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Election of judges to the European Court of Human Rights

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

Communication¹

Secretary General of the Parliamentary Assembly

1. The curriculum vitae are presented and published as submitted by the Government of Ireland.



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1. List and curricula vitae of candidates submitted by the Government of Ireland

Letter from Ms Caitríona Doyle, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Ireland to the Council of Europe, to Ms Chatzivassiliou-Tsovilis, Secretary General of the Parliamentary Assembly, dated 23 February 2024.

I have the honour to refer to your letter of 1 February 2023 inviting the Government to submit a list of three candidates for election as a judge of the European Court of Human Rights in respect of Ireland, pursuant to Article 22 of the European Convention on Human Rights (“the Convention”).

[...]

In light of the foregoing, the Government of Ireland nominates the following candidates for election as a judge of the European Court of Human Rights (in alphabetical order):

- Judge Fergal GAYNOR
- Ms Justice Úna NÍ RAIFEARTAIGH
- Professor Colm Ó CINNÉIDE

[...]

2. Information on national selection procedure for the position of a judge of the European Court of Human Rights

On 1 February 2023 the Secretary General of the Parliamentary Assembly of the Council of Europe invited Ireland to submit a list of three candidates for election as a judge of the European Court of Human Rights in respect of Ireland.

On 15 September 2023 an advertisement seeking applications for nomination for election as a judge of the European Court of Human Rights was published on the websites of the Department of Foreign Affairs and the Public Appointments Service, together with a candidate information booklet.

This advertisement was also published in the main national newspapers (the Irish Times, the Irish Independent, and the Examiner), and on the LinkedIn account of the Department of Foreign Affairs.

The advertisement, candidate information booklet, and template curriculum vitae, were furnished by the Department of the Foreign Affairs to the following:

The judiciary

- The Office of the Chief Justice of Ireland (with a view to distribution to every member of the judiciary)

Universities

- Dublin City University
- Maynooth University
- Queen’s University Belfast
- South East Technological University
- Technical University Dublin
- Trinity College Dublin
- Ulster University
- University College Cork
- University College Dublin
- University of Limerick

Professional bodies

- Bar Council of Northern Ireland
- Council of the Bar of Ireland
- Honourable Society of the King’s Inns

- Law Society of Ireland
- Law Society of Northern Ireland

National human rights institutions

- Irish Human Rights and Equality Commission
- Northern Ireland Human Rights Commission

Applicants were requested to submit a letter of application, accompanied by a curriculum vitae in the format prescribed by the Parliamentary Assembly, by 5:00 pm on 9 October 2023. Seventeen applications were received by the prescribed deadline.

All applications were considered by an expert panel convened by the Attorney General, comprising –

- Mr Rossa Fanning SC, Attorney General (Chair);
- Mr Justice Frank Clarke, former Chief Justice of Ireland;
- Dr Suzanne Egan, Associate Professor, Sutherland School of Law, University College Dublin.

The expert panel considered the applications in light of the criteria for office prescribed by Article 21 of the European Convention on Human Rights, and having regard to the Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights (CM(2012)40-final).

The expert panel shortlisted 10 applicants, and interviews were held on 6 and 7 November 2023. The expert panel recommended three candidates (in alphabetical order) to the Minister for Foreign Affairs on 7 November 2023, and the list of three names was approved by the Government 28 November 2023.

Appendix 1 – Curriculum vitae of Fergal GAYNOR

I. Personal details

Name: GAYNOR, Fergal

Sex: male

Date and place of birth: 18 October 1971 in Blantyre, Malawi

Nationality : Irish

II. Education and academic and other qualifications

– 2008, The Honorable Society of King's Inns, Dublin

Degree of Barrister-at-Law

– 1995-1996, University of Law (formerly College of Law), York, UK

Postgraduate diploma in legal practice

– 1995-1996, University of Cambridge

Master of Philosophy in International Relations

– 1990-1994, Trinity College, Dublin Bachelor in Laws (LL.B.)

Admitted to practice law in England in 1999 and in Ireland in 2008.

III. Relevant professional activities

a. Description of judicial activities

2020-present: Judge, Kosovo Specialist Chambers (KSC), The Hague

- Appointed as an international judge in 2020. Full-time judge since May 2021 in the panel of four judges assigned to the trial of Prosecutor v. Hysni Gucati and Nasim Haradinaj (2021-2022) and the ongoing trial of Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi.
- I work closely with fellow judges and with Registry legal officers, analysing the arguments of the parties, and overseeing the drafting of decisions addressing a range of procedural and substantive questions of law (including the national law of Kosovo and public international law) raised by the parties. Due to the high volume of written pleadings, issuing decisions within a reasonable time requires us to exercise constant management of the workload of legal officers and to provide prompt feedback to them. As the reserve judge, I am present at all trial hearings and deliberations and I exercise as necessary my power to ask questions to the parties or witnesses at any time, to clarify points of law or fact. I participate in plenary meetings with the court's 21 other international judges, and liaise as necessary with the President and Registrar on a range of legal, security and logistical issues.
- KSC judges are required by the KSC's founding law to adjudicate and function in accordance with the European Convention on Human Rights, and to interpret the human rights and freedoms of the Constitution of Kosovo consistent with the decisions of the European Court of Human Rights.
- The Panel of which I am a member has considered arguments and issued decisions involving a range of European Convention rights, including: judicial review of an entrapment defence; admission in evidence of prior statements of the accused; warnings to suspects prior to interviews by the prosecution; permissible extent of questioning of witnesses by trial judges; waiver by accused of the right to silence and the right to counsel; statements of counsel to the media; "sole or decisive" rule in admitting statements of unavailable witnesses; ex parte review of evidence by trial judges; exclusion of public from trial proceedings.

