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Report of the Bureau on the Review of the procedure for the nomination and election of judges

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I. Introduction

A. Mandate

1. The facilitation on the Review of the procedure for the nomination and election of judges was included as a mandate of the working groups of the Bureau in accordance with paragraph 20 of resolution ICC-ASP/10/Res.5, adopted by the Assembly of States Parties at its tenth session in 2011, in order to further review the procedure on the occasion of future elections with a view to making any improvements as may be necessary. Initially, the Assembly had approved at its first session in 2002 the "Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court" by adopting resolution ICC-ASP/1/Res.2, and amended it at its third session in 2004 by resolution ICC-ASP/3/Res.6. The Assembly further amended the procedure by the following resolutions: ICC-ASP/12/Res.8, annex II; ICC-ASP/13/Res.5, annex II; ICC-ASP/14/Res.4, annex II; ICC-ASP/18/Res.4, annex I; ICC-ASP/21/Res.2, annex II; and ICC-ASP/24/Res.2, annex II.

2. The work of the facilitation is related to the mandate of the facilitation on the Independent Oversight Mechanism (IOM), in relation to the established mandate of implementing a due diligence procedure by the Independent Oversight Mechanism for elected officials of the International Criminal Court; and the work of the Advisory Committee on the Nomination of Judges.[1]

3. The 2026 mandate of the Assembly on the Review of the procedure for the nomination and election of judges is set out in resolution ICC-ASP/24/Res.6, annex I, paragraph 6, which reads as follows:

> 6. With regard to **elections**,
>
> (a) *decides* to continue to review the procedure for the nomination and election of judges as set forth in resolution ICC-ASP/3/Res.6, as amended, with a view to making any improvements as may be necessary, taking into account the work conducted so far as reflected in the facilitator's report;[2]
>
> (b) *requests* the Bureau to report to the Assembly at its twenty-fifth session on possible amendments to other mandates and procedures which may be necessary in order to implement the due diligence procedure for elected officials; and
>
> (c) *also requests* the Bureau to update the Assembly, at its twenty-fifth session, on the progress of the review of the procedure for the nomination and election of judges;

4. Implementation of the mandate was allocated by the Bureau of the Assembly to the New York Working Group on 14 January 2026, and Ms. Kaisa Männik (Estonia) was re-appointed as facilitator by the Bureau on 4 March 2026.

II. Discussions in the New York Working Group

5. The facilitation held three meetings during the intersessional period, open to States Parties, Observer States, the Court and non-governmental organizations, on 30 April, 11 June and 29 September 2026.

6. At its first meeting, held on 30 April 2026, the facilitation received an update from the Chair of the Advisory Committee on Nominations (ACN) on the "Guiding principles on national-level procedures for the nomination of candidates for judges of the International

[1] See ICC-ASP/24/Res.6, para. 85; see also Report of the Advisory Committee on Nominations of Judges on the work of its tenth session, ICC-ASP/24/21.
[2] ICC-ASP/24/28.

Criminal Court"[3] " and their work. The Chair of the ACN recalled that the Guidelines had been developed, pursuant to the Assembly mandate requesting the compilation of information on national nomination practices[4] and the preparation of non-binding guidance to assist States Parties. The development process had involved limited initial submissions, drafting and virtual consultations necessitated by budgetary constraints, followed by circulation of the draft to States Parties for comments before finalization. The Chair of the ACN noted that the Guidelines were structured in two parts: Part I outlines qualifications and competencies derived from article 36 of the Rome Statute, and provides a checklist to support national selection processes and documentation; and, Part II sets out procedural good practices, emphasizing transparency, fairness, early communication with candidates, non-discrimination, and cooperation between States Parties and their nominees. It further highlights the importance of due diligence, candidate preparedness, and participation in interviews and roundtables. The Chair of the ACN underscored that the Guidelines were advisory, rather than mandatory, and aimed to improve national practices gradually. The Chair also provided updates on the ongoing nomination cycle for judges.

