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Third election of judges of the International Criminal Court

Addendum

Annex

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1. Agbanrin-Elisha, Victoire Désirée Adéoro (Benin)

[Original: French]

Note verbale

The Minister of Benin for Foreign Affairs, African Integration, the Francophone community and Expatriate Beninese presents his compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to submit to the Secretariat as an attachment hereto a file on the nomination of Maître Victoire Désirée Adéoro Agbanrin-Elisha, Advocate at the Cotonou Court of Appeal, as candidate in the elections for judges of the International Criminal Court, scheduled to be held in January 2009 at the first resumption of the seventh session of the Assembly of States Parties.

The Government of Benin nominates Maître Agbanrin-Elisha for election on list A.

As can be seen from the curriculum vitae attached hereto, Maître Agbanrin-Elisha served as judge, counsellor and prosecutor in the courts of Benin from 1970 to 1988, before establishing a practice as advocate at the Cotonou Court of Appeal on her retirement in 1989.

On the basis of her experience and proven abilities, this candidate had already been shortlisted in 2003 for the post of Deputy Prosecutor at the Court.

This nomination is submitted by the Government of Benin with the intention of providing the international criminal justice system with the opportunity to benefit from the experience and professionalism of Maître Agbanrin-Elisha.

...

Statement of qualifications

Personal

Date of birth: 28 March 1944

Place of birth: Pobé, Benin

Nationality: Beninese

Education

1963 - 1967 Faculty of Law, University of Poitiers, France – Degree (*Licence*) in Public Law.

Professional training

1967 - 1969 Judiciary - Centre National d'Etudes Judiciaires [National Training Institute for the Judiciary], Paris (France); internship at the Poitiers Court of Appeal.

Professional experience

- 1970 - 1971 Investigating Judge at the Cotonou Tribunal de première instance.
- Investigations, at the request of the Public Prosecutor or on application by a civil complainant, into all felonies or misdemeanours committed within the jurisdiction of the Tribunal.
- 1971 - 1972 Judge for Juveniles at the Cotonou Tribunal de première instance, with jurisdiction extended to the Porto Novo and Ouidah Tribunals.
- Investigations into felonies or misdemeanours committed by minors;
 - Placing of delinquent minors;
 - Presiding Judge of the Juvenile Court.
- 1972 - 1973 Judge of the Cotonou Tribunal de première instance, with responsibility for matters concerning civil status.
- Presiding Judge at conciliation and trial hearings in matters of divorce, spousal maintenance, infant custody, paternity disputes and searches, adoption, civil status, etc.
- 1973 - 1975 Counsellor at the Cotonou Court of Appeal.
- Assessor in the Customary Law Chamber, hearing appeals in land and civil status disputes under customary law;
 - President of the Correctional Chamber, hearing appeals in criminal cases.
- 1975 - 1978 Investigating Judge at the Cotonou Tribunal de première instance.
- Investigations, on the instruction of the Public Prosecutor or of the Prosecutor-General of the Cotonou Court of Appeal, into all felonies or misdemeanours committed within the jurisdiction of the Tribunal, or, in exceptional cases, outside the jurisdiction ;
 - Presiding Judge for flagrant offences, trying flagrant offences committed within the Tribunal's jurisdiction.
- 1978 - 1981 Counsellor at the Cotonou Court of Appeal.
- President of the Chambre d'accusation [Indictments Chamber].

In a personal capacity:

- Supervision of the activities of all offices of investigating judges of the Cotonou Tribunals;
- Visits to Benin prisons to check the situation of accused persons held in pre-trial detention or on the orders of the Indictments Chamber, in order to decide whether pre-trial detention should be maintained.

Jointly with the two other members of the Indictments Chamber:

- Supervising the actions of the police;
- Checking that correct procedure was being followed in cases under investigation by investigating judges;
- Assessing charges and deciding whether accused persons should be sent for trial before the Assize Court, including issue of arrest warrants;
- For police and correctional offences, hearing appeals from decisions of investigating judges.

1981 - 1986

Public Prosecutor for the Cotonou Tribunal de première instance.

- Control of police officers within the jurisdiction of the Tribunal;
- Receipt of complaints and denunciations;
- Opening preliminary investigations and receipt of reports of investigations;
- Ordering enquiries into causes of deaths (discoveries of bodies);
- Initiating criminal prosecutions, by:

- (i) Instructions to the Investigating Judge or to the Judge for Juveniles;

Reference to the Tribunal in the case of flagrant crimes, in accordance with the relevant procedure;

Direct reference to the correctional or police courts; and

- (ii) Transmission to the Prosecutor-General for the Court of Appeal of files on investigations under the procedure for flagrant crimes;

Participation as Prosecutor in hearings of the correctional and police courts;

Participation in a number of sessions of the Assize Court, as:

- Public Prosecutor (submissions in cases of fraudulent conversion of public funds; murder; poisoning; rape; armed robbery; manslaughter; conspiracy, etc.);
- President of the Assize Court for cases as aforesaid.

1986 - 1988

Counsellor at the Court of Appeal: President of the Indictments Chamber, carrying out the same duties as in 1975 - 1981.

February -
September 1988

Counsellor in the Judicial Chamber of the Supreme Court.

- Examination of files in criminal appeals as Counsellor/Rapporteur;
- Preparation of reports;
- Participation in hearings of the Judicial Chamber as Counsellor.

October 1988

Took early retirement on 1 October 1988, after a judicial career spanning 20 years.

1989 Admitted to the Benin Order of Advocates; sworn in on 22 June 1989 at the Cotonou Court of Appeal.

Since 1989 Advocate at the Cotonou Court of Appeal: specializing in criminal law, civil law, commercial law, customary law, etc.

Member of the Council of the Order of Advocates since 1989:

Chair of the Committee responsible for relations with judges;
Participation in various activities on the instructions of the Order;
- Authority to coordinate and settle conflicts, quasi-conflicts and working and professional relations between advocates and judges.

Other activities

1973 Attendance at the IDEF Congress (Institute for French-speaking Lawyers), Tunis: Presentation of a paper on “Women in Dahomeyan Customary Law”, published in R. Jur. Pol. Ind; Coop. L 28 No 4, pp. 505 to 1336, Paris, December 1973.

1985 Participation in the work of the Conference on Crime Prevention and Criminal Justice, organized by the United Nations in Milan (Italy).

Study trip (comparative law) to the United States, organized by the United Nations (Cross-Roads).

1983 - 1988 Judges’ training course – National Administrative Institute (ENA) and National University of Benin: special criminal law; criminal procedure; practical case-studies.

2002 Participation in the Third Training Session for Advocates, organized by the International Centre for Training in Africa of French-speaking Advocates (CIFAF): taught course on ‘Assize Procedure’, course on criminal procedure to students preparing the Advocates’ Qualifying Examination (CAPA).

2. Aluoch, Joyce (Kenya)

[Original: English]

Note verbale

The Permanent Mission of the Republic of Kenya to the United Nations presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and further to the presentation of the candidature of Justice Aluoch under list A, has the honour to forward the statement of qualifications in support of her candidature. Attached to the statement of qualifications, is an updated curriculum vitae of the judge.

Justice Aluoch fulfils all the conditions for appointment to the highest judicial offices, as provided for in article 36, paragraph 3 (a), of the Rome Statute of the Court. She possesses the necessary competence in criminal law procedure and other related experience in accordance with the requirements of the Rome Statute. She is also well experienced in international human rights law.

...

Statement of qualifications

The Government of Kenya nominates Justice Joyce Aluoch, currently a judge of the Court of Appeal of Kenya, for election as a judge of the International Criminal Court at the election to be held at the first resumption of the seventh session of the Assembly of States Parties, scheduled to take place from 19 - 23 January 2009 in New York.

The nomination of Justice Aluoch as a list 'A' candidate is in accordance with article 36, paragraph 3 (b) (i) and article 36, paragraph 5, of the Rome Statute.

Justice Joyce Aluoch is the most senior female judge in the Judiciary in Kenya. She has served with distinction for over 30 years as a Trial Judge in the High Court. She was appointed to the Court of Appeal in 2007.

Justice Aluoch is experienced in criminal law and procedure. She served as magistrate overseeing a Juvenile Court and adjudicating juvenile delinquency cases; later as resident magistrate and senior resident magistrate presiding over criminal cases; thereafter, as a High Court Judge exercising both original and appellate jurisdiction in criminal and civil cases and as a Court of Appeal judge exercising appellate jurisdiction in criminal and civil appeals from the High Court.

In the area of human rights, Justice Aluoch has been involved in promoting children's and women's rights. She has served two terms in the United Nations Committee on the Rights of the Child as well as one term in the African Union Committee of Experts on the Rights of the Child. In all of these international and regional assignments, she has acted in leadership roles as vice-chairperson and chairperson respectively of the committees. Her knowledge and work on children's rights facilitated her appointment as judge to the International Tribunal for Children's Rights in Canada.

At the national level, Justice Aluoch has played an active role in the reform of laws relating to women. She was instrumental in the setting Family Division of the High Court of Kenya. She currently chairs the Task Force responsible for operationalizing Kenya's new Sexual Offences Act, 2006. She has chaired judicial committees that have revised the rules of practice in Family Law to facilitate speedy trials. She has also been responsible for the training of judicial officers on relevant international and regional human right instruments.

Justice Aluoch is fluent in written and spoken English.

Justice Aluoch's curriculum vitae in English is attached hereto.

Personal

Nationality: Kenyan

Gender: Female

Education

2008 Master of Arts in International Affairs (GMAP), Fletcher School of Law and Diplomacy, Tufts University, Medford, MA, United States of America.

1974 Post graduate diploma in Legal Studies (Dip Laws), Kenya School of Law.

1973 Bachelor of Laws (LL.B), University of Nairobi, Kenya.

Professional qualifications

Advocate of the High Court of Kenya.

Judicial experience

2007 - 2008 Judge of the Court of Appeal of Kenya; exercising appellate jurisdiction in criminal and civil appeals and applications.

1983 - 2007 Judge of the High Court of Kenya; exercised both original and appellate jurisdiction in criminal appeals, including murder trials, civil, family and constitutional cases.

1980 - 1982 Senior Resident Magistrate; adjudicated criminal and family law cases.

1977 - 1980 Resident Magistrate; adjudicated criminal cases.

1974 - 1977 District Magistrate; adjudicated juvenile delinquency cases.

Judicial activities

2008 Vice-Chairperson of the Judicial Curriculum Review Committee to draw up curriculum for the newly established Judicial Training Institute.

2007 - 2008 Chairperson, Task Force on the Implementation of the Sexual Offences Act, 2006. Developed Regulations for use by courts, police investigators, prosecutors and medical personnel in sexual offences.

- 1998 - 2008 As senior judge of the High Court and now Court of Appeal, conduct training of judges and magistrates in the provisions of regional and international human rights instruments.
- 2000 - 2004 Judge, International Tribunal for Children's Rights, Canada, Great Britain and Bosnia and Herzegovina. Role included travelling to afflicted regions to interview children, governments and non-governmental organizations and to collect views of children affected by war in Ireland and Great Britain. Prepared a report that was submitted to the International Bureau for Children's Rights in Ottawa, Canada.
- 2000 - 2005 Member, Judicial Training Committee. Facilitated the training of judges, magistrates and paralegals.
- 2000 - 2005 Chairperson, Committee on the Establishment of the Family Division of the High Court of Kenya. Developed rules for the operation of the division.
- 1985 - 2003 Member, Judicial Service Commission. Responsible for making recommendations to the President of Kenya on the appointment of judges.
- 1996 - 2000 Member, Task Force established by Kenya's Attorney General on Laws relating to Women with aim of reforming the laws. The Task Force prepared the Equality Bill and Family Protection Bill (Domestic Violence Protection Bill) for enactment into law.

Relevant experience

- 2003 - 2008 Vice Chair and member, United Nations Committee on the Rights of the Child, New York and Geneva. Responsible for consideration of State Party reports and making appropriate recommendations for action by States Parties.
- 2001 - 2005 Chair, African Union Committee of Experts on the Rights of the Child. Prepared rules of practice and procedure for the African Committee, including procedures for filing complaints to the African Committee by individuals or organizations. Prepared guidelines for initial reporting to the African Committee by Member States of the African Union.

Select conferences and papers

- 2002 "Protecting the Rights of Child Soldiers", key note address to the Great Lakes Conference organized by the Coalition to stop the use of child soldiers.
- 2004 "Securing the Rights of Children using Human Rights Principles", paper delivered at the Family Law Conference in Cape Town, South Africa, 2004.
- 2005 "A report on the fact-finding mission of the war torn northern Uganda", report prepared for the African Union after the mission to northern Uganda.
- 2006 "The Plight of Girls and Women in Africa", publication prepared and presented at the African Child Policy forum in Addis Ababa, Ethiopia.

- 2006 “Discrimination against Children in Africa”, paper delivered at an international conference in Belfast, United Kingdom.
- 2007 “Children, HIV/AIDS and the Law”, paper delivered at an International Conference of the YWCA Council in Nairobi, Kenya.
- 2008 “Practice Meets Policy and the Law: Implementation of Sexual Offences Act No. 3 of 2006 (Kenya)”, paper delivered at the 9th Biennial Conference of Women Judges in Panama City.
- 2008 “Recruitment and use of child soldiers in Uganda and Mozambique: A comparative analysis”, (GMAP) Masters Degree Thesis, Fletcher School of Law and Diplomacy, Tufts University.
- 2008 Challenges in the Interpretation of the Constitution of Kenya and the Application of the Constitution (Supervisory Jurisdiction and Enforcement of the Fundamental Rights and Freedoms of the Individual) High Court Practice and Procedure Rules 2006, a paper presented at the 2008 Judges Annual Colloquium.

Related activities and positions held

- 2000 - 2006 Patron, Kenya Girl Guides Association. Prior to this, Chair of the Association for 6 years. Designed the 2002 “Peer Prevention Education Programme on HIV/AIDS for Girls and Young Women.” Project voted best overall at the 2002 World Aids Conference in Barcelona, and is now being used as a model in many countries.
- 2005 - 2008 Patron, Kenya Women Judges Association.
- 2008 Director, International Association of Women Judges, in Washington, D.C., elected by the African region at the 9th Biennial Conference in Panama City.

Special missions

- 2004 Undertook mission to Darfur, Sudan on behalf of the African Union and successfully negotiated with the Government of Sudan to ratify the African Charter to secure the Rights of Children.
- 2006 Undertook mission to the war-torn northern Uganda for a situation analysis of the effects of the 20 year old war on children and reported back to the African Union, for action.

Awards

- 2000 Recipient of the Elder of the Burning Spear (EBS) Award, a national honour bestowed by the President of the Republic of Kenya for human rights and humanitarian work.
- 2007 Recipient of the Judicial Certificate of Merit awarded by the Chief Justice of Kenya on the occasion of the first Judicial Open day.

2007 Recognition by the Children's Parliament (Kenya) in conjunction with the African Network for the Prevention and Protection Against Child Abuse and Neglect (ANPPCAN) for championing the rights of children in Kenya and internationally.

Language and skills

- Fluent spoken and written English.
- Fluent spoken and written Kiswahili.
- Fluent spoken and written Dholuo (mother tongue).
- Basic French.
- Computer literate.

3. Arboleda Ripoll, Fernando Enrique (Colombia)

[Original: English]

Note verbale

The Embassy of Colombia in The Hague presents its compliments to the Secretariat of the Assembly of States Parties, and, with reference to notes ICC-ASP/7/S/19 of 15 April, 2008, ICC-ASP/7/S/44 of 14 October 2008, ICC-ASP/7/S/66 of 28 October 2008 and ICC-ASP/7/S/73 of 11 November 2008, has the honour to inform the Secretariat that the Government of Colombia has decided to nominate Mr. Fernando Enrique Arboleda Ripoll, currently Associated Justice of the Supreme Court of Colombia, as a candidate for the post of judge at the International Criminal Court, at elections to be held during the first resumption of seventh session of the Assembly of States Parties in New York from 19 to 23 January 2009.

The nomination is in accordance with the terms of article 36, paragraph 4 (a) (ii), of the Rome Statute of the International Criminal Court.

Pursuant to the provisions of article 36, paragraph 3 (b) (i) and paragraph 5, of the Rome Statute, Mr. Arboleda Ripoll is being nominated for inclusion in list A.

As indicated in his curriculum vitae, Mr. Arboleda Ripoll possesses the qualities required under those provisions. He is highly qualified in criminal law and procedure, and has relevant experience as judge and advocate in criminal proceedings.

During the last 20 years, Mr. Arboleda Ripoll has worked as a Magistrate Assistant at the Supreme Court of Justice of Colombia; Judge of the Criminal Chamber of the Supreme Court of Justice; and currently as Associated Justice for the same Court.

Apart from his extensive experience as a judge, Mr. Arboleda Ripoll is a recognized expert in criminal law and procedure. He graduated from Salamanca University, Spain, as a specialist in criminal law, including international criminal law.

He also has significant experience in human rights. In this context, he was advisor for the Vice-Presidency of Colombia and the European Union in the project "Fight against impunity in cases of violations of Human Rights and International Humanitarian Law".

Mr. Arboleda Ripoll has a perfect command of the English language as well as Spanish, his mother tongue.

The statement prepared in accordance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court and the curriculum vitae of Justice Arboleda Ripoll are attached to this note.

...

Statement of qualifications

Statement submitted in accordance with article 36, paragraph 4, 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 International Criminal Court (ICC-ASP/3/Res.6).

The Government of Colombia has decided to nominate Mr. Fernando Enrique Arboleda Ripoll, currently Associated Justice of the Supreme Court of Colombia, as a candidate for the post of judge at the International Criminal Court, at elections to be held during the first resumption of the seventh session of the Assembly of States Parties in New York from 19 to 23 January 2009.

Mr. Arboleda Ripoll is being nominated for inclusion in list A. He has established competence in criminal law and procedure, and the necessary relevant experience as judge and advocate in criminal proceedings (article 36, paragraph 3 (b) (i) and paragraph 5, of the Rome Statute).

He is a person of high moral standards, impartiality and integrity who possesses all the requirements of experience and seniority for appointment to the highest judicial offices, as stated in article 36, paragraph 3 (a), of the Rome Statute.

Mr. Arboleda Ripoll, whose curriculum vitae is attached in English, has relevant experience in criminal law and procedure. During the last 20 years, he has worked as Magistrate Assistant at the Supreme Court of Justice of Colombia; Judge of the Criminal Chamber of the Supreme Court of Justice; and currently he is Associated Justice for the same Court. He was also a candidate of Colombia for the position of Deputy Prosecutor of the International Criminal Court. In his extensive career as a judge, Mr. Arboleda Ripoll heard numerous complex criminal cases.

He also has significant experience in human rights and international humanitarian law. In this context, he had occasion to serve many times in a consultancy capacity to governmental organizations. He was advisor for the Vice-Presidency of Colombia and the European Union in the project "Fight against impunity in cases of violations of Human Rights and International Humanitarian Law".

He is a criminal law specialist, graduated from Salamanca University, Spain. He has been a distinguished professor in criminal law, criminology and procedure at various recognized universities in Colombia.

Mr. Arboleda Ripoll has extensive legal academic knowledge on a wide range of specific issues relevant to the work of the Court, including, but not limited to, the following:

- Criminal law;
- Procedural law;
- Rules of Procedure and Evidence;
- International law;
- Human rights; and
- International humanitarian law.

Mr. Arboleda Ripoll is fluent in English and his mother tongue is Spanish (article 36, paragraph 3 (c)).

Mr. Arboleda Ripoll is a national of Colombia and does not possess the nationality of any other State.

Colombia is a member of the Group of Latin American and Caribbean countries.

Personal

Name: Fernando Enrique Arboleda Ripoll

Date of birth: 20 August 1951

Nationality: Colombian

Education

1972 - 1976 La Gran Colombia University, Bogotá: Doctor of Laws and Political Sciences.

1994 - 1995 Salamanca University, Spain: Criminal Law Specialist (Graduate Program).

Judicial career

Currently Associated Justice for the Supreme Court of Justice.

Currently Member of the Academy of Colombian Jurisprudence.

2004 Member of the Commission for the Reform of the Justice System.

1995 - 2003 Judge of the Criminal Chamber of the Supreme Court of Justice.

1995 Member of the Commission for the edition of the New Military Criminal Code.

1989 - 1991 Magistrate Assistant at the Supreme Court of Justice.

1988 - 1989 Member of the Commission for the edition of the Military Criminal Code (Decree 2550 of 1988).

1984 - 1986 Member of the Commission for the edition of the Criminal Procedure Code (Decree 050 of 1987).

1983 - 1984 Member of the Commission for the revision of the Military Criminal Code.

Professional background

2004 - 2005 Advisor for the project "Fight against Impunity in Cases of Violations of Human Rights and International Humanitarian Law". Agreement between the Vice-Presidency of Colombia and the European Union.

2004 Candidate of Colombia for the position of Deputy Prosecutor of the International Criminal Court.

- 2003 - 2004 President of the Special Mission created by the President of Colombia, for the institutional inquiry to diagnose corruption at the interior of National Police.
- 2002 Representative Plenipotentiary for Colombia, at the 11^o period of sessions of the Economic and Social Council of the United Nations at Vienna.
- 1988 - 1989 Consultant for the United Nations Development Programme (UNDP).

Teaching experience

- 1987 - present Professor, Criminal Law Master Degree, Externado University, Bogotá, Colombia.
- 1987 - present Professor, Criminal Law Graduate Program, Externado University, Bogotá, Colombia.
- 1981 - 2005 Professor in Criminal Law, Santo Tomás University, Bogotá, Colombia.
- 1992 - 2005 Professor Criminal Law, Graduate Program, Santo Tomás University, Bogotá, Colombia.
- 1983 - 1989 Professor in Criminal Law, La Sabana University, Bogotá, Colombia.
- 1986 - 1989 Chief, Criminal Law Department, La Sabana University, Bogotá, Colombia.
- 1984 - 1986 Professor in Criminal Law, Los Andes University, Bogotá, Colombia.
- 1979 - 1986 Professor in Criminal Law, Criminology and Criminal proceedings, La Gran Colombia University, Bogotá, Colombia.
- 1984 - 1986 Director, Criminal Law Department, La Gran Colombia University, Bogotá, Colombia.
- 1983 - 1984 Director, Procedure Law Department, La Gran Colombia University, Bogotá, Colombia.

Selected publications and research

- “Curso de Criminología”, Asociación de Profesores de Criminología Alfonso Reyes Echandía (co-author).
- “Consideraciones en torno a la relación: Dogmática - Política Criminal”, *IUSTA* no. 9.
- “Las normas rectoras en el nuevo procedimiento penal”, *IUSTA* no. 11.
- “Política Criminal del Proceso Penal en Colombia”, *IUSTA* no. 16.
- “La codificación penal colombiana en el contexto latinoamericano”, *Nuevo Foro Penal* no. 38.
- “Funciones de la Pena en la Constitución Colombiana”, *Revista de Derecho Penal y Criminología* No. 49, Externado University, Colombia.
- “Independencia Judicial”, *Supreme Court of Justice*, no. 5.

- “Juzgamiento de altos funcionarios del Estado”, *Supreme Court of Justice*, no. 12.
- “Reforma procesal en Latinoamérica: proyecto inconcluso”, *Corporación Excelencia en la Justicia*, 1998.
- “Contenido y sentido del derecho penal de la globalización”, *Fiscalía General de la Nación*, 2000.
- “La reforma de la Fiscalía General”, *Corporación Excelencia en la Justicia*, Los Andes University, 2001.
- Estudio sobre los nuevos códigos penales, Salamanca University - *Supreme Court of Justice*, 2001.
- “Sistema penal – Política criminal” (Homenaje a Günther Jakobs), *Revista Internacional de Derecho Penal* no. 2., *Legis*, 2003.
- “Casación y Constitución” (Homenaje a Bernardo Gaitán Mahecha), *Legis* - Javeriana University, 2003.
- “Casación y nuevo sistema procesal penal”, Externando University, 2005.
- “Revisión y nuevo sistema procesal penal”, Externando University, 2005.
- La teoría de la pena de Günther Jakobs en libro de homenaje a Alfonso Reyes Echandía, *Legis*, 2005.

Selected outreach

Several speeches, lectures and interviews (television, radio and written media).

Language skills

Spanish: Mother tongue

English: Fluent (reading, writing and speaking)

4. Chibesakunda, Lombe P. (Zambia)

[Original: English]

Note verbale

The Ministry of Foreign Affairs of the Republic of Zambia presents its compliments to the Secretariat of the Assembly of the States Parties to the Rome Statute of the International Criminal Court and has the honour to inform the latter that Zambia has decided to present the candidature of Madame Justice Lombe P. Chibesakunda for the position of judge of the International Criminal Court. Justice Chibesakunda is a list A candidate, in accordance with article 36, paragraph 3 (b) (i) and paragraph 5, of the Rome Statute of the International Criminal Court. Elections will be held during the first resumption of the seventh session of the Assembly of States Parties, from 19 to 23 January 2009, in New York.

Justice Chibesakunda, currently a Supreme Court Judge, is a well established and experienced judge and is well versed in criminal litigation. She is also well acquainted with international human rights law, with an emphasis on appellate and final pronouncements. During her career span of nearly four decades, she has scored many achievements, including that of being the first woman lawyer in Zambia, as well as the first Solicitor General in Zambia and Africa. Justice Chibesakunda's curriculum vitae is attached hereto.

The Zambian Government regards Justice Chibesakunda to be a suitably qualified candidate for the position of judge and is confident that her presence in the International Criminal Court will present an opportunity for her to contribute effectively towards the upholding of judicial tenets. Her nomination further demonstrates the importance Zambia attaches to the promotion of international law.

...

Statement of qualifications

Personal

Name: Justice Lombe P. Chibesakunda

Current position: Supreme Court Judge

Education

1969 Barrister at Law, Grays Inn, United Kingdom.

1991 Postgraduate diploma in International Law, Australian National University, Australia.

Work experience

1969 - 1977 State Advocate.

1972 - 1973 Attorney, private sector.

- 1973 - 1975 Solicitor General and Deputy Minister of Legal Affairs, Member of Parliament for Matero constituency.
- 1975 - 1977 Ambassador to Japan.
- 1977 - 1982 High Commissioner to the United Kingdom, Ambassador to the Holy See and the Netherlands.
- 1981 - 1986 Chairperson, Industrial Relations Court. Adjudicated in labour law cases and made awards as appropriate, deliberated employee-employer rights as per international labour conventions.
- 1986 - 1994 High Court Judge, Lusaka. Deliberated criminal law principles on arraignment, prima facie case, standard of proof, burden of proof, presumption of innocence, not guilty/guilty verdicts, rights of legal representation, rights of the accused under the International Covenant on Civil and Political Rights; sentencing principles.
- 1994 - 1997 Judge in charge of Copperbelt, Luapula, Northern and North-Western Provinces. Presided over criminal and civil cases and supervised magistrates in the areas mentioned.
- 1997 Supreme Court Judge. The final Court of Appeal in Zambia for all cases in civil and criminal law, constitutional law, election petitions and family law cases, in particular, rights in criminal law, trial courts jurisdiction issues. The Supreme Court is also a Presidential Petitions Court of First Instance.
- 1997 - 2003 Chairperson of the Permanent Human Rights Commission. Monitored and implemented the Government's international human rights instruments, visited prisons and refugee camps in Zambia, advised the Government on domestication of international instruments. Took part in the drafting of United Nations periodical reports on the observance of international human rights standards.
- 1997 - present Judge of the Administrative Tribunal of the African Development Bank. Adjudicated administrative cases which involved international labour conventions administrative law.
- 2005 - present Vice-President of the Administrative Tribunal of the African Development Bank.
- 2005 - present Assessor of external examinations of the Zambia Institute of Advanced Legal Education (ZIALE), a law institution in charge of training lawyers before they come to the bar.

Main interests

Criminal law litigation interfaced with international human rights law principles; dealing with similar areas of criminal law and human rights law with emphasis on appellate and final pronouncements.

Other contributions

- 1974 - 1979 Leader of a delegation to conferences on the law of the sea hosted in Canada, Geneva, New York, Kampala and Caracas.
- 1975 Head of delegation to conferences on crime prevention and rehabilitation of offenders, Geneva, Switzerland, and New York, United States of America.
- 1976 Participated in the Lomé III negotiations, Geneva, Switzerland.
- 1979 Member of the senior government officials' preparatory meeting of Commonwealth Member States, Kuala Lumpur, Malaysia.
- 1979 Senior government official at the Commonwealth Heads of State meeting in Lusaka.
- 1979 Accompanied the Queen to Zambia to attend the Commonwealth Heads of State meeting.
- 1979 - 1980 Participated actively in the Lancaster House talks during which an agreement for the independence of Zimbabwe was reached.
- 1980 United Nations conference on gender issues.
- 1980 Steering Committee to create the Southern African Development Co-ordination Conference (SADCC), London.
- 1980 SADCC donor mobilization, Maputo.
- 1984 - 1988 Chief delegate to the United Nations Commission on the Status of Women, Vienna.
- 1985 United Nations Decade for Women conference in Nairobi.
- 1985 Contested the Secretary Generalship of POW in Luanda, Angola.
- 1986 Chairperson nuclear disarmament, Moscow.
- 1998 Attended a course on human rights at Lund University, Sweden.
- 2000 Attended the Human Rights Symposium in Beijing, China.
- 2003 United Nations regional meeting on the applicability of international instruments in domestic courts.
- 2003 United Nations Secretary General's Task Force on women, girls and HIV/AIDS.
- 2006 United Nations regional meeting on applicability of international instruments in the domestic courts.

Associations and societies

- | | |
|----------------|---|
| 1970 - 1973 | Chairperson, Social Action Programme in Lusaka, a non-governmental organization. |
| 1979 | Link, a non-governmental organization fostering South-South links. Member of the Shadow Board of the Standard Bank of South Africa (aimed at discouraging heavy investment in South Africa due to apartheid). |
| 1994 - 1997 | Member, Rotary Club. |
| 1994 - 1997 | Member, International Association of Women Judges. |
| 2005 - present | President, Zambia Association of Women Judges. |

Honours/rewards

- | | |
|------|---|
| 1980 | Award from Pope John Paul II (Pope Pius XIII award). |
| 1988 | Woman of the Year. |
| 1996 | Patron, Medical Women Association of Zambia (MWAZ). |
| 1998 | Woman of the Year. |
| 1999 | Ambassador of Peace. |
| 2000 | Nominated as one of the 500 eminent persons at the beginning of the twenty-first century. |
| 2000 | Patron to the Dental Association of Zambia. |

Achievements

- | | |
|------|---|
| 1969 | First woman lawyer in Zambia. |
| 1973 | First woman Solicitor General in Zambia and Africa. |
| 1975 | First Zambian Ambassador to Japan. |

Papers presented

- | | |
|-----------|--|
| 1975 | Law of the sea. |
| 1979 | Need for Zimbabwe to be independent. |
| 1979 | North-South dialogue. |
| 1979 | Apartheid. |
| 1980 | Copper prices. |
| 1984/1988 | Domestic violence, empowerment of women. |

- 1986/1987 The future of non-alignment, Africa Centre, London.
- 1987 Role of non-governmental organizations, Ndola, Zambia.
- 1993 Independence of the judiciary.
- 1997 The role of the Permanent Human Rights Commission in democratic development in Zambia.
- 1998 The growth of human rights in Zambia.
- 1999 Criminal justice relating to refugees – with special emphasis on State interests.
- 2004 Keynote speaker at celebrations to mark the 40th anniversary of Zambian independence, Amsterdam, the Netherlands.

5. Dascalopoulou-Livada, Phani (Greece)

[Original: English]

Note verbale

The Embassy of the Hellenic Republic presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to inform it that the Government of the Hellenic Republic has decided to put forward the candidacy of Ms. Phani Dascalopoulou-Livada for a post of judge of the International Criminal Court in the elections to be held during the first resumption of the seventh session of the Assembly of States Parties in New York, in January 2009. The nomination has been made in accordance with article 36, paragraph 4 (a) (ii), of the Rome Statute.

Ms. Dascalopoulou-Livada is currently Legal Adviser and Head of the Section of Public International Law at the Legal Department of the Greek Ministry of Foreign Affairs.

She is candidate on list B in accordance with article 36, paragraph 5, of the Rome Statute.

As can be seen from her curriculum vitae and the detailed accompanying statement prepared in conformity with article 36, paragraph 4 (a), of the Rome Statute, which are attached hereto, Ms. Phani Dascalopoulou-Livada fulfils all the requirements of paragraph 3 of the aforementioned article. Having served at the Legal Department since 1978, she has established competence and wide experience in all fields of public international law, including international criminal law.

She also has vast and in-depth knowledge of, as well as extensive experience in, matters directly relevant to the work of the Court, such as international humanitarian law and human rights law.

Ms. Dascalopoulou-Livada holds exclusively Greek nationality. She has excellent knowledge of and is fluent in both English and French.

...

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 resolution ICC-ASP/3/Res.6 of the Assembly of States Parties relating to the procedure for the nomination and election of judges of the International Criminal Court.

The Government of the Hellenic Republic has decided to nominate, in accordance with article 36, paragraph 4 (a) (ii), Ms. Phani Dascalopoulou-Livada, currently Legal Adviser and Head of the Section of Public International Law at the Legal Department of the Greek Ministry of Foreign Affairs, for a post of judge of the International Criminal Court in the elections to be held during the first resumption of the seventh session of the Assembly of States Parties in New York from 19 to 23 January 2009.

Ms. Dascalopoulou-Livada is a person of high moral character, impartiality and integrity who possesses the qualifications required in Greece for appointment to the highest judicial offices (article 36, paragraph 3 (a)).

As derived from her curriculum vitae, Ms. Dascalopoulou-Livada fulfils the requirements of article 36, paragraph 3 (b) (ii). Having been Legal Adviser to the Greek Ministry of Foreign Affairs for a long period of time, she has established competence in relevant areas of international law, in particular international humanitarian law and the law of human rights, as well as extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court.

Ms. Dascalopoulou-Livada, whose mother tongue is Greek, has excellent knowledge of and is fluent in both English and French.

She is nominated for inclusion in list B for the purposes of paragraph 5 of article 36 of the Statute.

The information relating to article 36, paragraph 8 (a) (i) to (iii), is as follows:

Ms. Dascalopoulou-Livada is a trained lawyer who has been admitted to the Athens Bar and has exercised the profession of lawyer and legal adviser in Greece, which has a civil law legal system. Having studied law at postgraduate level in the United Kingdom, she also has broad knowledge of the common law system.

She is a national of Greece, which is a member of the Western European and Others Group of States, and does not possess any other nationality.

Ms. Dascalopoulou-Livada is female.

In connection with paragraph 8 (b) of article 36, Ms. Dascalopoulou-Livada has legal expertise on a wide range of specific issues relevant to the work of the Court. In particular:

- She has undertaken numerous academic activities and has broad practical experience in matters relating to international humanitarian and human rights law. She has, furthermore, taken part in the process of negotiation and adoption of various international instruments relating to these branches of law.
- She has profound knowledge of the Rome Statute, the elaboration of which she has closely followed and actively contributed to since the initiation of the relevant process. Her particular emphasis was on questions of jurisdiction, admissibility and complementarity, war crimes and the crime of aggression.
- She has long standing experience in dealing with matters of international judicial assistance and extradition, as well as with issues of cooperation with international criminal tribunals. She has, furthermore, participated in the internal procedure for the ratification of the Rome Statute and its introduction in the Greek legal order.

Personal

Name: Phani Dascalopoulou-Livada

Date of birth: 21 December 1948

Current position

Legal Adviser and Head of the Section of Public International Law at the Legal Department of the Greek Ministry of Foreign Affairs.

Professional functions

1973: Lawyer - Admitted to the Athens Bar.

1978: Joined the Legal Department of the Greek Ministry of Foreign Affairs, in which she has served ever since.

- Legal Adviser since 1994.
- Head of the Section of Public International Law since 1999.

Activities and experience

General

- Head or member of Greek delegations for the negotiation and conclusion of bilateral agreements on legal assistance in criminal matters, on extradition and on the transfer of detainees and convicted persons.
- Head or member of Greek delegations for the negotiation and conclusion of bilateral consular agreements, agreements of legal assistance on civil and commercial matters, on succession in respect of international treaties, on the status of forces (SOFA agreements) etc.
- Head or member of Greek delegations for bilateral consultations with neighbouring and other countries on subjects of mutual interest.
- Head or member of Greek delegations in international meetings to negotiate multilateral treaties or other instruments in the context of the United Nations, the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE), the International Maritime Organization (IMO), the International Civil Aviation Organization (ICAO), UNIDROIT, the United Nations Economic Commission for Europe (UNECE), etc. Among these treaties and instruments are: the 1988 (IMO) Rome Convention on the suppression of unlawful acts against the safety of maritime navigation of 1988 (SUA) and its amending London Protocol of 2005, the 1988 (ICAO) Montreal Protocol for the suppression of unlawful acts of violence at airports serving international civil aviation, the 1992 (ECE) Helsinki Convention on the protection and use of transboundary waters and international lakes, the 1992 Convention on Conciliation and Arbitration within the OSCE, the 1993 (Council of Europe) Lugano Convention on civil liability from activities dangerous to the environment, the 1995 UNIDROIT Convention on the international return of stolen or illegally exported cultural objects, the 1997 United Nations Convention on the Non-navigational uses of Transboundary Watercourses, the 2007 (IMO) Nairobi Convention on the Removal of Wrecks, etc.

- Representative of Greece to international conferences, committees and meetings of the United Nations, the United Nations Environment Programme (UNEP), UNIDROIT, the UNECE, the OSCE, the Council of Europe, UNESCO, the International Committee of the Red Cross (ICRC), the IMO, the Asian-African Legal Consultative Organization (AALCO), etc.
- Member of the Greek delegation to the Sixth (Legal) Committee of the United Nations General Assembly (1984 - 2007).
- Member of the IMO Legal Committee since 2003.
- Representative of Greece to the United Nations General Assembly Special Committee on the United Nations Charter (1983 - 1990).
- Representative of Greece to the Ad hoc Committee of the United Nations General Assembly for the elaboration of the International Convention for the suppression of terrorist bombings (1998).
- Representative of Greece to the Council of Europe Committee on the Environment (CJ-EN) (1991 - 1993).
- Member of the European Union Public International Law Working Group (COJUR) since 1995.
- Chair of the aforementioned Group during the Greek Presidency of the European Union (first half of 2003).
- Member of the Ad hoc Committee on International Law (Comité ad hoc de droit international) (CAHDI) of the Council of Europe since 1995.
- Chair of the aforementioned Committee for the period 2005 - 2006.
- Chair of the UNECE Task Force on legal and administrative matters concerning the interpretation and application of the 1992 UNECE Convention on the protection and use of transboundary watercourses and international lakes (1994 - 2004).
- Chair of the UNECE Working Group which negotiated and drew up the Protocol on civil liability and compensation in case of industrial accidents affecting transboundary waters (2003 Kiev Protocol to the 1992 UNECE Convention on the protection and use of transboundary watercourses and international lakes, and to the 1992 UNECE Industrial Accidents Convention).
- Judge of the Appeals Board (Administrative Tribunal) of the Western European Union (2004 - 2006) and Chair during the last year.
- Elected member of the Compliance Committee of the Protocol on Water and Health to the UNECE Convention on the protection and use of transboundary waters and international lakes since 2007.
- Member of the International Law Association.
- Member of the Hellenic Society of International Law and International Relations.
- Speaker on various topics of international law, such as settlement of disputes, environmental law and international law on transboundary waters, international law on

terrorism, law of the sea etc., in numerous international seminars, colloquies and meetings. Among these events are the 2005 Chatham House meeting on jurisdictional immunities of States, as well as conferences and meetings on civil liability and settlement of disputes issues in connection with transboundary watercourses organized by the UNECE in Kiev, Bishkek and Geneva (2001 - 2003).

- Author of the book “Terrorism - Recent developments in international law”, 1998 (in Greek).
- Author of numerous articles and contributions in collective books, among which:
 - “The Protocol on civil liability and compensation for damage caused by the transboundary effects of industrial accidents on transboundary waters”, in: *Environmental Liability*, vol. 11, issue 4, 2003.
 - “The OSCE Valletta Meeting on peaceful settlement of disputes: A step forward or an opportunity missed?”, in: *Revue hellénique de droit international*, 1994.
 - “The IMO SUA Convention of 1988”, in: *Review of Constitutional Law “To Syntagma”*, 1988 (in Greek).
 - “The Conference on Security and Cooperation in Europe for the peaceful settlement of disputes”, in: *Review of Constitutional Law “To Syntagma”*, 1984 (in Greek).

In relation to the International Criminal Court, humanitarian law and human rights law

- Member of the Greek delegation to the Assembly of States Parties to the Rome Statute of the International Criminal Court since 2002.
- Participant in the intersessional process at Princeton University (2004 - 2007) for the inclusion of aggression in the jurisdiction of the Court and sub-coordinator for the topic “Definition of aggression as an act of State”.
- Head of the Greek Delegation to the Preparatory Commission on the Establishment of an International Criminal Court (1998 - 2002).
- Member of the Greek delegation to the 1998 United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court in Rome.
- Head of the Greek delegation to the Ad hoc Committee and the Preparatory Committee on the Establishment of an International Criminal Court (1995 - 1998).
- Participant in the Siracusa intersessional process (1995 - 1997) which prepared the “Siracusa Draft” for the Rome Statute.
- Member of the EU Public International Law Working Group for the International Criminal Court (COJUR ICC sub-area) since 2002.
- Chair of the aforementioned group during the Greek Presidency of the European Union (first half of 2003).
- Head of the Greek delegation to the Council of Europe Consultations on the International Criminal Court (2000, 2001, 2003, 2006).

- Member of the inter-ministerial committee set up for the ratification of the Rome Statute in Greece and for its implementation in the internal legal order (2001 - 2004).
- Rapporteur on the International Criminal Court, in Sanaa, Yemen, Conference on Human Rights and the International Criminal Court (2004).
- Representative of Greece to the Working Group of the United Nations Commission on Human Rights for the elaboration of the Declaration on human rights defenders (1998).
- Representative of Greece to the Council of Europe Steering Committee on Judicial Cooperation (CDCJ) and to the Committee of Experts for the extension of rights in the European Convention of Human Rights (DH-EX) (1982 - 1986).
- Speaker on the International Criminal Court, on international humanitarian law and human rights law issues in numerous seminars, colloquies and international meetings, among which:
 - Conference on “The International Criminal Court and the dynamics of its evolution: Ten years after the Rome Conference”, Santorini, Greece, 2008.
 - VIIth Seminar for Legal Advisors to the Armed Forces “Legal Advisors in Post Conflict Operations”, Windhoek, Namibia, 2008.
 - Trento University (Italy), seminars on the International Criminal Court, in 1999, 2003 and 2007.
 - Lecce University (Italy), seminar on the implementation of the Rome Statute and on humanitarian law, 2004.
 - International Criminal Law Society Meeting on the implementation of the Rome Statute in Central and Eastern Europe, Bucharest, Romania, 2003.
 - European Union–Japan meeting on the International Criminal Court, in Tokyo, 2003.
 - International Committee of the Red Cross meeting on humanitarian law in Damascus, Syria, 2002.
 - 2001 Annual Meeting of the American Society of International Law, Washington, D.C.
 - Teramo University (Italy), seminar on the Rome Statute and domestic legal orders, 1999.
 - Conference for the Judges of Bosnia and Herzegovina, jointly organized by the Council of Europe and the OSCE in Tuzla, Bosnia-Herzegovina, 1996.
 - Colloquies on the International Criminal Court, human rights and humanitarian law issues, organized by the Athens, Thessaloniki and Komotini Universities in Greece.
- Lecturer on the International Criminal Court, human rights and settlement of disputes issues at the Diplomatic Academy of the Greek Ministry of Foreign Affairs.
- Invited lecturer at various universities on issues relating to the International Criminal Court, humanitarian law and human rights law, such as a lecture on Greek cases before the European Court of Human Rights at the Law School of the New York University, 2003.