2021-present: Associate, Doughty Street Chambers

- Associate member of this set of internationally renowned barristers in the fields of civil liberties and human rights.

2019-present: Reserve International Co-Prosecutor, Extraordinary Chambers in the Courts of Cambodia

- Appointed by the UN Secretary General in 2019. Served part-time (with the consent of the president of the Kosovo Specialist Chambers) as the acting International Co-Prosecutor of the ECCC from July 2022 to September 2023, dealing with the final appeal judgement of the ECCC; commencement of residual phase of the court; transfer of sole surviving convicted person (former head of state Khieu Samphan) to a national prison; and declassification of large volumes of evidence and legal filings.
- Oversaw the drafting of submissions on: ensuring public access to confidential decisions, filings and evidence; right of convicted person to consult counsel; conditions of detention for elderly wheelchair-bound convict; public access to names of murdered relatives.

2017-2019: Commission for International Justice and Accountability, Head, Syrian Regime Team and Head, Myanmar Team

- Strategic leadership of teams, based in Europe and the Middle East, investigating major human rights violations in Syria and Myanmar.
- Directed the analysis of documentary and testimonial evidence and the preparation of legal briefs concerning major human rights abuses by Syria's security agencies, army and air force, for eventual use by a court with jurisdiction over major human rights violations in Syria. For example, a 350-page brief articulating the criminal responsibility of senior members of Syria's Military Intelligence Department for suspected violations of fundamental rights of persons held in detention, including over 8,000 whose corpses were photographed by military police (the "Caesar" photographs).

2015-2016: Extraordinary Chambers in the Courts of Cambodia, Senior Assistant Prosecutor

- Participated in strategic decision-making and in proceedings against Khmer Rouge leaders Nuon Chea, Khieu Samphan and Meas Muth.
- Drafted and edited draft submissions by other lawyers on, for example, forced marriage; recharacterisation of charges; genocide; superior responsibility; *dolus eventualis* standard for murder; personal jurisdiction; territorial jurisdiction; adequate time for the preparation of defence.
- Conducted, with national lawyers, analysis of Cambodian criminal law on a range of fair trial rights.

2012-2020: International Criminal Court, Lead Counsel for Victims, based in The Hague and Nairobi

- Appointed by a panel of judges as the full-time lead counsel from 2012 to 2015 for over 20,000 victims in prosecution of president Kenyatta of Kenya.
- Part-time pro bono lead counsel for groups of victims from two other states parties (Afghanistan and Palestine) in 2019 and 2020 in proceedings before the Pre-Trial Chamber and Appeals Chamber concerning commencement of investigation.
- Managed team of lawyers in Kenya and liaised with multiple organs of the Court's Registry, and a team of pro bono lawyers in New York.
- Made submissions to United Nations Security Council on African Union request to suspend the proceedings in accordance with the Rome Statute.
- Conducted, with national lawyers, extensive analysis of Kenyan law to assess whether national authorities were carrying out an impartial and thorough investigation in accordance with domestic law.
- Oversaw drafting of numerous written submissions on sexual violence; victims' participatory rights in the pre-trial and trial periods; the victims' right to an expeditious and thorough investigation; obligations of a State to provide evidence of a suspect's participation in major human rights violations; interpretation of Rome Statute under the Vienna Convention on the Law of Treaties; standing of victims, in over thirty jurisdictions, to seek judicial review of prosecutorial inaction; whether failure to investigate or prosecute acts of murder and torture constitutes a violation of right to life, the prohibition on torture, the right to a fair trial, the right to judicial protection and the right to an effective remedy; presence of accused at trial; territorial jurisdiction; jurisdiction over non-State Party nationals.

2008-2009: Circuit Court, High Court, and Supreme Court of Ireland, Barrister-at-law

- Requalified as a lawyer in Ireland, assisting in the representation of defendants before the Circuit Court, High Court, the Special Criminal Court and Supreme Court of Ireland, in proceedings concerning a range of non-fatal offences, extradition, contempt of court, membership of proscribed organisations and seizure of criminal assets.

2007-2008: International Criminal Tribunal for Rwanda, Tanzania., Trial Attorney, Office of the Prosecutor

- Represented the prosecution in court, on an almost daily basis, in *Nyiramasuhuko et al.*, the trial of a former government minister and five others regarding the killing in Butare of over 200,000 persons and other major human rights violations.
- Co-drafted motions, responses, and replies in response to submissions filed in French by six francophone defence teams.

2001-2007 and 2009-2012: International Criminal Tribunal for the former Yugoslavia, The Hague, Trial Attorney, Office of the Prosecutor

- For nine years, I was counsel in the teams prosecuting senior members of the Bosnian Serb leadership, including former Bosnian Serb presidents Radovan Karadžić and Biljana Plavsic, as well as other mid-level accused.
- Drafted and supervised the drafting of oral and written submissions on both national and public international law, and fair trial issues, including: presence of accused at trial; self-representation by the defendant in complex criminal cases; trial within a reasonable time; permissible period of pre-trial detention; protective measures for witnesses; disclosure of potentially exculpatory information by prosecution; qualifications of expert witnesses; permissible extent of cross-examination; opinion evidence by fact witnesses; permissible period of pre-trial detention; right to be informed in detail of criminal charges.

b. Description of non-judicial legal activities

February-August 2007: United Nations International Independent Investigation Commission, Beirut., Legal Adviser

- Provided strategic and tactical advice to Commissioner and other lawyers responsible for the investigation into the assassination of former Lebanese prime minister Rafik Hariri.
- Liaised with analysts, investigators, field security, and language support.
- Reviewed and provided comments on the Commission's reports to the U.N. Security Council.

