

**Sixty-eighth session**

Agenda item 129

**International Tribunal for the Prosecution of Persons
Responsible for Serious Violations of International
Humanitarian Law Committed in the Territory of the Former
Yugoslavia since 1991****Election of one judge of the International Tribunal for the
Prosecution of Persons Responsible for Serious Violations of
International Humanitarian Law Committed in the
Territory of the Former Yugoslavia since 1991:
curricula vitae of candidates nominated by States Members
of the United Nations and by non-member States
maintaining permanent observer missions at
United Nations Headquarters****Note by the Secretary-General**

1. The Secretary-General has the honour to submit to the General Assembly the curricula vitae of the candidates nominated by States Members of the United Nations for the election of one permanent judge of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1 January 1991 (see annex). The names of the candidates nominated for the election and the voting procedures to be followed in the Assembly are set out in a memorandum by the Secretary-General ([A/68/539](#)).

2. The names and nationalities of the candidates are as follows:

Koffi Kumelio A. Afande (Togo)

Thaer S. A. Al Adwan (Jordan)

Ahmad Beygi Habib Abadi (Islamic Republic of Iran)

Thomas Desch (Austria)

Pavel Gontšarov (Estonia)

Gabrielle McIntyre (Australia) — nominated by Saint Vincent and the
Grenadines



Annex

Curricula vitae*

Koffi Kumelio A. Afande (Togo)

[Original: French]

Jurist (international criminal justice, comparative and international criminal law, international human rights law, international humanitarian law, criminology and the rule of law); diplomat (international cooperation); administrator of judicial chambers and procedure (Trial Chamber and Appeals Chamber); human resources administrator (budget execution)

Professional career

Jurist, with 21 years of professional experience; highly competent in judicial practice and the analysis of complex legal issues with international implications; skilled in project management, human resources and budgets; expert in administration and systems analysis; believer in renewing policies and ideas, very good at motivating groups and teams, experienced in creating socio-professional networks and in communicating and applying interpersonal skills in an international, multicultural and gender-diverse environment.

Skills, expertise and achievements

Experience in international (and internationalized) criminal justice, national criminal justice and judicial practice

- Participation in the judging of national and international criminal cases: I have presided over hearings, analysed the testimony and written submissions of the parties, reviewed factual and legal findings of the Chambers, drafted decisions and orders, and provided legal opinions on critical issues for trials.
- Drafting of written submissions: I have written and filed applications and petitions for submission to the Chambers.
- Administration of trials and Chambers: I have coordinated legal proceedings at first instance and on appeal, preserved evidence and exhibits, overseen the maintenance of electronic and paper court records, participated in confirmation hearings regarding indictments and initial appearances, opened mediation proceedings between parties, and ensured the transfer of detainees for appearance in court.
- Implementation of decisions and orders of the Chambers: I have successfully executed several arrest warrants and executed orders for the transfer of accused persons and suspects, orders for the enforcement of sentences, transfer and witness protection decisions, etc.

* Curricula vitae are issued without formal editing.

- Participation in the drafting of legal provisions: I have drafted proposed amendments to the statutes, the rules of procedure and evidence, and the guidelines for the registry of the ad hoc tribunals and contributed to the drafting of the Rome Statute of the International Criminal Court (ICC).

Experience in legal research and legal advice

- Legal research and analysis: I have helped to solve complex problems with international implications with regard to human rights, international criminal justice, etc.
- Provision of legal advice: I have drafted consultancy reports for judges, lawyers and national and international prosecutors, Governments, non-governmental organizations, etc. on comparative and international criminal law and criminal procedure, international human rights law, international humanitarian law, international refugee law, etc.
- Provision of opinions on legal practice: I have provided expert advice to international tribunals, including ICC, and national courts on the experience and legal practice of the ad hoc tribunals.
- Provision of opinions on juridical pluralism: I have worked extensively on and advised on conflicts of norms, on unconstitutional regime changes, on the management of the diversity in the regulations governing constitutional reforms, on the development of international human rights law, etc.

Experience in the rule of law and the pre-eminence of law and democracy

- Contribution to capacity-building: I have trained judges, lawyers and other law enforcement officials in several countries in the implementation of international legal instruments in national legal and judicial systems and participated in the drafting of a manual on the prohibition of torture for their use.
- Participation in legal reforms: I have drafted and edited bills for legislative bodies, and have contributed to ordinary justice reforms and the establishment of transitional justice mechanisms.
- Advocacy for human rights: I have sat on international panels on the promotion and protection of human rights, and have advised individuals and institutions on complaints for submission to the human rights treaty bodies and national human rights bodies on illegal or arbitrary detention, the prohibition of torture, due process, etc.

Experience in diplomacy and international relations

- Participation in international negotiations: As an expert or head of delegation, I have facilitated agreement on decisions or consensus conducive to the adoption of resolutions, declarations, memorandums of understanding, etc.
- Participation in high-level discussions: I have contributed to solutions at meetings of Heads of State and Government, ministers, ambassadors and senior representatives of international institutions.

- Coordination of legal and judicial cooperation: I have successfully negotiated cooperation for the execution of arrest warrants, the transfer of accused persons and evidence, the enforcement of sentences, etc.

