

Fact Sheet

Judges of the International Criminal Court

1. How are judges of the International Criminal Court elected?

Judges are elected by secret ballot at a meeting of the Assembly of States Parties convened for that purpose. The persons elected to the Court shall be the candidates who obtain the highest number of votes and a two-thirds majority of the States Parties present and voting.

2. How many judges shall be serving in the International Criminal Court?

There shall be 18 judges serving in the Court.

3. What is the term of office for judges at the International Criminal Court?

The judges hold office for a term of nine years and are not eligible for re-election, except for the cases provided by the Rome Statute.

4. What type of election is scheduled to take place at the first resumption of the seventh session of the Assembly of States Parties?

The election scheduled to take place at the first resumption of the seventh session of the Assembly of States Parties is an election to replace six judges whose terms of office end on 10 March 2009.

5. What are the terms of office of the judges elected?

As provided in article 36, paragraph 9 (a), of the Rome Statute, the judges elected shall serve for a term of nine years and shall not be eligible for re-election.

6. What qualifications should a judge have?

According to article 36, paragraph 3, of the Rome Statute, the judges are persons of high moral character, impartiality and integrity with the qualifications for appointment to the highest judicial offices in their countries. They shall have established competence in criminal law and procedure, and the necessary relevant experience in criminal proceedings or established competence in relevant areas of international law such as international humanitarian law and the law of human rights. Furthermore, judges shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court.

7. Is it possible to have more than one judge of the same nationality?

As provided in article 36, paragraph 7, of the Rome Statute, no two judges may be nationals of the same State.

8. What is the list A and list B criteria?

The Rome Statute provides in article 36, paragraph 5, that for the purpose of the election, there shall be two lists of candidates:

List A: Consisting of candidates with established competence in criminal law and procedures, and the necessary relevant experience, whether as judge, prosecutor, advocate, or in other similar capacity in criminal proceedings.

List B: Consisting of candidates with 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

9. What criteria shall be taken into account by States Parties in the selection of judges?

According to article 36, paragraph 8, of the Rome Statute, States Parties shall 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;
- A fair representation of female and male candidates; and
- The need to include judges with legal expertise on specific issues, including, but not limited to, violence against women and children.

10. How are these criteria ensured in the election process?

The election of judges to the International Criminal Court is based on the principle of minimum voting requirements in the following categories:

- List A and list B;
- Geographical region; and
- Gender.

Each State Party shall vote for:

- A minimum number of candidates from list A and list B;
- A number of candidates from each regional group; and
- A number of candidates of each gender.

The minimum voting requirements are set out specifically for each election, depending on the composition of the Court.

11. For how many candidates does a State have to vote?

During any given ballot, each State Party shall vote for no more candidates than seats to be filled. For the purpose of this election, a State shall vote for no more than six candidates.

12. What are the minimum voting requirements for the election to be held at the first resumption of the seventh session of the Assembly of States Parties?

Paragraph 20 (a) of resolution ICC-ASP/3/Res.6 sets out the method for determining the minimum voting requirements applicable to each election. For the purpose of this election, the Assembly is required to elect at least one candidate from list A, one candidate from list B and to vote for at least one candidate from the Group of Latin American and Caribbean States.

13. Are there any gender minimum voting requirements for this election?

For the purpose of this election, there are no minimum voting requirements applicable to the gender criteria. This means that the judges elected may be either male or female.

14. What happens if a State votes for fewer candidates than seats to be filled?

Only ballot papers observing the minimum voting requirements shall be valid. If a State Party fulfils the minimum requirements using less than the maximum number of votes allowed for the ballot, it may abstain from voting for the remaining candidates.

For the purpose of this election, the minimum voting requirements could be fulfilled by casting two votes in the first ballot:

Option 1:

- First vote is for a candidate from list A, who is also from the Group of Latin American and Caribbean States; and
- Second vote is for a candidate from list B.
- States may abstain from casting four additional votes.

Option 2:

- First vote is for a candidate from list B, who is also from the Group of Latin American and Caribbean States; and
- Second vote is for a candidate from list A.
- States may abstain from casting four additional votes.

15. When is a ballot invalid?

A ballot is invalid if it does not observe the minimum voting requirements of lists, regional groups and gender and if it contains votes for more candidates than seats to be filled.

16. What is a mock election?

A mock election is intended to provide delegations with the opportunity to familiarize themselves with the ballot paper and with the voting procedure applicable to the election of judges. For the mock ballot, the names and nationalities of the candidates are replaced with names of flora.

17. When did the mock election take place?

The mock election for the election to be held at the first resumption of the seventh session was held on Friday, 16 January 2009, from 13:15 to 14:00 in conference room 2 of United Nations Headquarters in New York.
