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**Report of the Advisory Committee on Nominations of Judges  
on the work of its tenth session****I. Introduction**

1. The Advisory Committee on Nominations of Judges held its tenth session in order to complete its work on the mandate contained in Assembly resolution ICC-ASP/23/Res.1, annex II:

“*Reiterates* its requests to the Advisory Committee on Nomination 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-fourth session of the Assembly.

2. The Advisory Committee held five meetings, on 7 February, 16 May, 14 July, 22 September and 6 October 2025. The following members participated in the session:

- a) Mr. Julian Fernandez (France);
- b) Mr. Robert Fremr (Czech Republic);
- c) Mr. Guido Hildner (Germany);
- d) Ms. Milica Kolaković-Bojović (Serbia);
- e) Mr. O-Gon Kwon (Republic of Korea);
- f) Mr. Jaime Moscoso Valenzuela (Chile);
- g) Ms. Ngozika Okaisabor Uwazurunonye (Nigeria);
- h) Mr. Diego Pary Rodríguez (Bolivia); and
- i) Mr. Mauro Politi (Italy).

**II. Opening of the session**

3. The tenth session of the Advisory Committee on Nominations of Judges (“The Committee”) was opened on 7 February 2025. Vice-President of the Assembly Ambassador Margareta Kassangana (Poland) opened the first meeting. Ambassador Kasangana highlighted the Committee’s significant role in advising State Parties on the selection of the six new judges of the Court for the elections to be held at the twenty-fifth session of the Assembly, in 2026. She emphasized the Assembly’s reliance on the Advisory Committee’s expert assessments and expressed appreciation for Committee members’ willingness to accommodate different time zones for the meeting. She also referred to political challenges facing the Court and, in this regard, called on the Committee members, particularly those

from academia and independent sectors, to raise awareness about the Court's importance and the detrimental effects of the recent sanctions.

4. The Secretariat of the Assembly of States Parties provided the substantive servicing for the Committee. Ms. Gaile Ramoutar, Legal Officer, acted as Secretary.

### **III. Adoption of the agenda**

5. At its first meeting, on 7 February 2025, the Committee adopted the following agenda:

1. Opening of the session
2. Adoption of the agenda
3. Election of the Chair and Vice-Chair
4. Discussion of work programme for 2025
5. Other matters

### **IV. Election of Chair and Vice Chair**

6. The Committee elected Ms. Milica Kolaković-Bojović (Serbia) as Chair, and Ms. Ngosika Okaisabor (Nigeria) as Vice-Chair for the duration of the term of the Committee.

### **V. Discussion of work programme for 2025 [on evaluation procedures and guidelines].**

7. The Chair set out the main tasks for the Committee, including:

- a) The development of guidelines for national nomination procedures.
- b) A review of the candidate evaluation process.

8. Given budgetary constraints, in-person meetings were not feasible, therefore the Committee carried out its mandate in 2025 via virtual means.

9. The Committee also took note of the due diligence procedures established by the Assembly, to be conducted by the Independent Oversight Mechanism (IOM), and the necessity of coordinating with the new Head of the IOM regarding this mandate.

10. The Secretariat provided a historical overview of the evaluation process, explaining that the previous ACN report in an election year had been presented to States Parties in July 2023,<sup>1</sup> and that a similar timeline would be expected for the 2026 cycle, in light of resolution ICC-ASP/18/Res.4.<sup>2</sup>

#### **Guidelines for national nomination procedures**

11. The Committee engaged in an in-depth discussion about the nature of the guidelines:

12. Members agreed that the guidelines should be a non-binding reference document rather than a mandatory set of rules. Transparency and inclusivity in national selection processes were highlighted as key objectives.

13. Some members raised concerns that different national frameworks must be respected, as mandated by the Rome Statute, and that diversity in nomination practices was essential. The Committee supported the idea of gathering best practices from various jurisdictions, with the recognition that there was no universal "best practice" applicable to all legal systems.

14. The need to strike a balance between recommending good practices and avoiding any perception of imposing rules for national procedures was highlighted. Committee members

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<sup>1</sup> Report of the Advisory Committee on Nominations of Judges on the work of its ninth session (ICC-ASP/22/4): [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/ICC-ASP-22-4-ACN9%20report-ENG-31Jul23.1800.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-22-4-ACN9%20report-ENG-31Jul23.1800.pdf)

<sup>2</sup> Annex I, section A provides in the relevant part as follows: "Any extension of the nomination period shall take into account the need for the Advisory Committee on Nominations of Judges to produce its report at least 16 weeks before the elections."

agreed that the guidelines should focus on how to improve the outcomes of national-level candidate selection procedures, rather than imposing criteria.

