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Report of the Advisory Committee on Nominations of Judges on the work of its seventh session

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I. Introduction

A. Opening of the session

1. The seventh session of the Advisory Committee on Nominations of Judges (“the Committee”) was opened by the President of the Assembly, Mr. O-Gon Kwon (Republic of Korea), on 4 June 2020. The seventh session was held via remote WebEx link in eleven parts on 4 and 18 June, 2 and 20 July, 5 and 10 August, 16, 18, 22, 24 and 29 September 2020. Furthermore, 20 interviews with the candidates were held on 12, 13, 14, 17, 20, 24, 25 and 28 August 2020.
2. The following members participated in the session:
 - a) Mr. Ahmad Mohammad Binhamad Barrak (State of Palestine);
 - b) Mr. Corneliu Bîrsan (Romania);
 - c) Mr. Bruno Cotte (France);
 - d) Mr. Adrian Fulford (United Kingdom of Great Britain and Northern Ireland);
 - e) Ms. Lucy Muthoni Kambuni (Kenya);
 - f) Ms. Sanji Mmasenono Monageng (Botswana);
 - g) Mr. Enrique Eduardo Rodríguez Veltzé (Plurinational State of Bolivia);
 - h) Mr. Sang-Hyun Song (Republic of Korea); and
 - i) Ms. Sylvia Helena De Figueiredo Steiner (Brazil).

B. Adoption of the agenda

3. The Committee adopted the following agenda:
 1. Opening of the session
 2. Adoption of the agenda
 3. Election of the Chair and Vice-Chair of the Advisory Committee
 4. Organization of work and discussion regarding challenges of virtual meetings
 5. Work of the Advisory Committee in 2020
 - (a) Work of the Advisory Committee in light of resolution ICC-ASP/18/Res.4 and the amendments to the terms of reference of the Advisory Committee (annex II):
 - (i) Information and analysis to States Parties on assessing the qualities of candidates (para. 3 of ICC-ASP/18/Res.4)
 - (ii) Preparation of a compendium of submissions from States Parties, and a reference document for States Parties for use when establishing or utilizing national nomination procedures (para. 7 of the resolution)
 - (iii) Development of a common questionnaire (ICC-ASP/18/Res.4, annex II, para. 5 *bis* (a))
 - (iv) Reference checks of candidates (para. 5 *bis* (c))
 - (v) Drawing up of a standard declaration (para. 5 *bis* (d))
 - (vi) Review and documenting of national nomination processes para. 5 *bis* (f))
 - (vii) Conduct of a confidential provisional assessment requested by a State Party, pursuant to paragraph 8 *bis*
 - (b) Consideration of questions to be posed to candidates
 6. Other matters

C. Election of the Chair and Vice-Chair of the Committee

4. At its 4 June meeting, the Committee elected Mr. Adrian Fulford (United Kingdom of Great Britain and Northern Ireland) as Chairperson of the Committee and Ms. Sylvia Steiner (Brazil) as Vice-Chairperson.

D. Organization of work and discussion regarding challenges of virtual meetings

5. The Committee considered how to proceed with its work pursuant to the expanded mandate contained in resolution ICC-ASP/18/Res.4.¹ The Committee considered further the likely impact of the restrictions of the COVID-19 pandemic on its work. The Committee recalled that the mandate of the Assembly required it to present its report “at least 16 weeks before the elections”, i.e. 17 August 2020.

6. Committee members reiterated the importance of face-to-face interviews in the assessment of candidates but, at the same time, recognized that the challenges of holding such interviews posed by the COVID-19-related measures in place worldwide² would necessarily have an impact on the completion of the work of the Committee within the timeline set by the Assembly.

7. The Committee agreed that the assessment of the candidates would be based on:³

- a) The qualifications and experience of the candidate set out in the statement of qualifications required by article 36 (4) specifying how the candidate fulfils the requirements of article 36 (3);
- b) Additional supporting material provided therewith;
- c) Candidates’ responses to the common questionnaire and standard declaration;
- d) Candidates’ performance in the interview;
- e) Information provided by national institutions based in the candidates’ respective State of nationality; and
- f) The outcome of the vetting process and reference checks.

8. On 8 June 2020, the Committee requested the Bureau to consider, bearing in mind the exceptional circumstances, the reduction of the timeline of 16 weeks before the elections to nine weeks before the election. The Bureau considered the request of the Committee and agreed, on an exceptional basis, to extend the deadline for the presentation of the report until no later than 30 September 2020. The Bureau reiterated that the assessment of candidates via interviews constituted an integral component of the Advisory Committee’s overall assessment of candidates and would provide valuable guidance to the Assembly. In view of the possible challenges that could be faced both by members of the Advisory Committee and by candidates wishing to travel to The Hague, the Bureau requested the Committee to proceed to conduct the interviews via virtual means.

9. The Committee expressed its appreciation to the Bureau for the extension of the deadline, and noted that this would facilitate its mandate to prepare a thorough and detailed report of a technical character as indicated in resolution ICC-ASP/18/Res.4.⁴ The Committee recognized that it would be difficult to hold face-to-face interviews with all the candidates and members and, in line with the request of the Bureau, decided to hold virtual interviews with all the candidates. The Committee decided that each interview would be conducted by a sub-committee comprising three members due to various constraints posed by the virtual format, including the time zones, the number of candidates, the language of the interview and the urgency of the task.

¹ Annex I.

² These measures included travel bans, suspension of flights and mandatory quarantine for those who would manage to travel, both at the arrival/departure points, as well as the partial closure of the Court where the Committee would have held its interviews with the candidates. The lack of a reliable remote simultaneous interpretation platform, which could be readily used by the Committee, posed an additional challenge as the use of simultaneous interpretation, albeit possible, could result in lengthy virtually meetings given the use of Arabic, English and French.

³ The documentation submitted for consideration by the Committee was voluminous (over 600 pages), contained mainly in ICC-ASP/19/2/Rev.2 and its addendum, in addition to the national nomination procedures and the replies to the common questionnaire and the standard declaration, plus the information from civil society and national institutions.

⁴ *Ibid.*, section D.

10. In order to ensure that each candidate was assessed equally by the Committee as a whole, it decided that each interview would be recorded and filmed so as to enable all members of the Committee to individually assess each candidate.

11. The Secretariat of the Assembly of States Parties (“the Secretariat”) provided the substantive servicing for the Committee, and the Director, Mr. Renan Villacis, acted as Secretary.

12. The Secretariat of the Assembly was faced with numerous logistical constraints, including, inter alia, the need to train and assist the members of the Committee and (on a regular basis) the interpretation teams as to how to use the ad hoc interpretation system designed by the Secretariat via the WebEx digital platform.⁵

E. Work of the Advisory Committee in 2020

a) Work of the Advisory Committee in light of resolution ICC-ASP/18/Res.4 and the amendments to the terms of reference of the Advisory Committee (annex II)

13. The Committee took note that the scope of its mandate, set out in document ICC-ASP/10/36,⁶ had been expanded by resolution ICC-ASP/18/Res.4, annex II (see annex I). The Committee discussed how it would proceed to implement the respective elements of its expanded mandate.

(i) Information and analysis to States Parties on assessing the qualities of candidates (para. 3 of ICC-ASP/18/Res.4)

14. The Committee assessed the candidates according to the criteria set out in article 36 (4), and the statement in the necessary detail specifying how the candidate fulfils the requirements of article 36 (3), together with the curriculum vitae. The Committee further considered the responses to the common questionnaire and the standard declaration submitted by the candidates. The Committee noted that States Parties had submitted the standard form curriculum vitae which it had recommended at its second, third and seventh sessions⁷ and welcomed that such curricula vitae had facilitated its consideration of the candidates’ qualifications and experience.

