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நீதிச்சேவை ஆணைக்குழுச் செயலகம்
Judicial Service Commission Secretariat

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My No.

JSC/SEC/F. Training/ 2019

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உமது இலக்கம்
Your No.

දිනය
திகதி
Date 19.03.2021

To All High Court Judges and Judicial Officers,

**CALLING NOMINATIONS FOR INTERNATIONAL APPEALS CHAMBER JUDGE (02 POSITIONS) IN
CENTRAL AFRICAN REPUBLIC.**

This refers to the letter dated 05.03.2021 by Senior Assistant Secretary (D-II)/ Ministry of Defence, on the above subject forwarded through Additional Secretary/MOJ by letter dated 10.03.2021.

02. I have been directed by the Judicial Service Commission to publish the same in the JSC website.

H.S.Somarathne
Secretary
Judicial Service Commission

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நீதி அமைச்சு

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கொழும்பு 12
Superior Courts Complex,
Colombo 12.

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My No.

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திகதி } .03.2121
Date

Secretary
Judicial Service Commission
Colombo 12



**CALLING NOMINATIONS FOR INTERNATIONAL APPEALS CHAMBER JUDGE
(2 POSITIONS) IN CENTRAL AFRICAN REPUBLIC**

Please find attached herewith a letter received from the Ministry of Defence, dated 09.03.2021, with regard to the above, for your necessary action.

Piyumanthi Peiris
Additional Secretary
For Secretary
Ministry of Justice

Copy :-

01. Mr. Harsha Vithanaarachchi, Senior Assistant Secretary, - F.Y.I
Ministry of Defence, (MOD/DEF/UNPK/7)



ආරක්ෂක අමාත්‍යාංශය பாதுகாப்பு அமைச்சு MINISTRY OF DEFENCE

අංක. 15/5, බාලදක්ෂ මාවත, කොළඹ 03, ශ්‍රී ලංකාව.
இல. 15/5, பாலதக்ஷ மாவத்தை, கொழும்பு 03, இலங்கை.
No. 15/5, Baladaksha Mawatha, Colombo 03, Sri Lanka.

Website : www.defence.lk

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P.O. Box 572

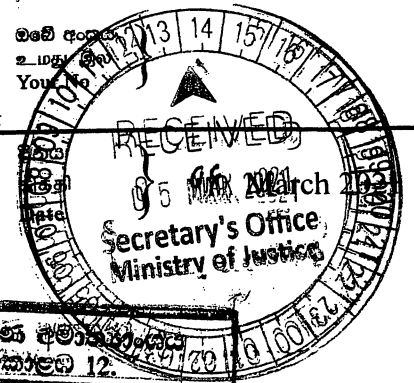
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தொலைபேசி 2430870-8
Telephone 2430870-8

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செயலாளர்
Secretary

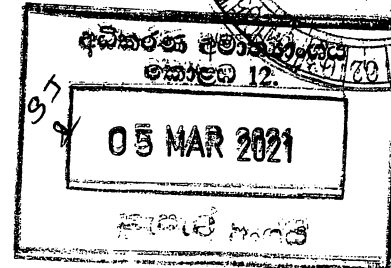
දුර./දුර. / Tel. : 011 2381154
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எனது இல }
My No }

MOD/DEF/UNPK/7



Secretary
Ministry of Justice,
Superior Courts Complex,
Adhikarana Mawatha,
Colombo 01




CALLING NOMINATIONS FOR INTERNATIONAL APPEALS CHAMBER JUDGE (2 POSITIONS) IN CENTRAL AFRICAN REPUBLIC

This refers to the fax message of Sri Lanka Permanent Representative to the United Nations - New York number PMNY/UNHQ SPEC APPT/MINUSCO, dated 25.02.2021 regarding the above matter (Copy attached).

02. The Department of Peace Operations (DPO) of United Nations has invited Member States to nominate candidates for the post of International Appeals Chamber Judge (two positions) in Central African Republic.

03. You are kindly requested to submit the nominations for the above position to this Ministry before 20th March 2021. The nominees should fulfill the qualifications listed in Annex I and also fluent in French language, both oral and written are required.


