

SECOND PART: APPLICATION FORM IN WORD FORMAT

Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights

Appointment to be made by the Human Rights Council at its 43rd session
(24 February – 20 March 2020)

APPLICATION DEADLINE: 14 JANUARY 2020 AT 12:00 NOON GREENWICH MEAN TIME

- The application process consists of two compulsory parts:
(1) online survey¹ (<https://ohchr-survey.unog.ch/index.php/681519>)
and
(2) application form in Word format² (to be downloaded from <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/HRC43.aspx>)
- Once fully completed, the Word application form should be submitted by email to hrcspecialprocedures@ohchr.org
- A maximum of up to three optional reference letters may be attached to the email (in Word or pdf format).
- No additional documents (e.g. CVs, resumes or supplementary reference letters) will be accepted.
- Applicants will receive an acknowledgment email 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 the Secretariat. Shortlisted candidates will be interviewed at a later stage.
- Please note that an application will only be considered if both parts and all sections of the Word application form have been completed and received by the Secretariat before the expiration of the deadline. **No incomplete or late applications will be accepted.**
- General description of the selection process and answers to frequently asked questions are available at <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx> and <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/BasicInformationSelectionIndependentExperts.aspx>
- In case of technical difficulties or problems with accessing or completing the forms, you may contact the Secretariat by email (hrcspecialprocedures@ohchr.org) or fax (+41 22 917 9008).

I. PERSONAL DATA

1. Family (last) name: Mohamad	5. Year of birth: 1960
2. First (given) name: Rahmat	6. Place of birth: Malaysia
3. Other name, if any:	7. Nationality (please indicate the nationality that will appear on the public list of candidates): Malaysian
4. Gender: Male	8. Any other nationality: -

¹ The short **online survey** 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. The same name, gender and nationality should be used both in the online survey and in the Word application form.

² The **application form in Word format** includes a motivation letter of maximum 600 words (section III of the form). 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 the vacancy. The candidate's application form will also be posted as received on the OHCHR public web page for the selection process.

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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.)

Professor Rahmat Mohamad is currently the Deputy Vice Chancellor of Universiti Teknologi MARA (UiTM) Malaysia since August 2018. As the Deputy Vice Chancellor of the largest public education institution in Malaysia, he strives to strengthen the visibility of the university through industry, community and alumni networking endeavours.

In 1986, Professor Rahmat Mohamad graduated from the University of Bristol, United Kingdom in Masters of Law (LL.M), specialised in commercial laws. He subsequently started his academic career as a law lecturer at Universiti Teknologi MARA Malaysia. Professor Rahmat Mohamad has been conferred a Doctor of Philosophy (Ph.D.) in Law from the University of Aberystwyth, United Kingdom in 2001. His Ph.D. research focused on the dispute settlement mechanism in the ASEAN free trade agreement (AFTA).

Prior to his appointment as the Deputy Vice Chancellor of Universiti Teknologi MARA (UiTM), Professor Rahmat Mohamad had served the university as the Dean of the Law Faculty (2017-2018), Assistant Vice Chancellor (Strategy) (2016), Deputy Vice Chancellor (Research, Commercialisation and Innovation) (2005-2008), and Assistant Vice Chancellor (Quality) (2001-2005).

2. 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.)

Professor Rahmat Mohamad was appointed as the Secretary General of Asian African Legal Consultative Organisation (AALCO) in New Delhi, India from 2008 to 2016. As the Secretary General of AALCO for two terms, he has represented the organisation in major diplomatic conferences and negotiations. Nonetheless, he has successfully initiated the Eminent Person Group (EPG) and Informal Expert Group for AALCO in the effort to revitalise the organisation.

Professor Rahmat Mohamad is currently Malaysia's representative in the Second Preparatory Committee on Marine Bio-Diversity in Area Beyond National Jurisdiction (BBNJ) in the United

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Nations. He is also the Member of Scientific Research Committee at the Hague Centre for Law and Arbitration, Netherlands and Counsel of Watching Brief for State of Johore in the application for revision of Pedra Branca Case between Malaysia and Singapore to International Court of Justice (ICJ). He was the Malaysia' candidate for the membership of the International Law Commission (ILC) for 2017-2021.

3. ESTABLISHED COMPETENCE (200 words)

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

In his academic, Professor Rahmat Mohamad has written several books, book chapters and journal articles on diverse subject of international law, including international criminal court, sanctions in international law, international law commissions and world trading systems. Among his notable publications are *Asian and African Views on International Law* (2016), *An Afro-Asian Perspective on the International Criminal Court* (2015), *International Criminal Court in the Development of International Rule of Law: A Reflection of Asian-African Views* (2014), *Unilateral Sanctions in International Law: A Quest for its Legality* (2014), and *International Law Commission and its New Topic on "Identification of Customary International Law: Some Preliminary Reflections"* (2013).

