



United Nations  
Nations Unies



International  
Criminal Tribunal  
for the former  
Yugoslavia

Tribunal Pénal  
International pour  
l'ex-Yougoslavie

# BIOGRAPHICAL NOTE

CHAMBERS

JUDGE PROST

## *Ad Litem* Judge Kimberly PROST

(Member of the Tribunal since 3 July 2006)

Canada

**Born:** 4 June 1958

**Education and professional training:**

April 1991	Admitted to the Bar of Ontario, Canada
January 1986	Admitted to the Bar of the Yukon Territory, Canada
June 1982	Admitted to the Bar of the Law Society of Manitoba, Canada
1978 - 1981	LL.B. (Bachelor of Laws), University of Manitoba
1976 - 1978	University of Manitoba (Faculty of Arts, majors in Economics and History)

**Professional background:**

April 2005 - present Chief, Legal Advisory Section, Treaty and Legal Affairs Branch, United Nations Office on Drugs and Crime

- Manage the Legal Advisory Section, which provides in-house legal advice to the United Nations Office on Drugs and Crime and legal and policy advice to Member States on the implementation of key United Nations penal law conventions;
- Manage the delivery of and deliver technical assistance to States on implementing legislation for the conventions, and international cooperation in criminal matters including restraint and confiscation of proceeds of crime;
- As part of the Secretariat team, prepare papers and reports and provide service and support, to the Commission on Narcotic Drugs, the Commission on Crime Prevention and Criminal Justice and other meetings and events

July 2000 - April 2005 Head, Criminal Law Section and Deputy Director, Legal and Constitutional Affairs Division, Commonwealth Secretariat

- Managed the Criminal Law Section, including staff supervision, budget management and project development, and provided legal advice to senior management of the Secretariat, including the Secretary-General;
- Provided general legal and policy advice and assistance to Commonwealth Member States with respect to criminal law issues;
- Developed and delivered programmes aimed at improving international cooperation in combating, all forms of crime, in particular genocide, crimes against humanity and war crimes as well as terrorism, transnational organized crime, computer crime, corruption and money-laundering;
- Designed and delivered programmes to assist countries with implementation of the Rome Statute of the International Criminal Court and the enhancement of domestic capacity to prosecute genocide, crimes against humanity and war crimes and participated in an expert group to develop model legislation to implement the Rome Statute;
- Developed programmes for training and workshops to foster international cooperation in combating crime and to encourage effective implementation of the Commonwealth Schemes for extradition and mutual legal assistance;
- Designed and delivered a major programme to assist Member States with

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legislative implementation of United Nations Security Council resolution 1373 on counter-terrorism measures and international counter-terrorism conventions, and to train police and prosecutors on counter-terrorism investigations and prosecutions;

- Led a project to develop, and contributed chapters to, a Commonwealth Manual on the Domestic Prosecution of International Crimes;
- Acted as Deputy Conference Secretary for meetings of Commonwealth Law Ministers and Senior Officials, prepared policy papers for these meetings, and implemented decisions from these meetings;
- Organized and chaired an international conference held at Oxford University on international criminal law issues with over 200 participants from across the Commonwealth and beyond;
- Presented papers on international criminal law, the International Criminal Court, international penal law conventions, terrorism, corruption and proceeds of crime to various international forums and conferences;
- Represented the Commonwealth Secretariat in international forums, including the United Nations and related organizations and agencies, the Assembly of States Parties of the International Criminal Court, and regional organizations such as the Organization of American States, the African Union, and CARICOM;
- Represented the Commonwealth Secretariat before the Commonwealth Secretariat Arbitral Tribunal

June 1994 - July 2000 Director, International Assistance Group, Federal Prosecution Service, Department of Justice of Canada