Academic experience (national and international (or internationalized) criminal justice, human rights, law, criminology)

- Promotion of international criminal justice: I have participated in programmes to improve awareness of such matters through courses and seminars at universities and research institutes, conferences, etc.
- Lecture courses: I have given courses and lectures, and have made presentations at seminars and workshops comparing theory and practice in problems of analysis and solutions.
- Participation in the evaluation of academic work: I have sat on examination boards, supervised and directed research work, and evaluated master's theses, doctoral dissertations, etc.
- Leadership of research departments: Under my leadership, various bodies have completed theoretical and empirical research projects aimed at comparing concepts and practice and have managed to correct standard opinions on issues such as the role of criminal law in dealing with State crimes.
- Publications: I have published on various current and controversial issues, treating them in an original manner that confronts dogmatic thinking with reality, for which I have won international academic prizes.

Experience in communication and interpersonal relations in multicultural gender-diverse environments

- Promotion of respect for diversity: I have created high-level networks based on cultural and gender balance and dealing with academic, political and juridical matters, etc., and promoted projects and international cooperation aimed at reaching mutual agreements or out-of-court settlements between parties to a litigation.
- Editing and revision of texts by others: I have been able to ensure that publications, legal opinions, courses, reports, and consultancy work done by others are understandable to the intended recipients and readers.
- Advocacy for respect for diversity: I have organized and led workshops, conferences, seminars, round tables, etc. on diversity and intercultural dialogue.

Experience in staff and performance supervision based on results and staff well-being

- Human resources planning and results-based budgeting: I have developed methods for accelerating recruitment and promoting the execution of tasks at lower cost and in a timely manner.
- Performance management and coaching: I have promoted a policy based on the delegation of functions and have successfully resolved problems involving the performance of staff and employees.

- Solution of complex problems in performance management: I have won the confidence of my supervisors, who assigned me higher-level responsibilities for managing performance.

Experience in administration through systemic improvements and the anticipation of structural dysfunctionalities

- Coordination of the work of bodies, often with sizeable staff: I have succeeded, in record time, in identifying structural bottlenecks, in taking corrective measures and in revitalizing team effectiveness.
- Promotion of teamwork: I have contributed to building strong working relationships and establishing operational networks within offices and with external partners.
- Coordination of external relations and cooperation: I have managed to strengthen relations with diplomatic missions, Governments, national and international courts, non-governmental organizations and other international institutions, including the United Nations.

History and chronology of my career

January 2012 to present:

Minister Counsellor of the Permanent Mission of Togo to the United Nations responsible for Security Council affairs, Head of the Legal Advisory Unit, Chief Legal Adviser, Deputy Political Coordinator.

December 2004-January 2012:

Jurist, Appeals Chamber of the International Criminal Tribunal for Rwanda (ICTR), The Hague, Netherlands.

June 2001-December 2004:

Jurist and Head of the Judicial Proceedings Unit of ICTR, Arusha, United Republic of Tanzania.

September 2000-December 2001:

Jurist and Coordinator for the Trial Chambers of ICTR, Arusha, United Republic of Tanzania.

October 1996-September 2000:

Head, Department of Sub-Saharan African Criminal Law at the Max Planck Institute for Foreign and International Criminal Law, Freiburg im Breisgau, Germany.

November 1992-September 1996:

Researcher and Adviser, Department of Sub-Saharan African Criminal Law at the Max Planck Institute for Foreign and International Criminal Law, Freiburg im Breisgau, Germany.

Education, awards, certificates and other training*Academic and university degrees*

1996: Doctorate (new regime) in criminal law and criminal sciences, with highest honours, University of Social Sciences, Toulouse I, Toulouse, France.

2010: Advanced degree (*diplôme d'études approfondies*), European international law, fundamental law, University of Nantes, France.

1989: Advanced degree (*diplôme d'études approfondies*)/ Master II, criminal law and criminal Sciences, University of Social Sciences, Toulouse I, Toulouse, France.

1987: Master's degree in law, concentration in judicial studies, University of Benin, Lomé, Togo.

1986: Bachelor's degree in law, concentration in judicial studies, University of Benin, Lomé, Togo.

Academic and university awards

1998: "Denis Carrol 1998-2003" five-year prize of the International Society for Criminology, awarded for a doctoral thesis judged to have overturned the conventional wisdom in the field of research concerned.

1998: Honourable mention, Fernand Boulan Medal for 1998-2000, awarded by the International Association of French-Speaking Criminologists.

Certificates and other training (United Nations)

Certificate in management and supervisory skills.

Certificate in results-based budgeting.

Certificate in collaborative negotiation skills.

Certificate in online legal databases.

Certificate in team-building.

Training course on managing structural changes and contingencies.

Membership in professional institutions

Member of the ICTR programme for the training of Rwandan lawyers, judges and jurists.

Member of the referee committee of the *Revue internationale de criminologie et de police technique et scientifique*.

Visiting professor at various universities, schools for the judiciary, etc. (Austria, Germany, Madagascar, Mali, Switzerland).

Member of the international jury of the Espace d'Interpellation Démocratique (Forum for Democratic Inquiry) (EID) 1998-1999 in Mali.

Member of the International Criminal Law Society.

Member of the African Law Association.

Member of the African Foundation for International Law.

Languages

French: fluent (mother tongue).

English: fluent.

German: fluent.

Ouatchi/Ewhe/Mina: mother tongues.

Other skills

- Preservation of confidentiality: I have designed and monitored policies and databases that have helped to prevent or restrict access to confidential or sensitive documents and information.
- Application of technology: I always make use of my computer and information and communication technology skills (Microsoft Office, Windows, etc.), as well as legal databases (TRIM, etc.), in my work.
- Promotion of career development: I have designed and implemented plans for training and capacity-building, which have contributed to career development and the promotion of staff.

