

Politi, Mauro (Italy)

[Original: English]

Declaration

On how the qualifications of the undersigned meet the criteria established by the Terms of Reference of the Advisory Committee on Nominations of Judges of the International Criminal Court.

The Terms of Reference of the Advisory Committee on Nominations of Judges of the International Criminal Court were adopted 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.

According to para. 2 of the Terms of Reference, "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".

On these bases, the undersigned believes that he fully meets the above criteria. First, he is very interested and willing to contribute to the work of the Committee. Second, his established competence and experience in criminal and international law is shown by the following elements:

- a) from 2003 to 2009 he was a judge of the International Criminal Court and for three years (2006-2009) he presided over Pre-Trial Chamber 11;
- b) within the Italian judiciary, he had acted as criminal and civil judge, as well as Prosecutor in a juvenile court, for a total of 14 years;
- c) in his academic career he reached the position of full professor of international law at the University of Trento where he also taught human rights law and several courses of international law in English,

As a member of the UN Human Rights Committee (2015-2018) and Vice-Chairman of the Committee (2018) he has addressed frequently issues concerning the relations between human rights law, international humanitarian law, and international criminal law.

The above level of competence and experience will make the undersigned especially suited for performing the functions assigned to the Committee and its members. This applies to all key phases leading to the preparation of the report on each candidate, which have been identified inter alia in:

- a) the development of a common questionnaire and of a standard declaration from the candidates;
- b) the reference checks by the Committee through information provided for example by professional bodies, bar associations and academic institutions;
- c) interviews with the candidates; and
- d) classification of the candidates in one of the four categories of "highly qualified", "well qualified", "formally qualified" or "not qualified".

In addition, as a member of the ACN during the past three years, the undersigned has built considerable experience on the work of the Committee. Therefore, his re-election would provide the continuity underlined in para. 4 of the note verbale by the Secretariat of the Assembly, dated 28 March 2024.

In the end, the objective of the Committee is to provide States with meaningful information on the quality of the candidates, and with an assessment resulting from a deep and well elaborated analysis of all relevant elements. In particular, when preparing the questions for the candidates and conducting the interviews, the competence and experience of the undersigned may represent an important asset for the evaluation of each nominee. In fact, it would be essential to assess the level of knowledge of the candidates with regard to the Rome Statute and its interpretation by the ICC jurisprudence, as well as with respect to the key challenges that the ICC is facing in the current historic circumstances. On this latter point, it is also worth noting that a recent scholarly contribution of the undersigned contains precisely an extensive comment on a Report prepared by

a Group of Experts appointed by the ASP in 2019 to identify the modalities and instruments to strengthen the Court and the system of the Rome Statute.

Finally, one should consider that on several occasions (see the attached CV) the undersigned has enjoyed the confidence of the United Nations General Assembly, of the Assembly of States Parties of the International Criminal Court and of the ASP of ICCPR, as a result of voting for the election to important posts in International Criminal Tribunals and UN Treaty Bodies.
