



## Assembly of States Parties

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### Resumed thirteenth session

The Hague, 24-25 June 2015

## 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 resumed thirteenth session of the Assembly of States Parties (“the Assembly”) to the Rome Statute of the International Criminal Court (ICC-ASP/13/43) has been prepared to assist the Assembly in its consideration of issues before it at the resumed thirteenth session, which will be convened in The Hague on Wednesday, 24 June 2015, at 10 a.m. The status of the documentation reflected herein is current as of 6 March 2015.

## **1. 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 of the Assembly.

In accordance with rules 10 and 11 of the Rules of Procedure, the provisional agenda for the resumed thirteenth session (ICC-ASP/13/43) was issued on 28 January 2015. In accordance with rule 19 of the Rules of Procedure, the provisional agenda shall be submitted to the Assembly for approval as soon as possible after the opening of the session.

### *Documentation*

Provisional agenda (ICC-ASP/13/43)

## **2. 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."

At its fourth session, the Assembly took note of the report of the Bureau on the arrears of States Parties<sup>1</sup> 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 before the Assembly decided on any requests for exemption under article 112, paragraph 8, of the Rome Statute.<sup>2</sup>

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 rights<sup>3</sup> 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.<sup>4</sup>

## **3. Credentials of representatives of States at the resumed thirteenth session**

### **(a) Appointment of the Credentials Committee**

Rule 25 of the Rules of Procedure of the Assembly of States Parties, provides that a Credentials Committee shall be appointed at the beginning of each session. It shall consist of representatives of nine States Parties, which shall be appointed by the Assembly on the proposal of the President.

### **(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

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<sup>1</sup> ICC-ASP/4/14.

<sup>2</sup> *Official Records ... Fourth session ... 2005* (ICC-ASP/4/32), part III, ICC-ASP/4/Res.4, paras. 40, 43 and 44.

<sup>3</sup> *Official Records ... Fifth session ... 2006* (ICC-ASP/5/32), part III, ICC-ASP/5/Res.3, annex III.

<sup>4</sup> *Ibid.*, para. 42.

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.

#### **4. 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.

#### **5. Election to fill a judicial vacancy**

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, ICC-ASP/12/Res.8 and ICC-ASP/13/Res.5.

On 23 January 2015 the Bureau decided that the election to fill the judicial vacancy which arose from the resignation of Senator Miriam Defensor Santiago (Philippines) would take place during the resumed thirteenth session of the Assembly and that the nomination period to fill the vacancy would run from 18 February to 31 March 2015.

##### *Documentation*

Election to fill a judicial vacancy (ICC-ASP/13/44)

Election to fill a judicial vacancy: guide for the election (ICC-ASP/13/45)

Report of the Advisory Committee on Nominations of Judges on the work of its fourth meeting (ICC-ASP/13/46)

#### **6. Other matters**

##### **Waiver of the impediment of four members of the Advisory Committee on Nominations of Judges to be re-elected**

In paragraphs 19 and 20 of its report from the third session<sup>5</sup>, the Advisory Committee on Nominations recommended to the Assembly to waive the impediment of four members of the Committee, which are not eligible for re-election after the initial three year term in order to ensure continuity of the Committee's work.

##### *Documentation*

Report of the Advisory Committee on Nominations on the work of its third session (ICC-ASP/13/22)

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<sup>5</sup> ICC-ASP/13/22, paras 19 and 20.