



***A fair, transparent and merit-based election***

**6 judicial vacancies**

**9-year term**

**22nd ASP session  
New York 2023**

**Only the highest qualified candidates**

**No vote-trading**

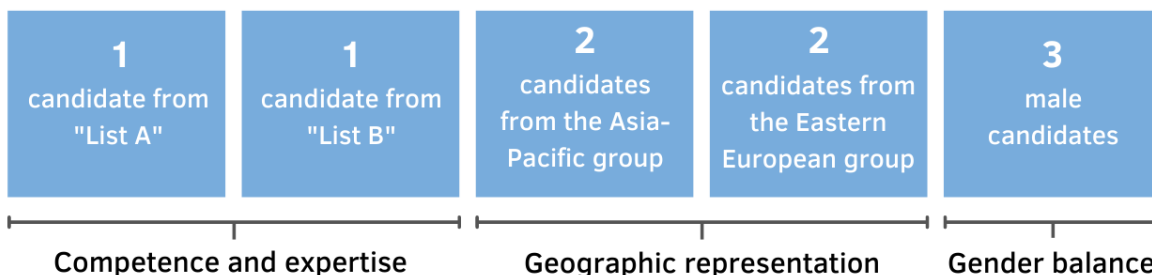
**The Coalition for the ICC Elections' campaign**

Since the first election held for positions at the International Criminal Court (ICC) in 2003, the Coalition for the International Criminal Court has recalled states obligation provided for in the Rome Statute to nominate and elect **only the most highly qualified candidates** to positions within the ICC and the Assembly of States Parties (ASP).

The Coalition does not endorse or oppose individual candidates. Instead, the Coalition **advocates for the integrity of the nomination and election procedures**. To promote informed decision-making by state parties when voting, the Coalition raises awareness about ICC and ASP elections, the candidates and their qualifications. To uphold the independent judicial mandate of the ICC and its powers in determining individual criminal responsibility, the Coalition calls on states parties to **abandon vote-trading practices** acceptable in non-criminal law related diplomatic multilateral settings. Thus, the Coalition strongly **opposes reciprocal political agreements** for all ICC and ASP elections.

Ahead of the 2023 ICC judicial elections, to be held at the 22nd session of the ASP in December, the Coalition calls once again on states parties to abide to the Rome Statute by following **open, competitive and merit-based national nomination processes** and to ensure a fair, transparent, and equally merit-based election process.

**To make sure the Court's bench remains fully representative, in 2023 states should vote for:**



For more information, visit <https://www.coalitionfortheicc.org/icc-judicial-elections>

## 2023 ICC Judicial elections

At its twenty-second session in 2023, the Assembly of States Parties (ASP) will elect six new judges out of the 18 that compose the International Criminal Court's (ICC) bench. Their mandate will start on 12 March 2024, for a single nine-year term.

ICC judges oversee proceedings, ensure fair trials, authorize victims' participation in proceedings, and issue decisions in accordance with the rules and practices of the Court, including arrest warrants or summonses to appear, among other tasks.

Every three years, the 18 ICC judges elect from among themselves a president and two vice presidents who constitute the Presidency. The Presidency has the following main functions: judicial/legal functions, administration and external relations.

### What are the necessary qualifications for ICC judges?

Article 36 of the Rome Statute establishes the qualifications required for ICC judges:

- Judges shall be chosen from among persons of **high moral character, impartiality, and integrity** who possess the qualifications required in their respective States for appointment to the highest judicial offices.
- Every candidate shall have, alternatively, (i) **established competence in criminal law and procedure**, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings, known as "List A", or (ii) **established competence in relevant areas of international law** such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court, known as "List B".
- Every candidate shall have an excellent knowledge of and be fluent in at least one of the **working languages of the Court**: English and French.

When selecting judges, ICC states parties shall also take into account the need for the **representation of the principal legal systems of the world, equitable geographical representation, and a fair representation of female and male judges**.

ICC states parties shall also consider the need to elect judges with **legal expertise on specific issues, including, but not limited to, violence against women or children**.

