

COALITION FOR THE INTERNATIONAL CRIMINAL COURT
QUESTIONNAIRE FOR ICC JUDICIAL CANDIDATES
DECEMBER 2011 ELECTIONS

Conscious of the restrictions placed upon of ICC judges in making extra-curial comments which might affect the independence referred to in Article 40 of the Rome Statute and Rule 34 of the Rules of Procedure and Evidence, we invite judicial candidates to please reply to the following questions as comprehensively or concisely as possible.

Name: Javier Laynez Potisek

Nationality: Mexican

Nominating State: Mexico

List: (tick one by clicking twice on a box and selecting "Checked")

- A**
- B**

Background:

1. Why do you wish to be elected a judge of the ICC?

Throughout my entire professional career, which I have always dedicated to the public service, my efforts have always been focused towards pursuing the respect of the rule of law. I believe now it is time for me to conduct my efforts in the benefit and service of the international community and, given the recent development and growth perspective of the ICC, I find it to be the best place for me to do so.

The opportunity of becoming a judge of the ICC is a privilege in itself. However what motivates me the most is the unique possibility to bring to justice all of those who have committed the most atrocious crimes, and to be able to respond to the claims of thousands of victims that demand an effective justice and reestablishment of their fundamental human rights.

2. What do you think would be the biggest challenges you would face if you were elected as an ICC judge?

A task of the utmost importance is to interpret and apply the Statute as best and firmly as possible, so as to contribute towards a uniform application of the Statute and the consolidation of criteria that may bring legal certainty to the parties.

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Therefore, my biggest challenge will be to maintain a balance between the attempts to solidify such criteria providing legal certainty and employing progressive interpretation, while acknowledging the uniqueness of each situation.

Every member of a plural international organism has to face the challenge of approaching and understanding other legal systems as well as the cultural and political diversity that may be faced while carrying out one's task. A great challenge will be to learn how to understand the social and political differences of the jurisdictions where the crime at case took place, and give such differences their correct place in the process of seeking justice.

3. What do you believe are some of the major challenges currently facing the Court? What do you believe will be some of the major challenges in the coming years?

The first great challenge that the ICC faces is its consolidation as a reliable and effective tribunal that may live up to the expectations of the parties that created and signed the Rome Statute, as well as motivate non-signatory States to do so.

It is of the utmost importance to aim all possible efforts to accomplish expedite justice. I genuinely believe that "slow justice is not justice". I am aware of the complexity of the ICC procedures; nevertheless I firmly believe that, at ten years of its creation, it still needs improvements in order to become a more effective judicial institution.

Additionally, the Court, through its different organs, must respect the principle of complementary jurisdiction, since the States themselves hold the primary responsibility to ensure that these crimes do not go unpunished. At the same time, the efforts to increase collaboration and judicial assistance of member and non-member states have to be multiplied.

The Court must be cautious in order to avoid selective justice. Since the Nuremberg trials, the accused have traditionally belonged to the defeated party. Nowadays, with mechanisms such as State-referrals, there is more reason to emphasize the necessity to work under a completely impartial and objective view.

Judges in particular are responsible for finding harmony in the Court's legal and practical merging of two different legal systems: common law and continental law. It is in the development of the trial, with matters such as evidence, where they are encountered with challenges of this nature and must, therefore, work for a progressive outcome.

Also, and due to the current normative regulation, the judges' functions include the need to achieve a fair and adequate balance between the rights of the accused and the rights of victims.

Finally, the Court's judges must aspire to achieve uniformity within the system of international tribunals in their common subjects. *Ad hoc* international criminal tribunals, regional human rights courts and other international organs, as well as the International Court of Justice, share matters of fundamental importance to the Court that require consideration and must be assessed in the relevant decisions.

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Nomination Process:

4. What are the qualifications required in the State of which you are a national for appointment to the highest judicial offices? Please explain how you meet these qualifications.

