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Election of the Prosecutor of the International Criminal Court

Addendum

Annex II

Alphabetical list of candidates (with supporting documentation)

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1. CASTRESANA FERNÁNDEZ, Carlos (Spain)

[Original: English]

Note verbale

The Permanent Mission of Spain to the United Nations presents its compliments to the Secretariat of the Assembly of States Parties of the International Criminal Court and, in connection with the process of election of the next Prosecutor and ultimately its Note with Reference: ICC-ASP/R19/SP/20 of 5 February, has the honour to inform that Spain nominates Mr. Carlos Castresana Fernández for the post of Prosecutor of the Court.

Spain considers that Mr. Castresana Fernández fully meets the requirements of article 42(3) of the Rome Statute and, as such, he is the most suitable candidate to fill the post. Mr. Castresana Fernández's main qualities in relation to the requirements set out in the Rome Statute and in the published Terms of Reference are as follows:

Mr. Castresana Fernández is of the highest moral character. He is of impeccable personal and professional integrity and has been the recipient of several prestigious awards and decorations in Spain and abroad. Throughout his career he has demonstrated a high commitment to the defense of justice and the values of International Humanitarian Law and International Criminal Law and, therefore, to the guiding principles of the Court. Mr. Castresana Fernández has a prestigious career as Prosecutor and extensive experience in dealing with sensitive and delicate matters in situations of pressure and even personal risk.

Mr. Castresana Fernández has demonstrated throughout his career an excellent level of competence. He has extensive and proven national and international practical experience as a prosecutor in complex criminal cases. He has a proven track record of success in difficult investigations, indictments, trials and appeals at the national and international level (including crimes within the jurisdiction of the Court). Mr. Castresana Fernández also has significant experience in managing human resources in multicultural and multi-ethnic environments and in the budgetary management of significant amounts and resources comparable to those of the Office of the Prosecutor of the Court. He has been able to demonstrate optimal use of these resources and maximum efficiency in meeting commitments and achieving results. Mr. Castresana Fernández also has extensive leadership and communication skills.

Mr. Castresana Fernández has extensive and in-depth practical experience in the exercise of criminal prosecution and the prosecution of criminal cases. He is a career Prosecutor with 40 years of practice both nationally and internationally. As such, he has extensive courtroom experience with 30 years of professional experience as a national prosecutor and 15 years of professional experience in international criminal investigation and prosecution. His international experience includes his mandate as head of the Commission against Impunity in Guatemala, an independent international body established by an Agreement between the United Nations and the State of Guatemala in 2007. Throughout his long experience as Prosecutor, Mr. Castresana Fernández has had to deal with countless criminal cases and use all types of evidence, including scientific, electronic and digital evidence in his files. On the other hand, Mr. Castresana Fernández is a jurist of the civil law system but, due to his long international experience, he is extensively familiar with the common law system.

Mr. Castresana Fernández is fluent in both working languages of the Court (English and French) and Spanish is his mother tongue.

The Permanent Mission has the honour to enclose herewith the curriculum vitae of Mr. Castresana Fernández.

The Permanent Mission of Spain to the United Nations avails itself of this opportunity to renew to the Secretariat of the Assembly of States Parties of the International Criminal Court the assurances of its highest consideration.

Statement of qualifications

Statement submitted pursuant to Assembly resolution ICC-ASP/1/Res.2, as amended by resolution ICC-ASP/3/Res.6 and in relation to article 42, paragraph 3, of the Rome Statute.

In connection with the process of election of the Prosecutor of the International Criminal Court, Spain declares that Mr. Carlos Castresana Fernández fully complies with the conditions set out in article 42, paragraph 3, of the Rome Statute. It therefore declares that Mr. Castresana Fernández is a person of high moral standing, that he possesses a high level of competence and that he has extensive practical experience in the prosecution or trial of criminal cases. It further states that he has an excellent knowledge and command of at least one of the working languages of the Court.

Mr. Castresana Fernández's main qualifications in relation to the requirements set out in the Rome Statute are as follows:

Mr. Castresana Fernández is of the highest moral character. He is of impeccable personal and professional integrity and has been the recipient of several prestigious awards and decorations at home and abroad. Throughout his career he has demonstrated a high commitment to the defence of justice and the values of International Humanitarian Law and International Criminal Law and, therefore, to the guiding principles of the Court. Mr. Castresana Fernández has a prestigious career as Prosecutor and extensive experience in dealing with sensitive and delicate matters in situations of pressure and even personal risk.

Mr. Castresana Fernández has demonstrated throughout his career an excellent level of competence. He has extensive and proven national and international practical experience as a prosecutor in complex criminal cases. He has a proven track record of success in difficult investigations, indictments, trials and appeals at the national and international level (including crimes within the jurisdiction of the Court). Mr. Castresana Fernández also has significant experience in managing human resources in multicultural and multi-ethnic environments and in the budgetary management of significant amounts and resources comparable to those of the Office of the Prosecutor of the Court. He has been able to demonstrate optimal use of these resources and maximum efficiency in meeting commitments and achieving results. Mr. Castresana Fernández also has extensive leadership and communication skills.

Mr. Castresana Fernández has extensive and in-depth practical experience in the exercise of criminal prosecution and the prosecution of criminal cases. He is a career Prosecutor with 40 years of practice both nationally and internationally. As such, he has extensive courtroom experience with 30 years of professional experience as a national prosecutor and 15 years of professional experience in international criminal investigation and prosecution. His international experience includes his mandate as head of the Commission against Impunity in Guatemala, an independent international body established by an Agreement between the United Nations and the State of Guatemala in 2007. Throughout his long experience as Prosecutor, Mr. Castresana Fernández has had to handle countless criminal cases and use all types of evidence, including scientific, electronic and digital evidence in his files. On the other hand, Mr. Castresana Fernández is a jurist of the civil law system but, due to his long international experience, he is extensively familiar with the common law system.

Mr Castresana Fernández is fluent in both working languages of the Court (English and French) and Spanish is his mother tongue.

Curriculum vitae

Education

Graduated in Law, 1974-1979, from the School of Law of University Complutense of Madrid. In 1978 pursued a course of studies at the Institut International des Droits de l'Homme, Strasbourg, France. From 1986 to 1989, after preparing and passing the competitive National Exam, gained access to the Judicial School of Spain, becoming Member of the Career of Public Prosecutors. Appointed Assistant Prosecutor in 1990, Senior Prosecutor in 1996, Prosecutor of the Supreme Court in 2005 and Prosecutor of the Court of Auditors in 2020.

Professional activity as Public Prosecutor

I began my career as Public Prosecutor in 1990 in the Circuit Courts of Barcelona, and then Madrid, dedicated to the investigation, prosecution and trials in criminal matters. I specialized in the prosecution of organized crime, corruption and international crimes.

In 1993 I was selected by the Attorney General to become a member of the Special Prosecution Office against Drug Trafficking. I gained a wide experience in investigating, prosecuting and bringing to trial before the National Court of Justice transnational criminal organizations responsible for international drug smuggling and money laundering offenses. I acquired a vast experience in international judicial co-operation.

In 1995, after another appointment by the Attorney General, I was transferred to the Special Prosecution Office against Corruption and mandated with investigations and prosecutions (including trial phase, appeal and cassation) of high-level corruption cases before the National Court of Justice. I led the staff, worked with police investigators, forensic and expert witnesses in complex investigations involving taxes, accounting, public budget and expenditure, banking and other financial matters. I addressed substantive issues of corruption, diplomatic and state immunity when indicting Mr. Berlusconi, from Italy. During this period, I also acquired experience in extradition, European Union and international law, and asset recovery.

I was appointed Public Prosecutor of the Supreme Court by Royal Decree 727, 20 June 2005. I was assigned to the Criminal Affairs Section and dealt with investigations, prosecutions and courtroom interventions in criminal cases against high-level Government officials and members of Parliament, and also with appeals in cassation.

By Royal Decree 994, 10 November 2020, I was appointed Public Prosecutor of the Court of Auditors, the highest Constitutional organ in the matter, in charge of investigations of mismanagement of public Spanish and European funds.

Other services in the Administration of Justice and as Attorney-at-Law

I was incorporated as a litigating lawyer for the first time in 1980, working mostly as public defender, until I was appointed in 1986 – simultaneously with the preparation of the exam for access to the School of the Judiciary – substitute Magistrate of the Territorial Court of Madrid. Since 1987, I have served as temporary District and Investigating Judge in civil and criminal proceedings.

In 2014 I requested the status of *excedencia* – absence without salary – with regard to my career as Prosecutor. I then became a practising Attorney-at-Law at Ejaso ETL Global – a prestigious law firm based in Spain and Portugal, member of the German European Tax and Law (ETL) Group – and an international consultant, until 2020 when I resumed my career as Public Prosecutor.

International Commission Against Impunity in Guatemala. 2007-2010

On 14 September 2007 I was appointed by the Secretary General of the United Nations as Commissioner – equivalent to United Nations Assistant Secretary General – of the International Commission Against Impunity in Guatemala (CICIG), a treaty-based, international and independent prosecutorial body. The CICIG was intended as an innovative hybrid rule of law United Nations mechanism to strengthen the law enforcement institutions of Guatemala.

We began our task by creating Special Police Units, a Special Prosecution Office, and Courts of Expanded Jurisdiction. The CICIG also developed a database for analysis and intelligence.

We promoted vetting processes for public institutions. In the National Civil Police, we supported the Government's dismissal of the Director, Deputy Director and 10 per cent of the staff; in the Attorney General's Office, the Attorney General and ten Chief Prosecutors were asked to recuse themselves; in the Judiciary, three Justices and three candidates of the Supreme Court, and twenty Magistrates of Courts of Appeal, were removed. A second Attorney General was dismissed in 2010 by the Constitutional Court upon our request.

I brought proposals for legal amendments to the Congress, including laws on arms and ammunitions control, the prosecution of organized crime and plea bargaining, witness protection and wiretapping, and the creation of Courts of Expanded Jurisdiction for high risk cases.

We began to investigate and prosecute 27 high-impact cases (trans-national drug trafficking, networks of professional *sicarios*, the dismantling of civil police and military criminal clandestine structures, judicial and political corruption, extrajudicial killings, forced disappearances, illegal adoptions and human trafficking networks; most of the defendants were allegedly perpetrators of international crimes during the previous armed conflict). We secured 139 arrest warrants (105 arrests, 74 defendants held without bail) including a former President of the Republic, former Ministers of Defence and Finance, four Ministers of the Interior, several generals and other officers of the army, congressmen and other politicians and high-ranking officers, lawyers, businessmen, and drug traffickers. During my tenure, seven high-profile cases were brought to trial, and seven convictions were granted, 100 per cent (statistical rate of convictions in the country at the time: 2 per cent).

