



Reference: ICC-ASP/10/S/79

The Secretariat of the Assembly of States Parties presents its compliments to States Parties and, on behalf of the President of the Assembly, has the honour to refer to its notes verbales ICC-ASP/10/S/06, ICC-ASP/10/S/59, ASP/2011/088 and ASP/10/114 dated 7 February, 5 September, 21 September and 3 October 2011, respectively, as well as to resolution ICC-ASP/3/Res.6 entitled “Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court”, adopted by the Assembly of States Parties on 10 September 2004. Paragraph 28 thereof provides that “[t]he procedure for the nomination of judges shall apply *mutatis mutandis* to the nomination of the Prosecutor.”

The Secretariat wishes to recall that, at the ninth session of the Assembly, the Bureau 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.2.¹ 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. However, given that the Search Committee was established with a view to facilitating the implementation of paragraph 33 of resolution ICC-ASP/3/Res.6, States Parties are encouraged to respect this process with a view to arriving at a consensus candidate, ideally both for nomination and election.

As regards the timelines for its work, 9 September 2011 was the closing date for the receipt of suggestions and expressions of interest by the Search Committee, which is therefore not considering any further expressions of interests. The Search Committee has been conducting interviews of candidates, with a view to submitting a report containing a shortlist of at least three suitable candidates, where possible, to the Bureau during the following week, in accordance with its terms of reference. It is therefore anticipated that a consensus candidate would be nominated after 25 October, which will necessitate several extensions of the nomination period in order to allow for this process. Formal nominations are therefore neither anticipated nor encouraged before the end of this extension of the nomination period. The Search Committee may be contacted via the Secretariat at the following e-mail address: rene.holbach@icc-cpi.int.

Under the terms of the resolution, the Secretariat wishes to inform States Parties that, as at 14 October 2011, no formal nominations had been received. Since no candidate has been presented, and pursuant to paragraph 33 of the abovementioned resolution, the nomination period for the Prosecutor has therefore been extended for a period of two weeks, to Friday, 28 October 2011, before midnight (Central European time). Further information is available on the website of the Court (www.icc-cpi.int), under “Assembly of States Parties”.

The Hague, 19 October 2011

¹ “Bureau of the Assembly of States Parties: Search Committee for the position of the Prosecutor of the International Criminal Court: Terms of Reference”, (ICC-ASP/9/INF.2).