

## JUDGE (DR.) GUÉNAËL METTRAUX

### Switzerland's candidate for the International Criminal Court (ICC) Judicial Elections 2027 – 2036

#### JUDICIAL FUNCTIONS AND LEGAL PRACTICE

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<b>Kosovo Specialist Chambers (KSC)</b> The Hague, the Netherlands <i>Judge</i> Prosecutor v. Hashim Thaçi et al. Prosecutor v. Gucati and Haradinaj	Feb 2017 – present  May 2022 – present Sep 2021 – May 2022
<b>Permanent Court of Arbitration (PCA)</b> Appeal Board (Administrative Decisions) The Hague, the Netherlands <i>Chairperson</i>	May 2018 – present
<b>International Criminal Court (ICC)</b> The Hague, the Netherlands <i>Counsel for State Parties</i>	Sep 2014 – May 2021
<b>Human Rights Review Panel (HRRP)</b> Pristina, Kosovo (EULEX) <i>Member and Chairperson</i>	Sep 2012 – May 2021
<b>International Criminal Court (ICC)</b> The Hague, the Netherlands <i>Counsel for protected witness</i>	Feb 2020 – May 2021
<b>Amnesty International</b> The Hague, the Netherlands <i>Senior Consultant</i>	Dec 2016
<b>United Nations</b> Department of Political Affairs, Middle East and West Asia Division and UNODC (Iraq) The Hague, the Netherlands / Baghdad, Iraq <i>Senior Consultant (anti-terrorism and ISIS Accountability)</i>	Apr 2017 – Mar 2021
<b>Special Tribunal for Lebanon (STL)</b> The Hague, the Netherlands <i>Counsel and legal consultant for Assad Hassan Sabra, Prosecutor v. Ayyash et al. ("Rafik Hariri trial")</i>	Oct 2011 – Jun 2017
<b>International Criminal Tribunal for the former Yugoslavia (ICTY)</b> The Hague, the Netherlands <i>Appeal Counsel, Prosecutor v. General Milivoj Petković (Appeals proceedings)</i>	May 2013 – May 2015
<b>International Criminal Tribunal for Rwanda (ICTR)</b> The Hague, the Netherlands & Arusha, Tanzania <i>Appeal Counsel, Augustin Ndirabatware v. Prosecutor (Appeals proceedings)</i>	Feb 2013 – Dec 2014

<b>Extraordinary Chambers in the Courts of Cambodia (ECCC)</b> Phom Penh, Cambodia <i>Consultant, Defence team of Khieu Samphan (Appeals proceedings)</i>	Sep – Dec 2014
<b>International Criminal Tribunal for the former Yugoslavia (ICTY)</b> The Hague, the Netherlands <i>Appeal Counsel, Prosecutor v. Ante Gotovina (Appeals proceedings)</i>	Apr 2011 – Nov 2012
<b>Special Court for Sierra Leone (SCSL)</b> The Hague, the Netherlands <i>Counsel for investigated staff</i>	Dec 2012
<b>International Criminal Tribunal for the former Yugoslavia (ICTY)</b> The Hague, the Netherlands <i>Lead Counsel, Contempt investigations against investigated staff members</i>	Feb – Dec 2011
<b>International Criminal Tribunal for the former Yugoslavia (ICTY)</b> The Hague, the Netherlands <i>Lead Counsel, In the Contempt Case against Berko Zečević</i>	Feb 2011
<b>Special Tribunal for Lebanon (STL)</b> The Hague, the Netherlands <i>Legal Consultant and Assigned Counsel, Defence Office</i>	Sep 2008 – Nov 2010
<b>International Criminal Tribunal for the former Yugoslavia (ICTY)</b> The Hague, the Netherlands <i>Legal Consultant, Defence team General Milivoj Petković, Prosecutor v. Prlić et al. (Trial Proceedings)</i>	Nov 2010 – Mar 2011
<b>International Criminal Court (ICC)</b> The Hague, the Netherlands <i>Legal Consultant for Jean-Pierre Bemba, Prosecutor v. Bemba</i>	Dec 2009 – Sep 2014
<b>Austrian Criminal Courts</b> The Hague, the Netherlands / Vienna, Austria <i>Advisor for Jovan Divjak, Extradition proceedings between Austria and Serbia in the case Republic of Serbia v Jovan Divjak ("War crimes" extradition)</i>	Mar – Aug 2011
<b>International Center for Transitional Justice (ICTJ)</b> The Hague, the Netherlands <i>Legal consultant on transitional justice, international criminal justice/procedure, human rights investigations, in relation to War Crimes Division (High Court, Uganda); International Crimes Tribunal Act (Bangladesh); transitional Justice in Guatemala (CICIG report); legislative and judicial reforms regarding international crimes (Democratic Republic of Congo); Documentation/Mapping project – Action Plan on Peace, Justice and Reconciliation (Afghanistan Independent Human Rights Commission).</i>	Jan 2010 – Sep 2011
<b>State Court of Bosnia and Herzegovina, War Crimes Chamber</b> Sarajevo, Bosnia and Herzegovina <i>Counsel for suspect, war crimes investigation</i>	Nov 2009 – Feb 2011
<b>International Criminal Tribunal for the former Yugoslavia (ICTY)</b> The Hague, the Netherlands <i>Legal Consultant for Mico Stanišić, Prosecutor v. Stanišić (Trial Proceedings)</i>	Jun 2008 – Jul 2009

