

# Salvador Crespo, Íñigo Francisco Alberto (Ecuador)

[Original: Spanish]

## Statement of qualifications

*Statement in the necessary detail specifying how the candidate Dr Íñigo Salvador Crespo fulfils the requirements stipulated in article 36, paragraphs 3, 4 and 8 of the Rome Statute, and paragraph 6(g) of resolution ICC-ASP/3/Res.6.*

### ***On article 36, paragraph 3(a) of the Rome Statute***

Dr Íñigo Salvador Crespo is a person of the highest moral character, renown in the Republic of Ecuador for his professional and academic impartiality and integrity as a diplomat, international official, attorney in private practice, professor and university dean. Since 31 July 2018, upon his appointment by the Council for Public Participation and Social Control, he has served as State Attorney General, a post for which the Constitution of the Republic of Ecuador requires the following [TRANSLATION]:

Article 236. The Council for Public Participation and Social Control shall appoint the State Attorney General from a shortlist of candidates submitted by the Office of the President of the Republic. The shortlist shall apply the criteria of speciality and merit, and shall be subject to public scrutiny and to the right of citizens to appeal. The candidate must meet the same requirements as members of the Constitutional Court.

Article 433. To be appointed, a member of the Constitutional Court must: 1. Be an Ecuadorian national and in possession of political rights. 2. Hold a university law degree which is legally recognized in the country. 3. Have practiced with particular integrity the profession of attorney, judge or university law professor for a minimum of ten years. 4. Manifest integrity and ethics. 5. Not belong or have belonged, over the past ten years, to the executive board of any political party or movement.

### ***On article 36, paragraph 3(b)(i) of the Rome Statute***

Since his appointment as State Attorney General, Dr Salvador has participated as the legislatively mandated special prosecutor in numerous criminal trials in which the State was a victim of the crime prosecuted, in close collaboration with the Office of the State Prosecutor, which conducts the public prosecution. To do so requires comprehensive knowledge of the Criminal Code (in force until August 2014) and Comprehensive Organic Criminal Code (in force as of August 2014) –which includes both substantive criminal rules and procedural rules– and the ability to apply them.

Dr Salvador has also represented the Ecuadorian State in petitions against the Republic of Ecuador before the Inter-American Commission on Human Rights and at trials before the Inter-American Court of Human Rights, which calls for a thorough knowledge of the regulations and jurisprudence of the Inter-American Human Rights System.

### ***On article 36, paragraph 3(b)(ii) of the Rome Statute***

Dr Íñigo Salvador obtained his title Doctor of Jurisprudence at the Catholic University of Ecuador, having researched, drafted and defended a thesis on “Delitos contra la paz y seguridad de la humanidad” [Crimes against the peace and security of humanity], which was awarded the highest grade available and subsequently published by the Documentation Centre of the Catholic University of Ecuador under the title “Derecho Internacional Penal. Estudios en perspectiva” [International Criminal Law. Studies in perspective]. He later completed postgraduate studies in International Law.

He has held a chair in Public International Law at the Catholic University of Ecuador for over 20 years. Whilst it was directed by Dr Íñigo Salvador, the Research Centre for International Law of the Catholic University of Ecuador, under the terms of an academic cooperation agreement with the International Committee of the Red Cross (ICRC), added courses in international criminal law and the international law of armed conflicts to the syllabus of the Faculty of Jurisprudence, of which he was in charge for a

number of semesters. He also taught international criminal law and international humanitarian law at training events organized by the ICRC in Ecuador and in other countries.

Dr Salvador was the Ecuadorian member of the legal team that represented the Ecuadorian State before the International Court of Justice in the Aerial Herbicide Spraying case (Ecuador v. Colombia), which began in 2008 and was settled amicably by agreement in 2013. Other members of the same team were professors Pierre-Marie Dupuy, Philippe Sands, Alan Boyle and attorney Paul Reichler and his team from the law firm Foley Hoag.

Dr Salvador has published many articles in specialised journals and has lectured at events on international law, international criminal law, international humanitarian law, and so on.

Dr Salvador was an attorney in private practice until July 2018.

***On article 36, paragraph 3(c) of the Rome Statute***

Dr Íñigo Salvador's mother tongue is Spanish. He can read, write and speak fluent English and read and speak fluent French.

***On article 36, paragraph 5 of the Rome Statute (with reference to article 36, paragraph 3(b)(i) and (ii))***

Dr Íñigo Salvador is being nominated for inclusion in list B based on his established competence in relevant areas of international law (in particular international humanitarian law and international criminal law), acquired through his academic training and subsequent teaching and practice as an attorney. However, given that since his appointment as State Attorney General, Dr Salvador has been legislatively mandated, in representation of the State, as the special prosecutor in many criminal cases under Ecuador's domestic jurisdiction and in various petitions against the Republic of Ecuador before the Inter-American Commission on Human Rights and in trials before the Inter-American Court of Human Rights, he also has the profile required for list A.

***On article 36, paragraph 8(b) of the Rome Statute***

Dr Íñigo Salvador does not have any of the specializations stipulated in the provision above.

***On article 36, paragraph 4(a) of the Rome Statute***

Dr Íñigo Salvador's nomination was firmly endorsed by the members of the Ecuadorian National Group to the Permanent Court of Arbitration, Dr Carlos Estarellas Velásquez, Dr José María Pérez Nelson, Dr Diana Salazar Méndez and Dr Gonzalo Salvador Holguín; thus it complies with the provisions of article 4 of the Statute of the International Court of Justice and with article 36, paragraph 4(a)(ii) of the Rome Statute: "Nominations of candidates for election to the Court may be made by any State Party to this Statute, and shall be made either: (...) (ii) By the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court".

However, in so far as Dr Íñigo Salvador was appointed State Attorney General by the Council for Public Participation and Social Control, having fulfilled all the requirements of articles 120, 236 and 433 of the Constitution of the Republic, which, for this post, provide for conditions equivalent to those required for appointment as a judge of the Constitutional Court, the highest court of justice in the country, his nomination also meets the requirements of article 36, paragraph 4(i)(a) of the Rome Statute: "Nominations of candidates for election to the Court may be made by any State Party to this Statute, and shall be made either: i) By the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question; ...".

The above constitutional articles provide as follows [TRANSLATION]:

Article 120. The National Assembly shall have the following attributions and duties, in addition to those provided for by law:

(...)

11. To swear into office the highest authority of the Office of the State Attorney General, the Office of the Comptroller General, the Office of the State Prosecutor, the Office of the Human

Rights Ombudsman, the Office of the Attorney for the Defence of the People, Supervisory bodies and members of the National Electoral Council, the Judiciary Council and the Council for Public Participation and Social Control.

Article 236. The Council for Public Participation and Social Control shall appoint the State Attorney General from a shortlist of candidates submitted by the Office of the President of the Republic. The shortlist shall apply the criteria of speciality and merit, and shall be subject to public scrutiny and to the right of citizens to appeal. The candidate must meet the same requirements as members of the Constitutional Court.

Article 433. To be appointed, a member of the Constitutional Court must: 1. Be an Ecuadorian national and in possession of political rights. 2. Hold a university law degree which is legally recognized in the country. 3. Have practiced with particular integrity the profession of attorney, judge or university law professor for a minimum of ten years. 4. Manifest integrity and ethics. 5. Not belong or have belonged, over the past ten years, to the executive board of any political party or movement.

***On paragraph 6 (g) of resolution ICC-ASP/3/Res.6***

Dr Íñigo Salvador is committed to being available to take up full-time service when the International Criminal Court's workload so requires.

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