

Statement

on the candidature of Mr. Ion Diaconu for the election of the judges of the International Criminal Court

1. Mr. Ion Diaconu is a citizen of Romania.

For the purposes of paragraph 5 of article 36 of the Rome Statute, he is nominated for inclusion in list B.

2. Mr. Diaconu is a person of high moral character, impartiality and integrity. As a specialist in international law, he was a member of the Permanent Court of Arbitration, of the Romanian Section of International Law Association and of the United Nations Sub-commission for the prevention of discrimination and protection of minorities.

Since 1991, he is a member of the Committee for the Elimination of Racial Discrimination, and currently is the Chairman of this Committee.

He attended numerous multilateral negotiations on international law issues, mainly human rights and fundamental freedoms, among which: the Vienna conference of 1963 on consular relation; the Conference on Security and Cooperation in Europe (1972-1975) and subsequent meetings on human rights issues; the 1996 Copenhagen World Conference on Social Development; meetings of the Council of Europe and the Venice Commission for Democracy through Law; the Durban World Conference of 2001 against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

He has also taught international law and human rights in several universities of Bucharest and lectured on human rights and minority issues

in specialized institution and universities of Denmark, Norway, Sweden and the Russian Federation. Currently, he is teaching international law at the University of Bucharest, National School of Political and Administration Studies, and human rights at the Diplomatic Academy of the Ministry of Foreign Affairs of Romania.

3. The candidate has an established competence in human rights and humanitarian law, due to his participation in international negotiations on different subjects in this field, to internal developments in Romania after the Revolution of 1989 in order to bring the Constitution, the legislation and the institutional system in accordance with international standards, but mainly due to his membership of the U. N. Sub-Commission on the prevention of discrimination and the protection of minorities and to his 12 years membership of the Committee for the Elimination of Racial Discrimination (CERD).

As a member of CERD, he was able to become acquainted with the situation in more than 100 countries from all continents presenting periodic reports to the Committee, and was involved in extensive discussions on the situation of human rights everywhere.

Moreover, he was personally involved in the preparation of the Durban World Conference of 2001 Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, wrote two papers which served as background documents for the Preparatory Committee (on the Definition of Racial Discrimination and on Reservations to the International Convention for the Elimination of All Forms of Racial Discrimination), and finally attended the Conference as a member of the Committee.

In the country, between 1990 and 1993, the candidate was involved in the elaboration of the new Romanian Constitution of 1991, in order to bring it in

conformity with international standards of democracy and respect for human rights, and in the process of reviewing the legislation in many fields in order to make it fully compatible with international treaties ratified by Romania and to prepare the accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950.

He also participated in the establishment and meetings of the Romanian Association of Humanitarian Law, as well as in working session with representatives of the Romanian armed forces on issues of humanitarian law.

Moreover, he participated in working meetings with representatives of the International Committee of the Red Cross, the United Nations High Commissioner for Refugees and the International Organization of Migration, while establishing the basis for their activity in Romania.

4. The candidate has an important contribution to research and study of international law and of human rights and fundamental freedoms. After publishing the book “Contribution to a study on imperative norms in international law – jus cogens” (Contribution a une étude sur les normes impératives en droit international – jus cogens) and defending the doctorate thesis in 1971 at the University of Geneva, he published the same book in Romanian language in 1977. A series of books and studies followed on issues like principles of international law, mainly non – use of force and threat to force, the definition of aggression, equal rights and self-determination of peoples, human rights and fundamental freedoms, the right to development.

In 1993 he published a book on human rights, reviewed and expanded in a handbook entitled “Human Rights in contemporary international law”, published in 2000, including chapters on humanitarian law, on protection

and human rights for women, and protection and human rights for children and for young people.

The candidate has elaborated extensive studies on issues concerning the protection of and discrimination against minorities. After “Minorities – Status and Prospects, 1996” and “Minorities – Identity and Equality, 1998”, he published “Minorities in the Third Milenium – between globalism and national spirit”, 1999, which appeared also in English, as “Minorities in international law, 2001”, published by the Romanian Journal of International Affairs, vol.VII, 3-4/2001.

As for the general international law, Mr. Diaconu has published a “Course on international law” in 1993, reviewed and completed in 1995 and a Treaties of International Law, vol.I (Introduction, Sources and Subjects) in 2002; other two volumes, on the other chapters of international law, will be published in the following years.

The last book, which has to be issued soon, was elaborated in English and is entitled “The International Criminal Court – a new page”. It will present the Court under all its aspects – history, crimes under its jurisdiction, basic principles of the criminal international law, relationship with the UN and others.

5. The candidate has also legal expertise on subjects concerning violence against women and children.

As a member of the Committee for the Elimination of Racial Discrimination since 11 years, he examined in the Committee reports from more than 100 States parties to the respective Convention, including aspects of discrimination concerning women and children and participated in formulating recommendation to States parties. As a member of the Sub-commission for the protection of minorities and the prevention of

discrimination, he was a member of the Working group on contemporary forms of slavery, sexual exploitation and prostitution, dealing mainly with the situation of women and children all over the world.

In his books on human rights and fundamental freedoms, distinct chapters are dedicated to the protection and human rights of women and children, both in time of war and peace.

6. As a career diplomat, he has worked for more than 40 years as a legal adviser in Romanian Ministry of Foreign Affairs and in diplomatic missions in different countries (Belgium, United States of America, Denmark, Russian Federation). For 8 years he served as ambassador, and now is fulfilling the tasks of Secretary General of the Ministry of Foreign Affairs.

7. Coming from a country of Eastern Europe and being involved in negotiations and cooperation with all the countries from this area, the candidate has an extensive knowledge of the legal systems, legislation and situation in this geographic region.

8. Mr. Diaconu has an excellent knowledge of French and is fluent in English, being able to work in both languages.

His knowledge and extensive experience as an expert in international law and human rights in international specialized bodies, as a researcher and as a legal adviser are an evidence of his professional legal capacity, relevant to the judicial work of the Court.