



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Thirteenth meeting

4 December 2020

New York (with WebEx remote link)

Agenda and decisions

The meeting was chaired by the President of the Assembly, Mr. O-Gon Kwon (Republic of Korea). The Vice-Presidents of the Assembly, Ambassador Jens-Otto Horslund (Denmark) and Ambassador Michal Mlynár (Slovakia) also participated.

The President welcomed the fact that the meeting took place in-person in New York, but with the possibility of virtual participation from delegates in The Hague and capitals.

1. Election of the Prosecutor- the next steps

The Bureau continued its consideration of the election of the Prosecutor which would take place at the nineteenth session of the Assembly of States Parties.

The President noted that, as mandated by the “Way forward”,¹ on 25 November 2020 the Committee on the Election of the Prosecutor had submitted an addendum to its initial report containing appraisals of five additional candidates for the position of Prosecutor.² The addendum had been circulated to States Parties along with the Committee’s original report. Separately, the President had informed the four shortlisted candidates of the adoption of the “Way forward”, and had received their confirmation that they continued to wish to be considered for the position. The expanded list of candidates for the position of Prosecutor therefore comprised nine candidates.

The President also informed the Bureau that, on 3 December 2020, the New York-based representatives of Brazil, Estonia, Jordan, Portugal and Sierra Leone had been appointed as focal points to support the process to identify a consensus candidate for Prosecutor. The focal points had been invited to participate in the meeting of the Bureau. The President also advised that preparations were underway for public hearings with the expanded list of candidates, which would be held on 9 and 10 December 2020.

The President noted that the purpose of the meeting was to address further aspects of the way forward and timelines, including specific modalities of the bilateral consultations to be conducted by the group of focal points with the guidance of the Vice-President and Coordinator of the New York Working Group, under the overall leadership of the President. The “Way forward” provided that the group of focal points would reach out bilaterally to all States Parties, more than once, to solicit views on and support for the candidates under consideration. The aim of the consultations would be to identify where consensus might be possible and to work to build that consensus. The consultation process would continue to be in New York, and to ensure

¹Adopted by the Bureau on 13 November 2020.

² ICC-ASP/19/INF.2/Add.3 and Add.4.

transparency the focal points would report directly to Vice-President Mlynár and the President, and would provide regular updates to the Bureau and States Parties.

Bureau members welcomed the appointment of the focal points and assured them of their support in the fulfilment of their mandate. Several elements for the specific modalities were proposed, including the idea that an agreed set of questions to be posed by the focal points would be circulated to States Parties in advance. This would enable the focal points to build a clear picture of the preferences of States Parties. There would also be an important role for the Bureau, which would need to receive regular updates. Bureau members noted that it would be important to have clear timelines for the process going forward. It was agreed that the details of the proposed modalities would be circulated in writing, for comments from Bureau members.

As regards the need to ensure that the Prosecutor met all of the requirements in the Rome Statute, including in relation to high moral character, the President recalled that the Committee on the Election of the Prosecutor had submitted all nine candidates to the same vetting process, assisted by the Security and Safety Section of the Court. In relation to possible further measures, the President noted that there was limited time available. One possible measure could be for the candidates to be asked to sign a modified version of the declaration developed by the Advisory Committee on Nominations for the candidates for judge. It was agreed that the President, Vice-Presidents and focal points would prepare a modified version of the declaration for the consideration of the Bureau.

The President noted that, depending on progress over the coming weeks, it might be necessary to defer the election to a second resumed session of the Assembly. He noted that in such a situation it would be practical for the current Bureau to continue in its mandate until the conclusion of any second resumed session. The President had undertaken informal consultations on this point with the incoming President. The Bureau would return to this matter at a future meeting.

The President also noted that the nomination period for the election of the Prosecutor would be extended further to enable the continuation of consultations.

2. Other matters

a) ILOAT decision

Vice-President Horslund informed Bureau members that a judgment of the Administrative Tribunal of the International Labour Organization (ILOAT) which related to the International Criminal Court was expected to be delivered on 7 December 2020.

b) Languages

The point was made that there was a difference between official languages and working languages in relation to the work of the Assembly, and that altering the current practice in this regard may create difficulties.

* * *