How to start the application process:

The application process consists of two parts: the first part is a web-based survey and the second part is an application form in Word format. Both parts and all sections of the application form need to be completed for the application to be processed.

**First part:** The [web-based survey](https://www.surveymonkey.com/s/WebApplication_SMH_HRC29_June2015) is used to collect information for statistical purposes such as personal data (i.e. name, gender, nationality), contact details, mandate/s applying for and nominating entity. **The web-based survey should only be completed once** per selection round, i.e. multiple selection is allowed to indicate if the candidate is applying for more than one mandate within a given selection round.

**Second part:** The application form in Word which can be downloaded, completed and saved in Word format and then submitted as an attachment by email. Information provided in this form includes a motivation letter of maximum 600 words. The application form should be completed in English only. It will be used as received to prepare the public list of candidates who applied for each vacancy and will be made available to concerned parties, including through the OHCHR public website.

Once completed, the application form in Word should be submitted by email to hrcspecialprocedures@ohchr.org

If the candidate is applying for more than one mandate, a mandate-specific Word application form needs to be completed and submitted for each mandate.

* A maximum of three reference letters can be attached, in pdf format, to the application sent by email. No additional documents such as CVs or lists of publications will be accepted.
* **Application deadline: 30 April 2015 (12.00 noon GMT)**
* Shortlisted candidates will be interviewed at a later stage.

General description of the selection process is available at <http://www.ohchr.org/EN/HRBodies/SP/Pages/Nominations.aspx>

Please note that for Working Group appointments, only nationals of States belonging to the specific regional group are eligible. Please refer to the list of United Nations regional groups of Member States at <http://www.un.org/depts/DGACM/RegionalGroups.shtml>

In case of technical difficulties, or if you encountering problems completing or accessing any of the forms, the Secretariat may be contacted by email at hrcspecialprocedures@ohchr.org or fax at + 41 22 917 9011.

**An acknowledgment email will be sent when we receive both parts of the application process, i.e. the information through the web-based survey and the Word application form by email.
Thank you for your interest in the work of the Human Rights Council.**

**I. PERSONAL DATA**

|  |  |
| --- | --- |
| **1. Family name:** Tochilovsky  | **5. Sex:** **[x]  Male** **[ ]  Female** |
| **2. First name:** Vladimir  | **6. Date of birth (dd-mm-yy):** 24-Sep-46 |
| **3. Maiden name (if any):**        | **7. Place of birth:** Odesa (Ukraine) |
| **4. Middle name:**        | **8. Nationality (please indicate the nationality that will appear on the public list of candidates):** Ukrainian |
|  | **9. Any other nationality:** No |

**II. MANDATE - SPECIFIC COMPETENCE / QUALIFICATIONS / KNOWLEDGE**

**NOTE: Please describe why the candidate’s competence / qualifications / knowledge is relevant in relation to the specific mandate:**

1. **QUALIFICATIONS** (200 words)

**Relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills (i.e. orally and in writing) in one of the six official languages of the United Nations (i.e. Arabic, Chinese, English, French, Russian, Spanish.)**

I am a PhD holder in Law. Authored numerous publications, including books, on human rights in criminal justice and the role of judges, lawyers, and prosecutors. My books address issues of impartiality of judges and functional independence of prosecutors. All my main publications have been published in English.

Since 2010, I am a member of the UN Working Group on Arbitrary Detention (currently, the Vice-Chair of the Group).

 My mandate comprises various aspects of the right to a fair trial and judicial control over restrictive measures.

 It also involves country visits and dialogues with high-level Government representatives, judges, prosecutors, lawyers, and members of civil society organizations.

Delivered presentations at international conferences, such as “International Conference on Security and Human Rights in the Arab Region”; “Global Roundtable on Alternatives to Detention”; “9th International Symposium on Victimology”.

I have more than thirty years of experience in criminal and civil proceedings, including cassations and appeals levels. For sixteen years I practised before the UN International Criminal Tribunal, where English was a working language, as a trial attorney in cases of mass violations of human rights (crimes against humanity) on behalf of international community.

1. **RELEVANT EXPERTISE** (200 words)

**Knowledge of international human rights instruments, norms and principles. (Please state how this was acquired.)**

**Knowledge of institutional mandates related to the United Nations or other international or regional organizations’ work in the area of human rights. (Please state how this was acquired.)**

**Proven work experience in the field of human rights. (Please state years of experience.)**

Being a member of the Working Group on Arbitrary Detention for five years, I am familiar with all aspects of the methods of work of the Special Procedures. While considering individual cases and during country visits, special consideration is given to the independence of judges, lawyers, and prosecutors. In this regard, the Working Group takes into account relevant provisions of the UDHR and ICCPR, as well as the "Basic Principles on the Independence of the Judiciary" and "Basic Principles on the Role of the Lawyers".

