**How to apply:**

The entire application process consists of two parts: **1. online survey** and **2. application form in Word format**. Both parts and all sections of the application form need to be completed and received by the Secretariat before the expiration of the deadline.

**First part:** **Online survey** (<http://ohchr-survey.unog.ch/index.php/412731?lang=en>) is used to collect information for statistical purposes such as personal data (i.e. name, gender, nationality), contact details, mandate applying for and, if appropriate, nominating entity.

**Second part:** **Application form in Word** can be downloaded from [http://www.ohchr.org/EN/HRBodies/SP/Pages/HRC35.aspx](https://www.ohchr.org/EN/HRBodies/SP/Pages/HRC35.aspx) by clicking on the mandate. It should be fully completed and saved in Word format and then submitted as an attachment by e-mail. Information provided in this form includes a motivation letter of maximum 600 words. The application form should be completed in English only. It will be used as received to prepare the public list of candidates who applied for each vacancy and will also be posted as received on the OHCHR public website.

Once fully completed (including Section VII), the application form in Word should be submitted to [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org) (by e-mail). A maximum of up to three reference letters (optional) can be attached in Word or pdf format to the e-mail prior to the expiration of the deadline. No additional documents, such as CVs, resumes, or supplementary reference letters beyond the first three received will be accepted.

**Please note that for Working Group appointments, only citizens of States belonging to the specific regional group are eligible. Please refer to the list of United Nations regional groups of Member States at** [**http://www.un.org/depts/DGACM/RegionalGroups.shtml**](http://www.un.org/depts/DGACM/RegionalGroups.shtml)

* **Application deadline: 30 march 2017 (12 noon GREENWICH MEAN TIME / gMT)**
* **No incomplete or late applications will be accepted.**
* **Shortlisted candidates will be interviewed at a later stage.**

General description of the selection process is available at [http://www.ohchr.org/EN/HRBodies/SP/Pages/Nominations.aspx](https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx)

In case of technical difficulties, or if encountering problems with accessing or completing the forms, you may contact the Secretariat by e-mail at [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org) or fax at + 41 22 917 9008.

**You will receive an acknowledgment e-mail when both parts of the application process, i.e. the data submitted through the online survey and the Word application form, have been received by e-mail.**

**Thank you for your interest in the work of the Human Rights Council.**

**I. PERSONAL DATA**

|  |  |
| --- | --- |
| **1. Family name:** Saul | **6. Year of birth:** 1976 |
| **2. First name:** Ben | **7. Place of birth:** Sydney, Australia |
| **3. Maiden name (if any):** | **8. Nationality (please indicate the nationality that will appear on the public list of candidates):** Australian |
| **4. Middle name:** | **9. Any other nationality:** None |
| **5. Sex:** Male |  |

**II. MANDATE - SPECIFIC COMPETENCE / QUALIFICATIONS / KNOWLEDGE**

**NOTE: Please describe why the candidate’s competence / qualifications / knowledge is relevant in relation to the specific mandate:**

1. **QUALIFICATIONS** (200 words)

**Relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills (i.e. orally and in writing) in one of the six official languages of the United Nations (i.e. Arabic, Chinese, English, French, Russian, Spanish.)**

I hold the oldest, most prestigious professorship of international law in Australia (Challis Chair at Sydney University); I previously taught international law at Oxford University; and I will assume a visiting professorship at Harvard in 2018. I have a Doctor of Philosophy (= PhD) from Oxford University, specialising in counter-terrorism and international law (especially human rights and refugee law, international humanitarian law, international criminal law, the use of military force, state responsibility, and the role of the UN and regional organisations). I hold a Bachelor of Laws (Honours I) specialising in international law and a Bachelor of Arts (Honours I and University Medal) from Sydney University. As an academic and lawyer (barrister), I have practiced, taught and researched on counter-terrorism and human rights since 2001 (see (2) below). I have advised or consulted to many governments, international organisations and NGOs, and practised in international and national tribunals. I am a native English speaker with excellent oral and written communication skills, developed through my extensive track record of hundreds of public and specialist publications (books, articles, research and policy papers, and media articles, with international and national publishers), hundreds of presentations delivered to diverse audiences on all continents, and my high level legal practice and advocacy.

