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**Review Conference to the Rome Statute**

Distr.: General

12 May 2010

Original: English

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Kampala

31 May – 11 June 2010

**Annotated list of items included in the provisional agenda**

**Note by the Secretariat**

The following annotated list of the items contained in the provisional agenda for the Review Conference (RC/1) has been prepared to assist the Review Conference in its consideration of the issues before it. The Review Conference will be convened in Kampala, Uganda, on Monday, 31 May 2010, at 10 a.m. The status of the documentation reflected herein is current as at 12 May 2010.

## **Annotated list of items included in the provisional agenda**

### **1. Opening of the Conference**

In accordance with article 123 of the Rome Statute, seven years after the entry into force of the Statute, the Secretary-General of the United Nations shall convene a Review Conference to consider any amendments to the Statute. Such review may include, but is not limited to, the list of crimes contained in article 5. The Conference shall be open to those participating in the Assembly of States Parties and on the same conditions. On 7 August 2009, the Secretary-General of the United Nations convened the Review Conference, in accordance with the aforementioned article.

At its eighth session, the Assembly decided that the Review Conference shall be held in Kampala, Uganda, from 31 May to 11 June 2010, for a period of ten working days.<sup>1</sup>

Pursuant to rule 1 of the draft rules of procedure of the Review Conferences, “Bureau” means the Bureau as defined in article 112, paragraph 3 (a), of the Statute, which shall be the Bureau of the Conference.<sup>2</sup> Draft rule 19 provides that the President shall declare the opening and closing of each plenary meeting of the Conference. At the 6<sup>th</sup> meeting of its sixth session, on 13 December 2007, the Assembly elected Mr. Christian Wenaweser (Liechtenstein) President of the Assembly for the seventh to ninth sessions.<sup>3</sup> Mr. Wenaweser will serve as President of the Review Conference.

### **2. Silent prayer or meditation**

Rule 32 of the draft rules of procedure provides that, immediately after the opening of the first plenary meeting and immediately preceding the closing of the final plenary meeting, the President shall invite the representatives to observe one minute of silence dedicated to prayer or meditation.

### **3. Adoption of the Rules of Procedure**

At its sixth session, the Assembly endorsed the draft rules of procedure of the Review Conferences.<sup>4</sup> The Review Conference would consider these draft rules of procedure, with a view to their adoption.

### **4. Adoption of the agenda**

Rules 6 to 11 of the draft rules of procedure concerning the agenda are applicable. In accordance with rules 6 and 7 of the draft rules of procedure, the provisional agenda for the Review Conference (RC/1) was issued on 11 May 2010. In accordance with rule 9 of the draft rules of procedure, the agenda shall be adopted by the Conference as soon as possible after its opening.

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<sup>1</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighth session, The Hague, 18-26 November 2009* (International Criminal Court publication, ICC-ASP/8/20), vol. I, part II, resolution ICC-ASP/8/Res.6, para. 2.

<sup>2</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. I, part III, resolution ICC-ASP/6/Res.2, annex IV.

<sup>3</sup> *Ibid.*, vol. I, part I.B, para. 22. In accordance with rule 29 of the Rules of Procedure of the Assembly of States Parties, the President is elected for a three-year term.

<sup>4</sup> *Ibid.*, vol. I, part III, resolution ICC-ASP/6/Res.2, para. 58.

*Documentation*

Provisional agenda (RC/1)

**5. Credentials of representatives of States at the Review Conference**

- a) **Appointment of the Credentials Committee**
- b) **Report of the Credentials Committee**

Representation and credentials are regulated by rules 12 to 17 of the draft rules of procedure. In accordance with rule 13, the credentials of representatives of States Parties and the names of alternates and advisers shall be submitted to the Secretariat if possible not later than twenty-four hours after the opening of the Conference. The credentials shall be issued by the Head of State or Government or by the Minister for Foreign Affairs or by a person authorized by either of them.

Under rule 14, a Credentials Committee, consisting of representatives of nine States Parties to be appointed at the beginning of each session by the Assembly on the proposal of the President, shall examine the credentials of representatives of States Parties and report to the Conference without delay.

**6. Organization of work**

The Conference will consider and adopt a programme of work at the beginning of the session on the basis of a proposal by the Bureau.

**Appointment of a Drafting Committee**

The Conference would also appoint a Drafting Committee, pursuant to rule 67 of the draft rules of procedure, which provides that the Conference may establish such subsidiary bodies as may be necessary.

**7. General debate**

At its third meeting, on 9 March 2010, the Bureau decided that delegations would be requested to limit their statements in the general debate to five minutes. In the case of high-level representatives, the Bureau would consider limiting statements to 10 minutes. The Bureau further decided that 45 minutes would be allocated for the participation in the general debate by observers, under rule 69 of the draft rules of procedure of the Review Conference, as well as an additional 45 minutes for statements by non-governmental organizations, at the end of the general debate.

