

21 March 2012

Dear Excellencies,

I am writing on behalf of the Elections Team of the Coalition for the International Criminal Court regarding the upcoming establishment of an Advisory Committee on Nominations for ICC judicial elections.

At its Tenth Session, the Assembly of States Parties to the International Criminal Court took the important step to establish an Advisory Committee on Nominations (ACN) as envisaged in article 36, paragraph 4 (c) of the Rome Statute. The Terms of Reference of the ACN (annexed to ICC-ASP/10/36) state that the Committee will provide "information and analysis, of a technical character, strictly on the suitability of the candidates" in accordance with the requirements of article 36 of the Rome Statute, and is thereby intended to facilitate the election of highly qualified individuals as judges of the ICC.

The nomination period for members of the ACN is expected to open as early as April 2012. The Coalition wishes to take this opportunity to urge you to identify, in consultation with civil society, and nominate highly qualified candidates for this important body.

In seeking to identify candidates, the Team urges your government to take into account the requirements of the Terms of Reference that:

*Members of the Committee should be drawn from eminent interested and willing persons of high moral character, who have established competence and experience in criminal or international law...Members of the Committee would not be the representatives of States or other organizations. They would serve in their personal capacity, and would not take instructions from States Parties, States or any other organizations or persons.*

Additionally, the Terms of Reference require the Assembly of States Parties to take into consideration that members of the Committee should reflect "the principal legal systems of the world and an equitable geographical representation, as well as a fair representation of both genders."

The Team encourages the nomination and appointment of the most highly qualified, independent experts as the founding members of the ACN. Furthermore, in line with the spirit of the above criteria, the Team urges governments not to put forward or support candidates who are serving government officials or whose current employment with an organization would reasonably bring into question their independence towards assessing candidates. As an evaluating body, the legitimacy and credibility of the ACN will depend on the integrity and independence of its members. In order to ensure the confidence and support of all states parties in the work of the Committee, it is crucial that members are, and are perceived as being, outside the influence of extraneous interests.

We welcome this important initiative designed to further improve ICC judicial election processes and I am sure many of the Coalition's members would welcome the opportunity to assist you in identifying the best possible candidates to serve on the ACN in the months ahead.

We are grateful for your consideration of this matter.

Sincerely,



William R. Pace

Convenor, Coalition for the International Criminal Court (CICC)