- Author of several articles in various Greek and international law reviews and of numerous contributions in collective books, among which:
 - “The ICC and Security Council referrals”, Proceedings of the 2007 Trento Seminar on the International Criminal Court, 2008 (forthcoming).
 - “The crime of aggression: Making operative the jurisdiction of the ICC - Tendencies in the PrepCom”, in: *Proceedings of the 96th Annual Meeting of the American Society of International Law*, 2002.
 - “The International Criminal Court: Some basic questions of jurisdiction”, in: *Justice Pending: Indigenous Peoples and Other Good Causes, Essays in honour of Erica-Irene Daes*, The Raoul Wallenberg Institute, eds. G. Alfredsson and M. Stavropoulou, 2002.
 - “Aggression: Actual state of play - The Greek/Portuguese proposal”, in: *International Criminal Court: A new dimension in international justice - Questions and prospects for a new international humanitarian order*, Proceedings of the Santorini Colloquium, 2002.
 - “Current political developments and their impact on the future of the ICC”, in: *The Rome Statute of the International Criminal Court, A challenge to impunity*, ed. M. Politi and G. Nesi, 2001.
 - “The implementation of the ICC Statute in Greece: Some thoughts”, in: *The Rome Statute and domestic legal orders*, Vol. I, C. Kress and F. Lattanzi, 2000.
 - “Greek practice regarding the development of international humanitarian law”, in: *Implementation of IHL in Greece – Reality and prospects*, 2000 (in Greek).
 - “Crimes under the jurisdiction of the International Criminal Court”, in: *Revue hellénique de droit international*, 2/1998.
 - “The International Criminal Tribunal for the former Yugoslavia”, in: *Thesaurus Acroasium, Vol. XXVI, on International Justice*, Institute of International Public Law and International Relations of Thessaloniki, 1997.
 - “The work of the United Nations Preparatory Committee on the Establishment of an International Criminal Court”, in: *Revue hellénique de droit international*, 1/1997.

Education and qualifications

Graduate of the Law School of the University of Athens, 1971.

M.A., Ph.D., London (Brunel, City of London) on international and comparative law (1973 - 1977).

Languages

Greek (mother tongue).

Excellent knowledge and fluency in English and French.

Knowledge of Spanish.

6. Dugard, Christopher John Robert (South Africa)

[Original: English]

Note verbale

The Embassy of the Republic of South Africa to the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties of the International Criminal Court and has the honour to refer to the latter's notes ICC-ASP/7/S/19 and ICC-ASP/7/S/66 dated 15 April 2008 and 28 October 2008, respectively, and has the honour to inform the Secretariat that the Government of the Republic of South Africa hereby nominates Professor Christopher John Robert Dugard as a candidate for election as a judge of the International Criminal Court at the elections to be held during the first resumption of the seventh session of the Assembly in New York from 19 to 23 January 2009.

Professor Dugard is nominated for election under the terms of article 36, paragraph 4 (a) (ii), of the Rome Statute of the International Criminal Court, i.e. by the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court.

Professor Dugard is being nominated for inclusion in list B, covering candidates with established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court.

The statement prepared in accordance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court and the curriculum vitae of Professor Dugard are attached to this note.

...

Statement of qualifications

Statement submitted in accordance with article 36, paragraph 4, 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 International Criminal Court (ICC-ASP/3/Res.6).

The Government of the Republic of South Africa hereby nominates Professor Christopher John Robert Dugard for election as a judge of the International Criminal Court by the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court.

Professor Dugard is a South African national.

1. *Qualifications in terms of article 36, paragraph 3, of the Rome Statute*

Professor Dugard is an individual of high moral character, impartiality and integrity with an impeccable track record of supporting human rights causes and experience in international humanitarian law and human rights law.

Professor Dugard not only has an extensive academic record illustrating his expertise in public international law and criminal law but has also displayed high moral character and integrity in defending human rights in South Africa and abroad.

He appeared as counsel or acted as a legal consultant in several cases challenging South Africa's apartheid regime from an international law perspective. In 1968, he provided the legal foundation for a challenge to the validity of apartheid security laws in Namibia on the ground that the mandate for South West Africa had been lawfully terminated by the General Assembly of the United Nations. In 1981, he appeared as counsel in a challenge to the validity of measures taken under the Group Areas Act, zoning certain areas for exclusive white occupation on the ground that this zoning violated international human rights norms. In 1982, he argued that Archbishop Desmond Tutu's passport had been unlawfully revoked and in 1989, he challenged the lawfulness of the Bantustan 'state' of Bophuthatswana on the ground that its creation violated norms of international law. He also succeeded in setting aside proclamations aimed at expanding Bantustans and laid the legal foundation for the argument that captured members of Southern African Liberation movements (SWAPO and ANC) should be treated as prisoners of war and not criminals.

In the international arena, he has served the international community with distinction, always displaying integrity and impartiality in his work as Special Rapporteur on violations of human rights and humanitarian law in the Occupied Palestinian territories.

His reputation as an individual of high moral standing resulted in his nomination on more than one occasion as judge *ad hoc* to the International Court of Justice (ICJ).

2. *Technical qualifications in terms of article 36, paragraphs 3 (b) and 5, of the Rome Statute*

Professor Dugard is being nominated for inclusion in list B, covering candidates with established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court.

As can be seen from his curriculum vitae appended hereto Professor Dugard not only has extensive legal qualifications and internationally recognized academic skills in international human rights, humanitarian law and criminal law and procedure; but also has extensive practical experience in the international humanitarian law and human rights arena together with appropriate international judicial experience.

Professor Dugard is well versed in international criminal law and procedure, having written several papers on the subject, a book on criminal procedure, as well as edited books and papers on the topic.

He has served the international community from 1997 - 2006 as the first South African to be elected a member of the International Law Commission (ILC). During his membership of the Commission, Professor Dugard made significant contributions to the development of international law and further excelled in his role as Special Rapporteur to the International Law Commission on Diplomatic Protection.

Besides his groundbreaking work on the International Law Commission, he is recognised as a prominent international expert in the field of human rights and humanitarian law, having served on the United Nations Commission on Human Rights from 1998. He has served as Chairman of the Human Rights Inquiry Commission to investigate violations of human rights and humanitarian law in the Occupied Palestinian Territories. It is of great

significance that until 2007 he was the Special Rapporteur on violations of international humanitarian law and human rights in the Occupied Palestinian Territories.

He has experience in acting as Legal Counsel, (including but not limited to human rights) but also has international judicial experience as judge *ad hoc* of the International Court of Justice in the case concerning *Armed Activities on the Territory of Congo (Democratic Republic of the Congo vs. Rwanda)* and in the case concerning *Sovereignty over Pedra Branca/Pulau Batu Putela, Middle Rock and South Ledge (Malaysia/Singapore)*.

3. *Special qualifications: article 36, paragraph 8*

Professor Dugard has studied law in South Africa and in the United Kingdom and has lectured law in various parts of the world, including but not limited to the United Kingdom, the United States, Australia, the Netherlands and Switzerland. He has also acted as judge *ad hoc* in the International Court of Justice and brings with him an understanding of various legal systems.

Judge Dugard is a candidate from the African region and is male.

4. *Knowledge of one of the working languages of the Court: article 36, paragraph 3 (c)*

Professor Dugard has excellent knowledge of and fluency in English.

Personal

Name: Christopher John Robert Dugard

Date of birth: 23 August 1936

Place of birth: Fort Beaufort, South Africa

Nationality: South African

Academic qualifications

1956	BA University of Stellenbosch.
1958	LLB University of Stellenbosch.
1965	LLB Cantab (University of Cambridge).
1965	Diploma in International Law – Cantab.
1980	LLD Cantab.
1990	LLD (<i>honoris causa</i>) University of Natal.
1996	LLD (<i>honoris causa</i>) University of Cape Town.
2003	LLD (<i>honoris causa</i>) Nelson Mandela Metropolitan University (Port Elizabeth).
2004	LLD (<i>honoris causa</i>) University of the Witwatersrand. LLD (<i>honoris causa</i>) University of Pretoria.

Academic appointments and offices

South Africa

- 1961 - 1963 Lecturer in Law, University of Natal Durban.
- 1965 - 1969 Senior Lecturer in Law, University of the Witwatersrand.
- 1969 - 1998 Professor of Law, University of the Witwatersrand.
- 1972 - 1974 Chairman, Governing Committee of the School of Law, University of the Witwatersrand.
- 1975 - 1977 Dean, Faculty of Law, University of the Witwatersrand.
- 1978 - 1990 Director of the Centre for Applied Legal Studies, University of the Witwatersrand.
- (During this period, the Centre for Applied Legal Studies (CALS) was primarily engaged in public education in the fields of human rights, labour law and the law affecting the black community. This educational role was pursued through publications, research, lectures, seminars and litigation.)
- 1998 - Professor Emeritus, University of the Witwatersrand.
- 2000 - Honorary Professor, University of Pretoria (teaching in LLM Human Rights Programme).
- 2001 - Honorary Professor, University of the Western Cape.
- 2004 - Honorary Professorial Research Fellow, University of Witwatersrand.
- 2005 - Honorary Professor of Law, University of Cape Town.

Great Britain, the United States, Australia, the Netherlands, Switzerland

- 1969 - Visiting Professor of Public and International Affairs, Woodrow Wilson School of Public and International Affairs, University of Princeton (taught course in Comparative Civil Rights).
- 1974 - 1975 Visiting Professor of Law, Duke University (taught courses in Jurisprudence, International Law and Criminal Law).
- 1981 Visiting Professor of Law, University of California, Berkeley (Boalt Hall) (taught course in International Protection of Human Rights).
- 1985 Visiting Fellow, Research Centre for International Law, University of Cambridge.
- 1989 Visiting Professor of Law, University of Pennsylvania (taught courses in International Law and International Human Rights Law).

- 1991 Visiting Professor of Law, University of New South Wales, Australia (taught course in international law).
- 1995 - 1996 Arthur Goodhart visiting Professor of Legal Science, University of Cambridge (taught LLM course in International Criminal Law).
- 1995 - 1997 Fellow, Sidney Sussex College, Cambridge.
- 1995 - 1997 Director, Lauterpacht Research Centre for International Law, University of Cambridge.
- 1998 - 2006 Professor of Public International Law, University of Leiden.

Professional qualifications and experience

- 1959 Admitted as an advocate of the Supreme Court of South Africa.
- 1961 - 1963 Practised at the Durban Bar.
- 1963 - present Part-time consultant and advocate, principally in the fields of international law, human rights and constitutional law.
- 1998 - Appointed Senior Counsel.

Appeared as counsel or acted as a legal consultant in several cases challenging the apartheid regime from an international law perspective. For instance, in 1968 provided the legal foundation for a challenge to the validity of apartheid security laws in Namibia on the ground that the mandate for South West Africa had been lawfully terminated by the General Assembly of the United Nations: *S v Tuhadeleni* 1969 1 *South African Law Reports* (SALR) 153 (A); in 1981 appeared as counsel in a challenge to the validity of measures taken under the Group Areas Act zoning certain areas for exclusive white occupation on the ground that this zoning violated international human rights norms: *S v Adams*, *S v Werner* 1981 1 SALR 187 (A); in 1982 argued that Archbishop Desmond Tutu's passport had been unlawfully revoked: *Tutu v Minister of Internal Affairs* 1982 4 SALR 571 (T); in 1989 challenged the lawfulness of Bantustan 'state' of Bophuthatswana on the ground that its creation violated norms of international law: *S v Banda* 1989 4 SALR 519 (B); in 1988 succeeded in setting aside proclamations aimed at expanding Bantustans: *Mathebe v Government of South Africa* 1988 3 SA 667 (A); and laid the legal foundation for the argument that captured members of Southern African Liberation movements (SWAPO and ANC) should be treated as prisoners of war and not criminals: *S v Sagarius* 1983 1 SALR 833 (SWA).

Judicial office

- 2002 - 2006 Judge *ad hoc* of the International Court of Justice in the case concerning *Armed Activities on the Territory of Congo (Democratic Republic of the Congo v Rwanda)*.
- 2004 Judge *ad hoc* of the International Court of Justice in the case concerning *Sovereignty over Pedro Branca/Pulau Batu Putela, Middle Rock and South Ledge* (Malaysia/Singapore).

Offices held in South Africa

- South African Institute of Race Relations – President 1978 - 1980.
- South African Institute of International Affairs – Member of National Administrative Committee for some 10 years.
- Lawyers for Human Rights – Founder and member of National Council 1980 - 1991.
- Human Rights Commission – Commissioner 1988 - 1989.
- Independent Board of Inquiry into violations of human rights committed by security police – Member 1990 - 1994.
- Diocese of Johannesburg (Anglican) – Chancellor to Bishop Tutu 1985 - 1987.
- University of Fort Hare – Member of Council 1990 - 1998.

United Nations

1997 - 2001 Member of the International Law Commission (first South African to be elected).

International Law Commission, Special Rapporteur on Diplomatic Protection (elected on nomination of African Group in the Commission).

1998 - United Nations Commission on Human Rights.

2000 - Chairman of the Human Rights Inquiry Commission to investigate violations of human rights and humanitarian law in the Occupied Palestinian Territories. For report, see Economic and Social Council: E/CN4/2001/121 of 16 March 2001.

2000 - 2007 United Nations Commission on Human Rights: Special Rapporteur on violations of international humanitarian law and human rights in the Occupied Palestinian Territories. For first report, see ECOSOC, E/CN4/2002/33 of 6 March 2002.

2001 - 2006 Re-elected as Member of International Law Commission, with highest number of votes for an African member.

2000 - 2006 Special Rapporteur to International Law Commission on Diplomatic Protection.

International law bodies

1973 - 1975 American Society of International Law: Member of Study Committee on International Protection of Human Rights.

1974 - 1984 International Law Association: Member of Committee on International Terrorism.

1985 - 1988 International Law Association: Member of Committee on Extradition and International Terrorism.

- 1992 - 1998 International Law Association: Co-Rapporteur to Committee on Extradition and Human Rights.
- 1993 - 1995 President, South African Branch of the International Law Association.
- 1998 President, South African Branch of the International Law Association.
- 1995 - Member of Governing Body of African Society of International and Comparative Law.
- 1995 - Member of Institut de Droit International (first and only South African member elected).
- 1997 - 1999 Member of Panel of Experts for Study on Customary Rules of International Humanitarian Law (International Committee of the Red Cross).

Constitutional negotiations

- 1993 Member of Technical Committee for Investigating the Repeal or Amendment of Legislation Impeding Free Political Activity and Discriminatory Legislation as part of negotiations for Interim Constitution.
- 1995 Member of Technical Committee to advise Constitutional Assembly on Drafting of Bill of Rights for 1996 Constitution.

Awards and honours

- 1991 Claude Harris Leon Foundation and Percy Fox Foundation Community Relations Award, 1991. Citation reads:

 “This award is made to Professor John Dugard for his concern with civil liberties and the general conduct of law in South Africa. As Director of the Centre for Applied Legal Studies, which was established largely because of his endeavours, he has worked with vigour and great courage to dismantle the apartheid legal order through public education, scholarly research and public interest litigation.”
- 1995 Distinguished Researcher Award, University of the Witwatersrand.
- 1999 Delivered Third Manfred Lachs Memorial Lecture, Peace Palace, The Hague, 15 April 1999, on “Dealing with crimes of a past regime. Is amnesty still an option?”.

Publications

Books

- *The South West Africa/Namibia dispute* (University of California Press, 1973).
- *Introduction to criminal procedure* (Juta and Co Ltd, 1977).
- *Human rights and the South African legal order* (Princeton University Press, 1978)
- *Recognition and the United Nations* (Grotius Publications, 1987).
- *The last years of apartheid. Civil liberties in South Africa*, with Haysom and Marcus (South Africa Update Series, Ford Foundation – Foreign Policy Association, 1992).
- *International law - A South African perspective*, 3rd edition, (Juta and Co Ltd, 2005).

United Nations Reports

For the past few years, much time has been devoted to preparing reports for the United Nations International Law Commission and the United Nations Commission on Human Rights.

Diplomatic protection

- First Report on Diplomatic Protection, United Nations General Assembly Official Records (UN GAOR), International Law Commission (ILC), 52nd Session, 2000, A/CN 4/506; A/CN 4/506, Addendum 1.
- Second Report on Diplomatic Protection, UN GAOR, ILC, 53rd Session, 2001, A/CN 4/514.
- Third Report on Diplomatic Protection, UN GAOR, 54th Session, 2002, A/CN/523; Addendum 1, A/CN/523/Add 1.
- Fourth Report on Diplomatic Protection, UN GAOR, 55th Session, 2003, A/CN 4/530, A/CN 4/530 Add 1.
- Fifth Report on Diplomatic Protection, UN GAOR, 56th Session, 2004, A/CN 4/538.
- Sixth Report on Diplomatic Protection, UN GAOR, 57th Session, 2005, A/CN 4/546.

Occupied Palestinian Territory

- Report of the Human Rights Inquiry Commission established pursuant to United Nations Commission on Human Rights, resolution S-51/1 of 19 Oct 2000 to investigate violations of human rights and humanitarian law in the Occupied Palestinian Territories after 28 September 2000. Economic and Social Council Commission on Human Rights, E/CN 4/2001/121, 16 March 2001.
- Report on Question of the Violation of Human Rights in the Occupied Arab Territories, including Palestine, UN GAOR, 56th Session, A/56/440, 4 October 2001.
- Report on Question of the Violation of Human Rights in the Occupied Arab Territories, including Palestine, ECOSOC Commission on Human Rights, E/CN/4/2002/32.

- Report on Israeli Practices affecting the Human Rights of the Palestinian People in the Occupied Palestinian Territory, UN GAOR, 60th Session, A/60/271, 18 August 2005.
- Report on the Situation of Human Rights in the Palestinian Territories occupied by Israel since 1967, ECOSOC Commission on Human Rights, E/CN 4/2006/029, 22 December 2005.

Books edited

- *Rights and constitutionalism. The new South African legal order*, Van Wyk, Dugard, de Villiers and Davis (eds), Juta and Co, Cape Town, 1994. Reprinted by Clarendon Press, Oxford, 1996.
- *International criminal law and procedure*, Dugard and Van den Wyngaert (eds), Dartmouth, Aldershot UK, 1996.
- *Documents on international law. Handbook for law students and constitutional lawyers*, Mtshaulana, Dugard and Botha (eds), Juta and Co, Cape Town, 1996.

Editorial positions

1985 - present	<i>South African Journal on Human Rights</i> (Senior Member, Editorial Committee).
1976 - present	<i>Annual Survey of South African Law</i> (Editorial Board).
1984 - present	<i>International Legal Materials</i> , published by the American Society for International Law (Corresponding editor for Southern Africa).
1992 -	<i>South African Yearbook of International Law</i> (Editorial Board).
1994 -	<i>Cambridge Studies in International and Comparative Law</i> (Editorial Board).
1998 -	<i>Yearbook of International Humanitarian Law</i> , TMC Asser Press, The Hague (Board of Editors)
1999 - 2004	<i>Netherlands International Law Review</i> (Board of Editors).
1998 -	<i>Leiden Journal of International Law</i> (Board of Foundation)
2000 -	<i>International Criminal Law Review</i> , Martinus Nijhoff (Editorial Board).
2003 -	<i>Journal of International Criminal Justice</i> , Oxford University Press (Advisory Board).
2005 -	<i>Human Rights Law Review</i> , Oxford University Press (Editorial Advisory Board).

Publications on international law

Articles in scholarly journals

- ‘Objections to the revision of the 1962 judgment of the International Court of Justice in the South West Africa cases’ (1965) 82 *South African Law Journal* 178-191.
- ‘The legal effect of United Nations Resolutions on Apartheid’ (1966) 83 *South African Law Journal* 44-59.
- ‘South West Africa cases, second phase, 1966’ (1966) 83 *South African Law Journal* 429-460.
- ‘The Organization of African Unity and Colonialism: An enquiry into the plea of self-defence as a justification for the use of force in the eradication of colonialism’ (1967) 16 *International and Comparative Law Quarterly* 157-190.
- ‘The revocation of the mandate for South West Africa’ (1968) 62 *American Journal of International Law* 78-97.
- ‘The Simonstown Agreement: South Africa, Britain and the United Nations’ (1968) 85 *South African Law Journal* 142-156.
- ‘South West Africa and the supremacy of the South African parliament’ (1969) 86 *South African Law Journal* 194-201.
- ‘South West Africa and the “Terrorist Trial”’ (1970) 64 *American Journal of International Law* 9-41.
- ‘Naciones Unidas, derechos humanos y el “apartheid”’ (1970) 11 *Foro Internacional (Mexico)* 286-307.
- ‘The Opinion on South West Africa (Namibia): The teleologists triumph’ (1971) 88 *South African Law Journal* 460-477.
- ‘Namibia (South West Africa): The court’s opinion, South Africa’s response and prospects for the future’ (1972) 11 *Columbia Journal of International Law* 14-49.
- ‘International terrorism: Problems of definition’ (1974) 50 *International Affairs* 67-81.
- ‘Towards the definition of international terrorism’ (1973) *Proceedings of the American Society of International Law* 94-100.
- ‘The Nuclear Tests cases and the South West Africa cases: Some realism about the international judicial decision’ (1976) 16 *Virginia Journal of International Law* 463-504
- ‘SWAPO: The Jus ad Bellum and the Jus in Bello’ (1976) 93 *South African Law Journal* 144-158.
- ‘International Terrorism and the just war’ (1977) 2 *Stanford Journal of International Studies* 21-37.
- ‘South Africa’s “independent” homelands: An exercise in denationalization’ (1980) *Denver Journal of International Law and Policy* 11-36.

- ‘Silence is not golden’ (1982) 46 *Foreign Policy* (Washington DC) 37-48.
- ‘The application of customary international law affecting human rights’ (1982) *Proceedings of the American Society of International Law* 245-251.
- ‘Grotius, the jurist and international lawyer: Four hundred years on’ (1983) 100 *South African Law Journal* 213-220.
- ‘The denationalization of black South Africans in pursuance of apartheid’ (1984) 33 *International Commission of Jurists Review* 49-60.
- ‘Israel and the international community: The legal debate’ (1984) 10 *South African Yearbook of International Law* 35-55.
- ‘The conflict between international law and South African law: Another divisive factor in South African society’ (1986) 2 *South African Journal on Human Rights* 1-28.
- ‘Permissible Measures and obligations for outside states and internal peoples towards minority rule in South Africa’ (1986) *Proceedings of the American Society of International Law* 314-317.
- ‘Human rights, humanitarian law and the South African conflict’ (1988) 2 *Harvard Human Rights Yearbook* 101-110.
- ‘Walvis Bay and international law: Reflections on a recent study’ Review article of Lynn Berat Walvis Bay (1991) 108 *South African Law Journal* 82-92.
- ‘The role of international law in the struggle for liberation in South Africa’ (1991) *Social Justice* (USA) 83-94.
- ‘Secession: Is the case of Yugoslavia a precedent for Africa?’ (1993) 5 *African Journal of International and Comparative Law* 63-75.
- ‘The role of international law in interpreting the bill of rights’ (1994) 10 *South African Journal on Human Rights* 208-215.
- ‘International law and the “final” Constitution’ (1995) 11 *South African Journal on Human Rights* 241-251.
- ‘The influence of international human rights law on the South African Constitution’ (1996) 49 *Current Legal Problems* 305-324.
- ‘1996 and all that. The South West African judgment revisited in the East Timor case’ (1996) 8 *African Journal of International and Comparative Law* 549-563.
- ‘International Law and the South African Constitution’ (1997) 8 *European Journal of International Law* 77-92.
- ‘Obstacles in the way of an international Criminal Court’ (1997) 56 *Cambridge Law Journal* 329-342.
- ‘Is the Truth and Reconciliation Process compatible with international law? An unanswered question. Azapo v President of Republic of South Africa’ (1997) 13 *South African Journal on Human Rights* 258-268.

- ‘Bridging the gap between human rights and humanitarian law: The punishment of offenders’ (1998) 38/324 *International Review of the Red Cross* 445-453.
- ‘The South African judiciary and international law in the apartheid era’ (1998) 14 *South African Journal on Human Rights* 110-126.
- ‘Reconciling extradition with human rights’ (1998) 92 *American Journal of International Law* 187-212 (co-authored with Van den Wyngaert).
- ‘Reconciliation and justice: The South African experience’ (1998) 8 *Transnational Law and Contemporary Problems* 277-311.
- ‘How effective is the International Law Commission in the development of international law?’ (1998) 23 *South African Yearbook of International Law* 34-44.
- ‘War crimes in internal conflicts’ (1998) 28 *Israel Yearbook on Human Rights* 91-96
- ‘Dealing with crimes of a past regime: Is amnesty still an option?’ (1999) 12 *Leiden Journal of International Law* 1001-1015.
- ‘Africa and international criminal law’ (2000) *Proceedings of the American Society of International Law* 229-231.
- ‘Diplomatic protection and human rights: The draft articles of the international Law Commission’ (2005) 24 *Australian Yearbook of International Law* 75-91.
- ‘Immunity, human rights and international crimes’ (2005) *Journal of South African Law* (Tydskrif vir die Suid-Afrikaanse Reg) 482-488.

Shorter comments in scholarly journals

- ‘Succession to federal treaties on the dissolution of a federation’ (1965) 82 *South African Law Journal* 430-437.
- ‘Consular immunity’ (1966) 83 *South African Law Journal* 126-132.
- ‘Succession to federal treaties revisited’ (1967) 84 *South African Law Journal* 250-254.
- ‘The treaty-making process’ (1968) 85 *South African Law Journal* 1-4
- ‘The Extradition Agreement between South Africa and Swaziland’ (1969) 86 *South African Law Journal* 88-92.
- ‘International law is part of our law’ (1971) 88 *South African Law Journal* 13-15.
- ‘Rhodesia. Does South Africa recognise it as an independent state?’ (1977) 94 *South African Law Journal* 127-130.
- ‘International law in South Africa: The restrictive approach to sovereign immunity approved’ (1980) 97 *South African Law Journal* 357-363.
- ‘South African report’ (1981) 14/April *International Practitioner’s Notebook*.
- ‘Jurisdiction over persons on board an aircraft landing in distress’ (1981) 30 *International and Comparative Law Quarterly* 901-905.

- ‘Denationalization: Apartheid’s ultimate plan’ (1983) 28 *Africa Report* (African American Institute New York) 43-46.
- ‘Educating South Africans for an independent Namibia’ (1985) 15 *South Africa International* 129-132.
- ‘The Revocation of the Mandate for Namibia revisited’ (1985) 1 *South African Journal on Human Rights* 154-159.
- ‘Soldiers or terrorists? The ANC and SADF compared’ (1988) 4 *South African Journal on Human Rights* 221-224.
- ‘Abduction: Does the Appellate Division care about international law?’ (1997) 12 *South African Journal on Human Rights* 324-328.

Chapters in books and monographs

- ‘Legal aspects of investment in Namibia’ in Murray, Morris, Dugard and Rubin *The role of foreign firms in Namibia*. Study Project on External Investment in South Africa and Namibia (South West Africa), Africa Publications Trust (1974),
- *South West Africa and the International Court. Two viewpoints on the 1971 opinion*, Dugard and Grosskopf, South African Institute of International Affairs (1974).
- *Namibia and Human Rights*, South African Institute of International Affairs (1976).
- *Independent Homelands. Failure of a fiction*, South African Institute of Race Relations (1979).
- ‘The “purist” legal method, international law and sovereign immunity’ in Gauntlett (ed) *J C Noster ’n Feesbundel*, Butterworths (1979).
- ‘A satellite arrangement?’ in Breytenbach (ed) *The constellation of states*, South African Foundation (1980).
- ‘International terrorism and the just war’ in Rapoport and Alexander (eds) *The morality of terrorism*, Columbia University Press (2nd ed 1989).
- ‘International human rights norms in domestic courts. Can South Africa learn from Britain and the United States?’ in Kahn (ed) *Fiat Justitia. Essays in memory of Oliver Deneys Schreiner* (1983).
- *The denationalization of black South Africans in pursuance of apartheid: A question for the International Court of Justice?* Occasional Paper No 8, Centre for Applied Legal Studies, University of the Witwatersrand (1984).
- ‘The responsibility of the legal profession’ in Cohen and Gouin (eds) *Lawyers and the nuclear debate*, University of Ottawa Press (1988).
- ‘Sanctions against South Africa: An international law perspective’ in Orkin (ed) *Sanctions against apartheid* (1989).
- ‘The place of public international law in South African law’ in Visser (ed) *Essays in honour of Ellison Kahn*, Visser (1989).

- ‘Enforcement of human rights in the West Bank and the Gaza Strip’ in Playfair (ed) *International law and the administration of occupied territories* (1992).
- ‘The treatment of rebels in conflicts of a disputed character: The Anglo-Boer War and the “ANC-Boer War” compared’ in Delissen and Tanya (eds) *Humanitarian law of armed conflict. Challenges ahead. Essays in honour of Frits Kalshoven*, Martinus Nijhoff (1991).
- ‘Apartheid: A case study in the response of the international community to gross violations of human rights’ in Cotler and Eliadis (eds) *International human rights law. Theory and practice*, Canadian Human Rights Foundation (1992).
- ‘International human rights’ in Van Wyk, Dugard, De Villiers and Davis (eds) *Rights and constitutionalism*, Juta (1994).
- ‘Public international law’ in Chaskalson, Kentridge, Klaaren, Marcus, Spitz and Woolman (eds) *Constitutional law of South Africa*, Juta (1996).
- ‘Retrospective justice: International law and the South African model’ in McAdam (ed) *Transitional justice and the rule of law in new democracies*, University of Notre Dame Press (1997).
- ‘Collective non-recognition: The failure of South Africa’s Bantustan states’ in Boutros-Boutros Ghali. *Amicorum Discipulorumque Liber* (1998).
- ‘Terrorism and international law: Consensus at last?’ in Yakpo and Boumedra (eds) *Liber Amicorum: Mohammed Bedjaoui* (1999) 159-172.
- ‘Reconciliation and justice: The South African experience’ in Burns, Weston and Marks (eds) *The future of international human rights*, Transnational Publishers (1999) 399-432.
- ‘The role of human rights standards in domestic law: The Southern African experience’ in Alston and Crawford (eds) *The future of UN human rights treaty Monitoring*, Cambridge University Press (2000).
- ‘L’Apartheid’ in Ascensio, Decaux and Pellet (eds) *Droit International Penal*, A Pedone (2000).
- ‘Judicial review of sanctions’ in Gowlland-Debbas (ed) *United Nations sanctions and international law*, Kluwer (2001).
- ‘Judicial review in public international law’ in Scharge (ed) *Judicial review*, Nijmegen: Ars Aequi Libri (2002) Paul Scholten Instituut, University of Amsterdam ISBN 90-6916-456-6.
- ‘Possible conflicts of jurisdiction with truth commissions’ in Cassese, Gaeta and Jones (eds) *The Rome Statute of the International Criminal Court: A commentary* (2002).
- ‘Non-applicability of Statute of Limitations’ (with Van den Wyngaert) in Cassese Gaeta and Jones (eds) *The Rome Statute of the International Criminal Court: A commentary* (2002).

- ‘The problem of the definition of terrorism in international law’ in Eden and O’Donnell (eds) *September 11, 2001. A turning point in international and Domestic law* (2005) Ardsley NY Transnational Publishers ISBN 1-57105-326-3.
- ‘The role of recognition in the law and practice of secession’ (with Raic) in Kohen (ed) *Succession: International law perspectives* (2005).
- ‘Articles 13-15 of the Statute of the International Court of Justice’ in Zimmerman and Tomuschat (eds) *Commentary on the Statute of the International Court of Justice*, Oxford University Press (2006).
- ‘Diplomatic protection’ in Crawford (ed) *State responsibility*, Cambridge University Press (2006).

Annual survey of South African law

Initiated the chapter on international law in the *Annual survey* in 1965 and writes this chapter every year since then.

Jurisprudence, human rights and criminal procedure

Articles in scholarly journals

- ‘The judicial process, positivism and civil liberty’ (1971) 88 *South African Law Journal* 181-200.
- ‘Academic freedom in South Africa’ (1970) 3 *Droits de l’homme* 186-194.
- ‘The political trial: Some special considerations’ (1974) 95 *South African Law Journal* 59-72.
- ‘Statutory interpretation as an exercise in choice’ (1978) 95 *South African Law Journal* pp 451-454.
- ‘Some realism about the judicial process and positivism’ (1981) 98 *South African Law Journal* 372-387.
- ‘Chief Justice versus President: Does the ghost of *Brown v Leyds NO* still haunt our judges?’ (1981) 165 *De Rebus* 421-422.
- ‘Judges and unjust laws’ (1981) 22/2 *Codicillus* 50-55.
- ‘The judiciary and national security’ (1982) 99 *South African Law Journal* 655-659.
- ‘A triumph for executive power – an examination of the Rabie report and the Internal Security Act 74 of 1982’ (1982) 99 *South African Law Journal* 589-604.
- ‘Using the law to pervert justice’ (1983) 11/2 *Human Rights* (American Bar Association) 22-25, 50-54.
- ‘Should judges resign? – a reply to professor Wacks’ (1984) 101 *South African Law Journal* 286-294.
- ‘Collective cabinet responsibility and human rights’ (1985) 1 *South African Journal on Human Rights* 52-54.

- ‘The jurisprudential foundations of the apartheid legal order’ (1986) 28 *The Philosophical Forum* (USA) 115-123.
- ‘A Bill of Rights for South Africa: Can the leopard change its spots?’ (1986) 2 *South African Journal on Human Rights* 275-77.
- ‘The judiciary in a state of national crisis – with special reference to the South African experience’ (1987) 44 *Washington and Lee Law Review* 477-501.
- ‘The quest for a liberal democracy in South Africa’ (1987) *Acta Juridica* 237-58 (Also published separately in *Law under stress*).
- ‘Towards a democratic order for South Africa’ (1990) 2 *African Journal of International and Comparative Law* 361-383.
- ‘A Bill of Rights for South Africa?’ (1990) 23 *Cornell International Law Journal* 441-466.
- ‘Towards genuine democracy in conflict ridden countries: A South African perspective’ (1991) 1 *Beyond Law (Mas Alla del Derecho, Colombia)* 65-76.
- ‘Human rights, apartheid and lawyers. Are there any lessons for lawyers from common law countries?’ (1992) 15 *University of New South Wales Law Journal* 439-447.

Chapters in books and monographs

- ‘The legal framework of apartheid’ in Rhodie (ed) *South African dialogue* McGraw-Hill (1972).
- ‘South African lawyers and the liberal heritage of the law’ in *Law, justice and society* Report of the Legal Commission of the Study Project on Christianity in Apartheid Society (SPRO-CAS).
- ‘A review of South African legal education’ in *Legal aid in South Africa* University of Natal (1973).
- ‘Racial legislation and civil rights’ in Hellman and Lever (eds) *Conflict and progress. Fifty years of race relations in South Africa* (1979).
- ‘Human rights in South Africa – retrospect and prospect’ in Forsyth and Schiller (eds) *Human rights: The Cape Town Conference* (1979).
- ‘Political options for South Africa and implications for the west’ in Rothberg and Barratt (eds) *Conflict and compromise* (1980).
- ‘Judicial power and a constitutional court’ in Boule and Baxter (eds) *Natal and Kwa-Zulu constitutional and political options* (1981).
- ‘The judiciary and constitutional change’ in Van Vuuren and Kriek (eds) *Political alternatives for Southern Africa* (1983).
- ‘The South African Constitution 1910-1980’ *Our legal heritage* (1982).

- ‘The judiciary and national security’ in Bell and Mackie (eds) *Detention and security legislation in South Africa* (1985).
- ‘Human rights and the rule of law’ in Butler, Elphick and Welsh *Democratic liberalism in South Africa. Its history and prospect* (1987).
- ‘Changing attitudes towards a bill of rights’ in Van der Westhuizen and Viljoen (eds) *A Bill of Rights for South Africa* (1988).
- ‘Towards racial justice in South Africa’ in Henkin and Rosenthal (eds) *Constitutionalism and rights. The influence of the US Constitution abroad* (1990).
- ‘Helen Suzman’ in Salokar and Volcansek (eds) *Women in law. A bibliographical sourcebook* (1996).

Criminal law and procedure

Articles in scholarly journals

- ‘1570 revisited: An examination of South African criminal procedure and the Hiemstra proposals’ (1970) 87 *South African Law Journal* 410-423.
- ‘Lay participation in the administration of justice’ (1972) 1 *Crime, punishment and correction* 65-70.
- ‘Training needs in sentencing in South Africa’ (1985) 1 *South African Journal on Human Rights* 93-105.

Shorter Comments in scholarly journals

Criminal Law

- ‘Provocation’ (1966) 83 *South African Law Journal* 261-266.
- ‘Insane automatism’ (1967) 84 *South African Law Journal* 131-138.
- ‘The demise of *DPP v Smith* and the renaissance of subjectivism in criminal intent’ (1967) 84 *South African Law Journal* 210-212.
- ‘Judges, academics and unjust laws: The Van Niekerk contempt case’ (1972) 89 *South African Law Journal* 271-287.

Criminal Procedure

- ‘The rights to counsel: South African and American developments’ (1967) 84 *South African Law Journal* 1-6.
- ‘The courts and the Attorney-General’ (1968) 85 *South African Law Journal* 232-237.
- ‘Bail: More power to the Attorney-General’ (1968) 85 *South African Law Journal* 466-469.
- ‘The courts and section 6 of the Terrorism Act’ (1970) 87 *South African Law Journal* 289-293.

- ‘Autrefois acquit and substantially identical offences’ (1971) 88 *South African Law Journal* 301-305.
- *Annual survey* Chapter on criminal procedure 1966-1968.

Book reviews

Wrote over 60 book reviews altogether for the following journals: South African Law Journal, British Year Book of International Law, American Journal of International Law, American Historical Review, American Journal of Comparative Law, International and Comparative Journal of Southern Africa, Journal of Contemporary African Studies, Cambridge Law Journal and South African Yearbook of International Law.

Appeared as consultant or counsel in important cases involving questions of international law and constitutional law:

- *S v Tuhadeleni* 1969 1 SA 153 (A)
Challenge to the validity of Terrorism Act 83 of 1967 in Namibia on the ground that the Mandate for South West Africa had been lawfully revoked by the UN General Assembly.
- *S v Ramotse* 1970 Annual Survey of SA Law 80
Objection to the exercise of criminal jurisdiction over an ANC leader abducted from Botswana.
- *Sobukwe v Minister of Justice* 1972 1 SA 693 (A)
Attempt to secure the right of the leader of the Pan-Africanist Congress to leave South Africa on the basis of a fundamental right to leave one’s country.
- *Lendlease Finance Co (Pty) Ltd v Corporation de Mercadeo Agricola v CMA* 1975 4 SA 397 (C); 1976 4 SA 464 (A)
Assertion of restrictive approach to sovereign immunity.
- *Inter-Science Research and Development Services v Republica Popular de Mocambique* 1980 2 SA 111 (T); 1982 3 SA 330 (T)
Assertion of restrictive approach to sovereign immunity.
- *Nkondo v Minister of Police* 1980 2 SA 894 (O)
Objection to the exercise of criminal jurisdiction over a person whose international flight had been forced to land in distress.
- *S v Adams; S v Werner* 1981 1 SA 1980 2 SA 313 (W); 1981 1 SA 187 (A)
Challenge to validity of Group Areas Act proclamation in which it was argued that a municipal court should have regard to international human rights norms in the interpretation of South African statute.
- *Tutu v Minister of Internal Affairs* 1982 4 SA 571 (T)
Argued that Bishop Desmond Tutu’s passport had been revoked unlawfully by the executive.
- *S v Banda* 1989 4 SA 519 (B)
Challenge to the statehood of Bophuthatswana, on the grounds that it failed to qualify as a state under international law.

- *Mathebe v Regering van die Republiek van Suid-Afrika* 1988 3 SA 667 (A)
Successful challenge to the validity of proclamation incorporating district of Moutse into KwaNdebele.
- *Staatspresident v Lefuo* 1990 2 SA 679 (A)
Successful challenge to the validity of proclamation incorporating township of Botshabelo into QwaQwa.
- *Attorney-General of Lesotho v Swissbourgh Diamond Mines* 1997 8 BCLR (Lesotho, CA)
Successful challenge to expropriation law.
- *Swissbourgh Diamond Mines v Government of the RSA, (TP)* 1999 2 SA 279 (T)
Act of State Doctrine.
- *Harksen v President of the RSA* 2000 2 SA 825 (CC)
Extradition.

Gave expert evidence on questions of international law (status of SWAPO and ANC combatants under international law) in the following cases:

- *S v Sagarius* 1983 1 SA 833 (SWA)
- *S v Mogoerane* (TPD; 6/8/1983)
- *S v Thoms* (Appeal reported in 1990 2 SA 802 (A))
- *S v Mncube and Nondula* (TPD Circuit Court, Messina; 5/5/1988; Appeal reported in *S v Mncube* 1991 3 SA 133 (A))

Appeared as counsel in other reported cases:

- *S v Gumbi* 1962 1 SA 188 (D)
- *S v Arenstein* 1963 2 599 (N)
- *S v Malinga* 1963 1 SA 692 (A)
- *S v Roodt* 1983 3 SA 382 (T)

Conferences

Delivered a paper at or participated in the following conferences outside South Africa:

- 1973 Annual Meeting, American Society of International Law, Washington DC (paper on outlawing international terrorism).
- 1974 Human Rights Committee, American Society of International Law, Wingspread, Wisconsin (seminar participant).
- 1974 International Law Association, American Branch, New York (panellist).
- 1976 Namibia and Human Rights, International Commission of Jurists, Dakar, Senegal (conference participant).
- 1976 International Law Association, Madrid (committee participant).

