

# Election of Judges to the International Criminal Court 2007

On 30 November and 3 December 2007 in New York, during the Sixth Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, three new judges were appointed to the International Criminal Court (ICC). The elections were required to fill the three vacancies left by the resignation from the ICC of Judges Jorda, Harding Clark and Hudson-Phillips earlier in 2007.

Under article 36 (3)(b) of the Rome Statute, Judges need to possess List A qualifications or List B qualifications. List A qualifications include established competence in criminal law and procedure, and the necessary relevant experience in criminal proceedings. List B qualifications include 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 relevant to the judicial work of the Court. Five candidates were nominated for election, four from List A and one from List B.

- Bruno Cotte (France, List A)
- Graciela Dixon (Panama, List A)
- Daniel David Ntanda Nsereko (Uganda, List A)
- Jean Angela Permanand (Trinidad and Tobago, List A)
- Fumiko Saiga (Japan, List B)

The States Parties to the Rome Statute had to elect at least two Judges from List A and the third could be from either List A or List B. Pursuant to article 36(5) of the Rome Statute, there has to be the equivalent proportion of nine List A judges to five List B judges that were initially elected, no matter how many judges are subsequently elected. Two of the resigning Judges are List A judges, and therefore they needed to be replaced by two List A judges to maintain those proportions between the now 18 elected judges on the ICC. There was then capacity for either a List A or List B judge to be appointed and still maintain that proportion.

The Judges elected were:

- Fumiko Saiga (Japan, list B, Asian States, female) (82 votes)
- Bruno Cotte (France, list A, Western European and Others Group, male) (79 votes)
- Daniel David Ntanda Nsereko (Uganda, list A, African States, male) (74 votes)

The term of office for Ms Fumiko Saiga shall end on 10 March 2009, while the terms of office of Mr Bruno Cotte and Mr Daniel Nsereko shall end on 10 March 2012. They will all be sworn in January 2008. Ms Saiga will be eligible for re-election for an additional nine-year term after 2009, but the other two judges will not be eligible for re-election after 2012.

## **Geographical representation of Judges in the ICC**

With the election of the three new judges, the regional group with the most judges remains the Western European and Others Group, which now has six judges. The Group of Latin American and Caribbean States has three judges. The African Group has four judges. The Asian Group has three judges and the Eastern European Group has two judges.

## **Gender representation of Judges in the ICC**

With the election of new judges the balance remains at eight female judges and 10 male judges in the ICC. The female judge elected, Ms Fumiko Saiga, will replace a male judge, Judge Claude Jorda, but the other two male judges elected, Mr Bruno Cotte and Mr Daniel Nsereko, will replace one female and one male judge respectively, Judges Maureen Harding Clark and Karl T Hudson-Phillips.