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Fifth election of judges of the International Criminal Court

Addendum

Annex I

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1. ALAPINI-GANSOU, Reine Adelaide Sophie (Benin)

[Original: French]

Note verbale

The Ministry of Foreign Affairs, African Integration, Francophonie and Beninese Overseas presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute and, with reference to its note No ICC-ASP/13/SP/06 dated 18 February 2014, has the honour to inform the Secretariat of the following:

Pursuant to the provisions of article 36 of the Rome Statute of the International Criminal Court and Resolutions ICC-ACP/3/Res.6 amended by resolutions ICC-ASP/5/Res.5 and ICC-ASP/12/Res.8 adopted by the Assembly of States Parties on 10 September 2004, 1 February 2007 and 27 November 2013 respectively, the Government of Benin has decided to nominate Mrs Reine Alapini-Gansou, lawyer at the Benin bar, for one of the six (06) vacant posts of judge at the International Criminal Court.

Mrs Reine Alapini-Gansou has also been a member of the African Commission on Human and Peoples' Rights since 2005. She has also been a member of the Permanent Court of Arbitration of the United Nations in The Hague since 2011 and is currently Head of the Human Rights Component of the African-led International African Support Mission in Mali (AFISMA).

The Ministry would like to draw the attention of the Secretariat of the Assembly of States Parties to the fact that Mrs Reine Alapini-Gansou is nominated for list B in accordance with article 36(5) of the Rome Statute.

The Ministry hereby submits to the Secretariat of the Assembly of States Parties the curriculum vitae of Mrs Alapini-Gansou (in English and in French), a statement in support of her nomination (in English and in French) pursuant to paragraphs (a), (b) and (c) of article 6(3) of the Rome Statute, in accordance with article 36(4)(a) of the Statute, together with references in the fields of International Human Rights Law, Humanitarian Law, International Arbitration Law and Development Law.

Statement of qualifications

Nomination of Mrs. Reine Alapini-Gansou, proposed by the Government of the Republic of Benin for the post of judge at the International Criminal Court.

1. *Criteria of the moral character, impartiality and integrity of Mrs Reine Alapini-Gansou*

Mrs. Reine Alapini-Gansou is a Benin citizen. Her application is submitted by the Government of the Republic of Benin by virtue of Article 36 of the Rome Statute of the International Criminal Court and Resolutions ICC-ACP/3/Res -6 amended by resolutions ICC-ASP/5/Res 5 and ICC-ASP/12 Res-8 adopted by the Assembly of States Parties on 10 September 2004, 1 February 2007 and 27 November 2013 respectively.

She was born in Abidjan, Côte d'Ivoire on 11 August 1956. She holds a joint Diploma of Advanced Studies (DEA) of the University of Maastricht in the Netherlands, Bhutan and Lomé in Togo. Besides, she holds a Master Degree in Business Law and judicial Careers of the National University of Benin.

Mrs. Reine Alapini-Gansou studied in the civil law system but she got a law degree in Common Law from the University of Lyon 3 in France.

In view of her career in the field of International Human Rights Law and Humanitarian Law, Mrs. Reine Alapini-Gansou obtained several diplomas in the field of Development, Environmental law and Women Rights.

For her great contribution serving the cause of human rights, she received numerous awards including:

- (a) The Human Rights Award of the fiftieth anniversary of African States independence awarded by the “Académie des Sciences d’Outre-Mer” Sorbonne, France, 27 November 2010;
- (b) The Prize of the 25th anniversary of the African Commission on Human and Peoples’ Rights for her contribution serving the cause of Human Rights in Africa, 25 October 2012, Yamoussoukro, Côte d’Ivoire;
- (c) Prize for her contribution to the fight against discrimination based on sexual orientation against homosexuals, Geneva, UNAIDS, 16 May, 2014.

2. *Skills for judicial functions at the national level*

In the academic field:

Mrs. Reine Alapini-Gansou is a research lecturer and a PHD candidate at the Faculty of Law and Political Science of the University of Abomey – Calavi, Benin. In this capacity, she wrote a paper on “*the strict interpretation of criminal law: the role of the World Trade Organization for the protection of the environment*”. In 2002 at the scientific Congress in Lomé, she presented a paper titled “*The new dimensions of guiltiness in penal procedures*”. She is also an associate lecturer of law and legislation at the Institute of Human Rights and Democracy and the Faculty of Health Sciences in Benin. She is currently taking part in the preparation of a syllabus for nurses in Benin.

She is the author and co-author of several publications including:

- (a) "De l'article 64 à l'article 122-1 du code pénal : une réforme à mi-chemin." Published in the annual review of the Mental Health Support in Africa “Réalités Africaines” 1999;
- (b) "Aspects Psycho-pathologique du viol en Afrique : Cas du Benin et du Congo";
- (c) "Violences faites aux femmes: intérêt de la mise en place d'une cellule de prise en charge médico-psycho-juridique". Published in *Bénin Médical* nos 39/ 40 – 2008;
- (d) "Le code des personnes et de la famille du Benin à l'épreuve de l'application" (2012) (to be published);

In the area of the Bar:

- (a) She is a Lawyer admitted to the Bar of Benin since 1986 (actually she is registered as the 24th member of the Bar Association of Republic of Benin);
- (b) Former intern for the International Bar Association Conference in Paris (1988);
- (c) Former intern of the International Development Law Organization in Rome, Italy from 2000 to 2002;
- (d) She took part in the project "Justice for all in Rwanda" after the 1994 genocide for Lawyers without Borders Association of Belgium in 2001;
- (e) Member of the International Criminal Bar Association and the International Association of Defence Counsel;
- (f) As a lawyer, she was appointed, since 2012, as trainer at the International Training Centre for Francophone Lawyers on the procedures before the International Criminal Court;
- (g) As a lawyer she was actively involved in advocating for the repeal of Article 336 of the Penal Code relating to adultery which was unconstitutional as it discriminated against women;
- (h) In Benin, she has been a member of the National Commission of Codification and Legislation and served as a consultant for the Cell Analysis and Planning of the National Assembly of Benin for the reform of the new Criminal Procedure Code of Benin.

3. *Competences in the fields of criminal law, criminal procedure, criminal proceedings and in international law*

Competences in the field of Criminal law and Criminal Procedure

- (a) Mrs. Reine Alapini-Gansou teaches Criminal Law and Criminal Procedure at the University of Abomey Calavi in Benin since 2001;
- (b) Trainer at the International Training Centre for Francophone Lawyers on the procedures before the International Criminal Court since 2012.

Competence in the field of International Law

- (a) Since her election in 2005 and re-election in 2011 as member of the African Commission on Human and Peoples' Rights (ACHPR), Mrs. Reine Alapini-Gansou held various senior positions in this quasi-judicial institution;
- (b) Mrs. Alapini-Gansou was the Chairperson of the African Commission on Human and Peoples' Rights (2009 –2011). In this capacity, she headed several human rights promotion missions in Africa namely in the Democratic Republic of Congo, in Mauritania, in Algeria, in Tunisia, in Libya and in Togo;
- (c) She has been many times Chair or member of the Moot Court organised by the African Center for Human Right of Pretoria University;
- (d) She instigated the referral to the African Court on Human and Peoples' Rights of massive violation of Human Rights that occurred in Libya in 2010;
- (e) She has been the Chairperson of the ACHPR's Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV (2009-2011) and she is still a member. In this regard, she is an expert consultant for the UNAIDS on the rights of people living with HIV, vulnerable people and sexual minorities;
- (f) As a member of the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa since 2007, she is taking part in the elaboration of two legal instruments on the promotion and protection of the rights of older persons and persons with disabilities in Africa;
- (g) Mrs. Reine Alapini-Gansou is Special Rapporteur on the situation of Human Rights Defenders in Africa from 2005 to 2009, and from November 2011 to date.
 - (i) In this capacity, she participated in several seminars on various topics related to the promotion, protection and capacity building of Human Rights Defenders. She contributed to editing textbooks and workbooks as well as a communication tool for the rights of human rights defenders. She organized several seminars on human rights;
 - (ii) As Special Rapporteur on human rights in Africa, Mrs. Reine Alapini-Gansou lead two studies on the situation of women Human Rights defenders and on Freedom of Association and peaceful Assembly respectively. She is also drafting Guidelines of Human Rights and Countering Terrorism.
- (h) She is a Member of the Permanent Court of Arbitration of the United Nations in The Hague since 9 July 2011;
- (i) Mrs. Reine Alapini-Gansou was appointed member of the fact finding mission on the electoral violence in Côte d'Ivoire in May to June 2011;
- (j) At the time of her application, Mrs. Reine Alapini-Gansou is head of the Human Rights Component of the International African Support Mission in Mali and for MISAHHEL since 1st April 2013.

4. *Languages*

Though from a Francophone background, Mrs. Reine Alapini-Gansou has a good knowledge of English and is able to speak and write in English. Throughout her mandate as a member of the African Commission and as Special Rapporteur on the Situation of Human

Rights Defenders in Africa, she has had the opportunity to make use of these skills and improve it.

She has a good knowledge of computers.

5. *List application*

For purposes of paragraph 5 of Article 36 of the Rome Statute, Mrs. Reine Alapini-Gansou is proposed by the Government of the Republic of Benin for the post of judge at the International Criminal Court on the **list B** of applications

6. *Specialized legal expertise*

- (a) She was a consultant for the World Health Organisation (WHO) to develop a bill on the promotion and protection of Human Rights of the mentally ill (2008);
- (b) She was a consultant for the International Labour Organisation (ILO) on the Human Rights of the mentally ill and people living with HIV in the workplace;
- (c) She is a Qualified Arbiter at the Chamber of Commerce and Industry of Benin;
- (d) She is a Qualified Arbiter at the Cotton Inter-professional Association of Benin;
- (e) As a member of the Coalition for the ICC-Benin, she has developed and implemented a project aiming at drafting a law for the domestication and implementation of the Rome Statute in Benin;
- (f) She is a member of several women's associations. As a former member of the Association of Women Lawyers of Benin, a founding member of WILDAF – Benin (Women in law and Development in Africa) and ABDD (Association Béninoise pour le Droit de Développement), she initiated several laws protecting women in Benin. Among them are the following:
 - (i) Law on the repression of female genital mutilation, n° 2003-03 of 3rd March, 2003;
 - (ii) Family Law Code n° 2002-07 of 24th August, 2004;
 - (iii) Law on the protection of people living with HIV n° 2005-31 of 5th April, 2006;
 - (iv) Law on the repression of sexual harassment in Republic of Benin n°2006-19 of 5th September, 2006;
 - (v) Law on the promotion and protection of the mentally ill in Benin.

To date, she is a Legal counsel for women victims of violence at the Centre for Law and Development of Women of WILDAF-Benin network. In this line, she handled more than 200 matrimonial cases, succession, and rapes assault and battery either through amicable settlement or before the courts.

7. *Indication of nationality*

Mrs. Reine Alapini-Gansou is Benin citizen.

Curriculum vitae

Family name :	Alapini-Gansou
First name :	Reine
Second first name :	Adelaide Sophie
Sex :	Female
Date of birth:	11 August 1956
Nationality :	Beninoise
Regional criteria :	Africa
Civil status :	Married

List A / List B :	List B
Languages	Mother tongue: Nago
- English	(writing) good (oral) good
- French	(writing) excellent (oral) excellent

Academic qualifications:

2007

- *Institution:* University of Lyon/ France
- *Degree(s) obtained:* University Degree in Business Law under Common Law (Degree Certificate is herewith attached)

Oct 1998 – June 1999

- *Institution:* University of Maastricht – University of Togo
- *Degree (s) obtained:* Diploma of Advanced Studies (Law and Environment policy) – Degree certificate attached

Oct 1979 – June 1983

- *Institution:* Law Faculty, University Of Abomey-Calavi, Benin
- *Degree (s) obtained:* Master Degree in Business Law and Judicial Careers (Degree certificate attached)

Work Experience:

Since 2012

- *Employer:* The International Training Centre For Francophone Lawyers
- *Job Title:* Trainer
- *Other information:* Procedures before the International Criminal Court.

Since 2002

- *Employer :* Faculty of Law, University of Abomey-Calavi, Benin
- *Job Title:* Research Lecturer (certificate attached)
- *Other information :* Criminal Law and Criminal Procedure

Since 1986

- *Employer:*
- *Job Title :* Lawyer admitted to the Bar of Benin (Certificate attached)
- *Other information :*
 - Lawyer for Lawyers without Borders Association of Belgium the project "Justice for all in Rwanda" January to March 2001 ;
 - Member of the International Criminal Bar Association
 - Member of the International Association of Defence Counsel
 - Former member of the National Commission of Codification and Legislation
 - Legal counsel for women victim of violence at the Centre for the Rights of women and Development of "WILDAF Network". (Certificate attached)

Since 2005

- *Employer :* The Chamber of Trade and Industry of Benin
- *Job Title :* Qualified Arbiter at the Chamber of Trade and Industry of Benin

Since 2004

- *Employer :* The Cotton Inter-Professional Association of Benin
- *Job Title:* Qualified Arbiter at the Cotton Inter-Professional Association of Benin

Other relevant professional activities:

Since April 2013

Activity: Head of the Human Rights Component of the International African Support Mission in Mali and for Misahel

July 2011

Activity : Member of the Permanent Court of Arbitration of the United Nations in The Hague

May - June 2011

Activity : Member of the fact finding mission on the electoral violence in Côte d'Ivoire

2009-2011

Activity: Former Chairperson of the African Commission of Human and Peoples' Rights from 11 November 2009 - 5th

November 2011, in this regard, led the ACHPR in its mission of promotion and protection of Human Rights in Africa as provided for by article 45 of the African Charter on Human and Peoples' Rights

2010-2011

Activity: Former Chairperson of the Committee on the protection of people living with HIV and those at risk of the African Commission on Human and Peoples' Rights (25 May 2010 – 5 November 2011). In that line, she worked with ONUSIDA and other key stakeholders of civil society and took part in several seminars and international conferences on HIV-AIDS.

Since 2011

Activity: Special Rapporteur on the situation of Human Rights Defenders in Africa from 2005 to 2009 and from the 5th November 2011 to date. In this regard she undertook various activities amongst which participation in workshops, conferences and seminars on this topic; has organized an African colloquium on Human Rights Defenders held in Kampala, Uganda; in Cotonou in August 2008 she organized a Continental Workshop on the elaboration of working material for human rights defenders– two keys documents were published with the assistance of the German Embassy in Benin and the Government of Norway, that is the Guideline for Human rights defenders and a training book ; in October 2008, with the assistance of Open Society Initiative for West Africa, she organized a National Workshop on Human Rights with Civil Society organizations of Benin to commemorate the 60th Anniversary of the Universal Declaration on Human Rights and the 10th Anniversary of the United Nations Declaration on Human Rights Defenders; the 10th December 2008, she organized a National interactive Dialogue on key human rights issues in Benin; She has organized a training workshop for teachers of primary and secondary schools on education to human rights - 7 to 11 December 2009, for the 61st International Day of human Rights, she took part to a round table on Human Rights organized by the Ombudsman Office of Benin in Porto Novo.

Since 2005

Activity: Member of the African Commission on Human and Peoples' Rights since 18 November 2005. Since 2007, She is member of the Working Group on the Rights of Elderly persons and persons with disabilities in Africa of the ACHPR. She participates in the process of elaborating and drafting a protocol on the promotion and protection of rights of both the elderly person and people living with disability.

Relevant Publications

- "De l'article 64 à l'article 122-1 du code pénal : une réforme à mi-chemin." Published in the annual review of the Mental Health Support in Africa "Réalités Africaines" 1999;
- "Aspects Psycho pathologique du viol en Afrique : Cas du BENIN et du CONGO";
- "Violences faites aux femmes: intérêt de la mise en place d'une cellule de prise en charge médico-psycho-juridique". Published in Bénin Médical nos 39/ 40 – 2008.

Relevant Seminars and Conferences

- International Symposium on Impunity organized by the United Nations Independent Expert on Cote d'Ivoire, Yamoussoukro, Cote d'Ivoire, March 2013;
- Conference on the Commemoration of the 30th anniversary of the ratification by France of the Convention on the Elimination of Discrimination Against Women, December 2013;
- Commemoration the 20th of anniversary of the United Nations Convention on Enforced Disappearances, United Nations High Level Panel 2012, Geneva;
- Organization and preparation of the Conference on the 25th Anniversary of the African Commission on Human and Peoples' Rights, Yamoussoukro, Cote d'Ivoire, 2012;
- Organization and preparation of the Conference on the 30th Anniversary of the African Charter on Human and Peoples' Rights, Banjul, The Gambia, 2012;
- High Level Panel on the rights of older persons in April 2011, United Nations in New York;
- Symposium on the outcome of the Johannesburg Conference on the United Nations Declaration on Human Rights Defenders 1998 (Johannesburg +10) in 2009, Kampala-Uganda;
- Training of International Judges within the Brandeis program in August 2006 in Dakar / Senegal;
- Seminar on the procedures before the International Criminal Court organised by the International Criminal Bar Association and International Association of Defence Counsel, July 2005, Dakar, Senegal;
- Seminar on the implementation of the recommendations of the Beijing Conference in 2004 in Addis Ababa, Ethiopia;

Membership in professional associations

1. Member of the International Association of Defense Counsel and the International Criminal Bar Association ;
2. Member of the Coalition for the implementation of the International Criminal Court (Benin Branch)-(Executive Secretary);
3. Member of the Beninese National Committee for the implementation of the Rome Statute (1st Vice-Chairperson);

4. Former member of the Association of Women Lawyers of Benin (AFJB);
5. Former Member of the Association of Women for Education in Benin (ASFEB);
6. Founding Member of the Beninese Network for the defense of Human Rights Defenders;
7. Chairperson of ‘l’ Association Béninoise de Droit au Développement (ABDD) (she is currently undertaking a project on legal assistance to People living with HIV and those at risk);
8. Founding Member of the Network WILDAF–Bénin (women, law and development) (Executive Secretary–Consultant for WILDAF on the effective implementation of the UN CEDAW convention);
9. Member of the Board of Director of the International Service for Human Rights;
10. Member of the Female Lawyers Association of Benin;
11. Member of the « SOROPTIMIST CLUB DOYEN » of BENIN.

Prizes and awards

- 1- The Human Rights Award of the fiftieth anniversary of African States independence awarded by the ‘‘Académie des Sciences d’Outre-Mer’’ Sorbonne, France, November 2010;
- 2- Award for her contribution to the promotion of human rights in Africa during the 52nd Ordinary Session of the Commission, Yamoussoukro, Côte d’Ivoire /October 2012;
- 3- Prize for her contribution to the fight against discrimination based on sexual orientation against homosexuals, Geneva, UNAIDS, 16 May, 2014.

Personal interest

- Continue the work of protection of human rights at the imminent judicial institution that’s International Criminal Court;
- Serving international justice by judicial practice, advocacy and research.

Others

- July 2005: Certificate of participation in a short course on the practice of law before the International Criminal Court held in Dakar, Senegal by the Pearson Centre in collaboration with the International Association of Defense Counsel;
- February-March 2005: Certificate of participation in a short course (CS -84 F) organized by the Pearson Centre / Training program for Francophone civil servants for Peace building (PGCAF) in Ouidah, Benin (PPC);
- 4 to 6 March 2004: elaboration and implementation of a project aiming at organizing a workshop and drafting a law for the domestication and implementation of the Rome Statute.
- 2003: President of the Technical Committee for the elaboration of internal rules and regulations of the center of conciliation, arbitration and mediation of the Chamber of Trade and Industry of Benin and the draft law creating same;
- May 2003: Certificate of Participation in the 11th regional Course on International Human Rights Procedures organized by the African Centre for democracy and human rights studies along with participation at the 33th Ordinary Session of the African Commission on Human and Peoples’ Rights;
- October 2002: Certificate of participation in the 5th Seminar on human rights litigation organized by the Institute on Human Rights and Development in Africa along with participation at the 32th Ordinary Session of the African Commission on Human and Peoples’ Rights;
- July 2000: Certificate of Participation in the 31st training course of the International Institute of Human Rights of Strasbourg;
- July 1999: Certificate of participation in the 30th training course of the International Institute of human Rights of Strasbourg;
- July 1996: Certificate of participation to the 27th training course of the International Institute of Human Rights of Strasbourg;
- November-December 1996: Certificate of Participation to a training course on management of human rights NGOs in Cairo, Egypt;
- July-August 1993: Certificate of Participation to the 21th Course Session of international intensive training on Human rights, Strasbourg, France.

2. BAHLOUL, Abdelkader (Tunisia)

[Original: French]

Note verbale

The Embassy of the Republic of Tunisia presents its compliments to the International Criminal Court (Secretariat of the Assembly of States Parties to the Rome Statute) and, referring to the latter's note verbale reference ICC-ASP/13/SP/06 dated 18 February 2014, has the honour to inform it that the Government of the Republic of Tunisia has decided to nominate Mr Abdelkader Bahloul, Principal State Prosecutor at the Tunis Court of Appeal, for the post of judge at the International Criminal Court, at the elections to be held during the thirteenth session of the Assembly of States Parties scheduled to take place at the United Nations Headquarters in New York from 8 to 17 December 2014.

Mr Abdelkader Bahloul meets the requirements set out in article 36(3)(b)(i) and is therefore nominated for "list A", for candidates who have "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".

Statement of qualifications

Detailed document produced in accordance with article 36(4)(a) 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.

The Government of the Republic of Tunisia has decided to nominate Mr Abdelkader Bahloul, Principal State Prosecutor at the Tunis Court of Appeal, for the post of judge at the International Criminal Court at the elections to be held in New York at the thirteenth session of the Assembly of States Parties to the Rome Statute, scheduled to take place from 8 to 17 December 2014.

The nomination of Mr Abdelkader Bahloul for these elections was accepted pursuant to article 36(4) of the Rome Statute in accordance with the procedure for submitting nominations for the International Court of Justice as provided for by the Statute of that Court.

Judge Bahloul is someone of high moral character, known for his impartiality and integrity (article 36(3)(a) of the Rome Statute). A highly respected judge, he has devoted his entire professional career of around thirty seven years, beginning on 1 February 1978, to the service of justice.

Judge Bahloul meets the requirements in Tunisia for appointment to the highest judicial offices as stipulated in article 36(3) of the Rome Statute since he is currently Principal State Prosecutor at the Court of Appeal in Tunis and has held this post since 1 October 2011. This is one of the highest judicial offices in Tunisia.

Judge Bahloul has recognised experience in the fields of criminal law and procedure and also the necessary experience of criminal proceedings as an investigating judge, judge and prosecutor, thus fulfilling the requirements of article 36(3)(b)(i). During his career he was President of the Criminal Chamber for two years and President of the Criminal Appeals Chamber for four years. He was also an investigating judge for four years and State Prosecutor for nine years and Principal State Prosecutor at the Court of Appeal for ten years and he therefore has unparalleled experience of every stage of criminal proceedings.

Judge Bahloul also has extensive knowledge of International Human Rights Conventions.

Judge Bahloul is an Arabic native speaker and speaks and writes French fluently. He also has some knowledge of English (article 36(3)(c) of the Rome Statute).

Judge Bahloul holds Tunisian nationality only.

Judge Bahloul is nominated for list A (article 36(5) of the Rome Statute) in accordance with the requirements stipulated in article 36(3)(b) of the Rome Statute.

Judge Bahloul has extensive experience in the field of violence against women and children, an issue mentioned in article 36(8)(b) of the Rome Statute. His experience is the result of twenty-nine years of a career devoted to combating crime and sexual attacks against women and children in particular.

Curriculum vitae

Family name:	Bahloul	
First name:	Abdelkader	
Middle name:	Ben Ali	
Gender:	Male	
Date of birth:	19/11/1952	
Nationality:	Tunisian	
Regional criteria:	Africa	
Marital status:	Married	
List A / List B	List A	
Languages	Mother tongue: Arabic	
- English	(written) Intermediate	(oral) Basic
- French	(written) Advanced	(oral) Advanced

Educational qualifications:

21 February 1978

- *Institution:* Faculty of Law and Political and Economic Sciences, Tunis
- *Qualification(s) obtained:* Certificate to practise law (*Certificat d'aptitude à la profession d'avocat*)

January 1978

- *Institution:* Ministry of Justice
- *Qualification(s) obtained:* Successfully passed the recruitment competition for judges (top in the year)

October 1977

- *Institution:* Faculty of Law and Political and Economic Sciences, Tunis
- *Qualification(s) obtained:* Degree in Private Law (French language)

Professional experience:

2004-2014

- *Employer:* Ministry of Justice, Human Rights and Transitional Justice
- *Post title:* Principal Public Prosecutor at the Court of Appeal in Tunis from 1 October 2011 to date. Principal Public Prosecutor at the Court of Appeal in Gabès from 16 September 2004 to 30 September 2011

2000-2004

- *Employer:* Ministry of Justice, Human Rights and Transitional Justice
- *Post title:* President of the Criminal Chamber at the Court of Appeal in Sfax

1993-2000

- *Employer:* Ministry of Justice, Human Rights and Transitional Justice
- *Post title:* Public Prosecutor at the Court of First Instance in Sfax for five years from 16 September 1995. Public Prosecutor at the Court of First Instance in Kairouan for two years from 16 September 1993.

1989-1990

- *Employer:* Ministry of Justice, Human Rights and Transitional Justice
- *Post title:* Public Prosecutor at the Court of First Instance in Sidi Bouzid

1985-1988

- *Employer:* Ministry of Justice, Human Rights and Transitional Justice
- *Post title:* Investigating judge at the Court of First Instance in Sfax
- *Other information:* From 01 October 1982 to 31 January 1985, judge at the Court of First Instance in Sfax responsible for the presidency of the criminal chamber.

Other professional activities:

- *Activity:* Teaching at the National College for the Judiciary in Tunis
- *Activity:* Dissertation supervisor
- *Activity:* Lecturing at the National College for the Judiciary

Most relevant publications

Comparative study of the European Convention on Extradition and the Arab Convention on the Suppression of Terrorism, Syracuse, June 2000

Most relevant seminars

Participated in the International Congress on the draft law against terrorism held in Tunis on 29 October 2013.

Participated in the seminar entitled “The Republic of Tunisia and the International Criminal Court” organised in Tunis from 18-19 October 2013 by the International Criminal Society.

Chaired a debate at the international congress organised in Tunis from 16-17 January 2013 by the Ministry of Justice and German institution IRZ on prisons in Tunisia.

Membership of professional associations and societies

Association of judges in Tunisia

Awards and honours

-

Personal interests

Special interest and extensive knowledge of international conventions on human rights

3. BENNEH, Emmanuel Yaw (Ghana)

[Original: English]

Note verbale

The Permanent Mission of the Republic of Ghana to the United Nations presents its compliments to the Secretariat of the Assembly of States Parties of the International Criminal Court and with reference to the latter's note no. ICC-ASP/13/SP/06 dated 18 February 2014, has the honour to inform of the decision of the Government of Ghana to present the candidature of Mr. Emmanuel Yaw Benneh, as a judge of the International Criminal Court at the elections to be held during the Assembly of States Parties to the Rome Statute, in New York from 8 to 17 December 2014.

A copy of the curriculum vitae of Mr. Emmanuel Benneh as well as a statement supporting his candidature are also attached.

Statement of qualifications

Statement submitted in accordance with article 36 (4) (a) of the Rome Statute of the International Criminal Court and resolution ICC-ASP/3/Res.6.

I am a Ghanaian national and have been nominated by the Government of Ghana. My nomination of judge to the International Criminal Court is in fulfillment of article 36, paragraph 3 (a) which requires that "Judges shall be chosen from among persons of high moral character, impartiality and integrity (and) who possess the qualifications required in their respective States for appointment to the highest judicial offices".

In addition, my nomination is in fulfillment of article 36, paragraph (b) (ii), which requires that candidates should have "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 work of the Court". I have an excellent knowledge of and speak English fluently.

In respect of my candidature which comes under the list B category, my work experience includes 23 years of teaching at the University of Ghana where I have been teaching various courses at the Faculty of Law ranging from Public International Law, International Humanitarian Law, International Human Rights Law, International Trade Law, International Investment Law, and Intellectual Property Law. I also teach the LL.M. course in International Humanitarian and Human Rights Law. Beyond the Faculty, I developed and pioneered the teaching of courses at the Masters level at the Legon Centre for International Affairs and Diplomacy (LECIAD) in Public International Law, Law of Diplomacy and International Institutions, United Nations Law, Legal and Policy Issues of Foreign Direct Investment, International Institutions, and International Humanitarian Law. I also pioneered the teaching of Public International Law, International Humanitarian Law, Law of Diplomacy and International Institutions and United Nations Law at the Masters level at the Ghana Armed Forces Command and Staff College (GAFSC).

My work experience in the University of Ghana has extended beyond teaching to include supervision and examination of a considerable number of long essays and dissertations on Public International Law and the related subject areas at the Faculty of Law, LECIAD, GAFSC and in the Master of Laws in Human Rights and Democratization in Africa (with University of Pretoria, South Africa).

I have also been a Visiting Lecturer at a number of institutions abroad, including Universities of Leiden, Northwestern, Nottingham and Pretoria. In particular, my visit to Leiden in 2004 gave me the opportunity to give lectures at the prestigious Grotius Centre for International Legal Studies of the University at Campus Den Haag, and the TMC Asser Institute for International Law at The Hague.

Within the scope of my professional activities as a teacher and a researcher, legal expert and consultant, I have been invited to participate in many conferences, seminars and workshops within and outside the country where I presented papers in my subject areas of interest ranging from Public International Law, International Investment Law, International

Criminal Law and Migration Law. I have proceeded to publish some of these papers together with other articles in refereed journals and also made book-chapter contributions.

In addition, I have been contracted by the United Nations Institute for Training and Research (UNITAR) as a consultant to teach in Training Courses on Diplomatic Practices for Government Officers from both The Gambia and Eritrea. The courses I taught in the two countries included Introduction to Public International Law, International Trade Law, International Investment Law, Treaty Law and Recent Developments in International Law. I have also been contracted by the United Nations Conference on Trade and Development (UNCTAD) as a consultant to teach in the Intensive Training Sessions for Negotiators of International Investment Agreements at the University of Pretoria, South Africa. So also have I had the opportunity to deliver lectures on “Treaty Practice” and “Treaty Implications for Legislative Drafters” in the Guest Lecture Series organized by the Commonwealth Secretariat and the Government of Ghana, and in the Judicial Training Institute’s Maritime Law Seminar for Judges of the Superior Courts of Judicature in Ghana. In 2012, I was appointed as Member of the Commonwealth Secretariat Ad Hoc Group of Experts on the Secretariat’s Revised Investment Guide for developing countries which aims primarily at integrating the concept of sustainable development into International Investment Agreements. This appointment was in recognition of the research and scholarly contribution I have made in the area of Public International Law in general, and International Investment Law, in particular.

Regarding my other engagements, I can mention, among others, serving as a Member of the Editorial Board and Chairman of the Editorial Committee of the University of Ghana Law Journal, a Member of the Board of the LECIA Journal of International Affairs, an Editor of the prestigious Journal of the African Society of International and Comparative Law as well as the Rapporteur of the Society’s *Restatement of the Principles of International Law in Africa*. Conceived along the lines of the Restatement of Foreign Relations Law of the United States adopted by the American Law Institute and which the United States Government relies on as a guide to foreign policy, the African Restatement sought to introduce coherence in the conduct of foreign policy and relations on the African continent. The First Restatement which I authored titled *Review of the Law on Non-intervention* and its accompanying *Rules Constructed from the State Practice of African States regarding Non-Intervention* was published in the Society’s Journal in 1995 and has since become reference material for researchers worldwide in this area of Public International Law.

I have also carried out a number of public service activities including serving as member, Ghana’s delegation to the 38th Asian-African Legal Consultative Committee Meeting, Accra, March 1999. In 2005, I was nominated by the Government of Ghana to serve as a judge of the Khmer Rouge International Criminal Tribunal.

My list of publications includes an article appearing in the University of Ghana Law Journal, Volume XX11, (2002-2004) titled *Sovereign Immunity and International Crimes*. This article which provides a comprehensive analytical overview of the legal position in International Law of Heads of States and Governments in cases of crimes of International Law has been acknowledged by the community of legal scholars, legal practitioners, writers, researchers and students of International Law.

Through my other published works, I have sought also to offer thought-provoking analysis of current problems in Public International Law and other areas of the law.

All in all, I believe I have made an outstanding contribution to the dissemination of Public International Law through my research and scholarly works, and my teaching at the Faculty of Law, the Legon Centre for International Affairs and Diplomacy, and the Ghana Armed Forces Command and Staff College. These, together with my professional activities and other contributions stand me in good stead for the position of a Judge at the International Criminal Court.

Curriculum vitae

Family name:	Benneh	
First name:	Emmanuel	
Middle name:	Yaw	
Gender:	Male	
Date of birth:	30 April 1954	
Nationality:	Ghanaian	
Regional criteria:	Africa	
Marital status:	Single	
List A / List B	List B	
Languages	Mother Tongue: Akan	
- English	(written) Advanced	(oral) Advanced
- French	(written) Basic	(oral) Basic

Educational qualifications:

October 1980 - July 1988

- *Institution:* University Of Cambridge
- *Qualification(s) obtained:* M.Litt

October 1979 - June 1980

- *Institution:* University Of Cambridge
- *Qualification(s) obtained:* LL.M.L

October 1977 - September 1978

- *Institution:* University Of Leiden
- *Qualification(s) obtained:* Postgraduate Certificate

October 1973 - June 1976

- *Institution:* University Of Ghana
- *Qualification(s) obtained:* LL.B.

Professional experience:

October 1990

- *Employer:* University Of Ghana
- *Post title:* Lecturer, Senior Lecturer

1990 to date:

- Lecturer/Senior Lecturer, Faculty of Law, University of Ghana, in Public International Law, International Humanitarian Law, International Human Rights Law, International Investment Law, Intellectual Property Law

1990 - 2009:

- Lecturer, Supervisor and Examiner, Legon Centre for International Affairs and Diplomacy (LECIAD), University of Ghana, Legon, in Public International Law, Law of Diplomacy and International Institutions, United Nations Law, International Institutions, Legal and Policy Issues of Foreign Direct Investment, International Humanitarian Law.

2000-2009:

- Lecturer, Ghana Armed Forces Command and Staff College in International Law, UN Law, International Humanitarian Law and Law of Diplomacy and International Institutions. I pioneered the teaching of all these courses at the College.

October 1985 - April 1986:

- *Employer:* Commonwealth Secretariat, UK
- *Post title:* Legal Officer

Other professional activities:

1990 to date:

- *Activity:* Member, Editorial Board of the University of Ghana Law Journal,

2003-2010:

- *Activity:* .Chairperson and General Editor, University of Ghana Law Journal, 2003-2010

2003-2009:

- *Activity:* .Member, Editorial Committee of the LECIA Journal of International Affairs

1994-2000:

- *Activity:* Member, Editorial Committee of the Journal of the African Society of International and Comparative Law

1994-2000:

- *Activity:* Rapporteur, African Society of International and Comparative Law's Restatement of the Principles of International Law in Africa, Conceived along the lines of the Restatement of Foreign Relations Law of the United States adopted by the American Law Institute and which the United States Government relies on as a guide to foreign policy, the African Restatement sought to introduce coherence in the conduct of foreign policy and relations on the African continent. The First Restatement which I authored titled Review of the Law on Non-intervention and its accompanying Rules Constructed from the State Practice of African States regarding Non-Intervention was published in the Society's Journal in its and has since become reference material for researchers worldwide in this area of Public International Law.

June 2012

- *Activity:* Member, Commonwealth Secretariat Ad Hoc Group of Experts which peer-reviewed the handbook entitled: Integrating Sustainable Development into International Investment Agreements: A Guide for Developing Countries which was published by the Secretariat in 2013. The Guide aims to help developing countries to design International Investment Agreements (IIAs) that support their development needs by integrating into these IIAs the concept of sustainable development. It is designed also to be a useful reference for policy-makers, legal experts, legal researchers and civil society groups with a stake in the effects of IIAs on development. The Forward to the Guide acknowledged that the Guide was "subjected to a rigorous peer review process comprising renowned experts in the field to ensure that it meets international standards". My appointment as a Member of the Group was in recognition of the research and scholarly contribution I have made in the area of International Investment Law.

