



Assembly of States Parties

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Fourth election of judges of the International Criminal Court

Note by the Secretariat

1. The fourth election of judges of the International Criminal Court will take place during the tenth session of the Assembly of States Parties, to be held in New York from 12 to 21 December 2011.
2. Under the terms of article 36 of the Rome Statute, six judges will be elected to serve for a term of nine years.
3. According to article 36, paragraph 4, States Parties were required to make nominations either by the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question or by the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court. In addition, nominations were to be accompanied by a statement in the necessary detail specifying how the candidate fulfils the requirements laid down in paragraph 3 of article 36.
4. According to article 36, paragraphs 3 and 5, the judges were to be nominated from among persons of high moral character, impartiality and integrity who possess the qualifications required in their respective State for appointment to the highest judicial offices. Every candidate for election to the Court should also have an excellent knowledge of and be fluent in at least one of the working languages of the Court. In addition, two lists of candidates have been established (see annex II to the present note):
 - List A:* Candidates having established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings;
 - List B:* Candidates having established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court.
5. For purposes of this election to the Court, at least three judges will be elected from List A. In addition, at least one judge will be elected from the Eastern European group, one from the Asia-Pacific group and two from the Group of Latin American and Caribbean States. Furthermore, at least two male judges will be elected.
6. Article 36, paragraph 6, requires that the judges be elected by secret ballot at a meeting of the Assembly of States Parties convened for that purpose under article 112, and that the persons elected to the Court shall be the six candidates who obtain the highest number of votes and a two-thirds majority of the States Parties present and voting. In the event that a sufficient number of judges is not elected on the first ballot, successive ballots will be held until the remaining places have been filled, in accordance with the provisions of resolution ICC-ASP/3/Res.6, relating to the procedure for the nomination and election of judges of the International Criminal Court, adopted by the Assembly of States Parties at the

6th plenary meeting of its third session, on 10 September 2004, and amended by resolution ICC-ASP/5/Res.5, adopted by the Assembly at the 9th plenary meeting of its resumed fifth session, on 1 February 2007.

7. Under the terms of article 36, paragraphs 7 and 8, no two judges may be nationals of the same State, and the States Parties shall, in the selection of judges, take into account the need, within the membership of the Court, for the representation of the principal legal systems of the world; equitable geographical representation; and a fair representation of female and male judges. In addition, States Parties are required to take into account the need to include judges with legal expertise on specific issues, including, but not limited to, violence against women or children.

8. In accordance with paragraph 13 of resolution ICC-ASP/3/Res.6, the nomination period was opened on 13 June 2011, by a decision of the Bureau of the Assembly of States Parties, and closed on 2 September 2011. The nomination period was initially opened for 12 weeks. In accordance with paragraph 11 of the same resolution, the President of the Assembly extended the nomination period once, for two weeks. Nineteen nominations were received by the closing date of 16 September 2011.

9. As required by paragraph 8 of the same resolution, the Secretariat of the Assembly of States Parties placed the nominations of candidates for judges, together with the accompanying statements referred to in article 36 of the Statute and other supporting documentation on the Internet web site of the International Criminal Court¹ as soon as they were received.

10. In accordance with paragraph 9 of resolution ICC-ASP/3/Res.6, a list in the English alphabetical order of all persons nominated, with accompanying documents, is contained in annex I to the present note (see ICC-ASP/10/18/Add.1). Three additional lists are provided in further annexes containing the names of the candidates organized according to List A or B (annex II), by regional group (annex III) and by gender (annex IV).

11. The procedure to be followed for the election of judges is laid down in paragraphs 15 to 25 of resolution ICC-ASP/3/Res.6.

12. A guide for the fourth election of judges is contained in document ICC-ASP/10/19.

¹ <http://www.icc-cpi.int>, under Assembly of States Parties.

Annex I

Alphabetical list of candidates (with statements of qualifications)

[see ICC-ASP/10/18/Add.1]

Annex II

List of candidates organized according to Lists A and B

List A

1. BANKOLE THOMPSON, Rosolu John
2. BEL HAJ HAMOUDA, Ajmi
3. BOOLELL Vinod
4. BRIA, Modeste-Martineau
5. CARMONA, Anthony Thomas Aquinas
6. CATHALA, Bruno
7. CIFUENTES MUÑOZ, Eduardo
8. EBOE-OSUJI, Chile
9. FREMR, Robert
10. HERRERA CARBUCCIA, Olga Venecia
11. KAM, Gberdao Gustave
12. LAYNEZ POSTISEK, Javier
13. MINDUA, Antoine Kesia-Mbe
14. MORRISON, Howard
15. NOUHOU Hamani Mounkaila
16. SERGHIDES, George A

List B

1. CZAPLIŃSKI, Władysław
2. DEFENSOR-SANTIAGO, Miriam
3. URBINA ORTEGA Jorge Antonio

Annex III

List of candidates organized by regional group

Group of African States

1. BANKOLE THOMPSON, Rosolu John (Sierra Leone)
2. BEL HAJ HAMOUDA, Ajmi (Tunisia)
3. BOOLELL, Vinod (Mauritius)
4. BRIA, Modeste-Martineau (Central African Republic)
5. EBOE-OSUJI, Chile (Nigeria)
6. KAM, Gberdao Gustave (Burkina Faso)
7. MINDUA, Antoine Kesia-Mbe (Democratic Republic of the Congo)
8. NOUHOU Hamani Mounkaila (Niger)

Group of Asia-Pacific States

1. DEFENSOR-SANTIAGO, Miriam (Philippines)
2. SERGHIDES, George A (Cyprus)

Group of Eastern European States

1. CZAPLIŃSKI, Władysław (Poland)
2. FREMR, Robert (Czech Republic)

Group of Latin American and Caribbean States

1. CARMONA, Anthony Thomas Aquinas (Trinidad and Tobago)
2. CIFUENTES MUÑOZ, Eduardo (Colombia)
3. HERRERA CARBUCCIA, Olga Venecia (Dominican Republic)
4. LAYNEZ POTISEK, Javier (Mexico)
5. URBINA ORTEGA, Jorge Antonio (Costa Rica)

Group of Western European and other States

1. CATHALA, Bruno (France)
2. MORRISON, Howard (United Kingdom of Great Britain and Northern Ireland)

Annex IV

List of candidates organized by gender

Male

1. BANKOLE THOMPSON, Rosolu John
2. BEL HAJ HAMOUDA, Ajmi
3. BOOLELL Vinod
4. BRIA, Modeste-Martineau
5. CARMONA, Anthony Thomas Aquinas
6. CATHALA, Bruno
7. CIFUENTES MUÑOZ, Eduardo
8. CZAPLIŃSKI, Władysław
9. EBOE-OSUJI, Chile
10. FREMR, Robert
11. KAM, Gberdao Gustave
12. LAYNEZ POSTISEK, Javier
13. MINDUA, Antoine Kesia-Mbe
14. MORRISON, Howard
15. NOUHOU Hamani Mounkaila
16. SERGHIDES, George A.
17. URBINA ORTEGA, Jorge Antonio

Female

1. DEFENSOR-SANTIAGO, Miriam
2. HERRERA CARBUCCIA, Olga Venecia