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States: Nominate the Most Highly Qualified ICC Judicial Candidates*Nominations and elections must be fair, transparent and merit-based*

New York/The Hague—States must nominate the most highly-qualified candidates for upcoming judicial elections at the International Criminal Court (ICC) through a fair, transparent and merit-based election process, the Coalition for the ICC said today.

From today, 28 April, to 20 July 2014, ICC member states will have the opportunity to nominate candidates to fill six vacancies on the judges' bench.

"Reference to the International Criminal Court arises with almost every international crisis. It is more important than ever that states nominate the most highly-qualified candidates for this major election," **said Coalition Convenor William R. Pace.** "The ICC is the international community's *permanent* Court, with the ad hoc and special tribunals completing their mandates, and with scant willingness to create new ad hoc courts. Thus, the Court is moving into a crucial stage of development and scrutiny. In order to deal with particularly complex legal proceedings and in order that the Court's judicial processes can be as efficient as possible, it is particularly important that judicial candidates have experience in criminal courtroom proceedings and courtroom management."

"The only way the ICC can be recognized as pre-eminent, unbiased, independent and effective—as an international tribunal that ensures fairness in its procedures and trials—is if the Court's chambers are composed of the most highly qualified and impartial judges," **Pace added.**

The elections will take place in December 2014 at the 13th annual session of the ICC's governing body—the Assembly of State Parties (ASP).

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. Due to the current number of female judges, states parties will need to vote for at least one male candidate. In addition, two judges from the Eastern-European region and one from the Asia-Pacific region, while two "List B" judges competent in relevant international law must be elected.

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 be from list A and at least five from list B.

In December, a new ASP president and two vice-presidents will also be elected, along with 18 new members of the ASP Bureau and six new members of the Committee on Budget and Finance.

Campaign on ICC Elections

In 2014, the Coalition's campaign on ICC Elections will:

CONTACTS:**In The Hague**

Matthew Cannock

Legal Officer

Tel: +31 (0) 70 311 10 83

cannock@coalitionfortheicc.org

Niall Matthews

Head of Communications

Tel: +31 (0) 70 311 10 85

matthews@coalitionfortheicc.org**In New York:**

Mr. William Pace

Convenor

Tel: +1 646 465 8514

pace@coalitionfortheicc.org

Dan Verderosa

Communications Officer

Tel: +1 646 465 8524

verderosa@coalitionfortheicc.org



- (1) Promote the nomination and election of the most highly qualified officials through fair, merit-based, and transparent processes;
- (2) Uphold the Rome Statute principles of a fair, effective and independent ICC representing all of the world's regions and major legal systems as well as maintaining equitable gender representation.

The Coalition calls on governments to fully respect the provisions set out in Article 36 of the Rome Statute, when nominating candidates. 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.

"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."

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.

"Those governments that are advanced in their ratification procedures may consider nominating a candidate," **said Coalition Europe Regional Coordinator and Head of The Hague office Kirsten Meerschaert Duchens.** "Participating in these historic elections as a state party would be meaningful in shaping the future of the Court."

Advisory Committee on Nominations

In 2011, in accordance with Article 36 of the Rome Statute, an Assembly of States Parties Advisory Committee on Nominations of Judges (ACN) was established to facilitate the nomination and election of the highest qualified officials. The ACN provides objective assessments of the nominated judicial candidates, guided by the applicable provisions of the Rome Statute.

"This is the first time the Advisory Committee on Nominations will assess such a high number of candidates. The Coalition is committed to supporting the Committee in fulfilling its mandate and further improving the ICC judicial election process," **Pace continued.** "The Coalition strongly urges states parties to give their full support to the work of the ACN and to pay due regard to the findings and recommendations of the Committee."

Background: *The ICC is composed of eighteen 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), Hans-Peter Kaul (Germany), 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), Miriam Defensor-Santiago (Philippines), Howard Morrison (United Kingdom), Olga Herrera Carbuca (Dominican Republic), Robert Fremr (Czech Republic), Chile Eboe-Osuji (Nigeria) and*



Geoffrey A. Henderson (Trinidad and Tobago). The judges continuing in office to complete their trials are: Fatoumata Dembele Diarra (Mali), Sylvia Steiner (Brazil) and Bruno Cotte (France). The ICC Prosecutor is Fatou Bensouda (Gambia) and the Deputy Prosecutor is James Stewart (Canada).

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 eight active investigations before the Court: the Central African Republic; the Democratic Republic of the Congo; Darfur, Sudan; Kenya; Libya; Uganda; Côte d'Ivoire and Mali. The ICC has publicly issued thirty arrest warrants and nine summonses to appear. Two trials are ongoing. The Office of the Prosecutor has made public that it is examining eight situations on four continents, including Afghanistan, Colombia, Georgia, Guinea, Honduras, Nigeria, Republic of Korea and Ukraine. The Office of the Prosecution has concluded its preliminary examination relating to Iraq, Venezuela and Palestine, 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.

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