

Curriculum Vitae

Judge Carmel A. Agius

Son of Anthony and of Josephine Buttigieg, Carmel A. (aka Lino) Agius was born in Sliema on 18 August 1945. He received his secondary education at the Archbishop's Seminary (1955 - 1960) and at the Lyceum (Sixth Form) (1960 - 1962). In 1965 he obtained his Bachelor of Arts Degree in English, Italian and Economics from the Royal University of Malta. In 1968 he obtained his Diploma of Notary Public and in the following year he graduated as Doctor of Laws from the same University with a dissertation on *The Quantum of Damages in Injury Claims*. He was called to the Bar in January of 1970. As a university student he served first as Secretary and subsequently President of the Students' Representative Council. After being called to the Bar, he was in private practice for 7 years working primarily in civil and commercial litigation. For some time until late 1973 he acted as legal advisor to the Editor of the Times of Malta and also as one of its parliamentary reporters. Between 1976 and 1977 he also was one of the legal advisors of the Bank of Valletta. On 25 May 1977 he was appointed Magistrate and served the first two months of his term at the Court of Magistrates of Judicial Police for the Islands of Gozo and Comino (as the court was then called). In late July of that year he was transferred to the Court of Magistrates of Judicial Police for the Island of Malta. During this time he dealt with mainly criminal cases, including almost all the criminal libel cases which then were abundant. On 12 May 1982 he was appointed Judge of the Superior Courts and until late 1983 he presided over trials by jury in the Criminal Court. Early in 1983 he was transferred to the Court of Appeal, the Court of Criminal Appeal and the Constitutional Court on a temporary basis to replace Judge Oliver Gulia who was on sick leave. During this period Judge Vincent Xerri passed away and Judge Agius was appointed instead of him on the said courts of appellate jurisdiction and on the Constitutional Court. He continued to serve in this capacity until November 2001 when he left to join the United Nations International Criminal Tribunal for the former Yugoslavia (ICTY) as one of its Permanent Judges after being elected by an overwhelming majority of votes by the General Assembly of the U.N. In 2005 he was re-elected for a second term and is currently expected to remain serving on the Tribunal until its closing down which is expected to take place in 2015. During his service at the Tribunal, Judge Agius was President of its Trial Chamber II from 2003 until May 2009 when he was appointed to the Appeals Chamber of the ICTY, thus automatically also becoming a member of the Appeals Chamber of the UN International Criminal Tribunal for Rwanda (ICTR). During his term as President of Trial Chamber II of the ICTR he presided over some of the major trials before the Tribunal and notably over the mega-trial *The Prosecutor vs Vujadin Popovic et al* which dealt with the 1985 Srebrenica Genocide and which he decided in June 2010. Since 2003 Judge Agius has also served as Chairman of the Rules Committee of the Tribunal and as a member of the Bureau which advises the President on several Tribunal matters.

While actively serving as a Judge of the Superior Courts in Malta, Judge Agius was one of the two judges elected by the College of Judges to sit on the Commission for the Administration of Justice from its inception until his departure to The Hague in 2001. He also was instrumental in securing the membership of the Maltese Judiciary in the International Association of Judges in 1988 and two years later in the European Association of Judges. Eventually he became the promoter and one of the co-founders of the Maltese Association of Judges and Magistrates of Malta, and served as its first President until leaving for The Hague. For a number of years and until 1991 he represented the Maltese Judiciary in the meetings of these two international Associations. Since 1985 Judge Agius was very active in the international legal scene attending various conferences including all the UN Crime Congresses from 1985 till 2001. He also represented Malta in the yearly meetings of the UN Crime Commission in Vienna. In 1996 he was selected to represent Malta in the negotiations in New York on the Draft Statute of the International Court which eventually led to the signing of the Statute in July 1998 at the end of the Rome Congress. He also took part in the meetings that led to the Rules of Procedure and Evidence of the Court and to the Elements of Crimes of the ICC.

Since 1985, Judge Agius has presented several papers on international humanitarian law topics and other subjects in various international meetings and symposia and on some occasions he was also key-note speaker. Some of his papers have been published in foreign journals or incorporated in books. In Malta he promoted the re-birth of the probation system and was instrumental in the setting up of the Institute of Criminology at the University of Malta where he lectured on various subjects and was also one of the examiners in the Faculty of Law. Since 2001 he has also lectured in Italy and in The Hague. Between 1996 and 1988 he also served as Pro-Chancellor of the University of Malta and as such presided over meetings of its Council.

Judge Agius is married to Tanya Said and has two daughters, Greta and Adrienne.