



Guide for Applicants to the List(s) of Counsel

1. **BACKGROUND:**

This document is intended to assist applicants to the List(s) of Counsel of the Kosovo Specialist Chambers ("KSC") in filling out the application form and providing the required documentation. It is based on the Directive on Counsel that was adopted on 6 November 2017 by the Registrar upon approval of the President of the KSC. As of that date, the call for applications to the List(s) of Counsel has been open.

Applications can be submitted for inclusion on:

- The **List of Specialist Counsel** to the Defence Office of the Registry of the KSC;
- The **List of Victims' Counsel** to the Victims' Participation Office of the Registry of the KSC.

Only Counsel on a List of Counsel or meeting the requirements for the List of Counsel may be appointed or assigned by the Registrar in line with the Directive on Counsel or may be chosen as a team member of a Counsel and accordingly act as Co-Counsel (see Section 18 of the Directive on Counsel).

2. **REQUIREMENTS FOR ADMISSION**

In order to be admitted to the List(s) of Counsel, applicants must meet requirements as stipulated in Section 5 of the Directive on Counsel, in particular:

- Established competence and experience in domestic criminal and/or international criminal law and procedure;
- At least ten (10) years (and for purposes of acting as Co-Counsel at least seven (7) years) of proven relevant experience whether as a lawyer for defence or victims, as a prosecutor, a judge or in a comparable capacity in criminal proceedings. For purposes of admission to the List of Victims' Counsel, such experience shall include at least five (5) years of proven relevant experience in criminal cases involving victims, including vulnerable victims;
- For the duration of the admission to a List of Counsel, the applicant continues to be a member of a domestic bar association or similar institution, or a judge or a prosecutor subject to an oversight authority;
- Written and oral proficiency in one of the official languages of the Specialist Chambers (Albanian, Serbian and English) as specified in Article 20 of the Law on Specialist Chambers and Specialist Prosecutor's Office;
- The applicant has not been found guilty in criminal proceedings or otherwise disciplined in relevant proceedings in a national or international forum, including any proceedings pursuant to any Codes of Professional Conduct of international courts or tribunals, unless it is deemed that, in the circumstances, it would be disproportionate to deny admission on this basis; and
- The applicant has not engaged in conduct whether in pursuit of his or her profession or otherwise which is dishonest or otherwise discreditable to Counsel, prejudicial to the administration of justice, or likely to diminish public confidence in the Specialist



Chambers or the administration of justice, or otherwise bring the Specialist Chambers into disrepute. (Pending proceedings, investigations, and inquiries will require a deferment of any decision on admission to a List).

Where an applicant has less than ten (10) years of proven relevant experience but more than seven (7) years of such experience, he or she can be included in the List of Counsel but can only act as Co-Counsel in the event that he or she is chosen by an appointed or assigned Counsel as a team member (see Section 18 of the Directive on Counsel).

The Legal Aid Regulations may require additional documentation from Counsel if an assignment is considered, including for Duty Counsel. Any such requirements will be publicised and explained upon adoption of the Legal Aid Regulations.

3. APPLICATION PROCESS

Applicants must submit the properly completed application form together with all required supporting documents as set out in Section 6 of the Directive on Counsel.

Applicants for inclusion on the List of Specialist Counsel should send their application to the following email address: defenceoffice@scp-ks.org.

Applicants who are applying for admission to the List of Victims' Counsel should send their application to the following email address: vpo@scp-ks.org.

Applicants who are applying for both lists should send their application in one email to both email addresses.

4. ASSESSMENT OF APPLICATION

Upon receipt of an application, the Defence Office and/or Victims' Participation Office will check the completeness of the documents submitted and whether the applicant meets the requirements. If additional information is needed, the respective Office will revert to the applicant and set a time limit to provide the additional information. If the application remains incomplete, the application will be rejected.

5. DECISION ON APPLICATION

If an application for inclusion in the List(s) of Counsel is rejected, the applicant will be duly notified with a reasoned decision. The applicant may seek review of the decision before the Registrar, within fourteen (14) days. The Registrar will render a final reasoned decision within thirty (30) days of receipt of the request for review.

6. DUTY COUNSEL

In cases of urgent need of legal assistance, Duty Counsel will be assigned to a person(s) entitled to legal representation in criminal proceedings before the Specialist Chambers. Counsel on the Lists may indicate in the application form whether they are willing to be assigned as Duty Counsel. Duty Counsel will need to be available immediately and will be paid



in accordance with the Legal Aid Regulations of the KSC, which will be published in due course. The work of Duty Counsel is limited to a certain period and to a certain subject matter.

ANNEX

1. The application form point by point:

Point 1:

As indicated on the application form, the applicant should choose for which List of Counsel he or she applies. The applicant can choose to apply to both Lists. If the applicant has more than 10 years of proven relevant experience, he or she should click the field "Counsel", if the applicant has between 7 and 10 years of proven relevant experience, he or she should click the field "Co-Counsel". If the applicant is unsure whether he or she meets the requirements, he or she can click both fields, thereby indicating that he or she accepts also admission as Co-Counsel.

