

Statement of qualifications

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 ¹

- “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.
- “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.

¹ List does not include publications in Dutch, the native language of the author.

- “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*, Den Haag, 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 pénal” (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.
- “Corpus juris, parquet européen et juge national: vers une chambre préliminaire européenne?”, in: De Kerchove, G. and Weyemberg, A., *Vers un espace judiciaire pénal*, Ed. ULB, Institut d’études européennes, 2000, pp. 131-139.
- “Mutual recognition and the corpus juris”, in: De Kerchove, G. and Weyemberg, A., *La reconnaissance mutuelle des décisions judiciaires pénales dans l’Union européenne*, Ed. ULB, Institut d’études européennes, 2001, pp. 213-222.
- “Ne bis in idem principle, including the issue of amnesty”, in: *The Rome Statute of the International Criminal Court*, Oxford, Oxford University Press, 2002, pp. 705-729 (with T. Ongena).
- “Non applicability of statutes of limitation”, in: *The Rome Statute of the International Criminal Court*, Oxford, Oxford University Press, 2002, pp.823-872 (with J. Dugard).
- “The position of victims of acts of racism and racial discrimination in Belgium”, *Rev. intern. dr. pén.* (Fr.) 2002, afl. 1-2, pp. 111-140 (with I. Vandaele and S. Vandeginste).
- “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.
- “International cooperation” and “The protection of the financial interests of the EU in the candidate states - final report”, in: *Study on “penal and administrative sanctions, settlement, whistleblowing and corpus juris in the candidate countries*, (Cullen P., ed.) Europäische Rechtsakademie Trier, 2004.
- “Jurisdiction over Crimes of Terrorism”, in: Heere, W. (ed), *Terrorism and the Military, International Legal Implications*, Asser Press, 2003, pp. 147-155.
- “Belgique”, in: *L’harmonisation des sanctions pénales en Europe*, Delmas-Marty M. [edit.], e.a., Paris, UMR de droit comparé, Société de législation comparée, 2003, pp. 31-43 (with Vandromme, S.).
- “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.
- “International Law and harmonized procedure”, *Washington University Global Studies Review*, 2005, pp. 669-674.

- “International Courts and Tribunals as fact (and truth) finders in post-conflict societies: can disparities with ordinary international courts be avoided?”, *Proceedings of the American Society of International Law*, 2006, pp. 63-68.
- “Disparities between evidentiary rules before international courts and tribunals: can a clash be avoided?”, *International Commentary on Evidence*, 2007 (<http://www.bepress.com/ice/vol4/iss1/art7/>).

Recent talks and conference papers

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”.