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Election of the judges of the International Criminal Court: guide for the eighth election

Note by the Secretariat

1. The present note has been prepared pursuant to resolution ICC-ASP/3/Res.6 of 10 September 2004 concerning the procedure for the nomination and election of the judges for the International Criminal Court. In paragraph 25 of the resolution, the President of the Assembly of States Parties is requested to distribute to all States Parties copies of the instructions and samples of the ballot papers before the day of the election.
2. The Secretariat, in consultation with the Bureau of the Assembly of States Parties, has prepared the voting requirements and a sample ballot paper for the purposes of the eighth election of the judges for the International Criminal Court.
3. The voting requirements (with sample ballot paper), as spelled out in annex I to the present note, apply to the first ballot only. In the event that fewer than the required number of judges are elected after the first ballot, the voting requirements will be adjusted and a new ballot paper will be prepared, in accordance with the requirements of resolution ICC-ASP/3/Res.6, depending upon the outcome of the first ballot or the immediately preceding ballot.
4. The adjusted minimum voting requirements applicable for the eighth election are reflected in annex II.

Annex I

First ballot: Election of 6 judges of the International Criminal Court

Voting requirements

1. Please place an “X” in the box to the left of the names of the candidates for whom you wish to vote. Only those candidates whose names appear on the ballot are eligible.
2. Vote for a maximum of 6 candidates. Ballots containing votes for more than 6 candidates will be declared invalid.
3. Vote for at least 1 candidate from List A and at least 1 candidate from List B. Ballots containing votes for less than 1 candidate from List A and less than 1 candidate from List B will be declared invalid.
4. Vote for at least 2 candidates from the group of Asia-Pacific States, and at least 2 candidates from the group of Eastern European States. Ballots that do not satisfy these regional minimum voting requirements will be declared invalid.
5. Vote for at least 3 male candidates. Ballots that do not satisfy this gender minimum voting requirement will be declared invalid.
6. If you fulfil all the minimum voting requirements in paragraphs 3, 4 and 5 above, using less than 6 votes, you may abstain in voting for the remaining candidates.
7. Please check the ballot to ensure that votes have been cast for:
 - (a) No more than 6 candidates;
 - (b) At least 1 candidate from List A and at least 1 candidate from List B;
 - (c) At least 2 candidates from the group of Asia-Pacific States, and at least 2 candidates from the group of Eastern European States; and
 - (d) At least 3 male candidates.

SAMPLE BALLOT PAPER

VOTE FOR A MAXIMUM OF 6 CANDIDATES			
VOTE FOR <u>AT LEAST</u> 1 LIST A CANDIDATE, 1 LIST B CANDIDATE AND 3 MALE CANDIDATES			
LIST A		LIST B	
MALE	FEMALE	MALE	FEMALE
AFRICA	<input type="checkbox"/> Mr. Andriamanankadri-anana RAJAONA (Madagascar)	<input type="checkbox"/> Ms. Adélaïde DEMBÉLÉ (Burkina Faso) <input type="checkbox"/> Ms. Wanjiru KARANJA (Kenya)	<input type="checkbox"/> Mr. Haykel BEN-MAHFOUDH (Tunisia)
ASIA-PACIFIC VOTE FOR AT LEAST 2 CANDIDATES	<input type="checkbox"/> Mr. Erdenebalsuren DAMDIN (Mongolia) <input type="checkbox"/> Mr. Clarence NELSON (Samoa) <input type="checkbox"/> Mr. Keebong PAEK (Republic of Korea)		
EASTERN EUROPE VOTE FOR AT LEAST 2 CANDIDATES	<input type="checkbox"/> Mr. Andres PARMAS (Estonia) <input type="checkbox"/> Mr. Pavel ZEMAN (Czech Republic)	<input type="checkbox"/> Ms. Beti HOLHER (Slovenia) <input type="checkbox"/> Ms. Mirjana LAZAROVA TRAJKOVSKA (North Macedonia)	<input type="checkbox"/> Ms. Iulia Antoanella MOTOC (Romania)
LATIN AMERICA/ CARIBBEAN			
WESTERN EUROPE AND OTHER STATES	<input type="checkbox"/> Mr. Nicolas GUILLOU (France)	<input type="checkbox"/> Ms. Ute HOHOFF (Germany)	

