



Reference: ICC-ASP/10/S/06

The Secretariat of the Assembly of States Parties presents its compliments to the Permanent Mission of ... to the United Nations and has the honour to refer to the decision of the Bureau of the Assembly of States Parties to the Rome Statute of the International Criminal Court, taken on 1 February 2011, to open the nomination period for the election of the Prosecutor, in accordance with 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” (see annex I).

In accordance with paragraph 28 of the amended resolution, the procedures for the nomination of candidates for judges shall apply *mutatis mutandis* to the nomination of the Prosecutor. Accordingly, the nomination period for the election of the Prosecutor shall run from 13 June to 2 September 2011 (Central European Time). In accordance with paragraph 4 thereof, nominations received by the Secretariat before or after the nomination period shall not be considered.

The election will take place at the tenth session of the Assembly, scheduled to be held at United Nations Headquarters, New York, from 12 to 21 December 2011.

Governments are requested to take into account paragraph 3 of article 42 of the Rome Statute, which provides as follows:

“3. The Prosecutor and the Deputy Prosecutors shall be persons of high moral character, be highly competent in and have extensive practical experience in the prosecution or trial of criminal cases. They shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court.”

Article 36, paragraph 4, of the Rome Statute provides as follows:

“4. (a) Nominations of candidates for election to the Court may be made by any State Party to this Statute (...)

(b) Each State Party may put forward one candidate for any given election who need not necessarily be a national of that State Party but shall in any case be a national of a State Party.”

Furthermore, paragraphs 29 and 33 of the resolution provide as follows:

“29. Nominations for the post of Prosecutor should preferably be made with the support of multiple States Parties.

(...)

33. Every effort shall be made to elect the Prosecutor by consensus.”

In this connection, the Bureau has established a Search Committee for the position of the Prosecutor of the International Criminal Court, the Terms of reference of which are set out in document ICC-ASP/9/INF.2 (see annex II). It is understood that this process is without prejudice to the relevant provisions of the Rome Statute and does not prevent any State Party from submitting a formal nomination. Given that the Search Committee was established with a view to facilitating the implementation of paragraph 33 of the resolution, States Parties are encouraged to make use of this process with a view to arriving at a consensus candidate, ideally both for nomination and election. Governments are therefore to contact the Search Committee prior to submitting any formal nomination.

The members of the Search Committee are:

- H.E. Mr. Baso Sangqu, Permanent Representative of the Republic of South Africa to the United Nations (African Group)
- H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein, Permanent Representative of the Hashemite Kingdom of Jordan to the United Nations (Asian Group)
- H.E. Mr. Miloš Koterec, Permanent Representative of the Slovak Republic to the United Nations (Eastern European Group)
- Mr. Joel Hernández García, Legal Adviser of the Ministry of Foreign Affairs of Mexico (Group of Latin American and Caribbean States)
- Sir Daniel Bethlehem, Q.C., Legal Adviser to the Foreign and Commonwealth Office of the United Kingdom (Western European and Others Group)

The Search Committee may be contacted via the Secretariat at the following e-mail address: rene.holbach@icc-cpi.int.

In addition, in accordance with paragraph 30 of the resolution, each nomination should be accompanied by a statement specifying in the necessary detail how the candidate fulfils the requirements of paragraph 3 of article 42 of the Statute.

Governments are further requested to take into account paragraph 7 of the resolution, which provides as follows:

“7. States that have started the process of ratification, acceptance or approval of or accession to the Statute may nominate candidates for the elections of judges of the International Criminal Court. Such nominations shall remain provisional and shall not be included in the list of candidates unless the State concerned has deposited its instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations before the end of the nomination period and provided that that State is a party to the Statute in accordance with article 126, paragraph 2, of the Statute on the date of the election.”

Nominations shall be communicated through the diplomatic channel to the Secretariat of the Assembly of States Parties, Room C-0458, Maanweg 174, 2516 AB The Hague, The Netherlands (or via fax +31-70-515-8376 or via e-mail to asp@icc-cpi.int). If feasible, the Secretariat would appreciate receiving digital versions of the nominations, as well as of the accompanying statements and other supporting documentation.

In accordance with paragraph 8 of resolution ICC-ASP/3/Res.6, the Secretariat shall place the nominations of candidates, the accompanying statements referred to in paragraph 30 of the resolution and other supporting documentation on the Internet website of the Court (<http://www.icc-cpi.int>) in any of the official languages of the Court, as soon as possible after receiving them.

