

The Hague, 20 October 2020

To the attention of States Parties to the Rome Statute of the International Criminal Court (ICC)

Your Excellencies,

The Undersigned Organizations have taken note of the possible extension of the shortlist of candidates for the next ICC prosecutor, as produced by the Committee on the Election of the Prosecutor (CEP). Our organizations are concerned regarding the deviation this represents from the Terms of Reference for the election of the prosecutor as adopted by the Bureau in April. We are writing to urge States Parties to ensure that the process focuses only on merit if additional individuals are considered, and ensures an equal assessment of all candidates and transparency of the deliberations.

It should go without saying that the election of a new ICC prosecutor must be the result of a merit-based, rigorous, and fair assessment of the qualification of all candidates. In that regard, in addition to releasing the CV and motivation letter of each candidate, we call on you to insist that the CEP now make public its assessment of any candidates who will be under further consideration, including why the CEP declined to advance these individuals to the initial shortlist. This is important to ensure fair treatment and equality among candidates. In addition, all candidates must participate in public hearings, ensuring opportunities for them to respond to questions. Further vetting in relation to the requirement of high moral character should also be undertaken for all candidates, including adequate checks to identify whether there is any history of past work misconduct.

While carrying out additional consultations, we urge States Parties to ensure the transparency of the process, allowing for a deeper scrutiny by civil society and States Parties and further opportunities for engagement with the candidates. In particular, civil society should be included in the relevant meetings of the Assembly's working groups and at the Assembly session.

Mindful of the Independent Experts Review's finding that the practice of vote-trading is well-entrenched in ICC elections, we call on States Parties to refrain from vote swapping or other promises of support for candidates. Such practices threaten the efficiency and effectiveness of the Court.

The future of the Office of the Prosecutor—and the future credibility of the International Criminal Court—depends on the election of a highly qualified, competent leader who embodies high moral character. We believe that only a transparent, merit-based process free from political influence will yield that result.

With our highest regards

Africa Legal Aid
Asian Legal Resource Center
Comisión Mexicana de Defensa y Promoción de los Derechos Humanos
Human Rights Watch
International Federation for Human Rights (FIDH)
Justice International
No Peace Without Justice
Odhikar
Open Society Justice Initiative
Parliamentarians for Global Action
United Nations Association of Sweden

Women's Initiatives for Gender Justice
World Federalist Movement/Institute for Global Policy