My team and I faced a wide variety of very difficult situations and worked under constant threats, but successfully carried out our mandate. I made extensive efforts to preserve the independence of the Commission and the impartiality of our prosecutions by refusing to bow to political pressures, by assuming the responsibility for the CICIG's performance, and thus gaining the respect of a cohesive multinational team of committed professionals – 200 investigators and prosecutors, lawyers and police, economists, analysts and administrators, representing 27 distinct nationalities. I worked with them to build confidence and mutual support; designing successful work plans and strategies for the dismantling of illegal structures, while creating synergy with political parties, trade unions, indigenous organizations, the business sector, and some 35 civil society organizations and engaging with diplomatic representatives.

I made every effort to keep our investigations and prosecutions within the strict limits of CICIG's mandate. Our jurisdiction was contested 16 times before Guatemalan Courts. All the claims were dismissed.

I signed a Memorandum of Understanding with the United Nations Development Program (UNDP) to create a Trust Fund for donor countries. During a period of three years, we met with representatives of donor States, gathering pledges for an average of US\$15 to 20 million per year. Additionally, I signed agreements for the secondment of personnel and made agreements for the free implementation of the CICIG's witness protection program, and provided States-donated equipment to our Guatemalan counterpart. CICIG was always properly funded and financially managed. Between 2007 and 2010, in my role as Commissioner, I attended almost one thousand working meetings with different stakeholders. In 2009, the CICIG was discussed 4,485 times in the Guatemalan media despite the fact that CICIG had no budget for advertising.

In August 2009 the Secretary General re-appointed me as Commissioner for a new period of two more years. I resigned in June 2010 and re-joined the Spanish Supreme Court.

International consultancies after 2010

Bahrain. United Nations Development Program. After the events of the Arab spring and the recommendations of the BICI (Bahrain International Commission of Inquiry) Report, the UNDP invited me to train Bahraini prosecutors. In 2014, the training transitioned to the signature of an agreement of cooperation between the UNDP and the Attorney General's Office for a project of institutional strengthening and the creation of a Special Investigative Unit (SIU) in the Attorney General's Office to prosecute torture and other cruel, inhuman or degrading treatment. I was appointed Senior Project Advisor. The SIU was created, organized with investigative prosecutorial functions, and supported by a police unit, medical and psychiatric services and a database for intelligence and analysis. The experience is to be extended to Abu Dhabi and Kuwait.

Colombia. Federal Government of Switzerland. After the signature of the peace agreement, the Special Jurisdiction of Peace (SJP) was created in September 2017 with the mandate of providing retributive/restorative justice for the victims of the armed conflict and

of establishing the responsibilities of both State and non-State actors – in coordination with the ICC. The enormous task ahead threatened to overwhelm the Special Court. The Swiss Ministry of Foreign Affairs offered to provide an expert advisor for the SJP. This arrangement was agreed upon in April 2018. Since then, I have been advising the SJP concerning structural and organizational issues as well as on substantive matters related to the nature of the crimes, the requisites for amnesties and alternative penalties, the criteria for prioritization of cases, and prosecutorial strategy.

Nepal. Federal Government of Switzerland. In 2017, the Swiss Ministry of Foreign Affairs began facilitating a dialogue between the Government of Nepal, the political opposition and civil society, concerning different mechanisms of transitional justice to deal with the human rights abuses of the recent armed conflict in that country. A first round of discussions was held in Bangkok that year which I attended as a guest expert. In July 2018, representatives of the same stakeholders were invited to attend the Advanced Learning Course on Dealing with the Past in Switzerland where I serve as a guest lecturer. In November 2018 another meeting was organized in Bangkok to develop a roadmap for the implementation of the transitional justice process.

Philippines. Federal Government of Switzerland. The Ministry of Foreign Affairs has been accompanying the peace process after the signature of the Comprehensive Agreement on the Bangsamoro (CAB) in 2014. The Transitional Justice and Reconciliation Commission (TJRC), chaired by a Swiss expert, issued its report in December 2015. In my role as guest lecturer in the Dealing with the Past course, I have been training representatives of the signatories to the CAB for the past several years. I also participated in a workshop with the bodies responsible for implementing the recommendations of the TJRC organized in Manila in June 2019 as an expert invited by the Swiss Government. The main challenges are not only dealing with the crimes of the armed conflict, but also building a new, efficient and reliable judiciary in the autonomous Bangsamoro region, and to merge or at least to balance the application of Filipino civil law and Sharia law, as it applies to the Muslim community in the Bangsamoro.

Ukraine. European Union. After the Maidan protest in 2014, the European Union launched the European Union Anti-Corruption Initiative (EUACI), supporting the efforts of Ukraine to create new institutions and pass legislation to combat corruption effectively. In 2017 the European Union created the International Anticorruption Advisory Board (IACAB) with the primary purpose of advising the Congress in the legislation to be approved. I was invited to join as an expert, and was appointed Chairperson of the Board, visiting Kiev on successive occasions, meeting the Government, the political opposition, civil society, and the media, and expressing the opinion of the Board, principally in the Congress.

Sri Lanka. International Truth and Justice Project. In 2017 the ITJP requested me to bring charges against a Sri Lankan Army general on counts of war crimes and crimes against humanity allegedly committed during the armed conflict (2008-2009). The general had been appointed after the war to serve as ambassador to several Latin American countries. I prepared and filed a lawsuit simultaneously in Brazil, Chile, Colombia and Peru, coordinating with the prosecutors in all four jurisdictions. The Sri Lankan ambassador subsequently resigned, fled the region and sought refuge in his home country.

Government of Switzerland. Since 2010 the Federal Department of Foreign Affairs has invited me to serve as a guest lecturer in its annual Advanced Learning Course in Dealing with the Past, designed to train its own diplomatic staff in the Human Security Division and its international partners on the topics of transitional justice. The non-Swiss participants include government and civil society representatives primarily from post-conflict contexts in Europe (Kosovo, Georgia, Bosnia and Herzegovina, Russia, Serbia, Ukraine, North Macedonia, as well as Norway, France, United Kingdom, Spain, Austria, Netherlands), Latin America (Mexico, Peru, Colombia, Guatemala), Africa (Mali, Burundi, Cameroun, Liberia, South Africa, Chad, Tunisia, Libya, DR Congo, Egypt, Zimbabwe, Kenya and Nigeria), Middle East (Kuwait, Lebanon, Israel, Palestine) and Asia (Sri Lanka, Indonesia, Nepal, Pakistan, Kyrgyzstan, Armenia, Philippines, Myanmar and Thailand).

UNICRI (United Nations Interregional Crime and Justice Research Institute). Based in Turin, Italy, the Institute develops academic and research programs in partnership with United Nations Member States on issues such as international criminal law, counterterrorism

de-radicalization of extremists, prevention of synergies between terrorist and organized crime groups, cybercrime, BCRN (biological, chemical, radiological and nuclear) control. As such, the UNICRI is intended to become the United Nations System think-tank for developing global criminal policies to address the most serious international and transnational criminal activities. I was invited to join the Board in 2014, elected by ECOSOC, was re-elected in 2019, and have now been re-appointed as Deputy Chairperson of the Board of Trustees.

Other relevant consultancies: 2006. UNODC Regional Office for Mexico and Central America, Coordinator of the Project AD/MEX/03/H32 for Crime Prevention and Abuse and Illegal use of Drugs. 2003. Expert by appointment from UNODC for a Mission in Ciudad Juárez (México) concerning the murder of women in that town. 1990-2003. Council of Europe, expert and speaker at conferences and programs addressed to promote democracy, rule of law and accountability in Eastern European countries. Azerbaijan, Bulgaria, Estonia. European Union: Member of international judicial co-operation programmes organized in 1994 by the European Anti-fraud Office (OLAF). 1993-1995. Schengen Working Group on Drugs.

Expert activities in Africa: In addition to the training of experts from thirteen African nations, I have researched for Open Society Justice Initiative the illegal exploitation of natural resources in Equatorial Guinea; I was appointed by UNDP as expert to advise the Truth Commission in Tunisia in order to develop anticorruption strategies; I work for the Institute for Integrated Transitions in transitional justice projects for Nigeria and Libya.

Academic activities

2014: Guest Professor, Haverford College, Pennsylvania, United States. International Criminal Justice and Transitional Justice. 2011: Guest researcher Institut Dag Hammarskjöld. Uppsala, Sweden. 2003-2006: Professor International Criminal Law and Program Director Human Rights Center for Law and Global Justice, University of San Francisco, California. 2000-2003: Associate Professor, Universidad Carlos III of Madrid, School, Criminal Law. Speaker in courses and congresses in European and American universities, on human rights, international humanitarian law and international criminal law, invited by the World Bank, UNIFEM, the Max Planck Institute, the Lelio Basso Foundation, the Konrad Adenauer Foundation, Transparency International, Amnesty International, UC Berkeley, Yale, Stanford, NYU, Drexel, CUNY and Harvard Universities, the Open Society Foundation, the US Departments of Defence, Justice and State.

Pro bono activities

2019. Elected President of the Asociación pro Derechos Humanos de España, the most renowned human rights NGO in my country.

2017-Present. Transparency International (TI). Designated member of the Executive Board of the Spanish Chapter of TI.

2017-Present. Institute for Integrated Transitions. Member of the Law and Peace Practice Group.

2011-Present. Harald Edelstam Foundation. Stockholm, Sweden. Member of the Board of Trustees.

2009. Expert by appointment of the Inter American Commission on Human Rights before the Inter-American Court of Human Rights. *Case Campo Algodonero v. Mexico*. Author of the written expert testimony on behalf of women victims of gender violence in the northern Mexican town of Ciudad Juárez, leading to the most important judgment of the Inter-American Court concerning the right of women to a life free of violence, and the State's duty to investigate, prosecute and punish perpetrators of gender violence and provide reparations to victims. Expert witness in the cases *Diario Militar v. Guatemala* and *Palacio de Justicia v. Colombia*.

1996 *Pinochet Case*. Author of the first lawsuits against members of the former military juntas of Argentina and Chile, which gave rise to the proceedings before the Spanish National Court of Justice (*Pinochet case*). Author, on behalf of the Public Prosecutors' Progressive Union, of reports on genocide, terrorism, torture, enforced disappearances, crimes against humanity and against internationally protected persons, immunity, universal jurisdiction, extradition, statute of limitation, *ne bis in idem*, due obedience, amnesty and international

legal co-operation, at the request of the Board of Prosecutors of the Supreme Court of Spain in order to obtain the detention of General Jorge Rafael Videla in Argentina and the detention of General Augusto Pinochet in London.

