



Twenty-second session
 New York, 4-14 December 2023

**Report of the Advisory Committee on Nominations of Judges
 on the work of its ninth session**

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I. Introduction

A. Opening of the session

1. The ninth session of the Advisory Committee on Nominations of Judges (“the Committee”) was opened by the Chairperson of the Committee, Ms. Sanji Mmasenono Monageng (Botswana) and was held at the International Criminal Court, The Hague, from 3 to 14 July 2023.
2. The following members participated in the session:
 - a) Mr. Dennis Dominic Adjei (Ghana);
 - b) Mr. Julian Fernandez (France);
 - c) Ms. Lucy Muthoni Kambuni (Kenya);
 - d) Ms. Milica Kolaković-Bojović (Serbia);
 - e) Mr. Erkki Kourula (Finland);
 - f) Ms. Sanji Mmasenono Monageng (Botswana);
 - g) Mr. Mauro Politi (Italy);
 - h) Mr. Eduardo Rodríguez Veltzé (Bolivia); and
 - i) Mr. Sang-Hyun Song (Republic of Korea).
3. The Secretariat of the Assembly of States Parties (“the Secretariat”) provided the substantive servicing for the Committee, and Ms. Gaile Ramoutar, Legal Officer, acted as Secretary.

B. Adoption of the agenda

4. On 3 July 2023, the Committee adopted the following agenda:
 1. Opening of the session
 2. Adoption of the agenda
 3. Organization of work
 4. Consideration of the nominations submitted for the election of six judges at the twenty-second session of the Assembly
 5. Other matters

C. Organization of work

5. The Committee took note that the scope of its mandate, set out in document ICC-ASP/10/36,¹ had been expanded by resolutions ICC-ASP/18/Res.4 and ICC-ASP/21/Res.2. The Committee considered how to proceed with its work pursuant to its terms of reference (annex I). The Committee also took note that the Assembly had “Encourage[d] States Parties to continue according utmost respect to the evaluation of candidates by the Advisory Committee on Nomination of Judges, and to refrain from casting their votes in an inconsistent way with this evaluation to the extent possible as well as from the trading of votes”.²
6. The Committee decided that it would hold face-to-face interviews of up to 85 minutes duration with each candidate, with interpretation into English and French. The Committee held discussions on the questions that it would pose to candidates in the interviews and approved a list of questions.

¹ Report of the Bureau on the establishment of an Advisory Committee on Nominations of Judges of the International Criminal Court (ICC-ASP/10/36), annex, paras. 5, 7 and 11.

² ICC-ASP/18/Res.4 as amended by ICC-ASP/21/Res.2, annex III, section C.

7. The Committee approved a common questionnaire and standard declaration, pursuant to paragraphs 5 *bis* (a) and (d) of its terms of reference. On 8 June 2023 the Secretariat conveyed the questionnaire and declaration to all States Parties that had presented a candidate. The candidates completed the questionnaires and declarations, which were submitted to the Committee for its consideration.³

8. The Committee agreed that its assessment of the candidates would be based on:

- a) The qualifications and experience of the candidate set out in the statement of qualifications required by article 36 (4) specifying how the candidate fulfils the requirements of article 36 (3);
- b) Additional supporting material provided therewith;
- c) Candidates' responses to the common questionnaire and standard declaration; and
- d) Candidates' performance in the interview.

9. The Committee noted that States Parties had submitted the standard form curriculum vitae which it had recommended at its second, third and seventh sessions⁴ and welcomed that such curricula vitae had facilitated its consideration of the candidates' qualifications and experience.

10. The Committee took note that three of its members had the same nationality as three candidates. In accordance with rule 5 of the Rules of Procedure of the Committee and paragraph 3 of its terms of reference, those members did not attend the interview nor participate in the deliberations for the candidate of the same nationality.

11. The Committee recalled the due diligence process for candidates for the 2023 judicial elections which the Bureau had adopted,⁵ and recalled further that it had contributed to the development of this process. The Committee received an update from the Independent Oversight Mechanism on the due diligence process. The Committee took note that, as at the date of its session, the Independent Oversight Mechanism had not identified any concerns regarding the criterion of "high moral character" required by article 36 (3) (a) of the Rome Statute. The Committee also noted that the final report on the due diligence process would not be available until after the completion of its own report. The Committee was of the view that a due diligence process was an important development and looked forward to the outcome of the discussions on the establishment of a permanent due diligence process for elected officials of the Court.

12. The Committee received no request by a State Party, pursuant to paragraph 8 *bis* of its terms of reference, to provide a confidential, provisional assessment of the suitability of a potential candidate of that State Party.

II. Consideration of the nominations submitted to elect six judges at the twenty-second session of the Assembly

13. The Committee's assessment of the candidates pursuant to its mandate is set out in annex II.

III. Other matters

A. Assessment of the language capability of candidates

14. The Committee recalled that at its seventh session, held in 2020, it had noted that the actual level of knowledge of some candidates of the working languages of the Court did not always correspond to the description contained in the documents submitted to the Committee. The Committee had requested that the language capability of candidates for future elections

³ All candidates indicated that their questionnaires and declarations could be made public. The questionnaires and declarations will be available on the webpage of the Assembly as soon as feasible.

⁴ ICC-ASP/12/47, annex III, ICC-ASP/13/22, annex II, appendix III, and ICC-ASP/16/7, annex II, appendix III.

⁵ On 28 February 2023, the Bureau adopted the Due diligence process for candidates for 2023 judicial elections: https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-EJ2023-DueDiligence-ENG.pdf.

be assessed by means of a general test applicable to all candidates, to be administered by the Registry of the Court. The Committee took note that the Registry's Language Services Section had administered a language test of the written English or French proficiency of some candidates. All candidates were offered the opportunity to take such a test, on a voluntary basis. The language test was undertaken by four candidates in English and by two candidates in French.