Most relevant publications

Publications

A. *Articles*

1. Unilateral Economic Pressure and the Question of the United Nations Definition of Aggression, University of Ghana Law Journal. (1988-90) pp. 72-93.
2. Stability of Mineral Rights under Ghanaian Law (with Fui S. Tsikata), Proceedings of the Third Annual Conference of the African Society of International and Comparative Law, (1991), pp. 170-180.
3. Economic Coercion and the New International Economic Order Reconsidered, Proceedings of the Fourth Annual Conference of the in African Society of International and Comparative Law, (1992), pp. 220-239.
4. The United Nations and Economic Sanctions - Towards a New World Order? Proceedings of the Fifth Annual Conference of the African Society of International and Comparative Law, (1993), pp. 241-257.
5. Economic Coercion, the Non-Intervention Principle and the Nicaragua Case, The African Journal of International and Comparative Law, Vol. 6 (1994), pp.235-252.
6. Economic Sanctions in the Lockerbie Affair: A Note on the Case Concerning Questions of Interpretation and Application of the 1971 Montreal Convention, Legon Centre of International Affairs BULLETIN, Vol.3 No.1 March 1995, pp. 19-26.
7. Review of the Law on Non-Intervention, The African Journal of International and Comparative Law, Vol. 7 (1995) pp.139-157.
8. Comments On External Loan Agreements, International Business Transactions and the Treaty-Making Power Under the Fourth Republican Constitution of Ghana, Vol. XX University of Ghana Law Journal pp. 78-91.
9. The Right to Trade in Classical International Law: From Grotius to Vattel, Vol. 1 Legon Journal of International Affairs, December 2004, pp. 160-178.
10. International Law, Sovereign Rights and Foreign Direct Investment: Directions from the Jurisprudence of International Arbitral Tribunals Vol. XX1, University of Ghana Law Journal., (2000-2002), pp. 1- 90.
11. Sovereign Immunity and International Crimes, Vol. XX11, University of Ghana Law Journal, (2002-2004), pp. 112-160.
12. Developing the Rule of Law Among Nations: A Challenge to the United Nations, Vol. XXV, University of Ghana Law Journal, (2011-2012) pp. 152-197
13. The Sources of Public International Law and their Applicability to the Domestic Law of Ghana, Vol. XXV1, University of Ghana Law Journal, (2013).

B. Short Articles

14. Rules Constructed from the State Practice of African States Regarding Non- Intervention, *The African Journal of International and Comparative Law*, Vol. 7 (1995), pp.184-87.
15. New Directions in International Copyright and Neighbouring Rights, *Ghana Quarterly Law Journal*, (1998) Vol. 2 pp.17-19
16. Exploratory Comment on Economic Self-Determination in a Changing World, *Africa Legal Aid Quarterly*, April-June 1998.

C. Book Chapters

17. Statehood, Territory and Recognition in International Law: Their Inter-relationships, Quashigah and Okafor (eds.), *Legitimate Governance in Africa*, 1999 Kluwer Law International, pp. 375-401.
18. The Role of International Organizations and Donors in Complementing Ghana's Integration Agenda in West Africa: Issues and Challenges in Ghana in Search of Regional Integration Agenda, Friedrich-Ebert-Stiftung, Ghana, (2009), Chapter10, pp. 175-197
19. The International Legal Regime of Migration and the Migration Policies of ECOWAS and Receiving—States, in Takyiwa Manuh, *At Home in the World?: International Migration and Development in Contemporary Ghana and West Africa*, 2004, pp. 78-102.

D. Technical Report

20. Legal and Institutional Dimensions of Migration in Ghana, (with Takyiwa Manuh et al), University of Ghana Centre for Migration Studies, Migration Studies Technical Paper Series, 2010, pp.1-90

*Awaiting publication**A. Readers of the University of Ghana*

1. "Legal and Policy Frameworks of Migration in Ghana: A Critical Review", article submitted to the Centre for Migration Studies;
2. "ECOWAS' Threat of Use of 'Legitimate Force' in Cote d'Ivoire: Revisiting the International Law Governing Recourse to Force", article submitted to the Faculty of Law.

B Book Project

1. 'International Law, Sovereign Rights and Foreign Direct Investment: Directions from the Jurisprudence of International Arbitral Tribunals', published long article being reviewed for publication as a book.
2. "Facilitation of Intra Regional Labour Migration in the ECOWAS Region", research project to be published by self and Mariama Awumbila, and John Teye of the Centre of Migration Studies.

C. Other Papers under Review for Publication

1. Humanitarian Intervention and the Constitutive Act of the African Union: Looking Back to See Ahead
2. The Legal Framework of Foreign Direct Investment in Ghana.

Most relevant seminars*Conferences and seminars attended*

1. International Law Seminar, United Nations Office, Geneva, 10-28 May 1982;

Awarded a Certificate of Participation

2. Fourteenth Study Session, International Institute of Human Rights, Strasbourg, France, 4-29 July 1983.

Awarded a Certificate of Participation

3. 11th Session of the International Training Centre for University Human Rights Teaching, 4 July-12 August 1983, Strasbourg, France. Programme designed to prepare for specialized teaching in the international and comparative law of human rights.

Awarded a Certificate of Participation by the International Institute of Human Rights

4. Third Annual Conference of the African Society of International and Comparative Law, on the theme: "Constitutionalism and Human Rights Law in Africa", Arusha, Tanzania, 2-5 April, 1991, Presented a Paper Titled: Stability of Mineral Rights Under Ghanaian Law, Published in Edited Proceedings of the Third Annual Conference of the African Society of International and Comparative Law, April 1991, pp. 170-180;
5. Fourth Annual Conference of the African Society of International and Comparative Law, on the theme: "The Theory and Practice of Self-Determination in the African Context: Legitimacy, the State and the Political Order", Dakar, Senegal, April 1992, Presented a Paper Titled: Economic Coercion and the New International Economic Order, Published in Edited Proceedings of the Fourth Annual Conference of the African Society of International and Comparative Law, April 1992, pp. 220-239;
6. Fifth Annual Conference of the African Society of International and Comparative Law, Accra, Ghana, 20-24 September 1993, Presented a Paper Titled: The United Nations and Economic Sanctions: Towards a New World

Order, Published in Edited Proceedings of the Fifth Annual Conference of the African Society of International and Comparative Law., September 1993, pp.241-257;

7. Sixth, Annual Conference of the African Society of International and Comparative Law, Kampala, Uganda;
8. Seventh, Annual Conference of the African Society of International and Comparative Law, Johannesburg, South Africa;
9. Eighth Annual Conference of the African Society of International and Comparative Law, on the theme “Regional Integration”: Cairo, Egypt, 2-5 September, 1996; chaired sessions of the Conference; and
10. Ninth Annual Conference of the African Society of International and Comparative Law, Cote d' Ivoire.
11. UN/UNITAR Fellowship Programme in International Law, The Hague, 4 July-12 August 1994.

Awarded a Certificate of Participation.

12. World Intellectual Property Organisation (WIPO) Regional Seminar on the Teaching and Research in Intellectual Property Law, Cairo, Egypt, December 1996,
13. World Intellectual Property Organisation (WIPO) Regional Seminar on the Teaching and Research in Intellectual Property Law, Abuja, Nigeria, 7-11 September 1998,
14. World Intellectual Property Organisation (WIPO) Regional Seminar on the Benefits of the Intellectual Property System for Universities, University Researchers and Research and Development Organisations, sponsored by the WIPO and the Tanzanian Ministry of Science, Technology and Higher Education, Dar-es-Salem, Tanzania, 20-22 June 2000.
15. Salzburg Seminar on the theme: “Transnational Perspectives on Intellectual Property and Communications Law”, Salzburg, Austria, 2-9 August 2000: Participated in discussions on these topics: The Future of the Internet; Internet Governance and New Institutions; Internet and Communication Regulations; Internet Self-Regulation: Government and Private Sector Interface; Internet and Telecommunications Development; Legal Aspects of Privacy, Pornography and Security; Competition Law and Policy; Policy-Making and the Internet: Social and Political Influences; and Harmonization of Patent, Copyright, Trademark and Trade Secret Laws. Presented a Paper on the topic: National Interest and the Internet-The Digital Divide and African States
16. Geneva Academy of International Humanitarian Law and Human Rights, Advanced Training Course in International Humanitarian Law for University Teachers, organized by the Geneva Academy and the International Committee of the Red Cross (ICRC), Geneva, Switzerland, September 2008.

Awarded a Certificate of Participation.

17. Centre for Human Rights, University of Pretoria, Seminar on Human Rights, 7-13 2008

Membership of professional associations and societies

1. African Society of International and Comparative Law.
2. Ghana Bar Association.
3. Honorary Member, Ghana Science Association
4. Member, Institute of International Negotiations

Awards and honours

2010: Awarded Best Teacher for the Humanities, University of Ghana, 2009: The Citation read, inter alia: “Your mastery of the subjects you teach, your delivery and elucidation, have endeared you to your students, who have described you as a passionate teacher who is always available for consultation by students” and stated that the Award was conferred on me in recognition of my “contribution to “promoting the University of Ghana as a place of learning and excellence”.

In addition I have been bestowed the following visiting scholarships:

1. University of Leiden, Holland, September-December 1991; Study visit to the Faculty of Law under the Legon/Leiden Co-operation Agreement. Purpose was for research collaboration and curriculum development
2. University of Leiden, Holland, September-December 1996; Study visit to the Faculty of Law under the Legon/Leiden Co-operation Agreement Purpose was for research collaboration and curriculum development
3. University of Leiden, Holland, July-September 1998; Study visit to the Faculty of Law under the Legon/Leiden Co-operation Agreement. Updated teaching materials and researched into contemporary problems of International Law.
4. University of Leiden, Holland, 17 January-28 February 2004; Study visit to the Faculty of Law under the Legon/Leiden Co-operation Agreement. Purpose was for research collaboration and curriculum development; Gave lectures at the Grotius Centre for International Legal Studies of the University of Leiden at Campus Den Haag; and completed a 90-page article titled: International Law, Sovereign Rights and Foreign Direct Investment: Directions from the Jurisprudence of International Arbitral Tribunals which was published in the

University of Ghana Law Journal, Volume XX1, 2001-2002, p.1-90.

5. Queen Mary College, London, October 1991; Study visit funded by the World Intellectual Property Organisation (WIPO) to develop the curriculum for the teaching of Intellectual Property Law at the Faculty of Law, Legon
6. International Visitor Program of the United States .Information. Agency, March-April 1997. An Intellectual Property study tour of the United States funded by the United States Government and designed to examine the impact of the internet on Intellectual Property Rights and update my teaching of Intellectual Property Law at the Faculty of Law, as well as advising the Government of Ghana on proposed changes and amendments to Intellectual Property laws.

Awarded a certificate of participation:

7. Nottingham University, U.K., March 2000; British Council Grant under the Human Rights Link Programme. Research collaboration and curriculum development . Also consulted with Nottingham Faculty on United Kingdom practice and experience on labour rights issues.
8. Nottingham University, U.K., March 2001; British Council Grant under the Human Rights Link Programme. Researched into the domestic application of the international obligations Ghana has assumed under various international human rights instruments. The result of the research was to assist the Faculty of Law at Legon in advising the Government of Ghana.
9. Nottingham University, U.K, 17-24 November 2002; British Council Grant under the International Law of Sustainable Development Link Programme. Collected data and other teaching materials on intellectual property aspects of biodiversity for use by students taking courses in both Intellectual Property Law and Environmental Law at the Faculty of Law of the University of Ghana.
10. Northwestern University, Chicago, U.S.A, June 2001; Updated teaching materials and researched into the law governing the use of force and intervention in contemporary International Law. Also updated teaching materials on Public International Law-

Personal interests

Reading, rendering humanitarian assistance

Other relevant facts

In respect of my candidature which comes under the List B category, my work experience includes 23 years of teaching at the University of Ghana where I have been teaching various courses at the Faculty of Law ranging from Public International Law, International Humanitarian Law, International Human Rights Law, International Trade Law, International Investment Law, and Intellectual Property Law. I also teach the LL.M. course in International Humanitarian and Human Rights Law. Beyond the Faculty, I developed and pioneered the teaching of courses at the Masters level at the Legon Centre for International Affairs and Diplomacy (LECIAD) in Public International Law, Law of Diplomacy and International Institutions, United Nations Law, Legal and Policy Issues of Foreign Direct Investment, International Institutions, and International Humanitarian Law. I also pioneered the teaching of Public International Law, International Humanitarian Law, Law of Diplomacy and International Institutions and United Nations Law at the Masters level at the Ghana Armed Forces Command and Staff College (GAFCS).

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I have also been a Visiting Lecturer at a number of institutions abroad, including Universities of Leiden, Northwestern, Nottingham and Pretoria. In particular, my visit to Leiden in 2004 gave me the opportunity to give lectures at the prestigious Grotius Centre for International Legal Studies of the University at Campus Den Haag, and the TMC Asser Institute for International Law at The Hague.

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In addition, I have been contracted by the United Nations Institute for Training and Research (UNITAR) as a consultant to teach in Training Courses on Diplomatic Practices for Government Officers from both The Gambia and Eritrea. The courses I taught in the two countries included Introduction to Public International Law, International Trade Law, International Investment Law, Treaty Law and Recent Developments in International Law. I have also been contracted by the United Nations Conference on Trade and Development (UNCTAD) as a consultant to teach in the Intensive Training Sessions for Negotiators of International Investment Agreements at the University of Pretoria, South Africa. So also have I had the opportunity to deliver lectures on "Treaty Practice" and "Treaty Implications for Legislative Drafters" in the Guest Lecture Series organized by the Commonwealth Secretariat and the Government of

Ghana, and in the Judicial Training Institute's Maritime Law Seminar for Judges of the Superior Courts of Judicature in Ghana. In 2012, I was appointed as Member of the Commonwealth Secretariat Ad Hoc Group of Experts on the Secretariat's Revised Investment Guide for developing countries which aims primarily at integrating the concept of sustainable development into International Investment Agreements. This appointment was in recognition of the research and scholarly contribution I have made in the area of Public International Law in general, and International Investment Law, in particular.

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My list of publications includes an article appearing in the University of Ghana Law Journal, Volume XX11, (2002-2004) titled Sovereign Immunity and International Crimes. This article which provides a comprehensive analytical overview of the legal position in International Law of Heads of States and Governments in cases of crimes of International Law has been acknowledged by the community of legal scholars, legal practitioners, writers, researchers and students of International Law.

Through my other published works, I have sought also to offer thought-provoking analysis of current problems in Public International Law and other areas of the law.

All in all, I believe I have made an outstanding contribution to the dissemination of Public International Law through my research and scholarly works, and my teaching at the Faculty of Law, the Legon Centre for International Affairs and Diplomacy, and the Ghana Armed Forces Command and Staff College. These, together with my professional activities and other contributions stand me in good stead for the position of a Judge at the International Criminal Court.

4. BIRMONTIEN , Toma (Lithuania)

[Original: English]

Note verbale

The Embassy of the Republic of Lithuania 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, with reference to the latter's note No. ICC-ASP/13/SP/06, has the honour to inform that the Government of the Republic of Lithuania has decided to nominate Professor Toma Birmontien , a Lithuanian national, as a candidate for judge of the International Criminal Court at the election to be held at the thirteenth session of the Assembly of States Parties, scheduled to take place from 8 to 17 December 2014.

Professor Toma Birmontien , a former judge of the Constitutional Court of the Republic of Lithuania, has been nominated according to the procedure provided for by paragraph 4(a)(ii) of article 36 of the Rome Statute. The candidate stands for election under the list B for the purposes of article 36, paragraph 5 of the Rome Statute.

A statement in accordance with article 36(4)(a) of the Rome Statute as well as a curriculum vitae of the candidate are attached to this note.

Statement of qualifications

This statement of qualifications is submitted by the Government of the Republic of Lithuania in accordance with article 36 of the Rome Statute in relation to the procedure for the election of judges to the International Criminal Court.

The Government of the Republic of Lithuania has decided to nominate Ms. Toma Birmontien , professor and a former justice of the Constitutional Court of the Republic of Lithuania, for election as a judge of the International Criminal Court in the election that will take place during the thirteenth session of the Assembly of States Parties, scheduled to be held at United Nations Headquarters, New York, from 8 to 17 December 2014.

Professor Birmontien , whose curriculum vitae in English is attached hereto, is nominated under the terms of paragraph 4(a)(i) of article 36 of the Rome Statute and in accordance with the national Rules of Procedure (for the Selection of a Candidate for the Position of a Judge of the International Criminal Court) of the Republic of Lithuania. The nomination of Professor Birmontien was approved by the Government of the Republic of Lithuania on 7 May 2014 upon the unanimous recommendation of the National Group of the Permanent Court of Arbitration.

Professor Birmontien is nominated for inclusion in List B, comprised of 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". Professor Birmontien fulfils all the requirements stipulated in paragraph 3 (a), (b) (ii), and (c) of article 36 of the Rome Statute.

Professor Birmontien possesses considerable judicial experience. She served a nine-year tenure as a justice of the Constitutional Court of the Republic of Lithuania (03 2005–03 2014). In the position of a justice of the Constitutional Court, Professor Birmontien dealt with complicated and high-profile cases, which included the questions related not only to constitutional human rights but also international human rights, as in deciding on the formulation of the definition of the crime of genocide in the Criminal Code of the Republic of Lithuania, the constitutional concept of family, the protection of social rights, electoral rights, different aspects of criminal procedure and criminal law, as well as in solving cases on the impeachment of two members of Parliament.

Before serving as a justice of the Constitution Court, Professor Birmontien 's professional activity had been predominantly committed to the establishment and implementation of human rights.

Following the restoration of the statehood of the Republic of Lithuania, Professor Toma Birmontienė extensively dealt with the questions of human rights while working in different positions. In 1995–2004, as the Director of the Lithuanian Centre for Human Rights, she collaborated with the institutions of other States whose activity was primarily directed towards the protection of human rights. She managed projects initiated under the UN Development Programme, the Council of the European Union, and other international organizations, as well as tackled the problems of human rights during the transitional period and the period of accession to the European Union. As the main directions of the activity of the Centre for Human Rights included the dissemination of knowledge of the issues of human rights, Professor Birmontienė was engaged in drafting various Lithuanian legal acts related to human rights, i.e., legal acts concerning the right of access to information, the right to petition, referendum, etc., as well as in successfully running the projects aimed at the prohibition of capital punishment, the prohibition of discrimination against national minorities, etc.

In relation to the aforementioned and other issues, such as freedom of press, Professor Birmontienė participated in international conferences held in different States, among them in the People's Republic of China. As a member of the delegation of the European Union, in 2004–2006, she participated in the conferences held to encourage the People's Republic of China to ratify the International Covenant on Civil and Political Rights of the United Nations. In 2004, she was a member of the delegation of the European Union to the European Union-Iranian Forum for Human Rights, held in Teheran. She worked in projects for the specialists of child's rights and police officers. The Lithuanian Centre for Human Rights, together with the specialists from the Danish Centre for Human Rights, participated in the training of the police officers of the Republic of Malawi.

In 1998–2003, working as a member of the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania, Professor Birmontienė gained experience in assessing painful historical facts and the crimes against humanity committed during the Nazi and Soviet occupation. In addition, she was a member of the working group formed for the analysis on lustration.

In 1998 and 2000–2001, she was a member and chairperson of the working groups formed by the President of the Republic of Lithuania for solving questions of children's rights and contributed to the drafting of legal acts on the protection of children's rights. In 2002–2003, she was a member of the Consulting Council for Child Affairs under the President of the Republic of Lithuania.

In 1990–1996, in the position of a legal consultant at the Ministry of Health of the Republic of Lithuania, Professor Birmontienė actively participated in establishing the legal framework of and a new approach to Lithuanian health law and contributed to consolidating the priority of the principle of human rights in the field of healthcare. She worked as a drafter of the national laws on the patients' rights and compensation for damage to health, on the transplantation of human organs and tissues, biomedical research, mental health care, etc. She did important work in implementing the Law on Mental Health Care, shaping a new attitude to people with mental illnesses, as well as in establishing the guarantees of their rights in conformity with the international standards of human rights.

Following the restoration of the State of Lithuania, Professor Birmontienė was actively engaged in the activities of lawyers. In 1997–2001, she was the Vice-Chairperson of the Lithuanian Lawyers' Association (in 1994—the Executive Secretary of this association) and considerably contributed to building the legal democratic foundations of the restored State of Lithuania, in consolidating respect for human rights, and the values of rule of law. In 1992–1993, she was delegated by the Lithuanian Lawyers' Association to be a member of the Commission for the Election of the First President of the Restored Republic of Lithuania.

In addition to her established judicial and professional legal experience, Professor Birmontienė has been actively involved in the academic field. She has lectured on human rights at the Institute of Constitutional and Administrative Law of the Faculty of Law of Mykolas Romeris University, as well as in other departments of this university, and worked as the Dean of the Faculty of State Administration at the same university. At present, Professor Birmontienė lectures on the subject of constitutional rights in old and new

democracies as well as on comparative constitutional law at Taras Shevchenko National University of Kyiv. In her academic capacity, Professor Birmontien has held a number of visiting lectureships at various European universities, prepared different study programmes, extensively published on numerous issues of human rights, women's rights, the guarantees of social rights, as well as on constitutional law and the issues of compatibility between international and national law. She has completed internships in the field of human rights in Denmark (the Danish Centre for Human Rights), Sweden (the University of Lund), Canada (the Canadian Human Rights Foundation), and the United States (the University of California, Santa Cruz).

Professor Birmontien's versatile expertise in the judicial field, her broad first-hand experience in the work aimed at consolidating the protection of human rights and the values of a democratic State of law, and her proven knowledge are all highly relevant to the work as a judge of the International Criminal Court.

Professor Birmontien is fluent in English and Russian, can read in French, and she understands Polish and Ukrainian.

Professor Birmontien is a national of the Republic of Lithuania.

Curriculum vitae

Family name	Birmontien	
First Name	Toma	
Gender	Female	
Date of birth	15 04 1956	
Nationality	Lithuanian	
Regional criteria	Eastern Europe	
Marital status	Married	
List A/ List B	List B	
Languages	Mother tongue: Lithuanian	
- English	(written) Advanced	(oral) Advanced
- French	(reading) Basic	
- Russian	(written) Advanced	(oral) Advanced
- Polish	(reading) Basic	(oral) Basic

Educational qualifications

2001

- *Institution:* Mykolas Romeris University
- *Qualification(s) obtained:* the academic title of professor

27/01/1989

- *Institution:* Lomonosov Moscow State University
- *Qualification(s) obtained:* PhD in law

1974 – 1979

- *Institution:* Faculty of Law, Vilnius University
- *Qualification(s) obtained:* graduation *cum laude* (Master of Law)

1974

- *Institution:* Vilnius 22nd Secondary School
- *Qualification(s) obtained:* graduation

Professional experience

03/2005 – 03/2014

- *Employer:* Constitutional Court of the Republic of Lithuania
- *Post title:* Justice

07/2004 – 03/2005

- *Employer:* Office of the President of the Republic
- *Post title:* Adviser to the President of the Republic of Lithuania, Head of the Legal Department

1995 – 07/2004

- *Employer:* Lithuanian Centre for Human Rights (nongovernmental organization)
- *Post title:* Director

1990 – 1996

- *Employer:* Ministry of Health of the Republic of Lithuania
- *Post title:* legal consultant
- *Other information:* responsible for the drafting of new legislation

1979 to present

- *Employer:* Mykolas Romeris University
- *Post title:* lecturer, senior lecturer, Assoc. Professor, Professor, 1998–2000—Dean of the State Administration Faculty, 1998–2004—Head of the Department of Constitutional Law, Faculty of Law
- *Other information:* teaching subjects: constitutional law, comparative constitutional law, constitutional rights in Old and New democracies, health law, legal history, legal theory)

Other professional activities

2000 – 2004

Activity: A member of the Official Ethics Commission of the Republic of Lithuania

1998 – 2003

Activity: A member of the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania

2004 – 2006

Activity: A member of the European Union delegation at the conferences that took place in Beijing, London, and Vienna, held to urge the People's Republic of China to ratify the United Nations International Covenant on Civil and Political Rights

2004

Activity: A member of the European Union delegation at the EU–Iranian human rights forum in Teheran.

2002 – 2003

Activity: A member of the Consulting Council for Child Affairs under the President of the Republic of Lithuania

2003 – 2004

Activity: A member of the Lithuanian Science Awards Commission

1999 – 2002

Activity: A member of the Lithuanian Bioethics Committee

1998 and 2000 – 2001

Activity: A member of working groups on different issues of human rights, formed by the President of the Republic of Lithuania

1997 – 2001

Activity: The Vice-Chairperson of the Lithuanian Lawyers' Association

1994

Activity: The executive secretary of the Lithuanian Lawyers' Association

1992 – 1993

Activity: A member of the Commission for Election of the President of the Republic of Lithuania

1997 – 2011

Activity: A member of Editorial Board of the European Journal of Health Law

2011 to present

Activity: The Chairperson of the Editorial Board of the bulletin of the Constitutional Court of the Republic of Lithuania "Konstitucin jurisprudencija"

Most relevant publications

- Birmontien T. Challenges for the Constitutional Review: Protection of Social Rights during an Economic Crisis. // 20 Years of Existence and 100 Years of Constitutional Review: Constitutional Review - Tradition and Perspectives / The Constitutional Court of Romania. - Bucure ti : Universul Juridic, 2013. P. 209-221.
- Birmontiene T. Constitutional Concept of Impeachment: The Role of the Constitutional Court. // Jurisprudencija, 2013, 2 (116). P. 44-62. UDK: 342.565.
- Birmontien T., Jur nien V. The Development of Women's Rights in Lithuania: Striving for Political Equality // The Struggle for Female Suffrage in Europe. Voting to Become Citizens. Edited by Blanca Rodriguez-Ruiz, Ruth Rubio-Marin. Brill Leiden-Boston, 2012. P. 79-94.
- Birmontien T. The Development of Health Law as a Way to Change Traditional Attitudes in National Legal Systems. The Influence of International Human Rights Law: What is Left for the National Legislator? // European Journal of Health Law, 17 (2010). Martinus Nijhoff Publishers. P. 23-35.
- Birmontiene T. Legal Gaps That Lead to Constitutional Conflicts // European Review of Public Law. Vol. 22, 4/2010. P. 931-953.
- Birmontien T., Jur nien V. Development of Women's Rights in Lithuania: Recognition of Women's Political Rights // Jurisprudencija, 2009, 2 (116). P. 23-44.
- Birmontien T. Intersection of the Jurisprudences. The European Convention on Human Rights and the Constitutional Doctrine Formulated by the Constitutional Court of Lithuania // Jurisprudencija, 2010, 1 (119). P. 7-27.
- Birmontien T. The Social Rights Doctrine: Jurisprudence of the Constitutional Court of Lithuania and the European Convention on Human Rights // Teis besikei ian ioje Europoje. Liber Amicorum Pranas K ris. Mokslo straipsni rinkinys. Vilnius: Mykolo Romerio universiteto Leidybos centras, 2008. P. 69- 94.
- Birmontiene T. The Abolition of the Death Penalty in Lithuania. International Symposium on Death Penalty. China. Institute of Law, Chinese Academy of Social Sciences, Danish Center for Human Rights, (People's Republic of China), Xiangtan University. 2002. P. 60-68.
- Co-author of scientific studies and textbooks on different subjects of human rights law and constitutional law

Most relevant seminars

2005-2014: Delivered presentations in a number of international conferences on human rights and constitutional law organized by European Constitutional Courts (Tribunals).

Internships in the field of human rights issues in Denmark (The Danish Centre for Human Rights), Sweden (University of Lund), Canada (Canadian Human Rights Foundation), the USA (the University of California, Santa Cruz).

Membership of professional associations and societies

Lithuanian Lawyers' Association

Awards and honours

Cross of Officer of the Order of Vytautas the Great (2004)

Personal interests

Literature, classical music

Other relevant facts

Participation in drafting laws (petitions, right of access to information, mental healthcare, patients' rights, etc.)

5. BRANT, Leonardo Nemer Caldeira (Brazil)

[Original: English]

Note verbale

The Embassy of the Federative Republic of Brazil 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 latter's note no. ICC-ASP/13/SP/06 dated 18 February 2014, has the honor to inform that the Government of Brazil has decided to nominate Professor Leonardo Nemer Caldeira Brant as a candidate for judge of the International Criminal Court at elections to be held during the thirteenth session of the Assembly of States Parties, scheduled to take place in New York from 8 to 17 December 2014.

Professor Leonardo Nemer Caldeira Brant, a national of the Federative Republic of Brazil, has been nominated according to the procedure provided for by paragraph 4(a) (ii) of article 36 of the Rome Statute. The candidate stands for election under the list B for the purposes of article 36, paragraph 5 of the Rome Statute. A statement in accordance with article 36(4) (a) of the Rome Statute as well as a curriculum vitae of the candidate are attached to this note.

Statement of qualifications

Statement of the fulfillment of requirements based in article 36 (3,) of the Rome Statute by Professor Leonardo Nemer Caldeira Brant, candidate of the Federative Republic of Brazil for the elections to the International Criminal Court

The Government of the Federative Republic of Brazil has decided to nominate Mr. Leonardo Nemer Caldeira Brant for election as a judge of the International Criminal Court, which will be held during the thirteenth session of the Assembly of States Parties, scheduled to take place in New York from 8 to 17 December 2014. His curriculum vitae in English is attached herewith.

Professor Leonardo Nemer Caldeira Brant, a national of the Federative Republic of Brazil, has been nominated according to the procedure provided for by paragraph 4(a) (ii) of article 36 of the Rome Statute. The candidate stands for election under the list B for the purposes of article 36, paragraph 5, of the Rome Statute, which states that candidates must "have 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 Government of Brazil believes that Professor Brant fully meets the requirements for election as a judge of the International Criminal Court, as established also in the terms of reference included in its note verbale ICC-ASP/13/SP/06. He is an eminent person of a high moral character with established competence in international law, as his professional and academic career clearly demonstrate. He is currently a member of the Advisory Committee of the Organization for Economic Co-operation and Development (OECD) and a member of the Advisory Committee for Nominations of the International Criminal Court, from which he will soon be resigning. He is also the Chairman of International Relations at the Brazilian Bar Association in the State of Minas Gerais.

In the academic field, Professor Brant's excellence has been recognized both nationally and internationally. He holds a Ph.D. in International Law from Université Paris X, Nanterre, where his thesis was laureated with the "Prix du Ministère de la Recherche". Professor Brant has published extensively in the field of international law, including books and articles in French, English and Portuguese, three of his four working languages. He is currently the International Law Professor of two top universities in Brazil and one of the Directors of the Brazilian Branch of the International Law Association. He was also Visiting Professor at the "Institut des Hautes Études Internationales – Université Panthéon-Assas Paris II" and at the "Université Paris-Ouest Nanterre la Défense", as well as Visiting Fellow at the Lauterpacht Centre, in Cambridge.

Professor Brant is a law practitioner in Brazil in the fields of international and constitutional law. He is the founder and Honorary President of the International Law Center (CEDIN-Brazil) and the Director of the Brazilian Yearbook of International Law (ABDI). He is also the Coordinator and Chief Editor of the collection “Understanding International Law”.

For the aforementioned reasons, the Federative Republic of Brazil fully recommends Prof. Brant’s nomination, as it is confident that his qualities will prove very relevant to the work as a judge in the International Criminal Court.

Curriculum vitae

Family name:	Brant	
First name:	Leonardo	
Middle name:	Nemer Caldeira	
Gender:	Male	
Date of birth:	15 July 1966	
Nationality:	Brazilian	
Regional criteria:	GRULAC	
Marital status:	Married	
List a/list b	List B	
Languages	Mother tongue: Portuguese	
- English	(written) Advanced	(oral) Advanced
- French	(written) Advanced	(oral) Advanced
- Spanish	(written) Advanced	(oral) Advanced

Educational qualifications:

1996 – 2000

- *Institution:* Université Paris X – Nanterre, France
- *Qualification(s) obtained:* PhD, Awarded Doctor of International Law with the thesis “The Authority of Res Judicata In International Law” (4 years). Thesis awarded with the Prix de Subvention du Ministère de la Recherche, Département Sciences de la Société de la République Française

1997

- *Institution:* United Nations Study Programme, UN – Geneva
- *Qualification(s) obtained:* Advanced Studies in United Nations Reforms

1996

- *Institution:* Institut International des Droits de L’Homme (IIDH), Strasbourg
- *Qualification(s) obtained:* Advanced Studies in Human Rights

1993

- *Institution:* The Hague Academy of International Law (HAIL), Netherlands
- *Qualification(s) obtained:* Advanced Studies in International Law

1992 – 1993

- *Institution:* Federal University of Minas Gerais (UFMG), Brazil
- *Qualification(s) obtained:* Master’s Degree in International Law, with the thesis “The Right to Development as a Human Right” (2 years)

1991

- *Institution:* Interamerican Institute of Human Rights (IIHR), Costa Rica
- *Qualification(s) obtained:* Advanced Studies in Human Rights

1987 – 1991

- *Institution:* Federal University of Minas Gerais (UFMG), Brazil
- *Qualification(s) obtained:* Graduation Studies in Law (5 years)

Professional experience:

2008 – to the present day

- *Employer*: Nemer Caldeira Brant Law Firm
- *Post title*: Founding Partner
- *Other information*: Specialized in International Law, International Criminal Law and Human Rights

2006 – to the present day

- *Employer*: Brazilian Yearbook of International Law (BYIL)
- *Post title*: Founder, Chief Editor and Publisher

2003 – 2004

- *Employer*: International Court of Justice (ICJ)
- *Post title*: Legal Officer

2002 – to the present day

- *Employer*: International Law Centre
- *Post title*: Founder and President

2002 – to the present day

- *Employer*: Pontifical Catholic University of Minas Gerais (PUC Minas)
- *Post title*: Professor of Public International Law and Human Rights

1994 – to the present day

- *Employer*: Federal University of Minas Gerais (UFMG)
- *Post title*: Professor of Public International Law and International Criminal Law

Other professional activities:

2012 – to the present day

Activity: Member of the Advisory Committee for Nominations, International Criminal Court (ICC)

2012 – to the present day

Activity: Member of the Advisory Committee, Organization for Economic Co-operation and Development (OECD)

2007 – to the present day

Activity: Chairman of International Relations at the Brazilian Bar Association in Minas Gerais

2006 – to the present day

Activity: Coordinator and Chief Editor of the collection *Understanding International Law*

2013

Activity: Visiting Professor at Université Paris-Ouest Nanterre la Défense, France

2010

Activity: Visiting Professor at the XXXVII Course on International Law, Organization of American States (OAS), Rio de Janeiro, Brazil

2009

Activity: Visiting Professor at the Institut des Hautes Études Internationales, Université Panthéon Assas Paris II, France

2005 - 2009

Activity: Counselor for Foreign Affairs at the City Hall of Belo Horizonte, Brazil

2007

Activity: Visiting Professor at Université Caen Basse-Normandie, France

Most relevant publications

Published/Organized Books

- BRANT, L. N. C.; STEINER, S. The International Criminal Court: Commentaries to the Rome Statute (O Tribunal Penal Internacional: Comentários ao Estatuto de Roma) (Publishing stage).
- BRANT, L. N. C.; LAGE, D. A.; DINIZ, P. I. R. The incorporation of International Rules to the Brazilian Environmental Law (A Incorporação de Normas Internacionais na Legislação Ambiental Brasileira). 1. Ed., Belo Horizonte: Editora Cedin, 2013. 126p.
- BRANT, L. N. C. The Role of Consent in International Law (O Papel do Consentimento no Direito Internacional). Curitiba: Juruá, 2013. 142p.

- BRANT, L. N. C. (Org.). The Operation of the International Court of Justice: Process and Decision (O Funcionamento da Corte Internacional de Justiça: Processo Contencioso e Sentença). Curitiba: Juruá, 2012, 164p.
- BRANT, L. N. C.; LAGE, D. A.; CREMASCO, S.S. International Contemporary Law (Direito Internacional Contemporâneo). Ed. Juruá, Curitiba. 2011. 872p.
- BRANT, L. N. C. Commentary to the United Nations Charter – article by article (Comentário à Carta das Nações Unidas - artigo por artigo). Ed. Cedin, Belo Horizonte. 2008. 1340p.
- BRANT, L. N. C. The International Court of Justice and the International Law development (A Corte Internacional de Justiça e a Construção do Direito Internacional). Ed. Cedin, Belo Horizonte. 2005. 1291p.
- BRANT, L. N. C. L'autorité de la chose jugée en droit international public. Ed. LGDJ, Paris. 2004. 396p.
- BRANT, L. N. C. Brazil and the upcoming challenges of the International Law (O Brasil e os novos desafios do direito internacional). Ed. Forense, Rio de Janeiro. 2004. 712p.
- BRANT, L. N. C. Law and Terrorism: the impacts of terrorism in the international community and in Brazil – judicial and political perspectives (Direito e Terrorismo: Os impactos do terrorismo na Comunidade internacional e no Brasil - Perspectivas jurídico-políticas). Ed. Forense, Rio de Janeiro. 2002. 570p.
- BRANT, L. N. C. The authority of the *res judicata* in the International Public Law (A autoridade da coisa julgada no direito internacional público). Ed. Forense, Rio de Janeiro. 2002. 510p.

