



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Second meeting

New York

25 February 2020

9:30 – 11:15

Agenda and decisions

The meeting was chaired by the President of the Assembly, Mr. O-Gon Kwon (Republic of Korea)

The President began the meeting by welcoming Kiribati as the 123rd State Party to the Rome Statute, following its accession which took effect on 1 February 2020.

1. Committee on the Election of the Prosecutor – update

The Vice-Chair of the Committee on the Election of the Prosecutor, Ambassador Andreas Mavroyiannis (Cyprus), briefed the Bureau on the work of the Committee. He recalled that a total of 144 applications had been received before the end of the extended deadline of the vacancy announcement, of which 89 applications were complete.¹ He indicated that the panel of experts had reviewed the completed applications at its meeting in The Hague on 2 and 3 December 2019, and had submitted a confidential report to the Committee.

The Committee had met on 20 and 21 February 2020 in New York and decided, taking into account the recommendations of the panel of experts, on a list of 16 highly qualified candidates to be interviewed in The Hague between 28 and 30 April. The Vice-Chair indicated that the Committee also decided on the modalities and questions for the interviews. The Vice-Chair also noted that three members of the Committee had met with civil society representatives at their request in the margins of the meeting.

The Committee intended to submit its final report, which will contain an unranked shortlist of three to six candidates for the consideration of the Assembly, by the end of May 2020.

In response to some queries regarding the way forward following the submission of the Committee's final report, the President indicated that, as mandated by the Terms of Reference, a consultation process would be undertaken, which he would lead in consultation with the Bureau, to identify a consensus candidate. Public hearings would be organized for shortlisted candidates with States Parties and civil society. He proposed to organize those

¹ See Interim report of the Committee on the Election of the Prosecutor (ICC-ASP/18/INF.4, Add.1). The Vice-Chair indicated that of the 89 complete applications, 29 were from the African Group, seven from the Asia-Pacific group, five from the Eastern European Group, eight from the Latin American and Caribbean Group, and 40 from the Western European and Others Group. The Vice-Chair also indicated that 26 of the applicants were female and 63 were male. He further noted that 50 of the applications came from a civil law legal system, 21 from a common law legal system, and 18 from a mixed legal system or other.

hearings in early July in New York, to allow States Parties ample time to arrive at a consensus candidate before the nineteenth session of the Assembly in December 2020.

The President invited States Parties to start informal consultations to gather suggestions on the modalities for the process leading to a consensus candidate ahead of the release of the Committee's final report.

2. Nineteenth session of the Assembly: Committee on Budget and Finance elections – opening of the nomination period

The Bureau decided that the nomination period for the Committee on Budget and Finance elections would run from 8 June to 30 August 2020, pursuant to resolution ICC-ASP/1/Res.5.

3. Current schedule of Assembly sessions

The President recalled the Bureau's previous discussions on this item and referred to the mandate of the Assembly at its eighteenth session contained in resolution ICC-ASP/18/Res.6.² He recalled that a report³ had been issued reflecting the comments received from States Parties, the Court and NGOs. He further recalled the Bureau's previous discussion on this topic at its 24 January 2020 meeting and noted that the following points were itemized in the resolution: the proposal to hold the future Assembly meetings in the first six months of each calendar year; the proposal to shorten the length of the Assembly; the location of the meetings of the Assembly and of the Bureau; and recommendations to improve efficiency.

Different views were expressed with regard to the benefits and challenges of holding future Assembly meetings in the first six months of the calendar year, as well as the proposal to shorten their length. It was suggested that discussions on this topic should take place in the New York Working Group. Some Bureau members considered that a shorter Assembly session would be desirable, while on the other hand the point was made that each Assembly session is different and that it would be counterproductive to strictly limit the duration.

A suggestion was made to appoint a Bureau member as a focal point/facilitator to further discuss the matter and produce a report and recommendation. Both the President and Vice-President noted that the topic required further consultations, in particular regarding the implications for the budget of holding the Assembly sessions in the first half of the year.

The Bureau decided to continue its discussion of this agenda item at future meetings.

4. Status of contributions

The President informed the Bureau of the status of contributions to the approved budget of the Court as at 31 January 2020. As of that date, the total amount of outstanding contributions, for 2020 and for previous years, stood at €109 million. A total of 32 States Parties had outstanding contributions of more than one year, and 13 of those were ineligible to vote under article 112, paragraph 8 of the Rome Statute. A total of 28 States Parties had paid their 2020 contributions in full.

The President encouraged all States Parties that have outstanding contributions to make every effort to pay them at the earliest opportunity.

² ICC-ASP/18/Res.6, para. 102 and annex I, para. 11(i).

³ Report of the Bureau assessing the benefits and challenges with regard to current schedule of the Assembly sessions (ICC-ASP/18/INF.6).

