



H.E. Ms Silvia Fernández de Gurmendi  
President of the Assembly of States Parties to the Rome Statute

Ref.: OTP2021/018358

Date: 10 October 2021

Your Excellency,

I have the honour to inform you, in your capacity as President of the Assembly of States Parties to the Rome Statute of the International Criminal Court (“Court”), that the process of selection of candidates for nomination to the two positions of Deputy Prosecutor has been finalised.

The candidates hereby nominated have been selected from a pool of 177 applicants coming from all geographical regions, including from both States Parties and non-States Parties to the Rome Statute. The vacancy announcement was advertised for six weeks in accordance with the Court's procedures, from 7 July until 17 August 2021.

Pursuant to article 42, paragraph 3 of the Statute, candidates must be persons of high moral character, be highly competent and have extensive practical experience in the prosecution or trial of criminal cases. The thorough selection process commenced with intensive outreach – including specific, targeted initiatives through LinkedIn, outreach to multiple regional, international and specialist bar associations and global partners, and direct contact through Note Verbales sent to all States Parties. This process aimed at ensuring a wide geographical and gender representation within the pool of applicants. As can be seen by Appendix I, these efforts helped ensure a diverse and well-qualified pool of applicants.

Following a review of all applications in August and September 2021 by the three members of the selection panel, chaired by me, a geographical and gender diverse shortlist of twelve candidates was unanimously agreed upon by the panel. The assistance of the Independent Oversight Mechanism (“IOM”) was initiated in order to ensure the candidates met the specified requirements, as detailed in the annex to the 7 July 2021 decisions of the Bureau of the Assembly.

All twelve candidates accepted the invitation to participate in the selection interview on 6, 7 and 8 October 2021.

The interview outline was developed to provide an in-depth assessment of the expertise and competencies of the candidates, as well as to allow the candidates to more freely articulate their vision and comprehension of the Office of the Prosecutor, and of the duties and responsibilities of the Deputy Prosecutor.

The three-member interview panel included two persons external to the Court, Mr. Adama Dieng (Senegal), former Under-Secretary-General of the United Nations, and Special Adviser to the Secretary-General on the Prevention of Genocide, and Ms. Catherine Marchi-Uhel (France), Assistant Secretary-General of the United Nations and Head of the International, Impartial and Independent Mechanism (IIIM). They assisted me in further testing the candidates' qualities, abilities and expertise.

At the end of every interview, I asked the views and opinions of the panel members who gave their assessment before I gave my own views. I take this opportunity to extend my profound and sincere gratitude to each of my fellow panel members for giving so generously of their time and for the invaluable counsel they gave during the various stages of this process.

The result of this process is that the panel has reached unanimous agreement as to the composition of the two lists presented to you for transmission on to the Assembly of States Parties. The IOM has also been consulted and commenced its due diligence review of the candidates included on the two lists presented below. I am informed by the IOM that, at this point, it has not identified any information that would render any of the candidates ineligible pursuant to the article 42(3) requirement. Now that the nominated candidates presented on the two lists are presented by me to the Assembly of States Parties, the IOM process will continue, as determined by the Bureau of the Assembly in the annex to its 7 July 2021 decisions.

It is important to underline that qualifications, experience and suitability for the post remained the benchmark in all deliberations and decisions in this selection and nomination process. Setting this against the candidates that applied for this post, I am delighted that I am able to present two lists. Each list comprises three candidates who possess the requisite experience and qualifications to assist me in running an effective and efficient Office. These lists are submitted consistent with my letter to States Parties of 4 February 2021, which aimed to ensure one list of candidates as female only (List A) and the other comprising francophone lawyers / lawyers from the civil law tradition (List B). I consider it extremely important that the office benefits from a Deputy elected from each of these separate lists, for the reasons detailed in that letter.

Accordingly, I nominate these candidates (in alphabetical order):

**List A**

Ms. **Domaradzki**, Sylvia (Canada)

Ms. **Khan**, Nazhat Shameen (Fiji);

Ms. **Massida**, Paolina (Italy)

**List B**

Mr. **Niang**, Mame Mandiaye (Senegal)

Ms. **Paz y Paz Bailey**, Claudia (Guatemala)

Mr. **Whiting**, Alex (France)

**Panel assessment of Candidates presented on List A (in alphabetical order):**

**Sylvia Domaradzki (Canada)**

Ms. Domardzki currently serves as Crown Prosecutor in Canada, having previously served as Senior Crown Attorney. She has extensive prosecution experience and is a recognised expert in the area of prosecuting crimes against children and in cyber-crime offences. Although Ms. Domaradzki does not possess experience working for International Tribunals, she demonstrated a sound understanding of the objectives, mandate and operations of the Office of the Prosecutor. She answered questions in a thoughtful and considered manner demonstrating judgement. Presenting an extensive career in the Canadian Ministry of Justice and Public Prosecution Service, Ms. Domaradzki demonstrated her skills and competence in both Prosecution and reviewing investigations. Of particular note was Ms. Domaradzki's ability to innovate, to harness technology and to implement creative solutions to complex issues. The panel were satisfied that Ms. Domaradzki would perform well as Deputy Prosecutor.

**Nazhat Shameen Khan (Fiji)**

Ms. Khan was the first female prosecutor in Fiji, the first female Director of Public Prosecutions in Fiji, and first female High Court judge in Fiji. For the last few years Ms. Khan has served as the Permanent Representative of Fiji to the United Nations in Geneva. She is currently serving as the President of the Human Rights Council, with her term due to end at the end of 2021. In each of her responses through assessment, Ms. Khan displayed a thorough understanding of the breadth and depth of issues, provided insightful, and well developed responses to all questions posed. Her command over a variety of interlacing issues, prosecutions, fact finding, management generally (and change management and ensuring an harassment free work place, in particular) as well as

demonstrable high level diplomatic skills and experience were well noted by all Panel members. She presented concrete examples to support various points she made and displayed an excellent comprehension of the report of the Independent Expert Review - and of various challenges facing the office. Her substantive knowledge of the Rome Statute was impressive and she bring with her extensive knowledge and competence on gender-related issues. It was the unanimous view of the Panel that Ms. Khan was an outstanding candidate who would make a truly exceptional Deputy Prosecutor, if elected.

**Paolina Massida (Italy)**

Ms Massida currently serves as the Principal Counsel in the Office of the Principal Counsel for Victims (OPCV) at the Court. Ms. Massida performed well through assessment. Her responses were well-developed and delivered and touched upon a range of issues pertinent to the role of Deputy Prosecutor. Her extensive knowledge of the proceedings of the Court and her broad knowledge and competence in the area of International Justice were evident throughout the assessment. Ms. Massida demonstrated the necessary balance of assertive and fluid leadership while stressing the requirement of wellbeing initiatives in order to ensure staff engagement and achievement of objectives. The Panel were satisfied Ms. Massida would be a capable Deputy Prosecutor were she to be elected.

**Panel assessment of Candidates presented on List B (in alphabetical order):**

**Mame Mandiaye Niang (Senegal)**

Mr. Niang is the Prosecutor General of the Appeals Court of St Louis in Senegal and a judge. He has extensive domestic international and national experience and has served in the ad hoc Tribunals as a senior legal officer. He has also served as UNODC regional representative for Southern Africa. He was elected as a Judge of the ICTY and ICTR in 2013, where he sat in both trial and appeals divisions. The panel were convinced of Mr Niang's suitability to fully perform the functions of Deputy Prosecutor. Given Mr Niang's previous experience in multiple domestic and international legal environments – operating in executive leadership and senior positions – the panel were convinced that he would bring a wealth of competence, great integrity and real capacity to the Office. In particular, Mr. Niang proved, through assessment, his capabilities in forging strong bonds, building diverse and multi-disciplinary teams and forging disparate professionals into effective and collaborative units. The panel were completely assured of his capabilities, integrity and judgement and had no doubt that he would make an excellent Deputy Prosecutor, if elected.

**Claudia Paz y Paz Bailey (Guatemala)**

Ms. Paz y Paz was the Attorney General of Guatemala and as such drove change in the prosecutions in the country at all levels. Of particular interest was her ground-breaking work in prosecuting genocide cases before the domestic courts of Guatemala. Ms. Paz y Paz Bailey performed very well through assessment. She provided detailed and reflective responses to the full range of questions and demonstrated clear competence, understanding and professionalism in all of her answers. Ms. Paz y Paz Bailey's experience in each of her preceding roles demonstrated an impressive track record, an ability to effect change, courage to take action, resilience to withstand political and external pressure along with modesty and empathy for others. In particular, her innovative and thoughtful response in relation to complementarity demonstrated a thorough understanding of the requirements for the Office into the future. The panel were satisfied that Ms. Paz y Paz Bailey would be successful in the role of Deputy Prosecutor were she to be elected.

**Alex Whiting (France)**

Mr. Whiting is currently serving as the deputy Prosecutor to the Kosovo Specialist Chambers in the Hague. He has worked as a senior prosecutor in the ICC and the ICTY and has extensive national and international prosecution experience. The panel assessed Mr. Whiting as highly suitable for one of the posts of Deputy Prosecutor. Mr Whiting presented an extremely capable profile and provided the panel with thoughtful, measured and detailed responses to each question. His wealth of experience, competence and capabilities were apparent in all areas of assessment. In particular, during his impressive performance through interview, Mr. Whiting displayed in-depth understanding of the Rome Statute a clear vision for the role within the Office and an extremely proactive approach to issues including those of complementarity, diversity and inclusion. Mr. Whiting impressed with demonstrable experience in both investigating Rome Statute crimes as well as Prosecuting them in the Court room. The panel were convinced that Mr. Whiting would be a huge asset to the Office of the Prosecutor and an excellent Deputy Prosecutor, if elected.

In compliance with Assembly resolution ICC-ASP/1/Res.2 of 9 September 2002, as amended by resolution ICC-ASP/3/Res.6 of 10 September 2004, these two lists will allow States Parties to elect the candidate of each list who obtains the highest number of votes and an absolute majority of the members of the Assembly of States Parties.

I request, Excellency, that you transmit the two lists with the names included above to the Assembly of States Parties for consideration at the upcoming twentieth session of the Assembly scheduled for December 2021. Statistics of the total number of applicants as well as the total number of those

interviewed are attached to this letter as Appendix I. The *curricula vitae* of the nominees are attached as Appendix II (in alphabetical order), for the consideration of the Assembly.

Please accept, Your Excellency, the expression of my highest consideration.

A handwritten signature in black ink, appearing to be 'K.A.A.Khan', followed by a horizontal line and a period.

