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Report of the Advisory Committee on Nominations of Judges on the work of its sixth meeting

Contents

	<i>Page</i>
I. Introduction	2
A. Opening of the session	2
B. Adoption of the agenda	2
C. Scope of the mandate	2
D. Organization of work	3
II. Consideration of the nominations submitted to elect six judges at the sixteenth session of the Assembly	3
III. Other matters	3
A. Travel of candidates from least developed countries	3
B. Material submitted with the nominations	4
Annexes	5
Annex I: Evaluation of the candidates	5
Annex II: Recommendations of the Committee	13
Appendix I: Recommendation concerning future composition of the Committee	13
Appendix II: Recommendation concerning fair representation of both genders	14
Appendix III: Recommendations concerning the material submitted with the nominations and future sessions of the Advisory Committee on Nominations	15
Annex III: Rules of Procedure of the Advisory Committee on Nominations of Judges	16

I. Introduction

A. Opening of the session

1. The sixth meeting of the Advisory Committee on Nominations of Judges (“the Committee”) was opened by the Chairperson of the Committee, Mr. Philippe Kirsch (Canada) and was held at the International Criminal Court, The Hague, from 18 to 22 September 2017.

B. Adoption of the agenda

2. The Committee adopted the following agenda:
1. Opening of the session
 2. Adoption of the agenda
 3. Scope of the mandate
 4. Organization of work
 5. Consideration of the nominations submitted to elect six judges at the sixteenth session of the Assembly
 6. Other matters
3. The following members participated in the meeting:¹
- (a) Mr. Thomas Barankitse (Burundi);
 - (b) Mr. Bruno Cotte (France);
 - (c) Mr. Hiroshi Fukuda (Japan);
 - (d) Mr. Adrian Fulford (United Kingdom);
 - (e) Mr. Philippe Kirsch (Canada);
 - (f) Mr. Daniel David Ntanda Nsereko (Uganda);
 - (g) Ms. Mónica Pinto (Argentina); and
 - (h) Mr. Manuel Ventura Robles (Costa Rica).

C. Scope of the mandate

4. The Committee recalled its mandate, set out in document ICC-ASP/10/36:²
- “5. The Committee is mandated to facilitate that the highest-qualified individuals are appointed as judges of the International Criminal Court.
- [...]
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).”
- [...]
11. Once the Committee has completed its work, it will prepare information and analysis, of a technical character, strictly on the suitability of the candidates, which would be made available to States Parties and observers by submission to the

¹ Mr. Ernest Petri (Slovenia) was unable to attend.

² 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.

Bureau, in sufficient time to allow for thorough subsequent consideration by the Assembly of States Parties.”

5. The Committee agreed that its mandate was self-explanatory and did not require any elaboration.

D. Organization of work

6. The Committee decided that it would hold face-to-face interviews with each candidate of 60 minutes duration, to be followed by a discussion period after each interview. Simultaneous interpretation into English or French was available for all the meetings.

7. The Committee’s consistent experience has been that the interviews with candidates have revealed important elements relating to how they fulfill the requirements of article 36 of the Rome Statute and to the relevance of their professional experience to the work of the Court, elements which were not otherwise detected in the written submissions. In this regard, the Committee took note that the Assembly had, at its fifteenth session, reiterated the importance of face-to-face interviews with candidates to the effective discharge of its mandate, had stressed the responsibility of the nominating States to ensure that candidates attend a face-to-face interview with the Committee, and had urged nominating States to foresee candidates’ presence in The Hague during its sixth meeting for an interview.³

8. 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.

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

9. The Committee conducted a face-to-face interview lasting 60 minutes for each of the 12 candidates listed in annex I.

10. The Committee took note that three of its members shared the nationality of three of the candidates. These members did not attend the interview nor participate in the deliberations for the candidate of the same nationality.

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

III. Other matters

A. Travel of candidates from least developed countries

12. The Committee further took note with appreciation that, based on its proposal,⁴ the Assembly had requested the Registrar to establish a trust fund under the authority of the Secretariat to finance the travel of candidates from least developed countries to the venue of the interviews.⁵ There was no request for support from the trust fund for the interviews held during the sixth meeting.