5. Other matters

a) Judicial Remuneration Panel

The President provided an update regarding the Judicial Remuneration Panel which would facilitate the consideration by the Assembly of possible adjustments to the judges' remuneration in accordance with resolution ICC-ASP/18/Res.2. The Panel would submit a report to the Bureau with a recommendation for possible adjustment by the end of May. That report would be considered by The Hague Working Group, and the Bureau would subsequently submit it for consideration by the Assembly at its nineteenth session.

The President recalled that the Judicial Remuneration Panel would be comprised of the Vice-President and Coordinator of The Hague Working Group, Ambassador Jens-Otto Horslund (Denmark), the budget facilitator, Ambassador Andrés Terán Parral (Ecuador), whom the Bureau had appointed at its January meeting, and "one outgoing or former member of the Committee on Budget and Finance, to be appointed by the Bureau". He indicated that once the third and final member of the Committee had been appointed, the Panel would start its work as soon as possible.

b) Independent Expert Review

The President noted that the Group of Independent Experts, appointed by the Assembly in resolution ICC-ASP/18/Res.7, had begun its work in January, and that on 23 January 2020 the Group had issued a statement which was sent to all States Parties, the Court and civil society. In their statement, they indicated their interest in consulting broadly with all stakeholders. The President recalled that the statement had been posted on the webpage of the nineteenth session of the Assembly, under "Review",⁴ and encouraged the Bureau members to refer to it for any updates posted by the experts.

He indicated that the experts would brief the New York Working Group following the Bureau meeting on the same day, and that they would visit New York on 20-22 April to meet with States and other stakeholders. The experts planned to hold two further plenary meetings, in June and in September, and the different clusters would meet at different times throughout the year. The President noted that the interim report would be presented by the experts at the end of June in The Hague, to both The Hague and New York Working Groups (the latter via video conference). He also noted that the final report would be submitted in the last week of September.

c) Advisory Committee on Nominations of judges of the International Criminal Court

The President indicated that, upon his request, the members of the Advisory Committee on Nominations would be meeting in March to discuss the new requirements set out by the Assembly at its eighteenth session.⁵ The ACN would then hold a second meeting from 1 to 8 June to interview candidates, and the report would be finalized by the end of June. The President proposed to hold the public hearings of candidates in early September. Bureau members noted that it would be necessary to agree the modalities for the public hearings, as foreseen in resolution ICC-ASP/18/Res.4. A query was raised with regard to interpretation during interviews of the Advisory Committee on Nominations and the Committee on the Election of the Prosecutor. The President noted that interpretation was foreseen and would be made available for these processes.

⁴ https://asp.icc-cpi.int/iccdocs/asp_docs/ASP19/IER%20Statement%2023.01.2020.pdf

⁵ ICC-ASP/18/Res.4.

d) Other matters

A query was made with regard to paragraph 18 of resolution ICC-ASP/18/Res.7 concerning the issue of equitable geographical representation and gender balance. It was noted that this matter was being dealt with in the respective facilitation led by the facilitator, Ms. Kristina Pelkiö (Czech Republic), and that proposals would be put forward in this regard.

A suggestion was made to establish a facilitation to assist the ongoing consultation process within the GRULAC group regarding the candidate for the next President of the Assembly.

A query was raised with regard to the implementation of the mandate for the Bureau, contained in paragraph 101 of resolution ICC-ASP/18/Res.6, concerning the issue of the representative character of the composition of the Bureau. The President noted that this issue would be included on the agenda of the next Bureau meeting.

The President proposed that the next Bureau meeting in New York be held in the first half of June, to consider the report of the Committee on the Election of the Prosecutor and to set the specific modalities and way forward thereafter.

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Annex

Appointments by the Bureau

The Bureau made the following appointment at its meeting on 25 February 2020:

Study Group on Governance

Co-Chairperson - Ambassador Heinz Walker-Nederkoorn (Switzerland)

On 6 February 2020 the Bureau made the following appointments via silence procedure:

Working Group on Amendments: Chair - H.E. Ambassador Juan Sandoval Mendiola (Mexico)

New York Working Group:

Arrears: Facilitator - Mr. Mohammed Nore-Alam (Bangladesh)

Geographical representation and gender balance in the recruitment of staff of the Court: Facilitator - Ms. Kristina Pelkiö (Czech Republic)

Non-cooperation: *Ad country* co-focal points - Colombia, Croatia, Liechtenstein, Republic of Korea, Senegal

Omnibus resolution: Facilitator - Mr. Vincent Rittener (Switzerland)

Review of the procedure for the nomination and election of judges: Co-facilitators - Ms. María Beretta (Uruguay) and Mr. Luke Roughton (New Zealand)
