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The Hague, 20-28 November 2013

**Election of a judge to fill a judicial vacancy of the
International Criminal Court****Note by the Secretariat**

1. The election of one judge of the International Criminal Court will take place during the twelfth session of the Assembly of States Parties, to be held in The Hague from 20 to 28 November 2013.

2. Under the terms of article 36 of the Rome Statute, the judge will be elected to fill a vacancy resulting from the 18 March 2013 resignation of Judge Anthony Thomas Aquinas Carmona (Trinidad and Tobago), following his election as President of Trinidad and Tobago. In December 2011, Judge Carmona had been elected by the Assembly of States Parties for a nine-year term of office, which commenced on 11 March 2012.

3. According to article 36, paragraph 4, States Parties were required to make nominations either by the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question, or by the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court. In addition, nominations were to be accompanied by a statement in the necessary detail specifying how the candidate fulfils the requirements laid down in paragraph 3 of article 36.

4. According to article 36, paragraphs 3 and 5, the judges were to be nominated from among persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices. Every candidate for election to the Court should also have an excellent knowledge of and be fluent in at least one of the working languages of the Court. In addition, two lists of candidates have been established (see annex II to the present note):

List A Candidates having 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;

List B Candidates having 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.

5. Article 36, paragraph 6, requires that the judge be elected by secret ballot at a meeting of the Assembly of States Parties convened for that purpose under article 112, and that the person elected to the Court shall be the candidate who obtains the highest number of votes and a two-thirds majority of the States Parties present and voting. In the event that the judge is not elected on the first ballot, successive ballots will be held until the remaining places have been filled, in accordance with the provisions of resolution ICC-ASP/3/Res.6.

6. Under the terms of article 36, paragraphs 7 and 8, no two judges may be nationals of the same State, and the States Parties shall, in the selection of judges, take into account the

need, within the membership of the Court, for the representation of the principal legal systems of the world; equitable geographical representation; and a fair representation of female and male judges. In addition, States Parties are required to take into account the need to include judges with legal expertise on specific issues, including, but not limited to, violence against women or children.

7. The Assembly of States Parties, at the 6th plenary meeting of its third session, on 10 September 2004, adopted resolution ICC-ASP/3/Res.6 relating to the procedure for the nomination and election of the judges of the International Criminal Court. Furthermore, the Assembly of States Parties, at the 9th plenary meeting of its resumed fifth session, on 1 February 2007, adopted resolution ICC-ASP/5/Res.5 containing an amendment to operative paragraph 27 of resolution ICC-ASP/3/Res.6.

8. In accordance with paragraph 13 of that resolution, the nomination period was opened on 28 August 2013, by a decision of the Bureau of the Assembly of States Parties. By the closing date of 8 October, the Secretariat had received two nominations.

9. Furthermore, in accordance with paragraph 27 (d) of that resolution, “[i]f at the time of the election a regional or gender minimum voting requirement is not fulfilled, only candidates that can satisfy any of the underrepresented regional minimum voting requirements as well as the underrepresented gender minimum voting requirement can be nominated.” Given this provision and taking into account the minimum voting requirement applicable to the Group of Latin American and Caribbean States, only candidates from this region could be nominated for the election.

10. As required by paragraph 8 of the same resolution, the Secretariat of the Assembly of States Parties placed the nominations of candidates for judge, together with the accompanying statements referred to in article 36 of the Statute and other supporting documentation, on the Internet web site of the International Criminal Court¹ as soon as possible after they were received. The curriculum vitae of the candidate presented by the Government of Uruguay was updated on 24 October 2013.

11. In accordance with paragraph 9 of resolution ICC-ASP/3/Res.6, a list in English alphabetical order of all persons nominated, with accompanying documents, is contained in the present note. Three additional lists are provided in further annexes containing the names of the candidates organized according to list A or B (annex II), by regional group (annex III) and by gender (annex IV).

12. The procedure to be followed for the election of one judge is laid down in paragraphs 15 to 25 and paragraph 27 of resolution ICC-ASP/3/Res.6.

13. A guide for the election to fill a judicial vacancy is contained in document ICC-ASP/12/46.

¹ <http://www.icc-cpi.int>, under Assembly of States Parties.

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Annex I

Alphabetical list of candidates (with statements of qualifications)

1. Henderson, Geoffrey A. (Trinidad and Tobago)

[Original: English]

Note verbale

The Permanent Mission of the Republic of Trinidad and Tobago 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 (ICC) and has the honour to advise that the Government of Trinidad and Tobago has nominated Justice Geoffrey A. Henderson, Judge of the Supreme Court of Trinidad and Tobago to fill the vacancy on the International Criminal Court (ICC) due to the resignation of former Judge Anthony Thomas Aquinas Carmona, who was elected as President of the Republic of Trinidad and Tobago in March of this year. The elections will take place during the twelfth session of the Assembly of States Parties (ASP) to the Rome Statute of the ICC (“the Rome Statute”) to be held in The Hague, Kingdom of the Netherlands, from November 20 to 28, 2013.

