

New York, January 21, 2011

Dear Excellency,

I am writing to you on behalf of the *Coalition for the International Criminal Court*, a global network of over 2,500 member organizations in more than 150 countries advocating for a fair, effective and independent International Criminal Court (ICC).

During 2011, the State Parties of the Rome Statute will, for only the second time in the Court's history, elect a new Prosecutor for the International Criminal Court. The Statute provides that the Prosecutor shall be elected for a term of up to nine years. As with the judges, the Prosecutor can only serve one term.

Excellency, there have been very important advances in international justice during the last fifteen years. The ICC, which is treaty-based and permanent, and the ad hoc and special tribunals, which are largely completing their mandates granted by the UN Security Council, have made major strides in ending impunity for the worst crimes in international law. But great and difficult challenges remain in the years to come. There is increasing scrutiny of international justice by governments, parliaments, civil society, the media and others.

Therefore, it is of the greatest importance that States Parties nominate the most highly qualified candidates for the election of Prosecutor. Among the great achievements of the Rome Statute are the articles providing for a fair, impartial and independent Prosecutor.

The Coalition encourages all States Parties to nominate or support the nomination of candidates through a transparent and vigorous process, and to conduct broad consultation with civil society, the legal profession and others. States Parties to the Rome Statute must give the greatest attention to the requirements established by Article 42 when considering nominations of candidates.

Excellency, the **Bureau of the Assembly of State Parties** has established a **Search Committee for the Position of the Prosecutor of the International Criminal Court**. The Terms of Reference include provisions on the composition, mandate, working methods, transparency, confidentiality and timeline of the search process.

Paragraph six of the terms of reference provides: *The Search Committee will informally receive expressions of interest from individuals, States, regional and international organizations, civil society, professional associations and other sources. The Search Committee will also actively identify and informally approach individuals who may satisfy the applicable criteria, in particular those contained in article 42 of the Rome Statute, and who may subsequently express their interest to be considered. The Search Committee shall review the expressions of interest in light of the relevant criteria and **produce a shortlist of at least three suitable candidates**, where possible for consideration by the Bureau.*[Our emphasis]

The Coalition strongly urges your government to seek out the most qualified candidates in the world for the position of Prosecutor of the ICC. In the coming days and weeks, the Coalition will be reaching out to encourage other States and non-State actors, including civil society organizations and bar associations to utilize the unique mandate of the Search Committee and to the Search Committee itself to actively seek out candidates for this important post

Excellency, for your convenience we are attaching the abovementioned terms of reference for the Search Committee (ASP document ICC-ASP/9/INF.-2) which include as annexes the resolution on the nomination and election of the Prosecutor and Article 42 on The Office of the Prosecutor.

With our highest regards,

A handwritten signature in black ink that reads "William R. Pace". The signature is written in a cursive style with a prominent loop at the end of the last name.

William R. Pace
Convenor