



**Twenty-second session**  
 New York, 4-14 December 2023

## Eighth election of judges of the International Criminal Court

### Addendum

#### Annex I

### Alphabetical list of candidates (with statements of qualifications)

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## 1. BEN MAHFOUDH, Haykel (Tunisia)

[Original: French]

### Note verbale

The Embassy of the Republic of Tunisia in The Hague presents its compliments to the Secretariat of the Assembly of States Parties of the International Criminal Court and has the honor to transmit herewith the file of the nomination of Mr. Haykel Ben Mahfoudh (list B) as the Tunisian candidate for election as a judge of the International Criminal Court, which will be held at the United Nations Headquarters in New York in December 2023.

Professor Haykel Ben Mahfoudh is a Tunisian citizen. He served as a Professor of Public International Law at the Faculty of Legal, Political and Social Sciences of Tunis (University of Carthage) and Director of the Research Center for International and European Law and Maghreb-European Relations at the same Faculty, and currently he is the Director of the Tunisian University Mission in North America, in Montreal.

The candidate is qualified to meet the criteria of Article 36(3)(a) of the Statute, in particular for his high moral qualities and probity, for his qualifications and experience across the region, his professional integrity and records, his significant work in the field of humanitarian law and human rights, as well as for his sensitivity to cultural diversity.

Mr. Ben Mahfoudh holds a PhD (Doctorate) in International Humanitarian Law (IHL) from the University of Carthage. His doctoral thesis on "The protection of the environment in times of armed conflict", which was defended in 2005, was distinguished with highest honors and proposed for a prize and publication.

Dr. Haykal Ben Mahfoudh's nomination to the election as a judge of the International Criminal Court comes from the Tunisian State's adherence to the principles of a fair trial and to the universal human values and principles of human rights, and an extension as well to its accession to the Rome Convention immediately after the democratic transition of 2011.

In expressing his interest in standing for election as a judge of the International Criminal Court, Mr. Ben Mahfoudh has formally undertaken to make himself available to serve on a full-time basis when the workload of the Court so requires. The candidate is willing to provide all additional information in support of this nomination and to respond to the steps, procedures and meetings provided for this purpose.

### Statement of qualifications

The Republic of Tunisia submits the nomination of Mr Haykel Ben Mahfoudh for the elections of the International Criminal Court, to be held at the 22nd session of the Assembly of States Parties at the Headquarters of the United Nations Organization in New York in December 2023.

Mr Haykel Ben Mahfoudh is a lawyer of high moral character and intellect. He is renowned for his exemplary ethics, probity, integrity and scientific rigour. He has a sense of duty and works in a spirit of collegiality and with respect for diversity. He is highly regarded, both in his own country and internationally. He has devoted his life to the research and teaching of legal knowledge and practice in a number of areas relevant to international high judicial office.

Mr Haykel Ben Mahfoudh holds the most senior academic rank (*Professeur de l'enseignement supérieur* - Professor of Higher Education) in the Tunisian university system. His academic experience is based on a career spanning over twenty-five years in several posts with scientific, research and supervisory responsibilities. For example, he headed the Laboratoire de recherche en droit international et européen et relations Maghreb-Europe (LR-DIERME). During his time at the head of the laboratory, he

published several works and reference research articles in the fields of security, armed conflict and human rights.

He holds the grade of Doctor in International Humanitarian Law (IHL) at the University of Carthage. The subject of his doctoral thesis was: “*La protection de l’environnement en période de conflits armés*” [Environmental protection during armed conflict]. He defended his thesis in 2005 and was awarded a distinction (*mention très honorable*) and congratulated by the board of examiners with a recommendation for publication.

Professor Ben Mahfoudh is considered to be one of the most senior experts in IHL in Tunisia and in the Arab world. His work on protecting the victims of armed conflict lies at the heart of his contribution to the development of international criminal law and the law of peace and security in North Africa and the Middle East. He has written a number of reference works and publications in these fields. His work entitled “*L’environnement, l’humanitaire et le droit international*” [The environment, humanitarian efforts and international law] is, for example, cited in the works of the International Law Commission (ILC) on the protection of the environment with respect to armed conflict. His academic work is highly regarded for its depth, originality and the fact that it considers every angle of an issue, providing a means for understanding the theoretical and practical challenges of the major issues involving international security, democracy and the protection of human beings.

Dr Ben Mahfoudh has a thorough knowledge of the conditions under which perpetrators of serious breaches of humanitarian law can be held criminally responsible and closely monitors known developments in the field of prosecuting international crimes. An expert on international and comparative jurisprudence in these areas, he helps to disseminate knowledge and develop systems to combat impunity in his region. He lectures on a regular basis as a speaker and visiting professor at national and international colloquia and seminars on subjects associated with how the ICC operates and its applicable law.

Professor Ben Mahfoudh is also an international consultant, recognised for his skills in fields that are related to the judicial work of the Court, namely: security governance, constitutional reform, judicial and police reform, and human rights. He is a member of several networks of international and regional experts, including the UNDP ExpRes Roster, the United Nations Organization, International IDEA and the Geneva Centre for Security Sector Governance - DCAF.

Given his skills and his proven experience in the relevant fields of international law and, specifically, in international humanitarian law, human rights and international criminal law, he fully meets the criteria of article 36(3)(b)(ii) of the Rome Statute.

Mr Haykel Ben Mahfoudh is nominated under “List B”, for candidates having established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court.

Professor Ben Mahfoudh has held academic appointments in the most prestigious legal and political science faculties in Tunisia and abroad. Specifically, he has given lectures, supervised and contributed to national and international research projects on subjects relevant to public international law, in particular war crimes and crimes against humanity, protecting the victims of armed conflict, the typology of armed conflicts, international environmental law, new military technologies and weapon systems, international liability regimes for States and individuals, gender and fundamental rights, international cooperation to combat impunity, and the rights of sexual minorities and vulnerable persons such as migrants.

He has also acted as a legal advisor for several government authorities and international organisations specialising in judicial reform, security governance, and has a proven track record in respect of coordinating and managing processes to reform the

security sector (police, armed forces, parliamentary oversight, law enforcement agencies, prison environments, etc.).

Furthermore, Mr Ben Mahfoudh has extensive experience as a practising lawyer, thereby combining knowledge and practice of the law in the national courts. As a legal practitioner, he is familiar with how the courtroom and proceedings function, and of the parties involved in civil and criminal trials. He has been a member of the Tunis Bar since 1996 and has had the opportunity to practise criminal law in trials in the various courts. This involved assisting and representing women suffering domestic abuse and children who have suffered sexual abuse.

Mr Ben Mahfoudh also has recognised skills in the fields of international relations and as a government advisor, as he is currently the Director of the Mission Universitaire de la Tunisie en Amérique du Nord, which has its headquarters in Montreal, Canada, and in the past he held the post of Office Head of Mission at the Geneva Centre for Security Sector Governance – DCAF – in Tunisia.

Mr Ben Mahfoudh's profile and experience combine a knowledge of legal institutions with legal practice, which makes him uniquely qualified to grasp the main challenges involved in the application of international law, and to resolve complex situations.

In view of his in-depth experience of international humanitarian law and human rights, his specialism in the field of the protection of victims and vulnerable persons, the government of Tunisia nominates Mr Haykel Ben Mahfoudh under list B for the purposes of article 36, paragraph 5, of the Statute.

Professor Haykel Ben Mahfoudh is male. He is a Tunisian national. His nomination is of particular interest to the Court because he represents the Civil Law system, whilst also having the advantage of connections in the geographical areas and legal cultures of African states, the Francophonie and countries in the Arab Muslim world. As a result of his thorough knowledge of legal systems of countries in the region and his geographical and cultural pluralism, he therefore agrees with the need for equitable geographical representation, especially since no Tunisian national, of north-African origin and from an Arab country, has ever held the position of judge at the International Criminal Court.

It is important to emphasise that the candidate has in-depth knowledge of comparative legal systems, in particular the Common Law system, and that he has devoted a proportion of his teaching to the interaction of the main legal systems around the world.

Professor Haykel Ben Mahfoudh has a perfect command of Arabic, English and French. He speaks these languages fluently and lectures and publishes in all three. He also has basic knowledge of Spanish and Italian.

The nomination of Dr Haykel Ben Mahfoudh for the election of judges of the International Criminal Court stems from the support of the Republic of Tunisia for the principles of a fair trial and for universal human values and human rights principles, which form the basis of its modern constitutional system and are an extension of Tunisia's accession to numerous international and regional instruments for the protection of human rights, including the Rome Statute in particular in 2011.

The nomination of Mr Ben Mahfoudh was submitted in accordance with the procedure for submitting nominations to the highest judicial offices of the State. It takes into account the information and recommendations contained in the ICC's Note verbale, which invites States Parties wishing to do so to nominate candidates and express their interests. Since the person in question had expressed an interest in submitting an application, the highest Tunisian authorities examined his request to ensure that all eligibility criteria were met. His application was accepted and then brought to the

attention of the President of the Republic, who approved the submission of the nomination.

By expressing an interest in being nominated for the election of judges of the International Criminal Court, Mr Ben Mahfoudh has formally undertaken to make himself available to take up full-time service for the duration of the workload at the Court. His position as a university lecturer allows him to benefit from the necessary sabbaticals for the duration of his term of office.

The nominee is prepared to provide any additional information in support of this nomination and to take part in the procedure, process and meetings to this end.

## **Curriculum vitae**

### **Personal data**

Family name: Ben Mahfoudh  
 First name: Haykel  
 Middle name:  
 Gender: Male  
 Date of birth: 24 September 1971  
 Nationality: Tunisian  
 Regional criteria: Africa  
 Marital status: Single  
 List A / List B: List B  
 Languages: Mother tongue: Arabic  
 English: (written) Advanced; (oral) Advanced  
 French: (written) Advanced; (oral) Advanced  
 Spanish (written) Basic; (oral) Basic  
 Spanish (written) Basic; (oral) Basic

### **Educational qualifications**

01/2008 - 06/2008:

Faculty of Legal, Political and Social Sciences, University of Carthage, Tunis, Tunisia; Habilitation à Diriger des Recherches (HDR)

09/1997 - 10/2005:

Faculty of Legal, Political and Social Sciences, University of Carthage, Tunis; Ph.D. in International Humanitarian Law, with very honorable distinction and highly commended, dissertation proposed for a publication. Title of the thesis: Protection of the Environment during of Armed Conflict.

09/1993 - 06/1995:

Faculty of Legal, Political and Social Sciences, University of Carthage, Tunis; Master in Public and Finance Law, with honors. Title of dissertation: NGO's Phenomena in Tunisia and Morocco.

09/1992 - 06/1993:

Faculty of Legal, Political and Social Sciences, University of Carthage, Tunis; L.L.B. in Economic and Social Law (Certificat d'études spécialisées)

09/1989 – 06/1993:

Faculty of Legal, Political and Social Sciences, University of Carthage,  
Tunis; L.L.M. in Law (Maîtrise en science juridique)

### **Professional experience**

01/2022 – Present:

Ministry of Higher Education and Scientific Research of Tunisia

Director of the Higher Education Mission of Tunisia in North America.

Vice-Consul.

Minister Plenipotentiary.

Duty station: Montreal, Canada.

Management of scientific cooperation programs and student mobility between Tunisia and North American countries (Canada; USA). Functions of governmental representation, negotiation and conclusion of academic and scientific cooperation agreements.

09/2013 - 12/2021:

Ministry of Higher Education and Scientific Research of Tunisia.

Faculty of Legal, Political and Social Sciences of Tunis - University of Carthage.

Full Professor.

Director of the Research Center on International and European Law and Maghreb-Europe Relations (2014-2021). Elected member representing faculty on the Scientific Council (2014-2020).

1) Teaching activities: International Humanitarian Law; Sanctions in Public International Law; International Responsibility of the States (Principles and Reparation of Damages); Constitutional Law; International Criminal Law; Introduction to the Anglo-American Legal System; Law of International Peace and Security; Geostrategy and International Relations.

2) Pedagogical responsibilities: Responsible for the Master Common Law (this program is taught entirely in English). Supervision of the research and teaching teams.

3) Supervision of research projects (Doctoral theses and master's theses). The topics supervised are the following: Protection of minorities, Torture, Human rights violations in armed conflicts (e.g. Yemen, Libya, Sudan), Prosecution and repression of terrorism, New technologies and International Humanitarian Law, Democratic control of armed forces, Transitional justice and reconciliation, International crime and organized crime; United Nations reform)

4) Research activities - Relevant research topics: Rule of Law and Democratic Transitions; Constitutional Justice; Women, Equality and Gender; (Non) State Actors and Armed Conflict; Armed Groups (Mercenaries); Disarmament and Arms Control; International Criminal Accountability; Counter-Terrorism and Prevention of Violent Extremism; Protection of Victims and Minorities in International Law; Security Sector Reform; Overseas Military Operations (OPEX); International Security and Peacekeeping (Jus ad bellum, jus in bello, jus post bellum); International and Regional Organizations; Democratic Transitions.

Visiting Professor : University of Siena (Italy); Universities of Aix-Marseille and Paris - Panthéon Sorbonne (France); University of Saint-Joseph (Lebanon); Institute of National Defense, École Supérieure de

Guerre, École des États-majors, École Supérieure des Forces de Sécurité Intérieure (Tunisia).

04/2009 - 08/2013:

Ministry of Higher Education and Scientific Research of Tunisia

Higher Institute of Legal and Political Studies of Kairouan - University of Kairouan

Associate Professor of Public Law - Specialization in International Public Law.

1) Teaching activities: International Institutions, Law of International Organizations; Administrative Law; Comparative Law; International Litigation, Law of Armed Conflict, Law of the Sea.

2) Teaching responsibilities: Member of the Scientific Council and Director of the Public Law Department (2011-2013). Supervision of research teams and teachers.

3) Supervision of research works (Doctoral theses and master's theses). The subjects supervised have been on the following topics: Protection of minorities; Torture; International and regional mechanisms for the protection of human rights; Fight against terrorism; Crimes against humanity and war crimes; Immigration, regional security, etc.).

4) Research Activities - Relevant research areas: Non-State Actors; New Technologies and International Humanitarian Law; Violent Extremism and Counter-Terrorism; Human Rights Protection, Democratic Transition and Institutional Reform; Disarmament and Arms Control; International Criminal Accountability; Protection of Victims and Minorities in International Law; Security Sector Reform; International Security and Peacekeeping (Jus ad bellum, jus in bello, jus post bellum); International and Regional Organizations.

09/1996 - 03/2006:

Ministry of Higher Education and Scientific Research of Tunisia

Faculty of Law and Political Science of Tunis - Tunis El Manar University

1) Senior Lecturer - Specialization in Public Law (03/2006 - 04/2009). 2) Assistant

Professor in International Public Law (09/1996-03/2006)

1) Doctoral research in International Humanitarian Law;

2) Teaching topics: International Relations, Law of International Organizations, Administrative Law, Constitutional Law, Philosophy of Law);

3) Research activities. Relevant research areas: Law of Armed Conflict, Environmental Protection, Peaceful Settlement of Disputes, Human Rights and Public Liberties; Peace and Security Law. Supervision of the Tunisian teams that took part in the African Human Rights Moot Court Competition.

01/1996 – 04/2023:

Ben Mahfoudh & Associates - Lawyers and Consultants.

Associate Lawyer, BMCP Lawyers (2016-04/2023). Role: Strategic advice and international practice.

Lawyer registered at the Tunis Bar, Courts of Appeal

Representation and defense of clients before civil, criminal, and military courts.

Claims for compensation and international arbitration.

Accompaniment and pro bono defense of women and children's victims of domestic and/or sexual violence.

Drafting of legal notes, opinions, and conclusions.

Training of trainers on the following topics: Access to international justice, international human rights law; Complaint mechanisms for human rights violations; Fair trial guarantees; Professional ethics; Codes of conduct for the armed forces.

### **Other professional activities**

04/2017-12/2021:

International Consultant, International IDEA

Advice and support to the "Political Dialogue in Yemen" project.

Technical support to the negotiations of peace agreements and security arrangements.

Examination and study of the issues of impunity, protection of vulnerable groups and individuals, reparation of war damages and demobilization of combatants and post-conflict justice.

Strengthening the mediation and negotiation capacities of political actors, etc.

Country: Yemen.

10/2016:

International Consultant, Hanns Seidel Foundation - World Relief and Cooperation Organization IOCEA.

Technical Support to the Process for the Reform of Immigration and Asylum Laws in Libya.

Country: Libya.

12/2015-03/2016:

International Consultant, Police and Justice Reform, United Nations Assistance Mission for Iraq-OHCHR (UNAMI).

Assessment and analysis of training programmes and complaints mechanisms in the justice and law enforcement sectors in Iraq \* Drafting of a human rights training manual for the police and law enforcement personnel in Iraq \* Capacity building activities: mechanisms for reporting human rights violations.

Duty Station: Iraq (Baghdad and Erbil).

01/2015 - 03/2015:

International expert, constitutional processes and security sector reform - Democracy Reporting International (DRI) in Libya.

Provide legal analysis and opinions on the Constitution Draft chapter relating to the Armed and Security Forces and Security \* Presentation and discussion of options for the "Disarmament, Demobilization and Reintegration (DDR)" process \* Exchange with members of the Constitutional Drafting Committee on the prosecution of war crimes in Libya before the ICC.

Country: Libya.

01/2015 - 02/2015:

Consultant, World Organization Against Torture (OMCT).

Training of trainers and moderation of exchange workshops between justice professionals (judges, police, forensic doctors, lawyers, psychologists, etc.) on the issue of the fight against torture and ill-treatment in Tunisia. \* Drafting of the



report on the implementation of the new legislation on the prevention of torture in prisons in Tunisia. Follow-up of the recommendations.

Country: Tunisia.

2011-2012:

Ministry of Justice, Member of the National Commission for the follow-up of the recommendations of the international and regional human rights rapporteurs.

02/2011 - 08/2013:

Senior Adviser, Acting Head of Mission - Geneva Centre for the Democratic Control of Armed Forces (DCAF).

Management, coordination, and monitoring of the portfolio of projects related to DCAF's operations in the MENA region, those at the intersection of security and human rights: Criminal and military justice reform, prison reform, police reform, complaints mechanisms, parliamentary oversight of the armed forces, implementation of UNSCR 1325.

Country/Region: Tunisia, Maghreb, Switzerland.

### Most relevant publications

Stéphane Doumbé-Billé (†), Haykel Ben Mahfoudh, Kiara Neri, (Dir.) (2020). *Le droit international actuel est-il sécurisant ?*. Editoriale Scientifica, 402 p., 2020, 9788893918824. {hal-02983614}

Ben Mahfoudh, H. (sld.) (2019). *Les victimes en droit international*. Publication du Laboratoire de recherche en droit international et européen et relations Maghreb-Europe (LR-DIERME) – Faculté des Sciences Juridiques, Politiques et Sociales de Tunis – Agence Universitaire Francophone.

Doumbé-Billé, S., Ben Mahfoudh, H. (Ed.) (2019), *Révolutions et droit international*, Presses de l'Université Toulouse 1 Capitole - France, 01/2019.

Ben Mahfoudh, H. (2011). *L'environnement, l'humanitaire et le droit international*. Centre des Publications Universitaires, Tunis.

Ben Mahfoudh, H. (2005). *La protection de l'environnement en période de conflits armés*. Thèse de doctorat en droit international humanitaire, Faculté des sciences juridiques, politiques et sociales de Tunis, 699 pages.

Ben Mahfoudh, H. (2023). "The Arab World and the International Criminal Court: Who Needs More the Other?". *Journal of International Criminal Justice*, Volume 21, Issue 1, Published in March 2023.

Ben Mahfoudh, H. (2022). "La confiance et la participation des victimes devant la CPI: d'une simple question de perception à un principe d'administration de la justice pénale internationale". In: *La confiance dans les procédures devant les juridictions internationales*. Actes du colloque international de Nice, 3 et 4 juin 2021, Sous la Direction de Julie Tribolo-Ferrand, Éditions Alain Pedone, Paris, 2022.

Ben Mahfoudh, H. (2020). "Les victimes en droit international : essai de typologie", In: *Droit, humanité et environnement: Mélanges Stéphane Doumbé-Billé (Français) Broché* – 22 janvier 2020, Mohamed Ali Mekouar (Sous la direction de), Michel Prieur (Sous la direction de).

Ben Mahfoudh, H. (2020). "Traverser à rebours, ou les finalités ambivalentes des accords de réadmission". *Les Cahiers de Tunisie (Dossier thématique)*, vol. 72, n. 226/227.

Ben Mahfoudh, H. (2020). "Réflexions sur la plainte déposée devant la CPI pour crimes contre l'humanité et de génocide pour développement d'armes de guerre biologique par la République populaire de Chine". *Research Paper in Law 1/2020*. Collège d'Europe, Études juridiques européennes.

Ben Mahfoudh, H. (2020). "Tunisie". In: *Annuaire international de justice constitutionnelle*, 35-2019, 2020. Dossier thématique: Constitution et environnement- La justice prédictive. pp. 547-560.

Ben Mahfoudh, H. (2019). "Igualdad y género en la Constitución de Túnez de 2014". *Revista Jurídica Piélagus*, 18(1), 67–84. <https://doi.org/10.25054/16576799.2639>

Ben Mahfoudh, H. (2018). "Tunisie". In: *Annuaire international de justice constitutionnelle*, 33-2017, 2018. Dossier thématique: Juge constitutionnel et interprétation des normes - Le juge constitutionnel face aux transformations de la démocratie. pp. 479-493.

Ben Mahfoudh, H. (2017). "Tunisie". In: *Annuaire international de justice constitutionnelle*, 32-2016, 2017. Dossier thématique: Migrations internationales et justice constitutionnelle - Référendums et justice constitutionnelle. pp. 501-515.

Ben Mahfoudh, H. (2017). "Security Sector Reform and the Struggle against Terrorism: State of Affairs, Issues and Challenges", *IEMed. Mediterranean Yearbook 2017*, pp. 233-235.

### **Most relevant seminars**

Forum of Legal Actors on Freedom of Expression. Organized jointly by the Ministry of Foreign Affairs of the Netherlands, UNESCO, Free Press Unlimited and the T.M.C. Asser, The Hague, October 2022.

"Governance of the security sector in fragile States", Master in Public Law - M2: Spécialité Droit de la reconstruction des Etats, Université Aix-Marseille, France 2016, 2017. University of Paris Panthéon - Sorbonne, 2019, 2020.

"Cours Général: Constitution, Sécurité et Défense", Académie Internationale de Droit Constitutionnel, XXXIII ème session, 25 août – 3 septembre 2017, Tunis, Tunisie.

"Civilian Oversight of the Security Sector in Post-Conflict and Transitional Environments", Master in Democratic Governance - Human Rights and Democracy in the MENA Region (DE.MA) – European Inter-University Centre for Human Rights and Democratization, Venice, Tunis, Beirut, 2016, 2017.

La justice pénale internationale : l'exemple de la CPI", Ecole supérieure de Guerre, Tunis, Tunisie (Cours annuel, années 2015, 2016, 2017).

Lecturer: Conférence Katia-Boustany 2023. " Le processus d'élection des juges à la Cour pénale internationale : Réflexions et retour d'expérience". Faculté de droit de l'Université de Sherbrooke, Québec, Canada, 30 Mars 2023. Université de Sherbrooke et en ligne, 30 Mars 2023.

Lecturer: "Les défis régionaux de la coopération : exemple de la zone Afrique du Nord et Moyen Orient ". Colloque: Les 20 ans de l'entrée en vigueur du statut de Rome. Le principe de complémentarité : la clé d'un système global de lutte contre l'impunité. Cour de Cassation française, 24 octobre 2022, Paris. (To be published with the Éditions A. Pedone, in 2023).

Rapporteur: Workshop sur "La conduite de poursuites et de procès contre les combattants terroristes étrangers, y compris ceux qui rentrent dans leur pays et ceux qui se relocalisent", organisé par le Laboratoire de recherche en droit international et européen et relations Maghreb-Europe et l'Association tunisienne pour les Nations Unies, à l'occasion célébration de la journée des Nations Unies, Tunis, 24 octobre 2019.

Panelist: "Transitional justice in Tunisia", Edinburgh Dialogues V: Transitional Justice and Constitution Building Processes, School of Law, International IDEA, Edinburgh, December 2018.

Lecturer: "Technological change and international humanitarian law – amend, implement or simply manage expectations?", 3rd Stockholm Security Conference, SIPRI, 19–20 September 2018, Stockholm, Sweden.

Contribution: "L'assassinat de Mohamed Zouari : un crime international ?", Leaders Magazine, décembre 2016.

Panelist: "Workshop on The evolution of mercenarism and the implications for accountability and remedy with respect to human rights violations", Office of the United Nations High Commissioner for Human Rights, Palais des Nations, Genève, avril 2016.

Lecturer: "L'atteinte aux biens culturels devant la CPI", Séminaire organisé par l'Association des historiens tunisiens et l'Institut national du patrimoine, Musée du Bardo, Tunis, Décembre 2015

Panelist: "Les archives judiciaires et l'histoire de la prépression en Tunisie", contribution à la journée d'étude sur: "La justice transitionnelle en Tunisie et le droit international: question de la compatibilité des standards de la JT avec les règles du droit international", LR-Dierme, UNHCHR, ICTJ, PNUD, 16/04/2015, Faculté des sciences juridiques, politiques et sociales de Tunis.

Lecturer: "Les paradoxes de la CPI: éléments de différenciation et de distinction d'une justice pénale internationale". Séminaire organisé par le Ministère de la Justice et le Centre de Genève pour la promotion des droits de l'homme et le dialogue global, Tunis, Novembre 2011.

### **Membership of professional associations and societies**

2019- present: Senior Nonresident Fellow, Rafik Hariri Center on the Middle East, Atlantic Council (Washington, D.C.).

2017- present: Member of the Board of Directors of the United Nations Association of Tunisia (ATNU).

2014-2017: Nonresident Fellow, Rafik Hariri Center on the Middle East, Atlantic Council (Washington, D.C.)

2014- present: Founding member of the Arab Organization for Constitutional Law. Member of the Scientific Committee.

2001-2003: Member of the American Society of International Law.

1998-2008: Treasurer of the Tunisian Association of Private Law.

1996-present: Lawyer registered with the Council of the National Bar Association of Tunisia

### **Awards and honours**

Distinguished Alumnus Award (2014) of the NESAC Centre – NDU (USA).

### **Personal interests**

Cello, Travelling and Community involvement.

### **Other relevant facts**

2009: Visiting Scholar, Civic Education and Leadership Fellowship (CELF) program, Maxwell School of Syracuse University, NY/USA.

2002: Auditor of the Courses of the Academy of International Law, Session Private International Law, The Hague - Netherlands (2002).

2001: Recipient of a Fulbright Fellowship in the USA, Lafayette College, Easton, Pennsylvania. (US Constitution) (2001).

1998: Course Auditor for the Geneva Institute for Peace Research (GIPRI) - Geneva (1998).

1997: Auditor of the Courses of the Academy of International Law, Public International Law Session, The Hague - The Netherlands (1997).

## 2. DAMDIN, Erdenebalsuren (Mongolia)

[Original: English]

### Note verbale

The Embassy of Mongolia in Brussels presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and with reference to the latter's Note Verbale no. IC-ASP/22/SP/01 dated 19 December 2022, has the honour to inform that the Government of Mongolia has decided to nominate Mr. Erdenebalsuren Damdin, Justice of the Supreme Court of Mongolia for the election of Judge of the International Criminal Court, which will take place at the Twenty-Second session of the Assembly, scheduled to be held at United Nations Headquarters, New York, from 4-14 December 2023.

The Embassy of Mongolia in Brussels avails itself of this opportunity to renew to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court the assurances of its highest consideration.

### Statement of qualifications

Statement submitted in accordance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court and resolution ICC-ASP/3/Res.6, as amended by resolutions ICC-ASP/5/Res.5, ICC-ASP/12/Res.8, annex II, ICC-ASP/14/Res.4, annex II, and ICC-ASP/18/Res.4, and ICC-ASP/21/Res.2, annex II, respectively.

The Government of Mongolia has nominated Justice Erdenebalsuren Damdin, Justice of the Supreme Court of Mongolia, the highest judicial office of Mongolia, for the position of judge at the International Criminal Court in the election, which will take place at the twenty-second session of the Assembly of State Parties, scheduled to be held at United Nations Headquarters, New York, from 4 to 14 December 2023.

- a) Justice Erdenebalsuren Damdin fulfills all the requirements under article 36, paragraph 3 (a), (b), and (c), of the Rome Statute as follows:

#### *Paragraph 3 (a)*

Justice Erdenebalsuren Damdin is nominated for election under the terms of Article 36, paragraph 4(a)(i), of the Rome Statute of the International Criminal Court by the procedure for the nomination of candidates for appointment to the highest judicial offices in the State of the question.

The Justice of the Supreme Court of Mongolia must meet strict criteria, including high moral character, impartiality, and integrity. Additionally, they must have exceptional legal qualifications and competence, as well as more than ten years of professional experience. The Judicial Council of Mongolia recommends only candidates of exceptional ability for appointment as a Justice of the Supreme Court.

Justice Erdenebalsuren Damdin was appointed to the Supreme court of Mongolia in 2012 by the President of Mongolia with the consent of the Parliament of Mongolia (State Great Khural) based on the recommendation from the Judicial Council of Mongolia.

Justice Erdenebalsuren Damdin's nomination for the position of a judge of the International Criminal Court was approved by the President of Mongolia, following the procedure stipulated in article 36, paragraph 4 (a) (i), of the Statute.

#### *Paragraph 3 (b) (i)*

With over 30 years of experience in criminal law and procedure, including serving as a Judge, Defence Counsel, and Prosecutor, Justice Erdenebalsuren Damdin's extensive expertise and dedication make him highly qualified to be appointed as a judge of the International Criminal Court.

His professional career has been entirely devoted to criminal law and procedure, demonstrating his deep knowledge of international criminal law, international humanitarian law, and international human rights law.

As one of the longest-serving Justice of the Supreme Court of Mongolia, with over a decade of service, he has presided over the most serious and complex criminal cases, including cases of exoneration and reparation for victims of genocide and crimes against humanity committed during the period from 1937 to 1939.

Prior to his appointment to the Supreme Court of Mongolia, Justice Erdenebalsuren worked as a Criminal Defence Counsel, representing accused individuals at all stages of a criminal proceeding, as well as representing victims and witnesses in cases of gross human rights violation and reparation. In addition, he served as a Prosecutor for more than 10 years, including as a Senior Prosecutor and Chief Prosecutor, where he dedicated his efforts to investigating and prosecuting various types of crimes across the nation, such as rape, torture, extrajudicial execution, sexual violence, and transnational organized crimes, such as human trafficking, abductions and terrorism.

Due to his extensive knowledge and experience in criminal law and procedure, Justice Erdenebalsuren Damdin has been invited to provide his services in legislative activities for legal reform in Mongolia. He has worked in multiple government and parliament working groups where he played an important role in implementing the Rome Statute and the Kampala Amendments.

Specifically, he contributed to the integration of genocide, crimes against humanity, war crimes, and the crime of aggression into the Criminal Code. Furthermore, he supported the incorporation of the principles of non-applicability of statutory limitations and universal jurisdiction for international crimes into the Criminal Code, thus ensuring the principle of complementarity.

Justice Erdenebalsuren Damdin has also contributed to the drafting of various laws, including the Law on Judiciary, Law on Criminal Investigation Agency, Law on Police, and Law on State Emergency by incorporating the rules and principles of international humanitarian law and international human rights law.

