

## Kimberly PROST - Curriculum Vitae

<b>FAMILY NAME:</b>	<b>PROST</b>	
<b>FIRST NAME:</b>	<b>Kimberly</b>	
<b>MIDDLE NAME:</b>		
<b>GENDER:</b>	<b>Female</b>	
<b>DATE OF BIRTH:</b>	<b>04/06/1958</b>	
<b>NATIONALITY:</b>	<b>Canadian</b>	
<b>REGIONAL CRITERIA:</b>	<b>WEOG</b>	
<b>SECONDARY NATIONALITY: (IF APPLICABLE)</b>		
<b>MARITAL STATUS:</b>	<b>Single</b>	
<b>LIST A/LIST B</b>	<b>List A</b>	
<b>LANGUAGES</b>	<b>Mother tongue: English</b>	
- <b>ENGLISH</b>	(written)	(oral)
- <b>FRENCH</b>	(written) <b>Intermediate</b>	(oral) <b>Advanced</b>
<b>EDUCATIONAL QUALIFICATIONS:</b> <i>Date, institution, qualification(s) obtained (starting with most recent)</i> - Please copy/paste if more entries are needed		
<b>09/1990 - 04/1991</b> - <i>Institution:</i> <b>Law Society of Upper Canada</b> - <i>Qualification(s) obtained:</i> <b>Admitted to the Bar of Ontario Canada</b>		
<b>01/1982 - 06/1982</b> - <i>Institution:</i> <b>University of Manitoba Faculty of Law</b> <i>Qualification(s) obtained:</i> <b>Admitted to the Bar of Manitoba Canada</b>		
<b>09/1978 - 05/1981</b> - <i>Institution:</i> <b>University of Manitoba Faculty of Law</b> - <i>Qualification(s) obtained:</i> <b>Bachelor of Law (LL.B.)</b>		
<b>09/1976 - 05/1978</b> - <i>Institution:</i> <b>University of Manitoba Faculty of Arts</b> - <i>Qualification(s) obtained:</i> <b>2 years mandatory study for admission to Faculty of Law</b>		
<b>09/1972 - 04/1976</b> - <i>Institution:</i> <b>St. Mary's Academy</b> - <i>Qualification(s) obtained:</i> <b>High School Diploma</b>		

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**PROFESSIONAL EXPERIENCE:** *Date, employer, post title, other information (starting with most recent)*

*- Please copy/paste if more entries are needed*

*- Please indicate the relevance of the experience to the candidacy under list A or list B, as appropriate*

## **02/2016 –Present**

- *Employer:* **International Criminal Court**
- *Post title:* **Chef de Cabinet to the President**
- *Other information:* I manage Presidency staff to provide support and advice for the administrative, legal and external relations functions of the President and Presidency. I also provide advice to the President and Presidency in relation to their mandated functions. I participate in senior management meetings and liaise and coordinate with the other organs of the Court. I attend meetings of the Judiciary including those which consider proposed procedural amendments to the Regulations of the Court. I have worked closely with the Presidency on the development of performance indicators and other related initiatives designed to improve the efficiency of the ICC proceedings. I participate in relevant meetings of States Parties and liaise with State representatives on behalf of the Presidency on a broad range of issues including questions related to treaty law and interpretation. My experience in this role gives me an in-depth understanding of the unique structure and functioning of the ICC as a criminal court and a broad appreciation of the challenges for the Court, including the particular issues for the Judiciary. It has further enhanced my knowledge of criminal law and procedures as applied at the Court and has given me exposure to international law issues related to the functioning of the ICC as both a Court and an international organization.

## **07/2010 - 07/2015**

- *Employer:* **United Nations**
- *Post title:* **Ombudsperson, Security Council Al-Qaida Sanctions Committee**
- *Other information:* As Ombudsperson I was responsible for receiving and assessing requests for delisting from the Security Council Al-Qaida Sanctions Committee list. In each case I would gather and analyse information, interview witnesses and conduct exchanges with the petitioners. I would then assess all of the gathered material with reference to a standard and prepare a comprehensive report and recommendation for each petition. I handled over 60 cases in a five year period. The function was comparable to the role of an investigating judge in a criminal proceeding as exists in some civil law jurisdictions and demanded the core skills that a criminal law judge is required to employ in day to day work. In addition, working directly with the Security Council Committee I gained considerable expertise in the international law issues related to the

use of the sanctions power under Chapter VII of the Charter. I believe this experience is relevant to both the criminal law and international law qualification criteria for ICC judges.

