

## **Dembélé, Adélaïde (Burkina Faso)**

[Original: French]

### **Statement of qualifications**

*Detailed document accompanying the nomination of Ms Adélaïde Dembélé for the position of judge of the International Criminal Court.*

*Statement submitted in accordance with article 36(4)(a), of the Rome Statute of the International Criminal Court and paragraph 6 of resolution ICC-ASP/3/Res.6, both of which recommend the drafting of a detailed document.*

- a) Indicate in detail how the candidate meets the requirements of article 36(3)(a), (b) and (c) of the Statute, in accordance with article 36(4)(a) of the Statute.**

#### **Article 36(3)(a)**

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.

#### **Article 36(3)(b)**

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.

**Article 36(3)(c)**

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.

**b) Specify whether the candidate is being nominated under list A or list B for the purposes of article 36(5) of the Statute**

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**.

**c) Provide the information referred to in article 36(8)(a)(i) to (iii) of the Statute.**

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.

**d) Indicate whether the candidate is an expert in certain areas, in accordance with article 36(8)(b) of the Statute**

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.

**e) Please state the nationality of the nominated candidate, for the purposes of article 36(7) of the Statute, if the candidate has two or more nationalities.**

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.

**f) Indicate whether the application is made in accordance with the provisions of article 36(a)(i) or article 36(4)(ii), specifying in sufficient detail the elements of the procedure leading to the nomination.**

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.

- g) Provide an account of the information provided under paragraph a) by a high-ranking member of the judiciary at the national level or by the authority in the nominating State responsible for overseeing the nomination procedure.**

“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.”

- h) State whether the candidate is committed to being available to assume his or her duties on a full-time basis when the Court's workload so requires.**

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

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