### How are ICC judges elected?

The procedures for the nomination and election of ICC judges are outlined in articles 36 and 37 of the Rome Statute and in ASP resolution ICC-ASP/3/Res.6 "Procedure for the nomination and election of judges of the International Criminal Court", as amended by resolution ICC-ASP/18/Res.4 "Resolution on the review of the procedure for the nomination and election of judges."

### Nomination of candidates by ICC states parties

Judicial candidates are nominated by ICC states parties and must be nationals of a state party. Each state party can put forward one candidate in each election.

The nomination period for ICC judges opens on the first Monday of the year of the election and lasts for 12 weeks. In 2023, the nomination period opened on 2 January, closing on 26 March. At the end of the nomination period, if any minimum voting requirement (see below) is not matched with at least twice the number of candidates fulfilling that requirement, the nomination period can be extended for a period of two weeks, for no more than three times in total. In 2023, the period may be extended until 8 May 2023 latest.

In order to nominate a candidate, states parties can follow (i) the procedure for the nomination of candidates for appointment to the highest national judicial offices in the state in question, or (ii) the procedure for the nomination of candidates judge to the International Court of Justice (Rome Statute Article 36.4.a)).

ICC-ASP/3/Res.6 establishes that official nominations of candidates should include detailed information on national procedures. Transparent and merit-based national nomination processes developed in accordance with international standards are key to ensure the election of the most highly qualified candidates. In order to further promote the transparency of ICC elections and national nomination processes, at its 18<sup>th</sup> session in 2019, the ASP encouraged States Parties to submit information on their existing or prospective national nomination and selection procedures to the Advisory Committee on Nominations of Judges (ACN). As of 14 March 2023, information on 29 national procedures have been published on the ASP website. At its 21<sup>st</sup> session in 2022, the ASP additionally requested the ACN to compile, in light of the submissions received, guidelines for the national-level nomination procedures to be presented no later than at the 23<sup>rd</sup> ASP session in 2024.

### **Election by the ICC Assembly of States Parties**

ICC judges are elected by the Assembly of States Parties during its annual session. The upcoming elections will be held during the twenty-second session of the ASP (ASP22), taking place on 4-14 December 2023, in New York, USA.

ICC judges are elected for non-renewable 9-year terms.

Voting takes place by secret ballot. To be elected, candidates must receive a two-thirds majority of the States Parties present and voting. Every state party can vote in the election, unless it has lost voting rights.

### **Minimum Voting Requirements (MVRs)**

Voting at each judicial election is governed by a procedure aimed at ensuring that the ICC bench is balanced with respect to three criteria:

- (i) Competence and expertise, or List A and List B;
- (ii) Equitable geographical representation;
- (iii) A fair representation of female and male judges.

To achieve this goal, the primary tool is the use of the Minimum Voting Requirements (MVRs). The MVRs are instructions that States Parties must follow when filling out ballot papers for their choice of candidates to fill judicial vacancies. The MVRs ensure the preservation of the balance dictated by the

Rome Statute for the bench concerning gender, regional representation, and type of competence requirements. The MVRs are determined considering the composition of the bench once the judges' posts become vacant. Therefore, MVRs are established specifically for every election. For example, if the end of term of a female judge would mean that the gender balance in the bench would be broken, then an MVR would be that States must vote for at least one female candidate.

During the election, MVRs are recalculated to take into account the requirements met by the candidates elected in previous rounds.

#### Minimum voting requirements for the 2023 judicial elections

ICC states parties should vote for at least:

- **Competence and expertise:** 1 candidate from List A; 1 candidate from List B.
- **Geographic representation:** 2 candidates from the Asia-Pacific group; 2 candidates from the Eastern European group.
- **Gender balance:** 3 male candidates.

#### **Assessment of candidates by the Advisory Committee on Nomination of Judge (ACN)**

The Advisory Committee on Nomination of Judges (ACN) is an independent subsidiary ASP body established to facilitate the nomination and election of the most highly qualified individuals as ICC judges. The ACN is composed of nine members elected by the ASP for a 3-year term, renewable once.

The ACN conducts a review of the candidates' qualifications, skills and experience, and professional conduct, and provides an assessment dividing them into the following categories: "highly qualified, qualified, only formally qualified, and not qualified".

The ACN requests candidates to complete a questionnaire to expand on their qualifications and to participate in interviews. The ACN assessment is submitted to States parties at least 16 weeks before the election takes place.