Published Articles

- BRANT, L. N. C. Grounds of existence and validity of the International Law (Fundamentos da Existência e Validade do Direito Internacional). Revista da Faculdade de Direito da Universidade Federal de Minas Gerais, p. 365-404, 2013.
- BRANT, L. N. C.; MARQUES, L. C. A. The United Nations Security Council as a Centralizing Agent of Normative Production. International Security: a European – South American Dialogue, v. 10, p. 17-25, 2013.
- BRANT, L. N. C.; AMARAL, J. S. The Normative Centralization Represented by the Political Organs at the United Nations Organization (A Centralização Normativa Representada pela Atuação dos Órgãos Políticos da Organização das Nações Unidas). Brazilian Yearbook of International Law, v. 2, p. 11-33, 2013.
- BRANT, L. N. C. The International Court of Justice Precedents (Jurisprudência Internacional na Corte Internacional de Justiça). Justiça Federal (Federal Justice) – Primeira Região em Revista, v. 1, p. 1-25, 2012.
- BRANT, L. N. C. The Scope of Consent as basis of the International Court of Justice Sentence's authority (O Alcance do Consentimento como Fundamento da Autoridade da Sentença da Corte Internacional de Justiça). Brazilian Yearbook of International Law, v. 2, p. 111-132, 2012.
- BRANT, L. N. C. The Scope of Consent as a Basis of the Authority of the Award of the International Court of Justice. Gilberto Amado Memorial Lectures. 1ed. Brasília: Fundação Alexandre de Gusmão, 2012, v. 1, p. 299-321.
- BRANT, L. N. C. Les voies de recours dans le Droit International Penal. In: H. Ascensio, E. Decaux, A. Pellet. (Org.). Droit International Penal. 01ed. Paris: A. PEDONE, 2012, v. 01, p. 977-989.
- BRANT, L. N. C.; AMARAL J. S.; ALCICI, L. M. International Law and the Brazilian Diplomatic Position For Peace (O Direito Internacional e a posição diplomática brasileira para a paz). In: Clóvis Brigagão (Org.). Diplomacia brasileira para a paz. 1ed. Brasília: FUNAG, 2012, v. 1, p. 243-271.
- BRANT, L. N. C. The Normative Nature of the International Judicial Order (A Natureza Normativa da Ordem Jurídica Internacional). Brazilian Yearbook of International Law, v. 2, p. 73-89, 2011.
- BRANT, L. N. C.; ROTA, M. La réforme du Conseil de sécurité: ses perspectives en Amérique du Sud. L'Observateur des Nations Unies, v. 24, p. 127-152, 2010.
- BRANT, L. N. C.; LAGE, D. A. The increase in the number of Judicial Organs and its Repercussions to the International Society (O Aumento do Número de Órgãos Judiciais e suas Repercussões para a Sociedade Internacional). Brazilian Yearbook of International Law, v. 2, p. 155-206, 2010.
- BRANT, L. N. C.; LEITE, F. M. International Terrorism and the upcoming challenges for International Law (Terrorismo Internacional e os Desafios para o Direito Internacional). In: Reginaldo Mattar Nasser. (Org.). Novas Perspectivas sobre os Conflitos Internacionais. São Paulo: UNESP, 2010, p. 65-75.
- BRANT, L. N. C.; FRANCO, K. M. Article 5, paragraphs 1 to 3 (Artigo 5º, Parágrafos 1º ao 3º). In: Paulo Bonavides; Jorge Miranda; Walber de Moura Agra. (Org.). Comentários à Constituição Federal de 1998. 1ªed. Rio de Janeiro: Forense, 2009, v. 1, p. 327-338.
- BRANT, L. N. C.; SOARES, L. C. O. The relation between International Law of Human Rights and the Humanitarian Law in an interamerican and universal perspective (A inter-relação entre o Direito Internacional dos Direitos Humanos e o Direito Internacional Humanitário na perspectiva universal e interamericana). Anuário de Derecho Constitucional Latinoamericano, v. I, p.603-620, 2009.
- BRANT, L. N. C.; VIEIRA, D. R. The International Court of Justice: Role and Actual Perspectives (A Corte Internacional de Justiça: Papel e Perspectivas Atuais). Cadernos Adenauer (São Paulo), v. 3, p. 141-158, 2009.
- BRANT, L. N. C.; VIEIRA, D. R. The Challenges of the International Court of Justice in the present days (Os Desafios da Corte Internacional de Justiça na Atualidade). Anuário Brasileiro de Direito Internacional, v. 1, p. 113-125, 2009.
- BRANT, L. N. C.; SOARES, L. C. O. The Internationalisation of Human Rights and the Constitutional Law (A

- Internacionalização dos Direitos Humanos e a Ordem Constitucional). In: VIEIRA, José Ribas. (Org.). 20 Anos da Constituição Cidadã de 1988. 1ed. Rio de Janeiro: Forense, 2008, v. I, p. 457-482.
- BRANT, L. N. C.; LAGE, D. A. The Growing Influence of Non-Governmental Organizations: Chances and Risks. Anuário Brasileiro de Direito Internacional, v. 1, p. 79-93, 2008.
 - BRANT, L. N. C.; PEREIRA, L. D. D. The conflict of Jurisdiction between the General Assembly and the Security Council before Article 12, paragraph 1 of the United Nations Charter (O Conflito de Competência entre a Assembleia Geral e o Conselho de Segurança à Luz do Artigo 12, Parágrafo 1º da Carta das Nações Unidas). Revista da Faculdade de Direito da Universidade Federal de Minas Gerais (Impresso), v. 53, p. 219-236, 2008.
 - BRANT, L. N. C. Le rapport entre l'Assemblée générale et le Conseil de sécurité à la lumière de l'article 12, paragraphe 1, de La Charte de Nations Unies. Anuário Brasileiro de Direito Internacional, v. 1, p. 38-44, 2006.
 - PROENÇA JR, D.; ROCHA, A J R; BRIGAGAO, C.; DINIZ, E; RESENE, P. E. A.; MOREIRA, F. K.; BRANT, L. N. C. International Terrorism: The Preventive War and the deconstruction of International Law (Terrorismo Internacional: A Guerra Preventiva e a Desconstrução do Direito Internacional). In: BRIGAGÃO, Clóvis; PROENÇA Jr, Domício. (Org.). O Brasil e os Novos Conflitos Internacionais. Rio de Janeiro: Gramma, 2006, v., p. 139-167.
 - BRANT, L. N. C. L'autorité des arrêts de la Cour Internationale de Justice. In: Charalambos APOSTOLIDIS. (Org.). Les arrêts de la Cour internationale de Justice. Dijon: Éditions Universitaires de Dijon, 2006, v. , p. 141-168.
 - BRANT, L. N. C. Preventive measures to combat terrorism implemented in the international forums and its possible implications in Brazil (Medidas preventivas e de combate ao terrorismo implementadas nos fóruns internacionais e possíveis implicações para o Brasil). In: Encontro de Estudos Terrorismo. Brasília: Secretaria de Acompanhamento e Estudos Institucionais da Presidência da República (Monitoring Office of International Studies of the Presidency of the Republic), 2006, p. 74-87.
 - BRANT, L. N. C. International Terrorism and International Law impasses (O terrorismo internacional e os impasses do Direito Internacional). In: Marcelo Campos Galuppo. (Org.). O Brasil que queremos reflexões sobre o Estado Democrático de Direito. Belo Horizonte: Editora PUC Minas, 2006, v. 1, p. 377-410.
 - BRANT, L. N. C. The *res judicata* in the Interamerican Court of Human Rights (A *res judicata* na Corte Interamericana de Direitos Humanos). In: Renato Zerbini Ribeiro Leão. (Org.). Os rumos do direito internacional dos direitos humanos - Ensaio em homenagem ao Professor Antônio Augusto Cançado Trindade (The path of the International Law of Human Rights – Essays in honour to Professor Antônio Augusto Cançado Trindade). 1ed. Porto Alegre: Sergio Antônio Fabris Editor, 2005, v. 2, p. 393-424.
 - BRANT, L. N. C. The International Criminal Court as a Jurisdictional Agent in Terrorism Combat (O Tribunal Penal Internacional como Agente Jurisdicional no Combate ao Terrorismo). In: Kai Ambos; Carlos Eduardo Adriano Japiassú. (Org.). Tribunal Penal Internacional: Possibilidades e Desafios. 1ed. Rio de Janeiro: Lumen-juris, 2005, v. 1, p. 149-161.
 - BRANT, L. N. C. L'Article 12 de La Charte des Nations Unies. In: Jean-Pierre Cot; Alain Pellet; Mathias Forteau. (Org.). La Charte des Nations Unies - Commentaire article par article. 3ed.Paris: Economica, 2005, v. 1, p. 683-690.
 - BRANT, L. N. C. The international human rights protection system (O sistema de proteção internacional dos direitos humanos). In: Carlos A. Canêdo da Silva; Érica A. Costa. (Org.). Direito internacional moderno: Estudos em homenagem ao Prof. Gerson de Brito Mello Boson. 1ed. Belo Horizonte: Mandamentos, 2004, p. 117-165.
 - BRANT, L. N. C. L'autorité de la chose jugée et la révision devant la Cour internationale de Justice à la lumière des derniers arrêts de celle-ci (Yougoslavie c. Bosnie et El Salvador c. Honduras). Annuaire français de droit international, Paris, v. XLIX, n.XLIX-2003, p. 248-265, 2004.
 - BRANT, L. N. C. The appeal in International Criminal Law: complementary or concurrent jurisdiction? (O recurso no direito internacional penal: jurisdição complementar ou concorrente?) Revista da Faculdade de Direito. Universidade Federal de Minas Gerais, Belo Horizonte, v. 44, p. 217-239, 2004.
 - BRANT, L. N. C. The effects of the sentence of the International Court of Justice (Os efeitos da sentença da Corte Internacional de Justiça). In: José Adercio Leite Sampaio. (Org.). Jurisdição constitucional e direitos fundamentais. 1ed. Belo Horizonte: Del Rey, 2003, v. 1, p. 495-537.
 - BRANT, L. N. C. The two-tier judicial authority in the International Criminal Law (O duplo grau de jurisdição no direito internacional penal). In: Antonio Celso Alves Pereira, Celso D. de Albuquerque Mello. (Org.). Estudos em homenagem a Carlos Alberto Menezes Direito. 1ed. Rio de Janeiro: Editora Renovar, 2003, v. 1, p. 399-422.
 - BRANT, L. N. C. The Iraq War and the disregardness of International Law (A Guerra no Iraque e a desconsideração do Direito Internacional). Revista da Faculdade de Direito de Conselheiro Lafaiete, v. 3, p. 100-102, 2003.
 - BRANT, L. N. C. The International Protection of Human Rights (A Proteção Internacional dos Direitos Humanos). In: PUC-Minas. (Org.). Direitos Humanos e Direitos dos Cidadãos. 1ed. Belo Horizonte: PUC-Minas, 2001, v. 2, p. 83-102.
 - BRANT, L. N. C. The Right to Development as a Human Right (O Direito ao Desenvolvimento como Direito Humano). Revista Brasileira de Estudos Políticos, Belo Horizonte – MG, v. 81, julho/95, p. 91-118, 1995.
 - BRANT, L. N. C. The Economic Integration of Latin America – Future Perspectives (A Integração Econômica da América Latina – Perspectivas de Futuro). Revista de Informação Legislativa, Brasília-DF, v. 29, n.114, p. 463-472, 1992.

- BRANT, L. N. C. The Idea of Justice (O Ideal de Justiça). *Jornal da Ordem dos Advogados do Brasil, Belo Horizonte – MG*, n. Jan/92, p. 6-6, 1992.
- BRANT, L. N. C. The Industry Participation at the Socio-Economic Development in Brazil (A Participação da Indústria no Desenvolvimento Socioeconômico do Brasil). *Revista Jurídica Mineira, Belo Horizonte – MG*, v. 81, n. Dez/91, p. 18-40,

Most relevant seminars

- IX International Law Winter Course. The Normative Centralization Represented by the actions of the political organs of the United Nations. Federal University of Minas Gerais, Belo Horizonte, Brazil (2013).
- Current Challenges to International Peace and Security: the Need to Reform the United Nations Security Council. Reform of the Security Council. Ministry of Foreign Affairs, Praia do Forte, Brazil (2013).
- IX Forte de Copacabana Conference on International Security. Konrad Adenauer Stiftung, Rio de Janeiro, Brazil (2012).
- VII International Law Winter Course. The increase in the number of Judicial Organs and its Repercussions to the International Society. Federal University of Minas Gerais, Belo Horizonte, Brazil (2011).
- Visiting Professor at the Gilberto Amado Memorial Lecture. “La portée comme du consentement fondement l Autorité de la sentence Internationale de la Cour de Justice”. International Law Commission (ILC), United Nations, Geneva (2011).
- Visiting Fellow at the Lauterpacht Centre for International Law, Cambridge University. Cambridge, United Kingdom (2009).
- Visiting Professor at the 73rd biennial conference of the International Law Association. “Where Can The Security Council Modify States Obligations On Human Rights? Legal Innovation, Opinio Juris and Control”: Tensions between Politics and Law. International Law Association (ILA), Rio de Janeiro, Brazil (2008).
- 5th Brazilian Congress for International Law. Justice and International Law: progress and reversals. University of São Paulo (USP), Brazil (2007).
- IV International Law Week. The International Law Transition: progress and reversals. Federal University of Minas Gerais, Belo Horizonte, Brazil (2007).
- Visiting Professor at the Réseau franco-brésilien (Internationalisation du droit). Création d’un vocabulaire propre au droit international: Multilinguisme et pluralisme. University of São Paulo (USP), São Paulo - Paris (2007).
- Visiting Professor at the 5th Conference on International Law. “The growing influence of non-governmental organizations: chances and risks”. Konrad Adenauer Stiftung Seminar. Koln, Germany (2007).
- Visiting Professor at the 5th Brazilian Congress of International Law. “Justice and International Law: progress and retreat”. Brazilian Academy of International Law, Curitiba, Brazil (2007).
- Conferencist at the 4th Meeting of the Supreme Courts of Mercosul and its Associates. Brazilian Supreme Court (STF), Brasília, Brazil. (2006).
- Visiting Professor at the Dijon University; Les arrêts de la Cour Internationale de Justice. “L’autorité des arrêts de la Cour Internationale de Justice”. Dijon, France. (2003).
- Visiting Professor at the “Diplomatic Training Course”. Ministry of External Relations (MRE), Brasília, Brazil.

Membership of professional associations and societies

- Member of the Editorial Board of the Legal Journal of the Presidency of the Federative Republic of Brazil
- Member of the Editorial Board of the Law School Journal, Federal University of Minas Gerais
- Collaborative member at the Centre de Droit International from the Université Paris X Nanterre
- Member of the Advisory Board of the Konrad Adenauer Stiftung
- Director of the Brazilian branch of the International Law Association
- Member of the Société Française pour le Droit International
- Director of the International Law branch at the Minas Gerais Bar Association (IA-MG) (2004 – 2008).
- Legal Officer at the 73rd meeting of the Institut de Droit International (IDI), Santiago, Chile (2007).

Awards and honours

- “Inconfidência Medal”, Government of the State of Minas Gerais, Brazil (2006).
- Honorary member of the “Academia Mineira de Letras Jurídicas” (Judicial Academy of Minas Gerais) (2004).
- Featured Legal Personality of the Year, “Associação Brasileira das Mulheres de Carreira Jurídica” (Brazilian Association of Legal Career Women) (2002).
- Honorable Mention in competition of monograph, InterAmerican Bar Association (1991).

Personal interests

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6. CHUNG, Chang-ho (Republic of Korea)

[Original: English]

Note verbale

The Embassy of the Republic of Korea 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 the latter's note no. ICC-ASP/13/SP/06 of 18 February 2014, has the honour to inform the Secretariat that the Government of the Republic of Korea has decided to present the candidature of Judge Chung Chang-ho for election to the post of judge of the International Criminal Court for the term 2015 to 2024, at the elections to be held at the thirteenth session of the Assembly of States Parties to the Rome Statute in New York from 8 to 17 December 2014.

Judge Chung is a candidate on list A for the purpose of article 36, paragraph 5, of the Rome Statute. A statement is submitted in accordance with article 36, paragraph (4) (a), of the Rome Statute and the curriculum vitae of Judge Chung is attached thereto.

Judge Chung meets the requirements set out in article 36, paragraph (3) (b) (i), of the Rome Statute and has established competence in criminal law and procedure, as well as in areas of international law which are of relevance to the International Criminal Court. Judge Chung has been a United Nations International Judge of the Extraordinary Chambers of the Courts of Cambodia (Khmer Rouge Tribunal) since 2011. Prior to that, he had a distinguished professional career as a judge in the Republic of Korea.

The nomination of Judge Chung followed the procedure for nominations of candidates to the International Court of Justice in accordance with article 36, paragraph 4 (a) (ii), of the Rome Statute. On 8 November 2013, the Korean National Group in the Permanent Court of Arbitration informed the Korean Government that it had, after careful deliberation, decided to nominate Judge Chung as a candidate for election as a judge of the International Criminal Court. The Government of the Republic of Korea fully supports the nomination of Judge Chung.

For the purposes of article 36, paragraph (8) (a) (i), (ii) and (iii), of the Rome Statute, Judge Chung, who is a national of the Republic of Korea, is a male candidate who will represent the civil law system and the Asia-Pacific Group.

Statement of qualification

Statement submitted 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 as amended by resolutions ICC-ASP/5/Res.5 and ICC-ASP/12/Res.8, annex II, adopted by the Assembly of States Parties, relating to the procedure for the nomination and election of judges of the International Criminal Court:

- (a) Judge Chung Chang-ho is a person of high moral character, impartiality and integrity.
- (b) Judge Chung possesses the qualifications required in the Republic of Korea for appointment to the highest judicial offices.
- (c) Judge Chung:
 - (i) fulfils the requirements of article 36, paragraph 3(b)(i), as is specified in his curriculum vitae. He has established competence in criminal law and procedure and has the necessary relevant experience as a judge in national and international courts. During his career as a judge, he served for over 17 years in various courts of the Republic of Korea, dealing with over five thousand criminal cases;
 - (ii) also has established competence in international law, including international humanitarian law, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court. He is currently a United Nations International Judge of the Extraordinary Chambers of the Courts of Cambodia, which is dealing with the serious crimes against humanity committed during the Khmer Rouge regime from 1975 to 1979;

- (d) Judge Chung has an excellent knowledge of and is fluent in English. He also speaks French and has basic knowledge of that language;
- (e) Judge Chung is being nominated for inclusion in list A.
- (f) Judge Chung earned his B.A. and LL.M. degrees in the Republic of Korea, which has a civil law system, and received a legal education as a research scholar in the United Kingdom and Hong Kong, which have common law systems. Judge Chung has also gained a deep understanding of other civil law systems during his mission at the Khmer Rouge Tribunal, which is operating based on the French civil law system; and
- (g) Judge Chung is a national of the Republic of Korea and does not possess the nationality of any other State.

Curriculum vitae

Family name:	Chung	
First name:	Chang-ho	
Gender:	Male	
Date of birth:	17 February 1967	
Nationality:	Republic of Korea	
Regional criteria:	Asia-Pacific	
Marital status:	Married	
List A / List B	List A	
Languages	Mother tongue: Korean	
- English	(written) Advanced	(oral) Advanced
- French	(written) Basic	(oral) Basic

Educational qualifications:

04/2005 - 09/2005

- *Institution:* University of Hong Kong, Centre for Comparative and Public Law
- *Qualification(s) obtained:* Research Scholar

09/2001 - 06/2002

- *Institution:* London School of Economics and Political Science, Department of Law
- *Qualification(s) obtained:* Research Scholar

03/1991 - 02/1993

- *Institution:* Judicial Research and Training Institute of the Supreme Court of Korea
- *Qualification(s) obtained:* Judge

03/1989 - 02/1991

- *Institution:* Seoul National University
- *Qualification(s) obtained:* LL.M. in International Law; passed the 32nd Korean Bar Examination

03/1985 - 02/1989

- *Institution:* Seoul National University
- *Qualification(s) obtained:* B.A. in Law

Professional experience:

08/2011 - Present

- *Employer:* Extraordinary Chambers in the Courts of Cambodia (Khmer Rouge Tribunal)
- *Post title:* United Nations International Judge, Pre-Trial Chamber
- *Other information:* Member of the ECCC Judicial Administration Committee and member of the ECCC Rule and Procedure Committee

03/2010 - 08/2011

- *Employer:* The Judiciary of the Republic of Korea
- *Post title:* High Court Judge

- *Other information:* Responsible for appeal cases against the criminal case judgments of first instance courts and for election-related criminal cases

03/2008 - 02/2010

- *Employer:* The Judiciary of the Republic of Korea and the Ministry of Foreign Affairs and Trade of the Republic of Korea
- *Post title:* Legal Advisor
- *Other information:* Dispatched to the Permanent Mission of the Republic of Korea to the International Organizations in Vienna, Austria

03/2004 - 02/2008

- *Employer:* The Judiciary of the Republic of Korea
- *Post title:* High Court Judge
- *Other information:* Responsible for appeal cases against the criminal case judgments of first instance courts and for judicial research on appeal cases at the Supreme Court of Korea

03/1996 - 02/2004

- *Employer:* The Judiciary of the Republic of Korea
- *Post title:* District Court Judge
- *Other information:* Responsible for criminal and civil cases

03/1993 - 02/1996

- *Employer:* The Judiciary of the Republic of Korea and the Ministry of Defence of the Republic of Korea
- *Post title:* Judge, Court Martial of the Korean Air Force
- *Other information:* Responsible for criminal cases

Other professional activities:

2007 - 2011

- *Activity:* Lecturer at the Judicial Research and Training Institute of the Supreme Court of Korea; and teaching the Civil and Criminal Procedure Rules of England and Wales.

2005 - 2008

- *Activity:* Member of the Research Committee of the Laws of the Unified Korea; making a draft of the Civil Procedure Rules for the Kaesong Industrial Complex; and research for the establishment of the Kaesong Commercial Dispute Resolution Centre

Most relevant publications

- "Establishment of the Asian Court of Human Rights", Shin donga, 02/2014
- "United Nations Hybrid Court: International Justice vs. National Jurisdiction", Global Legal Issues 2012-2013, Korea Legislation Research Institute, 2013

Most relevant seminars

- "Challenges Faced by Mixed Courts in the Trial of International Crimes", Asia Law Talk, William S. Richardson School of Law, 10/2013
- "International Jurisprudence at the ECCC", Hybrid Perspectives on Legacies of the ECCC, ECCC and the Cambodian Human Rights Action Committee, 12/2012
- "The Use and Application of International Humanitarian Law by International Criminal Tribunals", International Humanitarian Law Summer Course, Korean Red Cross, 07/2012

Membership of professional associations and societies

None

Awards and honours

None

Personal interests

Protection of the human rights of women and children in criminal cases, especially in armed conflicts

Other relevant facts

- Lecture on the "United Nations Mixed Court: International Justice vs. National Jurisdiction", City University of Hong Kong, 02/2014
- Speech at National Assembly of the Republic of Korea, "United Nations Special Courts and the ICC", 05/2013
- Participation as the "Final Round Judge for the 11th Red Cross International Humanitarian Law Moot", ICRC and Hong Kong Red Cross, 03/2013

7. UR EVI , Zlata (Croatia)

[Original: English]

Note verbale

The Embassy of the Republic of Croatia 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 honor to inform that Government of Croatia has decided to present Professor Zlata ur evi as candidate for election as judge of the International Criminal Court for the election of judges, List B, to be held during the thirteen session of the Assembly. Furthermore, the Embassy of the Republic of Croatia has the honor to submit ICC Judicial Nomination-Curriculum Vitae and Statement of qualification.

Statement of qualification

Statement submitted in accordance with article 36(4) (a) of the Rome Statute of the International Criminal Court and paragraph 6 of the Resolution ICC-ASP/3/Res.6 relating to the procedure for the nomination and election of judges of the International Criminal Court.

The Republic of Croatia nominates Professor Zlata Durdevic as candidate for judge of the International Criminal Court. Professor Durdevic fully meets the requirements for election as judge of the International Criminal Court, as established in article 36(3) of the Rome Statute, as follows:

- (a) Professor Durdevic is an eminent person of high moral character, impartiality and integrity. Her high reputation has been recognized in professional and public life in the Republic of Croatia and abroad.
- (b) Professor Durdevic possesses the qualifications required for appointment to the highest judicial offices at the national level as she is a full professor of law, obtained her LLM in Criminal Law and PhD from the University of Zagreb and holds an MPhil Degree in Criminology from the University of Cambridge. She passed the judicial state exam in 1994, and practised law at Croatian courts for two years. She has been a member of public bodies of the Republic of Croatia, conducting asylum proceedings, proceedings to determine the disciplinary responsibility of prosecutors and the conflict of interests of public officials. She has more than 20 years of service in the judiciary and at university.
- (c) Professor Durdevic fulfils the professional criteria from article 36(3)(b) of the Rome Statute. She is a distinguished professor of criminal procedure, human rights and European criminal law at the University of Zagreb where she has been teaching since 1995. She is recognized as a leading scholar in the fields of human rights law, international criminal law, and criminal and procedural law, as her academic and professional career clearly demonstrates. She is not only a top national expert on human rights and criminal justice issues, but also well-known in professional and scientific circles in the region, in Europe, and more widely. She has published extensively in the fields of human rights, European and international criminal law, and criminal procedural law and criminal law.

Professor Durdevic is a prominent member of several international and national scientific and legal associations. She is a member of the Executive Committee of the International Organization of Penal Law (AIDP) which is the oldest association of specialists in penal law and she participates actively in the scientific and organizational activities of the Association. She is president of the Croatian Association of European Criminal Law and vice-president of the Croatian Association of Criminal Sciences and Practice.

She is the recipient of several international awards, among which the Chevening Scholarship, the German Academic Exchange Service (DAAD), the Austrian Exchange Service (OAD), and a Fulbright Visiting Scholarship.

In recognition of her specialization in international criminal law, the President of Croatia has appointed her as his personal envoy to work on the Statute of the Regional Commission for Establishing the Facts about War Crimes and Other Gross Violations of Human Rights Committed on the Territory of the Former Yugoslavia (RECOM).

Professor Durdevic has had occasion to serve many times in a consultancy capacity to governmental, judicial, public and non-governmental organizations in fields ranging from human rights to compliance with international and European law. Her versatile academic, research and pedagogic work in Croatia show her initiative, organizational skills, leadership and competences. Her bibliography is impressive and her work is always well-researched, incisive, and appropriately critical.

- (d) Professor Durdevic is fluent in English and has a very good passive and an intermediate active knowledge of French and German.
- (e) She is being nominated for List B. The information related to subparagraphs (i) to (iii) of paragraph 8(a) of article 36 of the Statute is as follows:
 - (i) The Republic of Croatia belongs to the civil law system. However, Professor Durdevic has also been educated in and has extensive knowledge of the common law system.
 - (ii) The Republic of Croatia is a member of the Eastern European Group of States.
 - (iii) Professor Durdevic is female.
- (f) Professor Durdevic has extensive legal expertise in and experience of specific issues relevant to the work of the Court, including violence against women, protection of victims and witnesses, victims' procedural rights and rights to compensation, defence rights, and fair trial rights.
- (g) Professor Durdevic is a national of the Republic of Croatia and does not possess the nationality of any other state.

For the aforementioned reasons, the Republic of Croatia fully recommends Prof. Durdevic's nomination, as it is confident that her qualities will add to the effective functioning of the International Criminal Court which rests on the quality of its judges.

Curriculum vitae

Family name:	ur evi	
First name:	Zlata	
Gender:	Female	
Date of birth:	2 October 1969	
Nationality:	Croatian	
Regional criteria:	Eastern Europe	
Marital status:	Married	
List A / List B	List B	
Languages	Mother tongue: Croatian	
- English	(written) Advanced	(oral) Advanced
- French	(written) Intermediate	(oral) Intermediate
- German	(written) Intermediate	(oral) Intermediate

Educational qualifications:

07/2003

- *Institution*: University of Zagreb, Croatia
- *Qualification(s) obtained*: PhD in Law

04/2002

- *Institution:* University of Zagreb, Croatia
- *Qualification(s) obtained:* Master of Laws in Criminal Law

07/1997

- *Institution:* University of Cambridge, UK
- *Qualification(s) obtained:* M.Phil in Criminology

12/1994

- *Institution:* Ministry of Justice, Croatia
- *Qualification(s) obtained:* State Judicial Exam

10/1988 - 06/1992

- *Institution:* University of Zagreb
- *Qualification(s) obtained:* B.A. in Law, first rank among the 1992 graduation class

Professional experience:

09/1995 - present

- *Employer:* University of Zagreb, Faculty of Law
- *Post title:* Head of Department of Criminal Procedural Law (since 2007); Full Professor (since 2011)
- *Other information:* Associated Professor (2007-2011), Assistant Professor (2003-2007), Assistant (1997-2003), Young Researcher (1995-1997); Teaching courses in: Criminal Procedural Law, Human Rights and Criminal Justice (in English), European Court on Human Rights, European Criminal Law (in English), Criminal Responsibility of Legal Persons and Law and Psychiatry

01/2010 - 07/2010

- *Employer:* Berkeley Law School, University of California, USA
- *Post title:* Visiting Professor,
- *Other information:* Taught the course "Criminal Law Aspects of the European Convention of Human Rights", Fulbright Scholarship

01/2013 - present

- *Employer:* Ministry of Justice
- *Post title:* Examiner at the State Judicial Exam
- *Other information:* Responsible for criminal law and criminal procedural law examinations

03/2008 - 11/2012

- *Employer:* The Republic of Croatia
- *Post title:* Member of the Commission for Asylum
- *Other information:* Second-instance body in asylum procedures

02/2010 - 06/2011

- *Employer:* The Republic of Croatia
- *Post title:* Member of the State Attorneys' Council
- *Other information:* Independent body with judicial powers to determine disciplinary responsibility and the appointment of prosecutors

03/2005 – 12/2008

- *Employer:* The Republic of Croatia
- *Post title:* Member of the State Commission for Conflict of Interest
- *Other information:* Independent body with judicial powers to determine the responsibility of public officials for conflict of interest

04/2007 – 6/2007

- *Employer:* Max Planck Institute for Foreign and International Criminal Law, Freiburg, Germany
- *Post title:* Visiting researcher
- *Other information:* Research on the European arrest warrant and criminal law protection of EU financial interests

10/2005

- *Employer:* International Institute of Higher Studies in Criminal Sciences, Siracusa, Italy
- *Post title:* Visiting researcher
- *Other information:* Specialized course on European and International Cooperation in Criminal Matters

07/2004

- *Employer:* US Department of State US

- *Post title:* International Visitor Program "US Judicial System"
- *Other information:* Visit and practical learning about political, judicial and penitentiary institutions (US Congress, courts, prosecutor offices, public defence office, prisons) in several US states (Washington, Williamsburg, Providence, Seattle and Denver).

10/2001 – 09/2002

- *Employer:* Faculty of Law, University of Graz, Austria, ÖAD Research Scholarship
- *Post title:* Doctoral researcher
- *Other information:* Research on European criminal law, criminal and administrative law on protection of EU financial interests

09/1999 – 07/2000

- *Employer:* Faculty of Law, University of Augsburg, Germany, DAAD Research Scholarship
- *Post title:* Doctoral researcher
- *Other information:* EU law, Criminal Procedural Law

03/1993 – 06/1995

- *Employer:* The Republic of Croatia
- *Post title:* Trainee at the District Court in Zagreb, Civil and Criminal Division
- *Other information:* Drafted judgements

06/1993 – 10/1993

- *Employer:* Cantonal Court Valais, Switzerland
- *Post title:* Trainee at the Cantonal Court in Canton Valais, Switzerland,

11/1992 – 03/1993

- *Employer:* The Republic of Croatia
- *Post title:* Trainee at the Municipal Court in Zagreb

06/1993 – 09/1993

- *Employer:* Cantonal Police Service, Canton Valais, Switzerland
- *Post title:* Training course in Criminal Science

Other professional activities:

06/2013 - present

- *Activity:* Personal Envoy of the President of the Republic of Croatia to RECOM (Regional Commission for Establishing the Facts about War Crimes and Other Gross Violations of Human Rights Committed on the Territory of the Former Yugoslavia in the period from 1991 to 2001)

2010 - present

- *Activity:* Cooperation (conference, reports, publication, lectures) with Croatian NGOs dealing with war crimes on the territory of ex-Yugoslavia, such as the NGO Documenta – Centre for Dealing with the Past (www.documenta.hr)

2012 - 2014

- *Activity:* Author of the study on the compliance of Croatian standards with the Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) for the Centre for Women War Victims – ROSA, non-governmental feminist organisation in Croatia; and participating in activities advocating the ratification of the Istanbul Convention, such as a presentation in the Croatian Parliament, giving lectures to NGO groups in Croatia.

2011 - present

- *Activity:* Expert on victim rights and leader of the research group in Croatia working for the Fundamental Rights Agency (FRA) on the assessment of victim status in Croatia for annual reports, with special focus on victims of hate crime, domestic violence and the assessment of victims' rights in practice.

2012 - 2013

- *Activity:* President of the Expert Committee drafting a new Croatian Criminal Procedural Code, Ministry of Justice

2003 - present

- *Activity:* Regularly giving legal opinions in criminal cases for defence lawyers and the Supreme Court

2010 - present

- *Activity:* Giving legal opinions for the Constitutional Court in procedures challenging the constitutionality of legislative acts in the field of criminal justice

2011 - present

- *Activity:* Editor-in-Chief of the e-journal Zagreb Law Review, published by the University of Zagreb, since 2011, <http://revija.pravo.unizg.hr>

2007 - present

- *Activity:* Executive Editor of the journal Croatian Annual of Criminal Law and Practice, responsible for editing, reviewing and publishing since 2007, www.pravo.hr/hljcpp

2005 - present

- *Activity:* Leader and partner in eight international and nine domestic scientific projects related to criminal proceedings, human rights, cooperation in criminal matters, European criminal law, rights of mentally disabled persons, establishment of the European Public Prosecutor's Office.

2005 - 2010

- *Activity:* Member of the negotiation team of the Republic of Croatia for Chapter 24 "Justice, Freedom and Security" and Chapter 32 "Financial Control" for accession to the European Union (2005- 2010).

2009-2014

- *Activity:* Presiding over international conferences:
 - "Legal and social legacy of the International Criminal Court for ex-Yugoslavia", University of Zagreb, Zagreb, February 24, 2011
 - the 3rd section at the 18th International Criminal Law Congress in Istanbul 2009 (www.penal.org)
 - the preparatory colloquium Section 3 on criminal procedural law "Information Society and Criminal Law" of the International Association of Criminal Law, September 2013, Antalya, Turkey (www.penal.org)
 - the 3rd section at the 19th International Criminal Law Congress in Rio de Janeiro 2014 (www.penal.org)

2004 - present

- *Activity:* Education of practitioners: intensive cooperation with the Croatian Judicial Academy and the Bar Association

2003 - present

- *Activity:* Member of the expert team of the Ministry of Justice preparing a number of legislative acts in the area of criminal justice and European criminal law

2012 - present

- *Activity:* Member of the Ethics Commission of Croatian Radio Television since 2012

2000 - present

- *Activity:* Organisation of international conferences and workshops:
 - Symposium "The criminal justice aspects of Croatian membership in the European Union" on behalf of the Croatian Association of European Criminal Law and the Faculty of Law in Zagreb, Aula of the University of Zagreb, 3 July 2013
 - Organization of the workshop of the EU project "EU model rules of criminal investigation and prosecution for the procedure of the proposed European Public Prosecutor's Office" financed by the University of Luxemburg and OLAF, in Zagreb, 29 September - 2 October 2011
 - Organization of the international conference "Legal and social legacy of the International Criminal Court for ex-Yugoslavia", 24 February 2011, University of Zagreb, Croatia
 - Organization on behalf of the Croatian National Group of the International Association of Penal Law of the Preparatory Colloquium "Special Procedural Measures and Respect for Human Rights" of AIDP, 6-9 November 2008, Pula, Croatia
 - On behalf of the Croatian Association of European Criminal Law and in cooperation with the Austrian Association of European Criminal Law and the financial support of OLAF (EU Anti-fraud Office), in charge of the organization of the international conference "Current issues of European criminal law and the protection of the financial interests of the EU", Dubrovnik, Croatia, 13-15 May 2005
 - Regular annual national conferences in December in Opatija of the Croatian Association of Criminal Science and Practice

Most relevant publications

Author of three books, co-author of five books, editor of four books, author of 46 scientific papers, ten other papers and ten manuals. The most important are:

Books

1. Osnovna studija o usklađenosti pravnog okvira RH s Konvencijom o sprječavanju i borbi protiv nasilja nad ženama i obiteljskog nasilja (Baseline Study on the Compliance of the Legal Framework of the Republic of Croatia with the

Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)), Zagreb: Centar za žene žrtve rata – ROSA, 2014.