Personal information

Date of birth: 7 December 1962.

Selection of publications, articles, books, lectures, research work, etc.

- *The Rights of the Defence and International Cooperation before the International Criminal Court*, forthcoming.
- *The Prosecution of “African Cases” of International Crimes in National and International Justice Systems: The Challenges for African Countries*, forthcoming.
- *Attempt at mediation between ICC and Sub-Saharan African Countries for a Mutual Domestication of International Criminal Law and Justice*, forthcoming.
- Les Commissions internationales d’enquêtes en vue de l’établissement des faits ou les “anti-chambres de mise en accusation” en matière de justice pénale internationale (International commissions of inquiry for the purpose of fact-finding or the preliminary stages of bringing an indictment in international criminal law), in *African Yearbook of International Law*, vol. 17, Editions Martinus Nijhoff, 2012.
- Les enjeux du pluralisme juridique dans le processus d’élaboration du droit international des droits de l’homme (The implications of juridical pluralism in the drafting of international human rights law), in *Chroniques de l’Institut de Recherche et Débat sur la Gouvernance*, Éditions Charles Léopold Mayer, Paris, 2011.
- L’interdiction absolue de la torture en droit international et sa mise en œuvre dans l’administration de la justice (The absolute ban on torture in international law and its implementation in the administration of justice), training seminar

at the National School for Judges and Registrars of Madagascar, Antananarivo, May 2011.

- Les droits humains dans l'administration de la justice: prohibition et prévention de la torture (Human rights in the administration of justice: the prohibition and prevention of torture), course at the National School for Judges and Registrars of Madagascar, Antananarivo, October 2010.
- Continuing or Recommencing Hearings in Cases before the ICTR with an Incomplete Bench — Comparison with ICTY, SCSL and ICC, in *Protecting Humanity, Essays in International Law and Policy in Honour of Navanethem Pillay*, Martinus Nijhoff Publishers, October 2010.
- La protection des droits de l'homme par les instruments internationaux en matière de justice pénale (The protection of human rights by international criminal justice instruments), June 2010.
- L'interdiction absolue de la torture et ses conséquences procédurales régionales et universelles (The absolute ban on torture and its regional and universal procedural implications), March 2010.
- La symétrie entre le PIDCP et le PIDESC suite à l'adoption le 10 décembre 2008 du Protocole Facultatif se rapportant au PIDESC (The symmetry between the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights following the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights), January 2010.
- *Referral of Cases from International Jurisdictions to States — Human Rights as Gravity Centre of Criminal Law and Justice Systems*, November 2009.
- *International Criminal Law and Human Rights*, August 2009.
- *General Principles of International Criminal Law*, August 2009.
- Internationale strafrechtliche Untersuchungskommissionen oder die "Vorkammer der Anklage" aus der Praxis der Vergangenheitsaufarbeitung (International criminal commissions of inquiry or the preliminary stages of bringing an indictment: the practice in coming to terms with the past), in *Aufarbeitung der Diktatur — Diktat der Aufarbeitung?*, Wallstein Verlag, March 2009.
- Réflexions sur la poursuite et les sanctions pénales en droit international humanitaire en matières de crimes commis par les agents de maintien de la paix (Reflections on criminal prosecution and sanctions under international humanitarian law in dealing with crimes committed by peacekeeping forces), International Committee of the Red Cross, October 2008.
- La légitimité et l'efficacité des sanctions pénales dans les pays africains de l'Afrique sub-saharienne — un cas de pluralisme juridico-socio-culturel (The legitimacy and effectiveness of criminal sanctions in the African countries of sub-Saharan Africa — a case of juridico-sociocultural pluralism), in *Revue internationale de criminologie et de police technique et scientifique*, July-September 2007, No. 4.

- La coopération entre le Tribunal pénal international pour le Rwanda et les États en matière d'exécution de mandats d'arrêt (Cooperation between the International Criminal Tribunal for Rwanda and States in executing arrest warrants), lecture course, 2002-2003.
- Strafrecht in Reaktion auf Systemunrecht in Mali (Criminal law in reaction to crimes committed by the State in Mali), Freiburg, Germany, 141 pages; Edition Iuscrim, Freiburg, Germany, October 2002.
- Les sanctions pénales en Afrique: entre traditions et modernité (Criminal sanctions in Africa: between tradition and modernity), in *Zwischen Mediation und Lebenslang* (Between Mediation and Perpetuity), Edition Verlag Rügger, Zurich, Switzerland, October 2002.
- Die Einstellung der AfrikanerInnen gegenüber dem Recht europäischen Ursprungs: Krise oder neue Identität? (The attitude of African men and women towards law of European origin: crisis or new identity?), in *Europas langer Schatten — Afrikanische Identität zwischen Selbst — und Fremdbestimmung*, Brandes & Apsel Verlag, 2000.
- Le jeune togolais de la rue: au carrefour du droit et du non-droit (The young Togolese on the street: at the intersection of law and non-law), in *Law in Africa*, journal of the Gesellschaft für Afrikanisches Recht (African Law Association), 1998, book No. 1; pp. 87-113.
- La procédure devant la CPI et sa conformité avec les systèmes de juridiques des pays africains sub-sahariens (Procedure in the International Criminal Court and its conformity with the juridical systems of the sub-Saharan African countries), report for the United Nations, June 1997.
- Jeune délinquant et jeune marginal au Togo; aperçus de comparaison Allemagne-France (Young delinquents and marginalized youth in Togo: outline of a comparison with Germany and France); 307 pages; Edition Iuscrim; Freiburg, Germany, December 1997.
- Le pardon du juge répressif ou les alternatives à la poursuite et à la peine, Aperçus de comparaison Togo, France et Allemagne (The use of pardons by judges exercising criminal jurisdiction or alternatives to prosecution and punishment: outline of a comparison between Togo, France and Germany), October 1995.
- Les confrontations devant le juge d'instruction en droit français (Confrontations before an examining judge in French law), University of Social Sciences, Faculty of Criminal Law and Criminal Sciences, Toulouse, France, 1987/88.
- L'agrément d'une "Société en Commandite Simple" en droit togolais (The authorization of a standard limited partnership in Togolese law), master's thesis in law/concentration in judicial studies, Lomé, Togo, 1986/87.

