

ICC

First Judges Elected

The Assembly of States Parties to the Rome Statute of the International Criminal Court (ICC) completed its work by electing the Court's first 18 judges, who will be sworn in during a ceremony on 11 March 2003 at The Hague, Netherlands. The role of the judges, and that of the Prosecutor, who is expected to be elected at the Assembly's next session in April, are key to shaping the Court and making it an independent, fair and effective institution to deal with crimes of the most grievous nature committed by individuals.

The treaty establishing the Court, which entered into force on 1 July 2002, has thus far been ratified by 88 States. It took 33 rounds of voting by the 85 eligible States over four days before all 18 judges were elected. In the first four rounds of balloting, 11 judges, including six women, were elected. According to the rules of procedure, having failed to elect the 18 judges required, the Assembly then discontinued the complex voting procedure it had used in the first four rounds.

That procedure took into account the need for representation of the principal legal systems of the world; equitable geographical distribution; and fair representation of female and male judges. Representatives were required to vote for at least three candidates from the group of African States, and three from Western European and Other States. Representatives were further required to vote for at least six male and at least six female candidates.

The ballot contained two lists of candidates. List A candidates had established competence in criminal law, while List B candidates had competence in relevant areas of international law. At least nine candidates had to be elected from List A and at least five judges from List B. However, no more than 13 candidates from List A and no more than nine candidates from List B would be considered for election.



In the end, ten candidates were elected from List A and eight from List B. Three judges came from the Group of African States, three from the Group of Asian States, one from the Group of Eastern European States, four from the Group of Latin American and Caribbean States, and seven from the Group of Western European and Other States.

After the election meeting was adjourned the Assembly's President called a new meeting during which lots were drawn to determine the term of office of the judges – *i.e.*, which six judges would serve a full term of nine years, which six a term of six years, and which six a term of three years.

The elected included the Presidents of both UN Tribunals – Judge Navenethem Pillay (South Africa) of the International Tribunal for Rwanda, and Judge Claude Jorda (France) of the former Yugoslavia.

Asked about the overlap in jurisdiction between this court and other international criminal courts, the Spokesman said that up to now cases had only been dealt with by *ad hoc* courts with specific mandates, while this new court would be able to take on any cases after its creation.

The judges are Ms Elizabeth Odio Benito (Costa Rica); Mr Rene Blattmann (Bolivia); Ms Maureen Harding Clark (Ireland); Ms Fatoumata Dembele Diarra (Mali); Mr Adrian Fulford (UK); Mr Karl Hudson-Phillips (Trinidad and Tobago); Mr Claude

Jorda (France); Mr Hans-Peter Kaul (Germany); Mr Philippe Kirsch (Canada); Mr Erkki Kourula (Finland); Ms Akua Kuenyehia (Ghana); Mr Georghios Pikis (Cyprus); Ms Navanethem Pillay (South Africa); Mr Mauro Politi (Italy); Mr Tuiloma Neroni Slade (Samoa); Mr Sanghyun Song (Republic of Korea); and Ms Anita Usacka (Latvia). (MJ)