1. **RELEVANT EXPERTISE** (200 words)

**Knowledge of international human rights instruments, norms and principles. (Please state how this was acquired.)**

**Knowledge of institutional mandates related to the United Nations or other international or regional organizations’ work in the area of human rights. (Please state how this was acquired.)**

**Proven work experience in the field of human rights. (Please state years of experience.)**

I have an extensive, detailed knowledge of international, regional and national human rights law, gained through 16 years’ experience as a leading human rights and counter-terrrorism law professor, researcher, trainer, advocate and practitioner. As a tenured professor, I have prolifically published internationally-recognised research directly relevant to this mandate, with 13 books and over 90 scholarly articles, including key books on terrorism and on human rights (see below). I have taught at world-class universities, including Oxford and Harvard; guest lectured at other pre-eminent institutions including Cambridge, The Hague Academy of International Law, UN Audio-Visual Library of International Law, London School of Economics, New York University, Max Planck Institute for International Law, Raoul Wallenberg Institute of Human Rights, and in China, India, Nepal, Bhutan, Cambodia and Italy. As a practitioner, I have acted in cases before the UN Human Rights Committee (succeeding in five security cases for 60 victims), Inter-American Court of Human Rights, International Criminal Tribunal for the former Yugoslavia, Special Tribunal for Lebanon, and Extraordinary Chambers in the Courts of Cambodia. I have advised or consulted to many governments, UN agencies and NGOs, and have extensive experience of cross-cultural, legally plural field work, having undertaken missions in 35 countries on most continents.

1. **ESTABLISHED** **COMPETENCE** (200 words)

**Nationally, regionally or internationally recognized competence related to human rights. (Please explain how such competence was acquired.)**

My competence in human rights law and terrorism has been recognised through invitations to advise numerous entities, including states (parliaments, governments, militaries, police, intelligence services and diplomats); UN agencies (UNODC, UNHCR, OHCHR and UNESCO); international organisations (ICRC); regional organisations (Inter-American Commission, African Union and Commonwealth Secretariat); and INGOs (Amnesty International, Human Rights Watch, International Service for Human Rights, International Commission of Jurists, and Médecins Sans Frontières). I am drafting the 'Terrorism and International Law' law enforcement training curriculum for UNODC. I am an Associate Fellow of Chatham House, London. I have acted as lead counsel in international tribunals, including UN Human Rights Committee cases of indefinite security detention of refugees, illegal imprisonment after Guantanamo Bay convictions, and secret security expulsion. My research has been cited by international and national courts, and I have influenced over 130 Australian parliamentary inquiries. I have held leadership positions in organisations including the International Law Association, the Law Council of Australia's national human rights committee (the peak national body for lawyers), Australia's refugee and legal aid services, Sydney PEN (part of the global network on free expression) and Australian Lawyers for Human Rights.

1. **PUBLICATIONS OR PUBLIC STATEMENTS**

**Please listsignificant and relevant published books, articles, journals and reports that you have written or public statements, or pronouncements that you have made or events that you may have participated in relation to the mandate.**

* 1. **Enter three publications in relation to the mandate for which you are applying in the order of relevance:**

**1. Title of publication:** Defining Terrorism in International Law [book, 408 pp]

**Journal/Publisher:** Oxford University Press: Monographs in International Law Series

**Date of publication:** 2006

**Web link, if available:** https://global.oup.com/academic/product/defining-terrorism-in-international-law-9780199295975?lang=en&cc=au

**2. Title of publication:** Research Handbook on International Law and Terrorism [book, 832 pp]

**Journal/Publisher:** Edward Elgar: Research Handbooks Series

**Date of publication:** 2014

**Web link, if available:** http://www.e-elgar.com/shop/research-handbook-on-international-law-and-terrorism

**3. Title of publication:** Terrorism: Documents in International Law [book, 1,600 pp]

**Journal/Publisher:** Hart / Bloomsbury

**Date of publication:** 2012

**Web link, if available:** http://www.bloomsbury.com/au/terrorism-9781841139869/

**If more than three publications, kindly summarize** (200 words):I have published 13 books (with 4 more in press), over 90 peer-reviewed articles, and hundreds of other publications (e.g. parliamentary submissions and legal opinions), on human rights, counter-terrorism or international law. My books address terrorism and international law (5 books); human rights in Asia (4); economic, social and cultural rights (2); refugee law (3); indigenous peoples (1); humanitarian law (1); development (1); and environmental law (2). My book Defining Terrorism in International Law (2006) is the leading work on that unresolved issue; and my Research Handbook on International Law and Terrorism (2014) is one of the most comprehensive on the topic. I am lead author of the Oxford Commentary on the ICESCR (2014, 1,300 pp), awarded a global prize by the American Society of International Law; and I edited the first collected drafting records of the ICESCR (2016, 2,600 pp). My articles have addressed many facets of terrorism and human rights, including definition, offences, procedure and punishment; sanctions and due process; impacts on freedoms of expression, association and religion; torture, interrogation and rendition; extradition; non-refoulement; detention; force; and armed groups and armed conflict. A publications list is here (http://sydney.edu.au/law/about/people/profiles/ben.saul.php) and full texts here (https://papers.ssrn.com/sol3/cf\_dev/AbsByAuth.cfm?per\_id=599006).

