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**Election of judges to fill two judicial vacancies of the
International Criminal Court**

Addendum

Annex

Alphabetical list of candidates (with statements of qualifications)

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1. Fernández de Gurmendi, Silvia (Argentina)

[Original: Spanish]

Note verbale

The Embassy of the Argentine Republic 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, in accordance with paragraph 5 of resolution ICC-ASP/3/Res.6, has the honour to inform the Secretariat that the Argentine Republic has decided to nominate Dr. Silvia Fernández de Gurmendi as a candidate for the post of judge of the International Criminal Court which has become vacant as a result of Mr. Mohamed Shahabuddeen having decided not to assume his duties as a judge, as indicated in note ICC-ASP/8/S/20 of 13 May 2009.

Dr. Silvia Fernández de Gurmendi is nominated for election in accordance with the procedure provided for in article 36, paragraph 4 (a) (i), of the Rome Statute. For the purposes of article 36, paragraph 5, of the Rome Statute, Dr. Silvia Fernández de Gurmendi is a list A candidate.

The statement provided for in article 36, paragraph 4 (a), of the Rome Statute and in paragraph 6 of resolution ICC-ASP/3/Res.6, and the curriculum vitae of the candidate are attached.

[...]

Statement of qualifications

Statement pursuant to article 36, paragraph 4 (a), of the Rome Statute and paragraph 6 of resolution ICC-ASP/3/Res.6

a) Dr. Silvia A. Fernández de Gurmendi is a widely acclaimed jurist and diplomat. In all her posts she has discharged her duties with impartiality and moral integrity. She possesses the qualifications required for appointment to the highest judicial offices in the Argentine Republic.

She combines (i) established competence and experience in international criminal law and procedures with (ii) established competence and professional experience in international law, international humanitarian law and human rights.

Her knowledge and experience of international criminal law stem in large measure from her close and long-standing involvement in the process of establishing the International Criminal Court. As a result of her extensive and active participation in the whole process of creating and setting up the International Criminal Court and her subsequent work in the Office of the Prosecutor, she has acquired in-depth knowledge and understanding of the system of the International Criminal Court, including the applicable law, the functioning of each of the Court's organs and the way they interact among themselves and with the States and other actors of the international community. As a result, in particular, of her involvement in the development of the criminal procedure of the Court, Dr. Silvia Fernández de Gurmendi possesses wide theoretical and practical knowledge of the complex procedural system governing the institution, indeed she presided over the entire process of drawing up the criminal procedure envisaged in the Statute (Parts 5, 6 and 8) and, following the Rome Conference, went on to lead the work on drawing up the Rules of Procedure and Evidence. On completion of this latter instrument, she took on the chairmanship of the Working Group on the Crime of Aggression.

From 2003 to 2006, Dr. Fernández had the opportunity to put into practice, in the Office of the Prosecutor of the International Criminal Court, the provisions established in the Rome Statute and the Rules of Procedure and Evidence. As Director of the Jurisdiction, Complementarity and Cooperation Division, she was involved in the preliminary analysis of situations and cases, in developing systems to receive and process communications on international crimes, in obtaining international cooperation and judicial assistance, and in conducting missions to regions relevant to the situations under analysis or investigation.

By virtue, also, of the other activities and duties she has performed in the course of her professional career (including Director General for Human Rights, Deputy Director General for Human Rights and Deputy Legal Counsel in the Ministry of External Affairs of the Argentine Republic), Dr. Silvia Fernández de Gurmendi has built up expertise in areas relating to international law, international humanitarian law and human rights.

In her current post, as Director General for Human Rights, she continues to be involved in issues pertaining to transitional justice and the prevention of genocide and other international crimes. Her other responsibilities include representing the Argentine Republic on global and regional human rights bodies, and acting as representative or agent of the State in proceedings before organs of the inter-American system for the protection of human rights (Inter-American Commission on Human Rights and Inter-American Court of Human Rights).

From 1994 to 2000, Dr. Fernández was Legal Counsellor at the Permanent Mission of the Argentine Republic to the United Nations, acting as delegate to the Sixth Committee (of which she was rapporteur in 1994) and other legal committees of the General Assembly and Security Council. In the course of this work, Dr. Fernández took part in numerous rounds of negotiations on legal matters and took on a leadership role in the work on drawing up basic instruments for combating international terrorism and promoting international humanitarian law. Dr. Fernández presided, *inter alia*, over the process of preparing the Declaration on Measures to Eliminate International Terrorism, 1994, and the Supplementary Declaration thereto of 1995, and all the resolutions that were successively adopted on that issue in the Sixth Committee, until she left this post in 2000. She also played an important and internationally recognized role in the negotiations on the Convention on the Security of United Nations and Associated Personnel, the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. By virtue of her special experience and knowledge of these and related matters, she was called upon by the Office of the United Nations High Commissioner to chair the international group of experts on mercenaries, to recommend ways of combating their recruitment and stepping up controls on security companies (resolution 56/232).

Dr. Fernández has been involved in teaching throughout her professional career, including as Professor of International Criminal Law at the University of Palermo and at the University of Buenos Aires, which positions she holds to the present day. She has been invited to speak or take part in panel discussions by numerous universities and national and international organizations and has published a large quantity of material in Argentina and abroad on matters pertaining to international humanitarian law, human rights and international criminal law.

Apart from Spanish, her native tongue, Dr. Fernández de Gurmendi has an excellent command of both working languages of the Court, English and French.

The candidature of Dr. Fernández is proposed in accordance with the procedure for the nomination of candidates for appointment to the highest judicial offices in the State pursuant to article 36, paragraph 4 (a) (i), of the Rome Statute.

b) For the purposes of article 36, paragraph 5, of the Rome Statute, and in view of her combination of qualifications, Dr. Fernández has chosen to appear on list A.

c) The selection of the candidature of Dr. Silvia A. Fernández de Gurmendi takes into account the need for representation of the principal legal systems of the world, equitable geographical representation and a fair representation of female and male judges, in accordance with the provisions of article 36, paragraph 8 (a) (i) to (iii), of the Rome Statute. Dr. Fernández de Gurmendi is able to contribute to an appropriate composition of the Court in that she (i) represents the civil law system, (ii) represents the Group of Latin American and Caribbean Countries, and (iii) represents the feminine gender.

In addition to the aforementioned, given the candidate's combination of knowledge and experience for both categories of judge (A and B), her election will contribute in general to the balanced composition of the Court.

d) In addition to her knowledge and general experience in international criminal law, international humanitarian law and human rights, Dr. Fernández de Gurmendi, in accordance with article 38, paragraph 8 (b), of the Rome Statute, has special experience of concrete issues of relevance to situations of transitional justice, including the right to truth, the restitution of identity to illegally appropriated children and the forced disappearance of persons.

e) Dr. Silvia A. Fernández de Gurmendi does not possess dual nationality for the purposes of article 36, paragraph 7, of the Rome Statute. Her candidature is put forward as that of a national of the Argentine Republic.

Personal

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 5, 6 and 8 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. Nessi (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.

2. Medina Quiroga, Cecilia (Chile)

[Original: Spanish]

Note verbale

The Embassy of the Republic of Chile presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to inform that the Republic of Chile has decided to present the candidacy of Dr. Cecilia Medina Quiroga for the post of judge of the International Criminal Court, which has become vacant as a result of the resignation of Judge Mohamed Shahabuddeen of the Republic of Guyana, for the elections scheduled to be held during the eighth session of the Assembly, from 18 to 26 November 2009 in The Hague.

Dr. Medina Quiroga has been the President of the Inter-American Court of Human Rights for the period 2008 to 2009 and has performed her duties as a judge of that Court from 2004 to 2009.

Dr. Medina Quiroga has been nominated for the election in accordance with article 36, paragraph 4 (a) (ii), of the Rome Statute, and for the purposes of article 36, paragraph 5, of the Rome Statute, Dr. Medina Quiroga stands for election on list B.

Attached to this note can be found the letter of nomination of the National Group of the Republic of Chile at the Permanent Court of Arbitration, a statement in accordance with article 36, paragraph 4 (a), of the Rome Statute and paragraph 6 of resolution ICC-ASP/3/Res.6, as well as the curriculum vitae of Dr. Medina Quiroga.

[...]

Letter from Chile's National Group at the Permanent Court of Arbitration

In our capacity as members of the National Group of Chile at the Permanent Court of Arbitration, and in accordance with the provisions of article 36, paragraph 4 (a) (ii), of the Rome Statute of the International Criminal Court, we have the honour to present the candidacy of Doctor Cecilia Medina Quiroga for the post of judge at the International Criminal Court.

Doctor Cecilia Medina Quiroga possesses high moral character, impartiality and integrity, as shown in her vast experience and career in the field of law and, especially, in international law and human rights. She is a graduate in Social and Juridical Sciences of the University of Chile and Doctor in Law of the University of Utrecht, the Netherlands. Her current position is Professor of International Public Law, Law Faculty of the University of Chile and Co-Director of the Human Rights Center of the University of Chile. She is also a Member of the Academic Board of the Doctor's Programme of the Law Faculty of that same University.

From 2004 until this year, she also held the position of Judge of the Inter-American Court of Human Rights, being its President during the period 2008 to 2009.

