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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 eighth session of the Assembly of States Parties (“the Assembly”) to the Rome Statute of the International Criminal Court (ICC-ASP/8/1) has been prepared to assist the Assembly in its consideration of issues before it at its eighth session, which will be convened in The Hague, on Friday, 18 November 2009, at 10 a.m. The status of the documentation reflected herein is current as at 6 November 2009.

Annotated list of items included in the provisional agenda

1. Opening of the session by the President

In accordance with article 112, paragraph 6, of the Rome Statute, the Assembly of States Parties (“the Assembly”) meets once a year in regular session. In accordance with rule 5 of the Rules of Procedure of the Assembly of States Parties (“Rules of Procedure”),¹ the Assembly, at the 7th meeting of its sixth session, on 14 December 2007, decided to convene its eighth session in The Hague and at the 7th meeting of its seventh session, on 21 November 2008, the Assembly decided that the eighth session would be held from 18 to 26 November 2009.

At the 6th 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.² Rule 30 of the Rules of Procedure provides that the President shall declare the opening of each plenary meeting of the session.

2. Silent prayer or meditation

Pursuant to rule 43 of the Rules of Procedure, 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 agenda

Rules 10 to 13 and 18 to 22 of the Rules of Procedure concerning the agenda are applicable to regular sessions.

In accordance with rules 10 and 11 of the Rules of Procedure, the provisional agenda for the eighth session (ICC-ASP/8/1) was issued on 29 April 2009. In accordance with rule 19 of the Rules of Procedure, the agenda shall be submitted to the Assembly for approval as soon as possible after the opening of the session.

Documentation

Provisional agenda (ICC-ASP/8/1)

4. States in arrears

According to article 112, paragraph 8, of the Rome Statute, "A State Party which is in arrears in the payment of its financial contributions towards the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years."

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part II.C.

² *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 I.B, para. 22. In accordance with rule 29 of the Rules of Procedure, the President is elected for a three-year term.

At its fourth session, the Assembly took note of the report of the Bureau on the arrears of States Parties³ and the recommendations therein and invited the Bureau to report back to the fifth session of the Assembly on the status of arrears, including on suggestions, if necessary, of measures to promote the timely, full and unconditional payment of assessed contributions and advances towards the costs of the Court. Furthermore, the Assembly decided that requests for exemption under article 112, paragraph 8, of the Rome Statute, should be submitted by States Parties to the Secretariat of the Assembly at least one month before the session of the Committee on Budget and Finance (“the Committee”), so as to facilitate the Committee’s review of the requests and that the Committee should advise the Assembly of States Parties before the Assembly decided on any requests for exemption under article 112, paragraph 8, of the Rome Statute.⁴

At its fifth session, the Assembly renewed the appeal to States Parties in arrears to settle their accounts with the Court as soon as possible. In this connection, the Assembly adopted resolution ICC-ASP/5/Res.3 containing recommendations setting out a specific procedure for requesting exemptions from the loss of voting rights⁵ and decided that the Bureau should review on a regular basis the status of payments received throughout the financial year of the Court and consider additional measures to promote payments by States Parties, as appropriate.⁶

At its sixth session, the Assembly called upon States Parties to fully and without further delay implement the recommendations contained in resolution ICC-ASP/5/Res.3, annex III.⁷

At its seventh session, the Assembly called upon States, international organizations, individuals, corporations and other entities to contribute voluntarily to the Court,⁸ emphasized the importance of endowing the Court with the necessary financial resources and urged all States Parties to transfer their assessed contributions in full and by the deadline for contributions, or, in the event of pre-existing arrears, immediately, in accordance with article 115 of the Statute, rule 105.1 of the Financial Regulations and Rules, and other relevant decisions taken by the Assembly of States Parties.⁹

Documentation

Report of the Bureau on the arrears of States Parties (ICC-ASP/8/41)

³ ICC-ASP/4/14.

⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourth session, The Hague, 28 November to 3 December 2005* (International Criminal Court publication, ICC-ASP/4/32), part III, resolution ICC-ASP/4/Res.4, paras. 40, 43 and 44.

⁵ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November to 1 December 2006* (International Criminal Court publication, ICC-ASP/5/32), part III, resolution ICC-ASP/5/Res.3, annex III.

⁶ *Ibid.*, para. 42.

⁷ *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 III.

⁸ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14 - 22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. I, part III, resolution ICC-ASP/7/Res.3, para. 51.

