

Olarte Bácares, Diana Carolina (Republic of Colombia)

[original: Spanish]

Statement of qualifications

The Government of the Republic of Colombia has the honor of submitting the Statement of qualifications pertaining to Dr. Diana Carolina Olarte Bácares, in the context of her nomination as a candidate for the post of Judge of the International Criminal Court during the elections programmed for the twenty-fifth session of the Assembly of the States Parties, to be held on 7-17 December 2026.

This Statement is submitted in compliance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court; paragraph 6 of resolution ICC-ASP/3/Res.6, and its amendments, on the procedure for the nomination of candidates for judges; and note ICC-ASP/25/SP/01/Corr.2, dated 16 December 2025, and its annex I.

(a) Specification in the necessary detail of how the candidate fulfils each of the requirements in article 36, paragraph 3 (a), (b) and (c), of the Statute, in accordance with article 36, paragraph 4 (a), of the Statute

1. High moral character, impartiality and integrity (article 36, paragraph 3 (a))

During the course of her 25 years of professional experience, Dr. Olarte Bácares has held positions requiring high moral character, impartiality and integrity, among them those of Ambassador of Colombia to the Kingdom of the Netherlands; Member of the National Group before the Permanent Court of Arbitration (PCA); Dean of the School of Legal Sciences of the *Pontificia Universidad Javeriana* (Pontifical Javierian University); and Member of the Court of Arbitration of the *Centro de Arbitraje y Conciliación de la Cámara de Comercio de Bogotá* (Arbitration and Conciliation Center of the Bogotá Chamber of Commerce).

By virtue of her known commitment to ethics and transparency, Dr. Olarte Bácares has participated in the drafting and application of standards and guidelines on the handling of conflicts of interest. She has also set up and participated in disciplinary bodies charged with the compliance of standards and codes of ethics. For example, in her capacity of Dean of the School of Legal Sciences, she was a member of the Committee in charge of drafting and adopting the Manual on the handling of conflicts of interest of the *Universidad Javeriana*. Also, while holding that position, she created the School of Legal Sciences' Disciplinary Commission, where she led the processes corresponding to alleged breaches of discipline incurred by teaching staff, students, and administrative staff. Likewise, during her membership of the Court of Arbitration she was in charge of the disciplinary processes of arbitrators, mediators, conciliators and amiable compositeurs.

In addition to the above, Dr. Olarte worked as an impartial and expert evaluator for the *Consejo Nacional de Acreditación* (National Accreditation Council) of the Ministry of National Education of Colombia. During the performance of her work, she had to act independently from academic institutions, take objective decisions based on facts, and act with honesty, prudence and responsibility; these aspects of her performance were explicitly underscored by the institutions she evaluated. She is also a member of the Permanent Committee of the *Escuela Javeriana de Gobierno y Ética Pública* (Javierian School of Government and Public Ethics), where her participation focuses on the development and fostering of public ethics, as well as their permanent debate, both at the national and at the international level.

Finally, in addition to the experience gained by her, Dr. Olarte has always been perceived by her peers as a person of high moral character, impartiality and integrity, as concluded by the national members of the Permanent Court of Arbitration during the selection and nomination process.

2. Qualifications required in their respective States for appointment to the highest judicial offices (article 36, paragraph 3 (a))

The candidate is in full possession of all the qualifications required for appointment to the highest judicial offices in Colombia, pursuant to the stipulations of article 232 of Colombia's Political Constitution. Said article stipulates that the incumbent must be Colombian by birth, must be a member of the legal profession, must not have been sentenced to prison and must have 15 years of highly-regarded experience as a legal professional.

Dr. Olarte Bácares is Colombian by birth and a lawyer by profession; she has not been sentenced to imprisonment, and she has performed her duties as a lawyer successfully over the course of 25 years, as is evidenced by her ample *curriculum vitae*, and thus fulfils the conditions required for appointment to the highest judicial offices in Colombia.

3. Established competence in relevant areas of international law (article 36, paragraph 3 (b) (ii))

Dr. Olarte Bácares, with her 25 years of academic and professional experience in international law, is an acknowledged expert in human rights issues, international humanitarian law, and peace building, as well as an international lawyer and a diplomat, with a proven record in international judiciary proceedings and in the negotiation of international instruments.