15. The Committee’s assessments of the respective candidates are set out in annex II hereto.

(ii) Preparation of a compendium of submissions from States Parties, and a reference document for States Parties for use when establishing or utilizing national nomination procedures (para. 7 of the resolution)

16. The Committee recalled that the mandate of the Assembly required it, in consultation with States and other relevant stakeholders, to prepare and present at the earliest possible date, but no later than the twentieth session of the Assembly of States Parties, a compendium of submissions from States Parties, and to prepare a reference document for States Parties to use on an optional basis, which includes practices that could be taken into account when States Parties are establishing or utilizing national nomination procedures.⁸

17. The Committee took note that, in response to the Secretariat’s note verbale ICC-ASP/19/SP/27, dated 17 April 2020, circulated pursuant to resolution ICC-ASP/18/Res.4, a total of 19 States Parties had submitted information on their respective national nomination and selection procedures. The Committee requested all States Parties to submit the

⁵ This in-house system allowed for a combination of simultaneous and consecutive virtual interpretation into Arabic, English and French. The Language Services Section of the Registry of the Court assisted with the provision of the interpretation teams. In addition to arranging the virtual interviews, the Secretariat tested the digital platform with each candidate prior to the interview. The Secretariat generated and managed over one hundred WebEx links in the course of the session.

⁶ Report of the Bureau on the establishment of an Advisory Committee on Nominations of Judges of the International Criminal Court (ICC-ASP/10/36), annex, paras. 5, 7 and 11.

⁷ ICC-ASP/12/47, annex III, ICC-ASP/13/22, annex II, appendix III, and ICC-ASP/16/7, annex II, appendix III.

⁸ ICC-ASP/18/Res.4, para. 7.

information indicated in ICC-ASP/18/Res.4⁹ as soon as possible, so as to facilitate its work thereon.

(iii) Development of a common questionnaire (ICC-ASP/18/Res.4, annex II, para. 5 bis (a))

18. The Committee approved a common questionnaire, which the Secretariat conveyed on 3 July 2020 to all States Parties that had presented a candidate. The candidates completed the questionnaires, which were submitted to the Committee for its consideration.¹⁰

(iv) Drawing up of a standard declaration (para. 5 bis (d))

19. The Committee approved a standard declaration, which the Secretariat conveyed on 3 July 2020 to all States Parties that had presented a candidate. The candidates completed the declarations, which were submitted to the Committee for its consideration.¹¹

(v) Reference checks of candidates (para. 5 bis (c))

20. The Committee considered the most effective manner for the conduct of reference checks of candidates, given the extraordinary circumstances. It decided to approach relevant professional bodies in the candidates' respective State of nationality, e.g. Bar associations, judicial services commissions, academic institutions, in order to identify if there was any information about the candidate which the Committee should properly receive.

21. The Committee carefully considered the information received from the professional bodies and academic institutions which replied and was of the view that the information received was helpful to the Committee, but that it did not prove to be decisive in the evaluation undertaken by the Committee.

22. Further, the Committee took note of the vetting process that had been undertaken by the Security and Safety Section of the Court for the Committee on the Election of the Prosecutor, in order to assist that Committee with its assessment of the requirement of "high moral character".¹² This requirement is also the first among several competencies listed in article 36(3) of the Rome Statute regarding the required qualifications of judges. The Committee therefore agreed that a request should be made for similar assistance in respect of the 20 candidates for the judicial elections.

23. The vetting process was carried out independently from the Committee by the Security and Safety Section of the Court. Given the confidential nature of the work of the Committee, an exchange of letters was concluded between the Director of the Secretariat and the Registrar, to record the fact that the Section would report exclusively to the Committee (via its Chairperson) with regard to this particular process. The vetting process consisted, inter alia, of security and criminal record checks, and checks of publicly sourced information (including candidates' internet and social media profile). The Committee agreed with the Security and Safety Section of the Court that certain specific details of the process should remain confidential so as to protect future processes against potential manipulation or evasion. All 20 candidates consented to the process. The strictest confidentiality was maintained throughout, and all staff involved signed a confidentiality agreement specific to the process.

24. The Committee considered the reports prepared by the Security and Safety Section of the Court in respect of the 20 judicial candidates. It noted that not all the requests for criminal records had been submitted by the deadline required for the conclusion of the report. The Committee was of the view that the information of the vetting process was interesting but most importantly that there was nothing in the report that would disadvantage any of the candidates nor require bringing any matter to the attention of States Parties.

⁹ Ibid.

¹⁰ https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx

¹¹ https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx

¹² ICC-ASP/19/INF.2, paras. 24-32.

(vi) Review and documenting of national nomination processes para. 5 bis (f)

25. The Committee took note that 20 States Parties had submitted information on their national nominating procedures, and that 12 of those were nominating States Parties.¹³ Two States had not authorized the public dissemination of the information submitted, including one nominating State Party.¹⁴ The Committee noted that the national nomination process was an internal procedure of the State of nationality of the candidates and did not have any bearing on its assessment of those candidates.

(vii) Conduct of a confidential provisional assessment requested by a State Party, pursuant to paragraph 8 bis

26. The Committee received no request by a State Party to provide a confidential, provisional assessment of the suitability of a potential candidate of that State Party.

b) Consideration of questions to be posed to candidates

27. The Committee held discussions on the questions that it would pose to candidates in the interviews and approved the list of questions which was the same for all interviewees.

II. Consideration of the nominations submitted to elect six judges at the nineteenth session of the Assembly

28. The subgroups of the Committee conducted interviews via virtual means on 12, 13, 14, 17, 20, 24, 25 and 28 August 2020 with the 20 candidates presented for the election of six judges, to be held during the nineteenth session of the Assembly. Interviews of 60 minutes' duration each were conducted with the candidates, with interpretation where required.

29. The Committee met to discuss its assessment of the candidates on 16, 18, 22, 24 and 29 September 2020.

30. The Committee took note that two of its members shared the same nationality of two candidates. In accordance with rule 5 of the Rules of Procedure of the Committee, those members did not attend the interview nor participate in the deliberations for the candidate of the same nationality.

31. The recommendations of the Committee following its assessment of the candidates pursuant to its mandate are set out in annex II.

32. The Committee agreed on the following formulation regarding the suitability of the candidates:

- a) *Highly qualified*: the candidate excels in terms of the experience and knowledge about the Court and its jurisprudence; it is very likely that he/she would be able to make an important contribution to the work of the Court.
- b) *Qualified*: the candidate has some relevant experience and knowledge about the Court; he/she could contribute to the work of the Court.
- c) *Only formally qualified*: the candidate meets the requirements set out in the Rome Statute for election as a judge, but it is uncertain if the candidate could make a noteworthy contribution to the work of the Court.
- d) *Not qualified*: the candidate does not meet the formal requirements set out in the Rome Statute.

¹³ The following nominating States Parties did not submit information on their national nomination procedures: Bosnia and Herzegovina, Gambia, Greece, Mexico, Mongolia, Nigeria, Senegal, and United Kingdom of Great Britain and Northern Ireland.

¹⁴ https://asp.icc-cpi.int/en_menus/asp/ACN/Pages/2020-National-Procedures.aspx

III. Other matters

A. Material submitted with the nominations

33. As regards the information which nominating States submit, the Committee recalled that it had suggested guidelines thereon, at its second, third and sixth reports.¹⁵ The Committee also considered that other improvements in the material supporting the nominations would be most helpful in its future evaluations. Therefore, the Committee decided to suggest the additional guidelines set out in annex III, appendix I.

