

Sifuentes, Mônica Jacqueline (Brazil)

[original: English]

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 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, as amended).

The Federative Republic of Brazil has decided to nominate Judge Mônica Jacqueline Sifuentes for one of the six vacancies available for a post of judge at the International Criminal Court (ICC), with a view to the elections which are to be held at the nineteenth session of the Assembly of States Parties to the Rome Statute in New York, from 7 to 17 December 2020.

The curriculum vitae of Judge Mônica Jacqueline Sifuentes is attached in the format requested by the Secretariat of the Assembly of States Parties.

(a) On the necessary detail of how the candidate fulfils each of the requirements of article 36, paragraph 3(a), (b) and (c) of the Statute, in accordance with article 36, paragraph 4(a) of the Statute

Judge Mônica Jacqueline Sifuentes is nominated for election under the terms of article 36, paragraph 4(a)(i), of the Rome Statute of the International Criminal Court, i.e. by the procedure for the nomination of candidates for appointment to the highest judicial offices in Brazil. She meets all the conditions of high moral character, impartiality, integrity, experience and seniority required in Brazil for appointment to the highest judicial offices, in accordance with article 36(3)(a) of the Rome Statute.

Judge Sifuentes has the necessary aptitude and is very well qualified to sit as a judge of the International Criminal Court, having extensive judicial experience and expertise in the field of international criminal justice.

It is important to note that after concluding the public Federal University, she was awarded the prize given to the best student and who had achieved the best grades and behavior during the course. She was also classified at the first place on the State Judge contest.

She now has 28 years of judicial experience and started her career as a judge in a small city of the State of Minas Gerais.

In her work as a Federal Judge at the Court of Appeals, she routinely analyses the most serious and complex criminal cases, including cases of federal political crimes and criminal offenses committed against the assets, services or an interest of the Federal Union, international trafficking in drugs, weapons and persons, crimes covered by an international treaty or convention, cases regarding human rights, crimes against the organization of labor and, in the cases determined by law, those against the financial system and the economic and financial order.

As a member of the 2nd Section of Appeals, at the Federal Court, she has the initial jurisdiction (trial) over crimes committed by authorities with jurisdictional prerogative, like City Mayors and State Representatives, both in regular crimes and in impeachable offenses.

Ms. Sifuentes is a native speaker of Portuguese, fluent in English and has an intermediate to advanced level of Spanish.

(b) On whether the candidate is being nominated for inclusion in list A or list B for the purposes of article 36, paragraph 5 of the Statute

Due to her experience as a criminal judge, Judge Sifuentes is being nominated for inclusion in List A, covering candidates with established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings.

(c) Information relating article 36, paragraph 8(a)(i) to (iii), of the Rome Statute

For the purposes of article 36, paragraph 8(a)(i) to (iii), of the Rome Statute, Judge Sifuentes will (i) represent the civil law system, (ii) is from Brazil, a country from the Latin American and Caribbean group of states (GRULAC), and (iii) is a female candidate.

Judge Sifuentes is suitable to be elected as a judge of the Court at the nineteenth session of the Assembly of States Parties to the Rome Statute, given that in these elections, the minimum voting requirements provide that at least one female judge, at least one candidate from list A and at least two candidates from the group of Latin American and Caribbean States must be elected.

(d) On whether the candidate has any expertise under article 36, paragraph 8(b), of the Statute

In her current work, Judge Sifuentes has developed a qualified expertise to try cases involving international traffic in persons, especially related to women traffic, which skilled her to provide training to judges, prosecutors and lawyers in this area.

Besides her work as a criminal judge, she has also been acting for more than 13 years as the Liaison Judge in Brazil for the Hague Convention on the Civil Aspects of International Child Abduction. In such role, she has helped the resolution of international disputes concerning the international abduction of children (1980 Convention) and has answered many consultations from foreign judges about the operation of the Brazilian judicial system, its laws, and procedures.

(e) On the nationality under which the candidate is being nominated for the purposes of article 36, paragraph 7 of the Statute, where a candidate is a national of two or more States

Judge Sifuentes is a Brazilian national and does not have the nationality of any other State.

(f) On whether the nomination is made under article 36, paragraph 4(a)(i) or paragraph 4(a)(ii), and on the necessary detail of the elements of that procedure

Ms Sifuentes is nominated under article 36, paragraph 4(a)(i) of the Rome Statute, in accordance with the requirements for any nomination for appointment to the highest judicial office in Brazil, namely Justices of the Supreme Court of Justice. The candidate fully meets such requirements as set out in article 101 of the Constitution of the Federative Republic of Brazil.

(g) Commitment to take-up full-time service

Judge Sifuentes is committed to being available to take up full-time service when the Court's workload so requires.
