



Coalition for the International Criminal Court

www.coalitionfortheicc.org

For more information, contact:

In New York: William R. Pace,
Convenor, Coalition for the ICC

E-mail: pace@wfm-igp.org

Tel: + 1 646 465 8533

In The Hague: Oriane Maillet,

Head of Communications, Coalition for the ICC

E-mail: maillet@coalitionfortheicc.org

Tel: + 31 70 311 10 82

FOR IMMEDIATE RELEASE

ICC Nominations and Elections Must Be Fair, Transparent and Merit-Based

*Global Coalition Provides Update on 2011 Election of ICC Judges and
Prosecutor; Urges its Members and Governments to support efforts to seek the
Most Highly-Qualified Candidates*

New York / The Hague, 28 July 2011 — The Coalition for the International Criminal Court today urged governments, non-governmental organizations and other relevant professional bodies and individuals to join in the effort to find the most qualified candidates in the world for the six positions of judge and the position of chief prosecutor for the International Criminal Court (ICC). Nominations for judges are open until September 2, 2011.

The elections of the judges and next prosecutor of the ICC are at the heart of what will be almost a complete turnover of leadership in the Court and treaty body in 2011-2012. “No one predicted how important the treaty and Court have become as major actors in global peace and security within a few years; the impact of the new officials will be tremendous,” stated William R Pace, Convenor of the Coalition for the International Criminal Court— a global network of over 2,500 civil society organizations in 150 countries advocating for a fair, effective and independent ICC.

The Coalition believes it is crucial during the next six weeks to identify the most qualified candidates in the world for the positions of judges and prosecutor. “We must not allow the ICC elections to repeat the bad practices that have characterized most international elections,” Pace stated. “So far, only male candidates have been nominated for judgeships. In both the judicial and prosecutor nomination processes, there is at this stage insufficient representation of women, the principal legal systems of the world and geographic representation,” he added.

The ICC, established by treaty in 1998 which entered into force in 2002, is the first and only *permanent* international court capable of trying perpetrators of genocide, crimes against humanity and war crimes.

(1) ICC Prosecutor Search

The term of the first ICC Prosecutor, Luis Moreno-Ocampo, is due to expire in June 2012. His successor is to be elected in December this year. The Assembly of States Parties (ASP) —the Court's governing body — has established a Search Committee for the Prosecutor of the ICC composed of States Parties' representatives, mandated to facilitate the nomination and election by consensus of the next Prosecutor.

The President of the Assembly along with the Coordinator of the Search Committee have called for governments, NGOs, professional associations and individuals to contact the Search Committee with names of individuals they believe are among the most qualified individuals in the world to be the Prosecutor of the ICC.

The Coordinator of the Search Committee, H.E. Ambassador Zeid Ra'ad Zeid Al-Hussein and the President of the Assembly, H.E. Ambassador Christian Wenaweser recently reported on the progress and activity of the Search Committee for the position of ICC Prosecutor. Details released by the Committee indicate that it is publicly calling for informal "expressions of interest" within the next six weeks in relation to any highly-qualified candidates noting that women and those from Asia, Latin America and Eastern Europe are currently underrepresented in its list of names.

The Search Committee has indicated that thus far it has considered 29 persons who have expressed an interest in being considered for the post of Prosecutor, three of whom have however been dropped from the list because, according to the Committee, did not meet the requirements of the Rome Statute or have asked to have their candidacy removed.

Of the 26 still under consideration by the Committee, 21 are men and five are female. Based on the United Nations' geographic classification, 15 are from Western Europe and other States group; eight are from the African group; one is from the Eastern European group; and two from the Group of Latin American and Caribbean states. There are no candidates under consideration from the Asian group so far.

"The figures released on the search for the next Prosecutor reveal a regional and gender disparity", said William Pace, Convenor of the Coalition. "We want the search to occur in every legal system and region of the world. Some of the most outstanding international prosecutors and judges were prior to taking office little-known national civil servants who had not even thought about international service," Pace stated.

"The Coalition therefore encourages States, professional organizations, NGOs and any interested persons to submit to the Search Committee the names of those who they believe to be the most qualified and suitable for the role of Prosecutor," he added. "At the same time the Coalition encourages the ASP President and Search Committee coordinator to continue providing reports of the progress made."

