

**Eighteenth session**

The Hague, 2-7 December 2019

**Designation of a member of the
Advisory Committee on Nominations****Note by the Secretariat**

1. Article 36, paragraph 4 (c), of the Rome Statute provides as follows:
“(c) The Assembly of States Parties may decide to establish, if appropriate, an Advisory Committee on nominations. In that event, the Committee’s composition and mandate shall be established by the Assembly of States Parties.”
2. By resolution ICC-ASP/10/Res.5, the Assembly established an Advisory Committee on the Nominations of Judges. The terms of reference¹ of the Advisory Committee provide that:
“The Committee should be composed of nine members, nationals of States Parties, designated by the Assembly of States Parties by consensus on recommendation made by the Bureau of the Assembly also made by consensus, reflecting the principal legal systems of the world and an equitable geographical representation, as well as a fair representation of both genders, based on the number of States Parties to the Rome Statute.”²
3. At its seventeenth session, the Assembly appointed eight members of the Advisory Committee, and decided that the ninth member of the Advisory Committee will be elected at the eighteenth session of the Assembly.³
4. At its second meeting, on 29 February 2019, the Bureau fixed the nomination period to run for 12 weeks, from 3 June to 25 August 2019 (Central European Time). Nominating States were requested to include a statement as to how candidates fulfil the criteria established in the terms of reference of the Advisory Committee.
5. At the close of the nomination period on 25 August 2019, one candidate had been nominated for one seat on the Advisory Committee.
6. At its 17 September 2019 meeting, the Bureau decided to consider and evaluate the candidate nominated to the Advisory Committee on Nominations and present its report.
7. The recommendation of the Bureau is reflected in the report of the Bureau on the Advisory Committee on Nominations (ICC-ASP/18/19).
8. The nomination received by the Secretariat is contained in the annex to the present note.

¹ Report of the Bureau on the establishment of an Advisory Committee on nominations of judges of the International Criminal Court (ICC-ASP/10/36), annex.

² *Ibid.*, para. 1.

³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, seventeenth session, The Hague, 5-12 December 2018* (ICC-ASP/17/20), vol. I, part I, paras. 27-28.

Annex

Candidate (with statement of qualifications)

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Song, Sang-Hyun (Republic of Korea)

[Original: English]

Note verbale

The Embassy of the Republic of Korea to the Kingdom of the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and, with reference to the Secretariat's note verbale ICC-ASP/18/SP/07, dated 18 April 2019, has the honour to inform the Secretariat that the Government of the Republic of Korea has decided to nominate former Judge Sang-Hyun Song for election as the ninth member of the Advisory Committee on Nominations of Judges of the International Criminal Court, which will take place at the eighteenth session of the Assembly of States Parties.

The Embassy has the further honour to enclose Judge Song's statement of qualifications and curriculum vitae.

Statement of qualifications

Statement submitted in accordance with article 36, paragraph 4(c), of the Rome Statute of the International Criminal Court and resolution ICC-ASP/10/Res.5, adopted by the Assembly of States Parties, relating to the procedure for the election of the members of the Advisory Committee on nominations of judges of the International Criminal Court

Judge Song Sang-Hyun, former President and judge of the International Criminal Court, meets the requirements set out in the terms of reference of the Advisory Committee. He is a person of high moral character, impartiality, and integrity.

Judge Song has established competence and experience in criminal and international law as specified in his curriculum vitae. He has extensive practical and academic experience in the areas of criminal procedure, the law of evidence, court management, and international law.

Judge Song was admitted to the Korean Bar in 1964, started his legal career as a judge-advocate in the Korean army and later worked as a foreign attorney in a New York law firm. He served as a member of the Advisory Committees to the Korean Supreme Court and the Ministry of Justice for 25 years, from 1979 to 2003. As such, he took part in initiatives to reform the national litigation system, commercial arbitration system, criminal justice system, court management, and the prison system. Judge Song was also Chair of the Policy Advisory Committee for National Human Rights Commission from 2015 to 2019.

Judge Song has well-established expertise in the ICC system and practice. He served as a judge of the International Criminal Court from 2003 to 2015. He was one of the first judges of the Court in 2003 and was assigned to the Appeals Division. He was re-elected to the Court in 2006 for a term of nine years. In 2009, he was elected as President of the Court and re-elected in 2012 for another three-year term.

