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STATES ELECT NEW INTERNATIONAL CRIMINAL COURT LEADERSHIP

*Assembly of States Parties Elects Six New Judges, Fatou Bensouda as ICC
Prosecutor, and Tiina Intelmann as ASP President*

New York, 16 December 2011— This week, the Assembly of States Parties (ASP) to the Rome Statute of the International Criminal Court (ICC) elected Fatou Bensouda to be the next ICC prosecutor, Ambassador Tiina Intelmann as new ASP President and six new judges. These elections will result in the most significant changes in leadership of the ICC and the treaty body since its establishment, the Coalition for the International Criminal Court said today. The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity, and genocide.

“As the most important leadership transition since the first ICC elections of 2003, this week’s elections mark a new phase of the Court’s existence at a time when it has become a major actor in global peace and security,” said William R. Pace, Convenor of the Coalition for the International Criminal Court—a global network of more than 2,500 civil society organizations in 150 countries advocating for a fair, effective and independent ICC and improved access to justice for victims of genocide, war crimes and crimes against humanity. “The officials elected this week will significantly shape the Court’s future, impacting its standing as the world’s most important international judicial institution,” he added.

New Prosecutor ICC Fatou Bensouda (The Gambia) will begin a nine-year term as chief prosecutor beginning in June 2012. She succeeds Luis Moreno-Ocampo (Argentina). Bensouda has been the Court’s deputy prosecutor in charge of the prosecution division since 8 September 2004. Bensouda also worked as a legal

adviser and trial attorney at the International Criminal Tribunal for Rwanda (ICTR), then becoming senior legal advisor and head of the ICTY's legal advisory unit. Before joining the ICTR, Bensouda held a number of high-level positions in the public and private sectors in The Gambia.

The new prosecutor will impact almost every aspect of the ICC for years to come as she will take responsibility for all ongoing and future investigations. This includes the cases currently before the ICC in relation to situations in Central African Republic, Côte d'Ivoire, Darfur, Democratic Republic of Congo, Kenya, Libya and Uganda, as well as the numerous preliminary examinations undertaken in Asia, Africa, Europe, Latin America, and the Middle East. Two of the ICC's first trials may be completed shortly after the election, and the appeals and reparations phases for these trials are expected to be ongoing after the election.

Bensouda's election was the culmination of a search process that began in December 2011 with the establishment of the Search Committee for the position of ICC Prosecutor, a body established by the ASP to facilitate the nomination and election of the next prosecutor by consensus. Of 52 individuals initially identified by the Search Committee, eight were interviewed before four were commended as potential nominees. Informal consultations among states parties and facilitated by the ASP president then yielded an informal agreement to select Bensouda as the consensus nominee on 1 December 2011. She was formally nominated by The Gambia and her nomination was cosponsored by 66 States Parties.

On 12-16 December 2011 after 15 rounds, the ASP elected six new judges, representing a third of the Court's full slate of 18 judges. The judges elected were Miriam DEFENSOR-SANTIAGO (the Philippines), Anthony Thomas Aquinas CARMONA (Trinidad and Tobago), Robert Fremr (Czech Republic), Olga Venecia HERRERA CARBUCCIA (Dominican Republic), Howard MORRISON (United Kingdom) and Chile EBOE-OSUJI (Nigeria).

On 12 December 2011, the ASP also elected Ambassador Tiina Intelmann as the new ASP president for a three year term, succeeding Ambassador Christian Wenaweser (Liechtenstein). Markus Börlin, Swiss Ambassador to the Netherlands and Mr. Ken Kanda, Ghanaian Ambassador and Permanent Representative to the United Nations were elected as Vice-Presidents of the ASP.

18 new members were elected to the ASP Bureau - the ASP's executive committee - for three-year terms from the following states: Canada, Belgium, Finland, Portugal, Samoa, Republic of Korea, Japan, Argentina, Trinidad and Tobago, Chile, Brazil, Czech Republic, Poland, Slovakia, Gabon, Republic of South Africa, Uganda, Nigeria.

The elections for the ASP's Committee on Budget and Finance (CBF) – a subsidiary expert body set up to help the ASP with the budget - is also due to take place during the tenth Assembly.

Through its Campaign on ICC Elections, the Coalition took a number of steps to ensure that the election of the prosecutor and judges were fair, transparent and merit-based. The Coalition held meetings with the four potential prosecutorial nominees commended by the Search Committee. It also closely monitored the Search Committee process and successfully advocated for greater transparency and reporting by the Committee—including on gender and regional statistics—as well as encouraged the identification of potential candidates from all regions. Additionally,

the Coalition met with judicial candidates, asked them to complete questionnaires on their backgrounds and experience, and hosted panels to afford them the opportunity to introduce themselves to states and civil society. The Coalition also established the Independent Panel on ICC Judicial Elections, which provided an independent and objective assessment of each candidate's qualifications based on the high standards set out in the Rome Statute. The Panel's assessments are its own and do not represent the views of the Coalition.

"The Coalition strongly endorses the principle that governments should base elections strictly on merit and qualifications of candidates as proscribed in the Rome Statute, and that significant steps were taken in 2011," Pace stated. "However, it is clear that the practice of 'reciprocal agreements', a euphemism for the practice of crude vote-trading, is still predominant. The Coalition will continue to press the governments on the need to treat ICC elections differently."

Later this week, the ASP will discuss the establishment of its own committee to facilitate the election of the most qualified judicial candidates in future elections, a development welcomed by the Coalition.

For more information on the 10th ASP, visit: <http://coalitionfortheicc.org/?mod=asp10>
For more information on the Coalition's global campaign on ICC elections, visit: <http://www.coalitionfortheicc.org/?mod=elections>

Background: *The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity, and genocide. 120 states have joined the Rome Statute, the Court's founding treaty. 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 seven active investigations before the Court: the Central African Republic; the Democratic Republic of the Congo; Côte d'Ivoire; Darfur, the Sudan; Uganda, Kenya and Libya. The ICC has publicly issued 19 arrest warrants and nine summonses to appear. Three trials are ongoing. The ICC prosecutor has also made public that it is examining eight situations on four continents: 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

Please note that the Coalition as a whole does not endorse or oppose individual candidates but advocates for the integrity of the nomination and election procedures. Individual member organisations of the Coalition may choose to take positions on particular candidates in representing their own respective organizations, but these positions may not be taken in the name of the Coalition.

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