Furthermore, the Bureau decided to invite the organs of the Court to address the Review Conference in the framework of the general debate.

a) **High-level declaration**

At its resumed eighth session, the Assembly requested the Bureau to prepare a draft high-level declaration for consideration by the Review Conference.<sup>5</sup> The high-level declaration would deal mainly with three points: the reaffirmation of the commitment to States Parties to the Rome Statute, a reference to the stocktaking exercise without

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<sup>5</sup> Ibid., para. 2.

establishing a linkage to the outcome of the exercise itself, and the pledges to be made by States Parties, Observers and other States.<sup>6</sup>

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Draft High-level Declaration (RC/L.3)

**b) Pledges**

Furthermore, at its resumed eighth session, the Assembly decided to convene a high-level segment at the Review Conference to afford States the opportunity to affirm their commitment to the International Criminal Court, including through pledges.<sup>7</sup>

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Explanatory Note on Pledges<sup>8</sup>

**8. Stocktaking of international criminal justice**

At its eighth session, the Assembly decided to forward the topics contained in annex IV to resolution ICC-ASP/8/Res.6 for the consideration of the Review Conference in the context of stocktaking of international criminal justice, “taking into account the need to include aspects regarding universality, implementation, and lessons learned, in order to enhance the work of the Court”.<sup>9</sup> At its resumed eighth session, the Assembly decided to organize for the stocktaking topics as reflected in the templates contained in annexes I to IV to resolution ICC-ASP/8/Res.9.<sup>10</sup> The Conference would, accordingly, consider the following topics:

- a) Complementarity
- b) Cooperation
- c) The impact of the Rome Statute system on victims and affected communities
- d) Peace and justice.

In connection with the items listed at sub-paragraphs (a) and (c), the Assembly, at its resumed eighth session, decided to forward the draft resolutions entitled “Impact of the Rome Statute system on victims and affected communities”<sup>11</sup> and “Complementarity”<sup>12</sup> to the Review Conference.

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<sup>6</sup>Ibid., annex II, para. 38.

<sup>7</sup>Ibid., part II, resolution ICC-ASP/8/Res.9, para. 1.

<sup>8</sup>Ibid., annex II, appendix II.

<sup>9</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighth session, The Hague, 18-26 November 2009* (International Criminal Court publication, ICC-ASP/8/20), vol. I, part II, resolution ICC-ASP/8/Res.6, para. 5.

<sup>10</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Resumed eighth session, New York, 22 – 25 March 2010* (International Criminal Court publication, ICC-ASP/8/20/Add.1), part II, resolution ICC-ASP/8/Res.9, para. 3.

<sup>11</sup> Ibid., resolution ICC-ASP/8/Res.9, annex VI.

<sup>12</sup> Ibid., annex VII.

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Resolution on the Review Conference (ICC-ASP/8/Res.9)<sup>13</sup>

Report of the Working Group on the Review Conference<sup>14</sup>

Report of the Court on cooperation: update (RC/2)

Report of the Bureau on stocktaking: The impact of the Rome Statute system on victims and affected communities (ICC-ASP/8/49)

Report of the Bureau on stocktaking: cooperation. Background paper and proposals for outcome (ICC-ASP/8/50)

Report of the Bureau on stocktaking: complementarity. Taking stock of the principle of complementarity: bridging the impunity gap (ICC-ASP/8/51)

Report of the Bureau on stocktaking: peace and justice (ICC-ASP/8/52)

**9. Consideration of proposals for amendment of the Rome Statute**

At its eighth session, the Assembly decided to forward the proposals for amendments contained in annexes I, II and III of resolution ICC-ASP/8/Res.6 to the Review Conference for its consideration.<sup>15</sup>

Furthermore, at its resumed eighth session, the Assembly decided to forward the draft elements of crimes contained in annex VIII to resolution ICC-ASP/8/Res.9 to the Review Conference for its consideration.<sup>16</sup>

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Report of the Working Group on the Review Conference<sup>17</sup>

Resolution ICC-ASP/8/Res.6 and annexes I to III

Resolution ICC-ASP/8/Res.9, annex VIII

**10. Strengthening the enforcement of sentences**

At its eighth session, the Assembly requested the Bureau to consider the issue of strengthening the enforcement of sentences and submitting a proposal for a decision to be considered at the Review Conference.<sup>18</sup> At its resumed eighth session, the Assembly welcomed the decision of the Bureau to adopt the draft resolution on strengthening the enforcement of sentences and to convey it to the Review Conference.<sup>19</sup>

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<sup>13</sup> Ibid., resolution ICC-ASP/8/Res.9.

<sup>14</sup> Ibid., annex II.

<sup>15</sup> Annex I is entitled "Draft amendment to article 124 of the Rome Statute".  
Annex II is entitled "Liechtenstein: proposals for a provision on aggression".  
Annex III is entitled "Belgium: Proposal of amendment".

<sup>16</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Resumed eighth session, New York, 22 – 25 March 2010* (International Criminal Court publication, ICC-ASP/8/20/Add.1), part II, resolution ICC-ASP/8/Res.9, para. 9.

<sup>17</sup> Ibid., annex II.

<sup>18</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighth session, The Hague, 18-26 November 2009* (International Criminal Court publication, ICC-ASP/8/20), vol. I, part II, resolution ICC-ASP/8/Res.6, para. 7.

<sup>19</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Resumed eighth session, New York, 22 – 25 March 2010* (International Criminal Court publication, ICC-ASP/8/20/Add.1), part II, resolution ICC-ASP/8/Res.9, para. 7 and annex V.

*Documentation*

Draft resolution on strengthening the enforcement of sentences

**11. Other matters**

*No documentation*

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