

PROCEDURE

for the nomination of the Romanian candidate for the position of Judge of the International Criminal Court

Article 1

(1) The nomination of Romania's candidate for the position of judge of the International Criminal Court shall be made by the Government, at the proposal of the Selection Committee (hereinafter referred to as "*the Committee*").

(2) The Committee shall consist of:

- a) The State Secretary for Global Affairs of the Ministry of Foreign Affairs
- b) A State Secretary of the Ministry of Justice
- c) The Director General for Legal Affairs of the Ministry of Foreign Affairs
- d) The Director of the Directorate of International Law and Judicial Cooperation of the Ministry of Justice
- e) A member of the Superior Council of Magistracy, appointed by its Plenary upon invitation of the Ministry of Foreign Affairs
- f) A judge of the High Court of Cassation and Justice, appointed by its Governing Board upon invitation of the Ministry of Foreign Affairs
- g) A university lecturer specialized in public international law from the faculties of law of universities of advanced research and education, as classified according to Article 193 (4) (c) of the National Education Act no. 1/2011, as amended, upon invitation of the Ministry of Foreign Affairs.

Article 2

(1) The Committee shall be chaired by the State Secretary for Global Affairs of the Ministry of Foreign Affairs. The State Secretary of the Ministry of Justice shall act as Vice-Chair.

(2) The Committee shall be convened by its Chairperson.

(3) For the procedures of hearing, deliberation, selection of candidates, the Committee shall be validly convened in the presence of all members. For all other activities, the Committee shall be validly convened in the presence of at least 5 members.

(4) All decisions in the Committee shall be taken by written procedure, by vote of a simple majority of the members. Each member of the Committee may cast only one vote.

(5) The members of the Committee shall exercise their mandate individually and independently.

(6) The Committee shall carry out its work in physical presence or by videoconference, as appropriate.

(7) The Secretariat of the Committee shall be provided by the Ministry of Foreign Affairs.

Article 3

(1) The Committee shall adopt the announcement concerning the selection of Romania's candidate for the position of judge at the International Criminal Court, which shall include the following information:

- a. the requirements laid down by the Rome Statute of the International Criminal Court for the position of judge at the International Criminal Court;
- b. the documentation to be included in the application file;

c. the deadline for the submission of applications, which must be submitted in electronic format only.

(2) The Secretariat of the Committee shall take the necessary steps to ensure the publication of the announcement on the websites of the Ministry of Foreign Affairs, the Ministry of Justice, the Superior Council of Magistracy and the High Court of Cassation and Justice.

Article 4

The candidates shall be appointed from among persons whose independence is beyond doubt and who possess the ability required for appointment to high judicial offices in Romania, in accordance with Article 36 of the Rome Statute of the International Criminal Court.

Article 5

(1) Within a maximum of 5 working days after the deadline for the submission of applications, the Committee shall verify the fulfilment of the conditions mentioned in the announcement referred to in Article 3 (1) and shall publish, on the websites of the Ministry of Foreign Affairs, the Ministry of Justice, the Superior Council of Magistracy and the High Court of Cassation and Justice, the results of the verification, as well as information on the date, time and place of the hearing of the selected candidates.

(2) Within 10 working days of the publication of the results of the verification referred to in paragraph (1), the Committee shall organise the hearing of the selected candidates.

Article 6

(1) The hearing of the candidates shall be recorded and may be organised including by means of remote communication.

(2) The time allotted for the hearing of each candidate shall be at least 15 minutes and not more than one hour.

(3) The criteria against which candidates will be assessed are:

a) the candidate's legal qualifications and knowledge of the Rome Statute of the International Criminal Court and of the International Criminal Court's case-law;

b) professional experience;

c) capacity to exercise judicial functions;

d) language skills;

e) ability to work in a multicultural environment, reflecting different legal systems;

f) absence of any doubt as to the candidate's independence, impartiality, probity and integrity.

Article 7

(1) At the end of the hearings, the Committee shall select Romania's candidate for the position of judge at the International Criminal Court, as well as two reserve proposals.

(2) The final proposals, accompanied by the application files of the persons on the short list, shall be communicated to the Government for approval.

(3) Following approval, the results shall be published by the Secretariat on the websites of the Ministry of Foreign Affairs and the Ministry of Justice.

Article 8

Within three working days of the Government's approval of Romania's candidate for the position of judge at the International Criminal Court, the Ministry of Foreign Affairs shall notify the Secretariat of the Assembly of States Parties.

MOTOC, Iulia Antoanella

Statement of qualifications

9. Indication of the nomination procedure under Article 36, paragraph 4(a)(i) or paragraph 4(a)(ii), and the elements of that procedure (National Selection Process)

Judge Motoc was selected to be Romania's candidate for the ICC judicial elections under a competitive, transparent and merit-based procedure approved by the Government of Romania. The selection procedure comprised several stages and involved several national authorities. The candidate was finally confirmed by decision of the Government of Romania.

On 15 November 2022, the Government of Romania approved the Procedure for the nomination of the Romanian candidate for the position of judge at the International Criminal Court (“the Procedure”).

The public call for applications and the Procedure for the nomination of the Romanian candidate for the position of judge at the International Criminal Court were published on the websites of the Ministry of Foreign Affairs, the Ministry of Justice, the Superior Council of Magistracy and the High Court of Cassation and Justice.

The applications submitted were examined by the Selection Committee, in accordance with Article 5 paragraph 2 of the Procedure. 4 candidates were pre-selected on the basis of the criteria defined by article 36 paragraph 3 of the Rome Statute. The results of this stage were also published on the websites of the Ministry of Foreign Affairs, the Ministry of Justice, the Superior Council of Magistracy and the High Court of Cassation and Justice.

The individual interviews were held on 30 January 2023. The interviews took place in Romanian, French and English.

The selection was made in accordance with Article 6 paragraph (6) point (3) of the Procedure, on the basis of the following criteria: a) the candidate’s legal qualifications and knowledge of the Rome Statute of the International Criminal Court and ICC case-law; b) professional experience; c) ability to perform judicial functions; d) language skills; e) ability to work in a multicultural environment reflecting different legal systems; f) absence of any doubt as to the candidate’s independence, impartiality, probity and integrity.

At the end of the hearings, in accordance with Article 7 of the Procedure, the Selection Committee selected judge Iulia Motoc as the Romanian candidate for the nomination as a Judge at the ICC, as well as two reserve proposals.

The Selection Committee was composed of the following members:

- Secretary of State for Global Affairs and Diplomatic Strategies, Ministry of Foreign Affairs (MFA), President of the Commission;
- Secretary of State, Ministry of Justice (MoJ), Vice-President of the Commission;

- President of the Superior Council of Magistracy, member;
- Judge, High Court of Cassation and Justice, member;
- Director General, Legal Affairs Department, MFA, member;
- Director, Directorate of International Law and Judicial Cooperation, MoJ, member;
- Lecturer, Faculty of Law, University of Bucharest, member.

The Government of Romania approved the proposal of the Selection Committee. The results were published on the websites of the Ministry of Foreign Affairs and the Ministry of Justice.

As authority of the Nominating State overseeing the nomination process, the Ministry of Foreign Affairs of Romania acknowledges the information regarding the fulfilment, by the candidate, of each of the requirements in Article 36, paragraph 3 (a), (b) and (c) of the Rome Statute.