⁹ *Ibid.*, para. 50.

5. Credentials of representatives of States at the seventh session

a) Appointment of the Credentials Committee

b) Report of the Credentials Committee

Representation and credentials are regulated by rules 23 to 28 of the Rules of Procedure. In accordance with rule 24, 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 24 hours after the opening of the session. 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 25, 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 Assembly without delay.

6. Organization of work

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

7. General debate

No documentation

8. Report on the activities of the Bureau

In accordance with article 112, paragraph 2(c), of the Rome Statute, the Assembly shall consider the reports and activities of the Bureau and take appropriate action in that regard.

Documentation

Report of the Bureau on the establishment of an independent oversight mechanism (ICC-ASP/8/2, Add.1, Add.2 and Add.3)

Report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute of the International Criminal Court (ICC-ASP/8/23)

Report of the Bureau on legal aid for victims' legal representation (ICC-ASP/8/38)

Report of the Bureau on Legal Aid (Defence): Alternate Methods for the Assessment of Indigence (ICC-ASP/8/39)

Report of the Bureau on family visits for detainees (ICC-ASP/8/42)

Report of the Bureau on the Review Conference (ICC-ASP/8/43 and Add.1)

Report of the Bureau on cooperation (ICC-ASP/8/44)

Report of the Bureau on the strategic planning process of the International Criminal Court (ICC-ASP/8/46)

Report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court (ICC-ASP/8/47)

9. Report on the activities of the Court

Under article 112, paragraph 2(b), of the Rome Statute, the Assembly shall provide management oversight to the Presidency, the Prosecutor and the Registrar regarding the administration of the Court. In accordance with article 112, paragraph 5, of the Rome Statute, the President of the Court, the Prosecutor and the Registrar or their representatives may participate in meetings of the Assembly. As provided in rule 34 of the Rules of Procedure, they may make oral or written statements and provide information on any question under consideration. Accordingly, the President of the Court will present a report on the activities of the Court since the previous session of the Assembly.

Documentation

Report on the Activities of the Court (ICC-ASP/8/40)

10. Election to fill judicial vacancies

At the 9th meeting of the seventh session, held on 19 and 20 January 2009, the Assembly elected six judges, in accordance with the relevant provisions of the Rome Statute as well as resolution ICC-ASP/3/Res.6, as amended by resolution ICC-ASP/5/Res.5, to fill the vacancies that would arise upon the expiration of the terms of office of six judges of the Court on 10 March 2009

By a letter dated 17 February 2009, Judge Mohammed Shahabuddeen (Guyana) informed the President of the Court that he would be unable to take up the position of judge of the Court.

By a letter, dated 27 April 2009, the President of the Assembly informed the Bureau of the passing of Judge Fumiko Saiga (Japan) on 24 April 2009.

In accordance with article 37, paragraph 1, of the Rome Statute, in the event of a vacancy, an election shall be held in accordance with article 36. Furthermore, other relevant provisions are included in resolution ICC-ASP/3/Res.6, as amended by resolution ICC-ASP/5/Res.5.

The Bureau of the Assembly decided, on 5 May 2009, that the election to fill the two judicial vacancies would be held during the eighth session of the Assembly and that the nomination period would run from 5 August to 16 September 2009. In accordance with resolution ICC-ASP/3/Res.6, the nomination period was extended three times, to 30 September, 14 October and 28 October 2009, respectively.

Documentation

Election of judges to fill two judicial vacancies of the International Criminal Court (ICC-ASP/8/21 and Add.1)

Election of judges to fill two judicial vacancies of the International Criminal Court: guide for the election (ICC-ASP/8/22)

Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004, (International Criminal Court publication, ICC-ASP/3/25), part III, resolution ICC-ASP/3/Res.6

11. Election of the members of the Board of Directors of the Trust Fund for Victims

By resolution ICC-ASP/1/Res.6, the Assembly established a Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, as well as a Board of Directors of the Trust Fund. The relevant resolutions for the nomination and election of the members of the Board are ICC-ASP/1/Res.6 (as amended by resolutions ICC-ASP/4/Res.5 and ICC-ASP/4/Res.7) and ICC-ASP/1/Res.7.

At the 5th meeting of its second session, on 12 September 2003, the Assembly elected the five members of the Board of Directors whose terms of office commenced on the same date. At the 6th and 9th meetings of the fifth session, held, respectively, on 30 November 2006 and 1 February 2007, the Assembly elected five members of the Board of Directors to fill the vacancies arising upon the conclusion of the terms of office of the first Board members.