1997-2001: Freshfields Bruckhaus Deringer, Associate

- Lawyer based in London, and for six months in the Freshfields Tokyo office. Seconded for 10 months to the Legal Unit of the Bank of England.
- Specialised in commercial transactions, often in multijurisdictional proceedings (involving, for example, documents governed by English, Cayman and Japanese law) and commercial litigation.
- Drafted witness statements, settlement agreements, statements of claim, memoranda of advice, letters to clients, attended client meetings.
- Interviewed fact and expert witnesses in the United States and in the United Kingdom.

c. Description of non-legal professional activities

All my professional activities have been in the legal field. I have never held public office. I am not a member of any political party.

IV. Activities and experience in the field of human rights

- Member of the Editorial Board, *Journal of International Criminal Justice*, Oxford University Press (JICJ), 2005-present. Provide structured peer review of several manuscript submissions per year.
- Visiting Fellow, Harvard Law School Human Rights Program, 2015. Attended seminars with other Visiting Fellows and engaged in research on prosecutorial discretion at the International Criminal Court.

- Adjunct lecturer in international criminal procedure, Irish Centre for Human Rights, University of Galway, 2009.
- Trained human rights workers, investigators, prosecutors and judges in multiple contexts, including Myanmar-based civil society organisations in 2018 and 2019 of, and Syrian lawyers and investigators in 2017-2019.
- Addressed numerous panels at side events at the annual meetings of the Assembly of States Parties of the International Criminal Court in 2013-2016.
- Participated in meetings in The Hague, Nairobi and online at the invitation of the ICC Registrar, the ICC Group of Experts and civil society as part of ongoing efforts to reform internal processes at the International Criminal Court, to make the court more efficient and effective.
- Delivered guest lectures on aspects of human rights protection at the Irish Centre for Human Rights, the New England Law School, the Transitional Justice Institute at Ulster University, the University of Denver, University of Miami School of Law, Florida State University, the Royal University of Law and Economics in Phnom Penh, and:
 - . Acceptance speech on human rights protection as recipient of the Praeses Elit award, Law Society of Trinity College Dublin, 2023.
 - . Guest speaker, Doughty Street International Justice Day 2021, on strengthening the rule of law in international criminal justice as a means of reinforcing national, regional and international security.
 - . Delivered the annual Owen M. Kupferschmid Memorial Lecture in 2021, Boston College, on evidence and atrocity trials.
 - . Invited speaker at the annual Harvard Human Rights Symposium, Harvard Law School, 2015.
 - . Invited speaker at panel on ethics in international courts at the annual meeting of the American Society of International Law, 2015.

V. Public activities

N/A.

VI. Other activities

N/A.

VII. Publications and other works

Published on a range of issues relating to accountability for major human rights violations, due process, and improving the efficiency of judicial proceedings before international courts. These include:

1. Documentary Evidence, a chapter in “Evidence in International Criminal Procedure: A Commentary”, Beck/Hart/Nomos, edited by Kai Ambos and others (forthcoming).
2. General Assembly Referral to the International Criminal Court, in “The Past, Present and Future of the International Criminal Court”, International Nuremberg Principles Academy, 2021.
3. Current Developments at the International Criminal Court, JICJ, OUP. Co-authored with P. Hayden and K. Kappos, 2016.
4. Evidence, a chapter in International Criminal Procedure – Principles and Rules, edited by Göran Sluiter and others, OUP. Co-authored with three others. 2013.
5. Uneasy partners: Evidence, Truth and History in International Trials, JICJ, OUP, 2012.
6. International Tribunals and the Right to a Speedy Trial: Problems and Possible Remedies, Law in Context. Co-authored with David Tolbert. 2009.
7. Provisional Release in the Law of the International Criminal Tribunal for the former Yugoslavia, in “The Legal Regime of the International Criminal Court” Martinus Nijhoff Publishers. 2009.
8. Ordinary Sentences for Extraordinary Crimes, JICJ, OUP. Co-authored with Mark B. Harmon. July 2007

9. Prosecuting Massive Crimes with Primitive Tools: Three Difficulties Encountered by Prosecutors in International Criminal Proceedings, JICJ, OUP. Co-authored with Mark B. Harmon. June 2004.
10. Current Developments at the Ad Hoc International Criminal Tribunals. Co-authored a series of digests of the most significant international criminal jurisprudence, published in JICJ in 2004-2008.

VIII. Languages

Language	Reading			Writing			Speaking		
	Very good	Good	Fair	Very good	Good	Fair	Very good	Good	Fair
a. First Language - English	X			X			X		
b. Official languages									
French	X				X			X	
c. Other languages									
- Spanish	X				X			X	
- Italian		X				X		X	
- Portuguese		X				X			X

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

X. Other relevant information

In June 2020, I was one of four persons shortlisted by the Committee on the Election of the Prosecutor of the International Criminal Court. From June 2020 to February 2021, I participated in dozens of bilateral meetings, by Zoom and in person, with representatives of almost all of the 123 States Parties to the Rome Statute. I came second in the election of the Prosecutor of the International Criminal Court.