B. Assessment of the language capability of candidates

34. The Committee noted that the actual level of knowledge of some candidates of the working languages of the Court did not always correspond to the description contained in the documents submitted to the Committee. The Committee therefore requests that the language capability of candidates for future elections be assessed by means of a general test applicable to all candidates, to be administered by the Registry of the Court.

¹⁵ ICC-ASP/12/47, annex III, ICC-ASP/13/22, annex II, appendix III, and ICC-ASP/16/7, annex II, appendix III.

Annexes

Annex I

Terms of reference of the Advisory Committee on nominations of judges of the International Criminal Court¹

“5. The Committee is mandated to facilitate that the highest-qualified individuals are appointed as judges of the International Criminal Court.

[...]

5 bis. To that effect, the Committee shall:

- (a) **develop a common questionnaire for all nominees that asks them to explain: i) their experience in managing complex criminal proceedings; ii) their experience in public international law; iii) specific experience in gender and children matters; iv) track record of impartiality and integrity; and v) fluency in one of the working languages of the Court; and provide all nominees the option to make their answers to the questionnaire public;**
- (b) **ask nominees to demonstrate their legal knowledge by presenting relevant evidence;**
- (c) **check candidates’ references and any other information publicly available;**
- (d) **create a standard declaration for all candidates to sign that clarifies whether they are aware of any allegations of misconduct, including sexual harassment, made against them;**
- (e) **assess practical skills such as the ability to work collegially; knowledge of different legal systems; and exposure to and understanding of regional and sub-regional political, social, and cultural environments;**
- (f) **document the national-level nomination processes in the nominating State Parties; and**
- (g) **report on the above aspects.²**

6. Committee members would normally be designated for three year terms, with the possibility of being re-elected only once. [. . .]

7. The work of the Committee is based on the applicable provisions of the Rome Statute and its assessment of the candidates will be based strictly on the requirements of article 36, paragraphs (3) (a), (b) and (c).”

8. The Committee will convene in person, by correspondence, or via remote links, once candidates have been nominated by States. The members of the Committee shall ensure the confidentiality of all communications during the process.

8 bis. The Committee shall also, upon request by a State Party, provide a confidential, provisional assessment of the suitability of a potential candidate of that State Party. Such a provisional assessment shall be based solely on information submitted to the Committee by the State Party concerned, and shall not require the Committee to communicate with the potential candidate. A request for a provisional assessment of a potential candidate shall be without prejudice to the decision of the State Party to nominate or not nominate that potential candidate. Any provisional assessment shall

¹ These Terms of Reference were originally adopted by the Assembly of States Parties via resolution ICC-ASP/10/Res.5, para. 19, and subsequently amended by resolutions ICC-ASP/13/Res.5, annex III, and ICC-ASP/18/Res.4, annex II. Amendments are reflected via footnotes.

² *Ibid.*

also be without prejudice to the evaluation of that individual by the Committee, should they be nominated by a State Party. The number of Committee members responsible for conducting a provisional assessment of a potential candidate shall be limited to three. In the case of a candidate being nominated by a State Party after a provisional assessment, the Committee members that conducted the provisional assessment of the candidate shall recuse themselves from the formal evaluation of that candidate.³

9. The Committee may proceed to communicate with all candidates, including by interviewing, both orally and in writing, with regard to their qualification in accordance with the Rome Statute.

10. The evaluation procedure of the Committee shall be transparent. To that purpose, the Committee shall regularly and in detail brief the Bureau on its activities. The States Parties to the Rome Statute would be kept informed through the reporting procedures of the Bureau, and by briefings to the New York and The Hague Working Groups.

10 bis. Once the Committee has completed its work, it shall prepare a thorough and detailed report, of a technical character, that will include for each candidate:

- (a) **information collected in accordance with paragraph 5 bis;**
- (b) **qualitative evaluation, information, and analysis, strictly on the suitability or unsuitability of each candidate for a judicial role in light of the requirements of article 36, including detailed reasons for the Committee's evaluation; and**
- (c) **indication of the national nomination procedure used, including if it was followed in each specific case.**⁴

10 ter. The Committee may request States to provide further information about candidates that it requires to consider and evaluate the candidate's suitability as a judicial appointee.⁵

11. The report of the Committee shall be made available to States Parties and observers by submission to the Bureau, at least 16 weeks before the elections, for thorough subsequent consideration by the Assembly of States Parties.⁶

12. Information and analysis presented by the Committee is to inform the decision-making of States Parties and is not in any way binding on them or on the Assembly of States Parties.

³ As amended by resolution ICC-ASP/18/Res.4, annex II.

⁴ As amended by resolution ICC-ASP/18/Res.4, annex II.

⁵ *Ibid.*

⁶ *Ibid.*

Annex II

Evaluation of the candidates

1. The Advisory Committee on Nominations of Judges of the International Criminal Court hereby submits to the Bureau of the Assembly of States Parties to the Rome Statute its assessment of the 20 candidates for the elections to be conducted during the nineteenth session of the Assembly.
2. The Committee's assessment is based on the requirements of article 36, paragraphs 3 (a), (b) and (c), of the Rome Statute. The Committee presents the following information and analysis of the suitability of the candidates in accordance with the terms of reference defined by the Assembly.
3. In reaching its conclusions, the Committee considered written material submitted by the candidates in the form of statements of qualifications and curricula vitae,¹ as well as the information submitted by the candidates via the common questionnaire and standard declaration referred to in ICC-ASP/18/Res.4,² and conducted virtual interviews with the 20 candidates. The Committee thanked the candidates for making themselves available for the interview on the dates and times requested.
4. The Committee's consideration of the information on each candidate provided by relevant professional bodies in the candidates' respective States of nationality, as well as of the reports of the vetting of candidates by the Registry's Security and Safety Section are reflected in paragraphs 22 to 24 of this report.
5. All the conclusions and decisions of the Committee have been reached by consensus.

A. General observations

6. The Committee noted that the candidacies were presented under List A and List B as described in article 36, paragraph 3, of the Rome Statute, requiring "established competence in criminal law and procedure, and the necessary relevant experience, whether as a judge, prosecutor, advocate or in other similar capacity, in criminal proceedings" or "established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court".
7. The Committee also recalls that article 36, paragraph 3(c), requires that "Every candidate for election to the Court shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court."
8. The Committee took note of article 35, paragraph 1, of the Rome Statute, which provides that "All judges shall be elected as full-time members of the Court and shall be available to serve on that basis from the commencement of their terms of office".
9. The Committee stressed the importance that judges elected to the Court be in good health and prepared to serve the whole term, and that there be no extraneous duties that could delay their assumption of office or interfere with their discharge of their duties of a judge as provided in article 40, paragraph 3, of the Rome Statute. The Committee noted that all candidates had stated that they were in good health compatible with work of the Court. The Committee further noted that all candidates had indicated that they were prepared to serve for the entire nine-year term, effective as of 11 March 2021.
10. The Committee noted that the written material submitted and the statements made asserted that the candidates are persons of high moral character, impartiality and integrity, and that they possess the qualifications required in their respective States for appointment to the highest judicial offices.
11. The Committee, as a result of its experience so far, emphasizes once more the importance of face-to-face interviews with the candidates to the effective discharge of its

¹ ICC-ASP/16/3 and Add.1.

² Annex II, B (a) and (d).

mandate. The Committee wishes to indicate that the conduct of interviews at its seventh session via virtual means was due to the exceptional circumstances prevailing at the time and should not set a precedent for the future assessment of candidates by the Committee.

