

## **MONAGENG, SANJI MMASENONO (Republic of Botswana)**

[Original: English]

### **Statement of qualifications**

The Government of the Republic of Botswana has the honour to nominate Judge Sanji Mmasenono Monageng for election as a member of the Advisory Committee on Nominations of Judges of the International Criminal Court (ICC).

Judge Monageng fully meets the requirements established in the Terms of Reference of the Advisory Committee on Nominations of Judges of the International Criminal Court as originally adopted by the Assembly of States Parties via Resolution ICC-ASP/10/Res.5, para 19, and subsequently amended by resolutions ICC-ASP/13/Res.5, annex III, and ICC-ASP/18/Res.4, annex II. She has established competence and experience in criminal and international law.

Since 2019, Judge Monageng serves as a Judge of the Southern African Development Community Administrative Tribunal (SADCAT). She was appointed the Vice President of the Tribunal in 2020. The Tribunal is based in Gaborone, Botswana and applies international administrative law and standards. She was appointed to this position after she retired from the ICC.

Before her appointment to the ICC, Judge Monageng served as a Judge of the High Court in the Kingdom of eSwatini (then Swaziland), and The Republic of The Gambia, and also as a Magistrate in the Courts of the Republic of Botswana.

Judge Monageng is experienced in both criminal law and procedure having served as a Magistrate, a High Court Judge and a Judge of the ICC for over 20 years. Judge Monageng has served the African Union as a Commissioner of the African Commission on Human and Peoples' Rights (a quasi-judicial organ) from 2003 to 2009. The Commission is the premier body that is mandated to promote and protect human and people's rights on the African continent. This has resulted in her being competent in international human rights and humanitarian law. Judge Monageng also served as the Chairperson of the Commission from 2007 to 2009 when she joined the ICC.

Over the years, she has acquired expertise in a variety of areas of the law, including Sexual Violence Crimes and other crimes against women and children, torture, crimes against humanity, war crimes, genocide and the crime of aggression among others.

Judge Monageng is competent in issues of reparations, victims and witness protection. She has presided over many cases in the International Criminal Court both at Pre-Trial and the Appeals Division and was the Presiding Judge in the ICC final merit case (The Ngudjolo Chui case). She has also sat on the Bemba, Bemba et al, Lubanga final merit appeal cases. Judge Monageng has sat in the final merit reparation cases in the Lubanga, Katanga and Al Mahdi. Essentially, she has participated in over 492 orders, decisions and judgements of the ICC, which makes her the only ICC Judge who has participated in all cases that were registered during her tenure of office.

From March 2012 to March 2015, Judge Monageng served the ICC as its First Vice President, a position which strengthened her knowledge of the functions and operations of the Court. In this capacity, she was also the Chairperson of the Lessons Learnt Working Group of the Court.

Judge Monageng also served as a member of a Committee which reviewed regulations pertaining to the Office of the Public Counsel for Defence (OPCD) and the Office of the Public Counsel for Victims (OPCV). The Committee assessed these regulations and made recommendations which were adopted by the Assembly of States Parties to strengthen the mandates of the OPCD and the OPCV.

Judge Monageng remains a member of regional and international organizations that deal with human rights and international law, the rule of law and criminal law, such as the International Commission of Jurists, the International Commission of Missing Persons and the International Association of Women Judges.

### **Training**

Judge Monageng was a member of a group of international personalities who have been training East African judges on international crimes since 2009, under the auspices of the Institute for Security Studies, in Pretoria, Republic of South Africa, and the International Commission of Jurists in Geneva, Switzerland.

Judge Monageng and the International Association of Women Judges (IAWJ) through the IAWJ's Global Leadership of Women programme, have trained female judges on a number of issues including international law, human rights law and handling of sextortion cases.

Judge Monageng has, over the years, presented papers on various subjects including international criminal law to a variety of fora. She has also played an active role in the discourse on State cooperation by attending seminars, delivering papers and participating in many diplomatic activities while representing the ICC.

### **Professional work**

**2019 to date: Judge, Southern African Development Community Administrative Tribunal (SADCAT) – Gaborone Botswana**

**2020 to date: Vice President (SADCAT)**

2009 to 2018: Judge of the ICC

2012 to 2018: Judge of the Appeals Division – ICC

2014 to 2015: President of the Appeals Division – ICC

2009 to 2012: Judge of the Pre-Trial Division – ICC

2008 to 2008: Expert Judge of the High Court Kingdom of Swaziland under the auspices of the Commonwealth Secretariat

2006 to 2007: Expert Judge of the High Court, The Republic of the Gambia under the auspices of the Commonwealth Secretariat

2003 to 2009: Commissioner, African Commission on Human and People's Rights

2007 to 2009: Chairperson, African Commission on Human and People's Rights

1997 to 2005: Founder Chief Executive Officer, Law Society of Botswana

1987 to 1997: Magistrate in various Magisterial Districts in Botswana

### **Secondments**

January to March 2005: Seconded to the Law Society of England and Wales, London, United Kingdom

September 2005: One-week Residency and Lectureship at the Brandies University, Boston, United States of America in conjunction with the conference "Telling the Story: Power and Responsibility in Documenting Human Rights Violations"

February to March 1998: Seconded to the Law Society of Zimbabwe, Harare, Zimbabwe

March to May 1994: Seconded by the Botswana Government to the United Nations Observer Mission to South Africa in Johannesburg, as Deputy Chief Litigation Officer.

### **Awards**

- The 2014 Human Rights Award by the International Association of Women Judges, Washington, U.S.A. for an exemplary judicial career, commitment to the protection and promotion of human rights, women and children's rights and distinguished service for national and international human rights institutions.
- Year 2013 – The Presidential Order of Honour, awarded by the President of the Republic of Botswana, for outstanding service to the Republic of Botswana.
- Year 2012 – Human Rights Award, African Human Rights Consortium, Gaborone, Republic of Botswana.

### **Memberships**

- International Association of Women Judges, Washington, U.S.A. and the Botswana Chapter
- Commissioner - International Commission of Jurists, Geneva, Switzerland.
- Commissioner - International Commission of Missing Persons, The Hague, Netherlands.
- Southern African Litigation Centre – Johannesburg, South Africa
- Chartered Institute of Arbitrators, London, United Kingdom (Fellow).

## **Education**

- 2015 to 2016: Diploma in International Commercial Arbitration, Chartered Institute of Arbitrators, London, United Kingdom (Fellow)
- June to July 2007: International Criminal Law Course, Grotius Centre for International Law Studies, Leiden University, The Hague, Netherlands
- June 1996: Court Administration Course, RIPA International, London, United Kingdom
- 1982 to 1987: Bachelor of Laws, University of Botswana, Gaborone, Republic of Botswana

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