



## European Ombudsman

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European Ombudsman

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## Public

Strasbourg, 14/11/2014

Own-initiative inquiry OI/15/2014/PMC of the Ombudsman into the European External Action Service's (EEAS) investigation into the allegation of serious irregularities involving the EU Rule of Law Mission (EULEX) in Kosovo

Dear Mr Child,

My attention has been drawn to the fact that an EULEX prosecutor has raised allegations about corruption and the taking of bribes involving a number of members of staff of EULEX. Reports about these allegations were also published in the media<sup>1</sup>. It emerges from these reports that there are doubts as to whether the EEAS and/or EULEX properly investigated the matter.

I have decided to open the present own-initiative inquiry<sup>2</sup> into the EEAS's<sup>3</sup> handling of the matter in order to assess myself whether the EEAS/ EULEX Kosovo has properly investigated/is properly investigating the allegations of serious irregularities reported by the said EULEX prosecutor.

You will surely agree that the allegations that have been raised are of a serious nature.

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<sup>1</sup> In summary, the press reported that, in 2012 and 2013, the EULEX' chief prosecutor (Ms N.) and the former chairman of EULEX' Assembly of Judges (Mr F.) allegedly accepted bribes for obstructing two judicial investigations. Moreover, it appears that another senior EULEX official (Mr R.) opposed internal EULEX investigations into the issue.

<sup>2</sup> In accordance with Article 228 of the Treaty on the Functioning of the European Union, the Ombudsman is empowered to conduct inquiries on her own initiative in relation to the activities of the Union institutions, bodies, offices or agencies.

<sup>3</sup> In the framework of OI/12/2010/MMN, the Ombudsman concluded that she will address herself, as regards future inquiries, (i) to the Commission insofar as issues relating to budget implementation in civilian missions are concerned and (ii) to the High Representative/EEAS insofar as all other allegations of maladministration in relation to CSDP missions are concerned. Since the underlying matter falls under category (ii), this inquiry should be directed against the EEAS.



I am aware that the EEAS/ EULEX Kosovo have stated that a joint investigation was launched in 2013. However, referring to on-going criminal investigations, the EEAS/ EULEX Kosovo appear to have repeatedly declined to provide any information on what exactly the scope of this investigation was or what stage it has reached.

Moreover, I also know that the EU High Representative, on 10 November 2014, appointed a special investigator to assess the matter. According to a press article, his mandate will be to check whether EULEX has adequate procedures to prevent corruption and whether it followed due process in the cases reported.

Notwithstanding the above, I consider it important to ascertain the present situation myself. My inquiry is not, and cannot be, intended to examine the allegations that were raised by the EULEX prosecutor. Instead, I wish to verify whether the EEAS/ EULEX have taken all the necessary steps to examine these allegations.

As a first step in this inquiry, I would appreciate if, in accordance with Article 3(2) of the Statute of the European Ombudsman, you could facilitate my services in **inspecting the EEAS/ EULEX Kosovo's file as regards the serious irregularities reported and all the documents related thereto**. I should be grateful if your services could contact Mr Philipp-Maximilian Chaimowicz (tel: +32 2 284 67 68; e-mail: p.chaimowicz@ombudsman.europa.eu) of my Office in order to agree on a convenient date for the inspection of the documents.

A copy of the inspection report will be forwarded to you. I would like to underline that, in accordance with Articles 5(2), 13(3) and 14(2) of the Implementing Provisions of the European Ombudsman, the Ombudsman's inspection will not result in third parties or any other person obtaining access to any documents which your institution identifies as confidential during the inspection, or to any information contained in such documents.

Please note that I do not therefore currently expect the EEAS/ EULEX Kosovo to provide an opinion about the matter. I will, after having examined the results of the inspection, assess what next step to take as regards the underlying matter, and inform you in this respect.

Yours sincerely,

Emily O'Reilly