- 1978 'The International Legal Effects of South Africa's System of Apartheid', City of New York Bar (paper).
- 1980 Colloquium on Law and Liberty to Honour Charles Hamilton Houston, Amherst College, Massachusetts (paper on failures of legal positivism).
- 1982 Annual Meeting, American Society of International Law, Washington DC (paper on International Law and Domestic Courts).
- 1982 International Law Association, meeting on International Terrorism, Lexington, Virginia (participant).
- 1982 Allard K Lowenstein Symposium on International Human Rights Law, Yale Law School (panellist).
- 1982 Seminar on Justice and Society, Aspen Institute for Humanistic Studies, Aspen (participant).
- 1982 Seminar on Tradition and Modernization, Aspen Institute for Humanistic Studies, Jerusalem (participant).
- 1983 Annual meeting, African-American Institute, Harare (panellist).
- 1983 International Law Association, meeting on International Terrorism, Fletcher School of Law and Diplomacy, Tufts University, Boston (participant).
- 1983 'US Foreign Policy: Adjusting to Change in the Third World', Aspen Institute for Humanistic Studies, Wingspread, Wisconsin (participant).
- 1984 'Recent Developments in South Africa', Study Commission on US Policy towards South Africa, New York (paper on South African Constitution).
- 1985 'Recent Political and Constitutional Developments in South Africa', Ford Foundation Seminar, Washington DC.
- 1985 'Role of the Judiciary in South Africa', American Bar Association Seminar on Legal Aspects of Apartheid, Washington DC.
- 1985 'The Role of the International Court in the Elimination of Apartheid' Media Round Table sponsored by United Nations, The Hague (paper delivered).
- 1986 'Permissible Measures and Obligations of Outside States towards Minority Rule in South Africa', American Society of International Law, Annual Meeting, Washington DC (paper delivered).
- 1986 International Law Association, Meeting on Non-Extradition of Political Offenders and International Terrorism, Fletcher School of Law and Diplomacy, Tufts University, Boston.
- 1987 Colloquium on the 'Judiciary in a Time of National Crisis' Washington and Lee School of Law (paper delivered).
- 1987 'The Responsibility of the Legal Profession' Canadian Conference on Nuclear Weapons and the Law, Ottawa (paper delivered).
- 1987 Conference on Sanctions held in Gaborone, Botswana (paper delivered on legal aspects of sanctions against South Africa).

- 1987 Meeting of International Law Association Committee on Problems of Extradition in Relation to Terrorist Offences, Heidelberg, Germany (member of committee, preparation of Committee's Report to the Plenary Meeting of the International Law Association held in Warsaw in August 1988).
- 1987 'The Teaching of International Criminal Law as Part of International Law and Human Rights Law', Conference on Teaching of International Criminal Law, Syracuse, Italy, under the auspices of the International Institute of Higher Studies in Criminal Sciences (paper delivered).
- 1988 'The Enforcement of Human Rights in the West Bank and Gaza Strip', Conference on the Law of Military Occupation held in Jerusalem under the auspices of Al Haq Law in the Service of Mankind (paper delivered).
- 1989 'Prospects for Peace in Southern Africa' American Society of International Law, Annual Meeting, Chicago (paper delivered).
- 1989 'Effects of Apartheid on the Protection of Minorities' Conference on Ethnic Conflict, Human Rights and the UN System, Oxford, organised by Harvard Law School Human Rights Program and International Centre for Ethnic Studies, Sri Lanka (paper delivered).
- 1989 Conference on South Africa and the Rule of Law, Nuneham Park, Oxford (participant).
- 1992 International Law Association, Cairo (panellist on problem of State Succession and Secession).
- 1992 Association Internationale de Droit Penal, Helsinki Workshop on Extradition and Human Rights.
- 1992 'Self-Determination, Territorial Integrity and Secession. The Implications for Human Rights of the Dissolution of Yugoslavia', Academia Internacional Liberdade E Desenvolvimento, Sintra, Portugal. Conference on 'International Human Rights Policies for the Next Decade: The 1993 World Conference on Human Rights' (paper delivered).
- 1993 'South Africa's Return to the International Community and International Law', African Society of International and Comparative Law: Fifth Annual Conference, Accra (paper delivered).
- 1994 Meeting of International Law Association Committee on Extradition and Human Rights, Bellagio, Italy (rapporteur).
- 1994 66th Conference of International Law Association, Buenos Aires, Argentina (presented report of Committee on Extradition and Human Rights; printed in *ILA Report of 66th Conference*, 142-170).
- 1994 Conference on International Criminal Court, Siracusa, Italy (panellist).
- 1995 Meeting of Institut de Droit International, Lisbon, Portugal.
- 1995 Conference on Amnesty and Transitional Justice, Siracusa, Italy (panellist)
- 1996 Meeting of International Law Association, Committee on Extradition and Human Rights, Bellagio, Italy (rapporteur).

- 1996 Colloquium to celebrate the 50th Anniversary of the International Court of Justice, The Hague. Participant. Published as *Increasing the Effectiveness of the International Court of Justice* (UNITAR Nijhoff 1997).
- 1996 67th Conference of International Law Association, Helsinki, Finland (presented Report of Committee on Extradition and Human Rights; printed in *ILA Report of 67th Conference*, 214-246).
- 1996 'International Law in South Africa', African Society of International and Comparative Law, Regional conference, Nottingham (paper delivered).
- 1996 African Society of International and Comparative, Law Eighth Annual Conference, Cairo (panellist).
- 1997 Meeting of Institut de Droit International, Strasbourg, France.
- 1997 Meeting of International Law Association, Committee on Extradition and Human Rights, Otzenhausen, Germany.
- 1997 Conference on International Criminal Court, Birkbeck College, London (paper delivered).
- 1997 'International Human Rights Law in South Africa', Conference on International Human Rights, Research Centre for International Law, Cambridge (paper delivered).
- 1997 Colloquium to celebrate 50th Anniversary of International Law Commission, United Nations, New York (participant).
- 1999 'Judicial Review of Sanctions' Colloquium on 'United Nations Sanctions and International Law', Graduate Institute of International Studies, Geneva (paper delivered).
- 1999 'US Attitude towards the ICC', Duke University, USA, Conference on International Criminal Court (paper delivered).
- 1999 Meeting of Institut de Droit International, Berlin, Germany.
- 1999 Conference on International Criminal Law, Siracusa, Italy (paper delivered).
- 1999 African Society of International and Comparative Law. Eleventh Annual Conference, Harare (panellist).
- 2000 'International Criminal Law in Africa', American Society of International Law, Annual Meeting, Washington DC (paper delivered).
- 2000 Gorbachev Foundation Conference on Constitutionalism, Madrid.
- 2001 Inter Action Council Seminar on Humanitarian Intervention, Boston.
- 2004 'International Terrorism', European Society of International Law, Florence (paper delivered).
- 2005 'Legal Aspects of the Palestine/Israel Dispute', European Society of International Law, Geneva (paper delivered).

7. Eboe-Osuji, Chile (Nigeria)

[Original: English]

Note verbale

The Ministry of Foreign Affairs of the Federal Republic of Nigeria presents its compliments to the International Criminal Court and the Assembly of States Parties and has the honour to forward to the latter the nomination of Mr. Chile Eboe-Osuji, as Nigeria's candidate for the 2009 election of judges of the International Criminal Court.

As can be observed from a review of his curriculum vitae and the accompanying statement (attached), Mr. Eboe-Osuji's election will greatly assist the young court in establishing a strong foundation in the jurisprudence in these early years of operation and as the Court moves into a very active phase of its work. This is taking into account the exceptionally strong and considerable experience that Mr. Eboe-Osuji will bring to the Court in both the theory and the practice of criminal and international law in general and, in particular, international criminal law and international humanitarian law.

The Ministry of Foreign Affairs also wishes to note Mr. Eboe-Osuji's leading expertise on the very troubling issue of violence against women during armed conflicts – an issue of special concern to both the United Nations and the Assembly of States Parties.

...

Statement of qualifications

Character, standing and legal qualifications [article 36, paragraph 3 (a), of Rome Statute]

Mr. Chile Eboe-Osuji is of high moral character and possesses the judicial qualities of impartiality and integrity. He possesses qualifications required for appointment as a judge of the Supreme Court of Nigeria, being one of the highest judicial offices in Nigeria.

Relevant competencies [article 36, paragraph 3 (b)]

(a) As a review of his résumé and verifiable antecedents will readily show, Mr. Eboe-Osuji has established competence in substantive criminal law and procedure. His experience derives from over two decades of practice as a legal practitioner before the courts of Nigeria and Canada as well as before the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone. His experience includes more than ten years in the field of international criminal law, including as a senior prosecution trial counsel, senior appeals counsel and senior legal adviser. He is currently Head of Chambers at the ICTR. Notably, he appeared as senior prosecution counsel in the ICTR cases of *Semanza* and *Bagosora et al.* At the Special Court for Sierra Leone, he appeared as senior appeals counsel in *Brima et al* and *Fofana and Kondewa*. He has also assisted the ICTR judges in drafting of a number of judgments and decisions. Further details appear in his professional résumé attached hereto.

(b) His specific areas of competence include the following: international criminal law (with specific reference to genocide, crimes against humanity and war crimes); international humanitarian law; international human right law; general public international law; criminal law of Nigeria and criminal law of Canada. Further details appear in his professional résumé attached hereto.

(c) He has extensive experience in judicial work, in view of his roles as senior legal officer to the judges of the ICTR and Head of Chambers at the ICTR. The details appear in his professional résumé attached hereto.

(d) In addition to the foregoing, Mr. Eboe-Osuji has taught international criminal law at the Faculty of Law, University of Ottawa, Canada. In addition, he has appeared as guest lecturer or speaker on numerous speaking engagements on the subject of international criminal law.

(e) He has an extensive record of research and publications in the area of international criminal law and international law. His research and writing include, but are not limited to the following topics: definition and analysis of rape in international criminal law; rape as genocide; rape and superior responsibility in international law; forced marriage and international criminal law; the jurisprudence of superior responsibility at the ad hoc tribunals; the role of the Security Council in prosecuting the crime of aggression; international law, mercenary activities and conflict prevention in Africa; vague indictments and questions of justice at the international criminal tribunals; murder as a crime against humanity; genocide, justice and the forensic sensibilities of the International Committee of the Red Cross; complicity in genocide and aiding and abetting genocide; the jurisdiction to prosecute foreigners for crimes against humanity committed abroad; world war against aviation terrorism; State immunity, State atrocities, and civil justice in the modern era of international law; responsibility of States for genocide crimes; the *mens rea* of the war crime of terrorism; grave breaches as war crimes; crimes against humanity: deliberate attacks against civilians as crimes against humanity; burning as a mode of the war crime of pillage; interlocutory appeals at the ad hoc tribunals; the defence of necessity in international criminal law; curbing war through law.

Preferred list [article 36, paragraph 5]

Mr. Eboe-Osuji is amply qualified for both lists A and B. As he is required to elect only one list, he elects to be placed on list A.

Nationality [article 36, paragraph 7]

Mr. Eboe-Osuji exercises his civil and political rights in Nigeria.

Native legal and geographic representation [article 36, paragraph 8 (a)]

Although Mr. Eboe-Osuji was trained and has mostly practiced law in the common law tradition, his exposure in the last decade to counsel and judges from the civil law tradition has given him a reasonable insight into the workings of that system as well.

If elected, he will be the only Nigerian judge on the Court.

Specific expertise on questions of violence against women [article 36, paragraph 8 (b)]

As is evident from his résumé, Mr. Eboe-Osuji has expertise in various topics of international criminal law, with specific reference to armed conflict and violence against women. Notably:

- He prosecuted the *Semanza* case, which is one of only three ICTR cases in which the crime of sexual violence was successfully prosecuted at that Tribunal;
- He has recently completed a book manuscript entitled: *Sexual Violence against Women, Armed Conflicts and International Law*; and

- As already indicated, his research and writings include discussions on the following topics: definition and analysis of rape in international criminal law; rape as genocide; rape and superior responsibility in international law; sexual violence in armed conflicts as the war crime of terrorism; and the question of forced marriage in international criminal law. The details appear in his professional résumé attached hereto.

Personal

Name: Chile Eboe-Osuji

Date of birth: 2 September 1962

Nationality: Nigerian

Gender: Male

Professional affiliations

Called to the following Bars:

- (1) Nigeria - September 1986
- (2) Ontario (Canada) - February 1993
- (3) British Columbia (Canada) - November 1993

Member of the following Societies:

- (1) Law Society of Upper Canada
- (2) Advocates' Society of Ontario (Canada)
- (3) Canadian Council on International Law
- (4) American Society of International Law
- (5) British Institute of International Law
- (6) International Law Association

Professional experience

2008 - present Head of Chambers, United Nations, International Criminal Tribunal for Rwanda (Arusha, Tanzania).

Providing expert legal advice and other support to the Chambers of the ICTR as the principal legal officer in Chambers; supervise and coordinate the work of legal officers in Chambers; organise and supervise judgment drafting; oversee the effective organisation of judicial proceedings in liaison with the Registry of the Tribunal; etc.

2007 - 2008 Senior Appeals Counsel, Special Court for Sierra Leone (Freetown, Sierra Leone).

Represented the Prosecutor of the Special Court for Sierra Leone as a senior appeals counsel in prosecution appeals before the Appeals Chamber of the Court; drafted legal briefs, memorials, submissions and other legal documents; coordinating the work of a prosecution appeal team.

- 2006 - 2007 Lecturer, Faculty of Law, English Common Law Section, University of Ottawa, Ontario, Canada.
- Taught international criminal law to students at the Faculty of Law of the University of Ottawa.
- 2005 - 2007 Barrister-at-Law, Borden Ladner Gervais LLP, Ottawa, Ontario, Canada.
- Argued cases in courts and administrative tribunals, drafted pleadings, legal briefs and other legal documents, conducted legal research and wrote legal opinions and research papers, etc.
- 2003 - 2005 Senior Legal Officer in Chambers, United Nations, International Criminal Tribunal for Rwanda (Arusha, Tanzania).
- Provided legal assistance to the judges in Trial Chamber II by way of research on criminal law and procedure in common law jurisdictions, Canadian criminal law and procedure, international criminal law and procedure, international humanitarian law, international human rights law, public international law and procedure; responsible for drafting of legal opinions, decisions and judgments for judges of an ICTR Trial Chamber, supervising other legal officers to the judges in their research and writing for the judges; etc.
- 2000 - 2003 Senior Trial Attorney/Lead Prosecution Counsel, United Nations, International Criminal Tribunal for Rwanda (Arusha, Tanzania).
- Represented the Prosecutor of the Tribunal as a trial team leader in the prosecution of the cases of Bagosora, Nsengiyumva, Kabiligi and Ntabakuze and the Semanza case; drafted legal briefs, memorials, submissions and other legal documents; supervising a trial team.
- 1999 - 2000 Head Legal Officer in the Appeals Chamber, United Nations, International Criminal Tribunal for Rwanda (The Hague, the Netherlands).
- Provided legal assistance to the Appeals judges by way of research on criminal law and procedure in common law jurisdictions, Canadian criminal law and procedure, international criminal law and procedure, international humanitarian law, international human rights law, public international law and procedure; responsible for drafting legal opinions, decisions and judgments for judges of the ICTR Appeals Chamber, supervised other legal officers to the judges in their research and writing for the judges; etc.
- February -
September 1999 Prosecution Counsel/Assistant Trial Attorney, United Nations, International Criminal Tribunal for Rwanda (Arusha, Tanzania).
- Represented the United Nations in its prosecution, before the ICTR, of war crimes, crimes against peace, crimes against humanity, and other international crimes committed by Rwandans in Rwanda and in neighbouring States during 1994.

- 1997 - February
1999
- Prosecution Counsel/Assistant Trial Attorney, United Nations, International Criminal Tribunal for Rwanda (Kigali, Rwanda).
- Represented the Prosecutor of the Tribunal in her prosecution, before the ICTR, of genocide, war crimes, crimes against humanity, and other international crimes committed by Rwandans in Rwanda and in neighbouring States during 1994.
- 1996 - 1997
- Barrister-at-Law, Eboe-Osuji & Adetunji (Barristers & Solicitors), Toronto, Canada.
- Argued various cases at all levels of courts of Ontario, Canada, the Federal Court of Canada and the Supreme Court of Canada; drafted pleadings, legal briefs and other legal documents.
- 1994 - 1995
- Barrister-at-Law, Robinson-Hinkson, Toronto, Canada.
- Argued various cases at all levels of courts of Ontario, Canada, drafted pleadings, legal briefs and other legal documents.
- 1993 - 1994
- Barrister-at-Law, Russell & DuMoulin (Barristers & Solicitors), Vancouver, Canada.
- Argued cases in court, drafted pleadings, legal briefs and other legal documents.
- February -
November 1993
- Clerk-at-Law/Barrister-at-Law, Russell & DuMoulin (Barristers & Solicitors), Vancouver, Canada.
- Argued cases before the Federal Court of Canada, British Columbia Small Claims Courts and Tribunals, drafted pleadings, legal briefs and other legal documents, conducted legal research and wrote legal opinions and research papers, etc.
- 1991 - 1992
- Clerk-at-Law, Scott & Aylen (Barristers & Solicitors), Ottawa, Canada.
- Argued cases in Small Claims Courts and Administrative Tribunals, drafted pleadings, legal briefs and other legal documents, conducted legal research and wrote legal opinions and research papers, etc.
- 1989 - 1991
- Law researcher, Centre for Research in Air and Space Law, McGill University, Montreal, Canada.
- Conducted legal research, wrote legal research papers, conference legal papers, etc.
- 1988 - 1989
- Law researcher (freelance), Montreal, Canada.
- Conducted legal research and provided Canadian and international legal instruments to asylum seekers.
- 1986 - 1988
- Barrister and Solicitor, Ugochuku & Co. (Barristers & Solicitors), Port Harcourt, Nigeria.

Argued cases in court, drafted pleadings, legal briefs, agreements, leases, mortgages and other legal documents.

1985 - 1986 Clerk-at-Law, Ahamba & Associates (Barristers & Solicitors), Owerri, Nigeria.

Drafted pleadings, legal briefs and other legal documents, conducted legal research and wrote legal opinions and research papers, etc.

Education

Advanced law degrees

1989 - 1991 Master of Laws (LL.M) degree.
McGill University, Montreal, Canada.
Award: first prize, 1990 Essay Contest
McGill's Graduate Programme in Air and Space Law

Academic law degrees

1989 - 1991 Canadian Bachelor of Laws (LL.B) equivalency.
[Certificate of Qualification]
McGill University (Faculty of Law)/Joint Committee on Accreditation of the Federation of Canadian Law Societies.

1981 - 1985 Bachelor of Laws (LL.B) (Honours) degree.
University of Calabar, Calabar, Nigeria.

Professional law degrees/certificates

February - April 1993 Barrister-at-Law degree (professional legal training course).
The Law Society of British Columbia, Vancouver, Canada.

May - June 1991 Barrister-at-Law degree (bar admission course).

September - December 1992 The Law Society of Upper Canada (Ontario), Ottawa, Canada.

1985 - 1986 Barrister-at-Law certificate, the Nigerian Law School.
The Nigerian Council of Legal Education.

A summary of notable professional accomplishments

- Senior appeals counsel in *Prosecutor v. Brima et al*, Special Court for Sierra Leone.
- Senior appeals counsel in *Prosecutor v. Fofana et al*, Special Court for Sierra Leone.
- Lead prosecution counsel in *Prosecutor v. Semanza* (No ICTR-97-20-T), International Criminal Tribunal for Rwanda, judgment dated 15 May 2003. [At the end of the trial, Laurent Semanza (mayor of Bicumbi, Rwanda) was convicted of complicity in genocide, extermination as a crime against humanity, two counts of murder as a crime against humanity, rape as a crime against humanity, and torture as a crime against humanity].

- Interim lead counsel in *Prosecutor v. Bagosora, Nsenyumva, Kabiligi and Ntabakuze* (No ICTR-98-48-T). My role in the case included preparing the case, making the opening statement, and leading the first expert witness in examination-in-chief [<http://65.18.216.88/ENGLISH/PRESSREL/2002/312chile&delponte.htm>].
- Lead counsel in *Cummings v. Budget Rent-A-Car and Zurich Ins Co* (1996), 29 OR (3rd) 1, 136 DLR (4th) 330 (Ontario Court of Appeal, application for leave to appeal dismissed by the Supreme Court of Canada (1997), 31 OR (3^d) I) - a land mark case in Canadian car insurance law: successfully tested proposition that an insurer has a duty to defend qualified young drivers whose class had been excluded rented car by the car rental company.
- Lead counsel in *Ferrel & ors v. A-G (Ontario)* [‘the Employment Equity Case’] - a land mark case in Canadian constitutional right to equality: testing the proposition that the repeal of Ontario’s employment equity laws is unconstitutional and does involve a constitutionally reviewable governmental action.
- Successful defence in Nigeria of three men accused of a capital punishment offence.

Select publications, speeches and researches

Select articles

- “Rape as Genocide: Some Questions Arising”, (2007) 9 *Journal of Genocide Research*, pp. 251-273.
- “The Role of the Security Council in Prosecuting the Crime of Aggression: an African Perspective”, (2007) 34 *The Monitor-Journal of the Coalition for the International Criminal Court*, p. 8.
- “Superior or Command Responsibility – A Doubtful Theory of Criminal Responsibility at the Ad Hoc Tribunals”, in: Deceaux et al, *From Human Rights to International Criminal Law* [The Hague: Brill, 2007], p. 105.
- “International Law, Mercenary Activities and Conflict Prevention in Africa”, [Co-author: Adama Dieng] in: Deceaux et al, *From Human Rights to International Criminal Law* [The Hague: Brill, 2007], p. 617.
- “‘Vague’ Indictments and Justice at the International Criminal Tribunals: Learning from the World of Common Law”, in: C.P.M. Waters (ed.), *British and Canadian Perspectives on International Law* [The Hague: Brill, 2006], p. 105.
- “Rape and superior responsibility in international law” [http://www.icc-cpi.int/library/organs/otp/050620_Chile_presentation.pdf].
- “Murder as a Crime against Humanity at the Ad Hoc Tribunals: Reconciling Differing Languages”, (2005) *Canadian Yearbook of International Law*, p. 145.
- “Genocide, Justice and the Forensic Sensibilities of the International Committee of the Red Cross”, *Chinese Journal of International Law* (2006) Vol. 5, No. 1, p. 149.
- “Crimes Against Humanity: from *Finta* to *Mugesera*” or “In Sync at Last: Canadian Law and International Law of Crimes Against Humanity”, Canadian Council on International Law website (November 2005)
http://www.ccil-ccdi.ca/index.php?option=com_content&task=view&id=124&Itemid=76

- “The World Our Stage: Practice at the Bar of International Law”, *The Advocates’ Society Journal* (summer 2005), pp. 14-16.
- “Complicity in Genocide vs. Aiding and Abetting Genocide: Construing the Difference in ICTR and ICTY Statutes”, (2005) 3 *Journal of International Criminal Justice*, p.56-81.
- “Kleptocracy: a desired subject of international criminal law that is in dire need of prosecution by universal jurisdiction”, *African Perspectives on International Criminal Justice* (2005), p. 121.
- “Crimes against Humanity: the End of Im[m/p]unity in a New Order of International Criminal Law”, *AFLA Quarterly* (October - December 1999), p. 15.
- “The Jurisdiction to Prosecute Foreigners for Crimes Against Humanity Committed Abroad”, *AFLA Quarterly* (April - June 2000), p. 12 [Co-author: Suzanne Schairer].
- “World War against Aviation Terrorism ... the Role of Canada”, in: Matte (ed.), *Arms Control and Disarmament in Outer Space: Towards a New Order of Survival*, Vol. IV, p. 59.
- “The Duty to Defend an Unnamed Insured - Even the Fourth Generation Driver”, (1996) 14 *Canadian Journal of Insurance Law*, p. 65.
- “Repeal of the Ontario Employment Equity Laws: A Lesson in Denial of Equal Protection of the Laws”, in: Agocs, *Workplace Equality: International Perspectives on Legislation, Policy and Practice* (2002), p. 109 [Co-author: Elizabeth McIsaac].
- “State Immunity, State Atrocities, and Civil Justice in the Modern Era of International Law” [pending publication in the *Canadian Yearbook of International Law*].
- “Torture, Terrorism, and Civil Suits against Foreign States in Canadian Courts”, *Law Times* 9 October 2007.
- “Responsibility of States for Genocide Crimes”, *Law Times* 17 May 2007.
- “Another Look at the *Mens Rea* of the War Crime of Terrorism” [pending publication].
- “‘Grave Breaches’ as War Crimes: Much Ado About ... ‘Serious Violations’” [pending publication].
- “Defining and Analyzing Rape in International Criminal Law: an Unsettled Tug-of-War?” [pending publication].
- “Forced Marriage: an International Crime?” [pending publication].
- “Crimes against Humanity: Civilians as Deliberate Targets of Attacks” [pending publication].
- “Burning as a Mode of the War Crime of Pillage” [pending publication].
- “Interlocutory Appeals at The International Criminal Tribunal for Rwanda” [pending publication].

- “Curbing War through Law: a teleological approach to international criminal justice” [pending publication].

Theses

- *Aviation Incidents and the Earth-based Victims: a Review of Anglo-Canadian Tort Law* [Montreal: McGill LLM Thesis, 1991] v. 203 pp. ISBN: 0315744812.

Book manuscripts

- “Sexual Violence against Women, Armed Conflicts and International Law”.
- “International Criminal Law: an Inside View of an Edifice under Construction”.
- “Spirit of Sankey - Commentary on Aspects of Canadian Constitutional Law”.

Legal research experience

- Very extensive - over 500 academic legal and professional legal research papers.

Speeches and lectures invitations

- Nigerian Bar Association, 2007 Annual Conference, Ilorin, Nigeria, 28 August 2007 [Paper presented: “Ensuring Legally Responsible Development”].
- International Law Association, 2006 Biennial Conference, Toronto, Canada, 7 June 2006 [Paper presented: “Rethinking Superior Responsibility for Rape of Women during Armed Conflicts”].
- Canadian Lawyers Abroad, University of Ottawa Chapter, Conference on Staying the Hand of Vengeance: Prosecuting International Crimes, Ottawa, Canada, 10 March 2006 [Keynote speech: “Empathy in Genocide Trials - The Death of Numbers”].
- McGill University Law Faculty, Centre for Human Rights and Legal Pluralism, Conference on Hybrid Courts in Context, Montréal, Canada, 17 February 2006 [Moderated discussion on the Contribution of Hybrid Courts to Post-Conflict Reconciliation].
- Canadian Council on International Law, 2005 Annual Conference, Ottawa, Canada, 27 October 2005 [Paper presented: “Definition and Analysis of Rape in International Criminal Law - A Continuing Tug-of-War?”].
- International Committee of the Red Cross, International Conference on “Customary International Humanitarian Law: Challenges, Practices and Debates”, Montréal, Canada, 30 September 2005 [Paper presented: “Customary International Law in the Proceedings of the International Criminal Tribunals for Rwanda and the former Yugoslavia”].
- British Association of Canadian Studies, Legal Studies Group, Canada-UK Perspectives on Public International, London, England, 24 June 2005 [Paper presented: “‘Vague’ Indictments and Justice at the International Criminal Tribunals: Learning from the World of Common Law”].
- International Criminal Court, OTP Guest Lecture Series, The Hague, The Netherlands, 20 June 2005 [Paper presented: “Rape and superior responsibility in international law”, at: <www.icc-cpi.int/otp/otp_guest_lecturer&id=30.html>].

- Advocates' Society of Ontario, Fall Convention, Scottsdale, Arizona, 19-20 November 2004 [Paper presented: "The Practice of International Law in a Changing World: a Canadian Perspective"].
- The Yukon College, Maddison Chair Lecture, Whitehorse, The Yukon Territory, 22 November 2004 [Paper presented: "Contributions of the International Criminal Tribunal for Rwanda to the Development of International Law of War Crimes"].
- United Nations High Commission for Human Rights, Experts Meeting on the Sierra Leone Independent Special Court and the Sierra Leone Truth and Reconciliation Commission, New York, 19-22 December 2001.
- Africa Legal Aid, Experts Meeting on African Perspectives on Universal Jurisdiction for International Crimes, Arusha, Tanzania, November 2002.
- Africa Legal Aid, Experts Meeting on African Perspectives on Universal Jurisdiction for International Crimes, Cairo, Egypt, 30-31 July 2001 [Paper presented: "Kleptocracy: A Viable Candidate for International Criminal Law, in Dire Need of Prosecution by Universal Jurisdiction"].
- Harvard University Black Students Association, Conference on Affirmative Action, 7-8 February 1997 [Title of speech: "Equality, Democracy and the Politics of Self Interest"].
- University of Western Ontario Law Faculty, 12 March 1997 [Title of lecture: "A Principle of Duty - the State and the Elimination of Unconstitutional Discrimination"].
- Canadian Association of Black Lawyers, 29 June 1997 [Title of speech: "Justiciability of the Constitutional Challenge against the Repeal of the Employment Equity Laws of Ontario"].

Languages

Primary language: English

Mother tongue: Ibo

Other language: Advanced level French

8. González Cabal, María del Carmen (Ecuador)

[Original: Spanish]

Note verbale

The Ministry for Foreign Affairs, Trade and Integration presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and, with reference to document ICC-ASP/7/S/73 of 11 November 2008, has the honour to inform the Secretariat of the decision of the Government of Ecuador to nominate Dr. María del Carmen González Cabal, on list B, for one of the vacant posts as judge of the International Criminal Court to be filled at the elections to be held during the first resumption of the seventh session of the Assembly in January 2009 at United Nations Headquarters in New York.

The Ministry for Foreign Affairs, Trade and Integration transmits herewith to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court the statement of the Government of Ecuador, together with copies of the curriculum vitae of Dr. María del Carmen González in Spanish, English and French.

...

Statement of qualifications

Statement of the Ecuadorian Government regarding the candidacy of Dr. María del Carmen González Cabal to occupy one of the vacancies of judge of the International Criminal Court (list B), according to resolution ICC-ASP/3/Res.6, of 10 September 2004.

The Ecuadorian candidate, Dr. María del Carmen González Cabal, is a lawyer and diplomat of great moral, intellectual and academic prestige. Dr. González Cabal has a degree in social and political sciences. In 1981, she graduated as Doctor in Jurisprudence and Lawyer of the Tribunals of the Republic of Ecuador, and since then she has been a member of the Quito Bar Association. Dr. González Cabal has been a member of the Ecuadorian Foreign Service for 30 years.

During her college years, Dr. González Cabal worked pro bono in the Catholic University of Ecuador's free legal counselling services, providing assistance to the farming community of Guamote, Province of Chimborazo, Ecuador. She was also a member of gender equality defence groups. She has, thenceforth, maintained close relations with academic circles and organisations linked to social issues in Ecuador and in some of the cities where she has represented her country in diplomatic missions, including Vienna, Brasilia, San Salvador, Buenos Aires, Managua and The Hague.

In the biennium 1981 - 1982, Dr. González Cabal took the Introductory Course to the Diplomatic Career at *Instituto Rio Branco*, the diplomatic academy of the Ministry of Foreign Affairs of the Federative Republic of Brazil. In 1988, she took a course on International Public Law at the Institute of International Relations Research in Florence, Italy. In 1990, she attended courses on human rights, offered by the United Nations Office in Geneva, as well as a course on human rights, offered by the University of Strasbourg, France. In 1997, Dr. González Cabal obtained a M.A. degree in International Relations from the University of Brasilia (UnB), with a thesis dealing with the guarantees offered by international public law and the peaceful settlement of conflicts. In 2007, Dr. Gonzalez Cabal

took a summer course on International Criminal Law, organized by Leiden University and the Grotius Centre.

Ecuador presents the candidacy of Dr. González Cabal to the post of magistrate in the International Criminal Court for list B, given her broad experience in international legal issues. Between 1979 and 1980, she was Alternate Director of the Ecuadorian Foreign Ministry's Legal Assistance Office. In 1985, she was the representative of Ecuador before the United Nations Office of Social Affairs in Vienna, where she dealt with human rights, people with disabilities, gender equality, refugees, family issues and others. In 1988, Dr. González Cabal was a member of the Ecuadorian delegation to the First World Conference on Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, and represented Ecuador in the Commission for the Elimination of all Forms of Discrimination against Women in 1990.

Between 1990 and 1992, Dr. González Cabal served as Director of the Department of Social Affairs of the Ecuadorian Foreign Ministry, where she had contact with different national and international organisations regarding human rights, humanitarian affairs, narcotics, family rights, and gender issues.

In 2001, Dr. González Cabal was General Coordinator for the 10th Conference of Spouses of Heads of State and Government of the Americas. This Conference addressed the issue of adolescents of the Americas and was aimed at evaluating the decade-long consultancy working mechanisms. Experiences were exchanged in order to find solutions to social and humanitarian problems affecting children, women and the elderly in the Americas. A Plan of Action was adopted in favour of adolescents.

In 2002, Dr. González Cabal worked as Assistant at the National Institute for Children and Family of Ecuador (INNFA), and implemented the Action Plan established by the aforementioned Conference. The Action Plan addressed education, health, job training, social behaviour and citizen participation. Domestic violence and gender equality issues were also on the agenda of this Office.

Between 2001 and 2002, the Ecuadorian candidate sponsored and founded a project promoted by the Organisation of American States: "School Laboratories: Young Businessmen" in Ecuador. This project was subsequently launched in Nicaragua, with the support of the Nicaraguan-American Chamber of Commerce.

During the period of 2003 - 2005, Dr. González Cabal served as Ecuadorian Ambassador in Nicaragua, and emphasized issues related to trafficking in persons, which required her personal involvement and close contacts with the Nicaraguan penitentiary system and Ecuadorian detainees. Her work with the National Assembly and the Government of the Republic of Nicaragua facilitated the solution of legal problems which affected irregular migrants from Ecuador as well as other countries.

Taking into account the importance of the balance between peace and justice enshrined in the Treaty of Rome, it is worth noting that the Ecuadorian candidate has broad experience in peace talks processes. Indeed, in 1995, Dr. González Cabal was a member of the Ecuadorian delegation for Peace Talks between Ecuador and Peru, in Rio de Janeiro and Brasilia, which resulted in the Itamaraty Declaration of Peace of 17 February 1995. This Declaration signified the beginning of the *détente* process between both countries.

That same year, Dr. González Cabal participated in the Ecuadorian delegation for the negotiation of Procedures for the Withdrawal of Troops and the creation of the Mission of Military Observers Ecuador-Peru. She also joined the working groups which supported the peace commissions and high-level talks, which led the Presidents of Ecuador and Peru to sign

a definite Peace Treaty in 1998 and to adopt an important agenda for common bi-national development.

Fluent in Spanish, English, Portuguese and Italian, Dr. González Cabal also has a basic command of German, and represented her country during the fourth and fifth sessions of the Assembly of States Parties to the Rome Statute, both held in The Hague, in 2005 and 2006, respectively.

Dr. González Cabal has represented Ecuador before the Governments of Austria, Brazil and El Salvador, and has been Ambassador in Argentina, Nicaragua and the Kingdom of the Netherlands. She also was the Permanent Representative of Ecuador before the Organisation for the Prohibition of Chemical Weapons and the Common Fund for Commodities.

Dr. González Cabal acted as international observer during the May 2004 general elections of Panama, and she also was Vice-President for the Group of Latin American and Caribbean Countries of the Common Fund for Commodities' Board of Governors.

Dr. González Cabal has written numerous publications and given lectures in several universities and institutions related to international public law issues. She is married and has two children.

This candidacy will contribute to an equal geographic distribution among the magistrates of the Court, as provided in paragraph 8 (a), article 36, of the Rome Statute of the International Criminal Court.

Ecuador signed the Statute of Rome in 1998 - without reservations - and ratified it on 5 February 2002. Ecuador ratified the Agreement on the Privileges and Immunities of the International Criminal Court in 2006.

Ecuador intends to voice the great significance it bestows on human rights and humanitarian affairs issues, as well as its wish to – through the International Criminal Court – promote the end of impunity to the crimes established in the Rome Statute.

Personal

Name: María del Carmen González Cabal

Date of birth: 23 March 1956

Place of birth: Bahía de Caráquez, Ecuador

Nationality: Ecuadorian

Education

- Master in International Relations, University of Brasilia, Brazil, 1998.
- Doctorate in Jurisprudence and Attorney in Courts of the Republic of Ecuador, Catholic University of Ecuador, Quito, 1981.
- Diploma in Political and Social Sciences, Catholic University of Ecuador, Quito, 1977.

Further professional courses

- International Criminal Law, summer course 2007, Grotius Centre, Leiden University, Netherlands.
- Human Rights, Strasburg, University of Strasburg, France, 1990.
- Process of Integration of the European Community, Salzburg, Austria, 1990.
- International Relations, International Relations Research Institute, Florence, Italy (1998).
- Introduction to the Career of Diplomacy at Rio Branco Institute, Ministry of Foreign Affairs, Brasilia, Brazil (1981 - 1982).

Professional experience

- Career member of the Foreign Services of Ecuador since 1978.
- Member of the National Association of Attorneys of Quito since 1981.

Foreign assignments for Ecuador

- Ambassador to the Kingdom of the Netherlands, 2005 - 2007.
- Permanent Representative of Ecuador to the OPCW, The Hague, October 2005 - December 2007.
- President of the Ecuadorian delegation to the fourth and fifth sessions of the Assembly of States Parties to the Rome of the International Criminal Court, The Hague, 28 November - 3 December 2005 and 23 - 1 December 2006, respectively.
- Governor of Ecuador to the Common Fund for Commodities, Amsterdam, October 2005 - December 2007.
- Vice-President for Latin America and the Caribbean to the Council of Governors of the Common Fund for Commodities, from December 2006 - December 2007.
- Ambassador to Nicaragua, 2003 - 2005.
- International Observer, Presidential Election, Republic of Panama, May 2004.
- Ambassador to the Republic of Argentina, 2002 - 2003.
- Chargé d'Affaires to El Salvador, January 2001.
- Chargé d'Affaires to Brazil, October 1998 - January 1999.
- Minister of the Ecuadorian Embassy, Brazil, 1994 - 1999.
- Member of Ecuadorian delegation, "Peace Talks, Ecuador - Peru" (Rio de Janeiro and Brasilia, Brazil). Culminated with signing of "Peace Declaration of Itamaraty", 17 February 1995.
- Member of Ecuadorian delegation, "VIII Summit of the Rio Group", September 1994, Rio de Janeiro, Brazil.

- Representative of Ecuador to the “Commission for the Elimination of all forms of Discrimination against Women”, Vienna, Austria, 1990.
- Representative of Ecuador to the Office of Social Affairs of the United Nations in Vienna, where they dealt with diverse issues related to human rights, disabilities, gender equality, refugees and family matters, amongst others, Vienna, 1985 - 1990.
- Alternate Representative of Ecuador to ONUDI, Vienna, 1985 - 1990.
- Alternate Representative of Ecuador to the Atomic Energy Agency, Vienna 1985 - 1990.
- Alternate Representative of Ecuador to the OPEC Fund, Vienna, 1985 - 1990.
- Member of the Ecuadorian delegation, “First World Conference on Drugs and Psychotropic Substances” Vienna, Austria, 1988.
- First Secretary in charge of Consular Affairs at the Embassy of Ecuador in Vienna, 1985 - 1990.

Domestic assignments

- Director of the European Affairs Office at the Minister of Foreign Affairs, Quito, 2008.
- Advisor, National Childhood and Family Institute, Quito, January 2001 - October 2002.
- Principal Private Secretary to the Minister of Foreign Affairs, Quito, 2001.
- National Coordinator, “Tenth Conference of Wives of Chiefs of States and Government of the Americas” and related Follow-Up Plan of Action, Quito, January 2001 - September 2002.
- General Coordinator of the Ministry of Foreign Affairs, Quito, October 1999 - March 2001.
- Under-Secretary of Litoral Affairs a.i., Guayaquil, 1993 - 1994.
- Member of the National Council of Fishing Development, Guayaquil, 1992 - 1994.
- General Director of Social Affairs of the Ministry of Foreign Affairs in the areas related to human rights, disabilities, gender equality, children’s rights and family’s rights. Quito, 1990 - 1992.
- Director of the Department of Technical Cooperation, Quito, 1983.
- Member, Selection Committee of Development Projects, National Development Council, Vice-Presidency of the Republic of Ecuador, Quito, 1983.
- Member of the Selection Committee, Ecuadorian Educational Credit and Scholarships Institute, Quito, 1983.
- Deputy Director of the Legal Department and the Judicial Advisory of the Ministry of Foreign Affairs, Quito 1979 - 1980.
- Deputy Director of Communication and Press, Ministry of Foreign Affairs, Quito, 1978.

Languages

- Spanish, English, Portuguese, Italian, passive knowledge of German.

Other relevant activities

- Project Founder, Entrepreneurial School Laboratories, Organization of American States, OAS -Young Americas Business Trust, Ecuador, 2001 - 2002; Nicaragua, 2004 - 2005.
- Guest Lecturer at Antonio J. Quevedo “Diplomatic Academy”, Quito, Ecuador.
- Guest Lecturer at the University of Brasilia, Brazil, 1994.
- Guest Lecturer at the Catholic University of Guayaquil, Ecuador, 1993.
- Guest Lecturer at the University of Salerno, Italy, 1988.
- Deputy Professor in the Faculty of Law at the Catholic University of Ecuador, in the area of “Latin American Problems”, Quito, 1984.
- Volunteer in juridical projects in countryside communities of the Catholic University of Ecuador, Guamate, 1977.
- Volunteer in the Free Juridical Counseling Centres of the Catholic University of Ecuador, Quito, 1976.

Commendations

- The Order of José de Marcoleta in the Grade of Grand Cross, Managua, Nicaragua, 2005
- The Order of Rio Branco in the Grade of Grand-Officer, Brazil, March 2002.
- Decoration of Honour for Merit in the Grade of Grand Cross, Federal Republic of Austria, 1991.

Thesis and publications

- “*Highly migratory species in the law of the sea*”, Thesis for the doctoral degree, Catholic University of Ecuador, Quito. January 1981.
- “Crisis Overcome”, article published over the political crisis of Ecuador of February 1997. Published in the *International Letter* number 49 of March 1997, Sao Paulo, Brazil.
- “*Some Reflections over the Guarantees of the Rio de Janeiro Protocol of 1942*”. Master Thesis, December 1997, University of Brasilia, Brasilia, D.F., Brazil.
- “Reflections over the Guarantee of the Protocol of Peace, Friendship, and Boundaries between Peru and Ecuador of the 29th January 1942”, article published in the *International Letter* number 20 of June 1998. University of Sao Paulo, Brazil.

9. Kam, Gberdao Gustave (Burkina Faso)

[Original: French]

Note verbale

The Embassy of Burkina Faso to the Kingdom of the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to submit to the Secretariat the candidacy of Mr. Gberdao Gustave Kam for one of the six posts of judge at the Court for the elections to be held during the first resumption of the seventh session of the Assembly of States Parties, scheduled for 19 to 23 January in New York.

In conformity with subparagraphs (a), (b) and (c) of paragraph 3 of article 36 of the Statute and with paragraph 4 (a) of that same article 36 of the Statute, Mr. Kam is a senior Burkinabé judge and has occupied the highest judicial posts in Burkina Faso. He enjoys high moral esteem and is known for his impartiality and his integrity. French is his first working language, of which he has perfect command. He also works in English and his experience in Arusha over the last five years has strengthened his ability in that regard. During his career in Burkina Faso, he was successively lawyer, prosecutor and judge. He has thus specialised in criminal law and has a strong command of criminal procedure. For that reason, we are submitting his name as a list A candidate.

