

Lazarova Trajkovska, Mirjana (Republic of North Macedonia)

[original: English]

Statement of qualifications

This statement of qualifications is being submitted by the Government of the Republic of North Macedonia in accordance with article 36, paragraph 4(a), of the Rome Statute of the International Criminal Court and paragraph 6 of the resolution of the Assembly of States Parties on the Procedure for the nomination and election of judges of the International Criminal Court (ICC-ASP/3/Res.6, as amended).

a) Specifying in the necessary detail how the candidate fulfils each of the requirements in article 36, paragraph 3(a), (b) and (c), of the Statute, in accordance with article 36, paragraph 4(a), of the Statute:

Judge Lazarova Trajkovska has the necessary competence in criminal proceedings and is exceptionally professionally qualified to sit as a judge of the International Criminal Court, having extensive judicial experience and expertise in the field of international criminal justice, international human rights law, and humanitarian law. She has an established competence in criminal law and procedure, and the necessary relevant experience, as a judge of the Supreme Court of North Macedonia working in the criminal division and as a judge of the European Court of Human Rights (ECtHR).

She spent a total of nine years as a judge of the ECtHR working on complex cases dealing with war crimes as well as serious international criminal offences. She decided a number of interstate cases (Cyprus v. Turkey, Georgia v. Russia, Ukraine v. Russia) and cases linked with terrorism and terrorist organizations, including some of the leading cases of the ECtHR. She was President of the First Section of the ECtHR and her broad first-hand experience, in-depth knowledge of international criminal law and international human rights law, her proven capacity to collaborate effectively with colleagues from 47 jurisdictions are all highly relevant to the work of the International Criminal Court.

Judge Lazarova Trajkovska is an internationally recognized expert, and as such she has trained judges and lawyers from all over Europe on international criminal law, international human rights law, and humanitarian law. Judge Lazarova Trajkovska is a person of high moral character, impartiality and integrity well known in the region and in Europe. In this regard, she was a member of the Public Council of International Experts for election of judges for the High Anti-corruption Court in Ukraine as an international specialist on judicial integrity. Moreover, she is currently sitting as a member of the Advisory Panel of Experts on Candidates for Election of Judges to the European Court of Human Rights.

b) Indicating whether the candidate is being nominated for inclusion in list A or list B for the purposes of article 36, paragraph 5, of the Statute:

Judge Lazarova Trajkovska is nominated for inclusion in List A, as a candidate with established competence in criminal law and procedure, and the necessary relevant experience, as judge and expert in criminal proceedings.

c) Containing information relating to article 36, paragraph 8 (a) (i) to (iii), of the Statute:

Judge Lazarova Trajkovska will represent a civil law system. However, after nine years of work at the European Court of Human Rights, she has a deep understanding of a jurisprudence-based system giving her a strong grasp of the functioning of common law legal systems. She is nominated from the Eastern European Regional Group. She is a female candidate. Judge Lazarova Trajkovska is fluent in English and French, having consistently worked in both languages as judge at the European Court of Human Rights. She also speaks fluently several Slavic languages including Macedonian, Croatian, Serbian, and Slovenian, and has solid knowledge of Bulgarian and Russian as well.

d) Indicating whether the candidate has any expertise under article 36, paragraph 8(b), of the Statute:

Judge Lazarova Trajkovska has judicial experience in working with particularly complex and serious criminal cases including cases on terrorism, terrorist groups, femicide, corruption, and asset recovery. She has expertise in dealing with cases of sexual and violent crimes and is highly qualified to try cases involving serious domestic

violence, sexual offences and has expertise in the handling of vulnerable witnesses, particularly victims of alleged sexual violence and children under the age of 14.

e) Indicating under which nationality the candidate is being nominated for the purposes of article 36, paragraph 7, of the Statute, where a candidate is a national of two or more States:

Judge Lazarova Trajkovska is a national of the Republic of North Macedonia. She is being nominated as a candidate of the Republic of North Macedonia.

f) Indicating whether the nomination is made under article 36, paragraph 4 (a) (i) or paragraph 4 (a) (ii), and specifying in the necessary detail the elements of the procedure leading to nomination:

Judge Mirjana Lazarova Trajkovska has been nominated under the terms of article 36, paragraph 4(a) (i), of the Rome Statute in accordance with the national Rules of Procedure of the Republic of North Macedonia for nomination of candidates for judges of the Constitutional or Supreme Court which are publicly available on the website of the State Judicial Council - the authority responsible for election of judges of the high courts of the country and for nomination of two candidates for the Constitutional Court.

On the initiative of the Ministry of Foreign Affairs, the State Judicial Council established the nomination of the candidacy of judge Lazarova Trajkovska in a transparent procedure based on a merit system (decision No. 03-577/2). Her nomination is supported also by the President of the State, who according to the Constitution proposes to the parliament two members of the Constitutional Court. Throughout the process there has continuously been strong coverage and support by the media for her nomination as a candidate to be a judge at the ICC.

Publicity and transparency of the procedure of nomination of judge Lazarova Trajkovska is acknowledged also by the broad support from a number of civil society organizations that are focused on criminal procedures and criminal courts.

g) Containing an acknowledgement of information provided under sub-paragraph (a) by a senior member of the national-level judiciary or the authority of the Nominating State overseeing the nomination process:

Ms. Vesna Dameva, the President of the State Judicial Council, in her capacity as Acting Chairperson of the State Judicial Council – the authority responsible for procedure for the nomination of candidates for appointment to the highest judicial offices - acknowledges the information provided under sub-paragraph (a) of this statement of qualifications.

h) Indicating the commitment of the candidate to be available to take up full-time service when the Court's workload so requires:

Judge Lazarova Trajkovska is committed to be available to take up full-time service when the Court's workload so requires.
