
Seventh session (first resumption)

New York

19-23 January 2009

Third election of judges of the International Criminal Court

Note by the Secretariat

1. The third election of judges of the International Criminal Court will take place during the first resumption of the seventh session of the Assembly of States Parties, to be held in New York from 19 to 23 January 2009.

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 States 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 the purposes of this election to the Court, at least one judge will be elected from list A and at least one judge from list B. In addition, at least one judge will be elected from the Group of Latin American and Caribbean States.

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 through 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 21 July 2008, by a decision of the Bureau of the Assembly of States Parties, and closed on 13 October 2008. 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 three times, for two weeks at a time. Twenty-one nominations were received by the closing date of 24 November 2008.

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 English alphabetical order of all persons nominated, with accompanying documents, is contained in annex I to the present note (see ICC-ASP/7/33/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 third election of the judges is contained in document ICC-ASP/7/34.

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

Annex I

Alphabetical list of candidates (with statements of qualifications)

[see ICC-ASP/7/33/Add.1]

Annex II

List of candidates organized according to list A and B

List A	List B
<i>Name</i>	<i>Name</i>
1. AGBANRIN-ELISHA, Victoire Désirée Adétoro	1. DASCALOPOULOU - LIVADA, Phani
2. ALUOCH, Joyce	2. DUGARD, Christopher John Robert
3. ARBOLEDA RIPOLL, Fernando Enrique	3. GONZÁLEZ CABAL, María del Carmen
4. CHIBESAKUNDA, Lombe P.	4. MONAGENG, Sanji Mmasenono
5. EBOE-OSUJI, Chile	5. N'GUM, Aminatta Lois Runeni
6. KAM, Gberdao Gustave	6. SAIGA, Fumiko
7. RASOAZANANY, Vonimbolana	7. SHAHABUDDEEN, Mohamed
8. SOW, El Hadji Malick	8. SITA AKELE MUILA, Angélique
9. TARFUSSER, Cuno	
10. THOMASSEN, Wilhelmina	
11. THOMPSON, Rosolu John Bankole	
12. VAN DEN WYNGAERT, Christine	
13. VUKOJE, Dragomir	

Annex III

List of candidates organized by regional group

Name (Nationality)

Group of African States

1. AGBANRIN-ELISHA, Victoire Désirée Adétoro (Benin)
2. ALUOCH, Joyce (Kenya)
3. CHIBESAKUNDA, Lombe P. (Zambia)
4. DUGARD, Christopher John Robert (South Africa)
5. EBOE-OSUJI, Chile (Nigeria)
6. KAM, Gberdao Gustave (Burkina Faso)
7. MONAGENG, Sanji Mmasenono (Botswana)
8. N'GUM, Aminatta Lois Runeni (The Gambia)
9. RASOAZANANY, Vonimbolana (Madagascar)
10. SITA AKELE MUILA, Angélique (Democratic Republic of the Congo)
11. SOW, El Hadji Malick (Senegal)
12. THOMPSON, Rosolu John Bankole (Sierra Leone)

Group of Asian States

1. SAIGA, Fumiko (Japan)

Group of Eastern European States

1. VUKOJE, Dragomir (Bosnia and Herzegovina)

Group of Latin American and Caribbean States

1. ARBOLEDA RIPOLL, Fernando Enrique (Colombia)
2. GONZÁLEZ CABAL, María del Carmen (Ecuador)
3. SHAHABUDDEEN, Mohamed (Guyana)

Group of Western European and other States

1. DASCALOPOULOU - LIVADA, Phani (Greece)
2. TARFUSSER, Cuno (Italy)
3. THOMASSEN, Wilhelmina (Netherlands)
4. VAN DEN WYNGAERT, Christine (Belgium)

Annex IV

List of candidates organized by gender

Male	Female
<i>Name</i>	<i>Name</i>
1. ARBOLEDA RIPOLL, Fernando Enrique	1. AGBANRIN-ELISHA, Victoire Désirée Adétoro
2. DUGARD, Christopher John Robert	2. ALUOCH, Joyce
3. EBOE-OSUJI, Chile	3. CHIBESAKUNDA, Lombe P.
4. KAM, Gberdao Gustave	4. DASCALOPOULOU - LIVADA, Phani
5. SHAHABUDDEEN, Mohamed	5. GONZÁLEZ CABAL, María del Carmen
6. SOW, El Hadji Malick	6. MONAGENG, Sanji Mmasenono
7. TARFUSSER, Cuno	7. N’GUM, Aminatta Lois Runeni
8. THOMPSON, Rosolu John Bankole	8. RASOAZANANY, Vonimbolana
9. VUKOJE, Dragomir	9. SAIGA, Fumiko
	10. SITA AKELE MUILA, Angélique
	11. THOMASSEN, Wilhelmina
	12. VAN DEN WYNGAERT, Christine