

## **Khosbayar, Chagdaa (Mongolia)**

[Original: English]

### **Statement of qualifications**

*This statement is submitted in accordance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court and paragraph 6 of resolution ICC-ASP/3/Res.6, as amended by resolutions ICC-ASP/5/Res.5, ICC-ASP/12/Res.8, and ICC-ASP/14/Res.4, adopted by the Assembly of States Parties on 10 September 2004, 1 February 2007, 27 November 2013 and 26 November 2015, respectively, relating to the procedure for the nomination and election of judges of the International Criminal Court.*

- (a) Mr. Chagdaa Khosbayar fulfils the requirements under article 36, paragraph 3 (a), (b) and (c), of the Rome Statute as follows:

#### *Paragraph 3 (a)*

Mr. Chagdaa Khosbayar is a person of high moral character, impartiality and integrity who possesses the qualifications required in Mongolia for appointment to the highest judicial offices since he is working as a judge at the Supreme Court of Mongolia. In accordance with article 51 of the Constitution of Mongolia and article 4 of the Act on the Status of Judges of Mongolia, only a person of an unblemished character, whose impartiality and integrity cannot be questioned, can be appointed as a Justice of the Supreme Court. Mr. Chagdaa possesses all those characters and qualities.

#### *Paragraph 3 (b) (i)*

Mr. Chagdaa Khosbayar fully complied with the requirements of article 36 (3) (b) (i) as he has well-established competence in criminal law and procedure and attained a diverse experience in every aspect of criminal proceedings by assuming various positions as an advocate, investigating prosecutor, and as a judge from lower courts to the highest in the country. Starting his career as an advocate specializing in juvenile crimes and human trafficking, Mr. Chagdaa now has become a highly respected judge of the Supreme Court of Mongolia with focus on criminal cases. During his career, he has handled over four thousand criminal cases, including the most serious types of criminal offence.

Mr. Chagdaa Khosbayar has pioneered in establishing a legal framework and a new approach to Mongolian criminal justice and contributed to incorporating the principles of non-applicability of statute of limitations, universal jurisdiction and complementarity for the crimes within the jurisdiction of the Court in to our domestic law. He served as a member of the Government Committee for Drafting the revised Criminal and Criminal Procedure Code, and took an active participation in elaboration of Tort Law, Law Enforcement Act and Marshals Service Law.

Mr. Chagdaa Khosbayar is also intensely involved in lecturing at universities in Mongolia. He is an adjunct professor for advanced criminal law and procedure and criminology, and a PhD candidate at the School of Law, the National University of Mongolia. He has published legal research works on issues affecting administration of justice, comparative criminal proceedings and the codification of laws.

#### *Paragraph (c)*

Mr. Chagdaa Khosbayar has an excellent command of English, including both oral and written skills. He is also fluent in Russian and has a good knowledge of French.

- (b) For the purposes of article 36, paragraph 5, of the Rome Statute, Mr. Chagdaa Khosbayar is being nominated for the inclusion in List A since he meets the requirements set out in article 36 (3) (b) (i) of the Rome Statute as stated above.
- (c) The information relating to article 36, paragraph 8 (a) (i) to (iii), of the Rome Statute as follows:
- (i) Mongolia belongs to the continental legal system.

- (ii) Mongolia is a part of the region whose participation in the International Criminal Court is less-represented. The election of Mr. Chagdaa Khosbayar will be the first ever case that a citizen of Mongolia serves as a judge of the Court.
    - (iii) Mr. Chagdaa Khosbayar is male.
  - (d) Mr. Chagdaa Khosbayar has long-standing legal expertise in the field of violence against vulnerable groups in the society. He directed proceedings in numerous trials concerning violent crimes against minors and women and cases involving sexual violence against women while he served for several years as a judge for offenses committed by and against the juveniles. Prior being appointed as a judge, he served as a criminal defence advocate predominantly dealing with juvenile crimes and human trafficking, involving women and children with the purposes of sexual exploitation.
  - (e) For the purposes of article 36, paragraph 7, of the Rome Statute, Mr. Chagdaa Khosbayar is a national of Mongolia and does not possess the nationality of any other State.
  - (f) Mr. Chagdaa Khosbayar is fully committed to take up full-time service when the Court's workload so requires.
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