Harsha Vithanaarachchi
Senior Assistant Secretary (D-II)
For Secretary Defence

Copy: PRUN/ New York

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தலைவர் (பிளும்பு හා මුද්‍රා)
දුර./දුර. / Tel. - 011 2439381

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மேலதிக செயலாளர் (சிலில் பாதுகாப்பும் அபிவிருத்தியும்)
Additional Secretary (Civil Defence and Development)

අතිරේක ලේකම් (පාර්ලිමේන්තු කටයුතු, ප්‍රතිපත්ති හා සැලසුම්)
மேலதிக செயலாளர் (பாராளுமன்றம், கொள்கையும் திட்டமிடலும்)
Additional Secretary (Parliament Affairs, Policy and Planning)

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மேலதிக செயலாளர் (சட்டமும் ஒழுங்கும்)
Additional Secretary (Law & Order)
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Fax/E-mail

Permanent Mission of Sri Lanka to the United Nations, New York

No. 820, 2nd Avenue, 2nd Floor, New York 10017, Tel : (212)986-7040, Fax : (212)986-1838

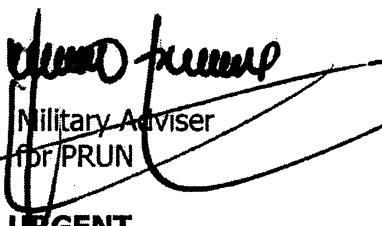
E-mail : prun.newyork@mfa.gov.lk / mail@slmission.com

Addressed to : Secretary Defence

Attn : Addl. Secretary Defence

Copy

From : PRUN/ New York

Signature & Designation :  : Military Adviser
for PRUN

Priority : **URGENT**

Security : **UNCLASSIFIED**

Date : 01 March 2021

Total no of pages : **22**
including this page

Msg. No: OG-64

Our Ref: PMNY/UNHQ/SPEC APPT/ MINUSCA/1

CALLING NOMINATIONS FOR INTERNATIONAL APPEALS CHAMBER JUDGE (2 POSITIONS) IN CENTRAL AFRICAN REPUBLIC

1. Please find attached the UN Note Verbale DPO/OROLSI/2021/00718 dated 25 February 2021, together with following documents, inviting the Member States to submit nominations for the subjected 2 positions:

- Annex 1 - Terms of Reference
- Annex 11 - Procedure of Selection
- Annex 111 - Draft Cooperation agreement: UNDP
- Annex 1V - Benefits for SCC International Members

2. The Ministry may note that, in addition to the qualifications listed in the Annex 1, the nominees are required to be fluent in French Language, both oral and written.

3. It is requested to make available this vacancy notification to the appropriate Ministry/ institution, with instructions to submit nominations before 20 March 2021, enabling this Mission to forward the same to the UN for selection. Also be informed that the nominations submitted after 25 March 2021 may be considered for the subsequent phases of recruitment, according to the referred UN Note Verbale. (END)



REFERENCE: DPO/OROLSI/2021/00718

The Secretariat of the United Nations presents its compliments to the Permanent Missions of the Member States to the United Nations and has the honour to refer to the mandate of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) pursuant to Security Council resolution 2552 (2020), and specifically its mandate to provide technical assistance to the authorities of the Central African Republic (CAR), together with other international partners, for the operationalization and functioning of the Special Criminal Court (SCC) of CAR. The Secretariat further has the honour to refer to the CAR Organic Law No. 15.003 on the Creation, Organization and Functioning of the SCC (Law on the SCC).

Pursuant to the recent call for nominations as per our note verbale 02847 of 9 July 2020, we wish to inform you that the selection process was successfully finalized for the positions of one International Judge of the Pre-Trial Chamber, one International Trial Chamber Judge and one International Assistant Special Prosecutor. We reiterate our gratitude to those Member States who nominated candidates for these positions.

The Selection Committee has determined that it will seek to broaden the pool of nominations for the two vacant positions of International Judge of the Appeals Chamber before taking further steps on the recruitment for these positions. Therefore, the Secretariat invites Member States to propose one or several candidates for the position of:

- International Appeals Chamber Judge (two positions)

The Secretariat will forward all applications received to the Special Representative of the Secretary-General for the Central African Republic, Mr. Mankeur Ndiaye.

Member States who have already nominated candidates for the position of International Appeals Chamber Judge in response to Secretariat note verbale 02847 of 9 July 2020 do not need to resubmit those nominations. Such nominations remain valid and will be considered along with any additional nominations received in response to this current note verbale.

Article 24 of the Law on the SCC stipulates that candidates with the required qualifications will be proposed by MINUSCA. Following a transparent selection process adopted in agreement with the CAR authorities, successful candidates will be appointed by the authority assuming the functions of President of the Higher Council of the Judiciary of CAR. International Judges and Prosecutors are seconded directly to the SCC and are not considered United Nations personnel.