Karim A. A. Khan QC  
Prosecutor of the International Criminal Court

## Appendix I

### Statistics on the selection of candidates for nomination for the positions of Deputy Prosecutor in the Office of the Prosecutor of the International Criminal Court

#### A. Statistics of applications received

A total of 177 applications for the position of Deputy Prosecutor were received. Below is a breakdown by gender, ratification status of country of nationality, and geographic origin.

<b>Total number of applications received</b>	<b>177</b>			
		<i>% of total</i>	<i>subtotal</i>	<i>% of subtotal</i>
Female applicants	75	(42%)		
Male applicants	102	(58%)		
State Party applicants	133	(75%)		
Females			57	(43 %)
Males			76	(57%)
Non-State Party applicants	44	(25%)		
Females			18	(40.90%)
Males			26	(59.09%)
African applicants	69	(39%)		
Asian applicants	16	(9%)		
Eastern European applicants	12	(7%)		
Latin-American and Caribbean applicants	21	(11%)		
Western European and other States applicants	59	(34%)		

#### B. Statistics of short-listed candidates

State Party applicants	12	
African applicants	1	
Asia-Pacific applicants	2	
Eastern European applicants	0	
Latin-American and Caribbean applicants	2	
Western European and other States applicants	7	
1. Short-list:	12 candidates (5 male / 7 female)	
2. Video-conference interview:	12 candidates (5 male / 7 female)	

## Appendix II

### **Alphabetical list of candidates nominated for the position of Deputy Prosecutor (Prosecutions) in the Office of the Prosecutor of the International Criminal Court**

#### *Content*

1. Ms. **Domaradzki** , Sylvia (Canada)
2. Ms. **Khan**, Nazhat Shameen (Fiji);
3. Ms. **Massida**, Paolina (Italy)
4. Mr. **Niang**, Mame Mandiaye (Senegal)
5. Ms. **Paz y Paz Bailey**, Claudia (Guatemala)
6. Mr. **Whiting** , Alex (France)

#### **1. Ms. Sylvia Domaradzki (Canada)**

##### **A. Executive summary of relevant experience**

I have been a lawyer since 2002 and have been a Crown Prosecutor since 2004. I started specializing in child exploitation cases in 2005, including digital child exploitation cases. Since that time, I have been handling predominantly prosecutions involving sexual and gender-based crimes and crimes committed against children. I generally have 20 active files at any given time, all involving vulnerable victims and witnesses. I am tasked with these cases because of my experience as well as training – I have been trained how to properly interview child witnesses and took various courses, nationally and internationally, on issues prevalent in child abuse cases.

In 2008, I formed an ICE (internet child exploitation) unit within my Crown office and subsequently supervised a junior colleague within that unit. Within same, I handled the files at all stages of the proceedings, from the investigation to ultimate disposition. I have also routinely mentored other Crown throughout the province on ICE files and digital evidence-based files. I was hired by the Nova Scotia Prosecution Service in 2017, specifically on the basis of my experience, to be one of three ICE prosecutors for the province. As a result of all this experience, I am well versed in digital evidence and am capable of handling complex and conflicting technical evidence. I have been referred to as an expert in this field and am routinely consulted on various aspects within the field, both by my colleagues as well as various policing agencies.

Aside from the internet-based exploitation cases, my workload has focussed on vulnerable victims. I have worked with victims as young as 5 years old, from various ethnic and socio-economic backgrounds and with various cognitive challenges. Since then, I have prosecuted hundreds sexual and child exploitation cases.

I attended the NAAGTRI Fellowship (US) in 2011 wherein I collaborated with international prosecutors on issues of human trafficking. Our discussions regarding best practices resulted in a paper that has been published. I have also contributed a chapter on the issue of Indigenous Offenders to a published book on Canadian criminal law. In 2019, I also decided to hone my knowledge and skills with respect to vulnerable participants and youth justice in an international setting and am currently enrolled in an LLM programme at the University of London (doing the degree remotely). Notwithstanding the intensity of the programme and my heavy workload, my studies have not interfered in any of my work assignments.

The knowledge that I am gaining from my studies is improving my capabilities as a lawyer in expanding my knowledge and international best practices.

Sometimes I have been asked to work on different files that involve vulnerable participants and have challenging legal issues. As such, I have also successfully prosecuted cases involving charges of homicide (first, second and attempted), kidnapping, hostage taking, complex fraud and arson. I have conducted numerous jury trials. Within my files, I have dealt with complicated legal arguments including expert evidence (including competing opinions), forensic (computer, DNA, fingerprint and reconstruction), wiretap evidence and different privileges (informant, solicitor / client). Aside from being able to handle complex legal issues, I am capable of handling very heavy caseload.

With that background of working with vulnerable victims and ICE files, I have been invited to present at various conferences: IACSA Child Interviewer Training, Victim & Survivors of Crime Week (testimonial accommodations for young witnesses in court), Police Victim Services BC (Cyberbullying), Canadian Police College (Computer Forensics), Royal Canadian Mounted Police (RCMP) Pacific Region Training Centre (Computer Forensics, child interviewing), BC Crown Counsel conferences, NS Public Prosecution Service conferences. From 2006 to 2017, I was one of the Digital Evidence Resource Counsels for the province. While in Nova Scotia, I was part of the provincial Crown Sex Assault Working Group to formulate best practices when handling sex assault prosecutions. I am currently an Accredited Facility Dog liaison Crown working with victim services and canine support systems. I regularly give advice and opinions to municipal police agencies and the RCMP on issues of search warrants across Canada. I have recently been asked by the RCMP ICE Unit to draft a manual setting out best practices and law with respect to various Charter issues and evidentiary issues that police must be mindful of. This will incorporate not only case law and legal principles, but also utilize Crown policies with respect to charge assessments, child and vulnerable participants policies, disclosure, MLAT, and other considerations. I am attempting to compile a document that will not only assist the police, but also the Crown. I have also been asked to contribute to the draft Curriculum for Child Abuse Prosecution Training, which will be utilized for continuing education for all Crown in the province.

I believe that it is due to my reputation as being fair and ethical and unbiased that I have been asked to represent the Crown on conflict files in various provinces around Canada: Nova Scotia, New Brunswick and Ontario. In 2017, I received the Crown Recognition Award (BC) and in Nova Scotia, I was given a commendation by the Superintendent of the RCMP for the work that I have done in the field of ICE work. In all of my performance reviews, both in BC and Nova Scotia, I have regularly exceeded expectations and was regarded as an expert or a proven leader. I believe that it is based on my sound judgment that my supervisors have no difficulty assigning to me challenging files, knowing that I will be diligent and pragmatic and will effectively and proficiently handle the file to its completion. Being a trial lawyer, I need to be constantly prepared, exercise sound judgment in all my work decisions and have excellent verbal and written communication skills. Given my hectic schedule, I have proven that I am able to able multi-task and maintain and honour multiple commitments, effectively meet deadlines and produce just results.

## **B. Curriculum vitae**

### **1. EDUCATION**

LLM – University of London (2018 – present) Online

J.D. - College of Law (1998 - 2002)

University of Saskatchewan, Saskatoon, Saskatchewan

Bachelor of Arts - College of Arts & Science (1990-1994) - 4yr Psychology major

University of Saskatchewan, Saskatoon, Saskatchewan

## **2. SUMMARY OF QUALIFICATIONS**

### **) Presentations / Teaching**

- made presentations / lectures at the following symposiums: IACSA Child Interviewer Training, Victim & Survivors of Crime Week (testimonial accommodations for young witnesses in court), Police Victim Services BC (Cyberbullying), Canadian Police College (Computer Forensics), RCMP Pacific Region Training Centre (Computer Forensics, child interviewing), BC Crown Counsel conferences, NS Public Prosecution Service conferences,
- taught English at the Seoul Metropolitan Police Agency and the Foreign Affairs Department, Government of Korea, Seoul, South Korea,
- mentored young prosecutors and taught police officers in the field of internet-based child exploitation crimes

### **) Research / Communication / Legal Skills**

- Ability to evaluate and incorporate information from variety of sources by using extensive legal research through the use of computer-generated online resources,
- Outstanding oral and written communication skills – litigated criminal files at various levels of court, both trial and appellate work,
- Ability to interview and work with people from all ages and cultural backgrounds,
- Excellent legal drafting skills of legal documents, research papers and memorandum,
- Attended courses on effective legal writing techniques and advanced oral advocacy skills,
- Contributed a chapter for a book on criminal law and criminal procedure in Canada (published),
- Contributed to a paper on issue of human trafficking (published)

### **) Teamwork Skills**

- Part of a prosecutorial unit consisting of three prosecutors and specialized police force, specializing in internet-based child exploitation crimes,
- Strong independent working skills while overseeing files from investigation to resolution,
- Collaborated with international prosecutors on issues of human trafficking

## **3. WORK EXPERIENCE**

- ) government of British Columbia – Ministry of Justice Crown Prosecutor (2020 - present),**
  - prosecutor of child exploitation cases, including cybercrime offences and sexual exploitation,
  - instructing police officers at local police detachments, as well as presentations at various conferences,
  - accredited Facility Dog liaison Crown,
  - litigation at the Provincial and Supreme Court level, including appellate work Government of Nova Scotia – Public Prosecution Service Special Prosecutions, Senior Crown Attorney (2017 – 2020),
  - one of three prosecutors tasked with prosecuting digital child exploitation cases in the province of Nova Scotia,
  - instructing police officers at local police detachments, as well as presentations at various conferences,
  - litigation at the Provincial and Supreme Court level, including appellate work,
  - part of the provincial Crown Sex Assault Working Group to formulate best practices when handling sex assault prosecutions, Government of British Columbia – Ministry of Justice Crown Prosecutor (2006 – 2017),
  - lead prosecutor of child exploitation cases, including cybercrime offences,
  - digital Evidence Resource Counsel for the province,

- litigation at the Provincial and Supreme Court level, including appellate work Government of Saskatchewan - Saskatchewan Justice Crown Prosecutor (2004-2006),
  - prosecutions of all Criminal Code charges, litigation at the Provincial and Queen's Bench Court level, including appellate work Benesh, Bitz & Co. (2003 – 2004)
- ) **Associate**
- criminal defence and family law practice,
  - represented clients at the Provincial and Queen's Bench Court level, including appellate work Gold & Associate, Toronto, Ontario (2002 - 2003)
- ) **Articling Student**
- articling in criminal defence firm,
  - extensive legal research Y.S. Chang & Associates Law Office, Seoul, South Korea (1997 - 1998)
- ) **Paralegal**
- prepared research memorandum,
  - researched and draft patent and trademark materials,
  - drafted correspondence to international clientele
- ) **Government of Korea, Foreign Affairs Department, Seoul, South Korea (1997 - 1998) English Instructor**
- taught English,
  - researched latest international developments and international law issues,
  - translated legal materials,
  - drafted correspondence letters to various international organizations

## **2. Ms. Nazhat Shameen Khan (Fiji);**

### **A. Executive summary of relevant experience**

I wish to express interest in the position of Deputy Prosecutor of the International Criminal Court.