2. Presude Europskog suda za ljudska prava protiv Republike Hrvatske u kaznenim predmetima (Judgements of the European Court of Human Rights Against the Republic of Croatia in Criminal Matters), Zagreb: Zagreb University Press, 2013. Co-editor and co-author.
3. Zbirka zakona iz kaznenog procesnog prava (Collection of Laws of Criminal Procedural Law), Pravni fakultet Sveu ilišta u Zagrebu, Zagreb, 2013. Editor and author of the introduction
4. Kazneno procesno pravo: Primjerovnik (Criminal Procedural Law: Practicum), 4nd edition, Zagreb: Narodne Novine, 2012. Editor and Co-author
5. Current Issues in European Criminal Law and the Protection of EU Financial Interests, Zagreb: Zagreb University Press, 2006. Editor and Co-author
6. Komentar Zakona o odgovornosti pravnih osoba za kaznena djela (Commentary on the Act on the Liability of Legal Persons for Criminal Offences), Zagreb: Narodne novine, 2005.
7. Pravni položaj po initelja kaznenih djela s duševnim smetnjama (Legal Position of Mentally Disturbed Perpetrators of Criminal Offences), Zagreb, 2002.
8. Komentar Zakona o zaštiti osoba s duševnim smetnjama (Commentary on the Act on the Protection of Persons Suffering from Mental Disorder), Zagreb: Pravni fakultet u Zagrebu i Psihijatrijska bolnica Vrap e, 2002. Co-author

Articles (selected)

1. Arrest and pre-trial detention: Towards a prosecutor for the European Union, Volume 2, Oxford: Hart Publishing, 2014 (in press)
2. Pravo na u inkovitu istragu u kaznenim predmetima: analiza hrvatske prakse i prava (Right to effective investigation in criminal matters: Analysis of Croatian practice and law), Croatian Academy of Sciences and Arts, 2014, 105-150.
3. Main Characteristics of the prosecutorial investigation according to the Croatian Criminal Procedural Code from 2008 to 2013, in Jovanovi (ed) Prosecutorial Investigation: Regional Criminal Procedure Legislation and Experiences in Application, OSCE Mission to Serbia, Belgrade, 2014, 65-86.
4. Rekonstrukcija, judicijalizacija, konstitucionalizacija, europeizacija hrvatskog kaznenog postupka V. novelom ZKP/08: prvi dio? (Reconstruction, judicialisation, constitutionalisation, and Europeanisation of the Croatian criminal procedure with the 5th Amendment of the Criminal Procedure Act/08: Part One?), Croatian Annual of Criminal Law and Practice, 2/2013, 313 – 362.
5. Osvrt na rezultate rada radne skupine Ministarstva pravosu a za uskla ivanje ZKP s Ustavom RH, (Results of the work of the Ministry of Justice working group for aligning the Criminal Procedure Act with the Constitution of the Republic of Croatia), Croatian Annual of Criminal Law and Practice, 1/2013, 3-100.
6. Judicial control in pre-trial criminal procedure conducted by the European Public Prosecutor's Office, in Ligeti, Katalin (ed.), Toward a Prosecutor for the European Union, Volume 1, Oxford: Hart Publishing, 2013, 988-1012.
7. Legal report for Croatia, in Schumann/Bruckmüller/Soyer (eds.), Pre-trial Emergency Defence: Assessing Pre-trial Access to Legal Advice, Intersentia, Wien-Graz, 2012, 59-71.
8. Odluka Ustavnog suda RH o suglasnosti Zakona o kaznenom postupku s Ustavom (Decision of the Constitutional Court of the Republic of Croatia on the compliance with the Constitution of the Criminal Procedure Act), Croatian Annual of Criminal Law and Practice, 2/2012, 409-438.
9. Tuma enje Zakona o ništetnosti odre enih pravnih akata pravosudnih tijela bivše JNA, bivše SFRJ i Republike Srbije, (Interpretation of the Act on nullity of certain legal acts of judicial authorities of the former Yugoslav People's Army, the former Yugoslavia and the Republic of Serbia), Zagreb Law Review (<http://revija.pravo.unizg.hr/index.php/zpr/index>), no. 1/2012, 109-121
10. Croatia – National Report: The area of freedom, security and justice, including information society issues – FIDE XXV National Reports, in: Laffranque, Julia (ed.), Reports of the XXV FIDE Congress Tallinn, Tartu University Press, 2012, 235-259 (co-author).
11. Suvremeni razvoj hrvatskoga kaznenog procesnog prava s posebnim osvrtom na novelu ZKP iz 2011 (The modern development of Croatian criminal procedural law with special reference to the 2011 amendments to the Criminal Procedural Act), Croatian Annual of Criminal Law and Practice, 2/2011, 311-357.
12. Predlaganje dokaza (Presenting evidence), co-author with Dražen Tripalo, Croatian Annual of Criminal Law and Practice, 2/2011, 471-488
13. Pravni okvir za primjenu prisilne hospitalizacije: regulativa i kriti ki osvrt (Legal framework for the implementation of compulsory hospitalization: Regulation and critical review), in: Sla ana Štrkalj-Ivezi (ed) Medical and Legal Framework for the Hospitalization of People with Mental Disorders, Zagreb: Croatian Medical Association, 2011, 9-34.
14. Nezakoniti dokazi u hrvatskom kaznenom postupku: uskla enost s me unarodnim i ustavnim jamstvima (Illegal evidence in the Croatian Criminal Procedure: Compliance with international and constitutional guarantees), Proceedings of the Law Faculty "Justinian first" in Skopje, in honour of Nikola Matovski, Skopje, 2011, 119-141
15. Sloboda izražavanja: lanak 10. Europske konvencije za zaštitu ljudskih prava i temeljnih sloboda (Freedom of expression: Article 10 European Convention for the Protection of Human Rights and Fundamental Freedoms), in:

- Ivana Rada i (ed) *Harmonisation of Croatian Legislation and Practice with the European Convention for the Protection of Human Rights and Fundamental Freedoms*, London: Centre for Peace Studies, 2011, 153-189.
16. Some issues on the European Public Prosecutor from the Croatian perspective, *Ochrona interesów finansowych a przemiany instytucjonalne Unii Europejskiej*, Warszawa: WAIp, 2010, 163-184.
 17. Kaznenopravna zaštita finansijskih interesa Europske unije u Republici Hrvatskoj pro futuro (Criminal law protection of the European Union's financial interests (according to the working Draft Proposal of the Criminal Code of 21 October 2010), *Croatian Annual of Criminal Law and Practice*, 2/2010, 769-784.
 18. Sudska kontrola državnoodvjetni kog kaznenog progona i istrage: poredbenopravni i ustavni aspect (Judicial control of criminal prosecution and investigation: Comparative and constitutional aspects), *Croatian Annual of Criminal Law and Practice*, 1/2010, 7-24.
 19. National Report - Croatia: Special procedural measures and respect of human rights, *Revue Internationale de droit penal (RIDP/IRPL)*, vol. 80, no. 1/2, 2009, 113-127.
 20. Lisabonski ugovor: prekretnica u razvoju kaznenog prava u Europi, (The Lisbon Treaty: Turning point in the development of criminal law in Europe), *Reforma Europske unije: Lisabonski ugovor* (in: *Reform of the European Union: The Lisbon Treaty*), Zagreb: Narodne novine, 2009.
 21. Procesna jamstva obrane prema suokrivljeniku kao svjedoku optužbe, *Hrvatski ljetopis za kazneno pravo i praksu*, (Procedural rights of the defence in relation to the co-defendant as a witness for the prosecution) *Croatian Annual of Criminal Law and Practice*, 2/2009, 783-808.
 22. Dopuštenost dokaza prikupljenih kršenjem temeljnih ljudskih prava, (Admissibility of evidence collected by the violation of fundamental human rights), co-author, *Croatian Annual of Criminal Law and Practice*, Vol. 15, 2/2008
 23. Criminal law protection of the EU's financial interests in Croatia, *Eucrim*, 3-4, 2007 (www.mpicc.de/eucrim/archiv/eucrim_07-03.pdf)
 24. Europski sud pravde i legitimitet europskog uhiđenog naloga (The European Court of Justice and the legitimacy of the European arrest warrant), *Croatian Annual of Criminal Law and Practice*, no. 2/2007, 1021-1027.
 25. Trajanje pritvora u svjetlu me unarodnih standarda te doma eg prava i prakse (Duration of detention in the light of international standards, domestic law and case law), co-author, *Croatian Annual of Criminal Law and Practice* 2/2006, 551-596.
 26. Forms and methods of perpetration of EU fraud, *Financial Theory and Practice*, no. 3/2006, 253-281.
 27. Criminal liability of legal persons (Annex: the Croatian Perspective), *Current Issues in European Criminal Law and the Protection of EU Financial Interests*, Zagreb: 2006, 73-89.
 28. Mehanizmi utjecaja prava Europske zajednice na kaznenopravne sustave država lanica (Community law mechanisms with influence on the criminal justice systems of the Member States), *Zbornik Pravnog fakulteta u Zagrebu*, Vol. 54, no. 2/2004, 287-326.
 29. Criminal Law Report for Croatia: Police and judicial co-operation in the European Union: FIDE 2004 National Reports, Cambridge University Press, 2004, 27-40.
 30. Budget of the European Union, *Financial Theory and Practice*, no. 2/2004, 181-202.
 31. Odluka o kazni: kaznenoprocena pitanja (Decision on the sentence: Issues of criminal procedure), *Croatian Annual of Criminal Law and Practice*, Vol. 11, 2/2004, 751-782.
 32. Ispravljanje neprava socijalisti kih država rehabilitacijom žrtava politi kog kaznenog progona, Correcting the injustice of socialist states through rehabilitation of victims of political prosecution, *Croatian Annual of Criminal Law and Practice*, Vol. 3, 1/1996, 223-252.

Most relevant seminars

Held over 70 public presentations at national and international conferences, seminars and workshop. The most important international presentations are:

1. Lecture "Prosecutorial investigation and the Croatian Criminal Procedure", Regional conference "Prosecutorial investigation: regional criminal procedure legislations and experiences in application", Belgrade, 20 June 2014.
2. Lecture "Judicial control in the proceedings before the EPPO from the ECHR perspective", Conference "Le contrôle judiciaire du parquet européen: nécessité, modèles, enjeux, Association de Recherches Pénales Européennes (ARPE), Paris, 9-10 Avril, 2014.
3. Lecture "Reform of the Croatian Criminal Procedural Act in 2013: Compliance with constitutional and European standards?", Conference "Structural changes of criminal procedural law" (Strukturne Spremembe kazenskega procesnega prava), Slovenian Academy of Sciences and Art, Slovenia, Ljubljana, November 8, 2013.
4. Lecture on "Judicial control, admissibility of evidence and procedural rights in the proceedings before the EPPO", International Conference "Protecting Fundamental and Procedural Rights from the Investigations of OLAF to the Future EPPO", Foundations Basso and OLAF, financed from the Hercule II programme, Rome, 12-14 June, 2013.
5. Lecture on "Reform of the Croatian pre-trial criminal procedure", V. Conference on Criminal Law and Criminology, December 4-5, 2012, Catez, Slovenia
6. Presentation at the panel: Legacy of the International Court and its role in processes of transitional justice, Conference "ICTY Legacy in ex-Yugoslavia", Hotel Westin, Zagreb, 8 November 2012.

7. Presentation "Act on the nullity of certain legal acts of judicial authorities of the former Yugoslav People's Army, the former Yugoslavia and the Republic of Serbia," the round table "The Necessity of Effective Prosecution of War Crimes by Strengthening Regional Cooperation and the Prosecution of Persons with Command Responsibility," National Press Club, Zagreb, March 14, 2012.
8. Lecture 'Right of freedom of expression under the European Convention on Human Rights', International Human Rights Law Institute, DePaul University, Chicago, August 5, 2010.
9. Conference paper "Some issues on the European Public Prosecutor from the Croatian perspective", International Conference "Protection of the Financial Interests of the European Community and the Changes of the EU Institutional Framework", Warsaw, Poland, May 7-9, 2009.
10. Conference paper "Constitutional challenges of European criminal law" AIDP Regional Conference, Gyarmatpuszta, Hungary, 30 April - 2 May, 2009

Membership of professional associations and societies

- Member of the Executive Committee, International Association of Penal Law (AIDP), since 2009 (www.penal.org).
- President of the Croatian Association of European Criminal Law, since March 2013.
- Vice-president of the Croatian Association for Criminal Science and Practice, since 2012.
- Contact point for Croatia, European Criminal Law Academic Network (ECLAN, www.eclan.eu), since 2007.
- Vice-president of the Croatian Association of European Criminal Law, 2009-2013.
- Croatian Association for Psychiatry and Law, President of Scientific Board.
- DAAD Croatia, member since 2007.
- University of Cambridge Alumni Association, member since 1997.

Awards and honours

- A trainer of the Law Faculty of Zagreb moot court team that took first place at the regional moot court competition in human rights in Belgrade 2007 and 2008, and third place in 2009, 2010 and 2011.
- Association of University Professors and other Scientists Award for young scientists and artists in 2002 for the book "Legal Position of Mentally Disturbed Perpetrators of Criminal Offences" published in 2002 in Zagreb.
- University of Zagreb Dean's Prize for first rank among the 1992 graduation class.

Personal interests

Art, history, participation in public debate on criminal law issues

Other relevant facts

I have not been a member of any political party or movement in Croatia or abroad. I have participated in public and media discussions on many issues related to international criminal law and cooperation, criminal justice and human rights. In my scientific work, while giving legal opinions or public statements I have always been independent and impartial and have relied exclusively on my professional knowledge and legal arguments.

8. GONTŠAROV, Pavel (Estonia)

[Original: English]

Note verbale

The Ministry of Foreign Affairs of the Republic of Estonia presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and referring to the Secretariat's note verbal ICC-ASP/13/SP/06 of 18 February 2014, has the honour to submit the following information.

The Estonian Government has decided to approve Judge Pavel Gontšarov as the Estonian candidate for judge to the International Criminal Court on 17 April 2014. On the ground of the above-mentioned governmental decision, the Ministry of Foreign Affairs has the further honour to submit the nomination of Judge Pavel Gontšarov.

The Ministry encloses the curriculum vitae of Judge Pavel Gontšarov and statement specifying how the candidate fulfills the requirements of the Rome Statute of the International Criminal Court as requested.

Statement of qualifications

Statement specifying how the candidate fulfills the requirements of the Rome Statute of the International Criminal Court

Judge Pavel Gontšarov fulfills the requirements of the Rome Statute:

- (a) For the purpose of article 36, paragraph 3 (a):

He is a person of high moral character, impartiality and integrity. After graduation he worked as prosecutor and as adviser to the State Prosecutor's Office. He has the qualifications required in Estonia for appointment to office of judge. An individual, in order to be qualified in Estonia as a judge, must meet the following minimum requirements: He or she must hold a scientific degree of Master-at-Law or equivalent; must be fluent in the Estonian language; must have a high moral character, also personal qualities and abilities to perform as a judge.

He was first appointed as judge in 2001. In this quality he worked also as chief judge of the Narva City Court and Viru County Court as from 2002. In 2011, he was appointed as judge for the Tallinn District Court (Court of Appeal). All nominations are decided by special commission, consisting of representatives of judges (elected by all judges), also the Ministry of Justice, the Bar, Prosecutor's Office, University of Tartu.

- (b) For the purpose of art 36, paragraph 3 (b):

Judge Pavel Gontšarov has established competence in criminal law and procedure, and the necessary relevant experience, as prosecutor and as judge, in criminal proceedings. Since 2004 Judge Gontšarov is ad hoc judge in the Joint Supervisory Body of Eurojust. Since 2010 Judge Gontšarov is an ad hoc judge at European Court of Human Rights.

He has participated in several EU and OSCE/ODIHR projects as short-term expert and given lectures and presentations.

- (c) For the purpose of art 36, paragraph 3 (c):

Judge Pavel Gontšarov is fluent in English, Estonian and Russian (mother tongue).

- (d) For the purposes of art 36, paragraph 5:

Judge Gontšarov is nominated in list A.

- (e) For the purpose of art 36, paragraph 8 (a) (i) to (iii):

Estonia represents the continental legal system.

Estonia is in the Eastern European Group (EEG).

- (f) For the purpose of art 36, paragraph 7:

Judge Pavel Gontšarov is an Estonian national.

Curriculum vitae

Family name:	Gontšarov	
First name:	Pavel	
Gender:	Male	
Date of birth:	27 August 1976	
Nationality:	Estonian	
Regional criteria:	Eastern Europe	
Marital status:	Married	
List A / List B	List A	
Languages	Mother tongue: Russian	
- English	(written) Advanced	(oral) Advanced
- French	(written) Basic	(oral) Basic
- Estonian	(written) Advanced	(oral) Advanced

Educational qualifications:

09/1999 - 06/2000

- *Institution:* University of Exeter, United Kingdom
- *Qualification(s) obtained:* L.L.M. in International Business Legal Studies

09/1994 - 06/1998

- *Institution:* University of Tartu, Estonia
- *Qualification(s) obtained:* B.A. in Legal Studies

Professional experience:

01/2012 to present

- *Employer:* Tallinn Circuit Court (Court of Appeal), Estonia
- *Post title:* Judge of the Criminal Chamber
- *Other information:* Presided as an appellate judge over numerous complicated and sensitive criminal cases related to white-collar crimes, drug trafficking, corruption, murders, transnational crime, etc. (List A)

05/2010 to present

- *Employer:* European Court of Human Rights, Strasbourg, France
- *Post title:* ad hoc Judge
- *Other information:* Participated as an ad hoc judge in resolving cases in the European Court of Human Rights (List A)

11/2004 to present

- *Employer:* EUROJUST, the Hague, the Netherlands
- *Post title:* ad hoc Judge of the Joint Supervisory Body (JSB)
- *Other information:* Took part in supervisory meetings of the JSB of Eurojust dealing with issues of data protection of individuals within transnational criminal procedures in Eurojust

01/2006 - 12/2011

- *Employer:* Viru County Court, Estonia
- *Post title:* Chief Judge
- *Other information:* Responsible for conducting the judicial reform of 2006, when 16 city and county courts were transformed into 4 county courts. Mr. Gontšarov presided as a first instance judge over numerous complicated criminal trials (List A)

02/2002 – 12/2002

- *Employer:* Narva City Court, Estonia
- *Post title:* Chief Judge
- *Other information:* Responsible for administration of justice in the Narva City Court, located in Estonia's third-largest city with a 96% Russian population. Presided as a first instance judge over civil and criminal trials of varying complexity. (List A)

11/2001 - 02/2002

- *Employer:* Tallinn City Court, Estonia
- *Post title:* Judge
- *Other information:* Presided as a first instance judge over criminal trials of varying complexity. (List A)

06/2000 - 11/2001

- *Employer:* Prosecutor General's Office of Estonia
- *Post title:* Prosecutor, Adviser on foreign affairs
- *Other information:* This position involved management of international relations and communication of the Estonian Prosecutor General's Office regarding matters of mutual legal assistance.

07/1997 - 06/2000 (1999-2000 service suspended)

- *Employer:* Narva City Prosecutor's Office, Estonia
- *Post title:* Assistant prosecutor, prosecutor
- *Other information:* In this capacity Mr. Gontšarov was responsible for the prosecution of criminal cases of varying complexity.

Other professional activities:

Septmeber 2013, March, August, September 2012, (Almaty, Astana, Kazakhstan)

- *Activity:* Short-term expert in the EU project in Kazakhstan "Support to Judicial and Legal Reform in the Republic of Kazakhstan". In the framework of this Project Mr. Gontšarov delivered several speeches during various international conferences (named below). Mr. Gontšarov also conducted several meetings and workshops in the Prosecutor General's Office of Kazakhstan and Supreme Court of Kazakhstan on Estonia's experience in alternative forms in criminal procedure.

June 2012

- *Activity:* In the framework of the EU project in Kazakhstan "Support to Judicial and Legal Reform in the Republic of Kazakhstan", Mr. Gontšarov organized and hosted a visit of justices of the Supreme Court, members of the Constitutional Council, and other high state officials of Kazakhstan to Estonia in order to introduce the Estonian court system to the Kazakh delegation with an emphasis on criminal procedure.

December 2011, (Kyiv, Ukraine)

- *Activity:* Short-term expert in the OSCE/ODHIR project in Ukraine "Judicial Reform in Ukraine and International Standards for Judicial Independence", where Mr. Gontšarov delivered a number of speeches during the conference (named below).

November 2011, (Bishkek, Kyrgyzstan)

- *Activity:* Short-term expert in the OSCE/ODHIR mission to Kyrgyzstan in the framework of project "Selection of Judges in Kyrgyzstan", where Mr. Gontšarov delivered several speeches (named below).

September 2012, (Chisinau, Moldova)

- *Activity:* Short-term expert in the project "Strategy of Justice Sector Reform in Moldova", where Mr. Gontšarov delivered a number of presentations about different aspects of Estonian criminal procedure law.

October 2009, February 2010

- *Activity:* Short-term expert in the EU Twinning project "Court budget as a tool of administration of justice", where Mr. Gontšarov as a chief judge introduced Estonia's experiences in court management.

Most relevant publications

Author: A year since the judicial reform. How it went for the Viru County Court. - Estonian annual judiciary report 2006
Co-drafter: OSCE/ODIHR Report on the training for members of the Council for the Selection of Judges in Kyrgyzstan.

Most relevant seminars

2014, France, Joint Investigations & Team Leadership Seminar, European Judicial Training Network
2013, USA, Open World – Rule of Law Program training visit for judges.
2012, Andorra, Group of States against Corruption (GRECO) core training for evaluators.
2008, Spain, European Judicial Training Network (EJTN) exchange program for judges.
2006, Serbia, training in combating transnational money laundering, where he also participated as a lecturer.
2006, United Kingdom, training visit for chief judges and Chief Justice in administration of justice.
2005, Austria, Civil Aspects of Conflict Resolution. Core Course. Austrian Study Centre for Peace and Conflict Resolution.

In addition to trainings mentioned above, Mr. Gontšarov has also participated in numerous professional trainings in Estonia and the Academy of European Law (ERA) in Trier, Germany.

Membership of professional associations and societies

Since 2001: Estonian Association of Judges

2005-2007: Member of the Board of Estonian Association of Judges

2005-2007 and since 2013: Member of Council of Associations of Judges of Baltic States

Awards and honours

Certificate of Honour from the Minister of Justice for "outstanding contribution to administration of justice in the Viru County Court";

Certificate of Honour from the Estonian Association of Judges.

Personal interests

Literature, travelling

Other relevant facts

2013:

Mr. Gontšarov has been Estonian nominee for the position of permanent judge in the Appeal Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY)

Teaching assignments

August 2012:

Lecture on the topic "Is it possible and necessary to make changes in the Constitution in the realities of a changing world?" in the Al-Farabi Kazakh National University (Almaty, Kazakhstan).

March 2012:

Lecture on the topic "Alternative Forms of Criminal Procedure in Estonian Criminal Procedure Law" in the Academy of Public Administration under the President of the Republic of Kazakhstan (Astana, Kazakhstan).

August 2011:

Moderator in training for Estonian prosecutors and judges on "Adversarial Trial Procedure" (Tallinn, Estonia).

February 2011:

Lecture series for Estonian judges on "The work of a preliminary investigation judge" within training program for judges (Training department of the Supreme Court of Estonia).

2008:

Lecture series and workshops for Estonian judges on "Misdemeanor procedure" within training program for judges (Training department of the Supreme Court of Estonia).

Speeches – Colloquia – Conferences

December 2013:

Moderator of the panel "Crimes against humanity and topical issues related to their prosecution" with participation of Mr. Vagn Joensen (the President of the ICTR), Mr. Cuno Jacob Tarfusser (Vice President of the ICC), Ms Tiina Intelmann (President of Assembly of States Parties of the ICC), Mr. Vuk Jeremic (President of the United Nations General Assembly for its 67th session) at the Annual Conference 2013 of the Estonian Institute of Human Rights (Tallinn, Estonia)

Since 2003:

Speeches and presentations at the annual conferences of the Association of Judges of the Baltic States on a variety of substantial issues for the judiciary (Ethics of judges and Estonian Code of Ethics for Judges; Administration of justice and Estonian court reform of 2006; Disciplinary procedure for judges and judicial misconduct; Workload of first instance judges and possibilities of its measurement; The influence of changing legislation on workload of judges and quality of their judgments; Judiciary and public media, etc.) (different locations in Estonia, Latvia, Lithuania).

September 2013:

Presentation at the final international conference of the EU project in Kazakhstan "Support to Judicial and Legal Reform in the Republic of Kazakhstan; "Practical aspects of implementation of procedural agreement (plea bargaining) in light of a new draft of the Criminal Procedure Code of the Republic of Kazakhstan and Estonian experience in plea bargaining procedure".

November 2012:

Presentation to Lithuanian Assembly of Judges en banc “Judicial reform in Estonia. Was it successful?” (Kaunas, Lithuania).

September 2012:

Speech at the international conference “Topical issues of reforming criminal legislation in the context of elaborating the new Criminal and Criminal Procedure Code of the Republic of Kazakhstan”; “Right for fair trial in the framework of general criminal procedure” (Almaty, Kazakhstan).

August 2012:

Speech at the international conference “Constitution - The basement for social modernization of state and society”; “Is it possible and necessary to make changes in the Constitution in the realities of a changing world?” (Almaty, Kazakhstan).

March 2012:

Speech at the international conference “Plea bargaining in the new model of criminal procedure of the Republic of Kazakhstan”: “Settlement procedure (plea bargaining) in Estonian criminal procedure law and examples in international practice.” (Almaty, Kazakhstan).

December 2011:

Four presentations at the international conference “Judicial Reform in Ukraine and International Standards for Judicial Independence”: 1) “Judges’ professionalism. Quality, clarity and consistency of judgments”; 2) “Judicial self-government and division of tasks of judges in Estonia”; 3) “Training and appointment of judges. Experience of Estonia”; 4) “Responsibility and impartiality of judges in making judgments” (Kyiv, Ukraine).

November 2011:

Two presentations at the workshop for members of the Council for the Selection of Judges of Kyrgyzstan: 1) “How to train a good judge? The experience of the Estonian Republic”; 2) “Transparency of process of training and appointing a judge” (Bishkek, Kyrgyzstan).

2011:

Speech on Forum of Judges “Judge as a manager” (Estonia, Tartu).

2007:

Speech on Estonian Assembly of Judges en banc “Standpoints of first instance courts about the reasons of reversing judgments by the courts of appeal” (Estonia, Pärnu).

9. HOFMA SKI, Piotr (Poland)

[Original: English]

Note verbale

The Embassy of the Republic of Poland 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, with reference to the latter's note no ICC-ASP/13/SP/06 dated 18 February 2014, has the honor to inform the Secretariat that the Government of the Republic of Poland has nominated Judge Professor Piotr Hofma ski, a national of the Republic of Poland, for the election to the Court which will take place at the thirteenth session of the Assembly in New York from 8 to 17 December 2014. Judge Professor Hofma ski is a male candidate who will represent the continental law system and the Eastern European Group.

Judge Professor Hofma ski has been nominated for inclusion in list A for the purposes of article 36, paragraph 5, of the Rome Statute. He fully meets the requirements set out in article 36 (3) (b) (i), of the Rome Statute.

This nomination has been made by the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court and therefore is accompanied by the nomination document issued on 28 February 2014 by the Polish National Group in the Permanent Court of Arbitration.

A statement specifying how the candidate fulfils the requirements of article 36, paragraph 3 of the Rome Statute and curriculum vitae of the candidate are attached hereto.

Statement of qualifications

Statement of the fulfilment of requirements laid down in article 36(3) of the Rome Statute by Professor Piotr Hofma ski, candidate of the Republic of Poland for the election to the International Criminal Court.

In accordance with article 36(3) of the Rome Statute of the International Criminal Court, every candidate for the election to the Court should fulfil the following requirements:

- (a) Be a person of a high moral character, impartiality, and integrity, who possesses the qualifications required in his/her respective State for appointment to the highest judicial offices (paragraph 3(a)).

Professor Piotr Hofma ski possesses the qualifications required in Poland for appointment to the highest judicial offices. In 1996, he was appointed Judge of the Criminal Chamber of the Polish Supreme Court by the President of Poland. In accordance with article 22 of the Polish Supreme Court Act, only a person of an unblemished character, whose impartiality and integrity cannot be questioned, can be appointed Judge of the Supreme Court. The candidate should possess the highest level of legal knowledge and judicial experience. Professor Hofma ski has proved his independence in thinking and action during his service in the Polish Supreme Court. Furthermore, he has been head of university chairs for more than 20 years, and he enjoys trust and respect among the university community;

- (b) 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 (paragraph 3(b)(i)).

Professor Hofma ski is one of the best and most experienced experts in criminal procedure law in Poland. He is the editor and co-author of the highly appreciated Commentary to the Code of Criminal Procedure. He is also the editor of a fundamental work *Criminal Procedure System*. Professor Hofma ski is the author of more than 200 publications dealing with various aspects of criminal law and procedure. He is also very active in the field of legislation and a long-standing expert of the Polish Parliament. As the deputy head of the Criminal Law Codification Commission between 2009 and 2013, he drafted a new model of the

Polish criminal procedure in cooperation with a sub-commission that he also headed. Since 2013, he has been head of the Commission.

Professor Hofma ski has a long-standing practical experience as a judge. Between 1994 and 1996, he worked at the Białystok Court of Appeal, and since 1996, he has been Judge of the Criminal Chamber of the Polish Supreme Court. The Chamber's competences include examining cassation referrals, deciding on legal questions addressed by courts of appeal, and reopening proceedings in the most serious cases.

Moreover, it has to be mentioned that Professor Hofma ski has experience in the field of the protection of human rights and fundamental freedoms. Between 1992 and 2008, he was a lecturer at the International School of Human Rights, organised by the Helsinki Committee. He is the co-author of the first Polish Commentary to the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and the author of many works relating to this area, in particular to the protection of rights of the accused and rights of victims (e.g. the first Polish book about the relationship between the Convention and criminal law and procedure);

- (c) Have an excellent knowledge of and be fluent in at least one of the working languages of the Court (paragraph 3).

Professor Hofma ski is fluent in English. He also speaks German very well. He publishes his works not only in Polish but also in foreign professional journals and gives lectures as a visiting professor at top-ranked universities. He has arranged and led an international research project titled "European Arrest Warrant and its Implementation in the Member States of the European Union." Currently, he is leading an international research project dedicated to the use of evidence obtained outside of criminal proceedings.

In addition, the Government of the Republic of Poland has the honour to inform that Professor Hofma ski has been nominated for inclusion in the list A, pursuant to article 36(5) of the Rome Statute. As far as the issues covered by article 36(8)(a) (i) to (iii) are concerned, the Polish candidate represents the continental/civil legal system based on the principles of the Roman law (i). He is nominated by a State from the Eastern European Group. By nominating a male candidate, the Government of the Republic of Poland endeavours to ensure a fair gender balance in the composition of the Court (iii), since the gender minimum voting requirement for the forthcoming election has been determined as two male judges.

Curriculum vitae

Family name:	Hofma ski	
First name:	Piotr	
Gender:	Male	
Date of birth:	6 March 1956	
Nationality:	Polish	
Regional criteria:	EEG	
Marital status:	Married	
List A / List B	List A	
Languages	Mother tongue: Polish	
- English	(written) Advanced	(oral) Advanced
- German	(written) Advanced	(oral) Advanced
- Russian	(written) Basic	(oral) Basic

Educational qualifications:

April 1997

- *Institution:* President of the Republic of Poland
- *Qualification(s) obtained:* Professor title

October 1987

- *Institution:* University of Silesia, Katowice
- *Qualification(s) obtained:* Habilitation

October 1981

- *Institution:* Nicolaus Copernicus University, Toru
- *Qualification(s) obtained:* Ph.D.