Selected publications

- *“Corruption, organized crime and international crimes. Lessons for prevention”* Politorbis, Swiss Ministry of Foreign Affairs, 2020.
- *“Una Nueva Política Criminal para México”*. Instituto Nacional de Ciencias Penales, México, 2018.
- *“Justicia Transicional en Chile”*. Universidad Católica, Chile, 2016.
- *“Hipergarantismo: el caso de Guatemala”* Instituto Nacional de Ciencias penales, México 2011.
- *“Torture as a Greater Evil”*, Johns Hopkins University Press, U.S.A., 2007.
- *“De Nüremberg a Madrid”* Revista de Jueces para la Democracia, n. 54, November 2005.
- *“The Legacy of the Pinochet Case”*, in the Berkeley Review of Latin American Studies. University of California, Berkeley, 2005.
- *“The Role of Civil Society and the Media in Building a Culture against Corruption: the Experience of Spain”* in “Global Action against Corruption, the Mérida papers”. UNODC, Vienna, 2004.
- *“La Jurisdicción Universal en la Jurisprudencia de la Sala II del Tribunal Supremo”* in Revista del Poder Judicial, nº 73. CGPJ. 2004.
- *“Corrupción, Globalización y Delincuencia Organizada”*, in La Corrupción en un mundo globalizado. Análisis interdisciplinar. Ed. Ratio Legis, 2004.
- *“La Corrupción Económica en las Comunidades Europeas”* in Protección de los Intereses Financieros de la Comunidad Europea. Trotta, 2001.
- *“El Juicio en Cortes Extranjeras a los Miembros de las Juntas Militares Argentina y Chilena”* in Justicia Penal Internacional. Universidad Iberoamericana, 2001.
- *“Il caso Pinochet. I Crimini Contro l’Umanità fra Politica e Diritto”*. Fondazione Internazionale Lelio Basso, 1999.
- *“Fundamentación de la Competencia de la Justicia Española en Los Delitos de Lesa Humanidad”* in Contra la Impunidad, en Defensa de los Derechos Humanos. Icaria, 1998.

Principal Honours and Awards

- 1997. Human Rights National Award, Spain.
- 2003. Doctor Honoris Causa, University of Guadalajara, Mexico.
- 2004. Certificate of Honor. City Council of San Francisco, California.
- 2006. Doctor Honoris Causa, Central University Santiago de Chile.
- 2006. Medal of Honor of the Vice Presidency of the Chilean Senate.
- 2010. Order of the Legion of Honor. Republic of France, grade Official.
- 2010. Order of the Stella della Solidarietà, Repubblica Italiana, grade Commendatore.
- 2010. Order of the Quetzal, República de Guatemala, grade Gran Cruz.
- 2010. Order of the Mérito Civil. Kingdom of Spain, grade Encomienda de Número.
- 2016. Prize for Transparency, Integrity and Fighting Corruption by the General Counsel of Attorneys of Spain and Transparency International.

2018. Doctor Honoris Causa, National Institute of Criminal Sciences, Mexico.

2. GAYNOR, Fergal (Ireland)

[Original: English]

Note verbale

The Permanent Mission of Ireland 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 Assembly's resolution ICC-ASP/1/Res.2 (as amended by resolution ICC-ASP/3/Res.6) entitled "Procedure for the nomination and election of judges, the Prosecutor and the Deputy Prosecutors of the International Criminal Court" as well as to the Terms of Reference for the Election of the Prosecutor adopted by the Bureau of the Assembly of States Parties on 3 April 2019 (ICC-ASP/18/INF.2), has the honour to nominate Mr. Fergal Gaynor, from Ireland, for election to the position of Prosecutor of the International Criminal Court, at the election to be held during the second resumption of the nineteenth session of the Assembly of States Parties in New York.

Ireland was guided by article 42 of the Rome Statute of the International Criminal Court. Mr. Gaynor possesses high moral character as evidenced by his references and sterling reputation. Mr. Gaynor also possesses extensive and relevant experience in international criminal law having served in numerous capacities at several international criminal tribunals, including of counsel at the ICC. He is fluent in English and has excellent working knowledge of the Spanish and French languages. A copy of his curriculum vitae is attached. Ireland strongly believes that given his academic qualifications, proven prosecutorial and professional skillset, and relevant experience, Mr. Gaynor would be an excellent Prosecutor.

The Permanent Mission of Ireland to the United Nations 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

Statement submitted in accordance with article 42(3) of the Rome Statute of the International Criminal Court and paragraphs 28-30 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, as amended).

It is an honour for Ireland to nominate Judge Fergal Gaynor for election as Prosecutor. Judge Gaynor's professional experience has included twelve years as a full-time international prosecutor on some of the most complex cases to have been tried before international courts following over a decade of private practice. His technical excellence in prosecution means that he can oversee an Office that can deliver a more credible deterrent effect, based on a solid track record of convictions, upheld on appeal. He is the Reserve International Co-Prosecutor at the Extraordinary Chambers in the Courts of Cambodia and a Judge at the Kosovo Specialist Chambers, both of which are predominantly civil law jurisdictions. He has an excellent working knowledge of French and Spanish, and his first language is English.

Judge Gaynor has a strong professional reputation for achieving excellence in investigation and prosecution, and for treating all colleagues courteously and with dignity and respect. He is a person of high moral character. Ireland strongly believes that Judge Gaynor has the temperament and negotiating experience necessary to build support within the Office of the Prosecutor for the changes that it so urgently needs, and to build a constructive working relationship with other stakeholders and with States Parties.

Curriculum vitae

Reserve International Co-Prosecutor at the ECCC.

Judge at the Kosovo Specialist Chambers.

Experienced and effective prosecutor with over 22 years' legal experience, including 18 in international investigation and prosecution. Leading member of teams investigating and prosecuting senior members of the Bosnian Serb leadership, the Khmer Rouge leadership, the Interim Government of Rwanda and Syria's security and military leadership. Lead Counsel for the victims in the ICC case against Kenyan president Uhuru Kenyatta, for a group of Afghan victims in the ICC situation in Afghanistan, and for a group of Palestinian victims in the ICC situation in Palestine.

Professional experience

November 2012 – present: International Criminal Court

Lead Counsel for victims

Appointed in 2012 by a Trial Chamber as lead counsel to represent the interests of approximately 20,000 victims of the Kenyatta case at the ICC, and represented them from 2012 to 2015. Currently lead counsel for a group of 82 Afghan victims in proceedings before the Appeals Chamber, and for a group of over 200 Palestinian victims in proceedings before the Pre-Trial Chamber.

- Responsible for all strategic and tactical litigation decisions, financial management, managing budget requests, preparation and presentation of oral and written submissions on the victims' behalf in the Kenyatta case before the Pre-Trial, Trial and Appeals Chambers, missions within Kenya, field security, and performance management of Hague-based staff and Nairobi-based field team.
- Managed unprecedented security, legal and logistical challenges, including state obstruction of access to evidence, in order to effectively bring views of Kenyan victims before the ICC judges.
- Reinvented model of victim representation at the ICC in order to effectively represent the 20,000 victims, while maintaining pressure on Government of Kenya to cease obstruction of justice.
- Co-ordinated, with pro-bono team in New York, research in 70 jurisdictions to prepare unprecedented application for judicial review of Prosecutor's cessation of investigation, focusing on the Prosecutor's article 54 duty to fully and promptly investigate and prosecute.
- Co-ordinated staff in diverse locations to ensure effective outcomes, oversaw budget, supervised logistical preparations for dozens of meetings across Kenya with victims, NGOs and diplomats.
- Negotiated budget-related issues with ICC Registry, and participated in initiatives at the Registrar's request as part of the Registrar's ReVision project to restructure, and secure more efficient funding of, victim participation, and reviewed ICC programme budgets by the ICC Committee on Budget and Finance.
- Communicated with the OTP orally and in writing, pressing for more rigorous investigation and prosecution of sexual violence crimes in Kenya, and crimes by the Kenyan police.
- Communicated effectively in live and recorded interviews to international and domestic radio, television and print media including BBC, Le Monde, The Economist, The New York Times, Al Jazeera, France 24 and all major Kenyan media outlets.
- Communicated in court, to diplomats, civil society, donors, members of the United Nations Security Council, as well as to hundreds of victims in village halls in many locations in western Kenya.
- Developed a strategy to ensure that the voices of the victims were heard, and to press the Office of the Prosecutor, and the Government of Kenya, to comply with their Rome Statute obligations.

- Oversaw the drafting of submissions on sexual violence; victims' participatory rights in the pre-trial and trial periods; the victims' right to an expeditious and thorough investigation; Kenya's obligations under Part 9 of the Rome Statute, the Vienna Convention on the Law of Treaties and the Articles of State Responsibility for Intentionally Wrongful Acts.
- Responded orally to arguments put forth by the Government of Kenya, and by the Kenyatta Defence concerning state non-cooperation, and the constitutional duties of the president.
- Managed extensive fieldwork in towns and villages across western Kenya, including 55 days of meetings over two and a half years with over one thousand victims. Each briefing focused on developments in the case, and incorporated intensive question-and-answer sessions during which victims put questions to me concerning collapse of the case.
- Led an unprecedented appeal by victims against a decision to deny the Prosecutor authorisation to investigate the situation in Afghanistan in 2019, and drafted, with Palestinian co-counsel, submissions on jurisdiction and statehood on behalf of over 200 Palestinian victims in 2020.

January 2017 – December 2019: Commission for International Justice and Accountability

Head, Syrian Regime Team and Head, Myanmar Team

- Strategic leadership of teams investigating crimes in Syria and Myanmar.
- Led from 2017 to 2019 the CIJA Syrian Regime Crimes Team, managing a sub-team of field-based investigators based in three countries in the Middle East, and directed the field leader of a sub-team of Arabic-speaking analysts based in headquarters in Europe.
- Directed the analysis of documentary and testimonial evidence and the preparation of criminal briefs concerning crimes by Syria's security agencies, army and air force to ensure that they met the highest professional standards, for eventual use by an international or hybrid criminal court with jurisdiction over crimes in Syria.
- Oversaw a 2018 feasibility study and budget for a donor government for an investigation into crimes by members of the Myanmar armed forces against ethnic and religious minorities in Myanmar since 2011, in support of investigation expected to be conducted by the ICC.
- Oversaw the preparation of initial operational plan to secure collection and analysis of linkage evidence from the territory of Myanmar in support of expected ICC investigation, and liaised with financial staff drafting budget for two years of operations.
- Briefed numerous interlocutors including government representatives and the United Nations International, Impartial and Independent Mechanism on international crimes committed in the Syrian Arab Republic (IIIM) and the United Nations Independent Investigative Mechanism for Myanmar (IIMM).
- Managed, local and international staff in the delivery of four-day training sessions in Asia in 2018 and 2019 with groups of Burmese civil society organisations.
- Oversaw analysis of information contained in hundreds of witness statements and tens of thousands of Syria Regime documents, and the structured input of that analysis in CaseMap.
- Interviewed, recruited and provided structured feedback to analysts, and made recommendations concerning promotion; managed performance of all team analysts.
- Supervised selection and translation from Arabic to English of thousands of probative documents.
- Co-ordinated with evidence management unit in order to ensure highest-quality scanning of typed and handwritten documents, and made tactical decisions concerning the best methods to analyze large quantities of written material with limited analytical resources; transliteration protocols; optical character recognition issues; use of evidence management and case management software.
- Supervised analysts using geolocation techniques to establish the locations of crime sites, and signature analysis to match signatures of unnamed persons on Syrian Regime documents in order to identify mid- and high-level members of Syria's Regime.