Thaer S. A. Al Adwan (Jordan)

[Original: Arabic]

Date of birth: 10 November 1967

Place of birth: Al-Shunah al-Janubiyah

Posts held since 1993

Judge and public prosecutor at courts of first instance, 1993-2005.

Judge at the Amman Court of Appeal.

President of a court of first instance.

Judge at the Amman Court of Appeal.

Public prosecutor at the Amman Court of Appeal.

Public prosecutor at the High Criminal Court.

Academic posts

Instructor at the Judicial Institute of Jordan.

Instructor at specialized educational institutions.

Instructor at the Jordan Institute of Diplomacy.

Instructor at the Faculty of Law, University of Jordan.

Academic degrees

Doctorate in public law, cum laude. Doctoral thesis on international criminal law (Juvenile criminal justice in Jordanian legislation: a comparative study).

Master of Laws in international commercial law (pass with merit), University of Kent, United Kingdom of Great Britain and Northern Ireland, 2002.

Advanced diploma in juridical sciences (pass with distinction), Judicial Institute of Jordan, 1993.

Bachelor's degree in law with high honours, Faculty of Law, University of Jordan, 1988.

Publications

Books

- *Al-adalah al-jina'iyah lil-ahdath* (Juvenile Criminal Justice) (Amman, Jordan, Dar al-Thaqafa lil Nashr wal-Tawzi', 2011).
- *Mukafahat al-fasad: al-dalil ila itifaqiyat al-umam al-mutahidah* (Combating Corruption: A Guide to the United Nations Convention) (Amman, Jordan, Dar al-Thaqafa lil Nashr wal Tawzi', 2011).

Research papers

- “Al-ta’n fil-ahkam al-jaza’iyah wifqan lil-qanun al-mu’adil li-qanun mahakim al-sulh raqam 30 li-sanat 2008” (Appealing criminal judgements pursuant to the law amending Law No. 30 (2008) concerning the Magistrates’ Court), peer-reviewed study, *Dirasat*, University of Jordan (2011).
- “Al-maslahah fi da’wa al-ilgha” (Interest in annulment appeals), unpublished study.
- “Mas’uliyat al-dawlah ‘an a’mal sultatiha al-qada’iyah” (Responsibility of the State for the actions of its judicial authorities), unpublished study.
- “Al-quwwah al-qahirah ka-darf nafi li-adam al-mashru’iyah” (Force majeure as a precluding circumstance in relation to wrongfulness), unpublished research paper.
- “Al-ijra’at al-sabiqah ala al-muhakamah fi al-mahkamah al-jina’iyah al-duwaliyah fi roma amam al-muda’iy al-’am wal-da’irah al-tamhidiyah wa sultat majlis al-’amn fi ta’liq al-tahqiq wal-muqadat” (Pretrial proceedings brought by the Prosecutor at the International Criminal Court in Rome before the Pretrial Chamber and the authority of the Security Council to suspend investigation and prosecution), unpublished study.
- “Mabda’ uluw (sumuw) al-dustur ka-asas lil-raqabah ala dusturiyat al-qawanin” (The principle of constitutional supremacy as the basis for reviewing the constitutionality of laws), unpublished research paper.
- “Ithbat difa’ al-junun ka-mani’ li-qiyam al-mas’uliyah al-jina’iyah” (Establishing insanity as a defence against criminal responsibility), unpublished study.
- “Mas’uliyat al-idarah ala asas al-khata’ was tatbiqatiha fi al-tashri’ wal-qada’ al-urduni” (Administrative responsibility for errors and its application in Jordanian legislation and the judiciary), unpublished study.

Training courses and workshops

Participant and speaker at numerous international conferences as a representative of the Judicial Council and the Ministry of Justice.

Participant in national training courses and workshops convened by the Ministry of Justice, the Judicial Council and the Judicial Institute of Jordan.

Ahmad Beygi Habib Abadi (Islamic Republic of Iran)

Judge, Iranian Judiciary — Adviser to The Chief of the Judiciary

Educational background

2001 PhD from Tarbiat Modarres University, Tehran, in private law with a thesis entitled “Comparative Study of Corporate Merger in Iranian, British and American Law”.

1991 LLM from Tehran University, Tehran, in private law with a thesis entitled “Liability of Air Carriers”.

1987 BA from Judicial Sciences University, Tehran.

Judicial career and relevant professional experience

A member of the Iranian judiciary since the 1988 served as a judge in various posts as follows:

Since 2010

Adviser to the Chief of the Iranian Judiciary.

