

Personal

Name: Silvia Alejandra Fernandez de Gurmendi
Date of birth: 24 October 1954
Nationality: Argentina

Summary of relevant competencies and experience

- Twenty year practice of international law, humanitarian law and human rights.
- Twelve years of participation in and leadership of the process of establishment and set up of the International Criminal Court, including leading the entire process of elaboration of the criminal procedure of the Court.
- Professional experience in criminal proceedings before the International Criminal Court.
- Professor of International Criminal Law at the University of Buenos Aires.
- National and foreign publications on international law, international humanitarian law, human rights and international criminal law.
- Excellent knowledge of and fluent in both working languages of the Court.

Diplomas and titles obtained

Lawyer, Faculty of Law and Social Sciences, University of Cordoba, Argentina.

Diploma of Specialized Studies in Public Law (Master), Faculty of Law and Economic Sciences, University of Limoges, France.

Doctor in Law (PhD), Faculty of Law, University of Buenos Aires, Argentina.

Professional activities

Graduate (*cum laude*) of the Diplomatic Academy of Argentina (1987-1988). Joined the Argentine Foreign Service in 1989.

Current position

Director General for Human Rights, Ministry of Foreign Affairs, Argentina.

Main duties and responsibilities include: represent Argentina before universal and regional human rights bodies; act as representative or agent of Argentina in cases before the Inter American Commission of Human Rights and Inter American Court of Justice; advise on transitional justice and issues related to prevention of genocide and other international crimes.

Previous experience related to the International Criminal Court (1995-2006)

Contributed extensively to the drafting and negotiations of the constitutional instruments of the International Criminal Court and to its operational establishment. Among other activities, chaired the entire international drafting process of the criminal procedure of the Court (Parts V, VI and VII of the Rome Statute and the Rules of Procedure and Evidence). After the Court was set up, joined the Office of the Prosecutor as Special Adviser and Director of the

Jurisdiction, Complementarity and Cooperation Division.

Negotiation of the Rome Statute (1995-1998)

Provided leadership to the negotiating process in the following capacities:

- President of the Working Group on Criminal Procedure (1995-1998);
- Vice-President of the United Nations Ad Hoc Committee on the establishment of an International Criminal Court (1995);
- Vice-President of the United Nations Preparatory Committee on the establishment of an International Criminal Court (1996-1998);
- Vice-President of the Committee of the Whole at the Rome Conference of Plenipotentiaries on the establishment of an International Criminal Court (1998).

Negotiation of complementary instruments of the Rome Statute (1998-2002)

- President of the Working Group on Rules of Procedure and Evidence of the Preparatory Commission for the International Criminal Court (1998-2000);
- President of the Working Group on Aggression of the Preparatory Commission for the International Criminal Court (2001-2002).

Set up of the Court

President of the “interlocutor” mechanism responsible for the practical set up of the Court. This mechanism was established in 2001 by the United Nations Preparatory Committee of the International Criminal Court in preparation of the entry into force of the Rome Statute. The mechanism was intended to provide an international interlocutor to the host country to deal with the management of the practical establishment of the Court. The mechanism identified basic systems that needed to be set up and drew action plans in the areas of human resources, finances, IT, security, building management, public information and legal questions. It also recruited and advance team of experts in specific fields. The “interlocutor mechanism” ensured that a basic infrastructure existed to receive the first officials of the Court and to safeguard information on crimes received before the entry into force of the Rome Statute.

Special Adviser and Director of the Jurisdiction, Complementarity and Cooperation Division at the Office of the Prosecutor of the International Criminal Court (June 2003-December 2006)

Duties and responsibilities included participating in the Executive Committee, which is in charge of the overall management of the Office of the Prosecutor, provides advice on policies, strategies and situation and case selection, and supervises investigative teams.

Among other duties and functions, in charge of the elaboration of legal reports on jurisdiction and admissibility of situation and cases; participated in the elaboration of legal briefs and in proceedings before the judges; elaborated systems for the reception and follow-up of communications of crimes and for obtaining cooperation and judicial assistance; led missions of the Office of the Prosecutor to the territory of States relevant to situations under preliminary analysis or investigation.

Other relevant positions

From 2000 al 2003, occupied the following positions:

- Deputy Director General of Human Rights (Ministry of Foreign Affairs of Argentina). Among other duties, was a member of the National Commission of International Humanitarian Law.
- Advisor to the Minister of Justice.
- Deputy Legal Counsel (Ministry of Foreign Affairs of Argentina). Among other duties, was a member of the national commissions of experts established to implement domestically the Rome Statute of the International Criminal Court.
- President of the International Group of Experts on Mercenaries convened by the Office of the High Commissioner for Human Rights in accordance with General Assembly resolution 56/232 to recommend measures to combat the recruitment of mercenaries and increase accountability of private security companies.

Legal Adviser to the Permanent Mission of Argentina to the United Nations (1994-2000)

Representative of Argentina to the Sixth Committee of the General Assembly of the United Nations and other law related bodies of the General Assembly and Security Council. Played leadership roles in multiple negotiating groups and committees on humanitarian law and international criminal law issues, including in particular those created as part of the process of the establishment of the International Criminal Court (detailed above). Among other functions, Rapporteur of the Sixth Committee and Vice President of the United Nations Ad Hoc Committee that elaborated the Convention on the Safety of United Nations and Associated personnel.

