

2023 ICC Judicial Elections

Questionnaire to nominating States

Nominating state: Czech Republic

Date: 29/06/2023

1. Which Rome Statute procedure was followed to nominate your judicial candidate:
 - The procedure for the nomination of candidates for appointment to the highest judicial offices (Art. 36.4 (a)(i) Rome Statute); or
 - The procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court (Art. 36.4 (a)(ii) Rome Statute)?

The Government of the Czech Republic adopted Rules for the selection of a candidate for the position of judge of the International Criminal Court by virtue of its resolution No. 478 of 14 June 2010 (hereinafter as the “Rules”). The Rules reflect the procedure for the nomination of candidates for appointment to the highest judicial offices.

2. What are the rules or the national legal framework for nominating judges to the ICC? Please indicate the date of adoption and references, and share a link(s) or the text(s).

In addition to the information provided above, please note that the text of the Rules is available at the ASP website (<https://asp.icc-cpi.int/ACN/2020-National-Procedures>), including in the Compendium of submissions from States Parties, prepared by the Advisory Committee on Nominations of Judges (<https://asp.icc-cpi.int/sites/asp/files/2022-10/ACN-NominationProcedures-ENG-14Oct22-1350.pdf>).

3. What are the criteria and requirements to select candidate judges to the ICC? What are the key steps in the nomination procedure?

The Rules describe both the criteria and requirements in detail, as well as the procedure itself.

4. Does the selection procedure include a public call for applications or a vacancy announcement for the position of ICC candidate judge? If so, please indicate when and where it was advertised, and whether any other steps of the selection process were made public (including the total number of applicants).

The call for applications was made public in January 2022 at the website of the Ministry of Foreign Affairs of the Czech Republic. It was simultaneously transmitted to the Ministry of Justice of the Czech Republic, to all Law Faculties in the Czech Republic, and all courts, Public Prosecutor’s Offices, The Czech Bar Association and the Office of the Public Defender of Rights were also notified.

Following the approval of the name of the candidate by the Government of the Czech Republic in July 2022, the number of applicants became a public information as well.

5. Does the selection procedure include an assessment by an independent body to scrutinize the candidates' qualifications? If so, please provide more information on the members of the body and their mandate.

Yes. The selection board consists also of (4) members of the National Group in the Permanent Court of Arbitration.

6. Does the selection procedure include an assessment of the Rome Statute requirement of "high moral character" (article 36), by means of a due diligence or vetting procedure, with the review of background information and a confidential mechanism to receive complaints and allegations about candidates?

The Rules clearly state that the high moral character of the candidate is a mandatory requirement. The candidate must have proven himself in this regard by submitting relevant certification. He is also a holder of a respective personnel security clearance. Currently, the Czech side is actively participating in the due diligence process as adopted by the Bureau pursuant to resolution ICC-ASP/21/Res.2

7. Did you consult with the judiciary, professional associations, NGOs and other civil society bodies at any stage of the procedure, including to submit views on the candidates? If so, which actors and at what stage(s)?

Yes. Please see also response to question no. 4. In addition, representatives of the judiciary and prosecution service participated in the selection process. The Ministry of Foreign Affairs has not received at any stage any submission by any civil society body with respect to neither the selection procedure nor the candidate himself.

8. What other steps or measures were put in place to ensure that the nomination process was fair, merit-based, and transparent?

The nomination process strictly followed the Rules that were approved in June 2010 and are publicly available since then. Transparency of the nomination process was simultaneously ensured by a public call for applications (resulting in a competitive selection process) and the information both on the conduct of the process and its outcome was submitted to the Government of the Czech Republic.