

ERDENEALSUREN, Damdin (Mongolia)

[Original: English]

Statement of qualifications

Statement submitted in accordance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court and resolution ICC-ASP/3/Res.6, as amended by resolutions ICC-ASP/5/Res.5, ICC-ASP/12/Res.8, annex II, ICC-ASP/14/Res.4, annex II, and ICC-ASP/18/Res.4, and ICC-ASP/21/Res.2, annex II, respectively.

The Government of Mongolia has nominated Justice Erdenebalsuren Damdin, Justice of the Supreme Court of Mongolia, the highest judicial office of Mongolia, for the position of judge at the International Criminal Court in the election, which will take place at the twenty-second session of the Assembly of State Parties, scheduled to be held at United Nations Headquarters, New York, from 4 to 14 December 2023.

- a) Justice Erdenebalsuren Damdin fulfills all the requirements under article 36, paragraph 3 (a), (b), and (c), of the Rome Statute as follows:

Paragraph 3 (a)

Justice Erdenebalsuren Damdin is nominated for election under the terms of Article 36, paragraph 4(a)(i), of the Rome Statute of the International Criminal Court by the procedure for the nomination of candidates for appointment to the highest judicial offices in the State of the question.

The Justice of the Supreme Court of Mongolia must meet strict criteria, including high moral character, impartiality, and integrity. Additionally, they must have exceptional legal qualifications and competence, as well as more than ten years of professional experience. The Judicial Council of Mongolia recommends only candidates of exceptional ability for appointment as a Justice of the Supreme Court.

Justice Erdenebalsuren Damdin was appointed to the Supreme court of Mongolia in 2012 by the President of Mongolia with the consent of the Parliament of Mongolia (State Great Khural) based on the recommendation from the Judicial Council of Mongolia.

Justice Erdenebalsuren Damdin's nomination for the position of a judge of the International Criminal Court was approved by the President of Mongolia, following the procedure stipulated in article 36, paragraph 4 (a) (i), of the Statute.

Paragraph 3 (b) (i)

With over 30 years of experience in criminal law and procedure, including serving as a Judge, Defence Counsel, and Prosecutor, Justice Erdenebalsuren Damdin's extensive expertise and dedication make him highly qualified to be appointed as a judge of the International Criminal Court.

His professional career has been entirely devoted to criminal law and procedure, demonstrating his deep knowledge of international criminal law, international humanitarian law, and international human rights law.

As one of the longest-serving Justice of the Supreme Court of Mongolia, with over a decade of service, he has presided over the most serious and complex criminal cases, including cases of exoneration and reparation for victims of genocide and crimes against humanity committed during the period from 1937 to 1939.

Prior to his appointment to the Supreme Court of Mongolia, Justice Erdenebalsuren worked as a Criminal Defence Counsel, representing accused individuals at all stages of a criminal proceeding, as well as representing victims and witnesses in cases of gross human rights violation and reparation. In addition, he served as a Prosecutor for more than 10 years, including as a Senior Prosecutor and Chief Prosecutor, where he dedicated his efforts to investigating and prosecuting various types of crimes across the nation, such as rape, torture, extrajudicial execution, sexual violence, and transnational organized crimes, such as human trafficking, abductions and terrorism.

Due to his extensive knowledge and experience in criminal law and procedure, Justice Erdenebalsuren Damdin has been invited to provide his services in legislative activities for legal reform in Mongolia. He has worked in multiple government and parliament working groups where he played an important role in implementing the Rome Statute and the Kampala Amendments.

Specifically, he contributed to the integration of genocide, crimes against humanity, war crimes, and the crime of aggression into the Criminal Code. Furthermore, he supported the incorporation of the principles of non-applicability of statutory limitations and universal jurisdiction for international crimes into the Criminal Code, thus ensuring the principle of complementarity.

Justice Erdenebalsuren Damdin has also contributed to the drafting of various laws, including the Law on Judiciary, Law on Criminal Investigation Agency, Law on Police, and Law on State Emergency by incorporating the rules and principles of international humanitarian law and international human rights law.

In addition, as the Head of the Foreign Affairs and Cooperation Department of the Prosecutor General's Office of Mongolia, Justice Erdenebalsuren Damdin played a key role in the negotiations leading to the adoption of the Rome Statute of the International Criminal Court.

Justice Erdenebalsuren Damdin serves as a part-time lecturer at the National University of Mongolia, and throughout his professional career, has extensively trained judges, prosecutors, and other legal professionals on topics such as human rights in criminal justice, investigation, prosecution, and adjudication of international crimes at the national level.

Paragraph 3 (c)

Justice Erdenebalsuren Damdin has an excellent command of English and Russian.

- b) Based on his extensive experience as a Supreme Court Justice, Criminal Defence Counsel, and Prosecutor, Justice Erdenebalsuren Damdin is nominated for inclusion in List A for the purposes of article 36, paragraph 5, of the Statute.
- c) The information relating to article 36, paragraph 8 (a), of the Statute is as follows:

- i) Justice Erdenebalsuren Damdin has served for over three decades in the Criminal Justice System of Mongolia. Accordingly, he represents the civil law system. Justice Erdenebalsuren Damdin is also knowledgeable in common law due to the fact that Mongolia has incorporated both civil and common law principles, including the adversarial system, and the use of binding judicial interpretations of the Supreme Court Mongolia as case law.
- ii) Justice Erdenebalsuren Damdin is a national of Mongolia, a member of the Asia-Pacific region;
and
- iii) Justice Erdenebalsuren Damdin is a male.
- d) Justice Erdenebalsuren Damdin has dealt with numerous cases concerning crimes against vulnerable persons, including the elderly and persons with disability; and sexual and gender-based crimes against women and children. In addition, he has served as a Member of the National Commission for Children headed by the Prime Minister of Mongolia, contributed to the improvement of juvenile rights in the administration of Criminal Justice, and advised on the implementation and interpretation of the Convention on the Rights of the Child and Optional Protocol on the involvement of children in armed conflict.
- e) Justice Erdenebalsuren Damdin is a national of Mongolia and does not hold the nationality of any other State.
- f) Justice Erdenebalsuren Damdin is committed to take up full-time service when the Court's workload so requires.