- Oversaw drafting of sections of criminal briefs on sexual violence and crimes against children.
- Agreed timetables for the delivery of complex criminal briefs relating to crimes committed in Syria since March 2011 by members of the Syrian security services, army, air force and police.
- Oversaw the preparation of a 400-page brief articulating the criminal responsibility for Assad and seven other senior members of Syria's Regime for crimes against detainees.
- Oversaw the preparation of a 350-page brief articulating the criminal responsibility for senior members of Syria's Military Intelligence Department for crimes against detainees, including the murder of the over 8,000 detainees whose corpses were photographed by military police.
- Oversaw the preparation of other briefs, each of approximately 200 pages, concerning, for example, crimes by the Syrian Arab Air Force; an overview of the command structures of the Syrian Arab Army; criminal responsibility for those implementing Regime policy at the governorate level in three governorates.
- Developed goals and supervised the quarterly gathering of data for monitoring and evaluation, to be provided to donor governments who fund CIJA's operations.
- Oversaw preparation of quarterly reports for donors, summarizing evidence collection activities and nature of criminal briefs prepared by analysts working under my direction.
- Orally presented, in summary form, factual and legal findings to representatives of donor governments and answered questions from them, and to external oversight board.
- Agreed and implemented a completion strategy to wind down the work of the headquarters-based Regime Crimes Team, in order to ensure the smooth delivery of all analytical products to the IIM.
- Periodically met team of CIJA investigators in the Middle East for training in interview techniques, updated them on recent developments, and conducted extensive two-way dialogue with them concerning future document collection and interviews.

September 2015 – December 2016: Extraordinary Chambers in the Courts of Cambodia
Senior Assistant Prosecutor (and currently Reserve International Co-Prosecutor)

- In September 2019, the United Nations Secretary-General decided to nominate me to be appointed as the ECCC reserve International Co-Prosecutor.
- As a senior member in 2015 and 2016 of the Office of the Co-Prosecutors prosecuting Khmer Rouge leaders Nuon Chea and Khieu Samphan (case 002) and Meas Muth (case 003), I participated in strategic decision-making, overseeing analysis of evidence, and reviewing, drafting and editing written filings. These concerned the appeal of case 002/01, the trial of case 002/02, and, primarily, the investigation in case 003.
- Articulated the prosecution's position in case 003 on many areas of international criminal law and procedure, including forced marriage, recharacterization of charges, and genocide of the Vietnamese.
- Delivered significant advances in building case 003. As the senior assistant prosecutor in charge of the case, I oversaw the analysis of evidence and preparation of the prosecution's "final submission". This included managing draft submissions concerning joint criminal enterprise (its membership, duration, objective); the existence of a common plan; significant contribution to the realization of a common plan; international armed conflict (threshold for intensity of hostilities); forced marriage; the implementation by criminal means of nationwide policies; aiding and abetting; genocide; superior responsibility; *dolus eventualis* standard for murder; personal jurisdiction; territorial jurisdiction (crimes in Vietnam).
- Organized and ran periodic in-court oral advocacy exercises for junior prosecutors and interns, requiring participants to argue points of law and to examine witnesses played by actors.

- Delivered numerous presentations on areas of international criminal law and procedure to groups visiting the ECCC, and to students at the Royal University of Law and Economics.

September 2009 – December 2012: International Criminal Tribunal for the former Yugoslavia

Trial Attorney, Office of the Prosecutor, in trial of Radovan Karadžić

As a key member of the courtroom team in the trial, I provided strategic and tactical advice to the prosecution team regarding the conduct of the litigation, and participated fully in the trial itself.

- Supervised junior lawyers in their assessment of evidence and drafting prosecution submissions.
- Mentored junior lawyers, providing career advice and constructive criticism relating to outputs.
- Delivered clear and effective briefings to trial team regarding the principal factual, procedural and substantive law issues arising in the Karadzic case as the case progressed.
- Examined and cross-examined dozens of fact witnesses, including victims and insiders, and expert witnesses concerning highly technical aspects of ballistics, explosives and sniping.
- Prepared and delivered concise oral argument in court on a range of procedural issues.
- Oversaw trial preparation, including drafting of motions, responses and replies; preparation of amalgamated statements; selection of exhibits for use with witnesses in court.
- Liaised extensively with the defence in The Hague and in Sarajevo in a cooperative manner.
- Liaised extensively with members of my and other prosecution teams, trial support, field support, language support, members of Judges' staff and investigations staff, Prosecutor's immediate office, OTP Leadership Research Team, and Military Analysis Team.
- Engaged in negotiations with an expert witness who refused to testify in the Karadzic trial. After he persistently refused to testify, I drafted and supervised the preparation of filings for contempt; applied for a warrant of arrest in order to secure his arrest in Bosnia and transfer to The Hague.
- Recommended, after consultation with other trial attorneys and investigators, which witnesses be called and which municipalities be dropped from the indictment.
- Managed a sub-team tasked with identifying, analyzing, and authenticating, through a state security witness, 700 intercepted conversations for submission in court as evidence.
- Organized meetings in Sarajevo between defence lawyers and prosecution witnesses, and ran the meetings in a fair and effective manner such that the defence and the witnesses felt at ease.
- Briefed domestic prosecutors from the former Yugoslavia about the drafting and amendment of indictments, including how to properly plead a joint criminal enterprise and genocide.
- Addressed major conference in The Hague on international criminal procedure and the right to an expeditious trial, and made specific procedural recommendations aimed at running major leadership trials more expeditiously.

October 2008 – August 2009: Circuit Court, High Court, and Supreme Court of Ireland

Barrister-at-law

- Appeared in court on an almost daily basis before the Circuit Court, High Court, the (non-jury) Special Criminal Court and Supreme Court of Ireland, representing defendants in prosecutions for a range of non-fatal offences, extradition, contempt of court, terrorism and seizure of criminal assets.

November 2007 – October 2008: International Criminal Tribunal for Rwanda

Trial Attorney, Office of the Prosecutor

- Appeared in court, on an almost daily basis, in the six-accused *Nyiramasuhuko et al.* trial, which concerned the killing of over 200,000 persons in Butare prefecture and other crimes, and opposed as necessary oral arguments put forth by all six defence teams. All six were convicted and their convictions upheld on appeal.
- Made oral submissions on a wide range of procedural and substantive areas.
- Drafted motions, responses, replies, briefs and other written legal submissions filed in French by six francophone defence teams. Supervised legal research support.
- Reviewed vast quantities of transcripts, witness statements and other evidence.
- Managed preparation for interview, and led the interview of perpetrator and victim witnesses in Rwanda, and alibi witnesses in Burundi and Malawi.
- Reviewed possibility of Rule 61 hearing against high-level fugitive for the Prosecutor.

February 2007 – August 2007: International Independent Investigation Commission

Legal Adviser

- Provided strategic and tactical advice to Commissioner and senior lawyers responsible for the investigation into the assassination of former Lebanese prime minister Rafik Hariri.
- Liaised frequently with analysts, investigators, other lawyers, field security, and language support.
- Reviewed and provided comments on the Commission's reports to the U.N. Security Council.
- Prepared and co-conducted for three days in Syria a major insider interview.

June 2001 – February 2007: International Criminal Tribunal for the former Yugoslavia

Trial Attorney, Office of the Prosecutor

- Lead author, under the supervision of Mark B. Harmon, of almost all motions, responses and replies filed by the prosecution (at the pre-trial, trial, sentencing and interlocutory appellate stages) in the *Krajisnik*, *Plavsic*, *Ljubicic*, *Deronjic* and *Cesic* cases. I also drafted some submissions filed in the *Lukic* and *Lukic, Mico Stanisic and Brdjanin* cases. Despite this heavy volume, I never missed a deadline.
- Managed teams of junior lawyers and interns efficiently in their legal research, drafting of summaries of evidence, and reviewed their contributions to the final trial brief.
- Made numerous arguments in order to focus trial on the matters truly in dispute.
- Examined witnesses in a manner which made best use of the limited time available, concentrated on the matters at issue in the case, and respected the dignity of the witnesses.
- Used Sanction software to present, in court, video, audio and documentary evidence.
- Researched ICTR, ICTY, European Court of Human Rights and domestic jurisprudence.
- Managed team drafting the final trial brief in the case of Momcilo Krajisnik, one of the senior architects of the Bosnian Serb ethnic cleansing campaign.
- Delegated tasks to senior and junior members of the team, reviewed incoming drafted and provided comments, ensured that internal and external deadlines were observed, and coordinated the final collation and checking of the final brief and its extensive appendices.
- Presented oral argument during prosecution's closing argument on ten complex legal questions put to the prosecution by the Trial Chamber at the conclusion of the *Krajisnik* trial.
- Conducted the examination-in-chief of insider witnesses, expert witnesses, and crime base witnesses, several of whom were massacre survivors.

August 1997 – June 2001: Freshfields Bruckhaus Deringer

Trainee Solicitor (1997-99); Associate (1999-2001)

- Freshfields is one of the world's leading law firms. I was recruited to its graduate training program while at Cambridge. During my training period at Freshfields, I was selected to work at its Tokyo office for six months, and later to go on secondment to its oldest client, the Bank of England.
- Drafted witness statements, settlement agreements, statements of claim, attended client meetings, interviewed fact and expert witnesses.
- Undertook legal research and drafted memoranda of advice on a range of complex areas relating to financial regulation, mergers and acquisitions, listing of securities, management buy-outs, and the impact on the Bank of England of large quantities of new financial services instruments.

Academic background; admissions to practice; languages

1995-1996 University of Cambridge Master of Philosophy in International Relations

1990-1994 Trinity College, Dublin Bachelor of Laws

Admitted to practice in England and Wales in 1999 and in Ireland in 2008.

Strong working knowledge of Spanish and French.

Extensive knowledge of evidence management, trial management and courtroom evidence-presentation and transcription software.

Admitted as counsel at the ICC and the Special Tribunal for Lebanon.

Born in Malawi in 1971. Raised in Swaziland. Irish nationality.