The requirements to become a Justice of the Supreme Court in my country are:

- *To be a Mexican citizen by birth.*
- *To have legal capacity to exercise civil and political rights.*
- *To be at least 35 years old .*
- *To have held a professional Law degree, for a minimum of 10 years, issued by a legally empowered authority or institution.*
- *To have resided within the country for the last 2 years previous to the appointment.*
- *Not to have been State Secretary, Attorney-General of the Republic, or Attorney-General of the Federal District, Senator, Federal Deputy, or Governor of a State or Head of Government of the Federal District, in the year previous to the day of the appointment.*

The Constitution states that the appointment of Justices must preferably go to those individuals who have served with efficiency, capacity and honesty in the dispensation of justice, or who have distinguished themselves for their honorability, proficiency and a good professional record in the exercise of legal activities.

As stated in my *curriculum vitae*, available at the ICC's website, I meet all of the abovementioned requirements.

The Mexican President nominates three candidates that meet all of the above-mentioned requirements and the Senate votes for one of them; a majority of two thirds of the members of the house is needed. For my current position, I was appointed by the President and voted unanimously by the Senate, which rarely happens in Mexico.

5. Article 36 of the Rome Statute provides for two possible nomination procedures. Please describe in detail the procedure under which you were nominated. Please also provide any relevant information such as the national law governing the procedure for the nomination of candidates to the highest judicial office in the nominating state (an Article 36(4)(a)(i) nomination) or the nominating letter from the Permanent Court of Arbitration national group (an Article 36(4)(a)(ii) nomination).

I was nominated as per article 36, paragraph 4(a)(ii) of the Rome Statute, namely, "by the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court". Thus, my candidacy was proposed by the President of Mexico and supported by the National Mexican Group of the Permanent Court of Arbitration, which is

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composed of four distinguished Mexican jurists. The letters of all four members of such group supporting my candidacy are attached hereto.

6. Have you provided the statement required by article 36(4)(a) of the Rome Statute and by the nomination and election procedure adopted by the Assembly of States Parties? If not, please provide an explanation for this omission.

I have indeed provided the statement of qualifications required by article 36(4)(a) of the Rome Statute. The Embassy of Mexico to the Kingdom of the Netherlands filed my statement of qualifications before the Secretariat of the Assembly of States Parties of the Rome Statute in due time.

Legal System and Language Abilities:

7. a) Which legal system does your country belong to?

Civil/ Continental Law System

- b) Do you have knowledge or experience working in other legal systems?

My current position and the previous ones, especially while working as Deputy Attorney-General for Legal and International Affairs, allowed me to be in constant relation with other countries, some of which belong to different legal systems. I had the privilege of leading the negotiation of various agreements on international legal assistance and cooperation for criminal matters. My only experience working abroad was when I worked in France, however, even if I have not directly worked in other legal systems, this experience has forced me to fully understand most of the legal systems of the world.

- c) What difficulties do you envision encountering working with judges from other legal systems? How would you resolve such difficulties?

Cultural differences always present challenges upon human relations. I can imagine that as judges, educated in different legal, political, and cultural systems, we would have difficulties with language, ideology, different points of view concerning legal instruments, among others. However, I think that the ICC is privileged compared to other international organizations in this matter, because all of its members share the same values and objectives: seeking justice regardless of external factors such as our origins.

In addition, any obstacles that may arise from diversity can be solved by having an open dialogue among judges, and adopting a receptive and analytical attitude towards different perspectives. I believe that discussion will be enriched in a plural integrated body if arguments are sustained by logic, reason and hard analysis of the cases and evidence at hand. We cannot forget that, at the end of the day, the judges' obligation to be independent means to look at the case without any ideological, political, national, social or cultural allegiance. Our only allegiance is to law itself.

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8. The Rome Statute requires every candidate to have excellent knowledge of and be fluent in English or French.
- a) What is your knowledge and fluency in English, if it is not your native language? Do you have experience working in English?

I consider myself acceptably fluent in English, and I understand it fully, either written or spoken. While I have not had a long term experience working in English, I have participated in the negotiation of a considerable number of agreements between my country and the United States as well as China, all of which were carried out in English.

- b) What is your knowledge and fluency in French, if it is not your native language? Do you have experience working in French?