7. During the same meeting, the Secretariat of the Assembly of States Parties presented an overview of the election timeline and procedures, recalling the nomination period, extensions to the nomination period, as well as the candidates' profile. The Secretariat also provided an explanation on the minimum voting requirements for each region, list A and B, and gender, as well as the structure of the ballot and the conduct of voting rounds as set out in resolution ICC-ASP/3/Res.6. Finally, the facilitator recalled that, pursuant to paragraph 12*ter* of the Assembly of States Parties' resolution on the nomination and election of judges, the Bureau was required to organize public roundtable discussions with all candidates after the ACN had completed its assessments, and as early as possible before the elections. Concerns were raised by delegations regarding the potential impact on civil society participation, given possible restrictions on access to United Nations premises during that time.

8. During the second meeting, held on 30 April 2026, the facilitation considered "Modalities for 2026 Public Roundtables for Judicial Candidates". The facilitator recalled that a revised draft of the modalities had been circulated and invited delegations to provide comments, including the date and venue of the roundtables. Delegates considered the possible dates of the roundtables.

9. With regard to the draft modalities, further clarifications were provided regarding the format of the roundtables. It was explained that candidates would be invited to respond to three categories of questions: individualized questions tailored to each candidate, common questions submitted by States Parties, and common questions submitted by civil society. It was further noted that candidates could respond in either working language of the Court, that moderators would be responsible for selecting and, where appropriate, consolidating questions, and that questions relating to matters pending before the Court would be excluded. The speaking order would be determined by the drawing of lots conducted by the New York Working Group. The facilitator recalled that the initial draft modalities had largely been based on those used during the previous judicial election cycle, while remaining open to improvements where appropriate. The facilitator welcomed further written comments and indicated that the draft modalities would be revised accordingly.

10. In between meetings the facilitator engaged with interested States Parties as well as with Secretariat of the Assembly of States Parties to determine best possible dates for the roundtables considering other meetings at the United Nations Headquarters in New York as

[3] Available as annex to ICC-ASP/24/21.
[4] See: Information submitted by States Parties pursuant to ICC-ASP/18/Res.4, paragraph 6.

well as the election timeline. The modalities passed silence procedure in the New York Working Group and were thereafter adopted by the Bureau 22 July 2026.[5]

11. During the third meeting, held on 29 September, the Head of the Independent Oversight Mechanism (IOM), briefed the working group on the due diligence process for the 2026 judicial elections. The facilitator recalled that the due diligence process formed part of the judicial elections framework and was intended to assist in assessing candidates nominated for judicial office. The Head of the IOM recalled that the process commenced at the opening of the nomination period and explained that the IOM had established a structured methodology intended to provide a thorough, objective and consistent approach for future election processes. He outlined the principal elements of the methodology of the due diligence process, including the review of candidate documentation, security questionnaires and financial declarations; examination of publicly available information; verification of academic and professional credentials; consultation with professional references and colleagues; and the examination of allegations received through a confidential reporting channel. He noted every effort had been made to ensure fairness, objectivity and respect for due process rights throughout the process.

12. The Head of the IOM further explained that allegations received through the confidential channel were subject to verification and assessment. Where appropriate, candidates were provided with an opportunity to respond to allegations. The assessment framework included consideration of whether allegations were substantiated, whether concerns arose from the information reviewed, and whether any reputational, integrity or conflict-of-interest risks were identified. The final due diligence report had been transmitted confidentially to the Presidency of the Assembly and shared with the Advisory Committee on Nominations. The Head of the IOM further noted that relevant candidates and nominating States had been informed of findings concerning allegations involving those candidates.

13. The Head of the IOM highlighted lessons learned from the process, including the importance of coordination among the relevant bodies involved in judicial elections; the need for increased awareness of the confidential reporting mechanism; the importance of timely cooperation from States; and the resource-intensive nature of conducting comprehensive due diligence reviews. He also referred to challenges associated with obtaining information from external institutions and disciplinary bodies and stressed the importance of continued efforts to strengthen future processes. During the discussion, clarification was sought regarding the timing and sequence of transmission of due diligence reports and notifications to candidates and nominating States. He confirmed that the final report had been transmitted to the Presidency of the Assembly and the Advisory Committee on Nomination of Judges on 31 July 2026.