Candidates must have considerable experience in a civil law system court or within an international (or hybrid) criminal tribunal, as well as in the investigation, prosecution or adjudication of international or complex criminal cases. Candidates must also demonstrate fluency in the French language, both orally and in writing. The qualifications required for these



positions and the related employment conditions are further described in the attached documents. They include:

- (i) the terms of reference, as approved by the CAR authorities;
- (ii) the selection procedure for the international members of the SCC, as adopted by MINUSCA and approved by the CAR authorities; and
- (iii) a draft cooperation agreement with annexes, prepared by the United Nations Development Programme, to be presented for signature to the States seconding magistrates and other high officials to serve in the SCC.

The Secretariat would be grateful if the Permanent Missions could kindly forward the applications of the candidates that their respective Governments wish to nominate within 30 days following the date of the present note verbale. Applications should include a *curriculum vitae* in French with contact details, education, work experience, professional and language skills, as well as names and contact details of three professional references. Each applicant must provide a motivation letter in French, which also outlines her/his experience in handling complex crimes, international criminal law and/or violations of international humanitarian law and/or human rights law, as well as a criminal record or an official document attesting that the candidate has not been involved in the commission of criminal activity.

Applications received after 30 days following the date of this note verbale may, however, be considered for the subsequent phases of recruitment. The United Nations will work with the CAR authorities and seconding Member States to determine the most appropriate deployment and working modalities that account for the limitations imposed by the COVID-19 pandemic. The nominations and any enquiries regarding the preparation and submission of the applications, as well as on the terms of reference of the posts and the modalities of the secondment, may be directed to Mr. Mark Devereux, focal point for the SCC (e-mail: dpo-jcs@un.org; tel.: +1 917 367 2083; +1 438 932 4388).

The Secretariat of the United Nations avails itself of this opportunity to renew to the Permanent Missions of the Member States to the United Nations the assurances of its highest consideration.

A Z.

ANNEX I

TERMS OF REFERENCE

- **International Appeals Chamber Judge
(two positions)**

ANNEX II

PROCEDURE OF SELECTION

ANNEX III

DRAFT COOPERATION AGREEMENT: UNDP

ANNEX I

TERMS OF REFERENCE

- **International Appeals Chamber Judge
(two positions)**

Post title: International Judge of the Appeals Chamber of the Special Criminal Court of the Central African Republic

Location: Bangui, Central African Republic

Number of posts: 2

Responsibilities

The Special Criminal Court of the Central African Republic (“the SCC” and “CAR”, respectively) established by national law No. 15.003 of 3 June 2015 is competent to investigate and prosecute serious human rights violations and serious violations of international humanitarian law committed on the territory of CAR since 1 January 2003, as defined by the CAR Penal Code and treaties on international criminal law to which CAR is a party, namely those related to the crime of genocide, crimes against humanity and war crimes.

Established for a renewable period of five years, the Court is a special court integrated into the Central African judicial system. It applies Central African criminal and procedural law, with the possibility of referring to international norms and standards to fill gaps, or shortcomings in national law. It enjoys primacy of jurisdiction over other national jurisdictions and will work in complementarity with the International Criminal Court, in accordance with the Law No 18.010 of 2 July 2018 on the Rules of Procedure and Evidence of the SCC.

The Court is composed of an Investigation Chamber, a Special Indictment Chamber, a Trial Chamber and an Appeals Chamber. It is assisted in its daily activities by a Registry. The Office of the Public Prosecutor is represented by the Office of the Special Prosecutor and the judicial police by the Special Judicial Police Unit. It is supported by international staff working alongside national staff.

The Appeals Chamber of the Court, which rules in fact and law, is composed of three judges, including two international judges and one national judge (who will preside over the Chamber).

The international judges of the Appeals Chamber will be responsible for deciding, jointly with their national colleague, on appeals from decisions issued by the Trial Chamber and the Special Indictment Chamber, as well as by the Cabinets of the Investigative Chamber within the limits set by the Rules of Procedure and Evidence of the Court. They will also be responsible for developing national capacity in their areas of competence.

The international judges of the Appeals Chamber will be responsible, jointly with their national colleague, and in accordance with the relevant legal provisions, for the following tasks:

Criminal procedure:

- Decide on appeals against decisions issued by the Trial Chamber, the Special Indictment Chamber and, exceptionally, the Cabinets of the Investigative Chamber;
- Organise and conduct appeal hearings;

- Decide on requests for review of a final judgment;
- Ensure that the rights of the accused, the civil parties and witnesses before the Appeals Chamber are respected;
- Ensure compliance with the confidentiality of judicial files and disciplinary rules, respect for ethics and professionalism, as well as compliance with the international rules and principles of good administration of justice;
- Manage the staff and work of their chamber, with the assistance of the Registry;
- Establish a relationship of trust and mutual respect with their national and international colleagues, as well as with other staff of the Court;
- Contribute to the development of the capacity of their national colleagues, especially by sharing their experience during the performance of their duties;
- Carry out any other tasks required by their function.

