters/translators (14) and international court recorders (?)** based in Pristina. These personnel are based in Pristina under the supervision of the Deputy Head of the Justice Component. Personnel of that pool serve for other branches of the justice component as well. Operating procedures for cooperation are described in a different paper.

The following reflects our present understanding and will be further adapted and deepened according upcoming needs. *Some parts were left slightly undecided (e.g. concerning substitution) in order to remain open.*

II.2. International Legal Officers

International legal officers are **assigned to the criminal or civil section**. He/she will **support the EULEX and national judges of that section**. He/she reports to the **head of respective unit**. If it is in the interest of proper administration of justice a criminal legal officer can be requested to assist in civil cases and vice versa.

Similar to the local function of ‘Professional Associate’ pursuant the Law on Regular Courts (Chpt. VI, art 100), the international legal officer supports the judges **regarding legal related requirements**. He/she is responsible for inter alia:

- ✓ Conducting legal research,
- ✓ Assisting with legal assessment and evaluation of the case,
- ✓ Advising on legal solutions including preparation respectively assistance in preparation of court orders and other legal documents,
- ✓ Following up compliance with court procedure and
- ✓ Liaising on behalf of the judge with the police, prosecutors and their legal officer, registry and defense respectively parties.

Access to all meetings, hearings, deliberation etc. should be granted for the international legal officer as far as his/her participation is crucial to fulfill assigned tasks.

In addition, international legal officer supports the judges in professional activities which are not linked to particular case files but have a judicial function for the court or EULEX mission, inter alia: participating meetings, analyzing and/or drafting and/or preparing research or reports on legal topics, provided that they are not of administrative nature.

Judges are not empowered to delegate any duties which are bound to the characteristics of the position of a judge to the international legal officer. Under no circumstances the international legal officer can replace the judge. Neither the international legal officer should be considered as the personal secretary for the judge (e.g. by engaging her/him for typing tasks).

II.3. Local Legal Advisors

Local legal advisors are assigned to the section. He/she will support the EULEX and national judges of that section. He/she reports to the head of respective unit.

He/she provides same services to respective judges of the assigned section as the international legal officer.

Notwithstanding, due to her/his knowledge of local language and environment, he/she might be entrusted with tasks where this is needed as an asset (e.g. participation in trials, deliberations and other functional contacts/meetings/discussions with local judges and non-international court staff as court registrar, police officer, prison officer as well as research on domestic law).

II.4. Administrative Assistants

Administrative assistants are assigned to the head of the war crime section and report to him/her.

He/she assists the EULEX court team in the daily routine and ensures effective office administration. He/she is responsible for inter alia:

- ✓ Timely flow of documents,

- ✓ Providing administrative and secretarial support,
- ✓ Maintaining an interoffice filing system for the unit,
- ✓ Arranging official meetings as well as court rooms, transport, interpretation etc for sessions/trials, drafting minutes, invitations, following up activities etc.

II.5. National Interpreters/Translators

National interpreters/translators are assigned to the head of the war crime section and report to him/her.

He/she assists the EULEX court team in executing its tasks by

- ✓ Providing written translation of files, judgments, work related texts and any other documents as well as
- ✓ Providing oral interpretation during court sessions, any case related contacts as well as “non-file-related” contacts e.g. with Kosovo Judges Association and other actors of the judiciary.

II.6. National Court Recorders

National interpreters/translators are assigned to the head of the war crime section and report to him/her.

He/she assists the EULEX court team in executing its tasks by

- ✓ Preparing, typing and distributing accurate minutes.

ANNEX A: Job Description for Legal Officers at the District Court Level

- Assist the EULEX and national Judges in pre-trial, trial or appeal proceedings.
- Conduct legal research using multiple research sources and provide advice on the applicable law, international human rights and humanitarian law concerning cases of serious crimes or concerning cases in civil law.
- Assist the EU Judges with legal assessment and evaluation of evidence, review, analyze and advise on all court and investigation documents.
- Prepare or assist in the preparation of legal submissions including legal opinions, briefs, memoranda, decisions, orders, verdicts, and other legal documents. Legal Officers working with EU Judges in criminal Law should also assist in preparing summonses, arrest warrants, motions, and response to motions.
- Liaise on behalf of the EU judge with (a) the Police, Prosecutors, their Legal Officers, Registry and Defense (Criminal Law) or (b) the Parties and Registry (Civil Law).
- Participate, advise and assist the Judges in hearings, trials and processing of evidence and documents submitting during the trial.
- Coordinate, accordingly to the instructions of the Head of war crime section, other court support staff members, such as administrative assistants, court recorders and interpreters/translators.
- Perform other duties as assigned.

ANNEX B: Job Description for Administrative Assistants

- Receive, prepare and disseminate documentation pertaining to the unit through the appropriate chain of command.
- Prioritize requests of appointments and maintain an appointment/meeting schedule.
- Provide administrative and secretarial support to the unit personnel.
- Oversee and undertake appropriate record keeping functions such as incoming and outgoing correspondence, document filing, etc.
- Maintain an interoffice filing system for the unit.
- Arrange official meetings, receive visitors and delegations, organize visitors programs, draft minutes, invitations, follow up activities etc.
- Dispatch requests for interpretations/translations and monitor their settlement according to given deadlines.
- Arrange court rooms, transport etc for sessions/trials.

ANNEX C: Job Description for National Interpreters/Translators

- Translate from Serbian respectively Albanian into English and vice-versa legal and other documents, including reports, speeches, laws, investigations, evidences, forensic reports, indictments, verdicts, decisions and appeals related to the work of the Justice Component, including EU Judges and EU Prosecutors.
- Perform verbal interpreting from Serbian respectively Albanian into English and vice-versa for all purposes including investigations, trial and examinations, and prepare minutes upon request.
- Provide proof-reading, editing and quality control for translation.
- Establish and maintain a proper archiving/filing system for the translations.
- Take minutes of meetings and hearings.
- Perform other duties as required.

ANNEX D: Job Description for National Court Recorders

- Ensure the smooth operation of the court by preparing a template for the court minutes, familiarizing oneself before the trial/hearing with the court documents including the indictment, making notes of names and spellings of the accused, witnesses, lawyers, towns and places noted in the court documentation.
- Type verbatim minutes during the trial/hearing.
- Correct and edit the minutes after the trial/hearing, adding the changes of the presiding judge once he/she has read them.
- Print a final version of the minutes and ensure that the presiding judge sign them.
- Distribute the final version of the minutes to the translators and legal officers.
- Prepare a translated final version of the minutes and forward it to the defense lawyers.
- Ensure adequate filing of all documents.

ANNEX D: Organizational Chart of Court Teams at District Court Level

