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Election of a judge to the European Court of Human Rights

(in accordance with Article 22 of the European Convention on Human Rights)

List and curricula vitae of candidates submitted by the Government of France

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List and curricula vitae of candidates submitted by the Government of France

Unofficial translation

Or. French

PERMANENT REPRESENTATION OF FRANCE TO THE COUNCIL OF EUROPE

The Ambassador

N° 150/LD/PR/mh

Strasbourg, 5 May 2011

Dear Secretary General,

I have the honour to forward to you, on behalf of the French government, the list of three candidates for the post of judge at the European Court of Human Rights in respect of France.

The names of these candidates, given in alphabetical order, are as follows:

– Ms Edwige Belliard, member of the Conseil d'Etat, Director of Legal Affairs, French Ministry of Foreign Affairs;

– Mr André Potocki, judge at the Court of Cassation and former judge at the Court of First Instance of the European Communities;

– Mr Jean-Paul Valat, President of the Investigation Chamber of the Court of Appeal of Versailles.

Please find enclosed their CVs according to the model approved by the Parliamentary Assembly, together with the description of the national procedure which led to the nomination of these candidates. These documents are also being forwarded in electronic form.

Yours faithfully,

Laurent DOMINATI

Encl.

Mr Wojciech SAWICKI

Secretary General of the Parliamentary Assembly of the Council of Europe

Strasbourg

Description of the national selection procedure

A public call for applications was published on the website of the Ministry of Foreign Affairs (www.diplomatie.gouv.fr/fr/IMG/pdf/FichePoste_diffusion.pdf) and on the website of the Ministry of Justice at the beginning of September 2010. It was also publicised in several legal journals. Interested persons had until 15 October 2010 to submit their application.

In accordance with the procedure set out in the call for applications, examination of the candidatures was entrusted to the French National Group of the Permanent Court of Arbitration (chaired by Mr Gilbert Guillaume, former Director of Legal Affairs at the Ministry of Foreign Affairs and former judge at the International Court of Justice, and whose members were Mr Prosper Weil, professor emeritus of public law, Mr Jean-Pierre Puissochet, former Director of Legal Affairs at the Ministry of Foreign Affairs and former judge at the Court of Justice of the European Communities, and Mr Marc Perrin de Brichambaut, former Director of Legal Affairs at the Ministry of Foreign Affairs and Secretary General of the Organisation for Security and Co-operation in Europe).

The National Group of the Permanent Court of Arbitration was asked to provide the Government with a list of six names from which the names of the three candidates to be presented to the Parliamentary Assembly of the Council of Europe would be selected.

After interviewing the candidates whose candidature had seemed to correspond best to the functions of the post, the National Group selected a list of five names.

Following the withdrawal of Mr Michel Hunault, the Government decided to transmit to the Parliamentary Assembly of the Council of Europe the applications, chosen from the list drawn up by the National Group, of Ms Edwige Belliard, member of the Conseil d'Etat and Director of Legal Affairs at the Ministry of Foreign Affairs, of Mr André Potocki, judge at the Court of Cassation and former judge at the Court of First Instance of the European Communities, and of Mr Jean-Paul Valat, President of the Investigation Chamber of the Court of Appeal of Versailles.

Edwige BELLIARD**CURRICULUM VITAE*****I. Personal details**

Name, forename: BELLIARD Edwige
Sex: Female
Date and place of birth: 19 May 1949, Khouribga (Morocco)
Nationality: French
Marital and family situation: Widow, two children, born in 1982 and 1986

II. Education and academic and other qualifications

Law degree (University of Paris Assas).
 Arts degree (Spanish).
 Graduate of the Institute of Political Studies, Paris.
 Diploma in advanced studies in public law (University of Paris Assas)
 Former student of the Ecole nationale d'administration (Guernica year, 1974-1976).
 Appointed to the Ministry of Foreign Affairs (1976).
 Appointed member of the Conseil d'Etat (1998)