15. The Committee expresses its gratitude to the Language Services Section for its valuable assistance in assessing a key element of the Rome Statute which requires that "[e]very candidate for election to the Court shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court."⁶

16. The Committee's findings regarding the language competencies of the candidates during the interviews are set out in the assessments of the respective candidates in annex II.

B. National nomination and selection procedures

17. The Committee recalled that the mandate of the Assembly had required it, in consultation with States and other relevant stakeholders, to prepare and present at the earliest possible date, but no later than the twentieth session of the Assembly of States Parties, a compendium of submissions from States Parties regarding their respective national nomination and selection procedures.⁷ A compendium of such submissions, dated 31 August 2022, is available on the webpage of the Assembly.⁸

18. The Committee took note that, in response to the Secretariat's respective notes verbales of 2020, 2021, 2022 and 2023, circulated pursuant to resolutions ICC-ASP/18/Res.4 and ICC-ASP/21/Res.2, a total of 31 States Parties had submitted information on their respective national nomination and selection procedures. The Committee recalled that, in its report on the work of its eighth session, it had noted that a total of 29 States Parties had submitted information to be posted on the Assembly webpage. At that time the Committee had found that "[a]n addendum to this compendium could be issued as and when additional submissions are received."⁹ At its ninth session, the Committee continued to be of this view, in light of the limited number of additional submissions received.

19. The Committee took note that, of the 31 States Parties that had submitted information on their national nomination procedures, eight of those were nominating States Parties.¹⁰ One State had not authorized the public dissemination of the information submitted as it was in the process of updating this information. The Committee noted that the national nomination process was an internal procedure of the State of nationality of the candidates and did not have any bearing on its assessment of those candidates.

20. The Committee took note of a new mandate of the Assembly, contained in resolution ICC-ASP/21/Res.2,¹¹ in which the Assembly:

"Further requests the Advisory Committee on Nominations of Judges, in consultation with States Parties and other relevant stakeholders, to prepare, in light of the compendium presented under paragraph 7 as well as additional submissions of States Parties under paragraph 6, guidelines for the national-level nomination procedures and bring them to the attention of States Parties at the earliest possible date, but no later than the twenty-third session of the Assembly."

21. Regarding the preparation of guidelines for the national-level nomination procedures, the Committee was of the view that additional submissions were required in order for it to effectively carry out this mandate. The Committee called upon all States Parties to submit to the Secretariat "information and commentary on their own existing or prospective national nomination and selection procedures"¹² as soon as possible, in order to facilitate its work on

⁶ Rome Statute of the International Criminal Court, article 36 (3) (c).

⁷ ICC-ASP/21/Res.4, para. 7 and ICC-ASP/21/Res.2, annex III, Section A.

⁸ The compendium is available at the following link: <https://asp.icc-cpi.int/sites/asp/files/2022-10/ACN-NominationProcedures-ENG-14Oct22-1350.pdf>.

⁹ ICC-ASP/21/4, para. 6.

¹⁰ Burkina Faso, Czech Republic, France, Germany, Republic of Korea, Romania, Slovenia and Tunisia.

¹¹ Annex III, section B.

¹² Resolution ICC-ASP/18/Res.4, para. 6.

the preparation of the guidelines. The Committee noted that an in-person meeting of three days' duration would be necessary in 2024 in order for the Committee to fulfil the mandate to complete the guidelines. The proposed budget for this meeting in 2024 is set out in annex IV.

22. The Committee recalled that, as a result of amendments to the procedure for the nomination and election of judges adopted by the Assembly at its twenty-first session, the statement accompanying each nomination should specify in the necessary detail the elements of the procedure leading to that nomination and should contain an acknowledgment from a senior member of the national-level judiciary or the authority of the nominating State overseeing the nomination process.¹³ The Committee noted that most of the nominations submitted for the elections to be conducted during the twenty-second session of the Assembly had fully complied with these new requirements. The Committee encouraged all nominating States to take these requirements into account in the future.

C. Recommendations of the Committee

23. With a view to improving the ability of the Committee to deliver its mandate in the future, the Committee decided to make the recommendations to the Assembly contained in annex III.

¹³ Resolution ICC-ASP/21/Res.2, annex II, sections A and B.

Annexes

Annex I

Terms of reference of the Advisory Committee on nominations of judges of the International Criminal Court¹

A. Composition

1. 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 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.
2. 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.
3. Members of the Committee would not be the representatives of States or other organizations. They would serve in their personal capacity, and would not take instructions from States Parties, States or any other organizations or persons. Any member who is a national of a State Party shall not participate in the assessment of candidates nominated by that State Party.²
4. The Committee will designate a coordinator to chair its meetings and organize its work.

B. Mandate

5. The Committee is mandated to facilitate that the highest-qualified individuals are appointed as judges of the International Criminal Court.
- 5 *bis*. To that effect, the Committee shall:
 - (a) develop a common questionnaire for all nominees that asks them to explain: (i) their experience in managing complex criminal proceedings; (ii) their experience in public international law; (iii) specific experience in gender and children matters; (iv) track record of impartiality and integrity; and (v) fluency in one of the working languages of the Court; and provide all nominees the option to make their answers to the questionnaire public;
 - (b) ask nominees to demonstrate their legal knowledge by presenting relevant evidence;
 - (c) check candidates' references and any other information publicly available;
 - (d) create a standard declaration for all candidates to sign that clarifies whether they are aware of any allegations of misconduct, including sexual harassment, made against them;
 - (e) assess practical skills such as the ability to work collegially; knowledge of different legal systems; and exposure to and understanding of regional and sub-regional political, social, and cultural environments;
 - (f) at the candidate interview, endeavor to assess, without prejudice to the qualifications specified in Article 36 paragraph 3 (b)(i) and (ii) of the Rome Statute, the ability of the candidates to manage and conduct complex international criminal trials fairly and expeditiously and their suitability as a Presiding judge;

¹ These Terms of Reference were originally adopted by the Assembly of States Parties via resolution ICC-ASP/10/Res.5, para. 19, and subsequently amended by resolutions ICC-ASP/13/Res.5, annex III, ICC-ASP/18/Res.4, annex II, and ICC-ASP/21/Res.2, annex IV, section A. Amendments are reflected via footnotes.