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

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

Appendix 2 – Curriculum vitae of Úna Ní RAIFEARTAIGH

I. Personal details

Name: NÍ RAIFEARTAIGH, Úna

Sex: female

Date and place of birth: 18 August 1966, Syracuse, New York, United States of America

Nationalities: Irish and American (I have lived in Ireland since the age of 2)

II. Education and academic and other qualifications

Bachelor of Civil Law (BCL), University College Dublin– 1988

Degree of Barrister-at-Law, The Honourable Society of the Kings Inns – 1991 (Awarded Brooke Scholarship for coming first in class)

Diploma in Forensic Computing, University College Dublin-1999

Primary and Secondary Education:

- Scoil Lorcáin, Monkstown, Dublin (primary)
- Sion Hill, Blackrock, Dublin (to Intermediate Cert)
- Newpark Comprehensive, Blackrock, Dublin(Leaving Cert)
- Three years in French schools (further details in “Languages” section below)

I received an Easter Week scholarship for obtaining the highest marks in the 1983 Leaving Certificate examination in the category of Modern Languages. This provided me with full fees for my third-level education (University, and Kings Inns).

I was also awarded a one-month trip to Germany based on my Junior Certificate results in German in 1981; this was awarded by the German Pädagogischer Austauschdienst (PAD), a public organisation in Germany working on behalf of the Federal States to promote international exchange and cooperation in the school sector.

III. Relevant professional activities

a. Description of judicial activities

- **Judge of the Court of Appeal, Ireland (2019-present)**
- **(currently) Ad hoc/substitute judge for the European Court of Human Rights**
- Judge of the High Court, Ireland (2016-2019)

As a Judge, I have sat both alone (in the High Court for three years) and in a collegiate court (in the Court of Appeal for four years). I have heard cases involving oral evidence from witnesses (including criminal cases) and cases conducted on affidavit evidence and transcripts.

To date I have written approximately 150 judgments in my 7-year career as a judge. These cover a wide range of topics including: criminal law, immigration & asylum, banking, probate, international child abduction (civil), public law/administrative law/judicial review, EU law, conflicts of law, planning law, constitutional law, and more. I am one of the very small number (2-3) of judges on the Court of Appeal who sits on both the civil and criminal divisions of the Court.

I have also participated in the revision and drafting of judgments by other judges in the Court of Appeal, which amount to some 100-200 judgments.

As a judge, many of my judgments have involved analysis and application of the European Convention of Human Rights. Some examples:

- Pringle v. Ireland [2022] IECA 113 – interaction between presumption of innocence under the Convention and civil proceedings for compensation for a miscarriage of justice

- Doyle and Kelly v. Criminal Injuries Compensation Tribunal [2020] IECA 342 – whether legal aid necessary to assist persons applying for compensation for injuries criminally inflicted -detailed consideration of caselaw of Article 6 of the Convention
- O’Callaghan v. Ireland [2020] IECA 180-detailed consideration of Article 6 of the Convention in the context of a civil claim for damages for breach of the right to trial with reasonable expedition
- S.F. and others v. Director of Oberstown Children Detention Centre [2017] IEHC 829-solitary confinement of juvenile offenders after participating in a riot at the detention centre-consideration of Articles 3,6 and 8 of the Convention and related caselaw.

b. Description of non-judicial legal activities

I was a practising Barrister for 23 years (1993-2016) before becoming a judge.

My practice as a barrister primarily involved criminal cases and cases involving issues of constitutional law and the European Convention on Human Rights.

The criminal cases ranged across the whole spectrum to include murder, terrorist offences, sexual offences, dishonesty offences, firearms and explosives cases, and so on. I worked both in the jury-trial courts and in the non-jury Special Criminal Court.

I did a large number of high profile cases including murder, conspiracy to murder, gangland and so-called ‘membership’ cases (membership of an unlawful organisation). Of particular note, perhaps, is my involvement in the successful prosecution of several Directors of Anglo-Irish Bank for fraud-type offences after the financial collapse in 2008. I worked closely with the DPP in the preparation and presentation of these cases for approximately 4-5 years.

I was also involved in a case of a double killing where it emerged that a vulnerable adult had wrongly confessed to murder (Dean Lyons) and ultimately another man, Mark Nash, was successfully prosecuted for the murders (known as the “Grangegorman murders”) on the basis of DNA evidence. During the many years of my involvement with that sequence of events and trials connected with it, I became very familiar with and interested in the concept of vulnerable persons and how they can be “suggestible” when being interviewed in policy custody.

Naturally in my career as a criminal barrister I became familiar with all the usual forms of evidence, ranging across scientific trace evidence, electronic and telecommunications evidence, interception evidence, tracking devices, confessions, psychiatric evidence, and of course the oral evidence of professionals such as the police and pathologists and lay witnesses whether adult or child. I also developed a particular interest in problematic issues associated with trials involving child victims and have frequently spoken at public conferences on this topic.

I once acted for a deaf man who was accused of a serious crime (ultimately acquitted) and learned a lot about the particular challenges facing deaf people in the criminal justice system, both from interacting with this man through interpreters and by holding consultations with an expert, and reading the literature in the area.

I regularly acted in cases where there was evidence from psychiatrists and psychologists, such as cases involving the defence of insanity, or cases where the accused had significant personal challenges including mental health and addiction problems.