I have an excellent knowledge and fluency in French. I lived for 5 years in Paris while studying two masters degrees and a PhD, so not only am I fluent and familiar with the everyday French, but also I have complete dominion of the legal terms and specialized terms in this language. As for my experience working in French, while studying in France I did an internship at the Tax department in Renault. In recent years my international tasks gave me the opportunity to go to Switzerland and France, in the first one, I carried out negotiations with the Swiss government to arrange extradition documents among others, and in the second one, I participated in a series of discussions and debates on the adversarial criminal system.

List A or B Criteria:

Your response to this question will depend whether you were nominated as a List A candidate or a List B candidate. Since you may have the competence and experience to qualify for both lists please feel free to answer both parts of this question to give the reader a more complete view of your background and experience.

9. a) For List A candidates:
- How would you describe your competence in criminal law and procedure?

I have full knowledge of legal principles and rules of interpretation of criminal law. I have had the opportunity to participate in the creation of law, but also have had an active role litigating in criminal law as Deputy Attorney-General and as Attorney-General for Tax Issues.

As stated in my *curriculum vitae* and statement of qualifications, I participated in the drafting and negotiations before Congress of the two most important criminal law and procedure amendments to the Mexican constitution:

- The first one was in 1994 when the Supreme Court structure and its members were completely renewed and the Constitution was amended to include proceedings before such high tribunal to contest constitutionality of laws and acts between authorities. This amendment also modified the public security structure throughout the country.

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- The second one was in 2006, and as a result, Mexico is now in the process of transforming its criminal system from a mixed inquisitorial system to an adversarial criminal system. In this reform, I was personally in charge of drafting and negotiating a new chapter in the Constitution recognizing and protecting the rights of victims, such as direct participation in the criminal proceedings, the right to appeal prosecutors' decisions and actions, ways of compensation for the damages caused by crimes and even the possibility to take direct legal criminal action in some cases.

I believe that one of the strongest contributions I can make to the Court, if elected, is to share the experience I have had during the transition from an inquisitorial criminal system to an adversarial criminal system in my country. This process brings out advantages and disadvantages of both that were not spotted by simply studying them separately. Comparing and transforming from one system to the other has enriched my view of criminal law in such a way as to allow me to see areas of opportunity in procedural systems such as the ICC's, where elements of both systems converge.

I also drafted the law that declares the loss of property of crime-involved assets. Such law is the first one of its type in Mexico and allows the state to seize criminal-owned property that is normally used to finance and commit violent crimes in my country. This law is meant to be a tool in the struggle against drug cartels in Mexico. In addition to such law, I recently was in charge of drafting and negotiating before Congress the Money Laundering Law; I had the privilege of working close to some of the best experts in the subject from all around the world during the preparatory phase.

On a very important matter, as the Presidency's Deputy Legal Advisor, I directly participated in the constitutional recognition of the International Criminal Court's jurisdiction. Recently, I also was involved in the constitutional amendment to apply international treaties in all interpretation of law in our country.

My most recent achievement in criminal law was to lead the team that created the legal design and structure of the *Crime Victims' Legal Assistance Office (Procuraduría Social para la Defensa de las Víctimas del Delito)*, a new institution for victims' protection headed by a board of governors composed of both private organizations as well as public entities. Such office will look after the violated rights of the victims and prevent further violations in our country; it will assist victims in their physical, psychological and financial needs. It personally represents a small contribution towards reparation to the individuals under Mexico's jurisdiction.

- How would you describe your experience as judge, prosecutor, counsel, or in another similar capacity, in criminal proceedings?

As for direct participation in criminal proceedings, I have had experience as Deputy Attorney- General for Legal and International Affairs and currently, as Attorney-General for Tax Issues. In both, I have been in charge of leading the prosecution of criminal cases.

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- As Deputy Attorney-General for Legal and International affairs, I was in charge of the extradition proceedings to and from Mexico, tasks which required expertise in national, foreign and international criminal law proceedings. As an example, I was the lawyer in charge of representing the State before the Supreme Court of Justice, regarding the constitutionality and application of international treaties in criminal law. After obtaining favorable ruling, new judicial criteria was established and it is still binding; such criteria allows the Mexican government to cooperate with other countries to extradite their high profile accused and vice versa. Thanks to such ruling, I managed the extradition to Mexico of two people accused for child sexual abuse, the first accused has been found guilty and sentenced to 110 years of imprisonment.

