

SECOND PART: APPLICATION FORM IN WORD FORMAT
**Special Rapporteur on the promotion and protection of human rights and
fundamental freedoms while countering terrorism**

Appointment to be made by the Human Rights Council at its 53rd session

APPLICATION DEADLINE: 5 APRIL 2023 AT 12 NOON GENEVA TIME

- The application process consists of two compulsory parts:
(1) online survey¹ (<https://ohchr-survey.unog.ch/index.php/838551>)
and
(2) application form in Word format² (to be downloaded from <https://www.ohchr.org/en/hr-bodies/hrc/sp/hrc53>)
- Once fully completed, **in English or French only**, the Word application form should be submitted by email to ohchr-hrcspecialprocedures@un.org
- A maximum of up to three optional letters of support may be attached to the email (in Word or PDF format).
- No additional documents (e.g., CVs, resumes or additional letters of support) 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.
- Applications 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.**
- Candidates eligible for Working Group mandates are only nationals of the States belonging to the [regional groups](#) for which specific vacancies have been advertised.
- General description of the selection process and answers to frequently asked questions are available at <https://www.ohchr.org/en/hr-bodies/hrc/sp/nominations> and <https://www.ohchr.org/en/hr-bodies/hrc/sp/basic-information-selection-independent-experts>
- In case of technical difficulties or problems with accessing or completing the forms, you may contact the Secretariat by email (ohchr-hrcspecialprocedures@un.org) or fax (+41 22 917 9008).

I. PERSONAL DATA

1. Family (last) name: Saul	5. Year of birth: 1976
2. First (given) name: Ben	6. Place of birth: Australia
3. Other name, if any:	7. Nationality (please indicate the nationality that will appear on the public list of candidates): Australian
4. Gender: Male	8. Any other nationality: None

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 must 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 or French only, the two working languages of the United Nations Secretariat. The application form will be used as received to prepare the public list of eligible candidates who applied for the vacancy. The application forms of eligible candidates 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-word limit)

Relevant educational qualifications or equivalent professional experience in the field of human rights, and 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).

As an internationally recognised scholar and legal practitioner I have practised, researched and taught on human rights and counter-terrorism for 22 years. I hold the oldest, most prestigious professorship of international law in Australia (Challis Chair at Sydney University) and I have taught international law at Oxford and Harvard universities, and The Hague and Xiamen Academies of International Law, among others. 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 force, state responsibility, and the United Nations and regional organisations). I also have a Bachelor of Laws (First Class Honours) and a Bachelor of Arts (First Class Honours) from Sydney University. I have advised or consulted to many governments (including training judges, lawyers, militaries and security officials), 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 (including 20 books), hundreds of presentations for diverse audiences on all continents, and my high-level legal practice and advocacy.

2. RELEVANT EXPERTISE (200-word limit)

Knowledge of international human rights instruments, norms and principles (please indicate how this was acquired). Knowledge of institutional mandates related to the work of the United Nations or other international or regional organizations in the area of human rights, and particularly in the area of the mandate (please indicate how this was acquired).

Proven work experience in the field of human rights and particularly in the area of the mandate (please indicate years of experience).

I have an extensive, detailed knowledge of international, regional and national human rights law, gained through two decades of experience as a leading human rights and counter-terrorism law professor, researcher, trainer, advocate and practitioner. As a tenured professor, I have prolifically published globally recognised research directly relevant to this mandate, with 20 books and hundreds of articles, including some of the world's leading books on terrorism and on human rights (see below). I have taught at world-class universities, including Oxford and Harvard; guest lectured at pre-eminent institutions including Cambridge, The Hague and Xiamen Academies 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. I practised 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

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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.

3. ESTABLISHED COMPETENCE (200-word limit)

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 by the UN Security Council's Special Tribunal for Lebanon, which described me as "a leading international terrorism lawyer"; and by invitations to advise states (parliaments, governments, militaries, police, intelligence services and diplomats); UN agencies (UNODC/UNOCT, 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 co-drafted the recent UN Model Legislative Provisions on Victims of Terrorism (UNODC/UNOCT/IPU) and was lead drafter of the UNDOC Terrorism and International Law law enforcement training curriculum. I am an Associate Fellow of the International Centre for Counter-Terrorism in The Hague and previously Chatham House, London. I have acted as lead counsel in international tribunals, including the UN Human Rights Committee. My research has been cited by international and national courts, and I have influenced over 130 parliamentary inquiries. I have held leadership positions in the International Law Association, Law Council of Australia human rights committee, Australian refugee and legal aid services, Sydney PEN, and Australian Lawyers for Human Rights.

4. PUBLICATIONS OR PUBLIC STATEMENTS

Please list significant and relevant published books, articles, journals and reports that the candidate has written or public statements, or pronouncements that the candidate has made or events in which the candidate has participated in relation to the mandate.