At its first meeting, on 14 January 2009, the Bureau decided that the third election of the members of the Board of Directors of the Trust Fund for Victims would be held during the eighth session of the Assembly and that the nomination period for the third election would run from 20 May to 11 August 2009. In accordance with resolution ICC-ASP/1/Res.7, the nomination period was extended three times, to 25 August, 8 September and 22 September 2009, respectively.

The Assembly would elect five members of the Board of Directors for a three-year term, to commence on 1 December 2009, to fill the vacancies arising upon the conclusion of the terms of office of the current members of the Board on 30 November 2009.

Documentation

Third election of members of the Board of Directors of the Trust Fund for Victims (ICC-ASP/8/19)

12. Consideration and adoption of the budget for the eighth financial year

In accordance with article 112, paragraph 2(d), of the Rome Statute, the Assembly shall consider and decide on the budget of the Court.

Regulation 3 of the Financial Regulations and Rules of the Court provides that the Registrar shall prepare the proposed programme budget for each financial period and submit it to the States Parties as well as to the Committee on Budget and Finance for consideration. The Committee on Budget and Finance shall make the relevant recommendations to the Assembly.

At its third session, the Assembly endorsed the recommendation of the Committee that the Court should include in future performance reports data on financial performance and results achieved rather than outputs. This information should be submitted annually to the Assembly through the Committee either in the draft programme budget or in a separate performance report.¹⁰

¹⁰ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), part II.A.8(b), para. 50, and part II.A.1, para. 4.

At its third session, the Assembly established a Contingency Fund and decided that the Fund shall be limited to a period of 4 years and that it would decide at its session in 2008 on the extension or possible discontinuation of the Fund and on any other question related to the Fund that it deems necessary in the light of experience.¹¹

At its seventh session, the Assembly approved the extension of the Contingency Fund indefinitely and requested the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund, including the three options identified by the Committee in the report on the work of its eleventh session,¹² with a view to making recommendations to the Assembly at its eighth session.¹³

The Assembly would, taking into account the comments and recommendations of the Committee at its thirteenth session,¹⁴ make a decision on the replenishment of the Contingency Fund and the Working Capital Fund.

At its sixth session, the Assembly renewed its invitation to the Court, in consultation with the Bureau, to continue to consider concrete proposals for the establishment of an independent oversight mechanism to the next regular session of the Assembly of States Parties.¹⁵

At the second resumption of its seventh session, the Assembly adopted a decision concerning an independent oversight mechanism, by which it requested the Bureau to present its recommendations to the twelfth session of the Committee in order to obtain the financial and administrative advice of the Committee and, taking into account the views of the Committee, to report to the eighth session of the Assembly with a view to the establishment of an independent oversight mechanism.¹⁶

The Assembly will take a decision on the establishment of an independent oversight mechanism.

At its seventh session, the Assembly invited the Court, taking into account the comments of the Committee, to present to the Assembly at its eighth session an updated report on the legal and financial aspects for funding victims' legal representation before the Court, together with a further report considering alternatives to the formula currently used by the Court for calculating indigence, to include, inter alia, the consideration of the desirability of establishing absolute thresholds of asset holdings above which legal aid would not be provided.¹⁷

¹¹ Ibid., part III, resolution ICC-ASP/3/Res.4, section B, para. 6.

¹² *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. II, part B.2, paras. 138-140.

¹³ Ibid., vol. I, part III, resolution ICC-ASP/7/Res.4, section E.

¹⁴ Report of the Committee on Budget and Finance on the work of its thirteenth session (ICC-ASP/8/15 and Add.1), paras. 135 - 140.

¹⁵ *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, para. 24.

¹⁶ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session (first and second resumptions), New York, 19-23 January and 9-13 February 2009* (International Criminal Court publication, ICC-ASP/7/20/Add.1), chapter II, part II, Decision ICC-ASP/7/Decision 1, para. 2.

¹⁷ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. I, part III, resolution ICC-ASP/7/Res.3, para. 16.

The Assembly would, taking into account the views of the Committee at its thirteenth session on legal aid for the defence,¹⁸ as well as on the legal and financial aspects of funding victims' representation,¹⁹ take decisions on these aspects of legal aid.