In addition, in accordance with paragraph 9 of the resolution, a list of all persons nominated, in English alphabetical order, together with accompanying documents, will be circulated through the diplomatic channel after the nomination period closes.

The Hague, 7 February 2011

Annex I

Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court (ICC-ASP/3/Res.6)¹ - Consolidated version

The Assembly of States Parties,

Bearing in mind the provisions of the Rome Statute of the International Criminal Court,

Mindful of the Rules of Procedure of the Assembly of States Parties,

Convinced of the need to fully implement the provisions of article 36 of the Rome Statute,

Noting that in its resolution ICC-ASP/1/Res.3 the Assembly of States Parties agreed that it would review the procedure for the election of judges on the occasion of future elections with a view to making any improvements as may be necessary,

Approves the following procedure for the nomination and election of judges of the International Criminal Court, replacing resolution ICC-ASP/1/Res.3 and parts A, B and C of resolution ICC-ASP/1/Res.2:

A. Nomination of candidates for judges

1. The Secretariat of the Assembly of States Parties shall circulate through the diplomatic channel the invitations for nominations of judges of the International Criminal Court.
2. The invitations for nominations of judges will include the text of article 36, paragraphs 3, 4 and 8, of the Statute, the present resolution as well as specific information regarding the application of all minimum voting requirements in the elections.
3. The nomination period shall open 26 weeks before the elections and shall last 12 weeks.
4. Nominations submitted before or after the nomination period shall not be considered.
5. States Parties to the Statute shall communicate nominations for the election of judges of the International Criminal Court through the diplomatic channel to the Secretariat of the Assembly of States Parties.
6. Every nomination should be accompanied by a statement:
 - (a) Specifying in the necessary detail how the candidate fulfils each of the requirements in article 36, paragraph 3(a), (b) and (c), of the Statute, in accordance with article 36, paragraph 4(a), of the Statute;
 - (b) Indicating whether the candidate is being nominated for inclusion in list A or list B for the purposes of article 36, paragraph 5, of the Statute;
 - (c) Containing information relating to article 36, paragraph 8(a)(i) to (iii), of the Statute;
 - (d) Indicating whether the candidate has any expertise under article 36, paragraph 8(b), of the Statute;
 - (e) Indicating under which nationality the candidate is being nominated for the purposes of article 36, paragraph 7, of the Statute, where a candidate is a national of two or more States.
7. States that have started the process of ratification, acceptance or approval of or accession to the Statute may nominate candidates for the elections of judges of the International Criminal Court. Such nominations shall remain provisional and shall not be included in the list of candidates unless the State concerned has deposited its instrument of ratification, acceptance, approval or accession with the

¹ The preamble and sections A, B and C, as well as the annexes, replicate the text of resolution ICC-ASP/3/Res.6. Sections D, E, F and G replicate the text of resolution ICC-ASP/1/Res.2.

Secretary-General of the United Nations before the end of the nomination period and provided that that State is a party to the Statute in accordance with article 126, paragraph 2, of the Statute on the date of the election.

8. The Secretariat of the Assembly of States Parties shall place the nominations of candidates for judges, the accompanying statements referred to in article 36 of the Statute and other supporting documentation on the Internet web site of the International Criminal Court, in any of the official languages of the Court, as soon as possible after receiving them.

9. The Secretariat of the Assembly of States Parties shall prepare a list in English alphabetical order of all persons thus nominated, with accompanying documents, and shall circulate it through the diplomatic channel.

10. Six weeks after the opening of the nomination period, the President of the Assembly of States Parties shall inform all States Parties through diplomatic channels and through specific information on the web site of the International Criminal Court on the number of candidates nominated with respect to each minimum voting requirement.

11. The President of the Assembly of States Parties shall extend the nomination period for two weeks, but no more than three times, if at the end of the nomination period any regional or gender minimum voting requirement² is not matched with at least twice the number of candidates fulfilling that requirement.

12. The President of the Assembly of States Parties shall extend the nomination period for two weeks at a time, if at the end of the nomination period the number of candidates remains less than the number of seats, or the number of candidates from list A or B remains less than the respective minimum voting requirement.

B. Election of judges

13. The Bureau of the Assembly of States Parties shall fix the date of the election.

14. The Secretariat of the Assembly of States Parties shall prepare, in accordance with article 36, paragraph 5, of the Statute, two lists of candidates in English alphabetical order.

15. The election of judges shall be a matter of substance, and subject to the requirements of article 112, paragraph 7(a), of the Statute.

