

Mongolia

[Original: English]

Mongolia presents the following information on the nomination process of Judges to the International Criminal Court pursuant to resolution ICC-ASP/18/Res.4(6), which encourages States Parties to submit information and commentary on their own existing or prospective nomination and selection procedures.

Under the provisions of Article 36(4)(i) of Rome Statute, the nomination of candidates for the election to the ICC judges may be made (i) by the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question; or (ii) By the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court. Mongolia does not have an established legal framework governing the nomination of judges to the International Criminal Court, neither for the International Court of Justice, yet.

Mongolia has been running the nomination procedure in accordance with the procedure for the nomination of candidates for appointment to the highest judicial offices in Mongolia as the following undertakings:

The key actors in the nomination process of Judges to the ICC are the Ministry of Foreign Affairs, the Council of Justices of the Supreme Court (the Council), the latter is composed of all Justices of the Supreme Court of Mongolia. Information about vacancies is disseminated through the Administration Office of the Supreme Court.

The process is initiated by the Chief Justice of the Supreme Court, which then requires the Council to coordinate the nomination under the scrutiny of the Department of International Law and Treaty of the Ministry of Foreign Affairs. Applications are open, and interested and qualified candidates must express readiness to contest the available positions and make a direct approach to the Administration Office of the Supreme Court of Mongolia. Candidates may undergo interviews or exams to assess their qualifications.

The eligibility criteria are the same as the highest judicial office in Mongolia. The information below exhibits the procedure and the criteria for the appointment of candidates to the highest judicial office in Mongolia, i.e. The Justices of the Supreme Court of Mongolia. As stated in Article 51 (2) and (3) of the Constitution of Mongolia, the procedure of nominations of candidates for election to the Supreme Court is as follows:

- The President appoints the judges of the Supreme Court upon their presentation to the State Great Khural by the General Council of Courts.
- The candidates are required to have passed the national judicial service exam and completed practical judicial training, as well as, inter alia, be a Mongolian national, be aged 35 years or older, hold a law degree, and have at least ten years of professional experience as a lawyer, prosecutor as well as a judge, candidates who already have judicial experience at the Supreme Court enjoy some preference.

However, those who already have been appointed as Justice of the Supreme Court do not engage in assessments as they have already met the requirements.

When applications are collected, the Administration Office of the Supreme Court screens them to ensure that applicants meet the qualifications for the position, then forwards the names of qualified individuals to the Council. Significantly, the review and decision are at the Council's sole discretion.

The Council discusses and assesses the applications under the coordination of the Chief Justice of Supreme Court by the method of voting at a plenary session. The selection process at the session is highly competitive. The Council's sessions are internal and not public, but voting results shall be informed by the media.

The Council then recommends a candidate to the Ministry of Foreign Affairs, which in turn recommends the candidate to the cabinet. Once received the recommendation of the successful candidate, the cabinet decides whether to endorse the nominee and assist in the campaign process.