B. List A candidates

ALEXIS-WINDSOR, Althea Violet (Trinidad and Tobago)

1. The Committee noted that the candidate has exceptional judicial experience at the national level as a Supreme Court judge of Trinidad and Tobago since 2013. She has served as a senior State Counsel at the Office of the Director of Public prosecutions and was Deputy Director, Human Rights Unit at the Ministry of the Attorney General. The Committee took note that the candidate, in her capacity as Trial and Appeals Counsel at the International Criminal Tribunal for Rwanda (ICTR) for a period of 10 years, has acquired at the international level relevant substantive experience in international criminal law.

2. Based on her responses to questions, the candidate demonstrated good working knowledge of the Rome Statute and the jurisprudence of the International Criminal Court, although she was more familiar with the specifics of the ICTR. The Committee also noted that this was an impressive candidate that provided very well structured, concise, and logical answers.

3. The Committee noted that, in addition to qualifications under article 36, paragraph 3 (b) (i), of the Rome Statute, she is well qualified in other areas, such as international human rights law, as well as crimes against vulnerable persons, including women and children.

4. In light of the above, the Committee noted that her qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.

5. The Committee noted the candidate's fluency in English.

6. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at: https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx

7. Based on both her professional experience and her answers during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

BELLO, Ishaq Usman (Nigeria)

1. The Committee noted that the candidate, currently Chief Judge of the Federal Capital Territory in Nigeria, has extensive judicial experience in criminal proceedings. The Committee noted that the candidate was articulate and knowledgeable regarding criminal law and procedure at the national level.

2. The Committee noted that, based on his answers to questions particularly regarding participation by victims and the functions of the Pre-Trial Chamber (but also other areas), the candidate appeared notably to have a very limited knowledge of the Rome Statute, the practices and procedures of the Court and its jurisprudence. The Committee took into account in this context that the candidate had graduated in 2008 with a Masters in International Criminal Law from Ahmadu Bello University in Nigeria, where his dissertation was on the topic of individual criminal responsibility under the Rome Statute.

3. The Committee also noted that the candidate has prior experience as a legal practitioner in a range of roles, including having served as a Magistrate and as Deputy Chief Registrar of the Supreme Court of Nigeria.

4. The Committee noted that the candidate's qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.

5. The Committee noted the candidate's fluency in English.

6. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:

https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx

7. Based on both his professional experience as well as his answers during the interview, and bearing in mind particularly his lack of detailed knowledge of the workings of the Court, the Committee concluded that the candidate was only formally qualified for appointment as judge of the International Criminal Court.

CHAGDAA, Khosbayar (Mongolia)³

1. The Committee noted that the candidate has extensive experience in criminal law and procedure at the national level, having served as a judge in Mongolia since 2006 and as a judge in the criminal division of the Supreme Court of Mongolia since 2015. The Committee also noted that the candidate has prior experience as an investigating prosecutor and as a criminal defence advocate. In addition, the Committee noted that the candidate had academic experience, having worked as an adjunct professor of advanced criminal law, advanced criminal procedure and criminology at the National University of Mongolia since 2011.

2. The Committee noted that the candidate does not have direct experience in international criminal law and procedure, and based on his answers to questions regarding the functions and powers of the Pre-Trial and Trial Chambers and the admissibility of evidence collected in violation of legal provisions, did not have in-depth knowledge of the Rome Statute or the jurisprudence of the International Criminal Court. He demonstrated, however, good general knowledge of how a judicial body should work in a multicultural environment.

3. The Committee considered that the qualifications of the candidate, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.

4. The Committee was not entirely persuaded that the candidate's oral proficiency in English, one of the working languages of the Court, while, in the main, sufficient for the purposes of the interview, met the high standard prescribed under article 36, paragraph 3 (c), of the Rome Statute.

5. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:

https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx

6. Based on both his professional experience as well as his answers during the interview, the Committee concluded that the candidate is, subject to the issue of language, only formally qualified for appointment as judge of the International Criminal Court.

ĆOSIĆ DEDOVIĆ, Jasmina (Bosnia and Herzegovina)

1. The Committee noted that the candidate has judicial experience in criminal law and procedure, having served since 2010 as a judge in Bosnia and Herzegovina. In addition, the Committee noted that the candidate had served since 2016 as a judge in the war crimes department of the Court of Bosnia and Herzegovina. Furthermore, the candidate had prior experience as a legal assistant at the International Criminal Tribunal for the former

³ The candidate had been previously interviewed by the Committee in 2017 (ICC-ASP/16/7).

Yugoslavia (ICTY). She has a demonstrated ability to work in an international and multicultural environment and with different legal systems. Furthermore, she has experience at the national and international level in work regarding women and children.

2. The Committee also noted that the candidate has academic experience in relevant areas. She had obtained a PhD in law from the University of Sarajevo with a thesis on the topic of examination of witnesses in criminal proceedings, and a Masters of Legal Sciences with a thesis on the topic of command responsibility in relation to the ICTY.

3. Based on her responses to questions, the candidate demonstrated knowledge of the Rome Statute and the jurisprudence of the International Criminal Court, although she was, perhaps understandably, more familiar with the procedures and practices of the ICTY.

4. The Committee noted that the candidate's qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.

5. The Committee noted the candidate's fluency in English.

6. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:

https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx

7. Based on both her professional experience as well as her answers during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

KORNER, Joanna (United Kingdom of Great Britain and Northern Ireland)

1. The Committee noted that the candidate, a judge of the Crown Court of England and Wales since 2012, has extensive experience in criminal law and procedure at the national level. Furthermore, the candidate has ample experience in criminal law and procedure at the international level, having served for eight years as a senior prosecutor at the International Criminal Tribunal for the former Yugoslavia. She thus possesses experience working in an international multicultural environment and knows how to work with different legal systems.

2. The Committee noted that the candidate demonstrated knowledge of the criminal law and procedure of the International Criminal Court and its jurisprudence in her responses to interview questions.

3. The Committee noted that the candidate's qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.

4. The Committee noted that, in addition to her qualifications under article 36, paragraph 3 (b) (i), of the Rome Statute, the candidate had experience in other areas of relevance to the work of the Court. She had, inter alia, been instructed by the Organisation for Security and Co-Operation in Europe (OSCE) to conduct an assessment of the processing of war crimes at the state level in Bosnia and Herzegovina. The candidate had also delivered training courses on topics including judgecraft, fair and appropriate handling of vulnerable witnesses and the conduct of long and complex trials.

5. The Committee noted that the candidate was fluent in English and that she had an intermediate level of French.

6. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:

https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx

7. Based on both her professional experience as well as her answers during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

MASSART, Laurence (Belgium)

1. The Committee noted that the candidate, has extensive experience in criminal law and procedure at the national level, including in judging and conducting criminal trials, having served at the different levels of the judiciary at the national level. Since April 2019 she is the First President of the Court of Appeal of Brussels. Before that the candidate was President of the Criminal Court of Brussels and Brabant Wallon (2012 to 2019), judge of the Court of Appeal of Brussels (2007 to 2011), judge of the Court of First Instance of Brussels (2000 to 2007), and Deputy judge of the Court of First instance of Charleroi (1995 to 1997).

2. Although the candidate does not have experience at the international level, she has nonetheless worked on a case domestically involving the application of the principle of universal jurisdiction in relation to the Rwanda genocide, as well as on other cases with international connections. She has drafting experience on legal matters of over 25 years. Furthermore, she had experience at the national level in work regarding crimes against women and children. She has experience working in a multilingual and multicultural environment.

3. The Committee noted that she had demonstrated sufficient knowledge of the Rome Statute and the Court, and she was a strong candidate who showed a commitment to the day-to-day functioning of the Court. The Committee believed that she was capable of thinking imaginatively in the application of international law and would be an asset to the Court.