#### **Transparency of the election process**

To enhance the transparency of the process and raise awareness on the candidates' qualifications ahead of the elections, the ASP facilitates public roundtables for candidates, that are co-moderated by states parties and civil society. The public roundtables will take place after the publication of the ACN report, tentatively in October or November 2023.

Up until the judicial elections in 2017, the Coalition for the ICC organized public roundtables with judicial candidates to serve that purpose.

The Coalition for the ICC shares information about the election process and engages with candidates and other relevant stakeholders in order to raise awareness and increase transparency of the process and ensure that States Parties make fully-informed decisions.

### Vetting of judicial candidates

For the first time, judicial candidates will be subject to an *ad hoc* vetting process to assess the high moral character of candidates, prescribed by the Rome Statute. The vetting process, developed by the ICC's Independent Oversight Mechanism (IOM), was adopted on 28 February 2023.

The vetting process for judicial candidates will be carried out by the IOM and will include:

- A comprehensive review of background information, including reputational interviews with former employers and staff who may have worked with the candidate, and;
- The establishment of a confidential channel for the submission of information on alleged misconduct, open until 30 June 2023.

This vetting process will be launched at the closure of the nomination period for candidates. Based on the terms of reference, states parties commit to support the IOM in retrieving information about candidates and in the dissemination of the confidential channel once published. Any concern related to the moral character of candidates arising from the process shall be reported no later than 31 October to the President of the ASP.

### Timeline for the 2023 ICC judicial elections

- 2 January 2023: Opening of the 12 weeks nomination period.
- 26 March 2023: End of nomination period, unless extended (The period may be extended for two weeks for a maximum of three times, until 8 May 2023.)
- 9 April: New deadline for nominations - The nomination period was extended because not all nomination requirements were met.
- 30 June 2023: deadline for submission of information on alleged misconduct to the confidential channel.
- 3-14 July 2023: ACN session to assess candidates.
- By mid-September (at least 16 weeks ahead of ASP22): ACN report submitted to the ASP.
- 31 October: Deadline for the IOM report to the ASP President on the due diligence process.
- October/November: ASP public roundtable discussions with candidates.
- 4-14 December 2023 (ASP22): ICC States Parties elect 6 new ICC judges.
- 12 March 2024: Beginning of the mandate of the 6 new judges.

**Current ICC judges who will end their mandate in 2024 creating vacancies to be filled via the election scheduled for December 2023**

Judge	Regional group	Gender	List
<b>CHUNG, Chang-Ho</b>	Asia-Pacific	M	A
<b>DE BRICHAMBAUT, Marc Perrin</b>	Western Europe and others	M	B
<b>HOFMANSI, Piotr</b>	Eastern Europe	M	A
<b>KESIA-MBE MINDUA, Antoine</b>	Africa	M	B
<b>KOVÁCS, Péter</b>	Eastern Europe	M	B
<b>SCHMITT, Bertram</b>	Western Europe and others	M	A

**ICC judges continuing their mandate**

Judge	Regional group	Gender	List	End of terms
<b>AKANE, Tomoko</b>	Asia-Pacific	F	A	2027
<b>AITALA, Rosario Salvatore</b>	Western Europe and others	M	A	2027
<b>ALAPINI-GANSOU, Reine</b>	Africa	F	B	2027
<b>ALEXIS-WINDSOR, Althea Violet</b>	Latin American and the Caribbean	F	A	2030
<b>BOSSA, SOLOMY BALUNGI</b>	Africa	F	A	2027
<b>FLORES LIERA, MARÍA DEL SOCORRO</b>	Latin American and the Caribbean	F	B	2030
<b>IBAÑEZ CARRANZA, LUZ DEL CARMEN</b>	Latin American and the Caribbean	F	A	2027
<b>KORNER, Joanna</b>	Western Europe and others	F	A	2030
<b>LORDKIPANIDZE, Gocha</b>	Eastern Europe	M	B	2030
<b>PROST, Kimberly</b>	Western Europe and others	F	A	2027
<b>SAMBA, Miatta Maria</b>	Africa	F	A	2030
<b>UGALDE GODINEZ, Sergio Gerardo</b>	Latin American and the Caribbean	M	B	2030