14. Finally, the facilitator reminded delegations that, pursuant to the programme of work for 2026, the facilitation had been invited to reflect on the future format and frequency of its work, including the possibility of aligning its activities more closely with the judicial elections cycle. Delegations were invited to consider whether the facilitation should continue to meet annually or whether its meetings could be scheduled more selectively around the judicial cycle.

III. Recommendations

1. The facilitation recommends that the Assembly continue the review of the procedure for the nomination and election of judges, taking into account the experience of the 2026 judicial election cycle and the work undertaken by the facilitation, the Advisory Committee on the Nomination of Judges and the Independent Oversight Mechanism.

[5] Modalities can be found on ASP ICC website (as amended 29 September 2026).

2. The facilitation recommends that the Assembly consider whether this facilitation should, in future, be convened only in the year following a judicial election, so as to assess the experience of the preceding election cycle and to introduce any necessary changes well ahead of the next nomination period.

3. The facilitation recommends that the Assembly continue to encourage the implementation of the Advisory Committee on the Nomination of Judges' Guidelines on national-level nomination procedures and to monitor their practical application in future judicial elections.

4. The facilitation recommends that the Assembly take note of the work undertaken on the modalities for the 2026 public judicial roundtables and continue consideration of any procedural improvements arising from their implementation.

5. The facilitation further recommends that the Bureau continue consideration of possible amendments to relevant mandates and procedures necessary for the implementation of the due diligence procedure for elected officials and report thereon to the Assembly at its twenty-sixth session.

6. The facilitation recommends that the draft text contained in annex I be adopted by the Assembly.

Annex I

Draft language to be included in the omnibus resolution

1. The following paragraphs of the 2025 omnibus resolution (ICC-ASP/24/Res.6), located in the section on **elections**, are to be amended as follows:

H. Elections

82bis. *Welcomes* the report of the Advisory Committee on Nominations of Judges on the work of its eleventh session;[6]

82. Stresses the importance of nominating and electing as judges qualified, competent and experienced persons of the highest quality and of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices, in accordance with article 36 of the Rome Statute, as well as the importance of elected judges who have made their solemn undertaking being available to take up their full-time service when the Court's workload so requires, and for this purpose, *encourages* States Parties to conduct thorough and transparent processes to identify the best candidates;

83. Recalls that *the* Advisory Committee on Nominations of Judges is mandated to facilitate that the highest-qualified individuals are elected as judges of the International Criminal Court in the manner foreseen in its Terms of Reference;

84. ~~Welcomes~~ ***Encourages*** **the implementation of** the *Guidelines* on national-level nomination procedures[7] which the Advisory Committee on Nominations of Judges prepared pursuant to resolution ICC-ASP/23/Res.1;

2. Paragraph 6 of annex I (Mandates) of the 2025 omnibus resolution (ICC-ASP/24/Res.6) is to be replaced by the following:

With regard to **elections**,

(a) *decides* to continue to review the procedure for the nomination and election of judges as set forth in resolution ICC-ASP/3/Res.6, as amended, with a view to making any improvements as may be necessary, taking into account the work conducted so far as reflected in the facilitator's report**,[8] *recommends* that the work of the facilitation continues in 2027, and to report thereon to the twenty-sixth session of the Assembly**;

(b) *requests* the Bureau to report to the Assembly at its twenty-~~fifth~~**sixth** session on possible amendments to other mandates and procedures which may be necessary in order to implement the due diligence procedure for elected officials; and

(c) *also requests* the Bureau to update the Assembly, at its twenty-~~fifth~~**sixth** session on the progress of the review of the procedure for the nomination and election of judges;

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[6] ICC-ASP/25/8.
[7] ~~ICC-ASP/24/21.~~
[8] ICC-ASP/25/23.