I developed Guidelines for the Office of the Prosecutor of the International Criminal Court and the International Criminal Tribunal. These guidelines were drafted with emphasis on fairness of prosecutors in line with requirements of the UN “Guidelines on the Role of Prosecutors”.

My books address issues of human rights, judicial impartiality, defence immunities, and the role of prosecutors in jurisprudence of the international criminal courts and tribunals. Most of my publications deal with international human rights standards in criminal justice.

I have practical knowledge of both civil and common law systems. My main publications cover the features of the two systems in the context of the international criminal justice.

1. **ESTABLISHED** **COMPETENCE** (200 words)

**Nationally, regionally or internationally recognized competence related to human rights. (Please explain how such competence was acquired.)**

 Member of the Working Group on Arbitrary Detention since 2010.

 Expert representing International Criminal Tribunal in the UN negotiations to establish Inernational Criminal Court (1997-2001).

 Expert of the selected group of experts which prepared recommendations for the International Criminal Court (2002-2003).

 Expert of the International Expert Framework for the Codification of International Criminal Procedure (since 2008).

 Senior Adviser for the “Case Matrix Network”, international organisation for knowledge-transfer on international criminal law (since 2009).

Author of books and chapters in books on human rights in criminal justice, such as:

 “The law and jurisprudence of the international criminal tribunals and courts: procedure and human rights aspects” (Intersentia Publishers, 2014);

 “Jurisprudence of the international criminal courts and the European Court of Human Rights” (Martinus Nijhoff Publishers, 2008);

 “Defence access to the prosecution material” (in “International criminal procedure”, Oxford University Press, 2013);

 “Nature and evolution of the rules of procedure and evidence” (in “Principles of evidence in international criminal justice”, Oxford University Press, 2010);

 “Victims’ procedural rights at trial” (in “Caring for Crime Victims”, Criminal Justice Press, 1999) referred to in the UN document A/CONF.187/8.

1. **flexibility/readiness and AVAILABILITY of time** (200 words)

**to perform effectively the functions of the mandate and to respond to its requirements, including participating in Human Rights Council sessions in Geneva and General Assembly sessions in New York, travelling on special procedures visits, drafting reports and engaging with a variety of stakeholders. (Indicate whether candidate can dedicate an estimated total of approx. three months per year to the work of a mandate.)**

Upon retirement from the International Criminal Tribunal, I temporarily reside in the Netherlands and can be available at short notice.

 My current mandate involves strenuous field missions, which include visits to prisons and interviews of detainees. Being in excellent physical condition and health, I am available for any time required to perform effectively the functions of the mandate of the Special Rapporteur.

**III. Motivation Letter** (600 word limit)

As emphasised in the HRC Resolution 26/7, the independence of the judges, lawyers, and prosecutors is essential prerequisite for protection of human rights and fundamental freedoms. Similarly, the practice of the Working Group, of which I am a member, demonstrates the nexus between inadequate safeguards of the independence of these justice operators and systematic character of serious violations of human rights.

 Like the mandate of the Special Rapporteur, my current mandate includes various aspects of the right to a fair trial in the context of the independence of the judges, lawyers, and prosecutors; use of military tribunals, and judicial control over counter-terrorism measures. As the Special Rapporteur, I would give special attention to the regions with restricted or no access of individuals to a regional human rights court or other regional human rights mechanism. I would also take into account specific features of the role of judges and prosecutors in common and civil law jurisdictions. There is also a need for further strengthening cooperation of this mandate with other UN human rights mechanisms such as special procedures on torture and arbitrary detention, as well as the Human Rights Committee.

I see the mandate of the Special Rapporteur as an opportunity to apply my expertise and experience in justice system and human rights to strengthen independence of judges, lawyers, and prosecutors. I have more than thirty years of experience in criminal and civil justice, including seven years in cassations and appeals proceedings. I have practical knowledge of civil and common law systems; most of my publications cover the features of the two systems in the context of the international criminal justice.

I was involved in establishment of the International Criminal Court as expert representing International Criminal Tribunal to the UN negotiation process.

 As expert of the selected group of experts, prepared recommendations for the International Criminal Court. Developed Guidelines for the Office of the Prosecutor of the Court which include fairness aspects in prosecutorial procedures. Known as “Tochilovsky Guidelines”, they are available for practitioners on the Court’s website.

For sixteen years I practised before the UN International Criminal Tribunal for the former Yugoslavia as a trial attorney in cases of mass violations of human rights (crimes against humanity). Developed Guidelines for the Office of Prosecutor of the Tribunal. Provided training for visiting human rights defenders and participated in training of national judges and lawyers in the former Yugoslavia.