From 1999 until 2000, Professor Medina was also President of the United Nations Human Rights Committee, from 1997 to 1998 Vice-President of this Committee, and from 1995 until 2002 member of the same Committee.

Doctor Cecilia Medina is also very experienced and specialized in the gender topic. She has given various courses and lectures on women's rights at the Inter-American Institute of Human Rights (San José, Costa Rica); at the Maastricht Centre for Human Rights and

Women in the Law Project of the International Human Rights Group, Maastricht, The Netherlands; and at the American Society of International Law.

She has published numerous books and articles on the subject of human rights of women, adolescents and victims.

We therefore kindly request you to include the name of Dr. Cecilia Medina in the list of candidates for election to the post of judge at the International Criminal Court, in accordance with article 36, paragraph 5, of the Rome Statute, in list B.

Signed:

Eduardo Vio Grossi
Member of the PCA National Group

Hugo Llanos Mansilla
Member of the PCA National Group

Edmundo Vargas Carreño
Member of the PCA National Group

Ximena Fuentes Torrijo
Member of the PCA National Group

Statement of qualifications

Statement submitted in accordance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court and paragraph 6 of resolution ICC-ASP/3/Res.6.

a) Dr. Medina has vast experience in law, particularly in the field of international law and human rights. She is a graduate in Social and Juridical Sciences of the University of Chile and Doctor in Law of the University of Utrecht, the Netherlands. She is Professor in International Public Law at the Law Faculty of the University of Chile, and Co-Director of the Human Rights Centre of that same faculty. She is also a member of the faculty's Doctoral Degree Board.

b) Dr. Medina served as a judge of the Inter-American Court of Human Rights from 2004 until 2009, and was President of the Court from 2008 to 2009.

c) Dr. Cecilia Medina was also Chair of the United Nations Human Rights Committee from 1999 until 2000, having been its Vice-Chair from 1997 to 1998, and a member of the Committee from 1995 to 2002.

d) In accordance with article 36, paragraph 8 (b), of the Rome Statute, Dr. Cecilia Medina has expertise on and experience in gender, juvenile and victim issues. She has given various courses and lectures on women's rights at the Inter-American Institute of Human Rights, San José, Costa Rica; at the Project of the Maastricht Centre for Human Rights and Women in the Law of the International Human Rights Group in Maastricht, the Netherlands; and at the American Society of International Law: *The evolution of women's struggle for equality within the framework of human rights*. She has brought out a number of publications in these fields.

e) Dr. Cecilia Medina has an excellent command of the English and French languages, both spoken and written, in addition to Spanish and Dutch, thus easily fulfilling the requirements established in article 36, paragraph 3 (c), of the Rome Statute.

f) For the purposes of the terms of article 36, paragraph 5, of the Rome Statute, and in view of her acknowledged competence and experience in issues pertaining to international law, Dr. Cecilia Medina stands for election on list B. Likewise, in accordance with article 36, paragraph 8, Dr. Cecilia Medina's candidacy responds to the need for representation of the principal legal systems of the world.

g) For the purposes of article 36, paragraph 7, of the Rome Statute, Dr. Cecilia Medina does not possess dual nationality. Her candidacy is presented as that of a national of the Republic of Chile.

h) Dr. Medina has been nominated in accordance with the procedure provided for in article 36, paragraph 4 (a) (ii), of the Rome Statute. The letter of nomination of the National Group of the Republic of Chile at the Permanent Court of Arbitration, including the statement required under the terms of the aforementioned article 36, paragraph 4, of the Rome Statute and paragraph 6 of Assembly resolution ICC-ASP/3/Res.6, is attached to this note verbale.

i) Lastly, the attached curriculum vitae of Professor Medina, in Spanish and English, provides details of the full range of her activities in the field of law.

Personal

Date of birth: 17 November 1935

Place of birth: Chile

Nationality: Chilean

Academic degrees

1959 License in Social and Juridical Sciences (summa cum laude), University of Chile.

1988 Doctor in Law, University of Utrecht, The Netherlands.

Current positions

2008 - 2009 President of the Inter-American Court of Human Rights.

2004 - 2009 Judge of the Inter-American Court of Human Rights.

Co-Director of the Human Rights Center, University of Chile.

Professor in International Law, Law Faculty, University of Chile.

Member of the Academic Board of the Doctor's Programme, University of Chile.

Former positions in Chile

1959 - 1968 Private practice.

1969 - 1973 Adjunct Professor of Constitutional Law, Law Faculty, University of Chile.

1972 - 1973 Under-Secretary and Rapporteur of the Constitutional Court of Chile.

1992 - 1997 Professor of International Law, University Diego Portales, Santiago, Chile.

1999 - 2001 Director of the School for Graduates, Institute of International Studies, University of Chile.

Positions abroad

1976 - 1977 Legal Adviser, Institute for the Development of Indian Law, Washington, D.C., United States of America.

1977 Investigadora en la División Hispánica de la Biblioteca Legal, Biblioteca del Congreso, Washington, D.C., United States of America.

- 1980 - 1988 Lecturer and researcher of the Europa Instituut, Law Faculty, University of Utrecht, The Netherlands.
- 1989 - 1994 Lecturer and researcher at the Netherlands Institute of Human Rights (SIM), Law Faculty, University of Utrecht, The Netherlands.
- 1991 - 1993 Advisor to the Ministry of Foreign Affairs of The Netherlands for the evaluation of human rights projects in Colombia.
- 1995 - 2002 Member of the United Nations Human Rights Committee.
- 1997 - 1998 Vice-President of the United Nations Human Rights Committee.
- 1999 - 2000 President of the United Nations Human Rights Committee.
- 1997 Guest professor of the Robert F. Kennedy Chair for distinguished Latin-Americans, Harvard Law School, Harvard University, Cambridge, United States of America.

Other academic activities in Chile and abroad

- Director and professor of various courses for Latin American lawyers, judges, public defenders, prosecutors, civil servants, sponsored by various entities: Inter-American Court of Human Rights, Inter-American Institute of Human Rights, Supreme Courts of Paraguay, Honduras and Mexico; different universities of Latin America; Utrecht University (Utrecht, The Netherlands); United Nations Program for Development (SURF-LAC) and the Office of the High Commissioner for Human Rights of the United Nations; Division for the Advancement of Women (DAW), United Nations Economic Council for Latin American and the Caribbean Islands (ECLAC); United Nations, International Court of Justice, Peace Palace (The Hague, The Netherlands).
- Various courses and lectures on women's human rights: Inter-American Institute of Human Rights (San José, Costa Rica); Maastricht Centre for Human Rights and Women in the Law Project of the International Human Rights Law Group to draft the optional protocol to the CEDAW Convention (Maastricht, The Netherlands); American Society of International Law: The evolution of women's struggle for equality within the framework of human rights; University of Toronto (1994); seminar for judges of the International Criminal Court: International Jurisdiction and Gender Justice (The Hague, The Netherlands).
- Various lectures: FLACSO and Council for International Education Exchange (for university professors on transition to democracy; Sixth World Congress of the International Association of Constitutional Law: Do Status Matter?; International Human Rights Standards for an amendment of a Criminal Code (Specialized agencies of the United Nations, Santo Domingo, Dominican Republic); Seminar on "The Development Implications of Gender-Based Violence", World Bank (Washington, D.C., United States of America); Workshop on Development and Violence against Women (World Bank and Inter-American Development Bank (ECLAC, Chile); Seminar with the European Court of Human Rights, Inter-American Court of Human Rights and Utrecht University; Seminar with the African Court of Human Rights, European Court of Human Rights and Inter-American Court of Human Rights, organized by the German Agency of Development Cooperation (GTZ) (Berlin, Germany).
- Guest professor and lecturer in various universities and organizations: University for Peace of the United Nations (San José, Costa Rica); Law Faculty, University of Toronto (Toronto, Canada); Law Faculty York University (Toronto, Canada); McGill University (Montreal, Canada); Lund University (Lund, Sweden); American University (Washington, D.C., United States of America); Human Rights Institute (Strasbourg, France); National University of Mexico (Mexico City, Mexico); University of Guatemala (Guatemala City, Guatemala); National University of Paraguay (Asunción, Paraguay);

National University of Buenos Aires (Buenos Aires, Argentina); National University of Tucumán (San Miguel de Tucumán, Argentina); University of los Andes and University Javeriana (Bogotá, Colombia); ULACIT (San José, Costa Rica); and University of El Salvador (San Salvador, El Salvador).

- Advisor positions: NIVOS (The Netherlands): Evaluation of the Oficina Jurídica de la Mujer in Cochabamba, Bolivia; Ford Foundation: Evaluation of various branches of Cladem (Latin-American and Caribbean non-governmental organization); Ministry of Foreign Affairs, The Netherlands: Evaluation of three projects on human rights education in Colombia.
- Supervisor of various theses in Chile, The Netherlands (Utrecht and Maastricht) and the United Kingdom (Oxford).

