

Committee on Foreign Affairs

317700 05.11.2014

Ms Federica Mogherini  
Vice-President of the European Commission/  
High Representative of the Union for  
Foreign Affairs and Security Policy  
European External Action Service  
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Dear High Representative/Vice-President,

We are writing to you regarding the allegations of corruption of some high-level officials of EULEX Kosovo. We were extremely concerned and utterly shocked when the press started reporting on the issue last week.

We thank you and your services for having replied promptly to our request to hold an exchange of views in the Foreign Affairs Committee and to have signalled willingness to have transparency. However, let me say that we were disappointed by the lack of depth and substantiation in the replies by your services, particularly regarding an investigation that has allegedly been on-going since November 2013, and about which the Parliament has never been informed.

We also want to state that we have seen EULEX deliver on quite a few cases enhancing the rule of law in Kosovo. What is happening now is threatening also these improvements.

During the meeting we raised a series of questions that were not answered, and we would ask you to provide us promptly with replies, while awaiting the final report.

How is it possible that such a serious accusation has not been investigated and communicated as a matter of urgency? For how long did EULEX and EEAS services have information about allegations of corruption of EULEX officials? When was the internal EULEX investigation started and what progress has been made to date? What is the EEAS planning to do to repair EU credibility in the fight against corruption and organised crime in Kosovo and the whole region of the Western Balkans?

Did you identify any shortcomings in the EULEX chain of command in dealing with this question? What kind of mechanism is EULEX planning to put in place in order to prevent a recurrence of similar situations in the future, also in order to learn for future missions?

Who is leading the investigation? Is it a criminal or an administrative investigation? We consider it is now time to bring in an investigator who is independent of EULEX; judges who, for example, have not had any connection to EULEX; could OLAF also be involved? Why has action on this taken so long? The Prosecutor, Maria Bamieh, already drew attention to possible problems in 2011/2012, but there was no follow-up, no transparency and no information given to the Parliament.

.../...

What is the policy framework to protect the alleged whistle-blower? The only information we have about the whole issue is that the only prosecutor who was suspended is Ms Bamieh, for allegedly leaking sensitive documents and thus breaching the code of conduct. Ms Bamieh and the Koha Ditore both deny that she provided the information - has there been an investigation into this? Why have other alleged suspects been suspended? This way of proceeding sheds a strange light on EULEX.

There are also allegations that during the privatisation process there were other instances of corruption in which another prosecutor may be involved. Has this been investigated at all? Moreover, are there at the moment or were there in the past any other internal EULEX investigations concerning corruption of EULEX officials?

Furthermore, there are allegations of threats to the Koha Ditore journalist who published the reports. Is this the case? Have threats been made? Have these allegations been investigated?

It is a problem that Member States are not seconding enough good prosecutors and judges, and then only for a short time. This does not allow for proper investigation and is against the principle of due process. What is being done in this regard?

Is there a code of conduct in place in EULEX and other CSDP missions that prevents EU staff from joining as consultants or in another capacity the governments or the public administrations of the countries where the EU mission is deployed at the end of their mandate, in order to avoid a potential conflict of interests? If not are you going to set up one?

Finally, if the case had not appeared in the press, when would we have found out? When would the Parliament have been informed? How will you assure the Parliament of transparency in the investigation?

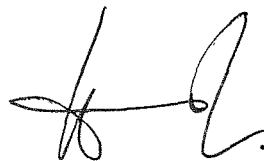
If the allegations were to be confirmed, it would be a disastrous situation. The credibility of the EULEX mission and of the EU in Kosovo is at stake. The mission's role in Kosovo is to fight against corruption, and it should set an example. Unfortunately cases of corruption happen. How we deal with them makes the difference. We must show with no hesitation that no-one is above the law and that the fight against corruption is our key priority, both in Kosovo, and within our own institutions as well. We are in a way pre-judging the outcome of the investigation, however a zero tolerance approach needs to be followed. In this, the new Head of Mission Mr Meucci will have our full support.

We therefore call on you to provide clarity and transparency on the matter, and to ensure that all the allegations are investigated swiftly in a transparent and impartial manner, keeping the Parliament involved.

Yours sincerely,



Elmar Brok  
Chair



Ulrike Lunacek  
Standing rapporteur on Kosovo