The Permanent Mission of the Republic of Trinidad and Tobago has the further honour to advise that the nomination is submitted in accordance with the provisions of Article 36, paragraph 3(b) of the Rome Statute which provides that every candidate for election to the Court shall:

“have 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 Government of Trinidad and Tobago attaches tremendous importance to the candidature of Justice Henderson for election as a Judge of the ICC, in keeping with Trinidad and Tobago’s long standing support for this tribunal which predates the adoption and entry into force of the Rome Statute.

The Government of Trinidad and Tobago is of the view that at this critical stage in its development, where additional requests are being made for the Court to exercise its jurisdiction with respect to crimes listed under the Rome Statute, the ICC should be composed of judges who adequately meet all of the criteria laid down in the Rome Statute.

The Government of Trinidad and Tobago is therefore strongly convinced that Justice Henderson is a person of high moral character, impartiality and integrity and possesses the qualifications for appointment to the highest judicial offices in Trinidad and Tobago. It is also satisfied that if elected, Justice Henderson would make an invaluable contribution to the ICC given his tremendous knowledge and wealth of experience in the field of criminal law and procedure obtained both as a prosecutor and as a judge.

The Statement of Qualifications and the Curriculum Vitae of Justice Henderson are attached to this note verbale.

In the light of the foregoing, the Permanent Mission of Trinidad and Tobago requests the Secretariat of the ASP to bring this matter to the attention of States Parties to the Rome Statute of the ICC.

Statement of qualifications

This statement is submitted in accordance with the provisions of article 36, paragraph 4(a) of the Rome Statute of the International Criminal Court and paragraph 6 of resolution ICC-ASP/3/Res.6.

Justice Geoffrey A. Henderson is the candidate of the Republic of Trinidad and Tobago for election as a Judge of the International Criminal Court.

The candidate satisfies the provisions of article 36, paragraph 3(a) of the Rome Statute as an individual of high moral character, impartiality and integrity and possesses the qualifications for appointment to the highest judicial offices in Trinidad and Tobago.

Justice Henderson meets fully the requirements of article 36, paragraph 3(b) of the Rome Statute which provides that: “every candidate shall have 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 candidate therefore fulfills the requirements relevant to election as a judge under List A pursuant to article 36, paragraph 5 of the Rome Statute. The candidate’s experience and qualifications are based on his considerable experience, training and demonstrated competence in criminal law and criminal procedure for over twenty-three (23) years.

He served as a Prosecutor at different levels in the Office of the Director of Public Prosecutions of Trinidad and Tobago, eventually rising to the position of Director of Public Prosecutions.

Additionally, in a landmark case in the criminal jurisprudence of Trinidad and Tobago, as Director of Public Prosecutions, he successfully argued for the introduction of victim impact statements at the sentencing stage in a criminal trial. It should be noted that this procedure is now routinely done in criminal cases in the jurisdiction.

In his present post as a Judge of the Supreme Court of Trinidad and Tobago, Justice Henderson has adjudicated over many complex criminal cases involving single and multiple accused persons of: murder, attempted murder, manslaughter, rape, incest, sexual offences, dangerous drugs, firearm and ammunition offences and other crimes.

As a Prosecutor, the candidate was involved in national and regional training workshops of Prosecutors by participating either as a presenter or participant.

Justice Henderson, as a board member of the Judicial Education Institute of Trinidad and Tobago, continues to make a contribution to judicial education in Trinidad and Tobago.

The candidate has also represented Trinidad and Tobago at several international conferences on crime prevention and criminal justice.

Both in his capacity as a former Prosecutor as well as in his current portfolio as a Judge of the Supreme Court of Trinidad and Tobago, Justice Henderson would have presided over or prosecuted cases involving violence against women and children.

The candidate is fluent in one of the working languages of the Court.

Personal data

Date of Birth: 4 February 1961
Marital Status: Married
Dependents: Son and two daughters

Qualifications

1989 Admitted to practice in the Supreme Court of
Trinidad and Tobago
1989 Legal Education Certificate
Sir Hugh Wooding Law School, Trinidad
1987 Bachelor of Laws
University of the West Indies, Cave Hill, Barbados
1984 Bachelor of Arts (Sociology with minor in History)
(Honours)
University of the West Indies, Saint Augustine, Trinidad

Professional experience

2009 - Present High Court Judge Supreme Court of Trinidad and Tobago
2002 - 2008 Director of Public Prosecutions
2001 (Aug-Sept) Ag. Deputy Director of Public Prosecutions
1998 - 2002 Assistant Director of Public Prosecutions
1996 - 1998 Senior State Counsel (Office of the DPP)
1995 - 1996 State Counsel III (Office of the DPP)
1994 - 1995 State Counsel II (Office of the DPP)
1992 - 1994 State Counsel I (Office of the DPP)
1990 - 1992 Temporary State Counsel I (Office of the DPP)
1989 - 1990 Trust Officer, N.C.B. Trust Co. (T&T) Ltd.

Professional representations and responsibilities

Jan. 2009 – present Includes jurisdiction to preside over jury trials of serious offences.

