

ICC Judicial Nomination – Model Curriculum Vitae

FAMILY NAME:	PERRIN DE BRICHAMBAUT	
FIRST NAME:	MARC	
MIDDLE NAME:	PIERRE	
GENDER:	MALE	
DATE OF BIRTH:	OCTOBER 29, 1948	
NATIONALITY:	FRENCH	
REGIONAL CRITERIA:	WEOG	
SECONDARY NATIONALITY: (IF APPLICABLE)	NONE	
MARITAL STATUS:	MARRIED	
LIST A/ LIST B:	LISTE B	
LANGUAGES:	Mother tongue: French	
- ENGLISH	(written) Confirmed	(oral) Confirmed
- FRENCH:	(written) Confirmed	(oral) Confirmed
- OTHERS	ITALIAN: (written) Confirmed	(oral) Confirmed
	SPANISH: (written) Confirmed	(oral) Confirmed
EDUCATIONAL QUALIFICATIONS: <i>Date; institution, qualification(s) obtained (starting with most recent)</i> <i>- Please copy/paste if more entries are needed</i>		
1967- 1972		
<i>-Institution:</i> Ecole Normale Supérieure de Saint Cloud (Advanced teacher’s college)		
<i>-Qualification obtained:</i> Professeur, Agrégé de géographie (Highest teaching diploma)		
1967- 1970		
<i>-Institution:</i> Institut d’Etudes Politiques de Paris, section service public		
<i>-Qualification obtained:</i> Diplômé de l’Institut d’Etudes Politiques de Paris (MA in law and public administration)		
1972- 1974		
<i>-Institution:</i> Ecole Nationale d’Administration (Senior civil service training institution)		
<i>- Qualification obtained:</i> Auditeur au Conseil d’Etat (Initial rank in the Supreme judicial review jurisdiction)		

PROFESSIONAL EXPERIENCE : *Date, employer, post title, other information (starting with most recent)*

- *Please copy/paste if more entries are needed*

- *Please indicate the relevance of the experience to the candidacy under list A or B, as appropriate*

- **Since 2011**

-*Employer*: Conseil d'État (Supreme Court for administrative Law / Judicial review)

-*Post title*: Senior Judge, Conseiller d'État

-*Other information*:

The Conseil d'État is the highest administrative court in France. French administrative tribunals ensure the protection of the fundamental rights of citizens. They serve as guardians of public liberties and human rights in a variety of areas. They verify whether the actions of public officials are in conformity with European and international human rights instruments, in particular the European Convention on Human Rights. They contribute to reviewing the constitutionality of laws referred to them. They implement the petition for protection of fundamental liberties, which allows a judge to order any measure necessary to protect a fundamental freedom that a public body might seek to infringe.

In its litigation activity, the Conseil d'État acts as the court of last resort in disputes between individuals and public officials. It is primarily a court of cassation, in that it judges the decisions handed down in last resort by administrative tribunals, administrative courts of appeal and specialized administrative courts such as the National Court of Asylum. As a supreme court, the Conseil d'État, by its decisions and its opinions, assures the unity and coherence of jurisprudence, while assisting it to adapt to an evolving society.

I sit in legal proceedings as rapporteur charged with examining certain cases and as deliberating judge participating in the collegial process of adopting judgments. I also represent the litigation section in the General Assembly of the Conseil d'État, which examines drafts and proposals for laws and decrees in order to advise the government on their legal and constitutional aspects.

In this respect, I have practical experience both as a judge in a supreme court and with the concrete implementation of human rights norms derived from domestic law as well as from international obligations. The legal proceedings of the Conseil d'État, which take fully into account the requirements of international conventions, are similar to those before international criminal tribunals in their respect for the principle of legality, rules regarding fact-finding or the adversarial character of the procedure.

- **2005-2011**

-*Employer*: OSCE

-*Post title*: Secretary general of the Organization for Security and Cooperation in Europe

-*Other information*:

The Organization for Security and Co-operation in Europe (OSCE) is a regional organization in the sense of Chapter VIII of the Charter of the United Nations, whose objective is to ensure security among its participating states in several different respects, including the human dimension. Human rights and the rule of law are central to these values.

By supporting the participating state holding the rotating chairmanship of the OSCE, the institutions of the organization, together with the participating state, seek to ensure that these values are respected. They work to strengthen institutions and practices capable of sustainably implementing these values. In this respect, the OSCE plays an active role in assisting states in strengthening their criminal legislation and courts. It is deeply involved in the promotion of women's rights and the fight

against trafficking in persons. It maintains close relations with non-governmental institutions and civil society in each country.

As Secretary General of the OSCE for six years, chosen by consensus by the fifty-six participating states, I was involved in following the crisis situations and conflict zones that came under its purview. I sought to contribute to efforts to ensure humanitarian law was respected in conflict situations, while seeking peaceful outcomes through negotiation. I contributed to the organization's work in promoting values, in close collaboration with the states and with the civil society.

