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International Criminal Court: Amnesty International calls for all states to nominate best possible candidates for three replacement judges before 24 August 2007 deadline

Amnesty International is calling on all states that have ratified the Rome Statute and those that will ratify it in the next weeks to nominate the highest qualified candidates for the election of three replacement judges at the International Criminal Court (Court).

The organization is deeply concerned that with less than one month before the deadline for the nominations, only three candidates have been nominated.

It is essential that, at every election, the Assembly of States Parties (currently made up of the 105 states that have ratified the Rome Statute) should have the broadest pool of nominees representing the highest qualified candidates from all states parties to choose from.

It is disappointing that so few states parties have yet to make nominations. This failure encourages suspicion that states parties may have reached political deals on how to divide up the posts. This would undermine Article 36 of the Rome Statute, which was designed to ensure that such political deals -- all too common in the nomination and election of persons to posts in intergovernmental organizations - would be a thing of the past in the field of international justice.

It is the responsibility of all states to ensure that the highest profile positions in the Court are occupied by the most highly qualified candidates, who will stand up to the in-depth scrutiny of their work thereby ensuring the credibility of the Court.

A broad pool of highly qualified candidates will also ensure that the judges include a fair balance of female and male judges and include those with specific expertise on important issues, such as sexual violence and violence against children. It will also ensure that there is a fair representation among different legal systems and geographic regions.

As the three resigning judges were all elected on the basis of their "established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings" -- one of two categories of experience required to be a judge -- it will be particularly important for states to identify candidates with strong competence and experience from both categories to ensure that, during the elections, the Assembly can consider the need to ensure an overall balance of skills and experience of judges at the Court.

Each state party, if it has not already done so, should immediately commence transparent national processes, involving civil society in their countries, to identify its strongest candidates and put them forward. To assist states in this process, Amnesty International has issued its International Criminal Court: Checklist to ensure the nomination of the highest qualified candidates for judges (to see the checklist, please go to : <http://web.amnesty.org/library/index/engior400262005>).

Background

The election, which will take place during the sixth session of the Assembly of States Parties on 30 November to 14 December 2007, will seek to replace Judge Maureen Harding Clark, Judge Karl T. Hudson-Phillips and Judge Claude Jorda who individually announced their resignations in the last year.

There are 18 judges of the new International Criminal Court who are among the highest qualified judges from the international community. While three judges have announced their resignation, only one -- Judge Maureen Harding Clarke -- has become effective. Seven of the current 17 judges are women.

Nine judges have established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings.

Eight judges have established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court

Amnesty International takes no position whether individual candidates should be nominated or elected to the position of International Criminal Court judges or any other role in the Court.