Judge Song has studied both the civil law and common law systems, in Korea, the United States, the United Kingdom, and Germany. He taught as a professor of law at Seoul National University Law School from 1972 to 2007, and lectured as a visiting professor at law schools in several countries, notably Melbourne Law School, Harvard Law School, and New York University School of Law. He is also the author of a number of publications on relevant legal issues. Judge Song has continued his commitment to international humanitarian law and human rights as a co-founder of the Legal Aid Centre for Women and of the Childhood Leukemia Foundation in Seoul, as well as serving as the President of UNICEF Korea.

Judge Song has received awards for his contributions both in Korea and abroad, including the highest decoration of the Korean Government, Mugunghwa (the Order of Civil Merit) (2011), the Rule of Law Award from the International Bar Association (2012), and the Ridder Grootkruis (Knight's Grand Cross) award from the Government of the Netherlands (2015).

Curriculum vitae

Personal information

Date of Birth: 21 December 1941.

Nationality: Republic of Korea.

Academic background

1963: LL.B., Seoul National University Law School (Korea).

1968: LL.M., Tulane Law School as Fulbright Fellow (USA).

1969: Diploma in Comparative Legal Studies, Cambridge University (UK).

1970: J.S.D., Cornell Law School (USA)

1974–1975: Visiting Humboldt Scholar to Hamburg University Law Faculty (Germany).

1978: Certificate, The Hague Academy of International Law (Summer).

1978–1979: Visiting Scholar to Harvard Law School as American Council of Learned Society Fellow (USA).

Professional career

1964: Called to the Korean Bar.

1964–1967: Judge Advocate (Korean Army Captain).

1970–1971: Foreign Attorney, Haight, Gardner, Poor & Havens (New York).

1972–2007: Professor of Law, Seoul National University, Korea.

1996–1998: Dean, Seoul National University Law School.

2003–2015: Judge of the International Criminal Court.

2009–2015: President of the International Criminal Court.

2007–present: Professor of Law emeritus, Seoul National University.

Other experience

Domestic activities

1979–2003: Member of the Advisory Committee to the Korean Supreme Court.

1981–2004: Member of the Advisory Committee to the Minister of Justice. As the longest serving advisor to the Ministry of Justice regularly to deliberate on the criminal investigation reforms, North Korean refugees, independence of the prosecution authority, immigration, and prison reform, among other things.

1989–1993: Member of the Advisory Committee on Clean Government to the Prime Minister.

1999–2005: President, The Korean Law Professors Association, Inc.

1999–2009: President, The Korea Childhood Leukemia Foundation.

2000–2016: Member, Board of Directors, The Beautiful Foundation.

2001–2005: Prime Minister's Commission on Youth Protection.

2005–2006: Presidential Commission on Judicial Reform.

2015–2019: Chairman, Policy Advisory Committee for National Human Rights Commission.

International activities

- 1990: Visiting Professor to the University of Melbourne Law School (1990, 1992, 1994, 1996).
- 1991: Visiting Professor to Harvard Law School (1991, 1995, 1999, 2003) Visiting Professor to the University of Florida (1989), to the University of Washington (1990, 1994), to the University of Wellington (1994), to Columbia Law School (1996), and to the University of Hawaii Law School (2001) Respectively.
- 1994–2003: Inge Rennert Distinguished Professor of Law, Global Law Program, New York University.
- 1995–2000: Member of the International Advisory Board for Pacific Rim Law & Policy Journal (University of Washington).
- 1999–2004: Member of the Inaugural International Advisory Committee for The Australian Journal of Asian Law (University of Melbourne).

Other affiliations

- 1991: Member of the Board of Directors, UNICEF KOREA President (2012 - present).
- 1999: Member, Board of Trustees, Korea Family Legal Service Center, Inc.
- 2015: Justice Leader, The Justice Leadership Group.
- 2015: Member of the Advisory Council for the International Nuremberg Principles Academy.
- 2015: Member, The Wildlife Justice Commission Council Board Member, The International Human Rights League of Korea.

Decorations and citations

- 1994: The Most Distinguished Alumni Medal (Cornell University).
- 1997: National Decoration of the Second Highest Order (Moran) (Korean Government).
- 2011: National Decoration of the Highest Order (Mugunghwa) (Korean Government).
- 2012: Rule of Law Award by International Bar Association (IBA).
- 2015: Ridder Groot Kruis Orde from the Kingdom of the Netherlands.
- 2018: The Most Distinguished Alumni Medal (Seoul National University).

