

**INFORMATION ON THE NATIONAL PROCEDURE FOR THE
NOMINATION OF DOCTOR IÑIGO SALVADOR
AS CANDIDATE FOR ELECTION AS JUDGE OF THE INTERNATIONAL
CRIMINAL COURT FOR THE PERIOD 2021-2030**

According to the practice and procedures in place in the Republic of Ecuador, the National Government proposes candidates for dignities and elected positions for international organisations through the Ministry of Foreign Affairs.

In accordance with article 261 of the Constitution of the Republic of Ecuador [TRANSLATION] “the central Government shall have exclusive competence over international relations.” In accordance with the Constitution, article 2 of the Organic Law of the External Service (Ley Orgánica del Servicio Exterior) determines that “(...) *it is the responsibility of the Head of State, as the supreme authority over foreign representation and over the country’s sovereign rights, to lead both international action and the External Service. As the authority that directly reports to the Head of State, it is the responsibility of the Minister of Foreign Affairs to collaborate directly with the Head of State on international policy-making and to execute the resulting policies*”

Accordingly, article 4 (8) of the Organic Law of the External Service establishes that “it is the responsibility of the Ministry of Foreign Affairs especially (to manage): the treaties and all other international instruments (...)” signed and ratified by Ecuador. Ecuador signed the Rome Statute of the International Criminal Court on 7 October 1998, and ratified it on 5 February 2002. Furthermore, on 25 September 2019, Ecuador ratified the Amendments to the Rome Statute of the International Criminal Court on the Crime of Aggression.

The procedure for the election of candidates by the Ministry of Foreign Affairs has been perfected based on years of internal practice and it consists of a strict mechanism to select the most capable, competent and upstanding Ecuadorian citizens for the international organisation they are being selected to serve.

Said system has served throughout the years to select prominent Ecuadorian citizens to serve international bodies and organisations, including Ambassador Jaime Merchán Romero, member of the United Nations Committee on Economic, Social and Cultural Rights; Doctor Luis Valencia Rodríguez, member of the United Nations Committee on the Elimination of Racial Discrimination; Ambassador Francisco Carrión Mena, member of the United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families; Doctor Julio Prado Vallejo, member of the United Nations Commission on Human Rights; Doctor Sara Oviedo, member of the United Nations Committee on the Rights of the Child, amongst others.

In view of the aforementioned, when the Secretariat of the Assembly of States Parties informed the Ministry of Foreign Affairs, in December 2019, that a nomination period was to be opened for the election of six judges of the International Criminal Court (ICC), the Ministry determined the interest of the Ecuadorian State to add to the strengthening of the international justice regime which the ICC embodies. It is noteworthy, in addition, that never has an Ecuadorian citizen served as judge for this international organisation.

Once the State had adopted the decision to contribute by nominating a candidate who was sufficiently qualified for the position, a screening of candidates was carried out and the curriculum vitae of said candidates reviewed and qualified. Said screening process showed that Doctor Íñigo Salvador was unequivocally the best qualified candidate.

The nomination of Doctor Íñigo Salvador was submitted for consultation to the members of the Ecuadorian National Group to the Permanent Court of Arbitration in The Hague, namely Doctor Carlos Estarellas Velásquez, Doctor José María Pérez Nelson, Doctor Diana Salazar Méndez and Doctor Gonzalo Salvador Holguín who, after reviewing the candidate's curriculum vitae, unanimously decided to support his nomination (Annex 1). Concerning their professional credentials, Doctor Estarella Velásquez is a distinguished lawyer, university professor and specialist in international law from Guayaquil; Doctor Salazar Méndez is currently Attorney-General of Ecuador (Fiscal General del Estado); Doctor Pérez Nelson is a lawyer who specialises in international mediation and arbitration and works at a law firm in Paris; and Doctor Salvador Holguín, is head of Legal Advice of the Ecuadorian Ministry of Foreign Affairs.

The Presidency of the Republic of Ecuador was informed of the unanimous recommendation of the members of the Ecuadorian National Group to the Permanent Court of Arbitration in The Hague, and took note of the nomination procedure coordinated by the Ministry of Foreign Affairs, and of the support of the members of the Ecuadorian National Group to the Permanent Court of Arbitration in The Hague and did not object to the nomination of the candidate.

Subsequently, the Foreign Minister submitted the nomination in accordance with the terms of the note sent by the Secretariat of the Assembly of States Parties.

Hence, as described above, the procedure for the nomination of Doctor Íñigo Salvador Crespo as candidate for the election of judges of the ICC followed the national custom for the nomination of international dignities, whilst at the same time complying with article 4 of the Rome Statute of the International Criminal Court and, hence, with paragraph 4 a) ii) of article 36 of the Rome Statute: *"Nominations of candidates for election to the Court may be made by any State Party to this Statute"*

and shall be made either: (...) (ii) *By the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court*".