³ ICC-ASP/15/Res.5, para. 59.

⁴ Report of the Advisory Committee on Nominations of Judges on the work of its fifth meeting (ICC-ASP/15/8), para. 19.

⁵ ICC-ASP/15/Res.5, annex, para. 6 (e).

B. Material submitted with the nominations

13. As regards the information which nominating States submit, the Committee recalled that it had suggested guidelines thereon, both in its second and its third reports.⁶ The Committee noted that despite the guidelines, there was still a considerable amount of repetition in the content of the statement of qualifications and the curricula vitae as well as inconsistencies and inaccuracies. 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 II, appendix III.

14. The Committee recommends that States Parties ensure that the actual level of knowledge of a candidate of the working languages of the Court corresponds to the description contained in the documents submitted to the Committee.

⁶ ICC-ASP/12/47, annex III and ICC-ASP/13/22, annex II, appendix III.

Annex I

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 12 candidates for the elections to be conducted during the sixteenth 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 and conducted face-to-face interviews with the 12 candidates. The Committee thanked the candidates for making themselves available for the interview.
4. All the conclusions and decisions of the Committee have been reached by consensus.

General observations

5. 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".
6. 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."
7. 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".
8. 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 the 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 the 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 March 11, 2018.
9. 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.
10. For the reasons indicated in paragraph 7 of the report, 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 mandate.

¹ ICC-ASP/16/3 and Add.1.

List A candidates

AITALA, Rosario Salvatore (Italy)

1. The Committee noted that the candidate, a senior prosecutor at the Prosecutors Office in Rome since May 2017, had judicial experience at the national level, having also served as magistrate in the Court of Appeal of Milan, as a prosecutor at the Office of the Prosecutor of Trapani Court, and as police superintendent chief of investigations in Pavia. The Committee also noted that the candidate had research and teaching experience in criminal law and procedure at the criminal law department at the University of Rome LUISS Guido Carli, the department of criminal law of the Second University of Naples and the University of Teramo.
2. The Committee took note that the candidate, in his capacity as magistrate, had acquired relevant and substantive experience in the management of complex criminal cases at the national level which involved elements of international cooperation.
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 corruption, organized crime, financial investigations, terrorism, piracy, human trafficking, as well as crimes against vulnerable persons, including women and children.
4. 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) (i), of the Rome Statute.
5. The Committee noted the candidate's fluency in English.
6. Based on both his professional experience as well as his performance during the interview, the Committee concluded that the candidate was formally qualified for appointment as judge of the International Criminal Court.

AKANE, Tomoko (Japan)

1. The Committee noted that the candidate had exceptional experience in the field of criminal law and procedure, having served as a public prosecutor during her entire professional life of 35 years. Since 2012, she was a public prosecutor at the Supreme Public Prosecutors Office of Japan and served in various public prosecutors offices in Japan since 1982, dealing with investigations, prosecutions, trials and appeals.
2. Throughout the interview, the candidate demonstrated her considerable experience in managing complex and broad range criminal cases, including those involving organized crime, drug trafficking and corporate crime. The candidate had also dealt with protection of rights of vulnerable groups, including women and children, and she was engaged in revising the Juvenile Act of Japan.
3. The Committee noted that, in addition to qualifications under article 36, paragraph 3 (b) (i), of the Rome Statute, the candidate had notable qualifications in other areas. She had international exposure serving as the Japanese Ambassador for International Judicial Cooperation, having served as head of the Research and Training Institute at the Ministry of Justice, and directed the Asia and Far East Institute for Prevention of Crime and the Treatment of Offenders affiliated with the United Nations (UNAFEI). Furthermore, at the national level, she taught criminal law at university law schools.
4. 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.
5. The Committee noted the candidate's fluency in English.
6. Based on both her professional experience as well as her performance during the interview, the Committee concluded that the candidate was particularly well qualified for appointment as judge of the International Criminal Court.