- Managed the International Assistance Group, 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 programmes;
- Provided legal advice to the Minister of Justice, the Minister of Foreign Affairs, Cabinet, Parliamentary committees and senior government management on a broad range of criminal law issues;
- Appeared before the Supreme Court of Canada in several cases involving criminal law, extradition and international law issues;
- Appeared before Canada's Federal Court and Federal Court of Appeal on administrative and security intelligence matters;
- Liaised with domestic and foreign officials and with international organizations with respect to the development of mutual assistance and extradition policy and programmes and provided advice and assistance to international organizations such as the United Nations and the Commonwealth on cooperation in criminal matters;
- Negotiated over 40 bilateral extradition and mutual legal assistance treaties between Canada and foreign jurisdictions throughout the world;
- Member of the Canadian delegation to the United Nations International Criminal Court Preparatory Committee, the 1998 Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court and the subsequent International Criminal Court Preparatory Commission;
- Developed mechanisms and arrangements for cooperation between Canada and the International Criminal Tribunals for the Former Yugoslavia and Rwanda;
- Worked on the policy development, drafting and presentation before Parliament of the Bill to reform Canada's extradition regime, which became law in 1999, as well as legislative amendments to the *Mutual Legal Assistance in Criminal Matters Act*;
- Worked on the policy development, drafting and presentation before Parliament of the implementing legislation for the Rome Statute of the International Criminal Court and general war crimes legislation, which became law in 2000;

- Canada's delegate, panellist and working group leader to 1994 Commonwealth Oxford Conference on Mutual Assistance;
- Canada's delegate and Rapporteur at United Nations Expert Working Group on the Implementation of Article 7 (Mutual Assistance) of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
- Canada's delegate to P8 Senior Expert Working Group on Transnational Organized Crime;
- Expert consultant to United Nations training seminar for ECOWAS on mutual legal assistance and extradition;
- Expert consultant to 1998 UNAFRI training seminar on mutual legal assistance and extradition;
- Canada's expert for 1998 Warsaw meeting of experts on the proposed United Nations Convention on Combating Transnational Organized Crime;
- Adviser to the Minister of Justice of Canada at the 1999 meeting of Justice Ministers and Attorneys General of the Americas;
- Expert adviser and presenter at the 1999 United Nations Drug Control Programme/University of the West Indies Caribbean regional conference for prosecutors and financial investigators;
- Expert presenter on mutual legal assistance at the 1999 UN Drug Control Program/University of the West Indies symposium for Caribbean Judges;
- Canadian delegate to the ad hoc committee of the United Nations on the negotiation of a Convention against Transnational Organized Crime;
- Expert consultant to 1999 UNAFRI meeting on the development of regional conventions for Mutual Legal Assistance and Extradition for Africa

January 1990 - June 1994

Senior Counsel, Criminal Law Branch, Department of Justice of Canada

- Provided policy advice to the Minister of Justice and the government in relation to international criminal law issues and managed operational case work in mutual legal assistance, extradition and other criminal law issues;
- Appeared before the Supreme Court of Canada in criminal, extradition and constitutional cases;
- Developed policies for implementation of the *Mutual Legal Assistance in Criminal Matters Act*;
- Liaised with officials in foreign states with respect to individual mutual legal assistance requests and general policy matters;
- Reviewed hundreds of incoming and outgoing requests for assistance, including requests in drug and proceeds of drug trafficking investigations and prosecutions;
- Participated in treaty negotiations;
- Advised investigative authorities on mutual assistance and extradition;
- Handled extradition and rendition requests to and from Canada;
- Acted as independent counsel for the review of security intelligence warrants

June 1987 - January 1990

Counsel, Crimes against Humanity and War Crimes Section, Department of Justice of Canada

- Provided advice to the Minister of Justice and to various government departments on legislative and policy questions related to genocide, crimes against humanity and war crimes and participated in the development and establishment of the section;
- Prepared detailed legal opinions on international law, international criminal law and domestic criminal law issues;
- Led delegations to the Soviet Union, Czechoslovakia and the United States for the purpose of developing arrangements for cooperation and assessing and gathering information and evidence;