An experience that may be useful as an ICC judge, regarding complementary jurisdiction, is that I was also in charge of the prosecution of crimes committed by Mexicans outside Mexican borders, when the foreign country did not process them.

At my current office, I am in charge of investigating and reporting to the Attorney-General, all criminal offenses related to tax fraud, smuggling and financial crimes. This position involves constant interaction with judges. It also entails daily application and interpretation of the Criminal Law and Procedural Law. We currently have over 1,600 investigations and proceedings open at the court or at the Attorney-General's office.

All of the cases I have personally defended before the Supreme Court of Justice have allowed me to enjoy a reputation as a respectable and renowned lawyer among justices of the court and the highest legal circles in my country. Such reputation was earned due to the fact that in such trials, there is no room for ambiguity, and clear interpretation and knowledge of the legal system must be provided before the members of the court. In two of these trials, the Supreme Court decided to have public hearings broadcasted for the citizens to witness the proceedings and be aware of their importance. Both cases were won.

Expertise and Experience:

10. Please describe your qualifications for this position. Please also describe the aspects of your career, experience or expertise outside your professional competence that you consider especially relevant to the work of an ICC judge.

Throughout my career as a lawyer I have had the opportunity to teach law for undergraduate and graduate students in the most prestigious universities in the country. This is evidence of the aptitude I have always shown for constant study and updating.

I am also known for my team work ability, which I have acquired throughout all the years I have worked in the public administration, where I constantly find myself working as a part of excellent and highly qualified teams. I believe I have a particular ability to listen to others' points of view, and I always try to conciliate differences in order to reach the common objective.

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I have carried out all of my positions with prudence and discretion; I enjoy working and living in a low profile manner. I have always tried to encourage my team to work on austerity as I am convinced that this is a high moral value; every public institution, national or international, has to practice it, as it is financed with contributions from citizens.

11. Do you have legal expertise in relevant areas such as the crimes over which the Court has jurisdiction; the management of complex criminal and mass crimes cases; or the disclosure of evidence?

As I mentioned above, I was in charge of the Attorney- General's Division entrusted to conduct the extradition from and to Mexico of the most important criminals. I personally conducted the negotiations, the extradition and the prosecution follow- up. During the time I conducted this office we had success in bringing to justice, among others, two of the most active criminals in child sexual abuse and exploitation, and 5 members of the ETA terrorist group.

12. The ICC is a unique institution, and judges serving on the court will inevitably face a number of unprecedented challenges (including managing a regime of victims' participation and protecting witnesses in situations of ongoing conflict). Even judges with significant prior experience managing complex criminal trials may not necessarily possess requisite skills and knowledge needed to manage these challenges.

a) Are you willing to participate in ongoing workplace training aimed at promoting legal innovation and coordination among all judicial chambers in adjudicating complex questions relating to law and policy?

I certainly am. I am aware that I don't have all the answers, the knowledge needed is always overwhelming. The cases the ICC faces are unique and complex. I am not only willing but looking forward to participate in any training that might help me become the best judge possible.

b) Do you consider such training to be important?

I consider it is absolutely necessary, taking into account that the judges' profiles are all very different, not only as to their specialization but as to their different legal systems and cultures. Law is a dynamic science; international law, especially human rights and criminal law need a progressive interpretation that requires constant study and updating.

13. Historically, many of the grave abuses suffered by women in situations of armed conflict have been marginalised or overlooked.

a) Please describe any expertise and/or experience you may have in dealing with crimes of sexual and/or gender based violence.

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As I mentioned it previously, two of my most important extradition cases concerned two of the most dangerous criminals in child sexual exploitation and abuse.

b) Are there situations or cases in the past where you believe you have applied a gender perspective, i.e. inquired into the ways in which men and women were differently impacted? If so, to what effect?

While working at the Office of the Legal Advisor of the President we encountered different cases in which the law discriminated, especially, on a gender basis. This was the case with the Social Security Law that recognized different rights for women and men; I personally carried out various efforts from the Legal Advisor's Office in order to obtain a fundamental change in that regulation.

Also, I was involved in the creation of the National Institute for the Protection of Women's equality and rights.

14. Victims have a recognised right to participate in ICC proceedings and to apply for reparations under Article 75 of the Rome Statute. Please describe any experience that you have, which would be relevant to these provisions.