² As amended by ICC-ASP/18/Res.4, annex II, section A.

- (g) document the national-level nomination processes in the nominating State Parties; and
- (h) report on the above aspects.³

6. Committee members would normally be designated for three year terms, with the possibility of being re-elected only once. Four of the first members designated shall be asked to serve only for one three year term, so as to stagger membership and provide continuity. In the event of a vacancy, an election shall be held in accordance with the procedure for the nomination and election of members of the Advisory Committee on Nominations. The procedure shall apply *mutatis mutandis*, subject to the following provisions:

- (a) The Bureau of the Assembly of States Parties may fix a nomination period which is shorter than the one used for other elections;
- (b) The Bureau of the Assembly of States Parties may elect the member; and
- (c) A member elected to fill a vacancy shall serve for the remainder of the predecessor's term and may be re-elected.⁴

6 *bis*. For a period of three years after the end of the mandate or after the resignation of a member of the Committee, that person shall not be nominated as a candidate for election to the Court.⁵

7. The work of the Committee is based on the applicable provisions of the Rome Statute and its assessment of the candidates will be based strictly on the requirements of article 36, paragraphs (3) (a), (b) and (c).

C. Working methods

8. The Committee will convene in person, by correspondence, or via remote links, once candidates have been nominated by States. The members of the Committee shall ensure the confidentiality of all communications during the process.

8 *bis*. The Committee shall also, upon request by a State Party, provide a confidential, provisional assessment of the suitability of a potential candidate of that State Party. Such a provisional assessment shall be based solely on information submitted to the Committee by the State Party concerned, and shall not require the Committee to communicate with the potential candidate. A request for a provisional assessment of a potential candidate shall be without prejudice to the decision of the State Party to nominate or not nominate that potential candidate. Any provisional assessment shall also be without prejudice to the evaluation of that individual by the Committee, should they be nominated by a State Party. The number of Committee members responsible for conducting a provisional assessment of a potential candidate shall be limited to three. In the case of a candidate being nominated by a State Party after a provisional assessment, the Committee members that conducted the provisional assessment of the candidate shall recuse themselves from the formal evaluation of that candidate.⁶

9. The Committee may proceed to communicate with all candidates, including by interviewing, both orally and in writing, with regard to their qualification in accordance with the Rome Statute.

10. The evaluation procedure of the Committee shall be transparent. To that purpose, the Committee shall regularly and in detail brief the Bureau on its activities. The States Parties to the Rome Statute would be kept informed through the reporting procedures of the Bureau, and by briefings to the New York and The Hague Working Groups.

10 *bis*. Once the Committee has completed its work, it shall prepare a thorough and detailed report, of a technical character, that will include for each candidate:

³ As amended by resolution ICC-ASP/21/Res.2, annex IV, section A.

⁴ As amended by ICC-ASP/13/Res.5, annex III.

⁵ *Ibid.*

⁶ As amended by resolution ICC-ASP/18/Res.4, annex II, section C.

- (a) information collected in accordance with paragraph 5 *bis*;
- (b) qualitative evaluation, information, and analysis, strictly on the suitability or unsuitability of each candidate for a judicial role in light of the requirements of article 36, including detailed reasons for the Committee's evaluation; and
- (c) indication of the national nomination procedure used, including if it was followed in each specific case.⁷

10 *ter*. The Committee may request States to provide further information about candidates that it requires to consider and evaluate the candidate's suitability as a judicial appointee.⁸

11. The report of the Committee shall be made available to States Parties and observers by submission to the Bureau, at least 16 weeks before the elections, for thorough subsequent consideration by the Assembly of States Parties.⁹

12. Information and analysis presented by the Committee is to inform the decision-making of States Parties and is not in any way binding on them or on the Assembly of States Parties.

⁷ *Ibid.*, section D.

⁸ *Ibid.*, section E.

⁹ *Ibid.*, section E.

Annex II

Evaluation of the candidates

1. The Advisory Committee on Nominations of Judges of the International Criminal Court hereby submits to the Bureau of the Assembly of States Parties to the Rome Statute its assessment of the 14 candidates for the elections to be conducted during the twenty-second session of the Assembly.
2. The Committee's assessment is based on the requirements of article 36, paragraphs 3 (a), (b) and (c), of the Rome Statute. The Committee presents the following information and analysis of the suitability of the candidates in accordance with the terms of reference defined by the Assembly.
3. In reaching its conclusions, the Committee considered written material submitted by the candidates in the form of statements of qualifications and curricula vitae,¹ as well as the information submitted by the candidates via the common questionnaire and standard declaration, and conducted interviews with the 14 candidates. The Committee also considered the results of the written English or French language tests, as appropriate, which some candidates had voluntarily undertaken.
4. The Committee thanked the candidates for making themselves available for the interviews on the dates and times requested. The Committee, as a result of its experience so far, emphasizes once more the importance of face-to-face interviews with the candidates for the effective discharge of its mandate. The Committee recalled that the Assembly had decided that "[n]ominating States shall, to the extent possible, ensure that candidates make themselves available for interviews before the Advisory Committee on Nomination of Judges."² In this regard, the Committee called upon nominating States to ensure that the appropriate visa is obtained in a timely manner to enable the candidates to participate in the interviews.
5. All the conclusions and decisions of the Committee have been reached by consensus.