BOSSA, Solomy Balungi (Uganda)

1. The Committee noted the candidate had exceptional judicial experience, having served at the national level as a judge of the High Court of Uganda for 16 years and a judge of the Court of Appeal/Constitutional Court of Uganda for four years to date, which is the second highest court in Uganda. The candidate was also a practicing attorney from 1988 to 1997 and lectured at the Law Development Centre in Uganda.
2. The Committee also noted the candidate's considerable judicial experience and competence in international criminal law, having served at several international and regional courts as a judge of the United Nations Mechanism for International Criminal Tribunals from 2012 to date, judge of the African Court of Human and People's Rights from 2014 to date, judge of the United Nations International Criminal Tribunal for Rwanda for nine and half years and judge of the East African Court of Justice from 2001-2006. She had acquired at the international level relevant and substantive experience in the management of complex criminal cases similar to those of the International Criminal Court.
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 representation of indigent women and children, and has founded and chaired various non-profit human rights and governance organizations.
4. 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.
5. The Committee noted the candidate's fluency in English.
6. Based on both her professional experience as well as her performance during the interview, the Committee concluded that the candidate was particularly well qualified for appointment as judge of the International Criminal Court.

IBAÑEZ CARRANZA, Luz del Carmen (Peru)

1. The Committee noted that the candidate had exceptional experience in criminal law, working as a prosecutor for 33 years, serving at the Office of the Public Prosecutor as the senior prosecutor coordinator of the National Public Prosecutor's Office as well as senior national prosecutor of the 2nd Higher National Criminal Prosecutor's Office.
2. Throughout the interview, the candidate demonstrated her considerable and relevant experience in managing complex and broad criminal cases at the national level similar to those of the International Criminal Court, with specialization in terrorism, international organized crime, human rights, crimes against humanity and sexual and gender-based crimes. The candidate demonstrated in-depth understanding of the role and methods of the work of the International Criminal Court.
3. The Committee noted that, in addition to qualifications under article 36, paragraph 3 (b) (i), of the Rome Statute, the candidate was also a professor since 1996 at the Universidad Nacional Federico Villarreal teaching criminal law and procedure as well as human rights.
4. 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.
5. The Committee noted the candidate's fluency in English and working knowledge of French.
6. Based on both her professional experience as well as her performance during the interview, the Committee concluded that the candidate was particularly well qualified for appointment as judge of the International Criminal Court.

KHOSBAYAR, Chagdaa (Mongolia)

1. The Committee noted that the candidate had knowledge of criminal law and procedure at the national level with 11 years of experience as judge, and that since 2015 he had served as a judge within the Criminal Division at the Supreme Court of Mongolia. The Committee took note that the candidate also served as a member of the Government Committee for drafting the revised Criminal and Criminal Procedure Code. The Committee also noted his academic experience working as an adjunct professor of criminal law and procedure and criminology at the National University of Mongolia.
2. The Committee noted that the candidate had some familiarity with the Rome Statute, having contributed to incorporating the principles of non-applicability of the statute of limitations, universal jurisdiction and complementarity for the crimes within the jurisdiction of the International Criminal Court into the national legal system.
3. The Committee noted that, in addition to qualifications under article 36, paragraph 3 (b) (i), of the Rome Statute, the candidate had expertise in other areas such as human trafficking and juvenile crimes.
4. In light of the above, the Committee considered 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 was not convinced that the candidate's oral proficiency in English, one of the working languages of the Court, while sufficient for the purposes of the interview, met the high standard prescribed under article 36, paragraph 3 (c), of the Rome Statute.
6. Based on both his professional experience as well as his performance during the interview and apart from language, the Committee concluded that the candidate was formally qualified for appointment as judge of the International Criminal Court.

MAJARA, Nthomeng Justina (Lesotho)

1. The Committee noted the candidate, Chief Justice of Lesotho since 2014, had extensive judicial experience at the national level, having also served as judge at the High Court for ten years and as *ex officio* judge of the Court of Appeal since 2014. The candidate was also President of the Lesotho Revenue Appeals Tribunal for over six years and had researched and lectured criminal law and procedure at the faculty of law at the National University of Lesotho for five years.
2. In her capacity as Chief Justice, she had acquired relevant experience in the management of complex criminal cases at the national level.
3. In the course of the interview the Committee also 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 cases of corruption at the Lesotho Revenue Appeals Tribunal as well as publications and research experience on issues related to women's legal rights in Lesotho.
4. In light of the above, the Committee considered 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. Based on both her professional experience as well as her performance during the interview, the Committee concluded that the candidate was formally qualified for appointment as judge of the international Criminal Court.

