

Statement of qualifications

(a) Justice Duke Pollard is a person of high moral character, impartiality and integrity. He possesses the qualifications for appointment to the highest judicial offices in the Republic of Guyana.

Justice Pollard is a sitting senior judge of the Caribbean Court of Justice (CCJ), the highest appellate municipal court of the Caribbean Community (CARICOM). The CCJ also exercises an original jurisdiction as an international tribunal interpreting and applying the Revised Treaty of Chaguaramas (RTC), the constituent instrument of CARICOM, employing such rules of international law as may be applicable (article 17(1) of the RTC).

As a judge of the CCJ, the highest appellate municipal court for the dualistic jurisdictions in CARICOM, Justice Pollard is required to interpret and apply various human rights provisions of national constitutions based on the European Convention on Human Rights and the Canadian Bill of Rights, and to ensure that municipal law enactments of such dualist jurisdictions are construed consistently with the obligations assumed by such States under international instruments setting out international humanitarian and international human rights norms, in the absence of an express legislative intent to the contrary. This is a requirement of article 27 of the Vienna Convention on the Law of Treaties, subject to article 46 thereof. CARICOM States are parties to the said Vienna Convention.

Justice Pollard has established competence in relevant areas of international law, such as treaty law, international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court. He has in excess of four decades of experience as a practising international treaty lawyer in the United Nations System, commencing with his representation of Guyana at the Vienna Conference on the Law of Treaties (1968-1969). Such experience is seminally relevant for the interpretation and application of humanitarian and human rights norms usually set out in relevant international law instruments, e.g. the Geneva Conventions of 1949, the Rome Statute and numerous international human rights treaties or conventions elaborated under the auspices of the United Nations.

In the course of his career as a practicing international lawyer, Justice Pollard represented Guyana on the United Nations Special Committee on the Question of Defining Aggression. He occupied official positions as Chairman (ag.) and Vice-Chairman of the Sixth Committee of the General Assembly, and Rapporteur of the Host Country Committee. He also represented Guyana on all other committees of the General Assembly except the Fifth Committee. Justice Pollard's experience puts him in an excellent position to appreciate the political context in which international humanitarian and human rights instruments are conceptualized, deliberated and elaborated. The Rome Statute of the International Criminal Court and General Assembly Resolution 3314 (XXIX) are outstanding cases in point.

Justice Pollard is also a qualified lawyer from a common law legal system with standing at the bars in Guyana and in Jamaica, cumulatively covering some three decades. In the course of his legal career, he has been exposed to influences from other legal systems, including the Civil Law system.

(b) Justice Duke Pollard meets both the requirements specified in paragraph 3 (b) (i) and in paragraph 3 (b) (ii) of article 36 of the Rome Statute. As a sitting judge of the Caribbean Court of Justice, he has acquired experience and expertise in the adjudication of criminal and other cases. Given that Justice Pollard possesses the qualifications for appointment to the highest judicial offices in Guyana, the Government of Guyana is accordingly nominating him as a judge of the International Criminal Court. For the purposes of article 36, paragraph 5, of the Statute, Justice Pollard is being nominated as a candidate for election under list B.

Justice Pollard's past experience as Chairman (ag.) of the United Nations Council for Namibia and his representation of Guyana on the Third and Fourth Committees of the United Nations General Assembly qualify him in a peculiar way to appreciate the significance and impact of international humanitarian and human rights norms on indigenous peoples, non-self governing peoples and on newly emerging states of the international community.

Justice Pollard, as legal adviser to the Caribbean Community organised and spear-headed CARICOM's participation in several international human rights conventions, conceptualised, deliberated and elaborated under the auspices of the United Nations, including the constituent instrument of the International Criminal Court, the Rome Statute. Such participation involved the preparation of relevant negotiating briefs for delegations representing one or another CARICOM State or the CARICOM Secretariat as the case may be.

Justice Pollard is also a recognised publicist in international law, having written several books and articles on international law and the protection of small States published by leading international law publishers and journals, for example, Oxford University Press, The Caribbean Law Publishing Company, The International and Comparative Law Quarterly Review, The Commonwealth Law Journal, The Texas Law Review, San Diego Law Review and The Caribbean Yearbook of International Relations.

Justice Pollard is a citizen of the Republic of Guyana, and only of that country. He has an excellent knowledge of English, which is his mother tongue. Justice Pollard is male.