In Mexico's criminal procedure, victims have a right to reparation which has to be claimed in every case. The new criminal procedure, which I helped design, grants a larger and more protective catalogue of victims' rights, allowing them to participate actively in the process, and even granting them the possibility to directly conduct legal action. The bill is currently being discussed in Congress and it includes the procedural rules for such system.

15. Under Article 68(3) of the Rome Statute, victims are entitled to present their views and concerns and have them considered at stages of the proceedings to be determined by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

a) Please describe any experience you may have that would make you particularly sensitive/understanding to the participation of victims in the courtroom?

My experience is based on the preparation of the constitutional and legal texts in the context of the new criminal procedure, in which victims' rights are given the utmost importance.

It is important to overcome the idea that the Prosecutor has the exclusivity on conducting and exercising legal action against criminals. Victims damaged by such criminals frequently are in a better position to contribute with the investigations as well as the proceedings before the Court. In Mexico, we are trying to empower the victims by strengthening their rights and allowing them more presence before the Courts.

b) Do you have any experience in balancing victims' participation with the rights of the accused to due process and a fair and impartial trial? If so, please describe.

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In the above-mentioned legislative process, one of the most difficult tasks was to be able to design a procedure that would acknowledge the required relevance to victims' rights, but at the same time a procedure that respected human rights, specially the access to due process of law, of the accused involved. The human rights approach in criminal law is always a two-way street.

16. Have you advocated for the adoption and/or implementation of human rights or international humanitarian law treaties or other instruments? Please describe your experience.

During my career in the Public Administration I have always fought for the respect of the international obligations undertaken by Mexico.

The discussions, working groups and negotiation of the recent constitutional reform, gave an important place to human right treaties in the legal system. During such amendment process, there was much opposition from the most traditional lawyers, they opposed basically to the following changes: i) to give international human rights instruments the same place in the legal order as the Constitution; ii) the possibility to claim violations not only to constitutional rights but to international human rights as well; and iii) to include in the Constitution the obligation of the State to repair the damages caused in violation of human rights. I was called upon to participate in several discussion groups in the Public Administration, and I strongly defended the approval of such reform that is now in place overcoming such resistance.

Additionally, I was part of the group that conducted and negotiated the constitutional recognition of the jurisdiction of the ICC by Mexico.

17. Have you ever referred to or applied any specific provisions of international human rights or international humanitarian law treaties within any judicial decision that you may have issued within the context of your judicial activity or legal experience?

In defending the constitutional reform that I previously explained, my team and I made a study on the "reparation" concept in the Inter-American System which we used through the discussion and negotiation process. Currently, I am directly involved in the drafting of the new law for reparations of victims of human rights violations in Mexico.

While working as Deputy Attorney General for Legal and International Affairs, I constantly applied international human rights law. I litigated before the National Supreme Court obtaining important decisions which lead to the recognition of human rights treaties in order to bring into process several accused.

18. During the course of your judicial activity, if any, have you ever applied the provisions of the Rome Statute directly or through the equivalent national legislation that incorporates Rome Statute offences and procedure? If so please describe the context in which you did.

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Not exactly under the provisions of the Rome Statute, but as I stated in my *curriculum vitae* as Deputy Attorney-General for Legal and International Affairs, my office was in charge of receiving all the legal assistance requests filed by other countries in which interpretation of international human rights law was a constant.

19. Have you ever referred to or applied the jurisprudence of the ICC, *ad hoc*, or special tribunals? If so, please describe the context.

NO.

20. Have you served on the staff or board of directors of human rights or international humanitarian law organisations? Please describe your experience.

My entire legal career has taken place in the public sphere, which has made it difficult for me to participate in such organizations. However, I have always been involved through the academic field in human right issues specially supporting student organizations in the universities I teach at.

21. a) Please provide us with a list of and/or links to your writings and opinions relevant to evaluating your experience.

I have made such writings and opinions, which are published in hard copy, available at the following link: <http://javierlaynezpotisek.mex.tl>

b) Please provide us with an electronic copy of and/or links to any writing or opinion describing your experience as outlined in questions 1a), 1b) and 5.

c) Is there any other information in the public domain that would support your candidacy or provide additional evidence of your qualification as a judge at the ICC?