I have followed the work of the International Criminal Court with interest since its inception, as Fiji was one of the first countries to ratify the Rome Statute. In particular I have supported the intention of states parties to the Rome Statute, of the creation of an international court which seeks to prosecute individuals with crimes of genocide, war crimes, crimes against humanity and aggression, when national courts and jurisdictions have been unable or unwilling to try individuals for such crimes. Such an institution continues to provide hope for millions of people around the world, for whom the rule of law has failed in their domestic legal processes, that such crimes will be investigated and prosecuted fairly, with determination and on the basis of evidence.

I am a qualified legal practitioner, with 16 years of prosecution experience. As a prosecutor and a former criminal judge, I have been involved at the practical and policy levels, in criminal advocacy and trial work. I believe in the role of the law and justice in achieving social equity, and am committed to making the changes necessary to achieve such equity. As a former prosecutor I worked to facilitate the delivery of an equal justice.

I believe that prosecutors in international courts and tribunals have a special responsibility to approach prosecutions in a non-judgmental, culturally sensitive and gender aware manner. In particular victims of crimes and civilian witness are entitled to such sensitivity and understanding from prosecutors who will lead their evidence.

I have special expertise in prosecuting and trying sexual and gender-based crimes, as well as offences against children. As Director of Public Prosecutions, I created the Sexual and Gender Based Crime Unit

in the Office of the DPP. Further, I led the implementation of innovative and child friendly initiatives in the criminal justice system as chair of the Children's Coordinating Committee of Fiji, a committee set up to implement the Convention of the Rights of the Child in national laws and policies.

In my capacity as DPP I led transformative practices which resulted in the removal of unequal and discriminatory practices in the workplace, thus enhancing the quality of professional opportunities for women prosecutors and for prosecutors who experienced intersectional forms of discrimination. I have played a leadership role in designing, and implementing sexual harassment policies for law offices and the civil service, in Fiji.

I believe that an ethical, and professional legal institution requires strong and ethical leadership to ensure that the values of equity and equality which guide legal work, are also applied within the team and the workplace. I believe that the most able leadership arises from the empowerment of teams. As a manager of work places and teams, I value the central role of financial accountability and respect for institutional rules as a governance principle, and as an important mechanism to prevent waste, fraud and corrupt practices.

My experience as a former prosecutor and Director of Public Prosecutions, as a judge of the High Court of Fiji, and as an ambassador, has given me the opportunity to implement systems that have enhanced the performance and efficiency of diverse teams and offices. This has included the use of strategic and communication skills, and the use of technology to efficiently manage caseloads for prosecutors and judges.

I believe that all lawyers must be guided by time-honoured rules of ethics, and that standards of professional conduct must guide all legal practitioners, whether as prosecutors or as defence counsel. Further, my years as a diplomat have prepared me for the need to maintain strong and ethical professional and personal standards, in the face of political considerations, and during periods of political pressure. I am committed to the grounding of all prosecution decisions on the law and the evidence, without improper external influence.

As a Fijian national, it would be an honour for me, for my country and for the Pacific region, to be appointed to the post of Deputy Prosecutor of the International Criminal Court.

## **B. Curriculum vitae**

### **1. Executive Profile**

- Over 30 years working as a practitioner in criminal justice, including 16 years as a practicing prosecutor, a former Director of Public Prosecutions of Fiji, and 10 years as a criminal high court judge.
- Currently the President of the United Nations Human Rights Council in Geneva.
- First woman in Fiji to be appointed a Crown Prosecutor, to become the Director of Public Prosecutions and to be appointed a High Court judge.
- Proven ability in international relations and diplomacy: Permanent Representative and Ambassador of Fiji to the United Nations in Geneva, to Switzerland.
- Extensive experience in managing senior teams, offices and institutions, both legal and diplomatic.
- A seasoned leader who has provided strategic vision and leadership in setting priorities to deliver results in complex settings.
- Ability to recognize the need to foster and maintain high professional standards and neutrality in preparing briefs for prosecution and the conduct of prosecutions.
- Experience in directing the preparation, implementation and monitoring of the results-based strategic framework, and program budgets.
- Experience in proving strategic direction and advice to senior leadership and institutions.
- Special expertise in offences against women and children as a prosecutor and as a criminal judge.

- Experience in building the capacity of lawyers and judges to enhance litigation and court room skills, including access to justice for those with historical disadvantage in relation to the courts with a special focus on women and children.

## **2. Professional Experience**

### **May 2014 to present – PRUNOG, Switzerland**

*Appointed Permanent Representative of the Republic of Fiji to the United Nations in Geneva, Switzerland, and Vienna Austria, and Ambassador to Switzerland*

- Providing advice to the Government of Fiji and its agencies on human rights commitments and on implementing human rights conventions and protocols in accordance with international obligations.
- Representing Fiji in all international institutions in Geneva and Vienna.
- Leading the Negotiations Team at UNFCCC COP 23 under Fiji's Presidency 2017 to a successful Conference of the Parties with significant human rights outcomes including the Gender Action Plan and the Indigenous Peoples Platform.
- Conducting ethics training for new legal practitioners in Fiji.
- Training of Fiji's judges and magistrates on human rights and criminal justice.
- President Human Rights Council 2021.

### **May 2009- May 2014 – Consultant, Fiji**

*Private legal practitioner and legal consultant operating as Nazhat Shameem Consultant.*

- Planning, and conducting training programmes for judges, magistrates, and lawyers on advocacy, legal and judicial skills, human rights and the justice system, gender competence, and cultural awareness in the courts.
- Planning, and conducting workshops for private and public sector organisations on corporate governance and corporate criminal liability.
- Preparing opinions for lawyers of the private sector on public law and criminal liability.
- Preparing policy and discussion papers for civil society groups, and statutory organisations on the law, and law reform.
- Preparing and conducting workshops for the police, on human trafficking law, gender sensitivity and competence, and human rights of persons in custody and awaiting trial.
- Conduct of reviews of the Engineers Registration Act, Quarantine Act, the Public Health Act, the Fiji law for persons living with disabilities, and of the Fiji Public Trustee Corporation Limited.
- Conduct of review of the Ethics and Governance Programmes at the Fiji National University.
- Conduct of review of the governance of the Fiji School of Nursing for the Fiji National University.
- Drafted the Fiji National Gender Policy as consultant to the Ministry of Social Welfare, Women and Poverty Alleviation and conducted consultations with women's civil society organisations in relation to the draft.

### **May 1999 – May 2009 - High Court judge, Fiji**

- First woman High Court judge in Fiji.
- Conducting criminal trials and criminal appeals as a judge of the High Court.
- Introduced case management systems for the High Court criminal jurisdiction.
- Responsible for the national judicial training programme.
- Editor of the Fiji law Reports 2006-2009.

### **June 1994 -May 1999 - Director of Public Prosecutions, Fiji**

- First woman to be appointed Director of Public Prosecutions in Fiji.
- Criminal trial work High Court 2001 – 2009.
- Appellate hearings in the High Court and Court of Appeal.

- Interlocutory civil and criminal applications 1999 – 2009.
- Designing computerised case management for the judiciary.
- Designing and conducting judicial training for judges and magistrates including gender competence, courtroom management, admissibility of evidence in criminal trials, human rights applications under the Fijian Constitution.
- Prosecuting homicide offences, including homicide committed by security forces (military, police, and corrections).
- Appearing in appeals to the Fiji Court of Appeal and Supreme Court for the Office of the Director of Public Prosecutions.
- Managing prosecution offices through the overall responsibility of the Director of Public Prosecutions for all prosecutions in Fiji.
- Establishing prosecution guidelines and codes of conduct for prosecutors in Fiji.
- Managing budget and financial governance of the Office of the DPP, Fiji.
- Human resource management of all prosecution offices in Fiji.
- Designing and conducting training and continuing legal education for all prosecutors in Fiji, including police prosecutors.
- Creation of the first sexual offences and offences against children unit in the Office of the DPP in 1993.
- Creation of the Serious Fraud Unit in the Office of the DPP in 1994.

**Prosecutor, Director of Public Prosecutions Office: 1984-1994**

- First woman prosecutor in Fiji.
- Experience in prosecuting cases of homicide, sexual and gender-based violence against women and children, corruption and fraud.
- Experienced in making applications for the restraint and seizure of proceeds of crime.
- Rendering advice on all prosecution matters to the Director of Public Prosecution.

**3. Education**

) **University of Sussex, United Kingdom: 1978-1981**

Bachelor of Arts (Law) (Honours)

) **University of Cambridge: 1981-1982**

Master of Laws (Law of International Institutions, Law of Armed Conflict, Administrative Law, Civil Liberties)

) **Inns of Court School of Law (Inner Temple): 1982-1983**

Bar Finals

Called to the Bar as Barrister of England and Wales of Inner Temple July 1983

) **University of Cambridge Institute of Criminology: 1987-1988**

Master of Philosophy (Criminology)

Papers in Sentencing Law and Practice, Criminology Methodology, Women and the Criminal Law, Customary Law and Crime

**3. Ms. Paolina Massida (Italy)**

**A. Executive summary of relevant experience**

She is the Principal Counsel of the independent Office of Public Counsel for Victims (OPCV) within the International Criminal Court (ICC) since its creation in 2005.

A qualified lawyer with 27 years of experience in criminal law, over the last 19 years she has been practicing in the field of international criminal law defending accused and victims.

As Principal Counsel she has established the first office ever created to assist and represent victims before an international tribunal, as well as to support and assist external lawyers representing victims. A task which has required creativity, passion, good judgement, excellent knowledge of the ICC and ability to face the numerous challenges in making such an office a reality and a trustful resource for victims of serious crimes who wish to have their voice heard in the proceedings.

In accordance with Regulation 81 of the Regulations of the Court, the OPCV provides support and assistance to external legal representatives and victims and appears before Chambers in respect of specific issues of law and procedure to represent the general interests of victims.

She structured the Office in order to be able to fulfil all said mandates in the most efficient and effective way. For supporting external legal representatives, she created a database of researches on a number of topics of substantive and procedural law updated regularly with the latest jurisprudence and doctrine. She also created and published a Manual for Legal Representatives (first published in 2010 and updated yearly).

