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Press Conference

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PRESS CONFERENCE ON WORK OF INTERNATIONAL CRIMINAL COURT

A search committee is poised to launch a “rigorous” and “novel” selection process for the next top prosecutor of the International Criminal Court, said officials close to the Court at a Headquarters press conference today.

Briefing the press on heels of the Security Council’s first consensus referral of a country situation to the International Criminal Court — in this case Libya, where anti-Government forces are locked in a deadly battle with those loyal to leader Muammar Al-Qadhafi — those delegates noted what they saw as increased prominence in the Court’s position, and a critical time for the selection of a new Chief Prosecutor to lead it.

“I do believe it’s a sea change,” said Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations, speaking in his capacity as President of the Assembly of State Parties of the Court. The swift, unanimous adoption of Security Council resolution 1970 (2011) last Saturday evening had marked the first time that “the statement [from the Council] comes out so quickly that if you do this, you will be punished”. (See Press Release [SC/10187](#))

Joining Mr. Wenaweser was Zeid Ra’ad Zeid al-Hussein, Permanent Representative of Jordan to the United Nations, who spoke in his capacity as Coordinator of the Search Committee for the Position of the Prosecutor of the Court. He said that the term of the current Prosecutor, Luis Moreno-Ocampo, would come to an end in June 2012, and that the search committee would “leave no stone unturned” in its process to find the best candidate to succeed him.

“The key to this is reputation,” said Mr. al-Hussein, noting that those leading the unprecedented search would not only respond to expressions of interest from applicants, but would also be proactive in approaching candidates with extensive experience and strong professional repute. They would examine the case history of candidates — including any controversies in which they might have been involved — as well as meeting with former colleagues and international experts such as national bar associations, he added.

“We will be very rigorous about this,” he said. “It cannot be the subject of anything less than an intensive investigation and broad search.”

He said that members of the Search Committee would include three Permanent Representatives — those of South Africa, Slovakia and Jordan — and two national legal advisers, the Foreign Ministers of the United Kingdom and Mexico. He also expressed the Search Committee’s strong hope that its selection decision would be taken by consensus.

Apart from its timing against the backdrop of the Council’s decision on Libya, Mr. Wenaweser and Mr. al-Hussein said that the search for the next Chief Prosecutor was being initiated early so as to give the selected candidate time to overlap with the current Prosecutor, thereby ensuring continuity in the Court’s work. The Committee hoped to have a shortlist of candidates by the end of the summer of 2011, added Mr. al-Hussein.

“This is a novel mechanism,” said Mr. Wenaweser of the search procedure, adding that it might set a precedent for future appointments.

In a question-and-answer session, many correspondents at the briefing asked about potential changes in national — and even regional — attitudes towards the International Criminal Court.

Responding to a specific question about the Court's relationship with the Arab world, Mr. al-Hussein said that, through the Court, the Security Council had found a way to respond to the demands of the Libyan people — a move that might have “special resonance”. “It's fairly clear that the Court's position is further advanced in this regard,” he said.

Mr. Wenaweser agreed, adding that the “strong and rapid decision has important ramifications” for Africa, a region that had at times been critical of the Court.

Correspondents also asked questions about an exemption clause in the text of the Rome Statute, the Court's founding treaty. That clause — located in the Statute's operative paragraph 6 — excluded nationals from non-States Parties to the Rome Statute from jurisdiction by the Court.

Correspondents noted that Libya was not a party to the Rome Statute and wondered whether its nationals could properly be tried by the Court.

In response, Mr. Wenaweser said that paragraph 6 would only protect a national of a non-State Party who committed crimes as part of a Security Council-authorized peacekeeping mission. “Mercenaries” who had committed crimes in Libya, he said, were therefore not included under that clause, which was “really very narrow”.

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