4.1 Enter three publications in relation to the mandate applied for, in the order of relevance:

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

Journal/Publisher: Oxford University Press

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 [752 pages]

Journal/Publisher: Edward Elgar

Date of publication: 2nd edition 2020

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

3. Title of publication: International Counter-Terrorism Law [book, 1200 pages]

Journal/Publisher: Oxford University Press

Date of publication: forthcoming 2023

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Web link, if available:

If more than three publications, kindly provide a summary of the rest (200-word limit):

I have published 20 books and hundreds of other publications (e.g. articles, book chapters, parliamentary submissions and legal opinions), on human rights, counter-terrorism and international law. My books address terrorism and international law; human rights in Asia; economic, social and cultural rights; refugee law; indigenous peoples; humanitarian law; development; and environmental law. 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; I edited the first collected drafting records of the ICESCR (2016, 2,600 pp); and I am co-editor of the *Oxford Guide to International Humanitarian Law* (2019). 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. A publications list is here (<http://sydney.edu.au/law/about/people/profiles/ben.saul.php>) and some full texts here (https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=599006).

4.2 Enter three public statements or pronouncements made or events that the candidate may have participated in with respect to the mandate applied for, in the order of relevance:

1. Platform/occasion/event of public statement/pronouncement: 'No Definition: The Legal Black-hole in United Nations Counter-terrorism'

Event organizer: International Peace Institute (New York)

Date of public statement/pronouncement: June 2021

Web link, if available: <https://theglobalobservatory.org/2021/06/the-legal-black-hole-in-united-nations-counterterrorism/>

2. Platform/occasion/event of public statement/pronouncement: 'The Unlawful U.S. Killing of Ayman al-Zawahri'

Event organizer: Lawfare

Date of public statement/pronouncement: 17 August 2022

Web link, if available: <https://www.lawfareblog.com/unlawful-us-killing-ayman-al-zawahri>

3. Platform/occasion/event of public statement/pronouncement: 'Australia's Guantanamo Problem' (Australia's indefinite detention of recognized refugees on secret national security grounds)

Event organizer: The New York Times

Date of public statement/pronouncement: 26 March 2014

Web link, if available: [nyti.ms/1rtuU1r](https://www.nytimes.com/2014/03/26/world/australia/26refugees.html)

If more than three, kindly provide a summary of the rest (200-word limit):

5. FLEXIBILITY/READINESS AND AVAILABILITY OF TIME (200-word limit) to perform effectively the functions of the mandate and to respond to its requirements, such as participating in Human Rights Council sessions in Geneva and General Assembly sessions in New York; travelling on two country visits per year;

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drafting reports according to established deadlines; organizing and participating in consultations and meetings; addressing allegations of human rights violations with all concerned; providing advice to States and other stakeholders on issues related to the mandate; and engaging with a variety of stakeholders. Kindly indicate whether the candidate can dedicate an estimated time of four to six months per year to the work of a mandate depending on its workload.

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 a salary or other financial compensation, except for travel expenses and daily subsistence allowance of “experts on mission”.

I can devote six months a year to the mandate. As a senior professor I have flexibility in managing my commitments and time during the year, including for travel. I regularly travel internationally from Australia for research and legal practice and am an experienced field researcher and investigator, having undertaken professional missions in over 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 appreciate the time-intensive requirements of country 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, electronic resources, research assistants, and the Sydney Centre for International Law) to contribute to the success 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. I have experience raising extensive funding for public interest law projects. As a lawyer I well understand the discipline of drafting reports to promptly meet deadlines.

6. NOMINATION FOR THE MANDATE

Indicate whether the candidate has been nominated by (check all that apply):

- Individual nominations (select this option if the candidate is self-nominating)**
- Governments**
- Regional groups operating within the United Nations human rights system**
- 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-word limit):

N/A

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III. MOTIVATION LETTER, INCLUDING YOUR VISION OF THE MANDATE

600-word limit. Must be typed in the space below. Cannot be sent in a separate email or as an attachment. To be written by the candidates themselves, even if nominated by another entity.

Despite robust global counter-terrorism efforts since 2001, the threat of terrorism has intensified, diversified and spread. Excessive 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, such as arbitrary arrests and detention; abusive prosecutions and unfair trials; discriminatory profiling of minorities, migrants and refugees; and disproportionate civilian casualties from military operations. Political pressures to over-react to terrorism are exacerbated by growing populism, isolationism and xenophobia. These developments place enormous strain on respect for human rights.