- As High Court Judge, sits with a jury trying serious and complex criminal cases involving single and multiple accused persons of: murder, attempted murder, manslaughter, rape, and incest and other sexual offences, dangerous drugs, firearm and ammunition offences.
- As a High Court Judge, exercises jurisdiction over all indictable matters coming before the High Court. The High Court forms one branch of the Supreme Court of Judicature of Trinidad and Tobago. It exercises criminal and civil jurisdiction. In its criminal jurisdiction treason and other serious criminal matters are heard and determined. The High Court considers the grant of

- interception of communication orders, restraint and confiscation orders and considers bail applications.
- Jul. 2002 - Dec. 2008 As Director of Public Prosecutions was constitutionally responsible for instituting, continuing and discontinuing prosecutions of all criminal matters at the Magistrates' Court, the High Court, the Court of Appeal and the Privy Council. This involved:
- Advising the police on lines of investigation and formulating appropriate charges when necessary;
 - As head of chambers, instructing and guiding attorneys on both litigation and non-litigation matters;
 - Responsible for perusing all dockets and signed all indictments in matters triable before a judge and jury at the High Court;
 - Responsible for appeals in all criminal matters at both the Court of Appeal and at the Privy Council;
 - Argued appeals before the Court of Appeal;
 - Exercised oversight over court prosecutors of the Court and Process Division, Trinidad and Tobago Police Service.
- Sept. 2001- Jun. 2002 Officer-in-Charge, San Fernando Office of the Director of Public Prosecutions:
- Represented the State in criminal litigation in all Courts in Trinidad and Tobago;
 - Prosecuting Attorney representing the Chief of Defence Staff at Court Martial Proceedings;
 - Advised the Director of Public Prosecutions, the Police and some other Government Agencies on criminal matters;
 - Assigned work to and supervised junior Attorneys in the Office of the Director of Public Prosecutions;
 - Provided trial advocacy training of junior Attorneys in the Office of the Director of Public Prosecutions;
 - Prepared workshops and delivered lectures to Police Officers in the law of evidence as well as criminal practice and procedure;
 - Provided organizational and professional assistance in training workshops conducted by State and Foreign Agencies for Police Officers and others involved in narcotic interdiction;
 - Advised the Legislation Review Committee of the Ministry of the Attorney General and Legal Affairs on draft legislation which impacted on the criminal justice system. Such legislation included The Justice Protection Act and its

regulations (it provides a legislative basis for witness protection and the protection of justice officials).

Membership on boards / committees

- Nov. 2011 – present Chairman, Steering Committee for the Pilot Project of the Drug Treatment Court:
- Chairs a multi-disciplinary committee of stakeholder agencies that is responsible for the roll out and monitoring of Drug Treatment Courts;
 - Worked as part of a team that developed a policy document, policies, procedures and protocols for Drug Treatment Courts;
 - Together with the team, implemented the new problem-solving Drug Treatment Court Pilot Project in Trinidad and Tobago;
 - Engaged in monitoring the Drug Pilot Court Pilot Project;
 - Currently developing a policy document for the Juvenile Drug Treatment Court Pilot Project.
- June 2009 – present Board Member, Judicial Education Institute of Trinidad and Tobago:
- The Judicial Education Institute provides training and educational programmes for judicial officers, court administrators and support staff. This assists the Judiciary to perform in a manner that upholds its independence and integrity and ensures public trust and confidence.
- Sept. 2001- Jan. 2009 Member, National Drug Council of Trinidad and Tobago:
- The national agency which provides the Government of Trinidad and Tobago with policy advice on all matters related to drug control. It also provides a forum for stakeholders at the highest level to exchange information and make decisions for demand reduction, supply control, security issues, enforcement and financial monitoring.
- Member, Advisory Committee on the Power of Pardon:
- The “Mercy Committee” is a constitutional body that considers applications for pardon made by convicted persons.
- Apr. 2001 - 2009 A Representative of Trinidad and Tobago to the Inter-American Drug Abuse Control Commission of the Organization of American States.
- Oct. 2001 Alternate to Director of Public Prosecutions on the Steering Committee of the Judicial and Legal Service Job Evaluation Exercise.
- May 1998 -1999 Office of the Director of Public Prosecutions’ representative on Working Group on the Regional Justice Protection Programme:

Member of the team that developed the regional witness protection programme, as well as the national witness protection programme.

Oct. 1992 - Dec. 1992 Member, Working Group on Alleged Corrupt Practices in the Public Service of Trinidad and Tobago.

Judicial education institute: judges' continuing education seminars

2013 Judgment Writing and Unconscious Bias
 2012 The evolving role of the Judge
 2011 Emerging Technologies: Implications for the Courts of the Republic of Trinidad and Tobago
 2010 The Emergence of Caribbean Jurisprudence through Judicial Reasoning
 2009 Summing Up for Criminal Judges

Other related professional activities

1998 – 2001 Associate Tutor, Evidence, Hugh Wooding Law School.
 2001 Associate Tutor, Criminal Practice and Procedure, Hugh Wooding, Law School.
 1990 - 1995 Tutor, Banking Law, Institute of Business Studies.