She represents daily in courtroom - in several proceedings simultaneously - the views and concerns of victims participating in the proceedings. A task which requires excellent drafting and advocacy skills, sound judgement, ability to react quickly to unexpected events, excellent communication skills, particularly when dealing with vulnerable people, outstanding ability to prioritise and aptitude to deal with sensitive and contentious matters. She has represented a group of victims in the first ever trial before the ICC in the *Lubanga* case contributing to effectively enhance the rights of victims in the proceedings at a time in which all provisions of the Rome Statute were to be interpreted and applied for the first time. Since the inception of the Office in 2005, she has strongly advocated for the effective participation of victims in the ICC proceedings. She has represented groups of victims in practically all cases and situations before the ICC. Under her leadership, the Office has gained the trust of victims and it is now a recognized and respected actor in the enhancement of victims' rights in ICC proceedings.

One of her priorities has been to shape the Office in order to ensure a meaningful representation of the interests of thousands of victims of crimes against humanity and war crimes. She sought to bring the OPCV, and with it the ICC, closer to the victims who reside in the situation countries.

She is currently the common legal representative of victims in the *Ongwen* case and in the *Yekatom and Ngaiïssona* case. She also represents victims in the *Lubanga* and *Katanga* reparations proceedings, in the *Gaddafi*, *Kony* and *Simone Gbagbo* cases, as well as in the situations of the *Registered Vessels*, the *Islamic Republic of Afghanistan* and in the *State of Palestine*. She has previously represented victims in the *Gbagbo and Blé Goudé* and in the *Bemba* cases, as well as in the *Ruto and Sang* case for the admissibility proceedings.

She cumulates managerial duties with the judicial ones. In this regard, she has a record of demonstrated excellent management and technical leadership skills; as well a record of ensuring a good working environment in which staff can express themselves, develop skills and progress in career. She strongly supports geographic and gender balance in the workplace as demonstrated by the fact that the Office includes staff from all geographical regions and has a predominance of female staff.

Before joining the Court, between 1991 and 2003, she practised as lawyer before national and international tribunals, representing accused and victims. Her record includes the defence of complex cases involving multiple defendants for serious crimes. In 2003, she was member of the Barayagwiza Defence Team (Media Trial) - ICTR – Arusha. She also provided extra-judicial consultancy on issues related to criminal law, international humanitarian law, and human rights law.

In 2002, she worked as Associate Legal Officer in Chambers at the ICTY in the *Stakić* case at trial, in the *Branić* case and in the *Talić* case.

In 1992-1993, she worked as Delegate based in Tirana (Albania) for the International Federation of the Red Cross. Her tasks included: assistance to restructuring the Albanian Red Cross; developing plans and assistance programmes on a 5 years basis; teaching I.H.L. at the University in Tirana and at armed forces courses;

assisting the Albanian Government in the ratification and implementation of the Geneva Conventions and the Additional Protocols.

She participated as expert in several European Union training programmes for the judiciary. She holds a Law Degree from the University of Genova (Italy), a Master in international criminal law and a specialisation in human rights.

Since 1989, she is Member of the Italian Red Cross. She is also qualified Adviser at the Italian Army for the application of I.H.L. in armed conflicts since 1999. She has extensively taught I.H.L. in Italian Red Cross Seminars and Courses, in high schools, and in military courses.

Since 1994, she is Member of the Genoa Bar (Italy).

She is founding member of the International Criminal Court Bar Association (ICCBA) where she has served in the Executive Committee, the Victims Committee and the Professional Standards Advisory Committee.

She is proficient in English and French, has working knowledge of Spanish and is fluent in Dutch.

She has published extensively on matters related to international criminal law and the rights of victims and she is member of editorial staff of several legal reviews.

She has vision, creativity, energy and passion. She strongly supports the effective investigation and prosecution of sexual and gender-based crimes and crimes against children.

## **B. Curriculum vitae**

### **1. PROFESSIONAL EXPERIENCE**

**September 2005 – to date:** *Principal Counsel of the independent Office of Public Counsel for Victims (OPCV) - ICC*

In accordance with Regulation 81 of the Regulations of the Court, the Office fulfils several mandates:

1. Provide support and assistance to external legal representatives.

This mandate includes the provision of researches and advices on complex legal issues related to the participation of victims in the proceedings and on any substantive and procedural matter related to the proceedings. In order to render the work of the Office more effective and efficient, particularly in light of the multiple mandates to be fulfilled and of the limited resources available, she has created a database of researches on a number of topics of substantive and procedural law which is updated regularly with the jurisprudence and doctrine. This allows the Office to respond swiftly to any request for support. Moreover, to further support external lawyers, in 2010, she has created and published a Manual for Legal Representatives including a first part explaining the Court and the rights of victims in the proceedings; a second part presenting the jurisprudence of the Court on victims' rights by topic; and a third part explaining practical matters, such as how to file documents and how to perform researches with IT tools. The Manual is published in English, French and Spanish and updated yearly.

2. Provide support and assistance to victims, including legal representation in the proceedings.

This mandate is triggered by virtue of Chambers' designation as common legal representative or legal representative and the appointment by victims directly as their designated lawyer in ICC proceedings.

#### **Judicial functions:**

Legal representation of groups of victims in several proceedings simultaneously. She is currently appointed common legal representative of victims in the *Ongwen* case and in the *Yekatom and Ngaïssona* case. She also represents victims in the *Abd-Al-Rahman* case, in the *Lubanga* and *Katanga* reparations proceedings, in the *Gaddafi*, *Kony* and *Simone Gbagbo* cases, as well as in the situations of the *Registered Vessels of Comoros*, *Greece and Cambodia*, the *Islamic Republic of Afghanistan* and in the *State of Palestine*. In previous years,

she was appointed to represent victims in the *Gbagbo and Blé Goudé* case, in the *Bemba* case and in the *Ruto and Sang* case for the purpose of admissibility proceedings.

Her responsibilities include ensuring effective and high-quality legal representation of victims via written submissions and pleadings in courtroom; maintaining regular contact with victims and update them of the proceedings; collecting evidence for use in court; distributing and supervising tasks of the different teams assigned to each case/situation, including providing guidance on submissions to be filed; reviewing filings and briefs at all stages of the proceedings; supervising and providing instructions to the team members based in the situation countries; liaising with other parties and participants in the proceedings; liaising with different stakeholders, including national authorities, NGOs, others.

3. Appear before Chambers in respect of specific issues.

This mandate can be activated by the Office, by Chambers, by external legal representatives and by victims. It consists in appearing before a Chamber to represent the general interests of victims on any issue which may affect their participation in the proceedings. She has appeared before Pre-Trial, Trial and Appeals Chambers on a number of complex legal issues of law and procedure.

**Managerial responsibilities** include:

- ✓ To prepare and defend the yearly Office budget;
- ✓ To ensure compliance with budgetary processes;
- ✓ To ensure prioritisation of the use of available resources;
- ✓ To manage the performance of staff and appraise them;
- ✓ To ensure a good working environment for staff;
- ✓ To participate in regular Registrar and Division meetings;
- ✓ To liaise with the different bodies within the ICC (including IOM, Internal Audit, Trust Fund for Victims)
- ✓ To represent the Office at specialised meetings at the Assembly of State Parties and its subsidiary organs, including at The Hague Working Group;
- ✓ To represent the Office at specialised meetings with different stakeholders, including NGOs, UN Agencies and others.

**April 2003 – September 2005: Associate Legal Officer – Registry – ICC**

*Acting Head of the Detention Section from April 2003 until August 2004.* In this capacity she drafted the regulations in detention matters, as well as the procedures and policies. She supervised the section's activities, including distribution of work; draft activity reports; draft vacancy announcements and sit on recruitment panels; prepare the proposed budget; represent the section at internal meetings; report to the Head of the then Division of Court Services; liaise and negotiate with the ICRC for the conclusion of an agreement in matters concerning detention; advise the Registrar and the Head of the then Division of Court Services concerning a temporary and a definitive detention facility and take active part in the subsequent discussions with the Dutch authorities on the contracts to be signed for the management of the detention centre (including, rent of cells and services; transport) and on the drafting of Memoranda of Understanding with the host State.

For the management of the detention centre, she elaborated training programmes for staff, including a Handbook for custody staff and a draft Code of Conduct.

During this period, by virtue of her extensive knowledge of the Court and its legal texts and procedures, as well as of her drafting skills, she was entrusted with additional specific tasks. Said tasks included:

- ✓ Assistance to Judges' Working Group (for the drafting of the Regulations of the Court and Appeal Procedure);
- ✓ Member of the drafting board for the Regulations of the Court;
- ✓ Chairperson of the drafting board for the Regulations of the Registry;

- ✓ Member of the delegation of the Court for the negotiation of the Headquarters Agreement.

She was also appointed Member of the then ICC Selection Committee (which she subsequently chaired) and Chair of the internal Appeals Board established in accordance with the Staff Rules and Regulations.

**November 1991 – March 2003: Lawyer**

She practised as criminal lawyer before domestic Courts and foreign Courts in the European Union (criminal law matters, extradition, detention, international law). Her record includes the defence of complex cases involving multiple defendants for serious crimes. In 2003, she was member of the Barayagwiza Defence Team (Media Trial) - ICTR – Arusha. She also provided extra-judicial consultancy (prepare legal opinions and give legal advice) on issues related to criminal law, international humanitarian law, and human rights law.

**March-October 2002: Associate Legal Officer – ICTY - Chambers**

She worked in the Stakić case at trial, in the Branić case and in the Talić case. She drafted legal opinions, orders and decisions. She also provided the Judges of Trial Chamber II with research papers on complex legal issues.

**August 1992-December 1993: I.H.L. Delegate – International Federation of the Red Cross (IFRC)**

She obtained a certificate for delegate in international missions in 1991. During the period she worked for the I.F.R.C. she was based in Tirana (Albania). Her tasks included to assist the Albanian Red Cross (ARC) in its restructuring and in developing plans and assistance programs on a 5 years basis. She also taught I.H.L. at the University in Tirana and at armed forces courses. She was entrusted with assisting the Albanian Government in the ratification and in the implementation of the Geneva Conventions and the Additional Protocols.

**2. ACADEMIC BACKGROUND - ADMISSIONS TO PRACTICE - LANGUAGES**

**1987-1991 University of Genoa (Italy)** Law Degree

**1993 University of Strasbourg (France)** Diplome de spécialisation en droit de l'homme

**2001 University of Teramo (Italy) – LL.M. - Master on International Criminal Law and Co-operation against International and Transnational crimes**

- ✓ Admitted to the Italian Bar in 1994.
- ✓ Qualified Adviser at the Italian Army for the application of I.H.L. in armed conflicts since 1999.
- ✓ Proficient in English and French (both written and spoken); working knowledge of Spanish; fluent in Dutch.