* 1. **Enter three public statements or pronouncements made or events that you may have participated in relation to the mandate for which you are applying in the order of relevance:**

**1. Platform/occasion/event on which public statement/pronouncement made:** ‘Australia’s Guantanamo Problem’ (media opinion article on Australia's indefinite detention of recognized refugees on undisclosed national security grounds)

**Event organizer:** The New York Times International

**Date on which public statement/pronouncement made:** 26 March 2014

**Web link, if available:** nyti.ms/1rtuU1r

**2. Platform/occasion/event on which public statement/pronouncement made:** Submissions to the Australian Parliamentary Inquiry into the Australian Citizenship Amendment (Allegiance to Australia) Bill (proposing loss of citizenship for terrorists)

**Event organizer:** Australian Parliamentary Joint Committee on Intelligence and Security

**Date on which public statement/pronouncement made:** 30 June 2015

**Web link, if available:** http://www.aph.gov.au/DocumentStore.ashx?id=1da2d555-a309-45cd-b0dc-4450a853de2f&subId=353366

**3. Platform/occasion/event on which public statement/pronouncement made:**  InterCross website feature on International Humanitarian Law and Terrorism

**Event organizer:** ICRC Washington DC

**Date on which public statement/pronouncement made:** 27 April 2013

**Web link, if available:** http://intercrossblog.icrc.org/blog/ihl-and-terrorism-part-iv-ben-saul-responds

**If more than three, kindly summarize** (200 words):I have made hundreds of public presentations on topics related to counter-terrorism, human rights, or international law, including through lectures, seminars, workshops, expert roundtables, and public meetings. These have taken place in scores of countries on all continents and have addressed diverse audiences, including state officials (judges, military, police, security agencies, diplomats and civil servants), international organisations (including numerous UN agencies), humanitarian and development professionals, universities, NGOs, legal practitioners, students, and the general public. I can communicate at the highest technical level as well as tailoring messages to mass or non-expert audiences. I have also written and published over 100 opinion articles in major international or national newspapers, making complex and controversial human rights issues accessible to wide audiences. In addition, I frequently comment in the media (over 500 appearances) across all formats (print, radio, TV, online), including, for example, the The Economist, The Guardian, Le Monde, China Daily, Xinhua, The Huffington Post, New York Times, El Pais, South China Morning Post, Straights Times, Al Ahram, Haaretz, The Australian, Sydney Morning Herald, and The Age, BBC, CNN, ABC, Radio France, Voice of America, Voice of Russia, Al Jazeera, and Radio Free Europe.

1. **flexibility/readiness and AVAILABILITY of time** (200 words)

**to perform effectively the functions of the mandate and to respond to its requirements, including participating in Human Rights Council (HRC) sessions in Geneva and General Assembly sessions in New York, travelling on special procedures visits, drafting reports and engaging with a variety of stakeholders. Kindly indicate whether the candidate can dedicate an estimated total of approximately three months per year to the work of a mandate.**

**Please note that the work of mandate holders is unpaid. Those appointed as mandate holders serve in their personal capacities. They are not United Nations staff members, they are not based in United Nations offices in Geneva or at another United Nations location, and they do not receive salary or other financial compensation, except for travel expenses and daily subsistence allowance of “experts on mission”.**

I can devote at least three months a year to the mandate. As a senior professor I have significant flexibility in managing my commitments and time during the year, including for travel. Over the past five years, on average I have travelled for about 5 months per year, including regular long-distance trips from Australia to other continents. I would reallocate most of this research time to serve the mandate. I have also conducted field missions in more than 35 countries (including many states affected by terrorism: Algeria, Bangladesh, China, Colombia, India, Indonesia, Iran, Iraq, Israel, Jordan, Nepal, Myanmar, Palestine, Philippines, Sri Lanka, Thailand and Turkey). I thus appreciate the time-intensive requirements of field missions, understand the demands of travel and logistics (including translation), and have the experience to successfully manage them. I am also able to draw upon the research resources of my university (including a world-class research library and electronic resources) to contribute to the success of the mandate. In addition, legal research assistance is available at my university to supplement the work of the mandate. I am familiar with the time involved in consulting with stakeholders from my experiences of working with, and building coalitions of, civil society actors. As a lawyer I well understand the discipline of drafting reports to promptly meet deadlines.