A. General observations

6. The Committee noted that the candidacies were presented under List A or List B as described in article 36, paragraph 3, of the Rome Statute, requiring "established competence in criminal law and procedure, and the necessary relevant experience, whether as a judge, prosecutor, advocate or in other similar capacity, in criminal proceedings" or "established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court".
7. The Committee also recalled that article 36, paragraph 3(c), requires that "[e]very candidate for election to the Court shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court."
8. The Committee took note of article 35, paragraph 1, of the Rome Statute, which provides that "All judges shall be elected as full-time members of the Court and shall be available to serve on that basis from the commencement of their terms of office". The Committee noted that each candidate had completed the questionnaire, in which he/she indicated that he/she was prepared and available to serve at the commencement and for the duration of the term, if elected and if called to work at the Court full-time.
9. The Committee stressed the importance that judges elected to the Court be in good health and prepared to serve the whole term, and that there be no extraneous duties that could delay their assumption of office or interfere with their discharge of their duties of a judge as provided in article 40, paragraph 3, of the Rome Statute. The Committee noted that all

¹ ICC-ASP/22/2/Add.1.

² ICC-ASP/3/Res.6 as amended by ICC-ASP/21/Res.2, annex II, section C.

candidates had stated in their questionnaire that they were in good health and prepared to work under pressure, given the Court's heavy workload.

10. The Committee noted that the written material submitted and the statements made asserted that the candidates are persons of high moral character, impartiality and integrity, and that they possess the qualifications required in their respective States for appointment to the highest judicial offices.

11. Bearing in mind the criteria set out in article 36 of the Rome Statute and the Committee's terms of reference, the Committee agreed on the following formulation regarding the suitability of the candidates:

a) *Highly qualified*: the candidate has impressive competence in criminal law and procedure or in relevant areas of international law such as international humanitarian law and the law of human rights; his/her experience and knowledge about the Rome Statute and ICC jurisprudence are remarkable; he/she is perfectly fluent in at least one of the working languages of the Court; and his/her past and present duties would be of undeniable value for his/her peers and colleagues. All conditions are likely to be met for the candidate to make an important and immediate contribution to the Court's judicial work.

b) *Well qualified*: the candidate has advanced competence in criminal law and procedure or in relevant areas of international law such as international humanitarian law and the law of human rights; he/she has appropriate experience and knowledge about the Rome Statute and ICC jurisprudence; he/she is perfectly or certainly fluent in at least one of the working languages of the Court; and his/her past and present duties would be of great interest for his/her peers and colleagues. The candidate could, in all probability, immediately contribute to the Court's judicial work.

c) *Formally qualified*: the candidate has established competence in criminal law and procedure or in relevant areas of international law such as international humanitarian law and the law of human rights; he/she is fluent in at least one of the working languages of the Court; the limited relevance of his/her past or present duties for the work of the Court, and/or his/her partial knowledge of the Rome Statute and ICC jurisprudence could, however, prevent the candidate from making a noteworthy or immediate contribution to the Court's judicial work.

d) *Not qualified*: the candidate does not meet the formal requirements set out in article 36 of the Rome Statute.

B. List A candidates

DAMDIN, Erdenebalsuren (Mongolia)

1. The Committee noted that the candidate had over 30 years of experience in criminal law and procedure at the national level, including having served as Justice of the Supreme Court of Mongolia since 2012. Prior to his appointment to the Supreme Court, the candidate had worked as a criminal defence advocate and as a prosecutor. In his role as Chief Prosecutor and Head of the Foreign Affairs and Cooperation Department in the Office of the Prosecutor General of Mongolia, he had served as the focal point of the Prosecutor General during the negotiations leading to the adoption of the Rome Statute. The Committee noted that the candidate was also engaged in legal reform activities aimed at improving the administration of the criminal justice system, and had taught undergraduate and postgraduate courses in relevant topics as an adjunct lecturer at the National University of Mongolia.
2. The Committee considered that the candidate had established competence in criminal law and procedure through his extensive domestic experience as a judge, prosecutor, and criminal defence advocate.
3. The Committee observed that the candidate demonstrated limited knowledge of the Rome Statute, the fundamental principles set out therein, and the jurisprudence of the International Criminal Court. In this regard, the Committee noted that there was some

discrepancy between the quality of responses provided by the candidate in his written questionnaire, and the responses provided during the interview.

4. The Committee considered that the candidate's qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.
5. The Committee was of the view that the candidate's oral proficiency in English was adequate.
6. The Committee considered that the candidate's partial knowledge of the Rome Statute and ICC jurisprudence could, however, prevent the candidate from making a noteworthy or immediate contribution to the Court's judicial work.
7. Based on his professional experience, the written material submitted, and his performance during the interview, the Committee concluded that the candidate is formally qualified for appointment as judge of the International Criminal Court.

DEMBÉLÉ, Adélaïde (Burkina Faso)

1. The Committee took note that the candidate had experience as a judge, having served since 2017 as International Investigating Judge at the Special Criminal Court of the Central African Republic, and as Examining Judge / Judge at the First Instance Court of Ouagadougou from 1996 to 2004. She had also served as Prosecution Adviser and Team Leader of the Prosecution Support Unit of the United Nations Organization Mission for the Stabilization of the Democratic Republic of Congo (MONUSCO), Head of the Legal and Institutional Affairs Department of the National Financial Information Processing Unit at the Ministry of Finance, and Head of Department, Legislation and Documentation Directorate at the Ministry of Justice.
2. The Committee was of the view that the candidate had established experience and professional competence in criminal law and procedure at both the national and international levels.
3. The Committee was of the view that the questionnaire submitted by the candidate showed limited understanding of the Court and its jurisprudence. However, the Committee noted that during her interview, the candidate demonstrated some knowledge of the Rome Statute, the fundamental principles set out therein, and the jurisprudence of the International Criminal Court.
4. The Committee noted that the candidate's qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.
5. The Committee noted the candidate's fluency in French.
6. The Committee was of the view that the candidate's partial knowledge of the Rome Statute and ICC jurisprudence could, however, prevent the candidate from making a noteworthy or immediate contribution to the Court's judicial work.
7. Based on her professional experience, the written material submitted, and her performance during the interview, the Committee concluded that the candidate is formally qualified for appointment as judge of the International Criminal Court.

