

Minister for Foreign Affairs

5 September 2002

Excellency,

Mongolia, as a founding member of the International Criminal Court, is strongly committed to strengthening international criminal justice and the rule of law in international relations. We look forward to working with the ICC in reducing and eventually putting an end to impunity for the perpetrators of the heinous crimes defined in the Statute of the ICC. With this in mind and in accordance with Article 36 of the Statute, Mongolia is presenting the candidature of Dr. Jargalsaikhany Enkhsaikhan for election to one of the 18 posts of the Judges of the International Criminal Court, to be held in February 2003.

Dr. Enkhsaikhan is being nominated in accordance Article 36.4 a(i) of the ICC Statute on the basis of the decision made by the General Council of Courts in accordance with Article 51 of the Constitution of Mongolia. His nomination has also enjoyed the full support of the Mongolian bar association.

Dr. Enkhsaikhan is a known expert in international law with vast experience and expertise in international relations. He represented Mongolia at many international codification conferences as well as bilateral negotiations of treaties and conventions on providing mutual assistance in legal, criminal and civil matters. He also represented Mongolia at some human rights treaty bodies, when its reports were considered, including on the issues of racial discrimination, political, civil as well as economic, social and cultural rights and discrimination against women. Dr. Enkhsaikhan represented Mongolia in the Sixth (legal) Committee of the General Assembly, which, *inter alia*, considered extensively the draft code of offences against peace and security of mankind, the precursor of the ICC Statute. He attended numerous sessions of the Sixth Committee serving, *inter alia*, as its Rapporteur, Vice-Chairman and Chairman respectively.

H.E. Mr. Kofi Annan
Secretary-General of the
United Nations

New York

When representing Mongolia in the Sixth (legal) Committee during 16 sessions of the General Assembly, he articulated Mongolia's views and position on such issues as reports of the International Law Commission, including on the reports of rapporteurs on draft code of offences against the peace and security of mankind, State responsibility, international liability for injurious consequences arising out of acts not prohibited by international law, unilateral acts of States, reservations to normative multilateral treaties, including human rights treaties, etc.

Dr. Enkhsaikhan is well known for his innovative approach to international relations. Thus, he authored Mongolia's proposal to the General Assembly to consider item "Guiding principles of International Negotiations" by the General Assembly at its 52-nd and 53-rd sessions. As a result of consideration and negotiation of the draft prepared mainly by Dr. Enkhsaikhan, the General Assembly adopted in 1998 the "Principles and Guidelines for International Negotiations". When adopting the principles and guidelines, the General Assembly underlined "the important role that constructive and effective negotiations can play in attaining the purposes of the Charter of the United Nations by contributing to the management of international relations, the peaceful settlement of disputes and the creation of new international norms of conduct of States".

Dr. Enkhsaikhan was also the architect of the concept of single-State nuclear -weapon-free zone and of successful consideration by the General Assembly of Mongolia's nuclear-weapon-free status. He served as a main negotiator with the five nuclear-weapon States on their joint statement to provide Mongolia with security assurances and drew up the initial draft of Mongolia's law on its nuclear-weapon-free status.

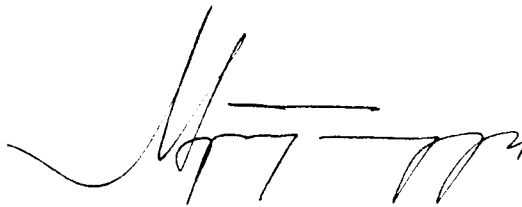
With his vast experience in international relations Dr. Enkhsaikhan served as Executive Secretary of the National Security Council of Mongolia and coordinated the work of drafting and adopting by the State Great Hural (Parliament) of Mongolia of the three basic documents of Mongolia's national security and foreign relations: The Concept of National Security of Mongolia, the Concept of Foreign Policy of Mongolia and the Fundamentals of the Military Doctrine of Mongolia. As a legal advisor of the President of Mongolia, in 1992-1993 he advised the President on some aspects of the reform of the legal system, including criminal law and legislation.

Alongside his outstanding diplomatic and legal carrier, Dr. Enkhsaikhan lectured extensively on Mongolia's mixed legal system as well as on specific topics of international relations and international law, including on development of international criminal law and establishment of ICC.

Dr. Enkhsaikhan is known and highly respected for his high moral character, impartiality and integrity and possesses the qualifications required for appointment to the highest judicial office in Mongolia. He has clearly established competence in the areas of international law envisaged in Article 36.3b(ii) of the Rome Statute.

Besides his native Mongolian, he is fluent in English and Russian and has a working knowledge of French and Spanish.

The curriculum vitae of Dr. Enkhsaikhan is enclosed herewith.

A handwritten signature in black ink, consisting of several fluid, connected strokes. The signature is positioned above the printed name.

Luvsan ERDENECHULUUN