**07/2006 - 07/2010**

- *Employer:*
- *Post title:*
- *Other information:*

**International Criminal Tribunal for the Former Yugoslavia  
Judge**

As an *ad- litem* judge of the ICTY I sat on the case of *Popovic et al*, a joint trial of 7 individuals accused of crimes against humanity and war crimes, with counts of genocide against 5 of the accused, based on allegations related to events at Srebrenica and Zepa. I also served as the Pre-Trial Judge and Presiding Judge (in the Pre-Trial phase) in the case of *Prosecutor v. Tolimir* (self-represented accused). Through this role I gained additional experience in criminal law practice with special relevance to the work of an ICC judge in that it was in an international, multi-cultural/legal tradition context. In addition to clearly demonstrating experience as a judge in criminal proceedings, this experience is also of relevance to the criteria of international law competence given that the subject matter of adjudication was international criminal law and international humanitarian law.

**04/2005 - 07/2006**

- *Employer:*
- *Post title:*
- *Other information:*

**United Nations Office on Drugs and Crime  
Chief Legal Advisory Section, Treaty and Legal Affairs Branch**

I managed the Legal Advisory Section to provide assistance and advice to States on substantive criminal law, criminal justice and international criminal law issues including in the area of international cooperation. This work enhanced my expertise in criminal law and practice. Of particular relevance was the further insight I gained as to the practice of criminal law in different legal traditions. It also further expanded my knowledge of, and experience with, international criminal law especially regarding extradition and mutual legal assistance principles and practice. This is of special relevance for the work of an ICC judge in that the cooperation provisions of Part 9 of the Rome Statute draw extensively from State to State practice. The comparative law component of the work also contributed to enhanced competency in international law.

**07/2000- 04/2005**

- *Employer:* **Commonwealth Secretariat**
- *Post title:* **Head, Criminal Law Section, Deputy Director, Legal and Constitutional Affairs Division**
- *Other information:* I managed the Criminal Law Section to provide general legal and policy advice and assistance to Commonwealth Member States with respect to criminal law and international law issues. I also organized and delivered pan-Commonwealth workshops on a variety of criminal and international law topics and prepared guidelines and model legislation. Of particular relevance is the program which was delivered on implementation of the Rome Statute of the International Criminal Court. Working with a group of experts, I developed Commonwealth model legislation to assist States with implementation of the Statute into domestic law. It was accompanied by an explanatory guide outlining the relevant issues to be considered in the course of crafting domestic legislation. On the basis of these materials, I organized and delivered a series of regional workshops to discuss specific challenges that States faced with ratification and implementation, as well as possible solutions and ways forward. This initiative provided me with further detailed insight into the ICC framework instruments and their implication from a criminal and international law perspective. It also gave me an understanding of the challenges of States in terms of the cooperation obligations in Part 9 of the Statute which is the critical tool which the Court relies upon to obtain arrest and surrender pursuant to judicial orders and to receive assistance with evidence gathering in the context of investigations and prosecutions.

**06/1994- 07/2000**

- *Employer:* **Department of Justice of Canada, Ottawa**
- *Post title:* **Director, International Assistance Group**
- *Other information:* I managed the International Assistance Group (IAG) which acts on behalf of the Minister of Justice of Canada as Central Authority for international cooperation in criminal matters and is responsible for the administration of Canada's extradition and mutual legal assistance (international evidence gathering) programs. A major component of this work involved discussion and liaison with domestic and foreign law enforcement, prosecutorial and judicial