15. The Chair recalled that the guidelines stemmed from the broader IER review process and were intended to provide recommendations, not regulations. The purpose was to enhance transparency and fairness in national nomination processes without undermining State sovereignty. The Committee also acknowledged the need for clear communication with States Parties to ensure understanding and engagement.

16. The Committee identified several key action points, including the possibility of the appointment of Rapporteurs to compile best practices from different regions; continued discussions to refine the guidelines and align them with the expectations of States Parties; and issuing a statement urging States to submit information on their national nomination procedures before the set deadline.

17. It was suggested that an official statement to reinforce the importance of timely submissions from States Parties be issued. This proposal was well received, and the Committee agreed to highlight the urgency of the matter.

18. The Chair emphasized the importance of sustained collaboration and clear communication. She encouraged members to provide input and to work towards a consensus on the content and structure of the guidelines. The Advisory Committee agreed on a collaborative approach, which would include States Parties in the process of the development of the guidelines.

19. At its 16 May 2025 meeting, the Advisory Committee on Nominations of Judges welcomed the new Director of the Secretariat, Ms. Gabrielle McIntyre, who had assumed duties on 5 May 2025. Ms. McIntyre made some brief introductory remarks.

20. The Committee continued consideration of its mandate to prepare guidelines for national-level nomination procedures for judicial candidates. The Committee recalled its mandate set out in resolution ICC-ASP/23/Res.1, and took note that the mandate had originated at the eighteenth session<sup>3</sup> of the Assembly and had been repeated on an annual basis, with minor modifications. The Committee also recalled that the Secretariat had, since 2020, sent a note verbale each year to States Parties, requesting them to submit information on their national nomination procedures. Responses received had been posted on the webpage of the Assembly.<sup>4</sup>

21. The Committee decided to prepare a first draft of the guidelines, which would be shared with States Parties, inviting their comments. The Committee would meet again in the second semester to finalise the guidelines, taking into account the comments received from States Parties.

22. At its 14 July meeting, the Committee discussed further the draft guidelines and considered further the text to be submitted to States Parties. On 24 July 2025, the Secretariat, on behalf of the Committee, circulated the draft guidelines to States Parties and indicated that, in line with the Committee's collaborative approach to include States Parties in the process, they were invited to submit comments or suggestions no later than 5 September 2025. On 5 September 2025, the Committee extended the deadline to 15 September 2025. At the end of the period for comments, the Committee had received submissions from six States Parties. The Advisory Committee expresses its appreciation to the States Parties that provided valuable comments on the draft Guidelines.

23. At its 22 September meeting, the Committee finalized the Guidelines, taking into account, where possible, the comments, suggestions and proposals submitted by States Parties.

24. At its 6 October 2025 meeting, the Committee began an initial consideration of its approach to its mandate<sup>5</sup> relating to candidates to be presented for the judicial elections in 2026. The Committee discussed the Questionnaire and the Standard declaration, and agreed

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<sup>3</sup> [https://asp.icc-cpi.int/sites/asp/files/asp\\_docs/ASP18/ICC-ASP-18-Res4-ENG.pdf](https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP18/ICC-ASP-18-Res4-ENG.pdf)

<sup>4</sup> <https://asp.icc-cpi.int/ACN/National-Procedures>

<sup>5</sup> 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: [https://asp.icc-cpi.int/sites/asp/files/asp\\_docs/ASP10/ICC-ASP-10-36-ENG.pdf](https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP10/ICC-ASP-10-36-ENG.pdf)

that it would liaise with the Head of the Independent Oversight Mechanism (IOM), in light of the Due diligence process<sup>6</sup> that the IOM would conduct in 2026, bearing in mind also the ongoing discussions on amendment of the Operational Mandate of the IOM in that regard. The Advisory Committee agreed to meet with the Head of the IOM in December 2025 to discuss this issue.

25. The Committee submits the Guidelines contained in the annex to this report for the guidance of States Parties, pursuant to resolution ICC-ASP/23/Res.1.