Annex II

Adjusted minimum voting requirements

Extract of annex II of the Secretariat's note verbale ICC-ASP/22/01¹

B. Minimum voting requirements for list A

Table 2: 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 (9-8=1)
7	2
6	3
5	4
4	5
3	6
2	7
1	8
0	9

C. Minimum voting requirements for list B

Table 3: 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(5-4=1)
3	2
2	3
1	4
0	5

¹ <https://asp.icc-cpi.int/sites/asp/files/2022-12/ICC-ASP-22-SP-01-ENG.pdf>

D. Regional minimum voting requirements

Table 4: Regional minimum voting requirements

<i>If the number of judges from African States remaining in office or elected in previous ballots is:</i>	<i>... then the standard minimum voting requirement for that region is:</i>	<i>... plus the adjustment of adding 1, in accordance with para. 20 (b), third sentence, of the resolution</i>	<i>... then the total minimum voting requirement for that region is:</i>
3 or more	(2-3= -1)	(-1+1=0)	fulfilled
2	0	+1	1
1	1	+1	2
0	2	+1	3

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

Table 5: Regional minimum voting requirements

<i>If the number of judges from Asia-Pacific States remaining in office or elected in previous ballots is:</i>	<i>... then the standard minimum voting requirement for that region is:</i>	<i>... plus the adjustment of adding 1, in accordance with para. 20 (b), third sentence, of the resolution</i>	<i>... then the total minimum voting requirement for that region is:</i>
3 or more	-1	0	fulfilled
2	0	+1	1
1	(2-1=1)	+1	2
0	2	+1	3

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

Table 6: Regional minimum voting requirements

<i>If the number of judges from Eastern European States remaining in office or elected in previous ballots is:</i>	<i>... then the standard minimum voting requirement for that region is:</i>	<i>... plus the adjustment of adding 1, in accordance with para. 20 (b), third sentence, of the resolution</i>	<i>... then the total minimum voting requirement for that region is:</i>
3 or more	-1	0	fulfilled
2	0	+1	1
1	(2-1=1)	+1	2
0	2	+1	3

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

Table 7: Regional minimum voting requirements

<i>If the number of judges from Latin American and Caribbean States remaining in office or elected in previous ballots is:</i>	<i>... then the standard minimum voting requirement for that region is:</i>	<i>... plus the adjustment of adding 1, in accordance with para. 20 (b), third sentence, of the resolution</i>	<i>... then the total minimum voting requirement for that region is:</i>
3 or more	(2-3=-1)	(-1+1=0)	fulfilled
2	0	+1	1
1	1	+1	2
0	2	+1	3

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

Table 8: Regional minimum voting requirements

<i>If the number of judges from Western European and other States remaining in office or elected in previous ballots is:</i>	<i>... then the standard minimum voting requirement for that region is:</i>	<i>... plus the adjustment of adding 1, in accordance with para. 20 (b), third sentence, of the resolution</i>	<i>... then the total minimum voting requirement for that region is:</i>
3 or more	(2-3= -1)	(-1+1= 0)	fulfilled
2	0	+1	1
1	1	+1	2
0	2	+1	3

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

E. Gender minimum voting requirements

Table 9: Gender minimum voting requirements

<i>If the number of female judges remaining in office or elected in previous ballots is:</i>	<i>... then the minimum voting requirement for female judges is:</i>
6 or more	fulfilled
5	1 (6-5=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.)

Table 10: Gender minimum voting requirements

<i>If the number of male judges remaining in office or elected in previous ballots is:</i>	<i>... then the minimum voting requirement for male judges 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.)