As far as my honorability and professional performance, I had the privilege of receiving different international distinctions recognizing my hard and honest work as a public servant which are mentioned on my *curriculum vitae* as well as the statement of qualifications. The latest recognition by a humanitarian society was the Recognition granted to me by “Rotary Club” due to my contribution to the law enforcement in Mexico.

There are many interviews and/or commentaries available on the web that evidence my qualification as judge at the ICC, I hereby provide links to access some of them:

<http://elmundodelabogado.com/2011/al-margen-6/>

<http://doctrina.vlex.com.mx/vid/javier-laynez-potisek-energetica-amparo-193974701>

http://www.shcp.gob.mx/SALAPRENSA/sala_prensa_estenograficas/jlp_20110830_ent_alebrijes.pdf

<http://www.noticiasmvs.com/entrevistas/tercera-emision-con-ezra-shabot/Javier-Laynez-en-la-Tercera-Emision.html>

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http://www.shcp.gob.mx/SALAPRENSA/sala_prensa_estenograficas/jlp_20100826_ent_enfoque.pdf

Other matters:

22. Have you ever resigned from a position as a member of the bar of any country or been disciplined or censured by any bar association of which you may have been a member? If yes, please describe the circumstances.

NO.

23. Have you ever been found by a governmental, legal or professional body to have discriminated against or harassed an individual on the grounds of actual or perceived age, race, creed, colour, gender, sexual orientation, religion, national origin, disability, marital status, socioeconomic status, alienage or citizenship status, or any other grounds of discrimination? If yes, please describe the circumstances.

NO.

24. It is expected that a judge shall not, by words or conduct, manifest or appear to condone bias or prejudice, including, but not limited to, bias or prejudice based upon age, race, creed, colour, gender, sexual orientation, religion, national origin, disability, marital status, socioeconomic status, alienage or citizenship status and shall require staff, Court officials and others subject to his or her direction and control to refrain from such words or conduct.

a) Do you disagree or have difficulty with this expectation?

NO. I completely agree with that demand.

b) Please provide any relevant information regarding your ability to meet this expectation.

I had the privilege of living abroad for 5 years. As a foreigner in a different culture, one learns to understand, and furthermore to embrace, the cultural differences. Paris, where I studied my masters' and doctorate degrees, was and still is, a great place to meet people with different nationalities, sexual preferences, race, religion, socioeconomic and citizenship status.

Mexico also has a great mosaic of cultures and socioeconomic differences; I have also found myself in a privileged position at the professional and personal aspects of my life, being surrounded by people of various religions, socioeconomic status, countries and sexual

Please send your completed questionnaire to judicial-elections@coalitionfortheicc.org; by fax to 1 212 599 1332; or by mail to: Coalition for the International Criminal Court, 708 Third Avenue, 24th floor, New York, NY 10017, USA

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preferences. I am not only tolerant to diversity; I firmly believe that it leads to the improvement of uniqueness.

25. Article 40 of the Rome Statute requires judges to be independent in the performance of their functions. Members of the CICC and governments are concerned about the difficulties a judge may experience in independently interpreting articles of the Rome Statute on which his or her government has expressed an opinion.

a) Do you expect to have any difficulties in your taking a position on any matter independent of, and possibly contrary to, your government?

I have no difficulty at all. Even if I have served my country throughout all my career, I am completely aware that the task I will be given if elected, requires me to take independent decisions, not only with independence from my country but also from any other power that might try to have influence on me, and even independence from my own ideologies. I also know that my country, when proposing me as a candidate, took into account the fact that I have worked for the government for 4 different administrations, including the political transition, always maintaining my commitment to law itself and no flags or allegiances may alter that. Therefore, I believe my country expects me to keep such independence. Another proof of that is Mexico's large experience with judges in international and regional tribunals that have never shown an attitude lacking independence.

b) Article 41 requires a judge's recusal "in any case in which his or her impartiality might be doubted on any ground." Do you feel you could participate in a judicial decision involving a matter in which your government has an interest, such as whether an investigation by your government on a matter of which the ICC was seized was genuine?

