



No. 2288

The Permanent Mission of Canada to the United Nations presents its compliments to Legal Counsel of the United Nations and refers to the note LA/COD/42(c) titled "Election of the judges of the International Criminal Court" dated 13 September 2002 and has the honour to inform the Legal Counsel that Canada has decided to present the candidature of Ambassador Philippe Kirsch, Q.C. for the post of judge of the International Criminal Court.

The curriculum vitae of Ambassador Kirsch is attached in English and French. This document presents the qualifications of Ambassador Kirsch for the post of judge of the International Criminal Court.

Ambassador Kirsch has clearly established competence in areas of international law relevant to the International Criminal Court, such as international humanitarian law and international criminal law, and over twenty years of experience in a professional legal capacity of relevance to the work of the Court. It is for this reason that his candidacy is presented under list "B" pursuant to paragraph 5, article 36 of the Rome Statute of the International Criminal Court.

Ambassador Kirsch is a recognized expert on the International Criminal Court. He served as the Chair of the International Criminal Court Preparatory Commission from 1999-2002 and as Chair of the Committee of the Whole at the 1998 Rome Diplomatic Conference on the International Criminal Court. As such, he has an intimate knowledge of the International Criminal Court, including the Court's detailed instruments and mechanisms. He has written many chapters and articles on the Court, and has given many speeches and interviews on this subject, both nationally and internationally.

Ambassador Kirsch has demonstrated expertise in international humanitarian law. He presently is a member of the Group of International Advisers to the International Committee of the Red Cross. In the past, he served as Chair of the Canadian National Committee on Humanitarian Law (1998-1999); Vice-President and Chair of the Drafting Committee of the 27th International Conference of the Red Cross and the Red Crescent (1999); Head of the Canadian Delegation to the First Periodical Meeting of the State Parties to the Geneva Conventions (1998); Chair of the Drafting Committee of the 26th International Conference of the Red Cross and the Red Crescent (1995); and Chair of the Drafting Committee of the International Conference on the Protection of War Victims (1993) and the preparatory and subsequent Intergovernmental Working Groups of Experts on the Protection of War Victims (1993, 1995).

Ambassador Kirsch has additional extensive experience in international criminal law, having chaired the United Nations Ad Hoc Committee and the General Assembly's Sixth (Legal) Committee Working Group for the suppression of acts of terrorism (1997-1999), which developed and adopted the Convention for the Suppression of Terrorist Bombings and the Convention for the Suppression of the Financing of Terrorism and prepared a draft of the Convention for the Suppression of Nuclear Terrorism. He also served as Chair of the United Nations Ad Hoc Committee and the General Assembly's Sixth (Legal) Committee Working Group which developed and adopted the Convention on the Safety of United

Nations and Associated Personnel (1993-1994). He also Chaired the negotiations on the 1988 Protocol for the Suppression of Violence at Airports and the 1987 International Conference for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation. He was Head of the Canadian delegation to the 1979 United Nations Ad Hoc Committee on the drafting of a convention against the taking of hostages. All of these exercises involved in-depth study of relevant criminal laws and procedures, including mechanisms for cooperation between states and extradition.

Ambassador Kirsch has a broad background in public international law more generally, having served as the Legal Adviser to Canada's Department of Foreign Affairs and International Trade from 1994-1999, Deputy Legal Adviser and Director General of the Legal Affairs Bureau from 1992-1994 and Director of the Legal Operations Division from 1983-88. He was Ambassador and Deputy Permanent Representative to the Permanent Mission of Canada to the United Nations in New York from 1988-1992 and during this time served as Canada's Deputy Representative to the United Nations Security Council. He also served as Chair of the General Assembly's Sixth (Legal) Committee in 1982 and Vice-Chair in 1980. On many occasions he has represented Canada at that Committee, most recently from 1998-2001, while reporting on the work of the International Criminal Court Preparatory Commission and the terrorism conventions.

Ambassador Kirsch is Agent for Canada in the *Legality of Use of Force* case before the International Court of Justice. He also appeared before that Court as Agent for Canada in the *Fisheries Jurisdiction Case*. In both cases, he addressed the issue of jurisdiction, an issue which is likely to arise in the early years of the International Criminal Court.

Ambassador Kirsch's impartiality, integrity and high moral character are clear from his career, especially through his role as Chair of many international bodies.

Ambassador Kirsch is fluent in both English and French and has extensive experience in technical and legal drafting in both languages. Ambassador Kirsch is also fluent in Spanish. Ambassador Kirsch is a member of the Bar of Quebec, and as such has knowledge of the common law and civil law systems.

The election for the first set of judges will be crucial to the early success of the International Criminal Court. It is for this reason that Canada is putting forward Ambassador Kirsch as its candidate, as we believe that he has the extensive experience, background and practical knowledge necessary to ensure that the Court has the confidence of the international community from the very beginning of its operation.

The Permanent Mission of Canada to the United Nations avails itself of this opportunity to renew to the Legal Counsel of the United Nations the assurances of its highest consideration.

New York, October 9, 2002