authorities to identify the challenges to implementation of the requests. I also participated in the negotiation of over 40 bilateral extradition/mutual legal assistance treaties. To be successful in both functions it was necessary to engage with foreign state authorities, about the intricacies of their criminal justice regimes in order to develop a detailed understanding of other legal systems and traditions. This is experience that proved very valuable in my ICTY judicial role and would be equally relevant to the role of an ICC Judge both in terms of criminal law and procedure and international law. Also in this capacity I was a member of the Canadian delegation for the negotiation of the Rome Statute which created the International Criminal Court and its related Elements of Crime and Rules of Procedure and Evidence. As one of two Department of Justice representatives on the Canadian negotiating team I was intricately involved in the development of the core provisions related to the criminal process of the Court and the regime for cooperation by States with the Court. Subsequently I worked on the legislation for implementation of the Rome Statute into Canadian law to allow for ratification of the treaty by Canada. I believe the detailed knowledge of the Rome Statute generated by these experiences would be an important asset for the work of an ICC judge in terms of both the criminal law and international law qualification criteria.

**01/1990 – 06/1994**

- *Employer:* **Department of Justice of Canada, Ottawa**
- *Post title:* **Senior Counsel, Criminal Law Branch**
- *Other information:* I worked on an array of criminal law matters including international cooperation cases. A considerable amount of my practice involved litigation on behalf of the Government of Canada including before the Supreme Court of Canada in criminal, extradition and constitutional cases. This experience enhanced my expertise in terms of criminal law practice especially regarding appellate work and also contributed to a better understanding of the international cooperation component of international criminal law.

**06/1987- 01/1990**

- *Employer:* **Department of Justice Canada, Ottawa**
- *Post title:* **Counsel, Crimes against Humanity and War Crimes Section**
- *Other information:* As one of five team leaders, I was responsible for preparing case assessments for possible prosecutions under newly adopted Crimes against Humanity and War Crimes legislation for the consideration

of the Minister of Justice/Attorney General. I prepared detailed legal opinions on international law, international humanitarian law, international criminal law and criminal law issues. As part of the development of a case brief I consulted with international criminal law experts including Sir Ian Brownlie and Professor Cherif Bassiouni. I also provided advice to the Minister and to senior Department officials on legal and policy issues related to the prosecution of genocide, crimes against humanity and war crimes. As part of this work I reviewed Nuremberg/Tokyo records of proceedings and jurisprudence. Overall I gained considerable expertise in the field of international criminal and humanitarian law and with respect to the prosecution of the international crimes which are the core crimes of the Rome Statute.

**06/1982 – 06/1987**

- *Employer:*

**Department of Justice of Canada, Winnipeg Regional Office**

- *Post title:*

**Federal Prosecutor**

- *Other information:*

I conducted a wide range of prosecutions including complex multi-accused, conspiracy cases. I also appeared as counsel before the Manitoba Court of Appeal and the Supreme Court of Canada arguing a number of criminal law cases including challenges premised on the human rights protections enshrined in the Canadian Charter of Rights and Freedoms. In addition I handled circuit prosecutions in Northern Manitoba and the Yukon Territory. This experience of day to day prosecution work allowed me to develop fundamental practical criminal law and courtroom skills which remain very relevant for the work of an international judge.

**OTHER PROFESSIONAL ACTIVITIES:**

- Please copy/paste if more entries are needed

**Ongoing since 2004**

*Activity:* Part time lecturer, summer program on International Criminal Law, Queens University, Canada (lectures given at facility in the UK)

**Ongoing since 2016**

*Activity:* Lecturer for Junior Prosecutor Training Course, the Siracusa International Institute for Criminal Justice and Human Rights, Siracusa, Italy

**Ongoing since 2016**

*Activity:* Panel Member Wildlife Justice Commission

**1998-2000**

*Activity:* Part-time Lecturer on International Criminal Law, McGill University Faculty of Law (Canada)

**2007-2010**

*Activity:* Board Member Hiil Institute (Innovating Justice), The Hague

**MOST RELEVANT PUBLICATIONS**

*“Commentary on the Rome Statute of the International Criminal Court” Observer’s Note on Part 9 International Cooperation and Judicial Assistance, 3<sup>rd</sup> Edition, Triffterer/Ambos, Verlag C.H. Beck, OHG, Germany, 2015 (also 1<sup>st</sup> and 2<sup>nd</sup> editions of the same Commentary)*