Selected books and monographies

- *Nomenclature and Hierarchy. Basic Latin American Sources*, Medina, C. and Medina, R. (Library of Congress, Washington, D.C., 1979).
- *The Battle of Human Rights. Gross, Systematic Violations and the Inter-American System* (Martinus Nijhoff, Dordrecht, 1988).
- *Constitución, Tratados y Derechos Esenciales, Introducción y Selección de textos* (Corporación Nacional de Reparación y Reconciliación, Santiago, 1994).
- *Sistema Jurídico y Derechos Humanos. El derecho nacional y las obligaciones internacionales de Chile en materia de Derechos Humanos*, Medina, C. and Mera, J. (eds.) (Universidad Diego Portales, Santiago, 1996), 687 pp.
- *Manual de Derecho Internacional de los Derechos Humanos para Defensores Penales Públicos*, Medina, C. (with the assistance of Nash, C.) (Centro de Documentación Defensoría Penal Pública, Santiago, 2003).
- *La Convención Americana: Teoría y Jurisprudencia. Vida, integridad personal, libertad personal, debido proceso y recurso judicial* (Mundo Gráfico, San José, 2005).
- *Sistema Interamericano de Derechos Humanos: Introducción a sus Mecanismos de Protección*, Medina, C. and Nash, C. (Law Faculty and Human Rights Center, University of Chile, Santiago, 2007).

Selected chapters in books and articles in journals

- “Women's Rights as Human Rights: Latin American Countries and the Organization of American States”, in Diaz-Diocaretz, M. and Zavala, I. (eds.), *Women, Feminist Identity and Society in the 1980's*, John Benjamins Publishing Company, Amsterdam, 1985.
- “A 1988 Universal Declaration of Human Rights”, in *Netherlands Quarterly of Human Rights, Special Edition*, 1989.
- “The Right to Reparation for victims of gross, systematic violations of human rights: The experience of Chile”, in *Seminar on the Right to Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms, SIM, Special No. 12*, Human Rights Project Group, University of Limburg, Maastricht, 1992.
- “El aborto terapéutico y los Derechos Humanos”, in *Foro Abierto de Salud y Derechos Reproductivos, Simposio Nacional. Leyes para la Salud y la Vida de las Mujeres. Hablemos del Aborto Terapéutico*, Santiago, 1993.

- “Do International Human Rights Laws Protect Women?” in Kerr, J., (ed.), *Ours by Right. Women's Rights as Human Rights*, ZED Books in association with The North-South Institute, Ottawa, Canada, 1993.
- “Towards a more effective guarantee of the enjoyment of human rights by women in the inter-American system”, in Cook, R., (ed.), *Human Rights of Women. National and International Perspectives*, University of Pennsylvania Press, 1994 (also available in Mandarin).
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- “Some Thoughts to Mark the 50th Anniversary of the Universal Declaration of Human Rights”, in *Reflections on the Universal Declaration of Human Rights. A Fiftieth Anniversary Anthology*, Martinus Nijhoff Publishers, The Hague, Boston, London, 1998.
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- “Volviendo a los orígenes: los derechos humanos de las mujeres”, in *Mujer Generación Siglo XXI*, University of Chile, 2007.
- “Observación General 16 del Comité de Derechos Económicos, Sociales y Culturales: Mujeres e Igualdad”, in *Anuario de Derechos Humanos 2006*, No. 2, Human Rights Centre, University of Chile, 2007.
- “La situación de los niños y adolescentes en Chile a la luz de las observaciones del Comité de los Derechos del Niño de las Naciones Unidas al Tercer Informe Periódico de Chile”, in *Anuario de Derechos Humanos 2007*, No. 3, Human Rights Centre, University of Chile, 2008.
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- “Derecho a la vida y libertad personal”, in *Seminar on Human Rights, Supreme Court, Mexico*, 2008 (online available at the website of Universidad Nacional de México).
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- “Family members” and the Inter-American Court of Human Rights, in *Diritti Individuali e Giustizia Internazionale*, Liber Fausto Pocar, Giuffrè Editore (updated version of my article for professor Fix Audio Liber Indecorum), volume II, 2009.
- “Los 40 años de la Convención Americana sobre Derechos Humanos a la luz de cierta jurisprudencia de la Corte Interamericana” in *Anuario de Derechos Humanos 2008*, No. 4, Human Rights Centre, University of Chile, 2009.
- To be published: “La Corte Interamericana de Derechos Humanos y las Mujeres; ¿Integración o Separación?”, in *Multilateralismo e Internacionalización de Género*, Ministerio de Relaciones Exteriores, Chile.

For publication

- “The Inter-American system of Human Rights”, in *Manual on International Human Rights Law*, Abö Akademie, Finland.

Awards and other distinctions

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|------|--|
| 1998 | Appointment for life as honorary and founding of the Harvard Latin American Law Society. |
| 2001 | Award of Equality Now (Women’s non-governmental organization, New York). |
| 2003 | Decoration: Ridder in de Orde van Oranje-Nassau, Queen of The Netherlands. |

- 2003 “Prominent Women in International Law”, Women’s Interest Groups, American Society of International Law (Washington, D.C.).
- 2004 Elena Caffarena Award to distinguished Chilean women, Chile.
- 2005 Valentín Letelier Medal, University of Chile.
- 2006 Women’s Prize, Gruber Foundation (New York).
- 2007 Award “Mujer Generación Siglo XXI”, University of Chile.
- 2007 René Cassin Awards, given by B`nai B`rith International, Chile.
- 2008 Eminent Visitor of Universidad Nacional de Tucumán, Argentina.
- 2008 Member of the Council for the 50th Anniversary of the Jessup Contest.
- 2008 Premio a la Ciudadanía, Fundación Ideas.
- 2009 Decoration: Commandeur in de Orde van Oranje-Nassau, Kingdom of The Netherlands.
- 2009 Chilean Women’s Leadership Award, Global Summit of Women.

Languages

- Spanish: Mother tongue.
- English: Fluent.
- Dutch: Good.
- French: Reading (good), speaking (poor).

3. Monroy Cabra, Marco Gerardo (Colombia)

[Original: English/Spanish]

Note verbale

The Embassy of Colombia to the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties of the International Criminal Court and has the honour to inform the Secretariat that Colombia has decided to nominate Dr. Marco Gerardo Monroy Cabra as a candidate for the post of judge at the International Criminal Court at elections to be held during the eighth session of the Assembly of States Parties in The Hague in November 2009.

Dr. Monroy Cabra has been nominated in accordance with the terms of article 36, paragraph 4 (a) (ii), of the Rome Statute; he stands for election on list B, pursuant to the provisions of article 36, paragraph 5, of the Rome Statute.

The letter of nomination of the Colombia National Group at the Permanent Court of Arbitration, a statement in accordance with article 36, paragraph 4 (a), of the Rome Statute and with paragraph 6 of resolution ICC-ASP/3/Res.6, and the curriculum vitae of Dr. Monroy Cabra are attached hereto.

Letter from Colombia's National Group at the Permanent Court of Arbitration

In our capacity as members of the National Group of Colombia at the Permanent Court of Arbitration, and in accordance with the provisions of article 36, paragraph 4 (a) (ii), of the Rome Statute of the International Criminal Court, we have the honour to present the candidature of Dr. Marco Gerardo Monroy Cabra for the post of judge at the International Criminal Court.

Dr. Marco Gerardo Monroy Cabra was Judge and President of the Constitutional Court. One constant in his career here has been the defence and protection of human rights, it being one of the functions of the constitutional jurisdiction in Colombia to guarantee the immediate protection of human rights in the light of the Political Constitution and the international human rights treaties to which Colombia is party. Similarly, Dr. Monroy Cabra has held other important positions in the judicial branch of government, such as President and Judge of the Disciplinary Court (Tribunal Disciplinario), Vice-President of the Superior Council of the Administration of Justice (Consejo Superior de la Administración de Justicia) and Judge of the Constitutional Chamber (Sala Constitucional) of the Supreme Court of Justice (Corte Suprema de Justicia), among many other activities.

In the international arena, he was a member of the Inter-American Commission on Human Rights (IACHR) for 10 years, Ambassador Extraordinary and Plenipotentiary to the Conferences on Private International Law in Panama and Montevideo, Vice-Chairman of the Committee on Juridical and Political Affairs at the Permanent Council of the Organization of American States (OAS) and Colombian delegate to a number of international conferences. His accomplishments in these areas have won him public acclaim in Colombia for his outstanding academic, moral and professional qualities.

We therefore kindly request you to include the name of Dr. Marco Gerardo Monroy Cabra in the list of candidates for election to the post of judge at the International Criminal Court in accordance with article 36, paragraph 5, of the Rome Statute, in list B.

Signed:

Guillermo Fernández de Soto
Member of the PCA National Group

Fernando Hinestrosa Forero
Member of the PCA National Group

Rafael Rivas Posada
Member of the PCA National Group

Rafael Nieto Navia
Member of the PCA National Group

Statement of qualifications

Statement submitted in accordance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court and paragraph 6 of resolution ICC-ASP/3/Res.6.

Dr. Marco Gerardo Monroy Cabra is a recognized Colombian jurist with over 45 years of professional and academic experience in the field of law, at both national and international level. In all posts he has distinguished himself by his impartiality, moral integrity and independence.

