

Nicolas Guillou


France's candidate

Judge at the International Criminal Court

2024 > 2033



Election held at the 22nd session of the Assembly of States Parties
New York, December 2023



25 years after the adoption of the Rome Statute, the international criminal justice system is facing ever-growing challenges. Across all continents, armed conflicts are creating victims, first and foremost the most vulnerable. Everywhere, environmental damage that engenders these conflicts has short- and long-term repercussions on the most basic human rights: life, security and health.

The demand for justice has never been as strong. Crises can be opportunities to invent innovative, bold responses commensurate with the challenges facing us. I am convinced that we can go further in producing proactive international criminal policy while reaffirming the values that the International Criminal Court was built on.

I believe in a more effective Court

A more consistent Court, to ensure legal certainty. In my practice as an international judge, I made consistency between my decisions and with those of other chambers a priority. Tools that promote standardization of practices, such as *the Chambers Practice Manual*, could be put to greater use.

A more collegial Court. I have always defended constructive deliberation to limit separate concurring or dissenting opinions that weaken the Court's unity. I have also always sought to establish a culture of trust with all involved in the criminal process, while respecting the role of everyone, to reduce the degree of conflict in the adjudication process.

A faster Court, to ensure a reasonable time frame is respected for both the accused and victims. I worked on establishing performance indicators for international courts and I set up ambitious procedural timetables in the cases referred to my purview in the Kosovo Specialist Chambers. Judges must play an active role in leading the proceedings.

I believe in a more inclusive Court

The International Criminal Court must be representative of the world. The Court is not just for one continent, and must fulfil the expectations of all victims. In its composition and its activities, I am convinced that it must represent women and men equally, foster diversity and respect difference.

The International Criminal Court must also ensure there is a balance among the various legal traditions and support linguistic diversity. My experience in both civil law and common law legal systems, and in both working languages of the Court, is an asset that will foster this diversity.

The International Criminal Court must offer a dynamic, motivating and safe work environment. In my professional practice, I have always promoted team spirit in a collaborative framework, with respect for all. International judges must be available and involved in the everyday activities of preparing decisions and hearings with the Court's team of legal experts.

I believe in a more resilient Court

To ensure there is trust, the Court must guarantee security for the most vulnerable. It implies the courage to make sometimes difficult decisions and a full investment in the mission. I have always exercised my responsibilities as an international judge with determination and without fear, irrespective of the level of responsibility of the accused and the victims.

To ensure its credibility, the Court must be made up of independent and impartial professional judges, who share the same code of ethics.

My work in recent months with the presidents of international criminal courts to identify the ethical principles shared by all international criminal judges attests to this strong commitment to ethics.

The International Criminal Court must also be prepared to overcome new 21st-century challenges. Serious violations of the dignity of women and all vulnerable victims, damage to the environment and the protection of cultural heritage will be key issues for the Court in the years to come. My research and longstanding personal commitment to these matters have prepared me to respond to them.

We must work closely with civil society organizations and ensure functional complementarity with States and international organizations, especially so there can be better participation and compensation for victims.

There should not be any international crimes that do not have a strong, inclusive and effective judicial response, because there is no lasting peace without justice.

For that to happen, we need experienced, hard-working judges that are motivated by the general interest. My commitment to international criminal justice for many years has prepared me to carry out these international legal roles with professionalism, enthusiasm and determination.

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Solid experience in cases involving crimes against humanity and war crimes

- International Pre-Trial Judge at the Kosovo Specialist Chambers: More than 350 decisions handed down: confirmation of indictments, arrest and detention warrants, searches and seizures, authorizations for witness protection measures, admission of victims.

French and English-speaking jurisdictional practice in both civil law and common law countries

- Investigating judge in France (2003-2006).
- Liaison judge/Justice Attaché, Embassy of France in Washington D.C. (2012-2015).

Confirmed experience in legal and judicial diplomacy

- Criminal Justice Adviser and Diplomatic Adviser to the French Minister of Justice (2009-2012).
- Representative of France for negotiations on intellectual property and corporate law to the European Union, UNCITRAL and the OECD (2006-2009).

Recognized expertise in governance and auditing of international criminal jurisdictions

- Contributing expert to the independent review of the International Criminal Court on matters of governance (2019-2020), after working on performance indicators for international criminal jurisdictions (2016).
- Head of the Office of the President of the Special Tribunal for Lebanon (2015-2019).

Regular participation in teaching and research projects to improve the functioning of the justice system

- Director of training sessions for national and international judges, in particular in Sudan, Central African Republic, Cameroon, France and the Netherlands (since 2012).
- Scientific coordinator on the Ethica project on codes of ethics for international criminal judges (2022-2023).

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