International Criminal Court ICC-ASP/25/4/Rev.2

# Assembly of States Parties

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## Election of the judges of the International Criminal Court: guide for the ninth 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 ninth election of the judges of 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 ninth 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 2 candidates from List A. Ballots containing votes for less than 2 candidates from List A will be declared invalid.

4. Vote for at least 1 candidate from the group of African States and at least 1 candidate from the group of Western European and other States. Ballots that do not satisfy these regional minimum voting requirements will be declared invalid.

5. If you fulfil all the minimum voting requirements in paragraphs 3 and 4 above, using less than 6 votes, you may abstain in voting for the remaining candidates.

6. Please check the ballot to ensure that votes have been cast for:

a) No more than 6 candidates;
b) At least 2 candidates from List A; and
c) At least 1 candidate from the group of African States and at least 1 candidate from the group of Western European and other States.

# SAMPLE BALLOT PAPER

| | **VOTE FOR A MAXIMUM OF 6 CANDIDATES**<br>VOTE FOR **AT LEAST 2 LIST A CANDIDATES** | | | |
|---|---|---|---|---|
| | **LIST A** | | **LIST B** | |
| | **MALE** | **FEMALE** | **MALE** | **FEMALE** |
| **AFRICA**<br>VOTE FOR **AT LEAST 1** CANDIDATE | | ☐ Ms Njoki Ndungu<br>☐ Ms Veronic Wright | ☐ Mr Abdoulaye Seye<br>☐ Mr Ezéchiel Amani Cirimwami | ☐ Ms Rosette Muzigo-Morrison<br>☐ Ms Evelyn Ankumah |
| **ASIA-PACIFIC** | ☐ Mr Yoshimitsu Yamauchi | | | |
| **EASTERN EUROPE** | ☐ Mr Lev Kyshakevych | | | |
| **LATIN AMERICA/ CARIBBEAN** | | | | |
| **WESTERN EUROPE AND OTHER STATES**<br>VOTE FOR **AT LEAST 1** CANDIDATE | ☐ Mr Guénaël Mettraux | ☐ Ms Mette Knudsen | | ☐ Ms Ana Peyró Llopis |

# Annex II

## Adjusted minimum voting requirements

### Extract of annex II of the Secretariat's note verbale ICC-ASP/SP/01/Corr.2[1]

### B. Minimum voting requirements for list A

**Table 2: Minimum voting requirements for list A**

| *If the number of judges from list A remaining in office or elected in previous ballots is:* | *... then the minimum voting requirement for list A is:* |
|---|---|
| 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**

| *If the number of judges from list B remaining in office or elected in previous ballots is:* | *... then the minimum voting requirement for list B:* |
|---|---|
| 5 or more | fulfilled |
| 4 | 1(5-4=1) |
| 3 | 2 |
| 2 | 3 |
| 1 | 4 |
| 0 | 5 |

[1] https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-25-SP-01-Corr.2-ENG.pdf.
This excerpt of the Secretariat's note verbale has been modified pursuant to the provisions of resolution ICC-ASP/3/Res.6, para. 20 (b).

## D. Regional minimum voting requirements

**Table 4: Regional minimum voting requirements**

| *If the number of judges from **African States** remaining in office or elected in previous ballots is:* | *... then the standard minimum voting requirement for that region is:* | *... plus the adjustment of adding 1, in accordance with para. 20 (b), third sentence, of the resolution* | *... then the total minimum voting requirement for that region is:* |
|---|---|---|---|
| 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 [2]**

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

| *If the number of judges from **Eastern European States** remaining in office or elected in previous ballots is:* | *... then the standard minimum voting requirement for that region is:* | *... plus the adjustment of adding 1, in accordance with para. 20 (b), third sentence, of the resolution* | *... then the total minimum voting requirement for that region is:* |
|---|---|---|---|
| 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.)

[2] The minimum voting requirement for this regional group has been adjusted pursuant to the provisions of resolution ICC-ASP/3/Res.6, para 20 (b), which provides, in part, as follows:

> "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."

**Table 7: Regional minimum voting requirements**

| *If the number of judges from **Latin American and Caribbean States** remaining in office or elected in previous ballots is:* | *... then the standard minimum voting requirement for that region is:* | *... plus the adjustment of adding 1, in accordance with para. 20 (b), third sentence, of the resolution* | *... then the total minimum voting requirement for that region is:* |
|---|---|---|---|
| 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**

| *If the number of judges from **Western European and other States** remaining in office or elected in previous ballots is:* | *... then the standard minimum voting requirement for that region is:* | *... plus the adjustment of adding 1, in accordance with para. 20 (b), third sentence, of the resolution* | *... then the total minimum voting requirement for that region is:* |
|---|---|---|---|
| 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**

| *If the number of **female** judges remaining in office or elected in previous ballots is:* | *... then the minimum voting requirement for **female judges** is:* |
|---|---|
| 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**

| *If the number of **male** judges remaining in office or elected in previous ballots is:* | *... then the minimum voting requirement for **male judges** is:* |
|---|---|
| 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.)