GUILLOU, Nicolas (France)

1. The Committee took note that the candidate had served as Pre-Trial Judge at the Kosovo Specialist Chambers since 2019. The Committee also noted that from 2015 until 2019 he was the Chef de Cabinet to the President at the Special Tribunal for Lebanon and that he had served as an Advisor on criminal matters and then as Diplomatic Advisor

for the French Ministry of Justice and Ministry of Foreign Affairs, as well as a Liaison Magistrate at the Embassy of France to the United States.

2. The Committee noted that the candidate had impressive experience and competence in criminal law and procedure and in relevant areas of international law, such as international humanitarian law and human rights, both at the national and international levels. The Committee noted that the candidate also had domestic experience as an investigative magistrate and as a judge. The Committee also took note that he had been the Scientific Coordinator for the “Ethica” project on ethics for international criminal judges, organized by the Nuremberg Academy, the Siracusa International Institute for Criminal Justice and Human Rights and France’s Ecole nationale de la magistrature.
3. The Committee noted that, in his interview, the candidate demonstrated excellent, in-depth knowledge of the Rome Statute, the fundamental principles set out therein, and the jurisprudence of the International Criminal Court, as well as a good understanding of the broader picture of international justice. The Committee took note that the candidate had been a member of the governance cluster of the Group of Independent Experts which had drafted a report as part of the review process of the Court, and that he was familiar with the Court’s Strategic Plans.
4. The Committee noted that his qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.
5. The Committee noted the candidate’s fluency in French and English. The Committee underscored the value of the candidate’s fluency in both working languages of the Court.
6. The Committee was of the view that the candidate’s past and present duties would be of undeniable value for his peers and colleagues, and noted that all conditions were likely to be met for this candidate to make an important and immediate contribution to the Court’s judicial work.
7. Based on his professional experience, the written material submitted, and his performance during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

HOHLER, Beti (Slovenia)

1. The Committee noted that the candidate had more than 15 years of experience in national and international proceedings as an advocate, prosecutor and judicial advisor. She has been employed since 2015 as a Trial Lawyer in the Office of the Prosecutor at the International Criminal Court. Prior to this, she had worked as a Legal Officer for the European Union Rule of Law Mission in Kosovo, as a senior associate for a private law firm, and as a judicial trainee/legal officer at the Court of Appeals in Slovenia. The candidate had also interned for the Office of Public Counsel for Defence at the International Criminal Court. The Committee noted the candidate’s publications and other professional activities in the field of international criminal law.
2. The Committee considered that the candidate had advanced competence and experience in criminal law and procedure, including through her work in the Office of the Prosecutor at the Court.
3. The Committee observed that the candidate demonstrated an in-depth knowledge of the Rome Statute, the fundamental principles set out therein, and the jurisprudence of the International Criminal Court.
4. The Committee considered that the candidate’s qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.

5. The Committee noted the candidate's fluency in English, which was also confirmed through successful completion of the voluntary language test administered by the Language Services Section of the Registry.
6. The Committee considered that the candidate's involvement in the work of the Office of the Prosecutor could lead to practical issues if she were elected a judge of the Court, particularly in relation to the difficulties it might pose for the Presidency in constituting Chambers. The Committee was of the view that this could impact the ability of the candidate to make a noteworthy contribution to the Court's judicial work, potentially for some time into the future.
7. Based on her professional experience, the written material submitted, and her performance during the interview, the Committee concluded that the candidate is well qualified for appointment as judge of the International Criminal Court. However, the Committee noted the practical challenges with regard to her prior involvement in cases and situations before the Court.

HOHOFF, Ute (Germany)

1. The Committee took note that the candidate had been a judge at the national level since 2000, having served in higher regional courts and regional courts in Germany, and is currently a judge at the Federal Court of Justice. She is assigned to the Third Criminal Division with additional responsibility for appeals in proceedings under criminal law concerning the protection of the state and proceedings pursuant to the German Code of Crimes Against International Law. Other areas of focus included experience within a State Protection Division (fact-finding instance) at Düsseldorf Higher Regional Court, where proceedings concerned membership of or support for foreign terrorist organizations.
2. The Committee found that the candidate had advanced competence in criminal law and procedure as a result of her extensive judicial experience in criminal law at a high level in German courts. The Committee noted that the areas of her experience included responsibility for appeals on points of law in proceedings dealing with crimes such as human trafficking, forced prostitution, murder, manslaughter, offences against property, sexual crimes in particular against women and children. However, the Committee noted that the candidate had no international experience.
3. The Committee noted that the candidate demonstrated adequate knowledge of the Rome Statute, the fundamental principles set out therein and the jurisprudence of the International Criminal Court. She had a reasonable understanding of key legal principles and cited some elements of the Rome Statute and the jurisdiction of the International Criminal Court. The Committee noted, however, that the candidate demonstrated limited knowledge regarding the organization of the Court and was not familiar with the hybrid procedure at the Court or with the practise of international criminal law.
4. The Committee noted that the candidate's qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.
5. The Committee noted the candidate's fluency in English.
6. The Committee was of the view that the candidate's past and present duties would be of value for her peers and colleagues and that in light of the candidate's experience and qualifications she could make a valuable contribution as a judge of the Court.
7. Based on her professional experience, the written material submitted, and her performance during the interview, the Committee concluded that the candidate is well qualified for appointment as a judge of the International Criminal Court.

