

RULES ON THE ASSEMBLY OF EULEX JUDGES

Article 1

The Assembly of the EULEX Judges

The Assembly of the EULEX Judges is established as a self-governing body.

The Assembly is comprised of all judges appointed to exercise a judicial function and to monitor, mentor and advise according to the modalities established by the EULEX Mission to KOSOVO .

The Assembly is responsible for the management of all issues relating to the administration and work of the EULEX Judges according to the law, the present Rules and EULEX Kosovo.

In the discharge of their judicial function the EULEX Judges shall be independent according to the best European standards and the principles of the European Convention of Human Rights.

The Assembly and its President are the watchdog of judicial independence.

Moreover, the Assembly is responsible:

- to decide any request for disqualification of the President of the Assembly of the EULEX judges, when she or he performs the function of Judge in a case and the request for disqualification is submitted by one of the parties;
- to elect by secret ballot the judges who will comprise the panel for the future selection of judges.
- to elect by secret ballot two members of Disciplinary Board
- to rule on any appeal on a disciplinary decision.
- to endorse, at the request of the President of the Assembly, the Rules on case selection and case allocation based on pre-determined objective criteria and procedural safeguards.
- to report on monitoring, mentoring, advising functions.
- to organize the continuous training of the EULEX Judges

The Assembly shall be an open forum for the exchange of experiences, solutions and best practices.

Article 2

The President

The President of the Assembly shall convene, prepare the agenda and preside at the sessions of the Assembly and exercise those functions provided for by law, the present Rules and EULEX KOSOVO.

Article 3

The Vice-President

The President may appoint a Vice-President who may replace the President in case of absence or incapacity and he or she shall exercise the functions provided by the present Rules and those delegated by the President.

The most senior member of the assembly determined by age shall preside over the assembly in case of the absence or incapacity of the Vice-President if the President considers that the meeting should not be adjourned.

Article 4

The Presidency Board

A Presidency Board shall be constituted to support the President in her/his activities of management of the Assembly, court management, cases selection and cases allocation.

The Board is comprised of seven members in addition to the President and the Vice-President the Focal Points of each District Court, the Focal Point of the Supreme Court, and the President of the Special Chambers. Representative of the Judges of the Appeals Panel on KPA related matters is also invited as observer.

The Board may provide the President with advice in urgent cases.

The Board adopts decisions with the majority of the votes of the members of the Board present at the meeting (5 members out of 9).

The President or, in his or her absence, the Vice-President may make extraordinary decisions if delay would cause harm or prejudice.

Any such extraordinary decisions shall be reported to the next Assembly which shall be called within 15 days from the adoption of the urgent measures, when they are of relevance.

Minutes of the meeting of the Presidency Board shall be kept by the Secretariat of the Assembly. The Secretariat shall keep the Minutes and preserve them in an archive for future reference by Members of the Assembly.

The members of the Board are the focal points of the relevant Courts in their relationships with the Presidency.

Article 5

The Secretariat of the Assembly

The Secretariat of the Assembly shall be composed of a Secretary appointed by the President, the Legal Assistant of the President and the Liaison Officer for Justice Related Matters. The Secretariat shall assist the meetings of the Presidency Board and of the Assembly of the EULEX Judges. The Secretariat shall prepare the relevant materials and documents related to the management and functioning of the Presidency Board and the Assembly of the EULEX Judges, draw up the minutes of their meetings and ensure the execution of their decisions.

The President shall determine other functions of the Secretariat

Article 6

Meetings of the Assembly

The Assembly is convened at least once every three months

The Assembly shall take place in each District Court area on a rotational base.

The members of the Assembly shall receive the convocation and the agenda of the Assembly at least twenty days before the date fixed for the session.

Each member has the right to put an item in the agenda no later than fifteen days before.

The members shall receive the final agenda at least ten days before the session.

In principle the meetings of the Assembly are not public. The Assembly might eventually invite natural or legal persons as expert, observer, guests or in any other capacity the Assembly considers as appropriate

Article 7

Deliberations

The Assembly as a deliberative body shall have a quorum if the 2/3 of its members is present.

The deliberations are adopted by open vote with the favorable vote of the majority of those present. In case of opposing propositions the vote is adopted by ballot. The proposition that achieved a majority of votes is adopted.

In case there is no clear majority the President shall have the casting vote.

The Assembly elects by secret ballot the judges who will comprise the panel for the selection of judges and the Disciplinary Board.

The broadest discussion and the research of the general consensus would be worthwhile.

Article 8

Resolutions

The Assembly may assume any resolution that is relevant to the exercise of its functions.

Article 9

Commissions and committees

The Assembly may establish working groups for the purpose of studying complex questions and preparing proposals to the Assembly.

The Assembly may establish committees for dealing with specific issues. Committees and Working Groups shall be supported and coordinated by the Secretariat.

Article 10

Publicity of the decisions

The decisions of the Assembly are public. The Assembly may decide that a decision is maintained secret if there are reasons of security, protection of a professional secrecy, protection of confidentiality of the private life of judges or third parties.

Article 11

Modifications of these rules

Modifications of these rules can be proposed by the President and the Vice-President of the Assembly, by the Presidency Board and by 6 members of the Assembly.

These Rules are adopted by the Assembly of the EULEX Judges on 2 March 2009 in Pejë/Pec