



5th Assembly of the EULEX Judges

22 April 2009, Gjilan/Gnjilane

Decisions

Judges:

Maria Giuliana Civinini, President of the Assembly of EULEX Judges
Guy Van Craen, Vice-President of the Assembly of EULEX Judges

Andreas Anton Schuler
Angela Kaptein
Anna Bednarek
Antoinette Lepeltier-Durel
Arkadiusz Sedek
Christine-Lindemann-Proetel
Dragomir Yordanov
Emilio Gatti
Ferdinando Bautier de Mongeot
Francesco Florit
Gerrit-Marc Sprenger
Gianfranco Gallo
Hajnalka Karpati
Harri Katara
Klaus Jung
Malcolm Simmons
Michael Zimmermann
Norbert Koster
Olavi Snellman
Piero Leanza
Richard Winkelhofer
Torsten Koschinka
Verginia Micheva-Ruseva
Vladimir Kanev

Office of the President of the Assembly of the EULEX Judges:

Andrea Chmieliński Bigazzi
Caroline Charpentier
Gergana Arabadjieva

LEGAL OFFICERS

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Beatrice Trenkmann
Jasmine Sultan
Judit Eva Tatrai
Juhani Paiho
Ludwig Becking
Olivia Debaveye
Rita Rowland-Jones
Tara Khan

Absent

Judges

Andrea Cruciani
Eija-Liisa Helin
Gabriele Gaube
Godwin Muscat Azzopardi
Klaus Huner
Tron Gundersen
Vitor Pardal

1. Discussion related to possible changes to the Case Selection and Case Allocation Rules, to be finalized. As the proposals for changes have to be channeled through the President of the Assembly of the EULEX Judges in accordance with Article 2.6 of the Law on the Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo (Law No. 03/L-053), **no decision has been taken on this specific point.**
2. **Unanimous decision in favor** of the adoption of the evaluation procedure for Judges and Legal Officers, presentation of the revised procedures and templates by Supreme Court Judge Norbert Koster (see ANNEXES 1.1; 1.2; 1.3 of the Agenda). **As for the Legal Officers, a proposal** for a separate procedure for appeal to possible contested evaluation will be put in the next Assembly Agenda.
3. **Unanimous decision in favor** of the re-adoption of all decisions already adopted in the first 3 (three) Assemblies (see in Antigone folder for any reference to the *Decisions*, and the *Documents* related to them).
4. Decisions to approve amendments to the Rules of the Assembly:
 - **Approved with 23 (twenty three) votes in favor, none against and 3 (three) abstentions**, based on the proposal under Annex 2 of

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the Agenda, the following sentence is added to the first paragraph of Article 6 of the Rules: “Upon motion of six members of Assembly, the President of the Assembly shall convene the Assembly within eighteen days of receipt of the motion”.

- **Approved unanimously** do add the following paragraph as paragraph 4 of Article 7: “*The deliberations of the Assembly will enter into force immediately unless otherwise provided for*”.
- **Approved with 25 (twenty five) votes in favor, none against and 1 (one) abstention** the motion under Annex 2 of the Agenda to add the following sentence to paragraph 3 of Article 6 of the Rules: “*The first point on each Agenda shall be the decision of the Assembly on the minutes taken of the previous session*”.
- **Approved unanimously** the new version of the Rules as it appears now in its entirety, including the above amendments and the ones approved in the course of the 4th Assembly.

5. Discussion on the 6th point of the Agenda, related to a proposal for review of the on-call system (see also Annex 3 of the Agenda). District Court Judge Gerrit-Marc Sprenger as rapporteur. **It is decided the establishment of a WG** to further elaborate on this issue for the revision of the on-call system at District Court Level. The Working Group is then composed among Judges Gerrit-Marc Sprenger, Dragomir Yordanov, Norbert Koster, Francesco Florit, and Legal Officers Mircea Nicoara and Rita Rowland-Jones. The first proposition is to be completed by the end of May.

6. In connection with point 2 above, **it is decided** to add the following point to the Annex 1.1, Article 3, paragraph (1) in the appointment for the Appeal Panel:

(1.b) Rules on the election of the panel for the evaluation of Judges

a) A separate vote will be held for the election of each member of the Panel and of the substitute.

b) The first member to be elected will be a Criminal Judge. The second member to be elected will be a Civil Judge; the third member to be elected will be a Supreme Court Special Chamber Judge. The fourth member to be elected will be a reserve.

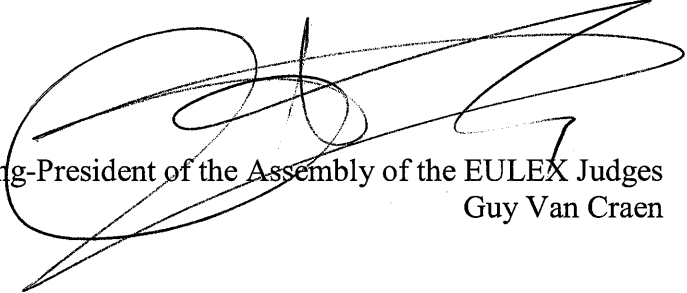
c) Each member of the Assembly is entitled to express one vote in each round of voting.

d) The candidate who receives the most votes is considered to be elected.

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The Assembly also decides to elect for the Panel 1 criminal Judge, 1 civil Judge, 1 Supreme Court Special Chamber Judge, 1 reserve. The Assembly then elects the members of the Panel: Judge Norbert Koster is elected with 17 votes as panel member for criminal Judges; Judge Andreas Anton Schuler is elected by default as only candidate for civil Judges; Judge Richard Winkelhofer is elected with 17 votes as panel member for Supreme Court Special Chamber Judges; Judge Torsten Koschinka is elected with 14 votes as reserve panel member.


Acting-President of the Assembly of the EULEX Judges
Guy Van Craen

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