

Statement of qualifications

Personal

Name: El Hadji Malick Sow

Date of birth: 29 December 1955

Place of birth: Dakar, Senegal

Nationality: Senegalese

Education

2004 Southern Methodist University, Dallas, Texas; Masters in International and Comparative Law.

1984 Ecole Nationale d'Administration et de Magistrature [National College for Public Administration and the Judiciary], Dakar; Brevet de Magistrat [Judge's Diploma].

1982 Cheikh Anta DIOP University, Dakar - Maîtrise en droit, option droit des Affaires [Masters in Law, Business Law option].

1976 Lycée Van Vollenhoven, Dakar; Baccalaureate.

Additional certificates

1998 The Africa Centre for Strategic Studies.

1996 The National Centre for State Courts.

1991 Certificate International Development Programme.

1991 Centre for Financial Engineering in Development and Department of Economics of the American University.

1991 University of Minnesota, Hubert H. Humphrey Institute of Public Affairs.

Languages

Wolof and Pular: native-speaker

French and English: speak, write and read fluently

German: basic

Arabic: basic

Professional experience

I. As judge

(a) *Since April 2007, judge of an international criminal court*

- 25 April 2007, appointed Judge at the Special Court for Sierra Leone, sitting as Alternate Judge in Trial Chamber II.

(b) *Judge in national courts and tribunals of Senegal*

- Judge in the various Chambers of the Dakar Court of Appeal

2006 - 2007 Magistrat hors echelle [Special-Category Judge], Chamber President, presiding judge of the Third Correctional Chamber of the Dakar Court of Appeal.

- Presiding judge at correctional hearings and judge of final recourse in correctional cases heard at first instance by regional and departmental courts.

Judge for Electoral Matters.

- President, Departmental Tally Commission for Bambey, for the presidential elections; supervised the electoral process, tallied the votes and proclaimed partial results.

2005 - 2006 Judge-Counsellor in Chambers.

Judge in the First Correctional Chamber.

- Judge of final recourse in correctional cases heard at first instance by regional and departmental courts.

Judge in the Chambre d'Accusation [Indictments Chamber].

- Heard appeals against decisions of examining judges; conducted reviews of regularity of proceedings; reviewed and confirmed charges and decided on remittal of criminal cases for trial before the Assize Courts; exercised a power of review over actions of the police.

Judge in the First Labour Dispute Chamber.

- Judge of final recourse in employer/employee disputes, including disputes between international organisations such as the Central Bank of West African States and the International Committee of the Red Cross, diplomatic missions and non-governmental organisations and their employees.

2000 - 2003 Judge-Counsellor in Chambers.

Judge in the Second Correctional Chamber.

- Judge of final recourse in correctional cases heard at first instance by regional and departmental courts.

Judge-Assessor for Assize Courts of Dakar and Saint Louis.

- Heard criminal cases brought before the Dakar and Saint Louis Assize Courts.

Judge in juvenile cases.

- Judge of final recourse in criminal or correctional case involving minors heard at first instance by the juvenile courts.

Judge for Electoral Matters.

- President, Departmental Tally Commissions for Podor and Bakel; supervised the electoral process, tallied the votes and proclaimed partial results;
- Member, National Tally Commission for legislative, municipal and rural elections; decided electoral disputes.

1994 - 1996 Judge-Counsellor in Chambers.

1995 - 1996 Judge in the First Civil and Commercial Chamber.

- Judge of final recourse in civil and commercial appeals from first-instance decisions of regional and departmental courts.

1994 - 1995 Judge in the Second Labour Dispute Chamber.

- Judge of final recourse in employer/employee disputes heard at first instance by labour tribunals in the various regions of Senegal.

(c) *Judge in regional courts*

1986 - 1990 Judge at the Dakar Labour Tribunal.

- President of the sections, Miscellaneous Industries, Bakeries, Liberal Professions, adjudicated employer/employee disputes in the Dakar Region.

1985 - 1986 Vice-President, Investigating Judge and President, Diourbel Labour Tribunal.

Tribunal Vice-President.

- Presiding judge in trials of flagrant offences, and of serious correctional offences at first instance other than those investigated as Investigating Judge;

Investigating Judge.

- Opened official police enquiries and conducted investigations in criminal and correctional matters involving adults;

Judge in cases involving juveniles.