In addition, as the Head of the Foreign Affairs and Cooperation Department of the Prosecutor General's Office of Mongolia, Justice Erdenebalsuren Damdin played a key role in the negotiations leading to the adoption of the Rome Statute of the International Criminal Court.

Justice Erdenebalsuren Damdin serves as a part-time lecturer at the National University of Mongolia, and throughout his professional career, has extensively trained judges, prosecutors, and other legal professionals on topics such as human rights in criminal justice, investigation, prosecution, and adjudication of international crimes at the national level.

*Paragraph 3 (c)*

Justice Erdenebalsuren Damdin has an excellent command of English and Russian.

b) Based on his extensive experience as a Supreme Court Justice, Criminal Defence Counsel, and Prosecutor, Justice Erdenebalsuren Damdin is nominated for inclusion in List A for the purposes of article 36, paragraph 5, of the Statute.

c) The information relating to article 36, paragraph 8 (a), of the Statute is as follows:

i) Justice Erdenebalsuren Damdin has served for over three decades in the Criminal Justice System of Mongolia. Accordingly, he represents the civil law system. Justice Erdenebalsuren Damdin is also knowledgeable in common law due to the fact that Mongolia has incorporated both civil and common law principles, including the adversarial system, and the use of binding judicial interpretations of the Supreme Court Mongolia as case law.

ii) Justice Erdenebalsuren Damdin is a national of Mongolia, a member of the Asia-Pacific region; and

iii) Justice Erdenebalsuren Damdin is a male.

d) Justice Erdenebalsuren Damdin has dealt with numerous cases concerning crimes against vulnerable persons, including the elderly and persons with disability; and sexual and gender-based crimes against women and children. In addition, he has served as a Member of the National Commission for Children headed by the Prime Minister of Mongolia, contributed to the improvement of juvenile rights in the administration of Criminal Justice, and advised on the implementation and interpretation of the Convention on the Rights of the Child and Optional Protocol on the involvement of children in armed conflict.

e) Justice Erdenebalsuren Damdin is a national of Mongolia and does not hold the nationality of any other State.

f) Justice Erdenebalsuren Damdin is committed to take up full-time service when the Court's workload so requires.

## **Curriculum vitae**

### **Personal data**

Family name: Damdin

First name: Erdenebalsuren

Middle name:

Gender: Male

Date of birth: 07-Aug-1967

Nationality: Mongolia

Regional criteria: Asia/Pacific

Marital status: Married

List A / List B List A

Languages: Mother tongue: Mongolian

English: (written) Advanced; (oral) Advanced

Russian: (written) Advanced; (oral) Advanced

### **Educational qualifications**

09/2015 – present

The National University of Mongolia, School of Law, Ulaanbaatar, Mongolia

Doctoral candidate (Ph.D)

07/2022 – 08/2022

The Hague Academy of International Law, Hague, Netherlands.

Certificate, Summer Courses on Public International law and Private International Law

09/2005 -12/2005

The Asia Pacific Center for Security Studies. Honolulu, Hawaii, USA

Certificate, Executive Course on International Humanitarian Law and International Peace and Security

03/2000 - 05/2000

The Raoul Wallenberg Institute, Lund, Sweden

Certificate, Advanced Course on International Human Rights Law and International Humanitarian Law

03/1999 - 09/1999

Law Faculty of the University of Melbourne. Melbourne, Australia

Certificate, Advanced course on aspects of the common law system in safeguarding human rights and strengthening the rule of law

06/1991 - 08/1991

The Prosecutor General's Office of Mongolia

Admitted to the Bar of Mongolia

09/1985 - 06/1991

Law Faculty of the Irkutsk State University, Irkutsk, Russia

Master of Arts in Law (equivalent to an LL.M) with a specialization in Criminal Law and Procedure

### **Professional experience**

02/2012 – Present

The Supreme Court of Mongolia (The Highest court of Mongolia)

Justice, The Criminal Chamber

Handled over 4000 criminal cases, including those related to most serious violent crimes, corruption by high-ranking officials, sexual violence, human and drug trafficking, and transnational and organized crimes. Additionally, adjudicated nearly 200 cases involving the exoneration and reparation of more than 30,000 victims of genocide and crimes against humanity. These cases were related to extrajudicial killings, and to the mass destruction of ethnic and religious groups, and the systematic extermination of 5 percent of the civilian population of Mongolia between 1937-1939. Furthermore, served in a constant manner as a member of various working groups of the Ministry of Justice and Legal Standing Committee of the Parliament, engaging in legal reform activities aimed at improving the administration of the Criminal justice system.

10/2017 – Present

The National University of Mongolia, School of Law

Adjunct lecturer

Taught undergraduate and postgraduate courses in advanced criminal law and procedure, human rights in criminal justice, and the adjudication of international crimes at the domestic level.

06/2002-01/2012

Association of Mongolian Advocates

Criminal Defence Advocate

Provided legal representation to accused individuals throughout all stages of criminal proceedings including arrest, detention, pre-trial, trial, and appeal. In addition, offered pro-bono representation to victims of sexual and gender-based violence, including women and children, ensuring their effective participation in

ongoing criminal cases and civil cases related to reparation.

04/1995 - 05/2002

The Prosecutor General's Office of Mongolia

Chief Prosecutor; Head of the Foreign Affairs and Cooperation Department

As Chief Prosecutor, served as the focal point of the Prosecutor General during negotiations leading to the adoption of the Rome Statute of the International Criminal Court. Additionally, developed training modules on human rights, and the investigation and prosecution of genocide, war crimes, and crimes against humanity. Provided guidance to prosecutors across the country in relation to interstate cooperation, including the investigation of transnational crimes, extraditions, mutual legal assistance, and obtaining and gathering evidence from abroad.

As a Senior Prosecutor represented the State before the Supreme Court of Mongolia, in criminal cases involving widespread and systematic violations of human rights. These cases included transnational and organized crimes, terrorism, human trafficking, abduction, cyber crimes, and crimes against the environment.

08/1991 - 04/1995

The Prosecutors Office of the Khovd Province

Prosecutor; then Senior Prosecutor and Deputy Prosecutor of the Province

Led investigations of a wide range of crimes, including those against vulnerable persons such as the elderly and persons with disability, as well as murder, bodily harm, unlawful imprisonment and detainment, domestic violence, sexual assault, abuse, and rape. Conducted prosecutions of various types of cases with multiple criminal counts and accused. Supervised activities over victim and witness protection, evaluated evidence and witness testimonies for admissibility, presented cases before the Criminal Court of First Instance and Court of Appeal, and represented victims seeking reparations before civil courts.

### **Other professional activities**

2022 - present

Chaired the Working Group of the Supreme Court of Mongolia on organizing the Asia-Pacific Regional Seminar of Judges on the Rome Statute and the International Criminal Court in 2023.

2021 - present

As a member of the International Humanitarian Law Core Group (IHL Committee) of Mongolia, I actively contributed to the dissemination, promotion, and implementation of international humanitarian law across the country.

2021 - present

As a member of the Cooperation Council, I contributed to the drafting of the National Policy Program to Fight against Terrorism Financing and Money Laundering, developed strategies, and recommendations to prevent and combat terrorism financing and money laundering within the country. Additionally, I have contributed to the Country Report for the Review Mechanism for the implementation of the United Nations Convention against Transnational Organized Crimes and the Protocols thereto. This report involved conducting a thorough review of Mongolia's current measures and efforts to combat transnational organized crimes and ensure compliance with international standards and obligations under the Convention and protocols.

2017-2022

As a member of the National Committee for Children, I contributed to the improvement of juvenile rights in the administration of Criminal Justice. Specifically, I advised on the implementation and interpretation of the Convention



on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict. I also collaborated with the Legal Standing Committee of the Parliament to improve the legal framework of the Criminal Justice system and the administration of Juvenile Justice. Additionally, I worked on enhancing the legal framework to prevent and repress sexual and gender-based crimes against women and children.

2012 - present

As a member of various Working Groups within the Legal Standing Committee of the Parliament and Ministry of Justice and Home Affairs, I contributed to the development of the legal framework for prosecuting and trying genocide, crimes against humanity, and war crimes at the national level. This included incorporating these crimes into the Criminal Code, and introducing provisions for the non-applicability of statutory limitations, universal jurisdiction for international crimes, and ensuring the principle of complementarity. Following the adoption of the Kampala Amendments to the Rome Statute, I worked on the incorporation of the crime of aggression and amendments on war crimes into the Criminal Code.

In addition to my work on the draft Law on Judiciary aimed at improving the application of international treaties at the domestic courts, I also contributed to the drafting of several other important laws. Specifically, I played a role in developing the Law on Victim and Witness Protection, Law on Legal Aid, Law on Criminal Investigation Agency, Law on Police, and Law on State Emergencies. In each of these cases, I focused on integrating rules and principles of international human rights law and international humanitarian law.

2000 - 2009

As the founder and head of the Liberty and Rule of Law Association NGO, I worked in a multicultural environment with foreign experts from UNDP, GTZ, USAID, and the American Bar Association on projects aimed at fostering human rights and the rule of law. Specifically, I contributed to the negotiations leading to the adoption of the United Nations Convention Against Corruption and the establishment of the Anti-Corruption Agency in Mongolia.

1999 - Present

Throughout my career, as a prosecutor, part-time trainer, consultant, and judge, I have actively advanced knowledge of criminal justice and human rights. I have organized numerous seminars and workshops with foreign experts on topics such as criminal law and procedure, human rights, juvenile justice and prevention of torture and degrading treatment in places of detention.

### **Most relevant publications**

“Role of Mongolian Criminal Courts in the International Criminal Justice System”, Mongolian Journal of Law, 2023 (forthcoming).

Chapter One, Some issues of the legal definition and court practices on crimes of Abuse of Power and Corruption, Training Manual for lawyers, The Supreme Court of Mongolia, Asian Development Bank, Ulaanbaatar, Mongolia, 2022.

Article on comparative research of Criminal Legislation of Foreign countries in the Field of Economic Crimes, Training Manual for Judges, The Judicial General Counsel, Asian Development Bank, Ulaanbaatar, Mongolia, 2017.

Article on Development overview of Contemporary Criminal Legislation of Mongolia between years of 1911-1942, Mongolian Judiciary, Ulaanbaatar, Mongolia, 2016.

Criminal Law: New approaches in Modern Criminal law doctrine and principles, Training manual for Mongolian Judges by the Supreme Court of Mongolia & Hans Seidel Stiftung fund (Germany), Coauthor with 9 judges, 2015.

Digest of Legal Documents, Criminal Law, Ulaanbaatar, Mongolia, 2013.

“The Assessment of Needs for Improvement Prosecutor’s Activity and Promotion Prosecutor’s Human Resources”, The Prosecutor General’s Office, UNDP, Mongolia, 2005.

“Criminal Justice and the Issue of Protection of Juvenile Rights”, National Symposium on Children’s Rights, Ulaanbaatar, Mongolia, 2001.

Co-editor, “Prosecutor’s Bench Book” Manual for Prosecutors, Ulaanbaatar, Mongolia, 2001.

“Some Issues of Human Rights Protection in the Activities of the Judiciary and the Law Enforcement Bodies”, The National Human Rights Forum, 2000.

### **Most relevant seminars**

2020-2023: Several Judicial Seminars and a Ceremony for the Opening of the Judicial Year of the International Criminal Court, ICC, The Hague, Netherlands;

7 October 2022: International Conference on “Powers and Functions of Supreme Court”, the Government of Mongolia, The Supreme Court of Mongolia, Ulaanbaatar, Mongolia;

26 May 2022: National workshop on “Rights of children in the Criminal Proceedings”, the National Human Rights Commission, the Association of Mongolian Lawyers, Ulaanbaatar, Mongolia;

23 May 2022: Asia-Pacific Conference on the Promotion of Gender-Responsive Judicial Systems: Strengthening Formal Justice Systems’ Responses to Violence Against Women and Girls;

2021-2022: Asia-Pacific Regional seminars of Judges on Rome Statute System and the International Criminal Court, ICC,(Virtual seminars);

25-26 November 2021: Criminal Justice in Central Asia: Recent developments, challenges and impact of COVID-19 pandemic;

26-27 May 2021: World Judicial Conference on Environment, Supreme People’s Court of the People’s Republic of China, and United Nations Environment Programme;

15 November 2019: Mechanism against terrorist financing and financing of proliferation of weapons of mass destruction, UNODC, Bank of Mongolia, Judicial General Council, Ulaanbaatar, Mongolia;

2-7 April 2017: Judicial training on Administration of Justice system in Spain, Supreme Court of Spain, Madrid, Barcelona, Spain;

12-20 January 2014: Concepts of Common Law, Criminal Justice System in Canada, Ministry of Justice, Supreme Court of Canada, Vancouver, Ottawa, Canada;

11-15 October 2004: Asian Thematic Training Program on International Human Rights Law and International Humanitarian Law, Raoul Wallenberg Institute, Mahidol University, Bangkok, Thailand.

### **Membership of professional associations and societies**

2012-present: Member, the Association of Mongolian Judges.

2004 - present: Member, the Association of Mongolian Lawyers.

2004 - 2011: Member, the Association of Mongolian Advocates.

### **Personal interests**

History, Philosophy, and Theology;

Sports and Traveling; and

Arts and Music.

### 3. DEMBÉLÉ, Adélaïde (Burkina Faso)

[Original: French]

#### Note verbale

The Embassy of Burkina Faso in Brussels, Permanent Delegation to the International Criminal Court, presents its compliments to the Secretariat of the Assembly of States Parties to the International Criminal Court (ICC) in The Hague and has the honour to inform it of the following:

Burkina Faso has decided to nominate Ms DEMBELE Adélaïde for the office of judge on the International Criminal Court's List A, namely for the elections scheduled for December 2023.

Ms DEMBELE Adélaïde is a judge of exceptional rank. She has twenty-five years' experience both in Burkina Faso and internationally.

At the national level, she has served as a judge in courts of law, the central administration and the Financial Intelligence Unit of Burkina Faso.

Internationally, she has held the position of Prosecution Adviser to the Support Units of the prosecution of International Crimes of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

Since 2017, she has been appointed International Investigating Judge at the Special Criminal Court (SCC) of the Central African Republic, created to prosecute, investigate and judge international crimes committed since 2003 in that country.

Ms DEMBELE Adélaïde's wealth of experience makes her an excellent candidate for this position.

The application form, the Statement of Qualifications and the Certificate of Selection are attached to this Note Verbale.

#### Statement of qualifications

The requirement of good character is one of the major criteria for access to the profession of judge in Burkina Faso. Under Burkina Faso's law governing the judiciary, any breach by a judge of the duties of his or her office, reserve, honour, delicacy or dignity constitutes a disciplinary offence that is rigorously punished.

The candidate from Burkina Faso, Ms Adélaïde Dembélé, joined the judiciary in 1996 and has never been the subject of any disciplinary proceedings. She enjoys high moral character and, in particular, an undisputed reputation for impartiality and probity.

Ms Adélaïde Dembélé is a senior judge in Burkina Faso, having risen through the requisite ranks and steps to the highest grade in the hierarchy of the ranks of the Burkina Faso judiciary.

Ms Adélaïde Dembélé began her career as an examining judge at the First Instance Court of Ouagadougou in Burkina Faso from July 1996 to September 2003. She has an extensive experience of investigating and prosecuting sensitive and complex crimes at the national level. She was then appointed to the bench, a position she held from October 2003 to September 2004. She held hearings, issued orders and handed down judgments on procedural matters as well as on the merits in criminal, civil and commercial cases.

As a practising judge, she is well versed in criminal law and procedure in Burkina Faso.

After practising in the courts, Ms Adélaïde Dembélé joined the Ministry of Justice, where she was Head of Department in the Legislation and Documentation Department from 2004 to 2008. She contributed to the implementation of the Ministry of Justice's action plan by, among other things, drafting bills to set up courts and collecting and compiling case law.

From 2008 to 2014, she was Head of the Legal and Institutional Affairs Department of the National Financial Information Processing Unit in Burkina Faso. In this capacity, she contributed to the implementation of the national policy to combat money laundering and the financing of terrorism.

Armed with her professional experience at the national level, Ms Adélaïde Dembélé pursued her career internationally. From February 2014 to August 2017, she held the position of Prosecution Adviser to the Prosecution Support Units (PSU) of the United Nations Organization Mission for the Stabilization of the Congo (MONUSCO) in the Democratic Republic of Congo (DRC). In this capacity, she provided support in the application of the military criminal code, the military judicial code (equivalent to the code of criminal procedure) and the Rome Statute to Congolese investigative judges responsible for prosecuting international crimes.

Ms Adélaïde Dembélé has been an international investigating judge at the Special Criminal Court of the Central African Republic (SCC – CRA) since November 2017. Founded in 2015, this hybrid court is competent to investigate, prosecute and judge serious human rights violations and serious violations of international humanitarian law perpetrated on the territory of the Central African Republic since 1 January 2003.

The candidate from Burkina Faso applies international criminal law on a daily basis by implementing the Statute of the Special Criminal Court, the Rules of Procedure and Evidence before the Special Criminal Court, the Central African Penal Code, the Central African Code of Criminal Procedure and the Rome Statute. In applying these main legal documents, she draws on international human rights law, international humanitarian law and international public law, among others. She has experience of working with international and hybrid jurisdictions, as well as prosecuting international crimes in a situation of active conflict.

Ms Adélaïde Dembélé has held high-level positions at both national and international level. She is highly qualified and experienced in the practice of international criminal law and criminal procedure as a judge.

Ms Adélaïde Dembélé's mother tongue is French. The official language of Burkina Faso is French. The candidate from Burkina Faso has completed all her studies and professional training in French, and has worked in countries where French is the official language. She is therefore fluent in French, one of the Court's working languages, and also has an intermediate level of English.

Ms Adélaïde Dembélé's national and international career has given her not only proven competence in the fields of criminal law and procedure but also, and above all, the necessary and relevant experience of criminal trials as a national and international judge.

In view of her experience as a judge, Ms Adélaïde Dembélé is being nominated as a candidate on **list A**.

Burkina Faso is a country with a tradition of civil law, a legal system that Ms Adélaïde Dembélé practices.

Burkina Faso is nominated on behalf of the African Group of States.

Ms. Adélaïde Dembélé is a woman.

Ms Adélaïde Dembélé boasts an extensive domestic experience of investigating sensitive and complex crimes, including murder, assassination, rape (inclusive of minors), aggravated theft and arson.

At the international level, her long experience of investigating international crimes, including war crimes, crimes against humanity and in particular crimes of sexual violence as a weapon of war, including against minors and children aged eight or younger, makes her a proven expert on all these issues.

Ms Adélaïde Dembélé is a citizen of Burkina Faso. She is being nominated on behalf of Burkina Faso. Since its inception, the ICC has never appointed a judge who is a national of Burkina Faso.

In accordance with the provisions of article 36 of the Rome Statute, Burkina Faso has chosen the first option, under which Burkina Faso candidates are nominated in accordance with the procedure for the nomination of candidates for the highest judicial offices in Burkina Faso. To nominate the Burkinabe candidate for election at the twenty-second Session of the Assembly of States Parties, to be held at United Nations Headquarters in New York from 4 to 14 December 2023, the Ministry of Justice issued a call for candidates to all judicial staff. Following a selection process at the Ministry of Justice and the opinion of the Supreme Council of the Judiciary, Ms Adélaïde Dembélé was selected on the basis of her integrity, commitment and proven national and international experience in matters falling within the jurisdiction of the ICC. Her application was forwarded to the Secretariat of the Assembly of States Parties to the Rome Statute by the Government of Burkina Faso. The application has also been endorsed by the Economic Community of West African States (ECOWAS), a leading community body to which Burkina Faso is a State Party.

“I, the undersigned, Mazobé Jean KONDE, Chief Justice of the Cour de Cassation and President of the Superior Council of Magistrates of Burkina Faso, hereby certify that the nomination of Ms. Adelaïde DEMBELE, judge of exceptional rank, for the purposes of the December 2023 elections of a judge to the International Criminal Court (ICC) is in conformity with the nomination procedure of candidates for appointment to the highest judicial offices.”

Ms. Adélaïde Dembélé undertakes to be available to assume her duties on a full-time basis when the Court's workload so requires.

## Curriculum vitae

### Personal data

Family name: Dembélé  
 First name: Adélaïde  
 Middle name:  
 Gender: Female  
 Date of birth: 26 June 1965  
 Nationality: Burkinabe  
 Regional criteria: Africa  
 Marital status: Single  
 List A / List B List A French  
 Languages: Mother tongue: Arabic  
 English: (written) Intermediate; (oral) Intermediate  
 French: (written) Advanced; (oral) Advanced  
 Dyula (written) Basic; (oral) Advanced  
 Senufo (written) Basic; (oral) Intermediate

### Educational qualifications

October 2021 – December 2021

EDGE Institute Senegal (Higher education institute)  
 Professional certification in mediation in Africa

Octobre 1994 – July 1996

National School of Administration and the Judiciary (ENAM) / Ouagadougou  
 Diploma of the Judiciary Studies (Cycle A)

Octobre 1993 – July 1994

Faculty of Law and Political Science – Ouagadougou University

Master's degree in Law with a focus on public law

Octobre 1992 – July 1993

Faculty of Law and Political Science – Ouagadougou University

Bachelor's degree in Law

### **Professional experience**

November 2017 – present

Ministry of Justice

International investigating judge at the Special Criminal Court of the Central African Republic (SCC-CAR)

Practice of international law and of the work of international and hybrid courts, as well as of the prosecution of international crimes in a situation of active conflict:

- Collection, organisation, examination and analysis of documentary and testimonial evidence.
- Hearings of numerous victims and witnesses in several cases.
- Interrogation of several suspects as part of the investigation of more than a dozen cases
- Issuing letters rogatory to officers of the Special Judicial Police Unit of the Special Criminal Court (SCC) for the purpose of carrying out specific information.
- Submission of requests for international legal and judicial assistance.
- Follow-up, control and conduct of the execution of letters rogatory of the judicial police officers assigned to the investigations of the investigating office in close collaboration with the head of the Special Judicial Police Unit.
- Assistance in capacity development for the Judicial Police Officers in the investigation of international crimes.
- Issuing several arrest warrants.
- Drafting and issuing judicial orders.
- Taking protective measures for witnesses appearing before the Cabinet, in close collaboration with the Victims and Witnesses Support and Protection Unit.

February 2014 – August 2017

United Nations Organization Mission for the Stabilization of the Democratic Republic of Congo (MONUSCO).

Prosecution Adviser and Team Leader of the Prosecution Support Unit

Bukavu / Democratic Republic of Congo ( DRC)

Supporting investigating military magistrates in the investigation of international crimes in a situation of active conflict:

- Leading a multi-disciplinary team and providing advice and technical assistance to national counterparts in the DRC in the prosecution of international crimes.
- Analysing the minutes drawn up by the investigators concerning the statements of witnesses and victims, with a view to taking further action.
- Supporting Congolese military justice partners in drawing up a strategic analysis to assist in the planning and conduct of investigations.

- Monitoring respect for the rights of victims and witnesses during their hearings.
- Monitoring hearings on international crimes.
- Providing periodic detailed reports and making recommendations.
- Supervising the consultation framework bringing together partners working in the field of justice support.

September 2008 – January 2014

Ministry of Finance

Head of the Legal and Institutional Affairs Department of the National

Financial Information Processing Unit of Burkina Faso

Implementation of the national policy to combat money laundering and the financing of terrorism:

- Drafting implementing decrees in relation to Burkina Faso's anti-money laundering and anti-terrorist financing law;
- Conceptualisation of cooperation agreements after negotiation;
- Supervision and direction of final-year student dissertations;
- Drafting annual monitoring and mutual evaluation reports for Burkina Faso;
- Drafting investigation reports for referral to the Public Prosecutor of Faso (Republic);
- Participation in awareness-raising activities for those involved in the fight against money laundering and the financing of terrorism;
- Contributing to the drafting of the national strategy to combat money laundering and the financing of terrorism in Burkina Faso and the Ivory Coast;
- Participation in regional and continental meetings of financial intelligence units.

October 2004 – August 2008

Ministry of Justice

Head of Department, Legislation and Documentation Directorate

Implementation of the Ministry of Justice's action plan:

Contribution to the drafting of bills creating courts;

- Participation as a member representing the Ministry of Justice in the sessions of the Technical Committee for the Verification of Laws for the validation of the laws of the various ministerial departments before their submission to the legislative assembly;
- Participation as a member representing the Ministry of Justice in the work of the Steering Committee for the development of the legal framework for the information society in Burkina Faso;
- Contribution to the collection of case law from courts and tribunals;
- Contribution as Burkina Faso's expert to the drafting of the Basic Training Manual on the Smuggling of Migrants;
- Participation as co-representative of Burkina Faso in the examination and adoption of texts on the restructuring of the Court of Justice of the Economic Community of West African States (ECOWAS), by the ECOWAS Executive Secretariat;
- Participation as a member representing the Ministry of Justice in the deliberations of the National Commission for Refugees;

- Participation as a member representing the Ministry of Justice in the sessions of the National Commission for the Fight against Drugs.

July 1996 – September 2004

Ministry of Justice

Examining Judge / Judge at the First Instance Court of Ouagadougou

Investigation of sensitive crimes on the national level through the investigation of around 500 cases:

- Conducted hearings and interrogations as part of the prosecution and defence investigation;
- Issued national and international letters rogatory;
- Supervised several trainee judges;
- Issued orders on various legal issues and closing orders;
- Held hearings and handing down judgments on the merits in criminal, civil and commercial matters.

### **Other professional activities**

July 2018

Participation in the drafting of the Special Criminal Court's prosecution and investigation strategy.

April 2018

Contribution to the final drafting of the Rules of Procedure and Evidence of the Special Criminal Court.

March 2011

Legal expert for the Intergovernmental Action Group to Combat Money Laundering and the Financing of Terrorism (GIABA) on the assessment of the fight against money laundering and the financing of terrorism.

January 2011

Participation in the evaluation of the implementation of the United Nations Convention against Corruption by Rwanda and Mozambique and in the drafting of the final report for Mozambique.

November 2010

Drafting of a bill on the prevention and repression of migrant smuggling.

### **Most relevant publications**

"L'administration de la preuve dans un contexte de conflit armé actif " (The Administration of Evidence in the Context of an Active Armed Conflict) (To be published)

### **Most relevant seminars**

5 to 9 December 2022: Participation in a study trip to The Hague as part of the activities on the occasion of the Assembly of States Parties of the International Criminal Court (ICC).

6 December 2022: Panellist at the conference on the occasion of the ICC Assembly of States Parties on the theme "The Special Criminal Court and the International Criminal Court: the Promise of Complementarity".

19 to 23 September 2022: Participation in Dakar in the Advanced Seminar on the Investigation and Prosecution of International Crimes co-organised by the International Mechanism to Exercise the Residual Functions of the Criminal Tribunals – Office of the



Prosecutor, the International Academy of Nuremberg Principles and the Konrad Adenauer Stiftung.

17 April to 22 May 2021: Masterclass on the Practice of International Criminal Law organised by the African Academy of the Practice of International Law (AAPIL).

14 to 18 October 2019: Participation in Paris and The Hague in the integrated phase 2 training on the deepening of the investigation phase.

6 to 10 May 2019: Participation in Abidjan in the Advanced Seminar on the Investigation and Prosecution of International Crimes co-organised by the International Mechanism for the Residual Mechanisms of Criminal Tribunals - Office of the Prosecutor and the International Academy of Nuremberg Principles.

21 to 23 March 2018: Participation in Bangui in the training co-organised by the ICC and the European Commission for the judges of the Special Criminal Court focused on sharing experiences with the ICC.

11 to 21 December 2017: Participation in phase 1 of the integrated training plan on the fundamentals of investigation at the Higher Institute of the Judiciary in Rabat, co-organised by the International Criminal Court (ICC), the National School of the Judiciary, France (ENM) and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA).

10 to 11 July 2017: Capacity-building workshop for the judges of the Special Criminal Court (SCC) of the Central African Republic (CAR) in Dakar, and sharing of experiences between members of the Special Criminal Court, the Extraordinary African Chambers in Senegal and international experts organised by the Wayamo Foundation.

From 7 to 8 July 2017: International symposium " Changing the Narrative from Withdrawal to Constructive Engagement ", in Dakar organised by the Wayamo Foundation.

From 1 to 30 July 2000: Summer course of the International Institute of Human Rights (IIDH) / René Cassin Foundation in Strasbourg, France.

#### **Membership of professional associations and societies**

African Foundation for International Law

Burkina Faso Movement for Human and Peoples' Rights (BFMHPR)

Burkina Faso Syndicate of Judges

Association of Women Jurists of Burkina Faso

#### **Awards and honours**

Knight of the National Order of Burkina Faso (2014)

#### **Personal interests**

Victims' participation in the justice system.

Respect for equality of arms in legal proceedings.

The importance of international cooperation in the execution of arrest warrants.

Guaranteeing the independence, impartiality and fairness of justice.

#### **Other relevant facts**

Participation in humanitarian and humanitarian work

Mediation in situations of social conflict

#### 4. GUILLOU, Nicolas (France)

[Original: French]

##### **Note verbale**

The Embassy of France to the Kingdom of the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to inform it, with reference to Note ICC-ASP/22/SP/01 of 19 December 2022, that it hereby nominates Mr Nicolas Guillou for the position of judge of the International Criminal Court in the elections to be held during the 22nd session of the Assembly of States Parties in New York in December 2023.

Nicolas Guillou has been selected as France's candidate for the 2024-2033 term of office, following a demanding selection process entrusted to the French national group at the Permanent Court of Arbitration. In addition to his excellent knowledge of international courts, he has all the qualities of rigour, independence, impartiality and integrity required to hold the position of judge at the International Criminal Court.

In accordance with article 36, paragraphs 3 (b) (i) and paragraph 5 of the Rome Statute, France nominates Nicolas Guillou under List A.

This Note verbale is accompanied by the Statement of qualifications and Curriculum vitae of the nominee in French, and a certificate of his linguistic aptitude in the English language.

##### **Statement of qualifications**

Nicolas Guillou is of recognised high moral character, impartiality and integrity and meets the conditions required in France for appointment to the highest judicial offices. With his background, Mr Guillou also has in-depth knowledge of criminal law and the global system of international criminal justice, and specifically of the International Criminal Court. At both the Special Tribunal for Lebanon (STL) and as a Pre-Trial Judge at the Kosovo Specialist Chambers (KSC), Nicolas Guillou has demonstrated his knowledge of criminal law, both procedural and substantive, along with great human and professional qualities. His rigour, impartiality and integrity have been unanimously lauded. As an expert who contributed to the review of the International Criminal Court and the Rome Statute, Nicolas Guillou identified the challenges the Court faces and how they might be overcome in order to strengthen it.

Having practised in both English and French, Nicolas Guillou can perform his duties in both working languages of the Court, which will help to foster collegiality between judges from different legal systems and enable hearings to take place in both languages.

Nicolas Guillou is being nominated under list A, which includes candidates who have established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings [article 36, paragraphs (3)(b)(ii) and (5) of the Rome Statute].

Mr Guillou held the post of investigating magistrate between 2003 and 2006.

He was also an Advisor on criminal legislation and policy to the Minister of Justice, responsible in particular for coordinating the international policy of the Ministry of Justice and piloting the establishment of the division for war crimes and crimes against humanity at the Court of Paris. He also has a proven track record at an international level of cases involving crimes against humanity and war crimes. He therefore fully meets the requirements of the Rome Statute in terms of competence and experience in criminal law and procedure.

Nicolas Guillou also has recognised competence in international law, having held the post of diplomatic advisor to the French Justice Minister, embassy legal advisor, and Chef de Cabinet to the President of the Special Tribunal for Lebanon.