Dr. Monroy Cabra was President and Judge of the Constitutional Court (*Corte Constitucional*), a post he held for eight years until 2009. He was involved in the review of the constitutionality of international treaties on human rights, the Inter-American Convention against Terrorism, treaties on mutual assistance in criminal matters and the Rome Statute. He also took part in the review of the constitutionality of laws on human rights and international humanitarian law. He heard *amparo* and *tutela* actions in respect of internally displaced persons, victims of violence and minorities alleging violations of their fundamental rights. One constant in his career has been the defence and protection of human rights, it being one of the functions of the constitutional jurisdiction in Colombia to guarantee the immediate protection of human rights in the light of the Political Constitution and of international treaties to which Colombia is party.

Dr. Monroy Cabra has held other important positions in the judicial branch of government, including President and Judge of the Disciplinary Court (*Tribunal Disciplinario*), Vice-President of the Superior Council of the Administration of Justice (*Consejo Superior de la Administración de Justicia*), and Judge of the Constitutional Chamber (*Sala Constitucional*) of the Supreme Court of Justice (*Corte Suprema de Justicia*).

In the field of international law, he was a member of the Inter-American Commission on Human Rights (IACHR) for 10 years, where he helped prepare annual reports on the human rights situation in Argentina, Bolivia, Colombia, Cuba, Chile, El Salvador, Guatemala, Nicaragua, Suriname and Uruguay. He was also involved in cases of great historical import, for example relating to the fall of General Somoza in Nicaragua, to the report on disappeared persons in Argentina and to the resolution of the siege of the Embassy of the Dominican Republic in Bogotá. As a member of the IACHR he was also involved in resolving conflicts in Haiti and the conflict in El Salvador.

He was the Ambassador Extraordinary and Plenipotentiary to the Conferences on Private International Law in Panama and Montevideo, Vice-Chairman of the Committee on Juridical and Political Affairs at the Permanent Council of the Organization of American States (OAS), and Colombian delegate to a number of international conferences.

Throughout his professional career he has been closely involved in teaching and research. For six years he was Dean of the Faculty of Jurisprudence at the Rosario University (*Colegio Mayor de Nuestra Señora del Rosario*). On several occasions he was guest professor at prestigious international universities. He was a founding member and Vice President of the Inter-American Institute of Human Rights. He is the author of more than 30 legal works, most notably: *Ensayos sobre Teoría Constitucional y Derecho Internacional* (Essays on Constitutional Theory and International Law), *Derecho Internacional Público* (Public

International Law), *Desaparición Forzada de Personas* (Forced Disappearance of Persons), *El Sistema Interamericano* (The Inter-American System), *Derecho de Menores* (Rights of Minors), *Régimen Jurídico de la Extradición* (Legal System for Extradition), *Derechos Humanos* (Human Rights) and *La Convención Americana sobre Derechos Humanos* (The American Convention on Human Rights).

His accomplishments in these areas have won him public acclaim for his outstanding academic, professional and moral qualities and for his proven impartiality and integrity. Dr. Monroy Cabra possesses the qualifications required for appointment to the highest judicial offices in Colombia.

Dr. Monroy Cabra has an excellent knowledge and mastery of the English language.

In accordance with the terms of article 36, paragraph 4 (a) (ii), of the Rome Statute of the International Criminal Court and in light of the above information, the National Group at the Permanent Court of Arbitration has proposed Dr. Marco Gerardo Monroy Cabra as a candidate for the post of judge at the International Criminal Court.

a) For the purposes of article 36, paragraph 5, of the Rome Statute, Dr. Marco Gerardo Monroy Cabra is being nominated as a candidate for the post of judge of the International Criminal Court for inclusion in list B.

b) The selection of Dr. Marco Gerardo Monroy Cabra as a candidate for the post of judge takes into account the need, within the membership of the Court, for representation of the principal legal systems of the world, for equitable geographical representation and for a fair representation of female and male judges, in accordance with article 36, paragraph 8 (a) (i) to (iii).

In the context of the election of judges to be held during the eighth session of the Assembly of States Parties of the International Criminal Court, Dr. Monroy Cabra's candidature fulfils the conditions necessary to ensure an appropriate composition of the Court in so far as he (i) represents the civil law legal system, with some elements of Anglo-Saxon law; (ii) represents the Group of Latin American and Caribbean Countries (GRULAC); and represents the male gender.

c) In addition to his wide experience of matters relating to international public law, human rights and international humanitarian law, Dr. Marco Gerardo Monroy Cabra, in accordance with article 36, paragraph 8 (b), of the Rome Statute, has a specialization in juvenile law and has published a number of papers on the subject. He has also written on the special subject of the forced disappearance of persons.

d) For the purposes of article 36, paragraph 7, of the Rome Statute, Dr. Marco Gerardo Monroy Cabra does not possess dual nationality. His candidature is presented as the candidature of a national of Colombia.

Personal

Date of birth: 6 July 1940

Nationality: Colombian

International experience

1989 - 1993 Minister Plenipotentiary of the Colombian Mission to the Organization of American States.

1992 Vice-Chairman of the Committee on Juridical and Political Affairs at the Permanent Council of the Organization of American States.

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| 1978 - 1988 | Member and Chairman of the Inter-American Commission on Human Rights. |
| 1975, 1979 and 1989 | Ambassador Extraordinary and Plenipotentiary to the Conferences on International Private Law in Panama (1975), and Montevideo (1979 and 1989). |
| 1982 | Alternate Judge to the Andean Court of Justice. |

Judicial career

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| 2001 - 2009 | Magistrate to the Constitutional Court. |
| 2002 | President of the Constitutional Court. |
| 1989 | Vice-President of the Superior Council for the Administration of Justice. |
| 1982 - 1989 | President and Judge of the Disciplinary Court. |
| 1977 | Judge of the Constitutional Court of the Supreme Court of Justice (interim). |
| 1970 - 1977 | President of the Civil Court and Judge of the Superior Court of Bogotá. |
| 1966 - 1970 | Judge of the 7th and 2nd Courts of the Bogotá Civil Circuit. |
| 1963 - 1965 | Judge of the 12th Municipal Civil Court of Bogotá. |
| 1963 - 1965 | Judge of the Municipal Mixed Jurisdiction Court of La Calera 1963. |

Professional experience

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| 1963 | Attorney, Banco de Comercio. |
| 1993 - 1995 | Consultant to the Inter-American Development Bank for Programs for the Administration of Justice. |
| 1993 - 1995 | Consultant to the Agency for International Development for Programs for the Administration of Justice. |
| 1980 - 1982 and 1993 - 1999 | Independent private practice as an Attorney at the national and international level. |

Teaching experience

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| 1995 - 2001 | Dean of the Law School, Colegio Mayor de Nuestra Señora del Rosario, Bogotá, Colombia. |
| 1996 | Professor Emeritus and Honorary Professor, Universidad Colegio Mayor de Nuestra Señora del Rosario, Bogotá, Colombia. |
| 1965 - present | Chaired Professor for the subjects introduction to law, international public law and international private law, Colegio Mayor de Nuestra Señora del Rosario, Bogotá, Colombia. Former professor at the following universities: Externado de Colombia, Los Andes, Javeriana, Libre, Gran Colombia, Santo Tomás, Sergio Arboleda, Academia Superior de Policía, and Universidad Militar for many subjects such as introduction to law, civil procedural law, general evidence theory, obligations, international public law, and international private law. |

- 1990 Guest professor for the International Law course by the Inter-American Juridical Committee in Río de Janeiro.
- 1990 - 1993 Guest professor at several foreign universities, including the American University in Washington, D.C., Universidad Nacional de Costa Rica, Universidad de Lima, Universidad de Honduras, United Nations University, etc.

Education

- 1958 - 1962 Doctor of Jurisprudence, Colegio Mayor de Nuestra Señora del Rosario, Bogotá, Colombia.
- 1960 Specialization in international law and diplomacy, Institute for Diplomatic and International Studies, Universidad Jorge Tadeo Lozano, Bogotá, Colombia.
- 1967 and 1989 Certificate as an Auditor, The Hague Academy of International Law, External Programs in Buenos Aires, Argentina and Bogotá, Colombia.
- 1962 Specialization in Labor Law, Universidad Javeriana, Bogotá, Colombia.
- 1969 Degree in Rights of Minors, Universidad del Sagrado Corazón, San Juan, Puerto Rico.

Publications and research

Legal works

Author of more than 30 legal works, including:

- *Ensayos sobre Teoría Constitucional y Derecho Internacional* (Essays on Constitutional Theory and International Law), Universidad del Rosario, 2007.
- *Derecho Internacional Público* (Public International Law), Editorial Temis, Fifth edition, 2002.
- *Desaparición Forzada de Personas* (Forced Disappearance of Persons), Ediciones Librería del Profesional, Bogotá, 2000.
- *Métodos Alternativos de Solución de Conflictos* (Alternative Methods for Conflict Resolution), Oxford, University Press, 1997.
- *Derecho de los Tratados* (Treaty Law), First edition, Editorial Temis, 1989, and Second edition Editorial Leyes, 1995.
- *El Sistema Interamericano* (The Inter-American System), Editorial Juricentro de San José Costa Rica, 1994.
- *Derecho de Menores* (Rights of Minors), Editorial Wilches, 1987.
- *Reforma del Sistema Interamericano* (Reform of the Inter-American System), Ediciones Universidad Javeriana, 1986.
- *Régimen Jurídico de la Extradición* (Legal System for Extradition), Editorial Temis, 1985.
- *Introducción al Derecho Internacional Laboral* (Introduction to International Labor Law), Universidad del Rosario, 1984.
- *Derechos Humanos* (Human Rights), Editorial Temis, 1980.