Some conferences/workshops attended

Apr. 2013 Implementing a Drug Treatment Court as an alternative to incarceration for Drug Dependent offenders, Bridgetown, Barbados.
 Feb. 2012 Canadian Association of Drug Treatment Court Professionals, Toronto, Canada.
 Oct. 2011 Implementing Drug Treatment Courts as an alternative to incarceration, Port of Spain, Trinidad.
 May 2010 Commonwealth Judicial Education Institute – Dalhousie Law School. Univ. of Nova Scotia – Fellow, Commonwealth Judicial Education Institute.
 Apr. 2008 Regional Training Workshop for Prosecutors – Hamilton, Bermuda.
 Mar. 2008 Capital Development Workshop, Securities Exchange Commission, Port of Spain, Trinidad and Tobago.
 Feb. 2008 Conference of Directors of Public Prosecutions, Kingston, Jamaica.
 Jun. 2007 Facilitator, Investigating Financial Crimes, St. Georges, Grenada.
 Sept. 2006 International Association of Prosecutors Annual Conference, Paris, France
 Sept. 2005 Commonwealth Law Conference, London.
 Feb. 2005 Inaugural Conference of CARICOM Directors of Public Prosecutions, Barbados.

- Oct. 2004 Facilitator, Regional Conference on Corruption – Montego Bay, Jamaica.
- Feb. 2004 World Summit of Prosecutors for Attorneys General and Heads of Prosecutions, La Antigua, Guatemala.
- Aug. 2003 International Association of Prosecutors Annual Conference, Washington D. C.
- May 2003 Facilitator, Barbados Regional Conference on Combating Transnational and Complex Crimes in the 21st Century.
- Sept. 2002 International Association of Prosecutors, London.
- Nov. 2002 Assist and Advise Attorney General of Trinidad and Tobago on Model Draft Legislation on the Modernisation of the Law of Evidence at 6th Ordinary Meeting of the Legal Affairs Committee Commonwealth Law Minister Meeting in Kingstown, St. Vincent and The Grenadines.
- Aug. 2001 Co-organizer and Facilitator, Workshop on “Dismantling Drug Trafficking Organizations” a three-day Workshop in Trinidad and Tobago by the Office of the Director of Public Prosecutions and United States Department of Justice.
- Apr. 2001 ‘Trainer’ trainee, Advocacy Training Workshop conducted by the Law Association of Trinidad and Tobago and Gray’s Inn, Trinidad and Tobago.
- Jun. 2000 Observer, Caribbean - US - European - Canada Ministerial Criminal Justice and Law Enforcement Conference, Trinidad and Tobago.
- Apr. 2000 Third Session of Trinidad and Tobago-Venezuela Mixed Commission on the Suppression, Control and Prevention of Illicit trafficking in Narcotic Drugs and Psychotropic Substances.
- Apr. 1997 Commonwealth Secretariat Expert Group Meeting for the Caribbean Region on Forensic Evidence in Drug Cases, St. Lucia.
- Apr. 1995 United States Information Agency International Visitor Programme, USA.

Workshops and seminar papers presented

- Sept. 2013 “Prosecutorial Discretion and Caribbean Constitutionalism”, Caribbean Association of Judicial Officers (CAJO), 3rd Biennial Conference, Bridgetown, Barbados.
- Apr. 2013 “Planning a Drug Treatment Court,” paper, co-presented at Bridgetown Barbados.
- Feb. 2012 Paper presented on the “Drug Treatment Court Pilot Project in Trinidad and Tobago”.
- Dec. 2010 Part of a team that developed and published a sentencing handbook for Judges and Magistrates.
- Apr. 2008 Regional Training Workshop for Prosecutors, Hamilton, Bermuda. Paper presented on the “Independence of the Prosecutor”.
- Mar. 2008 Capital Development Workshop, Securities Exchange Commission, Port of Spain, Trinidad and Tobago. Paper presented on “Insider Trading”.

- Feb. 2008 Conference of Directors of Public Prosecutions, Kingston, Jamaica. Paper presented on “The Independence of the Director of Public Prosecutions”.
- Oct. 2004 Prosecution of Complex Corruption Offences - Jamaica Regional Conference on Corruption.
- May 2003 “Dismantling a Drug Trafficking Organisation: Dole Chadee Case Study”
 “The Evidential Value of Material obtained by Electronic Surveillance – The Common Law Position”. Barbados Regional Conference on Combating Trans-national and Complex Crimes in the 21st Century.
 “Use of Charts at Trials – The Legal Issues” Barbados Regional Conference on Combating Trans-national and Complex Crimes in the 21st Century.
- Aug. 2001 “Common Law Offence of Conspiracy as a tool to dismantle Drug Trafficking Organisations”, presented at Dismantling Drug Trafficking Organization’s Workshop.
- Jul. 2001 “Judges Rules and the Taking of Caution Statements”, Police Training Seminars.
- Apr. 1999 “The Giving of Evidence in Criminal Trials”, Police Training Seminars.

