

OPEN LETTER TO ICC STATES PARTIES

2 December 2020

Your Excellencies,

We write to you with respect to the election of the next Prosecutor of the International Criminal Court (ICC). We take note of the [decision of the Bureau](#) of the Assembly of States Parties (ASP) dated November 13, 2020 to expand the list of candidates under consideration, as well as the [decision of the President](#) of the ASP to extend the nomination period until December 13, 2020.

We call on you to take the following steps that are essential to ensuring a transparent and merit-based election process.

First, all candidates should be afforded equal opportunities to introduce themselves and respond to questions from states and civil society. We look forward to assisting to organize and participate in public hearings, in a similar fashion to our contribution to the July 2020 hearings with the initial four candidates.

Second, States Parties should not take steps that undermine a transparent and merit-based process such as unilateral nominations, vote trading, endorsement, campaigning, or other forms of support to individual candidates.

Third, we urge you to require and undertake comprehensive vetting of candidates to assess “high moral character,” which necessarily includes: 1) reputational interviews with individuals beyond the candidates’ reference materials; and 2) the solicitation, receipt and review of third-party information about the candidates.

Fourth, we call on the ASP Presidency, in consultation with the Bureau, to immediately draw up a realistic timeline for the entire election process, including the steps articulated in the Bureau decision and mindful of the time required for comprehensive vetting. The elections are currently scheduled to take place from December 17 to 23 – that timeline seems unrealistic. States should take all necessary steps to ensure a credible, merit-based process for electing the next Prosecutor, even if this requires a brief postponement of the election itself.

The election of the Prosecutor is the most consequential decision that States Parties will make in the next nine years relating to the ICC; its very existence depends on a Prosecutor who can implement the Independent Expert Review’s recommendations and take a significant caseload forward. States Parties should elect an exceptionally competent leader, determined to carry out their mandate in full independence, and who has and has been perceived to demonstrate the utmost integrity.

Yours faithfully,
Open Society Justice Initiative