- *La Convención Americana sobre Derechos Humanos* (The American Convention on Human Rights), Organization of American States, 1980.
- *Estudio: Derechos y Deberes consagrados en la Convención Americana sobre Derechos Humanos* (Study: The Rights and Duties Consecrated in the American Convention on Human Rights), San José, Costa Rica, 1980 (various authors).

Articles

Revista del Rosario

- La Autoridad del los Tratados en sus Relaciones con el Derecho Interno, Primera Parte (The Authority of Treaties in their Relationships with Internal Law, First Part), numbers 493 and 494 (1973), pp. 43-60.
- La Autoridad del los Tratados en sus Relaciones con el Derecho Interno, Segunda Parte (The Authority of Treaties in Relationships with Internal Law, Second Part), numbers 495 to 496 (1973), pp. 65-78.
- La Noción del Derecho (The Notion of Law), number 469 (1965), pp. 51-61.
- Tratados Internacionales en Derecho Colombiano, Volumen Especial (International Treaties in Colombian Law, Special Volume) (1979), pp. 7-37.
- La Acción de Tutela y la Educación Desacato y Consecuencias Punitivas (Protecting Constitutional Rights and Failure to Education and Punitive Consequences), December 1995, Vol. 88, numbers 569 - 570, pp. 65-74.
- La Enseñanza de la Etica como Misión de las Facultades de Derecho (Teaching Ethics as a Mission of Law Schools), January-June, Vol. 89, numbers 571 - 572, pp. 58-73.

Revista Cancillería de San Carlos

- Perspectivas del Sistema Interamericano (Perspectives on the Inter-American System), no. 9, August 1991, pp. 41-55.
- Validez de la Intervención de Estados Unidos en Panamá, según el Derecho Internacional (Validity of the United States Intervention in Panama, according to International Law), no. 6, March 1991, pp. 43-50.
- Las Relaciones Internacionales en la Constitución Colombiana de 1991 (International Relations in the Colombian Constitution of 1991), no. 3, May 1992, pp. 7-17.
- Un Estado no puede ejercer Actos de Soberanía en otro Estado (A State Cannot Exercise Acts of Sovereignty in another State), no. 16, December 1992, pp. 20-25.

Revista de la Academia Colombiana de Jurisprudencia

- Colombia y Convenios de OIT (Colombia and ILO Conventions), numbers 218-129-220, July-December 1977.
- Salvaguardias Constitucionales en el Proceso Penal Interamericano (Constitutional Safeguards in the Inter-American Criminal Process), numbers 270-271-272, January-July 1986.
- Aborto (Abortion), numbers 230-231-232, July-December 1979.
- Está en Crisis el Principio de la Autonomía de la Voluntad? (Is the Principle of Independent Will in Crisis?), numbers 236-237-238, July-December 1980.
- Nuevo Derecho de Menores (New Rights of Minors), numbers 221-222-223, January-June 1978.

- Influencia de la Corte Internacional de Justicia en el Desarrollo del Derecho Internacional (The International Court of Justice's Influence on the Development of International Law), numbers 210-211, January-June 1976.
- Constitución de Estados Unidos de América y su Influencia en el Desarrollo Público (The Constitution of the United States of America and its Influence on Public Development), numbers 278-279, July-December 1987.
- Derechos Humanos y Democracia Representativa (Human Rights and Representative Democracy), numbers 227-228-229, January-June 1979.
- Litigio Colombo-Venezolano (Colombian-Venezuelan Litigation), numbers 240-241-242, January-June 1981.
- La Cultura de la muerte. Reflexiones sobre el drama de Colombia (The Culture of Death. Reflections on the Tragedy of Colombia), no. 310, November 1997, pp. 1-11.

The American University Law Review

- Rights and Duties Established by the American Convention on Human Rights, Volume 30, Autumn 1980, pp. 21-63.

Book studies in homage to outstanding international jurists

- *Homage to Werner Goldschmidt*, Universidad Central de Venezuela, Caracas, 1997.
- Study on “*Eficacia Extraterritorial de las Sentencias y Laudos Arbitrales Extranjeros en el Sistema Interamericano*” (Extraterritorial Efficacy of Foreign Sentences and Arbitration Rulings in the Inter-American System), pp. 539-568.
- *Liber Amicorum in Homage to Héctor Gross Espiell*, 1997, Bruylant, Bruxelles. Study on “Los Derechos Humanos en la Constitución Colombiana de 1991” (Human Rights in the Colombian Constitution of 1991), volume 1, pp. 863 to 878.
- *El Derecho Internacional en un Mundo en Transformación: Liber Amicorum en Homenaje a Eduardo Jiménez de Aréchaga* (International Law in a World in Transformation: Liber Amicorum in Homage to Eduardo Jimenez de Arechaga), Fundación de Cultura Universitaria, Montevideo, Uruguay, 1994.
- Study on “*Solución de Controversias en el Sistema Interamericano*” (Resolving Controversies in the Inter-American System), volume II, pp. 1201-1227.
- *Derechos Humanos en las Américas. Libro Homenaje a Carlos A. Dunshee de Abranches* (Human Rights in the Americas. Book in Homage to Carlos A. Dunshee de Abranches), 1984.
- Study on “*Aplicación de la Convención Americana sobre Derechos Humanos en el Orden Jurídico Interno*” (Application of the American Convention on Human Rights in the Internal Juridical Order), pp. 135 to 145.
- *Ensayos Jurídicos, Liber Amicorum en Homenaje a Carlos Holguín Holguín* (Legal Essays: Liber Amicorum in Homage to Carlos Holguín Holguín), Ediciones Rosaristas, 1996.
- Estudio “*El Derecho Internacional en un Mundo en Transformación: Nuevos Desarrollos*” (Study “International Law in a World in Transformation: New Developments”), pages 377 to 406.
- *Libro Homenaje al profesor Carlos Holguín Holguín* (Homage to Professor Carlos Holguín Holguín), Introduction to the international law studies by Professor Carlos Holguín Holguín.

Membership in academic institutions

- Chairman and member of the Colombian Academy of Jurisprudence.
- Member of the Society for Comparative Legislation in Paris.
- Member of the American Society of International Law.
- Member of the Iberian-American Institute of Procedural Law
- Member of the Argentinean Academy of International Law.
- Senior Member of the Inter-American Bar Association.
- Founding member and former Vice President of the Inter-American Institute of Human Rights in San José, Costa Rica.
- Member of the Iberian-American Association of Social Sciences.
- Member of the International Law Association.

Languages

Spanish

English

4. Ozaki, Kuniko (Japan)

[Original: English]

Note verbale

The Embassy of Japan in 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 ICC-ASP/8/S/20 dated 13 May 2009, has the honour to inform the latter that the Government of Japan has decided to nominate Professor Kuniko Ozaki as a candidate for judge of the International Criminal Court, at the election to fill judicial vacancies, to be held during the eighth session of the Assembly of States Parties, scheduled for 18 to 26 November 2009 in The Hague, following the sudden passing of Judge Fumiko Saiga in April 2009.

The nomination of Professor Ozaki is made in accordance with article 36, paragraph 4 (a), of the Rome Statute.

Ms. Ozaki is a list B candidate for the purposes of article 36, paragraph 5, of the Rome Statute. Professor Ozaki has enjoyed a long and successful career, both as a highly competent career diplomat with expertise in international law, humanitarian law and law of human rights, including matters related to the International Criminal Court, and as a specialist in criminal law and refugee law in the Ministry of Justice. She also served as Director, Division for Treaty Affairs, United Nations Office on Drugs and Crime (UNODC), from 2006 to 2009. In addition, Professor Ozaki has rich experience as an academic lawyer, having undertaken research and teaching as a professor in the fields of international criminal law, humanitarian law and law of human rights at various universities and institutions. She has written extensively in the relevant fields and has numerous publications. These experiences clearly demonstrate her qualifications as a person with "established competence in relevant areas of international law such as 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". It is also important to note that, following the passing of Judge Saiga, there remains only one judge (male, list A) from Asia, and no female and/or list B judge from Asia amongst the incumbent judges. The election of Professor Ozaki as a new judge of the Court would thus contribute significantly to improving regional and other balances in the composition of judges of the Court. The statement made in accordance with article 36, paragraph 4 (a), of the Rome Statute and the curriculum vitae of Professor Ozaki are attached herewith.

Japan has consistently supported the activities of the International Criminal Court since its establishment and, having formally become a State Party to the Rome Statute in October 2007, intends to remain a strong supporter of the Court. The decision of the Government of Japan to present the candidature of Professor Ozaki for election as a judge of the International Criminal Court reflects its firm commitment to continue exerting utmost efforts to facilitate the activities of the Court. The Government of Japan is fully confident that Professor Ozaki possesses the necessary experience, expertise and knowledge in relevant areas of international law, such as humanitarian law and the law of human rights, to add a strong contribution to the important work of the Court.