Adviser on issues relating to proposed legislative measures in the parliament affecting the judiciary and other relevant by-laws to be adopted by the judiciary.

2006-2010

Deputy Public Prosecutor of the Disciplinary Court.

The Disciplinary Court deals with infraction, that is, administrative misdemeanours committed by judges in both criminal and civil cases.

2003-2006

Deputy Public Prosecutor of Tehran.

Responsible for prosecution of criminal cases as well as civil cases before the Tehran courts.

1996-2003

Deputy Chief of a Judicial Complex (district court) in Tehran.

Such complexes deal with both civil and criminal cases.

1995-1996

Judge in one of the Chambers of the Tehran Public Court.

Adjudicating both criminal and civil cases.

1988-1995

Assistant to the Public Prosecutor’s office.

Professional activities

Experience in cooperating with:

- Islamic Human Rights Commission located in Tehran
- Parliament Research Centre in Tehran
- Educational and Research Centre of the Iranian Judiciary
- Specialized Commission of the Office of the Iranian Judiciary

Supervising, advising and assessing final theses of law students.

Providing independent expert opinion to an Ad Hoc International Arbitral Tribunal in The Hague, the Netherlands, as well as participation in the hearing held by the same Tribunal.

Most important publications

Author, “*Definition and Nature of Merger of Corporations*”, University of Shiraz, Educational and Human Sciences Journal, October 2001, Tehran.

Author, “*Rights of Minority Shareholder in Merger of Corporations*”, Legal research Journal, April 2004, Tehran.

Co-author, “*Relationship between Law and Islamic Jurisprudence in Judicial Practice*”, Iranian Parliament Islamic Centre of Research, May 2013, Tehran.

Teaching experience

Teaching civil law, commercial law, international communications law, international arbitration, civil and criminal procedural law and similar courses at different universities in Tehran since 2002.

Courses for judicial novices and young judges in the field of civil and criminal law procedure on Islamic jurisprudence and the Iranian legal system since 2005.

Other

Date of birth: 13/12/1960

Place of Birth: Tehran

Thomas Desch (Austria)

Born: 19 August 1958

Education

- 1977-1982 Study of law at the University of Vienna, Austria
- 1983 14th study session of the International Institute of Human Rights, Strasbourg, France
- Working group on the Human Right to Life (chaired by Dr. B.G. Ramcharan)
- Hague Academy's Centre for Studies and Research, The Hague, Netherlands
- 1993 International Committee of the Red Cross — Graduate Institute Training Seminar on International Humanitarian Law for University Teachers, Geneva, Switzerland

Professional Experience

- Since 1995 Director of International Law, Austrian Ministry of Defence (MoD) — main responsibilities include negotiation of bilateral or multilateral agreements and legal advice on general international law, international humanitarian law and human rights law issues
- 1987-1988 Expert adviser in the Office of the Legal Adviser (“Völkerrechtsbüro”), Ministry of Foreign Affairs
- 1985-1995 Assistant Professor and Lecturer for international law at the Institute for International Law and International Relations, University of Vienna
- 1982-1983 Court internship at civil and criminal courts in Vienna
- 1981-1985 Research Assistant at the Institute for International Law and International Relations, University of Vienna

Special assignments, appointments and other work experience

In addition to regularly teaching general international law, international humanitarian law and human rights law to diverse audiences, civilian and military, lawyers and non-lawyers, national and international, graduate and post-graduate level, contributions to numerous national or international processes implementing or further developing international law, in particular international humanitarian law, both at working and decision-making level. Such work experience includes:

- Since 2011 Member of the task group of the North Atlantic Treaty Organization (NATO) Training Group developing guidelines and templates for training in international humanitarian law and on rules of engagement in NATO/NATO-led operations
- Since 2009 Member of the task group of the Austrian Government that prepares draft legislation to include international crimes, in particular those

- under the Rome Statute of the International Criminal Court (ICC), into Austrian criminal law
- Since 2007 Legal adviser to and alternate representative of the Austrian member in the Committee for the Protection of Cultural Property in the Event of Armed Conflict established by the Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict
- 2007 Chairperson of the Seventh Meeting of the High Contracting Parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict
- Since 2005 Lecturer and examiner for international law and European Union (EU) law at training courses for lawyers in the Austrian MoD
- Since 2004 Director of the Vienna Course on International Law for Military Legal Advisers organized by the Austrian MoD, supported by the International Committee of the Red Cross and, since 2009, provided in the framework of the European Security and Defence College
- 2001-2006 Member of the working group of legal experts of the EU Military Committee developing the Use of Force Concept for EU-led military operations
- 2001-2003 Member of the advisory group established by the Government of Canada to assist in Dr. Stuart Maslen's work on an academic legal commentary to the convention on the prohibition of anti-personnel mines
- 1999 Chairman of the Working Group on Chapter 2 at the Diplomatic Conference on the Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict
- 1998-1999 Legal adviser of the Austrian delegation in the diplomatic process to prepare the Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict
- 1997-1998 Member of the Austrian delegation in meetings of the Preparatory Committee as well as in the Diplomatic Conference for the Establishment of an International Criminal Court
- 1996-1997 Legal adviser of the Austrian delegation in the diplomatic process to prepare the Austrian draft convention and at the Diplomatic Conference to negotiate the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction
- 1995-1996 Member of the Austrian delegation to the Review Conference on the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects
- 1995-1998 Secretary of the MoD task group for the establishment of legal advisers in the Austrian Armed Forces according to Article 82 Additional Protocol I 1977

