

Politi, Mauro (Italy)

[Original: English]

Statement of qualifications

On how the qualifications of the candidate meet the criteria established by the Terms of Reference of the Advisory Committee on Nominations of Judges of the International Criminal Court

The Terms of Reference of the Advisory Committee on Nominations of Judges of the International Criminal Court are established in the annex to document ICC-ASP/10/36 of 30 November 2011 and in the Amendments to the Terms of Reference, contained in annex II of resolution ICC-ASP/18/Res.4 of 6 December 2019.

According to paragraph 2 of the Terms of Reference, “Members of the Committee should be drawn from eminent interested and willing persons of a high moral character, who have established competence and experience in criminal and international law”.

On this basis, Professor Mauro Politi fully meets the above criteria. First, he is very interested and willing to contribute to the work of the Advisory Committee. Second, his established competence and experience in criminal and international law is shown by the following elements:

- a) from 2003 to 2009 he was a judge of the International Criminal Court and for three years (2006-2009) he presided over Pre-Trial Chamber II;
- b) within the Italian judiciary, he had acted as criminal and civil judge, as well as Prosecutor in a juvenile court, for a total of 14 years;
- c) in his academic career he reached the position of full professor of international law at the University of Trento where he also taught human rights law and is currently teaching a course of international law in English. As a member of the United Nations Human Rights Committee (2015-2018) and Vice-Chairman of the Committee (2018), he has addressed frequently issues concerning the relations between human rights law, international humanitarian law, and international criminal law.

The above level of competence and experience will make the Professor Mauro Politi especially suited for performing the functions assigned to the Committee and its members. This applies to all key phases leading to the preparation of the report on each candidate, which have been recently identified inter alia in : a) the development of a common questionnaire and of a standard declaration from the candidates, b) the reference checks by the Committee through information provided for example by professional bodies, bar associations and academic institutions; c) interviews with the candidates and d) classification of the candidates in one of the four categories of “highly qualified”, “qualified”, “only formally qualified” or “not qualified”.

In the end, the objective of the Committee is to provide States with meaningful information on the quality of the candidates, and with an assessment resulting from a deep and well elaborated analysis of all relevant elements. In particular, when preparing the questions for the candidates and conducting the interviews, the competence and experience of Professor Politi may represent an important asset for the evaluation of each nominee. In fact, it would be essential to assess the level of knowledge of the candidates with regard to the Rome Statute and its interpretation by the ICC jurisprudence, as well as with respect to the key challenges that the International Criminal Court is facing in the current historic circumstances. On this latter point, it is also worth noting that the most recent scholarly contribution of the Professor Politi contains precisely a comment on a Report prepared by a Group of Experts appointed by the Assembly of States Parties in 2019 to identify the modalities and instruments to strengthen the Court and the Rome Statute system.

Finally, one should consider the fact that on several occasions (see the curriculum vitae), Professor Mauro Politi has enjoyed the confidence of the United Nations General Assembly, of the Assembly of States Parties to the Rome Statute of the International Criminal Court and of the Assembly of States Parties of the International Covenant on Civil and Political Rights, as a result of the voting for the election to important posts in international criminal tribunals and United Nations treaty bodies.

