

# **Republic of Korea's Procedures for the Nomination and Selection of Candidates for Election to the International Criminal Court**

## **Introduction**

This paper outlines the general practices the Government of the Republic of Korea follows in order to nominate candidates for election to the International Criminal Court (ICC) in a manner that meets the requirements as provided for in Article 36(4)(a) of the Rome Statute.

## **Committee for the Nomination of Candidates for Election to the ICC**

The Government of the Republic of Korea selects its candidates for election as judges of the ICC through the Committee for the Nomination of Candidates for Election to the ICC (the "Committee"). The Committee consists of the members of the Korean national group at the Permanent Court of Arbitration (PCA) and the Chief Justice (or his/her representative) of the Supreme Court of Korea. This procedure allows for the elements of both Article 36(4)(a)(i) and Article 36(4)(a)(ii) of the Rome Statute.<sup>1</sup>

## **Recommendations for the Selection of Candidates**

The Committee invites the Supreme Court, the Ministry of Justice and the Korea Society of International Law to recommend possible candidates, and informs them that the recommended persons are required to have high moral character, impartiality and integrity, possess the qualifications required for appointment as a Supreme Court Justice<sup>2</sup>, and fall under List A and/or List B, according to Article 36(3) of the Rome Statute.

Each entity recommending such a candidate submits a recommendation statement including a full description of how the candidate fulfils the Rome Statute's

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1 In accordance with Article 36(4)(a)(ii) of the Rome Statute, the members of the national group of Korea at the PCA nominating candidates for the ICJ under the ICJ Statute become members of the Committee. In addition, in accordance with Article 36(4)(a)(i), the Chief Justice of the Supreme Court, who makes recommendations to the President of Korea for the appointment of Supreme Court Justices, the highest judicial officers in Korea, becomes a member of the Committee.

2 In order to be eligible to be appointed as a Justice of the Supreme Court of Korea, a person shall have been in one or more of the following positions for at least 20 years and be at least 45 years of age. (Article 42 of the Court Organization Act (Qualification for Appointment))

- Judge, prosecutor, or attorney-at-law;
- Person who is admitted to the bar and has been engaged in legal affairs at a government agency, local government, a public organization as set out in Article 4 of the Act on the Management of Public Institutions, and/or a corporation;
- Person who is admitted to the bar and has been in a position higher than assistant professor in jurisprudence at an authorized college or university.

requirements, details of the candidate's excellent knowledge of and fluency in at least one of the ICC's working languages, his/her international experience and expertise, a comprehensive curriculum vitae, and other relevant documents.

### **Review and Final Selection**

After the recommendations have been submitted, the Ministry of Foreign Affairs holds a meeting of the Committee, and the Committee selects the final candidate by consensus after thorough discussions.

In selecting a candidate, the Committee takes into account the qualities of the candidate as the top priority and comprehensively considers the candidate's experience in relation to List A and/or List B of the Rome Statute, professional or academic expertise, international experience, reputation, and his/her availability for the term of appointment as an ICC judge.