

Statement of qualifications

This statement is submitted in accordance with the provisions of article 36, paragraph 4(a), of the Rome Statute of the International Criminal Court and paragraph 6 of resolution ICC-ASP/3/Res.6.

The Government of the Republic of Colombia hereby nominates Mr. Eduardo Cifuentes, former President of the Constitutional Court, Constitutional Court Justice and Ombudsperson of Colombia, as a candidate to Judge of the International Criminal Court, under List A. The Government considers Mr. Cifuentes to be a candidate of exceptional qualities that join together a brilliant career and the highest moral and humanitarian values.

This nomination is in accordance with the terms of article 36, paragraph 4 (a) (ii), of the Rome Statute of the International Criminal Court.

Mr. Eduardo Cifuentes is both a Colombian and Italian national. However, he is presenting his candidature as a Colombian, and therefore has the support of the Government of Colombia.

In his longstanding academic and professional career, Eduardo Cifuentes has demonstrated a wide and deep knowledge of criminal law and criminal procedure, as well as an outstanding expertise in international human rights law. After several years as professor at Los Andes University in Colombia, he was appointed as Justice at the Colombian Constitutional Court, where he became its Chief Justice in 1999.

The high tribunal's rulings have a well known importance in Colombia and also in Latin America. The Court has been recognized as one of the most innovative and progressive Tribunals of the last two decades. The decisions regarding criminal law adopted by the Constitutional Court have had great influence on the configuration and application of the criminal process in Colombia. They were also decisive for the integration of the international legal framework on due process, international crimes, and international human rights standards, into Colombia criminal law.

Eduardo Cifuentes was the Reporting Judge of highly appreciated and relevant decisions of the Constitutional Court in criminal law, such as those referring to the limitation of the State exceptional powers; the boundary-setting of the Military Tribunals and Military criminal Justice; the ambit of the duty to comply to superior commands whenever it affects the protection of international human rights; the enhancement of the constitutional right of due process within criminal trials and investigations, among others.

The candidate was also the Reporting Judge of relevant rulings on the concept of "Bloque de Constitucionalidad"¹, which have widened the scope of legal protection. According to these rulings, international treaties on Human Rights and International Humanitarian Law ratified by Colombia prevail in the national legal framework and, therefore, become criteria for Judicial Review.

Shortly after this, Eduardo Cifuentes was appointed as a member of the Constitutional Commission in charge of the Reform of the Colombian Criminal Process, and the introduction therein of the adversarial criminal system, and also the reinforcement of the due process guarantees.

In 2000 Eduardo Cifuentes was elected by the Colombian Congress as Ombudsperson, which is one of the most important public officers in charge of human rights protection as well as the Chief Officer for public criminal defence.

¹ A set of rules and principles regarding Human Rights Law and International Humanitarian Law that have Constitutional hierarchy under the Colombian legal system.

His first public act as Colombian Ombudsperson was to propose and promote a Constitutional amendment in order to facilitate the ratification of the Rome Statute.

During his time in office, Eduardo Cifuentes concentrated his efforts on the improvement of the public defence system and the redirection of the criminal process strategies in order to reinforce procedural guarantees and the effective protection of the parties in criminal trials, especially the victims. He also took an active role in the protection of the human rights of historically discriminated groups such as women and indigenous peoples.

As Ombudsperson, Eduardo Cifuentes promoted a bill for the protection of Habeas Corpus. His work was also vital for the creation of effective mechanisms for searching and preventing forced disappearances. Within a series of actions directed towards the protection of human rights of the victims of the Colombian conflict, Eduardo Cifuentes issued an important number of “Humanitarian Resolutions” where he denounced grave violations of international humanitarian law. Through these resolutions, his office not only prevented the commission of crimes against humanity but also gave an essential support for the victims of the conflict, who saw in his office a useful and effective organ of protection and promotion of human rights.

In recent years, Eduardo Cifuentes has been appointed by the plenary of Constitutional Court as associate judge (conjuetz) of the Court. This appointment demonstrates the high regard for his moral and ethical integrity and the objectivity that has led all his decisions while holding public offices.

Eduardo Cifuentes is also an expert in human rights and International humanitarian law. As Justice in the Constitutional Court and also as Ombudsperson, he was the author of important decisions that have helped to place the Colombian Constitutional Court at the leading edge of the Constitutional Tribunals. Among his emblematic decisions it is possible to find those regarding the “mínimo vital” (vital minimum) which has turned into the fundamental basis for the social, economic and cultural rights, as well as for the concept of the “unconstitutional state of things”, which became essential for the protection of the displaced victims.

The important results he achieved as Chief Justice as well as Ombudsperson, brought to the appointment of Eduardo Cifuentes as Director of the Human Rights Division at United Nations Educational, Scientific and Cultural Organization (UNESCO) Headquarters, Paris, where he continued promoting the defence of social, economic and cultural rights of minorities and also engaged in the fight against human discrimination. The candidate is fluent in oral and written Spanish (native), English, and Italian, and has a good level of French.

In 2005 Eduardo Cifuentes was appointed Dean of Los Andes School of Law, which is one of the best and most important schools of law in Latin America. During his 6 years as Dean, he promoted academic research and debate on several subjects, especially on International Humanitarian Law and Human Rights. Several publications of Los Andes Law school demonstrate the influence and the active participation of Eduardo Cifuentes in the defence of displaced victims, Afro-descendant communities, and in general every minority affected by violence.

In 2011, after six years as Dean of the Law School, Eduardo Cifuentes decided to become associate professor at Los Andes Law school, where he has led a team of researchers that, at the request of the Central Government, has rendered a complete plan of regulation to guarantee and recognize the rights of the victims of human rights violations belonging to indigenous and afro-descendant communities.

The nomination of Eduardo Cifuentes expresses not only the true belief of the Government of Colombia on the need to present a candidate with high moral standards and ethical values. It also represents the Government's commitment to the protection of Human Rights. Eduardo Cifuentes also symbolizes the essential affirmative action in the defence of the rights of victims that started with the adoption of the Colombian Constitution of 1991.

The candidature of Eduardo Cifuentes underscores the commitment of the Colombian people to the empire of Justice as the only secured way to live in peace, as it was stated at the Review Conference of the Rome Statute that took place in Kampala, Uganda, on June, 2010.

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