Notable cases

- | | |
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| The State vs. Leroy Andrews (2006) (Unreported) | Successfully argued for the introduction of victim impact statements at the sentencing stage in a criminal trial. This is now routinely done. |
| Bhola vs. The State (2006) 68 WIR 449 | A successful prosecution of police officers who extorted money from civilians. |
| Brown and Isaac vs. The State (2003) 62 WIR 440 | A gang killing. |
| The State vs. Philbert Foster and Brown Campbell (2002) (Unreported) | First successful prosecution for murder where the victim was an unidentified homeless man. |
| The State vs. Garfield Joseph and The State vs. Anthony Centeno (Unreported) | Advanced the rights of two homicide victims (deceased), whose offenders were given non-custodial sentences. Both cases were appealed and the offenders sentenced to terms of imprisonment. These represent the first successful appeals against lenient sentences in Trinidad and Tobago for serious crimes. |

2. Van Rompaey, Leslie (Uruguay)

[Original: Spanish]

Note verbale

The Embassy of the Oriental Republic of Uruguay to the Kingdom of the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute and, with reference to note ICC-ASP/12/S/14, of 26 April 2013, has the honor to inform that the Government of the Republic has decided to nominate Judge Dr. Leslie Van Rompaey, former President of the Supreme Court of Justice of Uruguay, as a candidate to be elected as Judge of the International Criminal Court at the elections to be held during the twelfth session of the Assembly, in The Hague, from 20 to 28 November 2013.

In consideration of the recognized competence acquired throughout his outstanding judicial career, the Government of Uruguay declares that Judge Dr. Van Rompaey fulfills the criteria established in article 36 of the Rome Statute, and specifically requests the inclusion of his candidacy in list A (article 36, paragraph 5, of the Statute), and his consideration as one of the candidates from Latin America and the Caribbean.

For the purposes of article 36, paragraph 8 (a), subparagraphs (i) to (iii), Judge Dr. Van Rompaey will represent the continental or civil law system.

A statement under article 36, paragraph 4 (a), of the Rome Statute, together with the candidate's curriculum vitae, are attached hereto.

Statement of qualifications

The declaration below is submitted pursuant to article 36 of the Rome Statute 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 candidacy of Judge Dr. Leslie Van Rompaey, former President of the Supreme Court of Justice of the Oriental Republic of Uruguay, is submitted for the consideration of the States Parties to the International Criminal Court. Judge Dr. Leslie Van Rompaey is deemed to have the special and exceptional competencies required for appointment as judge of the International Criminal Court (under list A), as attested by his extensive judicial experience and his commitment throughout his career to the principles and objectives underlying the Rome Statute.

Judge Dr. Leslie Van Rompaey has devoted his entire professional career to the service of justice. Shortly after he completed his studies at the University of the Republic, obtaining the degree of Doctor of Law and Social Sciences with brilliant grades, his vocation led him to join the judiciary at the starting level, that is, as Justice of the Peace. His early successes in the judiciary led to his subsequent constant and unimpeded promotions; in 2004 he became President of the Supreme Court of Justice, the highest rank that a Judge of the Republic can hold. Recognizing his exceptional professional qualifications, his peers elected him President of the Supreme Court once again for the 2011 – 2012 period.

The sense of justice and the commitment to the aims and objectives of the International Criminal Court that have been evidenced by Judge Dr. Van Rompaey throughout his entire career can be summarized by the transcendental change undergone by the jurisprudence of the Supreme Court of Justice of Uruguay during the time he served in that body. It declared the unconstitutionality of what was known as the Law on the Expiry of the Punitive Claims of the State, which enshrined the legal impediment for bringing to trial those members of the armed forces who had been indicted for violations of human rights during the military dictatorship in Uruguay, in the 1973-1985 period.

This turn of events made it possible for the Supreme Court of Justice to convict, for the first time, the repressive members of the military who had acted throughout the period. This emerges, for example, from the judgments issued in the cases of Major José Gavazzo *et al.*, convicted on 28 counts of especially aggravated manslaughter, and of the former *de facto* President General Gregorio Álvarez *et al.*, convicted on 37 counts of especially aggravated manslaughter.

It should be pointed out that the opinion of the Supreme Court of Justice concerning the “Expiry Law”, as well as the judgments delivered, received the utmost attention of national public opinion, given the political sensitivity of the cases in question.

Furthermore, the relevance of the actions of Judge Van Rompaey for the Supreme Court of Justice, and thus for national jurisprudence, is confirmed by the fact that he was entrusted with drafting the two judgments that made it possible to bring former *de facto* President Dr. Juan María Bordaberry to criminal trial.

The professional career of Judge Van Rompaey has not been restricted to the responsibilities of the judiciary in Uruguay; he has also devoted his energies to legal and juridical issues at the regional and international levels. In this regard, his participation both as a speaker and as a consultant is as intense as it is recognized; he has participated in different fora, such as specialized conferences and projects organized by different juridical institutions, such as the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), the Inter-American Bar Foundation, the United Nations Mission for the Verification of Human Rights in Guatemala (MINAGUA), and the United Nations themselves.

Dr. Van Rompaey is likewise intensely involved in lecturing in several specialized centers where Law is taught. He also carries out legal investigation, as is evidenced by his publication of a considerable number of papers and specialized works.

