

Statement of qualifications

The following statement is submitted in accordance with article 36, paragraph 4 (a), 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 Court (ICC-ASP/3/Res.6).

Dr. Javier Laynez Potisek has established competence and extensive experience in criminal law and proceedings, and is therefore exceptionally well qualified and fully meets the requirements provided in article 36, paragraph 3 of the Rome Statute to sit as a judge of the International Criminal Court.

Dr. Laynez has been a public servant directly involved in criminal law for over 25 years, during which he has been known for his incorruptible moral standards and excellent legal interpretation skills. He undoubtedly meets the standards of high moral character, impartiality and integrity set out in article 36, paragraph 3(a) of the Rome Statute.

He enjoys an excellent reputation among the highest elite of the national criminal system, including justices of the Supreme Court, prosecutors, attorneys and national and international legal experts and academics. It is noteworthy that his appointment to his current post had to be approved unanimously by the Mexican Senate. As Deputy Legal Advisor to the Presidency during the last three administrations, including the political transition, he has earned respect as an impartial advisor whose sole allegiance is to the law itself. His merits and career have been acknowledged within the national and international community through various honours and awards. He also possesses the qualifications required for appointment to the highest judicial offices in Mexico.

Dr. Laynez has established competence in criminal law and procedure, in accordance with article 36, paragraph 3(b)(i) of the Rome Statute. He is a practicing lawyer who also holds a masters and a doctorate degree with honors from the *Université de Paris*. He commands great respect within the academic community as a lecturer in the most prominent law schools in Mexico and as the author of several authoritative publications on issues such as *habeas corpus*, the structure and functioning of judicial systems, the strengthening the rule of law and the challenges of public governance.

The candidate has considerable and extensive experience and success in criminal proceedings as required under above-mentioned article 36, paragraph 3 (b)(i) of the Rome Statute.

As Deputy Attorney-General for Legal and International Affairs, he demonstrated his expertise in both criminal and international law by leading several cases of utmost importance for Mexico and other States. To mention but a few, in 2006 he pleaded for the implementation of international treaties on criminal extraditions before the Mexican Supreme Court, and through the favorable ruling obtained, he personally managed to succeed in having Mr. Succar Kuri, who was later tried and convicted by a Mexican tribunal for child sexual abuse, extradited to Mexico from the United States. In 2005, he succeeded in having Mr. Thomas Frank White, accused of the same charges, extradited from Thailand. In 2006, he also overcame various legal obstacles and succeeded in obtaining the surrender of five members of the terrorist organization ETA to the Government of Spain. At the time, he was also directly involved in the trial of a former Mexican President's brother

for diversion of public funds, which, after years of litigation, resulted in the recovery of such funds. He also led negotiations on various international agreements with China, Switzerland and Spain on legal assistance and cooperation in criminal matters.

As Deputy Legal Advisor of the Presidency, he was also involved in drafting and negotiating various constitutional reforms in the area of criminal law. In 2005, he directly participated in the negotiations on the constitutional recognition of the jurisdiction of the International Criminal Court and in its drafting process. In 2007, he coordinated work on the constitutional amendment draft to adopt the accusatorial criminal system in Mexico and promoted its adoption by Congress, in particular the inclusion of provisions on the protection of victims and defendants' human rights throughout the entire criminal proceedings. Whilst he was in office, he directly participated in the litigation during the *Radilla Pacheco v. Mexico* case before the Inter-American Court of Human Rights.

Recently he was responsible for the legal design of the *Social Office of the Prosecutor for the Defense of Crime Victims*, a new entity for the protection of victims, in which the board of governors comprises both private individuals and organizations and public entities. He also actively participated in the negotiations on the recent amendment to the Mexican Constitution in the area of human rights.

As Attorney-General for Tax Issues, he successfully drafted and negotiated the Money Laundering Bill, which regulates Mexico's compliance with the recommendations of the Financial Action Task Force (FATF).

In regard to the requirements under article 36, paragraph 3(c) of the Rome Statute, Dr. Laynez has an excellent command of the French language and is also fluent in English. His native language is Spanish.

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