Mr. Kam has a good command of the Romano-Germanic system, as well as some familiarity with non-written law. Moreover, his current working environment has enabled him to extend his legal culture beyond the legal system of Burkina Faso, thanks to the multicultural character of the legal actors involved in proceedings before the International Criminal Tribunal for Rwanda. Mr. Kam's candidacy thus satisfies the conditions set out in article 36, paragraph 8 (a) (i) to (iii), of the Statute.

Moreover, Mr. Kam's speciality is criminal law and he is at the same time thoroughly familiar with international law. Firstly, because of his capacities in the field of human rights. Secondly, because of his extended period of service with the International Criminal Tribunal for Rwanda. This specialised knowledge extends to issues of procedure, which have come before him for resolution in the various cases assigned to the Chambers in which he has sat.

Mr. Gberdao Gustave Kam is of Burkinabé nationality, and it is on this basis that Burkina Faso, by letter No. 08-00175/MJ/SG/DACPS/zo/lj of 22 September 2008 from the Burkina Faso Ministry of Justice and Keeper of the Seals, has submitted his candidacy, which is a particularly valuable one, in view of his extended experience with the International Criminal Tribunal for Rwanda and of his active participation in the Burkinabé delegation which negotiated the Court's basic texts.

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Statement of qualifications

Personal

Name: Gberdao Gustave Kam
Date of birth: 19 May 1958
Place of birth: Dolo - (Bougouriba) Burkina Faso
Nationality: Burkinabé

Profession

Judge, Exceptional Grade, Level 4

Current position

Judge at the International Criminal Tribunal for Rwanda (ICTR)

Professional experience

24 September 2008 Case no. ICTR-2001-63 (*Prosecutor v. Nchamihigo*), judgement of the Chamber convicting the defendant.

March 2008 Appointed by the President of the Tribunal to membership of the Tribunal's Rules Committee.

31 April 2008 Assigned by the United Nations Secretary-General, pursuant to article 12 ter, paragraph 2, of the Statute of the International Criminal Tribunal for Rwanda (ICTR), with effect from 31 April 2008, to case no. ICTR-2005-88 (*Prosecutor v. Callixte Kalimajira*), scheduled to commence on 5 May 2008 and to terminate at some time in the first half of 2009.

13 October 2006 The Security Council decided, following a request by the Secretary-General, and notwithstanding the provisions of article 12 ter, paragraph 2, of the Statute of the International Criminal Tribunal for Rwanda, to extend to 31 December 2008 the term of office of the judges ad litem of the International Criminal Tribunal elected on 25 June 2003.

4 December 2007 *Prosecutor v. GAA*, case no. ICTR 07-90-77, judgement of the Chamber convicting the defendant.

8 November 2007 Assigned by the United Nations Secretary-General, pursuant to article 12 ter, paragraph 2, of the Statute of the International Criminal Tribunal for Rwanda (ICTR), with effect from 6 November 2007, to case no. ICTR 07-90-77 (*Prosecutor v. GAA*), scheduled to commence on 3 December 2007 and to terminate within three months of commencement.

13 December 2006 *Prosecutor v. Athanase Seromba*, judgement of the Chamber convicting the defendant.

- 18 September 2006 Assigned by the United Nations Secretary-General, pursuant to article 12 ter, paragraph 2, of the Statute of the International Criminal Tribunal for Rwanda (ICTR), with effect from 25 September 2006, to case no. ICTR-2001-63 (*Prosecutor v. Nchamihigo*), scheduled to commence on 25 September 2006 and to terminate at some time in the first half of 2007.
- 20 September 2006 *Prosecutor v. André Rwamakuba*, case no. ICTR-98-44C-T, judgement of acquittal.
- 1 September 2005 Assigned by the United Nations Secretary-General, pursuant to article 12 ter, paragraph 2, of the Statute of the International Criminal Tribunal for Rwanda (ICTR), with effect from 5 September 2005, to the case of *Prosecutor v. Karemera et al.*, scheduled to commence on 12 September 2004 and to terminate at some time during 2007.
- 26 May 2005 Assigned by the United Nations Secretary-General, pursuant to article 12 ter, paragraph 2, of the Statute of the International Criminal Tribunal for Rwanda (ICTR), with effect from 1 June 2005, to the case of *Prosecutor v. André Rwamakuba*, scheduled to commence on 5 June 2006 and to terminate at some time during 2007.
- 27 August 2004 Assigned by the United Nations Secretary-General, pursuant to article 12 ter, paragraph 2, of the Statute of the International Criminal Tribunal for Rwanda (ICTR), with effect from 13 September 2004, to the case of *Prosecutor v. Athanase Seromba*, scheduled to commence on 20 September 2004 and to terminate in approximately 10 months.
- July 2004 Technical adviser to the Minister of Justice (combined with the duties of coordinator for the PADEG Project).
Duties: Assisting the Minister in examining all matters falling within his responsibilities; studying case files; representing the Minister.
- 25 June 2003 Elected by the United Nations General Assembly as judge ad litem with the International Criminal Tribunal for Rwanda, in order to enable it to expedite its work. Assignment to my first case did not occur until later, on 13 September 2004.
My election followed a United Nations Security Council decision, contained in its resolution 1431 (2002), to create a group of judges ad litem for the ICTY. The judges were elected for a term of four years.
- 2003 National Coordinator for the [European Union] Support Programme for Consolidation of the Democratic Process, the Rule of Law and Good Governance, which I combined with the duties of Director of Studies and Planning (D.E.P.).
Duties:
 - Prepared and implemented annual programme estimates, presented technical and financial reports to the programme steering committee, opened and managed the EDF management account;
 - National Authorising Officer (under article 313 of the Lomé IV Convention) for the signature of works and supply and equipment contracts;

- Authorising officer for the signature of draft agreements;
- Controller of payments on account of local remunerations.

2001 Director of Studies and Planning.

Duties:

- Centralising data relating to Ministry activities and to ongoing or pending projects;
- Monitoring and checking projects either included or not included in development plans and programmes;
- Conducting studies to expedite Ministry work, in particular study and preparation of departmental projects;
- Organising and supervising public tenders falling within the Ministry's responsibility; drafting technical specifications and letters of acceptance;
- Monitoring relations with international institutions;
- Monitoring the work of joint cooperation committees;
- Preparing, implementing and monitoring the Ministry's information technology programme;
- Preparing and monitoring the schedule of Ministry activities;
- Preparing and overseeing implementation of the Ministry's annual and triannual public investment programmes.

1999 - 2001 Directorate for civil, criminal and judicial matters, Ministry of Justice.

Duties:

- Monitoring the work of civil, commercial, criminal, labour and administrative courts;
- Checking the operation of departmental and local courts;
- Ensuring the effective implementation of international private law conventions, transmission of legal documents, transcription of marginal notes in civil status registers, processing naturalisation applications.

1998 - 2002 Participation in preparatory work for the establishment of the International Criminal Court:

Took part, in Rome and at United Nations Headquarters, in :

- Drafting of the Court's Statute (1998);
- Drafting of the Rules of Procedure and Evidence and Elements of Crimes;
- Drafting of the Financial Regulations and Rules; the Agreement on Privileges and Immunities; Relations between the Court and the United Nations.

2001 Member of the Commission for the Privatisation of Public Undertakings.

Duties:

- The purpose of the National Privatisation Commission, which had multidisciplinary responsibilities, was the privatisation of certain State undertakings. I was a member, representing the Ministry of Justice.

Member of the National Codification Commission for Review of the Code of Criminal Procedure and of the Law on Procedure in the Criminal Chamber.

Duties:

- Review of the Ministry's legal texts, opinions on matters not falling directly within the Ministry's field of responsibility.

1998 - 2000

Government Commissioner at the Ouagadougou Military Tribunal.

Duties:

- Carrying out the duties of public prosecutor before the Military Tribunal;
- Carrying out, or having carried out, all acts necessary for the prosecution of criminal offences before the Military Tribunal.

1996 - 1999

Public Prosecutor at the Ouagadougou Court of Appeal.

Duties:

- Carrying out the duties of public prosecutor before the Court of Appeal;
- Responsibility for the implementation of criminal law on national territory;
- Carrying out, or having carried out, all acts necessary for the prosecution of criminal offences;
- Reviewing the actions of prosecutors in courts of first instance.

1995 - 1996 :

President of the Koudougou Tribunal de Grande Instance.

Duties:

- Handing down judicial decisions at first instance in civil, commercial and criminal cases brought before the court in respect of which it has jurisdiction;
- Interlocutory jurisdiction: in urgent cases, the President may make any order in respect of which there is no serious dispute;
- Issuing such interim injunctions or restoration orders as the circumstances may require;
- Orders on motions: issuing emergency orders where the circumstances require that there be no adversarial debate.

1992 - 1995

President of the Bobo Dioulasso Tribunal de Grande Instance.

Duties:

- Handing down judicial decisions at first instance in civil, commercial and criminal cases brought before the court in respect of which it has jurisdiction;
- Interlocutory jurisdiction: in urgent cases, the President may make any order in respect of which there is no serious dispute;
- Issuing such interim injunctions or restoration orders as the circumstances may require;
- Orders on motions: issuing emergency orders where the circumstances require that there be no adversarial debate.

- 1988 - 1992 Cabinet Populaire d'assistance judiciaire [People's Legal Assistance Office], Ouagadougou (Lawyer).
- Duties:
- Provision of legal representation and assistance, in particular to State mixed-economy undertakings;
 - Presenting oral and written arguments, submissions and pleadings to the courts.
- 1991 - 1992 Member of the Independent Commission of Enquiry into the murder of Oumarou Clément Ouédraogo, and the attempted murder of Moctar Tall.
- Duties:
- Conduct of investigations throughout the national territory in order to seek out and apprehend the perpetrators, co-perpetrators and accomplices of the crimes committed upon the person of Oumarou Clément Ouédraogo; former member of the Government.
- 1987 - 1988 President of the Tenkodogo Tribunal of First Instance.
- Duties:
- Handing down judicial decisions at first instance in civil, commercial and criminal cases brought before the court in respect of which it has jurisdiction;
 - Interlocutory jurisdiction: in urgent cases, the President may make any order in respect of which there is no serious dispute;
 - Issuing such interim injunctions or restoration orders as the circumstances may require;
 - Orders on motions: issuing emergency orders where the circumstances require that there be no adversarial debate.
- 1985 - 1987 Investigating Judge at the Bobo Dioulasso Tribunal of First Instance.
- Duties:
- Carrying out, in accordance with the law, all such enquiries and investigations as are considered necessary in order to ascertain the truth;
 - Carrying out, or having carried out, all enquiries and investigations (character investigations, medical examinations, etc.)
- Education**
- 1984 - 1985 Ecole Nationale de Magistrature [National College for the Judiciary], International Section, Paris: Judge's Diploma.
- 1978 - 1983 University of Ouagadougou, Ecole Supérieure de Droit [College of Law], Masters in Law – Option: Private Law.
- 1971 - 1978 Lycée Ouezzin Coulibaly, Bobo Dioulasso, Baccalaureate, series B.
- 1965 - 1971 Public Primary School, Dolo: CEPE [Certificate of elementary primary studies].

Other training

Information technology.

University Diploma in Multimedia Communication.

- Internet and e-mailing
- Website construction
- Software: Text processing
- Excel
- Publisher
- Photoshop
- Toolbook
- Fireworks
- Dreamweaver

Various internships, seminars and workshops in connection with my profession as judge.

Other interests

- 1986 Member of the Mouvement Burkinabé de Lutte contre le Racisme, l'Apartheid et pour l'Amitié entre les Peuples (MOBRAP) [Burkinabé Campaign against Racism and Apartheid and for Friendship between Peoples], a voluntary international humanitarian association based in Burkina Faso.
- 1989 Founder member and Secretary-General of APED-Liberté, a voluntary association for the defence of democracy and liberty.
- January 1992 Founder member of the Burkina Consumers' Association (LCB), an association for the defence of consumers. The consumption of illegal, out-of-date and poor-quality products has become a public health issue.

Languages

- French: Speaking, reading and writing - very good
- English: Speaking - quite good
 Reading and writing - good

Honours/distinctions

Medal of Chevalier de l'Ordre National

Annex

Cases assigned at the International Criminal Tribunal for Rwanda

1. 27 August 2004: *Prosecutor v. Athanase Seromba*
2. 26 May 2005: *Prosecutor v. André Rwamakuba*
3. 1 September 2005: *Prosecutor v. Karamera et al.*
4. 18 September 2006: *Prosecutor v. Nchamihigo* (no. ICTR-2001-63)
5. 8 November 2007: *Prosecutor v. GAA* (no. ICTR 07-90-77)
6. 30 April 2008: *Prosecutor v. C. Kalimanjira* (no. ICTR-2005-88)

Selected decisions

1. 050105 – E (OR) (filed on 6 January 2004): Decision granting extension of time to the Defence Counsel for Rwamakuba to respond to the Prosecution Motion for severance of Rwamakuba and amendment of the indictment
2. 050117 – E (OR): Decision on time-limit to file a response
3. 050125 – E (OR): Decision Granting Time-Limit to File a Reply to Defence Responses
4. 050214 – E (OR): Decision on Severance of André Rwamakuba and For Leave to File Amended Indictment
5. 050215 – E (OR): *Corrigendum* to Decision on Severance of André Rwamakuba and for Leave to File Amended Indictment
6. 050218 – E (OR): Decision on Prosecution Motion for Leave to File Amended Indictment and Filing of Further Supporting Material
7. 050223 – F (OR): Décision relative à la requête de Joseph Nzirorera aux fins d'obtenir la coopération du gouvernement d'un certain Etat – Annex under seal
8. 050223 – F (OR): Décision relative à la requête de Joseph Nzirorera aux fins d'obtenir la coopération du Gouvernement français
9. 050223 – E (OR) : Decision on Motion to Vacate Sanctions
10. 050223 – E (OR): Decision on Disclosure of Witness Reconfirmation Statements
11. 050303 – E (OR): Order (transfer of Serushago)
12. 050322 – F (OR): Décision relative à la requête de Joseph Nzirorera aux fins de rejeter l'acte d'accusation pour poursuites discriminatoires
13. 050324 – E (OR): Oral Decision on Time-Limits to File Reply under Rule 73(E) of the Rules
14. 050324 – E (OR): Scheduling Order
15. 050331 – E (OR): Decision on Joseph Nzirorera's Application for Certification to Appeal the Decision Denying His Request for Cooperation to Government of France
16. 050331 – E (OR): Decision on Prosecution's Motion to Renew and Extend the Transfer of Detained Prosecution Witness Omar Serushago
17. 050412-TC3-E (OR): Decision on Nzirorera's Motion to dismiss Amended Indictment for violation of Article 12 *quater* of the Statute
18. 050415-TC3-F (OR) -P- Décision relative à la requête du Procureur en prolongation de délai pour le dépôt de traductions de déclarations de témoins
19. 050419-TC3-E (OR) -P- Decision on the Prosecution Motion for Sanctions Against Counsel for Nzirorera for Violation of Witness Protection Order and for an Injunction Against Further Violations
20. 050419-TC3-E (OR) -NZ- Decision on Joseph Nzirorera's Motion For a Request For Governmental Cooperation – Annex under seal

21. 050425-TC3-E (OR) -P- *Corrigendum* to Decision on the Prosecution Motion For Sanctions Against Counsel For Nzirorera For Violation of Witness Protection Order and For an Injunction Against Further Violations
22. 050503-TC3-E (OR) -NZ- Decision on Motion To Unseal *Ex Parte* Submissions and To Strike Paragraphs 32.4 and 49 from the Amended Indictment
23. 050505-TC3-E (OR) - *Proprio Motu*: Order For Filing Documents
24. 050511-TC3-E (OR) - *Proprio Motu*: Order For Filing Documents
25. 050513-TC3-E (OR): Decision On Joseph Nzirorera's Motion To Hold Trial Sessions In Rwanda
26. 050516-TC3-E (OR) - *Proprio Motu*: Order Granting Time To Reply To Additional Prosecution's Submission
27. 050516-TC3-E (OR): Decision on Joseph Nzirorera's Motion For Deadline For Filing of Reports of Experts
28. 050518-TC3-F (OR): Décision relative à la requête d'Edouard Karemera en prolongation de délai
29. 050524-TC3-E (OR): Decision on Joseph Nzirorera's Motion for Order Finding Prior Decisions to Be of "No Effect"
30. 050526-TC3-E (OR): Decision on Joseph Nzirorera's Application for Certification to Appeal the Decision Denying His Motion to Vacate Sanctions
31. 050620-TC3-E (OR): Decision Granting Extension of Time to File Pre-Trial Brief
32. 050701-TC3-E (OR): Decision Granting Extension of Time to Defence File Pre-Trial Brief
33. 050704-TC3-E (OR) - *Proprio Motu*: Order for Filing Documents
34. 050705-TC3-E (OR): Decision on Joseph Nzirorera's Motion to Compel Inspection and Disclosure
35. 050712-TC3-F (OR): Décision sur les requêtes d'Edouard Karemera et de Mathieu Ngirumpatse aux fins de prorogation des délais pour le dépôt de leurs mémoires préalables au procès
36. 050712-TC3-E (OR): Decision Granting Extension of Time to Respond to the Prosecution Motion For Judicial Notice
37. 050712-TC3-E (OR): Decision on Prosecution's Motion for Return of Exhibits from Annulled Trial Sessions
38. 050713-TC3-OR (E): Decision on Joseph Nzirorera's Motion for Order Allowing Meeting With Defence Witness
39. 050725-TC3-D-ExtensionTime-ENG: Order Granting Extension of Time for the Prosecution
40. 050726-TC3-D-R90bisB-ENG: Decision on Transfer of Detained Witnesses
41. 050728-TC3-D-ExtensionTime-FR: Décision relative à requête en extension de délai de réponse à la requête du Procureur aux fins de prescription de mesures de protection spéciales pour les témoins G et T
42. 050801-TC3-O-R33B-DefenceInvestigators-ENG: Order for the Registrar to Make Submissions on Joseph Nzirorera's Motion for Allowing Defence Investigators in Closed Sessions
43. 050805-TC3-D-RenewUNChapter7-ENG: Decision on Renewed Motion to Dismiss for Lack of Jurisdiction: United Nations Charter, Chapter VII Powers
44. 050805-TC3-D-Indictment-DefectsForm-ENG: Decision on Defects in the Form of the Indictment
45. 050805-TC3-D-DismissCount7-ENG: Decision on Count Seven of the Amended Indictment - Violence to Life, Health and Physical or Mental Well-Being of Persons
46. 050805-TC3-D-JCE-ENG: Decision on Defence Motion Challenging the Jurisdiction of the Tribunal – Joint Criminal Enterprise
47. 050808-TC3-D-DisclosureAffidavit-ENG: Decision on Defence Motion for Disclosure of the Affidavit of Richard Renaud Related to Witnesses G & T

48. 050808-TC3-D-ExtensionTime-ConsolidatedReply-ENG: Decision Granting the Prosecution Time to File a Consolidated Reply to Defence Responses to the Judicial Notice Motion
49. 050808-TC3-O-SchedulingOrder-PFC-ENG: Scheduling Order - Request for Clarification Between the 2001 Indictment and the Amended Indictment
50. 050808-TC3-O-SchedulingOrder-Rape-JCE-ENG: Scheduling Order - Oral Arguments on Rape, Complicity in Genocide and the Pleading of Joint Criminal Enterprise in the Amended Indictment
51. 050810-TC3-D-JCE-Corrigendum-ENG: Corrigendum to the Decision on Defence Motion Challenging the Jurisdiction of the Tribunal - Joint Criminal Enterprise
52. 050818-TC3-D-Investigators-ClosedSessions-ENG: Decision on the Defence Motion to Permit Investigators to Attend Closed Sessions
53. 050823-TC3-D-PaymentsWitnesses-ENG: Decision on Defence Motion for Full Disclosure of Payments to Witnesses and to Exclude Testimony from Paid Witnesses
54. 050829-TC3-D-ModificationProtectiveMeasures-ENG: Decision on the Defence Motions for Reconsideration of Protective Measures for Prosecution Witnesses
55. 050901-TC3-NZ-OTPIInvestigators-ENG: Decision on Joseph Nzirorera's Motion to Exclude Testimony of OTP Investigators and Employees
56. 050906-TC3-NZ-E (OR) - *Proprio Motu*: Scheduling Order for Filing Response to Defence Motion
57. 050908-TC3-NZ-E (OR) - *Proprio Motu*: Scheduling Order for Submitting Reply to Defence Motions
58. 050909-TC3-NZ-E (OR): Oral Decision on Prosecutor's Submission in Compliance with the Chamber's Decision of 10 August 2005 (see transcripts E: p.; l. - F p.; l.)
59. 050909-TC3-KA-E (OR): Oral Decision on Karemera Motion for Extension of Time filed on 29 July 2005 (see transcripts E: p.; l. - F: p.; l.)
60. 050909-TC3-KA-E (OR): Oral Decision on Karemera Motion for Extension of Time filed on 7 September 2005 (see transcripts E: p.; l. - F: p.; l.)
61. 050909-TC3-P-E (OR): Decision on Prosecutor's Notice of Delay in Filing Expert Reports and Request for Additional Time to Comply with the Chamber Decision of 16 May 2005
62. 050909-TC3-NZ-E (OR): Decision on Joseph Nzirorera's Motion to Exclude Evidence Seized in Benin
63. 050912-TC3-NZ-E (OR): CONFIDENTIAL: Decision on Joseph Nzirorera's Motion For Disclosure of a Confidential Annex
64. 050913-TC3-NZ-E (OR): Decision on Defence Motion to Exclude In-Court Identifications
65. 050914-TC3-NZ-E (OR): Decision on Motions to Compel Inspection and Disclosure and to Direct Witnesses to Bring Judicial and Immigration Records
66. 050914-TC3-NZ-E (OR): Decision on Continuance of Trial
67. 050914-TC3-NZ-E (OR): Decision on Defence Motions Challenging the Indictment as regards the Joint Criminal Enterprise Liability
68. 050914-TC3-NZ-E(OR): CONFIDENTIAL: Decision on the Prosecutor's Motion for Special Protective Measures for Witnesses G and T
69. 050914-TC3-NZ-E (OR): Oral Decision - Decision on Defence Motions objecting the Proposed Amended Indictment of 24 August 2005 (see transcripts E: p.; l. - F: p.; l.)
70. 050914-TC3-NZ-E (OR): Oral Decision - Decision on Ngirumpatse Motion to exclude the 143 Prosecution witness statements filed on 4 July 2005 (see transcripts E: p.; l. - F: p.; l.)
71. 050914-TC3-NZ-E (OR): Oral Decision - Scheduling Order (Defence Motion to reduce Prosecution Witness List (see transcripts E: p.; l. - F: p.; l.)
72. 050915-TC3-NZ-E (OR): Corrigendum to Decision on Defence Motions Challenging the Indictment as regards the Joint Criminal Enterprise Liability

73. 050920-TC3-NZ-E (OR): Decision on Motion to Set Deadlines For Filing Expert Reports of Norwojee and Reyntjens
74. 050920-TC3-NZ-E (OR): Decision on Defence Written Request to Interview Prosecution Witnesses
75. 050920-TC3-NZ-E (OR): Oral Decision - *Proprio Motu*: Scheduling Order (Prosecution Witness List)
76. 050920-TC3-NZ-E (OR): Oral Decision - Decision on Joseph Nzirorera's Motion to Exclude the Testimony of Witness GFJ
77. 050920-TC3-NZ-E(OR): Oral Decision - Decision Joseph Nzirorera's Motion seeking certification to appeal Decision on Joseph Nzirorera's Motion to Exclude the Testimony of Witness GFJ
78. 050922-TC3-NZ-E (OR): Oral Decision on Admissibility of Witness GFJ's Testimony on a specific meeting
79. 050926-TC1-NZ-E (OR): Decision on Defence Written Request to Interview Prosecution Witnesses
80. 050927-TC3-NZ-E (OR): Oral Decision on Request for Adjournment
81. 051003-NZ-E (OR): Oral Decision on Exclusion of Testimony of Alison Des Forges and Granting Extension of Time for Disclosure of the Expert Report
82. 051003-NZ-E (OR): Oral Decision - Authorizing Representative of Prosecution and of Defence for Each Accused to be present at the location where Witness G will testify
83. 051003-NZ-E (OR): Oral Scheduling Order for Testimony of Witness G
84. 051005-NZ-E (OR): Décision relative à la requête de la défense en extension de délai
85. 051007-NZ-E (OR): CONFIDENTIAL: Decision on the Defence Motion to Unseal and for Application for Certification to Appeal Decision on the Prosecutor's Motion for Special Protective Measures for Witnesses G and T
86. 051010-KA-F (OR): Décision sur les requêtes d'Edouard Karemera en certification d'appel
87. 051011-NZ-E (OR) : Decision on Joseph Nzirorera's Motion for Reconsideration or Certification to Appeal Decision on Motion for Order Allowing Meeting With Defence Witness
88. 051012-NZ-E (OR): Proprio Motu Order for Filing Documents
89. 051012-TC2-NZ-E (OR): Decision on Defence Request to Interview Prosecution Witness HAF
90. 051014-TC3-NZ-P-E (OR): Decision on Defence Motion for Disclosure of Prosecution *Ex Parte* Motion under Rule 66(C) and Request for Cooperation of a Certain State
91. 051024-TC3-O-RegistrySubmission-E (OR): Order for Submission
92. 051028-TC3-KA-E (OR): Décision sur la requête d'Edouard Karemera aux fins de lui garantir un procès équitable
93. 051031-TC3-NZ-E (OR): Decision on Defence Motion For Modification of Protective Order: Timing of Disclosure
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95. 051109-TC3-P-JudicialNotice-E (OR): Decision on Prosecution Motion for Judicial Notice
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97. 051115-TC3-P-E (OR): Decision on Admission of Transcript of Prior Testimony of Antonius Maria Lucassen
98. 051202-TC3-P-E (OR): Certification of Appeal Concerning Judicial Notice
99. 051212-TC3-P-E (OR): Decision on Prosecution Request for Additional Time to file Expert Report and Joseph Nzirorera's Motion to Exclude Testimony of Charles Ntampaka

100. 051213-TC3-*Proprio Motu*-E (OR): Scheduling Order
101. 051213-TC3-P-E (OR): Decision on Variance of The Prosecution Witness List
102. 051215-TC3-P-E (OR): Order on Filing of Expert Report of Andre Guichaoua
103. 051215-TC3-P-E (OR): Decision On Prosecution's Motion To Renew And Extend Transfer Order Of Detained Prosecution Witness Omar Serushago
104. 060119-TC3-E (OR): Order For the Transfer of Detained Witnesses from Rwanda
105. 060120-TC3-E (OR): Décision sur la requête d'Edouard Karemera en certification d'appel
106. 060120-TC3-E (OR): Second Order for the Transfer of Detained Witnesses from Rwanda
107. 060131-TC3-E (OR): Order On Filing of Expert Report of Charles Ntampaka
108. 060201-TC3-E (OR): Order For The Registrar's Submission On The Defence Motion For Order Concerning Unlawful Disclosure of Confidential Ex Parte Defence Filing And For Stay Of Proceedings
109. 060201-TC3-E (OR): Decision on Prosecutor's Notice of Delay In Filing Expert Report Of Professor André Guichaoua; Defence Motion To Exclude The Witness' Testimony; And Trial Chamber's Order To Show Cause
110. 060202-TC3-E (OR): Decision Granting Extension Of Time To Reply To The Prosecution's Response To Nzirorera's *Ex Parte* Motion For Order For Interview Of Defence Witness NZ1
111. 060208-TC3-E (OR): Decision On Defence Motion For Issuance Of Subpoena To Witness T
112. 060209-TC3-E (OR): Scheduling Order – Oral Arguments on Stay of Proceedings
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116. 060213-TC3-E (OR): Ordonnance Visant Au Dépôt De Soumissions D'un Etat
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134. 060418-TC3-E (OR): Decision On Reconsideration Of The Scheduling Order For The Next Trial Session
135. 060419-TC3-E (OR): Order For The Transfer Of Prosecution Witnesses From Rwanda
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138. 060427-TC3-E (OR): Decision on Defence Motions for Disclosure of Information Obtained From Juvénal Uwilingiyimana
139. 060503-TC3-E (OR): Decision On Prosecutor's Confidential Motion For Special Protective Measures For Witness ADE
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141. 060518-TC3-E (OR): Decision On Defence Motions Challenging The Pleading Of A Joint Criminal Enterprise In A Count Of Complicity In Genocide In The Amended Indictment
142. 060519-TC1-E (OR): Decision on Nzirorera request for Access to Protected Material
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149. 060531-TC3-E (OR): Oral Decision on Nzirorera's Motion to assist WVSS meeting with Witness XBM to determine whether he agrees to meet with Defence Counsel
150. 060531-TC3-E (OR): Interim Order On Defence Motion For Subpoena To Meet With Defence Witness NZ1
151. 060606-TC3-E (OR): Oral Decision on Five Defence Motions
152. 060607-TC3-E (OR): Decision on Defence Motions For Certification To Appeal Decision Granting Special Protective Measures For Witness ADE
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154. 060608-TC3-E (OR): Decision On Oral Motion For A Bill Of Particulars

155. 060620-TC3-E (OR): Order For The Registrar's Submission On Joseph Serugendo's Health Condition And Ability To Testify
156. 060621-TC3-E (OR): Decision On Prosecution's Motion To Permit Limited Disclosure Of Information Regarding Payments And Benefits Provided To Witness Ade And His Family
157. 060704-TC3-E (OR): Decision on the Prosecutor's application pursuant to Rules 39, 68 and 75 of the Rules of Procedure and Evidence for an order for conditional disclosure of witness statements and other documents pursuant to Rule 68(A)
158. 060712-TC3-E (OR): Decision On Joseph Nzirorera's Notice Of Violation Of Rule 68 And Motion For Remedial Measures
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162. 060913-TC3-E (OR): Décision accordant une prorogation de délai de réponse à deux requêtes du Procureur et ordonnant la communication de documents certifiés conformes
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164. 060928-TC3-E (OR): Decision Amending The Chamber's Prior Order For The Transfer of A Prosecution Witness From Rwanda
165. 061002-TC3-OR (E): Decision on Defence Motion to Reconsider Special Protective Measures Granted to Prosecution Witness ADE
166. 061002-TC3-OR (E): Decision on Defence Motion to Report Government of Rwanda to United Nations Security Council
167. 061002-TC3-OR (E): Decision on Prosecutor's Motion to Vary its Witness List
168. 061010-TC3-E (OR): Decision on Defence Motion to Compel Best Efforts To Obtain And Disclose Statements And Testimony Of Witness UB
169. 061012-TC3-E (OR): Decision On Motion For Disclosure Of Closed Session Transcripts And Exhibits
170. 061019-TC3-E (OR): Decision On Defence Oral Motions For Exclusion Of Witness XBM's Testimony, For Sanctions Against The Prosecution And For Exclusion Of Evidence Outside The Scope Of The Indictment
171. 061019-TC3-E (OR): Decision On Defence Motion For Disclosure Of RPF Material And For Sanctions Against The Prosecution
172. 061025-TC3-E (OR): Decision On Motions To Disclose A Prosecution Witness Statement And To Unseal Confidential Documents
173. 061030-TC3-E (OR): Decision On Reconsideration Of Protective Measures For Prosecution Witnesses
174. 061030-TC3-E (OR): Decision On Defence Motion For Certification To Appeal The Chamber's Decision On Nzirorera's *Ex Parte* Motion For Order For Interview Of Defence Witnesses NZ1, NZ2 And NZ3
175. 061121-TC3-E (OR): Decision on Admission of UNAMIR Documents
176. 061127-TC3-E (OR): Decision on Defence Motion For Exclusion of Witness GK's Testimony Or For Request For Cooperation From Government Of Rwanda
177. 061127-TC3-E (OR): Decision on Defence Motion To Obtain Documents Pertaining To Witness HH In Possession Of Government of Rwanda
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179. 061206-TC3-E (OR): Decision on Prosecutor's Motion To Admit Prior Sworn Trial Testimony of The Accused Persons
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181. 061211-TC3-E (OR): Decision on Prosecution Motion for Admission of Evidence of Rape and Sexual Assault Pursuant to Rule 92 *bis* of the Rules; and Order for Reduction of Prosecution Witness List
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 12. 071005-AC-NZ-OR(ENG): Decision on Nzirorera's Interlocutory Appeal Concerning His Right to Be Present at Trial
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 14. 071005-AC-NG-OR(ENG): Decision on Ngirumpatse's Motion for Reconsideration
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1. 060421-ICTR-2001-63-I-E(OR): Decision on Defence Motion to Set a Date for Trial
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 3. 060714-TC1-ICTR-2001-63-I-E(OR): Decision on Request for Leave to Amend the Indictment
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5. 060809-TC3-ICTR-2001-63-PT-E(OR): Order for Filing
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 8. 060913-TC3-ICTR-2001-63-PT-E(OR): Decision on Defence Request for Certification to Appeal Decision Granting Leave to Amend the Indictment
 9. 060927-TC3-ICTR-2001-63-T-E(OR): Decision on Defence Motion on Defects in the Form of the Indictment
 10. 060927-TC3-ICTR-2001-63-T-E(OR): Oral Decision Denying Admission of Transcript of Interview of the Accused as a Suspect
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 16. 061207-TC3-ICTR-2001-63-T-E(OR): Order for the Transfer of Detained Witnesses
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1. 070109-TC3-2001-63-T-E(OR): Decision on Prosecution Motion for Leave to Vary the Witness List
 2. 070122-TC3-2001-63-T-E(OR): Decision on the Prosecution Motion to Admit Hearsay Evidence pursuant to Rule 89 (C), or in the Alternative, in accordance with Rule 92 bis (C) of the Rules of Procedure and Evidence
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 5. 070205-TC3-2001-63-T-E(OR): Scheduling Order
 6. 070205-TC3-E(OR): Decision on Defence Motion to Authorize the Presence of Investigators in the courtroom
 7. 070308-TC3-2001-63-T-E(OR): Decision on Defence Motion for Judgement of Acquittal
 8. 070319-TC3-2001-63-T-E(OR): Decision on Defence Motion for Extension of Time for Complying with Chamber's Scheduling Order of 5 February 2007 and Scheduling the Presentation of the Defence Case
 9. 070320-TC3-2001-63-E(OR): Decision on Defence Motion for Protection of Defence Witnesses
 10. 070418-TC3-2001-63-E(OR): Decision Following Defence Submissions on Compliance with Rule 67 of the Rules

10. Monageng, Sanji Mmasenono (Botswana)

[Original: English]

Note verbale

The Embassy of the Republic of Botswana and Mission accredited to the International Criminal Court presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to forward herewith a statement from the Government of the Republic of Botswana presenting the Botswana candidate for the position of judge of the International Criminal Court.

The Government of the Republic of Botswana has nominated Ms. Sanji Mmasenono Monageng, as candidate for inclusion in list B pursuant to article 36, paragraph 5, of the Statute.

Justice Monageng's nomination has also been endorsed by African Union Policy Structures, namely the Executive Council and the Assembly of Heads of State and Government.

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Note verbale

The Ministry of Foreign Affairs and International Cooperation of the Republic of Botswana presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to inform the latter that the Government of the Republic of Botswana has decided to present Honourable Justice Ms. Sanji Mmasenono Monageng as a candidate for the position of judge of the International Criminal Court (ICC). The election will be held at the first resumption of the seventh session of the Assembly, from 19 to 23 January 2009. Justice Monageng is being nominated under list B, pursuant to article 36, paragraph 3 (b) (ii) and article 36, paragraph 5.

Justice Monageng is a recognized authority on international human rights law and on humanitarian law, and is respected for her impartiality and integrity. She has actively participated in various conferences on the issues of human rights and humanitarian law.

In July 2003, Justice Monageng was elected a Commissioner in the African Commission on Human and Peoples' Rights, an organ of the African Union and the only continental body that is mandated to promote and protect human and peoples' rights. She is currently serving as Chairperson of the Commission.

Justice Monageng was appointed as judge of the Courts of the Republic of the Gambia in 2006, under the Commonwealth Fund for Technical Cooperation Programme, as an expert. She is presently serving in the same capacity in the Kingdom of Swaziland. Her experience as a magistrate, commissioner and judge enabled her to acquire extensive skills and knowledge in the areas of legal analysis and writing judgments.

Prior to her judicial appointment, Justice Monageng was employed as Executive Secretary of the Law Society of Botswana, which was created by an Act of Parliament, the Legal Practitioners' Act 13/96, (Cap 61:01), Laws of Botswana. She successfully set up and opened the office of the Society in November 1997. Justice Monageng was the first Chief Executive Officer and also the first officer of the Society, a role she performed up to January 2006.

The Government of Botswana is confident that Justice Monageng can make a valuable contribution to the work of the International Criminal Court. Her credentials fully satisfy the criteria required to serve in this high office.

Justice Monageng's curriculum vitae is attached.

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Statement of qualifications

Statement submitted by the Republic of Botswana in accordance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court and resolution ICC-ASP/3/Res.6 of the Assembly of States Parties on the procedure for the nomination and election of judges of the International Criminal Court

In accordance with article 36, paragraph (4) (a), of the Statute of the International Criminal Court, the Republic of Botswana hereby nominates Honourable Justice Sanji Mmasenono Monageng, a citizen of Botswana, as a candidate for one of the judicial vacancies of the International Criminal Court in the year 2009.

(1) Justice Sanji M. Monageng fulfils the requirements under article 36, paragraph (3) (a), (b) and (c), of the Rome Statute of the International Criminal Court.

(i) In fulfilment of article 36, paragraph 3 (a), of the Statute, Justice Monageng possesses a high moral character, impartiality and integrity and has served as a magistrate in the Republic of Botswana for over 10 years after being admitted to the Botswana Bar. Justice Monageng served as a judge of the High Court in the Republic of the Gambia for two years, and is currently serving as a judge of the High Court in the Kingdom of Swaziland under the Commonwealth Fund for Technical Assistance Scheme. Justice Monageng, having over 10 years experience post qualification and admission to the Bar, qualifies for appointment to the highest judicial offices in Botswana. In recognition of her immense qualities, she was nominated by the Republic of Botswana and elected by the African Union Assembly of Heads of State and Government to serve as a member of the African Commission on Human and Peoples' Rights. In terms of article 31 of the African Charter on Human and Peoples' Rights, the Charter that established the African Commission, "members of the Commission must be African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples' rights".

(ii) In fulfilment of article 36, paragraph 3 (b), Justice Monageng possesses wide experience and competence in the area of international law and, in particular, international human rights and humanitarian law, and extensive practical experience in a professional capacity, which is relevant to the judicial functions of the Court. Justice Monageng was appointed as Commissioner in the African Commission on Human and Peoples' Rights in July 2003 and is currently the Chairperson of the Commission. The African Commission is an organ of the African Union charged with the promotion and protection of human rights in Africa. Justice Monageng has also served as Chairperson of the African Commission's working group on the prohibition and prevention of torture. In this capacity, she spearheaded the Commission's programme on prohibition and prevention of torture in Africa, through, among other things, using the Guidelines that have been produced by the Commission. She has also served as the Chairperson of the working group on economic and social rights.

As a member of the Commission, Justice Monageng has worked relentlessly to promote other special mechanisms of the Commission, such as the rights of refugees, internally displaced persons and migrants and women in prisons and other places of detention.

Justice Monageng has visited several African countries to promote and protect human and peoples' rights through, among other things, human rights promotion missions, fact-finding/investigative missions (which have equipped her with the ability to identify crimes that are proscribed in the Rome Statute) and participation at seminars and conferences. Furthermore, in June/July 2007, she attended a course in International Criminal Law at the Grotius Center for International Law Studies in The Hague, the Netherlands. She has also been invited by organizations in Europe and the Americas to speak on the African human rights system.

As a member of the African Commission, and, in particular, as Chairperson of the Commission, Justice Monageng has contributed enormously to building an African human rights jurisprudence, through the consideration of complaints/communications submitted to the Commission.

With respect to international humanitarian law, Justice Monageng has worked very closely with the African Commission's Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa, as well as with various networks of non-governmental organizations having observer status before the African Commission. She has presented several seminal papers in many different forums covering a wide range of issues, many of them focusing on human rights and humanitarian law.

Justice Monageng, a graduate of the University of Botswana, has served for many years in the judicial system of Botswana in various capacities, as well as in the subregion and region of Africa. In this regard, she has established competence and knowledge in both criminal law and international law relevant to the work of the International Criminal Court, including, but not limited to, the following:

- As an attorney, magistrate and judge, Justice Monageng dealt with a wide range of criminal matters relevant to the work of the Court. She tries cases, writes and delivers judgments thereto and passes sentences on convicts. She was the only judge in charge of the Criminal Division of the High Court in Banjul, the Gambia, for two years, and, in this regard, gained exceptional skills in criminal work particularly with regard to analysis of facts, trial of criminal matters and judgment writing. As a human rights practitioner, she is very proficient in the application of human rights standards in a criminal court, which is one of the attributes that will benefit the Court.
- As the first Chief Executive of the Law Society of Botswana, she single-handedly opened the office of the Society, created by an Act of Parliament, the Legal Practitioners' Act No. 13/96 (Cap: 61:01) of the Laws of Botswana, which was to become a success story. In this capacity, she was the Society's personnel and financial administrator, liaison officer and spokesperson and also its first officer. Among other things, her role was to identify and investigate criminal acts with the police and give statements. She was also involved in drafting charge sheets and in preparations for prosecution. She was also involved in the preparation of

documents to be used in civil matters, for example, disbarment of attorneys.

- Justice Monageng is a strong advocate for women's rights and has been actively involved in various national and regional initiatives, aimed at scaling up women's empowerment and gender mainstreaming on the continent – as a member of Emang Basadi, a women's non-governmental organization based in Botswana, and also as a member of Women in Law and Development in Africa (WiLDAF), a continental African women's organization operating in the area of law.
- As a Commissioner in the African Commission on Human and Peoples' Rights and in implementation of the Protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa, Justice Monageng was involved in the drafting of the Protocol and is among the eleven Commissioners who are mandated by the African Union to promote and implement the Protocol. This is done through, among others, seminars and conferences, as well as training, and consideration of cases brought to the Commission against States Parties to the Charter.
- As a Commonwealth Judge in the Republic of the Gambia and the Kingdom of Swaziland, Justice Monageng brings excellent credentials in diversity of legal systems, which are English law, common law, Roman Dutch law and civil law.

In fulfilment of article 36, paragraph 5, of the Statute, Justice Monageng fulfils the requirements of both article 36, paragraph 3 (b) (i) and (ii). As indicated in her curriculum vitae, she has proven competence in criminal law and procedure and in relevant areas of international law, such as international humanitarian law and international human rights law.

Justice Monageng has a wealth of experience in a professional legal capacity, which is relevant to the work of the Court. She is, therefore, amply qualified for both list A and list B. However, for the purpose of paragraph 5 of article 36 of the Statute, she is nominated for list B.

(iii) Pursuant to article 36, paragraph 3 (c), Justice Monageng possesses an excellent command of both written and spoken English, one of the working languages of the Court. This is in view of the fact that she did all her formal and higher education in English. She also has a working knowledge of French.