The responsibilities of the Secretary General of the OSCE involve chairing demanding meetings in several languages and insuring cooperation with partners and collaborators from widely varying cultural backgrounds. At all times, the objective is to arrive at a consensus through collegial decision making process.

- 1998-2005

-Employer: French Ministry of Defence

-Post title: Under Secretary for Policy (Department of Strategic Affairs)

-Other information:

The Department of Strategic Affairs (DAS) at the French Ministry of Defence provides the minister with analyses and policy advice covering a broad range of geographic, sectoral and technical fields, paying particular attention to crisis regions including Africa. The Department brings together diverse teams from both civil and military backgrounds, and is in contact with a very large number of international partners and interlocutors.

Security and legal challenges were numerous during the years I was head of the Department, during a period of security challenges, including terrorist activities and conflict in Iraq, in Afghanistan, in different parts of Africa and in the Balkans. These situations offered to me several opportunities to promote the application of the rules of humanitarian law and to contribute to crisis management in difficult environments.

I believe my years at DAS have exposed me to the kind of crisis situations during which mass crimes and gender crimes can occur and where the international community seeks to restore peace with justice while protecting the victims. This practical experience is relevant to the challenges international criminal judges encounter and can serve as background to the exercise their judicial function.

Simultaneously, I taught international public law course at the Institut d'Études Politiques de Paris (Sciences Po) along with Mr Dobelle for seven years.

- 1994-1998

-Employer: French Ministry of Foreign affairs

-Post title: Legal advisor to the French Foreign Ministry

-Other information:

The Legal Affairs Directorate (DAJ) of the French Foreign Ministry assists the Minister by fulfilling a legal advisory role and serving as France's representative before international courts. It is also responsible for directing French delegations to international negotiations on legal questions. It plays a central role in the definition and implementation of France's legal external policy and in ensuring that international norms are promoted within French institutions, particularly in the domain of human rights and humanitarian law.

I was actively involved in the cooperation with the International Criminal Tribunal for former

Yugoslavia and the International Criminal Tribunal for Rwanda, helping to provide evidence and witnesses to these Tribunals at their request and to establish a cooperation agreement.

I was responsible for coordinating the French contribution to the preparatory work for the International Criminal Court and I led the French delegation to the Rome conference. I was directly involved in shaping some key parts of the Statute regarding crimes, complementarity and victims. I was able to sign the Statute of Rome on behalf of France. I was thus able to acquire a solid understanding of the choices and compromises that prevailed during the drafting of the Statute which is of great value for further contributions of its future development.

In addition to having represented France in two cases before the International Court of Justice, I also pled before the Court of Justice of the European Union and the European Court of Human Rights. In the latter case, I presented files relating to criminal justice that had been examined by judicial judges.

I believe my experience at the Legal Affairs Directorate constitutes a solid foundation for the work of a Category B judge of the ICC. Many others who negotiated the Statute of Rome have performed, and continue to perform with distinction, these eminent functions. I aspire to follow in their footsteps and to serve again the cause of international criminal justice, which has seen such remarkable growth in recent years.

OTHER PROFESSIONAL ACTIVITIES :

Please copy/paste if more entries are needed

Prior to 1994, my professional experience covered three areas of activity:

- **Diplomatic activity on behalf of France.** From 1991 to 1994 I served as Ambassador, Permanent Representative of France to the Vienna negotiations, covering both conventional disarmament and pan-European cooperation in all aspects of security. Before that, I spent three years in the Ministry of Defence as diplomatic advisor to the minister and two years at the Embassy of France to the United States as cultural counsellor. For four years, from 1981-1986, I served in the front offices (cabinets) of two successive ministers for Foreign Affairs as counsellor and as the head of private office (directeur de cabinet), with direct participation in policy making on many European, foreign and legal policy issues. In all of these posts, I was in a privileged position to observe at close hand the significant transformations that Europe underwent during this period, as well as the many crisis situations leading to mass crimes, such as in the Balkans and Central Africa. This experience gave me exposure to events, international negotiations and exceptional personalities that have served as points of reference throughout my subsequent career.

- **Participation in the Secretariat of the United Nations from 1978 to 1981 in the field of international development** in the office of the Assistant Secretary General for international economic and social questions, Jean Ripert, at a time when major multilateral negotiations concerning the new international economic order and global cooperation on development issues were taking place. This position introduced me to multilateral negotiations and profoundly motivated me in my commitment to working for the cause of peace and of the United Nations.

- **Years of training in the profession of judge** as auditor and then maître des requêtes/counsel in the Conseil d'État, an intense period where I served in the litigation section as well as the public works section.

