

UNITED NATIONS



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The Secretariat of the United Nations presents its compliments to Permanent Missions of Member States to the United Nations and has the honour to invite their Governments to nominate non-uniformed civilian justice experts for service with the United Nations Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) as government-provided personnel.

The Secretariat wishes to invite Member States to submit completed official United Nations Personal History Profiles for Non-Uniformed Civilian Government-Provided Personnel, in respect of their nominated candidates, and to certify that the nominees meet the requirements set forth in the attached terms of reference. The nomination of qualified female candidates is strongly encouraged. Candidates who are ultimately selected will be expected to serve for a period of 12 months from the time of their deployment, with the possibility of an extension.

The Secretariat requests Permanent Missions to forward their nominations by e-mail to Mr. Viktor Jovev (jovev@un.org), with copy to jcs-secondment@un.org by 27 August 2018, and to indicate for which job description the candidates are nominated. The Secretariat will also accept nominations after this deadline on a rolling basis. As nominated personnel may also be considered for service with other United Nations peace operations with similar requirements, the Secretariat would be grateful if the nominating government would indicate in the submission whether it agrees to the candidate being considered for service in other United Nations peace operations.

The Secretariat wishes to outline that it is the responsibility of the nominating government to ensure that each candidate it nominates has not been convicted of, or is not currently under investigation or being prosecuted for, any criminal offence, or any violation of international human rights law or international humanitarian law. In the case of nominees who have been investigated for, charged with or prosecuted for any criminal offence but were not convicted, the nominating government is requested to provide information regarding the investigation(s) or prosecution(s) concerned. The nominating government is also requested to certify that it is not aware of any allegations against its nominated candidates that they have been involved, by act or omission, in the commission of any acts that may amount to violations of international human rights law or international humanitarian law.

The Secretariat recalls that the responsibilities of personnel who are engaged to serve in United Nations peace operations are exclusively international in character. Such personnel are to perform their functions under the authority of, and in full compliance

Annexes enclosed

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with, the instructions of the Secretary-General of the United Nations. Persons acting on behalf of the Secretary-General are required not to seek or accept instructions in regard to the performance of their duties from any government or from any other authority external to the United Nations. While serving with the United Nations, such personnel will enjoy the legal status of "experts on mission" in accordance with Article VI of the 1946 Convention on the Privileges and Immunities of the United Nations.

The Guidelines on Non-Uniformed Civilian Government-Provided Personnel on Assignment with United Nations Peacekeeping and Special Political Missions, dated 1 April 2015, reference 2015.01, shall be applicable to government-provided justice personnel. The Secretariat recalls that it is the Government's responsibility to make copies of this document available to government-provided justice personnel prior to their deployment.

The Secretariat further recalls that any government-provided personnel may be repatriated on disciplinary grounds for any breach of the United Nations standards of conduct, as substantiated through appropriate investigation. In the case of repatriation due to disciplinary grounds, for failing to meet or dishonesty in regards to meeting minimum requirements for service in the Mission, misrepresentations, for personal reasons upon request of the individual, or upon request of the contributing Member State, the contributing Member State will be responsible for all travel-related expenses.

The Justice and Corrections Service, Office of Rule of Law and Security Institutions, Department of Peacekeeping Operations, is the designated focal point for all issues related to the selection, recruitment, deployment, rotation, transfer and repatriation of those personnel.

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





Title: Civilian Justice/Prosecution Adviser (Ref: 18J-CD-01, 3 posts)
Status: Expert on Mission (non-uniformed government-provided personnel)
Organizational Unit: United Nations Stabilization Mission in DR Congo (MONUSCO)
Duty Station: Within the Mission area according to operational requirements
Report to: Chief, Justice Support Section
Duration: 12 months (extendable)
Estimated Start Date: As soon as possible

Background:

Security Council resolution 1925 (2010) paragraph 12 (d) mandated MONUSCO to "support national and international efforts to bring perpetrators to justice, including by establishing Prosecution Support Cells to assist military justice authorities in prosecuting persons arrested by the *Forces Armées de la République Démocratique du Congo* (FARDC)". The Prosecution Support Cells (PSCs), comprised of Military Prosecutions Advisers, Civilian Justice/Prosecution Advisers, Criminal Police Investigation Advisers and Military Investigation Advisers, provide expert advice, logistical support, on-the-job training and mentoring to national authorities in the conduct of investigations and prosecution of war crimes and crimes against humanity, with a special emphasis on sexual violence and other violent crimes. The PSCs are implemented under the *Memorandum of Understanding between MONUSCO and the Government of the Democratic Republic of Congo on the operational framework between the military justice authorities and the PSCs*, dated 19 December 2011. The PSCs aim to strengthen the capacity of the FARDC to investigate and prosecute the most serious crimes, including sexual violence.