October 1974 – June 1978

- *Institution:* Nicolaus Copernicus University, Toru
- *Qualification(s) obtained:* Master of Law

September 1970 – June 1974

- *Institution:* Adam Mickiewicz Secondary School, Miastko
- *Qualification(s) obtained:* High-school certificate (*Matura*)

Professional experience:

July 1996 – present

- *Employer:* Supreme Court of the Republic of Poland
- *Post title:* Judge
- *Other information:* Also: spokesman

October 2001 – present

- *Employer:* Jagiellonian University, Kraków
- *Post title:* Full professor
- *Other information:* Chairman of the Criminal Procedure Law Chair

October 1990 – September 2002

- *Employer:* University of Białystok
- *Post title:* Associate professor
- *Other information:* Chairman of the Criminal Law Chair

September 1994 – July 1996

- *Employer:* Białystok Court of Appeal
- *Post title:* Judge

October 1982 – September 1990

- *Employer:* University of Silesia, Katowice
- *Post title:* Assistant professor, associate professor

October 1978 – September 1982

- *Employer:* Nicolaus Copernicus University, Toru
- *Post title:* Assistant professor

Other professional activities:

September 1991 – present

- *Activity:* Participation in the legislative process as an expert and as a member (since 2013, as the chairman) of the Criminal Law Codification Commission

March 2005 – present

- *Activity:* Member of the Advisory Committee on European Law at the Ministry of Justice

September 1992 – June 2008

- *Activity:* Lecturer at the International School of Human Rights of the Helsinki Committee

September 1994 – June 2008

- *Activity:* Lecturer at the Central European Police Academy

2001-2006

- *Activity:* Membership of expert committees of the Council of Europe (Reflection Group on developments in international cooperation in criminal matters – 2001-2002; Committee of Experts on Transnational Criminal Justice – 2004-2006)

Most relevant publications

A. *Most important publications in the area of criminal law and procedure*

1. Kodeks post powania karnego. Komentarz (The Code of Criminal Procedure. Commentary) (chief editor and co-author), 4th edition, Warszawa: C.H. Beck, 2011-2012, Volume I: 1623 p., Volume II: 1011 p., Volume III: 1279 p.
2. Kodeks karny. Komentarz (The Criminal Code. Commentary) (co-author), ed. M. Filar, 5th edition, Warszawa: LexisNexis, 2012, 1517 p.
3. Proces karny. Zarys systemu (Criminal Proceedings. Outline of the System) (co-author), Warszawa: LexisNexis, 2013, 654 p.
4. System prawa karnego procesowego (The System of Criminal Procedure) (chief editor), vol. I-XVIII, Warszawa: LexisNexis, 2013-2018; vol. I part: 831 p., vol. I part 2: 822 p., further volumes under preparation.
5. Samodzielno jurysdykcyjna s du karnego (The Criminal Court's Jurisdictional Independence), Katowice, 1988, 298 p.
6. Government Policy and the Rule of Law (Theoretical and Practical Aspects in Poland and the Netherlands) (co-editor and co-author), Białystok-Utrecht, 1997, 265 p.
7. wiadek anonimowy w procesie karnym (The incognito Witness in Criminal Proceedings), Kraków: Zakamycze, 1998, 182 p.
8. The European Arrest Warrant and Its Implementation in the Member States of the European Union (co-editor and co-author), Warszawa: C.H. Beck, 2008, 390 p.
9. Elementy metodyki pracy s dziego sprawach karnych (Selected Methods of Work of Judges in Criminal Matters) (co-author), 3d edition, Warszawa: Wolters Kluwer, 2011, 586 p.
10. Neue Erscheinungsformen der Kriminalität in ihrer Auswirkung auf das Straf- und Strafprozeßrecht (The New Forms of Criminality and Their Influence on Criminal Law and Procedure) (co-editor and co-author), Białystok: Temida 2, 1996, 207 p.
11. Kriminalität im Grenzgebiet (Criminality in Border Areas) (co-author), ed. Gerhardt Wolf, Berlin-Heidelberg, 2002, 269 p.
12. Maßnahmen gegen Organisierte Kriminalität im Rechtsstaat – Möglichkeiten und Grenzen (Means Against Organised Crime Under the Rule of Law. Possibilities and Limits) (co-author), ed. Bahri Öztürk and W. Gropp, Ankara: Seçkin, 2003, 234 p.
13. Transition of Criminal Procedure Systems (co-author), ed. B. Paviši , Rijeka, 2004, 298 p.
14. "Granice kryminalizacji aborcji w Europie Zachodniej" ("Limits for Criminalising Abortion in Western Europe"), Przegl d Prawa Karnego (Criminal Law Overview), no. 6, 1992, pp. 91-109.
15. "W sprawie nowelizacji przepisów o obronie koniecznej" ("On Amending Provisions on the Right to Self-Defence"), in Z problematyki prawa karnego (Issues in Criminal Law) (editor), Białystok: Temida 2, 1994, pp. 79-102.
16. "The Road Ahead for Poland's New Constitution and Codes of Criminal Law and Procedure," in Comparative Criminal Justice System: From Diversity to Rapprochement, International Conference for the 25th Anniversary of the International Institute of Higher Studies in Criminal Sciences, Syracuse (Italy), 16-20 December 1997, Eres AIDP, 1998, pp. 255-259.
17. "Odpowiedzialno za przest pstwa popełnione za granic " ("Responsibility for Crimes Committed Abroad"), in Nowa kodyfikacja karna (The New Criminal Codification), vol. 26, Warszawa, 1999, pp. 165-181.
18. "O jawno ci posiedze s dowych w procesie karnym" ("On the Openness of Court Hearings in Criminal Proceedings"), in Professor Andrzej Bulsiewicz's Commemorative Book, Toru : TNOiK, 2004, pp. 119-133.
19. "Die internationale Zusammenarbeit bei grenzüberschreitender Kriminalität aus der Sicht Polens" ("International Cooperation on Cross-border Criminality from the Polish Perspective"), in Strafrechtsentwicklung in Osteuropa: Zwischen bewältigten und neuen Herausforderungen (Development of criminal law in Europe: between old and new challenges), ed. A. Eser, J. Arnold, J. Trappe, Berlin: Dunkcker&Humboldt, 2006, pp. 400-406.
20. "Reguły kolizyjne w obszarze mi dzynarodowej współpracy w sprawach karnych" ("Conflict Rules in International Cooperation in Criminal Matters") (co-author), Pa stwo i Prawo (State and Law), no. 11, 2006, pp. 29-42.
21. "Przyszło cigania karnego w Europie" ("The Future of Criminal Prosecution in Europe"), European Judicial Overview, no. 12, 2006, pp. 4-11.
22. "Polnische Erfahrungen mit dem inkognito Zeuge" ("Polish Experiences with the Incognito Witness"), in Grundlagen des Straf- und Strafverfahrensrecht (Grounds of Criminal Law and Procedure), ed. M. Böse and D. Sternberg-Lieben, Berlin: Duncker&Humblot, 2009, pp. 645-656.
23. "Wielka reforma Kodeksu post powania karnego. Zagadnienia modelowe" ("The Reform of the Code of Criminal Procedure. Representative Issues"), Forum Prawnicze (Legal Forum), no. 4, 2013, pp. 9-24.

B. *Most important publications in the area of the protection of human rights*

1. Ochrona praw człowieka (The Protection of Human Rights), Białystok: Temida 2, 1994, 339 p.
2. Konwencja o ochronie praw człowieka i podstawowych wolno ci. Komentarz (The Convention for the Protection of Human Rights and Fundamental Freedoms. Commentary), vol. I-II, Warszawa: C.H. Beck, 2011, 833 and 773 p.

3. Europejska Konwencja Praw Człowieka i jej znaczenie dla prawa karnego materialnego, procesowego i wykonawczego (The European Convention on Human Rights and its importance for criminal law, criminal proceedings and executive law), Białystok: Temida 2, 1993, 398 p.
4. Konwencja europejska a prawo karne (The European Convention and the Criminal Law), Toruń: TNOiK, 1995, 369 p.
5. Nowe polskie prawo karne w świetle europejskich standardów w zakresie ochrony praw człowieka (The New Polish Criminal Law in Light of European Standards of Human Rights Protection), Warszawa: CZSW, 1997, 72 p.
6. The Rule of Law After Communism (co-author), ed. A. Czarnota and M. Krygier, London: Dartmouth, 1998, 239 p.
7. "Europejskie standardy praw człowieka w zakresie kontroli stosowania przymusu a reforma kodeksu postępowania karnego" ("Application of the European Standards of Human Rights Protection to the Coercion Control in the Context of the Amendment of the Code of Criminal Procedure"), in Professor Marian Cieślak's Commemorative Book, Kraków, 1993, pp. 451-460.
8. "Europejska konwencja o zapobieganiu torturom oraz innym formom niehumanitarnego i poniżej godnego traktowania lub karaniam" ("The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment"), Przegląd Policyjny (Police Overview), no. 3-4, 1993, pp. 5-19.
9. "Poland After Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms," Helsinki Monitor, no. 1, 1995, pp. 45-55.
10. "Menschenrechtsschutz in Polen und Reformen des Straf- und Strafprozeßrechts nach der politischen Wende 1989" ("Human Rights Protection in Poland and the Reform of Criminal Law and Procedure After the 1989 Political Transformation"), Schriftenreihe der Österreichischen Juristenkommission, Kritik und Fortschritt im Rechtsstaat. Rechtsstaat – Liberalisierung und Strukturreform, Österreich, Vienna, 1998, pp. 297-307.
11. "Veränderungen in Polen nach der Ratifizierung der Europäischen Konvention über den Schutz der Menschenrechte und Grundfreiheiten unter besondere Berücksichtigung des Strafrechtssystems" ("Changes in Poland After Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms, with Special Focus on the Criminal Law System"), in The History of Supreme Courts of Europe and the Development of Human Rights, Budapest, 1999, pp. 371-405.
12. "Wpływ Europejskiej Konwencji Praw Człowieka i Podstawowych Wolności na rozwój polskiego procesu karnego" ("Influence of the European Convention for the Protection of Human Rights and Fundamental Freedoms on the Development of Polish Criminal Procedure") (co-author), in Polska w Radzie Europy. 10 lat członkostwa. Wybrane zagadnienia (Poland in the Council of Europe. 10 Years of Membership. Selected Issues), ed. H. Machyska, Warszawa: OIRE, 2002, pp. 24-154.
13. "Gwarancje art. 5 i art. 6 Europejskiej Konwencji Praw Człowieka w znowelizowanym polskim procesie karnym" ("Guarantees of Articles 5 and 6 of the European Convention on Human Rights in Poland's Amended Criminal Procedure"), European Judicial Overview, no. 1, 2014, pp. 32-39.

Most relevant seminars

- 27.04-15.05.1992: International Promotion and Protection of Human Rights in Domestic Law and Practice, The Hague, Netherlands
- 16-19.06.1993: International Human Rights Standards in Polish Criminal Law (Present and Future), Mława, Poland
- 28-31.03.1996: Europäisches Kolloquium über Besondere Ermittlungsmaßnahmen zur Verfolgung Organisierter Kriminalität (European Colloquium on Special Investigation Measures in Combatting Organised Crime), Leipzig University, Germany
- 19-20.12.1996: L'application de la Convention européenne des droits de l'homme par les juridictions suprêmes (Application of the European Convention on Human Rights by Supreme Courts), Paris, France
- 2-4.07.1997: The Administration Of Justice And Court Management, Bordeaux, France
- 18-20.09.1997: Beweisgewinnungsmethoden und Beweisverwertungsverbote in den Ländern der Europäischen Union und vergleichbaren Rechtsordnungen (Evidence Prohibition in EU Member States and in Other Legal Systems), Vienna, Austria
- 16-20.12.1997: Comparative Criminal Justice System: from Diversity to Rapprochement, AIDP Conference, Syracuse, Italy
- 19-20.03.1998: Criminal Procedure and the European Convention on Human Rights, Sofia, Bulgaria
- 17-18.04.1998: Government Policy and the Rule of Law, Dutch-Polish Colloquium, Utrecht, Netherlands
- 17-18.05.1999: Human Rights in the Context of Community Law and the Council of Europe's Convention on Human Rights, Popowo, Poland
- 24-27.06.1999: Przestępstwa przygraniczne. Postępowanie karne przeciwko cudzoziemcom w Polsce (Cross-Border Criminality. Criminal Procedure Against Foreigners in Poland), Poznań, Poland
- 22-29.09.2001: Maßnahmen gegen Organisierte Kriminalität im Rechtsstaat Möglichkeiten und Grenzen (Means Against Organised Crime Under the Rule of Law. Possibilities and Limits), Izmir, Turkey

- 17-19.10.2001: Workshop on the Prosecution of War Crimes, Interlaken, Switzerland
- 25-27.10.2002: 7. Tagung im Rahmen des Projektes „Kriminalität im Grenzgebiet“. Das Straverfahrensgesetzbuch der Republik Polen - *Kodeks post powania karnego* (7th Workshop in the Framework of the “Cross-Border Criminality” Project. Code of Criminal Procedure of the Republic of Poland), Frankfurt (Oder), Germany
- 17-20.09.2003: Theoretische Probleme und praktische Anwendung von Absprachen im Straverfahren (Theoretical and Practical Aspects of Plea Bargaining in Criminal Proceedings), Dresden, Germany
- 26.9-2.10.2004: Präventive und repressive Maßnahmen vor dem Hintergrund des 11. September 2001 (Preventive and Coercive Measures in the Context of the Events of 11 September 2001), Giessen, Germany
- 3-5.10.2005: Strafverteidigung vor neuen Herausforderungen (Criminal Defence in Light of New Challenges), Cologne, Germany
- 9-12.11.2006: The European Arrest Warrant and its Implementation in the Member States of the European Union. Current Developments and the Future, Kraków, Poland
- 7-9.05.2009: Ochrona interesów finansowych Wspólnoty Europejskiej a przemiany instytucjonalne Unii Europejskiej (The Protection of the European Community’s Financial Interests and Institutional Changes in the EU), Warszawa, Poland
- 15-17.05.2013: 6th Meeting of the Network of Public Prosecutors or Equivalent Institutions within the Supreme Judicial Courts of the Member States of the European Union. Synergies and Responses: Challenges to the Integration of the Future European Public Prosecutor’s Office into the National Laws of the Member States of the EU, Kraków, Poland
- 22-24.05.2013: Neue Tendenzen im Strafprozessrecht – Deutschland, Ukraine, Polen (New Tendencies in Criminal Procedure – Germany, Ukraine, Poland), Fischbachau, Germany

Membership of professional associations and societies

1. European Law Research Association
2. International Association of Penal Law (AIDP)
3. Association of Criminal Law

Awards and honours

Awards

- 1993 Award of the Rector of the University of Warsaw for achievements in scholarship
- 1990 Award of the Rector of the University of Silesia for achievements in scholarship and law teaching
- 1984 Award of the Rector of the University of Silesia for achievements in scholarship
- 1982 Award of the Rector of the Nicolaus Copernicus University for achievements in law teaching
- 1981 Award of the Rector of the Nicolaus Copernicus for achievements in scholarship

Honours

- Member of the Scientific Council of *Probation* (2008 – present)
- Member of the Scientific Council of the Polish Academy of Science (2008-2010)
- Member of the Scientific Council of the *European Judicial Overview* (2005 – present)
- Member of the editorial committee of *Przegląd Policyjny (Police Overview)* (1991 – present)

Personal interests

1. Criminal law, especially criminal procedure
2. Protection of human rights, especially the protection of rights of the accused and victims
3. Constitutional aspects of criminal law
4. International cooperation in criminal matters
5. International jurisdiction, conflicts of jurisdiction

Other relevant facts

- 2013 – present: Management of an international research project dedicated to the use of evidence obtained outside of the proceedings in criminal procedure. The project also focuses on evidence obtained abroad.
- 1996 – present: Contribution to the European Research Working Group (Europäisches Arbeitskreis)
- 2005-2007: Management of an international research project titled “European Arrest Warrant and its Implementation in the Member States of the European Union”

10. KOVÁCS, Péter (Hungary)

[Original: English]

Note verbale

The Embassy of Hungary presents its compliments to the Secretariat of the Assembly of States Parties to the International Criminal Court, and has the honour to communicate that Hungary nominates Judge Professor Péter Kovács as a candidate for the election of judges of the International Criminal Court for the period 2015-2024, as required by article 36, paragraph 4 (a) (ii), of the Rome Statute (see the relevant documents attached).

Hungary as a strong and long-standing supporter of the International Criminal Court attaches great importance to the quality, effectiveness and efficiency of the criminal procedure, which Hungary deems to be a key component in the fight against impunity of the most serious international crimes committed. With due regard to the above, the Government of Hungary nominates Judge Professor Péter Kovács to the Assembly of States Parties as being eminently suited to be elected judge of the Court.

Professor Kovács is an excellent international law practitioner with established competence in relevant areas of international law. The Hungarian candidate has gathered extensive judicial experience in his various professional legal capacities.

Presently, he is the presiding judge of the 1st Chamber of the Hungarian Constitutional Court. Next to his high moral character, impartiality and integrity and his fluency in both working languages of the Court, he fully meets the requirements set out in article 36, paragraph 3 (b) (ii), of the Rome Statute and stands as a List B candidate at the forthcoming election. The curriculum vitae of and other relevant documents of Judge Professor Péter Kovács are attached.

Statement of qualifications

Statement of qualifications submitted in accordance with paragraph 4 a) of article 36 of the Rome Statute of the International Criminal Court and paragraph 6 of the resolution of the Assembly of States Parties relating to the Procedure for the Nomination and Election of Judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court

Professor Péter Kovács is the candidate nominated by Hungary for the election of judges of the International Criminal Court for the period 2015-2024.

Professor Péter Kovács, presently a judge of the Hungarian Constitutional Court, president of 1st Chamber, is a person of high moral character, impartiality and integrity, who possesses all the qualifications required in Hungary for appointment to the highest judicial offices (paragraph 3 a) of article 36 of the Rome Statute. Professor Péter Kovács fulfils the requirements of subparagraph (ii) of paragraph 3 (b) of article 36, as is specified in his curriculum vitae.

Professor Kovács was born in 1959 in Szeged, Hungary. He has a Law Degree from University Attila József (Szeged) and postgraduate law degrees from the Université de Nancy II and Strasbourg (France). Since 1998 he was a professor at the University of Miskolc, Faculty of Law, Department of Public International Law and he was the head of department between 1999 and 2005. From 2009 he is the head of Department of Public International Law, Faculty of Law of the Pázmány Péter Catholic University, where he is a professor since 1997. He worked for the Ministry of Foreign Affairs from 1990 as a 1st class secretary at the Embassy of Paris (1990-1994), then as the head of Department of Human Rights and Minority Law (1998-1999).

He was a governmental expert in the Council of Europe in the CAHLR (preparation of the European Charter for Regional or Minority Languages) and CAHMIN (preparation of the Framework-convention for the Protection of National Minorities) committees. In 1998 he became a member of the expert group on Democratic citizenship in the Council of Europe.

Professor Kovács possesses established competence in international law in general and especially in minority law, human rights, international humanitarian law and the law of human rights as his university textbooks and other works prove it. He is a member of the Institut International des Droits de l'Homme (Strasbourg), the Société Française pour le Droit International and the Hungarian Branch of the International Law Association.

Professor Kovács's professional knowledge and skills are excellent, as are his analytical skills. He works with a high degree of professional dedication and has proved fully capable to organize and prioritize the workload.

He has an excellent written and oral expression in English and French, which is of extreme importance in the court settings and investigations where all proceedings are conducted through interpreters.

His research fields include the minority protection, human rights, humanitarian law, international jurisprudence, history of international law, Schengen cooperation, and constitutional jurisprudence.

The legal expertise of Professor Péter Kovács in national and international law and procedure have convinced the Ministry of Foreign Affairs of Hungary that he meets the requirements of paragraph 3 of article 36 of the Rome Statute to be elected judge of the International Criminal Court.

Professor Péter Kovács is being nominated for inclusion in list "B" for the purposes of paragraph 5 of article 36 of the Rome Statute.

The information relating to subparagraph (i) to (iii) of paragraph 8 (a) of article 36 of the Rome Statute is as follows:

- (a) Professor Kovács represents the European legal system. He is qualified and practices in international law.
- (b) Professor Kovács is a national of Hungary, which is a member of the Eastern European Group of States. He does not possess the nationality of any other state.
- (c) Professor Kovács is male.

Péter Kovács activity in the field of international humanitarian law and related matters:

- (a) Conferences, etc. (of the cca. 107 conferences attended abroad):
 - (i) 1988: participation on the experts' seminar organized by the ICRC in Sofia [Title of the intervention: "The application of the Geneva Additional Protocol II in the civil war in El Salvador"]
 - (ii) 1989: participation on the experts' seminar organized by the ICRC in Leningrad [Title of the intervention: "The mass media should do more in the promotion of international humanitarian law"]
 - (iii) 24-25 January 1998: participation at the conference of the Université Catholique de Lyon on refugee issues [Title of the intervention: Les réfugiés dans la pratique juridique hongroise]
 - (iv) 3-29 March 2000: visiting professor at the Université de Montpellier I: 16 hours taught and therefrom 2 were delivered on the foundations of the IHL obligations of the NATO in the in campaign for Kosovo.
 - (v) March 2002: visiting professor at the Université Paris XI (Sceaux): 12 hours taught and therefrom 3 were delivered on the foundations of the IHL obligations of the NATO in the Kosovo campaign, 3 on the legal nature of statutes, internal rules of procedures of international tribunals as well as on international jurisprudential interactions.
 - (vi) 1 August - 23 December 2002: Visiting professor in the US with Fulbright scholarship during the fall semester of the Denver University, College of Law. Two classes taught: the international legal protection of national minorities (2x2 hours per week) and international humanitarian law (2x2 hours per week)
 - (vii) 11-13 September 2002: rapporteur at the 36th conference of the Société Française pour le Droit International (La juridictionnalisation du droit international) on the topic: "Les possibilités et les limites du développement du droit dans la jurisprudence des tribunaux internationaux".
 - (viii) 5-9 December 2003: Toronto, Canada: participation at the round table "Transitional justice and human rights" of the York University
 - (ix) 12 July 2005 (Warsaw): lecture at the 23rd summer university of IHL (Title of the lecture: Refugees in armed conflicts)
 - (x) 5 July 2007 (Warsaw): lecture at the 25th summer university of IHL (Title of the lecture: Refugees in armed conflicts)

- (xi) 22 August 2007 (Moscow): lecture at the summer university of IHL (Title of the lecture: Refugees in armed conflicts)
 - (xii) 16-17 July 2009: participation at the human rights seminar organized jointly by the Government of Morocco and the advisory committee of the Council of Human Rights of the United Nations in Marrakesh. (Title of the intervention: The obligations of States in the field of teaching of human rights)
- (b) Legal advices, expertise etc.:
- (i) 1999, Spring: Author of an *amicus curiae* document, prepared in the Ministry of Foreign Affairs concerning a legal error in the interpretation of IHL in the jurisprudence of the Supreme Court. (NB: The Supreme Court annulled later its decision and substantially altered its interpretation.)
 - (ii) 1998-2003: national correspondent of the International Yearbook of Humanitarian Law, The Hague, TMC Asser Institute,
 - (iii) 2001: university member of the interministerial experts' committee for the ratification of the Statute of the International Criminal Court.
 - (iv) 2011-2012: propositions of corrections concerning the formulation of delicts and crimes linked to the IHL and the crimes against humanity in the draft of the new Penal Code. (The propositions were formulated together with colleagues of the international law department of the Péter Pázmány Catholic University. A part of the proposals were accepted.)
- (c) Direction of thesis, etc.:
- From the 13 defended PhD-theses under my supervision, six concerned different aspects of IHL and the ICC, the R2P (responsibility to protect) or the transitional justice.

Recommendation by Prof. Dr. Vanda Lamm, Prof. Dr. János Bruhács and Dr. Csaba Pákozdi, members of the Permanent Court of Arbitration:

As members of the Hungarian National Group of the Permanent Court of Arbitration we recommend Professor Péter Kovács to be the Hungarian candidate for the election of judges of the International Criminal Court for the period 2015-2024.

Professor Kovács is an excellent international law practitioner with established competence in relevant areas of international law. He has gathered extensive judicial experience in his various professional legal capacities. Presently, he is the presiding judge of the 1st Chamber of the Hungarian Constitutional Court. Next to his high moral character, impartiality and integrity and his fluency in both working languages of the Court, he fully meets the requirements set out in article 36, paragraph 3 (b) (ii), of the Rome Statute and stands as a candidate at the forthcoming election.

Curriculum vitae

Family name:	Kovács	
First name:	Péter	
Gender:	Male	
Date of birth:	10 February 1959	
Nationality:	Hungarian	
Regional criteria:	Eastern Europe	
Marital status:	Married	
List A / List B	List B	
Languages	Mother tongue: Hungarian	
- English	(written) Advanced	(oral) Advanced
- French	(written) Advanced	(oral) Advanced
- German	(written) Intermediate	(oral) Intermediate
- Russian	(written) Intermediate	(oral) Intermediate

Educational qualifications:

2011

- *Institution:* Hungarian Academy of Sciences
- *Qualification(s) obtained:* DSC

1997

- *Institution:* Miskolc University Law Faculty
- *Qualification(s) obtained:* dr. habil/ PhD.

1987

- *Institution:* Miskolc University Law Faculty
- *Qualification(s) obtained:* Ph.D.

07/1984 – 08/1984

- *Institution:* Institut International des Droits de l'Homme (Strasbourg, France)
- *Qualification(s) obtained:* Diplome de droit international et de droit comparé des droits de l'homme

09/1983 – 06/1984

- *Institution:* Community law in Centre Européen Universitaire (Nancy, France)
- *Qualification(s) obtained:* Diplome d'études supérieures européennes (DESS)

09/1978 – 02/1983

- *Institution:* Law Faculty of the University Attila József (Szeged, Hungary)
- *Qualification(s) obtained:* Master of Law

Professional experience:

09/2005

- *Employer:* Constitutional Court
- *Post title:* Judge, President of the 1st Chamber (2013-)
- *Other information:* elected for 9 years

09/1997

- *Employer:* Péter Pázmány Catholic University
- *Post title:* professor, head of international law department

07/1998 – 07/1999

- *Employer:* Ministry of Foreign Affairs
- *Post title:* Head of Department of Human Rights

07/1999 – 07/1994

- *Employer:* Ministry of Foreign Affairs
- *Post title:* 1st class secretary at the Hungarian Embassy in Paris
- *Other information:* Embassy of Hungary, Paris

02/1983 – 07/2009

- *Employer:* University of Miskolc
- *Post title:* assistant, assistant master, head of department, professor

Other professional activities:

2001

- *Activity:* member of the interministerial expert group for the ratification of the Rome Statute

09/1994 - 07/1998

- *Activity:* international law counsellor of the Secretary of State for the minorities

08/1986 - 02/1987

- *Activity:* 2nd part of the obligatory military service in the Hungarian Army

08/1977 - 07/1978

- *Activity:* 1st part of the obligatory military service in the Hungarian Army

Most relevant publications

1. Authority and Weakness of the 1977 Geneva Protocol II in the Light of the Conflict in Chechnya; in: International Peacekeeping 6:(4-6) pp. 137-144. (2000),

2. Intervention armée des forces de l'OTAN au Kosovo: (Fondement de l'obligation de respecter le droit international humanitaire), *Revue Internationale de la Croix Rouge* 82:(837) pp. 103-128. (2000),
3. International law and minority protection: Rights of Minorities or Law of Minorities? Budapest: Akadémiai Kiadó, 2000. 176 p. (Pázmány Books),
4. Ethnic and Linguistic Minorities and International Law; Racial groups; in: Shelton, Dinah L. (ed.): *Encyclopedia of genocide and crimes against humanity*, Detroit: Macmillan Press, 2004. pp. 692-700 and 855-857,
5. Rather Judgement than Opinion? Or can we speak about a third type judicial procedure before the International Court of Justice? (Note under the Advisory Opinion of the International Court of Justice delivered about the "wall" built on Palestinian Territory); in: Bermejo Garcia Romualdo (ed.) *Anuario de Derecho Internacional* vol. XX (2004), Pamplona: Universidad de Navarra, 2005. pp. 447-465,
6. La protection internationale des minorités nationales aux alentours du millénaire; Paris: Pédone, 2005. 96 p.(Cours et travaux; 5),
7. Le prononcé de la peine, in: Ascensio, Decaux, Pellet (ed.): *Droit international pénal*, Paris: Pédone, 2000. pp. 841-848. (2e éd.), Paris: Pédone, 2012. pp. 969-976),
8. Developments and Limits in International Jurisprudence, *Denver Journal of International Law and Policy* 31:(3) pp. 461-489. (2003),
9. Développement et limites de la jurisprudence en droit international; in: Coussirat-Coustère, Vincent (ed.): *La juridictionnalisation du droit international*.(Conférence de la SFDI, Lille, 2002), Paris, 2003: pp. 269-341.),
10. Article 57; in: Cot J-P, Pellet A, Forteau M (eds) *Commentaire de la Charte des Nations Unies*, Paris: Economica, 2005. pp. 1515-1541,
11. Article 7 of the Vienna Treaty on the Law of Treaties of 1969 and the Vienna Treaty on the Law of Treaties of 1986; in: Corten Olivier - Klein Pierre: *The Vienna Conventions on the Law of Treaties: A Commentary*. 2176 p. Oxford: Oxford University Press, 2011. pp. 125-144 et pp. 145-154,
12. Raison d'État et droit international; in: Akandji-Kombé Jean-François (ed): *L'homme dans la société internationale: Mélanges en hommage au Professeur Paul Tavernier*. Bruxelles, Bruylant, 2013. pp. 91-108,
13. Jurisprudential Interactions in the first Judgements of the International Criminal Court in: Iustum, Aequum, Salutare, 2014/I, (to be published soon)

Most relevant seminars

1. 3-29 March, 2000: visiting professor at the Université de Montpellier I: 16 hours taught and therefrom 2 were delivered on the foundations of the IHL obligations of the NATO in the in campaign for Kosovo.
2. March 2002: visiting professor at the Université Paris XI (Sceaux): 12 hours taught and therefrom 3 were delivered on the foundations of the IHL obligations of the NATO in the in campaign for Kosovo and 3 on the legal nature of statutes, internal rules of procedures of international tribunals, as of international jurisprudential interactions.
3. 1 August - 23 December 2002: Visiting professor in the US with Fulbright scholarship during the fall semester of the Denver University, College of Law. Two classes held: on the international legal protection of national minorities (2x2 hours per week) and on the international humanitarian law (2x2 hours per week).
4. 11-13 September 2002: rapporteur at the 36th conference of the Société Française pour le Droit International (La juridictionnalisation du droit international) on the topic: "Les possibilités et les limites du développement du droit dans la jurisprudence des tribunaux internationaux".
5. 5-9 December 2003: Toronto, Canada: participation at the round table "Transitional justice and human rights" of the York University.
6. 12 July 2005 (Warsaw): lecture at the 23rd summer university of IHL (Title of the lecture: Refugees in armed conflicts)
7. 5 July 2007 (Warsaw): lecture at the 25th summer university of IHL (Title of the lecture: Refugees in armed conflicts)
8. 22 August 2007 (Moscow): lecture at the summer university of IHL (Title of the lecture: Refugees in armed conflicts)

Membership of professional associations and societies

- Institut International des Droits de l'Homme (Strasbourg)
- Hungarian Branch of the International Law Association
- Société Française pour le Droit International

Awards and honours

- Chevalier de l'Ordre National du Mérite de la République Française (2010)
- Pro Minoritate Prize (Fundatia Dispora, Timisoara, Romania, 2003)

Personal interests

History of the 20th century

Sport: cycling

11. MINDUA, Antoine Kesia-Mbe (Democratic Republic of the Congo)

[Original: French]

Note verbale

The Permanent Mission of the Democratic Republic of the Congo to the United Nations Organization presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court (ICC) and, with reference to its note ICC-ASP/13/006 dated 18 February 2014, has the honour to inform the Secretariat that the Government of the DRC has decided to present the candidature of Judge Antoine Kesia-Mbe Mindua in the elections for judges of the ICC scheduled during the thirteenth session of the Assembly of States Parties, which will be held in New York from 08 to 17 December 2014.

Judge Mindua's nomination followed the procedure applicable in the DRC for the appointment of judges to the highest court and his candidacy is presented as a nomination for list B, in accordance with article 36 paragraphs (3)(a) and (5) of the Statute. Judge Mindua meets the requirements stated in article 36 paragraphs (3)(b)(i) and (ii) and (4)(a)(i) of the Statute.

Judge Mindua is a person of high moral character, known for his impartiality and integrity. He has worked at the International Criminal Tribunal for Rwanda (ICTR) and he currently works at the International Criminal Tribunal for the former Yugoslavia (ICTY). In addition to his wide-ranging judicial and legal practice, Judge Mindua also has extensive diplomatic experience in his capacity as Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the DRC to the United Nations Office and the Specialized Agencies in Geneva. Finally, Judge Mindua has wide-ranging academic experience. He holds a doctorate degree in Public International Law and is also a professor of International Criminal Law, Public International Law and International Human Rights Law.

Judge Mindua has proven professional knowledge and solid practical experience in the field of Humanitarian Law and Human Rights Law at both national and international level. A statement of his qualifications is appended to this note in accordance with article 36, paragraph 4(a) of the Statute. Judge Mindua's candidature is endorsed by the African Union (UA) by decision Doc.EX.CL/821 (XXIV) 21-28 January 2014.

Statement of qualifications

Detailed document submitted in accordance with article 36, paragraph 4) a) of the Rome Statute of the International Criminal Court (ICC), with paragraph 6 of resolution ICC-ASP/3/Res.6 and with paragraph 27 of resolution ICC-ASP/12/Res.8 of the Assembly of States Parties on the procedure for the nomination and election of judges of the International Criminal Court.

The Government of the Democratic Republic of the Congo (DRC) has decided to present the candidature of His Excellency Doctor Antoine Kesia-Mbe Mindua, currently Judge at the International Criminal Tribunal for the former Yugoslavia (ICTY) at The Hague, for the post of Judge at the International Criminal Court (ICC), in the elections scheduled during the thirteenth session of the Assembly of States Parties, which will be held in New York, from 08 to 17 December 2014 (article 36, paragraph 4 (a) (i)).

Judge Mindua is a person of high moral character, known for his impartiality and integrity, who possesses the qualifications required in the DRC for appointment to the highest judicial offices (article 36, paragraph 3 (a)). He is a staunch defender of the Rule of Law and of Human Rights. His nomination is the result of the procedure provided for the nomination of candidates for appointment to the highest jurisdiction in the DRC (article 36, paragraph 4 (a) (i)).

Though eligible for inclusion on both lists A and B, Judge Mindua's candidacy is presented as a nomination for list B which comprises the names of 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” (article 36, paragraph 3 (b) (ii) and paragraph 5).

Apart from his professional training and his academic qualifications in law which are internationally recognised, Judge Mindua has a wealth of experience in International Law, International Humanitarian Law and Human Rights Law as well as in criminal proceedings at both national and international levels (article 36, paragraph 3 (b) (i) and (ii) and paragraph 5).

Judge Mindua is one of the prominent legal experts in the DRC and a qualified lawyer from the civil law legal system. He holds many titles and academic distinctions. He holds a doctorate degree in Public International Law and is a specialist in the above-mentioned fields. In his doctoral thesis, he studied among other topics the issue of human rights and the use of armed forces. He also holds a certificate and a diploma in Human Rights Law from the *International Institute of Human Rights* of Strasbourg, France, where he teaches as a visiting lecturer. He is qualified to teach Human Rights Law in Universities. He is a Professor of Public International Law and International Criminal Law at the *Geneva School of Diplomacy and International Relations, University Institute*. He continues to do research and to publish in these areas.

Doctor Mindua has gathered extensive experience in a professional legal capacity. He worked as Legal Adviser at the Office of the Vice-Prime Minister and Minister for Citizens Rights and Freedoms in DRC. He was then Legal Officer at the Office of the President of the Republic and Instructor for Human Rights and Fundamental Freedoms for the Police in DRC. Finally, he worked as a Legal Officer for the Chambers and the Registry at the International Criminal Tribunal for Rwanda (ICTR) for approximately five (5) years, in Arusha, Tanzania.

Doctor Mindua is a highly qualified and distinguished diplomat. In his tenure as Ambassador Extraordinary and Plenipotentiary, Permanent Representative of his country to the United Nations Office in Geneva, he has served several times as head of his governmental delegation to the United Nations Human Rights Commission/Council, initiating and supporting many benchmark resolutions considered as significant breakthroughs in protecting human rights.

Judge Mindua is familiar with gender issues, and is particularly concerned with the problem of violence against women and children (article 36, paragraph 8 (b)). Having dealt comprehensively with crimes committed in both Rwanda and the former Yugoslavia, he possesses broad legal and judicial expertise pertaining to this issue. He has also acquired a special and proven knowledge of this through his experience as Vice-Chairman of the Executive Committee of the United Nations High Commissioner for Refugees in Geneva. In addition, in his capacity as head of his national delegation to the Human Rights Commission / Council of the United Nations in Geneva, Ambassador Mindua initiated and supported with zeal various resolutions condemning violence against children (abduction of children, forced child labour, rapes, recruitment of child soldiers, etc). He is member of the *Network of Domestic and International Judges Against Sexual Violence*.

Thus, Judge Mindua whose curriculum vitae is attached hereto, 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” (article 36, paragraph 3 (b) (ii)).

Doctor Mindua also has extensive judicial experience. For several years, he has been devoted to criminal law and procedure. Indeed, he has a master’s degree in Private Law and Justice, which involved comprehensive study of Criminal Law and Criminal Procedure. He also had ample time to deepen his knowledge of Military Criminal Law and Procedure through practice when he was a trainee military magistrate at the Court-Martial of the Garrison of Kinshasa-Gombe in the DRC. Moreover, his experience in Criminal Law and Criminal Procedure at the international level is proven. He is a great practitioner of international criminal trials concerning various types of crimes. He was a legal officer at the ICTR in Arusha, and he continues to serve as a judge at the ICTY in The Hague where he has spent more than eight (8) years.

Judge Mindua has an excellent knowledge of and is fluent in both English and French. His professional practice and his publications in these languages reflect this (article 36, paragraph 3(c)).

Judge Mindua is a male, national of the DRC, which is a member of the African Regional Group of States, and does not possess the citizenship of any other State (article 36, paragraph 8 (a)).

Judge Mindua's candidature is endorsed by the African Union (AU) by decision Doc.EX.CL/821 (XXIV) 21-28 January 2014.

Curriculum vitae

Family name:	Mindua	
First name:	Antoine	
Middle name:	Kesia-Mbe	
Gender:	Male	
Date of birth:	31/12/1956	
Nationality:	Congolese (Democratic Republic of the Congo)	
Regional criteria:	Africa	
Marital status:	Married	
List A / List B	List B	
Languages	Mother tongue: Lingala / French	
- English	(written) Advanced	(oral) Advanced
- French	(written) Advanced	(oral) Advanced
- Kikongo	(written) Advanced	(oral) Advanced
- Kiswahili	(written) Advanced	(oral) Advanced
- Latin	(written) Advanced	(oral) Intermediate
- Dutch	(written) Basic	(oral) Basic

Educational qualifications:

10/1992 – 12/1995

- *Institution:* University of Geneva (Geneva, Switzerland)
- *Qualification(s) obtained:* Doctorate (PhD) in Public International Law; thesis title: "International Organisations, armed interventions and human rights"; prize awarded by the University of Geneva for the best doctoral thesis for the year 1996.

10/1990 – 07/1992

- *Institution:* University of Geneva (Geneva, Switzerland)
- *Qualification(s) obtained:* Diplôme d'Etudes Supérieures (Advanced University degree obtained after Master's degree) in Public International Law.