Selected publications

- *Documentary Evidence* in “Evidence in International Criminal Procedure: A Commentary”, Beck/Hart/Nomos, edited Kai Ambos and others (forthcoming).
- *General Assembly Referral to the International Criminal Court*, in “The Past, Present and Future of the International Criminal Court”, International Nuremberg Principles Academy (forthcoming).
- *Current Developments at the International Criminal Court*, JICJ. Co-authored with P. Hayden and K. Kappos, 2016.
- *Evidence*, in *International Criminal Procedure - Principles and Rules*, edited by Göran Sluiter and others, Oxford University Press. Co-authored with three others. 2013.
- *Uneasy partners: Evidence, Truth and History in International Trials* Journal of International Criminal Justice, Oxford University Press (JICJ). 2012.
- *Prosecution at the ICTY: Achievements and Challenges*, Südosteuropa Mitteilungen. 2012.
- *International Tribunals and the Right to a Speedy Trial: Problems and Possible Remedies*, Law in Context. Co-authored with David Tolbert. 2009.
- *ICTY and ICTR pre-trial proceedings and Subpoenas*: two entries in “The Oxford Companion to International Criminal Justice”, Oxford University Press. 2009.
- *Provisional Release in the Law of the International Criminal Tribunal for the former Yugoslavia*, in “The Legal Regime of the International Criminal Court” Martinus Nijhoff Publishers. 2009.
- Review of M. Cherif Bassiouni, *The Legislative History of the International Criminal Court*, JICJ. Co-authored with L. K. Morris. September 2008
- Review of Olaoluwa Olusanya, *Sentencing War Crimes and Crimes against Humanity under the International Criminal Tribunal for the former Yugoslavia*, JICJ. November 2007.
- *Ordinary Sentences for Extraordinary Crimes*, JICJ. Co-authored with Mark B. Harmon. July 2007

- *Prosecuting Massive Crimes with Primitive Tools: Three Difficulties Encountered by Prosecutors in International Criminal Proceedings*, JICJ. Co-authored with Mark B. Harmon. June 2004.
- *Current Developments at the Ad Hoc International Criminal Tribunals*. Co-authored, with Daryl A. Mundis and Barbara Goy, ten instalments of periodic digest of international criminal law in JICJ in 2004-2008.

3. KHAN, Karim (United Kingdom of Great Britain and Northern Ireland)

[Original: English]

Note verbale

The Embassy of the United Kingdom of Great Britain and Northern Ireland to the Kingdom of the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties with reference to the latter's note ICC-ASP/19/SP/38 dated 1 July 2020.

The Embassy has the honour to inform the Secretariat that the Government of the United Kingdom of Great Britain and Northern Ireland hereby nominates Karim Khan QC as a candidate for election as Prosecutor of the International Criminal Court at the election to be held during the resumed session of the nineteenth session of the Assembly in New York.

The Embassy has the honour to attach to this note a statement prepared in accordance with article 42 of the Rome Statute of the International Criminal Court and paragraphs 28-30 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 of the Court (ICC-ASP/3/Res.6, as amended) and Mr. Khan's curriculum vitae.

The Embassy avails itself of this opportunity to renew to the Secretariat of the Assembly of States Parties the assurances of its highest consideration.

Statement of qualifications

Statement submitted in accordance with article 42(3) of the Rome Statute of the International Criminal Court and paragraphs 28-30 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, as amended).

It is an honour for the British Government to nominate Mr. Karim Khan QC in line with article 42 of the Rome Statute. Mr. Khan is a highly qualified and experienced lawyer who has demonstrated skills in working in complex environments within an international organisation and has experience of representing defence, prosecution and victims both domestically and internationally.

Mr. Khan is a person of high moral character who has a clear and convincing vision for the Office of the Prosecutor, and the skills and experience to deliver it. Mr. Khan is a native English speaker. The United Kingdom strongly believes that Mr. Karim Khan has the right blend of prosecution, managerial and political antennae to successfully navigate the Office of the Prosecutor through the challenges over the next nine years.

Curriculum vitae

LLB (Hons) (Lond), AKC (Lond), FSI Arb, FCI Arb, Dip. Int. Arb. (CIArb) Barrister-at-Law

What the Directories say:

"A "superb lawyer" and "frighteningly clever master strategist," who has represented clients in international courts across the world. As a prosecutor for the ICTY and ICTR, he has vast experience of handling complex matters such as crimes against humanity, war crimes and contempt of court disputes."; "His ability to address and sum up the most complicated legal analysis in concise yet powerful words has become legendary."; "A very highly rated advocate who is a real force to be reckoned with. He fights his cases hard but honourably"; "Has superior knowledge of international law and is a world-class advocate and drafter. He has the ability to cut to the heart of a legal issue and identify possible solutions with precision and speed. Karim manages large teams without any drop-off in the high level of service provided, and is a fierce advocate." Chambers and Partners Legal Directory (extracts, 2016-2020)

“He ensures he has a very deep knowledge of not just the facts of an incident but of all aspects of a case, which in this field involves politics, culture and society.” Legal 500 (2021) “Leading Silk”, Ranked Tier 1, “International crime & Extradition

KARIM AHMAD KHAN QC is currently serving as Assistant Secretary-General of the United Nations, having been appointed by the UN Secretary General, Antonio Guterres, as the first Special Adviser and Head of the Investigative Team to Promote Accountability for Da’esh /ISIL crimes (UNITAD) pursuant to Security Council Resolution 2379 (2017).

A Barrister for 28 years, and a Queen’s Counsel since 2011, Karim has acted in some of the largest international criminal cases for the Prosecution, Defence and for Victims. He has been involved in cases before all international or hybrid international courts, including the ICC, ICTY, ICTR, ECCC, SCSL, STL, EULEX and UN SPSC in Timor Leste (UNTAET) as well as the ICJ. He has handled complex international cases in Asia, Europe and North, East, Central and West Africa. He is a Recorder (part time judge) of the Crown Court of England & Wales and previously worked as a Senior Crown Prosecutor in London and at the Law Commission of England & Wales. Karim was the President of the International Criminal Court Bar Association (ICCBA) from June 2017 - June 2018. At the end of his tenure as President of the ICCBA, Karim was appointed the first Honorary President of the ICCBA at the ICCBA General Assembly Meeting in 2018. In July 2018 he was recognized as ‘Worldwide Ambassador of the African Bar Association’.

Qualifications:

Barrister (called October 1992, Queen’s Counsel 2011); Bencher, Honorable Society of Lincoln’s Inn, London ; Recorder of the Crown Court; LLB (Hons), A.K.C., (King’s College, London); Inns of Court School of Law, London; Dip.Int.Rel (CIFE, Nice), FSIArb, FCIArb, Dip, Int. Arb (CIArb), Advanced Diploma, International Human Rights (Abo Akademi, Turku, Finland); D Phil (candidate), Wolfson College, University of Oxford; Doctorate, honoris causa, University College FAMA, Pristina, Kosovo (2012); Doctorate, honoris causa, European University, Tirana, Albania.

1. International & domestic Prosecution and investigative experience

(i) Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Da’esh /ISIL crimes (UNITAD) since July 2018

Pursuant to a unanimous resolution of the UN Security Council (SCR 2379) in September 2017, Special Adviser Khan has led the establishment of UNITAD, ensuring the deployment of the Team from New York to Baghdad within three months of his appointment in July 2018. 5 Reports presented to the Security Council and bi-annual briefings of Security Council members conducted. Under his leadership, UNITAD has sought to take an innovative and dynamic approach to the implementation of its mandate, drawing on strong strategic partnerships developed with Iraqi authorities, survivor groups, impacted communities, non-governmental organizations and Member States.

<https://www.unitad.un.org/content/multimedia>

Key achievements

Initial budget of \$20,000,000 secured through effective engagement with Member States (\$30,000,000 including trust fund contributions);

Led establishment of institutional framework, staffing structure, standard operating procedures and initial investigative strategy of the Team, securing buy-in from all key stakeholders;

Establishment of six dedicated Field Investigation Units addressing crimes committed by ISIL against a wide range of communities in Iraq;

Establishment of specialized thematic units including the Gender Crimes and Children’s Unit (GCCU) and Witness Protection and Support Unit (WPSU), ensuring the work of the Team in these fields builds on international standards;

Establishment of Financial Tracking unit through voluntary contributions;

Collection of evidence previously unavailable to domestic authorities seeking to prosecute ISIL, including call data records, digital evidence extracted from ISIL electronic devices, and 3-D laser scans of crime scenes across Iraq;

Successful provision of direct support to ongoing domestic proceedings, including facilitation of testimony before national courts via videolinks from UNITAD premises in Baghdad;

Provision of support to national authorities in the excavation of mass grave sites in Sinjar, securing key sources of forensic evidence;

Conclusion of MoUs and other legal frameworks with Member States, NGOs, international organizations, survivors groups and academic institutions.

Innovative responses to COVID-19, harnessing of technology and commencement of remote interviews where necessary.

Building a partnership between the Investigative Team, national actors and the international community: cooperation with the Iraqi authorities is a key feature of UNITAD. It is borne from a realization that effective in-country investigations require the talents and expertise of national lawyers, investigators, interpreters and analysts to be fully harnessed. To this end, Karim prioritized the effective engagement of the Government of Iraq, Iraqi judiciary and the authorities of the Kurdistan Regional Government, securing their support for UNITAD's work. In parallel, Karim has sought to continually engage with all Security Council members and other member states in order to outline progress made in mandate implementation.

Staffing and Management: leads a team of 154 lawyers, investigators, analysts, clinical psychologists, information management experts, political advisers and support staff. Starting from scratch, UNITAD has achieved gender balance amongst its substantive and support staff, including at the highest levels of staffing. Regard has been had to geographic diversity, with staff from Africa, Latin America, North America, Europe, the Caribbean and Asia recruited to the Team.

Engagement with communities, civil society actors and religious leaders: prioritized the establishment of strong bonds with impacted communities, religious leaders and survivor groups. This approach is reflected in the successful facilitation by Karim and then together with the Special Adviser on the Prevention of Genocide Mr. Adama Dieng, of the adoption of the landmark Interfaith Statement on the Victims and Survivors of ISIL, which was endorsed by all major faiths in Iraq. Reflecting the priority given to its engagement with all stakeholders, Karim also led the establishment of the UNITAD-NGO Dialogue Forum, as a platform for the engagement of non-governmental organizations in the work of the Team.

Budget Administration: As Head of the Team, Karim has successfully defended budgets before the ACABQ and 5th Committee. He is responsible for a budget of approximately \$30 million per year comprising contributions from the United Nations regular budget and a dedicated Trust Fund established pursuant to UN Security Council resolution 2379 (2017). In relation to the latter, Karim has managed to secure significant extrabudgetary contributions, as well as seconded national experts, from States including Australia, Germany, Jordan, the Netherlands, Qatar, Saudi Arabia, Sweden, Denmark, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Harnessing technology and innovation in mandate delivery: Harnessing technology in an integrated way has been a particular focus of UNITAD, born from an understanding that the massive data sets encountered in investigations must be handled with modern tools in order to ensure timely processing and analysis. In-house software has been designed where needed, as well as using proprietary and specialist software and tools. A key focus has been to ensure that innovative approaches are integrated into the overarching evidence management systems.