- 1995, 1999 Member of the Austrian delegations to the International Red Cross and Red Crescent Conferences
- Since 1995 Member of the Austrian national committee on international humanitarian law
- 1990-1993 Coach of Austrian law student teams participating in the “Philip C. Jessup International Law Moot Court Competition” (three times among the “Top Eight Teams of the World”, 1991 award for the fifth-best memorial, 1993 award for the third-best memorial)
- 1988-1990 Participation in a research project at the Institute for International Law and International Relations of the University of Vienna on “Customary International Law: an Analysis of Digests”
- 1986-1989 Coach of Austrian law student teams participating in the “Professor B.M. Telders International Law Moot Court Competition” (1988 winning team, award for the best memorial)
- Since 1983 Guest lecturer for general international law, international humanitarian law and human rights law at the Austrian National Defence Academy

Publications

Author of book contributions and essays on general international law, international humanitarian law and human rights law. Since 1998, national correspondent for Austria to the Yearbook of International Humanitarian Law.

Pavel Gontšarov (Estonia)

Judge of the Criminal Chamber of the Tallinn Circuit Court (Court of Appeal)

Born on 27 August 1976 in Narva, Estonia

Educational background

2000: Graduated as postgraduate from the University of Exeter, United Kingdom (LL.M. in International Business Legal Studies).

1998: Graduated from the law faculty of the University of Tartu, Estonia (B.A.).

Judicial career and relevant professional experience

Since 2012 Judge of the Criminal Chamber of the Tallinn Circuit Court (Court of Appeal) (Tallinn, Estonia)

Presided as an appellate judge over numerous complicated and sensitive criminal cases related to white-collar crimes, drug trafficking, corruption, murders, transnational crimes, etc.

Since 2010 Ad hoc Judge of the European Court of Human Rights (Strasbourg, France)

Participated as an ad hoc judge in resolving cases in the European Court of Human Rights.

Since 2004 Ad hoc Judge in the Joint Supervisory Body of Eurojust (The Hague, the Netherlands)

Took part in supervisory meetings of the Joint Supervisory Body of Eurojust dealing with issues of data protection of individuals within transnational criminal procedures in Eurojust.

2006-2012 Chief Judge of the Viru County Court (Viru district, Estonia)

Responsible for conducting the judicial reform of 2006, when 16 city and county courts were transformed into 4 county courts. Mr. Gontšarov presided as a first instance judge over numerous complicated criminal trials, including transnational crimes.

2002-2006 Chief Judge of the Narva City Court (Narva, Estonia)

Responsible for administration of justice in the Narva City Court, located in Estonia's third-largest city with a 96 per cent Russian population. Presided as a first instance judge over civil and criminal trials of varying complexity.

2001-2002 Judge of the Tallinn City Court (Tallinn, Estonia)

Presided as a first instance judge over criminal trials of varying complexity.

2000-2001 Prosecutor, Adviser on foreign affairs in Prosecutor General's Office of Estonia (Tallinn, Estonia)

This position involved management of international relations and communication of the Estonian Prosecutor General's Office regarding matters of mutual legal assistance.

1997-2000 Assistant Prosecutor, Prosecutor in Narva City Prosecutor's Office (Narva, Estonia) (1999-2000 — service suspended)

In this capacity Mr. Gontšarov was responsible for the prosecution of criminal cases of varying complexity.

Teaching assignments

August 2012 Lecture on the topic "*Is it possible and necessary to make changes in the Constitution in the realities of a changing world?*" in the Al-Farabi Kazakh National University (Almaty, Kazakhstan).

March 2012 Lecture on the topic "*Alternative Forms of Criminal Procedure in Estonian Criminal Procedure Law*" in the Academy of Public Administration under the President of the Republic of Kazakhstan (Astana, Kazakhstan).

August 2011 Moderator in training for Estonian prosecutors and judges on "*Adversarial Trial Procedure*" (Tallinn, Estonia).

February 2011 Lecture series for Estonian judges on "*The work of a preliminary investigation judge*" within the training programme for judges (Training department of the Supreme Court of Estonia).

2008 Lecture series and workshops for Estonian judges on "*Misdemeanour procedure*" within the training programme for judges (Training department of the Supreme Court of Estonia).

International missions

June 2012 In the framework of the European Union project in Kazakhstan "*Support to Judicial and Legal Reform in the Republic of Kazakhstan*", Mr. Gontšarov organized and hosted a visit of justices of the Supreme Court, members of the Constitutional Council, and other high State officials of Kazakhstan to Estonia in order to introduce the Estonian court system to the Kazakh delegation with an emphasis on criminal procedure.

March, August, September 2012 Almaty, Astana (Kazakhstan)

Short-term expert in the European Union project in Kazakhstan "*Support to Judicial and Legal Reform in the Republic of Kazakhstan*". In the framework of this project, Mr. Gontšarov delivered several speeches during various international conferences (see below). Mr. Gontšarov also conducted several meetings and workshops in the Prosecutor General's Office of Kazakhstan and Supreme Court of Kazakhstan on Estonia's experience in alternative forms in criminal procedure.

December 2011 Kyiv (Ukraine)

Short-term expert in the Organization for Security and Cooperation in Europe (OSCE)/Office for Democratic Institutions and Human Rights project in Ukraine “*Judicial Reform in Ukraine and International Standards for Judicial Independence*”, where Mr. Gontšarov delivered a number of speeches during the conference (see below).

