

TRINIDAD AND TOBAGO

[Original: English]

Reference is made to note verbale reference: ICC-ASP/19/SP/27 dated April 17, 2020 which refers to resolution ICC-ASP/3/Res.6 (Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court), as amended by resolution ICC-ASP/18/Res.4 (Resolution on the review of the procedure for the nomination and election of judges).

Reference is also made to paragraph 6 (f) of resolution ICC-ASP/3/Res.6, which requires that every nomination of a candidate for election as a judge of the Court should be accompanied by a statement indicating whether the nomination is made under article 36, paragraph 4 (a) (i) or paragraph 4 (a) (ii) of the Rome Statute of the ICC, and specifying in the necessary detail the elements of that procedure.

The Honourable Mme. Justice Althea Alexis-Windsor, the candidate of the Republic of Trinidad and Tobago for the position of judge of the ICC for the period 2021-2030, is nominated for election in accordance with article 36, paragraph 4 (a) (i), of the Rome Statute of the ICC.

The Trinidad and Tobago candidate is a High Court judge of the Supreme Court of Trinidad and Tobago. A judge of the High Court of Trinidad and Tobago exercises original jurisdiction over indictable criminal matters, family matters and civil matters.

The required qualifications for the office of judge of the High Court of Trinidad and Tobago are provided for in Section 7 (1) of the Supreme Court of Judicature Act Chapter 4:01. The criteria for becoming a High Court judge are that a person must have been an Attorney-at-Law for not less than ten (10) years and have practised as such during that time. An applicant must be a person of high integrity and the applicant's conduct must be in such a manner that will maintain public confidence in the standards of the Judiciary of the Republic of Trinidad and Tobago.

In addition, candidates are required to provide the names of three (3) referees who must assess and rate the applicant on areas including the applicant's character. Candidates are also required to provide three (3) samples of legal opinions/writings/judgments. Short-listed candidates are invited to an interview with the Judicial and Legal Service Commission and then undergo a psychometric assessment. The Judicial and Legal Service Commission may conduct follow-up interviews after the results of the psychometric assessments. Judges, other than the Chief Justice, are appointed by the President of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Judicial and Legal Service Commission. The Honourable Mme. Justice Althea Alexis-Windsor was appointed a Judge of the High Court by the President of the Republic of Trinidad and Tobago on September 17, 2013.

The selection process used by Trinidad and Tobago for the nomination of the candidate for the position of judge of the ICC was open and transparent and involved the circulation of information on the judicial vacancies to suitably qualified nationals by the Judiciary of the Republic of Trinidad and Tobago. The Judiciary of the Republic of Trinidad and Tobago is the third arm of the State, established by the Constitution of the Republic of Trinidad and Tobago, to operate independently from the Executive as a forum for the resolution of legal disputes.

Applications were received by the Judiciary of the Republic of Trinidad and Tobago and transmitted to the Ministry of Foreign and CARICOM Affairs as the entity responsible for advancing the nomination of Trinidad and Tobago. The applications were then submitted to the Cabinet, and the final determination with respect to the Trinidad and Tobago candidate for the position of Judge of the ICC for the period 2021 to 2030 was made based on the extent to which each candidate fulfilled the criteria for election as a judge of the ICC, as set out in article 36 of the Rome Statute of the ICC and paragraph 6 of the resolution of the Assembly of States Parties on the procedure for the nomination and election of judges of the Court (ICC-ASP/3/Res.6, as amended).

The Republic of Trinidad and Tobago therefore submits the foregoing information to the Secretariat of the Assembly of States Parties in keeping with resolution ICC-ASP/3/Res.6 (Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court), as amended by resolution ICC-ASP/18/Res.4 (Resolution on the review of the procedure for the nomination and election of judges).