He also serves in the capacity of Visiting and Adjunct Professor and has delivered lectures and presented papers in seminars and conferences in many universities in Asia, Africa, England, Europe, United States and Malaysia. Recently, he has been appointed as the panelist for *The Biennial Panel Discussion on Unilateral Coercive Measures on the Enjoyment fo All Human Rights, including the Right to Development*, organised by the Office of the High Commissioner of Human Rights in September 2019. He has also served as a speaker during the *45th Anniversary of Malaysia-China Diplomatic Relations* in Yunnan, China on 12 July 2019. Nonetheless, Professor Rahmat Mohamad has recently presented a paper entitled *Unilateral Coercive Measures and Their Impact* in Vienna, Austria.

4. PUBLICATIONS OR PUBLIC STATEMENTS

Please list-significant 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.

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

1. Title of publication: Unilateral Sanctions in International Law: A Quest For Its Legality
In Economic Sanctions Under International Law: Unilateralism, Multilateralism, Legitimacy and Consequences

Journal/Publisher: ASSER Press, Springer

Date of publication: 2015

Web link, if available:

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2. Title of publication: Unilateral & Secondary Sanctions; By International Law Prospectus
Journal/Publisher: AALCO Secretariat
Date of publication: 2013
Web link, if available:

3. Title of publication: Unilateral Sanctions in International Law - Asian & African Views on International Law
Journal/Publisher: UiTM Press, AIAC
Date of publication: 2016
Web link, if available:

If more than three publications, kindly summarize (200 words):

4.2 **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:

International Seminar on Unilateral Coercive Measures

Event organizer: *Permanent Missions of Cuba, Iran and Venezuela, Vienna*

Date on which public statement/pronouncement made: *27 June 2019*

Web link, if available: *<https://en.irna.ir>*

2. Platform/occasion/event on which public statement/pronouncement made:

Panellist, Biennial Panel Discussion on Unilateral Coercive Measures and Human Rights

Event organizer: *United Nations Human Rights Council, Geneva*

Date on which public statement/pronouncement made: *12 September 2019*

Web link, if available: *<http://wbvtv.un.org>*

3. Platform/occasion/event on which public statement/pronouncement made:

International Symposium on Unilateral Sanctions and International Law: Views for Legitimacy and Consequences

Event organizer: *The Hague Centre for Law and Arbitration*

Date on which public statement/pronouncement made:

Web link, if available:

If more than three, kindly summarize (200 words):

5. 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.

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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”.

The candidate is able to dedicate an estimated total of approximately three months per year to the work of mandate.

6. NOMINATION FOR THE MANDATE

Indicate whether you have been nominated by (check all that apply):

- Individual nominations (indicate this if you are self-nominating)**
- Governments**
- Regional Groups operating within the United Nations human rights systems**
- International organizations or their offices**
- Non-governmental organizations**
- National human rights institutions**
- Other human rights bodies**

Name of the nominating entity and additional information about the nomination (use if applicable, for third-party nominations only) (200 words):

Professor Rahmat Mohamad is nominated by the Asian African Legal Consultative Organisation (AALCO). Please refer the reference letter by AALCO attached with this application.

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III. MOTIVATION LETTER

(600 word limit. Must be included in the space below and not in a separate email or as an attachment. To be drafted and signed by the candidate himself/herself even if nominated by another entity.)

I dealt with the topic on unilateral sanction since I took office as Secretary General of the Asian African Legal Consultative Organization (AALCO) since 2008. As an inter-governmental organization covering both continents of Asia and Africa, AALCO has consistently promoted the topic on unilateral sanction as "Extraterritorial Application of national Legislation: sanctions Imposed against Third Parties".

Since its first introduction at AALCO Annual Session in 1997, the topic is considered as an important issue facing developing countries, particularly the Member States of AALCO based on four major reasons, namely:

- i. that the limits of the exception to the principle of extraterritorial jurisdiction were not well established;
- ii. that the practice of States indicates that they oppose the extraterritorial application of national legislation;
- iii. that extraterritorial measures violate a number of principles of international law; and,
- iv. that extraterritorial measures affect trade and economic cooperation between developed and developing countries and also interrupt cooperation among developing countries.

The topic holds significance for AALCO, as some of its member States have been the targets of unilateral sanctions in the recent past. At the Fifty-First Annual Session of the AALCO held in 2012, the AALCO Secretariat was mandated by its Member States to undertake the study on the legal implications of application of unilateral sanctions on third parties.