**3. OTHER PROFESSIONAL ACTIVITIES**

- ✓ Since 1989 Member of the Italian Red Cross.
- ✓ Teaching I.H.L. in Italian Red Cross Seminars and Courses, in high schools, in military courses. In particular, lecturer and tutor in 2000 and 2001 at the juridical stage for military personnel engaged in humanitarian missions at the Italian Army Headquarters in Cesano (Rome).
- ✓ Lecturer on issues related to international criminal law and international humanitarian law at the summer school organised by the Italian Ministry of Foreign Affairs for young diplomats of Eastern countries (2002, 2003).
- ✓ Contract of consultancy with the University of Bologna (Italy) for the training of judges in the Balkans (2001-2003).

- ✓ From 1999 until 2003 Member of *Consulta dei Giovani Penalisti dell'Unione delle Camere Penali Liguri* (advisory organism for matters concerning the activity of young lawyers), responsible for deontological, and disciplinary matters.
- ✓ From 2001 until 2003 Presiding Member of the Regional (Liguria) Disciplinary Committee of the Italian Red Cross.
- ✓ From 2002 Member of the Scientific Board of Centro di Studi di Difesa e Strategici (CESDIS) based in Torino (Italy), responsible for matters related to I.H.L. and I.C.L.
- ✓ From 2001 Member of editorial staff of “*Giurisprudenza Ligure*” (trimestral review of case law and articles on subjects concerning criminal law); “*L'Aggiornamento*” (criminal lawyers review); “*Analisi Difesa*” (military review on matters related to defence, criminal law, I.H.L. and I.C.L.)
- ✓ Founding Member of the International Criminal Court Bar Association (ICCBA) where she has served in the Executive Committee, the Victims Committee and the Professional Standards Advisory Committee.

#### **4. SELECTED PUBLICATIONS**

- *International Criminal Justice and the International Criminal Court* - Tempus Programme of the EU for the juridical training of Judges in the Balkans, 2002.
- *International Criminal Courts and their impact on national jurisdictions* - Tempus Programme of the EU for the juridical training of Judges in the Balkans, 2003.
- *Role and Practice of the Office of Public Counsel for Victims*, in *The Emerging Practice of the International Criminal Court*, edited by Carsten Stahn and Göran Sluiter, Nijhoff, Leiden, 2009.
- *Criminal Responsibility of International Military Missions and Personnel*, in *International military missions and international law*, edited by Marco Odello and Ryszard Piotrowicz, Nijhoff, Leiden, 2011.
- Commentaire article par article du Statut de Rome de la Cour Pénale Internationale – *Articles 68 et 75*, Éditions Pedone, Paris, 2012.
- *Testimony before the ICC and the protection of victims and witnesses*, in *O Tribunal Penal Internacional – Comentários ao Estatuto de Roma*, edited by Judge Sylvia Steiner, Editora Del Rey, Belo Horizonte, 2016.
- *The Participation of Victims Before the ICC: A Revolution Not Without Challenges*, in *Advancing the Impact of Victim Participation at the International Criminal Court: Bridging the Gap Between Research and Practice*, edited by Rudina Jasini and Gregory Townsend, Oxford, 2020.
- *Representing Victims before the International Criminal Court – A Manual for Legal Representatives*, Edited by the OPCV, Fifth Edition, 2021 available (in English, French and Spanish) at <https://www.icc-cpi.int/iccdocs/opcv/2021.03.01-ENG-5th-Rev-Rev.pdf>

#### **4. Mr. Mame Mandiaye Niang (Senegal)**

##### **A. Executive summary of relevant experience**

My work experience is a blend of national and international experience, spanning through 34 years.

##### **National level**

I am currently the Prosecutor General of the Appeals Court of Saint Louis, north of Senegal. As one of the five national senior prosecutors, I hold a portfolio, encompassing the following:

- I review appeals lodged by lower courts prosecutors and determine the subsequent course of actions. I supervise the prosecutors to ensure the implementation of the national criminal policy. I oversee the police officers' conduct and exercise disciplinary and prosecutorial jurisdiction over them. I ensure compliance by public notaries, “*huissiers de justice*” and other public officers with the regulations governing their office.
- I enforce requests for legal assistance from foreign judicial authorities, execute arrest warrants and pursue the extradition of non-nationals legally sought after.

- As a member of the “*Conseil supérieur de la Magistrature*”, I give advice for appointment and take part in disciplinary proceedings against judges or prosecutors.

I have endeavoured to bring renewed energy to this position. I have revived the reporting lines and speeded up the disposal of felony cases. I reactivated prisons and detention cells visits. I am currently engaged in a drive to modernize the registers of the courts. This is ushering in a paperless environment and provides more reliable data regarding courts’ activities. This project I champion has attracted donors’ interest and serves as a pilot to be replicated countrywide.

Prior to my current position, I was the Director of Criminal Affairs. This position entails, among other activities, drafting statutes and regulations, preparing the government submissions and proposals of language on treaties, providing legal advice to the Government. I served as the liaison between the Minister of Justice and national prosecutors and coordinated the implementation of the national criminal policy. I have drawn up an unprecedented criminal policy document, which, since its adoption in January 2018, is the bedrock of Senegal criminal policy. I have, in the same breadth, produced the unique officially updated and integrated criminal codes since 1965. I have also set up, from 2017, throughout the country the “*comités d’aménagement des peines*”, boards of probation and early release, provided for in statutes since 2000 but never implemented. Ever since, thousands of convicts enjoy sentence reductions and alleviating measures geared towards their reintegration into their communities. Through my stewardship, my government conducted negotiations on extradition and mutual legal assistance with more than ten countries, in the span of three years. Senegal is a member of the Core Group that initiated the MLA initiative. It aims to adopt a universal instrument of cooperation on international humanitarian law. I am the lead Expert of the Senegalese delegation.

I left the Direction with a dozen of important ongoing projects. I secured however, the completion of the nationally hailed law on rape and pedophilia, the legal framework on electronic bracelet as well as the setting up of the ONRAC (the criminal assets’ recovery and management body).

### **International experience**

My nearly twenty-year international experience was mainly devoted to the international criminal justice system. I investigated the Rwandan genocide. I interviewed hundreds of witnesses and analysed the evidentiary value of scores of documents. Moving to Chambers, I conducted legal research, drafted legal opinions, decisions and judgements. As the Special Assistant to the Registrar, I drafted hundreds of decisions pertaining to legal aid, including appointment and removal of counsel, I took part in the redesigning of the legal aid’s fees system, particularly its shift from the hourly rate to the lump sum system. I prepared the Registrar’s decisions on the detentions rule. I drafted agreements and MoUs for the transfer of convicts to national prisons. I drafted MoUs on witness protection. I took part in budgetary preparation, including submissions to the ACABQ and the Fifth Committee. I lastly led the Legacy Committee that prepared the smooth closure of the Tribunal while catering for the unfinished business. This included the management of archives, the continuous review of witness protection orders and sentences etc. In sum, I was part of the small team that laid the ground for the Mechanism of the International Tribunals, from the very first memorandum to the Office of Legal Affairs to the UN Security Council resolution creating the Mechanism.

My assignment as UNODC Regional Representative for southern Africa was not just a promotion to a senior management position. It helped me greatly step back a bit from grunt work to focus more on the bigger picture of marshalling political stakeholders. The strengthening of the judiciary was a strong pillar in the five-year Regional Programme I set up with SADC countries. My office brokered a placement programme for African prosecutors to the renowned Asset Recovery Unit of the South African National Prosecution Authority (NPA). I took part, alongside the NPA, in the revival of the African Prosecutors’ Association. I still enjoy a wide network of prosecutors, judges and Central Authorities in West, East and Southern Africa.

It was quite naturally that I was recalled to serve ICTY/ICTR as a judge when an opening arose in early 2013. The state of affairs required a judge ready to adjudicate from the first day in the office. I rose to the challenge thanks to my familiarity with the case law and procedures. My proficiency in both court languages, facilitated my assignment in different panels. I made adequate use of legal assistance without sacrificing my self-reliance. The opinions I issued were of my own making. I have brought my contribution to the appreciation of delicate legal issues. Just to name a few: a consistent approach to *mens rea* when different crimes are charged based on the same behaviour; the specific *means rea* for accomplice liability; the extent of command responsibility in an environment hostile to authority; the test for review when dealing with facts; the admissibility of untested evidence v. the best evidence rule etc.

## **B. Curriculum vitae**

### **I. WORKING BACKGROUND**

#### **2020 to date**

Prosecutor General (PG) of the Appeals Court of Saint Louis. The PG performs the prosecutorial functions at the appellate level. He oversees the implementation of national criminal policies and exercises in this regard supervision over the regional prosecutors as well as police officers of his Province. The supervision extends to other judicial officers like public notaries. The PG reports to the Ministry of Justice while retaining a wide discretion over prosecution strategies and actions. He may issue specific criminal policy papers and guidance notes pertaining to his province. As a statutory member of the “*Conseil supérieur de la Magistrature*” (Governing body of the Judiciary), the PG takes part in the appointment, promotion of and sits at disciplinary proceedings against any member of the judiciary in the country. He has exclusive disciplinary jurisdiction and prosecutorial mandate over senior police officers, registrars and defense attorneys.

The Appeals Court of Saint-Louis is the largest amongst the five courts in the country, in terms of territory and the second most important in terms of population, after Dakar.

#### **2016 to 2020**

Director of Criminal Affairs and Pardons in the Ministry of Justice. The position entails, among others activities, providing legal advice to the Government, normative work on criminal laws, drafting and negotiating treaties on behalf of the Government, defining under the Ministry of justice’s authority, the Government’s criminal policy and overseeing its implementation through the five Prosecutors general across the country, drafting guidelines and instructions to foster the uniform construction and application of the criminal law in the country.

#### **2013 – 2016**

Judge of ICTY and ICTR. Assigned to cases at the first instance and at the appeals level. Dealt with motions and rendered numerous bench decisions; wrote numerous individual opinions (concurring, separate or dissenting) on procedural and evidentiary issues as well as on substantive law.

#### **2011 – 2013**

UNODC Regional Representative for Southern Africa. Mission entailed among others, cooperation with States, particularly those of the SADC Regional entity, to bring their laws in line with the main narcotic regulatory framework, the UN Convention Against Corruption, the UN Convention Against Transnational Organized Crimes and its protocols on human trafficking and smuggling of migrants; training of law enforcement officers, prosecutors and judges.

#### **2000- 2011:**

Served at the ICTR in different capacities including as a senior legal officer in Chambers, advising the judges on a wide range of legal issues and supervising legal officers. Served as the Registrar’s Special Assistant, providing advice on policy, legal, administrative and financial matters; represented the Registrar and his views at all fora whenever required and prepared draft memoranda, communication and policy papers, made submissions on his behalf to different committees including before budgetary bodies and auditors.

