

Statement of qualifications

Statement submitted pursuant to article 36 (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 at the International Criminal Court (ICC-ASP/3/Res.6).

The Government of the Democratic Republic of the Congo has decided to nominate His Excellency Dr. Antoine Kesia-Mbe Mindua, who is currently a judge at the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, for a post of judge at the International Criminal Court with a view to the elections which will take place during the tenth session of the Assembly of States Parties to be held in New York from 12 to 21 December 2011 (article 36 (4) (a) (i)).

Judge Mindua is a person of high moral character, impartiality and integrity who possesses the qualifications required in the Democratic Republic of the Congo for appointment to the highest judicial offices.

Although he meets the conditions required to be included in lists A and B, Judge Mindua is nominated for inclusion in List A, which contains the names of candidates with “established competence in criminal law and procedure, and the necessary relevant experience, whether as a judge, prosecutor, advocate or in other similar capacity, in criminal proceedings” (article 36 (3) (b) (i) and article 36 (5) of the Rome Statute).

As stated in his curriculum vitae, which is appended hereto, in addition to his internationally recognized law studies and academic qualifications, Judge Mindua has experience of both national and international criminal proceedings (article 36 (3) (b) (i)).

Judge Mindua is amongst the most distinguished legal experts of the Democratic Republic of the Congo and a qualified jurist in the civil law system. He has dedicated himself to criminal law and procedure for many years.

Thus, he has a Master’s degree in Private and Criminal Law, which involves a very thorough study of criminal law and procedure. Moreover, he still continues to carry out research and to be published in this area. In addition to Public International Law, he is a professor and lectures on International Criminal Law at the Geneva School of Diplomacy and International Relations of the University Institute in Geneva.

Judge Mindua had ample time to extend his knowledge of military law and procedure in practice whilst he was a trainee Military Magistrate at the Court-Martial of the Garrison of Kinshasa-Gombe in the Democratic Republic of the Congo.

Judge Mindua has demonstrated experience in criminal law and procedure at the international level. For close to five years he was a legal officer in the Chambers and in the Registry of the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. His work at the ICTY in The Hague for just over five years in complicated trials clearly shows that Judge Mindua is a great practitioner in the area of international criminal trials on a variety of crimes.

Judge Mindua also has expertise on the issue of violence against women and children (article 36 (8) (b)). Having worked extensively on the crimes committed in Rwanda and in the former Yugoslavia, he has judicial experience of those issues. He also has particular and recognized knowledge of this type of violence owing to, inter alia, his mandate as Vice-Chairman of the Executive Committee of the United Nations High Commissioner for Refugees in Geneva in 2005 and 2006. And in his capacity as Permanent Representative of

the Democratic Republic of the Congo and Head of the governmental delegation to the United Nations Human Rights Commission/Council in Geneva, Ambassador Mindua has initiated and/or keenly supported a large number of resolutions condemning violence against children (abductions, forced labour, rape, enlisting in armed forces, etc.).

Judge Mindua is a fervent advocate of the rule of law and of safeguarding human rights.

It should also be noted that Judge Mindua has established competence and broad experience of international law, international humanitarian law and the law of human rights (article 36 (5)). He has a doctorate in law and is an expert in above areas. He has lectured in these subjects at universities in the Democratic Republic of the Congo, in Switzerland and in France.

Judge Mindua is a highly qualified and distinguished diplomat who, during his mandate as Ambassador Extraordinary and Plenipotentiary and Permanent Representative of his country to the United Nations in Geneva has, on many occasions, been the head of his governmental delegation to the United Nations Human Rights Commission/Council, thereby initiating and defending several important resolutions considered as true advancements for human rights.

In sum, Judge Mindua has “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” (article 36 (3) (b) (ii)).

Judge Mindua holds many titles and academic distinctions.

In addition to other languages, Judge Mindua is fluent in French and English, the two working languages of the Court.

Judge Mindua, a male, is a national of the Democratic Republic of the Congo (Group of African States) and does not possess the nationality of any other State.

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