

APPLICATIONS INVITED FOR UK CANDIDATE FOR JUDGE OF THE INTERNATIONAL CRIMINAL COURT

Applications are invited for the UK candidate for the post of judge of the International Criminal Court, which has its seat in The Hague. If elected the term of office is expected to commence in March 2021 however, it is possible that the term could commence later. Election to the Court will be for a fixed nine-year term and judges may not be re-elected.

The International Criminal Court (ICC) investigates and, where warranted, tries individuals charged with the gravest crimes of concern to the international community: genocide, war crimes, crimes against humanity and the crime of aggression. The ICC's 18 judges are elected by the Assembly of States Parties and serve 9-year, non-renewable terms. They ensure fair trials and render decisions, but also issue arrest warrants or summonses to appear, authorize victims to participate, order witness protection measures, and more.

The Rome Statute of the International Criminal Court stipulates that judges shall be chosen from among persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for the appointment to the highest judicial offices. In addition, candidates should:

- A: Have established competence in criminal law and procedure, and the necessary relevant experience – whether as a judge, prosecutor, advocate or in other similar capacity in criminal proceedings; or
- B: Have established competence in relevant areas of international law, such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity that is relevant to the judicial work of the court.

In selecting judges States Parties must take into account the need for representation of the principle legal systems of the world, equitable geographical distribution and a fair representation of female and male judges.

Her Majesty's Government invites applications from candidates possessing the necessary qualifications and expertise for this senior judicial appointment. The Government will be looking for candidates with all the qualities for high judicial office together with achievement and experience relevant to this post, with additional credit to those who fulfil the criteria in both A and B, above. Applicants must be British Nationals.

Applications are encouraged from all candidates regardless of ethnicity, religion or belief, gender, sexual orientation, age, disability, gender identity. We particularly

welcome applications from women, those with a disability and those from a black or ethnic minority background. We want to explore the widest possible pool of talent for these important appointments.

The ICC is a high-profile organisation and an election campaign is likely to be time-consuming, requiring a significant commitment by the candidate. The choice of candidate and the decision to run a campaign to support that candidate are subject to the final agreement of Ministers. The campaign would be managed by Her Majesty's Government. There is no guarantee that any candidate nominated by the UK will be elected by the Assembly of States Parties.

Please see [here](#) for the ICC's conditions of service and employment and [here](#) for the most recent guidance on pensions.

Applications must be in writing and should consist of a CV and covering note outlining your suitability for the role of international judge. Applications should be sent to ICC.Applications@fco.gov.uk by **9.00 a.m. on 15 July 2019**. Late applications will not be considered. Any questions or concerns about the process should also be sent to ICC.Applications@fco.gov.uk. More details on the process are set out below.

JUDGE AT THE INTERNATIONAL CRIMINAL COURT

GUIDE TO NOMINATION AND ELECTION PROCEDURE

The post of judge at the International Criminal Court is a senior judicial appointment, elected by the Assembly of States Parties. States Parties to the International Criminal Court are invited to put forward candidates for this role, but there is no guarantee that any candidate will be nominated by the UK or will be elected by the Assembly of States Parties.

Eligibility Criteria

Article 36(3) of the Rome Statute of the International Criminal Court provides that the judges shall be chosen from among persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices.

In addition, candidates should:

- A: Have established competence in criminal law and procedure, and the necessary relevant experience – whether as a judge, prosecutor, advocate or in other similar capacity in criminal proceedings; or
- B: Have with established competence in relevant areas of international law, such as international humanitarian law and the law of human right, and extensive experience in a professional legal capacity that is relevant to the judicial work of the court.

Selection Criteria

The Government intends to assess these requirements using the following selection criteria:

- Candidates must meet the eligibility requirements for candidates for a High Court Judge in England and Wales, a High Court Judge in Northern Ireland or a Senator in Scotland. These requirements are set out in the Annex.
- Candidates must satisfy the character check as used by the Judicial Appointments Commission, details of which are on the JAC website – www.judicialappointments.gov.uk. You may wish to read the JAC's [good character guidance](#) before applying. You should inform us if you have any reason to believe that your application may be affected by any matter of character.
- Candidates are required to demonstrate an ability to understand and learn about other legal systems quickly, as the International Criminal Court applies the Rome Statute which incorporates elements of both the common and civil law systems.
- Candidates are required to demonstrate an ability to communicate effectively orally and in writing, and to work well with judges of other nationalities.