III. Relevant professional activities*a. Description of judicial activities*

- 1983-1985: on detachment to the Conseil d'Etat, reporting judge, member of the 7th judicial sub-section (administrative claims);
- 1998-2003:
 - reporting judge, member of the 8th judicial sub-section,
 - then judge at the 1st judicial sub-section of the Conseil d'Etat.

b. Description of non-judicial legal activities

- In the Directorate of Legal Affairs (Deputy Director of International Economic Law and Community Law, Assistant Head of the Directorate, 1986-1995; member of the Channel Tunnel Intergovernmental Commission; agent for the French government before the CJEC and the ECHR);
- from 1998 to 2003: member of the Finance Section in the Conseil d'Etat;
- from 2003 to 2005: rapporteur general in the reports and studies section, responsible for drafting the Conseil d'Etat's public report, including the general considerations on "a century of secularism" (2004 report), "responsibility and socialisation of risk" (2005 report 2005) and the study on "local and regional authorities and Community obligations" (2004);
- member of the Opinion Polls Commission (1999-2004);
- member of the Tax Offences Committee (2003-2005).
- Since 2005: Director of Legal Affairs at the Ministry of Foreign and European Affairs; and in this capacity:

Agent for France before the courts of the European Union, the European Court of Human Rights and the International Court of Justice.

Drafting and presentation of France's report to the United Nations Committee on Human Rights; participation in – or co-ordination of – the drafting of France's reports for the committees of the United Nations and the Council of Europe in the field of human rights.

Chair of the Council of Europe's ad hoc committee on international law (elected chair with effect from 1 January 2011).

Representative of France on the European Union's Working Party on International Public Law (COJUR).

Delegate at the United Nations General Assembly (2005-2010): participation in the work of the 6th committee (legal affairs);

* Underlined text indicates posts or missions held at present.

Member and vice-chair of the Central Commission for Navigation on the Rhine.

- Member of the French International Law Society (and former member of its council).

c. Description of non-legal professional activities

At the Ministry of Foreign Affairs, as secretary for foreign affairs, then adviser, and then minister plenipotentiary:

- In the Europe Directorate (1976-1979);
- In the Department for Strategic Affairs and Disarmament (1979-1983);
- Director of Human Resources (1995-1998).

IV. Activities and experience in the field of human rights

- government agent before the ECHR;
- Drafting and presentation of France's report to the United Nations Committee on Human Rights; participation in – or co-ordination of – the drafting of various reports by France for committees in the field of human rights, in particular: for the United Nations, the Committee on the Elimination of Racial Discrimination (CERD), the Committee against Torture (CAT), the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC); for the Council of Europe, the European Commission against Racism and Intolerance (ECRI) and the Committee for the Prevention of Torture (CPT);
- numerous responses to consultations by the French authorities on legal issues relating to human rights in the context of the activities of the Directorate of Legal Affairs in the Ministry of Foreign Affairs;
- drafting of Conseil d'Etat reports on secularism and the socialisation of risk.

V. Public activities

a. Posts in the civil service (not including the Conseil d'Etat)

- In the Ministry of Foreign Affairs:
Drafting officer in the Europe Directorate, Southern Europe Sub-Directorate;
Drafting Officer in the Department of Strategic Affairs and Disarmament;
Director of Human Resources;
Deputy Director, then Assistant Director and, currently, Director of Legal Affairs.

b. Elected posts

None

c. Posts held in a political party or movement

None

VI. Other activities

Member of various competition panels: competitive examinations for entry to and graduating from the Ecole nationale d'administration, internal competitions in the Ministry of Foreign Affairs.

VII. Publications and other works

Various articles, including:

- Le concept de laïcité n'est pas un concept figé, *Semaine juridique. Administrations et collectivités territoriales*, 22 March 2004.
- Genèse et actualité de la notion de laïcité, *Les Cahiers de la Fonction publique et de l'Administration*, No. 233, April 2004.
- Des normes juridiques diverses et trop confuses, *Constructif*, No. 10, February 2005.
- Le Conseil d'Etat et les libertés religieuses, *Annuaire Droit et Religions*, Tome 1, 2005.
- Responsabilité et socialisation du risque, *La lettre de la justice administrative*, April 2005.
- La direction des affaires juridiques du Ministère des affaires étrangères, *Recueil Dalloz*, 2007.