4. The Committee noted that the candidate's qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.

5. The Committee noted that the candidate was fluent in French and that she had an intermediate level of English.

6. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:

https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx

7. Based on both her professional experience and her answers during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

MILANDOU Prosper (Republic of the Congo)

1. The Committee noted that the candidate has been an examining magistrate of the Eighth Chamber of the High Court of Brazzaville since 2018. The candidate had judicial experience at the national level, having also served as examining magistrate of the Second Chamber of the High Court of Impfondo. He also served as judge and children's judge at the Impfondo High Court. The Committee took note that the candidate, in his capacity as magistrate, has acquired some experience in the management of criminal cases at the national level.

2. The Committee noted that the candidate did not have in-depth knowledge of the criminal law and procedure of the International Criminal Court and its jurisprudence, including the work of the Pre-Trial, Trial and Appeals Chambers, as well as of the requirements regarding the recusal of a judge. The responses of the candidate in the interview were very general in nature, excessively succinct, often approximate, and did not demonstrate a clear awareness of the work and procedures of the Court.

3. Furthermore, the Committee noted that the experience of the candidate as an examining judge was somewhat limited (seven years) and that, based on his answers in the interview, he did not possess the qualifications required for appointment as a judge of the Supreme Court in his State. The Committee took note that seniority of 10 to 15 years was the formal requirement for appointment to that office.
4. The Committee noted that, in addition to qualifications under article 36, paragraph 3 (b) (i), of the Rome Statute, the candidate had qualifications in other areas such as crimes against vulnerable persons, including children.
5. In light of the above, the Committee was not convinced that his qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.
6. The Committee noted the candidate's fluency in French.
7. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at: https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx
8. The Committee was not entirely sure that the candidate fulfils the requirements of article 36; due to the lack of any definitive answer from the Republic of the Congo on the legal requirements of that State to appoint a judge to one of its Superior Courts (a full response is pending) and the difficulties for the Committee in checking whether the candidate fulfils those formal qualifications, the Committee was been unable to resolve this question. However, given the candidate showed very limited knowledge of the Rome Statute framework and the functioning and jurisprudence of the Court, subject to the issue of meeting the formal requirements of article 36, the Committee finds him only formally qualified.

SAMBA, Miatta Maria (Sierra Leone)

1. The Committee noted that the candidate has extensive and wide-ranging national judicial experience, serving as judge of the High Court of Sierra Leone since 2015 assigned to the General Criminal Division and Special Anti-Corruption Division, and subsequently as Justice of the Court of Appeal of Sierra Leone from 2019. Since 2020, the candidate has served as judge at the Residual Special Court for Sierra Leone.
2. The Committee noted that the candidate has also served in numerous other functions at the national and international level as the Senior Prosecutor at the Anti-Corruption Commission of Sierra Leone from 2010 to 2015, field operations officer at the Office of the Prosecutor of the International Criminal Court Field Office in Uganda from 2006 to 2010, as well as the human rights advisor and researcher, witness management coordinator, investigator and assistant trial attorney at the Special Court for Sierra Leone from 2002 to 2006. The Committee noted that the candidate held other relevant functions with various human rights bodies. She was the Chairperson of the Legal Aid Board of Sierra Leone, the leading gender equality advocacy organization in Sierra Leone, as well as lecturer in criminal and contract law at the University of Sierra Leone.
3. Throughout the interview, the candidate demonstrated her considerable and clearly relevant experience in working with witnesses and victims at both the national and international level, including in the field, as well as her legal expertise on specific issues, including violence against women and children.
4. The candidate demonstrated in-depth knowledge of the Rome Statute system and the jurisprudence of the International Criminal Court, including notably as regards the functions and powers of the Pre-Trial Chamber and the Trial Chamber. The candidate has experience with drafting judicial decisions.
5. The candidate demonstrated a particularly enthusiastic and imaginative approach to the work of the Court based on her considerable experience working in an international and a multicultural environment.

6. In light of the above, the Committee considered that her qualifications, as referred to in the written material submitted, met the requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.

7. The Committee noted the candidate's fluency in English.

8. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at: https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx.

9. Based on both her professional experience and the answers during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

SIFUENTES, Mônica Jacqueline (Brazil)

1. The Committee noted that the candidate has solid experience in civil and criminal law and procedure at the national level, having been appointed as a judge in 1992, and has experience at the appellate level since 2010.

2. The Committee noted, however that while the candidate had experience in criminal law at the national level, her experience in international criminal law and proceedings is limited. Her international experience principally relates to the abduction of children and, from 2006 she served as a Liaison Judge in Brazil for the Hague Convention on the Civil Aspects of International Child Abduction and Hague Conventions. She thereby gained experience in the resolution of international disputes concerning the international abduction of children, which has clear relevance to the work of the Court. In her role as Liaison Judge, she has gained experience of collaborating with judges from different legal systems. She also has experience in cases of international trafficking offences.

3. The Committee noted that the candidate's knowledge of the work of the Court is basic and was based principally on her reading and research. Her research background would be of benefit to the Court.

4. The Committee was of the view that some of the candidate's responses to its questions relating to the International Criminal Court's practice and the Rome Statute tended to be approximate, for instance in relation to aspects of the proceedings in court at the ICC.

5. The Committee noted furthermore, that she is competent in writing judgments in criminal matters at the national level, having done so for 30 years.

6. The Committee noted that the candidate is a good team player, as evidenced by her role as a Liaison Judge and her experience as a trainer of judges and prosecutors.

7. The Committee noted that, while English was not the candidate's mother tongue, she was able to communicate in English, had experience in working in English, and had published articles in that language.

8. The candidate submitted replies to the common questionnaire and signed standard declaration prepared by the Committee pursuant to ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at: https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx

9. Based on both her professional experience and her answers during the interview, the Committee concluded that the candidate is qualified for appointment as judge of the International Criminal Court.

SOCK, Raymond Claudius (Gambia)

1. The Committee noted that the candidate, a judge of the Supreme Court of Gambia since 2012, has eight years of judicial experience in criminal law and procedure at the national level. The Committee noted that he has served for part of that time as Acting Chief Justice. The Committee also noted that the candidate has previously served as Attorney-

General and Minister of Justice, as Solicitor-General, and as Commissioner for Law Revision in Gambia. In 2012 he was also elected as a member of the first Advisory Committee on Nomination of judges.

2. The Committee took note that the candidate has acquired relevant experience in human rights as Executive Director of the African Centre for Democracy and Human Rights Studies. In addition, the Committee noted that the candidate held the position of Director General of the General Legal Council at the Gambia Law School.

3. The Committee noted that, based on his answers to questions regarding the functions and powers of the Pre-Trial and Trial Chambers, and the admissibility of evidence, as well as in other areas, the candidate has very limited knowledge of the Rome Statute and the jurisprudence of the International Criminal Court.

4. The Committee noted that his qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.

5. The Committee noted the candidate's fluency in English.

6. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:

https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx

7. Based on both his professional experience and particularly his answers during the interview, the Committee concluded that the candidate is only formally qualified for appointment as judge of the International Criminal Court.

TALL, Aïssé Gassama (Senegal)

1. The Committee noted that the candidate, Secretary General at the Ministry of Justice of Senegal since 2017, has judicial experience at the national level, having also served as Director of the Keeper of the Seal and Justice Minister's Private Office at the Ministry of Justice of Senegal and as Referendary Counsellor at the Supreme Court of Senegal. She also served as Senior Deputy Public Prosecutor at the Special Regional Court of Dakar and Deputy prosecutor-general at the Dakar Court of Appeal.

2. The Committee took note that the candidate has limited experience of presiding over criminal proceedings (two years as a judge at the highest court of Senegal), but has acquired relevant experience in the management of complex criminal cases as a prosecutor at the national level. The Committee noted that the candidate does not have in-depth knowledge of the criminal law and procedure of the International Criminal Court and its jurisprudence, and that some of the candidate's responses to its questions relating to ICC practice and the Rome Statute were approximate. During the interview, the candidate demonstrated good judicial "instincts" and a clear understanding of the need for collegiality.

