The Hague, 23 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 <u>must</u> 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 <u>all</u> 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

A world without chemical and biological weapons
Africa Legal Aid
AL Ensan Center for think individual development
Anfal storys Organization
Armanshahr OPEN ASIA
Asian Legal Resource Center
Association of Defending the Anfal Victims and Their Families
Australian Centre for International Justice
Bema Organization for economic and social right's
Bureau d'Etudes et de Réflexions pour le bien être des Communautés
Canadian Partnership for International Justice

Comisión Colombiana de Juristas
Comisión Mexicana de Defensa y Promoción de los Derechos Humanos
Fundación Federalista Dominicana
Halabja Chemical victim's society
Human Rights Development Organization
Human Rights Watch
Ican Kurdistan Network
International Federation for Human Rights (FIDH)
Justice International
Kurdish organizations Network coalition for the International Criminal court
Kurdistan without Genocide
Ligue pour la Paix, les Droits de l'Homme et la Justice
Mom organization
No Peace Without Justice
Odhikar
Open Society Justice Initiative
Organization Against Weapons of Mass Destruction in Kurdistan
Organization of the Justice Campaign
Paris bar
Parliamentarians for Global Action
Programa Venezolano de Educación-Acción en Derechos Humanos
Sudan Social Development Organization SUDO
Swedish Foundation for Human Rights
United Nations Association of Sweden
Women's Initiatives for Gender Justice
World Citizen Foundation
World Federalist Movement/Institute for Global Policy