(2) Pursuant to article 36, paragraph 8 (a) (i) to (iii), of the Statute, the information is as follows:

(i) Justice Monageng is trained and has practised in the dual legal system of Botswana. In addition, in her capacity as judge in the Republic of the Gambia and the Kingdom of Swaziland, she has worked and continues to work in the legal systems of those countries. As a member of the African Commission on Human and Peoples' Rights, Justice Monageng, who is an African, has a working knowledge of the legal systems in Africa and many Commonwealth countries. Her nomination has therefore been made with due regard to the principal legal systems of the world and geographical representation. Justice Monageng hails from a common law jurisdiction, and her election will present a fairer representation.

(ii) She is a national of the Republic of Botswana, which is a member of the southern subregion of the African Group of States.

(iii) Justice Monageng is female.

(3) For the purposes of article 37, paragraph 7, of the Statute, Justice Monageng is a national of the Republic of Botswana and she does not hold any other citizenship.

(4) In fulfilment of article 36, paragraph 8 (b), of the Statute, Justice Monageng is an advocate for the rights of women and children, as well as victims of torture and domestic violence. As Chairperson of the working group on prohibition and prevention of torture, inhuman, degrading and other treatment, within the African Commission, she has competency in this area of the law, an area that the Court works in. Justice Monageng has also worked tirelessly within the Commission to ensure the establishment of special mechanisms to protect the rights of vulnerable groups such as refugees, internally displaced persons and migrants in Africa.

(5) Given her strong personal and moral character and integrity, internationally recognized competence in international law, and, in particular, international human rights and humanitarian law, as well as her proven competence in criminal law and procedure, the election of Justice Monageng as a judge of the Court will substantially contribute to the work of the Court in particular, and to international criminal law in general.

Personal

Name: Sanji Mmasenono Monageng

Citizen: Botswana, born in Serowe

Date of birth: 9 August 1950

Gender: Female

Languages

English, Setswana and Ikalanga

Profession

Judge of the High Court/Commissioner

Higher education

1982 - 1987 Bachelor of Laws degree, University of Botswana.

Relevant short courses

June - July 2007 International Criminal Law Course - Grotius Center for International Law Studies, Leiden University, The Hague, Netherlands.

June 1996 Court Administration Course, RIPA International, London, United Kingdom.

Residencies and secondments

- September 2005 Residency at the Brandies University, Boston, United States of America.
- January - March 2005 Secondment to the Law Society of England and Wales, London, United Kingdom.
- February - March 1998 Secondment to the Law Society of Zimbabwe.
- March - May 1994 Secondment to the United Nations Observer Mission to South Africa, Johannesburg, Republic of South Africa, as Deputy Chief Adjudication Officer.

Summary of relevant work experience

- April 2008 - present Justice Sanji Monageng has been working as a judge of the High Court of the Kingdom of Swaziland, recruited by the Commonwealth Secretariat, under the Commonwealth Fund for Technical Cooperation. As a judge of the High Court, she is responsible for trying criminal and civil cases, as well as constitutional matters.
- 2006 - 2008 Justice Sanji Monageng served as a judge of the High Court of the Republic of the Gambia, recruited by the Commonwealth Secretariat, under the Commonwealth Fund for Technical Cooperation. As a judge she was responsible for the trial of criminal cases predominantly and, on certain instances, civil cases. She presided over appeals from Magistrates Courts.
- 1997 - 2006 Justice Monageng served as Executive Secretary of the Law Society of Botswana.
- 2003 - present Justice Monageng has been serving as a member of the African Commission on Human and Peoples' Rights.
- 1987 - 1997 Served as a magistrate in the Republic of Botswana.

Description of relevant professional experience

Experience in international human rights and humanitarian law

In July 2003, Justice Monageng was appointed a member of the African Commission on Human and Peoples' Rights by the Assembly of Heads of State and Government of the African Union. The African Commission is an organ of the African Union, whose Secretariat is in Banjul, the Gambia. The Commission is one of the main continental bodies that is charged with the promotion and protection of human and people's rights.

Within the framework of its promotional role, the functions of the Commission are, inter alia, to formulate and lay down principles and rules aimed at solving legal problems relating to human and people's rights in Africa, to consider periodic reports of States Parties on the legislative or other measures adopted to give effect to the rights and freedoms recognized and guaranteed in the African Charter on Human and People's Rights. The Commission also cooperates with other African and international institutions concerned with the promotion and protection of human and people's rights.

Within the framework of its protective role, the Commission is charged with interpreting the Charter and ensuring the protection of human and people's rights under the conditions laid down by the African Charter. This role is also achieved through the Commissioners hearing cases of alleged violations of human and peoples' rights against States Parties to the African Charter, brought to it by individuals, non-governmental organizations and other States Parties.

In this capacity, the Commissioners review decisions of the highest courts in the 53 African countries that are parties to the African Charter, in as far as human rights issues are concerned. It is worth mentioning that, in hearing communications, the Commission applies international human rights and humanitarian law and standards.

The Commission, in some instances, turns into a tribunal of first instance and hears cases against States Parties, even though the applicant has not exhausted existing local remedies as required by the Charter. The Commission is also charged with interpreting all provisions of the present Charter at the request of a State Party, Heads of State and Government, and institutions/organs of the African Union or an African organization or other intergovernmental organizations recognized by the African Union.

In her capacity as Commissioner, Justice Monageng was the Chairperson of one of the special mechanisms of the Commission, the Follow-up Committee on torture, inhuman, degrading and other treatment. She spearheaded the setting up of the Committee, which is involved in research and other efforts to prevent and prohibit such treatment in Africa. The Committee is credited with developing the Robben Island Guidelines for the prohibition and prevention of torture, for States Parties, civil society organizations, human rights institutions and the African Commission itself.

In November 2007, she was elected the Chairperson of the African Commission on Human and Peoples' Rights. In this capacity, she directs the head of the Secretariat, takes policy decisions on behalf of the Commission and is the main spokesperson of the Commission. Justice Monageng has also served as Chairperson of the African Commission's working group on the prohibition and prevention of torture, as well as the working group on economic and social rights.

In her capacity as Chairperson of the Commission, Justice Monageng has been called on from time to time to intervene in emergency and serious human rights situations where the lives of people may be at risk. She has done this by issuing urgent appeals and requests for provisional measures to Heads of State, and undertaking missions to meet with government officials and relevant human rights actors in the countries concerned.

As a member of the Commission, Justice Monageng has worked relentlessly to promote the other special mechanisms of the Commission, such as the Special Rapporteur on the rights of women in Africa, the Special Rapporteur on refugees, asylum seekers, internally displaced persons and migrants in Africa, as well as the Special Rapporteur on prisons and conditions of detention in Africa.

Justice Monageng has visited several African countries to promote and protect human and peoples' rights through, among other things, human rights promotion missions, fact-finding/investigative missions (which have equipped her with the ability to identify crimes that are proscribed in the Rome Statute), participation at seminars and conferences, etc. In June/July 2007, she attended a course on international criminal law at the Grotius Center for International Law Studies in The Hague, the Netherlands. She has also been invited by organizations in Europe and the Americas to speak on the African human rights system.

As a human rights practitioner, Justice Monageng is very proficient in the application of human rights standards and principles in a criminal court, which is one of the attributes that will benefit the Court. Given her rich legal and human rights background, she has contributed enormously to building African human rights jurisprudence, through, in particular, the consideration of complaints/communications submitted to the Commission.

With respect to international humanitarian law, Justice Monageng has worked very closely with the African Commission's Special Rapporteur on refugees, asylum seekers, internally displaced persons and migrants in Africa, as well as with a network of non-governmental organizations having observer status before the African Commission. She has presented several seminal papers in many different forums covering a wide range of issues, including human rights and humanitarian law.

Justice Monageng is a strong advocate of women's rights, and has been actively involved in various national and regional initiatives, aimed at scaling up women's empowerment and gender mainstreaming on the continent – as a member of Emang Basadi, a women's non-governmental organisation based in Botswana, and also as a member of Women in Law and Development in Africa (WILDAF), a continental African women's organization operating in the area of law.

She represents the Commission in its collaboration with other organs of the African Union and spearheads and supervises all activities of the Commission. She also represents the Commission in managerial meetings of the African Union, for example, the Permanent Representative Council, the Council of Foreign Ministers (Executive Council) and the Assembly of Heads of States and Government. She presents the Activity Reports of the African Commission to these bodies and is the chief liaison officer of the Commission.

Experience as a judge and/or magistrate

Justice Sanji Monageng was appointed a judge of the High Court of the Kingdom of Swaziland and took up post on the 1 April 2008, under the Commonwealth Fund for Technical Cooperation programme as an expert. In this capacity, she hears criminal, civil, miscellaneous and constitutional cases as a court of First Instance. She also hears appeals from Magistrate Courts' decisions in criminal and civil matters and bail applications and writes rulings and judgements in all the above matters.

Prior to this appointment, she worked as a judge of the High Court of the Republic of the Gambia from February 2006 to January 2008, under the Commonwealth Fund for Technical Cooperation programme as an expert. In this capacity, she heard criminal, civil and constitutional matters, bail applications and other miscellaneous applications, sitting as a Court of First Instance and also heard appeals from Magistrates Courts on criminal and civil matters. She wrote and delivered rulings and judgments thereon. She was also involved in the training of magistrates and other administrative staff in the judiciary, the police and the prosecution. Justice Monageng successfully introduced the Criminal Circuit Court in Basse, the Gambia, which Court has now become a permanent court in the Upper River Division of the Gambia.

From 1987 to 1997, Justice Monageng was employed in the Department of Justice as Grade II Magistrate in Botswana, where she rose to the level of Principal Magistrate. Through her 10 years of service she gained valuable experience and expertise in the practical legal field, where she dealt extensively with criminal cases, in both the adult and juvenile courts.

As head of judicial/magisterial stations, she was answerable to the Chief Justice in the High Court. She was responsible for compilation and submission of monthly reports for both completed and pending cases. She did staff appraisals, prepared the station budget, supervised and controlled revenue and expenditure and undertook quarterly visits to prisons under her jurisdiction to supervise the welfare of the prisoners.

Justice Monageng also gained substantial experience in civil cases. These cases dealt, inter alia, with maintenance and adoption of children and women's issues, an area to which she is committed and in which she continues to have a very keen interest. She also gained experience in handling other civil matters. These included employment and industrial dispute cases before the advent of the Industrial Court of Botswana.

She has thus acquired extensive skills and knowledge in the areas of analysis of legal and other issues and judgment writing through her experience as a magistrate and judge.

Leadership experience in the legal fraternity

Prior to being appointed a judge, Justice Monageng was employed as the Executive Secretary of the Law Society of Botswana, a Society created by an Act of Parliament, the Legal Practitioners Act No. 13/96 (Cap. 61:01) of the Laws of Botswana. She single-handedly set up and opened the office of the Society in November 1997 and was the first Chief Executive Officer and also the first officer of the Society, a role she played up to January 2006. In this capacity, she was responsible for the day-to-day administration of the office and the affairs of the Society. The responsibilities included being Secretary to the Society, the Council of the Society and Committees of the Society. Committees included the Disciplinary Committee, Legal Education and Pupillage, Law Reform and Ethics, Tariffs and Human Rights. She was also the Secretary of the Board of Trustees of the Society's Fidelity Guarantee Fund.

She supervised staff and was the Society's main public relations officer, financial controller, and performed other functions as might be assigned by the Council from time to time. She ensured the implementation of the objectives of the Law Society as envisaged by the Act, which included, but were not limited to upholding standards of professional conduct, assisting the Government and the Courts of Botswana in all matters affecting the administration of justice.

She introduced and implemented a strong continuing legal education programme for lawyers, both in the private and other sectors, which ran very successfully. She liaised with heads of government departments and the private sector, and was as such the Society's chief negotiator. She also represented the Law Society in the High Level Consultative Council (HLCC) where Government and the private sector met, inter alia, to discuss policy issues of mutual interest.

In her capacity as Executive Secretary, she alternated with the Chairman of the Law Society as a Councillor in the International Bar Association Council. The Association is the global voice of the legal profession, and is the world's largest international organization of law societies, bar associations and individual lawyers engaged in transnational law.

Legal research and report writing of criminal and civil matters have been part of her work assignments and have increased her knowledge of the practicalities of the law. In this capacity she gained valuable experience in conceptualization of issues, analysis of facts and law and presentation thereof.

Justice Monageng was seconded to the Law Society of England and Wales, London, United Kingdom, for three months in 2005, where she acquired extensive experience and best practices in the running of the Law Society office, law firms and the Court system. The training also included issues of regulation and representation of the legal profession.

Other competences and professional experiences

Justice Sanji Monageng has sat on several Committees of Enquiry. She served as the Head Judge of a panel of judges in the Botswana National Youth Service Awards Scheme, a scheme designed by the Botswana Government, to recognize young people who are involved in, and/or have contributed to national, youth and community development.

In her capacity as Executive Secretary of the Law Society, she represented the Botswana civil society in the Southern African Development Community (SADC) dialogues on combating corruption that were held in the subregion. These dialogues culminated in the promulgation of the SADC Protocol against Corruption and the Southern African Forum Against Corruption (SAFAC). Further, as a result of her involvement in anti-corruption endeavours, she is one of the founder members of Transparency International, Botswana Chapter, an anti-corruption organization that also serves as a watchdog on corruption matters.

In 1996, she attended a four-week training course on Court and Judicial Administration and Management in the United Kingdom, a course that exposed her to the functions of a Registrar of the High Court and how a court is administered, and as a result of this training, she acquired experience in running a court.

In 2004, she was selected as one of the international judges who attended an extensive seminar organized by the Brandeis University in Austria, whose theme was complementarity and cooperation between national and international courts and tribunals.

As a result of her being appointed a member of the African Commission, Justice Sanji Monageng has further solidified her knowledge of international and national systems and is able to appreciate issues from both perspectives.

Justice Monageng also chaired the Sector on Ethics, Law and Human Rights until January 2006. This is a sector of the National Aids Council of Botswana. The sector, among other things, is responsible for integrating and coordinating an ethical, legal and human rights dimension into the national response to HIV/AIDS. The Sector is also responsible for identifying and supporting the review of national legislation, especially in areas of employment, education, provision of medical services and research on human subjects.

Justice Monageng was also a Trustee in the recently formed Southern Africa Litigation Centre. The purpose of the Centre is to mentor and guide lawyers in the southern African region in preparing for human rights and public interest cases that will be litigated in national courts.

Relevant seminars and courses attended and other activities undertaken within the past five years

Justice Sanji Monageng has attended and participated in numerous conferences on various topics, among others:

- Training for magistrates and judges on the use of international human rights instruments at domestic level, Mangochi, Malawi (2008).

- Judge, African Moot Court competition, Dakar, Senegal (2008).
- Training on international human rights systems, Banjul, the Gambia (2007).
- Training of prosecutors and investigators, Banjul, the Gambia (2007).
- Conference on an overview of the Criminal Justice System, Banjul, the Gambia (2006).
- Conference for Commonwealth Magistrates and Judges, Toronto, Canada (2006).
- International Bar Association Conference, Prague, Czech Republic (2005).
- SADC Lawyers Association conference, Windhoek, Namibia (2005).
- Seminar for International Judges, Salzburg, Austria (2004).
- Conference organized by the International Bar Association, Auckland, New Zealand (2004).
- World Women Lawyers Conference, London, United Kingdom (2001).
- Upholding the Rule of Law: A Challenge to the Legal Profession, Amsterdam, Netherlands (2000).
- Conference on Sentencing Policy organized by the International Society for the Reform of Criminal law, Vancouver, Canada (1993).

Important lectures and presentations

- “The African human rights system”, held at the Brandeis and Boston Universities.
- “The implications of the envisaged merger of the African Court on Human and Peoples’ Rights and the African Court of Justice”, paper delivered in Auckland, New Zealand.
- “Violence in the home (the offender, the victim and the police)”, delivered in Gaborone, Botswana.
- “Rape and sentencing in rape cases”, Mochudi, Botswana.
- “Purpose of sentencing from sociological, philosophical and human rights perspectives”, Geneva, Switzerland.
- “Human rights in the wider Commonwealth”, Bermuda.
- “The African human rights system – 20 years on”, Brazzaville, Republic of the Congo.
- “Criminal law and procedure – a judge’s expectations from investigators and prosecutors”, Banjul, the Gambia.

Membership of professional and other organizations

- International Society for the Reform of Criminal Law, Vancouver, Canada.
- International Bar Association, London, United Kingdom.
- International Association of Women Judges, Washington, United States of America.
- Emang Basadi Women's Organisation, Gaborone, Botswana.
- Women in Law and Development in Africa (WILDAF).
- Member, Media Institute of Southern Africa (Botswana Chapter), Gaborone, Botswana.
- Co-founder, Transparency International (Botswana Chapter), Gaborone, Botswana.
- Co-founder, Directors Institute of Botswana (a corporate governance institute), Gaborone, Botswana.

11. N'gum, Aminatta Lois Runeni (The Gambia)

[Original: English]

Note verbale

The Permanent Mission of the Republic of The Gambia to the United Nations presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and with reference to the Secretariat's Note ICC-ASP/7/S/19, dated 15 April 2008, has the honour to inform that the Government of The Gambia has decided to nominate Mrs. Aminatta Lois Runeni N'gum for election as a judge of the International Criminal Court, at elections to be held during the first resumption of the seventh session of the Assembly of States Parties in New York from 19 to 23 January 2009.

The nomination has been made in accordance with article 36, paragraph 4 (a) (ii), of the Rome Statute. Although Mrs. Aminatta Lois Runeni N'gum is a Zimbabwean national by birth, she was granted a Gambian diplomatic passport in 1998 when she was judicial secretary in The Gambian judiciary. She is married to a Gambian national who has diplomatic status and she has been authorized to retain the Gambian diplomatic passport. In addition, the United Nations Secretary General has authorised Mrs. N'gum's place of home leave to be The Gambia.

The nomination of Mrs. Aminatta Lois Runeni N'gum is submitted as a list B candidate in accordance with article 36, paragraph 5, of the Rome Statute.

Mrs. Aminatta Lois Runeni N'gum is a person of high moral character, impartiality and integrity, and possesses a vast experience as an international as well as a national civil servant. She is a qualified lawyer from a common law legal system with 29 years post call work experience during which period Mrs. N'gum served in the Gambian judiciary as judicial secretary (1998 to 1999), master of the Supreme Court (1990 to 1994) and a magistrate (1980 to 1990). In addition, Mrs. N'gum practiced as a private legal practitioner (1994 to 1998) during which period she also served as senior counsel to the Commission of Inquiry into Land Administration set up by the Gambia Government.

Mrs. N'gum's international civil service work experience (1999 to date) as a legal officer of the International Criminal Tribunal for Rwanda (ICTR) where she has served as deputy chief and at times officer in charge of the Court Management Section (1999 to 2001), head of the ICTR Appeals Chamber Support and Registry Unit in The Hague (2001 to 2003), deputy chief and officer in charge of the Defence Counsel and Detention Management Section (2003 to 2006) and (2006 to date) as a legal officer of the Court Management Section. Additionally, Mrs. N'gum obtained an LL.M in Public International Law with an international criminal law specialization from Leiden University in 2005. Consequently, she has acquired competence, in-depth knowledge and wide experience in relevant areas of international law pertinent to the judicial work of the court, such as international criminal law, international humanitarian law, human rights law and law pertaining to violence against women and children.

Additionally, Mrs. Aminatta Lois Runeni N'gum meets both of the requirements specified in article 36, paragraph 3 (b) (i) and paragraph 3 (b) (ii), of the Rome Statute.

The Government of The Gambia is convinced that Mrs. Aminatta Lois Runeni N'gum is suitably qualified and would make a valuable contribution to the court. The statement of qualifications prepared in accordance with article 36, paragraph 4 (a), of the Rome Statute and the curriculum vitae of Mrs. Aminatta Lois Runeni N'gum are attached to this note verbale.

...

Statement of qualifications

Statement submitted by the Republic of The Gambia 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 nomination and election of judges of the Court (ICC-ASP/3/Res.6).

The Government of The Gambia has decided to nominate, in accordance with article 36, paragraph 4 (a) (ii), Mrs. Aminatta Lois Runeni N'gum, currently Legal Officer at the Court Management Section of the United Nations International Criminal Tribunal for Rwanda [ICTR], as a candidate for one of the judicial vacancies of the International Criminal Court in the elections to be held during the first resumption of the seventh session of the Assembly of State Parties in New York from 19 to 23 January 2009.

In accordance with article 36, paragraph 4 (b), Mrs. Aminatta L.R. N'gum is a Zimbabwean national married to a Gambian national since February 1981. She served the Gambian Judiciary from March 1980 to May 1994 and again from March 1998 to April 1999. In addition, she practised as a private legal practitioner from May 1994 to March 1998, during which period she also served as senior counsel to the Commission of Inquiry into Land Administration. In 1998, when she was judicial secretary, Mrs. N'gum was granted a Gambian diplomatic passport which she was authorised to retain. On arrival at the ICTR (18 July 1999), Mrs. N'gum had travelled using the Gambian diplomatic passport as she was coming from The Gambia through the Kingdom of Saudi Arabia. She applied for and the Secretary General granted authorisation for her to use The Gambian nationality pursuant to Rule 104.8¹ of the United Nations Staff Rules. For these reasons, Mrs. N'gum is being nominated as a Gambian national.

(1) Mrs. Aminatta Lois Runeni N'gum fulfils the requirements under article 36, paragraph (3) (a), (b) and (c), of the Rome Statute of the International Criminal Court as follows:

(a) Mrs. Aminatta Lois Runeni N'gum is a person of high moral character, impartiality and integrity, and possesses the qualifications required in The Gambia for appointment to the highest judicial offices in fulfilment of article 36, paragraph 3 (a), of the Rome Statute. Mrs. Aminatta Lois Runeni N'gum has established competence in criminal law and procedure, and the necessary relevant experience in criminal proceedings as an advocate and as a magistrate. She was called to the Bar of England and Wales (July 1979) and is a member of the Honourable Society of Lincoln's Inn (1977). She is a qualified lawyer from a common law legal system with 29+ years national and international post call work experience. Mrs. N'gum served in the Gambian Judiciary as judicial secretary (1998 to 1999), master of the Supreme Court

¹ Rule 104.8 of the UN Staff Rules "When a Staff Member has been legally accorded nationality status by more than one State, the staff member's nationality for the purposes of the Staff Regulations and these Rules shall be the nationality of the State with which the staff member is, in the opinion of the Secretary-General, most closely associated."

(1990 to 1994) and a magistrate (1980 to 1990) as can be seen in the curriculum vitae. As master of the Supreme Court (1990 to 1994) and as a magistrate from (1980 to 1990), she heard and determined criminal cases which included, but were not limited to juvenile delinquency, assault causing grievous bodily harm perpetrated against opposition party members, domestic violence, inquest, drug possession and/or trafficking and stealing by public servants notably police detectives, department or ministry cashiers. Capital offences like rape, robbery, treason and murder were dealt with by her as preliminary enquiry proceedings that were referred to the then Supreme Court, now High Court, for hearing and determination. As a magistrate and master of the Supreme Court (a judge in Chambers), Mrs. N'gum wrote and delivered decisions, judgments, opinions and orders. She co-ordinated and ensured the proper functioning of the judicial work of the Magistrates' Court, High Court, Court of Appeal and Supreme Court. She has supervised and provided leadership and support to legal officers in the Judiciary, and as master of the Supreme Court and when judicial secretary, was the secretary to the Judicial Service Commission headed by the Chief Justice of The Gambia for appointment of judicial officers at all levels.

(b) In addition, Mrs. N'gum practised as a private legal practitioner during which period she appeared in criminal as well as civil cases before the then Supreme Court, now High Court, and the Court of Appeal. As a private legal practitioner, she interviewed clients and witnesses and prepared pleadings, notices of appeal and appeal briefs as well as prepared and conducted oral arguments before the Magistrates Courts, High Court and Court of Appeal respectively. She also served as senior counsel to the Commission of Inquiry into Land Administration that was commissioned by the Gambia Government (1994 to 1998).

(c) In fulfilment of article 36, paragraph 3 (b), Mrs. N'gum has established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the court. During the international civil service work experience (1999 to date) as a legal officer of the International Criminal Tribunal for Rwanda where she has served as deputy chief of the Court Management Section, sometimes as officer in charge and Trial Chamber I Court Management Section coordinator (1999 to 2001), head of the ICTR Appeals Chamber Support and Registry Unit in The Hague (2001 to 2003), deputy chief and officer in charge of the Defence Counsel and Detention Management Section (2003 to 2006) and (2006 to date) as a legal officer and coordinator of the Court Management Section.

(d) Whilst performing her functions, Mrs. N'gum has participated, as the Registrar's representative, before various Chambers and she has gained first hand experience in all the phases of a trial and is familiar in the conduct of pre-trial, trial, appeal and review proceedings in this ad hoc Tribunal. Additionally, it is expected that the International Criminal Court has gained from the legacy of the ICTR and will continue to draw from the jurisprudence of the Trial and Appeals Chamber. Mrs. N'gum has supervised and provided leadership and support to legal officers of the Court Management Section, the Defence Counsel and Detention Management Section, the Appeals Chamber under the direction of the President, the Presiding Judge Trial or Appeals Chamber, the Registrar and/or Deputy Registrar. She ensured the co-ordination of legal research in the preparation of the Registrar's submissions pursuant to the ICTR Rule 33(B) of the Rules of Procedure and Evidence which were used in Trial or Appeals Chamber's decisions, orders and judgments. In addition, she has studied and analysed final judgments, orders and decisions of the Trial and/or Appeals Chamber to enable her to advise whether there were directives for the Registry and then transmitted correspondence to the concerned section(s) or officer(s)

who should take the requisite action. She ensures the confidential security level of filed documents and certifies them for accessibility in the TRIM database.

(e) In addition, Mrs. N'gum has administrative experience of co-ordinating the preparation of the Court Management Section, the Defence Counsel and Detention Management Section and Appeals Chamber input to the President's annual report to the General Assembly and the Security Council. She has also prepared and submitted the biennium budget proposals for the Court Management Section and the Defence Counsel and Detention Management Section and prepared answers to ACABQ questions. The e-PAS is always completed in a timely manner where she was first or second reporting officer in Court Management Section and the Defence Counsel and Detention Management Section. She has also prepared and co-ordinated the preparation of amendments and revisions to the Tribunal's legal instruments. Her experience in supervising and being directly involved in the preparation and delivery of in-house legal education was when she organized a negotiation skills workshop for the Defence Counsel and Detention Management Section Staff in December 2005. In addition, with the Commonwealth Magistrates' and Judges' Association, as master of the Supreme Court in The Gambia she organized, and was a facilitator and sometimes Chairperson for, seminars for judges and magistrates from Commonwealth countries.

(f) Additionally, Mrs. N'gum obtained an LL.M in Public International Law with an international criminal law specialisation from Leiden University, The Netherlands in 2005. Consequently, she has acquired competence, in-depth knowledge and wide experience in relevant areas of international law pertinent to the judicial work of the court, such as international criminal law, international humanitarian law, human rights law and law pertaining to violence against women and children. Mrs. N'gum can conduct and supervise legal database research as she has done during research for her LL.M thesis and at the ICTR, as magistrate and in private legal practice. With her institutional memory of the period she worked at the ICTR, Mrs. N'gum will be an asset to the International Criminal Court.

(2) Mrs. N'gum's interest and ardent activism in human rights and humanitarian affairs commenced from her personal experience from a young age whilst living in the then conflict afflicted apartheid Rhodesia, now Zimbabwe. As a student, she actively participated in collection of donations e.g. for the victims of the Biafra war. As an adult, she is an founding member of Soroptimist International of Banjul which is affiliated to Soroptimist International of Great Britain and Ireland to provide education, services and advice to the disadvantaged, particularly women and children. She has advocated and organized training and other activities for women and school children regarding the protection of human rights for women and children. Additionally, as an founding member of The Gambia Women's Finance Association affiliated to Women's World Banking, she has contributed to collateral and loans being provided to women entrepreneurs who could not afford collateral to obtain bank loans, thereby empowering them and ensuring progress for their families. Mrs. N'gum has organized and participated in workshops and seminars, radio and television programmes advocating good governance and the protection of human rights for all, particularly for women and children, discussing various issues, including but not limited to violence against women, drug trafficking and addiction, teenage pregnancy and education for all, particularly young girls.

(3) With her wealth of experience in a professional legal and judicial capacity, Mrs. Aminatta Lois Runeni N'gum meets both of the requirements specified in article 36, paragraph 3 (b) (i) and paragraph 3 (b) (ii), of the Rome Statute, as indicated in her curriculum vitae. Mrs. Aminatta Lois Runeni N'gum is therefore amply qualified for both list A and list B. However, Mrs. Aminatta Lois Runeni N'gum is nominated as The Gambia's candidate for one of the vacant posts of judge of the International Criminal Court for inclusion in list B, in accordance with article 36, paragraph 5, of the Rome Statute.

(4) Mrs. N'gum's mother tongue is Shona, and she also speaks Wollof. Pursuant to article 36, paragraph 3 (c), Mrs. N'gum is fluent in both written and spoken English, a language that she has used throughout her education and during her 29+ years post call work experience. In addition, she has a working knowledge of French, having passed both written and oral French for the Cambridge "O" Levels in 1970 and having continued studying French at the ICTR, as well as with the Alliance Française in The Gambia and Arusha, Tanzania. At the ICTR, Mrs. Aminatta Lois Runeni N'gum has supervised and finalised various correspondence and other documents written in French for submission to the Deputy Registrar and/or the Registrar. She is currently waiting for the results of the United Nations Proficiency Examination in French which she took in May 2008 as well as the DELF Intermediate B1 and B2 through the Alliance Française in Arusha, Tanzania, which took in June 2008.

(5) The information relating to article 36, paragraph 8 (a), of the Rome Statute is as follows:

(a) Mrs. Aminatta Lois Runeni N'gum is qualified for appointment to the highest judicial offices in The Gambia and has experience as an international civil servant, i.e. legal officer at the ICTR. Her nomination has therefore been made with due regard to the legal systems of the world and geographical representation. Mrs. Aminatta Lois Runeni N'gum hails from a common law jurisdiction and her election will present a fairer representation.

(b) Mrs. Aminatta Lois Runeni N'gum is a Zimbabwean national nominated here as a Gambian national by marriage, domicile and diplomatic status. The Gambia is a member of the group of African States.

(c) Mrs. Aminatta Lois Runeni N'gum is female.

Personal

Name: Aminatta Lois Runeni N'gum

Date of birth: 7 June 1953

Place of birth: Harare, Zimbabwe [then Salisbury, Rhodesia]

Nationality: Zimbabwean by birth, Gambian by marriage, domicile and diplomatic status.

Education

September 2005 LL.M in Public International Law with an international criminal law specialization from Leiden University, The Netherlands.

Continuous French, information technology, Westlaw, Lexis Nexis and TRIM.

Mother tongue is Shona, but she also speaks Wollof and is fluent in English, a language she has used throughout her education and during her 29+ post-call work experience. She has continued studying French and is awaiting results of the United Nations Proficiency Examination in French (May 2008) as well as the DELF B1 and B2 through the Alliance Française in Arusha, Tanzania (June 2008).

- July - September 1992 First judicial administration course - Royal Institute of Public Administration, London, United Kingdom.
- March 1980 Called to the Gambian Bar and appointed Magistrate Class I.
- September 1997 - March 1980 Pupillage under Mr. Henry Myers Esq., 9 Stone Buildings, Lincoln's Inn, London, United Kingdom.
- July 1979 Bar Finals Inns of Court School of Law, Gray's Inn Place, London, United Kingdom. Called to the Bar of England and Wales as an Utter Barrister.
- 1978 Law and sociology, joint honours B.A. Subsidiary subjects: biology and politics - Keele University, Staffordshire, United Kingdom.
- 1970 and 1972 "O" and "A" levels, St. Augustine's High School, Penhalonga, Zimbabwe.

Employment

- July 1999 - present Legal Officer, United Nations International Criminal Tribunal for Rwanda [ICTR].
- April 1998 - April 1999 Judicial Secretary, Judicial Service Commission.
- December 1994 - 1999 Part-time lecturer to "A" level law and ILEX legal executive course students at The Gambia Technical Training Institute.
- May 1994 - March 1998 Private legal practitioner.
- November 1994 - February 1998 Senior counsel to the Commission of Inquiry into Land Administration, Gambia Government.
- October 1994 - June 1995 Assistant editor, Gambia Law Reports.

Judicial Service Commission, Gambia Government

- May 1990 - May 1994 Master of the Supreme Court.
- August 1989 - May 1990 Acting master of the Supreme Court.
- February 1987 - July 1989 Principal magistrate.
- September 1981 - January 1987 Senior magistrate.
- March 1980 - August 1981 Magistrate Class I.

Membership of organizations

2002 - present	Member, International Criminal Law Network.
1997	Member, Management Committee Gambia Branch, African Society of International and Comparative Law.
1996 - 1997	Board member, Agency for the Development of Women and Children, a non-governmental organization which took over projects when Save the Children U.S.A. left The Gambia.
1996 - 1999	Human rights officer, Soroptimist International Banjul.
1994 - 1996	Assistant editor, National Council for Law Reporting.
1994	Treasurer, National Council for Law Reporting.
1994	Vice Chairperson, African First Ladies' Association for Women and Children, Gambia Branch.
1994 - 1999	Chairperson, Legal Aid Sub-Committee of the African Society of International and Comparative Law Gambia.
1993 - 1999	Member, Project for Christian/Muslim Relations in Africa (PROCMURA).
1991 - 1994	Executive Committee member, Marina International School Parents/Teachers' Association.
1992/1993	President, Soroptimist International of Banjul.
1990/1992	Chairperson, Gambia Women's Finance Association, Board of Directors (now G.A.W.F.A.).
1987 - present	Founder member, Gambia Women's Finance Association.
1986 - present	Founder member, Soroptimist International of Banjul.
1986 - present	Associate member, Commonwealth Magistrates' and Judges Association.
1984 - 1986	Ad hoc member, Gambia Law Reform Commission - Subcommittee Criminal Code: Criminal Procedure Code and the Law of Evidence, now the Evidence Act 1994.
1984 - 1999	Member, National Specialized Committees on Women in Development - Legal Status and Welfare of Women, Committee of the Women's Bureau.
1980	Admitted to the Gambian Bar.
1979	Called to the Bar of England and Wales.
1977 - present	Member of the Honourable Society of Lincoln's Inn.

1974 - 1978 Member of Amnesty International, Keele University.

Training programmes attended

Ongoing	International criminal law, French advanced and information technology.
November/December 2007	The Legacy of the International Criminal Courts and Tribunals for Africa with a focus on the jurisprudence of the ICTR.
June 2007	Hague Joint Conference on Contemporary Issues of International Law - Criminal Jurisdiction 100 years after the 1907 Hague Peace Conference.
2006	Gender sensitivity in the workplace and gender mainstreaming in programming.
2002 - 2005	LL.M in Public International Law with an international criminal law specialization, Leiden University, The Netherlands.
2004 - 2006	People management training programme for senior level managers; Team building by challenge for middle level management and United Nations Staff Outreach Support (SOS) providers.
January 1999	Seminar on human rights issues in Harare, Zimbabwe.
October 1998	Attended two seminars on "The Independence of the Judiciary", organised by the Commonwealth Magistrates' and Judges' Association in Cyprus and by the African Centre for Democracy and Human Rights Studies in Mauritius.
September 1997	Gambia Management Development Institute, Seminar on "Gender Awareness and Sensitisation Seminar for the Judiciary and the Legal Profession in The Gambia". Consultant for 2 sessions "What sections of the Constitution disempower women and the girl child?" and "How can women access legal advice if needed and what kind of issues can be addressed through the legal consultations?" Presented similar papers for TANGO (3 December 1997).
July 1997	Programme for the "National Workshop on Gender Policy".
1996	The Gambia Teacher's Union Women's wing, Civic education seminar where I delivered a paper on "The New Constitution: Women's Rights and Civic Responsibilities".
April - June 1996	Soroptimist International Adult Literacy Forum, Phone-in programme on women's issues - education, violence, legal etc.
1995	Resource person, PROCMURA workshop on "Violence against women.
1994	Women's World Banking Workshop on "Good Governance for Board of Directors from Affiliates", Gambia Women's Finance Association, held in Botswana.

- 1994 African Centre for Democracy and Human Rights Studies, "Training Course on the use of Human Rights Instruments".
- 1994 Workshop on "Women in Religion, Politics and Health".
- 1993 Commonwealth Magistrates' and Judges' Association, "Continuing Judicial Education Programmes in The Gambia".
- 1993 Soroptimist International Federation of Great Britain and Ireland, conference held in Hong Kong.
- 1993 International Commission for Jurists/Women in Law and Development in Africa (WiLDAF)/International Federation of Women Lawyers (FIDA) Ghana, Seminar on "Legal Services for Rural and Urban Poor and the Legal Status of Rural Women", held in Accra, Ghana.
- 1991/1993 Facilitator in Gambia Women's Finance Association, small business management training workshops for ordinary members.
- 1993 Programme for human rights training course for Magistrates [Anglophone Africa], organised by the African Centre for Democracy and Human Rights Studies.
- 1993 Facilitator during the workshop for West African Magistrates, organised by the Commonwealth Magistrates' and Judges' Association, held in The Gambia.
- 1992 Chaired two sessions at the regional workshop on "The Convention on the Elimination of all Discrimination against Women", organised by the Commonwealth Secretariat in The Gambia.
- 1992 Royal Institute of Public Administration, First "Judicial Administration Course for Commonwealth Countries", London, United Kingdom.
- 1992 Training of Trainers' Workshop to review the Gambia Women's Finance Association/Save the Children U.S.A. training manual.
- 1991 International Commission for Jurists, Workshop on "Paralegal Training in Africa".
- 1991 Commonwealth Secretariat, "Creating Human Rights Education Programmes for Public Officials".
- 1990 "The African Development Bank Workshop for Training of Trainers in Women Entrepreneurship Development", Ivory Coast, whilst Chairperson of the Gambia Women's Finance Association, Board of Directors.
- 1989 African Association of International Law and African Centre for Democracy and Human Rights Studies seminar on "The Judiciary and Human Rights in Africa".

- 1989 International Commission of Jurists and African Centre for Democracy and Human Rights Studies workshop on paralegal training in Africa.
- 1989 “Training of Trainers’ Workshop”, organized by the Sahel Regional Financial Management Project U.S.A.I.D.
- 1984/1989 Took part in radio programmes, workshops and seminars as a member of the Legal Status and Welfare of Women Committee of the Women’s Bureau.
- 1986 African Regional Industrial Property Organisation conference in Lusaka, Zambia.
- 1986 First Commonwealth Africa Conference of Chief Justices and Judges in The Gambia, as an observer.

Relevant publications

- 2005 Thesis for the LL.M in Public International Law with an international criminal law specialization, Leiden University, The Netherlands. Entitled “Freedom of Expression and the Right to Restrict such Freedom – the Experience of Africa and the Diaspora”.
- 1994 The Gambia Law Reports 1994, as assistant editor.
- 1990 Presented a national case study for the United Nations Development Programme Project RAF/87/042 “Improving African Women’s Role in the Informal Sector Production and Management”, entitled “The Statutory Legal Policies and Practices Pertaining to Women’s Activities in the Informal Sector”, funded by the United Nations Economic Commission for Africa.
- 1989 Research paper for the Gambia’s Women’s Bureau on “The Courts and the Legal Status of Women”.

12. Rasoazanany, Vonimbolana (Madagascar)

[Original: French]

Note verbale

The Embassy of the Republic of Madagascar in Brussels presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to inform the Secretariat that the Government of Madagascar has decided to nominate Ms. Vonimbolana Rasoazanany as candidate for a post as judge with the International Criminal Court (list A).

Ms. Vonimbolana Rasoazanany is currently serving in the Supreme Court of Madagascar as the Chamber's Presiding Judge at the Court of Cassation.

The Secretariat is kindly requested to find attached hereto copies in English and French of the candidate's curriculum vitae.

...

Note verbale

The Permanent Mission of Madagascar to the United Nations presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and, further to its note no. 08-159/Delonu/4B/CPI-08 of 13 October 2008, wishes to add the following particulars:

Ms. Vonimbolana Rasoazanany, a candidate nominated by the Government of Madagascar, is of Malagasy nationality and is submitted on list A.

Currently the Chamber's Presiding Judge at the Court of Cassation/Supreme Court of Madagascar, and having served from November 2003 to March 2006 as ad litem Judge of the International Criminal Tribunal for the former Yugoslavia, Ms. Vonimbolana Rasoazanany is of proven ability in the areas of criminal law and criminal procedure, and also, as Judge First Grade, has the necessary experience of criminal trials. She specializes in human rights and humanitarian law.

...

Statement of qualifications

Personal

Date of birth: 13 November 1950, Antananarivo, Madagascar

Nationality: Malagasy (Republic of Madagascar)

Education

1971 - 1975 Master's degree in Law, Faculty of Law, University of Antananarivo.

1973 - 1975 Diploma from the Institut d'Etudes Judiciaires, Faculty of Law, University of Antananarivo.

Professional experience

- Since September 2006 Chamber's Presiding Judge at the Supreme Court of Madagascar; Criminal and civil matters
- November 2003 - March 2006 Judge at the International Criminal Tribunal for the former Yugoslavia (ICTY) in case N° IT-01-47-T (*Prosecutor v. Enver Hadzihanovic and Amir Kubura*).
- August 2005 Re-elected on 24 August 2005 by the United Nations General Assembly as ad litem judge of the ICTY for a four-year term (24 August 2005 - 23 August 2009).
- June 2002 - March 2003 Director of Studies and External Relations, Ministry of Justice (MINJU).
- June 2001 Elected at the fifty-fifth session of the United Nations General Assembly as ad litem judge of the ICTY for a four-year term (12 June 2001 - 11 June 2005).
- January 1991 - May 2002 Counsellor at the Supreme Court of Madagascar; elected by the National Assembly to the Supervision Section of the Supreme Court as judge responsible for supervision of Trial Courts and Appeal Courts.
- 1985 - 1990 Counsellor at the Court of Appeal of Antananarivo, responsible for hearing appeals from judgments in criminal, correctional and civil matters;
- President of the Ordinary Criminal Court.
- 1978 - 1981 Judge and examining magistrate at the Section of the Ambositra Tribunal: magistrate responsible for investigating blood crimes, grand larcenies, killings, etc., and judge assigned to criminal, correctional and civil cases.
- 1976 - 1978 Deputy Public Prosecutor, Tribunal de première instance, Diego Suarez.

Other professional activities

- Since 2002 Member of the non-governmental organization "Comité national malgache pour la défense des droits de l'homme" (CNMDDH) [Madagascar National Committee for the Protection of Human Rights].
- Since 2000 Member of the African League for Human and Peoples' Rights.
- 2000 Collaborated with the consultant for the United Nations Development Programme (UNDP) in drafting the joint Programme Review, "Approche des droits de l'Homme" [Approach to Human Rights].
- Collaborated with the UNICEF consultant in drafting the report on the World Summit for Children (Madagascar).

