

## Statement of qualifications

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

The Government of the Republic of South Africa hereby nominates Professor Christopher John Robert Dugard for election as a judge of the International Criminal Court by the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court.

Professor Dugard is a South African national.

### 1. *Qualifications in terms of article 36, paragraph 3, of the Rome Statute*

Professor Dugard is an individual of high moral character, impartiality and integrity with an impeccable track record of supporting human rights causes and experience in international humanitarian law and human rights law.

Professor Dugard not only has an extensive academic record illustrating his expertise in public international law and criminal law but has also displayed high moral character and integrity in defending human rights in South Africa and abroad.

He appeared as counsel or acted as a legal consultant in several cases challenging South Africa's apartheid regime from an international law perspective. In 1968, he provided the legal foundation for a challenge to the validity of apartheid security laws in Namibia on the ground that the mandate for South West Africa had been lawfully terminated by the General Assembly of the United Nations. In 1981, he appeared as counsel in a challenge to the validity of measures taken under the Group Areas Act, zoning certain areas for exclusive white occupation on the ground that this zoning violated international human rights norms. In 1982, he argued that Archbishop Desmond Tutu's passport had been unlawfully revoked and in 1989, he challenged the lawfulness of the Bantustan 'state' of Bophuthatswana on the ground that its creation violated norms of international law. He also succeeded in setting aside proclamations aimed at expanding Bantustans and laid the legal foundation for the argument that captured members of Southern African Liberation movements (SWAPO and ANC) should be treated as prisoners of war and not criminals.

In the international arena, he has served the international community with distinction, always displaying integrity and impartiality in his work as Special Rapporteur on violations of human rights and humanitarian law in the Occupied Palestinian territories.

His reputation as an individual of high moral standing resulted in his nomination on more than one occasion as judge *ad hoc* to the International Court of Justice (ICJ).

### 2. *Technical qualifications in terms of article 36, paragraphs 3 (b) and 5, of the Rome Statute*

Professor Dugard is being nominated for inclusion in list B, covering candidates 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.

As can be seen from his curriculum vitae appended hereto Professor Dugard not only has extensive legal qualifications and internationally recognized academic skills in

international human rights, humanitarian law and criminal law and procedure; but also has extensive practical experience in the international humanitarian law and human rights arena together with appropriate international judicial experience.

Professor Dugard is well versed in international criminal law and procedure, having written several papers on the subject, a book on criminal procedure, as well as edited books and papers on the topic.

He has served the international community from 1997 - 2006 as the first South African to be elected a member of the International Law Commission (ILC). During his membership of the Commission, Professor Dugard made significant contributions to the development of international law and further excelled in his role as Special Rapporteur to the International Law Commission on Diplomatic Protection.

Besides his groundbreaking work on the International Law Commission, he is recognised as a prominent international expert in the field of human rights and humanitarian law, having served on the United Nations Commission on Human Rights from 1998. He has served as Chairman of the Human Rights Inquiry Commission to investigate violations of human rights and humanitarian law in the Occupied Palestinian Territories. It is of great significance that until 2007 he was the Special Rapporteur on violations of international humanitarian law and human rights in the Occupied Palestinian Territories.

He has experience in acting as Legal Counsel, (including but not limited to human rights) but also has international judicial experience as judge *ad hoc* of the International Court of Justice in the case concerning Armed Activities on the Territory of Congo (Democratic Republic of the Congo vs. Rwanda) and in the case concerning Sovereignty over Pedra Branca/Pulau Batu Putela, Middle Rock and South Ledge (Malaysia/Singapore).

3. *Special qualifications: article 36, paragraph 8*

Professor Dugard has studied law in South Africa and in the United Kingdom and has lectured law in various parts of the world, including but not limited to the United Kingdom, the United States, Australia, the Netherlands and Switzerland. He has also acted as judge *ad hoc* in the International Court of Justice and brings with him an understanding of various legal systems.

Judge Dugard is a candidate from the African region and is male.

4. *Knowledge of one of the working languages of the Court: article 36, paragraph 3 (c)*

Professor Dugard has excellent knowledge of and fluency in English.

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