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Election of the judges of the International Criminal Court: guide for the seventh 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 seventh 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 seventh 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 B will be declared invalid.
4. Vote for at least 1 candidate from the Group of Eastern European States, and at least 2 candidates from the Group of Latin American and Caribbean States. Ballots that do not satisfy these regional minimum voting requirements will be declared invalid.
5. Vote for at least 1 female candidate. 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 1 candidate from the Group of Eastern European States, and at least 2 candidates from the Group of Latin American and Caribbean States; and
 - (d) At least 1 female candidate.

SAMPLE BALLOT PAPER

VOTE FOR A MAXIMUM OF 6 CANDIDATES			
VOTE FOR <u>AT LEAST 1 LIST A CANDIDATE</u> , 1 LIST B CANDIDATE AND 1 FEMALE CANDIDATE			
LIST A		LIST B	
MALE	FEMALE	MALE	FEMALE
AFRICA	<input type="checkbox"/> Mr. Ishaq Usman BELLO (Nigeria) <input type="checkbox"/> Mr. Prosper MILANDOU (Republic of the Congo) <input type="checkbox"/> Mr. Raymond SOCK (Gambia)	<input type="checkbox"/> Ms. Miatta Maria SAMBA (Sierra Leone)	<input type="checkbox"/> Mr. Haykel BEN MAHFOUDH (Tunisia) <input type="checkbox"/> Mr. Gberdao Gustave KAM (Burkina Faso)
ASIA-PACIFIC	<input type="checkbox"/> Mr. Khosbayar CHAGDAA (Mongolia)		
EASTERN EUROPE VOTE FOR <u>AT LEAST 1</u> CANDIDATE		<input type="checkbox"/> Ms. Jasmina ČOSIĆ DEDOVIĆ (Bosnia and Herzegovina)	<input type="checkbox"/> Mr. Gocha LORDKIPADNIZE (Georgia)
LATIN AMERICA/ CARIBBEAN VOTE FOR <u>AT LEAST 2</u> CANDIDATES		<input type="checkbox"/> Ms. Althea Violet ALEXIS-WINDSOR (Trinidad and Tobago) <input type="checkbox"/> Ms. Mônica Jacqueline SIFUENTES (Brazil)	<input type="checkbox"/> Mr. Andrés Bernardo BARRETO GONZÁLEZ (Colombia) <input type="checkbox"/> Mr. Íñigo SALVADOR CRESPO (Ecuador) <input type="checkbox"/> Mr. Sergio Gerardo UGALDE GODÍNEZ (Costa Rica)
WESTERN EUROPE AND OTHER STATES	<input type="checkbox"/> Mr. Viktor Panagiotis TSILONIS (Greece)	<input type="checkbox"/> Ms. Joanna KORNER (United Kingdom of Great Britain and Northern Ireland) <input type="checkbox"/> Ms. Laurence MASSART (Belgium)	

Annex II

Adjusted minimum voting requirements

Extract of annex II of the Secretariat's note verbale ICC-ASP/19/01¹

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 Dated 20 December 2019.

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	(2-3= -1)	(-1+1= 0)	fulfilled
2	(2-2=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 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	(2-3=-1)	(-1+1= 0)	fulfilled
2	(2-2= 0)	(0+1= 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 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	(2-2=0)	+1	1
1	(2-1=1)	(1+1= 2)	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.)