Previous Special Rapporteurs have made much progress in clarifying the legal standards and policy frameworks for principled counter-terrorism. As Special Rapporteur I would extend and consolidate their work. First, I would identify pressing current issues that demand human rights scrutiny, by consulting with states, the UN system and civil society, and drawing on my expert knowledge. A 'long-list' of potential topics, not yet fully covered by the mandate, includes: (a) the proliferation of non-judicial, administrative measures in counter terrorism (eg border and migration controls, travel restrictions, citizenship deprivation, pre- and post-conviction detention, control orders, exclusion orders, proscription of terrorist organisations, and P/CVE measures); (b) the role of non-state actors in counter-terrorism (from the private sector to de facto state authorities); (c) counter-terrorism by regional organisations; (d) counter-terrorism by informal institutions (eg FATF, GCTF, GIFCT); (e) counter-terrorism in specialised aviation (ICAO) and maritime (IMO) domains; (f) counter-terrorism in peace operations and peace building; (g) 'cyber' terrorism and use of the internet to facilitate terrorism; (h) new technologies in counter-terrorism, including artificial intelligence, clouds, blockchain, unmanned systems, and biometrics; (i) securitisation of climate change impacts and counter-terrorism; and (j) rights of victims of terrorism.

Secondly, to ensure continuity, I would periodically review the topics previously dealt with by Special Rapporteurs 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 my research and practice, including collaborations with previous Special Rapporteurs). Many past topics remain highly relevant, whether repatriation of families of foreign terrorist fighters, rehabilitation, grounds and conditions of detention, accountability and fair trials, and so on.

Thirdly, I would energetically pursue country visits, beginning with states that have issued invitations; then identifying states that have not been previously visited, experience serious terrorist threats, and may present 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 and governments, and I have also interviewed terrorist groups and am aware of their perspectives.

Fourthly, I would monitor and enhance the implementation of human rights by international actors, including the diversity of relevant actors in the UN system; other international organisations; regional organisations; and informal networks.

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Finally, I would collaborate and consult with civil society to strengthen a culture of respect for human rights in countering terrorism by all states, no matter how powerful. 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. I would be a tireless and fearless advocate, and would serve with professionalism and integrity.

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IV. LANGUAGES (READ / WRITTEN / SPOKEN)

Please indicate all language skills below.

1. Mother tongue: English

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

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

Read: Easily or not 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:

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V. EDUCATION

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

Name of degree, field of study and name of academic institution, full or part-time:	Years of attendance (provide a range from-to, for example 1999-2003; for ongoing education, please put e.g. 2018-present):	Degree obtained (please indicate YES or NO):	Place and country:
Name of degree: Doctor of Philosophy Field of study: International Law Academic institution: University of Oxford Full or part-time: Full-time	2001-04	Yes	United Kingdom
Name of degree: Bachelor of Laws (First Class Honours) Field of study: Law Academic institution: University of Sydney Full or part-time: Full-time	1995-2000	Yes	Australia
Name of degree: Bachelor of Arts Field of study: History and Literature Academic institution: University of Sydney Full or part-time: Full-time	1995-98	Yes	Australia
Name of degree: Diploma of Legal Practice Field of study: Law Academic institution: College of Law Full or part-time: Part-time	2001	Yes	Australia
Name of degree: Admission as a barrister Field of study: Law Academic institution: NSW Bar Association Full or part-time: Part-time	2006	Yes	Australia
Additional:			

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VI. EMPLOYMENT

NOTE: Please briefly list ALL RELEVANT professional positions held in the area of human rights, beginning with the candidate's current (or most recent) occupation. Also, indicate whether positions held were full-time or part-time. If space in the table is insufficient, more than one position may be listed in the additional cell 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; for ongoing activities, please put e.g. 2018-present):	Place and country:
Name of employer: Sydney Law School, University of Sydney Functional title and main functions of position: Challis Chair of International Law (2015-present); Professor of International Law (2012-14); Associate Professor (2009-11); Senior Lecturer (2007-08) Full- or part-time: Full-time	2007-present	Sydney, Australia
Name of employer: Harvard Law School Functional title and main functions of position: Visiting Professor and Chair of Australian Studies Full- or part-time: Full-time	2019	Cambridge, USA
Name of employer: UNSW Law School, University of NSW Functional title and main functions of position: Lecturer Full- or part-time: Full-time	2005-06	Sydney, Australia
Name of employer: Oxford Law Faculty, University of Oxford Functional title and main functions of position: Tutor in International Law Full- or part-time: Part-time	2002-04	Oxford, UK
Name of employer: Refugee Studies Centre, Oxford University Functional title and main functions of position: Lecturer in Refugee and Human Rights Law Full- or part-time: Part-time	2002-03	Oxford, UK
Name of employer: Australian Law Reform Commission Functional title and main functions of position: Legal Officer	2001	Sydney, Australia

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Full- or part-time:		
Name of employer: Functional title and main functions of position: Full- or part-time:		
Name of employer: Functional title and main functions of position: Full- or part-time:		
Additional:		

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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. 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 a 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 that the candidate will take.

I would relinquish any conflicting activity or position.

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VIII. CERTIFY AND SUBMIT APPLICATION

To be completed by the candidate. The candidate's name below should match how it is entered on the first page of the form and in the online survey.

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 (ohchr-hrcspecialprocedures@un.org).

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

Name: Professor Ben Saul

Date: 5 April 2023
