



# Assembly of States Parties

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## Eighteenth session

The Hague, 2-7 December 2019

### Report of the Bureau on the Advisory Committee on Nominations

#### I. Introduction

1. At its tenth session, the Assembly decided to establish an Advisory Committee on Nominations,<sup>1</sup> which would operate in accordance with the terms of reference annexed to the report of the Bureau on the establishment of an Advisory Committee on Nominations of Judges of the International Criminal Court (hereinafter “the terms of reference”).<sup>2</sup> The terms of reference were amended by resolution ICC-ASP/13/Res.5.<sup>3</sup>
2. At its seventeenth session, the Assembly appointed eight members of the Advisory Committee, and decided that the ninth member of the Advisory Committee would be elected at the eighteenth session of the Assembly.<sup>4</sup>
3. At its second meeting, on 26 February 2019, the Bureau decided that the nomination period for the election of one member of the Advisory Committee on Nominations of Judges (hereinafter “the Advisory Committee”) which will take place at the eighteenth session of the Assembly, on the basis of a recommendation of the Bureau, would run for twelve weeks from 3 June to 25 August 2019.
4. At the close of the nomination period on 25 August 2019, one candidate had been nominated to the one seat on the Advisory Committee.
5. On 17 September 2019, the Bureau decided to consider and evaluate the candidate nominated for appointment to the Advisory Committee on Nominations and to present its report.

#### II. Criteria

6. The Bureau had before it one nomination, which had been received by the Secretariat of the Assembly by the close of the nomination period on 25 August 2019.
7. The Bureau was cognizant of the criteria for membership in the Advisory Committee contained in paragraphs 1 and 2 of the terms of reference:
  - (a) The Committee should be composed of nine members, nationals of States Parties, designated by the Assembly of States Parties by consensus on recommendation made by the Bureau of the Assembly also made by consensus, reflecting the principal legal

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<sup>1</sup> See resolution ICC-ASP/10/Res.5, para. 19.

<sup>2</sup> ICC-ASP/10/36.

<sup>3</sup> See paragraph 45 of the resolution.

<sup>4</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, seventeenth session, The Hague, 5-12 December 2018* (ICC-ASP/17/20), vol. I, part I, paras. 27-28.

systems of the world and an equitable geographical representation, as well as a fair representation of both genders, based on the number of States Parties to the Rome Statute; and

(b) 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 or international law.

8. The Bureau conducted an examination of the candidate to see whether he complied with the criteria contained in paragraph 2 of the terms of reference. The Bureau considered that the candidate fulfilled the requirement of being an eminent interested and willing person of a high moral character, who had established competence and experience in criminal or international law.

9. There was consensus within the Bureau that the candidate met the criteria contained in paragraph 2 of the terms of reference.

### **III. Conclusions and recommendation**

10. The Bureau concluded that since the candidate met the all individual criteria set out in paragraph 2 of the terms of reference, he was qualified to serve on the Advisory Committee.

11. The Bureau therefore recommends that the following candidate be nominated for appointment to the Advisory Committee:

- Mr. Song, Sang-Hyun (Republic of Korea).

12. In accordance with the recommendation of the Bureau to the seventeenth session,<sup>5</sup> the ninth member will serve for the remainder of the three-year term, i.e. until 2021, with the possibility of being re-elected only once.

13. In concluding its work, the Bureau expresses its hope that the nominee would prove to be acceptable to the Assembly and would ultimately lead to the appointment of the member of the Advisory Committee by consensus, in accordance with the terms of reference.

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<sup>5</sup> Report of the Bureau on the Advisory Committee on Nominations (ICC-ASP/17/21), para. 13.