16. The persons elected to the Court shall be the 6 candidates who obtain the highest number of votes and a two-thirds majority of States Parties present and voting, provided that an absolute majority of the States Parties constitutes the quorum for voting.

17. When two or more candidates of the same nationality obtain the required majority, the candidate who receives the higher number of votes shall be considered elected.

18. No more than 13 candidates from list A and no more than 9 candidates from list B shall be considered elected, taking into account the number of judges remaining in office.

19. States Parties shall, in the election of judges, take into account the need for the representation of the principal legal systems of the world, equitable geographical representation and a fair representation of female and male judges. They shall take into account the need to include judges with legal expertise on specific issues, including, but not limited to, violence against women and children.

20. During any given ballot, each State Party shall vote for no more candidates than seats to be filled, whereby it shall observe the minimum voting requirements regarding lists A and B, regional groups and gender. At the outset of each ballot, each minimum voting requirement shall be determined or discontinued in accordance with paragraphs 21 and 22.

(a) Each State Party shall vote for a minimum number of candidates from lists A and B. For list A, this number shall be 9 minus the number of judges from list A remaining in office or

² To be calculated in accordance with paragraph 20(b), second sentence, and paragraph 20(c), second sentence, only.

elected in previous ballots. For list B, this number shall be 5 minus the number of judges from list B remaining in office or elected in previous ballots.

(b) Each Party shall vote for a minimum number of candidates from each regional group. This number shall be 2 minus the number of judges from that regional group remaining in office or elected in previous ballots.

If the number of States Parties of any given regional group is higher than 16 at that moment, the minimum voting requirement for that group shall be adjusted by adding 1.

If the number of candidates from a regional group is not at least double the respective minimum voting requirement, the minimum voting requirement shall be half the number of candidates from that regional group (rounded up to the nearest whole number where applicable). If there is only one candidate from a regional group, there shall be no minimum voting requirement for that group.

(c) Each State Party shall vote for a minimum number of candidates of each gender. This number shall be 6 minus the number of judges of that gender remaining in office or elected in previous ballots. However, if the number of candidates of one gender is 10 or less, the minimum voting requirement for that gender shall be adjusted in accordance with the following formula:

<i>Number of candidates</i>	<i>Minimum voting requirement shall not exceed:</i>
10	6
9	6
8	5
7	5
6	4
5	3
4	2
3	1
2	1
1	0

21. Each minimum voting requirement shall be adjusted until that requirement can no longer be met, whereupon the use of that requirement shall be discontinued. If an adjusted voting requirement can be met individually, but not jointly, the use of all regional and gender voting requirements shall be discontinued. If, following four ballots, there still remain seats to be filled, these minimum voting requirements shall be discontinued. The minimum voting requirements regarding lists A and B shall be applied until they are fulfilled.

22. Only ballot papers observing the minimum voting requirements shall be valid. If a State Party fulfils the minimum requirements using less than the maximum number of votes allowed for that ballot, it may abstain from voting for the remaining candidates.

23. Once regional and gender voting requirements are discontinued and the minimum voting requirements regarding lists A and B are fulfilled, each further ballot shall be restricted to the most successful candidates of the previous ballot. Before each ballot, the candidate (or, in the event of a tie, the candidates) having obtained the lowest number of votes in the previous ballot shall thus be excluded, provided that the number of candidates remains at least twice the number of seats to be filled.

24. The President of the Assembly of States Parties shall be responsible for the election procedure, including the determination, adjustment or discontinuation of the minimum voting requirements.

25. Ballot papers shall be organized in a manner facilitating such an election process. The minimum voting requirements, the adjusted requirements and the discontinuation of any requirements shall be clearly indicated on the ballot papers. Before the day of the election, the President shall distribute to all States Parties copies of the instructions and samples of the ballot papers. On the day of the election, clear instructions and sufficient time shall be given for each ballot. In each ballot, before the voting process is concluded, the President shall repeat the instructions and the minimum requirements to allow each delegation to verify that its vote meets those requirements.

26. The Assembly of States Parties shall review the procedure for the election of judges on the occasion of future elections with a view to making such improvements as may be necessary

C. Judicial vacancies³

27. In the event of a judicial vacancy in accordance with article 37 of the Rome Statute, the procedures for the nomination and election of judges shall apply *mutatis mutandis*, subject to the following provisions:

(a) Within one month of the occurrence of the judicial vacancy, the Bureau of the Assembly of States Parties shall fix the venue and date of the election, which should not be later than 20 weeks after the occurrence of the vacancy unless the Bureau decides otherwise after consulting the Court.

