

EUROPEAN EXTERNAL ACTION SERVICE



Civilian Planning and Conduct Capability – CPCC
Director / Civilian Operations Commander

Brussels, 11 JUL. 2016

TO ALL REPRESENTATIVES TO PSC

Subject: Call for Nominations for the President of the Kosovo Specialist Chambers and for the Roster of International Judges of the Kosovo Specialist Chambers

References: Council Joint Action 2008/124/CFSP of 4 February 2008 as amended by Council Decision 2014/685/CFSP of 29 September 2014 and Council Decision 2016/947/CFSP of 14 June 2016

Dear Ambassador,

1. Background

On 4 February 2008, the Council adopted Joint Action 2008/124/CFSP on the establishment of the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO), which was amended by Council Decision 2014/685/CFSP of 29 September 2014 and Council Decision 2016/947/CFSP of 14 June 2016. Article 3a stipulates that for the purposes of fulfilling its mandate, including its executive responsibilities, as set out in Article 3(a) and (d), EULEX KOSOVO shall support re-located judicial proceedings within a Member State, in order to prosecute and adjudicate criminal charges arising from the investigation into the allegations raised in a report entitled “Inhuman treatment of people and illicit trafficking in human organs in Kosovo” released on 12 December 2010 by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe.

The Head of Mission EULEX KOSOVO has appointed the Registrar of the registry, supporting the relocated judicial proceedings in accordance with Article 3a Joint Action 2008/124/CFSP as amended by Council Decision 2014/685/CFSP and 2016/947/CFSP.

Pursuant to Articles 24 and 33 of the Law on the Specialist Chambers and Specialist Prosecutor's Office the Specialist Chambers will be composed of (a) a Basic Court Chamber (including individual judges performing the functions of a pre-trial judge or other functions required under the Law and Trial Panels composed of three (3) judges and one (1) reserve judge); (b) a Court of Appeal Chamber (with Panels composed of three (3) judges); (c) a Supreme Court Chamber (with Panels composed of three (3) judges); (d) a Constitutional Court Chamber (with Panels composed of three (3) judges).

I kindly invite EU Member States to nominate qualified candidates for the positions as listed in Annex 1 (Call for Nominations of the President of the Kosovo Specialist Chambers) and Annex 2 (Call for Nominations of Judges to the Roster of International Judges).

2. Requirements

EU Member States are requested to take into account Article 27 of the Law on the Specialist Chambers and Specialist Prosecutor's Office, which provide as follows:

- a) The Specialist Chambers Judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective states for appointment to the highest judicial offices. They shall be independent in the performance of their functions and shall not accept or seek instructions from any government or any other source. The Specialist Chambers Judges shall have established competence in criminal law and procedure or relevant parts of international law and constitutional law as appropriate, with extensive judicial, prosecutorial or defence experience in international or domestic criminal proceedings.
- b) In the overall composition of Roster of International Judges for the Specialist Chambers, due account shall be taken of the established competence and court experience of the judges in criminal law and procedure, international law and constitutional law as appropriate.
- c) Judges shall be fluent in English.

EU Member States are further requested to take into account the requirements outlined in the Call for Nominations (Annex 1 and 2), in particular in relation to requirements for the position of the President of the Specialist Chambers, who will be permanently present at the seat of the Specialist Chambers.

EU Member States shall take into account the need to include judges with legal expertise on specific issues, including, but not limited to, international criminal law and trans-boundary crimes. As the Specialist Chamber has established a mechanism for Staff Appeals, EU Member States are also encouraged to consider nominating candidates with knowledge of adjudicating administrative labour disputes.

3. Procedure

In accordance with Article 28 of the Law on the Specialist Chambers, which provides that an independent selection panel shall be responsible for the assessment of judicial candidates and selection for appointment for the Roster of International Judges, as well as for making recommendations for the appointment of the President of the Specialist Chambers, it has been decided to fix the nomination period to run from 8 July to 9 September 2016. Nominations submitted before or after the nomination period will not be considered.

Pursuant to Article 28 of the Law on the Specialist Chambers and Specialist Prosecutor's Office, following consideration of qualified candidates, then interview and assessment of those found most suitable, the Selection Panel will finalise a list containing the names of those they recommend for the position of President and Judge. The Selection Panel will forward this list as its recommendations to the Head of Mission EULEX KOSOVO as Appointing Authority.

Nominations shall be accompanied by a statement in the necessary detail specifying how the candidate fulfils the requirements as provided for in the Annex 1 and 2. EU Member States are encouraged to nominate more than one candidate.

The President of the Specialist Chambers will serve on a fulltime basis. Judges will be appointed to the Roster of International Judges. Judges will only be present at the seat of the Specialist Chambers at the request of the President of the Specialist Chamber to exercise functions requiring their presence. Judges will not receive remuneration or other benefits for being on the Roster. Judges will receive adequate pro rata remuneration from the budget of the Specialist Chambers for their judicial activities before the Kosovo Specialist Chambers. EU Member States are therefore requested to nominate candidates that may be available at a short notice and at times only temporarily. Once assigned to a case, Judges will have to make an undertaking being available to take up their full-time service when the Court's workload so requires.

4. Methodology

- a) EU Member States are requested to examine the personal profiles and job descriptions to ensure that:
 - Proposed candidates meet the listed criteria described in the essential requirements and specific job descriptions (**Annex 1 and 2**).
 - Each candidate completes the standard job application form in English (**Annex 3**). Applications will be considered only when using this form and indicating which position(s) the candidate is applying for.

- b) Proposed candidates should satisfy in full the criteria set out in the job descriptions. The main criteria for suitability for posts are professional and specific skills and experience. The failure to fill these positions could seriously jeopardise the achievement of the objectives of the Kosovo Specialist Chambers.
- c) I would appreciate it if EU Member States would submit offers of personnel at their earliest convenience, **but not later than Friday 9 September 2016 at 17:00 hours (Brussels time)**, to the following e-mail address:

schr@eeas.europa.eu

- d) Interviews will take place during the course of September 2016.
- e) The Civilian Planning and Conduct Capability (CPCC) will be responsible for notifying EU Member States of the outcome of the selection process. Communication of the selection results is expected to take place in September 2016.
- f) EU Member States are reminded that the candidates will be subject to evaluation by the Selection Panel, composed of two international judges with substantial international criminal law experience and one international senior appointee. Candidates may be requested to make themselves available for an interview in person and assessment by the Selection Panel, as envisaged by Article 18 of the Law on the Specialist Chambers and Specialist Prosecutor's Office. Any travel costs incurred by the invited candidates will be reimbursed, based on the most direct and economical route, in accordance with the European Commission guidelines.

5. General Information

- a) Only personnel nominations received through official channels from EU Member States will be considered.
- b) The EU strives for improved gender balance in CSDP operations in compliance with UNSCR 1325. EU Member States are encouraged to take this into account when offering contributions.
- c) The selected candidates will have to be in possession of the necessary level of Personnel Security Clearance (PSC) as specified in the respective job descriptions, when deployed. The seconded personnel should bring the original certificate upon deployment.

- d) Any further information required relating to the selection and deployment of staff may be obtained from by contacting:

Mr Frank Borchers
frank.borchers@eeas.europa.eu
+32 (0)2 584 69 06

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Deane', with a large, stylized initial 'K'.

Kenneth DEANE

Enclosures:

- Call for Nominations for the President of the Kosovo Specialist Chambers (**Annex 1**)
- Call for Nominations for Judge on Roster of International Judges for the Kosovo Specialist Chambers (**Annex 2**)
- Application Form (**Annex 3**)

cc: CivCom Delegates