

**Nineteenth session**

New York, 7-17 December 2020

Seventh election of judges of the International Criminal Court**Note by the Secretariat**

1. The seventh election of judges of the International Criminal Court will take place during the nineteenth session of the Assembly of States Parties, to be held in New York from 7 to 17 December 2020.

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, States Parties will vote for at least one candidate from List A and at least one candidate from List B. In addition, States Parties will vote for at least one candidate from the Asia-Pacific group, at least one candidate from the Eastern European group, and at least two candidates from the Group of Latin American and Caribbean States. Furthermore, States Parties will vote for at least one female candidate.

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, and amended by resolutions ICC-ASP/5/Res.5, ICC-ASP/12/Res.8, ICC-ASP/14/Res.4, and ICC-ASP/18/Res.4, respectively.

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 paragraphs 3 and 13 of resolution ICC-ASP/3/Res.6, as amended by ICC-ASP/18/Res.4, annex I, and following the 18 December 2019 decision of the Bureau of the Assembly of States Parties, the nomination period was opened on 6 January 2020 and ran until 30 March 2020. On 30 March 2020, the Bureau, being mindful of the challenges which States Parties faced in light of the COVID-19 pandemic, decided to extend the nomination period as an emergency extension for one month, until 30 April 2020.

9. At the end of the extended nomination period, not all minimum nomination requirements had been met. In accordance with paragraph 11 of resolution ICC-ASP/3/Res.6, the President of the Assembly extended the nomination period once, for two weeks, until 14 May 2020. Twenty-two nominations were received by the closing date of 14 May 2020. By a communication, dated 29 July 2020, the Embassy of Bangladesh to the Netherlands announced the withdrawal of the candidature of Mr. A.B.M. Khairul Haque. The Government of Bangladesh had nominated him by a communication dated 14 May 2020.

10. 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 possible after they were received.

11. 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/19/2/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).

12. 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.

13. A guide for the seventh election of judges is contained in document ICC-ASP/19/3.

¹ https://asp.icc-cpi.int/EN_Menu/asp/elections/judges/2020/pages/default.aspx
https://asp.icc-cpi.int/FR_Menu/asp/elections/judges/2020/pages/default.aspx

Annex I

Alphabetical list of candidates (with statements of qualifications)

[See ICC-ASP/19/2/Add.1]

Annex II

List of candidates organized according to Lists A and B

List A

1. ALEXIS-WINDSOR, Althea Violet
2. BELLO, Ishaq Usman
3. CHAGDAA, Khosbayar
4. ĆOSIĆ DEDOVIĆ, Jasmina
5. GONZÁLEZ PÉREZ, Ramón Horacio
6. KORNER, Joanna
7. MASSART, Laurence
8. MILANDOU, Prosper
9. SAMBA, Miatta Maria
10. SIFUENTES, Monica Jacqueline
11. SOCK, Raymond
12. TALL, Aïssé Gassama
13. TSILONIS, Viktor Panagiotis

List B

1. BARRETO GONZÁLEZ, Andrés Bernardo
2. BEN MAHFOUDH, Haykel
3. FLORES LIERA, Socorro
4. KAM, Gberdao Gustave
5. LORDKIPANIDZ, Gocha
6. PERALTA DISTEFANO, Ariela
7. SALVADOR CRESPO, Íñigo
8. UGALDE GODÍNEZ, Sergio Gerardo

Annex III

List of candidates organized by regional group

Group of African States

1. BELLO, Ishaq Usman
2. BEN MAHFOUDH, Haykel KAM
3. KAM, Gberdao Gustave
4. MILANDOU, Prosper
5. SAMBA, Miatta Maria
6. SOCK, Raymond
7. TALL, Aïssé Gassama

Group of Asia-Pacific States

1. CHAGDAA, Khosbayar

Group of Eastern European States

1. ĆOSIĆ DEDOVIĆ, Jasmina
2. LORDKIPANIDZ, Gocha

Group of Latin American and Caribbean States

1. ALEXIS-WINDSOR, Althea Violet
2. BARRETO GONZÁLEZ, Andrés Bernardo
3. FLORES LIERA, Socorro
4. GONZÁLEZ PÉREZ, Ramón Horacio
5. PERALTA DISTEFANO, Ariela
6. SALVADOR CRESPO, Íñigo
7. SIFUENTES, Monica Jacqueline
8. UGALDE GODÍNEZ,, Sergio Gerardo

Group of Western European and other States

1. KORNER, Joanna
2. MASSART, Laurence
3. TSILONIS, Viktor Panagiotis

Annex IV

List of candidates organized by gender

Male

1. BARRETO GONZÁLEZ, Andrés Bernardo
2. BELLO, Ishaq Usman
3. BEN MAHFOUDH, Haykel
4. CHAGDAA, Khosbayar
5. GONZÁLEZ PÉREZ, Ramón Horacio
6. KAM, Gberdao Gustave
7. LORDKIPANIDZ, Gocha
8. MILANDOU, Prosper
9. SALVADOR CRESPO, Íñigo
10. SOCK, Raymond
11. TSILONIS, Viktor Panagiotis
12. UGALDE GODÍNEZ, Sergio Gerardo

Female

1. ALEXIS-WINDSOR, Althea Violet
2. ĆOSIĆ DEDOVIĆ, Jasmina
3. FLORES LIERA, Socorro
4. KORNER, Joanna
5. MASSART, Laurence
6. PERALTA DISTEFANO, Ariela
7. SAMBA, Miatta Maria
8. SIFUENTES, Monica Jacqueline
9. TALL, Aïssé Gassama