(b) The nomination period shall open 12 weeks before the elections and shall last 6 weeks.

(c) If the judicial vacancy reduces the number of judges from list A to below 9 or the number of judges from list B to below 5, only candidates from the underrepresented list can be nominated.

(d) If at the time of the election a regional or gender minimum voting requirement is not fulfilled, only candidates that can satisfy any of the underrepresented regional minimum voting requirements as well as the underrepresented gender minimum voting requirement can be nominated.

(e) A judge elected to fill a vacancy shall serve for the remainder of the predecessor's term and, if that period is three years or less, shall be eligible for re-election for a full term under article 36 of the Statute.

D. Nomination of candidates for the Prosecutor

28. The procedures for the nomination of candidates for judges shall apply *mutatis mutandis* to the nomination of the Prosecutor.

29. Nominations for the post of the Prosecutor should preferably be made with the support of multiple States Parties.

30. Each nomination should be accompanied by a statement specifying in the necessary detail how the candidate fulfils the requirements of paragraph 3 of article 42 of the Statute.

E. Election of the Prosecutor

31. The Bureau of the Assembly of States Parties shall fix the date of the election.

32. The Secretariat of the Assembly of States Parties shall prepare a list of candidates in English alphabetical order.

33. Every effort shall be made to elect the Prosecutor by consensus.

34. In the absence of consensus, the Prosecutor shall be elected, in accordance with paragraph 4 of article 42 of the Statute, by secret ballot by an absolute majority of the members of the Assembly of States Parties.

³ As amended by resolution ICC-ASP/5/Res.5.

35. In the interest of a timely conclusion of the election, if after three ballots no candidate has obtained the required majority, the balloting shall be suspended to give an opportunity for any withdrawal of candidatures. Before such suspension, the President of the Assembly of States Parties will announce when balloting shall resume. Upon resumption of balloting, if no candidate obtains in the first ballot the majority required, further ballots shall be taken, which shall be restricted to the candidates obtaining the two largest number of votes.

F. Nomination of the Deputy Prosecutors

36. The Prosecutor shall nominate three candidates for each position of Deputy Prosecutor to be filled, in accordance with paragraph 4 of article 42 of the Statute.

37. For each nomination, the Prosecutor should include a statement specifying in the necessary detail how the candidate fulfils the requirements of paragraph 3 of article 42 of the Statute.

38. In proposing the list of candidates, the Prosecutor should bear in mind, in accordance with paragraph 2 of article 42, that the Prosecutor and the Deputy Prosecutors shall all be of different nationalities. A candidate who could be regarded as a national of more than one State shall be deemed to be a national of the State in which that candidate ordinarily exercises civil and political rights.

39. The Secretariat of the Assembly of States Parties shall place the nominations of candidates for the position of Deputy Prosecutor, the accompanying statements of qualification and other supporting documentation on the Internet web site of the International Criminal Court in any of the official languages of the Court as soon as possible after receiving them.

40. The Secretariat of the Assembly of States Parties shall prepare a list in English alphabetical order of all persons thus nominated, with accompanying documents, and shall circulate it through the diplomatic channel.

G. Election of the Deputy Prosecutors

41. The procedures for the election of the Prosecutor in section E shall apply *mutatis mutandis* to the election of any Deputy Prosecutor.

42. In case of an election for more than one position for the post of Deputy Prosecutor:

(a) The persons elected to the post of Deputy Prosecutor shall be those candidates who obtain the highest number of votes and an absolute majority of the members of the Assembly of States Parties;

(b) If the number of eligible candidates obtaining the required majority for the elections exceeds the number of positions for Deputy Prosecutor so allocated thereunder, the candidates obtaining the highest number of votes to fill the number of seats so allocated shall be considered elected.

Appendix I

Illustrative tables of minimum voting requirements

The following tables are included for illustration purposes only.

Table 1: Minimum voting requirements for list A

<i>If the number of judges from list A remaining in office or elected in previous ballots is:</i>	<i>... then the minimum voting requirement for list A is:</i>
9 or more	fulfilled
8	1
7	2
6	3
5	4
4	5
3	6
2	7
1	8
0	9

Table 2: Minimum voting requirements for list B

<i>If the number of judges from list B remaining in office or elected in previous ballots is:</i>	<i>... then the minimum voting requirement for list B:</i>
5 or more	fulfilled
4	1
3	2
2	3
1	4
0	5

Table 3: Regional minimum voting requirements

<i>If the number of judges from a given region remaining in office or elected in previous ballots is:</i>	<i>... then the minimum voting requirement for that region is:</i>
3 or more	fulfilled
2	1
1	2
0	3

(Further adjustments might be necessary in accordance with para. 20 (b) of the resolution.)

