

BUREAU OF THE ASSEMBLY OF STATES PARTIES

Election of the Prosecutor

Modalities for Consultations and the Focal Points

First consultation round

- The focal points will contact all States Parties, directly and via Permanent Missions in New York, to solicit views on the candidates under consideration.
- In the consultations between the focal points and States Parties, the following questions will be put to States Parties. States Parties may choose to respond to some, or all, of the questions.
 1. Would your country like to express your national position about the candidates for the post of the Prosecutor of the ICC?
 2. Who is the best candidate for the post of the Prosecutor of the ICC?
 3. Are there particular reasons you prefer that candidate?
 4. Which candidate is your second preference?
 5. Are there particular reasons you prefer that candidate?
 6. Do you see a significant distinction between your first and second preferences?
 7. Who are the other candidates whom you are ready to support?
 8. Is there any candidate that is unacceptable/problematic to you? What is the reason?
 9. How would you rank the remaining candidates?
 10. Are there any other comments you wish to make?
- This list of questions will be circulated to all States Parties, via the Secretariat, prior to the commencement of the consultations.
- States Parties may provide comments at any stage in this process. Every State Party shall be contacted during each round of consultation and offered the opportunity to convey their views.
- In each consultation with a State Party, preferably two focal points shall be present. Focal points shall not be limited to consultation with members of their regional group. The focal points shall decide among them which States will be consulted by which pair of focal points.
- The first round of consultations should be carried out before the start of the resumed session of the ASP on 17 December 2020.
- In the spirit of transparency, States Parties should be informed of the timelines for reaching consensus, including the possibility of convening a resumed session in late January/early February 2021 for the purpose of electing the Prosecutor. A decision on the deferral of the agenda item, if needed, will be taken by the ASP.
- The responses received from States Parties shall be confidential and the position of individual States Parties shall not be shared beyond the group of focal points, the Vice-President NYWG and the President, although aggregated information will be provided to the Bureau.

- The responses received from States Parties will be collated and made available, and strictly limited to, the focal points, the Vice-President NYWG and the President.
- Once all States Parties that wish to offer views have done so, the Vice-President NYWG will brief the Bureau on the state of play, including the number of 1st preference and 2nd preferences received by each candidate, and seek guidance on the way forward, including with respect to candidates around which consensus could, potentially, gather.

Second and, if necessary, subsequent rounds of consultation

- Following this meeting with the Bureau, the focal points shall engage again with States Parties on a bilateral basis.
- The purpose of this second round of consultation shall be to advise States Parties on the state of play with respect to the level of support individual candidates have received, with a focus on those that have received the highest levels of support.
- States Parties shall then be invited to express preferences (and, if possible, a ranking) on those candidates receiving the highest levels of support. States Parties may make any other comments that they wish.
- Once all States Parties, wishing to do so, have offered views to the focal points, the Vice-President NYWG will brief the Bureau on the state of play and once again seek guidance on the way forward, including with respect to candidates around which consensus may gather.
- This process of consultation between the focal points, and as appropriate the Vice-President NYWG and President, shall continue. The Bureau shall be briefed at each stage and shall offer guidance on the way forward, with a view to identifying a consensus candidate.

General matters

- The above modalities and timelines related to this phase of consultations with States Parties shall be communicated to all States Parties, including on the basis of subsequent decisions of the Bureau with respect to timelines.
- In the spirit of transparency, all communications received by the Committee on the Election of the Prosecutor from external parties shall be shared with members of the Bureau and with the focal points.