Interested candidates or those wishing to recommend the names of qualified individuals are requested to contact the Search Committee through the Secretariat of the Assembly of States Parties before 9 September 2011: *Secretariat of the Assembly of States Parties, International Criminal Court, Maanweg 174, 2516 AB The Hague, The Netherlands; Fax: +31 70 515 8376; Email: rene.holbach@icc-cpi.int*

For additional information on the Search Committee, see:

<http://www.icc-cpi.int/Menus/ASP/Elections/Prosecutor/>

For additional information on ICC prosecutorial elections, see:

<http://www.coalitionfortheicc.org/?mod=electionprosecutor>

(2) ICC Judicial Elections

Between 13 June and 2 September 2011, States Parties will also nominate candidates to fill six judicial vacancies at the ICC. These elections are to be held concurrently with the Prosecutor election between 12 and 21 December 2011 at the tenth ASP session, to be held in New York.

A total of ten candidates have been nominated by States thus far, all of whom are male candidates. Asian states have not nominated any candidates; one nominee is from the Group of Latin American and Caribbean States; two nominees hail from the Eastern European group; two from Western Europe and other States group; and a further five have been nominated by the African States group..

The six elected judges will join the eight female and four male judges who will remain at the Court. The Rome Statute — the Court's founding treaty — establishes a framework for judicial elections, including by fixing qualifications for Judges, fostering fair and competitive elections, and ensuring all major legal systems are represented through geographic representation. This year, governments must elect two judges from the Latin American and Caribbean region and one from the Eastern Europe region. The Statute also ensures equitable gender representation. Due to the current number of female judges, State Parties will need to vote for at least two male candidates.

"Whereas the treaty's progressive gender balance provisions on this occasion will operate in favour of male candidates, with all ten candidates being male thus far, we are of course worried about the gender imbalance swinging back the other way," said the Coalition's Convenor, William R. Pace. "The Coalition is also calling for highly qualified judicial candidates from Eastern European and Latin American and Caribbean states so that regional minimal voting requirements are met," he stated.

Mindful of the negative practice by governments of vote-trading in international elections, the Coalition's efforts are aimed at improving electoral nominations to ensure that all elected officials are highly qualified. Since the first ICC elections in 2003, the Coalition has been promoting informed decision-making by States Parties by ensuring that the qualifications and expertise of candidates for election are as transparent as possible. The Coalition as a whole does not endorse or oppose individual candidates but advocates for the integrity of the nomination and election procedures.

In December 2010 the Coalition established an Independent Panel on ICC Judicial Elections composed of eminent jurists to provide independent assessments of judicial candidates and to report whether each candidate fulfills the qualifications prescribed by Article 36 of the Rome Statute.

For additional information on the Independent Panel on ICC Judicial Elections see:

www.iccindependentpanel.org

For more information on the Coalition's Campaign on ICC Elections, see:

www.coalitionfortheicc.org/elections

Background: *The ICC is composed of judges representing all regions and principal legal systems of the world; eleven judges are women. Current judges are: Sang-Hyun Song (Republic of Korea), Fatoumata Dembele Diarra (Mali), Hans-Peter Kaul (Germany), Elizabeth Odio Benito (Costa Rica), Akua Kuenyehia (Ghana), Erkki Kourula (Finland), Anita Ušacka (Latvia), Sir Adrian Fulford (United Kingdom), Sylvia Steiner (Brazil), Ekaterina Trendafilova (Bulgaria), Daniel David Ntanda Nsereko (Uganda), Bruno Cotte (France), Joyce Aluoch (Kenya), Sanji Mmasenono*

Monogeng (Botswana), Christine van den Wyngaert (Belgium), Cuno Tarfusser (Italy), Silvia Alejandra Fernández de Gurmendi (Argentina), Kuniko Ozaki (Japan), and René Blattman (Bolivia). The ICC Prosecutor is Luis Moreno-Ocampo (Argentina), and the Deputy Prosecutor is Fatou Bensouda (Gambia).

The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity, and genocide. There are currently 116 ICC States Parties. Central to the Court's mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unwilling or unable to investigate and prosecute perpetrators of genocide, crimes against humanity, and war crimes. There are currently six active investigations before the Court: the Central African Republic; the Democratic Republic of the Congo; Darfur, the Sudan; Uganda, Kenya and Libya. The ICC has publicly issued 18 arrest warrants and nine summonses to appear. Three trials are ongoing. The ICC Prosecutor recently requested authorization from Judges to open an investigation in Côte d'Ivoire. His office has also made public that it is examining eight other situations on four continents, including Afghanistan, Colombia, Georgia, Guinea, Honduras, Republic of Korea, Nigeria, and Palestine.

The Coalition for the International Criminal Court is a global network of civil society organizations in 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide. For more information, visit: www.coalitionfortheicc.org

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