

**FOR IMMEDIATE RELEASE**

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Chance for Asia-Pacific states to boost ICC representation*June elections to fill vacancy on ICC judges' bench open only to member states*

Phnom Penh/The Hague—Asia-Pacific governments have a chance to enhance their representation in the international legal order and at the International Criminal Court (ICC) and put forward highly qualified candidates for upcoming judicial elections for The Hague-based Court, the Coalition for the ICC said today.

After a health-related resignation last year, there is currently a vacancy on the ICC bench. The newly elected judge will serve out the remainder of a nine-year term that began in 2012.

ICC member states have until 31 March 2015 to nominate candidates for the position. Only nominees from the Asia-Pacific region are eligible for election due to rules on geographical representation.

“With this election, Asia-Pacific governments have the opportunity to strengthen peace, justice and the rule of law in international affairs by nominating highly qualified candidates for election to the world’s highest criminal court,” said **William R. Pace, convenor of the Coalition for the ICC, a global network of civil society organizations**. “The nomination of candidates will reaffirm the positive support and engagement of Asia-Pacific states parties with the ICC.”

States that have already joined the Court have the opportunity to nominate candidates for the election, set for June 2015 at a resumed session of the Assembly of States Parties (ASP)—the ICC’s governing body.

“With only ICC member states able to nominate candidates, this election is also a compelling incentive for Asia-Pacific states close to joining the Court to take the final step,” said **Amielle Del Rosario, the Coalition’s Asia-Pacific regional coordinator**. “By participating in this election, states such as Indonesia, Malaysia, Laos, Thailand and Vietnam could play a meaningful role in shaping the future of the Court.”

The ICC Rome Statute establishes a framework for judicial elections, including by specifying the minimum qualifications for judges, fostering fair and competitive elections, and ensuring all major legal systems are represented through geographic apportioning.

The Statute also ensures equitable gender representation among the judiciary. Article 36 of the Rome Statute requires that candidates have established competence in criminal law and procedure and the necessary relevant experience in criminal proceedings (“list A” candidates) or in relevant areas of international law and extensive experience in a professional legal capacity (“list B” candidates). At any time, there must be at least nine judges from list A and at least five from list B.

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While the replacement judge for the June 2015 election must come from the Asia-Pacific region, all other requirements (gender and expertise) are fulfilled. Every candidate must also have an excellent knowledge of and be fluent in at least English or French—the working languages of the Court.

Following the closing of the nomination period for the election, the ASP's Advisory Committee on Nominations will undertake an impartial assessment of the candidates.

As part of its long-standing campaign on ICC/ASP elections, the Coalition for the ICC calls for the nomination and election of most highly-qualified candidates through a fair, transparent and merit-based election process. We also strongly oppose reciprocal political agreements (“vote-trading”) in ICC elections.

“In order to enhance the nomination process, the Coalition will help publicize and raise awareness of the elections and candidates put forward by governments,” **Pace added.** “Since 2003, the Coalition has been promoting informed, merit-based elections by governments by ensuring that the qualifications and expertise of candidates for election are as well-known as possible.”

The Coalition also encourages nominations to be made through a transparent and vigorous process, in broad consultation with civil society, professional national legal associations and others.

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 organizations of the Coalition may take positions on particular candidates. The individual organization positions are never taken in the name of the Coalition.

As with previous elections, the Coalition will request all nominated candidates to complete questionnaires that provide additional information about their qualifications, hold interviews with all candidates, organize public seminars with available candidates and experts, as well as host public debates between the candidates.

Background: *The ICC is composed of 18 judges representing all regions and principal legal systems of the world; ten judges are women. Current judges are: Sang-Hyun Song (Republic of Korea), Sanji Mmasenono Monogeng (Botswana), Cuno Tarfusser (Italy), Akua Kuenyehia (Ghana), Erkki Kourula (Finland), Anita Ušacka (Latvia), Ekaterina Trendafilova (Bulgaria), Joyce Aluoch (Kenya), Christine van den Wyngaert (Belgium), Silvia Alejandra Fernández de Gurmendi (Argentina), Kuniko Ozaki (Japan), Howard Morrison (United Kingdom), Olga Herrera Carbuccion (Dominican Republic), Robert Fremr (Czech Republic), Chile Eboe-Osuji (Nigeria) and Geoffrey A. Henderson (Trinidad and Tobago). Judge Sylvia Steiner (Brazil) is continuing in office to complete ongoing proceedings. The ICC prosecutor is Fatou Bensouda (Gambia) and the deputy prosecutor is James Stewart (Canada).*

In December 2015, the ASP elected six new judges to the Court's bench. These were: Péter Kovács (Hungary); Bertram Schmitt (Germany); Marc Perrin de Brichambaut



(France); Antoine Kesia-Mbe Mindua (Democratic Republic of Congo); Piotr Hofmański (Poland); and Chang-Ho Chung (Republic of Korea). The new judges will be sworn in at a ceremony in The Hague on 10 March 2015.

The ICC is the world's first, permanent international court to prosecute war crimes, crimes against humanity, and genocide. Central to the Court's mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity, and war crimes. There are currently nine active investigations before the Court: the Central African Republic (I & II); the Democratic Republic of the Congo; Darfur, Sudan; Kenya; Libya; Uganda; Côte d'Ivoire and Mali. The Office of the Prosecutor (OTP) has made public that it is examining nine situations on four continents, including Afghanistan, Colombia, Georgia, Guinea, Honduras, Iraq, Nigeria, Palestine and Ukraine. The OTP has concluded preliminary examinations relating to Iraq, Venezuela, Palestine and the Republic of Korea, declining in each case to open an investigation.

The Coalition for the International Criminal Court is a global network of civil society organizations in over 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. www.coalitionfortheicc.org