For some years, I acted for a hospital unit which assesses children who report child sexual abuse (St. Louise’s Unit, Crumlin Hospital, Dublin) and spoke with the staff of the unit as well as the Director (Dr. Imelda Ryan) many times about that area of work and its challenges in the context of forthcoming court proceedings.

As a barrister, I was also involved in a number of special public inquiries:

1. I was appointed to act for the Oireachtas in its investigation of a judge after his criminal trial on a child pornography charge had resulted in an acquittal, leading to much public concern. In this role, I liaised closely with the English computer technical expert who was engaged to conduct a thorough forensic examination of the computer. I was familiar with forensic computing from having done a Diploma on this topic with members of the police force in 1999, and from having prosecuted cases involving computer evidence. These consisted of child pornography cases and the so-called “Lying Eyes” case (conspiracy to murder), primarily, but computer evidence also featured in some murder trials. I also acted for the Oireachtas in the legal (constitutional) challenge that the same judge brought in the courts seeking to have the impeachment procedures ruled invalid. This resulted ultimately in a Supreme Court decision upholding the validity of the procedures. (Curtin v. Ireland [2005] IEHC and [2006] IESC 14)

2. I was appointed to act for a large Congregation of religious sisters before a major Commission of Inquiry which lasted for approximately five years (the so-called Ryan Commission). The subject of the inquiry was that of child abuse in industrial schools during the period 1940-2000. This necessitated, in addition to deploying the usual legal skills required of a barrister, my mastering scientific information about the functioning of memory as well as a considerable amount of historical material. In that regard I liaised with expert psychologists and professional historians.
3. I acted in an inquiry chaired by former Chief Justice Frank Clarke into the conduct of the Police Ombudsman ("GSOC" or the Garda Síochána Ombudsman Commission) after a police officer took his life during an ongoing Ombudsman investigation into his conduct. I acted on behalf of the Ombudsman in this inquiry.

c. Description of non-legal professional activities

Academic

As Reid Professor Criminal Law, Criminology and Penology, Trinity College Dublin (1991-1996), I prepared and lectured criminal law to a large class of first years, and also delivered smaller group classes to third and fourth years in the subjects of criminology and penology. I have maintained a keen interest in academia and regularly attend and speak at academic conferences.

As a Researcher with the Law Reform Commission (1988-1991), I prepared draft reports and did so in the areas of defamation and family courts/mediation primarily. This provided me with a useful and life-long interest in law reform generally, as well as these particular topics.

IV. Activities and experience in the field of human rights

1. As a barrister practising in the field of criminal law for 23 years before becoming a judge, I regularly addressed legal arguments based on the European Convention on Human Rights and the Court's caselaw, particularly in relation to Article 6 "fair trial" rights and Article 8 'privacy' rights. In fact, one of the reasons I chose to specialise in criminal law (both as academic and barrister) was because it was fundamentally about interactions between the individual and the State, and involved many rights-based arguments.
2. I represented Ireland in two oral hearings before the Court in Strasbourg on behalf of the Attorney General (Independent Newspapers v. Ireland Application no. 55120/00, Judgment of the 16th September 2005 -concerning damages awards in libel cases; and McFarlane v. Ireland – Application no. 31333/06) Judgment of 10th September 2010 concerning delay in a criminal case). I also acted on behalf of the Attorney General in other "delay" cases before the European Court which did not require an oral hearing and were dealt with on the papers. I gave advice to the Attorney General following an examination of documents which came to light from the Kew archives in London and which were considered to potentially impact upon the European Court's seminal judgment on Article 3 of the Convention, Ireland v. United Kingdom (the so-called "Hooded Men" case).
3. I acted on behalf of the Attorney General in cases in the Irish courts in which the Convention caselaw was highly relevant e.g. cases concerning prison conditions (see, for example, Mulligan v Governor of Portlaoise Prison [2010] IEHC 269, [2013] 4 IR 1; cases concerning restrictions on cross-examination of witness arising by reason of the State's security interests (see DPP v. Kelly [2006] IESC 20, [2006] 3 IR 115, DPP v. Donnelly [2012] IECCA 78) or by reason of the witness' reluctance/fear of answering questions (DPP v. O'Brien [2011] 1 IR 273).
4. My publications over the years included articles and talks about the European Convention on Human Rights (see below: Publications)
5. I was a member of a cross-disciplinary Committee established to monitor the treatment of persons in police custody (approximately 2013-2016, known as the "Smyth Committee"). In this capacity I had the opportunity to work with renowned international expert Professor Gisli Gudjonsson who was created reports for the Committee on issues such as vulnerable detainees and interviewees. This is a topic in which I have had a career-long interest.
6. I was a member of a Committee established to create Guidelines for police interviews of vulnerable witnesses during criminal investigations (1998-9). This is another topic in which I have had a career-long interest. As noted earlier, I spoke at a conference on the topic this summer and will be launching a

major piece of research on the topic next February in London. For an important judgment of my own in this area, see DPP v. V.E. [2021] IECA 122, which I am told is used by the Bar Council of Ireland, and the Education branch of the Judicial Council, in training barristers and judges respectively.

V. Public activities

a. Public office

I have not held any public office or post other than that of judge, although I acted regularly (when I was a barrister) for the Director of Public Prosecutions and for the Attorney General.

b. Elected posts

N/A

c. Posts held in a political party or movement

I have never been involved in any political party or movement.