MENSA-BONSU, Henrietta (Ghana)

1. The Committee noted that the candidate had knowledge in the field of criminal law and human rights law, including women and children rights, through her academic career which spans three decades. Since 2011, she has been serving as a professor and Director of

the Legon Centre for International Affairs and Diplomacy at the University of Ghana. The candidate has been a member of the Ghana Bar Association since 1982 and served at the National Reconciliation Commission of Ghana for two and a half years.

2. The Committee also noted the candidate's experience at the international level as the United Nations Deputy Special Representative for rule of law in Liberia for four years, member of the United Nations Secretary-General's High Level Independent Panel on Peace Operations for seven months and as International Technical Advisor to the Liberian Truth and Reconciliation Commission for three months.

3. The Committee noted that the candidate had performed quasi-judicial work at the Liberian Truth and Reconciliation Commission as well as at the National Reconciliation Commission of Ghana, which included, inter alia, examining admissibility of evidence, identifying accused and witnesses, compensations for the victims and psychological mentoring. Such quasi-judicial work might be encompassed under the part of article 36 paragraph 3 (b) (i) that refers to "in other similar capacity".

4. In light of the above, the Committee considered 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 and working knowledge of French.

6. Based on both her professional experience as well as her performance during the interview, the Committee concluded that the candidate was formally qualified for appointment as judge of the International Criminal Court.

PROST, Kimberly (Canada)

1. The Committee noted that the candidate had exceptional international and national experience in criminal law, serving in numerous functions as adviser, counsel, judge and prosecutor. She has served as Chef de Cabinet to the President of the International Criminal Court since 2016 and Ombudsperson at the United Nations Security Council Al-Qaida Sanctions Committee for five years. Furthermore, the candidate served as judge *ad litem* at the International Criminal Tribunal for the former Yugoslavia for four years, Chief of the Legal Advisory Section at the United Nations Office on Drugs and Crime for a year as well as the Head of the Criminal Law Section at the Commonwealth Secretariat for five years.

2. The Committee noted that the candidate held numerous relevant functions at the Canadian Department of Justice for 19 years, serving as a counsel and prosecutor on a broad range of criminal cases. She led a team that prepared case assessment for possible prosecutions of crimes against humanity and war crimes as well as participated in negotiating many extradition treaties.

3. Throughout the interview, the candidate demonstrated her considerable experience in managing complex, multi-defendant criminal cases on both the national and international level. The candidate, who participated in negotiations leading up to the adoption of the Rome Statute and the negotiation of the Rules of Procedure and Evidence, demonstrated in-depth knowledge of the work of the International Criminal Court.

4. 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.

5. The Committee noted the candidate's fluency in English, which is also her native tongue, and working knowledge of French.

6. Based on both her professional experience as well as her performance during the interview, the Committee concluded that the candidate was particularly well qualified for appointment as judge of the International Criminal Court.

VUKOJE, Dragomir (Bosnia and Herzegovina)

1. The Committee noted that the candidate had knowledge of criminal law and procedure at the national level with 25 years of experience as judge. The Committee took note that the candidate served as judge at the High Court of Bosnia and Herzegovina. The Committee also noted that the candidate was member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The Committee further noted that the candidate was a member of the State Board of Bar Examiners for Criminal Law and his academic experience working as an adjunct professor of criminal law and procedure at the Independent University of Banja Luka.
2. The Committee noted that the candidate had some familiarity with international criminal law jurisprudence as judge at the High Court of Bosnia and Herzegovina, where he was the chairperson of the first instance trial chamber in cases covering crimes against humanity, genocide and war crimes. The Committee also took note of the candidate's experience and management of complex criminal cases at the national level.
3. The Committee noted that, in addition to qualifications under article 36, paragraph 3 (b) (i), of the Rome Statute, the candidate had expertise in other areas such as terrorism, organized crime and gender violence.
4. In light of the above, the Committee considered 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 was not convinced that the candidate's oral proficiency in French, one of the working languages of the Court, while sufficient for the purposes of the interview, met the high standard prescribed under article 36, paragraph 3 (c), of the Rome Statute.
6. Based on both his professional experience as well as his performance during the interview and apart from language, the Committee concluded that the candidate was formally qualified for appointment as judge of the International Criminal Court.