Nicolas Guillou, who is male, will represent the Civil Law system. However, he also has in-depth knowledge of the Common Law system, having practised in both Civil and Common Law systems.

His nomination is submitted for the Group of Western European and Other States.

Since 2019, Nicolas Guillou has practised as a Pre-Trial Judge at the Kosovo Specialist Chambers. He has dealt with cases involving crimes against humanity, war crimes and offences against the administration of justice. He has rendered over 350 decisions confirming indictments, authorising searches and seizures, authorising witness protection measures, admitting victims and other issues involving the pre-trial procedure for criminal cases.

As an investigating magistrate at the Court of Meaux (2003-2006), Nicolas Guillou led investigations and the pre-trial procedure in three hundred criminal cases, including several involving violence against women. In his role as a legal advisor to the Minister of Justice (2009-2010), he coordinated the monitoring in parliament of the law on violence against women, domestic violence and its impact on children. This law established the offence of psychological abuse under French law and the implementation of a protection order for victims. It also enabled electronic tags to be used to ensure that perpetrators of violence were kept away from their victims.

Nicolas Guillou has practised as an embassy legal advisor, which involved handling numerous requests for cooperation on international crimes, extraditions and the transfer of detainees. He negotiated cooperation agreements between the Special Tribunal for Lebanon and a number of States.

Nicolas Guillou has recognised expertise regarding the efficiency of international criminal justice. Having been a European Commission expert for the assessment of candidate countries for accession to the European Union, he then worked on implementing performance indicators in the international criminal courts, and specifically at the ICC. Nicolas Guillou also drafted two reports on the effectiveness of legal procedures before the STL and the KSC and he was involved in the review of the ICC and the Rome Statute as an expert in matters of governance.

Having worked on the implementation of Codes of Ethics for judges at the STL and the KSC, Nicolas Guillou was appointed scientific coordinator for the Ethica project, led by the Nuremberg Academy, the Siracusa International Institute for Criminal Justice and Human Rights and the Ecole nationale de la magistrature in France. The purpose of the project is to prepare a compilation of deontological obligations for international criminal judges.

Nicolas Guillou regularly leads training sessions for national and international judges, including in Sudan (fair trials and ethics), in the Central African Republic (court governance and efficiency of proceedings), in Cameroon (intellectual property law) and in France (international legal cooperation, comparative legal systems).

Nicolas Guillou holds French nationality only.

Nicolas Guillou has been nominated “By the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court” pursuant to article 36, paragraph 4 (a) of the Rome Statute.

In July 2022 the French authorities issued a public call for nominations. The French national group of the Permanent Court of Arbitration, chaired by Gilbert Guillaume, a former President of the International Court of Justice, examined the seventeen nominations received. 10 candidates were short-listed on the basis of the criteria specified in article 36, paragraph 3 of the Rome Statute. Interviews with each short-listed candidate took place during which they were asked about their reasons for applying and their ability to perform the duties of a judge in an international organisation. Their English language abilities were also assessed.

Following its deliberations, the national group selected Nicolas Guillou on the basis of his previous experience, his in-depth knowledge of the International Criminal Court, and the strategic vision he has of the organisation. The Ministry for Europe and

Foreign Affairs was then informed of the French national group's decision so that the nomination could be submitted.

Judge Nicolas Guillou commits to making himself available to take up full-time service when the Court's workload so requires.

## **Curriculum vitae**

### **Personal data**

Family name: Guillou

First name: Nicolas

Middle name:

Gender: Male

Date of birth: 13 August 1975

Nationality: French

Regional criteria: WEOG

Marital status: Married

List A / List B List A

Languages: Mother tongue: French

English: (written) Advanced; (oral) Advanced

French: (written) Advanced; (oral) Advanced

Spanish (written) Basic; (oral) Basic

### **Educational qualifications**

02/2001 - 08/2003

Ecole Nationale de la Magistrature (ENM)

Auditeur de justice (trainee judge)

09/1998 - 09/1999

Université de Paris I Panthéon-Sorbonne

DEA (post-graduate diploma) in criminal law and criminal policy in Europe

09/1994 - 06/1998

Université de Rennes I

Master's in Law, specialising in judicial careers and criminal sciences

### **Professional experience**

12/2019 - To date

Kosovo Specialist Chambers

International Judge

Since 2019, Pre-Trial Judge for cases involving crimes against humanity, war crimes and offences against the administration of justice

11/2015 - 11/2019

Special Tribunal for Lebanon

Chef de Cabinet to the President and to the team of lawyers in Chambers

Advisor on judicial, diplomatic, political and administrative matters

2012 - 2015

Embassy of France to the United States

Liaison magistrate

Coordinated French investigations to combat terrorism, international crimes and organised crime

2009 - 2012

French Ministry of Justice and Ministry of Foreign Affairs

Advisor on criminal matters then diplomatic advisor

Coordinated the international policy of the Ministry of Justice, piloting the establishment of the division for war crimes and crimes against humanity at the Court of Paris

2006 - 2009

French Ministry of Justice

Judge

Monitored European and international negotiations and France's position on intellectual property law and company law

09/2003-08/2006

Regional Court (Tribunal de Grande Instance) of Meaux

Investigating magistrate

Directed investigations and prepared three hundred criminal cases (homicide, rape of minors, violence against women, financial cases, organised crime)

### **Other professional activities**

03/2023

Member of the Advisory Board of the International Institute for Justice and the Rule of Law

2022-2023

Scientific coordinator for the "Ethica" project on ethics for international criminal judges, organised by the Nuremberg Academy, the Siracusa International Institute for Criminal Justice and Human Rights and France's Ecole nationale de la magistrature

2019-2020

Expert for the Independent Review of the International Criminal Court, Governance Cluster

2019-2022

Session director preparing judges for international careers (Ecole nationale de la magistrature)

2022

Training session director for judges of the Special Criminal Court in the Central African Republic

2013-2022

Regular speaker for the "International Criminal Justice", "Common Law", "International Criminal Cooperation" and "Judging on the five continents" sessions at the Ecole nationale de la magistrature in France

2018-2022

Speaker on witness protection, victim participation (Asser Institute, the Netherlands) and on the challenges and efficiency of international criminal justice (University of Bologna, Italy)

### **Most relevant publications**

The three-tiered governance model for the ICC, (publication pending - with Maria Manolescu), in Blokker (N.), Vasiliev (S.), Cuyvers (A.), Lawson (R.) (dir.) "Governance of International Courts and Tribunals: Institutions, Practices and Norms", 2023

Du droit pénal à la politique criminelle: l'envers du décor (with Emanuela Fronza, Kathia Martin-Chenut, Carlo Sotis, and Juliette Tricot), in Cheminer avec Mireille Delmas-Marty, Mélanges Ouverts, 2022

Le temps et la justice pénale internationale, in Diritto Penale Contemporaneo, Revista Trimestrale, Milano, 2018

Diplomatie judiciaire, in Beauvallet, (O.) (dir.), Dictionnaire encyclopédique de la justice pénale internationale, Berger, 2017

Vers une définition du crime international d'écocide, (avec Emanuela Fronza), in Neyret, (L.) (dir.), in Des écocrimes à l'écocide - Le droit pénal au secours de l'environnement, Bruylant, Bruxelles, 2015

L'intérêt des reconstitutions en matière de preuve, Revue de la gendarmerie nationale, 2005

Les dynamiques d'élaboration des normes pénales internationales devant les Tribunaux pénaux internationaux: une analyse à partir de la jurisprudence sur le viol et la participation criminelle, (with Emanuela Fronza), in Chiavario (M.) (a cura di), "La justice pénale internationale entre passé et futur", Giuffrè – Dalloz, Milan – Paris, 2003

Le crime de génocide, (with Emanuela Fronza), in Delmas-Marty (M.), Muir Watt (H.), Ruiz Fabri (H.) (dir.), "Variations autour d'un droit commun", Société de législation comparée, Paris, 2003

Modélisation des processus de réception de l'incrimination de génocide en droit interne In Delmas- Marty (M.)(dir), "Vers des principes directeurs internationaux de droit pénal", vol. VII, Le processus d'internationalisation, MSH, Paris, 2001

Le génocide : un laboratoire idéal pour la constitution d'un droit pénal commun, (with Emanuela Fronza), in Delmas-Marty (M.)(dir), "Vers des principes directeurs internationaux de droit pénal", vol. VII, Le processus d'internationalisation, MSH, Paris, 2001

### **Most relevant seminars**

Enquêter, juger et assurer la résilience de l'État en temps de guerre (Investigating, ruling and ensuring State resilience in times of war), Journées de l'expertise, Paris, 29 March 2023

La justice pénale internationale : entre continuité et renouveau (International criminal justice: balancing continuity and renewal), Justice and war seminar, Institut des études et de la recherche sur le droit et la justice, Paris, 15 February 2023

Les 20 ans de l'entrée en vigueur du statut de Rome : Le principe de complémentarité, clé d'un système global de lutte contre l'impunité (20 years since the entry into force of the Rome Statute: the complementarity principle as the key to a global system to combat impunity), Cour de Cassation, Paris, 24 October 2022

The Review process of the International Criminal Court, 6èmes journées de la justice pénale internationale, Paris, 28 January 2021

Courts not Guns: Combating terrorism through the law, Kampala, 17 April 2019

L'humanisme juridique comme boussole de la mondialisation (Judicial humanism as a compass for globalisation), University of Bologna, 22 February 2019

Performance indicators before the international criminal courts, Assembly of States Parties to the Rome Statute, The Hague, 22 November 2016

## 5. HOHLER, Beti (Slovenia)

[Original: English]

### Note verbale

The Embassy of the Republic of Slovenia to the Kingdom of the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court (ICC) and, with reference to the latter's note number ICC-ASP/22/SP/01 of 19 December 2022, has the honour to communicate that the Government of the Republic of Slovenia hereby nominates Ms Beti Hohler for the position of a judge of the ICC at the elections to be held during the 22<sup>nd</sup> session of the Assembly of the States Parties to the Rome Statute in New York from 4 to 14 December 2023.

Ms Hohler is an internationally established criminal law expert with years of practical and academic experience in international criminal law and transitional justice. She possesses in-depth knowledge of the legal framework and jurisprudence of the ICC as well as expertise in addressing sexual and gender-based violence and violence against, and affecting, children.

The candidate is nominated for inclusion in list A. Ms Hohler was chosen in a transparent and merit-based nomination procedure for appointment of candidates to the highest judicial offices in the Republic of Slovenia and is a person of high moral standards, impartiality and integrity as required for a judge at the ICC.

Ms Hohler fully meets the criteria set out in the Rome Statute. Given her knowledge and experience, the Government of the Republic of Slovenia is confident that Ms Hohler is an excellent candidate to serve as a judge at the ICC, who will significantly contribute to its efficient and effective operation.

The Embassy has the honour to attach to this note a statement of qualifications and the acknowledgement of information signed by the Minister of Justice of the Republic of Slovenia, as well as Ms Hohler's curriculum vitae.

### Statement of qualifications

Ms Beti Hohler is a jurist of high moral character, impartiality and integrity. She has dedicated her life to international criminal justice and to the protection of the rule of law. Her high standing has been recognised in professional and public life in the Republic of Slovenia and internationally.

The criteria of high moral character, impartiality and integrity of Ms Hohler were carefully considered in the course of the selection and nomination procedure in the Republic of Slovenia, in accordance with Slovenia's internal legal framework and the Rome Statute.

Ms Hohler is nominated by the Republic of Slovenia for election under the terms of Article 36(4)(a)(i) of the Rome Statute of the International Criminal Court (ICC), i.e. by the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question. Ms Hohler satisfies the combined criteria for appointment to the Constitutional Court of Slovenia *and* the criteria set out in Article 36(3) of the Rome Statute.

The selection procedure in Slovenia for nominating judges to international courts, including the ICC, is governed by an act adopted by the National Assembly – the *Act on nomination of candidates from the Republic of Slovenia for judges at international courts* (Official Gazette, 64/01 and 59/02). This Nomination Act stipulates that Slovenian candidates for judicial appointments to international courts must meet the criteria prescribed in the Republic of Slovenia for appointments to the Supreme Court or the Constitutional Court, in addition to any specific criteria prescribed by the statute of the respective international court or tribunal, or by an international treaty.

Ms Hohler is a specialist in international criminal law with more than 15 years of litigation experience and expertise in national and international proceedings as an advocate, prosecutor and judicial advisor. Due to this diversity of professional roles she has a unique understanding of the different challenges in international criminal proceedings and is particularly well qualified to sit as a judge of the ICC.

Ms Hohler is a fully qualified lawyer having completed the state law examination/bar exam (national examination required to practise law and hold a judicial position in Slovenia). She has spent most of her career practising at international and internationalised criminal courts. She currently serves as a Trial Lawyer with the Office of the Prosecutor of the ICC. Previously, she served with the EU Rule of Law Mission in Kosovo as a judicial advisor to international judges in complex criminal cases, as a senior associate (litigation lawyer) in a leading law firm in Ljubljana, Slovenia and as a legal officer/judicial trainee with the Court of Appeals in Ljubljana, Slovenia. She is the recipient of various accolades, including a 2012 EU Common Security and Defence Policy Service Medal.

Ms Hohler is an accomplished courtroom advocate and has expertise in dealing with vulnerable witnesses. She has extensive experience in assessing large volumes of evidence and solving complex questions of substantive and procedural criminal law. She was a leading member of the Prosecution team in the case against Dominic Ongwen before the ICC, notable for its scope, the inclusion of sexual and gender-based crimes and discussion of grounds excluding criminal responsibility. She has led the Prosecution team in another case at pre-trial stage and has served as the lead lawyer in a situation under investigation. Whilst working with the Rule of Law Mission in Kosovo, Ms Hohler was instrumental in setting up the unit of international judges at the Court of Appeals for Kosovo's criminal law division in January 2013 and served as the judges' principal legal advisor for over two years. She dealt with complex criminal cases, typically involving multiple defendants and large volumes of evidence, pertaining to war crimes, terrorism offences and organised crime. Ms Hohler's first-hand experience and detailed knowledge of substantive international criminal law and procedure and proven ability to work effectively in a multi-cultural environment with colleagues from different legal systems are particularly relevant to the work of the ICC.

Ms Hohler is regularly called upon to train national judges and advocates at national and international events. She provides training on substantive international criminal law (crimes and modes of liability) and advocacy before international tribunals. She serves as Director of Training at the Institute for International Legal and Advocacy Training in The Hague. She also acts as an External Master Thesis Advisor in the LLM programme in international and transnational criminal law at the University of Amsterdam in the Netherlands, and has appeared as a guest lecturer at various universities. Ms Hohler is dedicated to dissemination of international criminal law and international humanitarian law. She is committed to educating national practitioners in international criminal law and advocacy before international criminal tribunals, especially those from disadvantaged backgrounds and under-represented regions.

As a member of the International Law Association (ILA), Ms Hohler served on the Committee on Complementarity in International Criminal Law, which completed its work in 2022. She is one of the contributors to the leading Commentary on the Rome Statute in the English language and an Associate Editor of the *Oxford Reports on International Law in Domestic Courts*, an online resource, published by Oxford University Press, that reports on international law as applied in the domestic courts of over 70 jurisdictions.

Further details of Ms Hohler's experience and expertise in criminal law and procedure as well as in international criminal justice more broadly are set out in her curriculum vitae.

Ms Hohler is fluent in English. She has spent most of her career working in the English language. She completed her second postgraduate degree in law in English and has since 2011 practised criminal law in the English language. Additionally, she regularly publishes and lectures in English. Ms Hohler also has knowledge of the French language.



Ms Hohler has sufficient qualifications to be nominated on List A or List B. In accordance with Article 36(5) of the Rome Statute, Ms Hohler has chosen to be nominated for inclusion in List A, comprised of candidates with established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings.

Ms Hohler has practical experience in both judge-led and adversarial proceedings. She was educated, trained and has practised in the continental (civil) law system in Slovenia. Above that, she has more than a decade of experience in mixed criminal procedure of international and internationalised criminal courts and tribunals. For the purposes of Article 36(8)(a)(i) of the Rome Statute, Ms Hohler will represent the continental (civil) legal tradition.

Ms Hohler is a national of Slovenia, member of the Eastern European Regional Group.

Ms Hohler is a female candidate.

Ms Hohler has experience in prosecuting sexual and gender-based crimes (SGBC) and crimes against and affecting children. In the *Ongwen* case before the ICC, she was responsible for investigation and prosecution of crimes against children, which were a defining feature of the case. She serves as one of the SGBC/crimes against children focal points within the Office of the Prosecutor. Ms Hohler is also a PhD candidate at the University of Ljubljana, preparing a thesis dedicated to SGBC in international criminal law.

Ms Hohler has significant experience in dealing with vulnerable witnesses, including victims and witnesses of sexual and gender-based crimes. She has examined and cross-examined victims of SGBC and former child soldiers. As a judicial advisor in internationalised courts in Kosovo she advised on cases relating to rape as a war crime.

Ms Hohler also has legal expertise on other specific issues, namely the interpretation of the principle of complementarity and interaction between international and domestic legal systems. As noted above, Ms Hohler was a member of the ILA Committee on Complementarity in International Criminal Law in 2015–2022 and is a long-standing member of the editorial team of an online publication reporting on the interpretation and implementation of international law in domestic courts. She has also published on the topic of the relationship between national and international jurisdictions.

Ms Hohler is a citizen of Slovenia and does not possess the nationality of any other State. She is nominated by the Republic of Slovenia.

Ms Hohler was selected to be Slovenia's candidate for the ICC Judicial Elections 2023 in a competitive, transparent and merit-based selection procedure, set out in the aforementioned *Act on nomination of candidates from the Republic of Slovenia for judges at international courts* ("Nomination Act"). The procedure includes multiple stages and involves several national authorities: the Ministry of Justice, the President of the Republic, the Government, the Judicial Council and the National Assembly. Candidates are ultimately confirmed in a secret ballot by the Slovenia's National Assembly (i.e. Parliament).

Article 3 of the Nomination Act stipulates that Slovenia's candidates to international courts must fulfil the statutory requirements for judicial appointment to the Supreme Court of the Republic of Slovenia or the Constitutional Court of the Republic of Slovenia and must be fluent in at least one of the official languages of the respective international court or tribunal. In addition, pursuant to Article 2 of the Nomination Act, the candidates must also satisfy specific conditions set out in the founding documents of the international court or in a binding international treaty.

The authority initiating and overseeing the nomination process in Slovenia is the Ministry of Justice (Article 4, Nomination Act).

On 8 July 2022, the Ministry of Justice published the call for applications for ICC Judicial Elections 2023 in the Official Gazette (Official Gazette of the Republic of Slovenia no. 92, 8 July 2022, p. 1790). The requirements in Article 36(3)(a), (b) and (c) of the Rome Statute, in accordance with Article 36(4)(a), of the Rome Statute were specifically listed as conditions for the applicants. The deadline for applications was 30

days. The call was also publicised on the website of the Ministry of Justice and disseminated (for example, it was referenced in the widely read professional weekly Legal Practice).

The applicants were required to demonstrate in their application the fulfilment of the criteria set out in the Nomination Act and in the Rome Statute. They were obliged to submit a detailed curriculum vitae and a comprehensive description of all relevant professional activities.

The Ministry of Justice received two applications. Having verified that the applications were complete and that both candidates satisfied all the required criteria, the Ministry of Justice on 23 August 2022 transferred the applications to the Office of the President of the Republic of Slovenia for further proceedings. On 29 September 2022, the applications were, in accordance with Article 6 of the Nomination Act, reviewed by the Judicial Council of the Republic of Slovenia, a constitutional body composed of judges and other legal professionals that is responsible for the selection of judges in Slovenia. The Judicial Council held that both applicants were highly qualified and suitable for election as a judge of the ICC without ranking them. On 13 October 2022, the Government of the Republic of Slovenia also provided its assessment of the candidates. In October 2022, the candidates were interviewed by the Office of the President of the Republic.

On 7 November 2022, the President of the Republic forwarded to the National Assembly his reasoned proposal to elect Ms Hohler as the judicial candidate for the ICC. In accordance with Article 7 of the Nomination Act, the National Assembly is the final authority in the selection process for nominations to international courts. A vote of absolute majority (a minimum of 46 votes) is required to confirm a judicial nomination.

On 23 November 2022, the National Assembly voted (in a secret ballot) on the President's proposal to nominate Ms Hohler. The National Assembly confirmed Ms Hohler's candidature with an overwhelming cross-party majority: 78 votes in favour, 3 votes against, 2 abstentions. This result marked one of the highest votes for comparable appointments in the history of Slovenia and shows that Ms Hohler enjoys a high degree of legitimacy as a candidate.

Ms Hohler is committed to take up full-time service when the Court's workload so requires.

## **Curriculum vitae**

### **Personal data**

Family name: Hohler  
 First name: Beti  
 Middle name:  
 Gender: Female  
 Date of birth: 25 June 1981  
 Nationality: Slovenian  
 Regional criteria: Eastern Europe  
 Marital status: Single  
 List A / List B: List A  
 Languages: Mother tongue: Slovenian  
 English: (written) Advanced; (oral) Advanced  
 French: (written) Intermediate; (oral) Intermediate  
 Croatian (written) Advanced; (oral) Advanced

Serbian (written) Advanced; (oral) Advanced

German (written) Basic; (oral) Basic

Dutch (written) Basic; (oral) Basic

### **Educational qualifications**

10/2017 – present

University of Ljubljana, Faculty of Law (Slovenia)

PhD Candidate in International Law

09/2006 – 08/2007

University of Amsterdam, Faculty of Law (The Netherlands)

LLM in International and European Law

10/2000 – 07/2006

University of Ljubljana, Faculty of Law (Slovenia)

University Graduate Lawyer (Masters Degree)

### **Other relevant educational qualifications**

10/2010 – 10/2010

Institute for Mediation and Arbitration, Bar Association of Slovenia

Certified mediator (certification to conduct mediation proceedings)

01/2010 – 02/2010

Ministry of Justice, Republic of Slovenia

State Law Examination/Bar Exam (national qualification to practise law and be appointed to judicial positions in Slovenia)

### **Relevant completed specialist courses/training**

04/2018 – 05/2018

Penn State Dickinson Law's Center for International Advocacy and the International Criminal Court Bar Association

Certificate of completion "International Trial Advocacy Training Program"

10/2014 – 10/2014

Ecole Nationale D'Administration

Certificate of completed training "Rule of Law"

07/2014 – 07/2014

UN Women

Certificate of completed training "International Crimes containing Elements of Sexual Violence"

05/2014 – 05/2014

International Institute of Higher Studies in Criminal Sciences Syracuse

Certificate of completed specialist training "Assessing the Effectiveness of International Criminal Law in the Prevention and Control of Transnational and International Crimes"

07/2004 – 08/2004

Institut für Anwaltsrecht an der Humboldt-Universität zu Berlin & Tulane University School of Law

Certificate of Advanced Study and Training in Mediation *and* Certificate of Advanced Study and Training in Dispute Resolution

### Professional experience

04/2015 – present

International Criminal Court, Office of the Prosecutor (The Hague, The Netherlands)

Associate Trial Lawyer, Trial Lawyer

Leading member of the Prosecution team in a completed case (Prosecutor v. Dominic Ongwen, 2015-2021), acting Head of Unified Team and lead lawyer in another case at pre-trial stage (2022/2023), and member of Unified Team Leadership (lead lawyer) in a situation in the preliminary examination and investigation stage (2019–2022). Appearing as counsel before the Court in pre-trial and trial proceedings; providing legal and strategic advice to the Prosecutor and Deputy Prosecutor in concrete situations/cases and on other relevant issues, as requested; preparing conduct of pre-trial and trial proceedings; providing legal advice and direction to investigation teams and other units; analysing evidence and making charging decisions in a leadership capacity; producing and coordinating complex written and oral submissions to the Court, often on novel previously unlitigated issues; participating in investigative interviews; examining and cross-examining witnesses (including vulnerable witnesses, insider witnesses) in trial proceedings; managing staff; conducting outreach activities. Member of OTP working groups and cross-organ initiatives; one of the focal points for sexual and gender-based crimes (SGBC)/crimes against children. Member of the ICC Appeals Board.

01/2013 – 03/2015

European Union Rule of Law Mission in Kosovo (Pristina, Kosovo)

Legal Officer to International Judges at Supreme Court/Appellate Court level

Facilitated efforts to set up the international (criminal) judges' unit at the newly established Court of Appeals for Kosovo in January 2013, organised the work of the unit and internal case-management and case-reporting systems. Advised international judges on factual and legal issues in complex criminal cases within the jurisdiction of the internationalised panels (war crimes, organised crime, terrorism, all ethnically motivated offences, corruption offences); analysed factual and legal issues and proposed decisions to be taken on appeal; produced judicial orders, final rulings and final judgments for approval of the judges; actively participated in appellate hearings and deliberations; served as the unit's operational contact point for other international organisations in Kosovo (KFOR, OSCE, UN); prepared reporting documents for Mission leadership; conducted training courses; as most senior legal officer acted as informal head of legal officers and advisors in the unit. Established a Digest of international judges' jurisprudence, reporting on key decisions of international judges in the jurisdiction, which was disseminated to lower courts and greatly contributed to more coherent jurisprudence.

11/2011 – 12/2012

European Union Rule of Law Mission in Kosovo (Pristina and Mitrovica, Kosovo)

Legal Officer to International Judges (District Court in Mitrovica and Pristina and Special Chamber of the Supreme Court)

Advised international judges in complex criminal cases within the jurisdiction of internationalised panels (war crimes, organised crime, terrorism, all ethnically

motivated crimes, corruption offences) at district court level, including the largest war crimes case at the time before the District Court of Pristina against high-level accused; analysed evidence in accordance with applicable evidentiary standards at different stages of proceedings; analysed factual and legal issues in criminal cases; produced orders, rulings and judgments for judicial approval; actively participated in pre-trial hearings and trial hearings, and in judicial deliberations. For a short period in November–December 2011 worked as the legal officer to international judges in the Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency Related Matters.

03/2010 – 11/2011

Law Office Kozinc and Partners Ltd (Ljubljana, Slovenia)

Senior Associate

Represented clients in proceedings before municipal, district and appellate courts with a high success rate (civil law, criminal law, employment law, administrative law, commercial law); represented clients in mediation proceedings and negotiations; appeared in court (first and appellate instance) making submissions and examining witnesses; devised litigation strategies; produced written pleadings, appeals, submissions to the Supreme Court of Slovenia and constitutional complaints; produced legal advisory opinions and contracts.

04/2008 – 12/2009

Court of Appeals in Ljubljana, Slovenia (Ljubljana, Slovenia)

Judicial Trainee/Legal Officer, Deputy Head of Judicial Trainees (2009)

Advised judges in first instance and appellate criminal and civil proceedings in assigned cases; analysed and assessed evidence; analysed factual and legal issues and submitted proposed rulings and judgments for the approval and signature of senior judges. As Deputy Head of Judicial Trainees participated in coordination of the work of judicial trainees.

10/2000 – 03/2010

Pro et Contra, Institute for Culture in Dialogue (Ljubljana, Slovenia)

Programme Officer/Public Relations Manager/Debate Trainer

The organisation is a non-governmental and not-for-profit organisation which coordinates, informs, educates, researches and promotes debate activity in order to raise the culture of dialogue and support active citizenship in Slovenia. Its network includes dozens of youth debate clubs with hundreds of active members and dozens of mentors, trainers, organisers, volunteers, alumni who implement workshops, public debates, roundtable discussions, debate tournaments, debate academies and radio debates at local, regional and international level. Co-developed and implemented programmes dedicated to various topics, such as adequate punishment for sexual violence, rights of refugees and migrants, and duties and responsibilities of citizens in EU. Moderated public debates, delivered debate workshops and communicated with the media.

09/2007 – 02/2008

International Criminal Court, Office of Public Counsel for Defence (The Hague, The Netherlands)

Intern

Assisted defence teams with legal research, providing legal advice, drafting filings and memorandums, conducting comparative analysis on legal issues raised in proceedings for the first time and co-authored the manual for counsel practising before the ICC.

05/2007 – 08/2007

University of Amsterdam (Amsterdam, The Netherlands)

Student Assistant at the Faculty of Law

Assisted the staff of Faculty of Law, primarily carrying out duties related to the publication Oxford Reports on International Law in Domestic Courts.

07/2006 – 07/2006

Ministry of Foreign Affairs, Republic of Slovenia (Ljubljana, Slovenia)

Intern

Assisted diplomats in the Ministry's Department for EU Affairs; drafted briefings and talking points for senior diplomats.

10/2003 – 10/2004

Legal and Information Centre for Non-Governmental Organisations (Ljubljana, Slovenia)

Trainer in human rights, counsellor

Co-developed and participated in the implementation of a project aimed at educating the youth about various rights of young people, consisting of interactive workshops across the country; provided legal counselling as a part-time associate of the organisation.

**Other professional activities**

2020 – present

Director of Training, Institute for International Legal and Advocacy Training (The Hague, The Netherlands). Developing and delivering practical training and workshops in international criminal law and advocacy, aimed at national and international practitioners.

2006 – present

Associate Editor, Oxford Reports on International Law in Domestic Courts, Oxford University Press and Amsterdam Center for International Law (Oxford (United Kingdom)/Amsterdam (The Netherlands)).

2020 – present

Master Thesis Supervisor (External Associate), University of Amsterdam, Faculty of Law, LLM Programme in International and Transnational Criminal Law (Amsterdam, The Netherlands).

2016 – present

External Associate (judge and co-author of case study in the finals), All-European International Humanitarian and Refugee Law Moot Court Competition, organised by the University of Ljubljana, Faculty of Law in cooperation with ICRC and UNHCR (Ljubljana, Slovenia).

2015 – 2022

Member, International Law Association Committee on Complementarity in International Criminal Law (committee dissolved after completing its work and issuing its Final Report in June 2022).

2019 – 2021

Alternate Member for Slovenia, Coordination Council of COST (European Cooperation in Science and Technology) Action "Global Atrocity Justice Constellation – Justice 360".

2010 – 2016

Member of the Editorial Board, Research and Discussion Scientific Journal (Slovenia)

### Most relevant publications

"ICC Sentencing – A Need for Guidelines?", in: Mulgrew and Christensen (eds), *Research Handbook on the Punishment of Atrocity Crimes*, Elgar 2024 (forthcoming) (co-authored with Roger S Clark)

"Admission of evidence and reasons for inadmissibility", in: Ambos et al.: *Evidence in International Criminal Procedure: A Commentary*, CH Beck 2024 (forthcoming)

"The International Criminal Court, a pillar of international criminal justice: A brief overview", *Revista Julgar*, 1-2023

"Achieving Justice: Accountability for sexual and gender-based violence in the practice of UN human rights treaty-bodies and international criminal courts and tribunals", in: Chadwick and Auden: *Sustainable Gender Equality: Approaches and challenges to implementing SDG5 in post-conflict situations*, Routledge 2023 (co-authored with Vasilka Sancin)

"Commentary of Articles 105, 106 and 107", in: Ambos (4th edition): *Rome Statute of the International Criminal Court: A Commentary*, Beck and Hart 2022 (co-authored with Roger S. Clark)

"International Criminal Court: Office of the Prosecutor"; in: *Max Planck Encyclopedia of International Procedural Law*, Oxford University Press 2022

"Supervision of Enforcement of Sentences and Conditions of Imprisonment", in: *Max Planck Encyclopedia of International Procedural Law*, Oxford University Press 2022 (co-authored with Roger S. Clark)

"The Role and Impact of ECHR Beyond States Parties – The curious case of the ECHR in Kosovo", in: Schiederma et al.: *Theory and Practice of the European Convention on Human Rights*, Nomos 2022 (co-authored with Barbara Sonczyk)

"The ICC and jurisdiction over crimes against the Rohingya", *Legal Practice – Slovenian Law Journal*, 35-2018

"The Syria Mechanism", *Legal Practice – Slovenian Law Journal*, 6-2018

The Syria Mechanism: Bridge to Prosecutions or Evidentiary Limbo?, *E-International Relations*, 2017 (co-authored with Elizabeth Pederson)

"New hybrid court: Kosovo Specialist Chambers", *Legal Practice – Slovenian Law Journal*, 9-2016

### Most relevant seminars

2023: Portuguese Association of Judges – XII. Judicial Congress of Portuguese Judges "Human Rights in Perspective", Funchal, Portugal. Presentation titled: The institutional perspective – practical experience at the ICC.