Judge Dr. Van Rompaey’s established competence is further evidenced by several requests made by the national authorities for his advice on key issues for the advancement and organization of the legal system of Uruguay. In this regard, he has achieved recognition for his contributions to the implementation of the new General Procedural Code, the constitutional reform of the judiciary fostered by the Executive in 1993, and the practical improvements introduced in the administration of justice.

As concerns the requisites contained in article 36, paragraph 3 (c) of the Rome Statute, Judge Dr. Leslie Van Rompaey is fluent in the working languages of the International Criminal Court, as well as in Portuguese and Italian.

Personal data

Date of birth: 21 December 1946; Montevideo, Uruguay

Marital status: Married

Languages

English, French, Portuguese and Italian

Judicial career

April 1975: Obtained a Doctorate in Law and Social Sciences from the Faculty of Law.

May 1975: Joined the judiciary as Justice of the Peace in the 12th. Judicial Section of Colonia.

April 1977: Promoted to Judge of the Court of First Instance of the department of Rivera (one of the most important of the nineteen jurisdictions into which Uruguay is divided), whose competence is primarily concerned with criminal cases of greater importance, occurred in that department.

April 1980: Promoted to Investigating Judge of Montevideo (capital of Uruguay), with an exclusively criminal jurisdiction.

April 1988: Promoted to Investigating Judge of Montevideo, Second Turn.

First Instance, Civil Court 10 of Montevideo, 14th. Turn.

August 1986: Promoted to Justice of the Court of Appeals, Civil Court 10, 5th. Turn.

February 2002: Appointed Justice of the Supreme Court.

2004–2005 and 2011–2012: Chief Justice of the Supreme Court.

In his capacity of Justice of the Supreme Court, he exercised criminal jurisdiction (cassation and review of the constitutionality of laws) over a period of ten years.

In this context, mention is made of his relevant participation in the declaration of unconstitutionality of the Law on the Expiry of the Punitive Claims of the State, which had enshrined the legal impediment for bringing to trial those members of the armed forces who had been indicted for the violation of human rights during the dictatorship; the conviction of José Gavazzo *et al.* (judgment 1501 of 6.5.2011), repressive members of the dictatorship, on 28 counts of especially aggravated manslaughter; and the conviction of the former *de facto* President, General Gregorio Álvarez, *et al.* (judgment 3033 of 22.8.2011), on 37 counts of especially aggravated manslaughter.

- It should be noted that in both cases he issued a dissenting opinion (minority report) wherein he specified that the actions being tried contained the element of enforced disappearance of persons.

- Drafted judgments 973 of 15.8.2003 and 1026 of 26.8.2003, which laid the ground for the criminal prosecution of former *de facto* President Dr. Juan M. Bordaberry.

Activities abroad

November 1987: Was granted a scholarship by the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) to participate in a course on “Agrarian Law: Administration and institutionalization of agrarian justice in Latin America”, in Caracas (Venezuela).

December 1988: Participated in the seminar “Perspectives of Agrarian Justice in Latin America”, organized by ILANUD in San Jose (Costa Rica).

August 1989: Was invited by the Inter-American Bar Foundation to participate, together with delegates from all the Latin American countries, in a congress held in Rio de Janeiro. The theme of the congress was “Strengthening Justice in Latin America”; he is a founding member of the Inter-American Association for the Administration of Justice, which was established on that occasion.

September 1993: Gave a presentation outlining the civil procedure reform, and specifically the case of Uruguay, during the First Seminar on the Basic Aspects of Judicial Reform, held in Sucre (Bolivia) under the auspices of the Supreme Court, the World Bank, the United States Agency for International Development (USAID) and the United Nations Development Programme (UNDP).

July 23 – 27, 1995: Participated in the coordination and conduct of the “Seminar on the Modernization of Justice – Ensuring the Rule of Law”.

Oralization of Non-Criminal Justice in Guatemala, organized by the Judicial Body, the United Nations Mission in Guatemala (MINUGUA) and UNDP.

27 July 1995: Participated in an academic forum held in the School of Legal and Social Sciences of the University of San Carlos, Guatemala, on the Orality of Non-Criminal Justice.

2 - 3 November 1995: Delivered a presentation at the Seminar on the Oralization of Non-Criminal Justice in Guatemala, organized by the University of San Carlos, the Rafael Landivar University and the MINUGUA-UNDP Joint Unit.

8 - 21 September 1996: Evaluation and coordination consultant for the United Nations in the modernization project for the evaluation and coordination of the Code of Civil Procedure of Guatemala. Gave several conferences, both at the capital and in other cities of Guatemala, on the experience and principles of the General Procedural Code of Uruguay, and the basis of the Latin American Model Procedural Code and its application in the Guatemalan reform.

13 January - 1 February 1998: Adviser to the Commission for Strengthening Justice, Guatemala, United Nations in Guatemala.

May 2002: Participated in the Advisory Group on the Simplification of Processes, held in Asuncion (Paraguay).

27 - 29 November 2002: Represented the Supreme Court of Justice at the VII Latin American Summit of the Presidents of Supreme Courts and Tribunals of Justice, held in Cancun (Mexico).