[...]

Statement of qualifications

Statement submitted in accordance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court and paragraph 6 of resolution ICC-ASP/3/Res.6 on the procedure for the nomination and election of judges of the International Criminal Court

a) Professor Kuniko Ozaki, the Japanese candidate for judge of the International Criminal Court, is a person of high moral character, impartiality and integrity, who possesses the qualifications required in Japan for appointment to the highest judicial offices.

Professor Ozaki is one of Japan's prominent diplomats, with significant expertise in international law and international criminal law. Joining the Ministry of Foreign Affairs of Japan in 1979, Professor Ozaki has held various important positions involving legal work throughout her diplomatic career. She was engaged in and contributed to the negotiations, ratification processes and implementation phases of various treaties and conventions in the fields of international crimes, human rights, terrorism, environment and non-proliferation, amongst others. At the Permanent Mission of Japan to the United Nations, she was mainly in charge of the issues discussed in the Sixth Committee (legal affairs) of the General Assembly, and was intensively engaged in the process of international rule-making.

Apart from her diplomatic career, in the Ministry of Justice, Professor Ozaki was heavily involved in the drafting and application of domestic law on drug crimes, organized crime, money laundering, terrorism and illegal immigration, as a specialist attached to the Criminal Affairs Bureau. She also participated actively in crime-related treaty negotiations as a member of the Japanese delegation. The wide recognition of her experience and knowledge in the field of international criminal law was demonstrated by her appointment in 2006 as Director, Division for Treaty Affairs of the United Nations Office on Drugs and Crime (UNODC), in which capacity she served until 2009. Her responsibilities in that position included assisting States in the ratification and implementation of the relevant international treaties, including the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption; development of domestic legislation on drugs, crime and terrorism; technical assistance including education and training of judges and prosecutors in developing countries; and establishing rule of law and national criminal justice systems in post-conflict regions.

Professor Ozaki's exceptional competence and ability in legal affairs, as well as her high moral character, have been well confirmed by the professional manner in which she discharged these duties. Taking into account these achievements of Professor Ozaki, her nomination as the Japanese candidate for judge of the International Criminal Court was proposed at a cabinet meeting, and authorized after careful consideration following the procedure stipulated in article 36, paragraph 4 (a) (i), of the Rome Statute.

b) Professor Ozaki is nominated as the Japanese candidate for judge of the Court for inclusion in list B for the purposes of article 36, paragraph 5, of the Rome Statute.

Professor Ozaki has been intensively involved in the relevant areas of international law, such as international humanitarian law and law of human rights, and developed superior expertise and competence in these fields. As Director of the Human Rights and Humanitarian Affairs Division, she was in charge of preparing for the ratification and implementation of the Geneva Conventions and the Additional Protocols, amongst others, and led the Japanese delegation in human rights-related meetings at the United Nations. As Director of the Refugee Division at the Ministry of Justice, she was also responsible for addressing the issue of human trafficking and issues related to refugees. Most importantly, she took active part in and contributed significantly to the process of preparing and negotiating the establishment of a statute for the International Criminal Court, both in New York and in Tokyo.

In addition to her work for the Government of Japan, Professor Ozaki has rich experience as an academic lawyer, having undertaken research and teaching in the fields of international humanitarian law and law of human rights, including matters related to the International Criminal Court, as Professor of International Law at various universities and institutions. She has written extensively in the relevant fields and has numerous publications.

c) Professor Ozaki has an excellent knowledge of and is fluent in English. She also has a good knowledge of French.

d) The information relating to article 36, paragraph 8 (a), of the Rome Statute is as follows: Given that there remains only one judge (male, list A) from Asia amongst the incumbent judges following the passing of Judge Fumiko Saiga, the election of Professor Ozaki as a new judge of the Court will significantly contribute to improving regional and other balances in the composition of judges of the Court.

(i) Professor Ozaki is qualified for appointment to the highest judicial offices in Japan.

(ii) Professor Ozaki is a national of Japan, a member of the Asian region.

(iii) Professor Ozaki is female.

e) Professor Ozaki has legal expertise on specific issues including, but not limited to, violence against women and children. As Director of the Human Rights and Humanitarian Affairs Division, she was involved in gender-related issues, and led the Japanese delegation at the twenty-third special session of the General Assembly on “Women 2000: gender equality, development and peace for the twenty-first century”, which took place in New York in June 2000. She addressed the issue of human trafficking in various positions held throughout her career. She also contributed to the making of the “Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice” as a member of the Japanese delegation to the Crime Commission in 1997, and became responsible for its implementation as the Director for Treaty Affairs of UNODC from 2006. At UNODC, she dealt extensively with the issue of transnational organized crime. Her contributions to the activities of UNODC are well recognized by the international community.

f) Professor Ozaki is a national of Japan and does not possess the nationality of any other State.

Personal

Date of birth: 20 February 1956

Place of birth: Japan

Education

University of Tokyo (B.A., 1978)

University of Oxford (M.Phil., 1982)

Current positions

Professor at the National Graduate Institute for Policy Studies (GRIPS), specializing in international law, humanitarian law and law of human rights.

Special Assistant to the Ministry of Foreign Affairs and Ambassador in charge of the Convention on Biological Diversity.

Professional legal experience

- April 2009 - present Special Assistant to the Ministry of Foreign Affairs.
Ambassador in charge of the Convention on Biological Diversity. In charge of negotiating and preparing for the 10th Meeting of the Conference of the Parties to the Convention on Biological Diversity (2010).
- 2006 - 2009 Director, Division for Treaty Affairs, United Nations Office on Drugs and Crime (UNODC).
As the legal advisor of UNODC, responsible for, amongst others, assisting States in the ratification and implementation of the relevant international treaties, including the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, as well as the development of domestic legislation on drugs, crime and terrorism; technical assistance including education and training of judges and prosecutors in developing countries; and the establishment of rule of law and national criminal justice systems in post-conflict regions.
- 2004 - 2006 Minister, Permanent Mission of Japan to the International Organizations in Vienna; Head of the International Atomic Energy Agency (IAEA) and Nuclear Suppliers Group (NSG) sections.
As Head of the IAEA and NSG sections, covered non-proliferation issues and in charge of the negotiations to revise the Convention on the Physical Protection of Nuclear Material.
- 1991 - 2001 Director, Human Rights and Humanitarian Affairs Division, Ministry of Foreign Affairs.
As Director, responsible for humanitarian and human rights affairs, including gender issues. In charge of the preparations for the ratification and implementation of the Geneva Conventions and the Additional Protocols, amongst others. Led the Japanese delegation in human rights-related meetings of the United Nations, including the twenty-third special session of the General Assembly on “Women 2000: gender equality, development and peace for the twenty-first century”, in June 2000. Also responsible for addressing international crimes, transnational crimes and drug and human trafficking. Led the negotiations for the Convention against Transnational Organized Crime and the Convention on Cybercrime.
- 1998 - 1999 Director, Refugee Division, Immigration Bureau, Ministry of Justice.
Main duties and responsibilities included determination of refugee status in accordance with the United Nations Convention on Refugees and issues related to illegal immigrants and human trafficking.
- 1995 - 1998 Specialist to Criminal Affairs Bureau, Ministry of Justice.
Actively participated as a member of the Japanese delegation in crime-related treaty negotiations, including the United Nations Preparatory Committee for the Establishment of an International Criminal Court. Responsible for legislation and application of domestic law on drug crimes, organized crime, money laundering, terrorism and illegal immigration, in accordance with relevant international conventions, and participated in the drafting of major laws in these areas. Also in charge of advising on the application of

drug-related laws in specific cases. Contributed to the making of the “Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice” as a member of the Japanese delegation to the Crime Commission in 1997.

- 1993 - 1995 First Secretary, Permanent Mission of Japan to the United Nations.
Mainly responsible for matters taken up by the Sixth Committee (legal affairs) of the United Nations General Assembly. Major issues included negotiations on the Rome Statute and the Terrorism Declaration and discussions on the International Court of Justice, the International Law Commission and the United Nations Charter revision, amongst other issues related to international law.
- 1992 - 1993 Principal Deputy Director, Economic/Environmental Affairs Division, United Nations Bureau, Ministry of Foreign Affairs.
Main duties and responsibilities included matters relating to sustainable development, the concept of which was beginning to gain recognition as one of the guiding principles of the United Nations system; preparation for the Rio Conference; and Japan’s ratification of the Basel Treaty.
- 1986 - 1989 Deputy Director, Oceanic Affairs Division, Ministry of Foreign Affairs.
Responsible, amongst other matters, for trade negotiations in agricultural and fisheries products and application of the General Agreement on Tariffs and Trade (GATT) and bilateral trade agreements to these products. Also involved in early negotiations to establish the Asia-Pacific Economic Cooperation (APEC).
- 1982 - 1986 Deputy Director, Legal Affairs Division, Treaties Bureau, Ministry of Foreign Affairs.
Major responsibilities included criminal jurisdiction, treaty law, international economic law and law of the sea.