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<sup>6</sup> [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/ICC-ASP-22-Res3-ENG.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-22-Res3-ENG.pdf)

## Annex

### Advisory Committee on Nominations of Judges of the International Criminal Court

#### Guiding principles on national-level procedures for the nomination of candidates for judges of the International Criminal Court<sup>1</sup>

##### Preamble

*Aware* of the need to ensure that the judges of the International Criminal Court (hereinafter “Court”) are chosen from among persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices,<sup>2</sup>

*Taking into account* the provisions of article 36 of the Rome Statute which govern both the requirements in terms of the competence of judges<sup>3</sup> and the applicable national-level nomination procedures,<sup>4</sup>

*Responding* to a request by the Assembly of States Parties to the Advisory Committee for Nominations of Judges (hereinafter “Committee”) in paragraph 7*bis* of resolution ICC-ASP/18/Res.4 as amended by paragraph 79 and annex III. B of ICC-ASP/21/Res.2 and by paragraph 81 and annex II of ICC-ASP/23/Res. 1,

*Based on* the experiences from the previous election cycles and in light of the compendium of submissions from States Parties as requested by the Assembly in resolution ICC-ASP/18/Res.4<sup>5</sup> as amended by ICC-ASP/21/Res.2<sup>6</sup> as well as additional submissions of States Parties (<https://asp.icccpi.int/ACN/National-Procedures>),

*Expressing* its appreciation to all States Parties that have submitted information,

*Mindful* of the specificities and differences between the relevant national-level nomination procedures arising from the different legal traditions and contexts,

*Having the aim of* encouraging States Parties to establish or improve their national-level nomination procedures and to assist them in doing so,

*Submits* for the consideration of States Parties the following “Guidelines on national-level procedures for the nomination of candidates for judges of the International Criminal Court”:

## Part I

### Qualifications of candidates

#### *Principle 1: Impartiality and integrity*

1.1. In order to ensure that judges of the Court are chosen from among persons of high moral character, impartiality and integrity, while setting up their national-level nomination criteria States Parties are called upon to ensure that the selection of candidates includes a thorough evaluation of their independence, impartiality and integrity, in particular with regard to any possible political or other undue influence.

1.2. This evaluation should include determining among other things, whether the candidates have ever been investigated for, or charged with, allegations of corruption, criminal or administrative negligence or any other similar misconduct, including sexual or other forms of harassment, and the outcome of such investigation or prosecution.

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<sup>1</sup> Adopted on 22 September 2025.

<sup>2</sup> Rome Statute of the International Criminal Court, article 36 (3) (a).

<sup>3</sup> *Ibid.*, paragraph 3 (b).

<sup>4</sup> *Ibid.*, paragraph 4 (a) (i) and (ii).

<sup>5</sup> Paragraph 7.

<sup>6</sup> Paragraph 78 and annex III.A.

1.3. States Parties are also invited to ensure that the candidates are fully aware of the content of the “Code of Judicial Ethics” of the International Criminal Court (ICC-BD/02-02-21)<sup>7</sup> and are willing to comply with its provisions.

***Principle 2: Competence***

2.1. States Parties should ensure that candidates for election to the Court have established competence in criminal law and procedure, and the necessary relevant experience, whether as 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.<sup>8</sup> The Committee encourages the States Parties to develop and implement a comprehensive list of the requirements to be met by candidates to be nominated for the election.

The above list may include, but not necessarily be limited to:

- a) An adequate number of years of graduate and postgraduate legal education, recognizing assets of the postgraduate studies and specialization in the legal fields relevant for the work of the Court;
- b) A significant duration of professional activities in relevant capacities such as judge, prosecutor, advocate, legal scholar or similar capacity;
- c) Proven experience in dealing with complex criminal cases;
- d) Relevant international experience of the candidate, namely of his/her involvement in the broader field of international justice;
- e) Proven ability to work effectively in a diverse and multicultural environment;
- f) Relevant managerial or leadership experience as well as other relevant skills of the candidate;
- g) Proven expertise and experience in specific issues including, but not limited to, violence, discrimination, sexual assaults, or other similar conduct, inflicted on women and children;
- h) Proven knowledge of the main provisions of the Rome Statute, the Elements of Crimes, the Rules of Procedure and Evidence, and of the jurisprudence of the Court;
- i) Adequate knowledge of other relevant international justice mechanisms and their jurisprudence;
- j) Familiarity with the hybrid procedure governing the Court;
- k) Proven knowledge of the organization and functioning of the Court;

2.2. States Parties shall ensure that candidates for election to the Court have excellent knowledge of and fluency in at least one of the working languages of the Court, English and French.