November 2011 Bishkek (Kyrgyzstan)

Short-term expert in the OSCE/Office for Democratic Institutions and Human Rights mission to Kyrgyzstan in the framework of the project “*Selection of Judges in Kyrgyzstan*”, where Mr. Gontšarov delivered several speeches (see below).

September 2011 Chisinau (Republic of Moldova)

Short-term expert in the project “*Strategy of Justice Sector Reform in Moldova*”, where Mr. Gontšarov delivered a number of presentations about different aspects of Estonian criminal procedure law.

2009-2010 Podgorica, Bar, Budva (Montenegro)

Short-term expert in the European Union Twinning project “*Court budget as a tool of administration of justice*”, where Mr. Gontšarov, as a chief judge, introduced Estonia’s experiences in court management.

Speeches/colloquiums/conferences**Since 2003**

Speeches and presentations at the annual conferences of the Association of Judges of the Baltic States on a variety of substantial issues for the judiciary (*Ethics of judges and Estonian Code of Ethics for Judges; Administration of justice and Estonian court reform of 2006; Disciplinary procedure for judges and judicial misconduct; Workload of first instance judges and possibilities of its measurement; The influence of changing legislation on workload of judges and quality of their judgments; Judiciary and public media, etc.*) (different locations in Estonia, Latvia, Lithuania).

November 2012

Presentation to Lithuanian Assembly of Judges *en banc* “*Judicial reform in Estonia. Was it successful?*” (Kaunas, Lithuania).

September 2012

Speech at the international conference “*Topical issues of reforming criminal legislation in the context of elaborating the new Criminal and Criminal Procedure Code of the Republic of Kazakhstan*”; “*Right for fair trial in the framework of general criminal procedure*” (Almaty, Kazakhstan).

- August 2012** Speech at the international conference “*Constitution — The basement for social modernization of state and society*”; “*Is it possible and necessary to make changes in the Constitution in the realities of a changing world?*” (Almaty, Kazakhstan).
- March 2012** Speech at the international conference “*Plea bargaining in the new model of criminal procedure of the Republic of Kazakhstan*”; “*Settlement procedure (plea bargaining) in Estonian criminal procedure law and examples in international practice*” (Almaty, Kazakhstan).
- December 2011** Four presentations at the international conference “*Judicial Reform in Ukraine and International Standards for Judicial Independence*”; “*Judges’ professionalism. Quality, clarity and consistency of judgments*”; “*Judicial self-government and division of tasks of judges in Estonia*”; “*Training and appointment of judges. Experience of Estonia*”; “*Responsibility and impartiality of judges in making judgments*” (Kyiv, Ukraine).
- November 2011** Two presentations at the workshop for members of the Council for the Selection of Judges of Kyrgyzstan: “*How to train a good judge? The experience of the Estonian Republic*”; “*Transparency of process of training and appointing a judge*” (Bishkek, Kyrgyzstan).
- 2011** Speech on Forum of Judges “*Judge as a manager*” (Tartu, Estonia).
- 2007** Speech on Estonian Assembly of Judges *en banc* “*Standpoints of first instance courts about the reasons of reversing judgments by the courts of appeal*” (Pärnu, Estonia).

Most important publications: reports

Author — *A year since the judicial reform. How it went for the Viru County Court* — Annual judiciary report 2006.

Co-drafter — OSCE/Office for Democratic Institutions and Human Rights *Report on the training for members of the Council for the Selection of Judges in Kyrgyzstan*.

Important relevant professional training

- 2013** **United States of America**, Open World — Rule of Law Programme training visit for judges.
- 2012** **Andorra**, Group of States against Corruption core training for evaluators.
- 2008** **Spain**, European Judicial Training Network exchange programme for judges.

- 2006** **Serbia**, training in combating transnational money laundering, where he also participated as a lecturer.
- 2006** **United Kingdom of Great Britain and Northern Ireland**, training visit for chief judges and chief justices in administration of justice.
- 2005** **Austria**, *Civil Aspects of Conflict Resolution. Core Course*. Austrian Study Centre for Peace and Conflict Resolution.

In addition to the training courses mentioned above, Mr. Gontšarov has also participated in numerous professional training courses in Estonia and the Academy of European Law (ERA) in Trier, Germany.

Membership in associations

- Since 2001** Estonian Association of Judges
- 2005-2007** Member of the Board of Estonian Association of Judges
- 2005-2007** Member of Council of Association of Judges of Baltic States

Awards

Certificate of Honour from the Minister of Justice for “outstanding contribution to administration of justice in the Viru County Court”.

Certificate of Honour from the Estonian Association of Judges.

Languages

Estonian (excellent)

English (excellent)

Russian (mother tongue)

French (elementary level; in the process of actively learning)

Gabrielle McIntyre (Australia)

Education

University of Cambridge, Faculty of Law

LLM

October 1999-July 2000

- Focus on public international law
- First Class Honours
- Tutorial Prize for Outstanding Achievement, St. Edmund's College
- British Chevening Scholarship
- Pegasus Scholarship

University of Adelaide, Faculty of Law, Adelaide, Australia

Honours Degree in Law

March-November 1997

- Dissertation: Bayes Theorem and the Presumption of Innocence
- First Class Honours

Bachelor of Laws

March 1991-November 1995

- Automatic Honours (top 10%)
- The Thomas Gepp Prize 1995 (Conflict of Laws)
- Dean's Certificate of Merit (Family Law)

Bachelor of Arts (jurisprudence)