Publications*Books*

- 1976: The Outlines of the Civil Procedure I (Korean) (Seoul: Kyungmunsa Pub., revised ed. 1979, 1980, 1981).
- 1976: Cases and Materials on the Civil Procedure (Korean) (Seoul: Bupmunsa Pub., revised ed. 1980, 1982).
- 1977: General Theories of Law (Korean) (co-ed. Seoul National University Publishing Division).
- 1980: Lawrence M. Friedman, Legitimacy and the Jurisprudence of Rights in Western Law, translated by Sang-Hyun Song, in the Proceedings of the 8th International Symposium on Legal Philosophy Between East and West (National Academy of Sciences).
- 1983: Introduction to the Law and Legal System of Korea (English) (1187p., Seoul: Kyungmunsa Pub.).
- 1983: Melvin A. Eisenberg, The Structure of the Corporation, translated by Sang-Hyun Song and Kon-sik Kim (Korean) (300p., Seoul: Kyungmunsa Pub.).

- 1984: A Mitchell Polinsky, *An Introduction to Law and Economics*, translated by Sang-Hyun Song and Sang Jo Jong (Korean) (280p., Seoul: Kyungmunsa Pub.).
- 1985: *The Civil Procedures* (Korean) (Korea National Open University Publishing Division, revised ed. 1994, 1998, 2003).
- 1987: *Issues on the New Copyrights Law* (Korean) (Korea Intellectual Property Research Society, Inc.).
- 1989: *Collection of Intellectual Property Laws* (Korean) (Seoul: Pubkyung Pub. Co.)
- 1989: *The Commentaries on the Korean Computer Program Protection Law* (Korean) (co-authored, 288p., Seoul National University Press).
- 1990: *The Korean Civil Procedure* (Korean) (Seoul: Pakyoungsa Pub., revised ed. 1993, 1996, 1997, 2001, 2002, 2004, 2008, 2011, 2014).
- 1993: *Basic Text on Maritime Law in Korea* (Korean) (Seoul: Pakyoungsa Pub., revised ed. 1999, 2005, 2008, 2015).
- 1996: *Korean Law in the Global Economy* (English) (1500p., Seoul: Pakyoungsa Pub.).
- 2002: *Festschriften I for Professor Shimdang Song Sang Hyun on his 60th Birthday*, entitled, "Prospects and Tasks of the Civil Law in Korea" (Korean), *Festschrift Publishing Committee* (1054p., Seoul: Pakyoungsa Pub.).
- 2002: *Festschriften II for Professor Shimdang Song Sang Hyun on his 60th Birthday*, entitled, "Prospects and Tasks of the Commercial Law in Korea" (Korean), *Festschrift Publishing Committee* (981p., Seoul: Pakyoungsa Pub.).
- 2007: *Anthology of Professor Shimdang Song Sang Hyun's Works I, II, III combined on the occasion of his Retirement* (Korean) (Seoul: Pakyoungsa Pub.).
- 2015: "An Eternal Lighthouse in my Mind - Unforgettable Teacher Song Sang Hyun," *Collection of Essays of his Disciples and Colleagues on the Occasion of his Retirement from the ICC* (Korean and English) (447p., Seoul: Pakyoungsa, Pub.).

Articles

- 1970: *A Comparative Study on Maritime Cargo Carrier's Liability under Anglo-American and French Laws* (English) (284p., Ann Arbor).
- 1972: *A Study on the Impact of the Use of Computer Technology on the Various Fields of Law*, *Seoul Law Journal* vol. 13, No.1, pp. 35-68 (The Law Research Institute, Seoul National University).
- 1972: *Recent Trend on the International Legal Regime of Oil Pollution at Sea*, *Justice* vol.10, No.1, pp. 207-217 (Korean Legal Center).
- 1973: *On the Fiduciary Duties of Corporate Directors*, *Seoul Law Journal* vol.14, No. 2, pp. 119-140 (The Law Research Institute, Seoul National University).
- 1974: *An Analytical Study of Court Cases on the Free Evaluation of Evidence Principle in Korean Civil Procedure*, *Seoul Law Journal* vol.15, No.2, pp. 49-90 (The Law Research Institute, Seoul National University).
- 1976: *Reevaluation of the Legal Aid and its Modern Themes in Korean Perspective*, *Seoul Law Journal* vol.17, No.2, pp. 69-100 (The Law Research Institute, Seoul National University).
- 1977: *On Non-Contentious Matters*, *Seoul Law Journal* vol.18, No.1, pp. 139-154 (The Law Research Institute, Seoul National University).
- 1977: *A Few Notes on Korean Admiralty*, *Korean Journal of Comparative Law*, vol.5, No.1, pp. 114-122 (Korean Research Institute of Comparative Law).
- 1978: *Reform of Appeal System of the Korean Court*, research report submitted to the Supreme Court, pp. 1-130.
- 1980: *Legal and Administrative Environment for Transnational Corporations in Korea*, *Social Sciences Policy Studies* vol. 2, no.1 (Social Sciences Research Institute, Seoul National University).
- 1980: *Review on the Class Action in U.S.A.*, *Seoul Law Journal* vol.21, No.1, pp. 103-114 (The Law Research Institute, Seoul National University).
- 1982: *Functions of the Supreme Court and newly enacted Special Law on Expedition of Litigation*, *Korean Federal Bar Association Journal*, vol.74, pp. 11-17 (Korean Federal Bar Association).
- 1982: *The Rules Relating to the Anglo-American Container Carrier's Liabilities and their Applicability*, *Seoul Law Journal* vol.23, No.1, pp. 187-211 (The Law Research Institute, Seoul National University).