2019 – 2022: European Judicial Training Network, Eurojust and Nuremberg International Principles Academy – Seminars for national judges and prosecutors in international criminal law. Presentations titled: Genocide and Crimes Against Humanity; Modes of Liability in International Criminal Law.

2022: Judicial Training Council of Slovenia – National Prosecutors' Conference 2022 in Portorož, Slovenia. Presentation titled: Preservation of evidence on the territory of Slovenia pertaining to international crimes committed in Ukraine.

2022: Association of European Judges – International Conference "Judicial Integrity: Strengthening Transparency and Trust in Justice", Porto, Portugal. Presentation titled: Systems for Protecting Judicial Integrity in International Courts.

2021: Fondation René Cassin, Institut International des Droits de l'Homme – "Training on International Criminal Law for Practitioners", Strasbourg, France/Online. Presentation titled: Core International Crimes (Genocide, War Crimes and Crimes Against Humanity).

2021: Association of Portuguese Judges – Conference “Justice, Equality and Gender”, Porto, Portugal/Online. Presentation titled: Gender Violence in the Context of Armed Conflicts – The Experience in the International Courts.

2019: University of Leipzig – Summer School “Human Rights in Theory and Practice”, Leipzig, Germany. Presentation titled: The Role and Impact of ECHR Beyond States Parties – The curious case of the ECHR in Kosovo

2018: University of St Andrews, Centre for Global Law and Governance, St Andrews, United Kingdom. Public lecture titled: Old and New Models of Post-Conflict Justice: Experiences from International(ised) Courts.

2018: OSCE – Training for judges, defence counsel and prosecutors “Fair Trial Rights”, Pristina, Kosovo. Presentation and workshop titled: Fair Trial Rights in War Crimes Cases and Beyond.

2017: EU, EULEX – Seminar for legal advisors “Legal Drafting Training for Legal Advisers”, Pristina, Kosovo. Presentations and workshops titled: General Principles and Rules of Legal Drafting; How to effectively respond to submissions/appeals.

2010: Second Central and Eastern European Forum for Young Legal, Social and Political Theorists, Budapest, Hungary. Presentation titled: International Law in the National Legal Order of Slovenia: From Theory to Practice.

2008: WISC – 2nd Global International Studies Conference "What keeps us apart, what keeps us together? International Order, Justice, Values", Ljubljana, Slovenia. Presentation titled: Responsibility of International Organizations: The Element of Attribution in the Context of Peacekeeping Operations (Overview of normative framework and manifestation in practice).

### **Membership of professional associations and societies**

International Law Association, Slovenian Branch

### **Awards and honours**

2019: Special Commendation of the University of Ljubljana, Faculty of Law for making an important pedagogical and scientific contribution to the achievements of the Faculty of Law and for enhancing the reputation of the Faculty of Law.

2012: EU Common Security and Defence Policy Service Medal, awarded by the High Representative of the Union for Foreign Affairs and Security Policy (for service in the EU Rule of Law Mission in Kosovo).

2006 – 2007: Matra Training for European Cooperation (MTEC) Scholarship, awarded by the Kingdom of the Netherlands.

1996 – 2007: National Scholarship for Exceptionally Gifted Students (Zois Scholarship), Republic of Slovenia.

2006: UN Society Slovenia Best Thesis Award, awarded for the graduate thesis "International Legal Personality of International Organisations".

2005 and 2006: Commendation of the University of Ljubljana, Faculty of Law for extraordinary achievements in extracurricular activities.

### **Personal interests**

History, literature, modern art, philosophy of Stoicism.

### **Other relevant facts**

Regularly invited to present on substantive and procedural law and jurisprudence of the ICC as guest lecturer at universities in Europe and beyond. Since 2016 delivered guest lectures to students at: University of St Andrews, United Kingdom; University of the



West Indies, Trinidad and Tobago; Free University Amsterdam, The Netherlands; Leiden University, The Netherlands; The Hague University of Applied Sciences, The Netherlands; University of Ljubljana, Slovenia; University of Maribor, Slovenia; University of Liverpool, United Kingdom; Nottingham Trent University, United Kingdom.

Advocate for improved geographical and gender balance in international criminal justice institutions and supporter of cross-fertilisation of knowledge and skills between international and national legal practitioners.

Co-founder and Board Member, Be the Ladder, charity registered in the Netherlands. The mission of the charity is to assist refugees with educational or housing costs.

Co-founder and Board Member, Institute for International Legal and Advocacy Training, The Hague, not-for-profit educational organisation, registered in The Netherlands.

Mentor to young lawyers aspiring to a career in international law or in the early stages of a career in international criminal justice (associated with the ATLAS Christine Loudes mentorship programme and ICC mentoring programme).

## 6. HOHOFF, Ute (Germany)

[Original: English]

### Note verbale

The Embassy of the Federal Republic of Germany presents its compliments to the Secretariat of the Assembly of State Parties and has the honour, with reference to note ICC-ASP/22/SP/01 dated 19 December 2022, to inform about the fact that Germany is nominating Judge Dr. Ute Hohoff as a candidate for the election of judges of the International Criminal Court, to be held at the 22nd session of the Assembly of State Parties, which will take place in New York from 4 to 14 December 2023.

The nomination of the candidate followed the procedure for the nomination of candidates for the International Court of Justice in the Statute of that Court, as provided for in article 36 para. 4(a) (ii) of the Rome Statute. On 21 April 2022, the German national group in the Permanent Court of Arbitration informed the German Government that it had, after careful deliberation, unanimously decided to nominate Judge Dr. Ute Hohoff as a candidate for the elections of judges of the International Criminal Court. The ensuing official nomination letter, dated 21 February 2023, is enclosed herewith. The German Government supports this nomination.

Judge Dr. Ute Hohoff is being nominated as a candidate on list A as specified in article 36, paragraph 5, of the Rome Statute. Her qualifications fully meet the requirements set out in article 36, paragraph 3 (b) (1), of the Rome Statute.

For the purposes of article 36, paragraph 8 (a) (i) to (iii) of the Rome Statute, it is specified that Judge Dr. Ute Hohoff is a German national and a female candidate stemming from a continental law system and a country that is a member of the Western European and other States group.

The note verbale is accompanied by a statement required according to article 36 paragraph 4 (a) of the Rome Statute and a curriculum vitae of Judge Dr. Ute Hohoff.

### Statement of qualifications

Germany nominates Dr. Ute Hohoff as candidate for the elections to the International Criminal Court to be held at the twenty-second session of the Assembly of State Parties at the United Nations Headquarters in New York from 4 to 14 December 2023.

In nominating Dr. Hohoff, Germany followed the official nomination procedure provided for in Article 36 (4) (a) (ii) of the Statute of the International Criminal Court. The nomination of the candidate was made by the procedure applicable for candidates for the International Court of Justice. According to Articles 4 and 13 of the Statute of the International Court of Justice, candidates are nominated by the national groups in the Permanent Court of Arbitration. The German national group in the Permanent Court of Arbitration nominated Dr. Hohoff by a respective letter of 21 February 2023. Below follows detailed information according to article 36 of the Rome Statute:

a) Dr. Ute Hohoff is a person of high moral character, impartiality and integrity and possesses the qualifications that are required in Germany for appointment to highest official offices, as laid down in article 36 (3) (a) of the Statute of the International Criminal Court. She is a highly respected judge at the Federal Court of Justice (Supreme Court) in Karlsruhe. She has devoted her professional career to the service of justice. She was elected to be Judge at the Federal Court of Justice by a judicial selection committee. This committee examined the required special professional and personal qualifications of the highest standards.

Having practised as a judge for over 22 years, Dr. Hohoff is not only eligible for appointment to the highest judicial offices in Germany, but she has already served as Judge at the German Federal Court of Justice, Germany's Supreme Court for criminal and civil matters on appeal, since May 2017.

b) Dr. Hohoff fulfils the requirements of article 36 (3) (b) (i) of the Statute, especially by way of her extensive competence in criminal law and procedure. Over the years, she practised criminal law in different courts at different levels and therefore possesses the necessary relevant experience in criminal proceedings. As Presiding Judge at the Higher Regional Court, she led first instance proceedings against persons accused of membership of foreign terrorist organizations. As a Judge at the German Federal Court of Justice, she is currently responsible for appeals in cases brought under the German Code of Crimes against International Law. She also handles appeals on points of law relating to all types of crimes, including violent and sexual offences, frequently against women and children.

Occupying a high judicial office and having extensive experience and background in criminal law and international criminal law, Dr. Hohoff is used to managing factually and legally complex criminal cases efficiently with a view to taking just decisions. At the same time, she has a profound academic background, as an active lecturer and an author of commentaries and articles dealing with various aspects of criminal law and criminal procedure, in particular concerning the assessment of victim witnesses in criminal proceedings from the perspective of the psychology of testimonials. She is one of the editors of the upcoming new edition of the special commentary on the law of evidence of the German Code of Criminal Procedure.

Additionally, Dr. Hohoff has also established significant competence in relevant areas of international law and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court, as required by article 36 (3) (b) (ii) of the Rome Statute. Besides her responsibility for appeals in cases brought under the German Code of Crimes against international Law, she worked on the issue of transitional justice and published her dissertation on this topic (On the boundaries of the definition of the perversion of justice – a study of the cases against GDR lawyers). With regard to her commentary on migration law she is also familiar with the application of international humanitarian law. During her time as a Judge at the Cologne Higher Regional Court, she was also responsible for the international contacts with partner courts.

c) Dr. Hohoff is a native German speaker and in addition is fluent in English, having an excellent oral and written command of the language (article 36 (3) (c) of the Rome Statute).

d) Dr. Hohoff is being nominated for inclusion in list A for the purposes of article 36 (5) of the Statute. The information relating to subparagraphs (i) to (iii) of article 36 (8) (a) of the Statute is as follows:

(i) Dr. Hohoff has been trained, qualified for the bar and continues to practise in a professional legal capacity in Germany which has a Civil Law legal system;

(ii) Dr. Hohoff is a national of Germany which is member of the Western European and others States group;

(iii) Dr. Hohoff is a female judge.

e) Dr. Hohoff has acquired particular expertise within the meaning of article 36 (8) (b) of the Rome Statute in her professional judicial practice with regard to sexual and other violence against women and children, including human trafficking and forced prostitution, as well as the assessment of victim witnesses in criminal proceedings and proceedings against terrorist organizations.

f) Dr. Hohoff is a national of Germany and does not possess the nationality of any other State.

g) Dr. Hohoff is well aware of the responsibility and the workload that come along with being a judge at the International Criminal Court. In order to be able to devote herself entirely to the new judicial role and to avoid any interferences, Dr. Hohoff, if elected, will resign from her judicial office at the German Federal Court of Justice.

## Curriculum vitae

### Personal data

Family name: Hohoff  
First name: Ute  
Middle name:  
Gender: Female  
Date of birth: 25 September 1967  
Nationality: German  
Regional criteria: WEOG  
Marital status: Married  
List A / List B List A  
Languages: Mother tongue: German  
English: (written) Advanced; (oral) Advanced  
French: (written) Intermediate; (oral) Intermediate

### Educational qualifications

05/2000

Humboldt-Universität zu Berlin, Faculty of Law  
PhD, summa cum laude

10/1992 - 07/1995

Berlin Higher Regional Court and Cologne Higher Regional Court  
(Practical legal training)  
2<sup>nd</sup> State Law Examination

10/1986 - 01/1992

University of Cologne, Faculty of Law, and University of Bonn, Department  
of Law  
1<sup>st</sup> State Law Examination

### Professional experience

05/2017 – Present

Federal Court of Justice  
Judge at the Federal Court of Justice

Responsible for appeals on points of law in proceedings dealing with crimes such as human trafficking, forced prostitution, murder, manslaughter, offences against property, sexual crimes in particular against women and children. Currently assigned to the 3<sup>rd</sup> Criminal Division with additional responsibility for appeals in proceedings under criminal law concerning the protection of the state and proceedings pursuant to the German Code of Crimes Against International Law; in this context the Federal Court of Justice is responsible not only for appeals against verdicts by the Higher Regional Courts on matters of law but also – similarly to the Appeals Chamber of the ICC – for (interlocutory) appeals against judicial decisions during investigations, e.g. search and seizure, custody, and detention pending trial. Initially assigned to the 1<sup>st</sup> Criminal Division with additional responsibility for appeals against decisions on tax offences. Served as a

member of the Cartel Panel until the end of 2019.

11/2011 - 05/2017

Düsseldorf Higher Regional Court

Judge at the Higher Regional Court,  
from 2015 Presiding Judge at the Higher Regional Court

Worked within a State Protection Division (fact-finding instance) at Düsseldorf Higher Regional Court; proceedings concerned membership of or support for foreign terrorist organisations (various Islamist groups such as IS, ISIS, al-Qaida, Ahrar al-Sham, Junud al-Sham, and the Islamic Movement of Uzbekistan (IMU) as well as the PKK [Turkey] and LTTE [Sri Lanka]).

03/2009 - 10/2011

Cologne Higher Regional Court

Judge at the Higher Regional Court

Judge at Cologne Higher Regional Court and Head of Department in its administration section, including work as press spokesperson and responsibility for international contact such as reciprocal visits with the partner courts of Arnhem Leeuwarden/Netherlands, Liège/Belgium, Kraków/Poland and Prague/Czech Republic.

08/2006 - 02/2009

Ministry of Justice of *Land* North Rhine-Westphalia

Judge at the Regional Court

Seconded to the Ministry of Justice of *Land* North Rhine-Westphalia, Department Z (personnel and legal issues).

10/2002 - 08/2006

Cologne Regional Court

Judge at the Regional Court

Employed in various first-instance and second-instance Civil Chambers and from 05/2003 in the area of the administration of justice.

09/2001 - 10/2002

Cologne Higher Regional Court

Judge, from 07/2002 Judge at the Regional Court

Member of judicial staff in the administration department of the Court, Judicial/State Examination Office.

12/2000 - 08/2001

Eschweiler District Court

Judge

Criminal Judge and Juvenile Court Judge

06/2000 - 12/2000

Aachen Regional Court

Judge

First-instance Civil Chamber on issues concerning liability for medical practitioners.

10/1995 - 05/2000

Humboldt-Universität zu Berlin, Chair of Criminal Law, Criminal Procedural Law and Legal Philosophy, Prof. Klaus Marxen

**Research Assistant**

Work on the issue of transitional justice; dissertation “On the boundaries of the definition of the perversion of justice – a study of the cases against GDR lawyers” as part of the research project “Criminal justice and the GDR past” conducted by Prof. Gerhard Werle and Prof. Klaus Marxen; academic research on criminal law, criminal procedural law and legal philosophy; working groups for students on the topic of criminal law.

04/1992 – 07/1992

Parliament of the Federal Republic of Germany (Bundestag), Bonn

Employee

Committee on Internal Affairs and Community.

**Other professional activities**

2022 – Present

Supporting and supervising the creation and evaluation of the Online Peer Review Project for legal psychologists concerning their (written) expert opinions on the credibility of victim witnesses in criminal trials by the Centre of Excellence for Expert Opinions – Law, Psychology, Medicine (*Kompetenzzentrum für Gutachten Recht - Psychologie - Medizin*).

2022 – Present

Elected member of the Judicial Council (*Richterrat*, representing the interests of the judges) of the Federal Court of Justice.

1996 – 1998

Gender equality representative of the Faculty of Law, Humboldt-Universität zu Berlin

**Most relevant publications**

*Vorsatz und “Unrechtsbewusstsein” im Strafrecht der DDR als Problem aktueller Rechtsanwendung* [Intent and “awareness of wrongdoing” in GDR criminal law as a problem of current legal application], DtZ 1997, 308

Contributor to Klaus Marxen / Gerhard Werle, *Die strafrechtliche Aufarbeitung von DDR-Unrecht, Eine Bilanz* [The criminal law investigation of GDR injustice, taking stock] (1999) and to Klaus Marxen / Gerhard Werle (ed.), *Strafjustiz und DDR-Unrecht, Dokumentation* [Penal justice and GDR injustice, documentation], volume 5 *Rechtsbeugung* [Perversion of justice], (2 volumes, 2007)

*An den Grenzen des Rechtsbeugungstatbestandes, Eine Studie zu den Strafverfahren gegen DDR-Juristen* [On the boundaries of the definition of the perversion of justice – a study of the cases against GDR lawyers], 2000

*Justizministerium und richterliche Unabhängigkeit, Juristische Zeitgeschichte Nordrhein-Westfalen* [Ministry of Justice and judicial independence, contemporary judicial history in North Rhine-Westphalia] volume 18 (2010), 112 (with Andreas Heusch)

Commentary for BeckOK, foreigners law, sections 95 - 98 of the Residence Act and sections 84 - 86 of the Asylum Act (in both cases, provisions on criminal offences and fines including aspects of the application of international humanitarian law)

*Aktuelle Fragen der aussagepsychologischen Begutachtung von Opferzeugen in Strafverfahren* [Current issues concerning the assessment of victim witnesses in criminal proceedings from the perspective of the psychology of testimonials], NSTZ [Criminal Law Journal] 2020, 387

*Überlegungen zu einer Neustrukturierung des gerichtlichen Kartellbußgeldverfahrens* [Reflections on restructuring the court-based cartel fine procedure], FS Meier-Beck, GRUR 2021, 230

*Rechtliche Anforderungen an Beweiserhebung und Beweiswürdigung in Aussage-gegen-Aussage-Konstellationen* [Legal requirements for the gathering and consideration of evidence in constellations involving one person's word against another's], in: Deckers/Köhnken, *Die Erhebung und Bewertung von Zeugenaussagen im Strafprozess* [The gathering and consideration of witness testimony in criminal trials], 5<sup>th</sup> edition, 2022, 11

Publication to follow: new edition of *Beweisrecht der StPO* [Law of evidence of the Code of Criminal Procedure], previously edited solely by Ulrich Eisenberg (editors: Ulrich Eisenberg, Ute Hohoff, Jens Puschke)

### **Most relevant seminars**

In the context of the NStZ (Criminal Law Journal) annual conferences as well as the specialist lawyer courses on criminal law run by the German Academy of Lawyers

Lead-in presentation at the parliamentary evening on quality assurance for expert opinions in court cases, organised by the Centre of Excellence for Expert Opinions (*Kompetenzzentrum für Gutachten*) and the legal psychology section of the German Association of Psychologists on 5 March 2020 in Berlin

Lecture on the legal requirements for the gathering and consideration of evidence in constellations involving one person's word against another's at the meeting of the working group on psychology in criminal proceedings on 6 November 2021 in Düsseldorf (intended for publication in the conference documentation)

Lecture on Sentencing and EU Criminal Law as part of the international conference on Balance and Perspective of EU Criminal Law and its Application in the Member States on 26 September 2022 in Prague (intended for publication in the conference documentation)

Lecture on the legal basis for the assessment of victim witnesses in criminal proceedings from the perspective of the psychology of testimonials at the interdisciplinary symposium on Therapy and Credibility organised by the Federal Ministry of Justice on 6 October 2022 in Berlin

### **Membership of professional associations and societies**

Düsseldorf Legal and Political Science Association  
(*Rechts- und Staatswissenschaftliche Vereinigung Düsseldorf*)

Karlsruhe Judicial Society (*Karlsruher Juristische Gesellschaft*)

Working Group on International Criminal Law (*Arbeitskreis Völkerstrafrecht*) at Humboldt-Universität zu Berlin

### **Awards and honours**

Doctoral prize from the Faculty of Law of Humboldt-Universität zu Berlin for the dissertation "On the boundaries of the definition of the perversion of justice – a study of the cases against GDR lawyers".

## 7. **KARANJA, Wanjiru (Kenya)**

[Original: English]

### **Note verbale**

The Embassy of the Republic of Kenya in The Hague presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute and has the honour, with reference to the latter's note verbale ICC-ASP/22/SP/01 of 19 December 2022, regarding nominations for the election of six judges to the International Criminal Court, to inform that the Government of the Republic of Kenya has decided to nominate Ms. Wanjiru Karanja, Judge of Appeal, for the post of judge at the International Criminal Court in the elections to be held at the 22<sup>nd</sup> session of the Assembly States Parties to the Rome Statute, from 4-14 December 2023 in New York, United States of America.

The candidate is qualified to meet the criteria of article 36(3), (4) and (8) of the Rome Statute, respectively. The candidate is willing to provide all relevant information in support of this nomination and to respond to the requests for this purpose.

### **Statement of qualifications**

The Government of Kenya has nominated Judge Wanjiru Karanja, Judge of the Court of Appeal, for the position of judge at the International Criminal Court in the election, which will take place at the twenty-second session of the Assembly of State Parties, scheduled to be held at United Nations Headquarters, New York, from 4 to 14 December 2023.

The nominee, Judge Wanjiru Karanja has a wealth of experience, spanning thirty-eight (38) years in Criminal Law and Procedure. She joined the Kenya judiciary in 1985, as a District Magistrate where she handled criminal matters which included offences like aggravated assault, burglary and theft, rape and defilement, manslaughter, robberies and other penal code offences.

She rose up the ladder as years went by and the jurisdiction expanded to include murder and other complicated matters. In 2004, the nominee was promoted to Judge of the High Court where other than handling murder trials in the first instance, the nominee covered all first-appeals in criminal as well as civil matters. Judge Wanjiru Karanja has therefore dealt with cases in line with the provisions of article 36, paragraph 8 (b), of the Rome Statute.

In December 2011, she was competitively elevated to the Court of Appeal, then the highest Court in the land, where she continued handling appeals in criminal and civil matters, both from the subordinate courts and the High Court. Judge Wanjiru Karanja is currently the most senior Judge in the Court of Appeal in the Republic of Kenya.

Judge Wanjiru Karanja is fluent in both written and oral English, as well as Swahili, which are the modes of communication in all schools, from pre-school to university, and the two official languages in Kenya. Swahili is also a working language of the African Union.

Judge Wanjiru Karanja is of impeccable moral character and her integrity and impartiality are beyond reproach. As a demonstration, when in 2003, the Government of Kenya decided to clean up the judiciary, the nominee was one of the three members of the Anti- corruption and integrity committee that was set up to vet the Judges and magistrates, an exercise that saw many Judges and magistrates relinquish their positions. Judge Wanjiru Karanja is well suited to sit as a Judge of the International Criminal Court.

With extensive experience as a judge in criminal cases, Judge Wanjiru Karanja is being nominated for list A, which includes candidates with established competence in criminal law and procedure, as well as the necessary experience in criminal law.

Judge Wanjiru Karanja (i) represents the common law system, (ii) is from Kenya, a country belonging to the African Group, and (ii) is a female candidate.



Kenya is a strong proponent of the need for equitable geographical representation and to comply with fair gender representation in the recruitment of all Court staff.

Kenya's candidate specialises in criminal law and procedure, including measures to combat gender-based violence, of which women and by extension children are victims.

The candidate holds only Kenyan nationality.

Judge Wanjiru Karanja undertakes to make herself available to serve as a full-time judge when the workload of the Court so requires.

## **Curriculum vitae**

### **Personal data**

Family name: Karanja

First name: Wanjiru

Middle name:

Gender: Female

Date of birth: 12 November 1960

Nationality: Kenyan

Regional criteria: Africa

Marital status: Widow

List A / List B List A

Languages: Mother tongue: Kikuyu

English: (written) Advanced; (oral) Advanced

Kiswahili: (written) Advanced; (oral) Advanced

### **Educational qualifications**

March 2007 - March 2009

University of London

LLM (Merit) Masters in Public International Law

1983 – 1984

Kenya School of Law

Diploma in Law

1979 – 1984

University of Nairobi

LLB (Hons) Bachelor of Laws

1977 – 1979

Ngandu Girls' High School

A-Levels-3As

1973 – 1976

Karima Girls' Secondary School

'O' Levels 1<sup>st</sup> Division

## Professional experience

December 2011 – To date

Kenya Judiciary

Judge Court of Appeal

Hearing appeals from the High Court, courts of equal jurisdiction as the High Court and Tribunals; currently the Presiding Judge of the Court of Appeal in Nyeri, in charge of three (3) other court of appeal judges hears and determines appeals from eight (8) high court stations which have more than twenty (20) judges and magistrates of various cadres. drafting the leading judgments, guiding the judges particularly the newly recruited ones on how to draft judgments of the court; prison visits and engaging stateholders in the administration of justice; mentoring junior judges and magistrates and other judicial staff.

2004 – 2011

Kenya Judiciary

Judge of the High Court

Original jurisdiction to determine murder cases, appellate jurisdiction to hear appeals from all subordinate courts, appointed to head several high court stations and to supervise all subordinate courts within my jurisdiction. also had unlimited jurisdiction to deal with civil matters.

1999 – 2003

Kenya Judiciary

Senior Principal Magistrate and Later Chief Magistrate

Appointed to head the anti-corruption court in Kenya and also to deal with all serious drug trafficking cases and handled many such cases with convictions being upheld by the highest court in the land. also appointed as a member of the ethics and anti-corruption committee to investigate rampant corruption in the Kenya judiciary then

1995 – 1999

Kenya Judiciary

Senior Resident Magistrate

Enhanced jurisdiction to deal with all penal code offences, including manslaughter and other capital offences carrying life or the death sentence. started to head senior court stations supervising other magistrates and judicial staff.

1987 – 1990

Kenya Judiciary

Resident Magistrate

Dealing with criminal and civil matters arising within the geographical region of the Court, covering several districts.

1985 – 1987

Kenya Judiciary

District Magistrate 11. (PROF)

Hearing and determination of simple criminal offences like common assaults, theft, burglaries and stealing, creating disturbance, and other offences attracting not more than two (2) years imprisonment.

**Other professional activities**

2022

Appointed to sit on the international centre for settlement of investment disputes (icsid) panel

2012 – 2016

Vice chairperson of the rules committee of the judiciary. a committee established under the civil procedure code to make rules, amendments to existing rules; conduct stakeholder engagement in review of statutory and procedural rules.

2010

Appointed as a member of a tribunal to investigate the conduct of the Chairman of the Truth, justice and Reconciliation Commission, Ambassador Bethwel Kiplagat

**Most relevant publications**

Presentations

In march 2013 I was invited to represent the judiciary at a forum organized by the sjd (phd) law students at the prestigious Harvard Law School as a panelist in a discourse on “legal education from a bench perspective” co-chairing with with Supreme Court judges from Canada and Colombia. I also addressed the harvard students law association on “the role of a judge in a transitional legal order; the case of Kenya.” I also presented papers on “Legal education from a bench perspective” and “Law and language”.

On 3rd march 2013 I presented a paper at a training workshop for judges from somalia titled " the role of a judge in controlling hearings and assessing evidence in adversarial proceedings"

Presentations on judgement writing locally and regionally ; paper titled "Use of legalese and plain language; general principles and practices : presented to judges from the East African Community in a seminar held on 19th november 2009 in Kampala, Uganda.

**Most relevant seminars**

I have attended several seminars locally and regionally on human rights; trained in women in leadership both in Sweden and Kenya; senior administration and financial management seminar ; judicial systems training in drug related casework in eastern and southern africa organised by United Nations Office On Drugs And Crime (Unodc); Regional Conference in Maritime Crime and the Blue Economy held in Mauritius in July 2022 and appointed to represent the chief justice in that initiative in Kenya.

**Membership of professional associations and societies**

Fellow chartered institute arbitrators, London and Kenya branches.

Law society of Kenya.

**Awards and honours**

Republic of Kenya - State Honor of Elder of the Burning Spear (Ebs) by the President in 2013 for exemplary public service to the country.

Awarded best candidate 2021 in the Chartered Institute of Arbitrators final exams for fellow with the best written award.

**Personal interests**

Reading all kinds of legal materials to enhance my scope and capacity in the legal profession;

engagement in community service, particularly offering help to children homes, the elderly and persons incarcerated.

**Other relevant facts**

I have practised criminal law for most of my judicial career spanning 38 years; I have worked and interacted from different regions and cultures in Kenya , which has enriched my experience and adaptability to different situations and environments. I am passionate and knowledgeable about administration of justice in criminal law locally and internationally. I believe my experience on the Kenya bench will be a valuable addition to the International Criminal Court's bench.

## 8. LAZAROVA TRAJKOVSKA, Mirjana (North Macedonia)

[Original: English]

### Note verbale

The Embassy of the Republic of North Macedonia in The Hague presents its compliments to the Secretariat of the Assembly of the States Parties to the Rome Statute of the International Criminal Court and with reference to the note verbale by the Secretariat ICC-ASP/22/SP/01 of 19 December 2022, has the honor to inform that the Government of the Republic of North Macedonia nominates Judge Mirjana Lazarova Trajkovska as a candidate for judge of the International Criminal Court at the elections that will be held during 22nd session of the Assembly of the States Parties, from 4 to 14 December 2023.

The Embassy informs that the candidate has been selected in a transparent procedure, that is applied for nomination of judges for the highest national courts in the country. Her nomination is supported also by the President of the country, having in mind the right of the President to nominate two judges for the Constitutional Court to the Parliament. The Government fully supports this nomination.

Judge Lazarova Trajkovska will represent a civil law system, with a deep understanding of a jurisprudence-based system giving her a strong grasp of the functioning of common law legal systems. She is nominated from the Eastern European regional group and is a female candidate.

The Embassy has the further honor to enclose with this note verbale the Statement of qualifications in accordance with article 36, paragraph 4 (a), of the Rome Statute and paragraph 6 of the resolution of the Assembly of States Parties (ICC-ASP/3/Res.6, as amended). The curriculum vitae of the candidate is also enclosed, as well as an Acknowledgment of information, signed by the Minister of Foreign Affairs of North Macedonia.

### Statement of qualifications

Judge Lazarova Trajkovska has the necessary competence in criminal proceedings and is exceptionally professionally qualified to sit as a judge of the International Criminal Court, having extensive judicial experience and expertise in the field of international criminal justice, international human rights law, and humanitarian law. She has an established competence in criminal law and procedure, and the necessary relevant experience, as a judge of the Supreme Court of North Macedonia working in the criminal division and as a judge of the European Court of Human Rights (ECtHR).

She spent a total of nine years as a judge of the ECtHR working on complex cases dealing with war crimes as well as serious international criminal offences. She decided a number of interstate cases (Cyprus v. Turkey, Georgia v Russia, Ukraine v. Russia) and cases linked with terrorism and terrorist organizations, including some of the leading cases of the ECtHR. She was President of the First Section of the ECtHR and her broad first-hand experience, in-depth knowledge of international criminal law and international human rights law, her proven capacity to collaborate effectively with colleagues from 47 jurisdictions are all highly relevant to the work of the International Criminal Court.

Judge Lazarova Trajkovska is an internationally recognized expert, and as such she has trained judges and lawyers from all over Europe on international criminal law, international human rights law, and humanitarian law. Judge Lazarova Trajkovska is a person of high moral character, impartiality and integrity well known in the region and in Europe. In this regard, she was a member of the Public Council of International Experts for election of judges for the High Anti-corruption Court in Ukraine as an international specialist on judicial integrity. Moreover, she is currently sitting as a member of the Advisory Panel of Experts on Candidates for Election of Judges to the European Court of Human Rights.