(ii) Prosecution Lawyer, Office of the Prosecution, United Nations International Criminal Tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR)

From 1997-2000 Karim was a Legal Advisor in the Office of the Prosecutor in the United Nations International Criminal Tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR). He worked on cases such as Delalic et al (ICTY) as a member of the trial team

working to Senior Trial Attorney Eric Ostberg and subsequently Grant Niemann. Karim attended court, drafted various filings, including co-drafting the Prosecution's response to the defence no-case to answer filing at the end of the prosecution case. Karim regularly participated in the weekly legal adviser's meetings which discussed various policy and legal issues that fell for consideration in the still early days of the Tribunal's work. He also participated in various indictment reviews. In 1998, Karim was appointed one of two other lawyers based in the Hague advising and assisting the Chief Prosecutor of the ICTY & ICTR on legal issues and acting as a link between teams in Kigali, Arusha and The Hague. Working directly with Chief of Prosecutions, Mohamed Chande Othman and (the now late) Bernard Muna, Karim conducted missions to Arusha and Kigali, advised on various pre trial, and trial matters. He also worked, as legal adviser and then appeals counsel, on various landmark appeals cases including Akayesu, Kayeshemi & Ruzindana, Kambanda, Serushago (ICTR). Performance appraisals were certified "outstanding" by Chief Prosecutor Louise Arbour and Chief Prosecutor Carla del Ponte respectively.

(iii) 2010-present: member of Temple Garden Chambers, Temple, London & Lange Voorhuut 82, Den Haag. TGC is a leading set recognized for its expertise in international criminal law, extradition and public inquiries. (Upon UN appointment in 2018 all private practice ceased).

(iv) 2000-2010: member of 2 Hare Court, Temple, London. Karim prosecuted the full spectrum of criminal cases at the Bar, and was included on the "Old Bailey list" to prosecute the most serious offences at the Central Criminal Court. Included on the Attorney-General's panel of prosecution advocates. Prosecuted cases of sexual violence and offences against the person. Also acted for the Home Secretary and for applicants in numerous immigration and refugee law cases.

(v) 1992-1996: Crown Prosecutor & Senior Crown Prosecutor, CPS, (Tower Bridge, City and Old street branch,) London. Regularly appeared as a prosecution advocate in court. Advocacy mentor to junior staff. Reviewing lawyer of full gamut of criminal cases, murder (homicide), rape and other offences against the person. Also experienced in handling youth cases.

2. Select experience in representing victims in court and conducting investigations

(i) Extraordinary Chambers of the Courts of Cambodia ECCC (Cambodia), Lead Counsel for Civil Parties (Victims)

In 2009, Karim Khan was instructed as pro bono lead counsel to the largest group of civil parties (victims) in the first case before the Extraordinary Courts of the Chambers of Cambodia (Prosecutor v Kaing Guek Eav, alias Duch). Duch was successfully prosecuted and Karim went on to also act as lead counsel for the victims in the subsequent appeal upholding that conviction. Karim assembled and led an international team that worked entirely pro bono. He was able to secure funding for the team's national co-counsel. The representation featured in the documentary "Brother Number One": <https://ondemand.nzfilm.co.nz#!/browse/film/14/brother-number-one?trailer>

& www.youtube.com/watch?v=3911fBwYxIQ

(ii) Lead Victims Counsel, Albanian Victims

Until 2016, Karim also led a team, instructed by an Albanian ethnic minority, in relation to possible remedies under the ECHR and other international instruments for alleged violations relating to life and property.

(iii) Lead International Victims Counsel, Kenya

Lead Counsel until July 2018 to the more than 116,000 victim claimants from the Kipsigis and Talai communities seeking redress for alleged human rights committed during the colonial period. Karim led a large multi-disciplinary team of about 40 professional staff including international and Kenyan lawyers, investigators, historians, analysts, psychosocial and mental health experts. <https://www.youtube.com/watch?v=XhlQKOtSMg>

(iv) Lead Victims Counsel, Sierra Leone

Lead Counsel (pro-bono) from 2016 for victims of historic rape and the children born of rape (now adults) by a Xaverian Priest in Sierra Leone. Compensation awarded to clients by the

Church in 2018. Lead Counsel (pro bono) until July 2018, for victims of torture, sexual abuse and summary execution during the conflict in 1998-1999. Active investigations conducted in Sierra Leone. The case was submitted to the Supreme Court of Sierra Leone and was featured in a documentary by Al Jazeera, "Peacekillers":

<https://www.aljazeera.com/programmes/peopleandpower/2018/09/peacekillers180913060801441.html>

(v) *International counsel, Military Tribunal, Yaounde, Cameroon*

Pro bono counsel representing human rights defender and former UN human rights officer and SCSL Trial Chamber legal officer, Dr. Felix Agbor-Bala Nkongho. Dr Felix Bala faced various charges carrying the death penalty on account of his activity advocating for victims of human rights breaches in Cameroon. Working with former ICTR Deputy Prosecutor, the late Bernard Muna, Karim successfully sought and was granted rights of audience and made several oral submissions before the military tribunal in Yaounde. This helped lead to the release of Dr Bala and the dropping of the capital charges against him by the President of Cameroon. (2017)

3. Select experience in Defending case in court and conducting investigations

(i) *UN Special Panel for Serious Crimes, East Timor (SPSC), Lead Counsel*

In 2001 instructed as lead defence counsel for Cancio Lopes De Carvalho, Mahidi Militia Commander before the Special Panels for serious crimes in East Timor.

(ii) *ICTY, Counsel and Lead Counsel*

In 2003 he was appointed defence counsel in the ICTY case of Prosecutor v Limaj, the first KLA cases before the ICTY (Limaj acquitted on all counts Nov 2005, Prosecution appeal dismissed.) Appointed by the Registrar of the ICTY as Independent counsel to the Former Chief of the Bosnia armed forces in the case of Prosecutor v Sefer Halilovic. (Halilovic Appeal to President of ICTY allowed). Karim also acted as Defence counsel at trial in Prosecutor v Prlic et al (for accused Bruno Stojic) (Bosnian Croat) in the ICTY. In May 2008, he was also instructed to represent the Minister of Culture of Kosova (Prosecutor v Haraqija) charged with criminal contempt before the ICTY. (Acquitted on all counts on appeal). Also acted for former ICTY spokesperson Florence Hartmann in ICTY contempt case. Also acted as duty counsel for former Chief of General Staff of Serbia in case Prosecutor v Momlilo Perisic.

(iii) *Special Court for Sierra Leone (SCSL), Counsel and Lead Counsel*

Defence counsel in the Case of Prosecutor v Alex Brima before the Special Court of Sierra Leone. Between April 2006 – June 2007 was Lead Defence counsel in Prosecutor v Charles Ghankay Taylor (Former President of Liberia) before the SCSL. Led investigations in Sierra Leone, Liberia whilst team also based in the Hague.

(iv) *International Criminal Court (ICC), Lead Counsel*

In November 2008, Karim Khan was appointed co-lead counsel in one of the first cases before the International Criminal Court, Prosecutor v Jean Pierre Bemba Gombo (Former Vice-President of the Democratic Republic of Congo for crimes allegedly committed in the Central African Republic.) (Article 25 charges not confirmed by ICC PTC, instead confirmation of charges under Article 28 of the Rome Statute).

Between 2008-10 was lead counsel representing Darfuri rebel leader, Bahar Idriss Abu Garda, the first ICC suspect to voluntarily surrender to the jurisdiction of the Court and the first time that a case was dismissed at the confirmation stage. After a contested confirmation hearing, all charges were not confirmed by PTC and Prosecution application for leave to appeal, dismissed.

In March 2010 instructed for two additional Dafuri rebel leaders, Abdullah Banda and Saleh Jerbo. Worked with the OTP, Registry and others to ensure the voluntary appearance of these two suspects before the court in June 2010. This was the first case in the ICC where confirmation was not contested by the defence and case fast tracked to the trial stage.

In January 2011, instructed as lead counsel to represent Ambassador Francis Muthaura, Cabinet Secretary & Head of the Public Service of Kenya. After active investigations in Kenya and extensive litigation, all charges were withdrawn by the Prosecution in March 2013, before trial commenced. This was the first time the Prosecutor of the ICC has withdrawn charges in a case that had been confirmed.

Instructed as lead counsel for William Ruto, Deputy President of Kenya. Full in depth investigations conducted in Kenya including forensic evidence, cell site evidence, documentary, testimonial and OS investigations conducted. This case ended in 2016 with a successful “no case to answer” submission by the Defence.

In 2016 (until June 2018) appointed as lead counsel for Dr. Saif Al- Islam Gadafi strictly limited to the issue of an admissibility challenge to the jurisdiction of the ICC based upon an assestion of double jeopardy / ne bis in idem.

(v) *Special Tribunal for Lebanon (STL), Lead Counsel Lead*

Defence counsel to Al Jadeed TV and Ms. Karma Khayat in relation to charges of contempt of court before the Special Tribunal for Lebanon (STL). Active investigations conducted in Lebanon. This case represents the first time that a corporation has been charged before an international criminal or hybrid court. The company Al-Jadeed and Ms Khayat were acquitted on all counts in 2016. Prosecution appeals dismissed.

(vi) *Libyan Criminal Case, Lead International Counsel*

International counsel until July 2018 to represent the former Prime Minister of Libya, Dr. Baghdadi Al-Mahmoudi who was charged before the courts of Libya until his release was ordered in 2019.

(vii) *EULEX Kosovo, Lead International Counsel*

Between 2010 and 2012, lead counsel for Fatmir Limaj (former Deputy Prime Minister of Kosovo) in relation to charges of war crimes allegedly committed in Kosovo in 1999 before the EULEX (hybrid) court system in Kosovo. Led investigations, field missions to Kosovo, experts instructed. At the end of this trial, Fatmir Limaj was acquitted on all counts on 2 April 2012. The Supreme Court of Kosovo ordered a re-trial before a new Trial Chamber and Karim also acted as lead counsel in that case which again ended in a full acquittal on all charges. Also acted as lead counsel for Limaj in EULEX corruption case. Client acquitted on all charges.

4. Select other international work

President of the International Criminal Court Bar Association (ICCBA) (2017-2018) Of particular note, during his Presidency of the ICCBA, Karim participated in the GQUAL mock debates and signed the GQUAL Action Plan on behalf of the ICCBA. The working group on harassment was also established. Regional and national focal points were appointed from both state and non-state parties. At his own expense, Karim visited several under-represented countries like Singapore, Fiji and Timor Leste to create awareness about the work of the ICC and the ICCBA.