- Responsibility for investigating and adjudicating all correctional and criminal cases involving juveniles;

President, Labour Tribunal.

- Presiding judge at Labour Tribunal hearings; first-instance adjudication of employer/employee disputes.

1984 - 1985 Judge at the Ziguinchor Regional Tribunal

Judge in correctional cases.

- Presiding judge in trials of flagrant offences, and of serious correctional offences at first instance other than those investigated as Investigating Judge;

Investigating Judge.

- Opened official police enquiries and conducted investigations in criminal and correctional matters involving adults;

Judge in cases involving juveniles.

- Responsibility for investigating and adjudicating all correctional or criminal cases involving juveniles.

II. Technical Adviser to the Minister for Foreign Affairs and Senegalese Diaspora (1998 - 2000)

- Assisted the Minister in preparing and participating in various international meetings and conferences, including the Rome Conference for the adoption of the Statute of the International Criminal Court.
- Responsibility for the following matters: human rights; conflict prevention, management and settlement; organised transnational crime; illegal traffic in small arms and small-calibre weapons; illegal traffic in drugs; the fight against terrorism; the campaign against anti-personnel mines.
- Participated with the Minister in:
 - First Meeting, in Mauritius, of Human Rights Ministers of the African Union;
 - Meeting of the ECOWAS Mediation Council for Settlement of the Crisis in Ivory Coast.
- Read, on behalf of the Minister, the opening speech at the seminar of the African Human Rights Commission on the Right to a Fair Trial.
- Represented the Minister at various meetings, including:
 - Conference on the “Evaluation of National Conferences and other Processes of Democratic Transitions in Africa”, Cotonou, Benin;
 - Initiatives on Capacity Building and Maintenance of Peace in Africa, Libreville, Gabon.
- Trained personnel of Senegalese Embassies and Consulates in Europe and Africa in

connection with voting facilities for overseas Senegalese in the March 2000 Presidential Election.

- Responsible for coordinating the work of the Comité scientifique [Specialist Board] in preparation for the First Seminar of the African Centre for Strategic Studies for High-Ranking Officials.

III. Technical Adviser to the Keeper of the Seals, Minister of Justice (1996 - August 1998)

- Assisted and worked with the Minister at each stage of the process for the creation of an International Criminal Court and the adoption of the Rome Statute.
 - Actively assisted the Minister in the preparation and organization of the Dakar Regional Awareness-Raising Seminar for the Creation of an International Criminal Court.
- Responsibility for human rights issues:
 - Worked with the Minister on the Charter for the Rights and Welfare of the Child, the Convention on the Worst Forms of Child Labour, and on the problems of street children and child begging.
- Took part in weekly meetings on the operation of the criminal courts as member of the Judicial Reform Commission.
- Member of the Board of Experts for the Organisation for Harmonization of Business Law in Africa (OHADA).
 - Actively assisted the Minister in advocating acceptance of the concept of harmonization of business law and ratification of the treaty establishing the OHADA; participated in meetings of Justice Ministers of the Organisation and the adoption of the Uniform Acts; Leader of the Senegal delegation to Yaoundé for adoption of the Uniform Act on Arbitration.
- Represented the Minister at various conferences and seminars:
 - Presided on behalf of the Minister at meetings of women lawyers on violence against women and female genital mutilation;
 - Meeting on human rights and HIV/AIDS for assistance to persons living with HIV.
- Participated in the drafting of legislation, including all of the amendments to the Penal Code on violence against women and children, female genital mutilation and paedophilia; legislation on Sociétés Civiles Professionnelles [Professional Partnerships] and the Status of Notaries.
- Member of the Comité scientifique [Specialist Board] for preparation and organisation of the International Conference to Combat Organised Transnational Crime and Corruption.
- Government Commissioner for the Ordre des Experts et Evaluateurs du Sénégal [National Order of Experts and Appraisers].

- Director, Conseil de Surveillance de la Société Nationale de Recouvrement du Sénégal [Supervisory Board of the National Institution for Debt Recovery].
- Represented the Minister at various inter-ministerial meetings, notably on energy and rural electrification.
- Drafted applications by the Keeper of the Seals, Minister of Justice, before the Court of Cassation.

