



The Process of Selection of Judge for Nomination to International Criminal Court Lacks Transparency and Includes Flaws

The Georgian Coalition for International Criminal Court (GCICC) considers that the process of selection of a judge for the nomination to the International Criminal Court on national level lacks transparency and includes flaws that decrease the chances of successful selection of the candidate nominated by Georgia to International Criminal Court.

On January 30, 2020, the government of Georgia adopted the [rule](#) regarding the

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selection of the candidate of the judge to the International Criminal Court. According to the resolution of the government, Legal Entity of Public Law, Training Center of Justice which conducted the initial selection of the applications for the announced competition and administered professional testing, [announced](#) the conditions of the competition on February 3, 2020. The applications were received from February 3 to February 21. The Training Center of Justice had to propose the candidates to the government of Georgia till February 23. This term was [prolonged](#) till March 6.

According to the initial version of the resolution, the Training Center of Justice had to propose more than one candidate to the government of Georgia as a result of the testing, but no more than five candidates. The government was supposed to propose to the Parliament 2 candidates. According to the [amendments](#) made to the resolution on February 21, 2020, the Training Center of Justice and the government of Georgia can propose only 1 candidate.

As the information published by the Parliament of Georgia on March 18, 2020 [shows](#), the government of Georgia addressed the Parliament with a submission regarding the candidate to be proposed from Georgia - Gocha Lotrkpanidze. According to this information, 10 candidates in total submitted applications to the Training Center of Justice. 7 out of 10 did not meet the established criteria. Two refused to participate in the testing later. 1 candidate - Gocha Lortkipanidze - was tested. The tests were evaluated electronically by the consultants invited by the Center. Gocha Lortkipanidze received 6 points out of 10. On March 5, the Training Center of Justice proposed only the candidacy of Gocha Lortkipanidze to the government. The government proposed this candidacy to the Parliament. The Committee on Legal Issues of the Parliament will hear the proposed candidate on March 20.

The rule regarding the selection of the judge on the national level was developed and process of selection was conducted without the involvement of the NGOs working in this sphere. The GCICC was notified regarding the development of the rule only on February 3, 2020.

Following this news, GCICC [responded](#) to the rule of the selection of the candidate from Georgia multiple times in written form, as well as expressed its opinions regarding the process on February 11, 2020 at the meeting with the representatives of the Ministry of Justice.

With this statement, we, the member organizations of GCICC would like to once again underline the shortcomings revealed in the process of development of the rule regarding the selection of the candidate of the judge from Georgia as well as during the process of selection:

- 1. The nonexistence of the open and transparent rule for the nomination of the candidate** - the rule should have been a guarantee for the transparent and fair conduct of the process. Contrary to that, the rule was developed without the involvement of the organizations working in this sphere. Besides, the term for submitting the applications and proposing the candidates to the government expired without publishing information regarding the candidates participating in the competition and the list of the candidates after the initial selection, despite the numerous requests of the GCICC. The Training Center of Justice did not publish the name of the candidate to be proposed to the government either. Also, it remained obscure as to what were the requirements and procedures based on which the government selected the candidate/candidates proposed by the Training Center of Justice.
- 2. The lack of involvement of the NGOs** - involvement of the NGOs in the process of the selection of the candidate of the judge would have been additional guarantee for open, transparent and fair process. Contrary to that, the developed rule does not envisage the role of the NGOs in any stage of the process of the selection of the candidate of the judge;
- 3. The non-existence of the independent organ for assessing the candidate** - according to the [best practice](#), the procedure for the selection of the candidate on the national level and examination of their qualification must be carried out by an independent organ, comprising of the members with relevant experience, considering the gender balance, including the representatives of the judiciary, legal circles and the civil society. Contrary to that, the candidates were selected and assessed by the Legal Entity of the Public Law – Training Center of Justice – which is accountable before the Ministry of Justice of Georgia and fulfills the objectives imposed by the Ministry of Justice and Deputy Minister. The fact that the Training Center of Justice conducted initial selection of the applications and administered the professional testing additionally hindered the transparent conduct of the process.
- 4. Encouraging nomination of state official** - according to the [best practice](#),

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the relevant organs must refrain from nominating the individual who worked as a state official for last 5 years, including in the diplomatic representation. Contrary to that, the Training Center of Justice and Georgian government proposed the candidacy of the acting government official, Gocha Lortkipanidze who currently holds the position of the Deputy Justice Minister, to the Parliament.

GCICC considers that the government of Georgia did not conduct the process responsibly, including the development of the rule of the selection of the candidate. Therefore, the government could not ensure open, transparent and fair process and created risk for the successful selection of the candidate nominated to the ICC from Georgia. Considering this, the hearing taking place in the Parliament of Georgia today has only formal nature and does not ensure the nomination of the independent candidate.