



## Sixteenth ICC-ASP Bureau Meeting

25 October 2011

### Agenda and Decisions

*The President of the Assembly, H.E. Mr. Christian Wenaweser (Liechtenstein), chaired the meeting, which was open to all States Parties*

#### 1. Search Committee for the position of Prosecutor

The Deputy Coordinator of the Search Committee introduced the report of the Search Committee as the final product of what had been a nearly nine-month long process. Section A summarized key elements of the report, while sections B through F addressed the Search Committee's mandate, the eligibility criteria for the position of Prosecutor, the Search Committee's process and its review of expressions of interest and the shortlisting and interview process.

He noted that section G contained the shortlist of four names, whom the Search Committee submits for consideration of the Bureau in accordance with its Terms of Reference and whom the Search Committee considers to meet the qualifications set out in article 42, paragraph 3, of the Rome Statute. These individuals were Ms. Fatou Bensouda of the Gambia, Mr. Andrew T. Cayley of the United Kingdom, Mr. Mohamed Chande Othman of the United Republic of Tanzania, and Mr. Robert Petit of Canada.

The Deputy Coordinator recalled that the Search Committee had considered 52 expressions of interest and suggestions, and had interviewed eight potential candidates, before agreeing on the four shortlisted individuals by consensus. In the Search Committee's view, each of the four individuals more than fully meets the eligibility requirements under the Rome Statute and would be able to discharge the post superbly, possessing a high moral character and extensive experience in the prosecution and/or trial of criminal cases. Each had extensive prosecutorial experience at one or more of the major international tribunals, and was fluent in at least one of the working languages of the Court.

Section H contained some concluding observations. The Deputy Coordinator expressed his hope that the Search Committee's report will lead to the consensual nomination and election of the next prosecutor and thanked States Parties for the confidence they had placed in the Search Committee. The Search Committee had now finished its work.

The President thanked the Search Committee for its professionalism and integrity. He stated that this entirely merit-based process was a good precondition for the consensual election of the next prosecutor and expressed his

hope that such a mechanisms will be applied again in the future, perhaps with modifications.

He noted that the work of the Search Committee was thus concluded and that the final phase was now entirely a matter of the States Parties in order to carry out the mandate in resolution ICC-ASP/1/Res.2 to elect the prosecutor by consensus. In this regard, he was encouraged by the fact that no State Party had submitted a formal nomination.

The President stated that it was now incumbent on all States Parties to quickly and efficiently consider the contents of the report with a view to being able to express their preference. The President would himself lead a process with a view to identifying a consensual candidate, in close coordination with the incoming President of the Assembly. He was exploring having all the candidates come to New York to present themselves to States Parties, as part of a one-month consultation process, which would conclude by the Thanksgiving holiday. He declared his immediate availability for consultations and stated that the next phase should still not see any nominations by States Parties, but rather the nominations of one person – if possible by multiple States Parties – at the end of the process.

Responding to a question, the Deputy Coordinator indicated that all candidates had stated that they would be available to assume their duties immediately upon the expire of the incumbent's term of office. The President responded to a question by stating that he would not encourage campaign activities. The relationship of the candidates to their States of nationality differed: while some where actively supported by their States of nationality, others were not.

Appreciation was expressed for the work of the Search Committee. Concern was also expressed at the level of transparency of the Search Committee process, which was of high importance to a large number of States. In that regard, the hope was expressed that all four potential candidates be required to present themselves to States Parties. The need for modifying the process before repeating it was mentioned.

Asked how he would proceed with his consultations, the President stated that he would consult informally and bilaterally, while also making use of the regional groups. Responding to a question regarding the nature of the consensus sought, the President noted that a consensual election was closely linked to a consensual nomination. If there is no objection to a certain nomination, the stage would be set for a consensual election

## **2. Next Bureau meeting**

The next meeting of the Bureau will be held on 1 November, in the usual format.

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