

**Eighteenth session**

The Hague, 2-7 December 2019

**Interim report of the
Committee on the Election of the Prosecutor**

1. This interim report of the Committee on the Election of the Prosecutor (“the Committee”) is submitted to the Bureau of the Assembly of States Parties (“the Assembly”) pursuant to paragraph 22 of the Terms of Reference for the Election of the Prosecutor (“the Terms of Reference”).¹

I. The Committee and its mandate

2. The Terms of Reference were adopted by the Bureau on 3 April 2019. Under those Terms of Reference, the Bureau decided to designate one representative per regional group, based on consultations with the regional groups, as members of a Committee on the Election of the Prosecutor. The mandate of the Committee was to facilitate the nomination and election of the next Prosecutor of the International Criminal Court in accordance with the working methods set out in the Terms of Reference.² In addition, the Bureau decided that it would appoint a panel of five independent experts, one per regional group, to assist the Committee in carrying out its mandate.

3. Accordingly, on 7 June 2019, the Bureau designated the following persons as members of the Committee on the Election of the Prosecutor:

- (a) H.E. Marcin Czepelak (Poland);
- (b) Mr. Lamin Faati (Gambia);
- (c) H.E. Andreas Mavroyiannis (Cyprus);
- (d) H.E. Sabine Nölke (Canada); and
- (e) H.E. Mario Oyarzábal (Argentina).

4. On 27 June 2019, the Bureau appointed the following persons as members of the panel of experts to assist the Committee in carrying out its mandate:

- (a) Mr. Francisco Cox Vial, (Chile);
- (b) Ms. Aurélie Devos (France);
- (c) Prof. Charles Jalloh (Sierra Leone);
- (d) Mr. Motoo Noguchi (Japan); and
- (e) Ms. Anna Richterova (Czech Republic).

¹ ICC-ASP/18/INF.2.

² ICC-ASP/18/INF.2, para. 9.

5. On 23 July 2019, pursuant to paragraph 5 of the Terms of Reference, the Committee designated Ambassador Sabine Nölke as its Chair and Ambassador Andreas Mavroyiannis as its Vice-Chair. In order to facilitate coordination between the Committee and the panel of experts, the experts designated Prof. Charles C. Jalloh as their Chair.

II. Update on the work of the Committee

6. The Committee met by video-conference on 8, 11, 23 and 25 July. The panel of experts participated in the video-conference held on 11 July.

7. As mandated by the Terms of Reference,³ the Committee requested the panel of experts to recommend a draft vacancy announcement with the requirements for the position of Prosecutor, as set out in article 42 of the Rome Statute. The Committee subsequently reviewed the draft vacancy announcement and submitted it for the approval of the Bureau on 26 July 2019. The Bureau approved the vacancy announcement on 31 July 2019 and it was published on the website of the Court on 2 August 2019, with a deadline for applications of 31 October 2019. The vacancy announcement was circulated to States Parties with a request from the President of the Assembly for it to be disseminated nationally, through appropriate professional or institutional channels, with a view to reaching the widest possible and cross-regional audience of criminal justice professionals. The vacancy announcement was also circulated to other stakeholders.

8. The Chair of the Committee, H.E. Sabine Nölke, provided a written update to the President of the Assembly of States Parties on behalf of the Committee on 12 September. In that message, the Chair indicated that the Committee members and panel of experts had carefully considered the most cost-effective and efficient means of fulfilling the mandate and requirements set out in the Terms of Reference. Accordingly, the Committee had developed a roadmap containing the key steps and timelines. To that effect, and fully aware of the budgetary implications, the Committee requested that the Bureau consider approving three meetings:

(a) A two-day meeting for the panel of experts in The Hague in December 2019. The purpose of this meeting would be for the panel to paper-sift the applications received and prepare a recommended longlist and proposed interview questions for the Committee. The Chair noted that the meeting could take place in the margins of the Assembly session in order to take advantage of the presence of some panel members in The Hague;

(b) A two-day meeting for the Committee members in New York in February 2020. The purpose of this meeting would be for the Committee to review the panel's assessments, establish a list of candidates to be interviewed, and determine the interview questions and modalities; and

(c) A three-day meeting for both the Committee and the panel of experts in The Hague in April 2020. The purpose of this meeting would be to conduct interviews and determine the substance of the final report of the Committee, including the short list of candidates to be recommended to the States Parties.

9. The Bureau approved the request of the Committee at its meeting on 17 September 2019. A further written update was provided by the Chair of the Committee to the President on 22 October. In that message, the Chair provided an overview of the 55 applications for the position, which had been received as of 18 October, broken down by regional group, gender and legal system. The message also included a recommendation from the Committee that the deadline for applications be extended to 25 November, and that the Presidency re-circulate a reminder to all States Parties to disseminate the vacancy announcement to relevant agencies in their jurisdictions and to encourage qualified candidates to apply.

³ ICC-ASP/18/INF.2, para. 12.

10. As of 31 October 2019, a total of **116 applications** had been received. The applications can be broken down as follows:

<i>Regional group</i>	<i>States Parties</i>	<i>Non-States Parties</i>	<i>Total</i>
African Group	27	9	36
Asia-Pacific Group	2	5	7
Eastern European Group	6	4	10
Latin American and Caribbean Group	10	-	10
Western European and Others Group	45	8	53

<i>Gender</i>	<i>Total</i>
Female	38
Male	78

<i>Legal system</i>	<i>Total</i>
Civil law	67
Common law	23
Mixed/Other	26

11. The Committee and its panel of experts look forward to assessing the applications received following extension of the deadline. The Committee will continue to keep the Bureau and States Parties fully informed as the process continues. It is anticipated that the final report of the Committee will be submitted by late May 2020.

12. H.E. Ambassador Czepelak (Poland) stands ready to deliver this report orally to the eighteenth session of the Assembly if requested.