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**Nineteenth session**

New York, 7-17 December 2020

**Report of the Committee on the Election of the Prosecutor****Addendum****Vacancy announcement****Job Title: Prosecutor (Under-Secretary General equivalent)**

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|----------------------------|--------------------------------|
| Deadline for Applications: | 31 October 2019                |
| Organisational Unit:       | Office of the Prosecutor (OTP) |
| Duty Station:              | The Hague, the Netherlands     |
| Type of Appointment:       | Fixed-term appointment         |
| Minimum Net Annual Salary: | €173,780                       |
| Contract Duration:         | Nine years <sup>1</sup>        |

**Special Notice**

The term of the current Prosecutor of the International Criminal Court will expire on 15 June 2021. The Assembly of States Parties, acting pursuant to its mandate under article 112 of the Rome Statute of the International Criminal Court (the Rome Statute), has initiated a transparent and structured process for the selection of the next Prosecutor. It is seeking to attract the most qualified candidates for the position of Prosecutor of the International Criminal Court. Article 42, paragraph 3 of the Rome Statute sets out the main criteria to be fulfilled by candidates for the position.

The Assembly of States Parties has previously adopted resolution ICC-ASP/1/Res.2, as amended by resolution ICC-ASP/3/Res.6, entitled “Procedure for the nomination and election of judges, the Prosecutor and the Deputy Prosecutors of the International Criminal Court”.

The application procedures are included at the end of this vacancy announcement. Applicants are requested to comply with the procedures when applying.

In accordance with the Rome Statute, the ICC aims to achieve fair representation of women and men for all positions, representation of the principal legal systems of the world for legal

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<sup>1</sup> Under article 42 of the Rome Statute, “[u]nless a shorter term is decided upon at the time of their election, the Prosecutor ... shall hold office for a term of nine years and shall not be eligible for re-election”.

positions, and equitable geographical representation for positions in the professional category.

## **1. THE ORGANIZATION**

The International Criminal Court (ICC), an independent international institution governed by the Rome Statute, is the first permanent, treaty based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community. Its seat is at The Hague, The Netherlands.

## **2. THE OFFICE OF THE PROSECUTOR**

The Office of the Prosecutor (OTP) is one of the four principal organs of the ICC. It is an independent organ responsible for examining situations under the jurisdiction of the ICC where genocide, crimes against humanity, war crimes and the crime of aggression appear to have been committed, and carrying out investigations and prosecutions against individuals for whom there are reasonable grounds to believe that they are most responsible for those crimes. The OTP is composed of three main Divisions:

- the Jurisdiction, Complementarity and Cooperation Division conducts preliminary examinations, provides advice on issues of jurisdiction, admissibility and cooperation, and coordinates judicial cooperation and external relations for the OTP;
- the Investigation Division oversees providing investigative expertise and support, coordinates field deployment of staff and security plans and protection policies, and provides crime analysis and analysis of information and evidence;
- the Prosecution Division prepares the litigation strategies and conducts prosecutions, including through written and oral submissions to the judges.

## **3. THE PROSECUTOR**

The Prosecutor, who heads the OTP, is one of three principals of the ICC. He or she shall be a person of high moral character, be highly competent and have extensive practical experience in the investigation, prosecution or trial of criminal cases. The Prosecutor shall not seek or act on instructions from any external source, such as a government, international organisation or others.

The Prosecutor, assisted by one or more Deputy Prosecutors, shall serve on a full-time basis and shall be responsible for receiving referrals and any substantiated information on crimes within the jurisdiction of the ICC, for examining them and for conducting investigations and prosecutions. He or she shall have full authority over the management and administration of the OTP, including the staff, facilities and other resources thereof. The Prosecutor shall not engage in any activity which is likely to interfere with his or her prosecutorial functions or to affect confidence in his or her independence. Nor shall he or she engage in any other occupation of a professional nature.