Legal Committee member & Legal Adviser to the Secretary General, Asian Hockey Federation (AHF) 2010-2014 member of the legal committee and Legal Adviser to the Asian Hockey Federation, a continental federation under the FIH.

Counsel & advocate, International Court of Justices: Until June 2018, Karim was part of a team that included Professors Payam Akhavan, Vaughan Lowe QC, Mathias Forteau, Alan Boyle, & Philipa Webb, instructed in the Maritime delimitation in the Indian Ocean (Kenya v Somalia). Oral arguments made in the Peace Palace.

5. Select lectures & Public Events

Karim has been a speaker on ICL and lectured extensively throughout the world including at the Universities of Tsinghua, China; Florence, Sarajevo, Utrecht; Stanford; Northwestern; King’s College, London; Oxford; Sandhurst Military Academy; the Joint Service Command and Staff College, UK (2001-2010), National Police Training Centre, Bramshill and in Phnom Penh, Cambodia (workshop for the Judges of the ECCC) and Beirut, Lebanon Speaker at Bar Leaders conference, IBA (2012) and the IBA’s ten year ICC anniversary event

at the Peace Palace; the ICTR 20th Anniversary Conference in Arusha (2014); the IBA's Annual conference in Tokyo (2014), the 'Global Human Rights Summit', Tokyo, (2015); IBA's annual international criminal law conference, the Hague (2015) and 2016 (Hague). 2017, WSD Handa Annual Lecture, Stanford Centre for Justice and Human Rights, Stanford University, California "Islam and Human Rights"; Delivered Franz-Hermann Bruner memorial lecture on "Integrity in investigations" at the 19th Conference for International Investigators (CII), Songo, South Korea (2018); 2018 PAAMA Peace conference, key note address, "Islam and Human Rights" 2018 (London); 2nd AMA Peace Conference keynote address, Banjul, The Gambia, "Islamic law, Justice and Human Rights"; (2019).

Trainer and panelist at Philippines Judicial Academy (PHILJA) (Attended by Chief Justice of Philippines and Judiciary of Supreme Court (19 – 23 January 2016 and November 2016). Trainer and Course director, "Best Practices in Human Rights Investigations", Philippines Commission of Human Rights, Manila, 21- 23 February 2018. He acted as Trainer, Constitutional Court of Indonesia, Jakarta, 26-27 February 2018, on international criminal law, investigations and evidence. Conducted training for Commissioners of the Indonesian Human Rights Commission on best practices in collection of evidence and interviewing victims and witnesses of gross human rights violations. From 2016-2018 appointed as Trainer on international criminal law, prosecutions and investigations by the Prosecutor General of Timor-Leste (East Timor), Dr. Jose Xiemenes. Conducted training for Judges, Prosecutors and Senior Police Officers in Dili.

6. Appointments & Awards

Criminal Lawyer of the Year 2017 (UK), Society of Asian Lawyers (SAL); Visiting Professor, International law and Human Rights, Fourah Bay College, University of Sierra Leone; Senior Research Fellow, King's College, London (1999-2002); Honorary Lecturer, School of Law, University of Utrecht (2010-2011 and 2012-2013); Former Director, the Peace and Justice Initiative; member of the CBA's working group on the ICC Act 2001; member of the Foreign & Commonwealth Office, Pro Bono Human Rights Panel; included on Attorney-General's panel of Prosecution Advocates (2001- 2004). Awarded the 1999 John D & Catherine MacArthur Foundation Fellowship on International Peace and Security; Alexander Maxwell Law Scholarship Trust Award 2001. 2008, elected an individual member of the International Legal Assistance Consortium (ILAC); past member Disciplinary Council of the Association of Defence Counsel of the ICTY (ADC) (2007 to 10). Past Chair, Amicus Committee, (ADC). Member of the ICTY Disciplinary Board (along with ICTY judiciary) (2009 – 13). In 2010, Karim was also elected to the Disciplinary Appeals Board of the ICC (along with ICC judiciary 2012-2015).

7. Select Publications

Contributing author: "Integrity & independence in the delivery of accountability" in CILRAP & Nuremberg Principles Academy publication "On integrity in international criminal justice". Eds. Professors Bergsmo & Dietrich, TOAEP (forthcoming);

Co-Author, of Archbold International Criminal Courts (Sweet & Maxwell, 1st ed 2003; 2nd ed 2005, 3rd ed 2009 4th edition (2013) 5th edition (2018);

Co-Editor and contributing author: Principles of Evidence in International Criminal Law, (Oxford University Press) (2010)

Contributor to Human Rights Practice (Sweet & Maxwell. 2002 to 2016);

Contributing Author to A Commentary to the Rome Statute on the ICC (BadenBaden) 2000; 2nd ed 2008; 3rd edition (2016)

Co-Editor of the International Criminal Law Reports (ICLR) (Cameron May) (2006 to 2014);

Co-Author, An unbreakable thread? The presumption of innocence in international law in "Promoting Accountability under international law for gross human rights violations in Africa, Essays in honour of Prosecutor Hassan Jallow", (Brill I Nijhoff, 2015)

Co-Author, "Sitting on Evidence? Systemic Failings in the ICC disclosure regime – time for reform" in Law and Practice of the International Criminal Court, (OUP, 2015)

Co-Author, Defensive Practices: Representing Clients Before the International Criminal Court, 76 Law and Contemporary Problems 191-233 (2014);

Co-Author, The Presumption of Innocence at International and Hybrid Criminal Tribunals and Courts, Sri Lankan Law College Journal (2014);

Author, Oxford Transitional Justice Research -Working Papers Series, paper on victim participation before the ECCC (2010).

4. LO VOI, Francesco (Italy)

[Original: English]

Note verbale

The Permanent Mission of Italy to the United Nations presents its compliments to the Permanent Missions of the States Parties to the Rome Statute of the International Criminal Court and has the honor to inform them that Italy has submitted the nomination of Mr. Francesco Lo Voi for the position of Prosecutor of the International Criminal Court for the term 2021-2030, at the election to be held at the second resumed nineteenth session of the Assembly of States Parties scheduled for 12 February 2021 in New York.

Mr. Lo Voi's nomination has been submitted in accordance with article 42(3) of the Rome Statute of the International Criminal Court and following Note Verbale ICC-ASP/R19/SP/22 of the Secretariat of the Assembly of States Parties to the Rome Statute. A Curriculum Vitae of Mr. Lo Voi is enclosed.

The Permanent Mission of Italy to the United Nations avails itself of this opportunity to renew to the Permanent Missions of States Parties to the Rome Statute of the International Criminal Court the assurances of its highest consideration.

Statement of qualifications

Statement submitted pursuant to Assembly resolution ICC-ASP/1/Res.2, as amended by resolution ICC-ASP/3/Res.6 and in relation to article 42, paragraph 3, of the Rome Statute.

It is an honour for Italy to nominate Mr. Francesco Lo Voi for election as next ICC Prosecutor.

Mr. Francesco Lo Voi is a person with the highest moral character and with a particularly strong commitment to the independence of the prosecutorial function, which is a cornerstone of both the Italian judicial system and the Rome Statute. In over 30 years of professional activity, more than 25 of which were dedicated to exercising prosecutorial functions, Mr. Lo Voi has always performed his duties with the utmost personal integrity and full commitment, showing a strong dedication to the protection of victims' rights, especially in support of the most vulnerable.

Mr. Francesco Lo Voi has proved to be a highly competent career prosecutor. He has exercised the prosecutorial function for almost three decades, in the last ten years heading and managing a large prosecutorial office, currently composed of seven (7) Deputy Prosecutors, sixty-one (61) Prosecutors, an Administrative Director and an administrative staff of more than 350 employees. His leadership profile and profound experience in conducting numerous successful investigations – involving transnational organized crime, money laundering, and trafficking in persons – would be extremely beneficial for the position of the ICC Prosecutor. His ability to operate efficiently in international contexts is proven by the important results achieved in dealing with transnational crimes, especially when acting as National Member of Eurojust between 2010 and 2014.

Mr. Lo Voi's extensive prosecutorial experience fully meets the requirement of article 42, paragraph 3, of the Rome Statute. Except for a short period between 2002 and 2006, when he was posted at the Italian High Council for the Judiciary, since 1990 Mr. Lo Voi has uninterruptedly exercised the prosecutorial function leading complex investigations and securing the arrest and conviction of hundreds of criminals, including high profile members of criminal organizations.

Mr. Francesco Lo Voi is fluent in English and has a good knowledge of French.

Curriculum vitae

Francesco Lo Voi, born on November 5th, 1957 in Palermo (Italy).

I got the degree in Law at the University of Palermo, magna cum laude, in July 1979.

I entered the judiciary in 1981; after the training period, I started serving as a Judge in a misdemeanor Court in Sardinia for two years, dealing with civil and criminal cases (at that time, also playing the role of investigative Prosecutor); afterwards (1984-1987) I have been a Judge at the Court of Caltanissetta (Sicily, Italy), dealing both with civil and criminal cases and also chairing for one year a special Court section in charge of cases of confiscation of illicit assets. Subsequently, I have been a Judge at the Court of Palermo, dealing with criminal cases.

I am fully **member of the Prosecution since July 1990**, in different positions (totally, **more than 25 years**, even not considering the High Council for the Judiciary):

- **Prosecutor at PPO Palermo from July 1990 to April 1997.** During this period, I dealt with complex cases mainly concerning organized crime and mafia organizations – “Cosa Nostra” – with dozens of suspects. I also represented the Prosecution in Court in many trials, where the Courts usually accepted my requests. I achieved some dozens of “life sentences” and highly severe convictions, with penalties from 20 to 30 years, for the crimes of “participation in a criminal association”, multiple murders, drug trafficking, money laundering, and so on. I have been also responsible for leading some sections of the Prosecutor Office of Palermo, particularly the section in charge of the execution of the penalties and the one in charge of the investigation aimed at identifying illicit assets of organized crime members, for the purpose of their confiscation. I was also responsible of seeking some “Cosa Nostra” fugitive members, some of them at the highest position in the said criminal organisation: all of those I was responsible of have been found and arrested by the Police, under my instructions and coordination.

- **Prosecutor at GPO Palermo from 1997 to 2007** (see below for the period 2002-2006, during which I was member of the High Council of the Judiciary). In that Office, I represented the Prosecution before the Court of Appeal of Palermo in hundreds of trials, so increasing my Courtroom experience, mostly again in complex criminal cases concerning organized crime. I have been tasked with many organizational aspects of that Office, personally delegated by the Prosecutor General, who also appointed me as Secretary General of the said GPO. Also in this activity, I achieved a great number of convictions for the responsible of very serious offences.