As for her academic experience, Dr. Olarte Bácares has a Law degree from the Pontifical Javierian University, as well as a Doctorate in Law from the University of Paris 1 Panthéon-Sorbonne, and a Master's Degree in International Law from the Robert Schuman University in Strassburg. She has also undertaken specialized studies and obtained diplomas in the areas of human rights and international humanitarian law from prestigious international academic institutions, such as The Hague Academy of International Law, the American University Washington College of Law, the European University Institute in Florence, the European Inter-University Centre for Human Rights and Democratization in Venice, and the *Instituto Interamericano de Derechos Humanos* (Inter-American Institute of Human Rights), in Costa Rica.

In the academic area, Dr. Olarte Bácares served as full professor and Department Head in the Department of Philosophy and History of Law of the School of Legal Sciences of the Pontifical Javierian University, where she taught international law, the inter-American system of human rights, the European system of human rights, international humanitarian law, international economic law, and international settlement of investments. She also served as Director of the University's Center of International Law Studies.

Dr. Olarte has taught multiple courses as visiting lecturer in the areas of international law, human rights, international humanitarian law and peace, in several national universities, among them the *Universidad del Rosario* (University of Rosario), the *Universidad de La Sabana* (La Sabana University) and the *Universidad Sergio Arboleda*, (Sergio Arboleda University), as well as, internationally, in the *Sciences Po Paris* (Paris Institute of Political Studies), the University of Bayreuth (Germany), the *Centro Universitario de Brasília* (University Center of Brasília, Brazil), and the University of British Columbia (Canada).

In addition to her extensive academic career, the candidate has experience in the training area, having taught different specialized courses in human rights, international humanitarian law and international criminal law to commissioned and non-commissioned officers, operational legal advisers and career soldiers of the National Navy, the Air Force, the National Army and the National Police. Dr. Olarte Bácares also conducted training of judges in Colombia, teaching the initial training course in human rights and international humanitarian law for magistrates and judges in the *Escuela Judicial Rodrigo Lara Bonilla* (Rodrigo Lara Bonilla Law School), in Colombia.

Furthermore, she has consulted in the areas of restorative justice and memory, as well as in human rights and international humanitarian law; in this context, she led a study for the reconstruction of the historical memory of the operative area of the Campo Rubiales petroleum field (Meta, Colombia), in order to design frameworks for the peaceful resolution of disputes identified in the context of transitional justice and of the restoration processes of the ethnic communities that were inhabitants of that territory. She also served as an expert in the *U'WA Indigenous People vs. Colombia* case before the Inter-American Court of Human Rights, where she

analyzed the right to development and to the guarantee of economic, social and cultural rights with respect to exploration and exploitation projects of the mining sector.

It should be stressed that Dr. Olarte Bácares is a founding member of the *Academia Colombiana de Derecho Internacional* (ACCOLDI, Colombian Academy of International Law) and editor of several legal publications in the area of international law, human rights, and international humanitarian law, such as the *Anuario Iberoamericano de Derecho Internacional Humanitario* and the Brazilian Journal of International Law. She has also published in areas related to human rights and international humanitarian law; for example, “*Access to remedy and the construction of collective memory. New perspectives under the realm of the Colombian transitional justice project*” and “*El derecho a la propiedad*” (The Right to Property), in the Comments to the Universal Declaration of Human Rights.

The candidate has participated as panel member in numerous round tables and conferences related with the fight against impunity for the most serious crimes, the contributions of transitional justice to international criminal law, and positive complementarity in the International Criminal Court, among others.

At present, Dr. Olarte Bácares is the Ambassador of Colombia to the Kingdom of the Netherlands; before taking on her ambassadorial duties, she had attained ample experience in international judicial proceedings, consolidated during the performance of her diplomatic and representative duties before international legal bodies with their headquarters in The Hague. The candidate has accumulated vast experience as independent expert, legal adviser and co-agent in processes within several international courts, such as the International Court of Justice, the Inter-American Court of Human Rights and the International Criminal Court.

Likewise, in her capacity as Ambassador she has represented Colombia before the International Criminal Court and has participated actively, as of 2022, in the four sessions of the Assembly of the States Parties that have been held since that time, during which she has also organized and participated in several parallel events. Her participation in the different groups and facilitations of the Hague Working Group, as well as in multiple academic and relationship events of the ICC, strengthen her commitment and experience with regard to the work of the Court.