Points 2 and 3:

The applicant should provide as detailed and complete as possible information about personal data and contact details. All applicable nationalities and contact details should be provided, including that of the law firm of the applicant, if applicable. Any information about the applicant, e.g. contact details of different law firms the applicant is associated with, that does not fit into Points 2 and 3 should be included in Point 9.c.

Point 4:

The Applicant should include all information relevant to his or her university degrees and any other courses and trainings attended, which support that he or she has established competence in domestic criminal and/or international criminal law and procedure as required by Section 5.a of the Directive.

Points 5 to 7:

The Applicant should include all information establishing the experience required by Sections 5.a. and b. and c. of the Directive on Counsel. Point 5 addresses any present and/or past experience as a lawyer in criminal proceedings, Point 6 addresses any present and/or past experience as a judge, prosecutor or a jurist in criminal proceedings. Point 7 addresses any present and/or past positions that are not directly linked to criminal proceedings or that are performed on an honourable/unpaid basis.

Point 8:

Information provided under Points 8.a.1. and 2. supports the requirement of Section 5.d. of the Directive on Counsel Even if this information may be derived from Points 5 and 6, clear answers and information provided serve the purpose of providing clarity.

Information provided under Point 8.a.3. supports the requirements of Sections 5.a. and b. of the Directive on Counsel and may, under the specific circumstances of Section 7.2. of the Directive on Counsel, facilitate a conditional admission of an applicant to the List(s) of Counsel.



Point 8.b. requires information about the applicant's proficiency in one of the official languages of the Kosovo Specialist Chambers relevant to Section 5.e. of the Directive on Counsel. The applicant must have oral and written proficiency in either Albanian, Serbian or English.

Point 8.c. requires information relevant to Section 5.f. and g. of the Directive on Counsel.

Point 9:

Point 9 provides room for indicating additional skills of the applicant and space to provide any information that could not be included in any of the other parts of the application form.

Point 10:

Information provided under Point 10 specifically supports the requirement of Section 5.c. of the Directive on Counsel. Even though such information may have been included already in Points 5 or 6 above, any such information should be bundled under Point 10 in order to allow the Victims Participation Office to assess the relevance of this experience.

Point 11:

As required by Section 6.g. of the Directive on Counsel, Point 11 provides room for the provision of contact details of two referees.

Point 12:

Point 12 requires the applicant in line with Section 6.2. of the Directive on Counsel to provide a number of statements. Please note that once the Code of Professional Conduct of Counsel is adopted, you will be approached by the relevant unit of the Registry to provide a statement pursuant to Section 6.2.d. of the Directive on Counsel.

Points 13 and 14

Point 13 addresses a question relevant to publicity and Point 14 contains the declarations and certifications that the applicant provides when submitting the application form.

2. Supporting Documents – Details:

Taking into account the requirements as set out in Section 5 of the Directive on Counsel, the following documents should be submitted when applying to the List(s):

- Completed application form;
- Legible copy of travel document/passport;
- Proof of residence;
- Certification of membership of a national bar association or similar institution, or certification which confirms the applicants qualifications as a judge or prosecutor subject to an oversight authority, stating, *inter alia*, the existence, if any, of disciplinary sanctions or ongoing proceedings, investigations, inquiries;
 - *Such certifications serve primarily the purpose of showing proof of the requirements set out in Section 5.d., f. and g. of the Directive on Counsel and need to be provided in support of the information provided in Point 8.a.1. of the application form.*
- Any certification showing the relevant experience of the applicant, including:



- Certifications of a national bar association or similar institution of which the applicant was a member and/or by the applicant's former oversight authority/ies;
- Certifications of an international bar association or an international[ised] organisation or institution administering a List of Counsel, of which the applicant is or was a member;
- Certifications of a national authority or organisation, international[ised] organisation or institution, of which the applicant is or was a staff member

All submitted certifications shall, insofar as possible state the existence, if any, of disciplinary sanctions or ongoing proceedings, investigations, inquiries.

- *Such certifications serve primarily the purpose of showing proof of the relevant experience of the applicant required by Section 5.b. and c. as well as f. and g. of the Directive on Counsel and need to be provided in support of the information provided in Points 5 to 7 of the application form.*
- Certificate from the relevant authority of the State(s) of which the person is a national and, if in a different State, where the person is domiciled, stating the existence or absence of criminal convictions;
 - *Such certifications serve primarily the purpose of showing proof of the requirements of Section 5.f.*
- Proof of written and oral proficiency in one of the official languages of the Specialist Chambers (Albanian, Serbian, English). If not native, this can be done by showing work experience and/or a certificate of a language school;
 - *Such certifications serve primarily the purpose of showing proof of the requirements of Section 5.e.*
- Documents (e.g. copies of certificates) supporting the information provided in Point 4 of the application form (education and professional training).
 - *Such evidence serves primarily the purpose of showing proof of the requirements of Section 5.a. of the Directive.*
- Insofar as possible, documents supporting any of the additional information provided by the applicant in the application form.