On a different note, it is noteworthy that Doctor Íñigo Salvador possesses the highest moral character and is reputed in the Republic of Ecuador for the integrity and impartiality he has shown throughout his professional and academic career. He was appointed State Attorney General by the Council for Public Participation and Social Control, the body in charge of nominating the highest authorities of the public entities as determined by the Constitution of the Republic of Ecuador, and which is independent of all other State functions [Annexes 2, 3 and 4: Resolution of Appointment by the Council for Public Participation and Social Control, Certificate of Inauguration before Ecuador's National Assembly and Agreement for Inauguration at the "Procuraduría General del Estado" (Office of the State Attorney-General), respectively].

Article 433 of the Constitution requires that candidates to the nomination of State Attorney-General fulfill the same criteria as to serve as magistrate of the Constitutional Court, the highest jurisdictional body in the country, namely:

1. *Be an Ecuadorian national and in possession of political rights;*
2. *Hold a university law degree which is legally recognised in the country;*
3. *Have practiced with particular integrity the profession of attorney, judge or university law professor for a minimum of ten years;*
4. *Manifest integrity and ethics, which shall be assessed through a merit selection procedure with citizen oversight and rebuttal; and*
5. *Not belong or have belonged, over the past ten years, to the executive board of any political party or movement."*

The nomination of the Ecuadorian candidate for the election of judges of the ICC submitted by the National Government is hence in accordance with the national procedures and customs for international nominations as described above. It is also founded upon the fact that Doctor Íñigo Salvador holds the highest qualifications and competences in legal matters.

Doctor Salvador is an expert in both International Law and International Criminal Law, as well as in International Law of Armed Conflict and International Humanitarian Law. He has been a lecturer for all of the aforementioned. The Ecuadorian candidate has also served as Dean of the Law School of the Pontifical Catholic University of Ecuador, one of the most renowned and prominent Law Schools in Ecuador.

Doctor Salvador has also been an instructor at the International Committee of the Red Cross in Ecuador, Peru and Bolivia, as specified in the candidate's supporting documents (curriculum vitae and statement of qualifications), which are officially published on the website of the Secretariat of the Assembly of States Parties to the Rome Statute.

Doctor Salvador has studied Juridical Sciences and holds a PhD from the Pontifical Catholic University of Ecuador. Additionally, he studied at the Graduate Institute of International Studies in Geneva (Switzerland), where he obtained a Master's degree in International Relations, specialising in International Law. He also holds a Master's degree in International Relations, with a specialization in international negotiations and conflict management from the Universidad Andina Simón Bolívar in Quito.

Furthermore, he has completed specialisation courses on International Humanitarian Law and International Criminal Law at renowned institutions such as the International Institute of Humanitarian Law in San Remo (Italy) and the Geneva Academy of International Humanitarian Law and Human Rights.

Concerning his professional background in the field of Criminal Law, he served as Assistant to the Secretary of the 3rd Chamber of the Supreme Court of Justice in Quito and then as State Attorney-General. As far as his professional academic activities are concerned, since 2006 Doctor Salvador has been a lecturer at the Pontifical Catholic University of Ecuador for International Criminal Law and has been a visiting lecturer at the Diplomatic Academy of the Ministry of Foreign Affairs in Ecuador, where he taught a course on *International Criminal Law: Principles and Institutions*.

In the field of International Law, he served as a career diplomat for the External Service and worked in several departments at the Ministry of Foreign Affairs, namely the United Nations, International Treaties and Meetings and Maritime, and Air and Space Sovereignty. He was later delegated to the Permanent Mission of Ecuador to the United Nations Office at Geneva (Switzerland).

In his independent law practice, he has dealt with International Law cases, in particular in the field of judicial settlements of conflicts between States before international tribunals and arbitration, intellectual property, mining, oil, claims and compensation negotiations, Environmental Law, Andean Community Law and he has furthermore provided general advice on relations with the Ecuadorian Public Administration, amongst others. Doctor Salvador was the Ecuadorian lawyer in the legal team that advised the Government of Ecuador in the "Case concerning Aerial Herbicide Spraying" (Ecuador v. Colombia).

Between 1992 and 1996 he served on the United Nations Compensation Commission (UNCC) of the Security Council as lead lawyer and head of the "A" Claims Unit.

Since 2018 he has been a member of the Inter-American Juridical Committee, one of the main organs of the Organization of American States (OAS) to develop American International Law.



Amongst his most relevant publications are the books "*Derecho Internacional Penal. Estudios en perspectiva*" a (International Criminal Law. Studies in perspective), as well as numerous academic articles.

Additionally, Doctor Íñigo Salvador is highly regarded and widely respected in Ecuador because of his personal involvement in promoting policies and protocols for protection against sexual harassment and mobbing in the numerous capacities in which he has acted at a national level. He is hence regarded as one of the leading specialists in the field in his country.

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