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Press Release
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PREPARATORY COMMITTEE ON INTERNATIONAL CRIMINAL COURT DISCUSSES
COMPOSITION OF PROPOSED COURT, QUALIFICATIONS OF JUDGES

The composition of the proposed international court should reflect an equitable geographical representation and expertise in criminal law, delegates said in this morning's meeting of the Preparatory Committee for the Establishment of an International Criminal Court. In today's discussion of the composition and administration of the proposed court, the representative of Malaysia said that the judges of the court should reflect the various legal systems of the world, and the principle of equitable geographic distribution, a proposal echoed by many other delegations, including China, Norway, Russian Federation, Trinidad and Tobago and Mexico.

Norway, recalling the frequent occurrence of sexual assault during armed conflicts, suggested an equitable gender representation both among the staff of the proposed tribunal and the composition of the court itself.

The court should employ judges with experience in international humanitarian law, said the representative of Italy. Experience in criminal prosecution should be the chief determinant in the selection of prosecutors. The United Kingdom representative emphasized that judges should be primarily experienced in criminal trial law. It would be far easier for an experienced criminal lawyer to familiarize himself with international humanitarian law than the other way around, she said. Israel added that expertise in criminal law was a sine qua non for judges holding office in the court's trial chamber, whereas in the appellate chamber the distribution between experts in criminal law and international law could be equal.

Qatar said that the draft statute should indicate a minimum number of years' experience required for nominees for judgeships. Trinidad and Tobago suggested the statute should indicate "trial experience as an advocate or as a member of the judiciary", rather than criminal trial experience.

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Regarding the number of judges on the court, Italy favoured the naming of 18 judges for the tribunal, with 5 judges in its trial chamber, who would be elected to single nine-year terms. Switzerland, calling for a "lean court", proposed no more than 15 and perhaps as few as 12 judges, three per chamber. France suggested 24 justices, with between five and six judges per chamber.

The representative of the United States said that trial and appellate judges should be drawn from separate groups of candidates; otherwise, their independence may be drawn into question. Regarding the proposed election of elected judges, she said that judges should be appointed subject to confirmation. That would allow for the selection of the best-qualified judges while avoiding a "beauty contest" of judges competing for popular election.

Several delegations, including the Russian Federation, China and the United States, indicated that judges need not necessarily be nationals of States party to the proposed court. Mexico suggested the contrary, saying that limiting the judges to the States party to the court would provide an incentive for States to ratify the statute, a view that Australia also supported.

Israel suggested a rotation of the judges between chambers. Several other delegations, including Mexico, India and Australia, said that such a rotation was not advisable.

The Preparatory Committee will meet again at 3 p.m. to continue its discussion of the composition and organization of the proposed international criminal court.