List B candidates

ALAPINI-GANSOU, Reine (Benin)

1. The Committee noted that the candidate had a good knowledge of human rights law, an area in which the candidate had been active as a lawyer in Benin since 1986 as well as in various capacities at the international level, including as member of the African Commission of Human and People's Rights and as its Special Rapporteur on the Situation of Human Rights Defenders in Africa from 2005 to 2019 and from 2011 until July 2017. The Committee also noted that candidate had teaching experience at the law faculty of the Abomey-Calavi University.
2. The Committee took note of the candidate's field experience in several African countries with victims of mass violations of human rights, including violence against women and girls, for instance as Head of the Human Rights Component of the African Union Mission for Mali and the Sahel and as member of the Human Rights Council's commission of inquiry on the post-electoral violence in Côte d'Ivoire. The Committee further noted the quasi-judicial nature of some functions of the African Commission of Human and People's Rights. The Committee also took note that the candidate was listed as counsel qualified for appointment to represent accused and victims before the International Criminal Court since 2015.
3. 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) (ii), of the Rome Statute.
4. The Committee noted the candidate's fluency in French and her knowledge of English.
5. Based on both her professional experience as well as her performance during the interview, the Committee concluded that the candidate was formally qualified for appointment as judge of the International Criminal Court.

UR EVI , Zlata (Croatia)

1. The Committee noted that the candidate, a tenured professor at the law faculty of the University of Zagreb and visiting professor at the University of Luxembourg, had exceptional expertise in international law as well as international human rights law. The Committee also noted the candidate's academic research experience as a visiting scholar at Yale Law School, Berkeley Law School and the Max Planck Institute for Foreign and International Criminal Law, among others.
2. The Committee also noted the candidate's considerable knowledge of criminal law and procedure and of her various publications in the fields of international criminal law and human rights law. The Committee took note that the candidate was president of the Expert Committee drafting the new Croatian Criminal Procedural Code from 2012 to 2013. The Committee further took note of the fact that the candidate had provided several legal opinions on human rights and criminal matters at the national level.
3. In addition to qualifications under article 36, paragraph 3 (b) (ii), of the Rome Statute, the Committee took note of the candidate's appointment in 2013 as personal envoy to work on the Statute of the Regional Commission for Establishing the Facts about War Crimes and Other Gross Violations of Human Rights Committed on the Territory of the Former Yugoslavia (RECOM).
4. 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.
5. The Committee noted the candidate's fluency in English and her working knowledge of French.

6. Based on both her professional experience as well as her performance during the interview, the Committee concluded that the candidate was particularly well qualified for appointment as judge of the International Criminal Court.

PERALTA DISTEFANO, Ariela (Uruguay)

1. The Committee noted that the candidate had exceptional expertise and established competence in international law, including international humanitarian law and the law of human rights. She acquired her expertise through various professional experiences. These included her position as the President of the National Institution of Human Rights and Ombudsman from 2016 where she has been also a member of the Board of Directors since 2012; Academic Director of Post Graduate Degree at the Facultad Latinoamericana de Ciencias Sociales from 2014 to date; as well as Deputy Director and Program Director at the Center for Justice and International Law (CEJIL) where she served in each position for six years.

2. During the interview, the candidate demonstrated considerable knowledge of the Rome Statute system as well as overall understanding of the role and methods of work of the International Criminal Court, its jurisprudence and the functioning of the various organs.

3. The Committee noted that, in addition to qualifications under article 36, paragraph 3 (b) (ii), of the Rome Statute, the candidate has qualifications in other areas, including litigation of complex criminal cases before the Inter-American Commission on Human Rights as counsel, focusing inter alia on the rights of women, children, prisoners and enforced disappearances.

4. 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.

