



Call for Action to PGA Members on Judicial Nominations for the ICC

Dear Honourable:

We are pleased to contact you to seek your invaluable support to strengthen international criminal justice and the rule of law through the role that you can play with regard to the judicial nomination and election process for the International Criminal Court (ICC).

The year 2020 is of great significance for the ICC. In December, the Assembly of States Parties (ASP) to the Rome Statute of the ICC will elect six new judges who are charged with upholding the ICC's mandate to end impunity and deliver impartial justice. The process for electing ICC judges consists of three phases: nominations of candidates by states, a review of candidates by the Advisory Committee on Nominations of Judges, and their election by the Assembly of States Parties based on the principled "one State-one vote".

As your country is a State Party to the Rome Statute of the ICC, it has a right to nominate a candidate for a nine-year tenure as a judge. The nomination period opened on 6 January 2020 and was supposed to close on 30 March. However, given the lack of fulfilment of the minimum voting requirements as of that date, including the requirement of two nominations from Asia Pacific region, the period has been extended by two weeks. It can be extended three times in total.

The ICC is the only permanent international court capable of holding accountable those guilty of genocide, crimes against humanity, war crimes and the crime of aggression. Therefore, it is paramount that nominees for ICC judicial positions be of the highest caliber. The Rome Statute contains certain requirements that candidates must fulfill, including high moral character, impartiality and integrity; established competence in *either* Criminal Law and Procedure (as judge, prosecutor, advocate, or similar capacity) *or* International Law, such as international humanitarian law and human rights law, in a professional capacity (judge, advocate or professor of law); and fluency in at least one of the Court's working languages (English or French).

While your State might have other specific rules governing the nomination of candidates to international judicial organizations, Article 36(4)(a) of the Rome Statute provides that nominations of candidates for election to the ICC may be made by the State Party either:

- 1) By the procedure for the nomination of candidates for appointment to the highest judicial offices in your State; or
- 2) By the procedure provided for the nomination of candidates for the International Court of Justice in the Statute.

We therefore reach out to you, honorable, to call upon your Governments to open a merit-based, pre-established, and transparent procedure at the national level (Open Call for Nominations) and thereafter transmit a ranked list of the best possible candidates to the Advisory Committee on Nominations of the ASP for the position of ICC Judge as soon as possible.

The PGA Secretariat stands ready to support you in any way possible to this end, including sharing concrete examples of fair, transparent, and merit-based judicial nomination processes – both at the national level for the ICC and processes identified as good practice for other judicial institutions.

We look forward to your input and support in this matter: Please do not hesitate to contact us through PGA Senior Legal Officer, **Ms. Frederika Schweighoferova**, at schweighoferova@pgaction.org.