Since 1998	Member of the Working Group for the Promotion of Human Rights (United States Embassy in Madagascar).
1997	Member of the team responsible for the project, “Humanization of pre-trial detention” (2497 out of 3000 detainees who had spent more than 5 years in detention awaiting trial were brought to trial).
1993 - 1996	Advisory member of the Board of the Madagascar Judges’ Association (SMM).
1992	Expert member of the Drafting Committee for the Madagascar Constitution.
1985 - 1986	Tutor in Civil Law at the University of Antananarivo.

Conferences and workshops

2005	Conference to mark the publication of the study by the International Committee of the Red Cross (ICRC) on “Customary International Humanitarian Law” (The Hague, May 2005).
2002	Training workshop for trainers on the Law and HIV/AIDS.
2001	Joint Organization of African Unity (OAU)/Civil Society conference: “Development of partnership to promote peace and development in Africa” (Addis Ababa).
2000	“The Fight against corruption” (Speaker); “Human Rights and Christianity” (Speaker).
1998	National conference on “A strategy for valorization of the judging function”.
1996	Workshop on women jurists. Workshop on defence rights; the role of advocates.

Training courses

2007	Judges’ further training programme: “Insurance Problems - Compensation for Traffic Accident Victims”, National Institute for Judges and Registrars (Antananarivo).
2002	“A Criminal Justice System for Drug-related Activities in Eastern and Southern Africa”, course organized by the United Nations Office for Drug Control and Crime Prevention (UNODCCP), 7 - 11 October 2002 (Pretoria, South Africa).
2001	“Human Rights”, course organized by the Office of the United Nations High Commissioner for Human Rights (Antananarivo).
2000	The Rights of Refugees - course organized by the United Nations High Commissioner for Refugees (UNHCR) (Antananarivo).

The Cassation Chamber of the Supreme Court and Techniques of Review.

Court Inspection.

Training for Judges' Trainers.

1999 "The Fight against Drugs and Drug Addiction", Department for International Technical Police Cooperation of the French Ministry of the Interior (Embassy of France in Madagascar).

"Legal Aspects of Peace Operations", United States Defense Institute of International Legal Studies.

Human Rights and Management.

Publications and articles

2001 The Role of International Courts in the Establishment of Legal Responsibility and the Institution of the Rule of Law.

2000 The Fight against Corruption.

Awards

2007 *Commandeur de l'Ordre National.*

2004 Great Woman of the 21st Century, awarded by the American Biographical Institute (ABI).

2001 *Officier de l'Ordre National.*

1996 *Chevalier de l'Ordre National.*

Languages

- Malagasy - mother tongue;
- French - fluent, both spoken and written;
- English - good working knowledge.

Computer skills

- Windows and Word Perfect.

13. Saiga, Fumiko (Japan)

[Original: English]

Note verbale

The Embassy of Japan in the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and, with reference to the Secretariat's note ICC-ASP/7/S/19 dated 15 April 2008, has the honour to inform the latter that the Government of Japan has decided to nominate Judge Fumiko Saiga, for re-election as a judge of the International Criminal Court, at the elections to be held during the first resumption of the seventh session of the Assembly of States Parties scheduled for 19 to 23 January 2009 in New York.

The nomination of Judge Saiga as a candidate is made in accordance with article 36, paragraph 4 (a), of the Rome Statute.

Judge Saiga is a list B candidate for the purpose of article 36, paragraph 5, of the Rome Statute. She was recently elected judge of the International Criminal Court at the elections held at the sixth session of the Assembly of States Parties in November 2007 in New York to fill three judicial vacancies. Judge Saiga has established competence in relevant areas of international law such as humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is relevant to the judicial work of the Court, based not only on her new career as a judge of the International Criminal Court, but also on her long career as a professional diplomat of Japan. Especially, Judge Saiga's devoted works at the Committee on the Elimination of Discrimination against Women (CEDAW) in 2001-2007, during which she was re-elected twice, attest to her excellent knowledge and experience of gender issues including violence against women. It is also worth noting that Judge Saiga is the first ever and the only existing female judge from the Asian region, and the only Asian judge on list B, and her re-election would contribute significantly to the maintenance of the regional and gender balances. The statement in accordance with article 36, paragraph 4 (a), of the Rome Statute and the curriculum vitae of Judge Saiga are attached herewith.

Japan has consistently supported the activities of the International Criminal Court since its establishment and, having formally become a State Party to the Rome Statute in October 2007 and being consistently the largest contributor to the Court's budget, intends to remain a strong supporter of the Court. The decision of the Government of Japan to present the candidature of Judge Saiga for re-election as a judge of the International Criminal Court reflects its firm commitment to continue exerting its utmost efforts to facilitate the activities of the Court. The Government of Japan is fully confident that Judge Saiga possesses the necessary experience, expertise and knowledge in relevant areas of international law, such as humanitarian law and the law of human rights, to continue making a strong contribution to the important work of the Court.

...

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).

(a) Judge Fumiko Saiga, the Japanese candidate for judge of the International Criminal Court, is a person of high moral character, impartiality and integrity, who possesses the qualifications required in Japan for appointment to the highest judicial offices.

Judge Saiga was one of Japan's prominent diplomats with a significant expertise in Japan's relations with the United Nations and has been intensively engaged in the process of international rule-making especially in the area of social cooperation through the United Nations. She also had the opportunity to work in Japanese local government, in Saitama Prefecture, as its Vice-Governor and made a great contribution to successfully leading the prefecture to one of the best local governments in terms of its policy on gender equality. Throughout her diplomatic career, she was successively appointed to important posts, such as Consul-General in Seattle (United States of America), Ambassador of the Permanent Mission of Japan to the United Nations and then Ambassador Extraordinary and Plenipotentiary to the Kingdom of Norway as well as the Republic of Iceland. Her exceptional competence and ability were proven through these diplomatic duties she discharged. Last but not least, she recently took up her current position as judge of the International Criminal Court, having received the greatest number of votes (82 votes out of 105 States Parties) at the elections to fill judicial vacancies in November 2007. She is currently assigned to the Pre-Trial Division. Taking into account these achievements, the nomination of Judge Saiga as the Japanese candidate for judge of the Court was proposed at a Cabinet meeting and decided after careful consideration following the procedure stipulated in article 36, paragraph 4 (a) (i), of the Rome Statute.

(b) Judge Saiga is nominated as the Japanese candidate for judge of the Court for inclusion in list B for the purposes of article 36, paragraph 5, of the Rome Statute.

Judge Saiga has been intensively involved in human rights issues, in particular, gender issues, and developed her prominent expertise in this field. She actively took part in the process of ratification of the Convention on the Elimination of All Forms of Discrimination against Women and in deliberations on the Optional Protocol to the Convention. Through her work in this process, she established her competence in relevant areas of international law such as the law of human rights. Based on this achievement, Judge Saiga became a member of the Committee on the Elimination of Discrimination against Women (CEDAW) of the United Nations in 2001. Furthermore, recognized as one of the most prominent and experienced experts on human rights issues in Japan, she was appointed Japanese Ambassador in charge of human rights. She strived thereafter to resolve human rights issues including the North Korea abduction issue in the international community through attending conferences organized by the United Nations and other organizations as well as government-level dialogues on human rights-related issues. It is expected that Judge Saiga's expertise in the field will be further strengthened through the experience and duties of her current position.

(c) The information relating to article 36, paragraph 8 (a), of the Rome Statute is as follows:

- (i) Judge Saiga is qualified for appointment to the highest judicial offices in Japan.
- (ii) Judge Saiga is a national of Japan, a member of the Asian region.
- (iii) Judge Saiga is female.

(d) Judge Saiga has legal expertise on gender issues including, but not limited to, violence against women through her career as a member of the CEDAW, between 2001 and 2007. The contribution made by Judge Saiga to activities of the CEDAW is well recognized with great satisfaction by the international community and therefore she was re-elected as a member of the CEDAW twice, in 2002 and 2006.

(e) Judge Saiga is a national of Japan and does not possess the nationality of any other State.

As Judge Saiga will have served as a judge of the Court for less than three years by the end of her current term in March 2009, she is eligible for re-election for a full term in 2009, in accordance with article 37, paragraph 2, of the Rome Statute.

Personal

Name: Fumiko Saiga

Date of birth: 30 November 1943

Education: Tokyo University of Foreign Studies (graduated BA: March 1966)

Work relating to gender and legal issues

As part of the International Convention Division and the United Nations Policy Division of the Ministry of Foreign Affairs, and the Permanent Mission of Japan to the United Nations, Judge Saiga was engaged in treaty negotiations and the process of ratification, as an official in charge of conventions such as:

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- Convention relating to the Status of Refugees;
- Protocol relating to the Status of Refugees;
- International Covenant on Economic, Social and Cultural Rights;
- International Covenant on Civil and Political Rights.

She became a member of the Committee on the Elimination of Discrimination against Women (CEDAW) in November 2001, and served until 2007, having been re-elected twice, in 2002 and 2006. She is an internationally recognized expert on human rights law.

Furthermore, Judge Saiga served as Vice-Governor of Saitama Prefecture on the legislation of the Saitama Prefecture Ordinance for the Promotion of Gender Equality, which is the first ordinance for promotion of gender equality in Japan.

In 2005, Judge Saiga became the first Ambassador of Japan in charge of human rights.

- January 1980 - June 1983 In charge of the preparation of the ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the Government of Japan, the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights; International Convention Division, Treaties Bureau.
- 1985 Attended United Nations Conference on Women, Nairobi, Kenya and its Preparatory Meetings at the Commission on the Status of Women (CSW) (1984 and 1985).
- 1988 - 1989 As Deputy Director, had responsibility for, among other things, women's affairs including the Commission on the Status of Women, United Nations Development Fund for Women (UNIFEM) and the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in Japan, in cooperation with other ministries.
- 1996 - 1998 In charge of the Third Committee, including the Commission on the Status of Women, and the drafting of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
- 1998 - 2000 Deputy Governor, Advisor to the Governor of Saitama Prefecture on gender issues.

Advisor, Drafting Committee of the Regulation on Gender Equality in Saitama Prefecture.
- 2001 - 2007 Member, Committee on the Elimination of Discrimination against Women (CEDAW).
- 2007 - present Judge, International Criminal Court (ICC).

Career

- January 1980 International Convention Division, Treaties Bureau.
- June 1983 First Secretary, Permanent Mission of Japan to the United Nations.
- February 1988 Assistant Director, United Nations Policy Division, United Nations Affairs Bureau.
- March 1988 Deputy Director, Social Cooperation Division, United Nations Affairs Bureau.
- July 1989 Director, Ocean Division, Economic Affairs Bureau.
- August 1992 Counsellor, Embassy of Japan in Denmark.
- March 1996 Minister, Permanent Mission of Japan to the United Nations.
- May 1998 Deputy Governor of Saitama Prefecture, Japan.

- September 2000 Consul-General of Japan in Seattle, United States of America.
- July 2002 Ambassador, Permanent Mission of Japan to the United Nations.
- September 2003 Ambassador Extraordinary and Plenipotentiary to the Kingdom of Norway.
- April 2007
- October 2003 Ambassador Extraordinary and Plenipotentiary to the Republic of Iceland.
- April 2007
- December 2005 Ambassador in charge of human rights.
- April 2008
- December 2007 Judge, International Criminal Court.
- present

Other international meetings and conferences

- United Nations General Assembly (1983-1987, 1990-1991, 1996-1997)
- United Nations Economic and Social Council
- United Nations Commission on Human Rights
- United Nations Environment Programme (1983)
- International Labour Organization (1988)
- International Telecommunication Union (1988)
- World Health Organization (1988)
- United Nations Population Fund (1988)
- United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna (1988)
- International Maritime Organization (1991)
- Preparatory Committee of the United Nations Law of the Sea (1989-1992 in New York and Jamaica)
- United Nations Conference on Environment and Development (1992 in Rio de Janeiro)
- World Summit for Social Development (1995 in Copenhagen)

14. Shahabuddeen, Mohamed (Guyana)

[Original: English]

Note verbale

The Permanent Mission of the Republic of Guyana to the United Nations presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and with reference to the Secretariat's Note ICC-ASP/7/S/19, dated 15 April 2008, has the honour to inform that the Government of Guyana has decided to nominate Judge Mohamed Shahabuddeen, S.C., for election as a judge of the International Criminal Court, at elections to be held during the first resumption of the seventh session of the Assembly in New York from 19 to 23 January 2009.

The nomination of Judge Mohamed Shahabuddeen is submitted as a list B candidate in full accordance with article 36, paragraph 5, of the Rome Statute.

Judge Mohamed Shahabuddeen is a person of high moral character, impartiality and integrity, and possesses vast experience as a judge internationally. As a qualified lawyer from a common law legal system, Judge Shahabuddeen has several decades of standing at the bar of Guyana and served both as Attorney General and acting Foreign Minister of Guyana. Having served as a judge of the International Court of Justice (1988 - 1997), judge of the International Criminal Tribunal for the former Yugoslavia (from 1997 to the present, and twice as Vice-President of that Tribunal), judge of the International Criminal Tribunal for Rwanda in its Appeals Chamber (from 1997 to the present), Judge Shahabuddeen has acquired competence in relevant areas of international law pertinent to the judicial work of the Court, such as international humanitarian law, human rights law and law pertaining to violence against women and children. This international jurist is also an ardent advocate of the rule of law and respect for human rights. Attached is the curriculum vitae of Judge Shahabuddeen.

Judge Mohamed Shahabuddeen meets both of the requirements specified in article 36, paragraph 3 (b) (i) and paragraph 3 (b) (ii), of the Statute, as well as in article 36, paragraph 4 (a) (ii), of the Statute. The National Group of the Republic of Guyana in the Permanent Court of Arbitration has informed the Government of Guyana of its choice of Judge Shahabuddeen as the candidate for election as judge of the International Criminal Court. This nomination has also been endorsed by the Caribbean Community.

The Government of Guyana is convinced that Judge Shahabuddeen is suitably qualified and would make a valuable contribution to the Court.

...

Statement of qualifications

Statement submitted in accordance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court relating to the procedure for the nomination and election of judges of the International Criminal Court.

(a) Judge Mohamed Shahabuddeen, the Guyanese candidate for judge of the Court, is a person of high moral character, impartiality and integrity, who possesses the qualifications required in Guyana for appointment to the highest judicial offices.

(b) (i) Judge Shahabuddeen is one of the prominent legal experts in Guyana and a qualified lawyer from a common law legal system, having several decades of standing at the Bar of Guyana. He has served as a Counsel, Magistrate, Crown Counsel, Solicitor General (1962 - 1973) with the rank of a Justice of Appeal and Attorney General (1973 - 1987). From 1978 to 1987, Judge Shahabuddeen served as Minister of Legal Affairs and Acting Minister of Foreign Affairs and has also held the position of First Deputy Prime Minister and Vice-President within the Government of Guyana. Judge Shahabuddeen also has extensive international legal experience, having served as a judge at the International Court of Justice, (1988 - 1997) and currently sitting as judge on the International Tribunal for the former Yugoslavia and in the Appeals Chamber of the International Tribunal for Rwanda. In recognition of his vast legal experience and suitability in accordance with the stipulations of article 36, paragraph 4 (a) (i), of the Rome Statute, the Government of Guyana has decided to nominate Judge Mohamed Shahabuddeen as a judge of the Court.

(b) (ii) Judge Shahabuddeen is nominated as Guyana's candidate for judge of the Court for inclusion in list B, in accordance with article 36, paragraph 5, of the Rome Statute.

By virtue of his distinguished service as a judge of the International Court of Justice, the International Criminal Tribunal for the former Yugoslavia (1997 to the present, and twice as Vice-President of that Tribunal) and the International Criminal Tribunal for Rwanda in the Appeals Chamber, Judge Shahabuddeen has developed considerable experience and expertise in relevant areas of international law pertinent to the judicial work of the Court, such as international humanitarian law, human rights law and law pertaining to violence against women and children. He is an ardent advocate of the rule of law and respect for human rights.

(c) Judge Shahabuddeen is fluent in English, which is his mother tongue.

(d) The information relating to article 36, paragraph 8 (a), of the Rome Statute is as follows:

(i) Judge Shahabuddeen is qualified for appointment to the highest judicial offices in Guyana.

(ii) Judge Shahabuddeen is a national of Guyana, which is a member of the Group of Latin American and Caribbean States.

(iii) Judge Shahabuddeen is male.

(e) Judge Shahabuddeen is a national of Guyana and does not possess the nationality of any other State.

Letters from Guyana's National Group in the Permanent Court of Arbitration

Letter, dated 6 August 2008

We, Mr. Bernard C. DeSantos and Dr. Barton U.A. Scotland, members of Guyana's National Group in the Permanent Court of Arbitration, hereby declare that, in our opinion, our colleague member Judge Mohamed Shahabuddeen, who has been a Judge of the International Court of Justice and is now a Judge of the International Criminal Tribunal for the former Yugoslavia and a Judge of the International Criminal Tribunal for Rwanda, has established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the International Criminal Court. In these respects, we are of the same view as that held by our other colleagues in the National Group, including Judge Mohamed Shahabuddeen. We accordingly join with them in nominating Judge Mohamed Shahabuddeen to be a candidate on list "B" for the elections to the International Criminal Court expected to be held in January or early 2009.

[Signed]

Bernard C. DeSantos
*Member Guyana's National Group in the
Permanent Court of Arbitration*

Barton U.A. Scotland
*Member Guyana's National Group in the
Permanent Court of Arbitration*

Letter, dated 22 July 2008

I, Dr. Bertram G. Ramcharan, a member of Guyana's National Group in the Permanent Court of Arbitration, hereby declare that, in my opinion, my colleague member Judge Mohamed Shahabuddeen, who has been a Judge of the International Court of Justice and is now a Judge of the International Criminal Tribunal for the former Yugoslavia and a Judge of the International Criminal Tribunal for Rwanda, has established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the International Criminal Court. In these respects, I am of the same view as that held by our other colleagues in the National Group, including Judge Mohamed Shahabuddeen. I accordingly join with them in nominating Judge Mohamed Shahabuddeen to be a candidate on list "B" for the elections to the International Criminal Court expected to be held in January or early 2009.

[Signed]

Dr. Bertram G. Ramcharan

Personal

Name: Mohamed Shahabuddeen

Nationality: Citizen of Guyana

Qualifications

- Called to the Bar (Middle Temple, London), 9 February 1954.
- B.Sc. (Econ.), LL.B., LL.M., Ph.D., LL.D., (London).
- Queen's Counsel (Q.C.), March 1966.
- Senior Counsel (S.C.), February 1970.
- LL.D. (Univ. West Indies) (*honoris causa*), 1992.
- Honorary Bencher of the Middle Temple, 1994.

Present international positions

16 June 1997 - present Judge, International Criminal Tribunal for the former Yugoslavia, normally in the Appeals Chamber.
Vice-President of the Tribunal from 17 November 1997 to 16 November 1999, and again from 16 November 2001 to 26 February 2003.

November 1997 - present Judge, International Criminal Tribunal for Rwanda (Appeals Chamber).

Previous international position

1988 - 1997 Judge, International Court of Justice, 9 years.

Previous positions in Guyana

August 1954 - May 1959 Counsel, private legal practice.

May 1959 - August 1959 Magistrate.

August 1959 - April 1962 Crown Counsel.

April 1962 - July 1973 Solicitor-General (with the rank of a Justice of Appeal as from May 1971).

1973 - 1987 Attorney General.

1978 - 1987 Minister of Legal Affairs.

1978 - 1987 Acting Minister of Foreign Affairs (from time to time).

Other senior ministerial positions, including First Deputy Prime Minister and Vice-President.

Related experience

1972 Member, Guyana delegation to the United Nations.

1963 - 1965 Member, Board of Governors, University of Guyana.

- 1973 - 1987 Member, Council of Legal Education of the Commonwealth Caribbean.
- 1966 - 1970 Member (with the rank of Ambassador), Guyana/Venezuela Mixed Boundary Commission.
- 1962 - 1987 Member of Guyana delegations to numerous international negotiations and conferences, including:
- United Nations Conference on Succession of States in respect of Treaties, Vienna, 1977.
 - Commonwealth Heads of Government Conferences at Lusaka (1979), Melbourne (1981), New Delhi (1983), Nassau (1985), and Vancouver (1987).
 - Cancun North/South Summit (1981).
 - General Assembly of the Organization of American States, Saint Lucia, December 1981.
 - Meetings of Ministers of Foreign Affairs of Non-Aligned Countries, Georgetown (1972) and New Delhi (1981).
 - Meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries, Algiers, 1981.
 - Conference of Heads of State or Government of Non-Aligned Countries, New Delhi (1983).
 - Commonwealth Caribbean Heads of Government Conferences at Ocho Rios (1982), Port-of-Spain (1983), Nassau (1984), Georgetown (1986) and St. Lucia (1987).
 - Commonwealth Law Ministers Meetings, Lagos (1975), Barbados (1980), Sri Lanka (1983), and Harare (1986).
 - Commonwealth Law Conference, Hong Kong (1983).
- 1998 - present Member, Permanent Court of Arbitration.

Organizations

- Member (prior to being a Judge) of the Guyana Bar Association, itself a member of the Organisation of Commonwealth Caribbean Bar Associations.
- Member of the Commonwealth Association of Legislative Counsel (1983).
- Honorary Member of the American Society of International Law (President, Jessup International Law Moot Court, Washington, 1991).
- Member, International Law Association.
- Member, Institut de droit international (First Vice-President, 1999 - 2001).
- Member, Société française pour le droit international.
- Associate Member, International Academy of Comparative Law.
- Member, Advisory Board, The African Society of International and Comparative Law.
- Honorary Life Member, The Indian Society of International Law.
- Member, Advisory Board, *European Journal of International Law*.

- Member, Advisory Board, *Journal of International Criminal Justice*.
- Member, Board of Honorary Editors, *Chinese Journal of International Law*.
- Member, Advisory Board, *The Law and Practice of International Courts and Tribunals: A Practitioner's Journal*.
- Member, Board of Electors of the Whewell Professorship of International Law of Cambridge University (1994 - 1998).
- Member, Haut comité de Patronage, Euxodie (Aide internationale aux universités ACP).

Books include

- “The Legal System of Guyana”, (Georgetown, 1973).
- “Constitutional Development in Guyana 1621 - 1978”, (Georgetown, 1978).
- “Precedent in the World Court, Hersch Lauterpacht Memorial Lectures”, (Cambridge University Press, 1996).

Papers

- “The Role of the Lawyer in Developing Guyana”, (Georgetown, 1974).
- “Towards Industrial Justice in Guyana”, (Georgetown, 1974).
- “Law Reform in Guyana”, Guyana Bar Association Review, December 1981.
- “Refresher Courses: Compulsory or Optional?”, *Proceedings of the Commonwealth Law Conference*, Hong Kong, September 1983.
- “Slavery and Historiographical Rectification,” in: *Proceedings of the International Round Table to Commemorate the 150th Anniversary of the Abolition of Slavery in the Anglophone Caribbean*, published by the Guyana Commemoration Committee with the assistance of UNESCO, 1985.
- “The ICJ: First Impressions”, Address, Research Centre for International Law, University of Cambridge, February 1991.
- “The ICJ: An End to Underemployment”, Proceedings of the American Society of International Law, April 1991.
- “The ICJ: Selected aspects”, Address, Columbia University, April 1991.
- “The ICJ: The Integrity of an Idea”, in: *International Law in Transition - Essays in Memory of Judge Nagendra Singh*, 1992, p. 341.
- “The ICJ: The Road to Universality”, Address, Council of Legal Education of the Commonwealth Caribbean, Trinidad and Tobago, 21 February 1992.
- “The International Court of Justice: The View from the West Indies”, Address, Law Association of Trinidad and Tobago, 5 December 1992.

- “Developing Countries and the Idea of International Law”, in: *Essays in Honour of Wang Tieya* (ed. R.St.J. Macdonald), 1993, p.72.
- “Municipal Law Reasoning in International Law”, in: Vaughan Lowe and Malgosia Fitzmaurice (eds.), *Fifty Years of the International Court of Justice* (Cambridge, 1996), pp. 90-103.
- “The International Court of Justice: Image, Mission, Mandate”, The First Taslim Elias Memorial Lecture, Nigerian Society of International Law, 19 May 1994.
- “The Hersch Lauterpacht Memorial Lectures”, Cambridge University, November 1994.
- “The World Court at the Turn of the Century”, in: A.S. Muller, D. Rai and J.T. Thuránszky (eds.), *The International Court of Justice: Its Future Role After Fifty Years* (The Hague, 1996), pp. 3-29.
- “The Evolution of the Global Legal Framework”, in: Boutros Boutros-Ghali, *Amicorum Discipulorumque Liber* (Brussels, 1998), vol. 1, pp. 701-724.
- Note on Third Party Intervention in International Litigation, *Annuaire de l’Institut de droit international*, Session de Berlin, vol. 68-1, 1999 (Paris, 1999), pp. 229-239.
- “Duress in International Humanitarian Law”, in: C.A. Armas Barea et al. (eds.), *Liber Amicorum ‘In Memoriam’ of Judge Jose Maria Ruda* (Kluwer, 2000), pp. 563-574.
- “The Competence of a tribunal to deny its existence”, in: *International law in the Post-Cold War World, Essays in Memory of Li Haopel* (London, 2001), pp. 473 ff.
- “Consistency in Holdings by International Tribunals”, in: N. Ando et al. (eds.), *Liber Amicorum Judge Shigeru Oda* (The Hague, 2002), pp. 633-650.
- “Policy-Oriented Law in the International Criminal Tribunal for the former Yugoslavia”, in: L.C. Vohrah et al (eds.), *Man’s Inhumanity to Man* (The Hague, 2003), pp. 889-898.
- “Some Aspects of the ICTY”, in: Andrea Giardina and Flavia Lattanzi (eds.), *Essays in Honour of Gaetano Arangio-Ruiz* (Naples, 2004), pp. 1423-1494.
- “Customary International Law and *nullum crimen sine lege*”, Lecture, European University Institute, Florence, Italy, 28 May 2004.
- “Does the Principle of Legality Stand in the Way of Progressive Development of Law?”, in: *Jo. Int’l Criminal Justice*, 2 (2004), pp. 1007-1017.
- “The International Criminal Process and the Global Community”, in: *The Integrationist* (Georgetown, 2005).

International Court of Justice (February 1988 - February 1997)

Participated in all cases and gave individual judicial opinions in these 23 matters:

- United Nations Headquarters Agreement, *ICJ Reports 1988*, p. 12, at pp. 57-64.
- Border and Transborder Armed Actions, *ICJ Reports 1988*, p. 69, at pp. 133-156.
- Aerial Incident of 3 July 1988, *ICJ Reports 1989*, p. 132, at pp. 145-160.

- Land, Island and Maritime Frontier Dispute (Composition of Chamber), *ICJ Reports 1989*, p. 162, at pp. 165-172.
- Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations, *ICJ Reports 1989*, p. 177, at pp. 212-221.
- Land, Island and Maritime Frontier Dispute (Application for permission to Intervene), *ICJ Reports 1990*, p. 3, at pp. 18-62.
- Arbitral Award of 31 July 1989, Provisional Measures, *ICJ Reports 1990*, p. 64, at pp. 74-78.
- Passage through the Great Belt, *ICJ Reports 1991*, p. 12, at pp. 28-36.
- Arbitral Award of 31 July 1989 (Guinea-Bissau/Senegal), *ICJ Reports 1991*, p. 53, at pp. 106-119.
- Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom) (Provisional Measures), *ICJ Reports 1992*, p. 3, at pp. 28-32.
- Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America) (Provisional Measures), *ICJ Reports 1992*, p. 14, at pp. 140-142.
- Certain Phosphate Lands in Nauru (Nauru v. Australia), Preliminary Objections, *ICJ Reports 1992*, p. 240, at pp. 270-300.
- Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway), *ICJ Reports 1993*, pp. 30-210.
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)). Further requests for Provisional Measures, *ICJ Reports 1993*, pp. 353-369.
- Territorial Dispute (Libyan Arab Jamahiriya/Chad), *ICJ Reports 1994*, pp. 42-48.
- Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain), Jurisdiction and Admissibility, *ICJ Reports 1995*, pp. 51-66.
- East Timor (Portugal v. Australia), *ICJ Reports 1995*, pp. 119-128.
- Request for an Examination of the Situation in accordance with paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests Case (New Zealand v. France), *ICJ Reports 1995*, pp. 312-316.
- Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Provisional Measures, *ICJ Reports 1996 (I)*, p. 28.
- Legality of the Use by a State of Nuclear Weapons in Armed Conflict, *ICJ Reports 1996 (I)*, pp. 97-100.
- Legality of the Threat or Use of Nuclear Weapons, *ICJ Reports 1996 (I)*, pp. 375-428.

- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia), *ICJ Reports 1996 (II)*, pp. 634-630.
- Oil Platforms (Islamic Republic of Iran v. United States of America), *ICJ Reports 1996 (II)*, pp. 822-841.

International Criminal Tribunal for the former Yugoslavia and International Criminal Tribunal for Rwanda (1997 - present)

Participated in numerous judgments and decisions (practically all appellate) and gave individual judicial opinions in these 81 matters:

- *Prosecutor v. Erdemović* – IT-96-22-Tbis – 5 March 1998
- *Prosecutor v. Bagosora* – ICTR-98-37-A – 8 June 1998
- *Prosecutor v. Kovačević* – IT-97-24-AR73 – 2 July 1998
- *Prosecutor v. Blaškić* – IT-95-14T – 21 July 1998
- *Prosecutor v. Nyiramasuhuko* – ICTR-97-21-A – 28 October 1998
- *Prosecutor v. Nsengiyumva* – ICTR-96-12-A – 3 June 1999
- *Kanyabashi v. Prosecutor* – IVTR-96-15-A – 3 June 1999
- *Prosecutor v. Tadić* – IT-94-I-A – 15 July 1999
- *Prosecutor v. Delalić* – IT-96-21-T – 25 October 1999
- *Barayagwiza v. Prosecutor* – ICTR-97-19-AR72 – 3 November 1999
- *Prosecutor v. Tadić* – IT-94-I-A – 26 January 2000
- *Prosecutor v. Blaskić* – IT-95-14-T – 3 March 2000
- *Barayagwiza v. Prosecutor* – ICTR-97-19-AR72 – 31 March 2000
- *Semanza v. Prosecutor* – ICTR-97-20-A – 31 May 2000
- *Kambanda v. Prosecutor* – ICTR-97-23-A – 13 June 2000
- *Prosecutor v. Furundzija* – IT-95-17/1-A – 21 July 2000
- *Ngeze v. Prosecutor* – ICTR-97-27-AR72 – 5 September 2000
- *Prosecutor v. Simić* – IT-95-9-AR108bis – 27 March 2001
- *Prosecutor v. Jelisić* – IT-95-10-A – 5 July 2001
- *Kayishema v. Prosecutor* – ICTR-95-I – 19 July 2001
- *Musema v. Prosecutor* – ICTR-96-13-A – 16 November 2001
- *Prosecutor v. Kajelijeli* – ICTR-98-44-A-T – 16 November 2001
- *Kajelijeli v. Prosecutor* – ICTR-98-44-A-A – 14 December 2001
- *Prosecutor v. Krajišnik* – IT-00-49 & 40-AR72.3 – 14 February 2002
- *Rutaganda v. Prosecutor* – ICTR-96-3-A – 28 June 2002
- *Prosecutor v. Milošević* – IT-02-54-AR73.2 – 30 September 2002
- *Prosecutor v. Blagojević* – IT-02-60-AR65 & IT-02-60-AR65.2 – 3 October 2002
- *Prosecutor v. Šainović* – IT-99-37-AR65 – 30 October 2002
- *Prosecutor v. Kabuga* – ICTR-98-44 – 22 November 2002
- *Prosecutor v. Bobetko* – IT-02-62-AR54bis & IT-02-62-ARI08bis – 29 November 2002
- *Prosecutor v. Brdjanin* – IT-99-36-AR73.9 – 11 December 2002
- *Prosecutor v. Nikolić* – IT-94-2-AR72 – 9 January 2003
- *Prosecutor v. Milutinović* – IT-99-37-AR72 – 21 May 2003
- *Prosecutor v. Milošević* – IT-02-54-AR73.5 – 21 May 2003
- *Prosecutor v. Rutaganda* – ICTR-96-3 A – 26 May 2003
- *Prosecutor v. Krstić* – IT-98-33-A – 1 July 2003
- *Prosecutor v. Hadžihasanović* – IT-01-47-AR72 – 16 July 2003
- *Prosecutor v. Krnojelac* – IT-97-25-A – 17 September 2003
- *Prosecutor v. Nyiramasukuko* – ICTR-98-42-A15bis – 24 September 2003
- *Prosecutor v. Rukundo* – ICTR-2001-70-AR108 – 17 October 2003
- *Prosecutor v. Milošević* – IT-02-54-AR73.4 – 31 October 2003
- *Prosecutor v. Milošević* – IT-02-54-AR73.5 – 31 October 2003
- *Prosecutor v. Milošević* – IT-02-54-AR73.6 – 20 January 2004

- *Prosecutor v. Vasiljević* – IT-98-32-A-25 – February 2004
- *Mugiraneza v. Prosecutor* – ICTR-99-50-AR73 – 27 February 2004
- *Prosecutor v. Brojanin* – IT-99-36-A – 19 March 2004
- *Prosecutor v. Krstić* – IT-98-33 – 6 April 2004
- *Prosecutor v. Krstić* – IT-98-33-A – 19 April 2004
- *Prosecutor v. Milutinović* – IT-99-37-AR72.2 – 8 June 2004
- *Prosecutor v. Halilović* – IT-01-48-AR73 – 21 June 2004
- *Prosecutor v. Karemera* – ICTR-98-44-AR15bis.2 – 22 October 2004
- *Prosecutor v. Prlić* – IT-04-74-AR73.1 – 24 November 2004 (with other judges)
- *Prosecutor v. Nikolić* – IT-94-2-A – 4 February 2005
- *Prosecutor v. Kvočka* – IT-98-30/1-A – 28 February 2005
- *Prosecutor v. Simić* – IT-95-9/1-A – 12 April 2005 (with another judge)
- *Semanza v. Prosecutor* – ICTR-97-20-A – 20 May 2005 (with another judge)
- *Prosecutor v. Blagojević* – IT-02-60-A – 12 April 2005 (with another judge)
- *Kamuhanda v. Prosecutor* – ICTR-99-54A-A – 19 September 2005
- *Prosecutor v. Haradinaj et al* – IT-04-84-AR65.1 – 10 March 2006 (with another judge)
- *Prosecutor v. Stakić* – IT-97-24-A – 22 March 2006
- *Prosecutor v. Naletilić, Martinović* – IT-98-34-A – 3 May 2006
- *Prosecutor v. Zigić* – IT-98-30/1-A – 26 June 2006
- *Niyitegeka v. Prosecutor* – ICTR-96-14-R – 30 June 2006
- *Gacumbitse v. Prosecutor* – ICTR-2001-64-A – 7 July 2006
- *Niyitegeka v. Prosecutor* – ICTR-96-14-R – 27 September 2006
- *Prosecutor v. Mlado Radić* – IT-98-30/1-R.1 – 31 October 2006
- *Prosecutor v. Blagoje Simić* – IT-95-9-A – 28 November 2006
- *Prosecutor v. Stanislav Galić* – IT-98-29-A – 30 November 2006
- *Ndindabahizi v. Prosecutor* – ICTR-01-71-A – 16 January 2007
- *Niyitegeka v. Prosecutor* – ICTR-96-14-R – 6 March 2007
- *Brdanin v. Prosecutor* – IT-99-36-A – 3 April 2007
- *Rwamakuba v. Prosecutor* – ICTR-98-44C-A – 18 April 2007
- *Prosecutor v. Krajisnik* – IT-00-39-A – 11 May 2007
- *Prosecutor v. Strugar* – IT-01-41-Misc.1 – 7 June 2007
- *Prosecutor v. Gotovina* – IT-06-90-AR73.2 – 29 June 2007
- *Prosecutor v. Prlić* – IT-04-74-AR65.4 – 20 July 2007
- *Rwamakuba v. Prosecutor* – ICTR-98-44-A – 14 September 2007
- *Prosecutor v. Limaj, Bala Musliu* – IT-03-66-A – 27 September 2007
- *Prosecutor v. Halilović* – IT-01-48-A – 16 October 2007
- *Nahimana (Media) v. Prosecutor* – ICTR-99-52-A – 28 November 2007
- *Prosecutor v. Seselj* – IT-03-67-AR77.1 – 14 December 2007

National honours

- Order of Excellence (O.E.) (1988).
- Order of Roraima (O.R.) (1980).
- Cacique's Crown of Honour (C.C.H.) (1970).

15. Sita Akele Muila, Angélique (Democratic Republic of the Congo)

[Original: French]

Note verbale

The Minister of Foreign Affairs and International Cooperation of the Democratic Republic of the Congo presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to forward herewith the candidacy of Ms. Angélique Sita Akele Muila for the purposes of the election of judges which will take place during the first resumption of the seventh session of the Assembly of States Parties, to be held at the Headquarters of the United Nations in New York from 19 to 23 January 2009.

...

Statement of qualifications

Statement submitted in accordance with article 36, paragraph 4, 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 International Criminal Court (ICC-ASP/3/Res.6).

1. Moral qualifications (article 36, paragraph 3 (a), of the Rome Statute)

Ms. Angélique Sita Akele Muila enjoys high moral standing in her private and public life and is known for her impartiality, meticulousness and integrity in the professional circles and associations in which she has worked.

Married, with six children, Ms. Sita aims to lead a family life that is consistent with her religious beliefs and the traditions of human dignity in which she was brought up by her father, Alphonse Sita Pambu, the first Ambassador of the Democratic Republic of the Congo (Democratic Republic of the Congo) to the Holy See. Her schooling and extra scholastic activities in prestigious schools and movements ("Les Bergeronnettes", Lycée du Sacré Cœur in Kinshasa, Lycée Chateaubriand in Rome, Italy, under the auspices of the Académie de Grenoble) helped nurture in her a meticulousness and a desire to serve others that are salient characteristics of her personality.

Anyone who has been associated with her in her various professional capacities or in her work with associations will confirm that she upholds such social and moral values as the family, respect for the law and fundamental human rights, justice, humanism, the dignity and self-fulfilment of women, integrity, honouring one's word, punctuality, a job well done, and so on. Incidentally, it is on this account, quite aside from her technical expertise, that she has been, and indeed still is involved in the activities of the Centre pour Cadres et Dirigeants Chrétiens des Entreprises au Congo (CADICEC) headed by Father Ekwa bis Isal; the governing council of the African Institute for Economic and Social Development – African Training Centre (INADES-Formation); the governing council of Femme-Plus, a non-governmental organization, as treasurer; the general assembly of the Centre d'Etudes pour l'Action Sociale (CEPAS), etc. On the strength of these qualities she was elected to the Executive Board of the Kinshasa Bar Council and appointed Secretary of the Board.

Other prominent persons who can vouch for Ms. Sita's high moral character include Father Ekwa, Secretary General of CADICEC and President of CEPAS; Ms. Françoise Demeyer, principal of the Lycée Motema Mpiko; Father Richard Erpicum, member of the INADES-Formation; Ms. Bernadette Mulelebwe, National Director of the non-governmental organization Femme-Plus; Mr. Christian Hemedi, Coordinator of the National Coalition for the International Criminal Court; Maître Kalembe Tshimankinda and Maître Matadi Nenga Gamanda, former presidents of the Kinshasa Bar Council; Maître Ngele Masudi and Ms. Marie-Madeleine Kalala, former Ministers of Justice and Human Rights; Professor Grégoire Bakandeja, former dean of the Faculty of Law of the University of Kinshasa; Mr. Eusèbe Hounsokou, representative of the United Nations High Commissioner for Refugees (UNHCR) in the Democratic Republic of the Congo.

Ms. Sita's high moral character, together with her training, expertise and experience in the academic field (doctor of law of the University of Aix-Marseille, France, holder of a postgraduate diploma in criminal science and criminology, teacher of criminal law at the Faculty of Law of the University of Kinshasa), in the legal field (advocate and Secretary of the Executive Board of the Kinshasa Bar Council) and in the political and administrative field (legal assistant to the Minister of Justice and Keeper of the Seals) would certainly qualify her to be appointed to high judicial office in the highest national courts, such as the Court of Appeal and the Constitutional Court.

2. Technical qualifications: List for which Ms. Sita's candidacy is presented for the purposes of article 36, paragraphs 3 (b) and 5, of the Rome Statute

Under the terms of article 36, paragraph 5, of the Rome Statute, two lists are established for the purposes of the election of judges of the Court containing the names of candidates competing, in the case of the first, on the strength of their competence in criminal law and procedure and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings (list A); and, in the case of the second, on the strength of their competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court (list B).

Ms. Sita is a jurist, specialist in criminal science and criminology, professor of criminal law and advocate and, in recent years (since 2003), has been an official of the United Nations working as national protection officer for UNHCR. In this capacity, she put international humanitarian law and human rights to the test in the context of the realities on the ground and the hardships endured by refugees and displaced persons. In 1999, she co-published a work on crimes against humanity in Congolese law, published by CEPAS. This scholarly and practical study prepared her to address and deal with the appalling situations engendered by gross violations of international humanitarian law. Her experience at UNHCR, in the Democratic Republic of the Congo and on mission to the Republic of Guinea enabled her to come into contact with some of the most vulnerable refugees and displaced persons, women and children, including single women, victims of rape, children who had lost trace of their parents, etc., and to recognize that while the traumas experienced by these people require humanitarian action and engagement on a large scale, action must also be taken to prevent the occurrence of such situations through the effective exercise of justice at the international level, in order to deter, punish and redress, and robustly to reaffirm the values that these outrages have flouted.

This experience, reinforced by many UNHCR specialized training courses, has helped Ms. Sita build up specialist expertise in the area of protecting vulnerable persons, especially the victims of rape, displaced persons and child victims of the atrocities of war. Thus, she has been invited to speak on such subjects as:

- “Domestic violence against women in the eyes of Congolese law”, workshop organized by Sofejur, Lubumbashi, March 2004.
- “Do international mechanisms exist which offer an alternative to the International Criminal Court?”, Accountability mechanisms for international crimes: the cases of the Democratic Republic of the Congo and Uganda, expert meeting, 14 October 2004, Amsterdam.
- “Do we need an international criminal court for the Democratic Republic of the Congo? (Cases of violence against vulnerable groups: women, children, minority groups, refugees)”, Association pour la Renaissance du Congo, 2004.
- “The competence *ratione personae*, *ratione materiae*, *ratione temporis*, *ratione loci* of mixed chambers”, seminar-workshop on specialized mixed chambers within Congolese jurisdictions, organized by the Congolese Coalition for Transitional Justice (CCJT) in collaboration with the International Center for Transitional Justice and the Human Rights Division of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), Kinshasa, 7 June 2005.
- “Transitional justice and eradicating sexual violence against women in the Democratic Republic of the Congo”, FEWER-Africa, Nairobi, 2006.
- “Review of the problems posed by Book I of the Congolese Penal Code”, in *Actes de l’Atelier sur l’état des lieux du code pénal congolais*, Permanent Commission for the Reform of Congolese Law, Kinshasa, 2006.
- “The implications of the new laws relating to sexual violence for the protection of women in student communities”, Le Club des Amis du Droit, UPC, 2007.