Development of national capacity:

- Contribute to the capacity building plan of the Court's national staff and oversee its implementation.

Competencies required:

- Excellent analytical, legal reasoning, decision-making, communication and drafting skills;
- Excellent ability to manage a team composed of lawyers and other judicial affairs officers of various nationalities and levels of experience;
- Ability to set priorities, plan tasks and work under pressure. Discretion, high ethical standards, impartiality, integrity and respect for professional ethics;
- Respect cultural differences, gender, religion, race, age and nationality;
- Ability to treat colleagues fairly and equally;
- Ability to manage and resolve conflicts and to work in a team;
- Have an open-mind and demonstrate constructive behaviour at work;
- Ability to work under pressure in a difficult political and psychological environment.

Required qualifications:

- Possess the professional qualifications required for appointment to the highest judicial functions in his/her country of origin, with experience of at least 15 years as a magistrate at a national court operating within the civil law system, or at an international or hybrid court, including a minimum of five years within an appeals chamber;
- Proven experience in handling cases of crimes against humanity, war crimes, genocide or complex crimes (e.g. terrorism, cross-border organized crime);
- In-depth knowledge of criminal law and criminal procedure;
- Solid experience in or knowledge of international criminal law, as well as international humanitarian law and human rights;
- Knowledge of the functioning of the International Criminal Court and other international (internationalized or hybrid) criminal tribunals is desirable;
- International experience in a developing country or a post-conflict setting is desirable.

Education:

University degree in law, preferably from a civil law country. An advanced university degree with a specialization in international criminal law or human rights is an asset.

Languages skills:

Excellent knowledge of oral and written French is mandatory. Knowledge of English is an advantage. Knowledge of CAR languages is an additional asset.

Computer skills:

Excellent computer skills and knowledge of basic office software.

Status and salary:

Status

The selected candidate will be seconded to CAR by his/her country of origin. The latter will take the necessary steps to grant the candidate the most protective status available under its national legislation.

Salary

The salary and other possible benefits will be paid by the country of the selected candidates. In addition, the United Nations will pay a housing allowance and hazard pay.

Applications from female candidates are strongly encouraged.

ANNEX II

PROCEDURE OF SELECTION

Special Criminal Court– Outline of Procedure for Selection of International Members of the Special Criminal Court

Objectives

This note outlines the selection procedure for the international members of the Special Criminal Court (SCC). The Special Representative of the Secretary-General (SRSG), Head of MINUSCA developed these procedures, to ensure the transparency of the selection process for international SCC members as per the Law No 15.003 on the Creation, Organization and Functioning of the Special Criminal Court which tasks MINUSCA with the selection of international members to be proposed for appointment.

The procedure described applies to the initial selection of candidates but also to replacements and any other subsequent selection of candidates for the positions of international members of the SCC. The procedure could also be used to establish a pool of pre-selected candidates who could be considered to fill vacant international positions within the SCC.

This procedure does not apply to the recruitment of United Nations personnel supporting the establishment or operations of the SCC as well as the work of magistrates, registrars and other staff of the SCC.

The selection process for the international members of the SCC takes into consideration best recruitment practices, including by encouraging applications from qualified female candidates and from different regions. The process will also adhere to the principle of transparency applied to the selection process of national members of the SCC.

Background:

1. The Organic Law No. 15.003 on the Creation, Organization and Functioning of the Special Criminal Court for the Central African Republic (Law) foresees the appointment of a total of 12 international magistrates: the Special Prosecutor; at least one Deputy Special International Prosecutor; three international investigative judges in the pre-trial investigation chamber; two judges who will be members of the special accusation chamber; three international judges in the assize chamber; and two international judges in the appeals chamber. Moreover, the SCC will have one international Deputy Registrar.
2. The Law provides in Article 20 that “*the national and international members of the SCC must be persons of good morality, demonstrated integrity and impartiality, and known to possess the required professional qualifications to be appointed to the highest level of judicial service*”. All members of the SCC must demonstrate sufficient experience in criminal law and international law, including in the fields of international humanitarian law and human rights law, in their respective countries. The duties of the members of the SCC are deemed incompatible with any other public or private employment.

Important note: This document is a translation of the French version of the selection procedure, as adopted by MINUSCA and approved by the CAR authorities. Only the French version is deemed as an official document.