- As English is one of the working languages of the Court, knowledge of foreign languages is not essential, although knowledge of French, the other working language of the Court, will be an advantage.

Procedure

1) Deadline and address for applications

Applications must be in writing and should consist of a CV and covering note of no more than four A4 pages (Arial 12) outlining your suitability for the role of international judge using the eligibility and selection criteria outlined above. Applications must reach ICC.Applications@fco.gov.uk by **9.00 a.m. on 15 July 2019**.

2) Selection Panel

Applications will be assessed by way of a paper sift, and a short list of candidates will be invited to interview before a selection panel comprising officials and independent members, including members of the UK judiciary. It is expected that the interviews will be held in London in August 2019.

3) Election Process

The Assembly of States Parties of the International Criminal Court is expected to hold elections for Judges in December 2020. In the lead up to this, candidates nominated by their national governments are likely to be required to participate in open meetings with representatives from the States Parties and interested Non-Governmental Organisations to assess their suitability for the role.

ANNEX

ELIGIBILITY CRITERIA FOR A HIGH COURT JUDGE IN ENGLAND AND WALES, A HIGH COURT JUDGE IN NORTHERN IRELAND OR A SENATOR IN SCOTLAND.

High Court Judge - England and Wales

Statutory eligibility for this exercise requires candidates to satisfy the judicial appointment eligibility condition on a 7-year basis.

The Tribunals, Courts and Enforcement Act 2007 (TCE Act) introduced the 'judicial-appointment eligibility condition'. You will have to show that:

- you have possessed a relevant legal qualification
- for the requisite period and
- that whilst holding that qualification you have gained experience in law

The meaning of 'gain experience in law' is set out in section 52(2) to (5) of the TCE Act 2007 and relates to a period engaged in law related activities. 'Relevant qualification' means a solicitor or barrister.

You will be considered eligible as a solicitor when your name was first entered on the Roll kept under section 6 of the Solicitors Act 1974.

You will be considered eligible as a barrister:

- when you completed pupillage in connection with becoming a barrister or
- if you were not required to undertake pupillage in connection with becoming a barrister, when you were called to the Bar of England and Wales

If you were not required to undertake pupillage, you will need to provide details of why you were not. This will most likely be because you were called to the Bar prior to 1 January 2002. If you were called to the Bar after this date, you will only be eligible if you have completed or have been exempted from pupillage by the Bar Standards Board. If you have been exempted from pupillage, you will be required to provide evidence of this by the time applications close, otherwise you will not be eligible to proceed.

(Candidates must also meet the following bar in respect of exceptionalism:

The JAC will only recommend candidates of exceptional ability for appointment. In addition, candidates must be able to demonstrate that they are able to work or develop expertise in all aspects of the work of the relevant division. This ability must extend beyond legal skill and candidates should be able to demonstrate actual or potential management and leadership qualities.)

High Court Judge - Northern Ireland

To be eligible for appointment a person must be by 5 September 2019:

- a member of the Bar of Northern Ireland of at least 10 years' standing or
- a solicitor of the Court of Judicature of Northern Ireland of at least 10 years' standing.

Senator – Scotland

Those formally eligible for appointment are:

- a) Advocates of five years' standing;
- b) Writers to the Signet of ten years' standing who have passed the examination in civil law two years before taking up their seat on the Bench;
- c) Sheriffs Principal and Sheriffs who have exercised their respective functions continuously for a period of at least five years; and
- d) Solicitors who have had rights of audience before either the Court of Session or the High Court of Justiciary or both continuously for a period of not less than five years.

Persons who are appointed have to demonstrate a degree of competence as a lawyer that marks them out from their peers. This ability needs to be demonstrated not just in the branch or branches of the law in which they have regularly practised. They must also demonstrate the ability to work effectively in any branch of the law that may arise in the course of their judicial duties, including new or emerging areas.