#### **1997 – 2000**

Member of the investigating team of the ICTR in Rwanda tasked to collect evidence on genocide, crimes against humanity and serious violations of Article 3 common to the Geneva Conventions of 1949 and Additional Protocol II thereto.

#### **1993-1997:**

Trial Attorney attached to the Prosecutor General of the Supreme Court of Senegal. Assignment entailed among others, conducting legal research, writing briefs and making oral submissions before the highest court of the country.

**1990-1993:**

Trial Attorney at the Dakar Tribunal Regional. Assignments included, submitting legal briefs, directing judicial officers, litigating cases and enforcing sentences.

**1987-1990**

Judge at the Regional Tribunal of Dakar. Adjudicated over criminal and civil cases.

**II. OTHER FIELDS OF EXPERTISE**

**2004-2005**

Guest Lecturer on International Humanitarian Law at the Université du Rwanda and at the Senegalese “Centre de Formation judiciaire” (Judicial Training Center).

**1995-1997**

Lecturer in Criminal Law at the Senegalese “Centre de Formation Judiciaire”

**1992-1997**

Lecturer in Criminal Law at the “Ecole Nationale des Assistants et Educateurs Spécialisés” (Training School for Educators and Welfare Officers); Expert, Resource Person of the “Réseau Africain pour le Développement Intégré” (RADI).

**1989-1997**

Expert-Member of the Senegalese Committee of Human Rights. Member of the Senegalese Section of the International Association of Criminal Law.

**1993-1994**

Member and Reporter of the Senegalese Law Revision Commission.

**III. EDUCATIONAL BACKGROUND**

**1985-1987**

Certificate of *Ecole nationale d'Administration et de Magistrature* ; with distinction.

**1981-1985**

*Université de Dakar, Faculté de Droit.* Master in Private Law; with distinction.

**IV. LANGUAGES**

Fluent in French and English

**V. PUBLICATIONS**

Extensive publications in selective law reviews, particularly in criminal law and international humanitarian law, which include but are not limited to the following:

“Le TPIR...Et si la contumace était possible” “Revue générale de Droit international public” April- June 1999 N. 2 Edition A. Pedonne 13, Rue Soufflot Paris- France

“Les Obligations du Procureur face à la défense devant le Tribunal pénal international pour le Rwanda”. “Revue de Science criminelle et de Droit comparé; April -June 2001, Edition Dalloz Paris- France.

“What Approach for Law Reform and Revision? The Senegalese Experience”. US Embassy in Rwanda. Acts of the international Seminar on Law Reform and Revision; “Kibuye [Rwanda] March 2002”

“The Role of the Judiciary in the Electoral Process”; US Embassy in Rwanda. Acts of the international Seminar on Law Reform and Revision; “Kibuye [Rwanda] March 2002”

«Comment on new Rules 11 *bis* and 92 *bis* of ICTR Rules of Procedure and Evidence. New tools to serve the Exit Strategy.» ICTR Bulletin August 2002.

“Lessons to be learnt from the Judgement confirming the acquittal of Ignace Bagilishema”. *A comment on the different aspects of the standard for appeal, the admissibility of out of court evidence, command responsibility in customary international law etc....* ICTR Bulletin, February 2003.

“The Right to Counsel before the International Criminal Tribunal for Rwanda” Criminal Law Forum, volume 13, No. 3, 2002 [CLF]. Kluwer Academic Publishers. Netherlands.

«La jurisprudence des Tribunaux internationaux en matière de Crimes Contre l’Humanité et de Crimes de Guerre». « Ligue des Droits de la Personne dans la Région des Grands Lacs (LDGL) and Human Rights Watch; March 2003.

“The Right to a fair trial versus the right to be tried without undue delay\_»; *A comment on two decisions of Trial Chamber I and II applying the new Rule 15 bis which enables a Trial Chamber to proceed with a part-heard case with a new judge despite the refusal of the defence.* ICTR Bulletin, August 2003.

“Promoting Women’s Rights through Ad Hoc Tribunals” Bulletin of Interights (2004) Volume 14, # 4 page 74;

“Retour à la Cour suprême au Sénégal, Acte de bon sens ou régression ? témoignage d’un *insider* ». « Le quotidien » Avril 2008.

“L’Affaire de corruption « Segura », une occasion idéale pour remettre les pendules à l’heure. « Le quotidien » janvier 2009.

« Réforme de la loi sur le barreau, une loi pour les mandarins », « Le quotidien », juillet 2009.

“The Senegalese Legal Framework for the Prosecution of International Crimes” Journal of International Criminal Justice 7 (2009) 1047 – 1062, Oxford University Press, 2009

Contributor to the Book “Defense in International Criminal Proceedings; Cases, Materials and Commentary”. Transnational Publishers; 2006.

Contributor to the Book “Protecting Humanity, Essays in International Law and Policy in Honour of Navanethem Pillay” Martinus Nijhoff Publishers Leiden- Boston 2010.

“Repression versus Decriminalization on Drugs. A plea to Uphold the International Legal Framework’ University of Pretoria; February 2013.

“Africa and the the Legitimacy of the International Criminal Court in Question” Journal International Criminal law Review; Volume 17, Issue 4, pp 615-624 July 2017; Re-published in “Strengthening the Validity of International Criminal Tribunals; Brill, Leiden, Boston July 2018.

“Quel avenir pour le bracelet électronique au Sénégal ? » ; Magasine de l’Administration pénitentiaire, n. 010- juin 2020, Dakar, Sénégal.

## **VI. OTHERS**

Computer literate. Proficient in the main software associated with Windows Microsoft or Apple like Word, Excel, PowerPoint, Lotus, notes and Microsoft Outlook etc.

## **5. Ms. Claudia Paz y Paz Bailey**

### **A. Executive summary of relevant experience**

I have a LL.M. Degree in Law and Social Sciences (Lawyer and Public Notary) from Rafael Landivar University (Guatemala, Guatemala, 1992). I also have a PhD in Human Rights and Criminal Law from

the University of Salamanca (Salamanca, Spain, 2006), with the doctoral thesis "The criminal protection of the people; Special consideration on the crime of genocide". Due to my professional career and my academic contributions, I was also distinguished with an Honorary PhD, from Georgetown University in Washington DC in 2015).

Early in my career, I served as a justice of the peace (jueza de paz) in the city of Sumpango, and small rural community of Guatemala (1991). Later, I became a legal advisor for the Guatemalan Office of Human Rights, of the Guatemalan Archbishop's Office (1993-94). For several years I was simultaneously working as Criminal Law Professor and a Human Rights defender and as a Director of the Guatemalan Institute of Comparative criminal Law (ICCPG, 2002-10).

I was a researcher at the Historical Clarification Commission of Guatemala (Guatemala, 1998), an entity sponsored by the United Nations established within the Peace treaties. For this work I prepared the chapter on The Crime of Genocide in the report "Guatemala, Memoria del Silencio". This chapter describes how the Guatemalan army, during the war, identified the Mayan people as an internal enemy and perpetrated a policy of extermination against them, which resulted in assassinations, torture, forced disappearances, sexual violence, and displacement.

I was appointed as the Guatemala's first female Attorney General (Guatemala 2010-2014). There, I was in charge of strategically directing the institution, developing the criminal prosecution policy, overseeing investigations and prosecutions on high impact cases, including cases of gross human rights violations, organized crime and gender violence. One of my main achievements was to design and implement the strategic criminal prosecution model that surpassed the case-by-case investigation and investigated the criminal phenomenon.

Using my proposed model, it was possible for the country to raise the effectiveness of the prosecution service for crimes against life from 5% to 25% between 2009 and 2013. At the same time, we documented a decrease in homicides from 46 to 34 per hundred thousand inhabitants. A decreasing trend that has continued over the years, reaching 15 homicides per one hundred thousand inhabitants in 2020.

The investigation and prosecution of the gross human rights violations occurred during the Guatemala civil war was a priority during my tenure. I led the creation of special teams with the support of a new analysis unit. Prosecutors made significant progress in the investigation and prosecution of war related crimes. A landmark case was the trial against the former head of state, Efraín Ríos Montt, who was convicted of Genocide and Crimes Against Humanity on May 10, 2013. Later, the trial was annulled by the Constitutional Court. However, a conviction in a national court for the crime of genocide against a former head of state represents a historic ruling. In the trial, more than 100 testimonies, 40 expert opinions, among them forensic evidence of the massacres, military documents (campaign plans and operations reports) were presented and used as evidence for the conviction.

Another priority was to guarantee gender based violence survivors protection and access to justice. I led the implementation of a comprehensive care model that coordinated medical, psychological, social care and forensic and investigatory teams, operating 24 hours a day, 365 days a week in the same location of attendance. Those services became offered in five regions of the country. The model was aimed at avoiding the re-victimization of gender-based violence survivors while they were filing a complaint, ensuring that women received the care and protection they needed to guarantee their access to justice. The model included judges who also operated for 24 hours to rule protection measures or arrest warrants when needed.

Later in my career, I was appointed as Secretary for Multidimensional Security for the Organization of American States (OAS) (Washington DC, 2017-2018). In this position I worked to promote and coordinate cooperation among the OAS member states and made efforts to promote the inter-American system, advised, prevented, confronted, and responded to threats that affected the regional security.

I was a member of Interdisciplinary Groups of Independent Experts for Mexico (2015-2016, 2020-2021) and Nicaragua (2018) to investigate serious human rights violations. I was able to advance the

investigation in a hostile environment, without the collaboration of the respective States and after the evidence was destroyed and hidden by perpetrators. In these context, it was essential to establish networks of collaboration and trust with key stakeholders and social organizations that allowed us to reconstruct the facts without collaboration from the countries governments. These experiences made it possible to reconstruct what happened with detailed reports. In the case of Mexico, these reports were the basis for confronting the official story from the local authorities and supporting the investigation by a new fiscal unit with a completely different approach that until today continues investigating.

Currently, I am the Director of the Mexico and Central America Program, of the Center for Justice and International Law, (CEJIL). CEJIL represents thousands of victims in the Inter American system of human rights, that have suffered gross human rights violations including massacres, genocide, extrajudicial executions, forced disappearances and sexual violence.