VI. Other activities (Field, Duration, Functions)

– Regular speaker at conferences and seminars. Ongoing since the beginning of my career.

I am and always have been a regular speaker at conferences and seminars.

For example, during the past legal/academic year alone (October 2022-July 2023), my speaking engagements included:-

- An international conference in Berlin on the topic of international child abduction (Anglophone-Germanophone Judicial Conference on International Family Law, 14-16 June 2023)
- A conference in Leuven, Belgium, about EU law (and was conducted entirely in the Irish language, including my own presentation) (30 May 2023)
- A conference in the University of Limerick on the cross-examination of vulnerable witnesses in criminal trials (as a result of which I have been asked to launch a significant forthcoming report on the topic in London in February 2024, entitled "Mapping the Changing Face of Cross-Examination in Criminal Trials". This represents the culmination of several years' research by a group of cross-disciplinary researchers (law, psychology and linguistics) led by Professor John Jackson, Professor of Comparative Criminal Law and Procedures at the University of Nottingham.
- Keynote speaker at the launch of a book "Criminal Defence Representation at Garda Stations", Conway & Daly 2023
- A judges' seminar in Belfast designed to exchange information about recent cases of interest in both jurisdictions, where I gave a paper about recent cases on the admissibility of evidence to senior Irish and Northern Ireland judges
- A judges' seminar in Dublin when the senior members of the European Court of Human Rights visited Dublin in November 2022, where I summarised recent caselaw involving ECHR issues for senior members of the European Court and the Irish Supreme Court
- A presentation to the students of University of Cork on Women and the Law
- A presentation to law students of Trinity College Dublin on The Practical Application of Evidence Rules in Criminal Trials
- A presentation to the postgraduate students and lecturers in Trinity College Dublin on data protection and privacy in EU and Convention law, and its impact on the admissibility of evidence in Irish criminal trials

Before becoming a judge, I was a regular speaker at the annual conference of the Director of Public Prosecutions and conferences organised by universities or other organisations, frequently in the area of the intersection between criminal law and human rights: (see for example: Úna Ní Raifeartaigh, "The European

Convention on Human Rights Act 2003 – A Practitioner's Perspective, a paper delivered to Re-balancing Criminal Justice in Ireland: A Question of Rights": Conference at the University College Cork Centre for Criminal Justice and Human Rights, June 29, 2007).

– **Co-founder of the Criminal Law Forum. Ongoing for approximately 6-8 years**

I was a co-founder of body called the Criminal Law Forum, designed to bring practitioners and academics in the area of criminal law together several times a year to discuss topics of mutual interest, and to try to cross-fertilise thinking on both sides. It is currently located in the University of Maynooth, where I am also Adjunct Professor.

- Member of the International Penal and Penitentiary Foundation and former member of the Irish Council for Civil Liberties. Approximately 2 years.

So far my involvement has been limited to discussions and meetings with Professor Mary Rogan of Trinity College Dublin, current President of the IPPF

– **Mentor in the Bar of Ireland's "Women in Law Mentoring programme". Approximately 2016-present (7 years)**

I act as Mentor in the Bar of Ireland's "Women in Law Mentoring programme", with a new 'mentee' every year who I meet on a regular basis for the purpose of supporting and offering advice. I was on the organising Committee for 2-3 years and helped to create and organize group events for the programme.

– **Chair of an internal Committee of Judges. Ongoing since over the last 4-6 years**

I have been Chair of an internal Committee of Judges for the last 4-6 years which oversees all the work of the Research Office, the Judicial Assistants and the Judicial Library. Among other things, this Committee oversaw the introduction of a Knowledge Hub (a database of information for judges) and a fortnightly Newsletter for Judges, summarising recent legal developments (including the jurisprudence of the ECtHR and the CJEU).

VII. Publications and other works

Books and Book Chapters

1. Liz Heffernan and Úna Ní Raifeartaigh, Evidence in Criminal Trials (Dublin: Bloomsbury Professional, 2014)
2. Harrison, Ní Raifeartaigh, Bowman, The Special Criminal Court: Practice and Procedure (Bloomsbury Professional, 2017)
3. (Book Chapter), Úna Ní Raifeartaigh, 'The Convention and Irish Criminal Law: Selected Topics' in Ursula Kilkelly (ed) ECHR and Irish Law (Jordan Publishing Ltd 2009)

Articles

- Currently co-writing an article on the Irish language in the legal system for the last 100 years for a forthcoming book and conference on the Courts of Justice Act 1924
- Child sexual abuse cases: the need for cultural change within the criminal justice system (2009) 5 Bar Review 103
- The European Convention on Human Rights and the Criminal Justice System (2007) Judicial Studies Institute Journal 18
- The European Convention on Human Rights and the Criminal Justice System (2004) Judicial Studies Institute Journal
- The criminal justice system and drug related offending: some thoughts on procedural reforms (1998) 4(1) Bar Review 15
- Reconciling bail law with the presumption of innocence, Oxford (1997) 17(1) Journal of Legal Studies 1-21
- Reversing the Burden of Proof in a Criminal Trial: Canadian and Irish Perspectives on the Presumption of Innocence (1995) 5 Irish Criminal Law Journal 135
- Úna Ní Raifeartaigh "The Doctrine of Fresh Complaint in Sexual Cases" (1994) 12 Irish Law Times 160

– Fault Issues and Libel law – a comparison between Irish, English and US law" (1991) 40 ICLQ 763