Judge Lazarova Trajkovska is nominated for inclusion in List A, as a candidate with established competence in criminal law and procedure, and the necessary relevant experience, as judge and expert in criminal proceedings.

Judge Lazarova Trajkovska will represent a civil law system. However, after nine years of work at the European Court of Human Rights, she has a deep understanding of a jurisprudence-based system giving her a strong grasp of the functioning of common law legal systems. She is nominated from the Eastern European Regional Group. She is a female candidate. Judge Lazarova Trajkovska is fluent in English and French, having consistently worked in both languages as judge at the European Court of Human Rights. She also speaks fluently several Slavic languages including Macedonian, Croatian, Serbian, and Slovenian, and has solid knowledge of Bulgarian and Russian as well.

Judge Lazarova Trajkovska has judicial experience in working with particularly complex and serious criminal cases including cases on terrorism, terrorist groups, femicide, corruption, and asset recovery. She has expertise in dealing with cases of sexual and violent crimes and is highly qualified to try cases involving serious domestic violence, sexual offences and has expertise in the handling of vulnerable witnesses, particularly victims of alleged sexual violence and children under the age of 14.

Judge Lazarova Trajkovska is a national of the Republic of North Macedonia. She is being nominated as a candidate of the Republic of North Macedonia.

Judge Mirjana Lazarova Trajkovska has been nominated under the terms of article 36, paragraph 4(a) (i), of the Rome Statute in accordance with the national Rules of Procedure of the Republic of North Macedonia for nomination of candidates for judges of the Constitutional or Supreme Court which are publicly available on the website of the State Judicial Council - the authority responsible for election of judges of the high courts of the country and for nomination of two candidates for the Constitutional Court.

On the initiative of the Ministry of Foreign Affairs, the State Judicial Council established the nomination of the candidacy of judge Lazarova Trajkovska in a transparent procedure based on a merit system (decision No. 03-577/2). Her nomination is supported also by the President of the State, who according to the Constitution proposes to the parliament two members of the Constitutional Court. Throughout the process there has continuously been strong coverage and support by the media for her nomination as a candidate to be a judge at the ICC.

Publicity and transparency of the procedure of nomination of judge Lazarova Trajkovska is acknowledged also by the broad support from a number of civil society organizations that are focused on criminal procedures and criminal courts.

Ms. Vesna Dameva, the President of the State Judicial Council, in her capacity as Acting Chairperson of the State Judicial Council – the authority responsible for procedure for the nomination of candidates for appointment to the highest judicial offices - acknowledges the information provided under sub-paragraph (a) of this statement of qualifications.

Judge Lazarova Trajkovska is committed to be available to take up full-time service when the Court's workload so requires.

## **Curriculum vitae**

### **Personal data**

Family name: Lazarova Trajkovska

First name: Mirjana

Middle name:

Gender: Female

Date of birth: 5 November 1963

Nationality: Macedonian

Regional criteria: Eastern Europe

Marital status: Married

List A / List B List A

Languages: Mother tongue: Macedonian  
 English: (written) Advanced; (oral) Advanced  
 French: (written) Intermediate; (oral) Advanced  
 Serbian (written) Advanced; (oral) Advanced  
 Croatian (written) Advanced; (oral) Advanced  
 Slovenian (written) Basic; (oral) Intermediate  
 Bulgarian (written) Intermediate; (oral) Advanced

### **Educational qualifications**

02/2008 – 09/2012

Faculty of Law, University of Ljubljana, Republic of Slovenia  
 Doctor of Law (PhD)

10/2005 – 06/2007

Faculty of Law, University of Ljubljana, Republic of Slovenia  
 Master of Law (L.L.M.)

10/1991 – 11/1992

Ministry of Justice, Skopje, Republic of North Macedonia  
 Bar exam.

09/1982 – 09/1986

Univ. of "St. Cyril and Methodius" Skopje, Socialist Republic of  
 Macedonia  
 Graduate diploma, Faculty of Law

### **Professional experience**

03/2020 – current

Supreme Court of the Republic of North Macedonia  
 Judge, criminal section  
 Dealing with complex criminal cases in varied areas of criminal law,  
 including corruption, terrorist crimes, organised crimes, and serious sexual  
 offences. Acting as section president of the Reasonable Trial Section and  
 deputy president of the Section on Jurisprudential Harmonisation.

02/2008 – 02/2017

European Court of Human Rights  
 Judge and President of the First Section of the ECHR  
 Handling criminal and civil cases with human rights violations of  
 procedural and substantive nature. Sitting in Grand Chambre, section,  
 judge committee, and single-judge compositions. Presided in the First  
 Section of the Court, collaborating intensely with colleagues from the  
 United Kingdom, Italy, Finland, San Marino, Greece, Iceland, Albania,  
 Armenia, and Norway. Acted as a single-judge in charge of caselaw from  
 Ukraine, Italy, and the Czech Republic. Participated in reducing the

backlog of the Court's caselaw and establishing harmonised jurisprudence as part of the Committee for Improvement of the Court's Work Methodology. Partook in the development of the pilot judgement procedure at the Court. Sat on key interstate cases dealing with allegations of human rights violations in the context of war crimes, disappearances, torture, degrading and inhuman treatment and prisoners of war.

03/2003 – 01/2008

Constitutional Court of the Republic of North Macedonia

Judge

Decided on the conformity of domestic legislation with the Constitution of North Macedonia, focusing especially on guaranteeing the protection of fundamental freedoms and rights of individuals. Resolved questions of conflicts and separation of competences between holders of legislative, executive, and judicial offices, as well as conflicts of competence among State bodies and units of local governance. Dealt with the impeachment procedure of the President of the Republic as well as other key constitutional issues.

06/2002 – 03/2003

State Election Commission of the Republic of North Macedonia

President

Coordinated and directed the election commission and the organisation of the 2002 post-conflict state elections, dealing with thousands of internally displaced electors. Ensured the strict following of legal procedures and rules, while working under high pressure and in a particularly fragile political context. Demonstrating expertise in leadership, team-coordination, as well as high integrity and impartiality.

01/2001 – 06/2002

Ministry of Foreign Affairs of the Republic of North Macedonia

Head of the Department on Human Rights

Working as a head of the Department on Human Rights, promoting the respect of Rule of Law and democracy through abidance with international human rights standards. Improved the functioning of democratic institutions and strengthened the democratic competencies of governmental bodies.

01/1999 – 01/2001

Ministry of Internal Affairs of the Republic of Macedonia

Assistant Minister on administrative affairs at the Ministry of Internal affairs

Expert on nationality and immigration, working on the implementation of international and national standards on nationality in a time of state succession. Focusing on asylum protection, as well as subsidiary and temporary protection to non-nationals on the territory following an international armed conflict.

### **Other professional activities**

07/2021-current

Member of the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights. Appointed by the Committee of Ministers of the Council of Europe in consultation with the President of the European Court of Human Rights as a former judge of the



Court with highest ethical standards, personal integrity, and professionalism.

05/2019

Head of delegation on the EU-Taiwan Judicial exchange, annual programme facilitating exchange of knowledge on criminal justice and human rights between Taiwanese and European Experts, focusing on the right to life, international human rights standards and sentencing principles.

11/2018

Member of the Public Council of International Experts for election of judges for the High Anticorruption Court in Ukraine. The appointment to this post was a proof of international reputation as person and professional capable of highly ethical and delicate work.

05/2018

Visiting Professor of Human Rights at the Renmin University of China in Beijing teaching graduate and postgraduate students international human rights law developments through the ECHR.

05/2017

Visiting fellow at the Faculty of Law of Birmingham University, United Kingdom and the Faculty of Law of the Catholic University of Lille, France. Teaching a course on human rights and transitional justice.

02/2017-current

National coordinator on assets recovery and expert in human rights protection in Eastern Europe with the AIRE Center, London, United Kingdom.

01/2004-01/2008

Member of the European Commission on Democracy through Law (Venice Commission). Working with distinguished European lawyers and diplomats and contributing to the development of democracy and rule of law in a number of European countries.

01/2001- 05/2003

Member of the Steering Committee on Human Rights at the Council of Europe. Partook in the drafting Committee on Protocol 14 of the European Convention on Human Rights.

01/2001- 05/2003

Member of the Council of Europe Committee for improving the administrative Court proceedings.

04/1995- 05/2002

Member of the Committee of Experts on nationality (CJ-NA) of the Council of Europe and member of the working party of the Committee of experts on nationality (CJ-NA-GT).

06/2000

Head of the Delegation of the Republic of North Macedonia at the Special Session of the United Nations General Assembly “Women 2000-Gender Equality, Development and Peace in the XXI Century”.

04/1995-11/1997

Member of the Working group of the Council of Europe Committee on Nationality (CJ-NA-GT) working on the Convention on the Avoidance of Statelessness in Relation to State Succession.

### Most relevant publications

2021, *Analysis of the jurisprudence of the European Court on Human Rights related to hate speech and hate crime*, Mirjana Lazarova Trajkovska, Marharyta Zhesko, Skopje (published by Organisation for Security and Co-operation in Europe in English, Macedonian and Albanian language).

2019, *Handbook on Effective Asset Recovery in Compliance with European and International Standards*, Krassimira Kamber, Will Ferris, Catharina Harby, Eriona Haxhia, Artur Selmani, Eldan Mujanović, Darko Datzler, Ganimete Ismajli, Aleksa Ivanović, Mirjana Lazarova Trajkovska, Radmila Dragičević Dičić, published by Advice on Individual Rights in Europe (AIRE).

2018, *Human Rights, (Човекови Права)* J. Ananiev, B. Arifi, N. Gaber Damjanovska, M. Lazarova Trajkovska, Z. Poposka, S. Cubrik: Publisher: Organisation for Security and Co-operation in Europe,

2018, *Possibilities and perspectives for improvement of the quality of the judiciary in Macedonia*, M. Lazarova Trajkovska, online edition (<https://www.osce.org/mission-to-skopje/385947>).

2016, *Права на барателите на азил и мигрантите: Збирка пресуди на ECЧП со коментар (Rights of Asylum seekers: Compilation of judgments of the ECHR with commentary)* Skopje, 2016, Poliesterdaj.

2016, *The impact of the European Convention on Human Rights and the case law of the Republic of Macedonia (The Impact of the ECHR on Democratic Change in Central and Eastern Europe)* Cambridge University Press (pg. 266-289).

2015, *Слободата на изразување низ праксата на Европскиот суд за човекови права, Македонски центар за меѓународна соработка, Датапонс (Freedom of expression and case law of the European Court of Human Rights)* published by Macedonian Centre on International Cooperation.

2015, *Privacy, freedom of expression and Internet; Essays in Honour of Dean Spielmann*, Wolf Legal Publishers (WLP).

2014, *Liria e shprehjes dhe e drejta e respektimi te jetes private (Jeta Juridike)* Reviste Juridike Shkencore, Numri 4, Viti XV I botimi, Tirane, dhjetor 2014, Batimet Morava (pgg 91 – 103).

2014, *Interaction between European Courts, The Cooperation of the Constitutional Courts in Europe current Situation and Perspectives (Volume I)* pg. 146 Verlag Osterreich GmbH, Wien.

2013, *Значењето на судската практика на Европскиот суд за човекови права за владеењето на правото на Република Македонија/ Die Bedeutung der Rechtsprechung des EGMR für die rechtsstaatlichkeit in der Republik Mazedonien/ Европско Право бр 1/2013, Година 2, том 2 Јули 2013 (стр.11- 21).*

2012, *Legal analysis of the concept of the criminal offense of Hate Speech, (Правна анализа на концептот на казненото дело на омраза и говорот на омраза)* Acad. Vlado Kambovski and Phd. Mirjana Lazarova Trajkovska (published by Poliesterdej, Skopje September 2012).

2010, *Constitutional Complaint in Comparative Law*, published in ECtHR and Turkey-II: Constitutional Complaint and ECtHR (AIHM ve Turkiye-II) Turkiye Adalet Akademisi Yayinlari, Justice Academy, Yayin/Edition No.8, Editor Ahmet Taskin, 10 December 2010 Ankara (pp 175 – 185).

### Most relevant seminars

2021, *Analysis of the jurisprudence of the European Court on Human Rights related to hate speech and hate crime*, Mirjana Lazarova Trajkovska, Marharyta Zhesko, Skopje (published by Organisation for Security and Co-operation in Europe in English, Macedonian and Albanian language).

2019, *Handbook on Effective Asset Recovery in Compliance with European and International Standards*, Krassimira Kamber, Will Ferris, Catharina Harby, Eriona Haxhia, Artur Selmani, Eldan Mujanović, Darko Datzler, Ganimete Ismajli, Aleksa Ivanović, Mirjana Lazarova Trajkovska, Radmila Dragičević Dičić, published by Advice on Individual Rights in Europe (AIRE).

2018, *Human Rights, (Човекови Права)* J. Ananiev, B. Arifi, N. Gaber Damjanovska, M. Lazarova Trajkovska, Z. Poposka, S. Cubrik: Publisher: Organisation for Security and Co-operation in Europe,

2018, *Possibilities and perspectives for improvement of the quality of the judiciary in Macedonia*, M. Lazarova Trajkovska, online edition (<https://www.osce.org/mission-to-skopje/385947>).

2016, *Права на барателите на азил и мигрантите: Збирка пресуди на ЕЧП со коментар (Rights of Asylum seekers: Compilation of judgments of the ECHR with commentary)* Skopje, 2016, Poliesterday.

2016, *The impact of the European Convention on Human Rights and the case law of the Republic of Macedonia (The Impact of the ECHR on Democratic Change in Central and Eastern Europe)* Cambridge University Press (pg. 266-289).

2015, *Слободата на изразување низ праксата на Европскиот суд за човекови права, Македонски центар за меѓународна соработка, Датапонс (Freedom of expression and case law of the European Court of Human Rights)* published by Macedonian Centre on International Cooperation.

2015, *Privacy, freedom of expression and Internet; Essays in Honour of Dean Spielmann*, Wolf Legal Publishers (WLP).

2014, *Liria e shprehjes dhe e drejta e respektimi te jetes private (Jeta Juridike)* Reviste Juridike Shkencore, Numri 4, Viti XV I botimi, Tirane, dhjetor 2014, Batimet Morava (pgg 91 – 103).

2014, *Interaction between European Courts, The Cooperation of the Constitutional Courts in Europe current Situation and Perspectives (Volume I)* pg. 146 Verlag Osterreich GmbH, Wien.

2013, *Значењето на судската практика на Европскиот суд за човекови права за владеењето на правото на Република Македонија/ Die Bedeutung der Rechtsprechung des EGMR fur die reshtsstaatlichkeit in der Republik Mazedonien/ Европско Право бр 1/2013, Година 2, том 2 Јули 2013 (стр.11- 21).*

2012, *Legal analysis of the concept of the criminal offense of Hate Speech, (Правна анализа на концептот на казненото дело на омраза и говорот на омраза)* Acad. Vlado Kambovski and Phd. Mirjana Lazarova Trajkovska (published by Poliesterdej, Skopje September 2012).

2010, *Constitutional Complaint in Comparative Law*, published in ECtHR and Turkey-II: Constitutional Complaint and ECtHR (AIHM ve Turkiye-II) Turkiye Adalet Akademisi Yayinlari, Justice Academy, Yayin/Edition No.8, Editor Ahmet Taskin, 10 December 2010 Ankara (pp 175 – 185).

### **Membership of professional associations and societies**

Member of the Board of Patrons of the Gender Champions in the Judiciary (GCJ) Network.

Member of the Association of Judges of the Republic of North Macedonia

Member of the Association of Former Judges of the European Court of Human Rights.

Member of the Association of Former Members of the Venice Commission.

Member of the Euro-Atlantic Judicial Network.

**Awards and honours**

2005 Champion of Freedom, Recognition for special achievements in Rule of Law and Democracy by the US President George W. Bush.

**Personal interests**

Contemporary Art and cinematography, History, Philosophy of Law, Music and Travelling.

## 9. MOTOC, Iulia Antoanella (Romania)

[Original: English, French]

### Note verbale

The Embassy of Romania to the Kingdom of The Netherlands presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and, with reference to the latter's note verbale no. ICC-ASP/22/SP/01, has the honor to inform that the Government of Romania nominates Judge Iulia Antoanella MOTOC as candidate for election as judge of the International Criminal Court, at the elections to be held during the 22<sup>nd</sup> session of the Assembly of States Parties, in New York, between 4 to 14 December 2023.

The nomination is to be included in List B, according to article 36 paragraphs 3 (b) (ii) and 5 of the Rome Statute.

Attached to this note verbale are the Statement of qualifications and the curriculum vitae of Judge Iulia Antoanella MOTOC, in English and French.

### Statement of qualifications

The Government of Romania has the honour to nominate Judge Iulia Motoc for the election of judges of the International Criminal Court (ICC) for the years 2024-2033, at the twenty-second session of the Assembly of States Parties, to be held at the United Nations Headquarters, New York, from 4 to 14 December 2023.

This statement of qualifications is submitted pursuant to article 36 paragraph (4) (a) of the Rome Statute of the International Criminal Court and paragraph 6 of the resolution of the Assembly of States Parties on the Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court (ICC-ASP/3/Res.6, as amended).

Judge Motoc is well regarded by her peers as a person of high moral character, impartiality and integrity. During the course of her 34-year career, multiple public bodies at the national and international levels have appointed her to positions for which the highest moral qualifications are a requirement. This includes her election as the Special Rapporteur of the UN Commission for Human Rights for the Democratic Republic of the Congo in 2001, to the Human Rights Committee in 2006, to the Constitutional Court of Romania in 2010, and to the European Court of Human Rights (ECHR) in 2013. Beyond that, as president of the Committee on the Status of Judges of the ECHR, judge Motoc actively shaped the codification and progressive development of ethical standards for international judges. Under her leadership, the Committee put in place new guidelines on judicial ethics. She also authored a report on the situation of judges after their 9-year mandate.

Pursuant to Art. 143 of the Romanian Constitution, judges of the Constitutional Court must have graduated in law, possess high professional competence and at least eighteen years of experience in the legal profession or in academic activities. Judge Motoc fulfils these requirements by possessing high professional competence and 34 years of experience in the legal profession. Moreover, she already held this office, having been elected to the Constitutional Court in 2010.

Judge Motoc is an established expert in human rights, international humanitarian law and general international law. On top of her broad education, she has a plethora of academic and practical experiences at both national and international level.

Judge Motoc holds five academic degrees, including a master's degree, a Ph.D., and a *habilitation* in public international law. Furthermore, she holds a Ph.D. in Moral Philosophy with a focus on ethics in international relations.

Judge Motoc has built on this profound educational basis an impressive academic career. She has been teaching public international law with a focus on human rights and

humanitarian law at the University of Bucharest for 28 years. Reflecting her achievements, the University appointed her Full Professor in 2002. She has complemented this career with international teaching positions in 12 universities on 3 continents, including as a Senior Jean Monnet Fellow at the New York University and as visiting professor at the UN University in Tokyo. In 2019, The Hague Academy of International Law invited her as a Visiting Professor for the session of 2024.

Likewise, Judge Motoc has held an array of research positions in top-accredited institutions in the fields of public international law and human rights, including at Yale University School of Law and the Sorbonne's Research Institute of International and European Law. In 2021, she was elected as member of the *Institut de Droit International*. Drawing on the international perspectives gained through these experiences, judge Motoc authored more than 80 books, book chapters, and articles in the fields of human rights, humanitarian law and general international law.

In addition to her academic credentials, judge Motoc has 34 years of practical legal experience on the national, regional and international levels. From 1989 to 1995, she served as a prosecutor and judge in Romania. In this role, she mainly dealt with sexual offences against women and children and with the implementation process of Romania's transitional justice laws. Beginning with 1996, judge Motoc has continually served as an expert in human rights and humanitarian law for multiple international organisations, including 18 years of service for the United Nations, 10 for the Council of Europe, and 2 for the European Union.

Most relevant regarding the work of the ICC, from 2001 to 2004, she served as UN Commission for Human Rights' Special Rapporteur on Human Rights in the Democratic Republic of the Congo. In this capacity, she undertook several field visits to the DRC and the neighbouring countries. Her reports, which stressed the importance of considering vulnerable groups such as women and children, were widely quoted.

For the last 16 years, Judge Motoc has continuously held positions in judicial and quasi-judicial international bodies. From 2007 to 2013, she served on the Human Rights Committee, including two years as its Vice-President, where she heard cases pertaining to the universal human rights system. In this capacity, she focused her work on mass violations of human rights with broad intersections to humanitarian law and international criminal law.

Since 2013, Judge Motoc has been serving as the judge elected in respect of Romania at the European Court of Human Rights. In this role, judge Motoc has managed an impressive caseload of over 2,500 cases from a wide array of member States, including common law jurisdictions. Meanwhile, she has continued to carve out a speciality for mass violations of human rights and international humanitarian law in conflict zones. One of her most high-profile cases in this regard is *Ukraine and the Netherlands v. Russia*, which concerned the military events in the Donetsk and Luhansk regions of Ukraine beginning in 2014. Judge Motoc's experience clearly demonstrates her competence to deal with cases in conflict zones which raise complex factual and legal issues.

Likewise, judge Motoc also focused on cases involving fundamental principles of criminal law through the lens of human rights instruments and on the protection of vulnerable groups such as women and children.

During her tenure at the ECHR, judge Motoc has been active in fostering inter-judicial dialogue. In 2015, she founded the Public International Law Group at the ECHR to provide more outreach to scholars and practitioners of general international law. She has also maintained active contact with criminal courts, including the ICC, through her involvement in the ECHR's Criminal Law Group. Lastly, judge Motoc has led the ECHR's efforts to cooperate with non-member States, and particularly with developing countries.

Judge Motoc is fluent in both English and French. She has published widely in both languages and holds 3 university degrees from French universities. Additionally, she has over 16 years of experience working in a judicial or quasi-judicial function in both English and French.

The Government of Romania presents judge Motoc's candidacy as a nomination for list B. However, her education and 20 years of judicial experience, including highly relevant experience in dealing with criminal cases on both national and international level, would make her equally eligible for inclusion in list A.

Judge Motoc will represent the civil law system. She is being nominated from the Eastern European Regional Group. She is a female candidate.

Judge's Motoc's nomination is consistent with the Rome Statute's commitment to a fair representation of male and female judges within the Court. Likewise, with the mandates of two judges from the Eastern European region ending in 2024, judge Motoc's nomination also serves the continued equitable representation of this region within the Court.

Throughout her career, judge Motoc has acquired special expertise relating to violence against women and children. She has published widely on the issue of violence against women and edited two books about women in international law.

During her 6 years as a prosecutor and judge in Romania, she focused on cases dealing with sexual offences against women and children. Likewise, as UN Human Rights Commission's Special Rapporteur on Human Rights in the Democratic Republic of the Congo, she paid special attention to crimes and human rights violations perpetrated against women and girls and gave these vulnerable groups an international forum in her reports. These reports were widely cited, including by the Prosecutor of the ICC and several UN bodies such as UNICEF, which relied on her findings on its 2005 report on "The Impact of Conflict on Women and Girls in West and Central Africa and the UNICEF Response." Likewise, several non-governmental organisations made use of her report, including Human Rights Watch in its 2002 report "The War Within The War: Sexual Violence Against Women And Girls In Eastern Congo." Lastly, her work was well-received by leading scholars in the fields of women's and children's rights. Thus, Kerry F. Crawford's 2017 book on "Wartime Sexual Violence: From Silence to Condemnation of a Weapon of War" and Stephen Nmerugini Achilihu's 2010 work "Do African Children Have Rights? A Comparative and Legal Analysis of the United Nations Convention on the Rights of the Child" also quoted judge Motoc's reports.

During her mandate at the ECHR, she sat in several cases regarding domestic violence and helped to develop the court's case law in this field.

Judge Motoc is a Romanian national. She is being nominated on behalf of Romania.

Judge Motoc was selected to be Romania's candidate for the ICC judicial elections under a competitive, transparent and merit-based procedure approved by the Government of Romania. The selection procedure comprised several stages and involved several national authorities. The candidate was finally confirmed by decision of the Government of Romania.

On 15 November 2022, the Government of Romania approved the Procedure for the nomination of the Romanian candidate for the position of judge at the International Criminal Court ("the Procedure").

The public call for applications and the Procedure for the nomination of the Romanian candidate for the position of judge at the International Criminal Court were published on the websites of the Ministry of Foreign Affairs, the Ministry of Justice, the Superior Council of Magistracy and the High Court of Cassation and Justice.

The applications submitted were examined by the Selection Committee, in accordance with article 5 paragraph 2 of the Procedure. 4 candidates were pre-selected on the basis of the criteria defined by article 36 paragraph 3 of the Rome Statute. The results of this stage were also published on the websites of the Ministry of Foreign Affairs, the Ministry of Justice, the Superior Council of Magistracy and the High Court of Cassation and Justice.

The individual interviews were held on 30 January 2023. The interviews took place in Romanian, French and English.

The selection was made in accordance with Article 6 paragraph (6) point (3) of the Procedure, on the basis of the following criteria: a) the candidate's legal qualifications and knowledge of the Rome Statute of the International Criminal Court and ICC case-law; b) professional experience; c) ability to perform judicial functions; d) language skills; e) ability to work in a multicultural environment reflecting different legal systems; f) absence of any doubt as to the candidate's independence, impartiality, probity and integrity.

At the end of the hearings, in accordance with Article 7 of the Procedure, the Selection Committee selected judge Iulia Motoc as the Romanian candidate for the nomination as a Judge at the ICC, as well as two reserve proposals.

The Selection Committee was composed of the following members:

- Secretary of State for Global Affairs and Diplomatic Strategies, Ministry of Foreign Affairs (MFA), President of the Commission;
- Secretary of State, Ministry of Justice (MoJ), Vice-President of the Commission;
- President of the Superior Council of Magistracy, member;
- Judge, High Court of Cassation and Justice, member;
- Director General, Legal Affairs Department, MFA, member;
- Director, Directorate of International Law and Judicial Cooperation, MoJ, member;
- Lecturer, Faculty of Law, University of Bucharest, member.

The Government of Romania approved the proposal of the Selection Committee. The results were published on the websites of the Ministry of Foreign Affairs and the Ministry of Justice.

As authority of the Nominating State overseeing the nomination process, the Ministry of Foreign Affairs of Romania acknowledges the information regarding the fulfilment, by the candidate, of each of the requirements in article 36, paragraph 3 (a), (b) and (c) of the Rome Statute.

Judge Motoc is prepared to take up full-time service at the International Criminal Court at its seat in The Hague.

## **Curriculum vitae**

### **Personal data**

Family name: Motoc  
 First name: Iulia  
 Middle name: Antoanella  
 Gender: Female  
 Date of birth: 20 August 1967  
 Nationality: Romania  
 Regional criteria: Eastern Europe  
 Marital status: Married  
 List A / List B: List B  
 Languages: Mother tongue: Romanian  
 English: (written) Advanced; (oral) Advanced  
 French: (written) Advanced; (oral) Advanced



Spanish (written) Intermediate; (oral) Intermediate

Italian (written) Intermediate; (oral) Intermediate

### **Educational qualifications**

09/2004 - 06/2007

Yale University School of Law, Orville Center for International Human Rights

Post graduate studies, Senior Schell Fellow, Research in transitional criminal justice

06/1996 - 02/1999

University of Bucharest, Department of Philosophy

Ph.D. (doctorate) in Moral Philosophy (Thesis: Ethics in international relations - Sources of Political and Moral Philosophy)

09/1997 - 05/1998

University Paris XI, "Jean Monnet" Faculty

Habilitation in Law; habilitation à diriger des recherches (HDR)

09/1991 - 06/1996

University "Paul Cezanne" Aix-Marseille III, School of Law

Doctor in Public International Law (Thesis: Exceptions to Article 2 (4) of the Charter of the United Nations as Interpreted by the UN Security Council; highest distinction with the congratulations of the jury summa cum laude)

06/1995

Ministry of Justice of Romania

Full registration judge exam

10/1990 - 09/1991

University "Paul Cezanne" Aix-Marseille III, School of Law

Master (DEA) in Public International Law

09/1985 - 05/1989

University of Bucharest, School of Law

L.L.B. (overall grade: 9.93/10; dissertation topic pertaining to criminal law (10/10)).

09/1981 - 06/1985

"Gheorghe Lazar", lyceum of mathematics and physics, Bucharest

Baccalaureate in mathematics and physics

### **Professional experience**

Judge with 20 years of judicial experience at the national and international levels; expert in the field of human rights, humanitarian law and international criminal law, elected by the United Nations (including as the Special Rapporteur of the Commission on Human Rights for the situation of human rights in the Democratic Republic of the Congo); 18 years of professional experience with the United Nations, the Council of Europe and the European Union, including in difficult fact finding and field missions; Professor of Law at the national and international levels for 28 years; author of more than 80 publications; elected member of the Institute of International Law in 2021 (institution awarded Nobel Peace Prize). I have expertise in both civil law and common law. I am expert in violence

against women and children. Nominated for the list B, but she will be equally eligible for including in the list A.

12/2013 - present

European Court of Human Rights

Judge

As a judge at the ECtHR for more than 9 years, I took part in the examination of over 2,500 cases, including more than 1,500 criminal law cases (president in more than 700 cases), and have taken part in several cases concerning counts of genocide, crimes against humanity and war crimes, including the case of *Drelingas v. Lithuania* (No. 28859/16, 12 March 2019), which concerned a verdict of guilty for the crime of genocide committed during the Soviet era. I also presided as a judge in the following Grand Chamber cases: *Sargsyan v. Azerbaijan* ([GC], No. 40167/06, 16 June 2016) and *Chiragov and Others v. Armenia* ([GC], No. 13216/05, 16 June 2016), both of which concerned massive violations of human rights in the Nagorno-Karabakh region and raised complex issues touching upon the jurisdiction of the respondent States, within the meaning of Article 1 of the European Convention on Human Rights (ECHR), over the Nagorno Karabakh region and the adjacent occupied territories; *Jaloud v the Netherlands* ([GC], No. 47708/08, 20 November 2014), concerning the fatal shooting of Azhar Sabah Jaloud by Dutch troops in the early hours of 21 April 2004 at a checkpoint in Iraq; *Ukraine and the Netherlands v. Russia* ([GC] (dec.), Nos. 8019/16 and others, 30 November 2022), concerning events in the Donetsk and Luhansk regions and in the Donbass area of eastern Ukraine, which began in the spring of 2014.

During my term of office at the ECtHR, I sat in several cases involving violence against women (for instance, *Balsan v. Romania*, No. 49645/09, 23 May 2017) and children (*D.M.D. v. Romania*, No. 23022/13, 3 October 2017). In *Kurt v. Austria* ([GC], No. 62903/15, 15 June 2021) the main issue was the alleged lack of protective measures against a father accused of domestic violence and barred from his home, who later on killed his own child (although, before the commission of that murder, there had not been a discernible real and immediate risk to the child's life).

I examined several cases involving fundamental principles of criminal law, such as *non bis in idem* (*Mihalache v. Romania* [GC], No. 54012/10, 8 September 2019), *nullum crimen, nulla poena sine lege*, the right of every accused person to legal assistance and the conditions under which, owing to an exceptionally serious and imminent threat to public safety, access to a lawyer can be delayed during police questioning (*Ibrahim and Others v. the United Kingdom* [GC], Nos. 50541/08 and others, 13 September 2016). Through this case, I gained additional experience in the fields of criminal and international law, which I consider to be of special relevance for the work of a judge of the ICC.