KARANJA, Wanjiru (Kenya)

1. The Committee took note that the candidate had been a judge of the Court of Appeal of Kenya since 2011 and had a total of 38 years' experience in the judicial system, having served as a District Magistrate, a Resident Magistrate, a Senior Resident Magistrate, Senior Principal Magistrate, Chief Magistrate and judge of the High Court. In these positions, she had handled serious criminal matters, mentored junior judges and magistrates, ruled on a number of other criminal and civil matters, and engaged stakeholders in the administration of justice. She is currently the presiding judge of the Court of Appeal in Nyeri.
2. The Committee considered that the candidate had established competence in criminal law and procedure through her rich experience as a judge at the national level as well as her experience with victims' rights. Some key areas of focus included heading the Anti-Corruption Court, serious drug-trafficking cases, member of the Ethics and Anti-Corruption Committee to investigate corruption in the Kenya judiciary, and all penal code offences.
3. The Committee noted that the candidate had no international experience and found that she demonstrated partial knowledge of the Rome Statute, the jurisprudence of the Court, and of international law, including international humanitarian law.
4. The Committee found that the candidate's qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph (3) (b) (i), of the Rome Statute.
5. The Committee noted the candidate's fluency in English, which was confirmed through successful completion of the voluntary language test administered by the Language Services Section of the Registry.
6. The Committee was of the view that the candidate's knowledge of domestic criminal law and her experience as a senior judge of the Court of Appeal could be beneficial for the International Criminal Court.
7. Based on her professional experience, the written material submitted, and her performance during the interview, the Committee concluded that the candidate is formally qualified for appointment as judge of the International Criminal Court.

LAZAROVA-TRAJKOVSKA, Mirjana (Republic of North Macedonia)

1. The Committee took note that the candidate is currently a judge of the Supreme Court of the Republic of North Macedonia in the criminal section, where she deals with criminal law cases, including corruption, terrorist crimes, organized crimes, and serious sexual offences. She had previously served as a Judge and President of the First Section of the European Court of Human Rights, where she focused on criminal and civil cases with human rights violations of a procedural and substantive nature. Prior to this appointment, she previously held the positions of Head of the Department on Human Rights of the Ministry of Foreign Affairs, and Assistant Minister on administrative affairs at the Ministry of Internal Affairs. Between 2001 and 2003, she had been a Member of the Steering Committee on Human Rights at the Council of Europe and participated in the drafting Committee on Protocol 14 of the European Convention on Human Rights.
2. The Committee noted that the candidate had vast experience in criminal law and procedure at the national level, including in the management of complex criminal trials, and experience at the international level in human rights law and criminal law at the European Court of Human Rights. The Committee noted that she served as a judge in the Constitutional Court of the Republic of North Macedonia where she focused on, inter alia, the protection of fundamental freedoms and rights of individuals.
3. The Committee found that the candidate demonstrated a reasonable understanding of the Rome Statute, the fundamental principles set out therein, and the jurisdiction of the

Court. The Committee was of the view that the candidate could become more acquainted with these key areas in a short time.

4. The Committee noted that her qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.
5. The Committee noted the candidate's fluency in English, and her intermediate level of French. The Committee underscored the value of the candidate's ability to understand both working languages of the Court.
6. The Committee believed that all conditions were likely met for the candidate to make an important and immediate contribution to the work of the Court.
7. Based on her professional experience, the written material submitted, and her performance during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

NELSON, Clarence (Samoa)

1. The Committee noted that the candidate had extensive judicial experience in criminal law and procedure at the national level, having served as a Justice of the Supreme Court of Samoa since 2006 and prior to that as a Judge of the District Court of Samoa. The candidate had also worked as a prosecutor and as a criminal defence counsel in Samoa and in other countries in the Pacific region. The Committee took note of the candidate's relevant experience at the international level, noting that he had served as a Member of the United Nations Committee on the Rights of the Child from 2015 to 2023, including a term as Vice Chair.
2. The Committee considered that the candidate had established competence in criminal law and procedure through his rich practical experience at the domestic level, including the management of complex criminal trials. The Committee noted that the candidate had provided good answers to questions regarding general principles of criminal law and procedure and the role and conduct of a judge. The Committee also noted the candidate's professional focus and extra-judicial work on children's rights and the rights of women, as well as his work on victim support.
3. The Committee observed that the candidate demonstrated partial knowledge of the Rome Statute, the fundamental principles set out therein, and the jurisprudence of the International Criminal Court.
4. The Committee considered that the candidate's qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.
5. The Committee noted the candidate's fluency in English.
6. The Committee considered that the candidate's partial knowledge of the Rome Statute and ICC jurisprudence could prevent him from making an immediate contribution to the Court's judicial work. However, the Committee was of the view that the candidate had the potential to make a valuable contribution as a judge of the Court.
7. Based on his professional experience, the written material submitted, and his performance during the interview, the Committee concluded that the candidate is formally qualified for appointment as judge of the International Criminal Court.

PAEK, Keebong (Republic of Korea)

1. The Committee took note that the candidate was a senior attorney in a law firm in Seoul, where his work focused on, inter alia, specialized compliance, corporate investigation and criminal defence, law enforcement and regulatory matters involving white collar crimes, cross-border litigation, multinational investigations, extradition and mutual legal

assistance, asset recovery and Interpol Red Notices. Prior to this, he had worked as a prosecutor for 22 years. The candidate also had some professional experience at the international level, including as Senior Prosecutor and Judicial Adviser at the United Nations Office on Drugs and Crime, Bangkok, Thailand from 2011 to 2014, and participation in inter-governmental conferences on criminal matters such as the Ad Hoc Committee for the negotiation of a United Nations Convention against Transnational Organized Crime, United Nations terrorism conferences, the ICC Preparatory Commission, and the Kampala Review Conference.