- Provided case assessments for the consideration of the Minister as to possible prosecutions under relevant legislation;
- Prepared legal arguments for a commission evidence application and for pretrial hearings in a prosecution case;
- Managed a multi-disciplinary team comprising police and prosecution authorities and historians

June 1982 - June 1987 Federal Prosecutor, Winnipeg Regional Office, Department of Justice of Canada

- Conducted wide range of prosecutions on behalf of the federal Crown, including on narcotic trafficking, tax evasion and anti-trust cases, and appeared as appellate Counsel before the Manitoba Court of Appeal and the Supreme Court of Canada;
- Appeared before administrative tribunals on behalf of the Federal Government;
- Provided legal advice to various government departments;
- Handled circuit prosecutions in support of Justice offices in the Yukon and the Northwest Territories;
- Acted as counsel in civil litigation on behalf of the Government, including during discovery and trial, and in settlement negotiations

#### Selected publications:

*Commonwealth Manual on the Domestic Prosecution of International Crimes, 2005*

*Commonwealth Report of the Expert Group Meeting on Implementation of the Rome Statute of the International Criminal Court, 2004*

"International Cooperation: A Commonwealth Perspective", *South African Journal of Criminal Justice*, 2004

*Curriculum on International Cooperation in Criminal Matters: Extradition, Mutual Legal Assistance and Proceeds of Crime, 2002*

*Extradition: The Practical Challenges, Treaty Enforcement and International Cooperation in Criminal Matters*, Rodrigo Yepes-Enriquez and Lisa Tabassi (eds.), T.M.C. Asser Press, 2002, The Hague, Netherlands

*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, the Netherlands

"Chapter 14: Enforcement", *The International Criminal Court, Elements of Crimes and Rules of Procedure and Evidence*, Roy Lee (ed.), Transnational Publishers, 2001, New York, USA

"Part 9: International Cooperation and Judicial Assistance", *Commentary on the Rome Statute of the International Criminal Court: Observers' Notes, Article by Article*, Otto Triffterer (ed.), Nomos Verlagsgesellschaft, 1999, Baden-Baden, Germany

*Breaking Down the Barriers: International Cooperation in Combating Transnational Crime*, Global Drugs Law, D. C. Jayasuriya, R. K. Nayak, A. Wells (eds.), Har-Anand Publications PVT, Ltd, 1997, New Delhi, Pakistan

#### Presentations and lectures:

- Delivered more than one hundred speeches and lectures on international criminal law including genocide, crimes against humanity and war crimes, the International Criminal Court, international penal law conventions, terrorism, corruption, international cooperation (extradition and mutual legal assistance) and restraint and confiscation of proceeds of crime in Africa, Asia, Canada, the Caribbean, Europe, the South Pacific and the United States

Examples include:

- "International Instruments and Standards in Anti-Money Laundering" and "Combating the Financing of Terrorism" at the Conference of the International Association of Chiefs of Police, Belfast, Ireland, 2004;
- "The Legal Response to Terrorism Post 9/11" for the Commonwealth Law Conference, 2003;
- "The Negotiation of the Rome Statute" at the annual meeting of the International Bar Association in Durban, South Africa, 2002;
- "Overcoming Impediments to Effective Mutual Legal Assistance" at the Oxford Conference on International Cooperation in Criminal Matters, 2001;
- Keynote Address for the meeting and Annual Conference of the International Association of Prosecutors on International Cooperation, Ottawa, 1997;
- "Major Issues in Extradition Practice" at the 9th United Nations Congress on the Prevention of Crime and Treatment of Offenders, Cairo, Egypt, 1995

• Guest lecturer at the University of Nottingham, Queen's University (Canada) and the London School of Economics, and part-time lecturer on international criminal law at McGill Faculty of Law (Canada)

**Honours:**

1999	Minister of Foreign Affairs' Award for Foreign Policy Excellence
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

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