



Assembly of States Parties

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Eighth election of judges of the International Criminal Court

Note by the Secretariat

1. The eighth election of judges of the International Criminal Court will take place during the twenty-second session of the Assembly of States Parties, to be held in New York from 4 to 14 December 2023.

2. Under the terms of article 36 of the Rome Statute, six judges will be elected to serve for a term of nine years.

3. According to article 36, paragraph 4, States Parties were required to make nominations either by the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question or by the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court. In addition, nominations were to be accompanied by a statement in the necessary detail specifying how the candidate fulfils the requirements laid down in paragraph 3 of article 36.

4. According to article 36, paragraphs 3 and 5, the judges were to be nominated from among persons of high moral character, impartiality and integrity who possess the qualifications required in their respective State for appointment to the highest judicial offices. Every candidate for election to the Court should also have an excellent knowledge of and be fluent in at least one of the working languages of the Court. In addition, two lists of candidates have been established (see annex II to the present note):

List A: Candidates having established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings;

List B: Candidates having established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court.

5. For purposes of this election to the Court, States Parties will vote for at least one candidate from List A and at least one candidate from List B. In addition, States Parties will vote for at least one candidate from the Asia-Pacific group and at least one candidate from the Eastern European group. Furthermore, States Parties will vote for at least three male candidates.

6. Article 36, paragraph 6, requires that the judges be elected by secret ballot at a meeting of the Assembly of States Parties convened for that purpose under article 112, and that the persons elected to the Court shall be the six candidates who obtain the highest number of votes and a two-thirds majority of the States Parties present and voting. In the event that a sufficient number of judges is not elected on the first ballot, successive ballots will be held until the remaining places have been filled, in accordance with the provisions of resolution

ICC-ASP/3/Res.6, relating to the procedure for the nomination and election of judges of the International Criminal Court, and amended by resolutions ICC-ASP/5/Res.5, ICC-ASP/12/Res.8, ICC-ASP/14/Res.4, ICC-ASP/18/Res.4 and ICC-ASP/21/Res.2, respectively.

7. Under the terms of article 36, paragraphs 7 and 8, no two judges may be nationals of the same State, and the States Parties shall, in the selection of judges, take into account the need, within the membership of the Court, for the representation of the principal legal systems of the world; equitable geographical representation; and a fair representation of female and male judges. In addition, States Parties are required to take into account the need to include judges with legal expertise on specific issues, including, but not limited to, violence against women or children.

8. In accordance with paragraphs 3 and 13 of resolution ICC-ASP/3/Res.6, as amended by ICC-ASP/18/Res.4, annex I, the nomination period was opened on 2 January 2023 and ran until 26 March 2023. At the close of the nomination period, on 26 March 2023, not all minimum nomination requirements had been met. In accordance with paragraph 11 of resolution ICC-ASP/3/Res.6, the President of the Assembly extended the nomination period three times, for two weeks each, until 9 April, 23 April and 7 May 2023. Fifteen nominations were received by the closing date of 7 May 2023.

9. By a communication, dated 12 May 2023, the Embassy of Niger to the European Union and other International Organizations in Brussels and The Hague, announced the withdrawal of the candidature of Mr. Maman Sani Ousseini Djibag. The Government of Niger had nominated him by a communication, dated 2 March 2023.

10. As required by paragraph 8 of the same resolution, the Secretariat of the Assembly of States Parties placed the nominations of candidates for judges, together with the accompanying statements referred to in article 36 of the Statute and other supporting documentation on the Internet website of the International Criminal Court¹ as soon as possible after they were received.

11. In accordance with paragraph 9 of resolution ICC-ASP/3/Res.6, a list in the English alphabetical order of all persons nominated, with accompanying documents, is contained in annex I to the present note (see ICC-ASP/19/2/Add.1). Three additional lists are provided in further annexes containing the names of the candidates organized according to List A or B (annex II), by regional group (annex III) and by gender (annex IV).

12. The procedure to be followed for the election of judges is laid down in paragraphs 15 to 25 of resolution ICC-ASP/3/Res.6.

13. A guide for the eighth election of judges is contained in document ICC-ASP/22/3.

¹ <https://asp.icc-cpi.int/elections/judges/2023/Nominations>
<https://asp.icc-cpi.int/fr/elections/judges/2023/Nominations>

Annex I

Alphabetical list of candidates (with statements of qualifications)

[See ICC-ASP/22/2/Add.1]

Annex II

List of candidates organized according to Lists A and B

List A

1. DAMDIN, Erdenebalsuren
2. DEMBÉLÉ, Adélaïde
3. GUILLOU, Nicolas
4. HOHLER, Beti
5. HOHOFF, Ute
6. KARANJA, Wanjiru
7. LAZAROVA TRAJKOVSKA, Mirjana
8. NELSON, Clarence
9. PAEK, Keebong
10. PARMAS, Andres
11. RAJAONA, Andriamanankadrianana
12. ZEMAN, Pavel

List B

1. BEN MAHFOUDH, Haykel
2. MOTOC, Iulia Antoanella

Annex III

List of candidates organized by regional group

Group of African States

1. BEN MAHFOUDH, Haykel
2. DEMBÉLÉ, Adélaïde
3. KARANJA, Wanjiru
4. RAJAONA, Andriamanankadrianana

Group of Asia-Pacific States

1. DAMDIN, Erdenebalsuren
2. NELSON, Clarence
3. PAEK, Keebong

Group of Eastern European States

1. HOHLER, Beti
2. LAZAROVA TRAJKOVSKA, Mirjana
3. MOTOC, Iulia Antoanella
4. PARMAS, Andres
5. ZEMAN, Pavel

Group of Western European and other States

1. GUILLOU, Nicolas
2. HOHOFF, Ute

Annex IV

List of candidates organized by gender

Male

1. BEN MAHFOUDH, Haykel
2. DAMDIN, Erdenebalsuren
3. GUILLOU, Nicolas
4. NELSON, Clarence
5. PAEK, Keebong
6. PARMAS, Andres
7. RAJAONA, Andriamanankadrianana
8. ZEMAN, Pavel

Female

1. DEMBÉLÉ, Adélaïde
2. HOHLER, Beti
3. HOHOFF, Ute
4. KARANJA, Wanjiru
5. LAZAROVA TRAJKOVSKA, Mirjana
6. MOTOC, Iulia Antoanella