March 2003: Participated as representative of the Supreme Court of Justice in the First Preparatory Meeting for the VIII Latin American Summit of the Presidents of Supreme Courts and Tribunals of Justice and the IV Meeting of Latin American Judicial Councils, held in Santa Cruz de la Sierra (Bolivia).

18 - 11 September 2003: Represented the Supreme Court of Justice in the VIII Latin American Summit of Presidents of the Supreme Courts and Tribunals of Justice and the IV Meeting of Latin American Judicial Councils, held in Cartagena de Indias (Colombia).

1 - 21 April 2004: Participated in the I Meeting of Presidents of Supreme Courts and Prosecutors General of Latin America and the Caribbean, held in San Jose, Costa Rica.

November 2004: Represented the Supreme Court of Justice in the II Meeting of Supreme Courts of Mercosur Member States and Associate Members, held in Brasilia.

March 2006: Participated as a representative in the XIII Latin American Judicial Summit, held in Santo Domingo de Heredia (Costa Rica).

May 2006: Designated by the Supreme Court of Justice to participate in the V Latin American Conference on Constitutional Justice, in Santa Cruz de la Sierra (Bolivia).

November 2007: Designated by the Supreme Court of Justice to participate in the European Union-Mercosur Conference on International Cooperation against Fraud and Corruption, organized by the European Anti-Fraud Office, from 12 to 14 November 2007.

November 2007: Participated in the VI Latin American Conference on Constitutional Justice, which took place in Cartagena de Indias (Colombia).

June 2008; Designated by the Supreme Court of Justice to participate in a Seminar on Constitutional guarantees of vulnerable groups, persons deprived of their liberty, in Buenos Aires (Argentina).

October 2008: Participated in the III Summit of Presidents of the Judiciary of the Union of South American Nations (UNASUR), held in Venezuela.

April 2009: Participated in the VII Edition of the Conference held by the Pro-Tempore Secretariat of the Latin American Conference on Justice, held in Merida, Yucatan (Mexico).

May 2009: Participated in the I Latin American Seminar on Transparency, Accountability and Integrity of the Judiciary (Chile).

May 2009: Participated in the academic event "Science and Technology in Judicial Proceedings", Buenos Aires (Argentina).

July 2009: Designated by the Supreme Court of Justice to participate in the IV Summit of Presidents of the Judiciary of UNASUR, held in Cartagena de Indias (Colombia).

November 2009: Participated in a Bilateral Visit to the Supreme Court and General Council of the Judiciary of Spain, Madrid (Spain).

August 2010: Participated in the First Meeting of the Coordination and Monitoring Commission, in the context of the XVI Summit held in the Argentine Republic in 2012.

3-8 October 2010: Participated in the XVII Meeting of Presidents and Judges of the Courts and Constitutional Chambers of Latin America, held in Panama City.

Participation in academic events in the field of Law

September 1982: participated in a postgraduate specialization course on Jurisdictional Challenges, held in Uruguay.

December 1987: participated as a speaker in the First Symposium on Civil Liability in Overland Transport, held in Uruguay.

October 1989: participated as a speaker in the Workshop on the General Procedural Code, in the city of Treinta y Tres (Uruguay).

Over the years 1989 and 1990, and in the context of the entry into force of the new General Procedural Code, gave conferences and participated as a panel member in events organized by the Bar Associations of the Interior and of Montevideo, and the Association of Judges of Uruguay.

June 1991: Participated in the Congress of Tort Law, organized by the Bar Association of the city of Buenos Aires.

September 1992: Participated in the First Meeting between Uruguayan and Brazilian Judges.

November 1992: Participated as full member in the VI River Plate Legal Workshop, held in Punta del Este.

September 1993: Was invited to participate in the Third River Plate Congress of Maritime Law, held in the city of Montevideo.

September 1999: Participated as a speaker, representing the Supreme Court of Justice, in a Seminar on Public Law, Rule of Law and Responsibility of the State, held in Uruguay.

August 2002: Participated in the Final Round Table of the III International Seminar on Public Law, with a presentation on the subject of Terrorism as a gross violation of Human Rights and the desirability of international jurisdiction over the matter, together with Dr. Héctor Gros Espiell, Dr. Mariano Brito and Dr. Gonzalo Aguirre (Uruguay).

August 2008: Participated in the 35th. Special Session of the Inter-American Court of Human Rights, held in the MERCOSUR Building (Uruguay).

September 2009: Participated as a speaker in the II Mercosur Congress on the Assessment of Bodily Injuries and the III River Plate Meeting on Legal Medicine (Uruguay).

17-18 June 2011: Participated as a speaker in the III Regional Meeting of the Mercosur Association of Children's Court and Juvenile Court Judges, "Building a Justice that is Adapted to Boys, Girls and Adolescents" (Uruguay).