At its seventh session, the Assembly noted, inter alia, that further discussions were necessary in order to facilitate a policy decision on the issue of financial assistance for family visits to persons detained on remand by the Court, as well as, in case of the adoption of such a policy, the specific conditions for its implementation. The Assembly invited the Court to engage in a constructive dialogue with States Parties on this issue in a timely manner, allowing for a proper review by the Committee on Budget and Finance at its twelfth and thirteenth sessions and for a decision to be taken at the eighth session of the Assembly.²⁰

The Assembly will take a decision on the issue of funding family visits to indigent detainees.

Documentation

Report of the Bureau on the establishment of an independent oversight mechanism (ICC-ASP/8/2, Add. 1, Add. 2 and Add.3)

Report of the Committee on Budget and Finance on the work of its twelfth session (ICC-ASP/8/5)

Status report on the Court's investigations into efficiency measures for 2010 (ICC-ASP/8/6)

Report on programme performance of the International Criminal Court for the year 2008 (ICC-ASP/8/7)

Report of the Court on human resources management (ICC-ASP/8/8)

Report of the Court on the financial aspects of enforcing the Court's obligation to fund family visits to indigent detained persons (ICC-ASP/8/9)

Proposed Programme Budget for 2010 of the International Criminal Court (ICC-ASP/8/10 and Corr. 1)

Report on budget performance of the International Criminal Court as at 31 March 2009 (ICC-ASP/8/12)

Report of the Court on procurement (ICC-ASP/8/13)

Report of the Committee on Budget and Finance on the work of its thirteenth session (ICC-ASP/8/15 and Add.1)

Report on budget performance of the International Criminal Court as at 30 June 2009 (ICC-ASP/8/17)

Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 1 July 2008 to 30 June 2009 (ICC-ASP/8/18 and Add.1)

Report of the Court on legal aid: Alternative models for assessment of indigence (ICC-ASP/8/24)

¹⁸ Report of the Committee on Budget and Finance on the work of its thirteenth session (ICC-ASP/8/15 and Add.1), paras. 122-124.

¹⁹ Ibid., paras. 125-126.

²⁰ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol, part III, resolution ICC-ASP/7/Res.3, para. 18.

Report of the Court on legal aid: Legal and financial aspects of funding victims' legal representation before the Court (ICC-ASP/8/25)

Report of the Court on the implications of implementation of the International Public Sector Accounting Standards (ICC-ASP/8/26)

Report of the Court on capital investment replacements (ICC-ASP/8/27)

Report of the Court on the options for replenishment of the Contingency Fund (ICC-ASP/8/28)

Report of the Presidency on the revised staffing structure of Chambers (ICC-ASP/8/29)

Second status report on the Court's investigations into efficiency measures (ICC-ASP/8/30)

Report of the Court on the new composition of the Appeals Division and the excusal of judges (ICC-ASP/8/31)

Report of the Court on its salary framework (ICC-ASP/8/32)

Report of the Court on the enhancement of the Registry's field operations for 2010 (ICC-ASP/8/33)

Report of the Court on the establishment of an office for the International Criminal Court at the African Union Headquarters in Addis Ababa (ICC-ASP/8/35)

Report of the Court on the job evaluation study of established posts - review of previously classified positions at the Professional level (ICC-ASP/8/36)

Report of the Bureau on legal aid for victims' legal representation (ICC-ASP/8/38)

Report of the Bureau on Legal Aid (Defence): Alternate Methods for the Assessment of Indigence (ICC-ASP/8/39)

Report of the Bureau on family visits for detainees (ICC-ASP/8/42)

Report of the Court on the strategy in relation to victims (ICC-ASP/8/45)

13. Consideration of the audit reports

Regulation 12 of the Financial Regulations and Rules provides that the Assembly shall appoint an Auditor to conduct audits in conformity with generally accepted common auditing standards, subject to any special directions of the Assembly and in accordance with the additional terms of reference set out in the annex to the Financial Regulations and Rules. At the 11th meeting of its first session, on 22 April 2003, the Assembly was informed that the Bureau, acting under the delegated authority of the Assembly,²¹ had appointed the National Audit Office of the United Kingdom of Great Britain and Northern Ireland as Auditor for the Court for a period of four years.²²

²¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part I, para. 29.

²² *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session (first and second resumptions), New York, 3-7 February and 21-23 April 2003* (United Nations publication, ICC-ASP/1/3/Add.1), part I, para. 40.

