



To: Mr. Kenneth Deane
Civilian Operations Commander and Director of the
Civilian Planning and Conduct Capability
EEAS

Cc:

From: Alexandra Papadopoulou, Head of Mission, EULEX Kosovo

Date:

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Subject: Call for nominations for the Specialist Prosecutor of the Kosovo Relocated Specialist Chambers and Specialist Prosecutor's Office.

Attachments

1. Job Description
2. Application Form

Dear Mr. Deane,

With this letter I would like to request your cooperation in forwarding this call for nominations of candidates for the position of Specialist Prosecutor of the Kosovo Relocated Specialist Chambers and Specialist Prosecutor's Office (SC/SPO) to the EU Member States and EULEX Kosovo Contributing States.

1. Background

On 15 February 2018 the current Specialist Prosecutor announced that he will leave his post at the end of March due to the fact that his term is coming to an end and cannot be extended. As of 1st of April, the Deputy Specialist Prosecutor will therefore take over the responsibilities as acting Specialist Prosecutor, until a successor is appointed. In accordance with the Council adopted Joint Action 2008/124/CFSP on 04 February 2010 regarding the establishment of the European Rule of Law Mission in Kosovo (EULEX Kosovo), amended by Council Decision 2014/685/CFSP of 29 September 2014 respectively Council decision 2016/947/CFSP of 14 June 2016, EULEX Kosovo shall support the 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.

In accordance with Kosovo Law No. 04/L-148, the President of Kosovo delegates EULEX Kosovo the authority to nominate and appoint prosecutors. This delegation was extended to the SC/SPO in Law No. 04/L-274 respectively Law No. 05/L-102.

Article 35 of the Law on the Specialist Chambers and Specialist Prosecutor's Office foresees that "Should the Specialist Prosecutor vacate his or her position at any time, a replacement shall be appointed by the Appointing Authority after consideration of suitably qualified applicants." The Law requires that the Specialist Prosecutor "shall be of high moral character and possess the highest level of competence and experience in the conduct of investigations and prosecutions of criminal cases." The term of office is four years and he or she is eligible for reappointment.

I kindly request you to invite EU Member States and EULEX Kosovo Contributing States to nominate qualified candidates, either seconded or contracted but supported by the sending nation, for the position of Specialist Prosecutor of the SC/SPO.

2. Fundamental requirements to be re-assured by the nominating State

The EU Member States and EULEX Kosovo Contributing States are requested to confirm the candidates' high moral character, level of competence and experience in the conduct of investigations and prosecutions of criminal cases, in accordance with the requirements of Art. 35 of the Law on the Specialist Chambers and Specialist Prosecutor's Office, outlined above:

In addition;

- a) Any suitable candidate should be fluent in English.
- b) The Specialist Prosecutor shall serve for a four-year term and be eligible for reappointment.

3. Procedure

Art. 35 of the Law on the Specialist Chambers and Specialist Prosecutor's Office foresee the appointment by me of a candidate after consideration of suitably qualified applicants. In addition, Kosovo Law No. 04/L-274 requires that the appointment of prosecutors by the EULEX Kosovo Head of Mission follows an independent selection process.

As such, and in order to assure continuity, the selection process will have:

- a) A deadline for nominations starting at the date of the letter of the CivOpsCdr to the Representatives in the PSC and ending four weeks after this date,
- b) A selection panel consisting of five individuals where:

- i. Four panelists will be of a senior judiciary background in relation to the management, handling and prosecution of International criminal law cases.
 - ii. One panelist will be an International Senior Appointee from the General Council Secretariat of the European Union.
 - iii. The panel at large will have a majority of external independent panelists with a balanced gender representation.
- c) A prescribed process considering proposed qualified candidates to be shortlisted, then an interview followed by a written selection report of those candidates found to be most suitable for the position of Specialist Prosecutor. The report, with its recommendations will be presented to the EULEX Kosovo Head of Mission. This report will be accompanied by the CV's and confirmation by the EU Member States and EULEX Kosovo Contributing States of the candidates' high moral character, level of competence and experience in the conduct of investigations and prosecutions of criminal cases, as well as by the assessment of their qualifications by the selection panel.

Finally, in accordance with powers delegated by the President of Kosovo, the EULEX Kosovo Head of Mission will appoint the candidate under Articles 110 and 84 of the Kosovo Constitution respectively, with notification to the President of Kosovo's Office and the Kosovo Prosecutorial Council.

4. Methodology

- a) The EU Member States and EULEX Kosovo Contributing States are requested to examine the personal profiles and job descriptions and ensure that:
- i. Proposed candidates meet the listed criteria described in the essential requirements in the specific job description (Attachment 1),
 - ii. Each candidate completes the standard job application in English (Attachment 2),
 - iii. A statement of the relevant national authorities confirming the candidates' high moral character level of competence and experience in the conduct of investigations and prosecutions of criminal cases.
- b) I would appreciate if EU Member States and EULEX Kosovo Contributing States would submit offers of suitable candidates at their earliest convenience, but not later than four weeks after the CivOpsCdr's letter to the Representatives in the PSC, to the following e-mail address:

Hannelore.Valier@eulex-kosovo.eu

- c) Before appointment the selected candidate will have to reaffirm his availability to the EULEX Kosovo Mission.
- d) The selected candidate will be notified, through the Civilian Planning and Conduct Capability (CPCC), after appointment by the EULEX Kosovo Head of Mission.

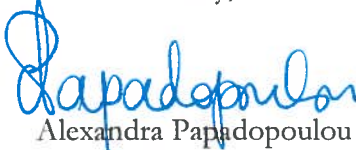
- e) The EU Member States and EULEX Kosovo Contributing States are reminded that candidates will be subject to evaluation by the selection panel. Any travel costs incurred by the invited candidates and selection panel members will be reimbursed, based on the most direct and economical route, in accordance with European Commission guidelines.

5. General Information

- a) Only nominations, either seconded or contracted, received through official channels from EU Member States and EULEX Kosovo Contributing States, fulfilling the requirements of Para. 4 will be considered.
- b) The EU strives for improved gender balance in CSDP operations in compliance with UNSCR 1325. EU Member States and EULEX Kosovo Contributing States are encouraged to take this into account when offering contributions.
- c) Any questions related to the process can be directed to:

Mrs. Hannelore Valier
Hannelore.Valier@eulex-kosovo.eu

Yours sincerely,



Alexandra Papadopoulou
Head of Mission
EULEX Kosovo