I am absolutely sure that I can participate in matters in which my government has interest and be completely objective and impartial. From the day of my appointment, if so, I would be committed to my task and the Court only. However if in any case I considered that my judgment may be questioned as biased, in the interest of the Court and the legitimacy of its decisions, I would invoke the option provided for judges in Article 41 of the Statute.

26. The Rome Statute requires that judges elected to the Court be available from the commencement of their terms, to serve a non-renewable nine-year term, and possibly to remain in office to complete any trials or appeals. In addition, a judge is expected to be on the bench or otherwise handle legal matters for at least seven hours per day, five days per week, and at times a judge's responsibilities may require him or her to be on the bench or at work into the evenings and on weekends. It may also include working on more than one case at a time and for Pre-Trial Division and Trial Division judges, the possibility of temporary attachment to the opposite Division.

a) Do you expect to be able to serve at the commencement and for the duration of your term, if elected?

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I am committed to serve the term to which I may be appointed from the commencement and for as long as it is necessary and as long as the post requires so.

b) Do you expect to be able to perform the judicial tasks described above on your own or with reasonable accommodation? If no, please describe the circumstances.

I will certainly do so. I am aware of the hard work that being an ICC judge represents and I have no problem with that fact. I have always been used to working long hours in the week days, nights, and even weekends. I have always been a person dedicated fully to my job and that is partly why I think I am a great candidate for this position, as I will be entirely committed to the cases at hand and to any other activity the position requires me to perform.

27. If there are any questions you wish were asked in this questionnaire but were not, or if there are any matters that you otherwise wish to bring to the attention of the Coalition in this questionnaire, please feel free to address them here.

I believe that judges, while maintaining their full independence, must be open and take into consideration the opinions and studies made by academics and non-governmental organizations, among others, regarding the cases and the judges' decisions. If elected, I personally commit to always be open to consider such analysis and opinions, in the interest of always improving my task as a judge.

México D.F., a 2 de septiembre de 2011.

**Secretaría de la Asamblea de los
Estados Partes del Estatuto de Roma de
la Corte Penal Internacional.**

Hago referencia a las elecciones que se llevarán a cabo en diciembre de 2011 en el marco de la 10ª Asamblea de los Estados Partes del Estatuto de Roma de la Corte Penal Internacional, para cubrir las vacantes de seis magistrados de ese tribunal.

En mi calidad de miembro del Grupo Nacional Mexicano de la Corte Permanente de Arbitraje, tengo el agrado de avalar la candidatura del Doctor Javier Laynez Potisek, de nacionalidad mexicana, para ocupar una de las vacantes como magistrado de la Corte Penal Internacional.

El Dr. Laynez Potisek tiene una amplia y reconocida trayectoria en derecho y procedimientos penales, así como alta consideración moral, imparcialidad e integridad, requisitos establecidos por el Estatuto de Roma para los candidatos a magistrados de la Corte.

Emito la presente para efectos de lo establecido en el artículo 36, párrafo 4(ii) del Estatuto de Roma de la Corte Penal Internacional.

Aprovecho esta oportunidad para reiterarle las seguridades de mi más alta y distinguida consideración.



Dr. Alonso Gómez Robledo Verduzco
Miembro del Grupo Nacional Mexicano de la
Corte Permanente de Arbitraje

México D.F., a 2 de septiembre de 2011.

**Secretaría de la Asamblea de los
Estados Partes del Estatuto de Roma de
la Corte Penal Internacional.**

Hago referencia a las elecciones que se llevarán a cabo en diciembre de 2011 en el marco de la 10ª Asamblea de los Estados Partes del Estatuto de Roma de la Corte Penal Internacional, para cubrir las vacantes de seis magistrados de ese tribunal.

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**Emb. Antonio de Icaza
Miembro del Grupo Nacional Mexicano de la
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Dr. Alberto Székely
Miembro del Grupo Nacional Mexicano de la
Corte Permanente de Arbitraje

México D.F., a 2 de septiembre de 2011.

**Secretaría de la Asamblea de los
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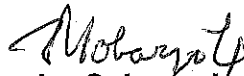
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Dr. Alejandro Sobarzo Loaiza
Miembro del Grupo Nacional Mexicano de la
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