## **B. Curriculum vitae**

### **1. Academic degrees:**

- ) J.D. and LL.M.: Degree in Law and Social Sciences, Lawyer, Guatemala, 1992, Rafael Landivar University
- ) Doctoral Honorary PhD, from Georgetown University (Washington DC, 2015)
- ) PhD [Cum Laude] in Human Rights and Criminal Law Salamanca, Spain, December 21, 2006 University of Salamanca
- ) Other: Degree of Salamanca Salamanca, Spain, December 16, 1998 University of Salamanca
- ) Research Proficiency Salamanca, Spain, June 10, 1999 University of Salamanca

### **2. Professional Experience:**

#### ) **International Experience**

- o Director of the Center for Justice and International Law Program for Mexico and Central America. February 2019 to date.
- o Member of the Interdisciplinary Group of Independent Experts for the Ayotzinapa case in Mexico appointed by the Inter-American Commission on Human Rights, March 2015 to April 2016, appointed by the Office of the United Nations High Commissioner for Human Rights January 2020 to date.
- o Member of the Interdisciplinary Group of Independent Experts for Nicaragua appointed by the Inter-American Commission on Human Rights, July to December 2018.
- o Secretariat for Multidimensional Security of the Organization of American States, OAS, March 2017 to June 2018.

#### ) **Justice Sector**

- o Attorney General and Head of the Public Ministry from December 10, 2010 to May 2014.
- o Justice of the Peace of the Municipality of Sumpango, Sacatepequez, Guatemala from March 1<sup>st</sup>, 1991 to May 27, 1992.

#### ) **Professional Practice of Law**

- o Professional Law practice from May 1992 to November 2010, criminal and constitutional litigation before the national justice system and the Inter-American Human Rights System.
- o Legal Advisor of the Archbishop's Office for Human Rights in Guatemala, from October 1992 to October, 1994.

) **Private Sector**

- Director of the Training Department of the Institute of Comparative Studies in Criminal Sciences of Guatemala, from February 15, 2001 to December 31, 2002 and from September 1, 2008 to November 2010.
- Executive Director of the Institute for Comparative Studies in Criminal Sciences of Guatemala (ICCPG) from January 2002 to August 31, 2008.
- Coordinator of the Democratization and Strengthening the Rule of Law Program in Central America sponsored by the Interchurch Organization for Development Cooperation (ICCO), from January 2009 to November 2010.
- Coordinator of the Master's Program of Criminal Procedural Law at the Rafael Landivar University, from August 2008 to November 2010.
- Director of the Law Department of the Office of the UN High Commissioner for Refugees (UNHCR), from October 1994 to November 1995.

) **Other**

- Member of the Drafting Committee of the Penal Code, University of San Carlos of Guatemala and Supreme Court of Guatemala from 2007 to 2009.

**3. University and Institutional Teaching:**

- Professor of Postgraduate Degree of Criminal Procedural Law, Rafael Landivar University, courses: Constitution, Guarantee and Adversarial Criminal Process System and International Criminal Law, from August 5, 2008 to April 29, 2010.
- Professor of Postgraduate Degree in Criminal Law, San Carlos University of Guatemala, courses of International Criminal Law, Criminal Policy and Monographic Course on Homicide, from 2002 to 2008.
- Law and Social Sciences Faculty Professor, Rafael Landivar University, courses: Criminal Law I and II from 2005 to 2007 and The Phenomenon of Violence: Some theoretical elements in August 1998.
- Trainer, Training Unit of the Public Prosecutor's Office, courses: Ethnic Discrimination focusing on the provision of justice; Genocide, Investigation and Prosecution; Sexual Violence During the Armed Conflict; Framing the Crimes of Sexual Offenses, aimed at prosecutors from August 2008 to August 2010.
- Coordination for the Modernization of the Justice Sector, Trainer of the course on the Law of Femicide and other forms of violence against women, aimed at judicial officers and CONAPREVI, Sololá, September 2008.
- Professor of the "Program for Further Education" at the National School of Public Prosecutions of the Dominican Republic provided to Public Ministry Attorneys; Dominican Republic, Santo Domingo, 2009.
- Designer and head of implementation of modules on "Public Prosecutors and Their Relationship with the Victim" and "Theory of Crime", at the National School of Public Prosecutions of the Dominican Republic, Santo Domingo, 2010.

**4. Publications:**

- Book "Criminal Justice and Press Freedom", ILANUD, San José, Costa Rica, 1992. Coauthor. Criminal Law.
- Book: "Children Deprived of Liberty," ICCPG and ILANUD, Guatemala, 1993. Coauthor. Human Rights, Criminal and Juvenile Law.

- Book: "For Being a Woman, Analysis of Responses from the Justice System in Cases Involving Violence Against Women," ICCPG, Guatemala, 2007, Coauthor, Criminal Law.
- Book: "The New Regulation of Sexual Violence in Guatemala", ICCPG, Guatemala, 2010, Coauthor, Criminal Law.
- Manual: "Criminal Justice and Gender" ICCPG, Guatemala, 2008; Coauthor; Criminal Justice.
- Article Guatemala: Gender and Reparations for Human Rights Violations, appearing in What Happened to the Women? Gender and Reparations for Human Rights Violations ed. Ruth Rubio-Marín, New York: Social Science Research Council, 2006. Gender: Reparations, Human Rights.
- Article: "Criminal Policy" appears in the Criminal Procedure Manual, ICCPG, Guatemala, 2003. Coauthor, Criminal Procedure, Criminal Policy.

## 5. Distinctions and honors

### ) Scholarships:

- Scholarship by the Spanish Agency for International Development Cooperation for PhD studies at the University of Salamanca, granted in September, 1995.
- Renewal grant from the Spanish Agency for International Development Cooperation to finish PhD thesis at the University of Salamanca, granted in April 1997

### ) Distinctions:

- Newsweek honored her in December 2011 as one of the bravest women in the world.
- Forbes Magazine named her in August 2012 as one of the women who are changing the world in terms of public policy, this due to the fight against organized crime and the increase in the number of prosecutions and convictions.
- Newsweek distinguished her among 125 women having impact on the world in March 2013 due to her efforts in the fight against organized crime.
- Named Woman of the Year by the magazine Contra Poder, January 4, 2014

### ) Awards:

- Stephen J. Solarz Award, awarded by The International Crisis Group in honor of the commitment in the fight against impunity and restoring justice in Guatemala, granted on December 16, 2011.
- "Abogados de Atocha" Award, granted by the Board of the Lawyers Association in Atocha, Spain, in recognition of the efforts to promote democracy, freedom and justice, issued January 24, 2012.
- OXFAM-LASA Lecturship Diskin Award, granted by The Latin American Studies Association, for integration of academy and activism, granted May 23, 2012.
- Judith Lee Stronach Human Rights Award, granted by The Center for Justice and Accountability, awarded in 2013.
- Dean's Award for Achievement in Advancing Women in Peace and Security, awarded by the Edmund A. Walsh School of Foreign Service of Georgetown University, granted February 20, 2013.
- San Raimundo de Peñafort Order Cross of Honor, awarded by the Minister of Justice of Spain, issued June 25, 2013.
- Commendation of the Order Isabel the Catholic, granted by Juan Carlos I, King of Spain, granted on July 23, 2013.

- Awarded the Commander's Cross of the Order of Merit of the Federal Republic of Germany, 2014.
- Civil courage prize, New York, 2015.

) **Recognitions:**

- Graduated with “Cum Laude” honor in doctoral studies at the University of Salamanca, December, 2006.
- Recognition awarded by the Drug Enforcement Administration (DEA) of the U.S. Justice Department for arresting drug traffickers Mauro Salomon Ramirez Barrios, Juan Alberto Ortiz and Waldemar Lorenzana Chamale and success in operations during 2011.
- Recognition granted by the Governor General of Canada for the work made to achieve progress in the reform of the justice system, improving access to justice and strengthening the Public Ministry, awarded in December 2012.

## **6. Mr. Alex Whiting (France)**

### **A. Executive summary of relevant experience**

I am applying for the position of Deputy Prosecutor because I believe that I have the experience, skills, and competencies to contribute to the work of the Office of the Prosecutor in this role. I have successfully performed the functions of this position at three different international criminal tribunals.

I have extensive experience in both investigations and prosecutions. On the investigations side, I led investigation teams at the International Criminal Tribunal for the former Yugoslavia (ICTY). Later, as Investigations Coordinator at the International Criminal Court (ICC) and then as Head of Investigations and Deputy Specialist Prosecutor at the Kosovo Specialist Prosecutor’s Office (SPO), I managed, along with other senior staff, the investigations of the entire prosecution office. In these roles, I directly participated in and supervised a wide range of investigative activities — including victim, insider, and expert witness interviews; forensic and scientific evidence analysis; electronic records and data collection; documentary and physical evidence seizures; and open source collection — in very different international contexts, confronting and overcoming an array of challenges and hurdles.

On the prosecutions side, I served as lead prosecution counsel in three lengthy trials at the ICTY and then later managed, along with the other senior staff, the prosecutions of the entire office as Prosecutions Coordinator at the ICC and now as the Deputy Specialist Prosecutor at the SPO. In these roles, I directly participated in and supervised the prosecution of cases during the charging, pre-trial, disclosure, trial, and appeal phases. I have strong written and oral advocacy skills and the ability and experience to supervise, guide, and coach prosecutors in these roles. Prior to my international experience, I also gained both investigative and prosecutorial experience at the national level, serving for ten years as a federal prosecutor in Washington, D.C. and Boston, focusing on criminal civil rights and organized crime investigations and prosecutions.

My experience in conducting and managing both investigations and prosecutions deeply informs my understanding and ability to guide each part of the process from investigation through trial and appeal. Successful prosecutions of complex international crimes requires close collaboration and coordination at all times among investigators, prosecutors, and analysts. From my experience on the ground and as a supervisor, in both investigations and prosecutions, I know how to build and manage integrated teams. Moreover, I have the ability to recognize and anticipate the full range of risks and opportunities at every stage of the investigation and prosecution process. My experience has also helped me identify ways to make investigation and prosecution processes run more efficiently, achieving results with greater speed.

In addition, I have extensive experience in management at international tribunals. Many of the challenges faced by the ICC are managerial ones and are shaped by its international mandate, authority, and range of activities. In my role directing specific investigations and trials at the ICTY and managing investigations and prosecutions at the ICC and SPO, I have always built strong teams by inspiring excellent performance, close collaboration, and dedication to the mission. At the same time, successful

management at international tribunals requires a commitment to providing clear direction and guidance to the teams, an ability to make hard decisions and communicate them clearly, and a willingness to hold oneself and others accountable for performance and comportment towards others. I have always sought to demonstrate these qualities in my management roles. In all of my positions I have energized the work of the office, set high standards, empowered the staff, and encouraged an atmosphere of mutual respect. I have also sought to address gender imbalances in the staff by identifying strong women performers and giving them greater responsibilities and recognition, encouraging women to apply for more senior positions, and promoting them whenever possible.

My experience across three different international tribunals is a further strength that I would bring to the role. I have a deep familiarity with the procedures and workings of the ICC, but I have also seen other approaches that will help me bring new ideas and changes to the ICC. I have seen and managed many of the institutional challenges faced by international tribunals.