Amongst other activities, engaged in and contributed to the negotiations, ratification processes, and implementation phases of numerous treaties and conventions, including the following:

- Rome Statute of the International Criminal Court;
- Human rights conventions;
- Geneva Conventions and Additional Protocols;
- United Nations Convention against Transnational Organized Crime;
- United Nations Convention against Corruption;
- Terrorism-related treaties; and
- Environment-related treaties.

Also participated in many other international meetings and conferences, as a keynote speaker, lecturer, panelist and discussant, as well as contributed to United Nations publications.

Academic experience

Vast experience as an academic lawyer, having undertaken research and teaching as a professor at the institutions listed below. Main fields of specialty are: international criminal law and law of human rights including matters relating to the International Criminal Court, war crimes, crimes against humanity, terrorism, organized crime and corruption, amongst others.

| | |
|----------------|---|
| 2009 - present | Professor, National Graduate Institute for Policy Studies (GRIPS). |
| 2001 - 2004 | Professor of International Law, Tohoku University Graduate School of Law. |
| 2003 - 2004 | Professor, Kobe University Graduate School. |

Relevant publications (in Japanese)

Books

- *International Human Rights Law and International Criminal law* (Shinzansha, 2004).
- *International Law (Bridge-book Series)* (Shinzansha, 2003, co-author (2nd edition, 2009)).

Treatises

- “UN Convention against Transnational Organized Crime”, *Gendai Keijiho* vol. 9 (2007).
- “Gender as the mainstream in the United Nations”, in: Toshiya Ueki & Hiroyuki Tosa (ed.), *International Law, International Relations and Gender* (Tohoku University Press, 2007).
- “Punishment of war crimes in Japan”, in: Shinya Murase & Akira Mayama (ed.), *International Law of Armed Conflicts* (Toshindo, 2006).
- “Exemption of penalties on illegal entry of refugees coming directly from a territory where their life or freedom was threatened”, in: *Jurisuto Important Cases in 2002*, (Yuhikaku, 2003).
- “Punishment of human rights violators in international law”, in: Yozo Yokota (ed.), *Contemporary International Law and the United Nations, Human Rights and International Tribunals* (Kokusai Shoin, 2003).
- “The scope of national criminal jurisdiction over violations of human rights”, *Kokusaiho Gaiko Zassi* vol. 102-1 (2003).
- “International framework to fight against trafficking of children”, *Hougaku Seminar* 2003-1 (2003).
- “Major work of the Human Rights Commission in 2000”, *Kokusai Jinken* vol. 12 (2001).
- “Transnational Organized Crime – Japan and the G8 Summit Meeting 2000”, *Gaiko Forum* 2000-8 (2000).
- “Supreme Court (3rd Bench) Decision on 18 October 1996 – Legality of undercover operations in drug crimes investigations”, *Horitsu no Hiroba* 1997-7 (1997).
- “Osaka District Court Judgment on 22 September 1995 – Controlled delivery and Custom Law”, *Kenshu* vol. 578 (1996).
- “Problems in the application of Article 8 of the Drug Special Law”, *Kenshu* vol. 581 (1996).

Languages

Japanese (native)

English (fluent)

French

5. Pollard, Duke E. E. (Guyana)

[Original: English]

Note verbale

The Permanent Mission of the Republic of Guyana to the United Nations presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to inform that the Government of Guyana hereby nominates Justice Duke E.E. Pollard as a candidate for the post of judge of the International Criminal Court in the elections to be held during the eighth session of the Assembly of States Parties in The Hague, 18-26 November 2009. For the purposes of article 36, paragraph 5, of the Statute, Justice Pollard is being nominated as a candidate under list B.

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, inter alia, 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.

Justice Pollard has established competence in areas of international law such as 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). Justice Pollard also represented Guyana on the United Nations Special Committee on the Question of Defining Aggression.

Justice Pollard is a qualified lawyer from a common law legal system. He has standing at the bar 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. He 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.

The Government of Guyana attaches high importance to the Court and considers that Justice Pollard has the qualities and experience that will enable him, if chosen, to make a valuable contribution to its work. He will bring to the Court wide-ranging experience in international law as well as the judicial expertise derived from his service in the highest appellate Court in CARICOM, where he has adjudicated in criminal law and other cases. The candidature Justice Pollard has been endorsed by the Caribbean Community.

The attached statement of qualifications and curriculum vitae further detail the experience and qualifications of the candidate.

[...]

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 seminal 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.

Personal

Nationality: Guyanese

Profession

International lawyer, jurist, municipal lawyer

Education

- Queen's College (Guyana).
- London University B.A. (Hons.), LL.B. (Hons.).
- McGill University, LL.M. (International Law).
- New York University, LL.M. (International Law).
- Norman Manley Law School, Legal Education Certificate.

Academic honours

- Lionel Luckhoo Memorial Prize (University College of Wisconsin, 1959).
- Fellow of Institute of Comparative and Foreign Law (McGill University, 1966).
- Fellow of Centre for International Affairs (New York University, 1970).

Professional expertise

- Publicist / jurist in International Law
- Mining / International Economic Law
- Law of the Sea

- International Institutional Law
- Law of Treaties
- General International Law
- Economic Integration Law

Professional associations

- Member of the Jamaican Bar
- Member of the Guyana Bar
- Member of the British Institute of International and Comparative Law
- Member of the American Society of International Law

Critical achievements

- Collaborated in conceptualizing, defining and promoting the concept of the Exclusive Economic Zone (UNCLOS III).
- Elaborated Protocols and Treaty on the revision of the Treaty Establishing the Caribbean Community (1994-2000).
- Collaborated in the elaboration of the Agreement Establishing the Caribbean Court of Justice and other constituent instruments.
- Elaborated draft Agreement Establishing the Association of Caribbean States.
- Responsible for elaborating United Nations travel documents for Namibians.
- Responsible for establishing the terms of reference of the United Nations Committee on Relations with the Host Country (Acting Chairman of the Sixth Committee of the United Nations General Assembly, 26th session).

Representation at intergovernmental conferences and meetings

1974 - 1982 Representative of the International Bauxite Association (IBA) Secretariat at meetings of the United Nations Conference on Trade and Development (UNCTAD), including the Negotiating Conference on the Common Fund, Geneva, September (1979), February (1980).

Representative of IBA Secretariat at various meetings of Producers' Associations sponsored by United Nations related bodies.

Representative of the IBA for the purpose of establishing relations with the United Nations and, in particular UNCTAD and ECOSOC, including its Commission on Natural Resources (United Nations Headquarters, New York); the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD) (Headquarters, Washington); United Nations Industrial Development Organization (UNIDO) (Headquarters, Vienna); Inter-Governmental Council of Copper Exporting Countries (CIPEC) (Headquarters, Paris); UNCTAD (Headquarters, Geneva).

1973 - 1974 Legal Adviser to the Guyana delegation at Guyana/Cuba, Guyana/United Kingdom, Guyana/Netherlands, Guyana/France, Guyana/Brazil bi-lateral air transport negotiations.

Legal Adviser to Guyana delegation, Meeting of Bauxite Producing Countries (Conakry, 1974).

- 1970 - 1973 Representing Guyana on the following:
- Working Party to draft the instrument Establishing the Caribbean Community and Common Market.
 - United Nations Committee on Relations with the Host Country.
 - Preparatory Committee of the Specialized Conference of Caribbean Countries on the Law of the Sea (Colombia).
 - Meeting of Commonwealth Caribbean Countries on the Law of the Sea (LOS), (Kingston, Jamaica).
 - United Nations Commission on International Trade Law, 5th session (New York).
 - Meeting of Officials of Caribbean Countries on LOS (Caracas).
 - United Nations Seabed Committee, Spring session (New York).
 - Specialized Conference of Foreign Ministers of Caribbean Countries on the Law of the Sea (Dominican Republic).
 - United Nations Seabed Committee, Summer session (Geneva).
 - United Nations Conference on the Law of the Sea (Caracas).
 - Sixth Committee, 25th and 26th sessions of the United Nations General Assembly.
- 1969
- United Nations Seabed Committee, spring and summer sessions (Geneva).
 - Special Committee on the Question of Defining Aggression (4th session, New York).
 - United Nations Commission on International Trade Law (4th session, Geneva).
 - Special Committee on the Question of Defining Aggression (2nd session, New York).
 - United Nations Conference on the Law of Treaties (Vienna, 2nd session).
 - Sixth Committee, 24th session of the United Nations General Assembly.
- 1968
- United Nations Conference on the Law of Treaties (Vienna, 1st session).
 - Sixth Committee, 23rd session of the United Nations General Assembly.
 - United Nations Regional Seminar on International Law (Quito).
 - Special Committee on the Question of Defining Aggression (Geneva, June/July).
 - Envoy Extraordinary and Plenipotentiary to South West Africa (United Nations Mission to Namibia).
- 1967
- Sixth Committee, 22nd session of the United Nations General Assembly (New York).
 - United Nations Council for Namibia.

