

Independent Panel on ICC Judicial Elections

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The Hon. Justice Richard J. Goldstone, Chair

The Hon. Patricia Wald, Vice-Chair

The Hon. Hans Corell

Judge O-Gon Kwon

Dr. Cecilia Medina Quiroga

28 April 2012

New Haven

William R. Pace, Convenor

Coalition for the International Criminal Court

708 Third Avenue, 24th Floor

New York, NY 10017 USA

Dear Bill,

It has been my honor to serve as the Chair of the Independent Panel on ICC Judicial Elections, an innovative civil society initiative to ensure the nomination and election of the most highly-qualified individuals to be ICC judges. The Coalition for the ICC embarked on such an initiative because of the lack of any mechanism within the Assembly of States Parties (ASP) to ensure that only those candidates who meet the requirements of the Rome Statute are elected.

Personally and professionally, I regard the work of the Panel before the December 2011 elections as having been a success. Our careful and independent deliberations resulted in finding four candidates to be "Not Qualified," and none of them was elected. I was also pleased to learn that some governments did not nominate certain candidates after learning of the Panel and its planned assessments. You also reported to me about the likely influence of the Panel's assessments on the final difficult rounds of voting. It is gratifying to know that our work had such an impact and that several governments spoke about it favorably at the December ASP session.

Another important result of the Panel's work, in my view, is the decision of the ASP to establish an Advisory Committee on Nominations (ACN). The Rome Statute suggests such a committee, and the Panel endorsed its establishment in our report. Fellow Panel member Hans Corell and I have recently met with Ambassador Tiina Intelmann, the President of the ASP, about this new committee. I have also consulted with my fellow members of the Independent Panel about its future work considering the ASP's recent action.

We believe that the CICC should now suspend the work of the Panel to allow for the ACN to develop as a committee within the ASP. We believe that this will ensure the opportunity for the ACN to develop the kind of independence and expertise the Panel enjoyed, while also positioning the CICC and the individual members of the Panel in our personal capacities to influence the formation of the ACN. We believe that that ACN should be given this opportunity and that the CICC should closely monitor its development. If, in the future, the ACN is not able to achieve its high purpose, the CICC could reactivate the Independent Panel. The CICC would make States Parties aware of this, providing a further incentive to ensure its meaningful establishment. In the end, the Panel is of the view that an ACN that is independent and effective will help achieve what we are all hoping for: the nomination and election of the most highly-qualified candidates to serve the ICC and the cause of international justice.

I send you this letter with the concurrence of all of the members of the Panel.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Goldstone", with a long horizontal line extending from the end of the signature.

Richard Goldstone, Chair
Independent Panel on ICC Judicial Elections