



To the President and the Assembly of EULEX Judges

“Court Information Points” Project

Dear President and Assembly of the EULEX Judges,

In the course of its MMA activities within the Viti/Vitina MC, the Gjilan/Gnjilane DC Judges Team verified that the President of the MC scheduled a reception time for parties and people with any interest in the proceedings, as like grassroots, twice a week (Tuesdays and Wednesdays, 9.30 > 10.30).

The reason for this reception time has been justified by the President because people continuously go to the Court to claim for any matter related to their proceedings, and therefore he believed to favour access to justice and to build mutual confidence by this manner. The President also noted that people approaching Judges would eventually happen anyway, because of the Kosovo tradition and the fact that the society is structured in small communities where everybody knows each other. Therefore, it would be impossible to avoid parties anyway.

As this evidently infringes the principles of independence, impartiality and secrecy of the proceedings, we suggested the President to open a kind of information point where people can address all their requests, but avoiding meeting the Judges directly. It would be a manner to help people having voice, but also educating them not to address Judges directly. It might also favour a better management of the Courts, and the chance to have some info and statistics on Courts matters and backlog as well. If the Judges will not meet the parties anymore, they will have more time to concentrate on the backlog! Finally, it could be an exercise to collect materials for further advise from EULEX to Kosovo Authorities (President of Courts, KJC, MoJ, etc.) for the future.

For these reasons, the Gjilan/Gnjilane DC Judges Team proposes the Assembly to discuss and approve the *“Court Information Points” Project*, to be piloted in Viti/Vitina MC (and or Gjilan/Gnjilane DC Region as a whole) as first and then possibly to be extended to Kosovo wide if necessary (with due modifications where necessary). The three Judges of the Viti/Vitina MC, President included, fully agree and showed to be happy to be pioneers in this project.

Some Main concerns to be borne in mind while proposing/implementing the project:

- lack of personnel in the Courts;
- risk that if the personnel to be devoted to this project will come from other environments (other Courts or KJC) on a temporary basis, they might be seen as watch-dogs;
- importance to make clear which are the functions and limited tasks of this project. In this, a *vademecum* for the access to the point will have to be finalized

(1 page brochure which explains everything in a complete but friendly-user-simple language, acceptable for all grassroots);

We would propose to request KJC to agree on providing 2 staff members for this project:

- an administrative assistant to receive the people in person and/or their written complaints, process them and/or help people filing written requests when possible; initially assess the matter and provide ONLY procedural information which would not minimally endanger the secrecy and impartiality of the proceeding;
- a local legal advisor, to take the further step after the first assessment of the administrative assistant, when the complaint goes to the level of a real legal/procedural matter of the kind to be treated/solved by a legal advise. This legal scrutiny would also permit a proper legal advise to the President and/or responsible Judge of the Court concerned. The support of the legal advisor will be needed in order to properly evaluate from the legal point of view the request coming from the complainant (*i.e.*, whether or not the request violates the proceeding, or if it is completely inadmissible as in contrast with principles of law). It will help in saving the time of the Judge which will further have the chance to concentrate on the backlog and remain impartial and independent;

For the initial probation period of six (6) months (at least), these local staff members would be regularly monitored and mentored by the EULEX International Legal Officer and local Legal Advisor jointly. The EULEX staff would have constant meetings with relevant Line Managers and the President and Vice-President of the Assembly of the EULEX Judges for proper discussions and instructions on the project management.

As for the funds, for the probation period it is believed justifiable to put little expenses like stationery and telephone lines in the Petty-Cash budget which is not fully spent by the Viti/Vitina MC.

If at the end of the probation period, the project will have proved being successful or capable of leading positive results, it might become an advise to be directed to the KJC / MoJ for implementation Kosovo wide.

For your attention, discussion, and approval.

Best Regards,

The Gjilan/Gnjilane DC Judges Team

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