

Statement in support of the candidature of Mrs Fatoumata Diarra

A High Court Judge in her country, Fatoumata Diarra Dembélé was elected *ad litem* Judge in the International Criminal Tribunal for the former Yugoslavia (ICTY) on 12 June 2001 and was assigned to Trial Chamber I to hear a trial which commenced on 3 September 2001. This trial is currently in its final stage of deliberations and pursuant to Article 13 *ter* of the ICTY Statute, Fatoumata Diarra Dembélé may not be reassigned to a second case.

Having become aware of her availability after this trial through a letter from the President of the ICTY dated 9 October 2001, the Government of Mali decided to nominate Fatoumata Diarra Dembélé for the position of Judge of the International Criminal Court. Thus, we wish to bring to international justice the qualifications and the commitment of this energetic judge and strong advocate for the rights of women and children.

1. Fatoumata Diarra Dembélé has a law degree and graduated from the *Ecole Nationale de la Magistrature* of Paris with the highest distinction (France, July 1977).

She has a considerable experience in criminal law. She has been an investigative judge three times in her career, a Deputy Prosecutor, President of the Criminal Chamber of the Appeal Court of Bamako, and President of the Criminal Court of Bamako, after which she was nominated as the National Director of the Justice Administration in September 1999. In the context of the collaboration of this Administration with the International Committee for the Red Cross (ICRC), Fatoumata Diarra Dembélé conducted research on several conventions, in particular The Hague Conventions, the Geneva Conventions and the Additional Protocols. Involved in a study on the establishment of a permanent international criminal court, she followed with great interest the development of this issue. Thus, she studied the Charter of the Nuremberg Tribunal, the Statute of the International Court of Justice and the "Opinion on the Establishment of an International Criminal Court", as adopted by the French consultative Commission on Human Rights on 4 July 1991. Furthermore, she was able to access information pertaining to the participation of the Agency for the Francophonie on the elaboration of a draft Rules of procedure and evidence and to the definition of the elements of the crimes falling within the jurisdiction of the Court pursuant to the Rome Statute, within the framework of the Preparatory Commission.

Finally, her experience as an *ad litem* Judge allowed her to delve into international humanitarian law, to become familiar with the characteristics of the international procedure and the various concepts of *common law*. Thus, although she was trained and mostly worked within a legal system based on the *civil law*, she is now in a position to work fully in a mixed legal system and in a bilingual environment.

Therefore, while Fatoumata Diarra Dembélé can show expertise relevant to both Lists, pursuant to Article 36.5 of the Rome Statute, **we are nominating her under List A.**

2. Concerning the requirements arising out of Article 36.8.b of the Rome Statute, we wish to stress that Fatoumata Diarra Dembélé is a personality of the civil society and led several causes, both nationally and internationally, to promote the rights of women and children.

She was successively President of the Association of Malian Women Lawyers (AJM), of the Observatory for the Rights of Women and Children (ODEF) and Vice-President of the International Federation of Women with Legal Careers (FIFCJ). In the context of those positions, she established legal aid offices for women and children in difficulty ("legal clinics"), and led several campaigns against violence against women and children at the domestic and international levels.

She is currently the Vice-President of the Federation of African Women Lawyers (FIA) and President of the Legal Branch of the International Council of French-speaking Women (CIFF). In this capacity, she conducts dissemination and information campaigns on the difficulties of access to justice for resourceless women and children.

Moreover, Fatoumata Diarra Dembélé participated in several sessions of the United Nations Commission on the Status of Women and worked in particular on several subjects, including women and exclusion, women and violence in war, and the obstacles to the exercise of women's constitutional rights.

Finally, she presided over the National Preparatory Commission concerning the Beijing Summit in 1994 and 1995, during which she worked on the promotion of equality, peace and development for women.