<b>International Criminal Tribunal for the former Yugoslavia (ICTY)</b> The Hague, the Netherlands <i>Defence Counsel/Attorney for Florence Hartmann, Case against Florence Hartmann (Contempt Proceedings – ICTY)</i>	Feb 2009 – Jul 2011
<b>Extraordinary Chambers in the Courts of Cambodia (ECCC)</b> Phnom Penh, Cambodia <i>Legal Consultant, Defence Support Section and Defence team of Khieu Samphan</i>	Jun 2008 – Mar 2009
<b>International Criminal Tribunal for the former Yugoslavia (ICTY)</b> The Hague, the Netherlands <i>Counsel for Ljube Bošković, Prosecutor v. Bošković and Tarčulovski (Trial and Appeals proceedings)</i>	Jun 2006 – May 2010
<b>International Criminal Court (ICC)</b> The Hague, the Netherlands <i>Consultancy, Intermediaries and the ICC</i>	Feb 2009
<b>International Criminal Tribunal for the former Yugoslavia (ICTY)</b> The Hague, the Netherlands <i>Counsel for Sefer Halilović, Prosecutor v. Halilović (Trial and Appeals proceedings)</i>	Sep 2003 – Oct 2007
<b>State Court of Bosnia and Herzegovina, War Crimes Chamber</b> Sarajevo, Bosnia and Herzegovina <i>Consultant, Defence Office (OKO)</i>	Jan 2006 – Mar 2006
<b>International Criminal Court (ICC)</b> The Hague, the Netherlands <i>Consultant, Registry</i>	Sep – Dec 2003
<b>International Criminal Tribunal for the former Yugoslavia (ICTY)</b> The Hague, the Netherlands <i>Legal Advisor, Trial and Appeals Chambers</i>	Oct 1999 – Sep 2003

## ACADEMIC ACTIVITIES

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<b>National University of Ireland</b> Galway, Ireland <i>Adjunct Professor</i>	May 2020 – present
<b>Université de Fribourg</b> Fribourg, Switzerland <i>Guest Lecturer in international criminal law and procedure</i>	Sep 2010 – present
<b>SciencesPo</b> Paris, France <i>Lecturer</i>	Sep 2019 – Jul 2021
<b>PennState University, Dickinson Law School</b> Carlisle, Pennsylvania, United States <i>Affiliate Professor of international criminal law practice</i>	Jul 2018 – Feb 2021

<b>University of Amsterdam</b> Amsterdam, the Netherlands <i>Emeritus Professor of international criminal procedure</i>	Feb 2012 – Jul 2020
<b>University of Leiden</b> Leiden, the Netherlands <i>Guest Professor in the Advanced Master in International Law program</i>	Sep 2008 – Jul 2011
<b>University of Geneva/Geneva Academy of International Humanitarian Law</b> Geneva, Switzerland <i>Guest Professor in the Master in International Humanitarian Law program</i>	Sep 2009 – Jul 2010
<b>University of Sarajevo, Law Faculty</b> Sarajevo, Bosnia and Herzegovina <i>Guest Professor</i>	Dec 2006 – Sep 2008
<b>Penn State University, Dickinson State School of Law</b> Vienna, Austria / The Hague, The Netherlands <i>Guest Professor (Summer school)</i>	Jun 2006 – Jul 2010
<b>European University Institute</b> Florence, Italy <i>Scientific Coordinator, ETHICS Project (European Training in Higher International Criminal Sciences)</i>	Jul 2004 – Jun 2007