The other critical issue that inspired me to pursue the discourse on unilateral coercive measures is where the imposition of unilateral and secondary sanctions by States deprives the peoples of the targeted country of basic human rights and also affects their right to development. The right to self-determination places upon states not just the duty to respect and promote the right, but also the obligation to refrain from any forcible action, which deprives peoples of the enjoyment of such a right. Coercive economic sanctions affect the growth trajectory of the individuals and the economy as a whole and the burden of sanctions should not be put on the succeeding generations.

The fundamental principles that regulate and govern international relations are stated in the charter of the United Nations and the authoritative 1970 declaration of friendly relations and cooperation among states. These include the principle of sovereign equality of states, principle of non-use of force, the principle of non-intervention into the internal and external affairs of States, the principle of peaceful settlement of international disputes, the principle of cooperation among States, the principle of fulfilling in good faith obligations assumed under international law. The concept of unilateral sanctions violates certain core principles of the Charter of the United Nations, namely, principle of sovereign equality and territorial integrity, principle of non-

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intervention, principles of respect for and dignity of national sovereignty; and its duty to cooperate.

From the perspectives of resolutions and declarations from various international bodies, including AALCO, as well as the statement of their member states, the international community has unanimously condemned the unilateral imposition of sanctions and the extraterritorial application of national legislation in every international forum. It is clear that the international community holds that the imposition of unilateral sanctions by one state against another or the extraterritorial enforcement of national legislation is against the basic principles of international law.

The work of Special Rapporteur requires legal and diplomatic skill, diligence and knowledge. As a testament of the above criteria, much of my work on the subject of unilateral sanction has been cited not only by academics but also consumed by the governments, especially Member States of AALCO.

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IV. LANGUAGES (READ / WRITTEN / SPOKEN)

Please indicate all language skills below.

1. Mother tongue: English & Malay

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

Arabic: Yes or no: If yes,

Read: Easily or Not easily:

Write: Easily or Not easily:

Speak: Easily or Not easily:

Chinese: Yes or no: If yes,

Read: Easily or not easily:

Write: Easily or not easily:

Speak: Easily or not easily:

English: Yes or no: If yes,

Read: Easily or not easily:

Write: Easily or not easily:

Speak: Easily or not easily:

French: Yes or no: If yes,

Read: Easily or not easily:

Write: Easily or not easily:

Speak: Easily or not easily:

Russian: Yes or no: If yes,

Read: Easily or not easily:

Write: Easily or not easily:

Speak: Easily or not easily:

Spanish: Yes or no: If yes,

Read: Easily or not easily:

Write: Easily or not easily:

Speak: Easily or not easily:

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V. EDUCATIONAL RECORD

NOTE: Please list the candidate’s academic qualifications (university level and higher, indicating the type of degree and field of study, and whether full- or part-time; for example, *Masters in Law, 1975-1977, University of xxx, part-time*). If space in the table is insufficient, you may list more than one degree in a single row below, separating them by a blank line.

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:
PhD in International Law, University of Wales, Aberystwyth, Full Time	1997 - 2001	UK
Master of Law in Commercial Law, University of Bristol, Full Time	1985 - 1986	England
Advanced Diploma in Law, Institut Teknologi MARA, Full Time	1984 - 1985	Malaysia
Diploma in Law, Institut Teknologi MARA, Full Time	1982 - 1984	Malaysia

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VI. EMPLOYMENT RECORD

NOTE: Please briefly list ALL RELEVANT professional positions held in the area of human rights, beginning with your current (most recent) occupation. Also indicate whether positions held were full-time or part-time. If space in the table is insufficient, you may list more than one position in a single row below, separating them by a blank line.

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:
UiTM, Deputy Vice Chancellor (Industry, Community & Alumni), Full Time	2018 – Present	Malaysia
UiTM, Dean, Faculty of Law, Full Time	2017 – 2018	Malaysia
UiTM, Assistant Vice Chancellor, Full Time	2016 – 2017	Malaysia
Asian African Legal Consultative Organization (AALCO), Diplomatic Enclave, Full Time	2008 – 2016	New Delhi, India
UiTM, Deputy Vice Chancellor (Research & Innovation), Full Time	2005 – 2008	Malaysia
UiTM, Assistant Vice Chancellor, Institute of Quality And Knowledge Advancement, Full Time	2003 – 2005	Malaysia

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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 the candidate's
behalf.***

1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause the candidate to limit the extent of 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 the 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 the candidate discharges the 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 the candidate complies, NO if the candidate does 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 -

5. Should the candidate be appointed as a mandate holder, the candidate 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.

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VIII. CERTIFY AND SUBMIT APPLICATION

***To be completed by the candidate or by the nominating entity on the candidate's
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 email (hrcspecialprocedures@ohchr.org).

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

Name: Rahmat Mohamad

Date: 14/01/2020