I also have ten years of experience teaching and writing in the field of international criminal law at Harvard Law School, which has also allowed me to step back and critically reflect on the work of the tribunals. In addition, in this role I have consulted with, and advised, numerous NGOs and national prosecution offices in their efforts to advance accountability for international crimes. I understand the challenges faced by civil society and national prosecutors in their work and see the potential for greater collaboration with the ICC. I am persuaded that the ICC can only succeed if its work is coordinated with, and draws from, the essential work of local actors on the ground.

Finally, I will bring to the role a strong commitment to and belief in international criminal justice. I see the challenges faced by the ICC and understand its limitations, but I also deeply believe in its mission and its ability to bring justice for victims and contribute to deterrence for international crimes. This core belief motivates me each and every day in my work in this field. For all these reasons, I believe that I am particularly qualified to serve as ICC Deputy Prosecutor and would consider a true honor to contribute to the mission of the OTP in that capacity.

## **B. Curriculum vitae**

### **1. Experience**

**Kosovo Specialist Prosecutor's Office (2019 – present)** The Hague, The Netherlands

**Deputy Specialist Prosecutor** (September 2020 – present)

**Head of Investigations** (June 2019 – September 2020)

Managing prosecutors, investigators, and analysts in the investigation and prosecution of war crimes and crimes against humanity occurring in Kosovo from 1 January 1998 through 31 December 2000.

**Harvard Law School (2013 – present)** Cambridge, MA

**Visiting Professor of Practice** (2021)

**Professor of Practice** (2013 – 2019) (on leave 2019 – 2021)

Teaching, writing and consulting on international criminal law, the International Criminal Court, ad-hoc international criminal tribunals, U.S. criminal justice, and evidence.

**International Criminal Court, Office of the Prosecutor (2010 – 2013)** The Hague, The Netherlands

) **Prosecution Coordinator** (2012 – 2013)

Responsible for managing all prosecutions of crimes against humanity, war crimes, and genocide by the Office of the Prosecutor (OTP) including supervising all of the prosecutors, coordinating the approaches in all cases, providing legal and strategic guidance and direction, and reviewing all filings and significant positions advanced in court.

) **Investigation Coordinator** (2010 – 2012)

Responsible for managing all investigations of crimes against humanity, war crimes, and genocide by the OTP including supervising the investigators and analysts, reviewing and contributing to investigation plans, as well as providing legal and strategic guidance and direction.

**Harvard Law School 2007 – 2010** Cambridge, MA

**Assistant Clinical Professor of Law**

Taught courses on war crimes prosecution, federal prosecution, and evidence. Supervised students working on legal projects for international criminal tribunals and non-governmental organizations focused on war-crimes prosecutions. Wrote and consulted on war crimes prosecution issues.

**Int'l Crim. Tribunal for the former Yugoslavia, Office of the Prosecutor (2002 – 2007)** The Hague, The Netherlands

**Senior Trial Attorney** (2005 – 2007),

**Trial Attorney** (2002 – 2005)

Lead counsel in three investigations and prosecutions charging war crimes and crimes against humanity: *Prosecutor v. Fatmir Limaj, Isak Musliu, and Haradin Bala*; *Prosecutor v. Milan Martić*; and *Prosecutor v. Dragomir Milošević* (prosecution phase). Supervised and managed a team of twenty or more lawyers, investigators and staff during the investigation, charging, and trial phase of each prosecution.

**U.S. Attorney's Office, Assistant U.S. Attorney (1995 – 2002)** Boston, MA

Investigated and prosecuted crimes in the Organized Crime Strike Force and Public Corruption and Special Prosecutions Units. Led trials, appeals, grand jury investigations, and motions work. Recipient of the Special Achievement Award (1996), Director's Award for Superior Performance (1997), U.S. Marshal's Service Award (1999), Attorney General's Distinguished Service Award (2000), and OCDEF Award (2001).

**U.S. Dept. of Justice, Civil Rights Division, Criminal Sec., Trial Attorney (1991 – 1995)** Washington, D.C.

Investigated and prosecuted federal civil rights crimes around the United States. Led trials, grand jury investigations, and motions work. Recipient of Certificates of Commendation (1992, 1994) and a Special Achievement Award (1993).

**Chambers of Judge Eugene H. Nickerson, E.D.N.Y., Law Clerk (1990 – 1991)** Brooklyn, NY

Researched legal issues and drafted orders and decisions for judge.

**Center for National Security Studies, Research Associate (1986 – 1987)** Washington, D.C.

Researched and wrote pieces on civil rights and national security issues.

## 2. Education

**Yale Law School, J.D.**, June 1990

Yale Law Journal: Book Review and Comments Editor

**Yale University, B.A.**, May 1986

Phi Beta Kappa, *summa cum laude*, Distinction in the Major

## 3. Publications

*Prosecute Little Fish at the ICC*, (with Ward Ferdinandusse), J. Int'l Crim. J. (2021) (advance articles) <https://academic.oup.com/jicj/advance-article-abstract/doi/10.1093/jicj/mqab046/6327070?redirectedFrom=fulltext>

*The President on Trial: Prosecuting Hissène Habré* (book review), J. Int'l Crim. J. (2021) (advance articles) <https://academic.oup.com/jicj/advance-article-abstract/doi/10.1093/jicj/mqab041/6306970?redirectedFrom=fulltext>

*Could the Crime of Aggression Undermine Deterrence?* J. Int'l Crim. J. (2021) (advance articles) <https://academic.oup.com/jicj/advance-article-abstract/doi/10.1093/jicj/mqab028/6298307?redirectedFrom=fulltext>

*A Program for the Next Prosecutor*, 52 Case Western Reserve J. of Int'l L 479 (2020)

*Prosecution Strategy at the International Criminal Court in Search of a Theory* in WHY PUNISH PERPETRATORS OF MASS ATROCITIES? THEORETICAL AND PRACTICAL PERSPECTIVES ON PUNISHMENT IN INTERNATIONAL CRIMINAL LAW (F. Jessberger & J. Geneuss, eds.) (Cambridge U. Press 2019)

*An Investigation Mechanism for Syria: The General Assembly Steps into the Breach*, 15 Journal of Int'l Criminal J. 231 (2017)

*Investigations and Institutional Imperatives at the ICC* in THE FIRST GLOBAL PROSECUTOR (A. Whiting, M. Minow, C.T. Frost, eds.) (U. Michigan Press 2015)

*Disclosure Challenges at the International Criminal Court* in THE LAW AND PRACTICE OF THE INTERNATIONAL CRIMINAL COURT: A CRITICAL ACCOUNT OF CHALLENGES AND ACHIEVEMENTS (C. Stahn, ed.) (Oxford U. Press 2015)

*Dynamic Investigative Practice at the International Criminal Court*, 76 Law & Contemporary Problems 163 (2013)

INTERNATIONAL CRIMINAL LAW: CASES AND COMMENTARY (Oxford U. Press 2011), co-authored with Antonio Cassese, Guido Acquaviva, & Mary Fan

*The ICTY as a Laboratory of International Criminal Procedure* in THE LEGACY OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (B. Swart, G. Sluiter, A. Zahar eds.) (Oxford U. Press 2011)

*In International Criminal Law, Justice Delayed Can be Justice Delivered*, 50 Harvard International Law Journal 323 (2009)

*Lead Evidence and Discovery Before the International Criminal Court: The Lubanga Case*, 14 UCLA Journal of International Law and Foreign Affairs 207 (2009)

*How Prosecutors Should Exercise Their Discretion Now That the Sentencing Guidelines are Advisory*, Issues in Legal Scholarship, Vol. 8: Iss. 2, Article 2 (2009) (New Directions for the Department of Justice Symposium) (<http://www.bepress.com/ils/vol8/iss2/art2>)

Note: *Controlling Tin Cup Diplomacy*, 99 Yale Law Journal 2043 (1990)

*Covert Operations and the Democratic Process: The Implications of the Iran-Contra Affair*, Publication of the Center for National Security Studies, Washington, D.C. (1987)

#### **4. Activities**

Editor, Just Security blog ([justsecurity.org](http://justsecurity.org)) (2015 – present)

Fellow, National Institute of Military Justice (2021 – present)

Stop Ecocide Foundation, Expert panel to draft definition of the crime of Ecocide (2021)

American Society of International Law International Criminal Court Task Force (published report on policy options for U.S. engagement with the ICC) (2020 – 2021)

Advisory Board, Civitas Maxima (2018 – present)

Advisory Board, Lawyers for Justice in Libya (2018 – present)

Member Board of Directors, Center for Climate Crime Analysis (2018 – present)

American Bar Association international criminal justice standards task force member (2017 – present)

Member of the Board of Advisors of the American Bar Association's International Criminal Court Project (2016 – present)

Member of the Independent Commission of Experts of the "Project of Commerce, Crime & Human Rights, Closing the Prosecution Gaps," sponsored by the International Corporate Accountability Roundtable and Amnesty International (2014 – present)

Editorial Board Member, Journal of International Criminal Justice (2010 – present)

Commissioner and Member of the Advisory Panel of the Commission for International Justice and Accountability (2014 – present)

Senior fellow, University of Melbourne Law School (July 2017) (taught master's level course).

George and Irina Schaeffer center for the study of genocide, human rights and conflict prevention fellow, the American University of Paris (summer 2017)

Harvard Law School Women's Law Association Shatter the Glass Ceiling Award recipient (for Excellence in Engaging Students in Difficult and Important Conversations) (April 2017)

Consultant to the Office of the International Co-Prosecutor, Extraordinary Chambers in the Courts of Cambodia (ECCC) (2014 – 2015)

International Bar Association, War Crimes Committee, Co-Chair (2013-2014), Vice-Chair (2009 – 2013)

Member of Expert Initiative on Promoting Effectiveness at the International Criminal Court, sponsored by Swiss Federal Department of Foreign Affairs and University of Amsterdam (2013 – 2014)

Training of Ukrainian human rights lawyers in Kiev, Ukraine, sponsored by the International Partnership for Human Rights (September 2014)

Training of prosecutors and investigators in the International Crimes Division, Kenya, sponsored by the German Federal Foreign Office (February 2014)

Training of human rights lawyers from Sri Lanka in the investigation of war crimes, sponsored by the Commonwealth Human Rights Initiative (September 2009)

Training of human rights lawyers in Tbilisi, Georgia in the investigation of war crimes and consulting on report of investigation, sponsored by the Open Society Justice Initiative (2008-09)

**5. Bar admissions** New York; Connecticut; Massachusetts; Washington, D.C.

**6. Languages** English, French (proficient)