- La défense de la France devant la Cour européenne des droits de l'Homme, *Gazette du Palais*, June 2007.
- Responsabilité et socialisation: quelle évolution, quelles perspectives? *Ponts et Chaussées Magazine*, November 2005.
- Le droit au recours et la procédure devant la CEDH, *Recueil Dalloz*, 11 November 2010.
- La France et le Pacte international relatif aux droits civils et politiques, *Le Pacte international relatif aux droits civils et politiques, commentaire article par article*, Economica, 2011.
- Les juridictions internationales à la croisée des droits, *Mélanges en l'honneur de Jean-Paul Costa*, to be published.
- Questions juridiques liées à l'implantation des organisations internationales en France, *La France et le droit international* (éd. Pedone), to be published.

VIII. Languages

Language	Reading			Writing			Speaking		
	Very good	Good	Fair	Very good	Good	Fair	Very good	Good	Fair
a. First language:									
French (mother tongue).	x			x			x		
(please specify)									
– English		x			x			x	
– French	x			x			x		
c. Other languages:									
-Spanish		x			x			x	

IX. Please confirm that you will take up permanent residence in Strasbourg if elected a judge at the Court.

I confirm that I will take up permanent residence in Strasbourg if elected a judge at the Court.

André POTOCKI

CURRICULUM VITAE*

I. Personal details

Name, forename: POTOCKI André
Sex: male
Date and place of birth: 21 June 1950, Lyon (France)
Nationality: French

II. Education and academic and other qualifications

1973: Law degree, University of Paris II
Graduate of the Institute of Judicial Studies

1975: École Nationale de la Magistrature (Bordeaux)

III. Relevant professional activities

a. Description of judicial activities

1976: Judge at the Ribérac District Court
1978: Judge at the Angoulême Regional Court
1979: Assistant Secretary General to the first president of the Paris Appeal Court
1982: Vice-president of the Senlis Regional Court
1984: Secretary General to the President of the Paris Regional Court
1985: Secretary General to the First President of the Paris Appeal Court
1988: Secretary General to the First President of the Court of Cassation
1990: Vice-president of the Paris Regional Court
1994: Judge at the Paris Appeal Court
1995: Judge at the Court of First Instance of the European Communities (Luxembourg)
2001: Section President at the Paris Appeal Court
2005: Judge at the Court of Cassation (Commercial section)
2006-2007: Member of the Jurisdiction Court (responsible for ruling on conflicts of jurisdiction between administrative and judicial courts)

b. Description of non-judicial legal activities

1994: Associate professor at the University of Paris X – Nanterre (European Community law)

2002-2006: Vice-chair of the European Commission for the Efficiency of Justice (CEPEJ), Council of Europe (Strasbourg)

2007-2009: Chair of the panel for the examination of aptitude to carry out the profession of lawyer/barrister at the Conseil d'Etat and the Court of Cassation

2008-2009: Member of the think-tank on reform of the profession of lawyer/barrister ("Darrois committee")

2008-2010: editor-in-chief of "Cahiers de la justice" (quarterly journal for comparative and multi-disciplinary reflection on justice, published by Dalloz)

2006: Member of the Scientific Board of the "Law and Justice Research Task Force" (Research centre of the French Ministry of Justice, in partnership with the National Scientific Research Centre (CNRS))

2010: Member of the Administrative Board of the Institute of International Transport Law (IDIT)

2011 (first semester): "Visiting Scholar" at the Law School of the University of Columbia (New-York)

* Underlined text indicates posts or missions held at present.

