



Reference: ICC-ASP/19/SP/79

The Secretariat of the Assembly of States Parties presents its compliments to the States Parties to the Rome Statute of the International Criminal Court and, on behalf of the President of the Assembly, has the honour to refer to its notes verbales ICC-ASP/19/SP/38, ICC-ASP/19/SP/45, ICC-ASP/19/SP/50, ICC-ASP/19/SP/65, and ICC-ASP/19/SP/78 dated 1 July, 19 September, 21 October, 20 November and 11 December 2020 respectively, and 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”, as well as the Terms of Reference for the Election of the Prosecutor adopted by the Bureau on 3 April 2019 (ICC-ASP/18/INF.2).

The Secretariat wishes to recall that to facilitate the nomination and election of the next Prosecutor, and taking into account paragraph 33 of the resolution which states that “every effort shall be made to elect the Prosecutor by consensus”, the Bureau established a Committee on the Election of the Prosecutor (hereinafter “CEP”) and a Panel of Experts. It is understood that this process is complementary to the relevant provisions of the Rome Statute and does not limit or restrict the rights of States Parties. In accordance with the Terms of Reference for the Election of the Prosecutor, the CEP established by consensus an unranked shortlist of four of the most highly qualified candidates and submitted its final report to States Parties, via the Bureau, on 30 June 2020 (ICC-ASP/19/INF.2). On 13 November 2020 the Bureau adopted the “Election of the Prosecutor: Way forward”, which supplements the process set out in the Terms of Reference. On 25 November 2020, pursuant to the mandate contained in the “Way forward”, the CEP submitted an addendum to its report containing the appraisals of five additional candidates (ICC-ASP/19/INF.2/Add.3). Given that these measures were taken with a view to facilitating the implementation of paragraph 33 of the resolution, States Parties are encouraged to support the mandate of the CEP and that of the President in his efforts to identify, through open and transparent consultations, a consensus candidate.

In the meantime, in line with the formal requirements of resolution ICC-ASP/1/Res.2, as amended, the Bureau of the Assembly decided on 30 June 2020 to open a nomination period for 12 weeks, until 22 September 2020 (Central European Time). Under the terms of the resolution, the nomination period was extended until 22 October, 22 November, 13 and 18 December 2020, in order to allow additional time for the consultation process.

On 18 December 2020 at the fifth plenary meeting of its resumed nineteenth session, the Assembly decided to defer the election of the Prosecutor to a second resumed session in early 2021. Accordingly, the Secretariat wishes to inform States Parties that the nomination period has been extended for a further period, until 18 January 2021 (Central European Time), in order to allow additional time for the consultation process to reach a conclusion.

Nevertheless, States Parties are strongly encouraged to refrain from making nominations until the process to identify a consensus candidate, as set out in the Terms of Reference for the Election of the Prosecutor and the “Way forward”, has been completed.

Governments are invited to contact the President of the Assembly, H.E. O-Gon Kwon, prior to submitting any formal nomination. The President may be contacted directly at O-Gon.Kwon@icc-cpi.int, or via the Secretariat at asp@icc-cpi.int.

Further information is available on the website of the [Assembly of States Parties](https://www.assemblyofstatesparties.org/).

The Hague, 18 December 2020