Finally, Dr. Olarte Bácares has participated in the negotiation and adoption of several international instruments, among them the 2025 Host Country Agreement between the Permanent Court of Arbitration and Colombia, the extradition treaty between Colombia and the Netherlands, the Agreement between Colombia and the Office of the Prosecutor of the ICC within the framework of the 2024 Policy on Complementarity and Cooperation of the Office of the Prosecutor of the International Criminal Court, and the 2023 Joint Work Plan between the Ministry for Foreign Affairs of Colombia and the Office of the Prosecutor.

On the basis of all the above, the profile of Dr. Olarte Bácares reflects an established competence in relevant areas of international law, as well as proven management, leadership and negotiation skills, which she has applied in the diverse duties performed and positions held by her in different and multicultural environments.

4. Excellent knowledge of the working languages of the Court (article 36, paragraph 3 (c))

Pursuant to article 50(2) of the Rome Statute, the working languages of the Court are English and French. Dr. Olarte Bácares has a full and specialized knowledge of French, as well as an advanced knowledge of English. She has published in both languages, including her Master’s and Doctoral theses, in French. Also, in her ambassadorial capacity Dr. Olarte Bácares carries out her ordinary responsibilities in both languages.

(b) It shall be indicated whether the candidate is being nominated for inclusion in list A or in list B for the purposes of article 36, paragraph 5, of the Statute

The Government of the Republic of Colombia nominates Dr. Olarte Bácares for inclusion in list B, pursuant to the stipulations of article 36, paragraph 5, of the Statute.

(c) Information relating to article 36, paragraph 8 (a) (i) to (iii), shall be provided

This nomination would contribute to maintaining the balance between the principal legal systems of the world, insofar as it represents the system of civil law, as well as equitable geographical representation, insofar as it pertains to one of the States of Latin America and the Caribbean. Furthermore, the nomination of Dr. Olarte Bácares contributes to a fair representation of female and male judges, in accordance with article 36, paragraph 8 (a), of the Statute.

(d) It shall be indicated whether the candidate has any expertise under article 36, paragraph 8 (b), of the Statute

1. Experience in issues related with gender-based violence.

Dr. Olarte Bácares has a solid and proven background as a jurist with knowledge and experience in the area of gender-based violence. Over the course of her working life, she has participated in different interdisciplinary groups for the prevention, support and follow-up of cases of gender-based violence and discrimination. For example, the candidate participated in the drafting commission of the Pontifical Javerian University's Protocol for the prevention, support and follow-up of cases of violence and discrimination. These experiences allowed her to develop a specialized understanding and sensitivity with regard to gender-based violences, in their different manifestations and contexts, and also to identify their common structural character. Additionally, these experiences have strengthened her capacity to analyze each specific situation from the viewpoint of due-diligence standards, and to adopt approaches that are suited to the specificities of each case.

In her diplomatic activities, Dr. Olarte Bácares has consolidated this experience through active participation in multilateral and bilateral scenarios linked to international criminal justice, related to the prevention of sexual violence in armed conflicts and to the protection of populations in situations of special vulnerability. As of the implementation of Colombia's feminist foreign policy, she has both led and participated in conferences, round tables, and international campaigns intended to add visibility and raise awareness of violence against women and girls, and to fight it. Specifically, she has referred to femicide as the expression of structural violence against women, and to the related role of States in the response to this phenomenon, in accordance with international standards on the matter. Throughout her professional life, Dr. Olarte Bácares has incorporated into her work cross-cutting approaches that recognize the distinct concerns that apply to particularly vulnerable populations, such as indigenous women, communities of African descent and LGBTIQ+ persons.

Furthermore, the candidate has integrated into her work an approach that acknowledges the differentiated impact of climate change on women and girls. In this regard, during her statement to the International Court of Justice on the obligations faced by States in the area of climate change, Dr. Olarte Bácares pointed out that the adverse effects of climate change do not follow a neutral pattern. On the contrary, they interact with patterns of structural discrimination that increase the disproportionate vulnerability of women and girls to climate change. In this context, on the basis of international evidence and of the Colombian case, Dr. Olarte Bácares has proven her capacity to approach complex phenomena from an integral human-rights perspective, incorporating criteria such as due diligence, climatic justice, and gender equality.