IV. Activities and experience in the field of human rights

2009: Member of the committee re-examining a criminal decision further to a judgment of the European Court of Human Rights (Article 626-1 et seq. of the Code of Criminal Procedure)

V. Public activities

a. Public office

1991-1994: Head of the Department of European and International Affairs, French Ministry of Justice

VII. Publications and other works

1991: "La formation des magistrats (plaider pour une ouverture)" (Etudes offertes à Pierre Bellet, LITEC)

2000: "L'organisation des juridictions communautaires est-elle porteuse d'enseignements pour les juridictions nationales?" (Le juge entre deux millénaires – Mélanges offerts à Pierre Drat, Dalloz)

2007: "Les réseaux juridictionnels en Europe" (Liber amicorum Bo Vesterdorf, Bruylant)

Numerous preparatory documents for the decisions of the Court of Cassation; for example, with regard to questions of international law: *Le Droit Maritime Français* – 2007, No. 685 (comprising an exchange of views with a British judge), *Revue critique de droit international privé* (on police laws in private international law – to be published late 2010)

VIII. Languages

Language	Reading			Writing			Speaking		
	Very good	Good	Fair	Very good	Good	Fair	Very good	Good	Fair
b. Official languages:									
– English	..	X	..	..	X	..	..	X	..
– French: mother tongue			..	..	..	..	..	..	..

XI. I confirm that I will take up permanent residence in Strasbourg if elected a judge at the Court.

Jean-Paul VALAT

CURRICULUM VITAE*

I. Personal details

Name, forename: VALAT Jean-Paul
Sex: male
Date and place of birth: 13 November 1956 in Paris
Nationality: French
Family status: married, 3 children

II. Education and academic and other qualifications

1978: Master's degree in private law at the University of Paris II
Certificate of judicial studies
Postgraduate legal qualification (CAPA)
1980: Diploma of advanced studies in private judicial law (University Paris II)

III. Relevant professional activities

a. Description of judicial activities

1980: Legal trainee
1982: Investigating judge at the Regional Court of Pontoise
1987: Investigating judge at the Regional Court of Paris
1995: Senior investigating judge at the Regional Court of Paris
2002: Auxiliary judge at the Court of Cassation (criminal division)
2007: President of the Investigation Chamber of the Court of Appeal of Versailles

b. Description of non-judicial legal activities

Gives lectures at the National School of the Judiciary (on preliminary investigation and press law)
Supervision of training sessions at the National School of the Judiciary on the practice of the Investigation Chamber
Member of examination boards for admission to legal training centres and award of the CAPA

c. Description of non-legal professional activities

2004 : Attended the 15th session of the Institute of Advanced Security Studies as an "auditeur".

IV. Activities and experience in the field of human rights

Traineeships at the Council of Europe and the European Court of Human Rights

Participation in the work of the board set up to review a criminal decision following a judgment of the European Court of Human Rights

Investigation of numerous press law cases and cases involving violations of investigation secrecy and receipt of such secrets, which are matters in which the European Convention on Human Rights comes particularly into play.

V. Public activities

a. Public office

Only judicial posts

b. Elected posts

None

c. Positions held in a political party or movement

None

* Underlined text indicates posts or missions held at present.

VI. Other activities: not applicable

VII. Publications and other works

Author of articles published in the Sofiac publishing house's encyclopaedia devoted to investigating judges.

Author of articles for the Jurisclasseur encyclopaedia

In criminal law: violence, group violence, malicious phone calls and administration of harmful substances

In criminal procedure: 5 articles about investigating judges

Article published in *Légipresse* about investigation of press cases

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
<i>a. First language:</i>									
French (mother tongue)	X	"	"	X	"	"	X	"	"
<i>b. Official languages:</i>									
– English	"	X	"	"	"	X	"	"	X
– French	X	"	"	X	"	"	X	"	"
<i>c. Other languages:</i>									

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court

If elected, I undertake to follow intensive English classes prior to, and if need be at the beginning of, my term of office.

X. Other relevant information: none

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court

If elected, I undertake to take up permanent residence in Strasbourg.