## EDUCATION

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<b>London School of Economics and Political Science (LSE), Law Department</b> London, United Kingdom <i>PhD</i> Thesis Title: Command Responsibility in International Law – the Boundaries of Criminal Liability for Military Commanders and Civilian Leaders. Supervisor: Professor Christopher Greenwood.	2008
<b>University College London</b> London, United Kingdom <i>LLM in International Law</i>	1997
<b>Université de Lausanne</b> Lausanne, Switzerland <i>Licence en Droit</i>	1996

## PROFESSIONAL AND ACADEMIC ORGANIZATIONS

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<b>International Criminal Law Review</b> The Hague, the Netherlands <i>Board of Editors</i>	2002 – present
<b>Journal of International Criminal Justice</b> Oxford, United Kingdom <i>Editorial Committee</i>	2003 – 2025
<b>Doughty Street Chambers</b> London, United Kingdom <i>Associate Tenant</i>	2011 – present

<b>International Criminal Court (ICC)</b> The Hague, the Netherlands <i>Defence Counsel list</i>	2009 – present
<b>Special Tribunal for Lebanon (STL)</b> The Hague, the Netherlands <b>Defence Counsel list</b>	2009 – 2017
<b>Association of Defence Counsel (ICTY)</b> The Hague, the Netherlands <i>Full member</i>	2003 – 2017
<i>Member of Disciplinary Committee</i> <i>Amicus committee</i>	2007 – 2010, 2014 – 2016 2013 – 2014

## **PUBLICATIONS**

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### ***Books and Book Chapters***

*Human Rights in War Crimes Trials* (Oxford University Press, scheduled for 2027).

*International Crimes – The Law and the Practice: Volume 3: War Crimes* (Oxford University Press, scheduled for 2027).

*Commentaries*, in ICRC, *Commentaries to Additional Protocol I* (scheduled for 2027).

*International Crimes – The Law and the Practice: Volume 2: Crimes Against Humanity* (Oxford University Press, 2020).

*International Crimes – The Law and the Practice: Volume 1: Genocide* (Oxford University Press, 2019).

*The United Nations Special Tribunal for Lebanon: Prosecuting Terrorism*, in B. Saul (ed.), *Research Handbook on International Law and Terrorism* (Edward Elgar Publishing Ltd, 2014), pp. 651–666.

*The Definition of Crimes Against Humanity and the Question of a “Policy” Element*, in L. Sadat (ed.), *Forging a Convention for Crimes Against Humanity* (Cambridge University Press, 2011), pp. 142–176.

*Trial At Nuremberg*, in W. Schabas and N. Bernaz, *The Routledge Handbook of International Criminal Law* (Routledge, 2010), pp. 5–16.

*Impartiality/Conflict of Interests*, in G. Sluiter and K. Klip (eds.), *Annotated Leading Cases of International Criminal Tribunals*, Vol. 23 (Intersentia, 2010), pp. 489–492.

*The Law of Command Responsibility* (Oxford University Press, 2009).

🏆 *Awarded the 2009 Francis Lieber Prize* (Lieber Society of the American Society of International Law).

*Perspectives on the Nuremberg Trial* (Oxford University Press, 2008).

*Organising the Defence – Some Lessons from Recent and Not So Recent War Crimes Precedents*, in M. Bohlander (ed.), *International Criminal Justice: A Critical Analysis of Institutions and Procedures* (Cameron May Publisher, 2007), pp. 391–428 (with A. Cengic).

*Counsel, Effective Defence and Right to be Tried in One’s Presence*, in G. Sluiter and A. Klip (eds.), *Annotated Leading Cases of International Criminal Tribunals*, Vol. 9 (2005), pp. 551–607.

*Complicity to Genocide*, in D. Shelton *et al.* (eds.), *Encyclopedia of Genocide and Crimes against Humanity* (Macmillan, 2004), pp. 193–196.

*Le 'viol' en droit international à la lumière de la jurisprudence du Tribunal Pénal International pour l'ex-Yougoslavie: Quelques aspects*, in R. Cario and D. Salas, *Oeuvre de Justice et Victimes*, Ecole Nationale de la Magistrature (L'Harmattan, 2002), pp. 119–134.

*Using Human Rights Law for the Purpose of Defining International Criminal Offences – The Practice of the International Criminal Tribunal for the Former Yugoslavia*, in R. Roth and M. Henzelin (eds), *L'Internationalisation du Droit Pénal* (Schulthess/Bruylant, 2002), pp. 183–216.

## Articles

*Heads of State Immunities, International Crimes and President Bashir's Visit to South Africa*, *International Criminal Law Review* 18(4) (2018), pp. 577–622 (with M. du Plessis and J. Dugard).

*South Africa's Failed Withdrawal from the Rome Statute – Politics, Law and Judicial Accountability*, *Journal of International Criminal Justice* 15(2) (2017), pp. 361–370 (with M. du Plessis).