- **Member of the Italian Council for the Judiciary from July 2002 to July 2006.** The High Council for the Judiciary is a Constitutional, independent body, chaired by the President of the Republic and is in charge of all the decisions concerning recruiting, career, appointment to directive positions and disciplinary aspects of all the Italian Magistrates, both Judges of Prosecutor. The preliminary examination of each paperwork is made by one of the ten Committees, and the final decision is taken at the Plenary sessions, composed by all the members (27). I also chaired and vice-chaired some of the said Committees, giving a new organization to the work thereof and reducing the backlog. I have been also the Director of the Study Office of the Council (for nearly two years), that is competent for giving legal advices to the Committees, the Presidency Team and the Plenary and for preparing the documents and opinions to be used before the administrative Courts, in case of litigation. Since the High Council is in charge of the approval of the organizational aspects of the judicial offices, this gave me the possibility to improve my experience in the organizational aspects of different sectors and in the management of offices, particularly when it comes to the best use of human resources.

I also actively took part in the setting up of the Network of the European Judicial Councils (ENCJ), participating in the preparatory meetings (and, subsequently, to the official meetings) and also directly contributing to the creation of the web-site of the Network. At the end of the four-year term of the Council, I went back to GPO Palermo, until October 2019, as said above.

• **Prosecutor at GPO before the Supreme Court in Rome from October 2007 to December 2009.** The Italian Supreme Court deals with civil and criminal cases only as far as their “legal aspects” are concerned, namely the correct application of law in the decisions of the Courts of Appeal of the entire Italian territory. I represented the Prosecution before different chambers of the Supreme Court, particularly in criminal, civil and “labor rights” cases. My activity was highly appreciated by the Supreme Court Directive Council in the final report that has been issued after the end of my service there.

• **National Member for Italy at Eurojust from January 2010 to December 2014,** appointed by the Italian Minister of Justice with the favorable opinion of the High Council for the Judiciary. The particular mission of Eurojust led me to assist national and European judicial authorities in the procedures of judicial cooperation and assistance, as well in facilitating the coordination of transnational investigation. The Italian Desk of Eurojust has been, during my mandate, at the top positions for number of cases dealt with and I personally committed myself and my assistants to provide the best possible assistance for the positive results of the cooperation or coordination, also thanks to the “coordination centres” specifically created, the relationship with Europol and national Police Forces, the coordination meetings between judicial and police authorities of all the Member States of the E.U. and, in several cases, also with third countries.

I had the opportunity to deal with transnational crime cases in the field of organized crime, money laundering, child-pornography, drug trafficking, carousel frauds, European arrest warrants, financial and economic crimes, trafficking and smuggling of people and goods.

I have been member of some of the Teams of Eurojust, particularly the External Relations Team, in charge of the relationship with Third Countries and the EJM-LM Team (contacts with European Judicial Network and Liaison Magistrates). I chaired the Financial and Economic Crime Team, which was – at that time – the Team with the higher number of members and with wide competence in the mentioned area.

All this activity increased my knowledge of the European and international Institutions thanks to several working missions to European and non-European countries.

Moreover, it gave me the possibility to live and work in a multi-cultural environment, thus confronting different cultures, different historical and legal traditions and always trying to find positive solutions and the right balance between different positions.

During my permanence at Eurojust, I was called to give speeches – on issues related to international judicial cooperation and different forms of serious crimes affecting many States around the world – by training institutions, foundations, Committees of the European Parliament; I also participated, with a speech, in a world conference organized in Australia on trafficking of human beings and exploitation of children, also for sexual abuse.

I have also been appointed as Contact Point for Child Protection at Eurojust, so increasing my expertise in protection of particularly vulnerable victims and investigative means to fight exploitation of minors.

• **Chief District Prosecutor in Palermo since December 2010, upon appointment of the Italian High Council for the Judiciary.**

My Prosecutor Office is currently composed by seven (7) Deputy Prosecutors and sixty-one (61) Prosecutors, with an administrative staff of more than 350 employees, and an Administrative Director.

As Chief District Prosecutor, I supervise (and sometimes also carry out personally) large scale investigation against many forms of organized crime, including mafia crimes, financial crimes, trafficking in human beings, money laundering, international drug trafficking, etc. I am responsible for the prosecution in the area of competence of my Office, monitoring and directing the activities of the Prosecutors, according to the law, the regulations and the internal rules of the Office (that include the selection of priorities).

I currently direct and lead a complex structure (PPO Palermo). This activity increased my directive capability. The Office is divided into four Divisions, according to the choice I made after having consulted all the Prosecutors working there. One of such Divisions, set up a few weeks after my taking of office, is competent for investigation concerning crimes

against “vulnerable victims”; another working group has been created to fight against the trafficking and smuggling of human beings, which is a phenomenon of particular relevance in our territory, due to the geographical position of Sicily in the Mediterranean area, close to the North African countries. Also in this respect, particular attention has been paid to the rights of the victims of such crimes, ensuring them with all the form of protection provided by the Italian laws. Several convictions have been issued against many responsible, including “life sentences” and other severe penalties.

The Antimafia Unit is personally led by me and deals with all the crimes committed by mafia-type associations and Cosa Nostra members (like murders, extortion, drug trafficking, money laundering, and so on). In several investigations, special attention (and, if necessary, personal protection) has been given to the position of victims, stimulating and taking advantage of the local civil society associations and anti-racket organisation, which assist many victims of extortion in their cooperation with justice.

A number of trans-national investigations have been carried out or are still ongoing – many of them personally conducted by me – with the use of all the available international legal instruments (treaties, conventions, decisions, bi-lateral or multi-lateral agreements). My Office is also member of a **“Joint investigation team” that includes the participation of the ICC-OTP.**

In her recent speech before the United Nations Security Council pursuant to Resolution 1970 (2011), **the Prosecutor of the ICC specifically mentioned an investigation carried out by PPO Palermo** as a recent development. It concerns convictions for the crime of torture, after an investigation carried out – and arrests obtained - by my Office (although the trial took place in the city of Messina, due to procedural issues linked to the place of arrest). The report of the speech so states (para. 27):

“The Office welcomes several recent developments that have taken place in this regard. This includes the sentencing of three individuals to 20 years imprisonment by the Court of Messina in Italy for crimes committed against migrants in Zawiyah.”

It seems particularly important to underline the above statement, made by the ICC Prosecutor, because it shows how narrow is the link between some national investigation – included the one above mentioned carried out, among others, by my Office – and the crimes against humanity that are the ones for which the ICC itself was established. In addition, it shows also, if correctly read and interpreted, that cooperation with national jurisdictions, through the instruments of the int’l judicial cooperation, can be of great support to the activity of the OTP and for the achievements of the goals of the ICC “mission”.

Extensive use has been made, during my entire career, of special investigative techniques together with the wide use of electronic instruments, also inside my Office.

During these last nearly six years, I had to face many organizational aspects, together with the Administrative Director, which required strategic choices on the allocation of resources and cases. All the most important decisions have been taken after a thorough study, with the previous creation of “study groups” (composed both by Prosecutors and staff members) and this resulted in directives and annual or multi-annual organizational programs that have been adopted with the full consensus of all the Prosecutors of my Office.

I have issued dozens of directives addressed both to Prosecutors and Judicial Police Forces, aimed at improving the efficiency and effectiveness of investigative and prosecutorial activities, which resulted in a high rate of convictions by the competent Judges and in the significant reduction of the backlog, together with a special attention to the management of financial resources.

Furthermore, I actively participated – as I had already done during the period 1990-1997 (see above) in international activities linked with the execution of letters rogatory; just to mention the most important, very positive results were overall obtained through working missions in U.S.A., Canada, France, Germany, and more recently in Thailand and Andorra.

The Italian High Council for the Judiciary, as well as the Italian Ministry of Justice, recognized my leading and managerial capability when it comes, specifically, to the direction of PPO Palermo. Indeed, I have been confirmed in my position for a new “four-years term”, after the positive evaluation made by the District Judicial Council.

A specific mention needs to be done to the organizational commitment caused by the COVID-19 pandemic. The need to reduce the risk of infection has required the adoption of several new directives, following the numerous decrees issued by the national and local authorities, that required (often on a daily basis) new organizational forms of the work of my Office, also in accordance with other judicial authorities of the District and the Bar Association that represents the defense counsels. Several improvements have been made in the use of new technologies, in the computerization of many investigative and prosecutorial activities, in the re-allocation of human resources and cases according to the pandemic emergency and the available premises.

To sum up, a very complex managerial work that has been necessary due the big structure of the Office I currently lead, above mentioned.

Consequently, after nearly 40 years of career, I am in the highest qualification level to be appointed to the highest prosecutorial or judicial offices: and indeed, the High Council for the Judiciary has appointed me in 2014 as Chief District Prosecutor in Palermo, one of the biggest PPOs in Italy.

As to the languages, I am fluent in Italian (C2) and English (C2), with a good knowledge of French (B1, particularly when it comes to legal documents) and a basic knowledge of Spanish (A1, whose legal documents I can anyway read and understand).

Since the '90s of last century, I played for many years an extensive role in the field of international judicial cooperation: I have been appointed as trainer for judges, prosecutors and police officers in several European Union and Council of Europe training programmes; as member of evaluation teams (JHA) in European Union former candidate countries and for GAFI-FATF (evaluation mission in Liechtenstein) and United Nations (expert mission in Guatemala to verify the legal and political conditions to set up a special Prosecutor Office for fighting crimes committed by para-military groups); as contact point of EJM since its creation and as National Member of Eurojust for five years (see above).

I have been recently called (June, 2019) to participate in a "High Level Debate" at the United Nations premises in New York City, giving a speech on the "Role of Regional Groups in the fight against organized crime".

Considering the direction of PPO Palermo, of the Italian Desk at Eurojust, the membership at the High Council for the Judiciary and the chairmanship of some of its Committees, I have played high level directive roles (or senior management position) for many years.

I have already worked on drafting new rules of procedure, be at the Italian High Council for the Judiciary, be at PPO Palermo, be at Eurojust. Moreover, I have already experienced the opportunity to work in a multi-cultural environment; therefore, the possibility to work again in close contact with international Institutions and agencies may give me the chance to find an environment already familiar to me. The close cooperation with all the partners will be crucial. At the same time, legal systems and traditions of each country have to be carefully considered, with the aim of reaching the best possible results of investigation and prosecutions.

The full independence of the Prosecutors, in Italy, is widely known and taken as an example. The OTP will offer a serious guarantee of independence not only for the provisions of the Rome Statute, but also because the term of the Prosecutor is non-renewable. In this respect, being currently 63 years old, I will be able to serve for the entire nine-year term.