IV. Chargé de Mission du Médiateur de la République du Sénégal [Executive Officer to the National Ombudsman] (1991 - 1994)

- Responsible for dealing with complaints against the State, local administrations, public institutions and all bodies having public-service functions.
- Actively participated in drafting the annual report of the Ombudsman to the President of the Republic.
- Responsible for examining and settling cases of human rights violations and complaints submitted to the Ombudsman by human rights organisations.
- Worked on the issue of persons displaced by the conflict between Senegal and Mauritania.
- Coordinated the work of consultants studying relations between banks and their customers.
- Prepared a practical guide on mediation and a number of notes on the organisation of the Ombudsman's Office and on the implementation of judicial decisions, and also on social security institutions.

Teaching assignments

August 1996 - July 2000	Judicial Training Centre (CFJ); taught labour dispute resolution to trainee judges.
November 1986 - June 1990	Centre de Formation et de Perfectionnement administratif [National Institute for Administrative Training and Advanced Training]; taught commercial law, economic crime and court organisation in Senegal.

Experience with the United Nations, New York

15 June 2004 - 15 December 2004	Office for the Coordination of Humanitarian Affairs (OCHA). Worked on issues related to: Islam and international humanitarian law; protection of the civilian population; the rule of law; civilian/military relations and international humanitarian law; manual of procedure for UN personnel within and outside conflict zones;
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Rapporteur for “Policy Development and Studies Branch” (PDSB) at the 59th session of the General Assembly and for the work of the Economic and Social Council.

Other internships

April - May 1991 The United States Office of Personnel Management in Washington, D.C.

- Worked on issues of recruitment to the United States civil service, and on evaluation, training and advanced training of officials and disciplinary procedures and sanctions.

October - January 1990 World Bank, Washington, D.C.

- Worked on structural adjustment programs, poverty and debt;
- Wrote a document on the desirability of amending the Senegal Labour Code.

Pro bono activities

As legal counsellor, handled all legal issues for the Network for the Prevention of Maternal and Infantile Mortality and for the Senegalese Association for Reproductive Health; gave a number of presentations on Respect for Human Rights in the Prevention of Maternal and Infantile Mortality.

Publications

- “Introduire la Conciliation en droit du Travail au Centre d’Arbitrage, de Médiation et de Conciliation de la Chambre de Commerce et d’Agriculture de Dakar”, *Performance Magazine*, November to December 2000.
- “Women and Access to Justice”, *Le Diplomate*, 15 December to 15 January 2000.
- “Rôles du Pouvoir Judiciaire dans les Nouvelles Démocraties Africaines”, *Le Diplomate*, 15 May to 15 June 1999.
- “Transparence et Régularité dans le processus électoral au Sénégal”, *Le Diplomate*, 15 February to 15 March 1999.

Studies and research papers

- Islam and International Humanitarian Law (2004).
- Comparative Study on how Juveniles are handled by International Criminal Courts (2004).
- Criminal Liability of Juveniles involved in the commission of the Crimes targeted by International Criminal Laws (2004).
- The Youth and the Laws in Senegal (1999).

- Guide de Procédure de Conciliation (1994).
- Structural Adjustment Programs, A Critic to deal with Poverty (1991).
- The right to die (1991).
- Le Principe de l'Indivisibilité de l'Aveu judiciaire (1984).
- La Protection des Consommateurs au Sénégal (1982).

Presentations of relevance to international criminal law

- The most serious crimes which face our world today: context and description – The Hague, Netherlands, 26-27 October 2007.
- Ethics Conference, Florence, Italy, 7-9 December 2006: Training of Judges and Prosecutors in Senegal.
- “Protection des droits humains dans la lutte pour la prévention de la mortalité maternelle” (Protection of Human Rights in the Campaign for the Prevention of Maternal Mortality), Abidjan, Côte d’Ivoire, March 2002.
- Criminal Justice and Crime Prevention, Seoul, South Korea, October 2001: “Criminal Justice and Crime Prevention in Senegal”.
- The African Commission for Human and Peoples’ Rights, Dakar, Senegal, September 1999: “The Right to a Fair Trial”.

