

NOMINATION OF JUSTICE PILLAY AS THE SOUTH AFRICAN CANDIDATE FOR APPOINTMENT AS A JUDGE OF THE INTERNATIONAL CRIMINAL COURT

Statement in accordance with paragraph 7 of the Resolution on nomination and election of judges.

1. Paragraph 3(a) of Article 36

Justice Pillay is a person of high moral character, impartiality and integrity who possesses the qualifications required by South Africa for appointment to the highest judicial offices. She is presently the Judge President of the International Criminal Tribunal for Rwanda having been elected to that position in 1999. She has discharged her office there with distinction. Prior to her appointment to that Court she had practised as an attorney of the High Court of South Africa for some 28 years, during which she had also been appointed to serve as an Acting Judge of the High Court. In her practice as an attorney in South Africa during the years of apartheid she represented anti-apartheid activists and trade unionists in criminal cases and other matters and has always been identified with the protection of human rights. As appears from her curriculum vitae, which is attached to this statement, she has received many accolades and is held in high esteem in the legal community internationally.

2. **Paragraph 3(b) of Article 36**

Justice Pillay in fact satisfies both requirements. In her career in South Africa she gained experience in the practice of criminal law, and applied that law for the period during which she was an Acting Judge. She has a particular expertise in the field of international humanitarian law and international criminal law, having been a judge of the International Criminal Tribunal for Rwanda since 1995.

3. **Paragraph 3(c) of Article 36**

Justice Pillay's home language is English, which she speaks fluently.

4. **Paragraph 8(a) of Article 36**

Justice Pillay comes from South Africa, which is a constitutional state in which the Constitution is the supreme law. South Africa has an adversarial system of law, which is similar in many respects to the legal system of other Commonwealth countries. Justice Pillay is a South African citizen and is nominated as the South African candidate. She is a female candidate with legal expertise in all aspects of the jurisdiction of the International Criminal Court. She has been a member of the International Criminal Tribunal for Rwanda since 1995 and participated in the landmark

judgement of that Court in the Akayesu case, which deals with rape as a form of genocide. As appears from her curriculum vitae she has also written and spoken on the subject of violence against women and children.

5. Although Justice Pillay meets the requirements specified in both Article 3(b)(i) and 3(b)(ii) her experience as a member of the International Criminal Tribunal for Rwanda make it particularly appropriate for her to be nominated for inclusion in list B.