3. Articles 24 – 27 of the Law describe the appointment procedure for international members of the SCC¹. Candidates who possess the necessary qualifications shall be proposed by the MINUSCA and appointed by the President of the Central African Republic's (CAR's) High Judicial Council.

Selection Committee:

4. MINUSCA will propose candidates based on the recommendation of a Selection Committee appointed by the SRSG, head of MINUSCA.
5. The Selection Committee will have its seat in Bangui. It will meet at least once a week when recruitments are required but may decide on a higher frequency of meetings, as needed.
6. The Selection Committee will be comprised of five members: two representatives of MINUSCA² (one of whom shall serve as the Chair of the Committee), one member representing the United Nations Development Programme, one member of the High Judicial Council of CAR, and one independent expert nominated by the Office of Legal Affairs of the United Nations Secretariat.
7. The Minister of Justice, Keeper of the Seals, will be represented on the Selection Committee by a member who shall have the status of an observer. Central African civil society will be represented by a member nominated by the Platform of Civil Society Organizations in CAR. Observers will not have decision making authority.
8. The Selection Committee will be assisted by a secretary designated by the MINUSCA Justice and Corrections Section. The secretary will send meeting invitations, prepare necessary documents for the Committee members, and produce minutes of the meetings.

Tasks of the Selection Committee

9. The Selection Committee will receive and review applications for all vacant positions.
10. The Selection Committee will evaluate the Personal History Profile (PHP) of each candidate. The PHP shall specify the candidate's contact details, educational background, employment history, specialized professional skills, language abilities, references and date of admission to the judiciary or judicial functions. Each applicant shall also be required to provide a letter of motivation outlining his/her experience with cases involving complex crimes as well as violations of international humanitarian law and/or

¹ Articles 21 – 23 of the Law regulate the selection of national magistrates, the Chief *Greffier*, and other national personnel for the SCC. With *Arrete* No. 0251/2015, the Minister of Justice established the *Comité de Sélection des Candidats Nationaux aux Fonctions de Membres de la Cour Pénale Spéciale*.

² MINUSCA or any other entity or institution mandated by the United Nations.

Important note: This document is a translation of the French version of the selection procedure, as adopted by MINUSCA and approved by the CAR authorities. Only the French version is deemed as an official document.

human rights law. Each applicant will also be required to provide the results of a criminal background check, or any other document attesting to the same. On the basis of a review of all the above documentation, the Selection Committee will short-list for each post, where possible, up to five (5) applicants who satisfy the requirements of Articles 20 to 24 of the Law No. 15.003 on the Creation, Organization and Functioning of the SCC.

11. The Selection Committee may decide to ask the candidates to complete a written assessment. Should it decide to administer such a test, the Selection Committee will ensure it is blind graded. The Selection Committee will in this case prepare a scoring sheet against which all the exams will be evaluated and determine the passing mark. Only candidates who pass the test will be invited for an interview.
12. The Selection Committee will conduct telephone interviews with the candidates who are shortlisted (and have passed the written test, in case an exam has been administered). Prior to interviews, it will establish an evaluation grid based on the criteria laid down by the Law; and prepare pre-defined questions suitable to assess whether the candidates are qualified for the positions they have applied for. The Selection Committee will use a marking system based on the established criteria and questions to rate the interviewees' answers.
13. After the interviews, the Selection Committee will prepare a detailed selection report for every position, with a recommendation for a specific candidate based on the objective criteria and established marking system. The report will also briefly outline the reasons for not retaining other shortlisted candidates. The Selection Committee will seek to reach decisions unanimously. Where this is not possible, the Selection Committee will recommend candidates based on a simple majority vote. The report will be submitted to the SRSG, head of MINUSCA.

Application procedures

14. The United Nations Secretariat will send an invitation to Member States to propose candidates for vacant international magistrate/deputy registrar posts. The invitations will attach the terms of reference for each vacant post. Furthermore, the invitation will contain an explanation of the contractual arrangements for international magistrates/deputy registrar.
15. Member States will have 30 days to nominate candidates to the United Nations Secretariat. The United Nations Secretariat will send the received applications and supporting documents of candidates that fulfil the minimum requirements for the respective posts to the SRSG of MINUSCA, who will submit them to the Chair of the Selection Committee. The shortlisting will be carried out by the Selection Committee.

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16. Within the time limit for the submission of nominations defined by the United Nations, each Member State will indicate to its nationals who fulfil the conditions and who wish to apply, a period within which to submit their application and all the relevant information required.
17. The Selection Committee will be in direct contact with the applicants for additional information, where required, and invite them for the written assessment and/or interview.