In 2017, I was elected President of the Committee on the Status of Judges, which is responsible for establishing the principles concerning judicial ethics. Under my presidency, the Committee proposed new guidelines on judicial ethics, which were later on adopted by the plenary body of the Court. This experience is particularly relevant for the ICC with regard to the review of the Rome Statute system, which took place in 2020. I was involved as a rapporteur in a fundamental report on the status of judges and in a report on their post-mandate situation. The latter report is now being examined by the Committee of Ministers of the Council of Europe and may also be relevant to the work of the ICC.

In 2015, I created the Public International Law Group at the ECtHR, aimed at building bridges between university professors (who are invited to speak), judges and members of the Court's Registry. A similar system of inviting university professors is also in place at the ICC, which is aware of the importance of this dialogue.

I have been an active member of the Criminal Law Group, which had several exchanges with the ICC. Membership in the group provided me with a good opportunity to familiarize myself with Anglo-Saxon criminal law.

I served as focal point for the relationship between the ECtHR and States that are not parties to the ECHR. In this capacity, I organized a number of meetings between the ECtHR and the Supreme Courts of a number of countries, including countries in Africa, Asia and South America. This work, in a multicultural environment, is relevant in the ICC context.

During my time on the Court, I have drafted separate opinions (which may be consulted on the ECtHR Hudoc Internet site) in the fields of international law, the law of State responsibility and international criminal law. In those opinions, I addressed the notion of “effective control”, the need to avoid fragmentation in law, and the means to fight violence against women and the trafficking of women.

05/2010 - 12/2013

Constitutional Court of Romania

Judge

The Constitutional Court decides on objections with regard to the unconstitutionality of laws and ordinances brought up before courts of law or of commercial arbitration; the objection of unconstitutionality may also be brought. Deciding on objections of unconstitutionality, involving comprehensive knowledge of Romanian law inspired by the civil law tradition, especially criminal law, civil law, labour law and financial law. I was Judge-Rapporteur specializing in cases requiring in-depth knowledge of international law and human rights, the settlement of constitutional disputes, as well as a priori disputes, covering a wide range of legislation, including electoral law, criminal law, civil law, revision of the Constitution and independence of the judiciary. I also drafted separate opinions in the field of international law and the relationship between international law and domestic law. Being a member of trial panels in over 2,000 cases involving criminal law provided me with important experience. During the time I was in the Constitutional Court, a new Criminal Code was adopted, and many of the cases I had to determine concerned objections of unconstitutionality arising from the new Criminal Code.

I became used to working with a very large number of cases, about 10,000 per year, often under great pressure, which meant a heavy and continuous workload, including at weekends.

At the same time, during the time I was a judge, the Court was subjected to numerous political attacks and even threats, which I had to become used to resisting.

I represented the Court at various international events and congresses of constitutional courts on several continents.

2019 - present

The Hague Academy of International Law

Visiting Professor of International Law, session of 2024

1995 - present

University of Bucharest

Professor of Law (2002-present), Reader (1998-2002), Lecturer (1997-1998), Vice Dean responsible for research, Scientific Secretary (1996-2002), Teaching Assistant (1995-1997), Tenured position (1995-present)

Teaching of classes to undergraduate and postgraduate students and supervision of PhD theses in the fields of Public International Law, Human Rights Law, and International Criminal Law.

01/2007 - 12/2013

United Nations

Member, UN Human Rights Committee (2007-2010; re-elected in 2010);  
Rapporteur & Member of the Bureau (2010-2012); Vice-President (2012-2013)

The UN Human Rights Committee is a quasi-judicial body of independent experts that monitors the implementation of the provisions of the International Covenant on Civil and Political Rights and its first Optional Protocol. I was one of the experts among the 18 members for 7 years. I examined more than 70 reports of States regarding the implementation of civil and political rights and addressed recommendations to the States concerned.

In addition, I was a member of the Communication Group, which examined more than 100 individual complaints in areas such as the right to life, enforced disappearances and other massive violations of human rights that are also within the competence of the International Criminal Court. In the Human Rights Committee, I held a management position as Vice-President and was a focal point with non-governmental organizations. I worked in a close relationship with the victims. The UN Human Rights Committee gave me another opportunity to work with the common law and civil law system in a multicultural environment.

11/2001 - 04/2004

United Nations

Special Rapporteur, United Nations Commission for Human Rights for the Democratic Republic of the Congo

As Special Rapporteur of the Human Rights Council I undertook several missions to the Democratic Republic of the Congo and neighbouring countries from 2001 to 2004. I consider that contact with victims in the field is one of the most important ways of understanding the work of the International Criminal Court. I visited the towns of Kinshasa, Kisangani, Bunia, Bukavu, Kindu and Lubumbashi. Those years were marked in the Democratic Republic of the Congo by massive human rights violations, which I described as crimes under international law.

The interviews I had with child soldiers in Bunia and Kindu showed that most had suffered from ill-treatment and torture. The majority of girls had been subjected to sexual violence. The children's accounts of warfare were terrifying: placed on the front lines of the fighting, they were forced to kill, rape and pillage.

During my three separate stays in the Democratic Republic of the Congo, I was able to meet with a number of female victims of sexual violence. These women had been subjected to great cruelty while being raped. Most of the women who were raped were also physically mutilated.

I met with several women who had been repeatedly raped after being abducted by various armed groups. Most had serious illnesses and were rejected by their families, often as a result of pressure from their communities.

I considered it absolutely vital for the victims to receive reparation, including compensation, satisfaction and guarantees of non-recurrence. Full reparation for harm suffered by victims of massive human rights violations is the only way to guarantee their reintegration into society.

I visited The Hague on several occasions, where I met with the Prosecutor of the International Criminal Court (ICC) and his colleagues. I welcomed the decision by the Prosecutor of the to make the Democratic Republic of the Congo the first State to be the subject of his investigations and said that the decision would ensure that justice was done in the most murderous international conflict since the Second World War. My reports were quoted by the Prosecutor of the ICC, several UN bodies, NGOs and academics, as well as in petitions of the Democratic Republic of the Congo to the International Court of Justice.

01/2003 - 06/2004

New York University School of Law

Senior Jean Monnet Fellow, Fulbright Fellow, and Lecturer

Courses: "International Law and Democracy" and "History and Theory of International Law"

2012 - 2013

Centre for Justice and International Law in a Global World, Research Institute of International and European Law, Sorbonne, IRDIES

Research Professor in International Law

09/2007 - 12/2013

European Inter-University Centre for Human Rights and Democratization, Venice

Director (Romania), European Master of Human Rights and Democratization

2010 - 2012

European Union Agency for Fundamental Rights

Member of the Management Board

FRA is an independent centre of excellence for promoting and protecting human rights in the States Members of the EU. It helps defend the fundamental rights of all people living in the EU. The Management Board is responsible for the definition of the Agency's priorities, the establishment of the budget and monitoring the Agency's operations. In particular, the Management Board: adopts the Agency's annual work programme; adopts the Agency's annual reports; appoints (and, if necessary, dismisses) the Agency's Director; adopts the Agency's annual draft and final budgets and the financial rules applicable to the agency; and appoints members and revokes membership of the Scientific Committee.

09/2007 - 06/2008

Diplomatic Academy of the Romanian Ministry of Foreign Affairs

Visiting Professor

06/1998 - 05/2004, 06/2008 - 05/2012

Council of Europe

Member, Advisory Committee on the Framework Convention for the Protection of National Minorities

On 1 February 1998, the Framework Convention for the Protection of National Minorities entered into force as the first legally binding multilateral treaty on minority protection.

I was a member of the body from its inception for 10 years. As a member of the Advisory Committee, I made numerous visits to the Member States where I met with representatives of minorities and with Governments. These were very important visits because we could talk with the victims and see how minorities live and are treated. We composed drafts for submission and adoption by the full Advisory Committee. In the 10 years of my mandate, I made many visits and participated in the adoption of 80 reports.

08/2004 - 06/2007

United Nations

Special Rapporteur on Human Rights and Genetics

First UN reports on genetics.

1996 - 06/2007

United Nations

President (2000-2001), member (2000-2007), substitute member (1996-2000), Sub Commission on the Promotion and Protection of Human Rights

It was one of the most important human rights bodies. About a thousand NGOs participated in the summer sessions. I had the opportunity to speak and exchange with NGOs from all over the world. At the same time, many victims of human rights violations participated in the sessions and working groups. I had the chance to speak with many victims, from all continents. As a member of the Working Group Against Contemporary Forms of Slavery, I spoke with many victims of sexual assault and trafficking. Authored reports about mass violations of human rights; member, Working Group on Extreme Poverty and Human Rights (2003-2006); President, Working Group on the Administration of Justice (2002-2006); member, Social Forum, United Nations (2005); member, Working Group on Indigenous Peoples (2000-2004); member, Working Group on Contemporary Forms of Slavery (1999-2000, 2003).

I have co-authored with NGOs the Working Paper on Free, Prior and Informed Consent of the Indigenous People, which was incorporated in the UN Declaration for Indigenous People and is quoted by States, NGOs, academia.

I was the co-author of the UN Guidelines principles for Extreme poverty doing field missions in Japan, Brazil, Malaysia, India.

By the middle of the 1970s, the Genocide Convention had not been ratified by all of the members of the Security Council and appeared to be moribund after 20 years of inaction. Members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided to investigate the subject. Over the next decade, it launched a number of initiatives, which included the publication of: the study on the question of the prevention and punishment of the crime of genocide authored by Nicodème Ruhashyankiko in 1978; the report on the question of the prevention and punishment of the crime of genocide authored by Benjamin Whitaker in 1985; and Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (see General Assembly resolution 60/147).

07/2006

European Academy of Human Rights, European University Institute, Florence

Visiting Professor

09/2002 - 06/2003

Diplomatic Academy of the Romanian Ministry of Foreign Affairs

Scientific Director

Drafting of the first post-communist educational programs of the Diplomatic Academy; selection of the Academy's professors; coordinator of the course on public international law.

08/2001 - 08/2003

St. Thomas University, Miami

Visiting Professor (course on "Human Rights and the United Nations")

04/1990 - 12/1995

Trial Court of the 2nd District of Bucharest

Judge at the Bucharest District Court in criminal and civil cases

Presiding and drafting complex criminal cases, especially with women and children as victims

09/1989 - 04/1990

Giurgiu Court

Trainee Prosecutor

Prosecuting and defending serious sexual offences against women and children

### **Other professional activities**

2008 - 2015

Arbitrator and Conciliator, International Centre for Settlement of Investment Disputes

2013

Lecturer, University of Strasbourg

2010 - 2012

Member of the Managing Board, National Council for Accreditation for the legal academic profession, Romania

2008

Member, International Commission of Jurists, Geneva

2007

Visiting Professor "violence against women", UN University, Tokyo

2007

Lecturer, European Master in Human Rights, Venice

2000 - 2002

President, Association pour le Prix Femmes d'Europe, Romania

01/1999 - 06/1999

Researcher, Mellon Fellowship, Research Topic: Rule of law and human rights, Institute for Human Sciences, Vienna

1999

Lecturer, Université Libre de Bruxelles

1998

Lecturer, University of Michigan

1996 - 1998

Lecturer, Paris XI University

1997 - 1998

Lecturer, The Catholic University of Milan

### **Most relevant publications**

Author of more than 80 books, book chapters, and articles

Books:

Women in Public International Law, forthcoming, 2023

Democracy and pluralism in international law: A view from the East, Collections Doctrines, Pedone, Paris (with a foreword by Judge A. A. Cancado Trindade and Lauri Malksoo), forthcoming

Migration and the European Convention on Human Rights (European Society of International Law), Oxford University Press, Oxford, 2021 (co-editor)

The Rule of Law in Europe: Recent Challenges and Judicial Responses, Springer, New York, 2021 (co-editor)

Perspectives on the national and international protection of human rights: Liber Amicorum Guido Raimondi, Wolf Legal Publishers, 2019 (co-editor)

Justice and Human Rights, Pedone, Paris, 2019 (co-editor)

The European Convention on Human Rights and General International Law, Oxford University Press, Oxford, 2018 (co-editor)

Human rights in global world, Essays in honour of Judge Lopez Guerra, Wolf Legal Publishers, Oisterwijk, Netherlands, 2018 (co-editor)

New developments in Constitutional Law, Eleven Publishers, The Hague, 2017 (co-editor)

The impact of the ECHR on Democratic Change in Central and Eastern Europe, Cambridge, 2016 (co-editor)

Internationalist doctrines during the years of real communism in Europe, UMR Comparative Law, Society of Comparative Legislation Publishing House, Sorbonne, 2012 (prix des éditeurs français) (co-editor)

About democracy in United Europe, Humanitas, Bucharest, 2012

Foreign Policy Analysis Manual, Polirom, Bucharest, 2010 (co-editor)

Women's rights as human rights from universal to regional, Women's Rights: From Regional to Universal in Human Rights, Essays in Honour of Justice Bhagwati, University of Bucharest Publishing House, University of Bucharest, 2009 (editor)

Theory of International Relations: Sources of Political and Moral Philosophy, Paideia, Bucharest, 2001

The European Union: the law and politics of Eastern enlargement, Paideia, Bucharest, 2001

La prévention et la répression du génocide et la conception sur la justice: le droit international entre lege ferenda et utopie, in K. Bustany, D. Dormoy (eds.), Génocide(s), Bruylant, Bruxelles, 1999

The use of force in international law: the exception of Article 2(4) as interpreted by the Security Council, Babel, Bucharest, 1997 (prefaced by Professor Maurice Flory)

Droit International Public, Bucharest University Press, Bucharest, 1996 (co-author)

Articles:

The ECHR and the UN Human Rights Committee, "Je T'Aime Plus, Moi Non-Plus: Some Remarks about Correia de Matos v. Portugal and the Right to Defend Oneself in Person", in E. Decaux, I. Motoc (eds.), Justice and Human Rights, Pedone, Paris, 2019 (co-author)

The ECHR and Responsibility of the State: Moving Towards Judicial Integration: A View from the Bench, in A. van Aaken, I. Motoc (eds.), The ECHR and the General International Law, Oxford University Press, Oxford, 2018 (co-author)

Conceptions of pluralism and international law, in E. Jouannet, H.R. Fabri, V. Tomkiewitz, What is international law for, Proceedings of the European Society of International Law (ESIL), Hart Publishing, Oxford, 2008

The UN Special Rapporteurs, in E. Decaux, The United Nations and Human Rights, Pedone, Paris, 2006

The Responsibility of State and the Individual: Controversial aspects of the right to democracy, in K. Koufa (ed.), The Responsibility of the State, Courses of the Academy of International Law, Thesaurus Acroasium, Sakkoulas, Thessaloniki, 2006

Taking Democracy Seriously: The Normative Challenges to the International Legal System, in Stefan Griller (ed.), International Economic Governance and Non-Economic



Concerns New Challenges for the International Legal Order, Springer, New York, 2003 (co-author)

Governance without Government: The Normative Challenge of International Law, in A. Stone Sweet et al (eds.), *Citizenship: New Powers in a Global Society*, Calouste Gulbekian, Lisbon, 2000 (co-author)

"The prevention and repression of genocide and the concept of justice: international law between *lege ferenda* and *Utopia*", in K. Boustany, D. Dormoy (eds.), *Genocide(s)*, Bruylant, Bruxelles, 1999

The Rule of Law and Moral Law in International Relations: Common Sense, Political Realism, Skepticism, in R. Gerin, P. Jedlikova (eds.), *A Decade of Transformation*, IWM, Vienna, 1999

Neither Right nor Power, in A. Giovannelli (ed.), *Semi-presidentialism: from the European archipelago to the Italian debate*, Gianpichelli, Turin, 1999 (co-author)

Motoc, Iulia i Sanchez Cano, Javier, "Las operaciones de mantenimiento de la paz de las Naciones Unidas en la Posguerra fría", *Agenda ONU: Anuario de la Asociación de Naciones Unidas en España*, 1998

The interpretative power of the Security Council, *Romanian Journal of Legal Sciences*, No. 1/1996

The creation of an International Tribunal for the Former Yugoslavia, *Romanian Journal of Humanitarian Law*, No. 1/1995

The independence and impartiality of the judicial system in the European Convention on Human Rights, *Romanian Human Rights Review*, No. 10/1995

#### **Most relevant seminars**

December 2022: Witness protection in the ECHR system, International Criminal Court, Assembly of States Parties, The Hague

May 2021: Central European Traditions in International Law, European Approaches to International Law in a Historical Perspective, European University Institute, Florence

April 2021: The Independence of the Judiciary and Human Rights, Connecticut

February 2020: Women's Human Rights in the 21st Century: Developments and Challenges in International and European Law, European Court of Human Rights , Strasbourg

May 2019: Impunity and Human Rights, Eurojust, The Hague

April 2019: Justice and gender perspective, Madrid

December 2018: International and European Law and the challenges of rule of law, European Court of Human Rights, Strasbourg

October 2018: The UN Treaty Bodies, School of Law, Emory University, Atlanta

June 2018: Confiscation in the absence of a conviction and the European Court of Human Rights, Babeş-Bolyai University, Cluj-Napoca

June 2018: Independence and impartiality of the judicial system and the rule of law, Alba Iulia Bar

March 2018: The declaration of Copenhagen, University Roma Tre, Rome

October 2017: The European Convention on Human Rights and Migration, European Court of Human Rights, Strasbourg

November 2016: The impact of the European Court of Human Rights and the case-law of democratic change and development in Eastern Europe, Supreme Court of Lithuania, Vilnius

September 2016: Chair of the group of International law, ESIL conference, Graduate School, University of Riga

February 2016: The European Convention on Human Rights and the crimes of the past (in collaboration with judges of the ICC)

June 2015: The European Convention on Human Rights and General International Law, ESIL - European Court of Human Rights, Strasbourg

October 2014: Lustration and human rights, Charles University Praga

September 2014: Systemic problem of judiciary from an international judge's perspective, Ljubljana

June 2014: Anti-liberalism and international law, The approaches of liberal and illiberal governments to international law, University of Tartu, Estonia

2013: International law and domestic law, ESIL, Bucharest

2012: The impact of the European Court of Human Rights and the case law of democratic change and development in Eastern Europe, European Court of Human Rights, Strasbourg

2008: Women's rights as human rights: from universal to regional, Bucharest

2008: Children with disabilities: a human rights perspective, United Nations

January 2008: European law: International law, American Society of International Law leadership meeting, Washington D.C.

2007: Cinema and Human Rights, Columbia University, New York

2007: Principles concerning extreme poverty, United Nations, New York

2007: Genetics and international law, International Law Section of the Connecticut Bar Association, Connecticut

2006: Vespasian Pella and the creation of the international criminal law, Berlin Humboldt University and Tartu University

2006: Pluralism in international law, ESIL, Paris I Sorbonne

2005: Poverty and human rights, the European case, Rio de Janeiro

2004: Children and massive violations of human rights, UNCHR, Yaoundé, Cameroon

2004: Administration of justice and human rights, Pune, India

2003: International law and the political theory, escaping the Panopticon, New York University

2001: The Role of Women in the Judiciary, Hakone, Japan

2000: Women's rights in Eastern Europe, European Parliament, Brussels

### **Membership of professional associations and societies**

2021 onwards:

Member of the Institute of International Law (Founded in 1873; awarded Nobel prize)

2018 onwards:

Member of the British Society of International and Comparative Law

2017 onwards:

Member of the Société Française pour le Droit International

2016 onwards:

Lifetime Member of the European Society of International Law

2005-2009:

Board Member of the International Commission of Jurists

2007-2008:

Member of the Romanian branch of the Working Group on Biotechnology and International Law, International Law Association

2006 onwards:

Member of the Romanian branch of International Law Association

2004-2008:

Member of the Executive Board of the European Society of International Law

### **Awards and honours**

National Order of the Star of Romania (the highest Romanian distinction: rank of knight)

2010: Order of Saint Constantine and Elena

2004-2007: Yale University fellowship

2003: Fulbright fellowship

1990–1999: Mellon fellowship

1990–1995: French State fellowship

2023: Certificate of Honour from the Minister for Foreign Affairs of Japan

2021: Best separate opinion of a Judge of ECHR - Strasbourg Observers

### **Personal interests**

Victims rights, world literature, philosophy, art history and music

## 10. NELSON, Clarence (Samoa)

[Original: English]

### Note verbale

The Ministry of Foreign Affairs and Trade of the Independent State of Samoa presents its compliments to the Secretariat of the Assembly of the States Parties to the Rome Statute of the International Criminal Court and has the honour to refer to the latter's note no. ICC-ASP/22/SP/01 dated 19 December 2022, seeking nominations for Judge to the Rome Statute of the International Criminal Court and its election procedures.

The Ministry has further has honour to inform that the Government of Samoa presents the nomination of Justice Vui Clarence Nelson, as a candidate for election as a judge of the International Criminal Court for the period 2024-2033 at the elections scheduled to be held during the twenty-second session of the Assembly of States Parties, from 4 - 14 December 2023 at the United Nations Headquarters, New York. The Government of Samoa firmly believes that Justice Nelson is highly competent and possesses the relevant qualifications and experience that satisfies the required attributes under paragraphs 3, 4 and 8 of article 36 of the Rome Statute.

The Ministry has further the honour to advise that the statement prepared in accordance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court and the curriculum vitae of Justice Nelson are attached to this note. Justice Nelson is presented as a candidate under List A.

### Statement of qualifications

Justice Vui Clarence Nelson, being a senior Supreme Court Justice holding extensive experience having served as a Supreme Court Judge of more than eighteen years' standing, and has served as the Vice Chair of the Committee of the Rights of a Child. He is a person of high moral character, impartiality and integrity who possesses the qualifications required in the Independent State of Samoa for appointment to the highest judicial office (article 36.3 (a));

Justice Nelson fulfils the requirements of both sub-paragraphs (i) and (ii) of article 36.3 (b), as indicated in his curriculum vitae. He has established competence in criminal law and procedure and the necessary relevant experience, as prosecutor in the Office of the Attorney General and as an advocate in relevant areas of international law, in particular the law of human rights where he served as Samoa's Member (2015-2023) and former Vice-Chair at the UN Committee on the Rights of the Child. Justice Nelson has extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court;

Judge Nelson has an excellent knowledge of and is fluent in English (article 36.3 (c));

Judge Nelson is being nominated for inclusion in list A for the purpose of article 36.5;

With respect to article 36.8 (a), sub-paragraph (i) and (iii):

(i) Judge Nelson is qualified and has practised in Samoa, Tonga, Cook Islands and New Zealand, all have Common Law legal systems.

(ii) Judge Nelson is a national of Samoa, a member State of the Asia-Pacific Group; and

(iii) Judge Nelson is a male

With respect to article 36.8 (b), Judge Nelson has legal expertise on a wide range of specific issues relevant to the work of the Court, including, but not limited to, violence against women and children. His courtroom experience includes dealing with civil and criminal cases and other serious cases of violence and sexual assaults, human rights and particularly children's rights issues.

## Curriculum vitae

### Personal data

Family name: NELSON  
 First name: Clarence  
 Middle name: Joseph  
 Gender: Male  
 Date of birth: 22 December 1955  
 Nationality: Samoan  
 Regional criteria: Asia-Pacific  
 Marital status: Married  
 List A / List B List A  
 Languages: Mother tongue: Samoan  
 English: (written) Advanced; (oral) Advanced

### Educational qualifications

2023

University of Canterbury, New Zealand  
 Doctor of Laws LL.D (Honorary)

2014

IFC Mediator Training Programme, Samoa  
 Accredited Mediator

2012

Pacific Judicial Development Programme (PJDP Phase 2) Koror, Palau  
 Certified Judicial Trainer

2002

Pacific Judicial Education Programme (PJEP), Suva, Fiji  
 Certified Youth Justice Trainer

1973 – 1978

University of Canterbury, New Zealand  
 Bachelor of Laws (LLB)

1967 – 1971

St Josephs College, Apia, Samoa  
 Graduated Proxime Accessit to Dux  
 Obtained New Zealand University Entrance  
 Qualified for New Zealand Government scholarship to study in New Zealand

### Professional experience

November 2021 - current

Government of Samoa  
 Senior Justice of the Supreme Court of Samoa

May 2019 - May 2020

Government of Samoa

Acting Chief Justice

Chairman Samoa Prisons and Parole Board, Chairman Land Titles Investigation Commission, Chairman Judicial Service Commission.

2019 - 2023

Office of High Commissioner for Human Rights (OHCHR), Geneva, Switzerland

Member, UN Committee on the Rights of the Child (CRC)

2015 - 2019

Office of High Commissioner for Human Rights (OHCHR), Geneva, Switzerland

Member and Vice Chair, UN Committee on the Rights of the Child (CRC)

2018 – current

Chairman, Catholic Church Cmte against Sexual Abuse, Diocese of Samoa & Tokelau.

23 Sept 2010

Ad hoc Judge, Samoa Court of Appeal

appointed ad hoc Judge of the Samoa Land & Titles Court (Appellate Division)

22 Dec 2006

Justice of the Supreme Court of Samoa

Duties: Presiding in Constitutional, civil and criminal trials and hearings and all attendances ancillary thereto including numerous assessor (jury) criminal trials; chairing ad-hoc inquiries and statutory tribunals; National Co-Ordinator for the Pacific Judicial Development Programme including facilitating and co-ordinating in-country consultations & training for judges of all courts including lay judges; as a Certified PJDP trainer, co-ordinating and delivering judicial training programmes both in-country and at a regional (Pacific) level; guest speaking and presenting at many in-country & regional workshops on evidence, criminal law and procedure, human rights and childrens rights issues

9 Jan 2001

Senior Judge of the District Court of Samoa

Duties: Developed a keen interest in youth justice matters, attended Youth Justice Training in Fiji (sponsored by the Pacific Judicial Development Programme a NZ/AusAid funded programme); set up in 2002 a Youth Court Division as a specialist part of the Samoa District Court; assisted in drafting and passage of Young Offenders Act 2007 the leading legislative reform for youth justice in this country; promoted and consulted in establishment of Olomanu Juvenile Facility a separate youth prison; served as member of South Pacific Council of Youth & Childrens Court (SPCYCC) including facilitating and chairing Councils 2008 meeting in Samoa; delivery of youth justice training programmes for judges and court staff in Samoa and elsewhere in the Pacific region.

9 Aug 2000

Judge of the District Court of Samoa

As sole District Court Judge for some 4 years, ran the Samoa District Court and was responsible for all hearings, trials and matters; including all civil and criminal matters, coronial inquests, adoption, custody, maintenance and affiliation/paternity applications, etc; also attending to circuit court sittings in the island of Savaii and overseeing the Faamasino Fesoasoani (Assistant Judges) Court. -

1987 - 2000

Stevenson, Nelson & Mitchell Lawyers ( Samoa, Cook Islands and Kingdom of Tonga)

Partner

Responsible for all the firms civil and criminal litigation and trial work in Samoa, Tonga and the Cook Islands; attending to legal aid cases and pro-bono work for the disadvantaged; issuing legal opinions and rendering advice to clients on a variety of matters; specialised corporate and criminal attorney, and offshore banking advisor.

1992

Admitted to the Tongan Law Society & Bar, Nukualofa, Kingdom of Tonga

1985 - 1986

Messrs Epati & Stevenson Lawyers, Apia, Samoa

Associate, Senior Associate - general legal work and duties

1979-1984

Attorney General's Office, Apia, Samoa

Legal Officer, Senior Legal Officer, Principal State Solicitor, Acting Attorney General

Attorney General's representative on Government Boards and various statutory corporations; Police Department Promotions Examiner; Legal Adviser on all legal matters to Govt Ministries & Cabinet; Special Consultant international projects e.g. establishment of South Pacific Forum Fisheries Agency, Honiara, Solmon Islands.

Principal State Solicitor (Criminal matters)

Senior Legal Officer (Criminal Prosecutions)

Legal Officer (general legal work)

1979

Admitted to the Samoan Law Society & Bar, Apia, Samoa

1978

NZ Housing Corporation, Christchurch, New Zealand

Solicitor - General Housing Corp matters, including preparation and all attendances to legal documentation for clients

1978

Admitted to the New Zealand Law Society & Bar, Christchurch, New Zealand

### **Other professional activities**

2021

Championing the independence of the Judiciary including appearances before Parliament's Bills Committee and the Constitutional post-general election cases removing the previous Prime Minister and his Government.

2020

Organised and facilitated CRC the 84 Special & Extraordinary Session of the CRC in Samoa (historical first CRC meeting outside of Geneva).

2017

Advocate for and instrumental in establishment of Sex Offenders Registry and Sex Offenders Registration Act 2018.

2007

Involved in creation and set-up of the Olomanu Juvenile Facility for children.

2001-2006

Served five (5) years as Member and sometime Chair of the South Pacific Council of Youth & Childrens Courts.

2005

Established 1st Youth Court in Samoa including drafting and implementation of the Young Offenders Act 2007.

2000-date

Advocate for women and childrens rights, child participation & protection of women and children especially victims of sexual violence.

Mentor, Samoa Victim Support Group.

### **Most relevant publications**

Publications: Many criminal case decisions over 20-plus years in the Samoan courts, examples being Police v Tauvale [2019] WSSC 43 (children vaccination case) and Police v AT [2021] WSSC 15 (child homicide); including landmark case of Police v Vailopa [2009] WSSC 69 (special requirements for Police interviews of child suspects).

Promises to Keep: 25th Anniversary of CRC, 2014.

Role of media in the Youth & Family Courts of Samoa, IAYFJM Chronicle, July 2013.

Support from the CRC, IAYFJM Chronicle, January 2010.

2006: Corruption in Samoa - a country perspective (UNAFEI, Japan).

### **Most relevant seminars**

Presenting at many in-country and regional workshops on the CRC and childrens rights especially regarding Environment & Climate change.

Training & mentoring Pacific Judges & Magistrates on Child Justice systems and principles.

Presenting at international Conferences/Webinars on work of the CRC Committee and implementation of its COBs.

National/international presentations on sex offending against children and rehab programs for young offenders.

Consulting on reporting and implementation of Samoas UN Treaty Body Obligations particularly in relation to the CRC.

### **Membership of professional associations and societies**

Chairman, Samoa Historical & Cultural Trust.

Member, Samoa Conservation Society.

Previous Chairman, Samoa Transport Control Board (now Land Transport Authority) - 8 years.

Previous Chairman, Public Service Board of Appeal - 5 years.

### **Personal interests**

Reading; walking; animals; sports (rugby, soccer, tennis, American gridiron, boxing); cooking.



## 11. PAEK, Keebong (Republic of Korea)

[Original: English]

### Note verbale

The Embassy of the Republic of Korea to the Kingdom of the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court (ICC) and, with reference to the latter's note ICC-ASP/22/SP/01 dated 19 December 2022, has the honour to inform the Secretariat that the Government of the Republic of Korea has decided to present the candidature of Mr. Keebong Paek for election as a judge of the ICC for the term from 2024 to 2033, at the elections to be held at the 22<sup>nd</sup> session of the Assembly of States Parties to the Rome Statute in New York in December 2023.

Mr. Paek is a candidate on List A for the purpose of article 36, paragraph 5 of the Rome Statute. A statement of qualifications prepared in accordance with article 36, paragraph 4(a), of the Rome Statute and Mr. Paek's curriculum vitae are attached herewith.

Mr. Keebong Paek is in possession of the qualifications required for appointment to the highest judicial offices in the Republic of Korea, and the Government of the Republic of Korea is convinced that he has the high moral character, impartiality and integrity required to be a judge of the ICC. As a staunch supporter of the ICC since its inception, the Korean Government is confident that Mr. Paek, if elected, will make an outstanding contribution to the work of the Court.