*“The ICTY and its Relationship with National Jurisdictions”* chapter for *“The Legacy of the International Criminal Tribunal for the Former Yugoslavia”* edited by Bert Swart, Alexander Zahar and Goran Sluiter, Oxford University Press, 2011

*“State Cooperation and Transfer”* Chapter for *“Routledge Handbook of International Criminal Law”*, edited by William A. Schabas and Nadia Bernaz, Routledge 2010

*“The Rome Statute and Domestic Legal Orders, Volume II”* Chapter on Canada with Darryl Robinson, Nomos Verlagsgesellschaft, Baden-Baden 2005

*“The International Criminal Court, Elements of Crime and Rules of Procedure and Evidence”, Chapter 14 “Enforcement”*, Editor Roy Lee, Transnational Publishers, 2001, Ardsley New York

Also related:

*“The Office of the Ombudsperson: a case for fair process”* chapter for Strengthening the Rule of Law through the Security Council, edited by Jeremy Farrall and Hilary Charlesworth, Routledge, 2016

*“No Hiding Place: How justice need not be blinded by borders”* chapter for *“Combating International Crime: The Longer Arm of the Law”* edited by Steven Brown, Routledge- Cavendish, (2008)

*“Towards Meaningful Adherence to Multilateral Instruments for International Cooperation: the Challenges to Effective Mutual Legal Assistance”* Treaty Enforcement and International Cooperation in Criminal Matters, Rodrigo Yepes-Enriquez and Lisa Tabassi (eds.), T.M.C. Asser Press, 2002, The Hague, Netherlands.

#### **MOST RELEVANT SEMINARS**

I have lectured and delivered presentations extensively over my career at a number of conferences/seminars. This is only a representative sample.

- Presentation on Fair Trial before National and International Courts, American Society of International Law, Washington, D.C., April 2017
- Keynote address at the panel on the Rule of law and Sanctions at the Global Law Summit, London, United Kingdom, February 2015
- Presentation on Road to Sustainable International Justice for the Annual meeting of the International Bar Association in Buenos Aires, Argentina 2008
- Presentation on the Negotiation of the Rome Statute at the annual meeting of the International Bar Association in Durban, South Africa, 2002

#### **MEMBERSHIP OF PROFESSIONAL ASSOCIATIONS AND SOCIETIES**

#### **AWARDS AND HONOURS**

1981 University of Manitoba Gold Medal for Highest Standing in Law  
1980 Alumni Association Scholarship for High Standing  
1980 Carswell Book Prize – Highest Standing in Second Year Law  
1980 Chevron Standard Limited Scholarship for highest weighted GPA in Law, Year I and II  
1979 Isbister Undergraduate Scholarship for Highest Standing  
1979 Lieutenant M.M. Soronow Prize for Highest Standing in First Year Law  
1979 Carswell Book Prize - Highest Standing in First Year Law  
1979 H.I. Corne Prize in Contracts  
1979 David Levin Memorial Scholarship in Real Property  
1979 L.D. Morosnick Prize in Criminal Law (shared)  
1978 St.Paul's College Paulinian of the Year Award  
1978 Klieforth Prize in American History  
1977 Father Gerald Sheridan Memorial Scholarship for Economics  
1977 Alumni Association Scholarship for High Standing  
1977 -1981 inclusive Dean's Honour List



<b>PERSONAL INTERESTS</b>
Travel, Literature, Theatre, Music, Dance
<b>OTHER RELEVANT FACTS</b>
<p>After 17 years working internationally, in five different international organizations, I have experience with, and a love for, multi-cultural work environments.</p> <p>I am also passionate about international criminal justice and much of my career has been dedicated to working with institutions or in roles where I can make a contribution in support of it. I was privileged to have the extraordinary experience of serving as a judge at the ICTY. Having participated in the development and establishment of the International Criminal Court, it is my hope to now have the opportunity to serve again in a judicial role with this important judicial institution to which I have a strong and personal connection and commitment.</p>