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

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

Annex II

Recommendations of the Committee

Appendix I

Recommendation concerning future composition of the Committee

The Committee recalled that in accordance with its terms of reference, its members would normally be designated for three year terms, with the possibility of being re-elected only once and that the same terms of reference sought “to stagger membership and provide continuity”. Bearing this in mind, along with the fact that several of the members could not be nominated for re-election in 2018, the Committee requests States Parties to consider nominating and re-electing members that can provide that continuity and thus contribute to the future work of the Committee through the acquis accumulated so far.

Appendix II

Recommendation concerning fair representation of both genders

The Committee recalled that in accordance with its terms of reference its composition should include “a fair representation of both genders”. Nonetheless, in the two elections held since its establishment to choose its nine members, only one female was selected. Therefore the Committee submits for consideration of the Assembly the following recommendation:

Recalling the terms of reference of the Advisory Committee on Nominations of Judges of the International Criminal Court adopted by the Assembly via resolution ICC-ASP/10/Res.5, para. 19, *requests* States Parties which may be considering nominations of their nationals as members of the Advisory Committee to bear in mind that the composition of the Committee should reflect, inter alia, “a fair representation of both genders”¹

¹ ICC-ASP/10/36, annex, para. 1.

Appendix III

Recommendations concerning the material submitted with the nominations and future sessions of the Advisory Committee on Nominations¹

1. In addition to its guidelines for the presentation of candidates as suggested in its second and third report,² particularly the template for curricula vitae, the Committee decided to suggest the following additional guidelines:

Statement of qualifications:

(a) The statement of qualifications should be succinct and avoid replicating detailed information which is already contained in the curriculum vitae;

(b) The statement should include a brief description of the hierarchy of the highest judicial institutions in the respective country and indicate which requirements must be met for appointment to the highest judicial offices in those institutions;

(c) The extent to which the candidate would have met the requirements for appointment to the highest judicial institutions should be explained;

(d) The procedure followed at the national level for nominating candidates for judge at the International Criminal Court should be explained in greater detail; and

(e) In the case of some candidates, the nominating State had indicated that a candidate could be either list A or list B, and then proceeded to submit the nomination for one of the lists. 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. After having held six sessions, 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;

(b) The duration of future sessions of the Committee dealing with the election of six judges should be at least six days, 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.

3. The Committee expressed its hope that the Assembly would continue to provide the requisite resources to allow for the effective discharge of its mandate.

¹ ICC-ASP/13/22, annex II, appendix III.

² ICC-ASP/12/47, annex III and ICC-ASP/13/22, annex II, appendix III.

Annex III

Rules of Procedure of the Advisory Committee on Nominations of Judges

The Committee decided to adopt rule 5 and rule 6, which would be added to its Rules of Procedure and are reflected in the consolidated version:

Rule 1 Application

The Advisory Committee on Nominations of Judges shall apply these Rules as well as, as appropriate, relevant Rules of Procedure of the Assembly of States Parties¹ to its work, as adapted to the structure and mandate of the Committee as may be required.

Rule 2 Consensus

Every effort shall be made to reach decisions in the Committee by consensus. If consensus cannot be reached, decisions shall be taken by vote.

Rule 3 Decisions on matters of substance

Subject to rule 2, and except as otherwise provided in the Statute and as reflected in these Rules, decisions on matters of substance must be approved by a two-thirds majority of members participating and voting.

Rule 4 Decisions on matters of procedure

1. Subject to rule 2 and except as otherwise provided in the Statute and as reflected in these Rules, decisions on matters of procedure shall be taken by a simple majority of members participating and voting.

2. If the question arises whether a matter is one of procedure or of substance, the Chairperson shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the Chairperson's ruling shall stand unless the appeal is approved by a simple majority of the members participating and voting.

Rule 5 Interview and evaluation of candidates with the same nationality as a member

When a candidate has the same nationality as a member of the Advisory Committee, that member shall not be present during the interview and shall not participate in the evaluation of the candidate.

Rule 6 Interview of a candidate

A candidate shall refrain from reading prepared material during the interview.

¹ ICC/ASP/1/3 and Corr. 1.