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**Recommendation by the Bureau for the inclusion of an additional item in the agenda of the twelfth session of the Assembly of States Parties of the International Criminal Court**

On 1 November 2013, the Bureau of the Assembly of States Parties of the International Criminal Court decided to recommend to the Assembly, pursuant to rule 13<sup>1</sup> of the Rules of Procedure of the Assembly of States Parties, the inclusion in the agenda of the twelfth session of the Assembly of an additional item entitled “Special Segment as requested by the African Union: “Indictment of sitting Heads of State and Government and its consequences on peace and stability and reconciliation”.

The Bureau recommends that the matter be considered during a time segment<sup>2</sup> allocated specially for this proposed new agenda item of the twelfth session of the Assembly.

Pursuant to rule 18<sup>3</sup> of the Rules of Procedure of the Assembly of States Parties, an explanatory memorandum (annex I) is annexed hereto.

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<sup>1</sup> Rule 13, “Additional items”, provides as follows: “Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a regular session or during a session, may be placed on the agenda of the Assembly if the Assembly so decides by a majority of the members present and voting”.

<sup>2</sup> The Bureau proposes that a three hour segment on 21 November 2013, from 15:00 to 18:00, be reflected in the revised work programme.

<sup>3</sup> Rule 18, “Explanatory memorandum”, provides as follows: “Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents or by a draft decision”.

## **Annex**

Informal consultations among delegations and Bureau members in The Hague and New York resulted in the formulation of ideas on how such a segment could be conducted and the allocation of time within the twelfth session of the Assembly, scheduled from 20 to 28 November 2013 in The Hague.

### **Venue, date and time**

The special segment would take place on Thursday, 21 November, from 15:00 to 18:00 at the World Forum Theatre. The Bureau may allocate time to continue the Special segment into the evening of the same day, if necessary.

### **Format and moderator**

In light of the informal consultations referred to previously, on 8 November 2013 the Bureau decided that the segment would be conducted in the format of a panel discussion, with subsequent informal interactive discussion. At the same meeting, the Bureau appointed the Permanent Representative of Jordan to the United Nations and first President of the Assembly, H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein, as moderator of the panel.

The composition of the panel and the topics to be discussed were entrusted to the moderator, on the understanding that such composition will be undertaken in close consultation with African States Parties and with the President of the Assembly. Reference was made to choosing the panelists from among key experts over the years, who have a comprehensive understanding of the Rome Statute provisions and, if possible, the negotiating history.

### **Interactive discussion**

Following the panel discussion, an interactive plenary discussion would take place.

The statements would need to be limited in time, so as to allow for as broad participation as possible.

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