Legal Officer at the Legal Department of Ministry of Foreign Affairs of Argentina (1989-1994)

Academic experience

Professor of International Criminal Law at the University of Buenos Aires (Master programme on international relations).

Former professor of International Criminal Law at the University of Palermo and Assistant Professor of International Law at the University of Buenos Aires.

Languages

Spanish: mother tongue
French: Diploma of French Language and Civilization, University of Sorbonne, Paris, France
English: “Language Proficiency Certificate”, United Nations
German: (Elementary), Certificate “Deutsch als Fremdsprache”, Institute Goethe, Argentina

Publications on the International Criminal Court and related matters

- “The Legal Status of UN Peacekeepers in the Field: Security and Safety/Criminal and Disciplinary Law”, *Contemporary International Law Issues: Conflicts and Convergence*, 1995 Joint Conference of the American Society of International Law/Nederlandse Vereniging voor Internationaal Recht, T.M.C. Asser Instituut, The Hague, The Netherlands.
- “Elementos para el establecimiento de una corte penal internacional eficaz e independiente”, *Revista del Instituto Interamericano de Derechos Humanos*, Costa Rica, Nr. 23, enero-junio 1996.
- “The Role of the Prosecutor”, en Roy S. Lee (ed.), *The International Criminal Court, The Making of the Rome Statute, Issues, Negotiations, Results*, Kluwer Law International, The Hague/London/Boston, 1999.
- “The Criminal Procedures - The Negotiating Process”, Roy S. Lee (ed.), *The International Criminal Court, The Making of the Rome Statute, Issues, Negotiations, Results*, Kluwer Law International, The Hague/London/Boston, 1999.
- “Iniciativas de las Naciones Unidas para combatir el terrorismo internacional”, *Revista del Instituto de Relaciones Internacionales*, Universidad de la Plata, Año 9, Nr. 17, Junio-Noviembre 1999.
- “La creación de la Corte Penal Internacional”, *Revista del Instituto de Relaciones Internacionales*, La Plata, Año 9, Nr. 19, Junio-Noviembre 2000.
- “La Corte Penal Internacional”, en CICR, *Adaptación de la Legislación Interna para la sanción de las infracciones contra el derecho internacional humanitario*, Informe de la Reunión de Expertos de Países Iberoamericanos, Madrid, 10-12 de marzo de 1999, Madrid/Bogotá 2000.
- *The Elements of Crimes and the Rules of Procedure and Evidence of the International Criminal Court*, R. Lee (ed.), associated editor with H. Friman, H. von Hebbel and D. Robinson, Transnational Publishers Inc, New York, 2001.
- “The Elaboration of the Rules of Procedure and Evidence”, *The Elements of Crimes and the Rules of Procedure and Evidence of the International Criminal Court*, Transnational Publishers Inc, New York, 2001.
- “Definition of Victims and General Principle”, *The Elements of Crimes and the Rules of Procedure and Evidence of the International Criminal Court*, Transnational Publishers Inc, New York, 2001.
- “The Rules of Procedure and Evidence”, European Conference on the Rome Statute of the International Criminal Court, *NPWJ*, Rome, 2001.
- “The Role of the Prosecutor”, *The Rome Statute of the International Criminal Court, a Challenge to impunity*, M. Politi and G. Nessi (eds.), Ashgate-Dartmouth, Aldershot/Burlington, United States of America/Singapore/Sidney, 2001.
- “The Rules of Procedure and Evidence of the International Criminal Court” (with H. Friman), *Yearbook of International Humanitarian Law*, Instituut Asser, The Hague, 2001.

- “El acceso de las víctimas a la Corte Penal Internacional”, *La Corte Penal Internacional, La Casa de las Américas*, Madrid, 2002.
- “The Working Group on Aggression of the Preparatory Commission for the International Criminal Court”, *Fordham International Law Journal*, (Twenty-Fifth Memorial Issue, The Eve of the International Criminal Court: Preparations and Commentary), March 2002.
- “El Estatuto de Roma de la Corte Penal Internacional: Extensión de los crímenes de guerra a los conflictos armados de carácter o internacional y otros desarrollos relativos al derecho internacional humanitario”, *Revista Lecciones y Ensayos*, Argentina, 2004.
- “The International Criminal Court and the Crime of Aggression: From the Preparatory Commission to the Assembly of States Parties and Beyond: An insider’s view”, M. Politi and G. Nesi (eds.), *The International Criminal Court and the Crime of Aggression*, Ashgate, 2004.
- “National Report (Argentina), The Rome Statute and Domestic Legal Orders”, Claus Kress, Bruce Broomhall, Flavia Lattanzi, Valeria Santori (eds.), *Constitutional Issues, Cooperation and Enforcement*, Volume II, Nomos Verlagsgesellschaft, Baden-Baden, 2004.
- “Rules of Procedure and Evidence and Regulations of the International Criminal Court”, (with Hakan Friman), José Doria, Hans-Peter Gasser, Cherif Bassiouni (eds.), *The Legal Regime of the International Criminal Court, Essays in Honour of Professor Igor Blischchenko*, Martinus Nijhoff Publishers, 2009.
