

Nomination procedure of : Mongolia
to the judge for International Criminal Court

Mongolia does not have an established legal framework governing the nomination of ICC judges, but follows the eligibility for "appointment to the highest judicial offices" of a country's national court, as the Rome Statute requires and broadly follows the process used for nominating judges to the Supreme Court of Mongolia. Key actors in the nomination process are generally the Ministry of Foreign Affairs and the Council of Justices of the Supreme Court, the latter is composed of all Justices of the Supreme Court.

The process is initiated by the Chief Justice of the Supreme Court, which then requires that the Council of Justices coordinate the nomination under the scrutiny of the Treaties Division of the Ministry of Foreign Affairs. Applications are open and interested and qualified candidates must express readiness to contest the available positions and directly approach to the Administration Office of the Supreme Court of Mongolia. Although Mongolia's eligibility criteria requires candidates to fulfill the criteria of the Rome Statute, and 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. These potential candidates do not undergo interviews or exams to assess their qualifications, despite fulfilling applications. Information about vacancies is disseminated through the Administration Office of the Supreme Court.

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

The Council of Justices 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 strong competitive. The Council's sessions are internal and not public, but voting results are being informed by media.

The Counsel 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 assists in the campaign process. Before national nomination processes have always resulted in single candidacies but in 2020 the process was involved two opponents.