Table 4: Gender minimum voting requirements

<i>If the number of judges from one gender remaining in office or elected in previous ballots is:</i>	<i>... then the minimum voting requirement for that gender is:</i>
6 or more	fulfilled
5	1
4	2
3	3
2	4
1	5
0	6

(Further adjustments may be necessary in accordance with para. 20 (c) of the resolution.)

Appendix II - SAMPLE BALLOT PAPER: ELECTION OF 6 JUDGES OF THE ICC

This sample ballot paper is included for illustration purposes only.

VOTE FOR A MAXIMUM OF 6 CANDIDATES				
REGIONAL GROUPS	LIST A VOTE FOR AT LEAST X FROM LIST A	LIST B VOTE FOR AT LEAST X FROM LIST B		
GENDER DISTRIBUTION: VOTE FOR AT LEAST X MALES AND X FEMALES				
	MALE	FEMALE	MALE	FEMALE
AFRICA VOTE FOR AT LEAST X CANDIDATES FROM THIS REGION	<input type="checkbox"/> Name (Country) <input type="checkbox"/> Name (Country)	<input type="checkbox"/> Name (Country)	<input type="checkbox"/> Name (Country)	<input type="checkbox"/> Name (Country) <input type="checkbox"/> Name (Country)
ASIA VOTE FOR AT LEAST X CANDIDATES FROM THIS REGION	<input type="checkbox"/> Name (Country) <input type="checkbox"/> Name (Country)	<input type="checkbox"/> Name (Country)	<input type="checkbox"/> Name (Country)	
EASTERN EUROPE VOTE FOR AT LEAST X CANDIDATES FROM THIS REGION	<input type="checkbox"/> Name (Country)	<input type="checkbox"/> Name (Country)	<input type="checkbox"/> Name (Country) <input type="checkbox"/> Name (Country)	<input type="checkbox"/> Name (Country)
LATIN AMERICA/ CARIBBEAN VOTE FOR AT LEAST X CANDIDATES FROM THIS REGION	<input type="checkbox"/> Name (Country)	<input type="checkbox"/> Name (Country) <input type="checkbox"/> Name (Country)	<input type="checkbox"/> Name (Country) <input type="checkbox"/> Name (Country)	<input type="checkbox"/> Name (Country)
WESTERN EUROPE AND OTHER VOTE FOR AT LEAST X CANDIDATES FROM THIS REGION	<input type="checkbox"/> Name (Country) <input type="checkbox"/> Name (Country)	<input type="checkbox"/> Name (Country) <input type="checkbox"/> Name (Country)	<input type="checkbox"/> Name (Country) <input type="checkbox"/> Name (Country)	<input type="checkbox"/> Name (Country)

Annex II⁴

Bureau of the Assembly of States Parties Search Committee for the position of the Prosecutor of the International Criminal Court Terms of Reference

I. Background

1. Resolution ICC-ASP/1/Res.2 (see appendix I) contains the rules governing the nomination and election of the Prosecutor of the ICC. With respect to the **nomination** process for the Prosecutor, the resolution refers to the rules governing the nomination of candidates for judges, which apply *mutatis mutandis*. In addition to those rules, “*nominations for the post of the Prosecutor should preferably be made with the support of multiple States Parties*”(para. 33).

2. With respect to the **election** of the Prosecutor, no such reference to the rules governing the election of judges is made. Instead, in accordance with para. 29, “*Every effort shall be made to elect the Prosecutor by consensus.*” In the absence of such a consensus, the Prosecutor is elected by secret ballot by an absolute majority of States Parties.

3. The Bureau is of the view that such efforts should be undertaken in a structured and transparent manner as outlined below. It is understood that this process does not prevent any State Party from submitting a formal nomination. Nevertheless, States Parties are encouraged to make use of this process with a view to arriving at a consensus candidate, ideally both for nomination and election.

II. Composition

4. The Bureau of the Assembly designates one representative per regional group as member of the Search Committee. The Search Committee designates one member as coordinator.

III. Mandate

5. The Search Committee is mandated to facilitate the nomination and election, by consensus, of the next Prosecutor (see also paras. 29 and 33 of resolution ICC-ASP/1/Res.2). The work of the Search Committee is guided by the applicable provisions of the Rome Statute, in particular article 42, as well as the procedure for the nomination and election of the Prosecutor set out in resolution ICC-ASP/1/Res.2.