1991/ 1994

- *Activity:* Ambassador of France to the Vienna negotiations on arms control and confidence building (Conference on Security and Co-operation in Europe)

1988/ 1991

- *Activity:* Diplomatic advisor to the Defence Minister of France

1986/ 1988

- *Activity:* Cultural counsellor of the French Embassy in the United States of America

1985/ 1986

- *Activity:* Head of the Office of Minister for European Affairs and then Foreign minister, Roland Dumas

1981/ 1984

- *Activity:* Member of the Office of the French Foreign Minister

1978/ 1981

- *Activity:* Secretariat of the United Nations in New York

1974/ 1978

- *Activity:* Conseil d'État (Supreme Court for administrative law), as a junior judge, consultancies in the Planning Commission

My professional profile corresponds to that required for a Category B judge: member of a supreme court drawing on a broad experience with international law and international relations. In the respect I believe I will be able to make a significant contribution to the team of judges of the ICC to be elected in December 2014.

MOST RELEVANT PUBLICATIONS

- Perrin de Brichambaut (Marc), "The OSCE in perspective, six years of service, six questions and a few answers" pp 31-44 in *Security and human rights* Volume 23, issue 1, 2012
- Perrin de Brichambaut (Marc), "Six years as OSCE Secretary General: An Analytical and personal retrospective" pp.25-49 in *OSCE Yearbook 2011, Hamburg, Nomos, 2012*
- Perrin de Brichambaut (Marc), Dobelle (Jean-Francois), Coulée (Frédérique), *Leçons de droit international public*, 2011, 701 pages, 2nd édition, Paris, Presses de Sciences-Po et Dalloz
- Perrin de Brichambaut(Marc), "The OSCE. Status quo and future perspectives" pp. 489-501 in "*Strategie und Sicherheit 2011*", Wien, BohlauVerlag, 2011
- Articles in *Survival*: "Jump-starting democracy" April-May 2010; "An agenda for human dignity", November-December 2008
- Perrin de Brichambaut(Marc), "Les nouveaux enjeux de la sécurité internationale" pp. 337-352 in Jacques Attali (ed.) "*Le sens des choses*", Paris, Robert Laffont, 2009
- Perrin de Brichambaut (Marc), "The role of the United Nations Security Council in the International Legal System" pp 269-277 in Michael Byers(ed.), *The role of Law in International Politics*, Oxford, Oxford University Press, 2000
- Perrin de Brichambaut (Marc), "Le rôle du Directeur des Affaires juridiques dans un pays engagé dans la coopération européenne" pp. 85-97 in "*Recueil d'articles de conseillers juridiques d'Etats, d'organisations internationales et de praticiens de droit international*", Nations Unies, 1999
- Perrin de Brichambaut(Marc) et Dubrocard (Michèle), "Quelques aspects de la spécificité de la procédure devant la Cour de Cassation française face au contrôle de la Cour Européenne des droits de l'homme", pp.593-605 in *Mélanges en hommage à Louis- Edmond Pettiti*, Bruxelles, Bruylant, 1998
- Perrin de Brichambaut (Marc), "Les avis consultatifs rendus par la CIJ le 8 juillet 1996 sur la licéité de l'utilisation des armes nucléaires dans un conflit armé (OMS) et sur la licéité de la menace de l'emploi d'armes nucléaires (AGNU)", pp 314-336 in *Annuaire Français de Droit International 1996*, Paris, CNRS Editions, 1997
- Perrin de Brichambaut(Marc), "Opening argument", pp.195-211, "Closing argument", pp 238-241, in *New Zealand at the International Court of Justice: French nuclear testing in the Pacific*, Wellington, New Zealand Ministry of Foreign Affairs and trade, 1996
- Perrin de Brichambaut (Marc), "Les relations entre les Nations Unies et les systèmes régionaux", pp 97-107 in *Société Française de Droit International, Le Chapitre VII de la Charte des Nations Unies*, Paris, Pedone, 1995

MOST RELEVANT SEMINARS

- Research Internships, Rand corporation, Santa Monica, CA, 1975
- Brookings Institution, Washington DC, 1976
- Professor of International Public Law, Institut d'Études Politiques de Paris 1997-2005 (part-time position shared with Mr. Jean-François Dobelle)
- Teaches a course on "Global Governance and International Organizations" at the Paris School Affairs, Sciences Po, (position shared with Nicolas de Rivière and David Behar)

MEMBERSHIP OF PROFESSIONAL ASSOCIATION AND SOCIETIES

Member of the International Advisory Board of the International Peace Institute (IPI), New York.
Member of the Société française de Droit International.
Member of the International Law Association (French Branch).
Member of the International Institute for Security Studies (IISS).

AWARDS AND HONOURS

Officier de la Légion d'honneur (France)
Palmes académiques (France)
Commander's cross of the order of merit of the Federal Republic of Germany

PERSONAL INTERESTS

Running, Visual arts

OTHER RELEVANT FACTS