07/1989 – 08/1990

- *Institution:* University of Strasbourg, International Institute of Human Rights (Strasbourg, France)
- *Qualification(s) obtained:* Certificate and Diploma in International Law and Comparative Human Rights Law
- *Additional information:* I am qualified to teach Human Rights Law in Universities.

10/1988 – 10/1990

- *Institution:* University of Nancy II (Nancy, France)
- *Qualification(s) obtained:* Diplôme d'Etudes Approfondies (Advanced University degree obtained after Master's degree) in European Community Law; Diplôme d'Etudes Supérieures (Advanced University degree obtained after Master's degree) in European Politics and Law.

10/1976 – 07/1982

- *Institution:* University of Kinshasa (Democratic Republic of the Congo)
- *Qualification(s) obtained:* Graduat et Licence (Maîtrise) (Bachelor's and Master's degrees) in Law, Private and Criminal Law

Professional experience:

04/2006 - present

- *Employer:* International Criminal Tribunal for the Former Yugoslavia (ICTY), The Hague, The Netherlands
- *Post title:* Judge
- *Other information:* I have been a Trial Judge since April 2006. I am familiar with International Criminal Law and international legal proceedings. I have participated in the most serious, lengthy and complex cases at the ICTY. I have extensive judicial and legal expertise in crimes involving sexual violence, particularly in conflict zones.

05/2001 – 04/2006

- *Employer:* Permanent Mission of the Democratic Republic of the Congo (DRC) to the United Nations and other International Organizations in Geneva, Switzerland and Ambassador of the Democratic Republic of the Congo (DRC) to the Swiss Confederation in Bern, Switzerland; Minister of Foreign Affairs in the DRC.
- *Post title:* Ambassador Extraordinary and Plenipotentiary, Permanent Representative
- *Other information:* I am familiar with human rights issues, including the issue of violence against women and children. From 2005 to 2006 I was Vice-Chairman of the Executive Committee of the United Nations High Commissioner for Refugees in Geneva. I have also been head of the Democratic Republic of the Congo governmental delegation to the United Nations Commission on Human Rights in Geneva several times. In this capacity I initiated and/or supported a number of important resolutions which are considered to represent genuine advances in the human rights cause. I am an experienced manager.

02/1997 – 05/2001

- *Employer:* International Criminal Tribunal for Rwanda (ICTR), Arusha, Tanzania
- *Post title:* Legal Officer and Chief of the Judicial Proceedings Support Unit
- *Other information:* I was responsible for, inter alia, the management of trials, hearings and appeals. I often travelled to foreign countries to represent the ICTR and to serve judicial documents (warrants of arrest, orders for transfers etc.) on government authorities (Ministers of Foreign Affairs, Ministers of Justice, Attorneys General, Supreme Police Commanding Officers etc.). As a lawyer I was involved in drafting decisions, orders, judgments and other legal and judicial documents.

12/1985 – 12/1988

- *Employer:* Vice-Prime Minister's Office and Ministry of Citizens Rights and Freedoms, Kinshasa, Democratic Republic of the Congo
- *Post title:* Assistant Representative and Legal Adviser to the Vice-Prime Minister and Minister of Citizens Rights and Freedoms
- *Other information:* I am familiar with human rights issues at a domestic and also international level. I am also familiar with the workings of Government.

11/1983 – 12/1985

- *Employer:* Garde Civile (Police) Office of the President of the Republic, Kinshasa, Democratic Republic of the Congo
- *Post title:* Legal Officer to the Police and Assistant Legal Adviser at the Office of the President of the Republic
- *Other information:* I am familiar with issues relating to the Police, the Armed Forces and the Government.

Other professional activities:

07/2009 - present

- *Activity:* Teaching: Invited Lecturer at the International Institute for Human Rights of the University of Strasbourg, France.

10/2004 - present

- *Activity:* Teaching: Professor of Public International Law and International Criminal Law at the Geneva School of Diplomacy and International Relations, University Institute, Geneva, Switzerland.

11/1999 – 12/2006

- *Activity:* Teaching: Visiting Lecturer at the University of Geneva (“ACTION HUMANITAIRE” cross-faculty programme) for Public International Law and International Humanitarian Law, Geneva, Switzerland.

07/1995 – 12/1996

- *Activity:* Research: Researcher at the Faculty of Law, University of Geneva, Switzerland.
- *Research fields:* International Humanitarian Law, human rights and Public International Law.

10/1982 – 11/1988

- *Activity:* Teaching: Professor of Civil and Commercial Law at the Kinshasa-Gombe University School of Commerce (higher and university education), in Kinshasa, Democratic Republic of the Congo.

07/1981 – 11/1983

- *Activity:* Armed Forces and Police: Trainee Military Magistrate; Assistant Military Prosecutor at the Court-Martial of the Garrison of Kinshasa-Gombe (1981-1982); Instructor for Human Rights and Fundamental Freedoms courses at the Police (Garde Civile) Training Centre in Kinshasa-Maluku, (1982-1983), Kinshasa, Democratic Republic of the Congo.
- *Other information:* I am familiar with military criminal law and criminal procedure. I am familiar with military discipline and the mindset of members of the armed forces. This is extremely useful in order to understand and try military personnel.

Most relevant publications

1. “The Immunity of Heads of State and Government in International Criminal Law”, *Protecting Humanity, Essays in International Law and Policy in Honour of Navenethem Pillay*, edited by Chile Eboe-Osuji, Martinus Nijhoff Publishers, Leiden, Boston, 2010, pp. 729-748.
2. *Tribunal Pénal International pour le Rwanda, Recueil des Ordonnances, Décisions et Arrêts, 1995-1997*, edited by Eric David, Pierre Klein and Anne-Marie La Rosa with the collaboration de Jean-Pelé Fomete and Antoine Kesia-Mbe Mindua and assisted by Catherine Denis and Véronique Parque, under the auspices of the Centre de droit international de l’Université libre de Bruxelles, Bruyland, Brussels, 2000
3. “Normes péremptoires du Droit international et État de droit en Afrique”, *AJICL*, Vol. 10, No.2, 1998, pp. 216-243, London.
4. “Index analytique”, in *Les Nations Unies et le Droit international humanitaire*, edited by Luigi Condorelli, Anne-Marie La Rosa and Sylvie Scherrer, Faculty of Law, Geneva, 1995.
5. *International Organisations, Armed Interventions and Human Rights*, doctoral thesis, Faculty of Law, 1995, Geneva.
6. “Intervention armée de la C.E.D.E.A.O. au Liberia: illégalité ou avancée juridique ?” *AJICL*, June 1995, Vol. 7, No 2, pp. 257-283, London.
7. “L’ONU face aux coups d’État militaires et aux Gouvernements non-démocratiques”, *AJICL*, Vol. 6, No.2, pp. 209-234, London.
8. “De la légalité de la “zone de sécurité française” au Rwanda”, *Afrique 2000, Revue Africaine de politique internationale*, quarterly, No. 18, July-August-September 1994, pp. 19-26, Brussels.
9. “The African Charter of Human and People’s Rights face to the Pluralist Democracy”, *La Voix des Sans Voix, Le Trimestriel des Droits de l’Homme*, April-June 1991, No 1, Vol. 1, pp. 101-112, Paris.
10. “Human Rights in the relationship between the European Economic Community (EEC) and the African, Caribbean and Pacific Countries (ACP)”, *Advanced University degree thesis*, Nancy, 1990.
11. “The death penalty in Zairian Criminal Law”, *Bachelor’s degree paper*, Law Faculty, University of Kinshasa, 1979.

Most relevant seminars

28 Oct. – 01 Nov. 2013: Participated in the judicial Colloquium entitled: “Adjudicating sexual violence under international and domestic law: the case of the Democratic Republic of the Congo”, organised by the University of Brandeis (USA), Physicians for Human Rights and the Institute for Historical Justice and Reconciliation in Putten and in The Hague, The Netherlands;

21-25 Oct. 2011: Participated in the ICTY judges’ retreat on the case law, achievements, shortcomings and legacy of the Tribunal in Berlin, Federal Republic of Germany;

03 May 2001: Participated in the Inaugural Seminar of the International Institute for Trade and Development on “The International Economic Agenda and Coherence of Technology and Development” at Chulalongkorn University, Bangkok, Thailand;

19-22 October 1998: Participated in the workshop organized by the United Nations Department of Management, New York, Office of Human Resources Management, on “Job classification” at the International Criminal Tribunal for Rwanda (ICTR), Arusha, Tanzania;

21-25 Sept. 1988: Participated in the workshop organized by the United Nations Department of Management, New York, Office of Human Resources Management, on “Job description” at the International Criminal Tribunal for Rwanda (ICTR), Arusha, Tanzania;

01-09 June 1998: Attended the Fifth Plenary Session of the Judges of the International Criminal Tribunal for Rwanda (ICTR). During this plenary session, important amendments to the principal legal texts regarding the organisation, the functioning and the procedure of the Tribunal were discussed and adopted.

20-22 Oct. 1997: Participated in a seminar on International Humanitarian Law organized by the International Committee of the Red Cross (ICRC) for Judges and Legal Officers of the ICTR, Arusha, Tanzania.

01-05 June 1997: Attended the Fourth Plenary Session of the Trial and Appeal Judges of the ICTR in Arusha. During this plenary session, amendments to the principal legal texts on the organisation, the functioning as well as the procedure of the Tribunal were discussed and adopted;

Dec. 1995 – Aug. 1996: Internship at the United Nations Centre for Human Rights, Geneva, Switzerland.

Oct. 1995: Participated in a Colloquium organized by the University of Geneva on “The United Nations and the International Humanitarian Law” on the occasion of the 50th anniversary of the United Nations, Geneva, Switzerland;

Aug, Sept and Oct. 1989: Internship in the field of human rights at the International Labour Organization (ILO), at the Centre for Human Rights of the United Nations and at the United Nations High Commission for Refugees, Geneva, Switzerland.

August 1989: Internship at the International Committee of the Red Cross (ICRC) in the field of International Humanitarian Law and of Human Rights, Geneva, Switzerland.

Membership of professional associations and societies

2013 - present: Member of the Network of National and International Judges against Sexual Violence;

2011 - present: Member of the Steering Committee of the “Crimes Against Humanity Initiative” of the Whitney R. Harris World Law Institute of the University of Washington School of Law;

2010 - present: Member of the General Assembly of the International Institute of Human Rights of Strasbourg;

1997- present: Member and prominent citizen of the Association of Congolese of Arusha, Tanzania;

1995 - present: Life Member of the Academic Society of Geneva (Société Académique de Genève);

1994-1998: Member of the African Society of International and Comparative Law (ASICL), London;

1990-2002: Member of the International Committee for the Respect and the Application of the African Charter of Human and Peoples’ Rights (ICRAC), Paris and Geneva;

1990-1993: President of the Inter-religious Association (Christians, Muslims, Jews, Buddhists, etc.) of Saint-Justin, Geneva.

1981-1982: Representative (Commissaire) of the Union of the Students of the University of Kinshasa; elected out of 9000 members of the Assembly, Kinshasa.

Awards and honours

A. *Academic distinctions*

1. Bellot Prize 1996, Geneva: Medal, certificate and cash award for the best doctoral thesis of the University of Geneva, Geneva, Switzerland.

2. Certificate of the Friends of Saint-Justin, 1993, Geneva, Switzerland.

B. *Awards received*

1. Grant from the Ernest and Lucie Schmeideiny Foundation, 1995, Geneva, Switzerland.

2. Fellowship of the “Oeuvre Saint-Justin” of Fribourg, 1990-1994, Fribourg, Switzerland

3. Hans Wilsdorf (Rolex Watches) Grant, 1992, Geneva, Switzerland.

Personal interests

Sport, humanitarian action, reading (history, sciences etc.), philosophy and religion, travel etc.

Other relevant facts

A. *Endorsement:*

Judge Mindua’s candidature is endorsed by the African Union (AU) by decision Doc.EX.CL/821 (XXIV) 21-28 January 2014

B. *Multilateral positions*

2005-2006: Vice-Chairman of the Executive Committee of the United Nations High Commissioner for Refugees (HCR), Geneva, Switzerland.

01 Jan – 31 Dec 2005: Chairman (Ambassadorial and Permanent Representative level) of the Group of 77 and China (G77 + China), the then group of 132 States members of the Non- Aligned Movement, in Geneva, Switzerland.

01 Oct.- 31 Jan. 2005: Coordinator (Ambassadorial and Permanent Representative level) of the Group of 21 (G-21), a group of 21 developing countries, at the United Nations Conference on Disarmament, Geneva, Switzerland.

C. *Some international meetings*

10-13 June 2014: Member of the Physicians for Human Rights Delegation to the Global Summit to End Sexual Violence in Conflict, organised by the UK government in London, United Kingdom;

12-16 April 2006: Head of the Democratic Republic of the Congo governmental delegation to the African Union Ministers of Trade Conference, Nairobi, Kenya.

13-18 Dec 2005: Deputy Head of the Democratic Republic of the Congo governmental delegation to the Sixth (6th) Ministerial Conference of the World Trade Organization, Hong Kong, China.

21-23 Nov 2005: Head of the Democratic Republic of the Congo governmental delegation to the Ministerial Conference of the Trade Ministers of the African Union on commodities, Arusha, Tanzania.

12-16 June 2005: Head of the Democratic Republic of the Congo governmental delegation to the Second (2nd) South Summit of the Heads of State and Government of member states of the Group of 77 and China (G77 + China), Doha, Qatar.

14 March – 22 April 2005: Head of the Democratic Republic of the Congo governmental delegation to the 61st Session of the United Nations Commission of Human Rights, Geneva, Switzerland.

18-22 Jan. 2005: Head of the Democratic Republic of the Congo governmental delegation to the World Conference on Disaster Prevention, Kobe, Japan.

29 Nov. – 03 Dec 2004: Deputy Head of the Democratic Republic of the Congo governmental delegation to the World Summit on a Mine Free World, Nairobi, Kenya.

9-13 July 2004: Head of the Democratic Republic of the Congo governmental delegation to the Conference of the African, Caribbean and Caribbean Group of States (ACP) and G-90 Trade Ministers, Grand Baie, Mauritius.

13-18 June 2004: Deputy Head of the Democratic Republic of the Congo governmental delegation to the eleventh UNCTAD Ministerial Conference of the United Nations Conference on Trade and Development, São Paulo, Brazil.

15-23 April 2004: Head of the Democratic Republic of the Congo governmental delegation to the 60th Session of the United Nations Commission on Human Rights, Geneva, Switzerland.

10-14 Sept. 2003: Deputy Head of the Democratic Republic of the Congo governmental delegation to the Fifth Ministerial Conference of the World Trade Organization (WTO), Cancun, Mexico.

17 March – 25 April 2003: Head of the Democratic Republic of the Congo governmental delegation to the Fifty-ninth Session of the United Nations Commission on Human Rights, Geneva, Switzerland.

4-5 Nov 2002: Head of the Democratic Republic of the Congo governmental delegation to the Ministerial Meeting on the Kimberley Process Certification Scheme for Rough Diamonds, Interlaken, Switzerland.

23 Sept. – 01 Oct. 2002: Head of the Democratic Republic of the Congo Government delegation to the Thirty-seventh Series of the Assemblies of the Member States of World Intellectual Property Organization (WIPO), Geneva, Switzerland.

16-20 Sept. 2002: Head of the Democratic Republic of the Congo governmental delegation to the Fourth Meeting of States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, Geneva, Switzerland.

05-07 August 2002: Head of the Democratic Republic of the Congo governmental delegation to the Common Market for Eastern and Southern Africa (COMESA)/Southern African Development Community (SADC) Regional Workshop, Nairobi, Kenya.

30-31 May 2002: Head of the Democratic Republic of the Congo governmental delegation to the Joint Seminar AIF (Agence Internationale de la Francophonie), COMSEC (Commonwealth Secretariat) and ACP (African, Caribbean and Pacific Countries Secretariat) on “the Multilateral Aspects of the Cotonou Partnership Agreement”, Brussels, Belgium.

28-29 May 2002: Head of the Democratic Republic of the Congo governmental delegation to the Seminar on the Work Program of Doha and priorities for the French-speaking World (Francophonie), Paris, France.

13-17 May 2002: Head of the Democratic Republic of the Congo governmental delegation to the International Conference on the migration policies in Eastern Africa, the Horn of Africa and the Great Lakes Region, organized by the International Migration Policy Program (IMP) with the assistance of the UNFPA, UNITAR, IOM and ILO, Nairobi, Kenya.

29 April- 2 May 2002: Head of the Democratic Republic of the Congo governmental delegation to the UNCTAD Trade and Development Board, Nineteenth Special Session, Bangkok, Thailand.

18 March-26 April 2002: Head of the Democratic Republic of the Congo governmental delegation to the Fifty-eighth Session of the United Nations Commission on Human Rights, Geneva, Switzerland.

D. Other training received

Sept. 1996: Advanced learning of English language at Anglo World Centre, Oxford, United Kingdom.

Feb-Oct. 1982: Military special training (Brevet B Commando) at the Commando Training Centre (Centre d'Entraînement Commando) in Kota-Koli, Democratic Republic of the Congo.

1975-1976: Ecclesiastical training at the Regional Major Seminary Saint Robert Bellarmine (Jesuit Fathers). Studies in Philosophy and Religion, Mayidi, Democratic Republic of the Congo.

12. PEREIRA, Maria Natércia Gusmão (Timor-Leste)

[Original: English]

Note verbale

The Permanent Mission of the Democratic Republic of Timor-Leste 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 latter's note no. ICC-ASP/13/06 dated 18 February 2014, has the honour to inform that the Government of Timor-Leste has decided to nominate Judge Maria Natercia Gusmao Pereira, as a candidate for judge of the International Criminal Court at elections to be held during the thirteenth session of the Assembly of States Parties, scheduled to take place in New York from 8-17 December 2014.

Judge Pereira, a national of the Democratic Republic of Timor-Leste, is nominated for election under the terms of article 36, paragraph 4(a) (ii), of the Rome Statute of the International Criminal Court.

Judge Pereira, is 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.

Statement of qualifications

Statement of qualification regarding article 36(3)(a),(b) and (c); (5), (7) and (8)(b) of the Rome Statute.

Mrs. Maria Natércia is Timorese, married and has children. During her 14 years as a judge, Mrs. Maria Natércia has demonstrated among other judges high moral character in private and public life, she is independent, fair and with integrity and also has shown the capacity needed for highest judicial position.

Mrs. Maria Natércia has all the attributes required as per article 36(3)(a), (b) and (c), (5), (7) and (8)(b) of the Rome Statute.

She has been a practicing assistant lawyer since 1999, mainly as protector and promoter of Timorese human rights.

In early 2000, Mrs. Maria Natércia was appointed as the first Timorese judge by the Special Representative of Secretary General of the United Nations (SRSG), and was immediately appointed as a national judge to join the international judges on the Special Panel for Serious Crimes in the District Court of Dili, Timor-Leste and served in this position until 2005. As a judge for Special Panels for Serious Crimes, she has performed as presiding and rapporteur for several criminal cases involving homicide, persecution, illegal detentions, torture, rape and sexual violence, deportation and forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules international laws, enforced disappearance of persons, other inhumane acts of similar intentionally causing great suffering or serious injury of body, mental, physical health and other crimes against humanity. Mrs. Maria Natércia has an excellent knowledge of the procedures and working methodology of the International Criminal Court.

As stated above, Mrs. Maria Natércia has been presiding and rapporteur for several criminal cases using English as the working language at the time, therefore she has good oral and written English.

The Special Panels for Serious Crimes was established and applied by UNTAET in their Regulations as a combination of common and civil law systems, namely UNTAET Regulation 15/2000 derived from the Rome Statute.

And now, as Timor-Leste applies the civil law system, Mrs. Maria Natércia in her daily activity applies the civil law system.

Mrs Maria Natércia also has gained experience by presiding and acting as rapporteur in criminal cases involving sexual abuse, rape and domestic violence against women and children.

Since 2011, Mrs Maria Natércia has been exercising her functions as a Justice at the Timorese Superior Court, dealing with criminal cases, such as sexual abuse, rape and domestic violence against women and children. In turn, this Superior Court is the highest court in the country and has competence to decide constitutional, electoral, administration and tax matters.

This experience has further bolstered her knowledge of the practice and theory of international law, as well as her expertise in negotiations conducted in a multilateral context.

As a judge, Mrs Maria Natércia has been directly involved in many debates at national, regional and international forums about international humanitarian law, and the children and women rights.

Based on her expertise and experience as a judge, it is the most appropriate to include her candidacy in the List A, as required by article 36 (.5) of the Rome Statute.

Apart from her proved experience as a judge, she also is an Assistant Professor lecturing Procedural and Criminal Law at the Faculty of Law at the Paz University.

From 2007 to 2009, Mrs. Maria Natércia served as Acting President of the Court of Appeal in Dili, whilst also undertaking functions of a Judge and Judge Administrator of the Dili District Court.

At this moment, Mrs Maria Natércia is the Vice-President of the Timorese Superior Council of Magistracy (CSMJ) and she is also responsible for courts and CSMJ's administration and budget management since 2006.

As recognition of the important work that Mrs. Maria Natércia has been developing in her country, especially her contribution to the rule of law, the Timorese People and humanity, in 2012 she received a honorable award from the President of Republic of Timor-Leste, Dr. José Ramos-Horta.

Curriculum vitae

Family name:	Gusmão Pereira	
First name:	Maria	
Middle name:	Natércia	
Gender:	Female	
Date of birth:	19 August 1968	
Nationality:	Timorese	
Regional criteria:	Asia/Pacific	
Marital status:	Married	
List A / List B	List A	
Languages	Mother tongue: Tetum	
- English	(written) Intermediate	(oral) Intermediate
- French	(written) Basic	(oral) Basic
- Bahasa indonesia	(written) Advanced	(oral) Advanced
- Portuguese	(written) Advanced	(oral) Advanced
- Kemak	(written) Advanced	(oral) Advanced
- Bekais	(written) Advanced	(oral) Advanced

Educational qualifications:

10/2009 - 03/2010

- *Institution:* University of Lisbon - Faculty of Arts - Department of Portuguese Language and Culture - Learn Portuguese - Intermediate and advanced level

08/1987 - 03/1993

- *Institution:* University of Udayana, Bali, Indonesia

1984 - 1987

- *Institution:* Senior high School (Maliana)

1981 - 1984

- *Institution:* Junior high School (Maliana)

1976 - 1981

- *Institution:* Primary School (Balibo)

Professional experience:

03/2011 - now

- *Employer:* Court of Appeal of Timor-Leste

- *Post title:* Justice of the Court of Appeal

- *Other information:* Additionally perform the role of Judge Administrator of Financial and Patrimonial Courts

12/2012 - now

- *Employer:* Superior Council of the Judiciary in Timor-Leste

- *Post title:* Vice-President of the Superior Council of the Judiciary of Timor-Leste

01/2012 - now

- *Employer:* Faculty of Law at the University of PAZ in Dili Timor-Leste

- *Post title:* Lecture of Criminal Law and Procedure Law

07/2007 – 01/2009

- *Employer:* Court of Appeal of Timor-Leste

- *Post title:* Acting President of the Court of Appeal

- *Other information:* In addition to functions as Judge and Judge Administrator of the Dili District Court and CSMJ (Superior Council of Judicial Magistracy – East Timor)

07/2006 – 03/2011

- *Employer:* Dili District Court

- *Post title:* Judge Administrator

- *Other information:* In addition, I was responsible for the administration and management of International and National Court staff

2006 - 2010

- *Employer:* Superior Council of the Judiciary in Timor-Leste

- *Post title:* Member of the Selection Committee for the International Judges; Officials of International Justice and International Judicial Inspector to be recruited by the United Nations

2006 - 2010

- *Employer:* Superior Council of the Judiciary in Timor-Leste

- *Post title:* Responsible over Departments for Administrative (Sections of Human Resources and Logistics) and Budget (Sections Finance and Procurement) for management in the administrative areas

2006 - 2010

- *Employer:* Superior Council of the Judiciary in Timor-Leste

- *Post title:* Responsible for budget implementation: the SCMJ and the Courts

10/2009 - 01/2010

- *Employer:* National University of Dili

- *Post title:* Lecturer of Civil and Criminal Procedural Law

03/2009 - 09/2009

- *Employer:* Superior Council of the Judiciary in Timor-Leste

- *Post title:* Acting of President of the Court of Appeal

- *Other information:* Accumulation of functions with the positions of Judge (without any reduction in service delivery); and Judge Administrator of the Dili District Court and Courts and CSMJ budget manager

06/2007

- *Employer:* Superior Council of the Judiciary in Timor-Leste
- *Post title:* Appointed 3rd class Judge
- *Other information:* Classified 2nd place in the examination for Judges

05 to 06/2007

- *Employer:* Superior Council of the Judiciary in Timor-Leste
- *Post title:* Trainer at the Judicial Training Center in the new Civil Law and Criminal and Procedural laws of East Timor and Code of Conduct and Ethics)

03/2005

- *Employer:* National Academy of the National Police of Timor-Leste, Dili
- *Post title:* Lecturer on Criminal Procedural Law

2004 - 2008

- *Employer:* Superior Council of the Judiciary of Timor-Leste
- *Post title:* Vice-President of the Superior Council of the Judiciary

05/2005 - 07/2000

- *Employer:* UNMISSET
- *Post title:* Judge, Special Panel for Serious Crimes
- *Other information:* As Judge for the Special Panels for Serious Crimes (SPSC), I sat together with two (2) International Judges to decide over prosecutions brought for crimes committed during the January /December 1999 Post-Referendum violence, such as crimes against humanity, including murder, torture, persecution, sexual violence, deportation, destruction of property and other serious crimes under the Indonesian Penal Code. I presided over 8 trials during my tenure on the SPSC. The decisions were given on the basis of the Rome Statute, International Law of Humanity, International Principles and Practices, International Jurisprudence of ICTY and ICTR and comparative jurisprudence.

05/2005 - 07/2000

- *Employer:* Superior Council of the Judiciary of Timor-Leste
- *Post title:* Appointed as the first Timorese judge, and sat in sessions with the international judges from the SPSC and the Court of Appeal of Timor-Leste

10/2001

- *Employer:*
- *Post title:* Attorney (as a Prosecutor) for cases brought by East Timorese survivors before the Japanese Peoples Tribunal on crimes of the sexual abuse-rape and sexual slavery committed by Japanese military during World War II, held in Tokyo, Japan

01/2000

- *Employer:* UNTAET
- *Post title:* Judge (1st group), in Timor-Leste
- *Other information:* Appointed by Dr. Sérgio Viera de Melo, SRSG

09 to 12/1999

- *Employer:* Indonesia NGO for the protection of Timorese refugees
- *Post title:* Lawyer

07/1995 - 09/1999

- *Employer:* BAPPEDA I, Indonesian Government
- *Post title:* Head of section in the Chamber of Community Welfare, Social and Cultural
- *Other information:* Additional official duties for the preservation and development of life and protection of mothers and children-UNICEF Programme in cooperation with the BAPPEDA I in regional government of Timor-Leste

12/1994 to 07/1995

- *Employer:* Government of Indonesia, Bobonaro District Personnel Section
- *Post title:* Public official

07/1993 - 11/1994

- *Employer:* Ausaid Project / ETWSS
- *Post title:* Finance Officer

05 to 07/1993

- *Employer:* BAPPEDA I (Regional Planning Agency of East Timor)
- *Post title:* Volunteer

Other professional activities:

Judicial tasks performed:

- Performing all tasks inherent to the position of Judge in the District Court of Dili, without any reduction in service delivery by the accumulation of many roles in replacement scheme and accumulation
- Participation as assistant judge (first replacement) at numerous meetings of deliberation and discussion of judgments in the Court of Appeal in civil and criminal proceedings.

Administrative tasks performed:

- Participation in hundreds of openings, celebrations, events, launches and others, on behalf of the District Court, as Judge Administrator and on behalf of the Court of Appeal, as President of the Court of Appeal, replacing;
- Administrative leadership positions in administration and supervision, finance, budget and procurement;
- Participation and supervision in recruiting, interviewing and contracts with the administrative staff, translators, judges and officials of international justice;
- Preparation of Annual Action Plans (expense forecast for the year according to the needs and goals to be achieved), 2006, 2007, 2008, 2009, 2010 and 2011
- Participation in bilateral agreements with donors Justice Facility, AusAID, UNDP, Portuguese Embassy, USAID, European Union, including meetings, interviews, workshops and conferences, delivering speeches, analyzing and commenting on the frequent monthly, quarterly reports and work plans these organizations for periods of activity 2008-2012;
- Meeting with the Minister of Justice, Minister of Finance, Prime Minister and Parliamentary Committee for discussion of annual budgets, budget execution and approval;
- Participation in the preparation of the Strategic Plan for the Justice Sector for the next 10 years, including meetings and conferences;
- Supervision and approval of all CPV regarding the budgetary management of the Courts and CSMJ;
- Inspection and approval of working capital of each District Court;
- Annual evaluation of all clerks of the District Court of Dili;
- Quarterly review of all translators, judges and officials of international justice as well as other international advisers (UNDP, AusAID, and JUSTICE FACILITY CFJ);
- Quarterly review of all translators, judges and officials of international justice as well as other international advisers (UNDP, AusAID, and JUSTICE FACILITY CFJ);
- Analysis and discussion of support proposed by the EU in the next five years;
- Analysis and discussion of support proposed by EDF European Union for the justice sector of PALOP;
- Analysis and discussion of support proposed by Taubert Legal Services - Land and Property - Development and Cooperation - Support to Justice Mediation;
- Support and support to the Minister of Justice on the state of the courts, as well as the training program for the officers of justice, missions to Portugal and Macau, the Strategic Plan for the Justice Sector in the drafting of the Statute of Bailiffs and meetings with the Parliamentary Commission for discussion of annual budgets.
- President of the Court of Appeal assistance, acting as its legal representative and Vice-President, particularly in different meetings, including with the Coordination Council of the Justice Sector in different issues related to justice, administration of Courts, domestic and foreign travel, conferences, workshops and other management tasks with international staff (judges, translators and bailiffs);
- Trips to the Districts of Baucau, Suai and Oe-cusse to learn about the needs of those districts, the level of infrastructure, equipment, human resources and state of the services, as well as to oversee the construction and rehabilitation of those Courts and Magistrates' homes (please note that during this period, have been rehabilitated, equipped and furnished the Court of Appeal, District Courts of Dili and Baucau and 6 homes still function Judges);
- Participation in the implementation and supervision of all tenders for the award of contracts and procurement of furniture and equipment for the SCMJ and all courts.

Most relevant publications

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Most relevant seminars

Training

April 2014 to July: Shares of training and internship in Portugal Court of Auditors in the financial law organization and operation of the court and of their support services; Organization, operation and application of financial justice in the Court of Auditors' regional section of Madeira, and the application of financial justice in the Supreme Court of Auditors, by Prior and Concomitant Surveillance, Successive Surveillance (opinions about the General State Accounts and the autonomous regions of Azores and Madeira Accounts audits and internal auditing of public services) and financial liabilities and their sanctioning and appeals judgments.

- 2012 December: Training on money laundering, at the Judicial Training Centre, in Dili, East Timor;
- 2010 July: Training on technical leadership in Bali, sponsored by AusAID
- 2009 Oct. to 2010 May: Training Center for Judicial Studies and the Court of Auditors, in Lisbon, Portugal; Various stages of Portuguese Courts in Civil, Criminal, Family and Minors-Children, in Lisbon, Portugal; and Advanced Training Course "The enforcement of sentences and protective measures"
- 2009 - May: Training on the Criminal Code
- 2008 – Jan to May: Training on the Property Law.
- 2008 – May to Sep.: Training on the Administrative Law and the Contracts Law
- 2005 – Jan to June: Training on the new laws of East Timor (Codes of Civil Procedure and Criminal Procedure, Constitutional Law and Ethics and Deontology).
- 2004 – Oct to Dec.: Diverse training in the Judicial Training Centre of Timor-Leste;
- 2000 – 2002: Continuous Training in Crime and Civil Procedure for Judges, Prosecutors and Public Defenders, sponsored by JICA, in cooperation with UNTAET
- 2000 - 2004: Continuous Training specializes about war crimes, crimes against humanity and genocide, organized by UNTAET - UNMISSET and IDLI (Legal Institute for International Development);
- 2000 – Dec.: Judicial training organized by UNTAET, in the Northern Territory University, Darwin, Australia;
- 1999 – Mar. to May: Teaching program entitled "Planning and Development", in cooperation with JICA and National Development Planning Agency (Bappenas), organized in Hokkaido, Sapporo, Japan;
- 1993 – Jun. to Aug.: Teaching program entitled "Balance of sustainability among the population and the environment" - sponsored BAPEDA I and held in Jakarta, Indonesia.
- Conferences and seminars:*
- 2013 - November: Chamber of Auditors of Timor-Leste Representative at the meeting of the INTOSAI, in Beijing, China;
- 2013 - June: Court of Appeal Representative in the VIII General Assembly OISC / CPLP Courts of Auditors of the CPLP (Community of Portuguese Language Countries) in Sao Tome and Principe;
- 2013 - May: Participation at the Meeting of the Australian and New Zealand women judges in Auckland;
- 2012- July: Court of Appeal Representative in the CPLP Presidents of the Courts of Auditors meeting, at Board of Auditors Timor Leste becoming membership to the OISC-CPLP, in Praia - Cape Verde;
- 2011 - June: Participation in the meeting of the International Association of Women Judges conference in Manchester, England
- 2010 - October: Court of Appeal Representative in the VI General Assembly OISC / CPLP Courts of Auditors CPLP in Sao Tome and Principe;
- 2010 - October: Court of Appeal Representative in the "Asia Pacific Court Conference", in Singapore;
- 2010 – May: Court of Appeal Representative at the meeting of the CPLP Presidents of Constitutional Courts, Lisbon, Portugal;
- 2009 – February: Court of Appeal Representative at the meeting of the Presidents of Constitutional Courts of the CPLP and Iberoamerican and African Countries, in Cape Town, South Africa;
- 2009 – January: Court of Appeal Representative in the meeting of the CPLP Presidents of the Supreme Courts and Mercosur, in Brasilia, Brazil;
- 2008 – December: Courts of Timor-Leste Representative at the conference about "pro-bono" justice, in Sydney, Australia;
- 2008 - November: Court of Appeal Representative at the meeting of the CPLP Presidents of the Supreme Courts, on the strategy and training plan for the magistrates, in Lisbon, Portugal;
- 2008 - October: Court of Appeal Representative in the meeting of the CPLP Presidents of the Courts of Auditors, in Porto, Portugal;
- 2008 - February: Speaker for Timor-Leste in the judicial colloquium for the implementation of CEDAW, organized by the Forum of Asia Pacific and UNIFEM, held in Chiang-Mai, Thailand;
- 2007 – October: Representative of the Judges of the judicial system in Timor-Leste, at a conference on judicial reform in Asia, held in Kuala Lumpur, Malaysia;
- 2007 – June: Speaker at the international conference of the Hybrid Court, organized by the University of California, Berkley through the Department of War Crimes Studies in Bangkok, Thailand
- 2006 – May: Participation in the International Association of Women Judges in Sydney, Australia

2006 - May: Speaker at the Conference of Women with Access to Justice, conducted by UNIFEM in cooperation with the National Human Rights Commission of Women, in Jakarta, Indonesia;

2005 - August: Participation in the workshop on the status of the Regulatory Law to the conflict, organized by UNOHCR, in Geneva, Switzerland;

2004 - September: Participation in the workshop for international courts, organized by UNITAR, at the Victoria's Law University, in Welinton, New Zealand;

2004 – June to July: Judges Representative in serious crimes in the debate on the design of model codes for conflicts of criminal justice, organized by the U.S. Institute of Peace (USIP) and the Irish Centre for Human Rights (ICHR), in collaboration with UNHOCR, UNODC, held in Geneva, Switzerland;

2003 – June: Speaker at the symposium on the serious crimes committed by militias and Indonesian Military in East Timor in 1999, held in Melbourne, Australia;

2002 - January: As Timor-Leste's Prosecutor to heard deliver the Japanese Peoples Court, the final decision on crimes of the sexual abuse-rape and sexual slavery during World War II, The Hague, Netherlands;

2001 - December: Timor-Leste's Representative, as observer, at the Congress of the Judicial Magistrates of Portuguese Speaking Countries, held in Rio Grande do Norte, Natal-Brazil;

2000 - December: Speaker on behalf of Timor-Leste survivors, the "Forum on International Law," the responsibility of Wartime, held in Taipei, Taiwan (second preparatory meeting-Tokyo Peoples Tribunal of Attorneys and Legal Advisers to the International Court for war crimes against women);

2000 - September: Observer on behalf of Timor-Leste, in 5th fifth annual meeting of the Asia Pacific Forum of National Human Rights Institution, held in Roturua, New Zealand;

Membership of professional associations and societies

Member of the International Association of Women Judges and Jurists Asia.