IV. Working Methods

6. The Search Committee will informally receive expressions of interest from individuals, States, regional and international organizations, civil society, professional associations and other sources. The Search Committee will also actively identify and informally approach individuals who may satisfy the applicable criteria, in particular those contained in article 42 of the Rome Statute, and who may subsequently express their interest to be considered. The Search Committee shall review the expressions of interest in light of the

⁴ Originally issued as ICC-ASP/9/INF.2, dated 6 December 2010.

relevant criteria and produce a shortlist of at least three suitable candidates, where possible for consideration by the Bureau.

V. Transparency

7. The Search Committee shall regularly and in detail brief the Bureau on its activities. In particular, the Search Committee shall inform the Bureau of the expressions of interest received, including information on the overall number, nationality, gender and current affiliation of the individuals. The States Parties of the Assembly are kept informed of the relevant discussions through the reporting procedures of the Bureau. Members of the Search Committee shall also informally consult with representatives of interested delegations.

VI. Confidentiality

8. The Search Committee shall inform individuals who have expressed interest to be considered that any information received in this connection will be treated confidentially by the Search Committee. The Search Committee shall inform these individuals that their names, nationality, gender, current affiliation and other relevant information, will be shared with the Bureau, unless otherwise requested by the individual concerned at any stage of the proceedings. These confidentiality requirements do not apply to individuals who are shortlisted for consideration by the Bureau.

VII. Timeline

9. It is understood that the election of the Prosecutor should take place in time to allow for a transitional period of several months before the term of the current Prosecutor expires in June 2012. The election would therefore ideally take place at the tenth session of the Assembly, but in any event no later than February 2012.

Appendix I

Resolution ICC-ASP/1/Res.2

Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court

(...)

D. Nomination of candidates for the Prosecutor

24. The procedures for the nomination of candidates for judges shall apply *mutatis mutandis* to the nomination of the Prosecutor.

25. *Nominations for the post of the Prosecutor should preferably be made with the support of multiple States Parties.*

26. Each nomination should be accompanied by a statement specifying in the necessary detail how the candidate fulfils the requirements of paragraph 3 of article 42 of the Statute.

E. Election of the Prosecutor

27. The Bureau of the Assembly of States Parties shall fix the date of the election.
28. The Secretariat of the Assembly of States Parties shall prepare a list of candidates in English alphabetical order.
29. *Every effort shall be made to elect the Prosecutor by consensus.*
30. In the absence of consensus, the Prosecutor shall be elected, in accordance with paragraph 4 of article 42 of the Statute, by secret ballot by an absolute majority of the members of the Assembly of States Parties.
31. In the interest of a timely conclusion of the election, if after three ballots no candidate has obtained the required majority, the balloting shall be suspended to give an opportunity for any withdrawal of candidatures. Before such suspension, the President of the Assembly of States Parties will announce when balloting shall resume. Upon resumption of balloting, if no candidate obtains in the first ballot the majority required, further ballots shall be taken, which shall be restricted to the candidates obtaining the two largest numbers of votes.

Appendix II

Rome Statute

Article 42

The Office of the Prosecutor

1. The Office of the Prosecutor shall act independently as a separate organ of the Court. It shall be responsible for receiving referrals and any substantiated information on crimes within the jurisdiction of the Court, for examining them and for conducting investigations and prosecutions before the Court. A member of the Office shall not seek or act on instructions from any external source.
2. The Office shall be headed by the Prosecutor. The Prosecutor shall have full authority over the management and administration of the Office, including the staff, facilities and other resources thereof. The Prosecutor shall be assisted by one or more Deputy Prosecutors, who shall be entitled to carry out any of the acts required of the Prosecutor under this Statute. The Prosecutor and the Deputy Prosecutors shall be of different nationalities. They shall serve on a full-time basis.
3. *The Prosecutor and the Deputy Prosecutors shall be persons of high moral character, be highly competent in and have extensive practical experience in the prosecution or trial of criminal cases. They shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court.*
4. The Prosecutor shall be elected by secret ballot by an absolute majority of the members of the Assembly of States Parties. The Deputy Prosecutors shall be elected in the same way from a list of candidates provided by the Prosecutor. The Prosecutor shall nominate three candidates for each position of Deputy Prosecutor to be filled. Unless a shorter term is decided upon at the time of their election, the Prosecutor and the Deputy Prosecutors shall hold office for a term of nine years and shall not be eligible for re-election.

(...)