**III. Motivation Letter** (600 word limit, must be included below and not in a separate e-mail or as an attachment)

Despite robust global counter-terrorism efforts since 2001, the threat of terrorism has intensified, diversified and spread. Excessive and unlawful counter-terrorism measures not only violate human rights but can stimulate more terrorism. Alienation, radicalisation and extremism have been stoked by a litany of violations: arbitrary arrests and detention; abusive prosecutions and unfair trials; discriminatory policing of minorities; the profiling of migrants and refugees; disproportionate civilian casualties from military operations; and so on. Political pressures to over-react to terrorism are exacerbated by growing nationalism, isolationism and xenophobia. These developments place enormous strain on respect for human rights norms, procedures and institutions.

Previous Special Rapporteurs have made much progress in clarifying the legal standards that frame counter-terrorism. As the next Special Rapporteur I would consolidate and build on their work. Firstly, to ensure continuity, I would periodically review the topics previously dealt with and issue updates or revisions where appropriate, in light of fast-moving developments in law and practice. (I am very familiar with past reports from publishing a book which included extensive UN documents on terrorism.)

Secondly, I would identify other pressing areas in the mandate that are ripe for clarifying human rights standards. To do this I would consult with states, the UN system and civil society, and draw on my own expert knowledge. For example, a ‘long-list’ of possible topics – not yet fully covered by the mandate – might include the impacts of counter-terrorism and terrorism on: humanitarian action; the right to (human) development; human rights in armed conflict governed by international humanitarian law (including in occupied territory; and also addressing ‘foreign terrorist fighters’); derogation in public emergencies; alternatives to criminal justice (including ‘civil’ or administrative measures); freedom of religion; migration (including labour rights) and citizenship (including denationalization); the rights of children and families; and human rights safeguards in mutual legal assistance/cooperation.

Thirdly, I would work to monitor and enhance the implementation of human rights within and between international actors, including: (a) the UN system (UNODC, CTED and Security Council sanctions regimes, CTITF, UNCCT and OHCHR); other international organisations (ICRC, Interpol, IMO and ICAO); (c) relevant regional organisations (the AU, OAS, EU, Council of Europe, NATO, OIC, Arab League, CIS, SCO, ASEAN, SAARC and OSCE); and (d) other relevant networks (e.g., Global Counter Terrorism Forum, Financial Action Task Force, Hedayah).

Fourthly, I would continue the program of country visits. I would begin with states that have already issued invitations; and then identify states that have not been previously visited, that experience serious terrorist threats, and that may present potential human rights concerns. As far as possible I would work constructively with governments through dialogue and persuasion to highlight concerns and identify workable solutions. I am an experienced field researcher, having undertaken missions in many states affected by terrorism. I have often worked with victims of rights violations. I am adept at working with governments, including military, police, and security services. I have also interviewed a number of terrorist groups and I am aware of their perspectives.

Finally, I would work collaboratively and consultatively with civil society to strengthen a culture of respect for human rights in countering terrorism. The human rights of ‘terrorists’ are often deeply unpopular and have few champions. There is a need to deepen public awareness and reinforce a political consensus that all people are entitled to be treated with dignity and respect – even if their conduct is reprehensible. I would be a tireless and fearless advocate for human rights in countering terrorism, and would serve with professionalism and integrity.

**IV. LANGUAGES (READ / WRITTEN / SPOKEN)**

**Please indicate all language skills below.**

**1. Mother tongue:** **English**

**2. Knowledge of the official languages of the United Nations:**

**Arabic:** Yes or no: **No** If yes,

**Read:** Easily orNot easily:   
**Write:** Easily or Not easily: **Speak:** Easily or Not easily:

**Chinese:** Yes or no: **No** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not easily:

**English:** Yes or no: **Yes** If yes,

**Read:** Easily or not easily: **Easily  
Write:** Easily or not easily: **Easily  
Speak:** Easily or not easily: **Easily**

**French:** Yes or no: **Yes** If yes,

**Read:** Easily or not easily: **Not easily  
Write:** Easily or not easily: **Not easily  
Speak:** Easily or not easily: **Not easily**

