

LAW ON NOMINATION OF JUDGES FROM THE REPUBLIC OF SLOVENIA TO INTERNATIONAL TRIBUNALS/COURTS¹

Article 1

This law regulates nomination and election procedure for candidates for judges who shall in international courts collaborate as representatives of the Republic of Slovenia on basis of international treaties to which the Republic of Slovenia is obliged (hereinafter: a candidate for international court judge).

This Law shall be *mutatis mutandis* applied for nomination and election of judges, who are elected to international courts directly by the Republic of Slovenia.

If an international treaty which obliges the Republic of Slovenia or other regulation does not provide otherwise, this Law shall be used also for election or nomination of representatives of the Republic of Slovenia to other international judicial organs and for members of an international arbitration from the Republic of Slovenia.

Article 2

Person who complies with the conditions provided by this Law can be nominated and elected for a candidate for international court judge.

If rules of an international court or an international treaty which obliges the Republic of Slovenia provide special conditions for election of international court judge, person which complies with such conditions, as well, can be nominated and elected for a candidate for international court judge.

Rules of an international court or an international treaty which obliges the Republic of Slovenia regarding invitation for applications, way of nominations, number of candidates and election procedure shall be appropriately applied.

Article 3

Person who complies with the conditions for election to judicial position of a supreme court judge in accordance with the law which regulates judicial offices can stand as a candidate for international court judge.

Besides conditions set in the former paragraph, a person must complies with the condition of active knowledge of at least one of the official languages of an international court.

Article 4

¹ Slovene language does not differentiate between »court« and »tribunal«. Therefore it is understood

Ministry competent for justice (hereinafter: the ministry) invites for applications for a vacant judicial position at an international court within period set by public invitation of an international court.

If a judge for an international court is nominated without public invitation, the invitation for vacant judicial position shall be done at least six months before the expiration of the term of office of the present judge. If the mandate is terminated prematurely or invitation for applications for nominations is received, that shall be done no later than 15 days from the onset of the grounds for invitation for applications.

Invitation for applications shall be published in the Official Gazette of the Republic of Slovenia.

Article 5

Deadline for applications shall not be shorter than fifteen days.

Candidates must together with their applications produce evidence of their fulfilment of application conditions and description of their professional activity after their latest professional or academic title.

The ministry deals with incomplete applications in accordance with law which regulates administrative procedure.

Applications which were filed after the deadline or are incomplete or were not supplemented within the deadline or do not comply with the application conditions shall be refused or dismissed by the ministry in accordance with law which regulates administrative procedure.

Against the decision with which the application was refused or dismissed the administrative dispute shall be allowed. The appeal must be filed within three days after the decision was serviced.

Court of competent jurisdiction must decide on the appeal within eight days after it was filed.

Nomination proceedings for vacant judicial position shall be stayed until the court decision becomes final.

Applications which were not refused or dismissed shall be transferred by the ministry to the President of the Republic of Slovenia.

Article 6

After he had obtained opinions of the Government of the Republic of Slovenia and of the Judicial Council of the Republic of Slovenia on the applied candidates the President of the Republic of Slovenia shall transfer his proposals on required number of candidates to the Parliament of the Republic of Slovenia.

President of the Republic may propose more candidates than required by the rules of an international court.

The grounds for the proposals must be given.

Article 7

A candidate for international court judge shall be elected by the Parliament of the Republic of Slovenia by secret ballot by the majority of all members of the parliament.

If a candidate for international court judge is not elected, new election of new candidates shall be commenced.

If President of the Republic of Slovenia proposed more candidates than they are to be elected for international court judges, names of the candidates on ballot paper shall appear in the alphabetic order. If no candidate received required majority or if not enough candidates were elected for international court judges, the elections shall be repeated among the candidates who received the highest number of votes. The number of candidates voted upon shall be the same as number of required candidates for international court judge. If even after the repeated election not enough candidates are elected, new election of new candidates shall be commenced.

A candidate can resign from candidacy up until the commencement of voting.

Article 8

If international court requires substitutional or additional judge new election and nomination proceedings shall be commenced in accordance with this Law.

TEMPORARY AND FINAL PROVISION

Article 9

On the day this Law enters into force the Chapter XII of Law on Constitutional Court shall no longer be in force.

Article 10

This Law shall enter into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.

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