

Guillou, Nicolas (France)

[Original: French]

Statement of qualifications

Detailed document in accordance with article 36(4)(a) of the Rome Statute of the International Criminal Court and paragraph 6 of the resolution of the Assembly of States Parties concerning the arrangements for submitting nominations and for elections at the International Criminal Court (ICC-ASP/3/Res.6 amended).

The Government of the French Republic has decided to nominate Judge Nicolas Guillou for the position of judge at the International Criminal Court (ICC) in the elections to be held in New York at the 22nd session of the Assembly of States Parties to the Rome Statute in December 2023.

1. Requisite qualities: Article 36, paragraph 3 (a), (b) and (c) of the Rome Statute

Nicolas Guillou is of recognised high moral character, impartiality and integrity and meets the conditions required in France for appointment to the highest judicial offices. With his background, Mr Guillou also has in-depth knowledge of criminal law and the global system of international criminal justice, and specifically of the International Criminal Court. At both the Special Tribunal for Lebanon (STL) and as a Pre-Trial Judge at the Kosovo Specialist Chambers (KSC), Nicolas Guillou has demonstrated his knowledge of criminal law, both procedural and substantive, along with great human and professional qualities. His rigour, impartiality and integrity have been unanimously lauded. As an expert who contributed to the review of the International Criminal Court and the Rome Statute, Nicolas Guillou identified the challenges the Court faces and how they might be overcome in order to strengthen it.

Having practised in both English and French, Nicolas Guillou can perform his duties in both working languages of the Court, which will help to foster collegiality between judges from different legal systems and enable hearings to take place in both languages.

2. Nomination under list A or list B for the purposes of article 36, paragraph 5, of the Statute

Nicolas Guillou is being nominated under list A, which includes candidates who 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 [article 36, paragraphs (3)(b)(ii) and (5) of the Rome Statute].

Mr Guillou held the post of investigating magistrate between 2003 and 2006.

He was also an Advisor on criminal legislation and policy to the Minister of Justice, responsible in particular for coordinating the international policy of the Ministry of Justice and piloting the establishment of the division for war crimes and crimes against humanity at the Court of Paris. He also has a proven track record at an international level of cases involving crimes against humanity and war crimes. He therefore fully meets the requirements of the Rome Statute in terms of competence and experience in criminal law and procedure.

Nicolas Guillou also has recognised competence in international law, having held the post of diplomatic advisor to the French Justice Minister, embassy legal advisor, and Chef de Cabinet to the President of the Special Tribunal for Lebanon.

3. Criteria for representation of the principal legal systems, equitable geographical representation and fair gender representation, article 36, paragraph 8 (a) (i) to (iii) of the Statute

Nicolas Guillou, who is male, will represent the Civil Law system. However, he also has in-depth knowledge of the Common Law system, having practised in both Civil and Common Law systems.

His nomination is submitted for the Group of Western European and Other States.

4. Area of expertise, article 36, paragraph 8 (b) of the Statute

- Crimes against humanity and war crimes

Since 2019, Nicolas Guillou has practised as a Pre-Trial Judge at the Kosovo Specialist Chambers. He has dealt with cases involving crimes against humanity, war crimes and offences against the administration of justice. He has rendered over 350 decisions confirming indictments, authorising searches and seizures, authorising witness protection measures, admitting victims and other issues involving the pre-trial procedure for criminal cases.

- Gender-based violence

As an investigating magistrate at the Court of Meaux (2003-2006), Nicolas Guillou led investigations and the pre-trial procedure in three hundred criminal cases, including several involving violence against women. In his role as a legal advisor to the Minister of Justice (2009-2010), he coordinated the monitoring in parliament of the law on violence against women, domestic violence and its impact on children. This law established the offence of psychological abuse under French law and the implementation of a protection order for victims. It also enabled electronic tags to be used to ensure that perpetrators of violence were kept away from their victims.

- International criminal cooperation

Nicolas Guillou has practised as an embassy legal advisor, which involved handling numerous requests for cooperation on international crimes, extraditions and the transfer of detainees. He negotiated cooperation agreements between the Special Tribunal for Lebanon and a number of States.

- Efficiency of justice

Nicolas Guillou has recognised expertise regarding the efficiency of international criminal justice. Having been a European Commission expert for the assessment of candidate countries for accession to the European Union, he then worked on implementing performance indicators in the international criminal courts, and specifically at the ICC. Nicolas Guillou also drafted two reports on the effectiveness of legal procedures before the STL and the KSC and he was involved in the review of the ICC and the Rome Statute as an expert in matters of governance.

- Ethics

Having worked on the implementation of Codes of Ethics for judges at the STL and the KSC, Nicolas Guillou was appointed scientific coordinator for the Ethica project, led by the Nuremberg Academy, the Siracusa International Institute for Criminal Justice and Human Rights and the Ecole nationale de la magistrature in France. The purpose of the project is to prepare a compilation of deontological obligations for international criminal judges.

- Lecturing

Nicolas Guillou regularly leads training sessions for national and international judges, including in Sudan (fair trials and ethics), in the Central African Republic (court governance and efficiency of proceedings), in Cameroon (intellectual property law) and in France (international legal cooperation, comparative legal systems).

5. Nationality, article 36, paragraph 7 of the Statute

Nicolas Guillou holds French nationality only.

6. Chosen procedure for nominations in accordance with article 36, paragraph 4 of the Statute

Nicolas Guillou has been nominated “By the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court” pursuant to article 36, paragraph 4 (a) of the Rome Statute.

In July 2022 the French authorities issued a public call for nominations. The French national group of the Permanent Court of Arbitration, chaired by Gilbert Guillaume, a former President of the International Court of Justice, examined the seventeen nominations received. 10 candidates were short-listed on the basis of the criteria specified in article 36, paragraph 3 of the Rome Statute. Interviews with each short-listed candidate took place during which they were asked about their reasons for applying and their ability to perform the duties of a judge in an international organisation. Their English language abilities were also assessed.

Following its deliberations, the national group selected Nicolas Guillou on the basis of his previous experience, his in-depth knowledge of the International Criminal Court, and the strategic vision he has of the organisation. The Ministry for Europe and Foreign Affairs was then informed of the French national group’s decision so that the nomination could be submitted.

7. Commitment by the nominee

Judge Nicolas Guillou commits to making himself available to take up full-time service when the Court’s workload so requires.
