

Ariela Peralta Distéfano (Uruguay)

[original: Spanish]

Statement of qualifications

The Government of the Eastern Republic of Uruguay presents, for the consideration of the States Parties to the Rome Statute of the International Criminal Court, the candidacy of Dr. Ariela Peralta Distéfano, for the election as a judge of the International Criminal Court for the period 2021-2030. The elections will take place during the nineteenth session of the Assembly of States Parties, scheduled to be held in New York, from December 7 to 17, 2020. The following declaration is made in accordance with article 36, paragraph 4 (a) of the Rome Statute of the International Criminal Court and resolution of the Assembly of States Parties ICC-ASP/3/Res.6 and its annexes, as well as resolution ICC-ASP/18/Res.4 on nomination and election of ICC judges.

Dr. Ariela Peralta meets the requirements of article 36, paragraph 3 (a), (b), and (c) of the Rome Statute. Ms. Peralta is nominated for inclusion in List B, pursuant to article 36 paragraph 3 (b), (ii), and article 36, paragraph 5.*

Dr. Peralta is well regarded as a person of the highest moral consideration, impartiality and integrity, a lawyer, who meets the conditions required for the exercise of the highest judicial functions and who is fluent in the English language. All this is demonstrated by her vast experience as a lawyer specialized in international humanitarian law and the law of human rights, and her professional commitment with the principles and objectives of the Rome Statute, shown at the national, Inter-American and international levels.

She is currently the Executive Secretary of the Institute of Public Policies on Human Rights (IPPDH) of the MERCOSUR; position approved by the States Parties to the MECOSUR: Argentina, Brazil, Paraguay and Uruguay.

In her 33 years of professional experience as a lawyer, Dr. Peralta held positions that define her as an extremely suitable candidate. She was a litigator of complex cases at the domestic (criminal) and international (Inter-American) levels. She also directed institutions aimed at the strengthening of mechanisms of human rights protection at the Western Hemisphere.

Her performance as a domestic litigator in the criminal area deserves to be highlighted, when - in the first years of her professional life - she led the departments of civil and political rights of organizations dedicated to the representation of victims of violations of human rights, in a difficult period for the country, during the democratic transition in Uruguay.

Dr. Ariela Peralta later became the Deputy Director of the non-governmental organization, Center for Justice and International Law (CEJIL), based in Washington D.C.; the most well-known organization leader in strategic litigation of human rights cases before the Inter-American Commission and the Inter-American Court of Human Rights (IACHR). In that capacity, she litigated highly complex emblematic cases, which involved a deep knowledge of international human rights law, humanitarian law and criminal law of the countries of North America, Latin America and the Caribbean. These cases contributed to “avant-garde” jurisprudence of the Inter-American Court of Human Rights, regarding massacres, extrajudicial executions, political rights, military jurisdiction, impunity, enforced disappearances, the right to a life free of gender violence, the rights of children and adolescents; all relevant issues to reverse situations of structural violence in the Western Hemisphere. Of particular relevance -as an example- is the *Gelman vs. Uruguay* case and the judgment of February 2010. The Court held, with respect to reparations, that the State of Uruguay, among other things, should carry out a public act of acknowledgment of responsibility to the victims Juan and Macarena Gelman. The public act was conducted by the former President, José Mujica, and it took place at the Congress. The judgment issued by the Court led to the overturning of the so-called “Impunity Law” (Expiration) and the subsequent enactment of Law 18.831 (2011), which restored the full exercise of criminal prosecution for crimes committed as State terrorism, during a dictatorship until the 1st of March 1985.

* Shall “(ii) Have 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;”

As Director and later President of the Uruguayan National Human Rights Institution and Ombudsperson Office (NHRI), during the first institutional mandate, Mrs. Ariela Peralta played a key role in shaping the institutional structure and designing and implementing the strategic plan for the first five years. While she was directing the Institution, she personally addressed complaints of human rights violations, documented the cases, issued informed recommendations and did the follow-up of compliance by the different State agencies. In addition, she wrote extensive legal reports on the harmonization of domestic legislation in accordance with the international human rights obligations applicable to Uruguay, and issued comprehensive reports to the human rights treaty bodies and to the special procedures of the United Nations Human Rights Council, as well as presented the annual report on the human rights situation before the national Congress. The NHRI in Uruguay also functions as the National Preventive Mechanism of Torture (NPM, according to the UN/ OPCAT), supervising the conditions of deprivation of liberty.

Mrs. Peralta has also worked as a parliamentary consultant on issues of human rights and legislative harmonization, and as a consultant for Foundations and International Organizations (intergovernmental, such as the OAS based in Washington D.C., and non-governmental organizations, such as the Association for the Prevention of Torture -APT- based in Geneva or CEJIL based in Washington D.C.), having been a consultant for the Inter-American Commission on Human Rights' strategic plans. In addition, she was designated member of "The Mandela Dialogues – Dialoguing Memory Work", of the Nelson Mandela Foundation Centre of Memory, and a designated member of the Latin American Network on Prevention of Genocide and Mass Atrocities of the Auschwitz Institute for Peace and Reconciliation, among others.