Clearly Ms. Sita has sufficient qualifications to appear on either list. However, availing herself of the option provided for under article 36, paragraph 5, of the Rome Statute, she has chosen to present her candidacy for list B.

3. Special qualifications and representation (article 36, paragraph 8, of the Rome Statute)

Ms. Sita has thus built a distinguished reputation for herself not only in the area of international criminal law, international humanitarian law and the law on refugees – justifying her candidacy for list B – but also in the academic field, where she has expertise relating to sexual violence against women and violence perpetrated against vulnerable persons, especially children – justifying and supporting her candidacy in the context of article 36, paragraph 8 (b), of the Rome Statute.

With reference to article 36, paragraph 8 (i), (ii) and (iii), of the Rome Statute, the candidacy of Ms. Sita, who has Congolese nationality (Democratic Republic of the Congo), should be considered in the context of:

- Representation of the Romano-Germanic legal system, especially in its African expression;
- Geographical representation of the African region; and
- Representation of women.

4. Knowledge of one of the working languages of the Court (article 36, paragraph 3 (c))

Lastly, Ms. Sita has excellent knowledge of and fluency in at least one of the working languages of the Court, namely French, and moderate knowledge of English.

Personal**University qualifications**

- 29 June 2001 Doctorate in law, University of Aix-Marseille III, Faculty of Law and Political Science, Aix-en-Provence (France).
- 4 November 1983 Diplôme d'Etudes Approfondies (DEA), University of Aix-Marseille III, Faculty of Law and Political Science, Aix-en-Provence (France), Institute of Criminal Sciences and Criminology of Aix-en-Provence.
- 25 June 1982 Maîtrise in law, option Carrières Judiciaires, University of Aix-Marseille III, Faculty of Law and Political Science of Aix-en-Provence (France).
- 22 June 1981 Licence in law, University d'Aix-Marseille III, Faculty of Law and Political Science d'Aix-en-Provence (France).
- 25 June 1973 Baccalauréat série D, Lycée Chateaubriand in Rome (Italy), Académie de Grenoble.

Other training

- July 2008 Participated in the ninth regional training session in human rights and the rights of refugees co-organized by the UNESCO Chair for Human Rights and Democracy and the Liaison Office of the United Nations High Commissioner for Refugees (UNHCR) in Cotonou, Benin.
- 2004 Participated in a training course on the guiding principles on internal displacement, organized by the High Commissioner for Refugees (HCR).
- 1996 - 2001 Introductory seminar on legislative drafting (Kinshasa, 2001).
- National seminar on the role of the advocate in constructing a State based on the rule of law in the Democratic Republic of the Congo (Kinshasa, HRFOC and CAJEJ, December 2000).
- Workshop on combating violence against women (UNICEF and Ministry of Social Affairs, Kinshasa, 2000).
- National forum on the rights and leadership of Zairean women (UNDP, UNICEF, Ministry for Public Health and the Family, Kinshasa, September 1996).

Experience

- Since April 2003 United Nations High Commission for Refugees in the Democratic Republic of the Congo (Kinshasa), national protection officer:
- Legal and judicial assistance to persons falling under UNHCR's mandate, especially as regards sexual violence.

- Participated in the procedure to determine refugee status of asylum-seekers.
- Assisted in the search for better legal and judicial protection for persons falling under the UNHCR's mandate (stateless persons, refugees, internally displaced persons, victims of various crimes such as sexual violence, physical aggression, fraud, theft, etc.).
- Participated in the work of the national protection cluster (integrated approach) to rationalize interventions in favour of civilians, especially displaced persons, under the joint leadership of UNHCR and MONUC.
- Focal point for tripartite accords, for research on country information and information on special situations, for field reports, reports with the national commission for refugees (State structure), training courses on refugee law.
- Drafted and edited sections of HCR/Democratic Republic of the Congo annual reports on refugee protection and reports on tripartite meetings (HCR – Democratic Republic of the Congo – neighbouring countries); participated in tripartite meetings with the Central African Republic (2004), Republic of the Congo (2005), Tanzania (2006) and Uganda (2008).
- Participated in the preparation of tripartite meetings for the repatriation of Congolese refugees in countries bordering the Democratic Republic of the Congo.
- Research into a range of information in connection with determination of refugee status or strengthening the protection of persons under the UNHCR's mandate.
- Field missions, including meetings with authorities, non-governmental organizations, especially in Kissidougou (Republic of Guinea) in 2004 to resolve disputes following repatriation operations.
- Lecture at the Faculty of Law of the University of Kinshasa on the occasion of World Refugee Day (Kinshasa, June 2008).
- Seminar on gender-related sexual violence (Kinshasa, 2003).

2001 - 2008

Faculty of Law of the University of Kinshasa: Lecturer in criminal law:

- Lecturer in general criminal law at the Faculty of Law of the University of Kinshasa.
- Seminar on transitional justice and violence against women, Amsterdam, Netherlands, 2002.
- Contact group on transitional justice in the Democratic Republic of the Congo, 2006.

- 2001 - 2003 Faculty of Law of the Protestant University of Congo (UPC):
- Visiting lecturer at the Faculty of Law of the Protestant University of Congo, until 2003; lecturer for the course in the taking of evidence.
- 1987 - 2003 Bar Council of Kinshasa, advocate:
- Member of the Executive Board of the Kinshasa Bar Council/Gombe (2000 - 2002).
 - Vice-President of the Admissions Committee (2000 - 2001).
 - Secretary of the Executive Board (2001 - 2002).
 - Consultant at the International Labour Office (ILO) in legislation and planning for a programme to strengthen the social welfare system in the Democratic Republic of the Congo (Project: PNUD/BIT-ZAI/96/013, in March and May 1998).
- 2001 - 2003 Ministry of Justice and Keeper of the Seals: Legal assistant:
- Considered various disputes.
 - Member of the Preparatory Commission for the drafting of child protection laws, in collaboration with UNICEF and the Ministry of Social Affairs (2001).
 - Member of the commission appointed to consider the case file of private media enterprises placed under the control of the Ministry of Communications on the legality of government control of the radio and television stations Canal Kin 1, Canal Kin 2, RTKM, TKM from 24 to 31 May 2001.
 - Participated in the commission set up to draft a code of conduct for public sector employees.
 - Chair of the committee appointed to reinstate the official gazette of the Democratic Republic of the Congo.
 - Advocacy for the preliminary draft of the legislation implementing the Rome Statute of the International Criminal Court.
 - Seminar/workshop on urgent measures to reform the rights of the child, Kinshasa, 2001.
 - Preparatory meeting to launch the campaign for the registration of marriages, Kinshasa, 2001.
 - Seminar of experts on the ratification and implementation by the Democratic Republic of the Congo of the Rome Statute establishing the International Criminal Court (chair of the workshop on the general principles of criminal law in the Rome Statute and in Congolese law), Kinshasa, 2001.

- 2001 - 2008
- Permanent Commission for the Reform of Congolese Law: Member of the Commission and Deputy Chair of the Committee for Reform of the Penal Code:
- Contributed to drafting legislation amending certain clauses of the penal code, the code of criminal procedure, the code on judicial organization and competence, the military criminal code and military judicial code in fulfilment of the Rome Statute of the International Criminal Court.
 - Workshop to take stock of Congolese criminal law, Kinshasa, 2006.
 - Seminar–workshop on the fundamental options for reforming the criminal code, Kinshasa, April 2008.
 - Drafting Book I of the draft penal code, 2008.
- 1981 - 2008:
- Centre pour Cadres et Dirigeants Chrétiens des Entreprises au Congo (CADICEC): Legal adviser, member of the General Assembly, member of the Executive Board:
- Legal consultant and moderator of training seminars, 1981 - 2002.
 - Member of CADICEC since 1987.
 - Member of the Executive Board up to 2003.
- 1992 - 2003
- African Institute for Economic and Social Development – African Training Centre (Inades-Formation), (Abidjan Côte d’Ivoire): Member:
- Member of the Governing Council of Inades-Formation Congo from 1992 to 2002, in particular Deputy Chair.
 - Member of the Governing Council of the International Association from 1995 to 2003.
 - In this capacity, participated in the work of the Governing Council meetings in Yaoundé (1995, 2002), Abidjan (1996, 1997, 1998, 1999, 2000), Lomé (1996, 2000), Dar-es-Salaam (1997), Kigali (1998), Ouagadougou (1999), Machakos (2003).
 - Appraisals of the Director of the Inades-Formation National Office, Côte d’Ivoire (1996 and 1999).
 - Appraisal of the Director of the Inades-Formation National Office, Togo (1999).
 - Appraisal of the Director of the Inades-Formation National Office, Burkina Faso (2000).
 - Appraisal, Director of the Inades-Formation National Office, Congo (2001).

- Fact-finding as part of the selection process for a Director of the National Office of Inades-Formation/Congo in Kinshasa and Kananga.
 - Co-moderator of discussions on the institutional development of Inades-Formation, Abidjan and Lomé, 2000.
 - Misereor workshop to discuss and review Misereor policy in the Democratic Republic of the Congo (Aachen 1999, Kinshasa 1999).
 - Committee to evaluate the projects of the CRS/Congo (Catholic Relief Services-USCC), November 1997.
- 2000 - 2008 Centre jésuite d'Etudes pour l'Action Sociale (CEPAS): Member since 2000:
- Member of the editorial board of Zaïre-Afrique/Congo-Afrique.
 - Evaluation of CEPAS.
 - CEPAS session to discuss "Elections and good governance in the Democratic Republic of the Congo", 9 - 12 February 2006.
- 1995 - 1998 Parish committee 'Justice and Peace' of the parish of Saint-Edouard in Kinshasa Binza/Télécoms: Chair of the committee and, in this capacity, member of parochial council and member of decanal team of the deanery of Saint-Sacrement (Kinshasa/Ngaliema).
- 2000 Observatory on Family Law (public utility service): promoter and director:
- "Regards sur le droit", broadcast about family law, Radio Télévision Nationale Congolaise 2.
 - Project to gather legal data on family law in the "peace courts" of Kinshasa/Gombe and Ngaliema.
 - Schooling project for destitute children.
- 2001 - 2008 "Femme Plus" foundation: Member of the governing council, treasurer:
- Evaluation of the foundation.

Publications, lectures, presentations and tutorials

- Comparative study of the provisions of special criminal law relating to women, in France and Zaire, dissertation for DEA (Diplôme d'études approfondies) in criminal science and criminology (September 1983).
- "*La secrétaire de direction : son statut social et fonctionnel, obligations et droits*", 12 April 1984.

- “Les relations interprofessionnelles dans l’entreprise”, in *Bulletin Cadicec-Information*, no. 42, p. 18 ff.
- “Améliorer les conditions de travail pour un meilleur rendement”, in *Bulletin Cadicec-Information*, no. 43, p.18 ff.
- “La PME et la législation”, in *Bulletin Cadicec-Information*, no. 47, p. 21 ff.
- “Secrétaires de direction, êtes-vous réellement la collaboratrice de votre patron?, I. L’inéluctable nécessité de la formation”, in *Bulletin Cadicec-Information*, no. 48, p. 33 ff.
- “*La protection pénale de la qualité des eaux*”, in *Annales de la Faculté de droit* (Texte collectif, edited by Professor Akele).
- “S’engager, se désengager ... Que dit le Code du travail?”, in *Bulletin Cadicec-Information*, no. 58, p. 23 ff.
- “Liberté d’association, liberté individuelle face à la possibilité d’un pluralisme syndical”, in *Bulletin Cadicec-Information*, no. 62, p. 11 ff.
- ILO report “*Législation sur la Sécurité Sociale*” under a programme to strengthen social welfare in the Democratic Republic of the Congo (1998).
- “*Les Crimes contre l’Humanité en Droit Congolais*”, published in collaboration with Professor Akele Adau, ed. Cepas, Kinshasa, 1999, 80 pages.
- “La situation matérielle de la veuve en droit congolais”, in *Congo-Afrique*, no. 342, February 2000.
- “*Le droit pénal de la famille. Essai d’analyse systémique et axiologique*”, doctoral thesis in law, Aix-Provence, France, 29 June 2001.
- “Droit pénal et liberté religieuse”, presentation at a seminar on Human Rights, Beliefs and Individual Freedoms, organized by the Institute of Human Rights, 2001.
- Research report on “Le droit pénal de la famille. Essai d’analyse systémique et axiologique”, in *Congo-Afrique*, no. 366, Kinshasa, 2002, p. 351 ff.
- “La protection pénale de la famille et de ses membres. Comment la famille et ses membres sont-ils protégés par la loi pénale ... ?”, *ODF Edition*, Kinshasa, 2002.
- “Le juge et le divorce selon le code de la famille”, RCN and Ministry of Justice and Keeper of the Seals, 2002.
- “Les infractions généralement commises dans les milieux familiaux et scolaires”, Kinshasa, seminar to train human rights instructors for schools, organized by the Ministry for Human Rights, 2004.
- “*Observer et protéger la famille. Quelques pistes de recherche appliquée en droit de la famille*”, in *Annales de la Faculté de droit*, University of Kinshasa Press, vol. XI-XXVII, 2004, p. 127 ff.
- “Les violences domestiques faites à la femme au regard de la justice congolaise”, workshop organized by Sofejur, Lubumbashi, March 2004.

- “Existe-t-il des mécanismes internationaux alternatifs à la Cour Pénale Internationale?”, *Accountability Mechanisms for International Crimes: the cases of the Democratic Republic of the Congo and Uganda*, expert meeting, 14 October 2004, Amsterdam.
- “Faut-il une juridiction pénale internationale pour la RDC? (Cas des violences faites aux groupes vulnérables: les femmes, les enfants, les minorités, les réfugiés)”, *Association pour la Renaissance du Congo*, 2004.
- “Les compétences *rationae personae*, *rationae materiae*, *ratione temporis*, *ratione loci* des chambres mixtes”, seminar-workshop on the special mixed chambers in Congolese jurisdictions, organized by the Congolese Coalition for Transitional Justice (CCJT) in association with the International Center for Transitional Justice and the MONUC Human Rights Division, Kinshasa, 7 June 2005.
- “Justice transitionnelle et répression des violences sexuelles faites aux femmes en République Démocratique du Congo”, *Fewer Africa*, Nairobi, 2006.
- “*Inventaire des problèmes que pose le livre 1er du Code pénal congolais*”, in *Actes de l’Atelier sur l’état des lieux du code pénal congolais*, Permanent Commission for the Reform of Congolese Law, Kinshasa, 2006.
- “Droit pénal et liberté religieuse”, seminar organized by the Institute of Human Rights on Human Rights, Beliefs and Religious Freedoms, 2001.
- “Le code de la famille et la protection des mineurs”, refresher training course for magistrates organized by the Ministry for Social Affairs, 2002.
- “L’incidence des nouvelles lois relatives aux violences sexuelles sur la protection de la femme en milieu étudiantin”, *Le Club des Amis du Droit*, UPC, 2007.
- “Des lois indispensables pour la décentralisation effective”, as part of the preparations for the decentralization forum, *Conférence Episcopale Nationale du Congo*, 2007.
- “Des lois indispensables pour l’application de la Constitution du 18 février 2006 de la RDC”, *Editions du Cepas*, October 2007.
- “Protection et autonomisation de la femme et de la jeune fille”, *Le Club des Amis du Droit*, Protestant University of Congo (UPC), 2008.
- “Note d’orientation scientifique sur les objectifs et la méthodologie du séminaire sur les options fondamentales de la réforme du code pénal congolais”, in *Actes du Séminaire-Atelier sur les options fondamentales de la réforme du code pénal congolais*, April 2008.
- “Le droit coutumier congolais”, in *Actes du Séminaire-Atelier sur les options fondamentales de la réforme du code pénal congolais*, April 2008.
- “Quelle stratégie pour combattre la corruption en République Démocratique du Congo?”, in *Actes du Séminaire-Atelier sur les options fondamentales de la réforme du code pénal congolais*, April 2008.
- “Culture et droit pénal”, in *Actes du Séminaire-Atelier sur les options fondamentales de la réforme du code pénal congolais*, April 2008.
- “Le droit des réfugiés”, lecture at the Faculty of Law of the University of Kinshasa on the occasion of World Refugee Day, June 2008.

Supplementary information

Languages

French: Excellency knowledge and fluency

English: Good basic knowledge

Italian: Basic knowledge

Spanish: Basic knowledge

Lingala: Excellent knowledge

Kikongo: Good knowledge

Computing

Excellent command of Pack Office

16. Sow, El Hadji Malick (Senegal)

[Original: French]

Note verbale

The Permanent Mission of Senegal to the United Nations presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to inform the Secretariat that the Government of Senegal has decided to submit the candidacy of Mr. El Hadji Malick Sow for the post of judge at the International Criminal Court, on list A, at the elections scheduled for 19 to 23 January 2009 in New York.

The curriculum vitae of Mr. El Hadji Malick Sow is appended to this note.

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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;
- 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.

17. Tarfusser, Cuno (Italy)

[Original: English]

Note verbale

The Embassy of Italy presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and, with reference to note ICC-ASP/7/S/19 of 15 April 2008, has the honour to inform the Secretariat that the Government of Italy has decided to nominate Mr. Cuno Tarfusser, currently Chief Prosecutor in Bolzano, as a candidate for election as a judge of the International Criminal Court at the elections to be held during the first resumption of the seventh session of the Assembly of States Parties, in New York from 19 to 23 January 2009.

Mr. Cuno Tarfusser fulfils all the conditions for appointment to the highest judicial offices, as stated in article 36, paragraph 3 (a), of the Rome Statute of the Court.

Mr. Tarfusser 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 a judge, prosecutor, advocate or in other similar capacity, in criminal proceedings, in accordance with article 36, paragraph 3 (b) (i) and paragraph 5, of the Rome Statute.

The statement required by article 36, paragraph 4 (a), of the Rome Statute and the curriculum vitae of Mr. Cuno Tarfusser are attached to this note.

...

Statement of qualifications

Statement submitted in accordance with article 36, paragraph 4, 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 International Criminal Court (ICC-ASP/3/Res.6).

The Government of Italy has decided to nominate Mr. Cuno Tarfusser, a senior Italian prosecutor who currently holds the post of Chief Prosecutor in Bolzano, for a post of judge at the International Criminal Court in the elections to be held during the first resumption of the seventh session of the Assembly of States Parties in New York, from 19 to 23 January 2009.

Mr. Tarfusser's curriculum vitae in English is attached hereto.

Mr. Tarfusser is being nominated for inclusion in list A, which is comprised of 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" (article 36, paragraph 3 (b) (i) and paragraph 5, of the Rome Statute).

Mr. Cuno Tarfusser fulfils all the conditions of experience and seniority required for appointment to the highest judicial offices, as stated in article 36, paragraph 3 (a), of the Rome Statute.

Mr. Tarfusser's career has been devoted to criminal law and procedure.

In more than twenty years of judicial activity, Mr. Tarfusser has acted as Deputy Prosecutor and, since 2001, as Chief Prosecutor in Bolzano. He has wide experience in prosecuting several types of crimes. He prosecuted crimes against individuals, child abuse and sexual crimes committed against women and children. He also prosecuted crimes connected with drug trafficking, illegal possession of weapons, explosives and small arms, and terrorist activities. In his tenure as Prosecutor in Bolzano, he also focused on the management of judicial structures and all organizational aspects of jurisdictional activities. In the accomplishment of his duties in the Office of the Prosecutor, as Deputy Prosecutor and as Chief Prosecutor, he acquired a vast experience in international judicial cooperation. During his activities, he has developed several contacts with judicial authorities of other States.

Mr. Tarfusser has judicial expertise on gender issues, including, but not limited to, violence against women.

He is bilingual (Italian and German), fluent in English and has a good knowledge of French.

Mr. Tarfusser, a male, is a national of Italy and does not possess the nationality of any other State.

Personal

Name: Cuno Jakob Tarfusser

Date of birth: 11 August 1954

Nationality: Italian

Education

1969 - 1974 Humanistisches Lyzeum, Bolzano, German-speaking high school.

1974 - 1975 University of Innsbruck, Faculty of Law.

1975 - 1979 University of Padova - Degree in Law.

Judicial career and professional experience

1980 - 1985 Solicitor in a lawyer's office in Padova, Italy.

1985 - 2001 Deputy Public Prosecutor at the Public Prosecution Office of the Bolzano District Court.

As Deputy Prosecutor, Mr. Tarfusser has been involved in conducting an extensive range of investigations and trials concerned with a variety of crimes:

- Crimes against individuals and personal freedom (in particular, sexual violence, rape, paedophilia, child abuse and maltreatment, domestic violence, personal injury, robbery and murder);
- Crimes against the State (terrorism);
- Crimes against the Public Administration (extortion, corruption, abuse of power, embezzlement etc.);
- Trafficking of human beings, drugs and weapons;

- Financial and bankruptcy crimes;
- Smuggling and European Union fraud;
- Organized crime, including economic crimes such as money laundering and forgery, terrorism and corruption. These prosecutorial activities were facilitated by an effective investigation network built up by Mr. Tarfusser in a number of countries.

2001 - 2008 Chief Public Prosecutor at the Public Prosecution Office of the Bolzano District Court.

As head of the Public Prosecutor's Office, Mr. Tarfusser initiated in July 2001 a radical reorganization of staff, including grouping the prosecutors in more specialized working teams. One of these groups, composed of three Deputy Prosecutors and twelve male and female police officers, is specialized in investigating crimes against human rights, with particular reference to child abuse and all types of sexual and physical violence against women and children.

In 2004, under the guidance of Mr. Tarfusser, the Public Prosecutor's Office started a complex and complete project of reorganization of the working processes by implementing a modern and certifiable organization model which included the optimization of resources. In 2005, the Public Prosecutor's Office published the first Charter of Services for the Citizen. Since 2005, the Public Prosecutor's Office publishes every year the social balance accounting and, in 2007, the Public Prosecutor's Office obtained, as the first judicial office ever, the ISO 9001:2000 certification.

All this has resulted in a reduction in judicial costs of about 70 per cent, far higher standards and quality of service and, consequently, a better relationship with members of the public and those professionals who interact daily with the Public Prosecutor's Office (judges, lawyers, police and citizens).

The organizational model implemented at the Public Prosecution Office in Bolzano is now considered to be a model for the entire justice administration in Italy and as a best practice to be extended to other judicial offices.

2007 - 2008 Expert in court management at the Ministry of Justice.

Teaching assignments

1988	Teaching criminal procedures at the Police Academy of Bolzano.
February 1996	Lecturer at the Police Academy in Münster (Germany) in Italian legislation on combating organized crime.
1996 - 1997	Lecturer in criminal procedures at the Faculty of Law of the University of Innsbruck for Italian students of criminal procedural matters.
1996 and 2000	Teaching investigation techniques and international cooperation at the Customs Department of the Ministry of Finance.
2001 - 2004	Lecturer in criminal procedures at the Specialization School for Legal Professions, University of Trento and Verona.

- 2007 - 2008 Lecturer in court management at the University of Bari, Faculty of Law; Inland Revenue Police Academy in Rome; University of Messina, Faculty of Law.
- 2008 Lecturer in business management (Master's level) at the University of Verona, Faculty of Law.
- 2008 Lecturer in work processes organization and the management of human resources at the University of Padova, Faculty of Psychology.
- 2008 Lecturer in organization of judicial offices and optimization of resources at the University of Bologna, Faculty of Political Sciences.

Judicial experience, missions and presentations abroad

Rogatory commissions in several countries, such as, Germany, Austria, France, Liechtenstein, Switzerland, Luxembourg, the United Kingdom, the Netherlands, Denmark, Spain, Belarus and the Dominican Republic.

- October 1995 Vienna, "The Italian legislation on combating organized crime".
- September 1997 Graz, "Particular technical investigation techniques".
- June - July 1998/
September 2001 Wustrau (Germany), Judges Academy, "The position of the Italian Public Prosecutor".
- June 2000 Innsbruck, "The preliminary investigations in the Italian criminal procedure".
- September 2000 Baden, presentation on "Money laundering and reinvestment in legal economic and financial activities".
- November 2001 Munich, Tax Office of the European Commission, presentation on "Confiscation of the proceeds of crime: legal basis and practice in Italy".
- September 2002 Munich, Tax Office of the European Commission, presentation on "Cross border investigations in the area of organised crime".
- November 2002/
April 2003/
March 2004 Sofia, short-term expert in the twinning programme "Strengthening of the Public Prosecution Office in Bulgaria".
- June 2006 Como, International Conference on Open Source Systems (OSS), presentation on "E-justice and Open Source".
- September 2007 Trier, German Judges Academy, presentation on "The magistrate in the Italian legal system".
- January 2008 Munich, congress on "The protection of the economic interest of the European Union by combating corruption: The legal instruments in the Italian legislation".

April 2008 Luxembourg, European Institute of Public Administration (EIPA), presentation on “ISO 9000:2001 as a framework for quality management: The experience of the Public Prosecution Office in Bolzano”.

Hosting foreign delegations

Mr. Tarfusser hosted many visits to the Public Prosecutor’s Office of Bolzano from several delegations, especially from German-speaking countries like Germany, Austria and Switzerland, but also from other countries, such as Bulgaria and, recently, China.

Language skills

Bilingual (Italian and German), fluent in English and a good knowledge of French.

18. Thomassen, Wilhelmina (Netherlands)

[Original: English]

Note verbale

The Ministry of Foreign Affairs presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and, with reference to note ICC-ASP/7/S/19 of 15 April 2008, has the honour to inform the Secretariat that the Government of the Netherlands has decided to nominate Mrs. Wilhelmina Thomassen, currently Justice of the Supreme Court of the Netherlands, as a candidate for election as a judge of the International Criminal Court at the elections to be held during the first resumption of the seventh session of the Assembly in New York from 19 to 23 January 2009.

Mrs. Thomassen is nominated for election under the terms of article 36, paragraph 4 (a) (ii), of the Rome Statute of the International Criminal Court, i.e. by the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court.

Mrs. Thomassen 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.

The statement prepared in accordance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court and the curriculum vitae of Justice Thomassen are attached to this note.

...

Statement of qualifications

Statement submitted in accordance with paragraph 6 of resolution ICC-ASP/3/Res.6 of the Assembly of States Parties relating to the procedure for the nomination and election of judges to the International Criminal Court

The Government of the Netherlands has decided to nominate Mrs. Wilhelmina Thomassen, currently Justice of the Supreme Court of the Netherlands, for election as a judge of the International Criminal Court at the elections to be held during the first resumption of the seventh session of the Assembly of States Parties scheduled for 19 to 23 January 2009 in New York.

The nomination of Mrs. Thomassen as a list A candidate is in accordance with article 36, paragraph 3 (b) (i) and paragraph 5, of the Rome Statute of the International Criminal Court.

Mrs. Thomassen, whose curriculum vitae is attached in English, French and Spanish, is an experienced judge, versed in criminal law, as stipulated by article 36, paragraph 3 (b) (i). She started her career as a defence lawyer (1975 - 1986). Subsequently, she became a judge at the The Hague District Court (1986 - 1991) and later a justice of the Court of Appeal of The Hague (1994 - 1997). In both courts she was appointed Vice-President. Since 2004, she has been a member of the Criminal Division of the Supreme Court of the Netherlands.

In her extensive career as a judge, Mrs. Thomassen heard numerous complex criminal cases. In many of them she was a presiding judge and for several years she was an investigating judge in cases involving organized crime. She therefore acquired a vast experience in criminal law and criminal procedural law.

Mrs. Thomassen also established an international track record, among others as a judge of the European Court of Human Rights (1998 - 2004). Her international experience led to her appointment in 2006 as professor of international human rights law at Erasmus University Rotterdam.

Besides criminal law and international human rights law, Mrs. Thomassen has always taken an active interest in family and juvenile law, more specifically in the situation of women and children. She has been a children's magistrate for three years, dealing with cases concerning child protection. As a defence lawyer and as a judge she has been involved in cases concerning violence against women.

With a long-standing career as a judge, Mrs. Thomassen fulfils all the conditions of character, impartiality and integrity required for appointment to the highest judicial offices as stipulated by article 36, paragraph 3 (a), of the Rome Statute of the International Criminal Court.

Mrs. Thomassen is fluent in French and English, and therefore meets the criteria set out in article 36, paragraph 3 (c), of the Rome Statute of the International Criminal Court.

Mrs. Thomassen is of Dutch nationality.

Personal

Name: Wilhelmina Maria Elisabeth Thomassen

Date of birth: 8 September 1949, Rotterdam, the Netherlands

Nationality: Dutch

Judicial career

2004 - present Justice of the Supreme Court of the Netherlands (Hoge Raad der Nederlanden), Member of the Criminal Division.
Ad-hoc judge of the European Court of Human Rights, Strasbourg.

1998 - 2004 Judge of the European Court of Human Rights, Strasbourg.
Vice-President of the Court's First Section from May 2000 to November 2001.
Member of the Working Party on Rules of Court.

1997 - 1998 Justice and Vice-President of the Court of Appeal of The Hague.
Child protection and family law cases.

1994 - 1997 Vice-President of the District Court of The Hague.
Senior investigating judge in criminal cases involving organized crime.

- 1991 - 1994 Legislative adviser, Ministry of Justice.
Child protection and data protection.
- 1986 - 1991 Judge of the District Court of The Hague.
Criminal law and family law cases.
- 1975 - 1986 Lawyer, member of the Bar of Rotterdam and The Hague.
Criminal, private and family law.
- 1974 Master's Degree in Law, Leiden University.

Extracurricular posts and activities

- 2006 - present Professor of international human rights law, Erasmus University, Rotterdam.
- 2006 - present Deputy Chair of the Netherlands Helsinki Committee.
- 2006 - present Member of the Advisory Board of the *NJCM bulletin*, Dutch journal on human rights law.
- 2006 - present Member of the Human Rights Committee of the Dutch Advisory Council on International Affairs, an independent government advisory body.
- 2005 - 2007 Member of the editorial staff of *Nederlandse Jurisprudentie*, Dutch journal on national and European case law.
- 2004 - 2007 Deputy Chair of the Dutch Press Council.
- 1996 - 1998 Member of the Dutch Steering Committee on Strengthening Judicial and Legislative Systems in Moldova (a United Nations Development Programme project).
- 1994 - 1998 Member of the editorial staff of *Tijdschrift voor Familie- en Jeugdrecht*, Dutch journal on family and juvenile law.
- 1994 - 1997 Chair of the Dutch Association of Investigating Judges.
- 1992 - 1996 Vice-President of the Dutch Disciplinary Board for Maritime Pilots.

Training courses given and lectures held

- October 2007 The Hague (The Hague Institute for the Internationalisation of Law/Maison Descartes): lecture on "Égalité des Armes" at a conference on "Best Practices in criminal proceedings: how to adjudicate the most serious crimes?".
- May 2007 Salzburg (Europäisches Forum Alpach/University of St. Gallen): lecture on "The role of courts in international constitutional and human rights law" at a conference on "The role of courts in international law".

- March 2007 San Marino (Council of Europe): lecture on “Les rapports entre la Cour européenne des droits de l’homme et les États parties à la Convention” at a conference on “The future of the European Court of Human Rights”.
- January 2007 Rotterdam (Erasmus Law School): lecture on “Legitimacy and reasoning” at a conference on “The Legitimacy of Highest Courts”.
- October 2006 Paris (Council of Europe/Court of Cassation): lecture on “Le filtrage des affaires devant les cours suprêmes d’un point de vue de la Convention européenne des droits de l’homme” at the Conference of Presidents of European Supreme Courts on “Access to the Supreme Court: trends and prospects”.
- June 2006 The Hague (The Hague Institute for the Internationalisation of Law): lecture on “The European Convention of Human Rights and the position of the national judge” at The Hague Colloquium on Fundamental Principles of Law.
- May 2006 Utrecht (University of Utrecht): lecture on “The margin of appreciation in the case law of the European Court of Human Rights in respect of the manifestation of religion” at a conference on “Religion and Human Rights”.
- July 2005 The Hague: lecture on “Institutional challenges facing the European Court of Human Rights” at The Hague Joint Conference on Contemporary Issues of International Law.
- February 2005 The Hague Peace Palace (Club Judiciaire): “Le Hoge Raad et l’application de la Convention européenne des droits de l’homme”, lecture on the application of the European Convention of Human Rights by the Supreme Court of the Netherlands.
- October 2004 Strasbourg (Council of Europe): “L’évolution de la structure familiale” at a conference on “Le code civil et l’Europe: influences et modernité”.
- 1998 - 2004 Ankara, Cyprus, The Hague, Pristina, London, Paris, Sarajevo, Strasbourg: training courses and lectures on the European Court of Human Rights, its organization and case law for judges, prosecutors, lawyers, academics and civil servants.
- November 2003 The Hague (Council of Europe): lecture on “Living together with differences” at a seminar on “Fundamental rights in a pluralistic society”.
- May 2003 Athens: lecture on “Organised crime and human rights” at the second European Jurist Forum.
- March 2002 Brussels (European Commission): lecture on “The quality of judgments” at a seminar on “The quality of justice”.
- September 2001 Leiden University: lecture on the “Globalisation of evidence in criminal cases”.

- July 2001 St. Petersburg (World Bank): lecture on “The quality of judgments” at the Europe and Central Asia Regional Forum on legal and judicial reform.
- June 2001 Paris (École Nationale de la Magistrature): “La notion de proportionnalité dans la jurisprudence de la Cour européenne des droits de l’homme” at a seminar on “L’acte de juger”.
- April 2001 The Hague: lecture on “Evidence in cases concerning the right to life” for staff of the International Criminal Tribunal for the former Yugoslavia.
- November 2000 London (Institute of Global Law, University College, London): lecture on “The Convention, the Human Rights Act 1998, and the Charter of Fundamental Rights of the European Union, a plethora of instruments of human rights?”.
- April 2000 London (Judicial Studies Board): training course for British judges on the case law of the European Court of Human Rights on the occasion of the entry into force of the Human Rights Act.
- 1994 - 1997 Bulgaria, Czech Republic, France, Lithuania, Moldova, the Netherlands, Slovakia and Ukraine: training courses and lectures for judges, prosecutors, lawyers, professors, civil servants and students on the application of the European Convention on Human Rights in the domestic legal systems of these countries.

Honours

- October 2007 Appointed *Chevalier dans l’ordre national de la Légion d’Honneur* by the French Republic for her commitment to the promotion of human rights in Europe.

Publications

- “De rol van de rechter in het internationale recht” (The role of courts in international law) in: *Liber Amicorum Bert van Delden* (The Hague, Boom, 2007).
- “Publication of judgments on the internet” (with Willibrord Davids) in: *Human Rights, Democracy and the Rule of Law. Liber Amicorum Luzius Wildhaber* (Zurich/Sankt Gallen, Nomos, 2007).
- “Fundamentele waarden in het recht” (Fundamental values and the law) (Rotterdam, Boom, 2007).
- “Het geheim van de raadkamer en de dissenting opinion” (The secret of courts’ deliberations and the dissenting opinion) in: *Nederlands Juristenblad*, vol. 81. no. 12 (2006).
- “Een stage bij de Cour de cassation in Parijs” (a report of two weeks’ participation in the deliberations of the French Court of Cassation) in: *Trema* (2006, no. 7).
- “Six Years as a Judge in the European Court of Human Rights 1998/2004” in: *Netherlands Quarterly of Human Rights*, vol. 22, no. 4 (2004).

- “Samenleven met verschillen” (Living together with differences) in: *Gelijkheid en (andere) Grondrechten* (Kluwer, Deventer 2004).
- “Pour le droit de recours individuel” (with Josep Casadevall, Marc Fischbach and Françoise Tulkens) in: *La réforme de la Cour européenne des droits de l’homme. Droit et Justice*, vol. 48 (2003).
- “Het individuele klachtrecht moet behouden blijven!” (The right of individual petition should be protected) in: *NJCM-bulletin*, vol. 28, no. 1 (2003).
- “Het Europese Hof voor de Rechten van de Mens in de 21e eeuw” (The European Court of Human Rights in the 21st century) in: *NJCM-Bulletin*, vol. 25, no. 3 (2000).
- “De bijdrage van de rechter aan de menselijke samenleving in Europa” (The contribution of the courts to a humane society in Europe) in: *Trema*, vol. 18, no.2 (1999).
- “Recht op een rechter” (Access to court) in: *Ars Aequi Libri Prinsengrachteeks* (1999).
- “Ontwikkeling van de taak en de plaats van de kinderrechter in het civiel recht en het strafrecht” (The powers of the childrens’ judge) in: *De kinderrechter, reden tot vreugde?* (Kluwer, Deventer 1998).
- “Adoptie en medegezag” (Adoption and joint custody) in: *Tijdschrift voor Familie en Jeugdrecht*, no. 4 (1996).
- “Minderjarigheid en ouderlijk gezag” (Minors and parental custody) in: *Nederlands Juristenblad*, no. 38 (1994).
- “De juridische afstammings-relatie tussen moeder en kind” (Parentage between mother and child) in: *Nemesis*, no. 3 (1994).
- “Adoptie in het licht van de mensenrechten” (Adoption and human rights) in: *Tijdschrift voor Familie en Jeugdrecht* (1994).
- “De grenzen van interventie in familierelaties” (The limits of state intervention in family life) in: *Nederlands Juristen Blad* (1993).

Language skills

Dutch:	Mother tongue
French:	Fluent (reading, writing and speaking)
English:	Fluent (reading, writing and speaking)
German:	Good (reading, writing and speaking)

19. Thompson, Rosolu John Bankole (Sierra Leone)

[Original: English]

Note verbale

The Permanent Mission of the Republic of Sierra Leone to the United Nations presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to inform that the Government of Sierra Leone has decided to nominate Judge Rosolu John Bankole Thompson as a judge of the International Criminal Court, at the elections to be held during the first resumption of the seventh session of the Assembly of States Parties, scheduled from 19 to 23 January 2009 in New York. The nomination of Judge Bankole Thompson is made in accordance with article 36, paragraph 4 (a) (i) and (ii), of the Rome Statute.

While Judge Bankole Thompson can fit into any of the categories specified in article 36, paragraph 5, of the Rome Statute, the Government of Sierra Leone has nominated him as a judge of the International Criminal Court for inclusion in list A for the purposes of article 36, paragraph 5. Judge Bankole Thompson has held high judicial offices in his home country, Sierra Leone, and is one of the candidates from the African Region. A statement of Judge Bankole Thompson's qualifications and experience is attached herewith. A statement is also submitted in accordance with article 36, paragraph (4) (a), of the Rome Statute and paragraph 6 of resolution ICC-ASP/3/Res.6.

...

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 resolution ICC-ASP/3/Res.6.

Judge Rosolu John Bankole Thompson is the Sierra Leone candidate for judge of the International Criminal Court. His career objective as a member of the legal profession, being very much persuaded that human aspirations cannot be realized outside the context of organized civil society, is to contribute to the global awareness that our modern civilization, with all its educational, scientific and technological sophistication remains nothing but a fragile veneer without preservation of the rule of law and the fair and impartial administration of justice, nationally and internationally.

Judge Bankole Thompson has been a member of the academic community. In this regard, he has contributed to the exploration and appreciation of the intricacies, complexities and diversity of mankind's intellectual, cultural and social heritage in so far as manifested in the evolution and application of the rule of law. As a judge of Trial Chamber I of the Special Court for Sierra Leone, he has contributed enormously to the jurisprudence of the Court and thus to international humanitarian and human rights law.

Judge Bankole Thompson demonstrated an established competence in criminal law and procedure as a judge of the High Court of Sierra Leone and as a Professor, both in Sierra Leone and the United States of America. He has also demonstrated an established competence in international law as a judge of the Special Court for Sierra Leone.

Judge Bankole Thompson is a fit and proper person to be a judge of the International Criminal Court.

Personal**Education**

- Ph.D. (Law) (1976), University of Cambridge (Christ's College). Dissertation: Law and Government in Sierra Leone (1961 - 1973).
- M.A. (Law) (1971), University of Cambridge.
- LL.B. Hons. (Second Class Upper) (1969), University of Cambridge.
- M.A. (Philosophy) (1965), University of Durham (Fourah Bay College, Sierra Leone).
- B.A. (Liberal Arts) (1961), University of Durham (Fourah Bay College, Sierra Leone).

Professional training

- B.L. (1970), Council of Legal Education, London, England, followed by admission to the English Bar.
- Diploma in Education (1962), University of Durham (Fourah Bay College, Sierra Leone).

Awards and honours

- Outstanding Teaching Award (1993) from Alpha Phi Sigma, a Criminal Justice Honours Society, Kent State University, Kent, Ohio.
- Distinguished Teaching Award (1991) from Lambda Alpha Epsilon, a Criminal Justice Honours Society, Kent State University, Kent, Ohio.
- Distinguished holder of the David L. Brennan Endowed Chair of Law (1988), University of Akron, Law School, Akron, Ohio.
- Certificate of Recognition (1988), from Ohio House of Representatives to mark appointment to the Brennan Chair of Law.
- Certificate of Exceptional Achievement (1986), from the State of Michigan for outstanding leadership and dedication to law and justice in the improvement of the quality of life for humanity.
- Education Travel Grant (1986), sponsored by Operation Crossroads Africa Inc., New York, for a study tour of legal institutions in the United States of America.
- United Kingdom Commonwealth Fellowship Award (1966) to pursue law in England.

Papers presented at academic and professional meetings

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| March 2000 | “Human Rights Violations in Africa: Challenges to International Criminal Justice”, guest lecture delivered to the Ohio State Student Bar Association, College of Law, Ohio State University, Columbus, Ohio. |
| February 2000 | “Criminal Law Systems in Africa: Modernization Efforts and Prospects”, at a joint meeting of the Centre for African Studies and the College of Law, Ohio State University, Columbus, Ohio. |

- February 2000 “Britain’s Constitutional and Juridical Legacies in Commonwealth Africa”, meeting of the Centre for African Studies, Central State University, Wilberforce, Ohio.
- February 2000 “Judicial Independence and Protection of Human Rights in Africa”, guest lecture delivered to an International Law class, Ohio State University, Columbus, Ohio.
- March 1999 “Jury Nullification: Its Uses and Perils in American and English Criminal Laws: A Socio-Legal Historical Perspective”, annual meeting of the Academy for Criminal Justice Sciences, Orlando, Florida.
- March 1997 “Community Policing: Conceptual Problems and Implications for the Institution of Legality” (co-authored with Vic Bumphus), annual meeting of the Academy of Criminal Justice Sciences, Louisville, Kentucky.
- September 1996 “Press Freedom and Right to Fair Trial: A Study of Two Jurisdictions”, annual meeting of the Midwestern Criminal Justice Association, Indianapolis, Indiana.
- September 1993 “Juvenile Justice in Sierra Leone”, annual meeting of the Midwestern Criminal Justice Association, Chicago, Illinois.
- March 1992 “Crime and Justice in Sierra Leone: An Agenda for Research”, annual meeting of the Academy of Criminal Justice Sciences, Pittsburgh, Pennsylvania.
- February 1991 “Social Justice in the United States: Problems, Challenges and Responses”, to faculty and students, Kent State University, Salem Campus, Salem, Ohio.
- November 1990 “Constitutionalism in Sierra Leone: Past, Present and Future”, a keynote address, Association of Sierra Leoneans Abroad and the Howard University African Students Association, Washington, D.C.
- October 1990 “Trafficking and Disposal of Hazardous Wastes: International Law Implications”, presentation made to the International Law Society, University of Akron, School of Law, Akron, Ohio.
- March 1990 “Legal Problems of Economic Integration in the West African Sub-Region”, Second Annual Conference of the African Society of International and Comparative Law, Annaba, Algeria.
- November 1988 “Rape in Traditional African Society” (co-authored with Dr. Edna Erez), presented *in absentia* at the American Society of Criminology Annual Meeting, Chicago, Illinois.
- April 1988 “Legal Pluralism in Sierra Leone: Some Anachronisms”, Faculty Symposium, University of Akron, School of Law, Akron, Ohio.
- April 1988 “Law and Development in West Africa”, guest lecture delivered to a Political Science class, Kent State University, Kent, Ohio.