At its fifth session, the Assembly reappointed as External Auditor for a second quadrennium (2007 - 2010) the National Audit Office of the United Kingdom of Great Britain and Northern Ireland.²³

In accordance with regulation 12.7, the Auditor shall issue a report on the audit of the financial statements and relevant schedules relating to the accounts for the financial period. In accordance with regulations 12.8 and 12.9, audit reports, before their submission to the Assembly, are subject to examination by the Registrar and the Committee on Budget and Finance. The Assembly considers and approves the financial statements and audit reports forwarded to it by the Committee on Budget and Finance.

At its seventh session, the Assembly amended the reporting recommendation that the Registrar submit annually to the Assembly of States Parties a report summarizing the major activities undertaken by the Office of Internal Audit, so that such a report would not include the conclusions, guidance or recommendations. In order to emphasize the primary role of the Internal Audit as a source of guidance to the management of the Court and to clarify that the reporting lines of the Internal Auditor are directly to the management of the Court, the Assembly accordingly amended rule 110.1 of the Financial Regulations and Rules.²⁴

Documentation

Financial statements for the period 1 January to 31 December 2008 (ICC-ASP/8/14)

Report of the Committee on Budget and Finance on the work of its thirteenth session (ICC-ASP/8/15 and Add.1)

Trust Fund for Victims financial statements for the period 1 January to 31 December 2008 (ICC-ASP/8/16)

14. Report of the Board of Directors of the Trust Fund for Victims

By its resolution ICC-ASP/1/Res.6,²⁵ the Assembly established a Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, as well as a Board of Directors of the Trust Fund for the benefit of victims.

In accordance with paragraph 11 of resolution ICC-ASP/1/Res.6, the Board shall report annually to the Assembly on the activities and projects of the Fund and on all offered voluntary contributions, regardless of whether they were accepted or refused.

Documentation

Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 1 July 2007 to 30 June 2008 (ICC-ASP/8/18 and Add.1)

²³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November to 1 December 2006* (International Criminal Court publication, ICC-ASP/5/32), part II, para. 43.

²⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. I, part III, resolution ICC-ASP/7/Res. 5.

²⁵ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part IV.

15. Review 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.

At its fifth session, the Assembly requested the Bureau to start preparation of the Review Conference, in particular on the issues of the rules of procedure applicable to the Review Conference and on practical and organizational issues, especially as regards dates and venue of the Review Conference, and to report to the sixth session of the Assembly of States Parties on the status of such preparations.²⁶

At its sixth session, the Assembly endorsed the draft rules of procedure of the Review Conference and decided that a Review Conference shall be held in the first semester of 2010, with a duration of five to ten working days, and that proposals for amendments to be considered at the Review Conference should be discussed at the eighth session of the Assembly in 2009, with a view to promoting consensus and a well prepared Review Conference.²⁷

At its seventh session, the Assembly adopted resolution ICC-ASP/7/Res.2 whereby it decided that the Review Conference shall be held in Kampala, Uganda, during the first semester of 2010, for a period of five to ten working days, at dates to be established by the Bureau of the Assembly in close consultation with the Government of Uganda. The Assembly requested the Government of Uganda to conclude a Memorandum of Understanding with the Secretariat of the Assembly, through the Court, which ensures that the provisions of the Agreement on the Privileges and Immunities of the International Criminal Court are applicable, *mutatis mutandis*, to the Review Conference and which should also contain a time plan for preparatory steps.²⁸

At its thirteenth meeting, on 12 October 2009, the Bureau considered that the length of the Conference should be decided in light of the scope of the Review Conference and of the amendments to be considered. Furthermore, it was understood that a final decision on the duration should be taken by the end of the eighth session. At its eighth session, the Assembly will take a decision on the duration of the Review Conference.

The Special Working Group on the Crime of Aggression,²⁹ open on an equal footing to all States members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, established for the purpose of elaborating proposals for a provision on aggression to be submitted to the Assembly for its consideration at a review conference, with a view to arriving at an acceptable provision on the crime of aggression for inclusion in the Statute in accordance with its relevant provisions, concluded its work at the

²⁶ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November to 1 December 2006* (International Criminal Court publication, ICC-ASP/5/32), part III, resolution ICC-ASP/5/Res.3.

²⁷ *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, paras. 53-54.

²⁸ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. I, part III, resolution ICC-ASP/7/Res.2, paras. 1 and 3.

²⁹ Established by resolution ICC-ASP/1/Res.1. See *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part IV.

second resumption of the seventh session of the Assembly. Discussions subsequently continued in the framework of the preparations of the Review Conference, in particular, at an informal intersessional meeting on the Crime of Aggression hosted by the Liechtenstein Institute of Self-Determination in New York.

