



Twentieth session

The Hague, 6 – 11 December 2021

**Election of the Deputy Prosecutors of the International
Criminal Court: guide for the fourth election**

Note by the Secretariat

1. The Guide annexed hereto has been prepared pursuant to the recommendation of the Bureau of the Assembly of States Parties of 2 December 2021.
2. The Bureau recommendation which is set out in paragraph 1 of the Guide was submitted with the understanding that it would apply solely for the purpose of the fourth election of Deputy Prosecutors and should neither be considered as a precedent for future elections nor construed as acceptance by States Parties of the interpretation of article 42, paragraph 4, of the Rome Statute that resulted in the presentation of two distinct lists. In light of the divergence of views regarding the interpretation of said provisions, the Bureau considers that this matter requires further consideration and discussions among States Parties at the earliest opportunity in 2022.

Annex I

Guide for the fourth election of the Deputy Prosecutors

I. Recommendation by the Bureau of 2 December 2021

The Bureau decided to recommend to the Assembly that:

a) the election of the two Deputy Prosecutors take place on the basis of list A and list B, as submitted by the Prosecutor to the Assembly (ICC-ASP/20/34);

b) the election of the two Deputy Prosecutors be done successively, so as to ensure equitable geographical representation of regions and legal systems. The order of the election between the two lists would be determined by drawing lots at the Assembly on the day of the election.

II. Procedure for the election

First ballot: Election of the Deputy Prosecutors of the International Criminal Court

1. Voting instructions regarding ballot for list A

1. Please place an “X” in the box to the left of the name of the candidate for whom you wish to vote. Only those candidates whose names appear on the ballot are eligible.
2. Vote for a maximum of 1 candidate from List A. Ballots containing votes for more than 1 candidate from List A will be declared invalid. Ballots without a vote will be considered as abstentions.

2. Voting instructions regarding ballot for list B

3. Please place an “X” in the box to the left of the name of the candidate for whom you wish to vote. Only those candidates whose names appear on the ballot are eligible.
4. Vote for a maximum of 1 candidate from List B. Ballots containing votes for more than 1 candidate from List B will be declared invalid. Ballots without a vote will be considered as abstentions.

3. Required majority

5. In accordance with paragraph 4 of article 42 of the Rome Statute, “[t]he Prosecutor shall be elected by secret ballot by an absolute majority of the members of the Assembly of States Parties. The Deputy Prosecutors shall be elected in the same way from a list of candidates provided by the Prosecutor. The Prosecutor shall nominate three candidates for each position of Deputy Prosecutor to be filled.” As at 1 December 2021, the total number of States Parties to the Rome Statute of the International Criminal Court is 123.¹ The required majority will therefore be 62 votes.

¹https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10&chapter=18&clang=en.

SAMPLE BALLOT PAPERS

BALLOT FOR LIST A
VOTE FOR A MAXIMUM OF 1 CANDIDATE

Ms. Sylvia DOMARADZKI (Canada)

Ms. Nazhat Shameen KHAN (Fiji)

Ms. Paolina MASSIDDA (Italy)

BALLOT FOR LIST B
VOTE FOR A MAXIMUM OF 1 CANDIDATE

Mr. Mame Mandiaye NIANG (Senegal)

Ms. Claudia PAZ Y PAZ BAILEY (Guatemala)

Mr. Alex WHITING (France)