Appointment

18. The SRSG, head of MINUSCA, will review the final report for each available post provided by the Selection Committee. He/she may request the Chair of the Selection Committee to provide additional information on the candidates and on the final recommendations of the Selection Committee.
19. The SRSG, head of MINUSCA, will approve the final report and recommendations for each available post provided by the Selection Committee and send them to the authority acting as President of the High Judicial Council of CAR.
20. As set forth in Article 24 of Law 15/003, the authority acting as President of the High Judicial Council of CAR will subsequently appoint the international members through a letter of appointment. International magistrates and the Deputy Registrar will be appointed for the duration of the Special Criminal Court.
21. As set forth in Article 25 of Law 15/003, the international magistrates will be required to take an oath before assuming office.
22. As set forth in Article 26 of Law 15/003, the International Deputy Registrar (*Greffier en Chef Adjoint international*) and the international administrative and technical personnel shall take an oath before assuming office.

Annex:

- Terms of Reference for the positions of international magistrates and international Deputy Registrar
 - CAR Organic Law 15/003.
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ANNEX III

DRAFT COOPERATION AGREEMENT: UNDP

Flag of the country



Empowered lives.
Resilient nations.

**Co-operation Agreement
between
The Government of XXX
and
The United Nations Development Programme (UNDP)**

This Agreement is entered into between the United Nations Development Programme (UNDP), represented by its Resident Representative in the Central African Republic (CAR), and the Government of XXX, represented by the....., hereinafter referred to as the “Parties”.

WHEREAS the Government of XXX (Donor Country) and UNDP have expressed willingness in entering into a Cooperation Agreement to assist the Government of the CAR in the area of justice;

WHEREAS the CAR passed a law dated 3 June 2015 entitled Organic Law No. 15.003 “on the Creation, Organization and Functioning of the Special Criminal Court”¹ – hereinafter referred to as “Organic Law 15/003” which provides for the creation, within the Central African judicial system, of a national criminal court known as the Special Criminal Court composed of both national and international members;

WHEREAS UNDP serves as a Responsible Party of the “*Projet conjoint d’Appui à la Cour pénale spéciale de la République centrafricaine*”² – hereinafter referred to as the “Programme” (UNDP reference no. 95479), with the objective of reinforcing capacities of the Justice Sector Institutions in the CAR;

WHEREAS, the Programme includes the identification, selection and deployment of Francophone, Civil Law experts, including magistrates, demonstrating sufficient experience in criminal law and international law, in particular international humanitarian law, international criminal law and human rights law, to assist the CAR investigative judges, prosecutors and clerks of the Special Criminal Court (SCC), and to uphold line functions and provide mentoring and professional training for the national personnel of the SCC;

¹ See http://www.cf.undp.org/content/car/fr/home/ourwork/democraticgovernance/projects_and_initiatives/cour-penale-speciale.html

² See http://www.cf.undp.org/content/car/fr/home/ourwork/democraticgovernance/projects_and_initiatives/cour-penale-speciale.html

WHEREAS the Donor Country is willing to support the development of the criminal justice system in the CAR so that CAR authorities may increase their capacity to investigate and prosecute international crimes, and is prepared to carry out activities in the implementation of the Programme, in accordance with the Project Document and the terms herein, through the secondment of necessary legal expertise to the Government of the CAR;

WHEREAS the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) has been mandated under para. 34, (d), (vii) of Resolution 2301 (2016) of the Security Council to “*provide technical assistance, in partnership with other international partners, and capacity building for the CAR authorities, in order to facilitate the functioning of the SCC, in particular in the areas of investigations, arrests, detention, criminal and forensic analysis, evidence collection and storage, recruitment and selection of personnel, court management, prosecution strategy and case development and the establishment of a legal aid system, as appropriate, as well as, to provide security for magistrates, including at the premises and proceedings of the SCC, and take measures for the protection of victims and witnesses, in line with the CAR’s international human rights obligations, including with respect to fair trials, and due process*”;

WHEREAS the commitment contained in Annex III to this Agreement signed by Mr./M ..., agent made available by the Government ofto serve in the SCC.