Responsibilities:

Under the overall authority of the Chief of the Justice Support Section, and the direct supervision of the PSCs Coordinator, the Civilian Justice/Prosecution Adviser will advise prosecutors in processing the most serious crimes, including war crimes and crimes against humanity, with a special emphasis on homicide and sex crimes. The Adviser will provide advisory, capacity-building and mentoring support to national counterparts, but will not be directly engaged in conducting investigations, prosecuting or adjudicating cases. In particular, he/she will:

1. Provide technical advice and expertise to military prosecutors on the methods and techniques employed during all phases of the prosecution process, including case development, interviewing victims, witnesses, and suspects, gathering and safeguarding evidence, preparing evidence for trial, and presenting a case before the court;
2. Support national authorities in the development of strategies to ensure the effective investigation and prosecution of international crimes, with emphasis on sexual violence crimes;
3. Assist in the development and application of standard operating procedures, investigation and prosecution guidelines and checklists, forms for briefs and other documents for DRC military prosecutors, in line with international standards and best practices;
4. Assist DRC military prosecutors in the recording, documenting, and filing of all cases prosecuted with the support of PSCs;
5. Support national authorities in building strategies for data collection and analysis to identify criminal trends and patterns;
6. Participate in donor outreach to mobilize additional support and funding for PSCs;
7. Participate in analysing data collected and generated by the PSCs, as well as in the assessment of results obtained as requested by national officials;
8. Contribute to the development of a communications strategy to raise awareness of the local population of the work of Congolese justice authorities including the role of the PSCs; and
9. Perform related functions as assigned by the Chief, Justice Support Section or her/his delegate.

Competencies:

- **Professionalism** - Demonstrated ability to prosecute complex criminal cases of serious violent crimes, including homicide or sex crimes. Knowledge of theories, concepts and approaches relevant to prosecution. Knowledge of interviewing and interrogating techniques and practical experience in interviewing victims, witnesses and suspects. Experience in leading and cross-examination of witnesses, as well as experience in making substantial legal arguments before military tribunals, civilian courts or international tribunals. Demonstrated ability to incorporate gender perspectives and ensure the equal participation of women and men in all areas of work.
- **Planning and Organizing** - Ability to work efficiently under pressure on difficult assignments within tight deadlines and possibly in hardship conditions in the field; ability to plan own work and manage conflicting priorities.
- **Teamwork** - Good interpersonal skills and ability to establish trust and build professional relationships with national counterparts and colleagues from varied cultures and professional backgrounds.
- **Communication** - Excellent communication (spoken, written and presentation) skills and ability to explain, demonstrate and teach theories, concepts, approaches and techniques relevant to prosecution of serious crimes.
- **Judgment/Decision-making** - Sound judgment in dealing with sensitive and confidential matters.

Qualifications:

Education:

Advanced university degree (master's or equivalent) in law, or alternatively, a combination of a first-level university degree and proven experience working as a prosecutor or investigator of serious crimes.

Work experience:

At least five years of experience as a prosecutor, judge, legal adviser, lawyer or investigator in a national justice system or an international organization or an international or mixed criminal tribunal. Experience in cases of serious violent crimes such as homicide and sexual violence is desirable. Experience working on the investigation, prosecution or adjudication of war crimes and crimes against humanity is an asset. Experience working in a civil law system is required. Experience in working in a multi-cultural environment outside the applicant's country of nationality or in a peacekeeping environment is an advantage. Experience in mentoring is also an advantage.

Languages:

Fluency (oral and written) in French is required. Working level knowledge of English is desirable.

Other skills:

Ability to meet other minimum requirements for United Nations peacekeeping operations, including obtaining a valid United Nations driver's licence after deployment. Ability to draft reports and set up presentations clearly formulating United Nations positions on international standards. Good knowledge of computer tools, including Word, Excel, Outlook and/or PowerPoint, is required.

The "Guidelines on Non-Uniformed Civilian (Government-Provided Personnel on Assignment with United Nations Peacekeeping and Special Political Missions)", dated 1 April 2015, reference 2015.01, are applicable to government-provided justice personnel.

In accordance with the Policy on Human Rights Screening of UN Personnel, all individuals who seek to serve with the UN are requested to make "self-attestation" that s/he has not committed any serious criminal offences and has not been involved in violations of international human rights or international humanitarian law. The exact wording of the self-attestation is outlined in para. 5.2 of the above-mentioned Policy. The final decision on the selection of an individual to serve with the UN will also be subject to human rights screening.