**Russian:** Yes or no: **No** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not easily:

**Spanish:** Yes or no: **No** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not easily:

**V. EDUCATIONAL RECORD**

**NOTE: Please list the candidate’s academic qualifications (university level and higher, indicating type of degree, subject, and whether full or part-time, ex. *Masters in law, University of xxx, part-time)*.**

|  |  |  |
| --- | --- | --- |
| **Name of degree and name of academic institution, full or part-time:** | **Years of attendance**  (provide a range from-to, for example 1999-2003): | **Place and country:** |
| Doctor of Philosophy (Public International Law), University of Oxford (full-time) | 2001-04 | Oxford, UK |
| Bachelor of Laws (First Class Honours), University of Sydney (full-time) | 1995-2000 | Sydney, Australia |
| Bachelor of Arts (First Class Honours and University Medal in Australian Literature; double major in history and literature), University of Sydney, Australia (full-time) | 1995-98 | Sydney, Australia |
| Diploma of Legal Practice, College of Law, Sydney (part-time) and admission as a solicitor; Admission as a Barrister (advocate) (part-time) | 2001 & 2006 | Sydney, Australia |

**VI. EMPLOYMENT RECORD**

**NOTE: Please briefly list ALL RELEVANT professional positions held in the area of human rights, beginning with your current occupation.** **Also indicate whether positions held were not full-time.**

|  |  |  |
| --- | --- | --- |
| **Name of employer,**  **functional title,**  **main functions of position, full or part-time:** | **Years of work** (provide a range from-to, for example 1999-2005): | **Place and country:** |
| Harvard University, Visiting Chair of Australian Studies (full-time); Harvard Law School, Visiting Professor of Law (full-time) | 2018 | Boston, USA |
| Sydney Law School, University of Sydney - Challis Chair of International Law (2015-present, full-time); Professor of International Law (2012-15); Associate Professor of International Law (2009-11); Senior Lecturer in International Law (2007-09); Director of the Sydney Centre for International Law (2007-11) | 2007-present | Sydney, Australia |
| University of New South Wales Faculty of Law, Lecturer in Law (full-time) | 2005-06 | Sydney, Australia |
| Oxford University, Oxford Law Faculty Tutor in Public International Law (2002-04); Oxford Refugee Studies Centre Lecturer in International Human Rights Law (2003-04) | 2002-04 | Sydney, Australia |

**VII. COMPLIANCE WITH ETHICS AND INTEGRITY PROVISIONS   
(of Human Rights Council resolution 5/1)  
*To be completed by the candidate or by the nominating entity on his/her behalf.***

**1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause him/her to limit the extent of their inquiries, to limit disclosure, or to weaken or slant findings in any way? If yes, please explain.**

No

**2. Are there any factors that could either directly or indirectly influence, pressure, threaten, or otherwise affect the candidate’s ability to act independently in discharging his/her mandate? If yes, please explain:**

No

**3. Is there any reason, currently or in the past, that could call into question the candidate’s moral authority and credibility or does the candidate hold any views or opinions that could prejudice the manner in which she/he discharges his mandate? If yes, please explain:**

No

**4. Does the candidate comply with the provisions in paragraph 44 and 46 of the annex to Human Rights Council resolution 5/1? (Please answer YES if you comply, NO if you do not comply, together with an explanation.)**

***Para. 44: The principle of non-accumulation of human rights functions at a time shall be respected.***

***Para. 46: Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate holders will act in their personal capacity.***

Yes; I have applied for two mandates at the 35th Session but would only accept one.

**5. Should the candidate be appointed as a mandate holder, he/she will have to take measures to comply with paragraphs 44 and 46 of the annex to Council resolution 5/1. In the event that the current occupation or activity, even if unpaid, of the candidate may give rise to a conflict of interest (e.g. if a candidate holds a decision-making position in Government) and/or there is an accumulation of human rights functions (e.g. as a member of another human rights mechanism at the international, regional or national level), necessary measures could include relinquishing positions, occupations or activities. If applicable, please indicate the measures the candidate will take.**

I would relinquish any conflicting activity or position.

**VIII. CERTIFY AND SUBMIT APPLICATION  
*To be completed by the candidate or by the nominating entity on his/her behalf.***

**I hereby certify that all of the statements made in this application are true, complete and are made in good faith. I understand that falsifying or intentionally withholding information will be grounds for not being selected or appointed or the withdrawal of any proposed appointment or, if an appointment has been made and accepted, for its immediate cancellation or termination.  
  
Kindly note that whilst no changes can be made after this application form has been submitted and the deadline for applications has expired, any relevant change of current occupation, employment, or position, or any other relevant fact or circumstance should be brought to the attention of the secretariat by   
e-mail (**[**hrcspecialprocedures@ohchr.org**](mailto:hrcspecialprocedures@ohchr.org)**).**

**Please review your application before you insert your name and date to indicate your agreement.**

**Name:** Professor Ben Saul

**Date:** 30 March 2017

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