Member of RENETIL

Awards and honours

Condecoration Medal of Honor of Timor-Leste for her contribution to the benefetit of Timor-Leste and the Timorese people and mankind by the H.E. the President of the Democratic Republic of Timor-Leste on 18 May 2012.

Personal interests

Gardening

Other relevant facts

References:

Hon. Dr. Dionísio Babo Soares PhD

Honorable Phillip Rapoza,

Chief Justice (President) of the Massachusetts Court of Appeals;

Current international reserve judge on the Supreme Court Chamber of the Extraordinary Chambers of the Courts in Cambodia; Former international judge and coordinator of the Special Panels for Serious Crimes.

13. PERRIN DE BRICHAMBAUT, Marc Pierre (France)

[Original: French]

Note verbale

The French Embassy to The Netherlands presents its compliments to the International Criminal Court (Secretariat of the Assembly of States Parties) and, referring to its note verbale dated 18 February 2014 (ref: ICC-ASP/13/SP/06), has the honour to inform it that the Government of the French Republic has decided to nominate Mr Marc Perrin de Brichambaut, member of the *Conseil d'Etat* (France's supreme administrative court) as a candidate for the elections of judges of the International Criminal Court that will be held in New York during the thirteenth session of the Assembly of States Parties to the Rome Statute on 8-17 December 2014.

Mr Perrin de Brichambaut was selected as a candidate for this election, pursuant to article 36(4)(a) of the Rome Statute, "by the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court".

His nomination was submitted to the Government by the French national group of the Permanent Court of Arbitration following the publication of a notice of call for applications and a selection process organised by the French national group of the Permanent Court of Arbitration involving more than twenty candidates.

As stated in his curriculum vitae as well as the detailed statement drawn up pursuant to article 36(4)(a) of the Rome Statute, both of which are appended, Mr Marc Perrin de Brichambaut possesses the qualities required under article 36(3). Mr Marc Perrin de Brichambaut holds French nationality only and is a candidate on list B, which includes 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" [article 36 (3) (b) (ii) and 36 (5) of the Rome Statute].

Mr Marc Perrin de Brichambaut is a member of the *Conseil d'Etat*, France's supreme administrative court, and is of high moral character. He is known for his impartiality and integrity.

Mr Perrin de Brichambaut has the full range of skills and experience required by the Rome Statute in the relevant areas of international law such as the law of human rights and international humanitarian law, as well as considerable experience as a member of the *Conseil d'Etat*.

Mr Perrin de Brichambaut has been a member of the *Conseil d'Etat* since 1974 and regularly serves as a judge in this court. He currently sits on several dispute formations, which handle, in particular, many cases in the field of public freedoms and the defence of human rights.

Mr Perrin de Brichambaut is also a former Secretary General of the Organization for Security and Co-operation in Europe (OSCE). He held this post in Vienna between 2005 and 2011. As such, he was an independent international civil servant, working for 56 participating States, who elected him twice by consensus. He thus worked with the Foreign Ministers of these States and prepared several ministerial meetings and an OSCE summit. He also increased the OSCE's involvement in helping to prepare criminal legislation and training judicial staff and supported its work as a permanent forum for dialogue on human rights.

Mr Perrin de Brichambaut has excellent knowledge of international criminal courts. He was Director of Legal Affairs at the French Ministry of Foreign Affairs from 1994 to 1998. As part of his duties, he was directly involved in cooperating with international criminal tribunals and the preparatory work for the adoption of the Rome Statute of the International Criminal Court. He led the French delegation that took part in negotiating the Rome Statute. This enabled him to increase his theoretical knowledge and experience of public international law, international criminal law and negotiations in a multicultural context. In this capacity, he also acted as an advocate for the French Government before the European Court of Human Rights, the International Court of Justice and the Court of

Justice of the European Union, and presented the French Government's position to the United Nations Human Rights Committee.

As Delegate for Strategic Affairs at the Ministry of Defence from 1998 to 2005, he monitored international issues and was involved in managing a large number of crises relating to major international humanitarian law issues, including Kosovo, Afghanistan and Iraq.

Besides French, Mr Perrin de Brichambaut is fluent in English, the Court's other working language. He also speaks Spanish and Italian.

Statement of qualifications

Detailed statement as required under article 36 (4) (a) 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 candidates for the International Criminal Court.

The Government of the French Republic has decided to nominate Mr Marc Perrin de Brichambaut, member of the *Conseil d'Etat* (France's supreme administrative court), as a candidate for the elections of judges of the International Criminal Court that will be held in New York during the thirteenth session of the Assembly of States Parties to the Rome Statute on 8-17 December 2014.

Mr Perrin de Brichambaut was selected as a candidate for this election, pursuant to article 36 (4) (a) of the Rome Statute, "by the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court".

Mr Perrin de Brichambaut is a candidate on list B, which contains 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" [article 36 (3) (b) (ii) and 36 (5) of the Rome Statute].

Mr Perrin de Brichambaut, who is a member of the *Conseil d'Etat*, France's supreme administrative court, possesses the qualifications and experience required for appointment to the highest judicial offices, in accordance with article 36 (3) (a) of the Rome Statute.

Mr Perrin de Brichambaut, whose curriculum vitae is annexed to this document, also possesses the qualities required under article 36 (3) of the Rome Statute.

Mr Perrin de Brichambaut has the full range of skills and experience required by the Rome Statute in the relevant areas of international law such as the law of human rights and international humanitarian law, as well as considerable experience as a member of the *Conseil d'Etat*.

Mr Perrin de Brichambaut has been a member of the *Conseil d'Etat* since 1974 and regularly serves as a judge in this court. He currently sits on several dispute formations, which handle, in particular, many cases in the field of public freedoms and the defence of human rights.

Mr Perrin de Brichambaut is also a former Secretary General of the Organization for Security and Co-operation in Europe (OSCE). He held this post in Vienna between 2005 and 2011. As such, he was an independent international civil servant, working for 56 participating States, who elected him twice by consensus. He thus worked with the Foreign Ministers of these States and prepared several ministerial meetings and an OSCE summit. He also increased the OSCE's involvement in helping to prepare criminal legislation and training judicial staff, and supported its work as a permanent forum for dialogue on human rights.

Mr Perrin de Brichambaut has excellent knowledge of international criminal courts. He was Director of Legal Affairs at the French Ministry of Foreign Affairs from 1994 to 1998. In this capacity, he acted as an advocate for the French Government before the European Court of Human Rights, the International Court of Justice and the Court of Justice of the European Union, and presented the French Government's position to the United Nations Human Rights Committee. As part of his duties, he was also directly involved in cooperating with international criminal tribunals and the preparatory work for

the adoption of the Rome Statute of the International Criminal Court. He led the French delegation that took part in negotiating the Rome Statute. This enabled him to increase his theoretical knowledge and experience of public international law, international criminal law and negotiations in a multicultural context.

As Delegate for Strategic Affairs at the Ministry of Defence from 1998 to 2005, he monitored international issues and was involved in managing a large number of crises relating to major international humanitarian law issues, including Kosovo, Afghanistan and Iraq.

Besides French, Mr Perrin de Brichambaut is fluent in English, the Court's other working language. He also speaks Spanish and Italian.

Mr Perrin de Brichambaut holds French nationality only.

Curriculum vitae

Family name:	Perrin de Brichambaut	
First name:	Marc	
Middle name:	Pierre	
Gender:	Male	
Date of birth:	October 29, 1948	
Nationality:	French	
Regional criteria:	WEOG	
marital status:	Married	
List A/ list B:	Liste B	
Languages:	Mother tongue: French	
- English	(written) Confirmed	(oral) Confirmed
- French:	(written) Confirmed	(oral) Confirmed
- Italian	(written) Confirmed	(oral) Confirmed
- Spanish	(written) Confirmed	(oral) Confirmed

Educational qualifications:

1967- 1972

- *Institution:* Ecole Normale Supérieure de Saint Cloud (Advanced teacher's college)
- *Qualification obtained:* Professeur, Agrégé de géographie (Highest teaching diploma)

1967- 1970

- *Institution:* Institut d'Etudes Politiques de Paris, section service public
- *Qualification obtained:* Diplômé de l'Institut d'Etudes Politiques de Paris (MA in law and public administration)

1972- 1974

- *Institution:* Ecole Nationale d'Administration (Senior civil service training institution)
- *Qualification obtained:* Auditeur au Conseil d'Etat (Initial rank in the Supreme judicial review jurisdiction)

Professional Experience :

Since 2011

- *Employer:* Conseil d'État (Supreme Court for administrative Law / Judicial review)
- *Post title:* Senior Judge, Conseiller d'État
- *Other information:*

The Conseil d'État is the highest administrative court in France. French administrative tribunals ensure the protection of the fundamental rights of citizens. They serve as guardians of public liberties and human rights in a variety of areas. They verify whether the actions of public officials are in conformity with European and international human rights instruments, in particular the European Convention on Human Rights. They contribute to reviewing the constitutionality of laws referred to them. They implement the petition for protection of fundamental liberties, which allows a judge to order any measure necessary to protect a fundamental freedom that a public body might seek to infringe.

In its litigation activity, the Conseil d'État acts as the court of last resort in disputes between individuals and public officials. It is primarily a court of cassation, in that it judges the decisions handed down in last resort by administrative tribunals, administrative courts of appeal and specialized administrative courts such as the National Court of Asylum. As a supreme court, the Conseil d'État, by its decisions and its opinions, assures the unity and coherence of jurisprudence, while assisting it to adapt to an evolving society.

I sit in legal proceedings as rapporteur charged with examining certain cases and as deliberating judge participating in the collegial process of adopting judgments. I also represent the litigation section in the General Assembly of the Conseil d'État, which examines drafts and proposals for laws and decrees in order to advise the government on their legal and constitutional aspects.

In this respect, I have practical experience both as a judge in a supreme court and with the concrete implementation of human rights norms derived from domestic law as well as from international obligations. The legal proceedings of the Conseil d'État, which take fully into account the requirements of international conventions, are similar to those before international criminal tribunals in their respect for the principle of legality, rules regarding fact-finding or the adversarial character of the procedure.

2005-2011

- *Employer*: OSCE
- *Post title*: Secretary general of the Organization for Security and Cooperation in Europe
- *Other information*:

The Organization for Security and Co-operation in Europe (OSCE) is a regional organization in the sense of Chapter VIII of the Charter of the United Nations, whose objective is to ensure security among its participating states in several different respects, including the human dimension. Human rights and the rule of law are central to these values.

By supporting the participating state holding the rotating chairmanship of the OSCE, the institutions of the organization, together with the participating state, seek to ensure that these values are respected. They work to strengthen institutions and practices capable of sustainably implementing these values. In this respect, the OSCE plays an active role in assisting states in strengthening their criminal legislation and courts. It is deeply involved in the promotion of women's rights and the fight against trafficking in persons. It maintains close relations with non-governmental institutions and civil society in each country.

As Secretary General of the OSCE for six years, chosen by consensus by the fifty-six participating states, I was involved in following the crisis situations and conflict zones that came under its purview. I sought to contribute to efforts to ensure humanitarian law was respected in conflict situations, while seeking peaceful outcomes through negotiation. I contributed to the organization's work in promoting values, in close collaboration with the states and with the civil society.

The responsibilities of the Secretary General of the OSCE involve chairing demanding meetings in several languages and insuring cooperation with partners and collaborators from widely varying cultural backgrounds. At all times, the objective is to arrive at a consensus through collegial decision making process.

1998-2005

- *Employer*: French Ministry of Defence
- *Post title*: Under Secretary for Policy (Department of Strategic Affairs)
- *Other information*:

The Department of Strategic Affairs (DAS) at the French Ministry of Defence provides the minister with analyses and policy advice covering a broad range of geographic, sectoral and technical fields, paying particular attention to crisis regions including Africa. The Department brings together diverse teams from both civil and military backgrounds, and is in contact with a very large number of international partners and interlocutors.

Security and legal challenges were numerous during the years I was head of the Department, during a period of security challenges, including terrorist activities and conflict in Iraq, in Afghanistan, in different parts of Africa and in the Balkans. These situations offered to me several opportunities to promote the application of the rules of humanitarian law and to contribute to crisis management in difficult environments.

I believe my years at DAS have exposed me to the kind of crisis situations during which mass crimes and gender crimes can occur and where the international community seeks to restore peace with justice while protecting the victims. This practical experience is relevant to the challenges international criminal judges encounter and can serve as background to the exercise their judicial function.

Simultaneously, I taught international public law course at the Institut d'Études Politiques de Paris (Sciences Po) along with Mr Dobelle for seven years.

1994-1998

- *Employer*: French Ministry of Foreign affairs
- *Post title*: Legal advisor to the French Foreign Ministry
- *Other information*:

The Legal Affairs Directorate (DAJ) of the French Foreign Ministry assists the Minister by fulfilling a legal advisory role and serving as France's representative before international courts. It is also responsible for directing

French delegations to international negotiations on legal questions. It plays a central role in the definition and implementation of France's legal external policy and in ensuring that international norms are promoted within French institutions, particularly in the domain of human rights and humanitarian law.

I was actively involved in the cooperation with the International Criminal Tribunal for former Yugoslavia and the International Criminal Tribunal for Rwanda, helping to provide evidence and witnesses to these Tribunals at their request and to establish a cooperation agreement.

I was responsible for coordinating the French contribution to the preparatory work for the International Criminal Court and I led the French delegation to the Rome conference. I was directly involved in shaping some key parts of the Statute regarding crimes, complementarity and victims. I was able to sign the Statute of Rome on behalf of France. I was thus able to acquire a solid understanding of the choices and compromises that prevailed during the drafting of the Statute which is of great value for further contributions of its future development.

In addition to having represented France in two cases before the International Court of Justice, I also pled before the Court of Justice of the European Union and the European Court of Human Rights. In the latter case, I presented files relating to criminal justice that had been examined by judicial judges.

I believe my experience at the Legal Affairs Directorate constitutes a solid foundation for the work of a Category B judge of the ICC. Many others who negotiated the Statute of Rome have performed, and continue to perform with distinction, these eminent functions. I aspire to follow in their footsteps and to serve again the cause of international criminal justice, which has seen such remarkable growth in recent years.

Other professional activities :

Prior to 1994, my professional experience covered three areas of activity:

- Diplomatic activity on behalf of France. From 1991 to 1994 I served as Ambassador, Permanent Representative of France to the Vienna negotiations, covering both conventional disarmament and pan-European cooperation in all aspects of security. Before that, I spent three years in the Ministry of Defence as diplomatic advisor to the minister and two years at the Embassy of France to the United States as cultural counsellor. For four years, from 1981-1986, I served in the front offices (cabinets) of two successive ministers for Foreign Affairs as counsellor and as the head of private office (directeur de cabinet), with direct participation in policy making on many European, foreign and legal policy issues. In all of these posts, I was in a privileged position to observe at close hand the significant transformations that Europe underwent during this period, as well as the many crisis situations leading to mass crimes, such as in the Balkans and Central Africa. This experience gave me exposure to events, international negotiations and exceptional personalities that have served as points of reference throughout my subsequent career.
- Participation in the Secretariat of the United Nations from 1978 to 1981 in the field of international development in the office of the Assistant Secretary General for international economic and social questions, Jean Ripert, at a time when major multilateral negotiations concerning the new international economic order and global cooperation on development issues were taking place. This position introduced me to multilateral negotiations and profoundly motivated me in my commitment to working for the cause of peace and of the United Nations.
- Years of training in the profession of judge as auditor and then maître des requêtes/ counsel in the Conseil d'État, an intense period where I served in the litigation section as well as the public works section.

1991/ 1994

- *Activity:* Ambassador of France to the Vienna negotiations on arms control and confidence building (Conference on Security and Co-operation in Europe)

1988/ 1991

- *Activity:* Diplomatic advisor to the Defence Minister of France

1986/ 1988

- *Activity:* Cultural counsellor of the French Embassy in the United States of America

1985/ 1986

- *Activity:* Head of the Office of Minister for European Affairs and then Foreign minister, Roland Dumas

1981/ 1984

- *Activity:* Member of the Office of the French Foreign Minister

1978/ 1981

- *Activity:* Secretariat of the United Nations in New York

1974/ 1978

- *Activity:* Conseil d'État (Supreme Court for administrative law), as a junior judge, consultancies in the Planning Commission. My professional profile corresponds to that required for a Category B judge: member of a supreme court drawing on a broad experience with international law and international relations. In the respect I believe I will be able to make a significant contribution to the team of judges of the ICC to be elected in December 2014.

Most relevant publications

- Perrin de Brichambaut (Marc), “The OSCE in perspective, six years of service, six questions and a few answers” pp 31-44 in *Security and human rights* Volume 23, issue 1, 2012
- Perrin de Brichambaut (Marc), “Six years as OSCE Secretary General: An Analytical and personal retrospective” pp.25-49 in OSCE Yearbook 2011, Hamburg, Nomos, 2012
- Perrin de Brichambaut (Marc), Dobelle (Jean-Francois), Coulée (Frédérique), *Leçons de droit international public*, 2011, 701 pages, 2nd édition, Paris, Presses de Sciences-Po et Dalloz
- Perrin de Brichambaut (Marc), “The OSCE. Status quo and future perspectives” pp. 489-501 in “*Strategie und Sicherheit 2011*”, Wien, BohlauVerlag, 2011
- Articles in *Survival*: "Jump-starting democracy" April-May 2010; "An agenda for human dignity", November-December 2008
- Perrin de Brichambaut (Marc), “Les nouveaux enjeux de la sécurité internationale” pp. 337-352 in Jacques Attali (ed.) “*Le sens des choses*”, Paris, Robert Laffont, 2009
- Perrin de Brichambaut (Marc), “The role of the United Nations Security Council in the International Legal System” pp 269-277 in Michael Byers(ed.), *The role of Law in International Politics*, Oxford, Oxford University Press, 2000
- Perrin de Brichambaut (Marc), “Le rôle du Directeur des Affaires juridiques dans un pays engagé dans la coopération européenne” pp. 85-97 in “*Recueil d’articles de conseillers juridiques d’Etats, d’organisations internationales et de praticiens de droit international*”, Nations Unies, 1999
- Perrin de Brichambaut (Marc) et Dubrocard (Michèle), “Quelques aspects de la spécificité de la procédure devant la Cour de Cassation française face au contrôle de la Cour Européenne des droits de l’homme”, pp.593-605 in *Mélanges en hommage à Louis- Edmond Pettiti*, Bruxelles, Bruylant, 1998
- Perrin de Brichambaut (Marc), “Les avis consultatifs rendus par la CIJ le 8 juillet 1996 sur la licéité de l’utilisation des armes nucléaires dans un conflit armé (OMS) et sur la licéité de la menace de l’emploi d’armes nucléaires (AGNU)”, pp 314-336 in *Annuaire Français de Droit International 1996*, Paris, CNRS Editions, 1997
- Perrin de Brichambaut(Marc), “Opening argument”, pp.195-211, “Closing argument”, pp 238-241, in *New Zealand at the International Court of Justice: French nuclear testing in the Pacific*, Wellington, New Zealand Ministry of Foreign Affairs and trade, 1996
- Perrin de Brichambaut (Marc), “Les relations entre les Nations Unies et les systèmes régionaux”, pp 97-107 in *Société Française de Droit International, Le Chapitre VII de la Charte des Nations Unies*, Paris, Pedone, 1995

Most relevant seminars

- Research Internships, Rand corporation, Santa Monica, CA, 1975
- Brookings Institution, Washington DC, 1976
- Professor of International Public Law, Institut d’Études Politiques de Paris 1997-2005 (part-time position shared with Mr. Jean-François Dobelle)
- Teaches a course on “Global Governance and International Organizations” at the Paris School Affairs, Sciences Po, (position shared with Nicolas de Rivière and David Behar)

Membership of professional association and societies

Member of the International Advisory Board of the International Peace Institute (IPI), New York.

Member of the Société française de Droit International.

Member of the International Law Association (French Branch).

Member of the International Institute for Security Studies (IISS).

Awards and honours

Officier de la Légion d’honneur (France)

Palme académiques (France)

Commander’s cross of the order of merit of the Federal Republic of Germany

Personal interests

Running, Visual arts

14. RATIARAISSOA, Harimahefa (Madagascar)

[Original: French]

Note verbale

The Permanent Mission of the Republic 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 own Note verbale No14-231/DELONU/L.RAND/B/ASP-ICC/2014 dated 17 July 2014 and to the Note of the Secretariat of the Assembly of States Parties dated 18 July 2014 regarding the detailed document provided for under the Rome Statute, has the honour of submitting the required document which is appended.

The Permanent Mission of Madagascar wishes to point out that the nomination of Mrs Harimahefa Ratiaraisoa is submitted for list B in accordance with article 6(5) of the Rome Statute.

The Permanent Mission of Madagascar hereby submits to the Secretariat of the Assembly of States Parties the curriculum vitae of Mrs Harimahefa Ratiaraisoa (in English and in French), the statement in support of her nomination (in French) pursuant to paragraphs (a), (b) and (c) of article 6(3) of the Rome Statute, in accordance with article 36(4)(a) of the Statute together with supporting documents indicating her extensive experience in handling of criminal cases and files and the training she has undertaken in the field of international humanitarian law and human rights, which includes violence against women and children.

Statement of qualifications

In accordance with the provisions of article 36(4) of the Rome Statute and paragraph 6 of resolution ICC-ASP/3/Res.6, the Government of the Republic of Madagascar hereby nominates Mrs Ratiaraisoa Harimahefa, Senior Judge at the Court of Cassation of the Supreme Court of Madagascar, for the election of judges under list B criteria, to be held during the 13th session of the Assembly of States Parties scheduled to take place in New York in December 2014.

Statement in support of the nomination for list B (article 36(3) of the Rome Statute)

- (a) Mrs Ratiaraisoa Harimahefa has performed her duties with distinction and impeccable morality, integrity and impartiality. As a member of the *Mouvement pour l'Ethique et la Déontologie de Madagascar* (Movement for Ethics and Professional Conduct in Madagascar), a national discussion forum for study, training and outreach for those involved in the judicial field, she works on its behalf and shares the values of the Movement (letter of comfort attached). Members of the Council for Ethics and Professional Conduct, including Madagascar's former senior judges, also support her nomination (letter of support appended).
- (b) Since 1999, the candidate has been a judge at the Court of Cassation of the Supreme Court, the highest court in Madagascar since 2009. She has recognised expertise in the handling of criminal cases.

During the course of her career as a judge from 1980 to date, the candidate has held senior positions (Deputy Public Prosecutor, Judge and Investigating Magistrate, Head of Court, Senior Adviser). She has made constant use of her solid experience in criminal matters and in criminal proceedings. She was responsible for important case files dealing with conflicts associated with the political crises in the country (attacks on persons and property, ethnic and community conflicts).

- (c) Mrs Ratiaraisoa Harimahefa is an active member of various associations and Non-Governmental Organisations (NGOs) working to protect international human rights associated with the work of the Ministry of Justice. She is one of the authors of periodic reports for the treaty bodies on these activities.

The candidate has helped to implement a system to monitor cases of human rights violations in various areas in Madagascar (in prisons, during political crises, in cases of mob justice).

Mrs Ratiaraisoa Harimahefa has attended and organised several national and international seminars and conferences on human rights.

As a current Member of the Special Commission for Amnesty and National Reconciliation at the Supreme Court, she not only works towards strengthening social peace following the successive political crises that have rocked the country but has also helped to restore human rights.

She is an expert in her field and her experience is clearly of interest for the judicial work of the Court.

- (d) The candidate is fully fluent in French, which is the working language in the legal field in Madagascar. She also has a sound knowledge of English, which is a mandatory language at secondary school in Madagascar, which she further improved at the American Cultural Center as part of her work.

Nomination (article 36(4) of the Rome Statute :

- (a) The nomination of Mrs Ratiaraisoa Harimahefa was presented by the Minister for Justice at the Cabinet meeting held on 8 July 2014. Following the Cabinet Memorandum dated 10 July 2014, the Government of Madagascar approved and supported this nomination.
- (b) The candidate has Malagasy nationality.

Other information in support of the nomination (article 36(8) of the Rome Statute)

- (a) Mrs Ratiaraisoa Harimahefa is a judge in a French-speaking legal system.
- (b) As Madagascar's candidate she lives in Southern Africa.
- (c) She is female and she could help to encourage gender equality at the International Criminal Court.
- (d) She is a lecturer at prestigious professional academies responsible for issues associated with violence against women and children (National College for the Judiciary).

In addition she is also involved in work to do with protection, gender equality and children's rights as a result of her involvement in various associations (see the Curriculum Vitae).

These are the skills and qualifications of the candidate whose profile meets the provisions of article 36 of the Rome Statute.

Curriculum vitae

Family name:	Ratiaraisoa	
First name:	Harimahefa	
Gender:	Female	
Date of birth:	2 June 1954	
Nationality:	Malagasy	
Regional criteria:	Africa	
Marital status:	Married	
List A / List B	List B	
Languages	Mother tongue: French	
- English	(written) Intermediate	(oral) Intermediate
- French	(written) Advanced	(oral) Advanced
- Spanish	(written) Basic	(oral) Intermediate

Educational qualifications:

November 1998- June 2000

- *Institution:* American Cultural Center, Antananarivo, Madagascar
- *Qualification(s) obtained:* Advanced 2 Certificate

April 1978- July 1980

- *Institution:* University of Antananarivo, Madagascar, Faculty of Law
- *Qualification(s) obtained:* Diploma of the Judicial Studies Institute (IEJ)

September 1975- February 1979

- *Institution:* University of Antananarivo, Madagascar, Faculty of Law
- *Qualification(s) obtained:* Degree in Private Law

Professional experience:

February 2009- present

- *Employer:* Government of Madagascar – Ministry of Justice
- *Post title:* Judge at the Court of Cassation of the Supreme Court of Madagascar
- *Other information:* In charge of all matters including criminal cases: drafting reports on cases to be heard, council chamber deliberations, ruling on cases in public hearings, in joint sessions and in hearings involving conflicts in jurisdiction; Member of the Supreme Court Special Commission on amnesty for national reconciliation: responsibilities include making decisions on applications for amnesty concerning political crises in the country between 2002 and 2009; Drafting the initial and periodic reports on human rights in Madagascar submitted to the treaty bodies (CERD – CEDAW – ICCPR – ICESCR – CAT); Drafting the national report within the framework of the global periodic examination; Designing and implementing a national monitoring system of human rights violations; and Member of the National Bureau monitoring gender-based violence and access to justice

January 2002- February 2009

- *Employer:* Government of Madagascar – Ministry of Justice
- *Post title:* President of the Court of First Instance in Antananarivo, Madagascar
- *Other information:* Responsible specifically for: Managing the administrative, financial and human resources aspects of the court; Monitoring and ruling on sensitive cases involving conflicts arising as a result of political events in the country which seriously affect public order (riots), diplomatic relationships and involve requests for extradition, international cooperation and international letters rogatory; Managing the Supervisory Board of Penitentiary Institutions for which the court has responsibility: annual review of their operations, treatment of prisoners, holding of custody records and drafting reports pertaining to them; and Examining and monitoring international requests for adoption.

March 1991- January 2002

- *Employer:* Government of Madagascar – Ministry of Justice
- *Post title:* Vice-President of the Court of First Instance in Antananarivo, Madagascar
- *Other information:* Responsible for civil and criminal cases.

April 1987- March 1991

- *Employer:* Government of Madagascar – Ministry of Justice
- *Post title:* Judge at the Court of First Instance in Antananarivo
- *Other information:* Responsible for criminal cases

August 1980- April 1987

- *Employer:* Government of Madagascar – Ministry of Justice
- *Post title:* Deputy Public Prosecutor at the Court of First Instance in Antananarivo
- *Other information:* Responsible for the following: Handling custody files for adults and young offenders; Visits and periodic inspections of prisons, young offenders' institutions, care homes for children who have been abandoned and/or mistreated under the joint authority of the Ministry of Justice and the Ministry of the People; Representing the Public Prosecutor at criminal hearings involving adults and hearings of the Youth Courts; and Regular meetings with criminal police officers

Other professional activities:

1996-present

- *Activity:* Lecturer at the National College for the Judiciary in: Human rights: the international system to protect and promote human rights and the applicability of international conventions by national judges; Special criminal law: sexual and gender based violence, violation of the integrity of the person, the various crimes punishable by lengthy custodial sentences (violations of the right to property with aggravating circumstances, ethnic conflict, destruction of

public property and so on); and Criminal proceedings under ordinary law and special criminal proceedings (organised crime, theft of cattle, aggravated burglary).

1995-2003

- *Activity:* Trainer in criminal law and criminal proceedings at the National College for the Gendarmerie.

1996-1999

- *Activity:* Part-time lecturer in civil and criminal proceedings at the National College for Senior Civil Servants in Madagascar for trainee inspectors of estates.

1990/1996

- *Activity:* Responsible for tutorials in criminal law and criminal proceedings for 2nd and 3rd year Law students in the Faculty of Law at the University of Antananarivo.

2008/2013

- *Activity:* Member of the Committee for Legislative Reform: Preparing the draft law on combating transnational organised crime; draft law on the establishment of the Supreme Council of the Judiciary; draft law on national and international adoption; decree on Judicial Assistance, draft law on the establishment of the Independent National Commission on Human Rights (CNIDH); Vice-President of the Antananarivo Judges' Association. Contributed to the design, implementation and management of information desks for legal matters, advice and help with submitting applications for legal aid at the Court of First Instance in Antananarivo; and Responsible for legal initiatives undertaken by the Ministry of Justice in designing, implementing and running a legal clinic in a working-class district of Antananarivo to train paralegals responsible for resolving disputes of a civil and criminal nature involving neighbours (reconciliation and mediation).

2002 to present

- *Activity:* Making texts which safeguard the rights of women and children and individual rights, which prevent and combat violence and which involve gender-equality accessible to all.

Most relevant publications

- Pamphlets on the amnesty procedure for National Reconciliation (Law of 03 May 2012)
- Manual on combating torture and mistreatment in Madagascar
- Manual on Criminal Procedure in Madagascar
- Pamphlets on combating violence against women
- Brochure on the basic principles of human rights
- Guidance on the Protection of Children's Rights and the functioning of the Youth Court
- Guidelines on family rights
- Brochures on national and international adoption procedures

Most relevant seminars

Local:

- International Humanitarian Law
- National judges and the application of international instruments ratified by Madagascar.
- Independent inspection mechanisms to prevent fraud and corruption in development operations: approach by the African Development Bank/ADB).
- The policy of Cassation in criminal matters.
- Training on Leadership for court managers.
- The costs of criminal justice, the recovery of fines and Court costs.
- Ethics and professional conduct: the professional conduct of judges and the quality of anti-corruption criminal justice.
- The application of custodial sentences: Issues and Challenges.
- Economic and financial delinquency.
- Political offences: investigation aspects and proceedings.
- Positive criminal law and the mode of settlement of disputes of a criminal nature in a community-based environment.
- Approaches to the resolution of ethnic conflict.
- The specific crime of organised crime: how to combat and suppress it.
- Protecting children against the various forms of violence, paedophilia, sex tourism, child labour, and other forms of abuse.
- Women leaders: Character and Skills.
- Rights of Women in Africa: Comparative Law.
- International instruments and national law for the protection of children.
- The issues associated with cybercrime: legal framework, the various crimes committed via the computer network, measures to protect minors against indecent assault and prevention measures.
- Criminal Courts and human rights.

International:

- Represented the Supreme Court of Madagascar at the Thirteenth Statutory Meeting and the Sixth Training Seminar for judges who are members of the African Association of French-speaking higher courts held in Cotonou-Benin on the topic "African justice versus the rise of cross-border crime."
- Enforcement workshop on Combating Counterfeiting within the Southern African Development Community (Pretoria, South Africa).
- Capacity Building Programme on WTO issues for Officials from Africa countries (Delhi-India).
- Intellectual property law in Francophone Africa: criminal aspects (Yaoundé-Cameroon).
- International Arbitration (Arbitration Court of Paris)
- Training of trainers at the National College for the Judiciary (ENM - Paris and Bordeaux).
- Seminar on "Justice and Development" (ENM-Paris).
- Practical training course at the Court of Appeal of Douai (France) on the treatment of criminal proceedings.
- Alternative methods of dispute settlement: compromise, mediation, arbitration and reconciliation (Le Touquet, France).
- Practical training on the operation of the criminal court in Saint-Pierre (Réunion Island).
- Development Law: technical planning, negotiation, mediation and international arbitration (IDLI-Rome -Italy).

Membership of professional associations and societies

- Member of the Association for the Preservation and Protection of Children (ASPE) working to protect young people in detention in correctional facilities: includes judges, social workers and volunteers;
- Vice-president of the Association of Judges of the Court of Antananarivo;
- Collaboration with the National Platform of Civil Society Organisations in Madagascar;
- Member of the Movement for Ethics and Conduct in Madagascar.

Awards and honours

Officer of the National Order (Officier de l'Ordre National/2007)

Knight of the National Order (Chevalier de l'Ordre National/2002)

Personal interests

Reading, travel, music

Other relevant facts

- Member of the "Women and virtues" NGO working to inform vulnerable women about measures to eliminate violence against women, their rights, gender equality, crime prevention and criminal justice.
- Sponsorship of the local association "AINA-Enfance et Avenir" which works to protect disadvantaged children and young single mothers.
- Chair of the management committee of a private Church dispensary.
- Chair of the Church lay group

15. SCHMITT, Bertram (Germany)

[Original: English]

Note verbale

The Embassy of the Federal Republic of Germany presents its compliments to the Secretariat of the Assembly of States Parties and with reference to the latter's note ICC-ASP/13/SP/06 dated 18 February 2014, has the honour to inform the Secretariat that Germany is nominating Judge Professor Bertram Schmitt as a candidate for the election of judges of the International Criminal Court for the period 2015-2024, to be held at the thirteenth session of the Assembly of States Parties in New York from 8 to 17 December 2014.

The nomination of the candidate followed the procedure for nomination of candidates to the International Court of Justice in accordance with its Statute, as provided for in article 36 (4)(a)(ii) of the Rome Statute. On 8 July 2013, the German national group in the Permanent Court of Arbitration informed the German Government that it had, after careful deliberation, unanimously decided to nominate Judge Professor Schmitt as a candidate for the election of judges of the International Criminal Court. The German Government supports this nomination.

Judge Professor Schmitt is being nominated as a candidate on list A for the purpose of article 36 (5) of the Rome Statute. He fully meets the requirements set out in article 36 (3)(b)(i) of the Rome Statute.

For the purposes of article 36 (8)(a)(i) to (iii) of the Rome Statute, Judge Professor Schmitt, who is a national of Germany, is a male candidate who will represent the continental law system and the Western European and Other States Group.

The statement submitted in accordance with article 36 (4)(a) of the Rome Statute and a curriculum vitae of Judge Professor Schmitt are attached hereto.

Statement of qualifications

Statement submitted in accordance with article 36 (4) (a) of the Rome Statute of the International Criminal Court and resolution ICC-ASP/3/Res.6 of the Assembly of States Parties as amended by resolutions ICC-ASP/5/Res.5 and ICC-ASP/12/Res.8, annex II, adopted by the Assembly of States Parties on 10 September 2004, 1 February 2007 and 27 November 2013 respectively, relating to the procedure for the nomination and election of judges of the International Criminal Court

- (a) Judge Professor Schmitt is a person of high moral character, impartiality and integrity (article 36 (3) (a) of the Rome Statute). He is a highly respected judge in the Second Criminal Division at the Federal Court of Justice (Supreme Court) who has devoted his entire professional career to the service of justice.
- (b) Judge Professor Schmitt possesses the qualifications required in Germany for appointment to the highest judicial offices as set out in article 36 (3) (a) of the Rome Statute. He is currently an active member of the bench of the Federal Court of Justice (Supreme Court), the highest instance in the country in criminal and civil matters.
- (c) Judge Professor Schmitt
 - (i) has established competence in criminal law and procedure and has the necessary relevant experience as a judge in criminal proceedings, thus fulfilling the requirements of article 36 (3) (b) (i). In the course of his career, he served on the bench of a first instance Grand Criminal Division for over 12 years, over six of which he was presiding judge. Many cases heard by this Division involved the most serious kinds of criminal offence. Since 2005 he has been a judge at the Federal Court of Justice, sitting from 2008 in one of the Criminal Divisions of that court.