2. The Committee noted that the candidate had impressive competence in criminal law and procedure through his experience as a prosecutor and advocate at the national level. His duties included handling serious financial crimes, and the establishment of investigation plans to target crimes such as tax evasion, insurance fraud and stock market manipulation. In 2005 to 2006, he was the Deputy Director of the Criminal Matters Department III, where he supervised investigations of crimes by minors and crimes against women and children. The Committee also noted the candidate's expertise in relevant areas of international law.
3. The Committee noted that, in his interview, the candidate demonstrated an in-depth knowledge of the Rome Statute, the fundamental principles set out therein and the jurisprudence of the International Criminal Court. He had also written extensively on aspects of the International Criminal Court. The Committee also found that he knew well the organization of the Court.
4. The Committee considered that the candidate's qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.
5. The Committee noted the candidate's fluency in English, which was confirmed through successful completion of the voluntary language test administered by the Language Services Section of the Registry.
6. The Committee was of the view that the candidate's past and present duties would be of undeniable value for his peers and colleagues, and that all conditions were likely to be met for the candidate to make an important and immediate contribution to the Court's judicial work.
7. Based on his professional experience, the written material submitted, and his performance during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

PARMAS, Andres (Estonia)

1. The Committee took note that the candidate had more than 20 years of experience as a prosecutor, judge and judicial advisor in national and international jurisdictions. He has, since 2021, been serving as Prosecutor General of Estonia. Prior to this, he had served as a judge of the Criminal Chamber of the Circuit Court of Tallinn from 2014 to 2021, and as a Judge (in roster) for the Kosovo Specialist Chambers from 2017 to 2020. The candidate had worked for the European Union Rule of Law Mission in Kosovo (EULEX) as a Legal Officer at the Court of Appeals/Supreme Court of Kosovo from 2013 to 2014. He had also worked as a Legal Officer and lawyer at the Supreme Court of Estonia from 1999 to 2013. In addition, the Committee noted that the candidate had served as a Lecturer in criminal law at the University of Tartu School of Law since 2003, and had published on topics related to international criminal law.
2. The Committee found that the candidate had impressive competence in criminal law and procedure, and in relevant areas of international law. He was well-versed and widely knowledgeable in international criminal law and practice, and had a particular appreciation for victims' rights and the challenges faced by the Court. The candidate is also a member of the Board of Directors of the Trust Fund for Victims of the International Criminal Court, having been elected by the Assembly of States Parties in 2021.

3. The Committee observed that the candidate demonstrated an in-depth knowledge of the Rome Statute, the fundamental principles set out therein, and the jurisprudence of the International Criminal Court.
4. The Committee considered that the candidate's qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.
5. The Committee noted the candidate's fluency in English, which was also confirmed through successful completion of the voluntary language test administered by the Language Services Section of the Registry.
6. The Committee believed that all conditions were likely to be met for the candidate to make an important and immediate contribution to the work of the Court.
7. Based on his professional experience, the written material submitted, and his performance during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

RAJAONA, Andriamanankadrianana (Madagascar)

1. The Committee took note that the candidate had served as First President of the Supreme Court, presiding over the criminal chamber in all chambers of the Court of Cassation, and President of the High Court of Justice in charge of judging high officials of the State (2018 -2022). The candidate also served as President of Chamber at the Court of Cassation, presiding over a penal chamber of the Court of Cassation. He had also served as First President of the Court of Appeal of Fianarantsoa, President of the Court of First Instance of Ambatondrazaka, and Judge and Investigative Judge in the Courts of First Instance of Antsirabe and Ambositra, among others. He had also served in other capacities such as Advisor to the Court of Cassation and Advisor to the Supreme Court.
2. The Committee found that the candidate had an impressive national career and extensive judicial experience and professional competence in criminal law and procedure at the national level. The Committee also took note that the candidate had served as Director of Integrity Promotion at the Ministry of Justice, drawing up administrative investigation reports as well as proposals for referral to the Magistrates' Disciplinary Board. The Committee noted that the candidate had no international experience.
3. The Committee noted that, in his interview, the candidate demonstrated partial knowledge of the Rome Statute, the fundamental principles set out therein, and the jurisprudence of the International Criminal Court. The Committee was of the view that the questionnaire submitted by the candidate demonstrated a limited level of substantive knowledge thereof.
4. The Committee noted that the candidate's qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.
5. The Committee noted the candidate's fluency in French.
6. The Committee was of the view that the candidate's limited knowledge of the Rome Statute and ICC jurisprudence could, however, prevent the candidate from making a noteworthy or immediate contribution to the Court's judicial work.
7. Based on his professional experience, the written material submitted, and his performance during the interview, the Committee concluded that the candidate is formally qualified for appointment as judge of the International Criminal Court.

ZEMAN, Pavel (Czech Republic)

1. The Committee took note that the candidate had extensive experience as a prosecutor at the national level, having worked as a District Public Prosecutor, a Regional Public Prosecutor and as a Public Prosecutor, where he was Head of the Public Prosecution Service. He had served as Prosecutor at the International Department, was the Prosecutor General from 2011 to 2021, and is currently a Prosecutor in the Analytical and Legislative Department of the Prosecutor General's Office. He was a National Member for the Czech Republic at Eurojust. In addition, he is employed as an expert in penal law at the Masaryk University Brno.
2. The Committee was of the view that the candidate had established experience and professional competence in criminal law and procedure at the national level through his experience as a prosecutor. The Committee noted that the candidate had some level of international exposure through his experience at Eurojust. The Committee also noted the particular experience of the candidate in handling digital evidence.
3. The Committee found that the candidate demonstrated partial knowledge of the International Criminal Court. While the candidate responded well to some questions regarding the Court, on other questions he demonstrated some degree of uncertainty, i.e. on some fundamental principles and definitions set out in the Rome Statute, as well as its jurisprudence. The Committee was of the view that the questionnaire submitted by the candidate demonstrated a limited degree of substantive knowledge.
4. The Committee noted that the candidate's qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (i), of the Rome Statute.
5. The Committee noted the candidate's fluency in English and his adequate knowledge of French. The Committee underscored the value of the candidate's ability to express himself in both working languages of the Court.
6. The Committee was of the view that the candidate's partial knowledge of the Rome Statute and ICC jurisprudence could, however, prevent the candidate from making a noteworthy or immediate contribution to the Court's judicial work.
7. Based on his professional experience, the written material submitted, and his performance during the interview, the Committee concluded that the candidate is formally qualified for appointment as a judge of the International Criminal Court.