Under the Rome Statute, in carrying out his or her functions, the Prosecutor shall:

- a) in order to establish the truth, extend his or her investigation to cover all facts and evidence relevant to an assessment of whether there is criminal responsibility under the Statute, and, in doing so, investigate incriminating and exonerating circumstances equally;
- b) take appropriate measures to ensure the effective investigation and prosecution of crimes within the jurisdiction of the ICC, and in so doing, respect the interests and personal circumstances of victims and witnesses, including age, gender and health, as well as take into account the nature of the crime, in particular where it involves sexual violence, gender violence or violence against children; and
- c) fully respect the rights of persons arising under the Statute.

## **4. DUTIES AND RESPONSIBILITIES**

The main duties of the Prosecutor will be to provide excellent leadership for the OTP and to ensure the efficient conduct of all its work, in accordance with the relevant requirements of the Rome Statute. The primary focus of the job will be to lead and manage the carrying out

of complex criminal investigations and prosecutions of the crimes within the jurisdiction of the ICC, including the preparation, presentation and management of case files for the purposes of the prosecution, trial and appeal phases of the criminal justice process.

Alongside ensuring the OTP's compliance with the applicable provisions of the Rome Statute and all other rules and regulations of the ICC, the Prosecutor's duties will include, but not be limited to, the following:

- Providing overall strategic and management guidance, direction and leadership in relation to the investigations and prosecutions of complex crimes in diverse crime bases and geographic contexts as well as establishing relevant policies and priorities for the OTP;
- Nominating the candidates for deputy prosecutor(s) and hiring the qualified staff required for the performance of the independent functions of the OTP. In the employment of his/her staff, the Prosecutor shall ensure the highest standards of efficiency, competency and integrity and should be capable to serve as a role model of adherence to professionalism and the highest ethical standards of the legal profession;
- Participating in the governance of the ICC, as one of its principals, in accordance with the relevant provisions of the Rome Statute including liaising with, as appropriate, the Presidency, Registrar and the Office of the Public Counsel for the Defence and others while maintaining his or her independence;
- Representing the OTP in external relations in and outside the ICC, including the submission of proposed annual budget to the Assembly of States Parties and periodic reports to the United Nations Security Council regarding the situations referred by it; and
- Ensuring the optimal use of prosecutorial resources, thereby advancing cost-efficiency and procedural economy.

## 5. EDUCATION

An advanced university degree (Master's degree or equivalent) in law; if possible, with a specialization in criminal law and procedure as well as advanced knowledge of public international law including comparative criminal law, human rights law, humanitarian law, and international criminal law. A first-level university degree in combination with a relevant combination of academic and qualifying experience may be accepted.

Applicants must possess the qualifications required in their respective States for appointment to the highest judicial offices, and extensive experience in a professional legal capacity which is of relevance to the work of the Court. Familiarity with multiple legal systems, especially common law and civil law, will be an asset.

## 6. QUALIFICATIONS AND EXPERIENCE

The successful candidate will have extensive and proven practical experience, in particular as a prosecutor, in the investigations, trials and appeals of complex criminal cases; proven record of independence and impartiality and commitment to upholding justice, accountability and human rights, and ensuring gender equality; demonstrated management and leadership experience; and an in-depth knowledge of national or international criminal law and procedure, international humanitarian law and public international law.

He or she must possess the following competencies and skills to the highest standard, including more than 15 years of progressively responsible experience in criminal law practice, whether at a national or international level:

- **Professionalism** – extensive knowledge and experience in the investigation and prosecution of serious crimes in domestic and or international criminal courts and tribunals, including proven track record of success concerning the management of complex investigations/trials in light of the relevant standards of proof in the pre-trial, trial and appeals phases of the criminal justice process; understanding of the relevance, credibility and admissibility of evidence, including scientific, electronic and digital evidence; excellent courtroom experience; strong conceptual, analytical and problem solving skills, with the ability to identify problems and propose solutions; high level of

commitment and understanding of the various functions of an international public prosecutor taking into account the rights of victims, witnesses and others as well as commitment to the fair trial and fair treatment of all persons including suspects and defendants; conscientious efficiency in honouring commitments, meeting deadlines and achieving results; excellent interpersonal skills.