NOW, THEREFORE, the Parties agree as follows:

1. On or before the2020, the Donor Country shall provide XXX SCC personnel (hereinafter collectively referred to as the “International Member of the Court” or “International Member”) in accordance with the job descriptions in Annex I for an initial period of one year, renewable by amendment or exchange of letters. Each Party shall give three months written notice of its intention not to renew this Agreement.
2. The International Member shall be proposed by the Donor Country and will be selected and appointed in accordance with the “*Procédures de sélection des membres internationaux de la Cour pénale spéciale*” adopted by CAR authorities (see Annex II).
3. The International Member will serve under the supervision of the SCC in accordance with the job description in Annex I.
4. The International Member will be vested with the necessary legal competency by the institutions of the CAR and be deployed to serve in the SCC. The International Member shall comply, in the performance of his duties, with the regulations, rules, instructions, procedures or directives issued by the SCC, and the Undertaking set forth in Annex III – including with respect to duty station, working hours, reporting, leave days and rules of absence.
5. The Donor Country shall ensure that the International Member acknowledges and agrees to exercise the utmost discretion in all matters relating to their functions, and to not communicate, at any time, without the authorization of the SCC with the media or any institution, person, government or other authority external to the SCC, any information that has not been made public, and which has become known to them by reason of their association with the SCC. The

Donor Country shall ensure that the International Member acknowledges and agrees that he shall not use any such information without the written authorization of the SCC, and in any event, such information shall not be used for personal gain. These obligations do not lapse upon expiration or termination of the present Agreement.

6. The Donor Country shall ensure that the International Member acknowledges and agrees to attend any training sessions in the course of the duration of this Agreement deemed mandatory for their function by the SCC.
7. The Donor Country shall ensure that the International Member acknowledges and agrees to carry out the activities of the Programme in consultation with the Chief Technical Adviser of the Programme, who provides overall guidance to the implementation of the Programme. The Donor Country shall ensure that the International Member acknowledges and agrees to submit progress reports relating to the activities as may reasonably be required by the Chief Technical Adviser of the Programme in the exercise of his or her duties.
8. The Donor Country shall ensure that the International Member acknowledges and agrees to comply with the regulations, rules, instructions, procedures or directives issued by the SCC, and that the International Member signs an Undertaking in the form attached hereto as Annex III, a signed copy of which shall be returned to UNDP.
9. As a member of the CAR SCC, the International Member enjoys the rights, privileges and immunities stipulated under Title V, Chapter 1 of CAR Organic Law 15/003, entitled: "Des statuts, droits, privilèges et immunités des magistrats et fonctionnaires".
10. In carrying out the activities under this Agreement (hereinafter "The Activities"), the International Member shall not be considered in any respect as being an employee or agent of UNDP. UNDP does not accept any liability for claims arising out of the acts or omission of the Donor Country or its International Member, or of its contractors or their personnel, in performing the Activities, or any claims for death, bodily injury, disability, damage to property or other hazards that may be suffered by Donor Country and its personnel as a result of their work pertaining to the Activities.
11. The International Member shall remain the employee of Donor Country, seconded to work in the CAR by the Donor Country. The International Member's salaries, entitlements, medical and life insurance, and any other employment-related benefit that they are entitled to under their national status shall be borne exclusively by the Donor Country. Any other costs or liability arising out of this Agreement, except for the ones described below, shall be borne by the Donor Country.
12. UNDP will provide to the International Member payments on a lump sum basis to cover the entitlements as detailed in the table in Annex IV. UNDP shall process the lump sum payments through bank transfer to the account designated by the International Member. The first payment will be issued upon arrival in CAR. Subsequent payments will be issued each month, no later than the 10th day of the month.
13. UNDP will assist in facilitating the process for the International Member to obtain an entry visa for the Central African Republic.

14. In line with the Security Council Resolution 2301 (2016), MINUSCA will provide security for the International Member "including at the premises and proceedings of the SCC".
15. Costs incurred by the International Member undertaking official travel in the discharge of their functions shall be paid by the SCC, including payment of per diems.
16. In case of any unauthorized leave or absence by the International Member, UNDP will make a proportionate deduction for the corresponding lump sum payments in the subsequent month.
17. UNDP shall provide the Donor Country, upon request, with financial and other reports in relation to the Programme prepared in accordance with the regulations, rules, policies and procedures applicable to UNDP.
18. A breach of any of the obligations in the Undertaking in Annex III, or other circumstances which could jeopardize the successful completion of the Activities, including, but not limited to, security or project funding, may give rise to suspension or termination of this Agreement. Denunciation of this Agreement is effective following a written notice of denunciation by one of the two Parties with 30 days' notice.
19. For any matters not specifically covered by this Agreement, the Parties will ensure that those matters shall be resolved in accordance with the appropriate provisions of the Project Document and any revisions thereof, and in accordance with the respective provisions of the Financial Regulations and Rules of the Donor Country and UNDP.
20. Any disputes, controversy or claim arising out of the present Agreement shall be settled by negotiation or other mutually agreed mode of settlement.
21. This Agreement may only be amended upon written agreement of the duly authorized representatives of the Parties.