My main publications focus on the role of the judges, lawyers, and prosecutors in national and international jurisdictions. My books address issues of judicial impartiality, defence immunities, and the role of prosecutors. References to my books can be found in judgements of the International Criminal Court and parties’ submissions before the Court. My publication concerning fairness of justice for victims is referred to in the UN document A/CONF.187/8

 My publications, such as “Globalizing criminal justice: challenges for the international criminal court”, “Legal systems and cultures in the International Criminal Court”, and "International criminal justice: some flaws and misperceptions", explore global aspects of criminal justice.

I believe that my experience and expertise in justice system and human rights will allow me to perform effectively the functions of this mandate and engage in a constructive dialogue with governments, civil society, and other stakeholders.

**IV. LANGUAGES (READ / WRITTEN / SPOKEN)**

**Please indicate all language skills:**

**Mother tongue:** **Russian, Ukrainian**

**Arabic:** Yes or no: **no** If yes,

**Read:** Easily orNot easily:
**Write:** Easily or Not easily: **Speak:** Easily or Not easily:

**Chinese:** Yes or no: **no** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not easily:

**English:** Yes or no: **yes** If yes,

**Read:** Easily or not easily: **easily
Write:** Easily or not easily: **easily
Speak:** Easily or not easily: **easily**

**French:** Yes or no: **no** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not easily:

 **Russian:** Yes or no: **yes** If yes,

**Read:** Easily or not easily: **easily
Write:** Easily or not easily: **easily
Speak:** Easily or not easily: **easily**

**Spanish:** Yes or no: **no** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not easily:

**V. EDUCATIONAL RECORD**

**NOTE: Please list the candidate’s academic qualifications (university level and higher).**

|  |  |  |
| --- | --- | --- |
| **Name of degree and name of academic institution:** | **Years of attendance****(from-to):** | **Place and country:** |
| PhD in Law. PhD study in Odesa Mechnikov National University; PhD defence in Kyiv Taras Shevchenko National University. | 1979 - 1985 | Kyiv, Odesa (Ukraine) |
| Diploma in Law.Odesa Mechnikov National University | 1969-1975 | Odesa (Ukraine) |
|       |       |       |
|       |       |       |

**VI. EMPLOYMENT RECORD**

**NOTE: Please briefly list ALL RELEVANT professional positions held, beginning with the most recent one.**

|  |  |  |
| --- | --- | --- |
| **Name of employer,****functional title,****main functions of position:** | **Years of work(from-to):** | **Place and country:** |
| United Nations International Criminal Tribunal for the Former Yugoslavia. Trial Attorney in cases of mass violations of human rights (crimes against humanity). | 1994 - 2010 | The Hague (The Netherlands) |
| Deputy Procurator for judicial matters in Odesa Region. Participated in review of judgments in the regional Court of Cassation in civil and criminal proceedings. Supervised and directed departments of appeals and cassations. | 1987 - 1994 | Odesa (Ukraine) |
| Visiting Professor of Law at Mechnikov National University. | 1991 - 1994 | Odesa (Ukraine) |
| District Attorney in Odessa Region. Supervised and directed trial attorneys in civil and criminal proceedings. | 1976 - 1987 | Odesa region (Ukraine) |

**VII. COMPLIANCE WITH ETHICS AND INTEGRITY PROVISIONS
(of Human Rights Council resolution 5/1)**

**1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause him/her to limit the extent of their inquiries, to limit disclosure, or to weaken or slant findings in any way? If yes, please explain.**

No

**2. Are there any factors that could either directly or indirectly influence, pressure, threaten, or otherwise affect the candidate’s ability to act independently in discharging his/her mandate? If yes, please explain:**

No

**3. Is there any reason, currently or in that past, that could call into question the candidate’s moral authority and credibility or does the candidate hold any views or opinions that could prejudice the manner in which she/he discharges his mandate? If yes, please explain:**

No

**4. Does the candidate comply with the provisions in paragraph 44 and 46 of the annex to Human Rights Council resolution 5/1?**

***Para. 44: The principle of non-accumulation of human rights functions at a time shall be respected.***

***Para. 46: Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate holders will act in their personal capacity.***

No

**5. Should the candidate be appointed as a mandate holder, he/she will have to take measures to comply with paragraphs 44 and 46 of the annex to Council resolution 5/1. In the event that the current occupation or activity, even if unpaid, of the candidate may give rise to a conflict of interest (e.g. if a candidate holds a decision-making position in Government) and/or there is an accumulation of human rights functions (e.g. as a member of another human rights mechanism at the international, regional or national level), necessary measures could include relinquishing positions, occupations or activities. If applicable, please indicate the measures the candidate will take.**

If I am appointed the Special Rapporteur on the independence of judges and lawyers, I will resign from my current position as a member of the Working Group on Arbitrary Detention.

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