In recent years, Mrs. Peralta has been a consultant to the Organization of American States (OAS) on matters related to the International Criminal Court. Likewise, she has worked as an academic at the prestigious Latin American Faculty of Social Sciences (FLACSO).

Her specialized academic training, experience and committed service show her vast competence in the practical application of international human rights law and international humanitarian law to complex situations, such as those addressed by the International Criminal Court. In particular, her role as litigator and Ombudsperson show her outstanding experience in criminal proceedings under different legal systems in the Western Hemisphere. Mrs. Ariela Peralta represented victims of violence in times of war and peace, representing, among others, women who have suffered forced sterilization, rape and other forms of sexual violence, torture, kidnapping of children born in captivity during regimes of oppression and civil wars, displaced persons, children and adolescents arbitrarily detained, victims of domestic violence and other forms of violence.

She has an extensive and well-known experience at the head of national and regional institutions, an established competence to address complex scenarios in diverse cultures, as well as vast experience at the head of collegiate bodies. In her leadership positions in State and non-governmental, national and regional institutions, she was able to build the necessary bridges of communication between States, civil society, victims and other key actors, demonstrating sensitivity and commitment with human rights and, at the same time, the necessary balance or weighting skills in a constructive dialogue with State's authorities.

Nominated as a candidate for the election as a judge of the ICC, Mrs. Ariela Peralta not only has the support of the Executive Power of Uruguay, but also the Legislative Power and civil society human rights organizations. This, by virtue of the national nomination system, established by the Cooperation Law with the International Criminal Court (No. 18.026), where different actors can nominate candidates, having to be endorsed by the legislative General Assembly, for the formalization of the candidacy through diplomatic channels. It is noteworthy that the current Administration, which took office on March 1, 2020, and the new legislature, which took office on February 15, 2020, endorsed the nomination of Dr. Peralta, backed by civil society, based on the endorsement given in 2017. At that time, Mrs. Peralta was nominated by the then Government of Uruguay, receiving unanimity of support from the entire political spectrum, at a session of the General Assembly on March 14, 2017^{**}. It is important to highlight that prior to this, in 2012, Dr. Peralta had received the support, by the required special majorities, in the General Assembly of the Uruguayan Parliament, when she was elected member of the first Directing Council of the National Human Rights Institution and Ombudsperson Office (collective "ombudsperson" of Uruguay, NHRI); which she later presided until 2017.

Based on the importance of this position, the Uruguayan Law of Cooperation with the International Criminal Court (Law Nr. 18.026 - articles 73 to 75-) establishes that to be nominated as a candidate for judge or

^{**} <https://parlamento.gub.uy/noticias/veventos/noticias/node/86870>
<https://parlamento.gub.uy/noticias/veventos/noticias/node/86871>

Prosecutor of the ICC, the candidate must comply with the same requirements as to be appointed judge of the Supreme Court of Justice (highest judicial offices), as well as being endorsed by the General Assembly (Senate and House of Representatives). On March 14, 2017, she was unanimously voted by the legislators present at the General Assembly session of the Uruguayan Congress (one hundred and four members of the Senate and House of Representatives; parliamentarians from different political parties).

Her competence was already assessed independently in 2017, by the Advisory Committee on Nominations of Judges, which concluded that Ms. Peralta was particularly well qualified for appointment as judge of the International Criminal Court. The Committee noted that Mrs. Peralta had exceptional expertise and established competence in international law, including international humanitarian law and the law of human rights; as stated in the Report of the Advisory Committee on Nominations of Judges of the International Criminal Court (document ICC-ASP/16/7).

Dr. Peralta is a native Spanish speaker and has excellent knowledge of the English language, being fluent in reading, speaking and writing; an issue that was also favorably noted in the Report of the Advisory Committee on Nominations of Judges of the International Criminal Court, after being interviewed, according to document ICC-ASP/16/7.

Dr. Peralta is of Uruguayan nationality and she is presented under that nationality. She also has Italian citizenship. The candidate is nominated for inclusion in List B, pursuant to article 36, paragraph 5, of the Rome Statute, and commits to be available to take up full time service when the Court's workload so requires.

Her nomination also addresses the need for an equitable geographical representation, in this case of GRULAC (there are two vacancies available; since of the total of 18 judges, only one judge will continue to serve in 2021 for this region and for List A).

Moreover, her nomination contributes to the representation of the principal legal systems of the world, since she was educated and litigated criminal cases as an attorney under the continental legal system; however, she studied and worked extensively in countries that apply the common law legal system.

The nomination of a competent woman is consistent with the commitment of promoting a gender balance of the Court.

Uruguay believes that the qualifications of Dr. Ariela Peralta will contribute to the advancement of the principles and values of the Rome Statute.

Thus, the Oriental Republic of Uruguay, with conviction and responsibility, presents the candidacy of Dr. Ariela Peralta, as a Uruguayan citizen with the knowledge, experience and commitment needed to assume the responsibilities of judge of the International Criminal Court.
