

# REFORMING NATIONAL NOMINATION PROCEDURES FOR ICC JUDICIAL CANDIDATES: FROM THE IER REPORT TO ACTION BY THE ASP

CO-HOSTED BY LIECHTENSTEIN, NEW ZEALAND & SWITZERLAND  
FRIDAY, 10 DECEMBER 2021 – 1:15 PM TO 2:45 PM CET  
[MEETING LINK](#) (PRIOR REGISTRATION REQUIRED)

The International Criminal Court (ICC) has been created to be a fair, independent international judicial body that applies the highest standards of justice. Its judges play a key role in ensuring this expectation is lived up to through their primary mandate to render authoritative and high-quality jurisprudence and guarantee fair trials. Therefore, the quality of the judges has fundamental importance to the performance, efficiency, and effectiveness of the ICC, which is at the heart of the long-term success of the ICC and the Rome Statute system as a whole. And yet, in its final report, the Independent Experts Review (IER) concluded that, “*the ability and experience of some of the Judges who have been elected has not marked them out as Judges or jurists of the highest calibre sought by the Court*”.

Despite the clear legal framework enshrined in the Rome Statute on the qualifications of the judicial candidates, the political considerations arising during the domestic national nominations’ phase, and spilling into the election phase, have hindered the transparency of the process. As such, ensuring that the ICC judges are of the highest calibre starts at the domestic level, i.e. through guaranteeing that only the best candidates are nominated by States for the ICC judicial elections through transparent and merit-based process.

While the IER report (Chapter XX) has made pertinent recommendations on the judicial elections’ process, including the process of national nominations, the consideration of these recommendations by the ASP will further continue in early 2022 due to the lack of consensus among States Parties. As such, this side event will offer an important opportunity to facilitate the discussion among States and other stakeholders on identifying a way forward to ensure merit-based and transparent national nomination procedure with a view to ensuring the appointment of the best judicial candidates.

## AGENDA

### Introductory remarks:

**Mr. Luke Roughton**, Legal Adviser at New Zealand Permanent Mission to the United Nations; ASP Facilitator on Review of the procedure for the nomination and election of Judges

**H.E. Ambassador Nathalie Marti**, Vice-Director of the Directorate of International Law, Swiss Ministry for Foreign Affairs

### Presentation:

**Justice Richard Goldstone**, Chairperson of the Independent Experts Review (IER) group; *former ICTY/ICTR Prosecutor; Judge Emeritus, Constitutional Court of the Republic of South Africa*

### Commentaries and interactive discussion:

**Ms. Elizabeth Evenson**, Director for Advocacy, International Justice Program, Human Rights Watch

**Ms. Mariana Pena**, Senior Legal Officer, Open Society Justice Initiative

**Ms. Frederika Schweighoferova**, Director of the Rome Statute System Campaign, Parliamentarians for Global Action

**Ms. Minou Tavarez Mirabal (Dominican Republic)**, Chairperson of the Board, Trust Fund for Victims; *former President of PGA*

### Open Debate

### Closing Remarks: The Way Forward

**Dr. David Donat Cattin**, Secretary-General of Parliamentarians for Global Action (*moderator*)