

## Fatou Bensouda - next Chief Prosecutor of the ICC

2 December 2011

The Women's Initiatives for Gender Justice welcomes the announcement by the Assembly of States Parties (ASP) that Fatou Bensouda has been chosen as the consensus candidate for the next Chief Prosecutor of the International Criminal Court (ICC).<sup>1</sup>

'We are delighted that agreement on a consensus candidate has been reached. There was a moment in which the process seemed to be at an impasse before States became galvanized this week to conclude the consultations and support quickly consolidated behind Ms Bensouda,' said Brigid Inder, Executive Director of the Women's Initiatives for Gender Justice.

When she takes office, Ms Bensouda, who is from The Gambia, will be the second Chief Prosecutor of the ICC since the entry into force of the Rome Statute in 2002, the first Chief Prosecutor from the African region, and the first woman to hold the post.

In December 2010, the Assembly of States Parties agreed to establish a Search Committee to facilitate the nomination and election process. During the informal selection process between 13 June and 9 September, the Committee received expressions of interest from 52 potential candidates. In October the Search Committee presented four names to the Bureau of States Parties as their recommendations for the position of Prosecutor.<sup>2</sup> From these four, Ms Bensouda of The Gambia and Mohamed Chande Othman of Tanzania emerged as the two candidates with the most support.<sup>3</sup> However, no agreement on a consensus candidate could be reached by the deadline the Bureau had given itself and on 28 November the Secretariat of the ASP announced that the 'nomination period' had been extended until 30 November.<sup>4</sup>

In a paper released on 28 November 2011, and circulated to all States Parties, the Women's Initiatives called attention to challenges in the nomination and election process, and also provided a comparative analysis of the prosecutorial experience of the two leading candidates.<sup>5</sup>

Read the paper here: <http://www.iccwomen.org/documents/Prosecutor-Election-2011.pdf>

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<sup>1</sup> 'Consensus candidate for next ICC Prosecutor', *ICC Press Release*, ICC-ASP-20111201-PR749, 1 December 2011, available at <<http://www.icc-cpi.int/NR/exeres/02E75726-2CF5-47A4-BAC3-74A31CA325EA.htm>>, last visited on 2 December 2011; President of the ASP, 'Consultations to identify the next Prosecutor of the International Criminal Court', 1 December 2011, available at <<http://www.icc-cpi.int/NR/rdonlyres/BB2AD64A-9C53-4025-AC6C-EFF70CB36173/0/ASPPASPstatement01Dec2011ENG.pdf>>, last visited on 2 December 2011.

<sup>2</sup> The final four candidates were Fatou Bensouda (The Gambia); Andrew T. Cayley (UK); Mohamed Chande Othman (Tanzania); and Robert Petit (Canada).

<sup>3</sup> '2011 ICC Prosecutorial Elections: States Parties Working Towards Consensus Candidate', Media advisory, Coalition for the International Criminal Court, 24 November 2011, available at <[http://www.iccnw.org/documents/CICC\\_MA\\_PROS\\_ELECTION\\_241111.pdf](http://www.iccnw.org/documents/CICC_MA_PROS_ELECTION_241111.pdf)>, last visited on 2 December 2011.

<sup>4</sup> ICC-ASP/10/S/95.

<sup>5</sup> Women's Initiatives for Gender Justice, 'Election of the Prosecutor for the International Criminal Court: Review of the Process and Final Candidates', 28 November 2011, available at <<http://www.iccwomen.org/documents/Prosecutor-Election-2011.pdf>>.



'We have been told that States Parties found the views expressed to be very useful in clarifying some important issues. In addition, once we were able to provide a comparison of the respective experience of the candidates in prosecuting crimes in international courts, States which had been previously undecided moved to support Fatou Bensouda and the relatively few states who had not supported her relinquished their opposition and also joined the consensus,' said Brigid Inder.

On Wednesday 30 November, Mr Othman reportedly withdrew his candidacy and that same day the President of the Assembly of States Parties announced that there was now a consensus in favour of Ms Bensouda as the next Chief Prosecutor of the ICC.

'In the final stages, it turned out there was strong support rallying behind Fatou Bensouda,' President Wenaweser stated at a press conference.<sup>6</sup>

Ms Bensouda will bring to the post her experience as Deputy Prosecutor and Head of the Prosecutions Division at the ICC, together with her prosecutorial experience at the International Criminal Tribunal for Rwanda, including considerable experience in the courtrooms of the ICC. She also brings her diplomatic experience and relationships developed on behalf of the ICC Office of the Prosecutor with senior diplomats and with regional political bodies, including the European Union, the African Union, the Organisation of American States, the Caribbean Community, and others.

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<sup>6</sup> Gambia's Bensouda set to be next ICC prosecutor, *AFP*, 1 December 2011, available at <[http://www.google.com/hostednews/afp/article/ALeqM5g\\_t1id2ORBpHrjN1n0iRsk-IUhUg?docId=CNG.19e82d0bd297e7653a81a07789ad6e98.b1](http://www.google.com/hostednews/afp/article/ALeqM5g_t1id2ORBpHrjN1n0iRsk-IUhUg?docId=CNG.19e82d0bd297e7653a81a07789ad6e98.b1)>, last visited on 2 December 2011.