Other presentations

- Dakar, Senegal, February 2006 - La loi et le HIV/SIDA (The law and HIV/AIDS).
- Dakar, Senegal, November 2000 - Typologie, prévention, gestion et règlement des conflits (Typology, prevention, management and resolution of conflicts).
- Dakar, Senegal, May 1998 - Les créances de salariés et les procédures simplifiées de recouvrement des créances (Debts of wage-earners and simplified debt recovery procedures).
- Dakar, Senegal, August 1998 - La Justice du future (The justice of the future).
- Lisbon, Portugal, May 1997 - La lutte contre la corruption en matières économique et financière au Sénégal (Fighting Corruption in Economic and Financial Management in Senegal).
- Accra, Ghana, November 1994 - Démocratie et règlement des conflits au Sénégal (Democracy and conflict resolution in Senegal).
- Dakar, Senegal, March 1997 - L'arbitrage, la conciliation et la médiation au Sénégal (Arbitration, Conciliation and Mediation in Senegal).
- Madrid, Spain, August 1997 - Les origines des Etats modernes en Afrique: prévention, gestion et règlement des conflits (The Origins of Modern States in Africa: Prevention, Management and Settlement of Conflicts).

- Dakar, Senegal, July 1997 - La Charte Africaine des Consommateurs (The African Consumers' Charter).
- Dakar, Senegal, November 1993 - Pour une alternative de procédure en matière de licenciement pour motif économique (Alternative procedure for economic layoffs).
- Saint Louis, Senegal, December 1992 - Les enjeux du recours à l'appareil judiciaire (The risks of recourse to judicial settlement).
- Dakar, Senegal, March 1992 - Les relations entre les banques et leur clientèle au Sénégal (Relations between banks and their clients in Senegal).
- Washington, DC, May 1991 - Considerations on the modification of the Senegalese labor code.
- Washington, DC, May 1991 - The Social Dimension of Structural Adjustment Programs.
- Dakar, Senegal, April 1989 - Les Tribunaux du Travail au Sénégal (Labour Tribunals in Senegal).

Participation in conferences and seminars

- Droits Humains et Prévention de la Mortalité maternelle, Abidjan, Côte d'Ivoire, March 2002.
- Criminal Justice and Crime Prevention, Seoul, Republic of Korea, October 2001.
- Evaluation des Conférences nationales et autres processus de transition politique en Afrique, Cotonou, Benin, February 2000.
- Les Manœuvres pour le Renforcement des Capacités Africaines de Maintien de la Paix (RECAMP), Libreville, Gabon, 27 and 28 January 2000.
- First meeting of Foreign Ministers of the ECOWAS Council for Mediation and Security, Bamako, Mali, 29 December 1999.
- La Cour de Justice de l'UEMOA, ses rapports avec les juridictions nationales, Dakar, Senegal, 21 and 22 December 1999.
- Seminar for High-Ranking Officials of the Centre for Strategic Studies in Africa, Dakar, Senegal, 1 - 12 November 1999.
- Institutionnalisation de la Démocratie en Afrique (Coalition mondiale pour l'Afrique), Dakar, Senegal, 29 - 30 October 1999.
- Le droit à un procès équitable en Afrique, Dakar, Senegal, 9 - 11 September 1999.
- Problématique de l'indépendance du pouvoir judiciaire en Afrique, Ndjamena, Chad, May 1999.
- Access to justice and fair trial, Johannesburg, South Africa, 11 - 13 December 1998.
- La création d'une Cour pénale internationale, Dakar, Senegal, 5 - 6 February 1998.
- Tendances africaines actuelles, Madrid, Spain, August 1997.

- Lutte contre la corruption dans la gestion économique financière, Lisbon, Portugal, May 1997.
- Lutte contre la criminalité transnationale organisée et la corruption, Dakar, Senegal, July 1997.
- L'Etat africain à l'aube du troisième millénaire, Dakar, Senegal, April 1997.
- Judicial Reform Roundtable II, Williamsburg, Virginia, 19 - 22 May 1996.
- Global Peace and Conflicts Resolution, Accra, Ghana, 21 - 23 November 1994.
- Art de gouverner et processus de développement économique et social, Dakar, Senegal, 24 - 26 April 1992.
- Restructuring Industrial Enterprises, Washington, D.C., 11 - 15 March 1991.
- Debt, Poverty, Equity, Global Challenges, Local Solutions, Washington and Minneapolis, December 1990 and June 1991.