*A Little Known Case from the American Civil War: The War Crimes Trial of Major General John H. Gee*, *Journal of International Criminal Justice* 8(4) (2010), p.1059–1068.

*Foreword – Symposium: Victims' Participation in International Criminal Law*, *Journal of International Criminal Justice* 8(1) (2010), pp. 75–78.

*The Internationalisation of Domestic Jurisdictions by International Tribunals: The Special Tribunal for Lebanon Renders its First Decisions*, *Journal of International Criminal Justice* 7(5) (2009), pp. 911–926.

*The 2005 Revision of the Statute of the Iraqi Special Tribunal*, *Journal of International Criminal Justice* 5(2) (2007), pp. 287–293.

*Comparing the Comparable: 2006 Military Commissions vs. the ICTY*, *Journal of International Criminal Justice* 5(1) (2007), pp. 59–66.

*Reparations to Victims before the International Criminal Court: Lessons from International Mass Claims*, *Criminal Law Forum* 17(3–74) (2006) pp. 317–344 (with M. Henzelin and V. Heiskanen).

*Dutch Courts' Universal Jurisdiction over Violations of Common Article 3 qua War Crimes*, *Journal of International Criminal Justice* 4(2) (2006), pp. 362–371.

Book Reviews, *International Justice and the International Criminal Court*, by B. Broomhall and *Judging Criminal Leaders*, by Y. Beigbeder, *International Criminal Law Review* 3(4) (2004), pp. 415–416.

*US Courts-Martial and the armed conflict in the Philippines (1900-1) – Their contribution to national case law on war crimes*, *Journal of International Criminal Justice* 1(1) (2003), pp. 135–150.

Book Review, *The Gentle Civilizer of Nations – The Rise and Fall of International Law 1870-1960*, (Hersch Lauterpacht memorial lectures), by M. Koskeniemi, *International Criminal Law Review* 3(1) (2003), pp. 79–85.

*Crimes against Humanity in the Jurisprudence of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda*, *Harvard International Law Journal* 43(1) (2002), pp. 237–316.

Book Review, *Genocide, Crimes Against Humanity, War Crimes: Nullum Crimen Sine Lege and the Subject Matter Jurisdiction of the International Criminal Court*, by M. Boot, *International Criminal Law Review* 2(4) (2002), pp. 423–427.

*Current Developments*, *International Criminal Law Review* 1(3–4) (2001), pp. 261–284.

### **Expert Reports and Amicus Curiae Briefs**

Expert Brief on Universal Jurisdiction, Stockholm District Court, 9 May 2021 (with Prof. W. Schabas).

UNODC, *Technical Assistance Handbook on Appropriate Use of Non-Custodial Measures for Terrorism-Related Offences* (United Nations, 2021).

Expert Witness (on Human Rights and due process), Proceedings before the Court of Arbitration for Sport (CAS), *Rusada v. Wada*, 2020.

Expert Report, *Prosecuting War Crimes in the Former Yugoslavia (Bosnia-Herzegovina, Croatia and Serbia) – Challenges and Opportunities*, (Swiss Federal Ministry of Foreign Affairs, 2017).

*Amici Curiae* Brief, Constitutional Court of South Africa, Minister of Justice and Constitutional Development & Others v. and Southern African Litigation Centre (Case No: CCT 75/16), 13 October 2016 (with Prof. J. Dugard).

*Amicus curiae*, Constitutional Court of South Africa, in Minister of Justice and Constitutional Development & Others v. Southern African Litigation Centre (Case No. CCT 75/16), 27 October 2016 (with Prof. J. Dugard).

Expert Initiative on Promoting Effectiveness at the International Criminal Court (with the support of the Swiss Federal Ministry of Foreign Affairs and the University of Amsterdam) (2014) (with S. Fisher, D. Groome, A. Whiting, G. McIntyre, J. de Hemptinne and G. Sluiter).

Human Rights Review Panel, Case-Law Notes on the Jurisprudence of the Human Rights Review Pane, [https://hrrp.eu/Case-Law\\_Notes.phpl](https://hrrp.eu/Case-Law_Notes.phpl).

### **Non-academic publications**

*L’Affaire Khadafi – État de Droit contre Raison d’État*, 24 Heures, 15 December 2010.

*International Justice – For Others*, op-ed, International Herald Tribune, 1 June 2010.

*The Hardest Word*, op-ed, International Herald Tribune, 2 – 3 April 2010.

*A Nuremberg for Guantanamo*, op-ed, New York Times, 19 August 2009.