IN WITNESS WHEREOF, this Agreement is signed by the duly authorized representatives of the Parties, in each other's presence, in two originals in the French language, one original for each of the Parties, in _____, CAR, on _____ 2020., in _____, CAR, on _____ 2020..

For the Government of _____:

For UNDP CAR:

UNDP Resident Representative

- Annex I: Job description of the International Member to the Special Criminal Court
- Annex II: *Procédures de sélection des membres internationaux de la Cour pénale spéciale*
- Annex III: Undertaking of the International Member
- Annex IV: Table of lump sum payments and costs for international SCC International Members

Undertaking of the International Member

I, the undersigned, made available by [Donor] to the Special Criminal Court of CAR pursuant to the Cooperation Agreement between the Donor and the United Nations Development Programme (UNDP) hereby undertake to abide by the following:

- (a) I understand that I shall not be considered in any respect as being an employee or agent of the United Nations or UNDP;
- (b) I shall perform my functions, in full compliance with the relevant job description of Annex I of the Cooperation Agreement between the Donor and UNDP, under the authority of and instructions of the Special Criminal Court of CAR, or any person acting on its behalf;
- (c) I shall perform capacity building and coaching activities planned in the framework of the "*Projet conjoint d'Appui à la Cour Pénale Spéciale de la République Centrafricaine*" in consultation with UNDP Chief Technical Adviser and shall submit progress reports relating to these activities as may reasonably be required by the Chief Technical Adviser in the exercise of his or her duties.
- (d) I shall respect the impartiality and independence of the Special Criminal Court, the United Nations or UNDP and shall not seek nor accept instructions regarding my functions from any authority external to the Special Criminal Court. Without prejudice to any privileges and immunities stipulated under Title V, Chapter 1 of CAR Organic Law 15/003, entitled: "*Des statuts, droits, privilèges et immunités des magistrats et fonctionnaires*", I shall comply with the laws of the CAR;
- (e) I shall refrain from any conduct that would adversely reflect on the Special Criminal Court, the United Nations and UNDP and shall not engage in any activity that is incompatible with the aims and objectives of the Special Criminal Court, the United Nations or UNDP;
- (f) I will occupy the apartment made available to me in a reasonable manner, aware that I will be held personally liable for loss in the event of a disaster resulting from my action or inaction.
- (g) I shall exercise the utmost discretion in all matters relating to my functions and shall not communicate, at any time, without the authorization of the Special Criminal Court to the media or to any other institution, person, government or other authority external to the Special Criminal Court, any information that has not been made public, and which has become known to me by reason of my functions. I shall not use any such information without the authorization of the Special Criminal Court and, in any event, such information shall not be used for personal gain. These obligations do not lapse upon termination of my assignment;
- (h) I shall comply with all regulations, rules, procedures, instructions or directives issued by the Special Criminal Court; I shall, also comply with all regulations, rules, instructions, procedures or directives issued by the United Nations or UNDP regarding security;
- (i) I shall attend any training sessions in the course of the duration of this agreement deemed mandatory for my function by the Special Criminal Court or by the United Nations or UNDP regarding security;

- (j) I acknowledge and agree that any breach of any of paragraphs (b) – (h) hereof may constitute a breach of an essential term of the Cooperation Agreement between the Donor and UNDP giving rise to grounds for its termination.

Name printed in block letters

Signature: _____

Date: _____

ANNEX IV

BENEFITS FOR SCC INTERNATIONAL MEMBERS

I. Travel and visa arrangements

The trip ticket from the International Member's country to Bangui will be purchased by UNDP. UNDP will also facilitate the process of obtaining the visa for CAR. At the end of his assignment, UNDP will purchase the trip ticket for the International Member from Bangui to his home country.

II. Lump sum payments

The SCC International Member will be entitled to the following payments:

Entitlement	Description	Frequency	Unit Cost (USD)	Quantity
Security risk allowance	Allowance to compensate for the degree of security risks	Monthly LS	3 200	12
Distance allowance	Allowance to compensate for distancing from home country	Monthly LS	2 000	12
Recuperation allowance	Contribution for recuperation related cost	Monthly LS	350	12
Total monthly lump sum payments			5 550	

III. Accommodation and security for SCC international members

International Members will be accommodated in a secured compound equipped with generator. In line with Security Council Resolution 2301 (2016), MINUSCA will provide the security for the compound including through the assistance of private security guards. Expenses related to rent, maintenance and fuel for generator and private security guards will be covered under the Programme.

IV. Medical care

The International Member of the SCC will have access to the United Nations Medical Clinic administered by UNDP in Bangui for basic medical care.