C. List B candidates**BEN-MAHFOUDH, Haykel (Tunisia)**

1. The Committee took note that the candidate had extensive academic experience in Public International Law (27 years) as Senior Lecturer and Assistant Professor (Tunis El Manar University), Associate Professor (University of Kairouan), and Professor (University of Carthage). Since January 2022 he has been Director of the Higher Education Mission of Tunisia in North America. He also served as International Consultant for the United Nations Assistance Mission for Iraq-OHCHR (UNAMI), as International Expert for constitutional processes and security sector reform (Democracy Reporting International) in Libya, and as Senior Adviser, Acting Head of Mission of the Geneva Centre for the Democratic Control of Armed Forces.
2. The Committee was of the view that the candidate demonstrated impressive competence in relevant areas of international law such as international humanitarian law and the law of human rights, as well as considerable experience working in an international environment. The Committee also noted the candidate's publications in the fields of

international criminal law and humanitarian law. The Committee took note that the candidate was a lawyer registered at the Tunis Bar, Court of Appeal, and partner Lawyer/counsel at Mahfoudh and Partners Law Firm. The Committee also noted that the candidate was also a defense lawyer with pro bono experience defending women and children's victims of domestic and/or sexual violence.

3. The Committee noted that, in his interview, the candidate demonstrated an in-depth knowledge of the Rome Statute, the fundamental principles set out therein, and the jurisprudence of the International Criminal Court. The Committee was also of the view that the questionnaire submitted by the candidate demonstrated considerable knowledge of international criminal law.
4. The Committee noted that his qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (ii), of the Rome Statute.
5. The Committee noted the candidate's fluency in French, which was also confirmed through successful completion of the voluntary language test administered by the Language Services Section of the Registry, as well as his fluency in English. The Committee underscored the value of the candidate's ability to work in both working languages of the Court, as well as his knowledge of Arabic, his mother tongue, an official language of the Court.
6. The Committee was of the view that the candidate's past and present duties would be of undeniable value for his peers and colleagues and that all conditions are likely to be met for the candidate to make an important and immediate contribution to the Court's judicial work.
7. Based on his professional experience, the written material submitted, and his performance during the interview, the Committee concluded that the candidate is highly qualified for appointment as judge of the International Criminal Court.

MOTOC, Iulia Antoanella (Romania)

1. The Committee noted that the candidate had extensive experience at both the national and international levels, including 20 years of judicial experience, most recently as a judge of the European Court of Human Rights. The candidate had also served as a judge of the Constitutional Court of Romania, and had worked as a trial judge and trainee prosecutor. The Committee also noted the candidate's extensive academic and research experience. She is a Professor of Law at the University of Bucharest, and had previously held the posts of Reader, Lecturer, Vice-Dean responsible for research, Scientific Secretary, and Teaching Assistant.
2. The Committee considered that the candidate had advanced competence in relevant areas of international law, such as the law of human rights, and broad experience in diverse contexts of relevance to the work of the Court. The Committee noted that the candidate had wide-ranging experience in the field of human rights, having served, inter alia, as a member of the United Nations Human Rights Committee and as the Special Rapporteur of the United Nations Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo.
3. The Committee observed that the candidate had appropriate knowledge of the Rome Statute, the fundamental principles set out therein, and the jurisprudence of the International Criminal Court. The Committee noted that there was some discrepancy between the quality of responses provided by the candidate in her written questionnaire, and the responses provided during the interview.

4. The Committee considered that the candidate's qualifications, as referred to in the written material submitted, met the formal requirements under article 36, paragraph 3 (b) (ii), of the Rome Statute.
5. The Committee noted the candidate's fluency in English and French. The Committee noted that the candidate successfully completed a voluntary French language test administered by the Language Services Section of the Registry. The Committee underscored the value of the candidate's ability to work in both working languages of the Court.
6. The Committee considered that the candidate's past duties would be of great interest for her peers and colleagues and that the candidate could, in all probability, immediately contribute to the Court's judicial work.
7. Based on her professional experience, the written material submitted, and her performance during the interview, the Committee concluded that the candidate is well qualified for appointment as judge of the International Criminal Court.

Annex III

Recommendations of the Committee

The Advisory Committee on Nominations of Judges makes the following recommendations to the Assembly:

1. Recommendation concerning the language capability of candidates

The Committee recommends that the Assembly consider the introduction of a mandatory language capability test for all candidates.

2. Recommendation concerning visas

The Committee recommends that the Assembly encourage nominating States to ensure that the appropriate visa is obtained in a timely manner to enable the candidates to participate in face-to-face interviews.

3. Recommendation concerning an in-person meeting of the Committee in 2024

The Committee recommends that the Assembly consider approving the appropriate resources for the Committee to meet in person in 2024, in order to fulfil the mandate to prepare guidelines for national-level nomination procedures (see annex IV).

Annex IV

Proposed budget for the funding of the Advisory Committee's activities in 2024

Programme budget implications for a three-day meeting in The Hague (in euros)

1.	Travel costs	40,000.00
2.	Interpretation costs English to French/French to English	11,500.00
	TOTAL	51,500.00