- **Judgement/decision making** – independence, impartiality and mature judgement; initiative, imagination and resourcefulness; energy and tact; proven ability to identify key issues in complex and sensitive situations and to take appropriate decisions.
- **Integrity** – high moral character; high commitment to the values and guiding principles of the ICC and impeccable personal and professional integrity; respect for diversity in all its forms including gender, race, religion, nationality, sexual orientation, disability etc.
- **Strategic awareness** – ability to identify strategic issues, opportunities and risks and to generate and communicate broad and compelling investigation/prosecution strategies/directions and objectives relating to such matters to all stakeholders; ability to identify challenges, in particular, those arising from and related to the specific nature of the ICC and respond effectively thereto; demonstrable ability to provide strategic direction and the development and or review of organisational policies and strategies.
- **Leadership** – proven and demonstrable track record of independence, impartiality and discretion as well as excellent management and technical, legal and leadership skills; ability to deal effectively with sensitive and contentious matters under pressure; proven ability to develop clear goals that are consistent with the agreed strategies and to establish good relationships and build team spirit with staff of the ICC and a broad range of people.
- **Financial competencies** – established financial and budgetary competencies (as demonstrated by previous experience in efficient and effective management of funds).
- **Planning and Organizing** – excellence in successful planning with strong managerial skills; proven ability to plan and establish priorities and to ensure effective work structure to maximize efficiency and effectiveness and to achieve goals.
- **Communication** – excellent oral and written communication and negotiation skills with proven ability to communicate with diverse audiences and stakeholders and ability to establish and maintain effective interpersonal relationships in a multi-cultural, multi-ethnic environment with sensitivity.
- **Digital Technology** – an understanding of the challenges and opportunities of a coherent Information management strategy; appreciation of other technologies, including in the preparation and management of cases and the conduct of investigations.

## **7. KNOWLEDGE OF LANGUAGES**

The candidate shall have an excellent knowledge of and be fluent in at least English or French, the two working languages of the ICC. A working knowledge of the other language is considered an asset. Knowledge of another official language of the ICC (Arabic, Chinese, Russian, Spanish) would be considered an added advantage and asset.

## **8. APPLICATION PROCEDURES**

Applicants are requested to submit their confidential applications via the ICC e-Recruitment system before the closing date of the vacancy announcement. The application shall contain a motivation letter, including a statement outlining the reasons and motivation for the application and a summary of relevant experience (1,000 words maximum).

Upon completion of the online application through the e-Recruitment system, applicants will receive an email message with instructions for submitting the following documents:

1. Curriculum Vitae (6 pages maximum, in Word format)
2. Letters of reference from a supervisor, a peer and a supervisee (one (1) letter from each).

Should any assistance be required, applicants are requested to email [aspcep@icc-cpi.int](mailto:aspcep@icc-cpi.int).

The Committee on the Election of the Prosecutor, established by the Bureau of the Assembly and assisted by a panel of experts, will determine the candidates to be interviewed.

Please note that, once candidates are shortlisted, the motivation letter and curriculum vitae submitted by those candidates will be circulated to the Assembly of States Parties of the International Criminal Court and may be published on the ICC's website.

Following the establishment of the shortlist, the Bureau will inform the States Parties accordingly, inviting them to nominate, endorse or support candidates from the shortlist for election by the Assembly of States Parties, in accordance with the Rome Statute and relevant resolutions of the Assembly.

Additional information about the process can be found at the following link:

[https://asp.icc-cpi.int/en\\_menus/asp/elections/prosecutor/Pages/Prosecutor2020.aspx](https://asp.icc-cpi.int/en_menus/asp/elections/prosecutor/Pages/Prosecutor2020.aspx)

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