By resolution ICC-ASP/7/Res.3, the Assembly decided that proposals for amendments to the Rome Statute to be considered at the Review Conference should be discussed at the eighth session of the Assembly, with a view to promoting consensus and a well-prepared conference.³⁰ At its tenth meeting, on 9 July 2009, the Bureau agreed that States would require sufficient time to consider the proposals in advance of the eighth session of the Assembly and decided to propose 30 September 2009 as the deadline for the formal submission of proposals for amendments to the Rome Statute.

Documentation

Report of the Bureau on the Review Conference (ICC-ASP/8/43 and Add.1)

Report of the Special Working Group on the Crime of Aggression³¹

Informal inter-sessional meeting on the Crime of Aggression, hosted by the Liechtenstein Institute on Self-Determination, Woodrow Wilson School, at the Princeton Club, New York, from 8 to 10 June 2009 (ICC-ASP/8/INF.2)

16. Premises of the Court

At its sixth session, the Assembly adopted resolution ICC-ASP/6/Res.1, whereby it, inter alia, decided that the permanent premises of the Court should be constructed on the Alexanderkazerne site and, in this connection, authorized the host State to launch the architectural design competition. Furthermore, the Assembly established an Oversight Committee, composed of ten States Parties, to provide strategic oversight for the permanent premises project in accordance with annex II of resolution ICC-ASP/6/Res.1.³²

At its seventh session, the Assembly noted the results of the architectural design competition and requested the Project Board, in its negotiations with the prize-winners of the architectural design competition, to observe the procedure for awarding a contract contained in annex I of resolution ICC-ASP/7/Res.1, and to submit its recommendations to the Oversight Committee for its consideration and agreement, prior to the signature of the contract by the Registrar.³³

Also at its seventh session, the Assembly accepted those elements of the offer of the host State relating to the provision of a loan of up to a maximum of €200 million, to be repaid over a period of 30 years at an interest rate of 2.5 per cent, on the basis of annex II to resolution ICC-ASP/7/Res.1.³⁴

³⁰ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. I, part III, resolution ICC-ASP/7/Res.3, para. 61.

³¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session (first and second resumptions), New York, 19-23 January and 9-13 February 2009* (International Criminal Court publication, ICC-ASP/7/20/Add.1), chapter II, annex II.

³² *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.1, paras. 1 and 4.

³³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. I, part III, resolution ICC-ASP/7/Res.1, para. 1.

³⁴ *Ibid.*, para. 2.

Moreover, the Assembly requested the Oversight Committee to continue exercising its functions in accordance with resolution ICC-ASP/6/Res.1 and, specifically, to:

- a) Prepare, in consultation with the Project Board, a detailed financing mechanism that combines the use of the loan, the possibility for States Parties to make one-time payments, and other possible sources of financing;
- b) Prepare a mechanism for States Parties to make one-time payments, taking into account the principles contained in annex III of resolution ICC-ASP/7/Res.1; and
- c) Submit proposals for scheduling one-time payments, so as to start receiving such payments as of 2010 but not later than 2012;³⁵

Resolution ICC-ASP/6/Res.1, annex II, provides, inter alia, that the Oversight Committee shall submit any draft resolutions or information to the Assembly through the Bureau. Furthermore, annex II provides that the Chairperson of the Oversight Committee shall report to the Assembly at its next session.

Documentation

Report on the activities of the Oversight Committee (ICC-ASP/8/11)

Report on the activities of the Oversight Committee (ICC-ASP/8/34 and Add.1)

17. Decisions concerning dates of the next session of the Assembly of States Parties

In accordance with rule 5 of the Rules of Procedure, the date of commencement and the duration of each session of the Assembly shall be decided by the Assembly at its previous session.

18. Decisions concerning dates and venue of the next sessions of the Committee on Budget and Finance

In accordance with paragraph 4 of the annex to resolution ICC-ASP/1/Res.4, the Committee shall meet when required and at least once per year. At its thirteenth session, the Committee on Budget and Finance decided, tentatively, to hold its fourteenth session from 19 to 23 April 2010 and its thirteenth session from 23 to 31 August 2010 in The Hague.³⁶

19. Other matters

No documentation

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³⁵ Ibid., para. 9.

³⁶ Report of the Committee on Budget and Finance on the work of its thirteenth session (ICC-ASP/8/15and Add.1), para. 143.