- 1983: A Review on the Federal Appeal System in the U.S., The Civil Case Commentaries vol.5, pp. 251-258 (Kyungmunsa).
- 1984: Domestic Court's Civil Jurisdiction on Foreign State, Festschriften for Justice Soonwon Bang, pp. 252-270 (Pakyoungsa).
- 1984: How to Diversify and Develop Legal Services Areas, research report submitted to the Minister of Justice, pp. 1-116.
- 1984: Family Court in Korea, in Nakamura ed. Family Law Litigation, pp. 205-215 (The Comparative Civil Law Institute, Waseda University).
- 1985: Legal Protection of Computer Software, Korean Federal Bar Association Journal vol. 105(pp. 47-57) and 106(pp. 51-56), (Korean Federal Bar Association).
- 1985: Legal Education and Social Justice, in the University in the Future World, pp. 321-333 (Yonsei University Press)..
- 1986: Experience and Practice on Technology Transfer in the Republic of Korea, Intellectual Property In Asia and the Pacific, no. 15, pp. 58-66 (WIPO).
- 1987: Commercial Arbitration procedures in the Republic of Korea, Festschriften for Professor Chin Kim, pp. 262-280 (Pakyoungsa).
- 1987: Technology Transfer-Korean Experience with Particular Reference to Remuneration and Government Regulations, Justice vol.20, No.1, pp. 303-306 (Korean Legal Center).
- 1987: Legal Relationship Between Computer Software Developers and Users, Seoul Law Journal vol.28, No.3, and 4, pp. 122-140 (The Law Research Institute, Seoul National University).
- 1987: Protection of Computer Software in the Republic of Korea, Intellectual Property in Asia and the Pacific, no.17 pp. 81-98 (April-June, WIPO).
- 1989: A Review on the Treaty Regarding the Intellectual Property Protection of Integrated Circuit, Seoul Law Journal vol.30, No.3, and 4 pp. 65-79 (The Law Research Institute, Seoul National University).
- 1991: South Korean Law and Legal Institutions in Action, in Clark ed. Korea Briefing vol. pp.125-146 (The Asia Society).
- 1992: Ideology and Prospects of the Alternative Dispute Resolution, The Civil Case Commentaries, vol.14, pp. 411-441 (Pakyoungsa).
- 1992: Globalization of Business Transactions and the Past, Present and Future of the Commercial Code, The Korean Maritime Law Journal, vol.14, No.1, pp. 69-81 (The Korean Maritime Law Association).
- 1993: Intellectual Property Clauses of the NAFTA, Seoul Law Journal vol.34, No.2, pp. 59-94 (The Law Research Institute, Seoul National University).
- 1994: A Study on the Constitution and Operation of the Computer Program Dispute Conciliation Committee, research report submitted to the Korean Information Industry Association, pp. 1-65.
- 1994: The Impact of Multilateral Trade Negotiations on Intellectual Property Laws in Korea, 13 UCLA Pacific Basin Law Journal, No.1 pp. 118-139.
- 1995: Law and Policy of Securities Regulation in Korea, 4 Pacific Rim Law and Policy Journal No.3 pp. 757-782.
- 1998: The United Nations and Human Rights, UNICEF teaching materials, pp.125-131, UNICEF/Korea.
- 1999: A Review on the Conventions on the Human Rights and Children's Rights, UNICEF Teaching materials, pp.101-121, UNICEF/Korea.
- 1999: The Legal Profession in Korea: Problems and Prospects for Reform, Kobe Law Journal vol.49 No.2, pp. 119-151 (Kobe University Law Faculty).