

Office of the Prosecutor

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11 August 2003

Excellency,

I have the honour to inform you, as President of the Assembly of States Parties to the Rome Statute of the International Criminal Court, that the process of selection of candidates for nomination to the position of Deputy Prosecutor (Investigations) has been finalised.

The candidates hereby nominated have been selected from a pool of one-hundred and thirty applicants from forty-seven countries, States Parties and non-States Parties. The large number of applications received is the consequence of a widely publicised call for applications, which was made through the website of the Court. Efforts to disseminate it were also made by the Secretary of the Assembly of States Parties, which we gratefully acknowledge. The Office of the Prosecutor of the International Criminal Court sent letters publicising the call to all Heads of Mission of States Parties accredited to the Kingdom of The Netherlands and representatives of other States Parties without mission to the Kingdom of The Netherlands, the ICC Task Force for The Netherlands, the International Association of Prosecutors, and the Coalition for the International Criminal Court. The call for applications was also announced during a press conference held by my Office on 16 July 2003 in The Hague, and in the press release that preceded it on 15 July 2003.

The call for applications was widely publicised with a view to attracting the best women and men representing all regions and legal systems of the world. As a consequence, a large number of outstanding candidates did indeed apply (exact details may be found in Annex 1 to this letter). Unfortunately, there were not many women candidates nor were there sufficient candidates from all regions and legal systems. I encourage States, organisations and professional associations to help me obtain a more balanced response to future calls.

His Excellency Zeid Ra'ad Zeid Al-Hussein  
President of the Assembly of the States Parties  
to the Rome Statute of the International Criminal Court  
Permanent Mission of the Hashemite Kingdom  
of Jordan to the United Nations  
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After a review of all applications, I interviewed fourteen of the candidates. ICTY and ICTR Chief Prosecutor Carla Del Ponte and I conducted interviews with twelve candidates at the seat of the Court on 30 July 2003. Two additional interviews were conducted by me on a later date. The final step in the difficult but very important task of selecting three candidates for nomination was a second round of interviews with a shortlist of six candidates, which I conducted. In making my decision, I consulted with former ICTY and ICTR Chief Prosecutors Louise Arbour and Richard Goldstone.

After careful deliberation, and pursuant to article 42, paragraph 4 of the Rome Statute, I have decided to nominate Mr. Serge Brammertz, Mr. Hassan Bubacarr Jallow and Mr. Vladimir Tochilovsky as candidates for the position of Deputy Prosecutor (Investigations). I request, Excellency, that you transmit their names to the Assembly of States Parties for consideration at the upcoming Second Session in September 2003. An order of preference of the selected candidates is not provided, in order to allow the Assembly to exercise its prerogative to select any of them for the position. The three candidates are persons of broad and recognised experience in criminal prosecutions. They also fully meet the strict requirements of the Statute.

Mr. Serge Brammertz is the Federal Prosecutor of the Kingdom of Belgium. He has been a prosecutor for more than fourteen years, and currently holds the highest office for a prosecutor in his country. He is responsible for the co-ordination of all national and international investigations into organised crime, terrorism and violations of international humanitarian law. Additionally, he has contributed to the creation of a network of European prosecutors and he plays a leading role in the co-operation between Belgium and other countries and international tribunals and institutions. Mr. Brammertz holds a Ph.D. in cross-border police co-operation from Albert Ludwigs University, Freiburg, Germany.

Mr. Hassan Bubacarr Jallow combines a long career as a prosecutor and judge in The Gambia with international experience. He was the Attorney General and Minister of Justice of his country for ten years, and a Supreme Court judge for four years. He was a member of the Expert Group that conducted a judicial evaluation of and recommended measures for the effective functioning of the ICTY and ICTR at the request of the United Nations Secretary-General in 2002. He has received international recognition by being appointed judge of the Appeals Chamber of the Special Court for Sierra Leone and judge *ad litem* of the ICTY. He is currently a member of the Administrative Tribunal of the Commonwealth Secretariat. He holds an LL.M. from University College London, United Kingdom.

Mr. Vladimir Tochilovsky has worked at the ICTY Office of the Prosecutor for nine years, both in investigations and prosecutions. He is currently a Trial Attorney in that Office. He worked for fifteen years as a District Attorney and Regional Deputy Procurator in Ukraine, and obtained a Ph.D. in prosecution and criminal procedure from Taras Shevchenko National University, Kiev, Ukraine. He has participated in the early stages of the development of the ICC, both as an official representative of the ICTY to the Preparatory Committee for the Establishment of an International Criminal Court and the Preparatory Commission for the International Criminal Court and as an expert who was consulted by the ICC Office of the Prosecutor on a number of topics before my arrival.

The *curricula vitae* of the nominees are attached as Annex 2 to this letter, for the consideration of the Assembly. A detailed report of the selection process is also attached, as Annex 1.

In order to ensure that the nominees for Deputy Prosecutor (Investigations) have a thorough understanding of the issues facing the Office of the Prosecutor and the Investigations Division in particular, I have invited them to spend two days in my Office working with my staff, prior to the upcoming Second Session of the Assembly of States Parties. Consequently, they not only meet the professional and personal standards set out in the Statute, but they will be more aware of the challenges ahead.

Allow me to refer, finally, to the term for which the Deputy Prosecutor will be appointed. Pursuant to article 42, paragraph 4 of the Statute, the Deputy Prosecutor (Investigations) shall hold office for up to nine years. However, the Statute authorises the Assembly to decide upon a shorter term. In my view it would be highly desirable that the Assembly adopt the approach used in the election of the Judges of the Court, whose terms were phased in, pursuant to article 36, paragraph 9(b) of the Statute. Hence, I recommend an appointment for a period of six years, which would ensure that the end of the term of the Deputy Prosecutor (Investigations) does not coincide with the expiration of my own, thus allowing for continuity in the operation of the Office and for the proper preservation of institutional memory in senior management.

May I avail myself of this opportunity to renew to you, Excellency, the assurances of my highest consideration.

Luis Moreno-Ocampo  
Prosecutor

Enclosures