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**Preparatory Commission for the  
International Criminal Court**

New York  
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**Note on the selection of the staff of the International  
Criminal Court**

**Proposal submitted by Spain and Chile**

1. Article 44, paragraph 2, and article 36, paragraph 8, of the Statute provide that in the employment of staff of the Court, the highest standards of efficiency, competency and integrity shall be ensured and account shall be taken of the need for the representation of the principal legal systems of the world, equitable geographical representation and a fair representation of female and male judges. It is further necessary to bear in mind article 50, according to which the official languages of the Court shall be Arabic, Chinese, English, French, Russian and Spanish and the working languages shall be English and French. Also relevant is rule 41 of the draft text of the Rules of Procedure and Evidence.

2. It is expected that the Staff Regulations of the Court, provided for in article 44, paragraph 3, of the Statute, will establish the necessary procedures for satisfying the requirements indicated in paragraph 1 above. However, inasmuch as the Staff Regulations must first be prepared by the Registrar, with the agreement of the Presidency and the Prosecutor, and subsequently approved by the Assembly of States Parties, it is clear that they cannot be drafted, much less approved, before mid-2003. It is therefore necessary to establish criteria, even if provisional, for the appointment of the staff of the Court in order to ensure that the criteria described above are observed. To this end, the following rules are suggested:

**General principle**

3. The requirements of article 36, paragraph 8, article 44, paragraph 2, and article 50, paragraphs 1 and 2, shall apply to the recruitment of the entire staff of the Court, without any distinction as to category. However, with regard to geographical representation, the system of desirable numerical ranges described in paragraphs 6 and 7 of this note shall apply only to staff in the Professional category (level P-1 and above).

**Publicity**

4. States parties shall be notified of vacancies to be filled and the requirements to be met by candidates to such vacancies which shall also be posted on the Web site of the Court.

**Competency**

5. The competency of candidates shall be determined by means of a written examination, which may be competitive, in any of the official languages, followed by an oral and written test in one or both of the working languages.

**Geographical distribution**

6. The selection of staff in the Professional category shall be subject to a system of desirable ranges based on that of the United Nations, in which the State party factor shall be taken into account for 40 per cent of the posts; the contribution factor, for 55 per cent of the posts; and the population factor, for the remaining 5 per cent.<sup>1</sup> In the case of conflict between these three criteria, the State Party factor shall be preponderant, all other conditions being equal.

7. The system of desirable ranges shall not apply to posts in interpreting and translation, which require a specialized language background.

*Notes*

<sup>1</sup> For a more detailed description of the United Nations system of desirable ranges, see A/55/427, paragraphs 33 to 37.

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