Specialist interventions at non-governmental conferences and meetings

- 1970 Panelist, Pacem in Maribus Convocation on the Law of the Sea (Malta, 1970 and 1971).
- 1971 Panelist, Constitution for the Oceans, Centre for the Study of Democratic Institutions (Santa Barbara, California, 1971).
Panelist, Conference on the Fate of the Oceans, Villanova University (Pennsylvania, 1972).
Participant, United Nations Symposium on Racial Discrimination (Yaoundé, Cameroon, 1971).
Panelist, Pacem in Maribus Convocation (Malta, 1972).
- 1972 Participant, Gulf and Caribbean Workshop on the Law of the Sea (Caracas, Venezuela, 1971).
Panelist, Freedom of Scientific Research in the Oceans, Centre for Marine Affairs (San Diego, California, 1972).
Panelist, Conference on the Law of the Sea (University of Rhode Island, 1973).
- 2002/2003 Member, Commonwealth Law Ministers Expert Group on Delinking from the Judicial Committee of the Privy Council.

Employment historySubstantive posts

- February 2005 - present Judge, Caribbean Court of Justice.
- January 2003 to 2005 Director, CARICOM Legislative Drafting Facility.
- 1996 - 2002 General Counsel/Officer-in-Charge, Legal and Institutional Development Division, CARICOM Secretariat.
- 1992 Senior Partner in Pollard, Lee Clarke and Campbell.
- 1984 - present United Nations Commonwealth Secretariat, Caribbean Law Institute and Caribbean Community Secretariat, Consultant on several international law projects.
- 1978 Chairman, Management Committee, International Bauxite Association.
- 1974 - 1980 General Counsel, International Bauxite Association.
- 1972 - 1974 Permanent Secretary (ag.), Ministry of Foreign Affairs, Guyana.
- 1972 - 1974 Legal Adviser, Ministry of Foreign Affairs, Guyana.
- 1970 - 1974 Minister/Counsellor, Permanent Mission of Guyana to the United Nations.
- 1961 - 1965 Lecturer, Queen's Royal College, University of the West Indies (Trinidad).

Representational posts

- 1971 Chairman (ag.) and Vice-Chairman of the Sixth Committee, 26th session of the United Nations General Assembly.

- 1970 Acting President and Chairman of the Committee on Travel Documents of the United Nations for Namibia.
- Rapporteur, Committee on Host Country Relations, 27th session of the United Nations General Assembly.

Consultancy engagements

(a) Advisory

- 1986 Evaluation of the United Nations Centre on Transnational Corporations (UNCTC) Technical Assistance Programme, UNCTC, New York.
- Advising Government of Bangladesh on Foreign Investment Agreements, UNCTC, New York.
- 1987 Coordinating the Establishment of the CARICOM / UNFDAC Programme on Drug Abuse Abatement and Control, UNFDAC / CARICOM Secretariat, 1987.
- 1989 Evaluating Caribbean Justice Improvement Project, USAID.
- January 1993 Coordinating Project on Commercial Law Survey in CARICOM Countries, Caribbean Law Institute.
- July 1993 Advising the Government of Grenada on Maritime Boundary Delimitation with Trinidad and Tobago, Commonwealth Secretariat, London.
- Advising Caribbean Community on International Legal Issues.

(b) Studies

- 1977 Study of Institutional and Legal Aspects of Producer's Associations: Action Plan for Economic Cooperation/United Nations.
- 1981 Preparation of papers for UNCTC Workshop on Regulating and Negotiating with Transnational Corporations, UNCTC Ghana.
- 1983 Preparation of papers on Permanent Sovereignty over Natural Resources, United Nations Institute for Training and Research (UNITAR), Buenos Aires, Argentina.
- 1985 Study on Decision-Making in CARICOM, CARICOM Secretariat.
- 1986 Study on Dangerous Drugs Legislation in CARICOM Countries, CARICOM Secretariat.
- 1990 Analysis of Legislative and Financial Framework of Mining Industries in CARICOM, Commonwealth Secretariat, London.
- Analysis of Environmental Legislation in Commonwealth Caribbean Countries, Caribbean Law Institute.
- March 1991 Analysis of Forestry and Related Environmental Legislation in Montserrat, FAO/TFAP CARICOM Project.
- November 1991 Analysis of Forestry and Related Environmental Legislation in Antigua/Barbuda, FAO/TFAP CARICOM Project.
- August - September 1992 Analysis of Forestry and Related Environmental Legislation in Grenada, FAO/TFAP CARICOM Project.

- November 1992 Analysis of Forestry and Related Environmental Legislation in St. Vincent and the Grenadines, FAO/TFAP CARICOM Project.
- November 1992 Analysis of Rights of Establishment and Provision of Services in CARICOM, Caribbean Community Secretariat.
- 1989 Study on Commonwealth Caribbean Exclusive Economic Zone, Food and Agriculture Organization (FAO), Rome.
- (c) Treaty drafting
- 1979 Elaboration of Constitution for ACP Banana Producer's Association, ACP Secretariat/UNCTAD.
- 1988/1989 Drafted Convention on CARICOM Exclusive Economic Zones, CARICOM Secretariat; FAO, Rome.
- 1973 Collaborated in drafting of Treaty of Chaguaramas.
- 1994 - 2000 Drafted Revised Treaty of Chaguaramas, Protocols I – IX, CARICOM Secretariat.
- 1994 Drafted Constituent Instrument of the Association of Caribbean States, CARICOM Secretariat.
- Drafted Declaration of Labour and Industrial Relations Principles, CARICOM Secretariat.
- Drafted CARICOM Agreement on Social Security.
- 1995 Drafted Constitution of Caribbean Disaster Emergency Response Agency.
- Drafted Agreement Relating to the Seat of the Caribbean Court of Justice and the Offices of the Regional Judicial and Legal Services Commission.
- Drafted Regulations of the Regional Judicial and Legal Services Commission.
- Drafted Constituent Instrument of Caribbean Investment Fund.
- Drafted Protocol on Privileges and Immunities of the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission.
- 1996 Drafted CARICOM Agreement on Regional Justice Protection.
- Drafted Rules of the Caribbean Court of Justice (Original Jurisdiction).
- 1997 Drafted Staff Regulations of Caribbean Telecommunication Union.
- 1998 Drafted Constitution of Caribbean Regional Organization for Standards and Quality.
- 2000 Drafted Agreement Establishing the Caribbean Climate Change Centre.
- Drafted Agreement Establishing CARICOM Regional Organization for Standards and Quality.
- Drafted Revised Agreement Establishing the Caribbean Community including the CARICOM Single Market and Economy.
- Drafted Agreement Establishing the Caribbean Court of Justice Trust Fund.
- 2001 Drafted Agreement Establishing CARICOM Fisheries Mechanism.

(d) Legislative drafting

- 1996 Collaborated in drafting Rules of the Caribbean Court of Justice (Appellate Jurisdiction).
Collaborated in drafting Rules of the Caribbean Court of Justice (Original Jurisdiction).
- 1997 Collaborated in drafting CARICOM Model Regional Justice Protection Bill.
- 2001 Collaborated in drafting Fair Competition/Consumer Protection Bill.
- 2002 Collaborated in drafting CARICOM Law on Subsidies and Anti-Dumping.
Collaborated in drafting Caribbean Community (Movement of Factors) Bill.
- 2003 Caribbean Community (Revised Treaty) Bill.
Vesting Deed of the Caribbean Court of Justice (CCJ) Trust Fund.

Publications

Monographs

- *"The Caribbean Court of Justice: Closing the Circle of Independence"*, Caribbean Law Publishing Co. Ltd., Kingston, 2004
- *"The CARICOM System: Basic Instruments"*, Caribbean Law Publishing Co. Ltd, Kingston, 2003.
- *"The Caribbean Court of Justice: What it is; What it Does"*, CARICOM Secretariat, 1999.
- *"The Environmental Laws of the Commonwealth Caribbean"*, Caribbean Law Institute, 1991-1992.
- *"The Legislative and Financial Framework of Mining Industries in Commonwealth Caribbean Countries"*, Commonwealth Secretariat, London, 1991.
- *"The Problem of Drug Abuse in Commonwealth Caribbean Countries"*, CARICOM Secretariat, 1987.
- *"Law and Policy of Producers' Associations"*, Oxford University Press, 1984.
- "Proceedings of the International Conference on Bauxite", *Metal Bulletin*, 1981.
- *"Institutional and Legal Aspects of Producers' Associations"*, United Nations, 1977.
- *"The Annotated Treaty Establishing the Caribbean Community"* (in preparation).

Articles

- "Legal and Institutional Aspects of the International Bauxite Association", *IBA Quarterly Review*, Vol. 1, No. 1, 1976.
- "The Guyana/Suriname Dispute in International Law", *Caribbean Yearbook of International Relations*, A. W. Sijthoff, 1976.
- "Transnational Corporate Power and National Governments", *IBA Quarterly Review*, Vol. 2, No. 1, 1977.
- "The International Seabed Authority", *Caribbean Yearbook of International Relations*, A. W. Sijthoff, 1977.
- "Dynamics of Determinations in Producers' Associations", *Texas International Law Journal*, Summer, 1980.

- “Transfer of Technology in the Bauxite Industry: Proceedings of the International Conference on Bauxite”, *Metal Bulletin*, 1981.
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