March 1991-November 1995

International criminal tribunal and other experience

International Residual Mechanism for Criminal Tribunals, The Hague, Netherlands, and Arusha, United Republic of Tanzania

Chef de Cabinet

July 2012-present

- Serve as principal legal and policy adviser to the President
- Draft and oversee drafting of all interlocutory appeal decisions and appeal judgements on which the President presides as well as all orders and decisions of the President
- Manage and coordinate the work of the Presidency and Chambers
- Facilitate judicial monitoring of transferred cases and sentence enforcement
- Draft reports to the Security Council

International Tribunal for the Former Yugoslavia, The Hague, Netherlands

Chef de Cabinet

July 2004-present

- Serve as principal legal and policy adviser to the President

- Draft and oversee drafting of all interlocutory appeal decisions and appeal judgements on which the President presides in both the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda as well as all orders and decisions of the President
- Manage and coordinate the work of the Presidency and Chambers
- Manage the supervision of sentence enforcement
- Draft reports to the Security Council and General Assembly
- Oversee the development, fundraising for, and implementation of Tribunal legacy projects

Acting Head of Chambers **February 2010-February 2011**

- Oversaw and coordinated the work of Chambers

Deputy Chef de Cabinet **October 2003-July 2004**

- Served as a senior legal adviser to the President
- Drafted and oversaw the drafting of orders, interlocutory appeal decisions, and appeal judgements
- Drafted reports to the Security Council and General Assembly

Associate Legal Officer **February 2001-October 2003**

- Served as legal adviser to a Judge
- Drafted legal opinions, decisions, and judgements

United Nations Mission in Kosovo **September 2002-March 2003**

Legal Officer, Department of Justice

- Trained international jurists in the domestic application of international humanitarian law within the domestic civil law legal framework of Kosovo

Crown Solicitor's Office, South Australia **April 1999-September 1999**

Solicitor to the Crown Solicitor

- Served as legal adviser on Constitutional issues

Supreme Court of South Australia **April 1997-April 1999**

Associate to Justice Prior

- Served as legal adviser to Judge

University of Adelaide **March 1997-September 1999**

Evidence Tutor

- Taught the law of evidence to final year law students

Research Assistant**November 1996-June 1998**

- Assisted Andrew Litgerwood in research for inclusion in *The Law of Evidence*, 2nd Edition

University Tutor**March 1993-December 1995**

- Taught Aboriginal students a range of subjects falling under the degree Bachelor of Arts

Fisher Jeffries, Law Firm, Adelaide**December 1995-July 1996****Legal Clerk**

- Assisted in preparing cases for litigation

Lectures and presentations*Expert lecturer and featured speaker***February 2001-present**

- Led judicial trainings in the region of the former Yugoslavia and at the Special Court for Sierra Leone on the application of international humanitarian law
- Conducted in-depth judicial training sessions on international humanitarian law and international criminal law for visiting practitioners from the former Yugoslavia, Cambodia, Bangladesh and other countries
- Spoke at multiple conferences in the region of the former Yugoslavia concerning the legacy of the International Tribunal for the Former Yugoslavia and bridging the gap with local communities
- Served as a featured speaker and moderator at international symposiums and other events related to international justice, addressing themes such as the role and responsibilities of senior legal advisers, judicial perspectives on international crimes of gender-based violence, and the development of a comprehensive situational completion strategy for the International Criminal Court
- Led a round-table discussion of international criminal justice and combating impunity at the 2009 annual meeting of United Nations system-wide rule of law experts

Publications

Defining Human Rights in the Arena of International Humanitarian Law: Human Rights in the Jurisprudence of the ICTY, July 2003, G. Boas & W. Schabas (eds.), *International and Criminal Law Developments in the Case Law of the ICTY*.

Equality of Arms — Defining Human Rights in the Jurisprudence of the ICTY, *Leiden Journal of International Law*, Vol. 16, 2003.

Part B: Issues, Institutions and Personalities: Cumulative Convictions, pp. 289-290; *Detention (Ad Hoc International Tribunals)*, pp. 296-297; *Detention (Conditions of)*, pp. 297-298; *Pre-trial Custody*, pp. 459-460; *Part C: Cases: Buzzacott v. Hill*, pp. 627-628; *Delalić and Others (Čelibići)*, pp. 638-641; *Ndindiliyimana and Others (Military II Case)*, pp. 839-840 (with Mélanie Deshaies, Luc Côté, and Matthias Marcussen); *Nyiramasuhuko and Others (Butare Case)*, pp. 856-858 (with Matthias

Marcussen and Luc Côté); *Nulyarimma v. Thompson*, pp. 858-859; *Todović and Rašević*, pp. 954-955, February 2009, Antonio Cassese (ed.), *The Oxford Companion to International Criminal Justice*.

The International Residual Mechanism and the Legacy of the International Criminal Tribunals for the former Yugoslavia and Rwanda, *Goettingen Journal of International Law*, Vol. 3(3), 2011.

Professional memberships and associations

Member, Expert Group on Promoting Procedural Effectiveness at the International Criminal Court

Contributing Member, Project on a “Model Code for the Investigation and Prosecution of International Crimes”

Member, Editorial Board, *US-China Law Review*

Member, Cambridge Fellowship

Member, Law Society of South Australia

Member, British Chevening Alumni

Member, Cambridge Commonwealth Trust Alumni

Professional qualifications

Admitted as a Practitioner of the Supreme Court of South Australia **February 1997**

Graduate Certificate in Legal Practice **June 1996**