VIII. Languages

Language	Reading			Writing			Speaking		
	Very good	Good	Fair	Very good	Good	Fair	Very good	Good	Fair
a. First Language									
English	X			X			X		
b. Official languages									
French	X			X			X		
<p>Unusually for an Irish child, I spent three years in French schools, as follows.</p> <ul style="list-style-type: none"> • Age 9, Fifth class/CM1, in local French primary school, Bures sur Yvette, Paris, France • Age 11, Sixth class/CM2, in Ecole Franco-Irlandaise, Hollypark, Dublin • Age 17, Sixth year/Premiere in Lycée Blaise Pascale, Orsay, Paris, France. <p>My French is still very good but I would probably need to learn more professional and legal French in order to employ it at work if I were appointed to the European Court. I love languages so would be very happy to pursue any courses recommended for me. It links in with my love of travel and would be part of why I would very much like to live and work in Strasbourg.</p>									
c. Other languages									
Irish	X			X			X		
<p>I attended an Irish-speaking primary school and there was much Irish spoken in our family when I was growing up. I currently visit and stay in the West Kerry Gaeltacht every year and use the language as often as I can at work or in personal interactions.</p> <p>As a judge, I have conducted hearings entirely in the Irish language and written judgments; and indeed made the only preliminary reference in the Irish language to the CJEU to date (see <i>MacFhlannchadha v. Minister for Agriculture</i> [2021] IEHC 647 and C-64/20, EU: C: 2021:207)</p>									
German			X			X			X
<p>I learned German in secondary school and have spent a number of summers in Germany. It is rusty now and could use some brushing up.</p>									

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

I confirm. I love languages so would be very happy to pursue any courses recommended for me.

X. Other relevant information

I confirm that I would be happy to live in Strasbourg if appointed. Not only are my husband and I very interested in living abroad, but my children are pursuing studies and work abroad. My 20 year-old is currently studying in Amsterdam, Netherlands; and my 24 year-old is planning to move to Berlin when he finishes his studies in Trinity College at the end of this academic year.

Because I lived in France for two separate years as a child and young person, I have experience of living abroad for two separate academic years. We also travelled abroad a lot as a family for shorter periods when I was growing up because the nature of my father's scientific work took him to universities and academic institutions all over the world. Incidentally, that is why I was born in the United States; the family was there for four years in the 1960s and I was born during that time. We grew up with lots of people of other nationalities coming to our house in Dublin, and our household was generally very international in outlook. Both my father and mother spoke and wrote French, German and Irish fluently. My two sons went to an all-Irish speaking primary school and the German secondary school in Clonskeagh (St. Kilian's). As a family, we are very pro-languages, so to speak. I originally studied law with a view to combining it with my languages and perhaps specialising in EU law, but was drawn to criminal law and human rights because of the subject-matter. However, it has always been a personal and professional ambition of mine to combine my law work with my love of languages and travel. Now that our children are young adults and both will be living abroad anyway, the timing of the position in Strasbourg would be perfect for our household.

At a personal level, I have great interest in music and sports and would enjoy pursuing those interests outside Ireland. I did so when I was a teenager living in France and found it to be a great way to connect with people.

I am co-operative by nature. I enjoyed teamwork in various cases when I was a barrister, and already have four years' experience on a collegiate court (the Court of Appeal) which I like very much.

I am adaptable and flexible by nature and always interested in meeting new people and going to new places. Because of my upbringing (including going to six different schools in three different languages), I am used to new beginnings in unfamiliar surroundings, and relish the challenge of learning new work methods and developing new relationships.

Finally, I am very proud of my Irish nationality and heritage and would be deeply honoured to represent my country abroad in the field of human rights. It would in effect be the coming together of my most cherished values at both a professional and personal level.

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

I confirm.

Appendix 3 – Curriculum vitae of Colm Ó CINNÉIDE

I. Personal details

Name: Ó CINNÉIDE, Colm

Sex: male

Date and place of birth : 10th January 1973, Dublin City.

Nationality : Irish

II. Education and academic and other qualifications

- Academic Rank – Currently Professor of Constitutional and Human Rights Law at University College London (UCL) since 2015; formerly Reader in Human Rights Law at UCL 2009-2015; Lecturer/Senior Lecturer in Law at UCL 2001-2009.
- Education – University College Cork 1991-1995 (LLB; LLM); King's Inns, Dublin 1995-1997 (BL); University of Edinburgh 1997-1998 (LLM).

III. Relevant professional activities

a. Description of judicial activities

None – but see my experience as a member of the European Committee of Social Rights for ten years, outlined below.