### Statement of qualifications

The Supreme Court is the highest judicial office in the Republic of Korea. The criteria for becoming a Justice of the Supreme Court are as follows: one must be at least 45 years old, and for at least 20 years have (a) worked as a judge, prosecutor or attorney; (b) been a qualified lawyer engaged in legal affairs at government agencies or institutions; or (c) been a qualified lawyer and worked as a professor in jurisprudence at an accredited college or university.

Mr. Paek is 58 years old and has worked as a prosecutor and as an attorney for over thirty years, demonstrating great legal acumen and expertise, as stated below. Therefore, Mr. Paek is fully qualified to be appointed to the highest judicial offices in the Republic of Korea.

Mr. Paek has demonstrated high moral character, impartiality and integrity at every juncture throughout his career, while working both as a prosecutor and an attorney.

In recognition of these attributes, Mr. Paek received prestigious awards from the Prosecutor-General and the Minister of Justice for his professional achievements as well as his moral character. The award from the Prosecutor-General recognized Mr. Paek's outstanding accomplishments in combatting violent crimes in Korea while upholding the strictest levels of impartiality. The award from the Minister of Justice highlighted the integrity with which he handled multifaceted international criminal matters at the Ministry.

In addition, as a part of his work as an attorney, Mr. Paek has helped build internal compliance systems for private companies and has provided clients with training and lectures on professional integrity and corporate compliance in the workplace.

After having conducted a thorough review of his professional achievements, reputation and character, it was with great confidence that the Ministry of Justice recommended Mr. Paek to the Ministry of Foreign Affairs to be the Korean nominee for election to the ICC.

Mr. Paek has been a well-respected prosecutor and attorney for over three decades.

Mr. Paek has extensive experience working in a number of regional and district prosecutors' offices and at the Ministry of Justice in the Republic of Korea. As a prosecutor, Mr. Paek conducted investigations into a variety of serious criminal cases, such as crimes of murder, assault and sexual violence. Over the course of his career, Mr. Paek also implemented a number of programs to protect the statements and testimony of victims and witnesses during rigorous investigations and trials. He took extra steps to have special physical protection measures in place for those at risk.

Mr. Paek also worked as a state attorney addressing international criminal matters. During his time at the Ministry of Justice, he attended ICC preparatory commission meetings and United Nations Office on Drugs and Crime (UNODC) conferences as a government representative, drafted a bill for the domestic implementation of the Rome Statute, dealt with extradition and mutual legal assistance requests to and from foreign governments and prepared assessment reports on human trafficking and sexual exploitation in Korea.

For the past nine years, Mr. Paek has worked as a private attorney, handling and presenting various cases before courts and investigative agencies. He has wide-ranging experience, both as defence counsel and in assisting victims of crimes with their participation in the judicial process including, but not limited to, filing complaints, testifying at trial and requesting the preservation or confiscation of assets hidden by the accused. With such experience, Mr. Paek is well-equipped to protect vulnerable witnesses, facilitate reparations and provide assistance to victims and witnesses that are under the jurisdiction of the International Criminal Court.

This varied experience has trained Mr. Paek to clearly understand both the prosecutor's and defence counsel's sides of a case. It has prepared him to not only comprehensively recognize both parties' opposing standpoints, but also to judge criminal cases with fairness and impartiality.

On an international level, Mr. Paek has had first-hand experience working as a legal expert at the UNODC in both Vienna and Bangkok. This allowed him to recognize the different types of challenges each country faces in its legal, investigative and trial systems, and how these can and should be overcome to effectively bring about criminal justice.

Interacting with legal experts from around the world while at the UNODC enhanced Mr. Paek's understanding of the unique culture of international organizations – a culture of intellectual vibrancy, acceptance, tolerance and proactivity. The experience working in this distinctive and dynamic environment ensures that Mr. Paek will be able to actively contribute to the collegial and enterprising culture at the ICC.

Furthermore, Mr. Paek wrote his dissertation on the rule of evidence in international criminal law and has since become an expert in this field, understanding the nuances of the interaction between the civil law and common law systems. He has gone on to write books and articles regarding international criminal tribunals, including the ICC. Most recently, Mr. Paek served as a reviewer for the *International Journal of Criminal Justice* (published in English by the Korean Institute of Criminology and Justice). He actively keeps informed on recent legal developments, offers analysis and feedback and stays up-to-date on emerging trends. His unrelenting pursuit of academic research and knowledge will undoubtedly contribute to the development of international criminal jurisprudence by the ICC.

In sum, by merging his diverse legal background and experience in criminal law and procedure with his academic understanding of international law, Mr. Paek is well-prepared to synthesize established information and create new knowledge, as well as fully comprehend and efficiently manage the challenging cases that will come before the Court.

Mr. Paek has an excellent knowledge of and is fluent in English. He has a basic knowledge of French.

In light of his experience as a prosecutor and an attorney, Mr. Paek is being nominated for inclusion in List A, with established competence in criminal law and procedure and the necessary relevant experience in criminal proceedings.

Mr. Paek will mainly be representing the civil law system, which, in the Republic of Korea, is developing into a 'hybrid system' that absorbs a number of elements of the common law system, such as the hearsay rule and jury trials. Mr. Paek is a male candidate who will represent the Asia-Pacific region.

As a former prosecutor, Mr. Paek has ample experience and expertise in prosecuting serious sexual and violent crimes. He has frequently spearheaded initiatives to protect vulnerable witnesses such as women and children. More recently, as an attorney, he has conducted internal investigations in sexual harassment cases on behalf of private companies. He is fully qualified to handle sensitive cases and provide protection and assistance to female and child victims.

Mr. Paek is a Korean national and is being nominated by the Republic of Korea.

Mr. Paek was nominated for election under the terms of article 36, paragraph 4(a)(i), of the Rome Statute of the International Criminal Court, i.e., by the procedure for the nomination of candidates for appointment to the highest judicial offices in the Republic of Korea.

Through a fair and transparent selection process, the Republic of Korea invited applications from the Supreme Court, the Ministry of Justice, the Korean Bar Association, the Korean Criminal Law Association, the Korean Society of International Law and the Korea Law Professors Association.

The submitted applications were reviewed by the National Committee for the selection of a national candidate. The National Committee consists of the four Members of the Permanent Court of Arbitration (PCA) nominated by the Republic of Korea and one representative of the Korean Supreme Court. The process was overseen by the Ministry of Foreign Affairs of the Republic of Korea.

The National Committee reviewed the applications and supporting materials, assessed and discussed each applicant's strengths, and selected Mr. Paek as its final nominee.

Zhahyoung Rhee, Director-General for International Legal Affairs of the Ministry of Foreign Affairs, as a coordinator of the nomination process, confirms the accuracy of the information regarding Mr. Paek provided in this Statement of Qualifications.

Mr. Paek is fully committed to take up full-time service with the International Criminal Court if elected.

## **Curriculum vitae**

### **Personal data**

Family name: Paek  
 First name: Keebong  
 Middle name:  
 Gender: Male  
 Date of birth: 19 December 1964  
 Nationality: Korean  
 Regional criteria: Asia/Pacific  
 Marital status: Married  
 List A / List B: List A  
 Languages: Mother tongue: Korean  
 English: (written) Advanced; (oral) Advanced  
 French: (written) Basic; (oral) Basic  
 German (written) Basic; (oral) Basic

Japanese (written) Basic; (oral) Basic

**Educational qualifications**

08/2002 - 08/2008

Hanyang University, Graduate School of Law, Seoul, Republic of Korea  
Ph.D. (International Law)

08/1997 - 05/1998

Columbia Law School, New York, NY, USA  
LL.M.

03/1990 - 02/1992

Judicial Research and Training Institute, Seoul, Republic of Korea  
Completed two-year mandatory judicial training course

03/1983 - 02/1987

Seoul National University, College of Law, Seoul, Republic of Korea  
LL.B.

**Professional experience**

03/2014 - present

Kim & Chang LLP, Seoul, Republic of Korea  
Senior Attorney

As a senior attorney specialized in compliance, corporate investigation and criminal defense, handled law enforcement and regulatory matters involving white collar crime, cross-border litigation, multinational investigations, extradition and mutual legal assistance, asset recovery and Interpol Red Notices. Represented defendants before the court, prosecutors' office, police, customs office, tax office and labor office, ensuring their fundamental rights to fair proceedings. Provided support to victims of crime for their participation in the criminal justice process. Provided assistance for compliance system building through risk assessment, internal regulation and organizational restructuring to achieve regulatory compliance and unified governance and create a positive working environment. Conducted internal investigations on company employees' misconduct, such as harassment, discrimination and abuse of authority, and suggested disciplinary sanctions and remedial measures to the companies.

Served as a legal advisor to the Ministry of Administration and Safety, member of the In-house Attorney Special Committee of the Korean Bar Association, member of the North Korean Human Rights Advisory Committee of the Ministry of Justice and member of the Research Project Review Committee of the Korea Institute of Criminology and Justice.

08/2011 - 02/2014

United Nations Office on Drugs and Crime (UNODC), Regional Office for Southeast Asia and the Pacific, Bangkok, Thailand

Senior Prosecutorial and Judicial Advisor

As a project coordinator, implemented newly developed technical assistance programs and provided guidance and advice to countries on how they could revamp their current judicial/investigation systems. To do so, developed an integrated approach to fight transnational organized crime (TOC), strengthened law enforcement capacity, improved knowledge-

based databases, established multinational cooperation systems and formulated victim protection/assistance mechanisms. Analyzed and advised on domestic legislative development, including the internal harmonization of legislation across different areas relating to law enforcement, victim protection and judicial procedure through holding inter-agency coordination meetings. Evaluated emerging human rights violations and security challenges in the region, drafted and regularly updated the strategic knowledge products that describe these challenges and facilitated the ratification and implementation of the UN TOC Convention through advisory missions and provision of legal advice to countries.

06/2011 - 08/2011

Supreme Prosecutors' Office (Prosecutor General's Office), Seoul, Republic of Korea

Spokesperson

For the 4th World Summit of Prosecutors General, Attorneys General and Chief Prosecutors and the 16th Annual Conference of the International Association of Prosecutors (IAP) held in Seoul by the Supreme Prosecutors' Office, led the external communication team and drafted original guidelines and reference materials for the press. Prepared press releases and briefed the press on the schedule, progress and outcome. Arranged meetings and interviews for the press and made public statements on behalf of the Organizing Committee.

09/2010 - 05/2011

Institute of Justice (legal research and training institute affiliated with the Ministry of Justice), Yongin, Republic of Korea

Senior Research Fellow

As a senior research fellow committed to international criminal matters, researched international crimes/tribunals and co-authored a book entitled *Analysis of the Practice of International Criminal Tribunals*. Researched the judicial/legal systems of foreign countries, including African and Middle Eastern countries, and held on-site workshops with judges, prosecutors and investigators in Tanzania, Ethiopia and the UAE for the comparative analysis of legal systems in different cultures. Provided academic education and practical training to public prosecutors, investigative officers, correctional officers, probation officers and immigration officers on criminal law, criminal procedure, investigation skills and inter-agency cooperation.

09/2009 - 08/2010

Seoul Central District Prosecutors' Office, Republic of Korea

Director of the Criminal Matters Department IV

As the Chief of the Department tasked with handling serious financial crimes, led a group of prosecutors and investigators by providing guidance in relation to investigations, trials, appeals and the enforcement of sentences. Established investigation plans to crack down on particular crimes of public concern, such as tax evasion, insurance fraud and stock market manipulation, and supervised their implementation from start to finish. Co-researched with prosecutors and developed practical guidelines for documenting, preserving and analyzing information on financial crime.

As a government representative, attended the Review Conference of the Rome Statute held in Kampala, Uganda and provided relevant advice to the Ministry of Justice.

03/2008 - 08/2009

Ministry of Justice, Seoul, Republic of Korea

Director of the International Legal Matters Division

As a senior state attorney, managed the Division and supervised state attorneys in the Division who provide legal advice to related government authorities concerning international trade laws and treaties. Conducted trade negotiations with foreign countries such as FTA negotiations and WTO discussions around the legal market, investment protection and intellectual property rights.

Attended UNCITRAL conferences held in Vienna as a government representative and contributed to the discussions. Organized joint seminars and training programs with foreign countries and promoted legal information exchange and mutual cooperation. Led the initiative for drafting a bill for foreign legal consultants, stipulating their professional ethics, role, entitlements, responsibilities and sanctions.

03/2007 - 02/2008

Incheon Prosecutors' Office, Republic of Korea

Director of the Criminal Matters Department V

As the Chief of the Department tasked with handling serious economic crimes, especially tax crimes, supervised prosecutors' investigation. Established a joint investigation network with the police and tax office and built a region-wide system that was fully adopted to crack down on tax crimes. Conducted internal training for prosecutors and investigators within the Department on investigation techniques and criminal jurisprudences with regards to economic crimes.

03/2006 - 02/2007

Daegu Prosecutors' Office, Republic of Korea

Director of the Public Security Department

As the Chief of the Department tasked with protecting public security, supervised prosecutors' investigation of public security crimes such as crimes involving national security, terrorism, immigration, election and security surveillance. Supervised and directed investigators in collecting/analyzing public security information and drafting reports for internal use.

08/2005 - 02/2006

Seoul Southern District Prosecutors' Office, Republic of Korea

Deputy Director of the Criminal Matters Department III

As the Deputy Director of the Department in charge of crimes involving women and children, supervised prosecutors' investigations of crimes by minors and crimes against women and children. Managed the probation and community support system for juvenile delinquents and the assistance programs for victims, in particular victims of sexual and gender-based crimes and domestic violence. Led a group of prosecutors for conducting research on evidentiary rules and protocols for video-recording of witness/suspect interrogations and published an internal guideline book.

03/2003 - 07/2005

United Nations Office on Drugs and Crime (UNODC), Headquarters,  
Vienna, Austria

Associate Expert

As a legal expert in the Crime Convention Section, provided legal support to States for implementing the UN Convention against Transnational Organized Crime and its three protocols by way of assessing current legislation, holding training workshops, sharing implementation manuals and advising on investigative measures; drafted a UN questionnaire for inquiry into Member States' current systems for international cooperation to fight against transnational organized crime; and developed and implemented technical cooperation projects for countries requiring structured systems for mutual legal assistance.

Provided secretariat assistance for meetings of the Commission on Crime Prevention and Criminal Justice, the Conference of the Parties to the UN Convention against Transnational Organized Crime, the Ad Hoc Committee meetings for the negotiation of a UN Convention against Corruption and its Merida signing conference and the 11th UN Congress on Crime Prevention and Criminal Justice. Organized a cyber-crime workshop at the 11th UN Congress on Crime Prevention and Criminal Justice by inviting academic and practitioner speakers, grouping talks into coherent themes and drafting a workshop report.

09/1999 - 02/2003

Ministry of Justice, Seoul, Republic of Korea

Deputy Director, International Criminal Matters Division

As a government representative, attended inter-governmental conferences on the topic of criminal matters, such as the Ad Hoc Committee meetings for the negotiation of a UN Convention against Transnational Organized Crime, UNODC conferences, UN terrorism conferences and ICC Preparatory Commission meetings. Made an assessment report on human trafficking and sexual exploitation in Korea for domestic/international review. Reviewed and executed requests for mutual legal assistance and extradition to and from foreign governments. Provided guidelines and assistance to the prosecutors' office in the investigation of transnational or foreigners' crimes. Negotiated with the US Department of Defense on the revision of SOFA (Status of Forces Agreement) and formulated

implementing guidelines for criminal matters. Promoted cooperative relationships with foreign ministries of justice by facilitating the Ministers' official visits and signing of MOUs.

Composed bills for international conventions such as the ICC Rome Statute and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. The bill for the implementation of the Rome Statute included provisions on the mental and material elements of crime, responsibility of commanders and other superiors, scope of jurisdiction, non-applicability of statute of limitations and cooperation with the ICC.

03/1997 - 09/1999

Daejeon Prosecutors' Office, Republic of Korea

Prosecutor

Collected criminal intelligence, conducted investigations, attended trials as a prosecutor and supervised police investigations. In the Criminal Matters Department, handled cases of corruption, organized crime, drug crime, rape, sexual violence, embezzlement, fraud and intellectual property infringement.

03/1995 - 02/1997

Suwon Prosecutors' Office, Republic of Korea

Prosecutor

In the Public Security Department, collected, preserved and managed data relating to public security investigation and handled cases involving national security, terrorism, immigration, election and security surveillance.

03/1994 - 02/1995

Seosan Branch of Daejeon Prosecutors' Office, Republic of Korea

Prosecutor

Handled a wide range of crimes such as murder, fraud, embezzlement, corruption, and violent and sexual crimes; investigated an organized criminal group which committed violent crimes such as murder, torture and racketeering.

03/1992 - 02/1994

Seoul Central District Prosecutors' Office, Republic of Korea

Prosecutor

Worked in the Public Officials' Crime Department and the Intellectual Property Rights Crime Department respectively, handling cases of corruption and violations of trademark, patent, design and copyright laws. Also, worked in the Trial Department, attending a single-judge trial and a three-judge bench trial in the first instance and an appeal chamber trial in the second instance.

#### **Other professional activities**

06/2018-present

Developed new materials for and lectured at Sungkyunkwan University in Seoul, Korea twice a year on the anti-corruption laws of Korea and the US Foreign Corrupt Practices Act.

11/2017

Organized and moderated a corporate compliance seminar, as the chair of the in-house counsel subcommittee of the Korean Bar Association, and discussed current practices of compliance implementation and effective measures to build a compliance system.

10/2015

Activity: Gave a lecture on anti-corruption investigation and international cooperation to foreign judges, prosecutors and police officers who attended an anti-corruption and human rights training program organized by the Anti-Corruption and Human Rights Commission of Korea.

11/2013

Activity: Organized the Inaugural General Meeting of the Asset Recovery Inter-Agency Network for Asia and the Pacific (ARIN-AP) in Seoul, Korea, and launched an interagency cooperation network.

07/2013, 07/2012

Activity: Held senior-level workshops on mutual legal assistance and extradition in East Asia and the Pacific, attended by delegates from ASEAN countries + Korea and Japan, in 2012 (Bangkok) and 2013 (Seoul), and developed an inter-governmental cooperation network.

06/2013

Activity: Attended the APEC-ASEAN Workshop on Combating Corruption and Illicit Trade across the Asia-Pacific Region, held in Siem Reap, Cambodia, and explored the establishment of a cross-border



investigation network and a joint investigation team against environmental crimes, including wildlife trafficking and illegal logging.

11/2012

Activity: Attended the Annual General meeting of ARINSA (Asset Recovery Inter-Agency Network for South Africa) held in Pretoria, South Africa, and presented a talk on the forthcoming ARIN-AP (Asia Pacific) to jump-start the discussion on cooperation between the two networks.

10/2012

Activity: Gave a presentation on the "Global Threats and Regional/Interregional Response regarding Transnational Organized Crime" at the 17th Annual Conference of the International Association of Prosecutors (IAP) in Bangkok, Thailand.

02/2012

Activity: Held a bilateral meeting with the inter-governmental agency of Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) in Singapore and explored a cooperative relationship between ReCAAP and UNODC.

06/2011

Activity: Gave a lecture on the criminal judicial system of Korea in comparison with common law and civil law countries to foreign judges, prosecutors and police officers who attended a judicial training program organized by the Korea International Cooperation Agency.

06/2010

Activity: Attended the Review Conference of the Rome Statute held in Kampala, Uganda as a government representative to discuss crime of aggression.

09/2008

Activity: Participated in the 16th Annual Conference of the International Association of Korean Lawyers (IAKL) held in Philadelphia, USA and gave a presentation on the Foreign Legal Consultants Act in Korea.

05/2007

Activity: Gave a lecture at Hanyang University in Seoul, Korea on international humanitarian law and international criminal tribunals.

04/2005

Activity: Participated, as a member of the Korean delegation, in the 10th UN Congress on the Prevention of Crime and Treatment of Offenders entitled "Crime and Justice: Meeting the Challenges of the 21st Century" held in Vienna, Austria.

2/2001-7/2002

Activity: Participated, as a member of the Korean delegation, in the Preparatory Commission for the International Criminal Court on the work of its 7th and 10th sessions, held at the UN Headquarters in New York.

1/2002-9/2002

Activity: Participated, as a member of the Korean delegation, in the UN Ad Hoc Committee for Negotiation of the Convention against Corruption on the work of its 1st to 3rd sessions, held in Vienna, Austria.

12/2001

Activity: Participated, as a member of the Korean delegation, in the informal preparatory meeting for the UN Ad Hoc Committee for

Negotiation of the Convention against Corruption, held in Buenos Aires, Argentina.

10/1999-10/2000

Activity: Participated, as a member of the Korean delegation, in the UN Ad Hoc Committee on Elaboration of Convention against Transnational Organized Crime on the work of its 5th to 11th sessions, held in Vienna, Austria.

### **Most relevant publications**

#### Books

*Commentary on the Serious Accident Punishment Act* (co-author) (Parkyoung Publishing Company, 2022)

Introducing the enactment of the new law and describing its legislative background, scope of application, subjective and objective elements of crime, detailed obligations to prevent workplace accidents, administrative and criminal punishment and vicarious corporate liability.

*Analysis of the Practice of International Criminal Tribunals* (co-author) (Legal Research and Training Institute, 2010)

Analysis of the concepts and sources of international criminal law, comparison of various international criminal tribunals, elements of core international crimes, mode and grounds of criminal liability and ICC procedure from preliminary examination to the enforcement of sentences.

*Rules of Evidence in International Criminal Law* (Parkyoung Publishing Company, 2008)

Describing general principles of the ICC rules of evidence, preservation, disclosure and admissibility of evidence, different values and procedures for oral/written testimony and documentary evidence, admission of guilt and agreements as to evidence, particularly evidence in sexual violence cases, evidentiary rules for Pre-Trial, Trial, Appeal and Revision procedures.

#### Articles

"International Cooperation Scheme to Combat Transnational Organized Crime in East Asia and the Pacific", *Seoul International Law Research* (Seoul International Law Research Institute, 2013)

"Controversial Issues related to Three Trigger Mechanisms for ICC Jurisdiction", *New Trends in Criminal Justice* (Supreme Prosecutors' Office, 2010)

"Analysis of the ICC Confirmation System", *Korea Journal of International Litigation and Arbitration, Vol. 1* (Hanyang University International Litigation Center, 2010)

"Review of Inherent Restrictions in the ICC Procedure: Focusing on Pending Cases", *Seoul International Law Research* (Seoul International Law Research Institute, 2009)

"Criminal Evidence Law of the ICC" (Hanyang University, Ph.D. dissertation, 2008)

### **Most relevant seminars**

Participation in the annual seminar of the Korean Society of International Law on the topic of "Recent Trend in International Politics and the Role of International Law" (10/2022)

Panel discussion on "The Elements and Jurisdiction of Crime of Aggression in the ICC Statute" in the workshop co-organized by the Korean Society of International Law and the Korea Criminal Procedure Law Association at the commemoration of the 20th anniversary of the entry into force of the Rome Statute (06/2022)

Participation in the joint seminar co-organized by the Korean Society of International Law and the Korea Criminal Procedure Law Association on the topic of "Current Trends and Practice of the International Criminal Court" (08/2021)

Participation in the annual seminar of the Korea Criminal Procedure Law Association on the topic of "Anti-Corruption Investigation and Stolen Asset Freezing and Forfeiture" (05/2019)

Participation in the annual seminar of the Korea Criminal Procedure Law Association on the topic of "Admissibility and Falsification of Electronic Documents" (05/2018)

Participation in the joint seminar co-organized by the Korea Victimology Association and the Korea Criminal Procedure Law Association on the topic of "Victims' right to make statements and protection of victims from retaliation crimes" (10/2015)

Participation in the seminar organized by the "Common Law Academy" of the Korea Supreme Prosecutors' Office on the topic of "Hearsay Rule and the Right of Cross-Examination" (09/2015)

Panel discussion on "International Cooperation for Enforcement of Criminal and Administrative Sanctions" in the international workshop organized by the Korea Institute of Criminology and Justice (10/2014)

#### **Membership of professional associations and societies**

Board Member of the Korean Society of International Law

Board Member of the Korea Criminal Procedure Law Association

Board Member of the Former Prosecutors' Association

#### **Awards and honours**

Listed as a leading individual lawyer by "Chambers and Partners" (global ranking agency for law firms and lawyers) in the Asia-Pacific Guide 2023: "Dispute Resolution: White-Collar Crime"

Minister of Justice's Award (2002)

Prosecutor General's Award (1994)

#### **Personal interests**

Hiking, sightseeing and playing soccer

## 12. PARMAS, Andres (Estonia)

[Original: English]

### Note verbale

The Embassy of the Republic of Estonia to the Kingdom of the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and, with reference to the latter's note ICC-ASP/22/SP/01 of 19 December 2022 regarding the election of judges to the International Criminal Court, has the honour to convey the following.

The Embassy has the honour to inform the Secretariat that the Government of Estonia has decided to nominate Mr Andres Parmas as a candidate for election as a judge of the International Criminal Court at the elections to be held at the 22nd session of the Assembly in New York, from 4 to 14 December 2023.

The Embassy has the honour to attach to this note a statement of qualifications in accordance with article 36, paragraph 4(a), of the Rome Statute of the International Criminal Court and paragraph 6 of resolution of the Assembly of States Parties Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court (ICC-ASP/3/Res.6, as amended), as well as the model curriculum vitae of Mr Andres Parmas.

### Statement of qualifications

In 2014, Mr Parmas was appointed as a judge of the Criminal Chamber of the Circuit Court of Tallinn. According to the Courts Act, a citizen may be appointed as a judge in Estonia only if a person is of high moral character and has the abilities and personal characteristics necessary for working as a judge, apart from professional qualifications.

In 2021, Mr Parmas was appointed as the Prosecutor General directing the Prosecutor's Office of Estonia. According to the Prosecutor's Office Act, a citizen may be appointed as a prosecutor in Estonia only if a person is of high moral character and has the abilities and personal characteristics necessary for working as a prosecutor, apart from professional qualifications.

In addition to national positions, the requirement of high moral character, impartiality and fairness applies to the judges of Kosovo Specialist Chambers. As Mr. Parmas was included in the roster of judges of Kosovo Specialist Chambers, compliance with these requirements has been verified at the international level.

The high moral character and integrity of Mr Andres Parmas is demonstrated, for example, by the fact that he has been vetted in several national and international security clearances over the years and he has always passed these clearances without any objections.

Therefore, Mr Parmas is an individual of high moral character, impartiality and integrity.

From 2014 to 2021, Mr Parmas was sitting as a judge of the Criminal Chamber of the Circuit Court of Tallinn. Circuit Courts of Appeal are the courts of second instance in Estonia. The criteria for becoming a Circuit Court judge are similar to those for the Supreme Court. According to the Courts Act, a person who is an experienced and recognized lawyer may be appointed a justice of the Supreme Court. Mr Andres Parmas has established competence in criminal law and procedure, and the necessary relevant experience in criminal proceedings for more than 20 years; therefore, he is eligible for appointment as a justice to the Supreme Court. Currently Mr Parmas is holding the post of the Prosecutor General, the highest-ranking post in the Prosecutor's Office. According to the Prosecutor's Office Act, a person who is an experienced and recognized lawyer may be appointed as the Prosecutor General.

Therefore, Mr Parmas, being an experienced and recognized lawyer, satisfies the requirements of the qualification for appointment to the highest judicial offices in Estonia.

Mr Parmas is an international criminal law expert of high renown. He has established practical and academic competence in criminal law, international criminal law and criminal policy. He has more than 20 years of experience as a judge, prosecutor and judicial advisor in domestic and international jurisdictions. Mr Parmas is a member of the Board of Directors of the Trust Fund for Victims of the International Criminal Court, has first-hand knowledge of the functioning of the ICC and understanding of the legal framework and jurisprudence of other international criminal courts and tribunals.

Mr Parmas has expertise in the management of judicial organisations and abundant experience in legislative work, as well as in the development of intra-organisational regulations and guidelines for domestic and international judicial organisations alike. He is active as a university lecturer and as a trainer of criminal law at training events for legal professionals, editor and author of numerous publications on international criminal law, criminal law, criminal procedure and constitutional law.

As the legal officer of the Criminal Chamber of the Estonian Supreme Court (2003-2013), Mr Parmas had to participate in the hearings and deliberations of criminal cases brought before the criminal chamber of this court and drafting the rulings and judgments of the chamber. This routinely included work on the most difficult and prominent criminal cases in the country. This also included work with the war crimes and crimes against humanity cases committed by the representatives of the Soviet regime in Estonia.

As the legal officer in the Appellate Court / Supreme Court of Kosovo (2013-2014), Mr Parmas was dealing with most serious crimes in Kosovo, such as war crimes, terrorist crimes, organized crime, and ethnically motivated crimes. He advised the judges; analysed the facts and the law of complex cases that typically involved multiple defendants and large volumes of evidence. He participated in court hearings and deliberations and eventually drafted its judicial orders, rulings and judgments.

In his capacity as the judge at the Tallinn Circuit Court (2014-2020), Mr Parmas, both as the member and the president of the panel, took decisions on appeals, interlocutory appeals, motions and submissions of the parties in criminal cases; conducted court hearings; managed and participated in the deliberations of the panel; drafted judgments, decisions and rulings of the panel; supervised the work of legal clerks and support staff, communicated with the media.

In the newly created Kosovo Specialist Chambers Mr Parmas as judge in the roster (2017-2020) participated in the preparation of the chambers for judicial work – he was active in drafting and negotiating the Rules of Procedure and Evidence, the Regulations of the Chambers and other relevant internal documentation; and participated in the discussions about the judicial policies of the KSC.

In his current capacity as the Prosecutor General of Estonia, Mr Parmas is the head of the Estonian Prosecutor's Office, where his main tasks include the supervision of pre-trial investigations and prosecutorial work in the courts in the most important criminal investigations concerning political corruption, high-level organized crime, crimes affecting state security, crimes committed by Members of Parliament and by the members of the judiciary. His other duties in this capacity include representation of the Office in public; supervision of the entire Estonian prosecution service and general management; international relations; policy-making; participation in various councils and governmental committees; recruitment of prosecutors.

Mr Parmas' management expertise comes from working as the Prosecutor General of Estonia, but also from belonging to the management council of Estonian Courts and acting as the board member of the TFV.

He has participated as an expert in the legislative process in Estonia. His most notable contributions in that respect are participation in the negotiations to reform the system of human trafficking offences; preparatory work, analysis and drafting of amendments to articles on international crimes in Estonia's Penal Code; participation in the preparations for the reform of the Code of Criminal Procedure.

Therefore, Mr Parmas has the necessary competence and he is well qualified to sit as a judge of the International Criminal Court.

Mr Parmas is fluent in English, one of the working languages of the Court, and has basic knowledge of French.

His excellent command of English is demonstrated by his extensive professional and academic experience in an English language environment: 1) he has successfully worked in several organisations where English was the working language (EULEX Kosovo, Kosovo Specialist Chambers, Trust Fund for Victims of the ICC, Estonian Presidency of the Council of the European Union); 2) he has been participating in academic work in English (publishing articles, participating in comparative scientific projects, teaching in English both in Estonia and abroad).

As Mr Parmas has extensive experience as a criminal judge, prosecutor and legal officer in the courts, he is being nominated for inclusion in List A, covering candidates with established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings.

For the purpose of article 36, paragraph 8 (a)(i) to (iii) of the Rome Statute, it is noted that Mr Parmas is a male candidate. He would represent the continental legal system and the regional group of Eastern European States.

Mr Parmas has extensive professional experience in assisting victims of serious crimes, including violence against women, at national as well as international level, both in terms of policy and practice. He has been serving as a member of Board of Directors of the Trust Fund for Victims of the ICC since March 2021.