In particular, the candidate has analyzed in depth the fundamental role of women as leading agents in peace processes, acknowledging their contribution as leaders, builders of social tissue, and agents of institutional transformation. In this framework, she has divulged on an international level the Colombian experience in the area of restorative justice, especially in peace processes, which incorporates a gender perspective that is globally acknowledged.

Consistent with this trajectory is her participation as speaker and lecturer in several academic spaces, among them the following: *"Building a Feminist Foreign Policy in Colombia: challenges and opportunities"*, in the Symposium & Workshop *Experience and Voice: Library of Colombian Women Writers*, organized by Leiden University (May 2024); *"The Next Step: Shaping the Future of Inclusion: Advancing Gender Equity and Inclusion in a Shifting Political Climate"*, as keynote speaker in the Rise & Lead Summit & Awards 2025 (The Hague, September 2025); *"Lessons learned from women activists in Colombia's peacebuilding process"*, in the *Women & Peace Conference: In the footsteps of Bertha von Suttner*, organized by the Alliance Française (The

Hague, December 2025); and “*Rethinking State Action: Colombia’s Feminist Foreign Policy, structural violence, and new masculinities*”, in the framework of the launching of the book *Taking Lives: Narratives of Latin American Femicide Perpetrators*, at Leiden University (October 2025).

2. Human Rights and Businesses

In addition to her experience with gender violence-related issues, the candidate is a renowned expert in the area of businesses and human rights. Indeed, further to her ample academic production on the matter, her teaching and consulting activities reflect particular expertise in the individual responsibility of corporate actors. This dimension would be an adequate complement to the International Criminal Court’s activity and perspectives, for example, as regards the consideration of alleged crimes related to environmental damages or cybercrimes contemplated in the Rome Statute that involve corporate actors. The expert knowledge that Dr. Olarte Bácares can contribute with regard to these issues is crucial, and would contribute significantly to the work of the Court.

(e) Where a candidate is a national of two or more States, indicate under which nationality the candidate is being nominated for the purposes of article 36, paragraph 7, of the Statute

The candidate is a national of two States, Colombia and Italy. For the purposes of this nomination and of article 36, paragraph 7, of the Statute, the candidate is being nominated under her Colombian nationality.

(f) Indicate whether the nomination is made under article 36, paragraph 4 (a) (i) or paragraph 4 (a) (ii), and specify in the necessary detail the elements of the procedure leading to the nomination

The Republic of Colombia submits the nomination of Dr. Olarte Bácares in strict compliance of the national procedure established for the nomination of judges to the International Criminal Court. This procedure is carried out pursuant to article 36, paragraph 4 (a) (ii), of the Rome Statute, by means of a thorough selection process carried out by the National Group of Colombia to the Permanent Court of Arbitration.

The National Group, chaired by Guillermo Fernández de Soto (former Minister of Foreign Affairs, permanent Representative of Colombia to the United Nations, Ambassador to the Kingdom of the Netherlands, Secretary-General of the Andean Community and Director for Europe of the Latin American Development Bank - ADF), received several nominations throughout 2025, which it analyzed in detail, concluding that, on the basis of her training, experience and outstanding professional record, Dr. Olarte Bácares’s profile fulfilled all the requirements of the post. For the sake of transparency and impartiality, the candidate did not participate in any phase of the evaluation and nomination process.

The Ministry of Foreign Affairs was advised of the procedure and of the nomination by means of a reasoned written communication, which it reviewed, certifying that the candidate fulfilled each of the requisites established in article 36, paragraph 3 (a), (b) (ii) and (c) of the Statute. Consequently, the nomination was formally approved and submitted by the National Government, pursuant to the stipulations of resolution ICC-ASP/3/Res.6.

(g) Acknowledgement of information provided under sub-paragraph (a) by a senior member of the national-level judiciary or the authority of the Nominating State overseeing the nominations process

The Ministry of Foreign Affairs, in its capacity as the State authority of Colombia responsible for overseeing the nomination process for the election of judges of the International Criminal Court, confirms that Dr. Olarte Bácares fulfils each of the requirements in article 36, paragraph 3 (a), (b) and (c), of the Rome Statute.

(h) Indicate the commitment of the candidate to be available to take up full-time service when the Court’s workload so requires

The Ministry of Foreign Affairs indicates the commitment of the candidate to take up full-time service when the Court’s workload so requires.