b. Description of non-judicial legal activities

- As noted above, **Professor of Constitutional and Human Rights Law at University College London (UCL) since 2015**. I have published extensively in the areas of European and international human rights law, comparative constitutional law, EU law and anti-discrimination law, and am acknowledged as a leading academic expert in these fields.
- Member of the European Committee of Social Rights (ECSR), Council of Europe, 2006-16; Vice-President of the Committee, 2010-2014; General Rapporteur, 2014-6. My duties as an independent full member of the ECSR, which is the expert body charged with interpreting the provisions of the European Social Charter (ESC), included drafting Committee conclusions on state reports and Committee decisions in collective complaints procedure, as well as participating in plenary Committee deliberations. Later, as Vice-President and then General Rapporteur of the ECSR, I was responsible for reviewing the consistency and integrity of the Committee's jurisprudence.
- **Associate Researcher, European Trade Union Institute (ETUI), 2022-present.**
- Member, Future of Equality Legislation Advisory Committee, tasked with advising the Irish Human Rights and Equality Commission on proposed amendments to Irish anti-discrimination law 2022-2023.
- Specialist Legal Advisor, Women & Equalities Committee of the House of Commons, UK Parliament, 2016-2017.
- Specialist Legal Advisor (Equalities) to the Joint Select Committee on Human Rights, UK Parliament, 2008-2010.
- **Member, Academic Advisory Board, Blackstone Chambers, London, 2006-present.**
- UK Rapporteur, EU Network of Anti-Discrimination Experts, 2003-2007.
- **External examiner, Irish Constitutional Law FE-1 Exams, Law Society of Ireland, 2005-present. Also at present external examiner in related topics at UCD and UCC.**
- Legal Expert, Odysseus Trust.UK House of Lords, 1999-2002.
- Member, editorial boards of several leading European law journals, including The Irish Jurist, Current Legal Problems, and the International Journal of Law in Context, 2005-present. (Editor, Current Legal Problems, 2005-2010)

- Principal Investigator and co-investigator for a number of large research grants from multiple different funders, including the UK Arts and Humanities Research Council and the Nuffield Foundation.
- Expert commentary on constitutional and human rights law for a range of media outlets, including the BBC, ITN, the Australian and Canadian Broadcasting Corporation News, TV Arte (France/Germany), RTE News, The Guardian, the Irish Times and other outlets. Periodic contributor to a range of academic blogs, such as the UK Constitutional Law Blog and Versfassungsblog.

c. Description of non-legal professional activities

- Grand Challenge of Justice and Equality, UCL, 2016-2022.
- Member, UCL Research Ethics Committee 2015-2020.

IV. Activities and experience in the field of human rights

- As noted, I have published extensively in the area of European and international human rights law, and am an acknowledged academic in these fields. The same is also true in respect of national and European anti-discrimination law.
- As a former member of the ECSR, I have expert knowledge of comparative and European social law, employment law and other relevant areas coming within the wider umbrella of European social rights law.
- Member, Expert Advisory Group on the Drafting of a Bill of Rights for Northern Ireland, 2007-2008.
- Member, Review of the Working Methods of the European Court of Human Rights, 2005. In this role, I assisted Lord Woolf in his role as Chair of the Review, which assesses the working practices of the ECtHR, in my capacity as an independent academic legal expert.
- Member, UK Task Force on the Establishment of a Commission for Equality and Human Rights, 2003-2005.
- I have given expert evidence on human rights matters to the Joint Oireachtas Committee on Housing (2022), the Northern Ireland Assembly (2021), the European Parliament (2018) and the UK Parliament (2017).
- I have also acted as specialist legal advisor to two committees of the UK Houses of Parliament: see above.
- Participant, Council of Europe human rights training sessions, 2003-2016.

V. Public activities

N/A.

VI. Other activities

N/A.

VII. Publications and other works

I have published over 110 academic books and papers on relevant themes. The following are the most relevant to the current application.

- ‘What Has the ECHR Ever Done for Us?’ (2023) 7(2) Irish Judicial Studies Institute 32-40.
- ‘Constitutional Interpretation in European Countries and the Influence of the European Convention on Human Rights and the European Union’, forthcoming in K. O’Regan et al (eds) Elgar Research Handbook on Constitutional Interpretation (Elgar, 2023).
- ‘New Directions: The Limits of Existing Equality Law and What can Be Done About Them’, in S. Atrey and S. Fredman (eds.) Exponential Equalities (OUP, 2022).
- ‘Irish Popular Sovereignty from a Domestic and Comparative Perspective’, in C. O’Mahony et al (eds), Constitutional Change and Popular Sovereignty (Routledge, 2021).

- ‘Values, Rights and Brexit – Lessons to be Learnt from the Slow Evolution of UK Discrimination Law’ (2018) 30(3) Australian Journal of Labour Law 236-57.
- ‘Saying “No” to Strasbourg: When Are National Parliaments Justified in Refusing to Give Effect to Judgments of International Human Rights Courts?’, in M. Saul et al (eds) The International Human Rights Judiciary and National Parliaments: Europe and Beyond (OUP, 2017).
- ‘Justifying Discrimination Law’ (2016) 36(4) Oxford Journal of Legal Studies (2016) 909-92.
- ‘The Constitutionalization of Equality within the EU Legal Order: Sexual Orientation as a Testing Ground’ (2015) 22 Maastricht Journal of European and Comparative Law 370-395.
- ‘The Right to Work in International Human Rights Law’, in V. Mantouvalou (ed.) The Right to Work: Legal and Philosophical Perspectives (Oxford: Hart, 2015), 99-122.
- Discrimination Law: Theory and Context (London: Sweet & Maxwell, 2008) (co-written with Maleiha Malik and Nicholas Bamforth).
- For the full list see: <https://iris.ucl.ac.uk/iris/browse/profile?upi=CPOCI55&openTabNum=2>

VIII. Languages

Language	Reading			Writing			Speaking		
	Very good	Good	Fair	Very good	Good	Fair	Very good	Good	Fair
a. First Language English	X			X			X		
b. Official languages									
French	X			X					X
c. Other languages Irish	X				X			X	

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

Yes, I can confirm this if required in my case.

X. Other relevant information

N/A.

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

Yes, I confirm this.