

JOINT CIVIL SOCIETY STATEMENT

ELECTING THE NEXT ICC PROSECUTOR: STATES SHOULD RESPECT THE PROCESS THEY ESTABLISHED

We call on ICC States Parties to stand by their commitment to a process for election of the next prosecutor that is transparent, merit-based, and free from political interference. In early 2019, after extensive debate, States Parties agreed to set up a Committee for the Election of the Prosecutor (“Committee”), authorized to identify the most qualified candidates for the position. In addition, States Parties appointed an independent expert panel (“Panel”) to assist the Committee in carrying out its mandate. According to the [Terms of Reference](#) adopted by the Assembly of States Parties’ (“Assembly”) Bureau, the process was carefully designed to yield a prosecutor selection and election process that is “structured and transparent.”

On June 30, 2020, the Committee issued its [final report](#), including a shortlist of four candidates that it deemed most qualified. The report describes both the rigorous process undertaken by the Committee and Panel and the criteria considered to evaluate candidates. It also includes a detailed assessment of the shortlisted candidates, highlighting the strengths and weaknesses of each. Significantly, the Committee took the unprecedented step of conducting a reference check and security screening for all of the longlisted candidates. While those steps fell short of a full vetting process, we applaud the Committee’s initiative and endorse its recommendation to include a vetting provision for all future elections.

As States Parties now embark on [consultations](#) “to identify, through open and transparent consultations, a consensus candidate,” our organizations call on them to ensure the continued integrity of the election by engaging genuinely with the agreed process and with the Committee’s shortlisted candidates. We discourage nominating candidates outside of the shortlist, because candidates either, if they have previously applied, will have failed to meet the Committee’s standards or, if not, will avoid the same independent, reasoned scrutiny from the Committee.

In order for the next prosecutor to be truly qualified, they should possess the requisite legal, technical, leadership, and management skills, and their integrity and commitment to the court’s mandate should also be unimpeachable. The evaluation of applications, interviews with candidates, reference checks and security screening represent progress in ensuring a principled process.

States parties should respect the Committee’s independence and stand by the process they established to ensure the election of the most qualified individual. Failing to do so could lead to the election of a prosecutor who is unable to provide the leadership, skills and integrity that the ICC so urgently needs.

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Open Society Justice Initiative
Women’s Initiatives for Gender Justice
International Federation for Human Rights (FIDH)

Human Rights Watch
Center for Constitutional Rights
Justice International
Africa Legal Aid
Acting Together: Law, Advice, Support (ATLAS)
International Commission of Jurists – Kenyan Section
International Center for Transitional Justice