

Working Group
“Evaluation of Judges and Legal Officers”
“EULEX Assembly of Judges Rules on the Evaluation
of Judges and Legal Officers”
Draft as of April 6, 2009

D R A F T
EULEX Assembly of Judges Rules on the Evaluation
of Judges and Legal Officers (ARE)

Article 1

Purpose of Evaluation

Judges and legal officers are evaluated for the purpose of assessing their potential for promotion and appointment to future missions. The evaluation must not affect the judicial independence of the judge under evaluation.

Article 2

Period of Evaluation, Evaluating Body

(1) Judges and legal officers are evaluated every twelve months counted from the month she/he joined the Mission. In addition, every judge and legal officer is entitled to obtain an extraordinary evaluation on her/his request at any time after completion of a minimum of three months in the Mission area.

(2) The evaluation report is given either by the Line Manager or by the Evaluation Panel as set up in accordance with Article 3 of these Rules.

Article 3

Evaluation Panel

- (1) The Assembly of EULEX Judges will elect by secret ballot a panel consisting of three judges. The panel must comprise at least one criminal law and one civil law judge. The panel members will serve for a period of twelve months.
- (2) The Evaluation Panel acts as an independent evaluating body in accordance with Article 6 of these Rules.
- (3) The Evaluation Panel shall draft rules on its internal organization, the procedure to be observed before the panel, the decision-making process and, if needed, other organizational issues within the scope of Article 6 of these Rules. The Rules of the Evaluation Panel have to be adopted by the Assembly of EULEX Judges.

Article 4

Sources of Information, Form of Evaluation

- (1) The judge/legal officer shall provide the evaluating body with a description of duties, working conditions and main achievements on the evaluation form specified in paragraph (3) of this article.
- (2) The evaluation should be based on a variety of sources of information allowing for an overall performance assessment. The evaluating body shall ask the Focal Point of the judge/legal officer under evaluation or other third parties for written preparatory statements.
- (3) The evaluation report is rendered on the evaluation form attached as Annex 1 (Line Manager's report) and 2 (Evaluation Panel's report) to these Rules. All sources of information have to be referred to in the evaluation form. Preparatory statements, data sheet and other information which is or can be made available in writing or as a hard copy have to be attached to the evaluation form.

Article 5

Evaluation by the Line Manager

- (1) The Line Manager submits a draft of the evaluation report together with a copy of the attachments as required by Article 4 (3) to the judge/legal officer under evaluation.

(2) In case the judge/legal officer does not agree with the draft, the line manager will discuss the evaluation with her/him. After the discussion the line manager will issue the evaluation report taking the statement of the judge/legal officer into consideration. A copy of the report has to be handed over to the judge/legal officer under evaluation on notification as provided for in part IV of the evaluation form.

Article 6

Evaluation by the Evaluation Panel

(1) If the judge/legal officer does not agree with an evaluation report issued by the Line Manager in accordance with Article 5 (2) of these Rules she/he can address the Evaluation Panel by submitting a written request within one month after notification of the report as provided for in part IV of the evaluation form.

(2) The decision of the Evaluation Panel shall be set forth in a written decision to be served on the judge/legal officer under evaluation and on the Line Manager. If the Evaluation Panel holds that either the rating or the comments of the Line Manager's evaluation report should be altered it will issue a new evaluation report. The Evaluation Panel's report replaces the Line Manager's report.

Article 7

Files, Forwarding of Copies to Third Parties

(1) The original of the evaluation report consisting of the evaluation form and its attachments as set out in Article 4 (3) of these Rules shall be taken to the personal file in the Mission Human Resource Office in accordance with section 9.4 of Annex S to the OPLAN. In case the Line Manager's report is replaced by the Evaluation Panel according to Article 6 (2) of these Rules it is only the Evaluation Panel's report that is taken to the aforesaid personal file.

(2) In case the Line Manager's report is replaced by the Evaluation Panel according to Article 6 (2) of these Rules, the original of the Line Manager's report and any copy made thereof, save the copy received by the judge/legal officer under evaluation, are taken to the files of the Evaluation Panel. The Evaluation

Panel is entitled to forward a copy of its report to the Head of the EULEX Mission and/or the Head of the EULEX Justice Component only.

(3) In case the Evaluation Panel confirms the Line Manager's evaluation report according to Article 6 (2) of these Rules, the original of the Panel's decision and any copy made thereof, save the copies received by the judge/legal officer under evaluation and by the Line Manager, are taken to the files of the Evaluation Panel. The Evaluation Panel and/or the Line Manager are entitled to forward a copy of the Panel's confirming decision to the Head of the EULEX Mission and/or the Head of the EULEX Justice Component only.

(4) In case the judge/legal officer under evaluation does not address the Evaluation Panel, the Line Manager is entitled to forward a copy of her/his evaluation report to the Head of the EULEX Mission and/or the Head of the EULEX Justice Component only.

(5) The judge/legal officer is to be informed whenever a copy of the evaluation report or the Evaluation Panel's confirming decision is forwarded to a third party.

Article 8

Entry into Force

These Rules will enter into force with the adoption by the Assembly of EULEX Judges.

Just as a memento:

It has to be agreed upon with Mission Human Resource Office that, whenever a performance evaluation and evaluation report as provided for in Annex S to the OPLAN is forwarded a copy of the evaluation given by the line manager and/or panel in accordance with the present rules is attached.