As the Prosecutor General of Estonia, one of his main tasks is to deal with issues concerning the victims of crimes. He is directing the creation of policies regarding the participation of victims in criminal proceedings, their access to relief services, assistance available to the victims etc. To promote the interests of victims Mr Parmas concluded an agreement with the Estonian Bar Association on behalf of the Prosecutor's Office in the autumn of 2020 for engaging victims of crimes in the criminal investigation phase. A state prosecutor specialized in juveniles and the treatment of victims was appointed in the Prosecutor's Office. He is also insisting on interagency efforts for more meaningful work in advancing the rights of victims. In order to be aware of the level of Prosecutor's Office's services and of any possible shortcomings, information on the satisfaction of victims with the services and assistance available to them during criminal proceedings is constantly gathered and assessed. Mr Parmas also calls for active outreach to victims. He is working to find innovative and efficient methods to take better notice of the needs of victims of crimes. For this reason, *e.g.* the methods of restorative justice are being introduced in the work of the Prosecutor's Office under his supervision. Mr Parmas is a member of the Estonian Council of Crime Prevention, which has put the assistance of victims of crimes at the centre of its activities in recent years.

While being appointed as the judge in roster for the Kosovo Specialist Chambers, Mr Parmas actively participated in setting out the regulatory framework and standards for victim participation at the Kosovo Specialist Chambers proceedings. In 2013-2014 Mr Parmas worked as an EULEX legal officer in the courts of Kosovo, where among other tasks he had to work with representatives of the victims of grave violations of international humanitarian law and of crimes against humanity in the ongoing criminal proceedings.

In addition to the above, Mr Parmas' work as a lecturer of criminal law at the University of Tartu also merits to be highlighted, as he has dealt in depth with issues concerning the interests of victims when teaching courses of criminal policy and international criminal law.

His track record also includes participation in reforming the norms against human trafficking in the Estonian Penal Code in 2012.

Mr Andres Parmas is a citizen of the Republic of Estonia and is being nominated on behalf of this State.

National proceedings were carried out under the terms of article 36, paragraph 4(a)(i), of the Rome Statute of the International Criminal Court i.e. by the procedure for the nomination of candidates for appointment to the highest judicial offices in Estonia.

The national procedure for the selection and nomination of Mr Andres Parmas as a candidate for a position of a judge of the ICC was open, transparent, merit-based and impartial and based on relevant provisions of the Courts Act and Foreign Relations Act.

There was an open competition by inviting applications through a public advertisement with broad distribution of information in the media and social media, with particular emphasis on professional media channels. The applications were reviewed by a selection panel of senior members and representatives of ministries, the Government Office, the Supreme Court and the Chancellor of Justice. The Chief Justice of the Supreme Court and the Secretary of State participated in the work of the Selection Panel. The best applicants were invited to an interview and interviewed by the Panel. The Selection Panel determined Mr Parmas was the best-qualified candidate for the nomination for the position of a judge of the ICC and made relevant recommendation to the Government of the Republic of Estonia, who made the final decision on the nomination of the candidate. See also points (a) and (g).

In the national procedure for nomination, the Selection Panel has verified that the candidates meet the requirements of qualification of the candidates set out in national law for judges, as well as the requirements of article 36, para 3 and 4 of the Rome Statute. Compliance with these requirements had to be fulfilled in order to be eligible as a candidate in the national procedure.

From 2014 to 2021, Mr Parmas acted as a judge of the Criminal Chamber of the Circuit Court of Tallinn. Circuit Courts of Appeal are the courts of second instance in Estonia. According to the Courts Act, a person who is an experienced and recognized lawyer may be appointed a justice of the Supreme Court. Mr Andres Parmas has established competence in criminal law and procedure, and the necessary relevant experience in criminal proceedings for more than 20 years; therefore, he is eligible for appointment as a justice to the Supreme Court.

In their proceedings, the Selection Panel has reviewed the compliance of the candidates with the requirements of article 36 of the Rome Statute and has established that Mr Parmas fulfils these requirements, which was later confirmed by the Government. The Selection Panel comprising high-level legal experts included the Chief Justice of the Supreme Court of Estonia and the Secretary of State.

Therefore, it is submitted that the Selection Panel, overseeing the nomination process and making recommendation to the Government, and the Government, making the nomination decision, have acknowledged the information provided under subparagraph (a).

Mr Andres Parmas would be available to take up full-time service when the Court's workload so requires.

## **Curriculum vitae**

### **Personal data**

Family name: Parmas  
 First name: Andres  
 Middle name:  
 Gender: Male  
 Date of birth: 3 June 1977  
 Nationality: Estonia  
 Regional criteria: Eastern Europe  
 Marital status: Married

List A / List B    List A

Languages:        Mother tongue: Estonian  
English: (written) Advanced; (oral) Advanced  
French: (written) Basic; (oral) Basic  
German (written) Advanced; (oral) Advanced  
Russian (written) Intermediate; (oral) Intermediate

### **Educational qualifications**

2002 - 2005

University of Tartu, Law Faculty  
*mag. jur*

1996 - 2002

University of Tartu, Faculty of Law  
B.A. (law)

### **Professional experience**

2020 - present

Prosecutor's Office

Prosecutor General of Estonia

Head of Estonian Prosecutor's Office. Duties include representation of the Office in public and in the courts, supervision of the entire Estonian prosecution service and general management, international relations, prosecutorial work in the most important criminal investigations, policy-making, participation in various councils and governmental committees, recruitment of prosecutor, communication with the media etc. Relevant experience under list A.

2021 - present

Trust Fund for Victims of the ICC

Member of the Board of Directors

Focal point for Ntaganda and Katanga cases, active reorganisation of the work of the TFV, amongst others based on the IER recommendations; raising the visibility of the TFV. Relevant experience under list A.

2003 - present

University of Tartu, School of Law *Post title:* Lecturer of criminal law

Teaching courses on criminal law, criminal policy and international criminal law; instructing moot court teams; supervising master's theses. Relevant experience under list A.

2017 - 2020

Kosovo Specialist Chambers

Judge (in roster)

Participated in the preparation of the chambers for judicial work – drafting and negotiating the Rules of Procedure and Evidence, the Regulations of the Chambers and other relevant internal documentation; participated in the discussions about the judicial policies of the KSC. Relevant experience under list A.



2014 - 2020

Tallinn Circuit Court, Criminal Chamber

Judge

Solution of appeals, interlocutory appeals, motions and submissions of the parties in the appeals court, management of court hearings, management and participation in the deliberations of the panel, drafting of judgments, decisions and rulings, supervision of the work of the legal clerks and support staff, communication with the media. Relevant experience under list A.

2013 - 2014

European Union Rule of Law Mission in Kosovo (EULEX)

Legal Officer at the Court of Appeals/Supreme Court of Kosovo

Legal officer in the Appellate Court/Supreme Court of Kosovo, dealing with most serious crimes in Kosovo, such as war crimes, terrorist crimes, organised crime, and also ethnically motivated crimes. Advising the international judges; analysing both factual and legal aspects of complex cases that typically involved multiple defendants and large volumes of evidence; participation in court hearings and deliberations; drafting of judicial orders, rulings and judgments. Relevant experience under list A.

2003 - 2013

Supreme Court of Estonia, Criminal Chamber

Legal officer

Legal officer advising judges of the criminal chamber of the Court or in constitutional cases the judges of the Supreme Court sitting *en banc*. The work included most of the international crime cases dealt with in the Supreme Court at the time, but also several ground-breaking cases in sexual crime, organised crime, white-collar crime *etc.* Advising the judges; analysing the legal aspects of the cases, including international criminal law; participation in court hearings and deliberations; drafting of judicial orders, rulings and judgments; annotating the case-law of the Court; preparing the opinions of the Court on draft legislation. Relevant experience under list A.

1999 - 2003

Supreme Court of Estonia

Lawyer in legal information department

Lawyer systematising and annotating the case-law of first instance courts and appellate courts; compiling the digest of jurisprudence in criminal cases; drafting responses to the persons corresponding to the Supreme Court; participation in the digitalisation of the case-management system in Estonia. Relevant experience under list A.

### **Other professional activities**

From 2017

Arbeitskreis Völkerstrafrecht (International criminal law working group): member from 2017, participating in the work of the Arbeitskreis during its yearly meetings.

July - December 2017

Estonian presidency of the Council of the EU, Chairman of a COPEN working party 2017 (July – Dec). Presided over a working party negotiating a new EU directive on combating fraud and counterfeiting of non-cash means of payment.

2016 - 2019

Yearbook of Estonian judiciary: Editor in chief

### Most relevant publications

VIII Chapter. Crimes Against Humanity and International Security. In: Penal Code. A Commentary. J. Sootak and P. Pikamäe (ed-s). (Tallinn: Juura, 2021). Co-authored with J. Tehver.

Landesbericht Estland. In: Die Verjährung als Herausforderung für die grenzüberschreitende Zusammenarbeit in Strafsachen: Entwicklung eines Harmonisierungsvorschlags. G. Hochmayr, W. Gropp (ed-s). (Baden-Baden: Nomos, 2021). Co-authored with J. Sootak.

Responsibility of the superior according to Estonian Penal law and its compliance with International law. *Juridica International* Vol 28 (2019).

Application of domestic criminal statutes in regard of international crimes. *Baltic Yearbook of International Law* Vol 17 (2019).

Criminal Law: General Part, 2<sup>nd</sup> edition together with J. Sootak, E. Elkind, P. Randma and P. Pikamäe. Tallinn: Juura, 2018.

Country Report on Estonia. In: *The Crime of Aggression: A Commentary*. C. Kress, S. Barriga (ed-s). (Cambridge: Cambridge University Press, 2017).

Country Report on Estonia. In: *Außerprozessuale Erhebung der Beweisen und Verwertung dieser Beweisen im Strafprozess*. P. Hofmanski, (ed). (Krakow, Munich: C.H. Beck, 2015). Co-authored with E. Kergandberg.

Landesbericht Estland. Jurisdiktionskonflikte bei grenzüberschreitender Kriminalität. Conflicts of jurisdiction in cross-border crime situations. Ein Rechtsvergleich zum Internationalen Strafrecht. A comparative law study on international criminal law. A. Sinn (ed). (Osnabrück, V&R unipress, 2012). Co-authored with J. Sootak.

Detention after Service of Sentence Unconstitutional: What next? *RiTo* 25, 2011. Co-authored with R. Kiris.

Developing the Definition of the Crime of Genocide through National Criminal Laws. In *Festschrift in Honour of Raimo Lahti, K. Nuotio* (ed). (Helsinki: University of Helsinki, 2007). Co-authored with J. Sootak.

Prosecution of International Crimes: Estonia. In *National Prosecution of International Crimes. Nationale Strafverfolgung Völkerrechtlichen Verbrechen. Vol 5, Canada, Estonia, Greece, Israel, United States of America*. A. Eser, U. Sieber, H. Kreicker (ed-s). (Berlin: Duncker & Humblot, 2005). Co-authored with T. Ploom.

### Most relevant seminars

2022: Webinar of the Estonian Ministry of Foreign Affairs in cooperation with the ICC. “20 years of the ICC: looking back and the way forward. Role of the ICC in the fight against impunity and delivering justice to victims. Cooperation with national authorities”. Moderating a panel on the role and activities of the Trust Fund for Victims

2022: Estonian Academic Society of Law, annual meeting, Tartu, Estonia, “The Crime of Genocide in international law and Ukraine”

2022: The 27th annual conference of the International Association of Prosecutors, Tbilisi, Georgia, “The challenges and possibilities regarding the use of technology in the era of digitalization and globalization from the view of prosecution and investigative authorities”

2022: European Conference of Prosecutors, Palermo, Italy, “Hidden threats to the independence of prosecutors”

2021: International Anti-Corruption Forum – Kleptocracy and Illicit Financial Flows, Kyiv, Ukraine, “Violation of procedural restrictions as a criminal offence”

2018: International Conference on Topical Issues of Crime of Genocide and Human Rights Protection, Sukhumi State University, Tbilisi, Georgia,

“Application of Domestic Criminal Statutes in regard of International Crimes”

2017: Memorial Conference for the Victims of Communism and Nazism. The Heritage in 21st Century Europe of the Crimes Committed by Communist

Regimes, Tallinn, Estonia, “Investigation of Crimes of Communist regimes”

### **Membership of professional associations and societies**

Estonian Academic Society of Law

Arbeitskreis Völkerstrafrecht

Estonian Reserve Officers' Association, lawyers' section

### **Personal interests**

Victims' rights. Literature. Skiing.

### **Other relevant facts**

Regular publicist and speaker in Estonian media on the topics of international criminal law, Estonian criminal law, criminal procedure and criminal policy.

Legislative work:

Participating in the expert group of revising Estonian criminal procedure legislation: regarding e.g. the rules on cooperation with the ICC, covert measures (ongoing work from 2021);

Reform proposals with an aim of Estonian criminal policy moving towards more evidence-based approach, achieving an increase in restorative and reparative means (ongoing work from 2021).

Preparation of an analysis and draft legislation on the implementation into Estonian Penal Code of the definitions of war crimes, crimes against humanity (2011-2013) and the crime of aggression (2018);

Member of the expert group on the revision of Estonian legislation on defence of the state: preparing an analysis and proposals on the participation of the private individuals and nonmilitary public officials in the defence of Estonian Republic from an armed attack (2016);

Negotiating the revision of Estonian legislation on human trafficking related offences (2011).

Guest-courses on international criminal law:

CEELI Institute in Prague, July 2022;

Kyiv-Mohyla Academy in Kyiv, May 2019;

Belarus State University in Minsk, April 2017.

### 13. RAJAONA, Andriamanankadrianana (Madagascar)

[Original: French]

#### Note verbale

The Embassy of the Republic of Madagascar presents its compliments to the Secretariat of the States Parties to the Rome Statute in The Hague and has the honour to herewith transmit to it the complete file of Mr. Andriamanankadrianana RAJAONA, candidate of the Republic of Madagascar for the position of judge of the International Criminal Court.

It consists of a curriculum vitae, a certificate of good moral character and a statement of qualifications.

#### Statement of qualifications

The Republic of Madagascar has taken the decision to nominate Judge Andriamanankadrianana Rajaona as a candidate for one of the six positions of Judge to be filled at the International Criminal Court at the elections to be held during the twenty-second session of the Assembly of States Parties to the Rome Statute.

The nomination of Judge Andriamanankadrianana Rajaona is made in accordance with the provisions of article 36, paragraph 4 (a) (i), of the Rome Statute of the Court, i.e. through the procedure for the nomination of candidates for appointment to the highest judicial offices in Madagascar.

The nominated magistrate boasts all the required conditions of good moral character, impartiality, integrity, experience and seniority required in Madagascar for appointment to the highest judicial offices, in accordance with article 36, paragraph 3 (a), of the Rome Statute.

Owing to his extensive judicial experience and sound knowledge of criminal justice, Judge Rajaona possesses the necessary skills and meets all the requirements for the position of judge of the International Criminal Court.

It is worth noting that he started his career as a judge in a small town in Madagascar where the crime rate was very high, and now has more than 38 years of experience in the judiciary, since he has gone through all the ranks and steps of a magistrate's career.

Judge Rajaona led as a pioneer in helping to establish the High Court of Justice, for the first time in Madagascar and after 60 years of independence. This Court carries the responsibility for prosecuting and bringing to justice elected and appointed high ranking state officials in the event the latter commit any offence.

As President of the High Court of Justice, he regularly analyses the most serious and complex criminal cases, including cases involving political crimes and criminal offences committed by the highest political authorities of the State. He also has jurisdiction over offences committed by holders of jurisdictional power such as elected officials of a district or state.

As a Judge and First President of the Supreme Court, he takes decisions on complex issues at the preliminary and trial stages of murder, sexual offences and drug cases amongst others. Judge Rajaona has dealt with cases involving women and children, including victims of sexual abuse and violence, which is in harmony with the provisions of article 36, paragraph 8 (b), of the Rome Statute.

Judge Rajaona's mother tongue is French; he also has an intermediate level of English.

Because of his experience as a judge in criminal cases, Judge Andriamanankadrianana Rajaona is being nominated for list A, which includes candidates with established competence in criminal law and procedure, as well as the necessary experience in criminal trials, whether as a judge, prosecutor or lawyer, or in

any other similar capacity.

For the purposes of article 36, paragraph 8 (a) (i) to (iii), of the Rome Statute, Judge Andriamanakiandrianana Rajaona (i) represents the civil law system, (ii) is from Madagascar, a country belonging to the African Group, and (iii) is a male candidate.

Judge Andriamanakiandrianana Rajaona is Malagasy and is being nominated as a Judge in Madagascar.

Judge Andriamanakiandrianana Rajaona undertakes to make himself available to serve as a full-time judge when the workload of the Court so requires.

## **Curriculum vitae**

### **Personal data**

Family name: Rajaona  
 First name: Andriamanankadrianana  
 Middle name:  
 Gender: Male  
 Date of birth: 12 May 1955  
 Nationality: Malagasy  
 Regional criteria: Africa  
 Marital status: Married  
 List A / List B: List A  
 Languages: Mother tongue: Malagasy  
 English: (written) Intermediate; (oral) Intermediate  
 French: (written) Advanced; (oral) Advanced

### **Educational qualifications**

02/1976 - 07/1981

Institution: University of Madagascar

Qualification(s) obtained: MA in Law

08/1981 - 06/1982

Institution: University of Madagascar

Certificate of the Institute of Judicial Studies

### **Professional experience**

02/2018 - 05/2022

Ministry of Justice

First President of the Supreme Court

Presides over the criminal chamber in all chambers of the Court of Cassation (has dealt with cases of sexual violence against minors – violation of human rights by the police and law enforcement agents)

06/2018 - 05/2022

Malagasy State

President of the High Court of Justice

President of the High Court of Justice in charge of judging the high officials of the State – In charge of the administrative management of the High Court – First implementation of the High Court Act

04/2016 - 05/2018

Ministry of Justice

President of Chamber at the Court of Cassation

Presides a penal chamber of the Court of Cassation (including cassation appeal cases of sexual violence on minors and women – mass violence on villagers or between villagers – violations of Human Rights) – Drafts judgments

05/2010 - 07/2016

Ministry of Justice

Advisor to the Court of Cassation

Draws up reports in criminal matters on cases of sexual violence against minors and women – on mass violence – draws up draft judgments in criminal matters

09/2008 - 10/2009

Ministry of Justice

Director of Integrity Promotion

Draws up administrative investigation reports – Draws up proposals for referral to the magistrates' disciplinary board

02/2007 - 10/2009

Ministry of Justice

Advisor to the Supreme Court

Drafts reports on criminal matters

08/2002- 02/2007

Ministry of Justice

First President of the Court of Appeal of Fianarantsoa

Presides over criminal courts – Drafts decisions of criminal courts – Organises the holding of criminal courts

10/1997 - 08/2002

Ministry of Justice

President of Chamber at the Court of Appeal of Fianarantsoa

Presides over a prosecution chamber – Presides over criminal courts (dealing with cases of sexual violence against minors and women, crimes and mass violence against villagers) – Drafts the decisions of criminal courts and prosecution chambers – Judges on appeal the decisions of investigating judges (including appeals on points of criminal procedure)

09/1994 - 10/1997

Ministry of Justice

President of the Court of First Instance of Ambatondrazaka

Organises special criminal courts (on cattle) – Presides over the special criminal court (dealing inter alia with mass violence on villagers and between villagers associated with theft of cattle) - Drafts decisions of the special criminal court

02/1989 - 09/1994

Ministry of Justice

Vice President of the Court of First Instance of Ambatondrazaka

Presides over a special criminal court (dealing, inter alia, with mass violence against villagers or between villagers, sexual violence against women linked to cattle theft) – Drafts the decisions of special criminal courts

03/1983 - 02/1989

Ministry of Justice

Judge and Investigative Judge in the Courts of First Instance of Antsirabe and Ambositra

Prepares case files, including those related to mass violence and sexual violence against minors or women

### **Other professional activities**

10/2017

Member of the Ad Hoc Special Amnesty Commission in relation to National Reconciliation – Studied the file of the massacre of 7 February 2009 following the political movement of 2009

05/2016

Member of the Experts Committee on National Reconciliation - Proposes the final text for national reconciliation – Consulted all national entities on national reconciliation – Worked with South African experts on national reconciliation – Conducted studies on human rights to compare them with national realities

09/2009

President of the Movement for Ethics and Deontology of Madagascar; Assists magistrates in respecting deontology, initiates thoughts and reflections on deontology and judicial ethics

07/2006

President of the Board of Directors of the National Integrity Observatory

02/2007

Editorialist and columnist of the Journal "Etika"

### **Most relevant publications**

Le sursis à exécution du procureur général (The Suspension of Execution of the Attorney General) "ETIKA" Journal

Rétablir la confiance envers la justice (Restoring Trust in Justice) "ETIKA" Journal

### **Most relevant seminars**

International Rule of Law in Internet –China 2019

4th African Human Rights Court Dialogue – Uganda 2018

Training Session of the AAHJF Association (High Francophone Jurisdictions) – Benin 2017

Workshop on the Setting Up of the Francophone Network on Integrity and Sustainable Development – Ouagadougou, Burkina Faso 2008

Workshop on Combating Corruption – Dakar Senegal 2008

International Anti-Corruption Association Conference – China 2008

**Membership of professional associations and societies**

Supreme Court Personnel Association

**Awards and honours**

Knight of the National Order

**Personal interests**

Sport (cycling - football)

**Other relevant facts**

Computer skills: Word – Excel – Access – Internet



## 14. ZEMAN, Pavel (Czech Republic)

[Original: English]

### Note verbale

The Embassy of Czech Republic to the Kingdom of the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and with reference to the latter's Note ICC-ASP/22/SP/01 dated 19 December 2022 has the honour to inform the Secretariat that the Government of the Czech Republic hereby nominates Dr. Pavel Zeman as a candidate for election as a judge of the International Criminal Court at the elections to be held during the 22<sup>nd</sup> session of the Assembly in New York from 4 to 14 December 2023.

Pursuant to article 36, paragraph 3(b)(i) and paragraph 5, of the Rome statute, the Government of the Czech Republic nominates Dr. Zeman for inclusion in list A.

The candidate was selected in a competitive nomination procedure established in accordance with article 36, paragraph 4(a)(i), of the Rome Statute. The full text of the Rules for the selection of a candidate for the position of judge of the International Criminal Court, adopted by Government Resolution No. 478 of 14 June 2010, is available at the website of the Assembly.

### Statement of qualifications

The Government of the Czech Republic decided to nominate Dr. Pavel Zeman, a senior prosecutor with extensive experience and expertise in the field of international judicial cooperation in criminal matters for election as a judge of the International Criminal Court.

As Head of the Public Prosecution Service of the Czech Republic of ten years (2011 – 2021), he was in charge of the most complex criminal cases. Within his responsibilities and special competences as the Prosecutor General, he brought actions before a court in order to protect the public interest. In particular in the above-mentioned position, he has gained considerable expertise in managing complicated and time-sensitive cases.

Dr. Zeman devoted his career to the criminal law and procedure, starting at the district and regional Prosecutor's Offices dealing with a wide range of crimes, including grave violent crimes. In 2002, he joined the Prosecutor General's Office, where he was in charge of international judicial cooperation in criminal matters. Subsequently, in 2004 (until 2010) Dr. Zeman became a National Member of the Czech Republic at Eurojust. In this position, he addressed a range of issues such as terrorism, security and the European Arrest Warrant. He also facilitated and coordinated the execution of international judicial cooperation in criminal matters (including in the above-mentioned issues).

Dr. Zeman currently serves as a senior prosecutor at the Prosecutor General's Office. He is responsible for drafting legal opinions and writing methodology with respect to questions of war crimes and genocide, cybercrime, cybersecurity, and criminal liability of legal entities. Dr. Zeman is also active in the academic field. He lectures on criminal law and procedure at the Faculty of Law of Charles University in Prague and the Faculty of Law of the University of West Bohemia in Pilsen and trains judges at the Judicial Academy of the Ministry of Justice of the Czech Republic. He is also a fellow researcher in the field of electronic evidence at the Faculty of Law of Masaryk University in Brno.

Dr. Zeman attended many international conferences (e.g. twenty-first session of the Assembly of States Parties, official meetings within the Council of Europe, Organisation for Economic Co-operation and Development), and has actively participated in various international bodies dealing with criminal law and procedure, including those specialized in investigation and prosecution of genocide, crimes against humanity and war crimes ("Genocide Network"), and in building of cybersecurity capacities worldwide. As such, Dr. Zeman is strongly committed to contribute to building of the rule of law, including through his training and research activities. Recently, he has focused on the

question of admissibility and integrity of electronic evidence, an issue of high importance in criminal proceedings in particular in cases of war crimes and other crimes under international law.

Dr. Zeman has an excellent knowledge of English, French and German and intermediate knowledge of Russian.

Considering the above-mentioned, Dr. Zeman has the necessary competence and qualifications to sit as a judge of the International Criminal Court, including high moral character, impartiality and integrity required for such a position.

In the light of his qualifications and experience in criminal law and procedure as a prosecutor and in the field of international judicial cooperation in criminal matters, Dr. Zeman is being nominated for inclusion in list A for the purposes of the election.

Dr. Zeman will represent the civil law system. He is being nominated from the Eastern European Regional Group. He is a male candidate.

Dr. Zeman has prosecutorial expertise in dealing with cases of sexual and violent crimes, domestic violence, including dealing with victims of such crimes.

Dr. Zeman is a Czech national. He is being nominated as a candidate of the Czech Republic.

Dr. Zeman is being nominated under the terms of article 36, paragraph 4(a) (i), of the Rome Statute in accordance with the national Rules of Procedure of the Czech Republic which are publicly available at the website of the Assembly. The nomination of Dr. Zeman was approved by Government Resolution No. 616 of 14 July 2022.

I, Martin Smolek, Director General for Legal and Consular Affairs of the Ministry of Foreign Affairs of the Czech Republic, in my capacity as acting chairperson of the selection board for the selection of a candidate for the position of judge of the International Criminal Court, acknowledge the information provided under subparagraph (a) of this statement of qualifications.

Dr. Zeman is committed to be available to take up full-time service when the Court's workload so requires.

## **Curriculum vitae**

### **Personal data**

Family name: Zeman

First name: Pavel

Middle name:

Gender: Male

Date of birth: 18 November 1972

Nationality: Czech Republic

Regional criteria: Eastern Europe

Marital status: Married

List A / List B List A

Languages: Mother tongue: Czech

English: (written) Advanced; (oral) Advanced

French: (written) Advanced; (oral) Advanced

German (written) Advanced; (oral) Advanced

Russian (written) Intermediate; (oral) Intermediate

Slovak (written) Intermediate; (oral) Intermediate

**Educational qualifications**

10/2007

Charles University, Faculty of Law, Prague  
*JUDr.*

09/1993 – 06/1998

Charles University, Faculty of Law, Prague  
*Master Degree*

09/1992 – 06/1997

Charles University, Faculty of Arts, Political Studies, Prague  
 Concurring studies

**Professional experience**

07/2021 - now

Prosecutor General's Office

Prosecutor at the Analytical and Legislative Department

Drafting policies, legal opinions and methodology with the specialization in war crimes and genocide, cybercrime and cybersecurity and criminal liability of legal entities.

09/2021 - now

Masaryk University Brno

Expert in penal law

Part time job – Assisting in setting up and improving studying programs; member of electronic evidence research team.

01/2011 – 06/2021

Prosecutor General's Office

Prosecutor General

Head of the Public Prosecution Service with all the duties and responsibilities that belong to the position.

05/2004 – 12/2010

Prosecutor General's Office/Eurojust

National Member for the Czech Republic at Eurojust

07/2021 - now

Prosecutor General's Office

Prosecutor at the Analytical and Legislative Department

Drafting policies, legal opinions and methodology with the specialization in war crimes and genocide, cybercrime and cybersecurity and criminal liability of legal entities.

09/2021 - now

Masaryk University Brno

Expert in penal law

Part time job – Assisting in setting up and improving studying programs; member of electronic evidence research team.

01/2011 – 06/2021

Prosecutor General's Office

Prosecutor General

Head of the Public Prosecution Service with all the duties and responsibilities that belong to the position.

05/2004 – 12/2010

Prosecutor General's Office/Eurojust

National Member for the Czech Republic at Eurojust

Dealing with cases of international judicial cooperation in criminal matters by facilitating and coordinating its execution. Specialized in issues of terrorism, European Arrest Warrant and Security issues (Member of Security Committee).

09/2002 – 04/2004

Prosecutor General's Office

Prosecutor at the International Department

Cases of international judicial cooperation in criminal matters and its smooth execution abroad together with implementation of European Union legislation in the Czech Republic.

02/2002 – 08/2002

Regional Public Prosecutor's Office in Pilsen

Prosecutor

Undertaking cases of serious crime such as murder, extortion, fraud and other grave crimes.

09/2001 – 02/2002

District Public Prosecutor's Office in Pilsen

Prosecutor

Dealing with cases of crime on a district level such as fraud, extortion, rape, sexual abuse and economic crime.

10/1998 – 08/2001

District Public Prosecutor's Office in Pilsen

Trainee Prosecutor

Dealing with cases of crime on a district level such as fraud, extortion, rape, sexual abuse and economic crime under the auspice of a senior prosecutor.

### **Other professional activities**

Since 2022

Member of European Judicial Cyber Network

Since 2022

Member of European Network for investigation and prosecution of genocide, crimes against humanity and war crimes („Genocide network”)

Since 2022

Member of Working group for setting up the Penal Policy in the Czech Republic

Since 2021

Foreign Cybersecurity capacity building (i.e. Georgia, Bosnia and Herzegovina, Ghana, Senegal)

Since 2013

Recodification Committee for the new Penal Procedural Code of the Czech Republic

### **Most relevant publications**

Eurojust-European Institution for Judicial Cooperation, Acta Universitatis Carolinae, Karolinum 2005, Michal Tomášek (ed.)

Die justizielle Zusammenarbeit in Strafsachen, in Grundfragen des europäischen Strafrechts, Univerzita Karlova v Praze, 2005, Michal Tomášek (ed.)

The European Arrest Warrant - Practical Problems and Constitutional Challenges ; Still not resolved? in Constitutional Issues of the European Arrest Warrant, Elspeth Guild (ed.), 2009

### **Most relevant seminars**

Law Faculty of Charles University

Regular lectures for students on issue:

- European Arrest Warrant
- Eurojust and the European Prosecutor
- Joint Investigation Teams

Other lectures:

- Law on the Public Prosecution Service
- Prison Service as seen by the General Prosecutor's Office

Law faculty of West Bohemian University

- International Judicial Cooperation on Criminal Matters
- Selected European Law Issues
- Public Prosecution

Judicial Academy

- Cyber related issues
- Ethics
- Justice and Media

Summer School of Political Science

- Corruption and the Media Investigation

Czech Lawyers Association

- European Public Prosecutor's Office
- Role of Public Prosecution in the Czech Republic
- Law on Public Prosecution

Council of Europe

- Punishment in the Czech penal system

OECD

- Plea Bargaining and Memorandum on Communication between the General Prosecutor's Office and the Czech Bar Association
- Criminal Liability of Legal Persons in the Czech Republic

World Forum on Governance

- Efforts on Rule of Law and anti-corruption in the Czech Republic

International Association of Prosecutors

- The scope of Public Prosecution in non-criminal areas in the Czech Republic
- The role of prosecutors in preventing acts of terrorism and violent extremism

International Bar Association

- Seizure and Confiscation

**Membership of professional associations and societies**

**Since 2012**

Member of Czech Lawyers Association

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