

Maureen Harding CLARK

Statement in support of candidature of Maureen Harding Clark submitted to the Legal Counsel of the United Nations in accordance with Article 36 of the Rome Statute of the International Criminal Court

As required by Article 36(3)(a) of the Statute, Maureen Harding Clark is a person of high moral character, impartiality and integrity. Having practised as a barrister for over twelve years Ms Clark is eligible for appointment to the highest judicial offices in Ireland. In nominating Ms. Clark, the Government of Ireland used the nomination procedure for appointing superior court judges as obliged to under Article 36(4)(a)(i) of the Statute.

Prior to her election in June 2001 as an ad litem judge of the International Criminal Tribunal for the former Yugoslavia, Ms Clark had practised as a barrister for over twenty-five years, as a Senior Counsel since 1991. She was Ireland's leading woman criminal lawyer, having extensive experience at all court levels as both a prosecution lawyer (including as a regional State Prosecutor) and a defence lawyer in trials involving murder, rape, money-laundering, fraud and other serious crimes. She thus has established competence in criminal law and procedure and the necessary relevant experience in criminal proceedings to serve as a judge of the International Criminal Court as set out in Article 36(3)(b)(i) of the Statute.

Since being called to serve at the Tribunal in September 2001 by the Secretary General of the United Nations at the request of the President of the International Criminal Tribunal for the former Yugoslavia, Ms Clark has served in Trial Chamber 1, Section A of the Tribunal as one of three judges in a trial raising important issues of international humanitarian law. She thus has established competence in international humanitarian law and extensive experience in a professional legal capacity which is of relevance to the judicial work of the International Criminal Court as set out in Article 36(3)(b)(ii) of the Statute.

Ms Clark is therefore eligible to be included in either List A or List B; however, for the purposes of Article 36(5) of the Statute, she is being nominated for inclusion in List A.

As required by Article 36(3)(c) of the Statute, Ms Clark has an excellent knowledge of and is fluent in both the English and French languages.

For the purposes of Article 36(8)(a), it should be noted that Ms Clark has practised as a lawyer in the Irish common law system and she also has experience of the inquisitorial method of legal proceedings; Ms Clark is being nominated by and is a national of Ireland, a member of the Western European and Others Group; Ms Clark is of the female sex.

Ms Clark has particular expertise within the meaning of Article 36(8)(b) of the Statute as a trial lawyer and as a Government adviser with regard to sexual offences and other violent offences against women and children and with regard to the needs and rights of victims.