

2023 ICC Judicial Elections Questionnaire to nominating States

Nominating state: France

Date: 14/08/2023

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 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).

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 accordance with Article 4 of the Statute of the International Court of Justice, the French candidate for election as a judge of the ICC is selected by the French group of the Permanent Court of Arbitration (PCA), at the request of the Minister of Foreign Affairs and following the procedure explained below.

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

The French national procedure is based on the criteria laid down in the Rome Statute.

To be selected, the candidate must meet the requirements set out in article 36 of the Rome Statute and outlined in resolution ICC-ASP/3/Res.6:

- be of high moral character
- possess the qualifications required for appointment to the highest judicial offices
- have recognized competence in criminal or international law
- master at least one of the Court's working languages
- have the ability to work in an international context

The appointment procedure is carried out by a body independent of the French government, the French group of the PCA, and includes a public call for applications, a pre-selection of candidates on the basis of a dossier (including a demonstration of studies, diplomas, relevant professional activities, works and publications and linguistic level), personal interviews and deliberation by the members of the independent body.

In 2022, 17 applications were submitted. 10 candidates were shortlisted by the French Group of the PCA based on the criteria defined by Article 36 paragraph 3 of the Rome Statute. Individual interviews were carried out in order to question the shortlisted candidates about their motivations and their aptitude to carry out the role of judge in an international environment. The level of English language skill and other relevant languages was also assessed.

Upon completion of deliberations, the French Group of the PCA selected the candidacy of Nicolas Guillou on account of his past experience, in-depth knowledge of the International Criminal Court and the strategic vision he has for it. The Ministry for Europe and Foreign Affairs was then informed of the French Group's choice for the purposes of his nomination.

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).

Yes, in July 2022, the French authorities published a [public call for applications](#) on the website of the Ministry of Foreign Affairs and of the Ministry of Justice (the vacancy was also published on the [website of the French Embassy in The Hague](#)). The application period was 6 weeks.

After each nomination procedure, France updates the information on the [ASP website](#) and publishes the number of applications, pre-selected candidates and the procedure followed by the selection body. The update has been sent to the secretariat of the ASP and should be made available on the ICC ASP website in the coming weeks.

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.

The French group of the PCA selects the French candidate and works independently.

It is composed of members designated by French decree:

- Mr GILBERT GUILLAUME (Chairman), former President of the ICJ and President of the French Academy of Moral and Political Sciences
- Ms EDWIGE BELLARD, *Conseillère d'Etat* and member of the Sanctions Commission of the French *Autorité des marchés financiers* (AMF)
- Ms GENEVIÈVE BASTID BURDEAU, Professor of Law, Member of the Institut de Droit International and Former Secretary-General of The Hague Academy of International Law
- Mr FRANÇOIS ALABRUNE, former Director of Legal Affairs at the Ministry of Foreign Affairs and current Ambassador of the French Republic to the Kingdom of the Netherlands

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 French group is responsible for assessing the high moral character of applicants as part of the process, including the review of background information.

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)?

The vacancy announcement is prepared in collaboration with the Ministry of Justice. The French group then works independently.

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

The selection process was carried out without the involvement of the Ministry of Justice or the Ministry of Foreign Affairs.

The procedure followed was explained in the published vacancy announcement which indicated the duration of the application period and the estimated period for selection interviews.

Each candidate was kept informed at all stages of the process.

The French group interviewed each candidate in the same conditions and for the same length of time.