2.3. States Parties are also encouraged to request that proof of the fulfilment of the above requirements results from appropriate documentation or other sources of evidence.

## **Part II**

### **Quality of the nomination process**

***Principle 3: The legality and predictability of the nomination process***

3.1 The Rome Statute, in article 36(4)(a), requires that a State Party make the nominations of candidates for election to the Court either by the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question; or by the

<sup>7</sup> <https://www.icc-cpi.int/sites/default/files/2024-11/2005-03-09-code-judicial-ethics-eng.pdf> <sup>7</sup> Article 3 (b).

<sup>8</sup> Rome Statute, article 36 (3) (b).

procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court.

3.2 Regardless of the specificity of the nomination model chosen by a State Party, the nomination process should be fully transparent and governed by fair rules.

3.3 Accordingly, States Parties are encouraged to ensure that the chosen nomination process is regulated by detailed provisions of a legislative or administrative character and be made fully known in advance, together with the substantive criteria for nomination, to potential candidates and the general public, if appropriate.

***Principle 4: Competitiveness and transparency of the nomination process***

4.1 States Parties may decide, if they find it suitable for the purpose of ensuring positive public perception of the quality and integrity of the national-level nomination procedure, to make this procedure competitive and accessible for all interested candidates.

4.2 For the same reasons, if they deem it appropriate, States Parties may make the national-level nomination process public and inclusive through, among other things, giving the opportunity to the candidates to present themselves, or through providing the opportunity to experts and civil society representatives to publicly interact with candidates in thematic discussions or roundtables.

4.3 States Parties should attach a statement to each nomination specifying in the necessary detail the elements of the procedure leading to that nomination and containing an acknowledgment from a senior member of the national-level judiciary or the authority of the nominating State overseeing the nomination process, as provided in resolution ICC-ASP/21/Res.2.<sup>8</sup>

***Principle 5: Non-discrimination***

5.1 States Parties are encouraged to ensure that the national-level nomination criteria allow for a fair representation of female and male candidates.

5.2 Those criteria should encourage the participation of candidates belonging to minority or vulnerable groups, including, but not limited to race, ethnic origin, religion or disability.

***Principle 6: Reasoning for the nomination***

6.1 States are encouraged to take special care in preparing and submitting the statement that is due to accompany the nomination and to specify how the candidate fulfils the requirements set out by the Rome Statute.

6.2 States Parties should ensure that the candidates are available for full-time employment as judges.<sup>9</sup>

6.3 Based on specification of the candidate's competence, States Parties are also encouraged to elaborate on the likelihood that the candidate will give an important, immediate, continuous and sustainable contribution to the work of the Court for the full period of his/her term.

***Principle 7: Quality of the procedures associated with the national-level nominations***

7.1 All candidates are advised to take a language capability test, as indicated in the Report of the Advisory Committee on Nominations of Judges on the work of its seventh, eighth and ninth sessions.<sup>10</sup>

7.2 In nominating the candidates, States Parties should submit the standard form curriculum vitae.<sup>11</sup>

7.3 States Parties should ensure that the candidates fully participate in the application process, particularly by submitting the responses to the common questionnaire and the standard declaration in accordance with paragraphs 5bis (a) and (d) of the amended Terms of Reference of the Committee,<sup>12</sup> as well as by being available for interviews with the Committee, preferably in-person, or by video-conferencing or similar means if appropriate,<sup>9</sup>

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<sup>9</sup> *Ibid.*, annex II, section C.

and for public roundtable discussions with the ASP.<sup>10</sup> The format of the interviews shall be decided by the Committee.

7.4 States Parties should ensure that the candidates are willing to undergo the due diligence procedure adopted by the Assembly in resolution ICC-ASP/22/Res.3, annex II.<sup>11</sup>

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<sup>10</sup> *Ibid.*, section D.

<sup>11</sup> [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/ICC-ASP-22-Res3-ENG.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-22-Res3-ENG.pdf)