



Coalition for the International Criminal Court

[www.coalitionfortheicc.org](http://www.coalitionfortheicc.org)

FOR IMMEDIATE RELEASE

## **Global Coalition Calls on States to Nominate the Most Highly-Qualified Judicial Candidates to the ICC**

*Nominations and Elections Must Be Fair, Transparent and Merit-Based*

**New York / The Hague, 21 June 2011** — The opening last week of the nomination period of candidates for upcoming elections of Judges to the International Criminal Court (ICC) is a crucial opportunity for States to nominate the most highly-qualified candidates through a fair, transparent and merit-based election process, the Coalition for the International Criminal Court said today. The ICC, established by treaty in 1998 and which entered into force in 2002, is the first *permanent* international court capable of trying perpetrators of genocide, crimes against humanity and war crimes.

Between 13 June and 2 September 2011, States Parties to the Rome Statute will nominate candidates to fill six judicial vacancies at the ICC. The elections, to be held in December 2011 at the tenth session of the Assembly of State Parties (ASP), represent the most significant change to the composition of the Court's bench in recent years. The ASP is the Court's governing body and is composed of the 115 States that are party to the Rome Statute.

“With the other *ad hoc* and special international tribunals finishing their mandates, in a few years the ICC could be the *only* international court holding individuals accountable for these terrible crimes in international law,” said William R Pace, Convenor of the Coalition. “It is therefore imperative that States nominate the most highly-qualified candidates for this crucial election,” he said. “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 judges who are among the most highly qualified and impartial,” he added.

The Rome Statute establishes a framework for judicial elections, including by fixing qualifications for Judges, fostering fair and competitive elections, and ensuring all major legal systems are represented through geographic representation. The Statute ensures equitable gender representation; indeed due to the current number of female judges, State Parties will need to vote for at least two male candidates. In addition, the governments must elect two judges from the Latin American and Caribbean region and one from the Eastern Europe region. The Coalition estimates that governments will nominate between 15-25 candidates for the six positions.

The Coalition calls on States Parties 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 organisations of the Coalition may take positions on particular candidates which represent their respective organizations but are not 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 States Parties," Pace said. "Since 2003, the Coalition has been promoting informed decision-making by States Parties by ensuring that the qualifications and expertise of candidates for election are as transparent as possible," he explained.

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

A State that has not yet completed its Rome Statute ratification procedures may provisionally nominate a candidate. That nomination will become effective if the state deposits its instrument of ratification to the Rome Statute by the 2 September 2011 nomination deadline. "We encourage all states that are advanced in their ratification procedures to consider nominating a candidate," said Brigitte Suhr, Director of Regional Programs at the Coalition. "Participating in these historic elections as a state party would be meaningful in shaping the future of the Court," she added.

In addition, in December 2010 the Coalition established an Independent Panel on ICC Judicial Elections to provide independent assessments of judicial candidates and to report whether each candidate fulfills the qualifications prescribed by Article 36 of the Rome Statute. The Independent Panel is composed of the Hon. Justice Richard Goldstone (Chair), the Hon. Patricia Wald (Vice-Chair), the Hon. Hans Corell, Judge O-Gon Kwon, and Dr. Cecilia Medina Quiroga. The views of the Panel and its assessments of the judicial candidates are its own and do not reflect those of the Coalition. Like the Coalition, however, the Panel will not endorse or oppose candidates. The Panel will issue a report of its assessments after the closing of the nomination period and in advance of the December elections.

In December 2011, ICC States Parties will also elect a new ICC Prosecutor to succeed Luis Moreno-Ocampo, whose term ends in June 2012. The formal nomination period is open from 13 June 2011 until 2 September 2011, subject to extension. The ASP has established a Search Committee for the Prosecutor of the ICC composed of States Parties' representatives, which is mandated to facilitate the nomination and election by consensus of the next Prosecutor.

**For further information on the Independent Panel on ICC Judicial Elections, including its Terms of Reference, visit: [www.iccindependentpanel.org](http://www.iccindependentpanel.org).**

**For further information on the Coalition's global campaign on ICC elections go to <http://www.coalitionfortheicc.org/?mod=elections> or, contact: William R. Pace, Convenor, Coalition for the International Criminal Court, New York at: [pace@wfm-igp.org](mailto:pace@wfm-igp.org) and + 1 646 465 8533 or Oriane Maillet, Head of Communications, Coalition for the International Criminal Court, The Hague at: [maillet@coalitionfortheicc.org](mailto:maillet@coalitionfortheicc.org) and (+) 31 70 311 10 82.**

**Background:** The ICC is composed of judges representing all regions and principal legal systems of the world; eleven judges are women. Current judges are: Sang-Hyun Song (Republic of Korea), Fatoumata Dembele Diarra (Mali), Hans-Peter Kaul (Germany), Elizabeth Odio Benito (Costa Rica), Akua Kuenyehia (Ghana), Erkki Kourula (Finland), Anita Ušacka (Latvia), Sir Adrian Fulford (United Kingdom), Sylvia Steiner (Brazil), Ekaterina Trendafilova (Bulgaria), Daniel David Ntanda Nsereko (Uganda), Bruno Cotte (France), Joyce Aluoch (Kenya), Sanji Mmasenono Monogeng (Botswana), Christine van den Wyngaert (Belgium), Cuno Tarfusser (Italy), Silvia Alejandra Fernández de Gurmendi (Argentina), Kuniko Ozaki (Japan), and René Blattman (Bolivia). The ICC Prosecutor is Luis Moreno-Ocampo (Argentina), and the Deputy Prosecutor is Fatou Bensouda (Gambia).

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 six active investigations before

*the Court: the Central African Republic; the Democratic Republic of the Congo; Darfur, Sudan; Kenya; Libya; and Uganda. The ICC has publicly issued 15 arrest warrants and nine summonses to appear. Three trials are ongoing. The Office of the Prosecutor has made public that it is examining at least nine situations on four continents, including Afghanistan, Colombia, Côte d'Ivoire, 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 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. For more information, visit: [www.coalitionfortheicc.org](http://www.coalitionfortheicc.org).***

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