Judge Professor Schmitt is also an adjunct professor for criminal law, criminal procedure and criminology at the University of Würzburg.

Moreover, he is co-author with Professor Meyer-Goßner of the annually-updated standard commentary on the Code of Criminal Procedure and co-editor of a commentary on the Criminal Code.

- (ii) has also established competence in international law and the law of human rights. Since September 2009, Professor Schmitt has served as an ad-hoc judge at the European Court of Human Rights. In addition, his above-mentioned commentary on the Code of Criminal Procedure contains considerable information on the European Convention on Human Rights. He has further represented Germany on Eurojust's Joint Supervisory Body since June 2009.
- (d) Judge Professor Schmitt is a native German speaker and is fluent in English, having an excellent oral and written command of that language. He also has a good knowledge of the French language (article 36 (3) (c) of the Rome Statute).
- (e) Judge Professor Schmitt is standing as a List A candidate (article 36 (5) of the Rome Statute) since he meets the requirements set out in article 36 (3) (b) (i) of the Rome Statute.
- (f) Judge Professor Schmitt has particular legal expertise in the field of violence against women and children, an issue specified in article 36 (8) (b) of the Rome Statute. He served for several years as presiding judge on a special division with jurisdiction over serious criminal offences committed against children and young persons. In his capacity as presiding judge of more than one Grand Criminal Division and a Grand Juvenile Division, he has also directed proceedings in numerous trials concerning violent crimes against minors and women, and cases involving sexual violence against women.
- (g) Judge Professor Schmitt is a national of Germany and does not possess the nationality of any other State.

Curriculum vitae

Family name:	Schmitt	
First name:	Bertram	
Gender:	Male	
Date of birth:	9 September 1958	
Nationality:	German	
Regional criteria:	WEOG	
Marital status:	Married	
List A / List B	List A	
Languages	Mother tongue: German	
- English	(written) Advanced	(oral) Advanced
- French	(written) Intermediate	(oral) Intermediate
- Spanish	(written) Advanced	(oral) Advanced
- Italian	(written) Intermediate	(oral) Intermediate

Educational qualifications:

07/1988

- *Institution:* State of Hesse
- *Qualification(s) obtained:* Final State Examination in Law

07/1985

- *Institution:* University of Frankfurt am Main
- *Qualification(s) obtained:* Awarded Doctor of Laws

12/1983

- *Institution:* University of Frankfurt am Main/State of Hesse
- *Qualification(s) obtained:* First State Examination in Law

Professional experience:

08/2009 to present

- *Employer:* Council of Europe
- *Post title:* Ad-hoc Judge at the European Court of Human Rights

06/2009 to present

- *Employer:* European Union
- *Post title:* German member of the Joint Supervisory Board of Eurojust

05/2005 to present

- *Employer:* Federal Republic of Germany
- *Post title:* Judge at the Federal Court of Justice (Supreme Court)
- *Other information:*
 - Second Criminal Division of the Federal Court of Justice (since 2008)
 - Press Officer of the Federal Court of Justice (since 2008)
 - Investigating Judge at the Federal Court of Justice (2005 to 2009)
 - Eleventh Civil Division of the Federal Court of Justice (2005 to 2007)

04/1999 – 05/2005

- *Employer:* State of Hesse
- *Post title:* Presiding Judge at the Regional Court in Darmstadt
- *Other information:*
 - Grand Juvenile Division, Auxiliary Schwurgericht Division (2000 to 2005)
 - Grand Criminal Division, general criminal matters (1999)

09/1997 – 06/1998

- *Employer:* State of Hesse
- *Post title:* Assigned to the Higher Regional Court in Frankfurt as a Judge
- *Other information:* Division for cases regarding detention / Appeals Division

04/1993 – 04/1999

- *Employer:* State of Hesse
- *Post title:* Judge at the Regional Court in Darmstadt
- *Other information:* Grand Criminal Division; and Appeals Division for matters concerning arrest

02/1991 – 03/1993

- *Employer:* State of Hesse
- *Post title:* Judge (Darmstadt Regional Court, Groß-Gerau Local Court)
- *Other information:* General civil and criminal matters

Other professional activities:

04/2000 to present

- *Activity:* Adjunct professor for criminal law, criminal procedure and criminology, University of Würzburg

10/1993 – 03/2000

- *Activity:* Part-time lecturer, University of Würzburg

07/1988 – 01/1991

- *Activity:* Senior academic assistant in the Institute for Criminal Law, Criminal Procedure, Criminology and Forensic Science (University of Frankfurt am Main)

Most relevant publications

1. *Monographs, textbooks, commentaries:*

- Meyer-Goßner/Schmitt: Strafprozessordnung. Kommentar (annually updated, 57th edition 2014, co-author) [Criminal Procedure. Legal commentary]
- Satzger/Schmitt/Widmaier: StGB. Strafgesetzbuch. Kommentar (1st edition 2009, co-editor) [Criminal Code. Legal commentary]
- Kriminologie, Jugendstrafrecht, Strafvollzug (5th edition 2008) [Criminology, criminal law relating to juveniles, execution of sentences – textbook]

- Die richterliche Beweiswürdigung im Strafprozess (1993) [The judicial consideration of evidence in criminal proceedings]
- Körperverletzungen bei Fußballspielen (1985) [Bodily harm during football games; a criminological study]

2. *Articles (selected):*

- Die Verständigung im Strafprozess nach dem Urteil des Bundesverfassungsgerichts vom 19. März 2013 (Festschrift for Klaus Tolksdorf, 2014) [Plea bargaining following the Federal Constitutional Court's decision of 19 March 2013]
- Das Zeugnisverweigerungsrecht des Angehörigen im Verfahren gegen mehrere Beschuldigte (Festschrift for Hans-Heiner Kühne on his 70th birthday, 2013) [Family members' right to refuse to testify in trials with multiple defendants]
- Zum Verzicht auf das Verwertungsverbot des § 252 StPO (NStZ 2013, 213) [Waiving the ban on reading out statements following a refusal to testify]
- Der Einfluss der strafrechtlichen Rechtsprechung des EGMR auf den BGH und das BVerfG (2011) [The impact of the criminal case-law of the ECtHR on the Federal Court of Justice and the Federal Constitutional Court]
- Zum Konfrontationsrecht nach Art. 6 Abs. 3d EMRK (Festschrift for Ruth Rissing-van Saan 2011) [The right to call and cross-examine witnesses under Art. 6 (3) (d) of the ECHR]
- Die überlange Verfahrensdauer und das Beschleunigungsgebot in Strafsachen (StraFo 2008, 313 ff.) [The principle of conducting criminal proceedings expeditiously in accordance with Arts. 5 (3) and 6 (1) of the ECHR]
- Zur räumlichen Geltung des deutschen Strafrechts bei Straftaten im Internet (Festschrift 600 Jahre Würzburger Juristenfakultät 2002, 357 ff.) [Territorial application of German criminal law for Internet offences]
- Zu Rechtsprechung und Rechtswirklichkeit verfahrensbeendender Absprachen im Strafprozess (GA 2001, 411 ff.) [Plea-bargaining in German criminal proceedings]
- Zum Gutachten des psychiatrischen Sachverständigen aus der Sicht des Strafrichters (Archiv für Kriminologie volume 198, 38 ff.) [Assessment by criminal judges of psychiatric expert evidence]

Most relevant seminars

- February 2014: Expert discussion on an "Initiative to Reform Procedure at the International Criminal Court" organised by the Federal Ministry of Justice and Consumer Protection and the Federal College for Security Studies in Berlin, Germany
- November 2013: Participation in the international conference "Building a legacy - Lessons learnt from the Offices of the Prosecutors of International Criminal Tribunals and Hybrid Courts" in Nuremberg, Germany
- July 2013: Lecture on expediting criminal proceedings at the Supreme Court of the Republic of Kazakhstan
- May 2013: Participation in the plenary meeting of the Council of Europe's European Committee on Crime Problems (CDPC) in Strasbourg as an expert member of the German delegation
- September 2011: Lecture on the basic principles of German criminal procedure given at the German-Chinese symposium on constitutional law in Qingdao, China
- May 2011: Lecture on the impact of the ECtHR's criminal case-law on the Federal Court of Justice and the Federal Constitutional Court, given during the 3rd Karlsruhe Dialogue on Criminal Law
- May 2009: Lecture on the right to call and cross-examine witnesses under Art. 6 (3) (d) of the ECHR at the Federal Court of Justice in Karlsruhe for visiting judges from the Supreme Court of Turkey
- November 2008: Lecture at Istanbul University Faculty of Law on the causes of juvenile delinquency
- November 2008: Lecture on the admissibility of evidence at a German-Turkish seminar in Istanbul with professors from Turkish universities and judges from the Supreme Court of Turkey (Yargıtay)
- April 2008: Lecture for German Bar Association defence lawyers on the principle of conducting proceedings expeditiously and without undue delays
- 2008 to present: Expert discussions with foreign delegations visiting the Federal Court of Justice (e.g. with judges from the constitutional courts of Turkey, South Africa, Indonesia and Kosovo, with supreme court judges from China and Kazakhstan and senior public prosecutors from Mexico (including the Assistant Attorney General) and Russia (including the Attorney General of Russia))

Membership of professional associations and societies

- Verein der Bundesrichter und Bundesanwälte beim BGH [association of judges and prosecutors at the Federal Court of Justice]
- Gesellschaft zur Herausgabe von BGHSt und BGHZ [society for the publication of the BGHSt and BGHZ]; the BGHSt and BGHZ are the "official reports" of the most important criminal and civil decisions in Germany (landmark rulings)
- Juristische Studiengesellschaft Karlsruhe [Karlsruhe legal studies association]
- Deutscher Richterbund [German Judges Association]
- Deutscher Hochschulverband [German Association of University Professors and Lecturers]

Awards and honours

-

Personal interests

History, archaeology, palaeontology, chess, soccer

16. THELIN, Krister Hans (Sweden)

[Original: English]

Note verbale

The Embassy of Sweden presents its compliments to the Secretariat of the Assembly of States Parties and, with reference to the latter's note ICC-ASP/13/SP/06 dated 18 February 2014, has the honour to inform the Secretariat that the Government of Sweden hereby nominates Judge Krister Thelin as a candidate for election as a judge of the International Criminal Court at the elections scheduled to be held at United Nations Headquarters, New York, from 8 to 17 December 2014.

The candidature of Judge Thelin enjoys the support of all five Nordic countries (Sweden, Denmark, Finland, Iceland and Norway). The candidature follows a tradition of unwavering Nordic commitment to the International Criminal Court, and to its effectiveness, professionalism and integrity.

Judge Thelin 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.

Judge Thelin is 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.

With regard to article 36, paragraph 8 (a) (i) to (iii), Judge Thelin is a male candidate and a national of Sweden who will represent the Civil Law system and the Western Europe and Others Group.

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 Judge Thelin are attached to this note verbale.

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, the Prosecutor and Deputy Prosecutors of the International Criminal Court (ICC-ASP/3/Res. 6).

Judge Krister Thelin is the candidate of Sweden, with the joint support of all other Nordic countries (Denmark, Finland, Iceland and Norway), for election as a judge of the International Criminal Court. He is nominated for inclusion in List A, pertaining to 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.

Judge Thelin is in possession of the qualifications required for appointment to the highest judicial offices at the national level. Given his broad experience and expertise of international criminal, humanitarian and human rights law, Judge Thelin is eminently positioned to contribute effectively to the important work of the International Criminal Court.

In a range of senior judicial positions – nationally and internationally – Judge Thelin has demonstrated high moral character, impartiality and integrity. He is a highly qualified judge who combines longstanding professional experience with a personal commitment to general principles of law such as fairness, due process and judicial impartiality. He is also deeply committed to efficient trial and case management.

Judge Thelin has served in Swedish national courts in various periods since 1972. He was State Secretary at the Ministry of Justice between 1991 and 1994. His comprehensive command of national and international law has been highly valued in

Sweden, where he has chaired law commissions on international private law, border security law and extradition law.

As a judge ad litem at the International Criminal Tribunal for the Former Yugoslavia (ICTY) between 2003 and 2008, Judge Thelin sat on complicated and demanding cases such as *Boškoski and Tar ulovski*, *Limač et al*, *Mrkšić et al* and *Pavle Strugar*. The cases regarded serious crimes under international criminal law, including murder, torture and other violations of the laws or customs of war. Judge Thelin has thus dealt with crimes under the jurisdiction of the International Criminal Court.

As Pre-Trial Judge at the ICTY, Judge Thelin took an active role in organising and preparing pre-trial cases with a focus on furthering the efficiency of case management and court proceedings.

In addition to profound experience and expertise in the field of international criminal justice, Judge Thelin is also well versed in international human rights law. He was a member of the UN Human Rights Committee between 2008 and 2012 and participated in the Committee's work of monitoring the human rights situation in various states and contributing to general comments on important articles in the International Covenant on Civil and Political Rights.

Judge Thelin also has senior executive experience. He was the Director-General of the Independent Media Commission of Bosnia and Herzegovina and the Director of the Policy and Legal Advice Centre in Belgrade. In these managerial capacities, which were exercised on behalf of the European Union, Judge Thelin acquired additional experience from the field in institution building, promotion of human rights and the rule of law.

Judge Thelin is a national of Sweden. He is fluent in English (both orally and in writing), one of the working languages of the Court. He also has a basic knowledge of French.

Curriculum vitae

Family name:	Thelin	
First name:	Krister	
Middle name:	Hans	
Gender:	Male	
Date of birth:	8 December 1947	
Nationality:	Swedish	
Regional criteria:	WEOG	
Marital status:	Married	
List A / List B	List A	
Languages	Mother tongue: Swedish	
- English	(written) Advanced	(oral) Advanced
- French	(written) Basic	(oral) Basic
- German	(written) Basic	(oral) Basic

Educational qualifications:

08/1975 - 06/1976

- *Institution:* Harvard Law School
- *Qualification(s) obtained:* Master of Laws (LLM)

09/1967 - 06/1972

- *Institution:* Lund University
- *Qualification(s) obtained:* Juris kandidat (LLB)

Professional experience:

09/1998 – to the present day

- *Employer:* Scania and Blekinge Court of Appeal, Malmö
- *Post title:* Senior Judge of Appeal (on leave)

05/2010 – to the present day

- *Employer:* Council of Europe
- *Post title:* *Ad hoc* judge of the European Court of Human Rights

09/2008 – 12/2012

- *Employer:* United Nations
- *Post title:* Member of the UN Human Rights Committee

12/2003 – 08/2008

- *Employer:* United Nations
- *Post title:* Judge *ad litem* at the International Criminal Tribunal for the former Yugoslavia (ICTY).

09/2001 - 11/2003

- *Employer:* European Union
- *Post title:* Director of the Policy and Legal Advice Centre, Belgrade, Serbia

04/2000 – 08/2001

- *Employer:* Ministry for Foreign Affairs, Sweden
- *Post title:* Chairman of the South East Europe Stability Pact (eSEEUROPE Initiative)

06/1998 – 03/2000

- *Employer:* European Union and the Government of the United States of America
- *Post title:* Director-General of the Independent Media Commission of Bosnia and Herzegovina (the country's supreme media regulatory body)

09/1997 – 05/1998

- *Employer:* European Union
- *Post title:* Team Leader of a project on the building of constitutional institutions in Bosnia and Herzegovina

10/1991 – 10/1994

- *Employer:* Government of Sweden
- *Post title:* State Secretary at the Ministry of Justice

09/1990 – 08/1998

- *Employer:* Scania and Blekinge Court of Appeal
- *Post title:* Judge of Appeal

09/1984 – 03/1986

- *Employer:* Government of Sweden
- *Post title:* Legal adviser at the Ministry of Justice (International Division)

08/1984 - 12/1989

- *Employer:* Scania and Blekinge Court of Appeal
- *Post title:* Associate Judge of Appeal

03/1975 – 08/1978

- *Employer:* Scania and Blekinge Court of Appeal
- *Post title:* Law clerk

07/1972 – 02/1975

- *Employer:* District Court of Lund
- *Post title:* Law clerk

Other professional activities:

03/1995 – 11/2011

- *Activity:* Chairman of various law commissions on civil law, international private law, border security law and extradition law

06/1987 – 09/1991

- *Activity:* Advisor on International Humanitarian Law to the Swedish Armed Forces

09/1978 – 09/1991

- *Activity*: Secretary to various law commissions on social insurance law, civil law, data protection law, and other areas of law

Most relevant publications

1. *Monographs, textbooks, commentaries*

- Sverige som rättsstat [Sweden and the rule of law], Stockholm, 2001 (Timbro)
- The Swedish Code of Judicial Procedure (with Anders Bruzelius), New York, 1979 (Fred B Rothman & Co)

2. *Articles (selected)*

- FN:s MR-kommitté – i teori och praktik [The Human Rights Committee: in Theory and Practice’], Juridisk Tidskrift, 2009-2010 No 4, 865-888
- Krigsförbrytartribunalen i Haag: Genomfört uppdrag eller kostsamt misslyckande? [The International Criminal Tribunal for the Former Yugoslavia: Mission accomplished or costly failure?], Juridisk Tidskrift, 2007-2008, No 3, 626
- Media and the Rule of Law: The Importance of Media Regulation for the Peace Process in Bosnia and Herzegovina’ (with Katrin Nyman Metcalf), Juridisk Tidskrift, 1999-2000 No 3, 579-590

Membership of professional associations and societies

2000-2001 Vice-chair of Judges’ Forum, International Bar Association

1992-1997 President, Sällskapet för Domstolsforskning (The Society for Judicial Research), Sweden

Awards and honours

1. Frank Boas Harvard Scholarship 1976
2. Fulbright Scholarship 1975
3. Lund University Premium Award 1972

Personal interests

Literature, history, golf and tennis

17. UGREKHELIDZE, Mindia (Georgia)

[Original: English]

Note verbale

The Embassy of Georgia 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, with reference to the latter's note no. ICC-ASP/13/SP/06 dated 18 February 2014, has the honor to inform that the Government of Georgia has decided to nominate Judge Professor Mindia Ugrekhelidze as a candidate for election as a judge of the International Criminal Court, at elections to be held during the thirteenth session of the Assembly of States Parties from 8 to 17 December 2014, in New York.

Judge Professor Ugrekhelidze is nominated as a candidate on list A for the purposes of article 36, paragraph 5, of the Rome Statute. He fully meets the requirements set out in article 36 (3) (b) (i), of the Rome Statute.

The statement submitted in accordance with article 36, paragraph (4) (a), of the Rome Statute and a curriculum vitae of Judge Professor Ugrekhelidze are attached hereto.

The Embassy of Georgia to the Kingdom of the Netherlands avails itself of this opportunity to renew to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court the assurances of its highest consideration.

Statement of qualifications

This statement is submitted in support of the candidature of Judge Professor Mindia Ugrekhelidze for the election as a judge of the International Criminal Court in accordance with article 36 of the Rome Statute of the International Criminal Court and resolution ICC-ASP/3/Res.6, as amended by resolutions ICC-ASP/5/Res.5 and ICC-ASP/12/Res.8, adopted by the Assembly of States Parties respectively on 10 September 2004, 1 February 2007 and 27 November 2013, and pursuant to the procedure of nomination for the ICJ and the ICC Statute.

Judge Professor Ugrekhelidze's career and life is a unique blend of experience in criminal law as a practitioner and academic.

(a) Requirement of article 36 (3) (a)

Judge Professor Ugrekhelidze has always been a person of high moral character, displayed impartiality and integrity and met all the qualifications required for appointment to the highest judicial offices in Georgia. He served as the first President of the Supreme Court of Georgia, after the country had regained its independence (1990-1999) and the first judge elected in respect of Georgia at the European Court of Human Rights (1999-2008). Throughout his distinguished career Judge Professor Ugrekhelidze has held a number of high profile posts in Georgia as a Member of Parliament, member of the High Council of Justice, the State Constitutional Commission and other state institutions. Awards and honors he received in particular include: Order of Merits of Georgia (1999); Honorary Citizen of Pasadena, California, USA (1996); Grant of Max - Planck International Society, Freiburg, FRG (1995); Highest Judge Title of Georgia (1991); Honorary Citizen of Houston, Texas, USA (1991); Honorary Citizen of Austin, Texas, USA (1991); Honorary Citizen of "Ancient City Kutaisi", Georgia (1990).

(b) Requirement of article 36 (3) (b)

Judge Professor Ugrekhelidze has established long-standing and impeccable competence in criminal law and procedure, and has the necessary relevant experience as a judge. During 1990- 1999 as the President of the Supreme Court of Georgia he was leading the criminal cases at all procedural stages, in particular the cassation, presidium and plenary sessions of the Supreme Court. In the capacity of *ex officio* member of the High Council of Justice of Georgia Judge Professor Ugrekhelidze took part in adopting approaches on a number of complex criminal cases. In addition, he has extensive experience in driving criminal law reform. In 1990s he was co- Chairman of the Governmental Commission for

Drafting the New Penal Code of Georgia and participated in elaboration of the “Model Penal Code of Russia”. Currently, he is a member of the Governmental Committee for drafting the amendments to the Penal Code of Georgia to bring it in line with the EU standards. Furthermore, Judge Professor Ugrekhelidze has a distinguished academic background. He was a professor of Criminal Law of the Tbilisi State University (1975-1999) and a researcher at Max-Planck Institute of Foreign and International Criminal Law. Since

2011 he is a Professor and the Head of Criminal law Department, Caucasus International University (Domestic Criminal Law, International Criminal Law, Comparative Criminal Law). Judge Professor Ugrekhelidze is author of over 100 published and other works, inter alia in the field of criminal law and participant of a range of international conferences.

Judge Professor Ugrekhelidze has also established competence in relevant areas of international law, including the law of human rights. As a judge elected in respect of Georgia at the European Court of Human Rights he participated in examining of over 2000 cases and was assigned as a Principal Rapporteur in about 500 cases, including the cases related to the criminal matters (*Pinochet* case, *Nachova and others*, *Asanidze v. Georgia*, etc.). Currently, Judge Professor Ugrekhelidze is a member of the State Constitutional Commission of Georgia and an *ad hoc* judge at the European Court of Human Rights. His outstanding academic credentials include competence in international law and the law of human rights.

(c) *Requirement of article 36 (3) (c)*

Judge Professor Ugrekhelidze’s native language is Georgian; he is fluent in English and Russian. In addition, he has basic knowledge of French and German.

(d) *Requirement of article 36 (5)*

Judge Professor Ugrekhelidze has qualifications in excess of what is required under list A and B, meeting the requirements of article 36 (3)(b), however, he is hereby nominated for inclusion in list A.

(e) *In response to article 36 (8) (a) (i) to (iii)*

Judge Professor Ugrekhelidze received legal education in civil law countries (Georgia, Russia). Although the candidate represents a civil law legal system, Judge Professor Ugrekhelidze is comfortable with working in the case-law environment both in terms of expertise and experience as attested by his distinguished career in the European Court of Human Rights and experience in the Comparative and International Law Institute (London, UK).

Judge Professor Ugrekhelidze is nominated by Georgia, a state from the Eastern European Group (EEG).

The selection of Judge Professor Ugrekhelidze serves to achieve a good balance in gender composition of the Court as long as two male judges are determined as the gender minimum voting requirement for the upcoming election.

(f) *In response to article 36 (8) (b)*

Judge Professor Ugrekhelidze stands out by his outstanding legal expertise on wide range of issues. In particular, he has a profound knowledge of International Humanitarian law. In addition, Judge Professor Ugrekhelidze has obtained the qualification of expert in Atomic Law at Max-Planck Institute of Foreign and International Criminal Law and published several articles on this topic. Furthermore, he has an excellent grasp of international refugee law as a former member of the International Association of the Refugee Law Judges and a participant of various conferences. Equally importantly, Judge Professor Ugrekhelidze has the extensive and rich experience of partnership with a number of international and foreign non-governmental organizations (OSCE, CE, AIDP, IARJL, ABA, CILI, GIZ, ERA, etc.) on problematic issues of law.

The legal expertise of the candidate in fighting violence against women or children merits particular mention: for over 9 years of tenure as the President of the Supreme Court of Georgia he participated in examining several landmark cases on violence and

discrimination. During his term as the Judge of the European Court of Human Rights he sat in the Chamber to examine complex discrimination and violence related cases as in the *Nachova* case where Judge Professor Ugrekhelidze served as a rapporteur. It was precedent setting judgment delivered by the Grand Chamber that established the concept of “causal link” between attitude and conduct in the jurisprudence of the ECHR.

Notably, Judge Professor Ugrekhelidze is a member of the Governmental Committee for drafting amendments to the Penal Code of Georgia, which, among others, deals with domestic violence issues.

(g) *In response to article 36 (7)*

Judge Professor Ugrekhelidze is a national of Georgia and does not possess the nationality of any other State.

Given the impressive professional and academic credentials at international level, wide and powerful support enjoyed by Judge Professor Ugrekhelidze amongst the legislative, executive and judicial authorities and the civil society at the national level the Government of Georgia believes that his election, as a judge (from the South Caucasus – the region so far unrepresented at the International Criminal Court) of the International Criminal Court will bring to the institution a wealth of experience, new vision and a sense of shared responsibility in advancing the goal of international justice.

Curriculum vitae

Family name:	Ugrekhelidze	
First name:	Mindia	
Gender:	Male	
Date of birth:	19 May 1942	
Nationality:	Georgian	
Regional criteria:	Eastern Europe	
Marital status:	Married	
List a/list b	List A	
Languages	Mother tongue: Georgian	
- English	(written) Advanced	(oral) Advanced
- French	(written) Basic	(oral) Basic
- Russian	(written) Advanced	(oral) Advanced
- German	(written) Basic	(oral) Basic

Educational qualifications:

02/2005 – 06/2007

- *Institution:* Academy of European Law (ERA) in Trier, Germany, Section for European Public and Criminal Law
- *Qualification(s) obtained:* Certificate of Participation in the Summer Course on European Justice

07/2004 – 08/2004

- *Institution:* American Bar Association (ABA)
- *Qualification(s) obtained:* Certificate of Participation in the Judicial Training

01/2000 – 01/2003

- *Institution:* Berlitz School in Strasbourg, France
- *Qualification(s) obtained:* Certificate of Participation in the Special Linguistic Training Course in French Language

05/1995 – 10/1995

- *Institution:* Goethe Institute in Freiburg, Germany
- *Qualification(s) obtained:* Certificate of Participation in the Special Linguistic Training Course in German Language

04/1995 – 10/1995

- *Institution:* Max Planck Institute for Foreign and International Criminal Law, Freiburg, Germany
- *Qualification(s) obtained:* Expert in Atomic Law (Strafnormen im Atomenergierrecht)

06/1991 – 07/1991

- *Institution:* International Institute of Higher Studies in Criminal Sciences (ISISC)
- *Qualification(s) obtained:* Certificate of Participation in the Conference on Protection of Human Rights in Criminal Justice

10/1980 – 10/1982

- *Institution:* Institute of State and Law, Russian Academy of Sciences, USSR
- *Qualification(s) obtained:* Criminal Law Studies (Dialectics of Objective and Subjective Elements in Criminal Law)

06/1974

- *Institution:* Moscow State University, USSR
- *Qualification(s) obtained:* PHD in Criminal Law, "Culpability in Negligent Offences", Certified Diploma

09/1958 – 06/1963

- *Institution:* Tbilisi State University, Georgia
- *Qualification(s) obtained:* L.L.M in Legal Studies, "Neutrality in Public International Law", Certified Diploma

Professional experience:

06/2014 – present

- *Employer:* European Court of Human Rights (ECtHR)
- *Post title:* Ad Hoc Judge (List A)

04/2013 – present

- *Employer:* Governmental Committee for drafting the amendments to the Penal Code of Georgia
- *Post title:* Member

03/2014 – present

- *Employer:* State Constitutional Commission of Georgia
- *Post title:* Member

09/2011 – present

- *Employer:* Caucasus International University
- *Post title:* Professor, Head of Department of Domestic Criminal Law, International Criminal Law, Comparative Criminal Law

12/2009 – 02/2011

- *Employer:* NGO - People's Court (People on the Bench)
- *Post title:* Co-founder and President
- *Other information:* Presided as a trial judge over numerous sensitive criminal cases in response to people's grievances. First experience of adjudicating with jury system in Georgia (List A)

06/2008 – 02/2009

- *Employer:* Organization for Security and Cooperation in Europe (OSCE)
- *Post title:* Expert
- *Other information:* Participated in "Training of Trainers" Program in Ukraine. Special mission with selective multiregional pilotage for training the most experienced judges in raising awareness of the less experienced judges by the organisation of "demotrials" and other "demo" - judicial activities. (List A)

06/1999 – 02/2008

- *Employer:* European Court of Human Rights (ECtHR)
- *Post title:* Judge in Respect of Georgia
- *Other information:* Participated in examining over 2000 cases and was assigned as a Principal Rapporteur in about 500 cases, including the cases related to the criminal matters (Pinochet case, Nachova and Others case, etc. (List A)

09/1997 – 09/1998

- *Employer:* Council of Justice of Georgia
- *Post title:* Ex officio member
- *Other information:* Took part and made decisions in cases with criminal content (corruption, contempt of court, discrimination etc.) (List A)

11/1990 – 09/1999

- *Employer:* Supreme Court of Georgia
- *Post title:* President
- *Other information:* Leading the criminal cases in all procedural stages, particularly in the cassation, presidium and plenary sessions of the Supreme Court (List A)

02/1987 – 11/1990;

01/1973 – 10/1980

- *Employer:* Supreme Court of Georgia
- *Post title:* Secretary of Scientific Advisory Board
- *Other information:* Elaboration of guidelines for effective administration of justice and resolving, within the reasonable time, several categories of Criminal Cases, lacking the precedential practice.

Other professional activities:

05/2014 – present

- *Activity:* Chief Manager of the quality control system of scientific investigations in the field of Georgian legal studies; Georgian Academy of Sciences

11/2013 – present

- *Activity:* Professor of Saint Andrew the First-Called Georgian University; Head of Legal Department

2009 – 2012

- *Activity:* Member of Public Constitutional Commission of Georgia (Judiciary, Human Rights)

03/1999

- *Activity:* Translation of Recommendation N°R(94)12 of the Committee of Ministers of the Council of Europe to member States on the independence, efficiency and role of judges

05/1999

- *Activity:* Translation and publication of the "European Charter on the Statute for Judges" (1998)

07/1997

- *Activity:* Establishment and organization of Human Rights Center at the Supreme Court of Georgia for the study, analysis, generalization and dissemination of jurisprudence of the European Court of Human Rights and other international courts

01/1991

- *Activity:* Adoption and publication of Resolutions and Recommendations of the Plenum of the Supreme Court of Georgia "On Basic Principles and Trends in the Activities of Republican Courts in the Period of Restoration of State Independence of Georgia" (1991); "On the Presumption of Innocence and the Right to Defence" (1992); "On Victims Rights in Criminal Proceedings" (1992); "On Judicial Sentencing" (1994)

11/1990

- *Activity:* Elected as a member of multiparty parliament, contributed the development of democratic legislation of Georgia on the pluralistic basis.

1985 – 1987

- *Activity:* Participation in elaboration of the Model Penal Code of Russia

Most relevant publications

- "Basic Principles of International Criminal Law", *Herald of Caucasus International University*. N°8 (in print), Tbilisi, 2014
- "At the Dawn of the System of International Criminal Justice", *Justice*. N°1, Tbilisi, 2008
- "Causation: Reflection in the Mirror of the European Convention on Human Rights", *Liber Amicorum Luzius Wildhaber*. Strasbourg, 2007
- "International Criminal Court", *Martmsajulebis Matsne (Herald of Justice)*. N°2, Tbilisi, 1997
- "Penal Code: Attempt of Theoretical Modeling" (Monograph in Russian), Co-authors: Anashkin G.Z., Borodin B.A., *Nauka (Science)*, Moscow, 1987
- "Criminal omission". *Georgian Encyclopedia*. vol.10., 1986
- "Die Bedeutung des Schuldgehalts der Tat im Strafrecht. Zweites Deutsch - Sovjetisches Kolloquium über Strafrecht und Kriminologie", *Nomos Verlags - Gesellschaft*, N°2, Baden – Baden, 1984
- "Dialectics of the Objective and Subjective in Victimogenic Situation", *Collected papers*, Tbilisi-Jena, 1984
- "El abandono criminal en pelagro y la culpa en las delictos sin resultado", *XI congres internacional de derecho. Comparada*, Caracas, 1982

- "Criminal Liability for the Abusing the Official's Powers", *Sabchota samartali (Soviet Law)*, N°2, Tbilisi, 1982
- "Criminal Liability for the Destruction of Historical and Cultural Monuments", *Sabchota samartali (Soviet Law)*, N°4, Tbilisi, 1981
- "Culpability in Hazard Offences" (monograph in Georgian), *Metsniereba (Science)*, Tbilisi, 1980
- "Basic Study by Eminent American Criminologist Cherif Bassiouni", *Matsne (Herald ...)*, N°3, Tbilisi, 1980
- "Penal Policy and Criminal Law", *Sabchota Samartali (Soviet Law)*, N°2, Tbilisi, 1979
- "Rationale of Criminal Negligence" (monograph in Russian), *Metsniereba*, Tbilisi, 1976
- "Atomic Law", *Encyclopedia of Georgia*, vol.1., 1975
- "Mixed or Dual Guilt in Criminal Law", *Matsne (Herald of Georgian Academy of Sciences)*, N°1, Tbilisi, 1967

Most relevant seminars

- Israel: Conference on the Contemporary Problems of Criminal Law Organized by the Supreme Court of Israel, 2010
- Germany: Seminar on European Anti-Terrorism Strategy, held in Academy of European Law (ERA), Trier, 2004
- United Kingdom: Seminar on Legal Problems in Combating Terrorism, organized by International Criminal Law Society (ICLS), London, 2002
- Canada: Third International Conference of Refugee Law Judges, Ottawa, 1998
- Switzerland: Seminar "Reflection of Humanitarian Law Regulations in the National Legislation", Geneva, 1997
- Netherlands: Conference on the Expertise of the Draft Penal Code and Code of Penal Procedure of Georgia, Leiden, 1997
- Italy: Conference on Contemporary Problems of Elite Corruption, Rome, 1996
- Brazil: XV Congress of International Association of Criminal Law (AIDP), Rio de Janeiro, 1994
- France: Regular International Conferences of the Chairmen of Constitutional and Supreme Courts, Strasbourg, 1993-2003
- USA: ABA Judicial Education Programs, Washington D.C., 1996, 1994, 1991

Membership of professional associations and societies

2010 – present: Member of the Independent Experts Club of Georgia

1996 – present: Member of the International Association of Lawyers

1996 – 1997: Head of the Georgian Group of International Association of Penal Law

Awards and honours

- Order of Merits of Georgia (1999)
- Honorary Citizen of Pasadena, California, USA (1996)
- Grant of Max - Planck International Society, Freiburg, FRG (1995) Highest Title of Judge of Georgia (1991)
- Honorary Citizen of Houston, Texas, USA (1991)
- Honorary Citizen of Austin, Texas, USA (1991)
- Honorary Citizen of "Ancient City Kutaisi", Georgia (1990)
- Prize of the Georgian Academy of Sciences awarded for the study "Towards the Psychological Nature of Criminal Behaviour", Georgia (1974)

Personal interests

Poetry, travelling

Other relevant facts

Developed and introduced a special training program "Law and Justice" over the "Ertsulovneba" Channel on Georgian Television (2014)

In capacity of an expert invited by the Council of Europe moderated a workshop in Azerbaijan on the topic: "Right to Freedom of Expression" (2012)

Developed two studies on the judiciary of Georgia within the framework of reforming Georgian Constitution:

(a) On the jury system (2011)

(b) On the lifetime appointment of judges (2010)

As a judge of the European Court of Human Rights (ECtHR), participated in debates on Constitutional Control Issues organised by Constitutional Court of Armenia (2008)

Cooperates with International Non-governmental organisations : International Association of Criminal Law (AIDP); International Criminal Law Society (ICLS); International Association of Refugee Law judges (IARLJ); European Group of Public Law (EGPL); American Bar Association (ABA); Europäische Rechtsakademie (ERA); German Society of Technical Cooperation (GTZ); Helsinki Foundation for Human Rights (HR); International Union of Lawyers (IUL); World Bank.