Sample publications

- "La Policía Judicial" ("The Judiciary Police"), with Dr. Hugo Bermúdez, *Judicatura*, No. 16. "La Policía Judicial ("The Judiciary Police"), with Dr. Hugo Bermúdez, Rivera Workshop on Procedural Law, FCU, 1985.
- "El rechazo liminar de las excepciones inadmisibles en el juicio ejecutivo cambiario" ("Rejection *in limine* of unacceptable exceptions in executive debt collection proceedings"), *Judicatura*, No. 23.
- "Alcance del deber de Averiguación de la verdad de los hechos alegados por las partes en el C.G.P. (Art. 25.2)" ("Scope of duty in ascertaining the truth of the facts pleaded by the parties in the G.P.C. (Art. 25.2)"), *Judicatura*, No. 29.
- "Un nuevo enfoque sobre la guarda en la responsabilidad por el hecho de las cosas el dependiente es guardián del comportamiento" ("A new approach to custody in liability for the fact of things: the dependant as the guardian of behavior"), *Judicatura*, No. 32,

- “La teoría de las cargas procesales dinámicas en el Derecho uruguayo” (“The theory of dynamic procedural obligations in Uruguayan Law”), La Justicia Uruguaya, No. 111.
- “El Derecho y la Justicia” (“Law and Justice”), Revista de la Universidad de Montevideo No. 8, 2005.
- On the occasion of the III International Seminar on Public Law, his presentation delivered during the Round Table, Terrorism as a gross violation of Human Rights and the desirability of international jurisdiction over the matter, was published in Revista de Derecho III, U.C.U.D.A.L.
- Contributed to the book “La ciencia del derecho procesal constitucional” (“Constitutional procedural law as a science”). Studies in honor of Héctor Fix-Zamudio on the occasion of his 50 years of research in the Law. Volume III: “La justicia constitucional en el Uruguay. Coordinación de los principios de separación de poderes y sometimiento de toda la normativa a la Constitución” (“Constitutional justice in Uruguay. Coordination of the principle of separation of powers and submission of all legislation to the Constitution”).

Hyperlink <http://www.bibliojuridica.org/libros/6/2557/32.pdf>

Academic activities

Since 1988, has lectured in Civil Law, Civil and Commercial Procedural Law, in the context of training and capacity building of judges provided in the Center of Judicial Studies of Uruguay.

Among others, he taught the following courses:

- Civil Procedural Law for Candidates to the Judicature, 23 to 3 May 1989.
- Workshop on the Precautionary Process, 15 to 17 October 1990.
- Workshop on the Voluntary Process, 1 to 22 October 1990.
- Workshop on the Application of the General Procedural Code, 11 to 15 March 1991.
- Second Module on the G.P.C., 1 March 1991.
- Civil Law Module, 3 November to 1 December 1991.
- Civil Procedural Law Workshop, to 18 March 1992.
- Civil Procedural Law Workshop, 23 April to 12 May 1992.
- Civil Procedural Law Workshop, 5, 7, 12, 14, and 1 May 1992.
- Civil Procedural Workshop. Refresher training, Level II, 22, 24, 26 and 2 June 1992.
- Civil Law Workshop in Tacuarembó, 14 and 15 November 1992.
- Civil Law Workshop on Breach of Contract, with Dr. Carlos de Cores, at the Catholic University of Uruguay, September 1993.

During 1993, participated in workshops organized by the Center of Judicial Studies of Uruguay (Part II) as well as in the workshop on Securities and means for combatting fraudulent insolvency of debtors.

In 1994 and 1995, taught in several workshops for judges on extra-contractual liability, burden and standard of proof, simulation of contract and fraudulent conveyance.

In September 1995, gave a conference on the theory of Disregard of legal entity at the Uruguayan Institute of Business Studies.

In July 1996: Workshop on the assessment of moral damages, updating and legal interests at the Center of Judicial Studies of Uruguay.

In November 1997, co-directed with Dr. Elena Martinez the Workshop on Civil Liability of the Media at the Center of Judicial Studies of Uruguay.

From April 2002 to date, co-directs the module on Judicial Office Techniques, judicial motivation and reasoning, in the context of the Center of Judicial Studies course taught to candidates to the Judicature.

Other activities

Member of the Commission in charge of advising the Supreme Court of Justice on the implementation of the entry into force of the General Procedural Code.

Together with Drs. Torello, Galagorri, Lombardi and Martins, Member of the Commission appointed by the then President of the Republic to draft the project guidelines for the constitutional reform of the Judiciary

Member of the Supreme Court of Justice's Advisory Commission entrusted with evaluating judges prior to their transfer and promotion (1996-1997).

Head of the Advisory and Monitoring Committee designated by the Supreme Court of Justice for the implementation and execution of the loan arranged with the Inter-American Development Bank (IDB) for the improvement of justice services.

Member of the Coordination and Monitoring Commission, Latin American Judicial Summit Group.

Annex II

List of candidates organized according to lists A and B

List A

1. HENDERSON, Geoffrey A.
2. VAN ROMPAEY, Leslie

List B

n/a

Annex III

List of candidates organized by regional group

Group of African States

n/a

Group of Asia-Pacific States

n/a

Group of Eastern European States

n/a

Group of Latin American and Caribbean States

1. HENDERSON, Geoffrey A. (Trinidad and Tobago)
2. VAN ROMPAEY, Leslie (Uruguay)

Group of Western European and other States

n/a

Annex IV

List of candidates organized by gender

Male

1. HENDERSON, Geoffrey A.
2. VAN ROMPAEY, Leslie

Female

n/a