3. The Committee noted that, in addition to qualifications under article 36, paragraph 3 (b) (i), of the Rome Statute, the candidate had qualifications in other areas such as combating money laundering and the funding of terrorism, as well as crimes against vulnerable persons, including women and children.

4. In light of the above, the Committee noted that her qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.

5. The Committee noted the candidate's fluency in French.

6. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:

https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx

7. Based on both her professional experience and her answers during the interview, the Committee concluded that the candidate is only formally qualified for appointment as judge of the International Criminal Court.

TSILONIS Victor Panagiotis, (Greece)

1. The Committee noted that the candidate has strong professional and academic experience in the field of criminal law and procedure, having served as a principal barrister at a private law firm since 2004, dealing with criminal cases. The candidate has experience at the international level serving as an alternate member of the Disciplinary Board for Counsel at the International Criminal Court, as the Joint Vice President for Victims and Chairman of the Professional Standards Advisory Committee at the International Criminal Court Bar Association (ICCBA) as well as the junior legal advisor at the International Criminal Tribunal for the former Yugoslavia.

2. The Committee noted, that in addition to his qualifications under article 36, paragraph 3 (b) (i), of the Rome Statute, the candidate had experience in other areas of relevance to the work of the Court. He has, inter alia, academic experience teaching postgraduate studies of international criminal justice (2018–2019) at the Law School of the Democritus University of Thrace in Greece and served as the research fellow at the Department of Criminal Law and Criminology at the Aristotle University of Thessaloniki. The candidate has national legal experience on specific issues including domestic violence, discrimination, sexual assaults and violence against women and children.

3. The candidate demonstrated that he is knowledgeable about the general functioning of the Court, and is sufficiently familiar with the Rome Statute and the jurisprudence of the International Criminal Court, including the functions and powers of the Pre-Trial Chamber and the Trial Chamber. The candidate has undoubted experience of drafting judicial decisions.

4. The candidate proved himself to have a collegial approach; he exhibited a constructive attitude; and he has a marked passion for international criminal justice.

5. In light of the above, the Committee considered that his qualifications, as referred to in the written material submitted, met the requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.

6. The Committee noted the candidate's fluency in English and that he had intermediate knowledge of written French.

7. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:

https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx.

8. Based on both his professional experience and his answers during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

C. List B candidates

BARRETO GONZÁLEZ, Andrés Bernardo (Colombia)

1. The Committee noted that the candidate is an articulate lawyer with experience primarily in administrative and jurisdictional matters relating to key investigations for Colombia's economy, and is currently the Superintendent of Industry and Commerce of Colombia. He is the sole judge of the competition authority in Colombia. He has work experience in other fields, including diplomatic relations, extradition and international affairs, and private international law. He had also been a professor of International Law and International Relations. In his studies, he had specialized in Administrative Law, International Affairs, International Studies, and International Policies and Affairs.
2. The Committee noted that although he has had some exposure academically to international humanitarian and criminal law, he lacks a thorough knowledge of, or training in, international humanitarian law and international criminal law. In addition, he did not demonstrate familiarity with the work of the International Criminal Court, such as the work of the Pre-Trial and Trial Chambers or the work of the judiciary, as well as the requirements for the recusal of a judge. The Committee noted that the candidate's responses in the interview were very general in nature, and that he did not demonstrate an awareness of the work, procedures or decisions of the Court.
3. The Committee noted that as a Human Rights Officer he had some experience in crimes against women and children.
4. The Committee noted, therefore, that the candidate had little familiarity with international criminal law, international humanitarian law or criminal procedure, and that his professional experience has been in fields that are not relevant to the work of the Court, as outlined in paragraph 1.
5. The Committee noted that the candidate was sufficiently fluent in English.
6. The Committee noted that, while it was satisfied that the candidate had adequately explained the nature of allegations of an administrative nature against him at the national level, he had failed to disclose this matter in his standard declaration. The Committee felt that such information should have been disclosed, notwithstanding the way in which the allegations were resolved.
7. The candidate submitted replies to the common questionnaire and signed standard declaration prepared by the Committee pursuant to ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:
https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx
8. Based on both his professional experience and his answers during the interview, the Committee concluded that the candidate is only formally qualified for appointment as a judge of the International Criminal Court.

BEN MAHFOUDH, Haykel (Tunisia)

1. The Committee noted that the candidate, a tenured Professor of Public International Law at the Faculty of Legal, Political and Social Sciences of Tunis (University of Carthage) and Director of the Research Center for International and European Law and Maghreb-European Relations at the same Faculty since 2013, has exceptional expertise in international law as well as international human rights law. He served as Senior Adviser, Acting Head of Mission at the Geneva Centre for the Democratic Control of Armed Forces (DCAF), and as International Consultant in Police and Justice reform, United Nations Assistance Mission for Iraq-OHCHR.
2. The Committee took note that the candidate was a lawyer registered at the Tunis Bar, Court of Appeal, and partner Lawyer/counsel at Mahfoudh and Partners Law Firm having represented and defended clients before civil, criminal, and military courts. The Committee also noted the candidate's considerable publications in the fields of international criminal law and humanitarian law. The candidate demonstrated in-depth knowledge of the Rome Statute,

the Court, and its jurisprudence, as well as its challenges. The Committee noted that although sometimes his answers were inaccurate, for instance regarding the role of victims' participation, or were controversial (e.g. in relation to trials in absentia), he understands remarkably well the functions and powers of the Pre-trial Chamber and Trial Chamber of the Court, along with other important aspects of the work of the Court. Furthermore, he has experience in assisting and the pro bono defence of women and children who are victims of domestic and/or sexual violence. The candidate demonstrated a very good knowledge of other legal systems as well as a constructive attitude, in the main due to his considerable experience working in an international and a multilateral environment. He has a clear collegial approach.

3. In light of the above, the Committee noted that his qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (ii), of the Rome Statute.

4. The Committee noted the candidate's fluency in Arabic, English and French.

5. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:

https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx

6. Based on both his professional experience and his answers during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

FLORES LIERA, María del Socorro (Mexico)⁴

1. The Committee noted that the candidate has extensive diplomatic experience in international law, including international criminal law, international humanitarian law and human rights working in the Foreign Service of Mexico since 1992 in various positions, including as the Permanent Representative of Mexico to the International Organizations in Geneva since 2017. She served as legal advisor to the Permanent Missions of Mexico to the United Nations in New York (1995-2000) and in Vienna (2000-2001). Furthermore, the candidate served as the first head of the ICC Liaison Office to the United Nations in 2006.

2. The Committee noted that the candidate has relevant and substantive experience as an international legal professional, having been involved in the Rome Statute negotiations, as well as part of the legal team which drafted the Constitutional amendments that enabled Mexico to ratify the Rome Statute and to enact national legislation to facilitate compliance with the Statute.

3. The candidate demonstrated considerable familiarity with the Rome Statute system and the jurisprudence of the International Criminal Court, including the functions and powers of the Pre-Trial Chamber the Trial Chamber.

4. In the course of the interview, the candidate demonstrated extensive experience of working in an international and a multicultural environment, thereby indicating an undoubted collegial approach.

5. In light of the above, the Committee considered that her qualifications, as referred to in the written material submitted, met the requirements under article 36, paragraph 3 (b) (ii), of the Rome Statute.

6. The Committee noted the candidate's fluency in English and that she has an intermediate knowledge of French.

⁴ The submission of an NGO, The Mexican Commission for the Defence and Promotion of Human Rights, in relation to the national nomination procedure of Mexico, and the response of the Government of Mexico thereto are set out in section D of this annex.

7. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:

https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx.

8. Based on both her professional experience and her answers during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

KAM, Gberdao Gustave, (Burkina Faso)⁵

1. The Committee noted that the candidate has extensive national and international experience in the field of criminal law and procedure. At the national level, the candidate served as an investigating judge at Bobo Dioulasso Court of First Instance (1985-1987), President of the Courts of Tenkodogo, Bobo Dioulasso and Koudougou (1987-1996), as the principal state prosecutor at the Ouagadougou Court of Appeal (1996-1999), and since 2016 as chargé de missions at the Ministry of Justice. At the international level, the candidate served as the judge at the International Residual Mechanism for Criminal Tribunals for the former Yugoslavia and Rwanda (2011-2020), the President of the Extraordinary African Chambers in Dakar (2015-2016), and a judge at the International Criminal Tribunal for Rwanda (2003-2012).

2. The Committee noted, that in addition to his qualifications under article 36, paragraph 3 (b) (ii), of the Rome Statute, the candidate has experience dealing with issues related to violence, discrimination, sexual assaults, or other similar conduct, inflicted on women and children.

3. The candidate demonstrated some general knowledge of the Rome Statute but nonetheless he had only very limited knowledge of the Rome Statute framework, for example when dealing with the functions of the Pre-Trial Chamber, the admissibility of unlawfully collected evidence and the Court's procedures relating to the regime governing victims' participation. The candidate has experience in drafting judicial decisions.

4. The candidate demonstrated extensive experience working in an international and a multicultural environment. The Committee was disappointed that, despite his significant experience as a judge in international criminal tribunals and as a regional tribunal, as well as the International Residual Mechanism for Criminal Tribunals, the candidate did not appear to be familiar with the jurisprudence of the International Criminal Court or its procedures.

5. Further, the Committee noted that, while the candidate had had significant judicial experience in international criminal tribunals, he had been nominated as a candidate for List B. The candidate did not provide any explanation for his inclusion on List B rather than on List A.

6. In light of the above, the Committee considered that his qualifications, as referred to in the written material submitted, met the requirements under article 36, paragraph 3 (b) (ii), of the Rome Statute.

7. The Committee noted the candidate's fluency in French and that he had an intermediate knowledge of English.

8. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:

https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx

9. Based on both his professional experience and his answers during the interview, the Committee concluded that the candidate is qualified for appointment as judge of the International Criminal Court.

⁵ Mr. Kam had been a candidate in 2011 (ICC-ASP/10/18, Add.1 and Add.2).

LORDKIPANIDZE, Gocha (Georgia) ⁶

1. The Committee noted that the candidate has extensive experience in international law, including international humanitarian law and human rights law and had served as Deputy Minister of Justice of Georgia since 2012. The candidate is currently a member of the Board of Directors of the Trust Fund for Victims at the International Criminal Court (2018 to present), substitute member of the Venice Commission of the Council of Europe (2019 to present) and a member Gender Equality Commission of the Council of Europe (2014 to present). The Committee also noted that he has teaching experience at various universities, including Georgian-American University, Sokhumi University and Caucasus School of Law in Tbilisi, and Columbia University in New York.

2. The Committee took note of the experience of the candidate in the field of violence, discrimination, sexual assaults and other similar conduct involving women and children at the international level. In this context he has dealt with numerous cases before the European Court of Human Rights (ECtHR) and UN treaty-based bodies.

3. The Committee noted that, in addition to qualifications under article 36, paragraph 3 (b) (ii) of the Rome Statute, the candidate has experience in other areas, including, inter alia, the drafting of anti-discrimination laws, laws combating violence against women and domestic violence, as well as the development of the legal framework for missing persons during armed conflict at the national level.

4. The candidate demonstrated some familiarity with the Rome Statute system and the jurisprudence of the International Criminal Court, including the main functions and powers of the Pre-Trial Chamber and the Trial Chamber but he did not have in-depth knowledge in a number of areas, including the participation of victims in the proceedings. The Committee was disappointed that, given his role as a member of the Board of Directors of the Trust Fund for Victims, he had not demonstrated greater familiarity with issues relating to victims.

5. The candidate has experience working in an international and multicultural environment, and in this connection indicated that collegiality and mutual respect are crucial for an international organization to function properly.

6. In light of the above, the Committee considered that his qualifications, as referred to in the written material submitted, met the requirements under article 36, paragraph 3 (b) (ii), of the Rome Statute.

7. The Committee noted that the candidate was sufficiently fluent in English.

8. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:

https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx.

9. Based on both his professional experience as well as his performance during the interview, the Committee concluded that the candidate is qualified for appointment as judge of the International Criminal Court.

PERALTA DISTÉFANO, Ariela (Uruguay)⁷

1. The Committee noted that the candidate was a qualified professional in her field as a lawyer, has experience in trials before the Inter-American Court of Human Rights, and has represented victims of violations of human rights at the domestic level. The Committee noted further that the candidate has substantial experience in human rights cases at the national and regional levels. The Committee considered that she would be an asset to the Court, given her sound knowledge of human rights law and litigation.

⁶ The submission of an NGO, the Georgian National Coalition for the International Criminal Court, in relation to the national nomination procedure of Georgia, and the response of the Government of Georgia thereto are set out in section D of this annex.

⁷ The candidate had been previously interviewed by the Committee in 2017 (ICC-ASP/16/7).

2. Although the Committee noted the candidate's lack of judicial experience, it concluded that her knowledge of the jurisprudence of the Inter-American Court, including as regards widespread violations of human rights, sexual crimes and slavery, and the representation of victims, would be a considerable asset to the work of the International Criminal Court.
3. The Committee noted that she is familiar with the work of the International Criminal Court, such as in the areas of victims' participation and the questioning of witnesses. In addition, the Committee felt that her appreciation of the relationship between the ICC and the Inter-American system, including on the potential for cooperation on the issue of complementarity, would be a real benefit to the Court.
4. The Committee noted that the candidate is a good team player who believes in building bridges, open dialogue and collegiality, and is open to the perspectives of others.
5. The Committee noted the candidate's fluency in English.
6. The candidate submitted replies to the common questionnaire and signed standard declaration prepared by the Committee pursuant to ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:
https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx
7. Based on both her professional experience and her answers during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

SALVADOR CRESPO, Íñigo Francisco Alberto (Ecuador)

1. The Committee noted that the candidate, State Attorney-General of Ecuador since 2018 has good knowledge of international law. He had served as a Managing Partner at several law firms in Quito from 1997 until 2018. The Committee noted that the candidate has been the Executive Director of the National Program for the Reform of the Judiciary which was funded by the World Bank, Inter-American Development Bank, USAID, and UNICEF. The Committee took note that candidate has some international experience serving as Legal Officer, Head "A" Claims Unit (Departure from Iraq or Kuwait) United Nations Security Council, United Nations Compensation Commission (UNCC), Geneva, and as a diplomat at the Permanent Mission of Ecuador to the United Nations Office, Geneva.
2. The Committee noted that the candidate did not demonstrate any familiarity with the work of the International Criminal Court, such as the work of the Pre-Trial, Trial or Appeal Chambers or the work of the judiciary, including as regards victims' participation, the admission of evidence or the requirements for the recusal of a judge. The Committee noted that the responses of the candidate in the interview were very general in nature, and that therefore he failed to demonstrate any real understanding of the work, procedures or decisions of the Court. Furthermore, he has no knowledge or experience of criminal law, international humanitarian law or human rights law.
3. In light of the above, the Committee noted that his qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (ii), of the Rome Statute.
4. The Committee noted the candidate's fluency in English.
5. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:
https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx
6. Based on both his professional experience and his answers during the interview, the Committee concluded that the candidate is only formally qualified for appointment as a judge of the International Criminal Court.