- April 1988 “The Law of Constitutional Breakdowns: Judicial Innovation: Its Uses and Perils - Commonwealth Experience”, Faculty Colloquium, Political Science Department, Kent State University, Kent, Ohio.
- March 1988 “General Defenses to Criminal Liability: Judicial Perspectives”, guest lecture delivered to a class on Criminal Law at the University of Akron, School of Law, Akron, Ohio.
- March 1988 “Drug-Testing: Some Fundamental Conceptual and Juristic Problems”, guest lecture delivered to a Constitutional Law Class, University of Akron, School of Law, Akron, Ohio.
- April 1986 “The Law, the State and the Individual”, keynote speech, Ninth Annual Conference of the Sierra Leone Bar Association, Freetown, Sierra Leone.
- April 1984 “Legal Rights of Women in Sierra Leone”, presented at a meeting of the Sierra Leone United Nations Association, Freetown, Sierra Leone.
- April 1984 “The Judicial Function in the Sierra Leone Society”, presented at the Sixth Annual Conference of the Sierra Leone Bar Association, Freetown, Sierra Leone.
- 1984 “Human Values: Legislative and Legal Aspects”, presented at a meeting of the Sierra Leone Association of University Women, Freetown, Sierra Leone.
- April 1983 “Law Reform in a Developing Country: Sierra Leone Reflections”, presented at the Fifth Annual Conference of the Sierra Leone Bar Association, Freetown, Sierra Leone.
- April 1979 “Legal Aspects of Economic Integration: The Mano River Union Experience”, presented at the First Annual Conference of the Sierra Leone Bar Association, Freetown, Sierra Leone.

Articles published (refereed)

- “Drug-testing: Fundamental Conceptual and Juristic Problems”, *Akron Law Review*, vol. 22, no. 2, Fall 1988, pp.123-132, Ohio, United States of America.
- “Internal Conflicts in Marriage and Inheritance Laws in Sierra Leone: Some Anachronisms”, *African Journal of International and Comparative Law*, vol. 1, Part 3, June 1991, pp. 346-360, London, England.
- “Legal Problems of Economic Integration in the West African Sub-Region”, *African Journal of International and Comparative Law*, vol. 2, part 1, March 1990, pp. 85-102, London, England.
- “Rape in Sierra Leone: Conflict Between the Sexes and Conflict of Laws” (co-authored with Dr. Edna Erez), *International Journal of Comparative and Applied Criminal Justice*, vol. 2 (Winter issue), December 1990, pp. 201-210, Kansas, United States of America.

- “Married Women's Property Rights in Sierra Leone: Legislative and Judicial Trends Towards Liberalization - A Historical Survey”, *African Journal of International and Comparative Law*, vol. 3, part 1, June 1991, pp. 346-360, London, England.
- “Africa's Charter on Children's Rights: A Normative Break with Cultural Traditionalism”, *International and Comparative Law Quarterly*, vol. 41, Part 2, April 1992, pp. 432-444, London, England.
- “Spatial Diffusion of the Ombudsman Institution: African Adaptations of a European Innovation - The Consolidation Problem”, *The Ombudsman Journal*, No. 10, 1992, pp. 57-66, Alberta, Canada.
- “Illegitimacy in Sierra Leone Law: A Lingering Anachronism - Comparative Perspectives”, *African Journal of International and Comparative Law*, vol. 4, part 3, October 1992, pp. 728-738, London, England.
- “Economic Integration Efforts in Africa: A Milestone - The Abuja Treaty”, *African Journal of International and Comparative Law*, vol. 5, part 4, December 1993, pp. 743-767, London, England.
- “Emerging Trends and Influences in African Organized Crime” (co-authored with Dr. Gary Potter), *Criminal Organizations*, vol. 11, 1997, pp. 4-9, United States of America.
- “Prosecutorial Misconduct in Capital Cases in the Commonwealth of Kentucky: A Research Study (1976 - 2000)” (co-authored with Professor Roberta Harding), *The Advocate*, Kentucky, vol. 25, No. 1, January 2003, pp. 14-25.

Books published

- “The Constitutional History and Law of Sierra Leone (1961 - 1995)”, The University Press of America Inc., Lanham, Maryland, 1997.
- “The Criminal Law of Sierra Leone”, The University Press of America Inc., Lanham, Maryland, 1999.
- “American Criminal Procedures”, Carolina Academic Press, Durham, North Carolina, 2007, co-authored with Dr. James Anderson.

Published manual

- “Gentium Lex Lux”, A Ministry of Education publication on the radio broadcast series of the same author entitled “Law for Six”, Freetown, Sierra Leone, 1977.

Book chapters

- “The Criminal Justice System in Sierra Leone”, in: Obi Ebbe [ed.], *Comparative and International Criminal Justice Systems*, published by Butterworth-Heinemann, Boston, Massachusetts, 1996, pp. 83-102.
- “Due Process and Legal Pluralism in Sierra Leone: The Challenge of Reconciling Contradictions in the Laws and Cultures of a Developing Nation”, in: Fields, C. and Richter Moore Jr. (eds.), *Comparative International Criminal Justice Systems*, Waveland Press Inc., Prospect Heights, Illinois, 1996, pp. 344-361.

- “Victimization of Women in African Society: Conflict Between the Sexes and Conflict of Laws”, in: Fields, C. and Richter Moore Jr. (eds.), *Comparative and International Criminal Justice Systems*, (2nd ed.) Waveland Press Inc., Prospect Heights, Illinois, 2005, pp. 33-54.

Work experience (professional and academic)

January 2007 - present	Interim Director, Sierra Leone Law School, Sierra Leone.
March 2003 - present	Member, Trial Chamber I, Special Court for Sierra Leone (a United-Nations-backed war crimes tribunal).
June 2006 - June 2007	Presiding Judge, Trial Chamber, Special Court for Sierra Leone.
2004 - 2006	External Examiner, University of Sierra Leone, LL.B (honours) degree programme.
July 2005 - July 2007	External Examiner, Sierra Leone Law School, Sierra Leone.
June 2001 - March 2003	Dean of Graduate Studies, Graduate School, Eastern Kentucky University, United States of America.
August 1995 - March 2003	Professor (tenured), Department of Criminal Justice and Police Studies, College of Justice and Safety, Eastern Kentucky University, United States of America. (<i>Presently on leave of absence.</i>) Duties: (i) taught Critical Issues in Criminal Justice, Comparative Criminal Justice, Criminal Law and Judicial Process at the undergraduate level; (ii) taught Legal Issues in the administration of Criminal Justice, Theses I and II at the graduate level; (iii) conducted research; and (iv) student advising.
August 1994 - July 1995	Associate Professor (tenured), Department of Criminal Justice Studies, Kent State University, United States of America. Duties: (i) taught graduate and undergraduate courses in Criminal Law, Criminal Procedure and Evidence, Civil Law and Procedure, Court functions; (ii) conducted research; and (iii) student advising.
August 1990 - May 1994	Assistant Professor (tenure-track), Department of Criminal Justice Studies, Kent State University, United States of America. Duties: (i) taught undergraduate courses in Criminal Law, Criminal Procedure and Evidence, Civil Law and Procedure, Court functions, Law and Society, and graduate course in Law, Justice and Society; (ii) conducted research; and (iii) student advising.
August 1987 - May 1990	Distinguished Visiting Professor, Departments of Pan-African Studies, Criminal Justice Studies, and Political Science, Kent State University, United States of America.

- Duties: (i) taught undergraduate and honours courses in Problems of Law in Africa, Crime and Punishment in Africa, African Political Systems, Critical Issues in Criminal Justice, Introduction to Criminal Justice, Constitutional Law, Law and Society, and Comparative Law; and (ii) conducted research.
- Spring 1988 Distinguished holder of the David L. Brennan Chair of Comparative Constitutional Law, University of Akron, School of Law, Akron.
Duties: (i) taught graduate seminar on Comparative Constitutional Law, guest lecturer to various classes and conducted a symposium for faculty; and (ii) conducted research.
- October 1981 - July 1987 High Court Judge of Sierra Leone, West Africa.
Duties adjudicated, (at original level) civil and criminal cases. Exercised appellate jurisdiction over magistrates courts. Also served as Resident Judge, Bo, Sierra Leone (1985 - 1987).
- 1985 - 1987 External Examiner, University of Sierra Leone, Sierra Leone, West Africa.
- 1984 - 1987 Law Reform Commissioner, Sierra Leone Law Reform Commission.
- 1982 - 1984 Part-time Lecturer, University of Sierra Leone.
Courses taught: Constitutional Law and Jurisprudence (undergraduate and honours).
- December 1977 - August 1981 Legal Officer, Mano River Union (West Africa), an intergovernmental organization comprising Sierra Leone, Liberia and Guinea.
Duties: gave legal advice and opinions on various aspects of the organization's activities, also drafted international agreements to which the organization was a party. Travelled extensively internationally.
- 1971 - 1977 State Attorney, Attorney-General's Office, Sierra Leone. Attained rank of Principal State Attorney.
Duties: Prosecution of felony criminal cases before the High Court and arguing of complex constitutional and criminal appeal cases for the State before the Appellate Courts of Sierra Leone. Won some landmark criminal and constitutional law cases.
- 1970 - 1971 Part-time Lecturer in Law, Cambridgeshire College of Arts and Technology, Cambridge, England. Taught the English Legal System and the Law of Tort.
- 1962 - 1966 High School Teacher, Prince of Wales School, Freetown, Sierra Leone. Taught at senior school level English language and literature, Latin and logic. Was in charge of the school's Senior Literary and Debating and Drama Societies.

Recent judicial seminars attended

- 30 April - 1 May 2005 The Special Court for Sierra Leone; Gender Seminar for the Judges of the Special Court. Theme: "Gender Justice in International Law and Tribunals", Freetown, Sierra Leone.
- 25 - 28 June 2004 The International Criminal Tribunal for the former Yugoslavia (ICTY), The Hague; Inter-tribunal exchange of the Judges of the ICTY and the Special Court for Sierra Leone. Theme: "Working Visit of the Judges of the Special Court for Sierra Leone to the International Criminal Tribunal for the former Yugoslavia", The Hague, the Netherlands.
- 20 - 26 July 2003 Brandeis University, Brandeis Institute for International Judges; Theme: "The New International Jurisprudence: Building Legitimacy for International Courts and Tribunals", Salzburg, Austria.

Membership of professional associations and societies

- The Honourable Society of Inner Temple, London, England.
- The African Society of International and Comparative Law, London, England.
- The International Society of Family Law, Cambridge, England.
- The Midwestern Criminal Justice Association, Illinois, United States of America.

20. Van den Wyngaert, Christine (Belgium)

[Original: French]

Note verbale

The Permanent Representation of Belgium to the international organizations in The Hague presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to inform it that the Belgian Government has decided to nominate Ms. Christine Van den Wyngaert as a candidate for the post of judge at the International Criminal Court, at elections to be held during the first resumption of the seventh session of the Assembly of States Parties in New York from 19 to 23 January 2009.

Pursuant to the provisions of article 36, paragraph 3 (b) (i) and paragraph 5, of the Rome Statute, it is Belgium's wish that Ms. Christine Van den Wyngaert should be a candidate on list A.

As can be seen from her curriculum vitae, annexed hereto, quite apart from her legal training and her internationally acclaimed academic distinction in criminal law, Ms. Christine Van den Wyngaert's career is unique in terms of her international judicial experience, which extends from the International Court of Justice as a judge ad hoc, to the International Criminal Tribunal for the former Yugoslavia as a judge *ad litem* from 2003, and as a permanent judge since 2005.

Ms. Christine Van den Wyngaert holds numerous academic distinctions and has served repeatedly as an expert to governmental and non-governmental organizations in a range of fields extending from human rights and anti-fraud to terrorism. This complementarity of experience and approaches in international law is testimony to her mastery of the legal sphere in all its complexities.

Ms. Van den Wyngaert has a perfect command of the French and English languages, as well as Dutch, her mother tongue. Her use of French and English in her academic work and the number of works and articles she has edited and published in these languages are proof of her in-depth knowledge of the two working languages of the Court.

...

Statement of qualifications

Detailed document submitted pursuant to article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court and to paragraph 6 of resolution ICC-ASP/3/Res.6 of the Assembly of States Parties on the procedure for the nomination and election of judges of the international Criminal Court.

On a proposal from the Nomination and Appointments Committee of the High Council for Justice, which proposes candidates for senior posts in the Belgian judiciary and is also responsible for recommending Belgian candidates for judicial appointments at the International Criminal Court, the Belgian Government has decided to nominate Ms. Christine Van den Wyngaert, currently judge at the International Criminal Tribunal for the former Yugoslavia, as candidate for the post of judge at the International Criminal Court in the election scheduled to be held during the first resumption of the seventh session of the Assembly of States Parties from 19 to 23 January 2009 in New York.

Pursuant to article 36, paragraph 3 (b) (i) and paragraph 5, of the Rome Statute of the International Criminal Court, Ms. Van den Wyngaert's candidacy is presented as a list A nomination.

As can be seen from her curriculum vitae appended hereto, and in addition to her legal qualifications and her internationally recognized academic skills in criminal law, Ms. Van den Wyngaert has had a unique career path, marked by an accumulation of experience as an international judge, from the International Court of Justice – as judge ad hoc – to the International Criminal Tribunal for the former Yugoslavia – as judge ad litem since 2003, then as permanent judge since 2005.

As holder of numerous academic awards, Ms. Van den Wyngaert also had occasion to serve many times in a consultancy capacity to both governmental and non-governmental organizations, in fields ranging from human rights issues to terrorism and measures to combat fraud.

Ms. Van den Wyngaert has perfect command of French and English, in addition to her native Dutch. Her academic practice of these languages, as well as the numerous books and articles written and published by her in those languages, demonstrate her thorough knowledge of the Court's two working languages.

Ms. Van den Wyngaert is of Belgian nationality.

Personal

Name: Christine Van den Wyngaert

Born: Antwerp, Belgium, 1952

Nationality: Belgian

Current occupation

Judge, International Criminal Tribunal for the former Yugoslavia, The Hague.

Legal education

Licenciée en droit, Free University of Brussels (1974, magna cum laude).

Licenciée en criminologie, Free University of Brussels (1975, cum laude).

Docteur en droit (Ph.D.), Free University of Brussels (1979, summa cum laude).

Languages

Dutch, English and French: fully proficient.

Italian and German: very good working knowledge.

Spanish: basic knowledge.

International judicial career

- 2000 - 2002 Judge ad hoc, International Court of Justice (Congo–Belgium case).
- 2003 - 2005 Judge *at litem*, International Tribunal for the former Yugoslavia.
- 2005 - present Permanent Judge, International Tribunal for the former Yugoslavia.

Academic career

- 1974 - 1984 Research fellow, National Fund for Scientific Research.
- 1985 - 2005 Professor of Law, University of Antwerp, chair of criminal law and procedure (Belgian Criminal and Procedure, Comparative Criminal Law and Procedure and International and European Criminal Law).
- 1996 - 1997 Visiting Fellow, University of Cambridge, United Kingdom (Centre for European Legal Studies (1994 - 1996), Research Centre for International Law).
- 2001 Visiting professor, Law Faculty of the University of Stellenbosch (South Africa).

Academic awards

- Janine Segers Prize, Brussels, 1977
- Winkler Prins Prize, Brussels, 1980
- Henri Rolin Prize, Brussels, 1985
- Doctor honoris causa, University of Uppsala, Sweden, 2001
- Prize Human Rights League, Antwerp, 2007

Expert to governmental and non-governmental organizations

- Observer for the Human Rights League at the treason trial of Helen Passtoors, South Africa, Johannesburg, 1986.
- Expert Commission for matters of humanitarian law (List of qualified personnel pursuant to Geneva Conventions, Protocol I, Article 6), Brussels, Ministry of Foreign Affairs.
- Vice-Chair, *Commission de réforme de la procédure pénale* (Criminal Procedure Reform Commission - Commission Franchimont), Brussels, Ministry of Justice, 1991 - 1998.
- Expert, International Association of Penal Law, General Reporter, International Congress on Organised Crime (IVth Section), Budapest, 1999.
- Expert, European Commission (Directorate General XX) and UCLAF-OLAF (anti-fraud office): co-authored several studies on fraud in the European Union (including corpus juris introducing penal provisions for the purpose of the financial interests of the European Union (1993 - 2000) and penal protection of the financial interests of the European Union in the candidate member States (2000 - 2002).

- Expert Commission “Rule of Law”, The Hague, Ministry of Justice and Ministry of the Interior, 2007 - 2008.
- Expert, International Law Association (ILA Committee on Terrorism (1985 - 1989); Civil Law Reporter ILA Committee on Extradition and Human Rights (1992 - 1998); ILA Committee on the International Criminal Court (2005 - 2008)).

Publications

Books

- “The Political Offence Exception to Extradition. The Delicate Problem of Balancing the Rights of the Individual and the International Public Order”, Kluwer, 1980, 270 pages.
- “La protection juridique des intérêts financiers des Communautés européennes” (editor with F. Tulkens and Y. Verougstraete), Maklu 1992.
- “Comparative Criminal Procedure Systems in the European Community” (editor with C. Gane et al.), Butterworth, 1993, 408 pages.
- “EG-fraudebestrijding in de praktijk” (editor with C. Fijnaut and L. Huybrechts), Maklu 1994.
- “International Criminal Law and Procedure” (editor with J. Dugard), Dartmouth, 1996, 550 pages.
- “Corpus juris introducing penal provisions for the purpose of the financial interests of the European Union” (with E. Bacigalupo, G. Grasso, K. Tiedemann, Nils Jareborg, D. Spinellis, and J. Spencer, under the direction of M. Delmas Marty), Economica, 1997.
- “Een nieuwe rechtshulpwetgeving inzake internationale rechtshulp in strafzaken”, Antwerpen: Maklu, 2002, 421 pages, (with Vermeulen G., Vanderbeken T., de Busser E., Stessens G., Masset A., and Meunier C.).
- “International Criminal Law - A Collection of International and European Instruments”, (editor, Martinus Nijhoff, 3rd edition, 2005, 1542 pages).
- “Strafrecht en Strafprocesrecht in hoofdlijnen”, Maklu, 2006, 1314 pages, 6th edition.

*Articles*²

- “Repressive violence: a legal perspective”, in: Hoefnagels, M. (ed.), *Repression and repressive violence*, Amsterdam, 1977, pp. 51-67.
- “La Belgique et l'exception pour délits politiques en matière d'extradition: analyse critique de la pratique judiciaire et administrative”, *Rev. D. pén.*, 1979, pp. 833-863.
- “La définition du délit politique dans la théorie et la pratique de l'extradition”, in: *Mélanges P. Bouzat*, Paris, 1980, pp. 403-431.
- “L'espace judiciaire européen face à l'Euro-terrorisme et le problème de la sauvegarde des droits fondamentaux”, *Rev. int. Crim. pol. technique*, 1980, pp. 298-310.

² List does not include publications in Dutch, the native language of the author.

- “L'espace judiciaire européen: vers une fissure au Conseil de l'Europe?”, *R.D.P.*, 1981, pp. 511-543.
- “Terrorisme individuel et terrorisme d'Etat: une différence d'analyse?”, in: *Licéité et références légales aux valeurs. Xe Journées d'études Jean Dabin*, Louvain, 1982, pp. 641-657.
- “Les infractions graves aux Conventions de Genève et à leurs protocoles additionnels eu égard aux règles internationales concernant la prescription des crimes de guerre et l'extradition”, *Rev. D. pén., militaire D. de la guerre*, 1982, pp. 451-462.
- “Coping with non-international armed conflicts: the borderline between national and international law” (with B. De Schutter), *The Georgia Journal of Int. & Comp. Law*, 1983, pp. 279-290.
- “Criminal law and the European Communities: defining the issues”, *Mich. Yb. Int. Legal Studies*, 1983, pp. 247-270.
- “Les euromissiles et le droit pénal international”, in: *Les conséquences juridiques de l'installation éventuelle des missiles Cruises et Pershing en Europe*, Acta Colloquium 1-2 October 1983, Brussel, 1984, pp. 109-114.
- “Guerilla and international humanitarian law; aspects of criminal law and human rights”, in: *Guerilla and humanitarian law* (Henri Dunant Series, No. 7), pp. 87-103, 1984.
- “Structure et méthodes de la coopération internationale et régionale en matière pénale. Rapport belge au XIIIe Congrès de l'Association internationale de droit pénal, le partie”, *Rev. D. pén.*, 1984, pp. 517-546 and *Rev. int. D. pén.*, 1984, pp. 97-118.
- “The political offence exception, defining the issues and searching for a feasible alternative”, *R.B.D.I.*, 1985, pp. 741-753.
- “*The State v. H. Passtoors*, The observer's report. A European perspective”, *South African Journal of Human Rights*, 1986, pp. 278-296.
- “War crimes, extradition and statutory limitations”, in: Bassiouni, M.C. (ed.), *International Criminal Law*, 1986, III.
- “Aviation Terrorism, Jurisdiction and its Implications”, in: *Proceedings of the International Conference on Aviation Security*, The Hague, 1987, pp. 136-153.
- “The death penalty. Military offences and international crimes”, *Rev. int. D. pén.*, 1987, pp. 737-748 and *Revue de droit pénal militaire et de droit pénal militaire et de droit de la guerre*, 1988.
- “Le droit pénal belge et la répression des délits internationaux: problèmes légaux surgissant de la mise en oeuvre des délits internationaux”, *Rev. D. pén.*, 1988, pp. 603-617.
- “The political offence exception to extradition: how to plug the terrorist's loophole”, *Israel Yearbook on Human Rights*, 1989, pp. 297-316 and *Rev. int. D. pén.*, 1991, pp. 291-310.

- “Belgian criminal law and the suppression of international crimes: legal problems emerging from the implementation of international crimes”, *Rev. int. D. pén.*, 1989.
- “Applying the European Convention on Human Rights to extradition: opening Pandora's box?”, *Int. & Comp. L. Q.*, 1990, pp. 757-779.
- “Double criminality as a condition to jurisdiction”, in: Jareborg, N., (ed.), *Double criminality*. Studies in international criminal law, geschriften van de rechtsfaculteit van Uppsala, Iustus Förlag, 1989, pp. 43-56.
- “Extradition et asile politique”, in: Chiavario, M., Gauthier, J., Stanoiu, R., and Van den Wyngaert C., *L'extradition et l'asile politique*, Brussel, Bruylant, 1990.
- “The suppression of war crimes under Protocol I”, in: *Liber amicorum F. Kalshoven*, Leiden, 1991, pp. 197-206.
- “Les accords de la Saint Michel et le droit penal” (with J. Messine en F. Tulkens), *Journal des Tribunaux*, 1992.
- “Rethinking the law of international criminal cooperation: the restrictive function of international human rights by establishing individual-oriented bars”, in: *Principles and procedures for a transnational criminal law*, Max Planck Institute for foreign and international criminal law, Eser, A., and Lagodny, O. (eds.), Freiburg, 1992, pp. 489-503.
- “The structure of the draft code and the general part”, in: *Commentaries concerning the International Law Commission's Draft articles on the code of crimes against the peace and security of mankind*, Nouvelles études pénales, 1993, pp. 53-61.
- “The political offence exception”, in: D'Amato, A. (ed.), *International Law Anthology*, Anderson Publishing Company, 1993, pp. 240-41.
- “Commentaire de la loi du 16 juin 1993 relative à la repression des infractions graves au droit international humanitaire”, *Rev. D. pén.*, 1994 (with A. Andries, E. David and J. Verhaegen).
- “Mutual Legal Assistance in Criminal Matters in the European Union”, in: *Changes in Society, Crime and Criminal Justice in Europe*, edited by Fijnaut et al., Kluwer, 1995, pp. 137-179 (with G. Stessens).
- “The Compensation of Victims of Violent Crimes in Belgium”, in: *The Compensation of Victims of Violent Crime*, edited by Greer, D., Max Planck Institut, Freiburg-im-Breisgau, 1996, pp. 67-96.
- “Extradition and Human Rights (part II)”, *International Law Association, Subcommittee Extradition and Human Rights*, Helsinki, 1996 (with J. Dugard).
- “The Criminal Justice System Facing the Challenge of Organised Crime”, (Section IV - International Cooperation), *Revue internationale de droit pénal*, 1997, pp. 624-636.
- “Organised Crime, Proactive Policing and International Cooperation in Criminal Matters: Who Polices the Police in a Transnational Context?”, in: *Undercover Policing and Accountability from an International Perspective*, Institut européen d'administration publique, 1997.

- “War Crimes, Genocide and Crimes Against Humanity: Are States Taking National Prosecutions Seriously?” (Jurisdiction, Statutory Limitations and the Legality Principle), in: *International Criminal Law*, vol. 3, edited by Bassiouni, M.C., Transnational publishers, 1999.
- “Les modifications quant à l’information dans *La loi du 12 mars 1998 réformant la procédure pénale*”, edited by Franchimont, M., Liège, Editions de la Collection scientifique de la Faculté de droit de Liège, 1998, pp. 29-56.
- “Une perspective ‘eurocentrique’ sur la répression de la délinquance transnationale européenne: le projet espace judiciaire européen et le *corpus juris*”, in: *Les systèmes comparés de justice pénale: de la diversité au rapprochement - Comparative Criminal Justice Systems: From Diversity to Rapprochement*, Toulouse, Erès, 1998, pp. 443-446.
- “Strafklageverbrauch durch Belgische ‘transactie’”, *Neue Zeitschrift für Strafrecht*, 1998, p. 153 (annotation under Bundesgerichtshof, 13 May 1997).
- “Reconciling Extradition with Human Rights”, *American Journal of International Law*, 1998, pp. 187-212 (with J. Dugard).
- “Extradition and Human Rights (part III)”, *International Law Association, Committee Extradition and Human Rights*, Taiwan, 1998 (with J. Dugard).
- “Lignes de force pour une réforme du droit d’extradition”, in: *X^e Colloque sur la réforme du droit de la procédure pénale* (8-9 October 1998), Maklu, 1998, pp. 171-231.
- “The Transformations of International Criminal Law as a Response to the Challenge of Organised Crime”, *Revue internationale de droit pénal*, 1999.
- “The international non bis in idem principle: Resolving some of the unanswered questions”, *International and Comparative Law Quarterly*, 1999 (with G. Stessens).
- “Protection ‘PIF’ et espace judiciaire européen: bilan et perspectives à l’aube du troisième millénaire”, *Agon*, December 1999.
- “Corpus Juris, parquet européen et juge national. Vers une chambre préliminaire européenne?”, *Agon*, August 1999 and “Corpus Juris, European Public Prosecution and National Trials for Eurocrimes: Is there a Need for a European Pre-Trial Chamber?”, *Agon*, November 1999 and “Corpus iuris, Ministerio Fiscale Europeo y juicios nacionales para eurocrimenes: es necesaria una Sala de Justicia Europea para la fase previa?”, *Revista del Poder judicial*, 1999, pp. 239-240.
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- “Eurojust and the European Public Prosecutor”, in Walker, N. (ed.), *The European area of freedom, security and justice*, Oxford University Press, 2004, pp. 201-240.
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Recent talks and conference papers

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| July 2002 | Fiesole, European Institute, “Eurojust and the European Public Prosecutor”. |
| October 2002 | Bruges, College of Europe, “From a European legal area towards a European criminal justice system?”. |
| November 2002 | Brussels, European Parliament, “The challenges facing JHA in the field of the criminal law: tasks for the Convention”. |
| December 2002 | Siracusa, Istituto Superiore di Scienze Criminali, “Universal Jurisdiction and Immunities: ICL quo vadis after the judgement of the ICJ in the Yerodia-case?”. |
| April 2003 | Panel discussion, American Society of International Law, Washington, “Immunity, Universal Jurisdiction and the Arrest Warrant Judgment”. |
| June 2003 | The Hague, International Criminal Justice Network, “Universal jurisdiction: the Belgian experience”. |

- October 2003 University Leuven, “The Belgian debacle around the War Crimes Act”.
- October 2003 Brussels, Association for International Relations, “International criminal law in the third millennium”.
- November 2004 Saint Louis (United States of America), Saint Louis University, “International tribunals and harmonised or hybrid systems of criminal procedure: the practitioner’s perspective”.
- December 2004 The Hague, International Criminal Justice Network, “Unwillingness to prosecute under the ICC Statute”.
- October 2005 Brussels, Facultés universitaires Saint Louis, “Les défis de la justice pénale internationale”.
- January 2006 United Kingdom, Cambridge, Expert meeting convened by Lord Justice Auld, “Codification of criminal procedure in Belgium”.
- March 2006 University of Ghent, Delva-lectures, “The contribution of international ad hoc tribunals to the development of international criminal law and procedure”.
- April 2006 Panel Discussion, American Society of International Law, Washington, “International courts and tribunals as conflict solvers. Adjudication of war crimes and genocide before the ICJ, international criminal courts and human rights courts”.
- April 2006 The Hague, Colloquium Peace Palace, 60th Anniversary ICJ, Intervention on “Potential disparities between decisions of international courts and tribunals”.
- October 2006 Antwerp, Osterrieth huis, Opening judicial year of the tribunal de commerce, “International criminal tribunals and the development of international criminal law”.
- November 2006 Geneva, Graduate Institute of International Studies, “Democracy, Separation of Powers and the Fight against Terrorism”, “Role international criminal courts in the fight against terrorism”.
- December 2006 Antwerp, award ceremony prize Human Rights League, “Human Rights between sword and shield”.
- June 2007 The Hague, Joint conference American Society of International Law - Nederlandse Vereniging voor Internationaal recht, on Contemporary Issues of International Criminal Law, “Head of State Immunities for Former Leaders. The arrest warrant case – Obituary of national prosecutions of ministers suspected of war crimes?”.
- November 2007 Antwerp, Film Festival, “The road to Guantanamo”.
- February 2008 Antwerp, Order of de Prinse, “The importance of the international criminal tribunals for the development of international criminal law and procedure”.

- March 2008 The Hague, Grotius Centre, Marie Curie Seminar, “The Legacy of the ad hoc tribunals”.
- March 2008 Ghana, Accra, Training seminar for judges, “Immunities and Universal Jurisdiction”.
- May 2008 Paris, Universite Paris II Pantheon Sorbonne, “Independance et impartialite des juges internationaux. Les juridictions penales internationales”.
- May 2008 The Hague, Hague Forum for Judicial Expertise, Training seminar for the judges of the Special Court of Cambodia, “Legacy of the International ad hoc tribunals”.

21. Vukoje, Dragomir (Bosnia and Herzegovina)

[Original: English]

Note verbale

The Embassy of Bosnia and Herzegovina to the Kingdom of the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties and has the honour to inform about the following.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has nominated Mr. Dragomir Vukoje, judge of the Court of Bosnia and Herzegovina, for the position of judge of the International Criminal Court.

Please find enclosed the curriculum vitae of Mr. Vukoje and the statement submitted in accordance with article 36, paragraph 4, 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 the judges of the International Criminal Court (ICC-ASP/3/Res.6).

...

Statement of qualifications

Statement submitted in accordance with article 36, paragraph 4, 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 the judges of the International Criminal Court (ICC-ASP/3/Res.6).

1. A detailed overview of how the candidate fulfils the requirements of article 36, paragraph 3 (a):

Considering that Judge Dragomir Vukoje was appointed by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to the position of judge with the Court of Bosnia and Herzegovina, a position which, aside from professional qualifications, also requires that the person possesses professional impartiality and high moral standing, the requirement of article 36, paragraph 3 (a), is satisfied.

2. A detailed overview of how the candidate fulfils the requirements of article 36, paragraph 3 (b):

The curriculum vitae shows, as does the position of judge of the Court of Bosnia and Herzegovina which Mr. Vukoje holds, that the candidate in question has performed the duties of judge since 1994 to this day, exclusively working on criminal cases, while at the Court of Bosnia and Herzegovina he has performed duties of chairperson of the first instance trial chamber in cases covering crimes against humanity and values protected by international law, this being one of the most difficult fields of criminal law. He has also been a judge of the Appellate Department, Section I for War Crimes of the Court of Bosnia and Herzegovina, again in criminal cases. The aforesaid shows that the candidate satisfies the criteria in article 36, paragraph 3 (b) (ii) - the field of international humanitarian law.

3. A detailed overview of how the candidate fulfils the requirements of article 36, paragraph 3 (c):

As proof that the candidate has excellent knowledge of the French language and that he speaks it fluently, seeing as it is one of the working languages of the Court, a copy of a certificate confirming the fulfilment of the requirement in reference to the French language is attached. Also attached is a copy of a certificate on the successful completion of English language courses.

4. A detailed overview of how the candidate fulfils the requirements of article 36, paragraph 4 (a):

The election of the candidate for the position in question was carried out by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, being the competent authority for the election of judges for all levels in Bosnia and Herzegovina, in the manner as prescribed by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and based on the procedure for the proposal of candidates for appointment to the highest judicial positions in Bosnia and Herzegovina, thus satisfying the election criteria of article 36, paragraph 4 (a) (i), of the Rome Statute.

5. Information regarding which list the candidate is nominated for pursuant to article 36, paragraph 5:

Considering that the candidate holds the qualifications as prescribed by article 36, paragraph 3 (b) (i), the candidate is nominated for list A.

6. Information in connection with article 36, paragraph 8 (a) (i) - (iii), of the Statute:

When electing the candidate, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina had in mind the provisions of article 36, paragraph 8 (a) (i) - (iii), of the Statute.

7. Information as to whether the nominated candidate possesses expertise as defined in article 36, paragraph 8 (b), of the Statute:

The curriculum vitae of the candidate shows that Judge Vukoje, in his day-to-day work as a judge of the Court of Bosnia and Herzegovina, encounters issues dealing with serious violations of international humanitarian law which require review of numerous legal publications and case law in such field. He is also in a position to exchange opinions with his colleagues who are international judges and in doing so broadens his knowledge with the experiences of other legal systems. Also, Judge Vukoje has participated in numerous seminars dealing with, among others, the application of the European Convention on the Preservation of Human Rights and Fundamental Freedoms, as well as in the field of international humanitarian law and has advanced training in courts in France, Great Britain and in the International Criminal Tribunal for the former Yugoslavia.

8. Information regarding on behalf of which State the candidate is nominated according to article 36, paragraph 7, of the Statute:

Judge Dragomir Vukoja is a citizen of Bosnia and Herzegovina and is nominated on its behalf.

Personal

Date of birth: 27 August 1951

Place of birth: Trebinje, Bosnia and Herzegovina

Citizenship: Trebinje, Bosnia and Herzegovina

Languages

French (written and spoken), English (not fluent)

Employment

Current:	Judge of the Court of Bosnia and Herzegovina (State Court), Sarajevo - Appellate Division, Section I for War Crimes, Section II for Organized Crimes.
1976 - 1993	Legal Officer in <i>Elektodistribucija</i> Company in Trebinje.
1993 - 1998	Judge of the Basic Court in Trebinje.
1998 - 2005	Judge of the District Court in Trebinje.
2005 - present	Judge of the Court of Bosnia and Herzegovina (State Court).

Education

June 1970	Grammar school in Trebinje.
November 1974	Law school, Belgrade, Serbia.
September 1993	Bar exam, Podgorica, Montenegro.
June 1997	Study tour to the Council of Europe and the French judicial institutions. Co-organized by the Service des Affaires Européennes et Internationales du Ministère de la Justice de France.
November 1997 - June 1998	Six months professional training in Paris, France, at the Judicial and Prosecutorial School (Ecole Nationale de la Magistrature - auprès du Département Internationale). Theory and practice were done at the Supreme Court (Tribunale de Grand Instance), Tarbes.
30 September - 24 October 2002	Professional training during two months service at the Judicial and Prosecutorial School (ENM), and practice at the Tribunale de Grand Instance, Saint Etienne, France, on the subject "Presentation in French Judicial Institutions".

Other courses

- Seminar of the subject "New Criminal Code of the Republic of Srpska – main restructuring directions" (Teslić, 1 - 2 December 2000).
- Attended the international seminar on the subject "International Humanitarian Law before the ICTY and National Courts", organized by the Open Society Institute. International lecturers were among others: Almiro Rodrigues (former judge of the ICTY), Aryeh Neier

(President of the Open Society Institute New York), Frank Orten (Human Rights Ombudsman in Bosnia and Herzegovina), Eugene O'Sullivan and John E. Ackerman (co-authors of the book "ICTY Practice and Procedure"), John Richard William Day Jones (Defense Counsel before the ICTY, London, United Kingdom), and others (Sarajevo, 11 - 12 February 2002).

- Attended seminar on the subject "Jurisprudence of the European Court of Human Rights, organized by America's Development Foundation (ADF) in cooperation with USAID (Banja Luka, 13 September 2002)
- Attended seminar on war crimes for the Court and Prosecutor's Office of Bosnia and Herzegovina, organized by the United States Department of Justice (OPDAT), ICTY, Prosecutor's Office of Bosnia and Herzegovina, and the Judicial and Prosecutorial Training Centres of the Federation of Bosnia and Herzegovina and Republic of Srpska. Moderators: Dermot Groome, Antoinette Issa, Gabrielle McIntyre, Catherine Marchi-Uhel and Frederick Harhoff (Sarajevo, 4 - 8 March 2005).
- Seminar on the subject "Criminal Procedure", organized by the United States Department of Justice and the Judicial and Prosecutorial Training Centres. Moderators: Judge Manuel Rent and Prosecutor Steven Kessler (27 - 29 September 2005).
- Seminar on the subject "War Crimes". Moderators: Judge Azra Miletić and Judge Almiro Rodrigues (Sarajevo, Ilidža, 17 November 2005).
- Study visit to ICTY, attended the *Milošević* trial and the so-called *Vukovar Three* (Mrkšić, Radić, Šljivančanin) and the meeting with Carla Del Ponte, David Tolbert, Hugo Hoftius and Fausto Pocar (The Hague, 23 - 25 January 2006).
- Participated in the study tour of judges of the Court of Bosnia and Herzegovina, visiting the judicial institutions of England and South Wales, organized by the Global Conflict Prevention Pool (London, 11 - 18 February 2006).
- Human Rights Protection in the Bosnia and Herzegovina Criminal Legislation, consultative meeting organized by the Association of Judges and Judicial and Prosecutorial Training Centres of the Federation of Bosnia and Herzegovina and Republic of Srpska (Neum, 18 - 21 May 2006).
- Group leader at the consultative meeting for judges on the subject "Support to the establishment of the War Crime Chamber in Bosnia and Herzegovina - Training of legal professionals". Distinguished lecturers: Professor Dr. Zoran Pajić, King's College of London, and Professor Dr. William Schabas, Director of the Irish Centre for Human Rights, National University of Ireland, Galway, Ireland (Vlašić, Bosnia and Herzegovina, 18 - 20 September 2006).
- Presenter at the regional conference on the subject "National War Crimes Trials - Taking of the Leading Role", organized by the United States Department of Justice, International Aid Office for the Professional Training of Courts, Prosecutor's Offices and Police, United States Embassy in Belgrade, Office of the United States Ambassador for War Crimes and the Humanitarian Law Fund (Miločer, Montenegro, 17 - 20 October 2006). Distinguished participants: Clint Williamson (United States War Crimes Ambassador), Sern Nazaro (Permanent Legal Advisor of the United States Department of Justice), Nikolas Akerman (Regional Director of the United States Department of Justice for Central and East Europe), Nataša Kandić (Director of the Humanitarian Law Fund), David Tolbert (Deputy Chief Prosecutor ICTY), and Joe Paonesa (United States marshals).

- Rapporteur and attendee at the seminar on the subject “Judges of the Supreme Courts of the Federation of Bosnia and Herzegovina and Republic of Srpska, Appellate Court of Brčko District, and the Appellate Division of the Court of Bosnia and Herzegovina - Criminal Law”, organized by the Judicial and Prosecutorial Training Centre (Sarajevo, 29 - 30 May 2007).
- Attendee at the international conference on the subject “Independence of the Judiciary and Transition Challenges”, organized by the Association of Judges of Serbia, Magistrats Européens pour la Démocratie et les Libertés, and Association of Public Prosecutors and Deputy Public Prosecutors in Serbia (Belgrade, 2 June 2007).
- VI, VII counselling meeting in the field of criminal legislation (Neum, 6 - 10 June 2007 and 2008).
- Presentation of the project “Human Losses in Bosnia and Herzegovina 91-95”, IDC Sarajevo, evaluation of the project by three independent experts: Patrick Ball, Philip Verwimp and Ewa Tabeau (Sarajevo, 21 June 2007).
- Additional 20 seminars.

Publications

- Attendee of the seminar on the subject “International Humanitarian Law before the ICTY and Domestic Courts”, organized by the Open Society Found Bosnia and Herzegovina. Lecturers: Aryeh Neier (President of the Open Society Institute New York), Eugene O’Sullivan and John E. Ackerman (co-authors of the book “ICTY Practice and Procedure”), Professor Peter Murphy, Professor Zoran Pajić, John Richard William Day Jones, Mr. Rodney Dixon and many others (Sarajevo, 11 - 12 February 2002).
- Rapporteur at the third annual conference in the field of criminal substantial law on the subject “Current Issues in Application of the Criminal Legislation in Bosnia and Herzegovina”, organized by the Association of Judges of the Federation of Bosnia and Herzegovina, Association of Prosecutor’s of the Federation of Bosnia and Herzegovina, Association for Criminal Law and Criminology of the Republic of Srpska, Appellate Court of the Brčko District, Bar Council of the Federation of Bosnia and Herzegovina, Association of Judges and Prosecutors of the Republic of Srpska, Judicial and Prosecutorial Training Centre of the Republic of Srpska, Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina in cooperation with ABA/CEELI, on the subject “New legal solutions contributing to the efficiency of the criminal proceedings”. The report was published in the journal Law and Justice, Sarajevo, pages 1-9.
- Attendee of the conference on the subject “ICTY outreach to the local communities in Bosnia and Herzegovina – work of the ICTY on the war crimes committed in Foči/Srbinje”, organized by the ICTY Outreach Program and the Helsinki Committee for Human Rights in the Republic of Srpska (9 October 2004).
- Rapporteur of the report on the subject “Historic significance of the Civil Code and codification” (La signification historique du Code civil et de la codification) at the symposium held at the Law School in Sarajevo on the subject “Code civil et Droit Européen”, held on 15 October 2004.