

**RE: REQUEST FOR SUBMISSION OF INFORMATION ON NATIONAL NOMINATION  
PROCEDURES FOR CANDIDATES FOR ELECTION TO THE BENCH OF THE  
INTERNATIONAL CRIMINAL COURT.**

1. It is worth noting that by virtue of the provisions of Article 36 (4)(A)(i)-(ii) of the Rome Statute of the International Criminal Court, States Parties are presented with two options to adopt as national procedure for the nomination of judicial candidates to the bench of the ICC to wit:

- i. By the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question; or
- ii. By the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court.

2. Having considered both procedural options with specific note on the first option being autochthonous with our national system, we are of the view that Nigeria adopts same with slight modifications.

3. Following from the above, this is the Nigeria's procedure for the nomination of Judicial candidates for election to the bench of the ICC:

- i. A notice shall be given by the Federal Ministry of Justice to the Chairman and Secretary of the Federal Judicial Service Commission (FJSC), informing them of existing vacancy in the International Criminal Court.
- ii. The Secretary shall then advise the Chairman on the need to notify the Federal Ministry of Justice to either proceed with, or not to proceed with nomination of candidates.
- iii. If advised to proceed with nominations, the Federal Ministry of Justice shall within a specified period of time, call for the expression of interest by writing to Heads of Courts, serving Justices of the Court of Appeal and the Supreme Court, as well as the President of the Nigerian Bar Association (NBA), requesting for the nomination of suitable judicial officers/legal practitioners as candidates for election to the bench of the ICC;
- iv. The person nominating must certify in writing about his/her personal knowledge of the candidate, and that the candidate possesses either of the qualifications outlined under Article 36(3)(b)(i)-(ii) of the Rome Statute,
- v. The FJSC, upon receipt of the list of nominees, shall compile a provisional list on the merit consisting of not less than twice the number

of vacancies, and circulate same to all serving and retired Justices of the Supreme Court, the President of the NBA and among members of the FJSC;

- vi. The name of candidates on the provisional list shall be compiled with considerations being had on their professional expertise, sound knowledge of law, seniority at the Bar/Bench and geographical spread;
- vii. The provisional list will then be forwarded to the National Judicial Council (NJC) for consideration of each of the shortlisted candidates together with their medical certificate of fitness, petition (if any) and security report from the Department of State Security;
- viii. The NJC shall then conduct an interview for each of the shortlisted candidates and the result of the interview shall form the basis for which a candidate would be recommended to the President of the Federal Republic of Nigeria for his endorsement of the nomination;
- ix. The President shall then present the nominated candidate as Nigeria's candidate for election to the bench of the ICC through the Federal Ministry of Justice to the Ministry of Foreign Affairs for onward transmission to the Advisory Committee on Nomination of Judges of the ICC.