UGALDE GODINEZ, Sergio Gerardo (Costa Rica)

1. The Committee noted that the candidate has extensive experience acquired over 20 years in international humanitarian and human rights law as well as other law-related areas that are relevant to the judicial work of the Court, having served as a leading senior international legal counsel and Chair of the International Law Commission at the Ministry of Foreign Affairs of Costa Rica. The candidate represented his country in numerous cases before the International Court of Justice and other international adjudication bodies. From 2014 to 2018, the candidate served as Ambassador and Representative of Costa Rica to the Organization for the Prohibition of Chemical Weapons in The Hague. He was elected as Vice-President of the Assembly of States Parties to the Rome Statute from 2016 to 2017. Since June 2019, the candidate has been Associate Professor of International Law at the University of Peace.
2. The candidate has experience in legal drafting, particularly following his involvement with various international adjudication bodies, including, inter alia, the Permanent Court of Arbitration, the Central American Court of Justice and the Inter-American Human Rights system.
3. In the course of the interview, the Committee noted that the candidate further demonstrated his extensive background in diplomacy; his academic experience; and his familiarity with issues involving armed conflict, victims and children.
4. The candidate demonstrated in-depth knowledge of the Rome Statute and the jurisprudence of the International Criminal Court, including the functions and powers of the Pre-Trial Chamber and the participation of victims in the proceedings.
5. The candidate exhibited a constructive attitude due to his considerable experience working in an international and a multilateral environment, proving himself to be quite collegial.
6. In light of the above, the Committee considered that his qualifications, as referred to in the written material submitted, met the requirements under article 36, paragraph 3 (b) (ii), of the Rome Statute.
7. The Committee noted the candidate's fluency in English.
8. The candidate submitted replies to the common questionnaire and a signed standard declaration prepared by the Committee, pursuant to resolution ICC-ASP/18/Res.4 (annex II, section B). They are available on the webpage of the Committee at:
https://asp.icc-cpi.int/en_menus/asp/elections/judges/2020/Pages/Questionnaire-Declaration.aspx.
9. Based on both his professional experience and his answers during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

D. Material submitted to the Committee by civil society organizations and responses thereto by relevant governments.

1. The Committee received submissions made by civil society organizations in relation to the national nomination procedures of some governments. Those submissions and the responses of the respective governments are reflected hereunder.

Georgia

2. As regards the national nomination procedure that had been followed, the Committee was informed by an NGO¹ of various suggested shortcomings that had been revealed in the process of development of the procedure or rules regarding the selection of the candidate from Georgia, as well as during the process of selection itself. In the view of the NGO, the Government of Georgia did not conduct the process responsibly or properly in both respects. Therefore, it has been contended that the government had failed to guarantee an open, transparent and fair process and had put at risk the integrity of the selection process for this candidate.

3. In reply to the request by the Committee for comments thereon, the Government of Georgia indicated that its national selection process had been conducted in full compliance with article 36 of the Rome Statute and the Procedure for the Nomination and Election of Judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court (ICC-ASP/3/Res.6, as amended by ICC-ASP/18/Res.4, 6 December 2019) and it provided its explanation thereon. The reply concluded, inter alia, with the observation that the only concerns of the NGO were expressed on the procedural aspects whereas the qualification or professional reputation of the selected Georgian candidate is not questioned at all.

4. The Committee was of the view that it could only take note of the points made and the reply given, and that this is a matter for the States Parties.

Mexico

5. As regards the national nomination procedure followed, the Committee was informed by an NGO² that the procedure did not comply with the provisions of article 36(4)(a)(i) of the Rome Statute.

6. According to the NGO, the procedure should have borne in mind not only article 95 of the Political Constitution of the United Mexican States, but also article 96 of the Constitution on the procedure for the selection of magistrates of the highest Mexican Court of Justice. As a result, the President of Mexico had not presented a list of three candidates for the post and the Senate had not been involved in the procedure. This, in turn, had prevented civil society organizations from participating in the process to select the Mexican nominee, for instance by asking questions and examining the professional background of those who participated in the process, as is normally the case in the appointment of Supreme Court judges.

7. In reply to the request by the Committee for comments thereon, the Government of Mexico indicated that its candidate “complies with each and every one of the requirements set forth in article 36, paragraphs 3 and 4, of the Rome Statute, as well as in article 95 of the Political Constitution of the United Mexican States. This constitutional provision establishes the requirements that must be met by the people who are nominated as Ministers of the Supreme Court of Justice of the Nation. The procedure for the nomination of candidates should not be confused with the process itself for the selection of Ministers (article 96)”. In this sense, the candidacy presented by Mexico was made according to the constitutional text for nomination of candidates to fill the vacancies of Minister of the Supreme Court of Justice of the Nation, the highest constitutional court of the country and top of the Judicial Power of the Federation.

8. The Committee was of the view that it could only take note of the point made and the reply given, and that this is a matter for the States Parties.

¹ The Georgian National Coalition for the International Criminal Court.
<https://gyla.ge/en/post/haagis-sasamartloshi-tsarsadgeni-mosamartleobis-kandidatis-shesarchevi-procesi-gaumtchvirvalded-da-kharvezebit-tsarimarta#sthash.kP3ORHVZ.hgRuvbFZ.dpbs>
<https://gyla.ge/en/post/siskhlis-samartlis-saertashoriso-sasamartlostvis-saqartvelos-koalicia-haagis-sasamartloshi-tsarsadgeni-mosamartleobis-kandidatis-shesarchev-process-akritikebs>

² The Mexican Commission for the Defence and Promotion of Human Rights.

Annex III

Recommendations of the Committee concerning the material submitted with the nominations and future sessions

1. In addition to its guidelines for the presentation of candidates as suggested in its second, third and sixth reports,¹ particularly the template for curricula vitae, the Committee decided to reiterate the following guidelines:

Statement of qualifications:

(a) The extent to which the candidate met the requirements for appointment to the highest judicial institutions should be explained; and

(b) In the case of some nominations the background and experience of the candidate seemed to indicate that his/her profile would more properly correspond to a different list. In this connection, the Committee was of the view that it would be most helpful if the nomination would elaborate on why a candidate was deemed to belong to list A or list B.

2. The Committee was also of the view that for future nominations, as a contribution to facilitate the vetting process,² the material submitted with the nomination should include a certificate as to the lack of a criminal record in the candidate's home country; the candidate must reveal if he/she has criminal convictions in any other country;

3. After having held its seventh session entirely via virtual means, due to the multiple challenges posed by the COVID-19 pandemic, which included requiring a much larger number of hours of meetings than an in-person meeting, the Committee was of the view that:

(a) It was essential for the members of the Committee to meet and to have face to-face interviews with the candidates, if at all possible;

(b) The duration of future sessions of the Committee dealing with the election of six judges should be at least six days, for in-person meetings, so as to allow for sufficient time to have the interviews and conduct the evaluation of the candidates; and

(c) The provision of interpretation services had been confirmed as a requirement, since some candidates and Committee members preferred to make use of interpretation.

4. The Committee expressed its hope that the Assembly would continue to provide the requisite resources to allow for the effective discharge of its mandate, especially since holding a virtual seventh session had proved to be materially resource intensive for Secretariat staff.

¹ ICC-ASP/12/47, annex III, ICC-ASP/13/22, annex II, appendix III, and ICC-ASP/16/7, annex II, appendix III.

² Not all the national authorities of the 20 nominating States contacted by the Security and Safety Section of the Court replied to the request for criminal records.