

## **BUREAU OF THE ASSEMBLY OF STATES PARTIES**

### **Fifth meeting**

*via WebEx remote-link*

9 July 2020

*[Draft] Agenda and decisions*

#### **1. Report of the Committee on the Election of the Prosecutor**

The Bureau considered the report of the Committee on the Election of the Prosecutor,<sup>1</sup> which had been submitted on 30 June 2020. It was recalled that a joint meeting of The Hague Working Group and the New York Working Group on 7 July had received a presentation of the report, and that States Parties had taken that opportunity to make comments and pose queries to the Committee. The Bureau also had before it a letter from a State Party, dated 8 July 2020, and two communications from civil society organizations.

Bureau members expressed their appreciation for the Committee's efforts to produce the report in a timely manner, despite the challenges imposed by COVID-19. Bureau members raised some additional queries regarding the process followed by the Committee, and responses were provided by the Chair of the Committee, Ambassador Sabine Nölke (Canada), the Vice-Chair, Ambassador Andreas Mavroyiannis (Cyprus), and a member of the Committee, Ambassador Mario Oyarzábal (Argentina).

The point was made that any document regarding the position of the African Group would clearly indicate its status and be distributed via official channels, and accordingly any unattributed paper which may have been received was not an official position of that Group.

As regards the way forward, the President noted that under the Terms of Reference for the Election of the Prosecutor adopted by the Bureau in April 2019,<sup>2</sup> there would be a consultation process, led by the President in consultation with the Bureau, to identify a consensus candidate. An important element of that process would be the hearings for the four shortlisted candidates with States Parties and civil society. Bureau members expressed a wish to proceed expeditiously with the arrangements for the hearings, and with transparent and inclusive consultations. The President indicated that the hearings would be organized as soon as possible. At the same time, consideration would be given to the steps to be followed after the completion of the hearings.

#### **2. Advisory Committee on Nominations of Judges**

The President briefed the Bureau on the 29 June meeting of the Presidency of the Assembly with the Chair and Vice-Chair of the Advisory Committee on Nominations of Judges, Lord Justice Adrian Fulford and Judge Sylvia Steiner, respectively, regarding 8 June request of the Advisory Committee that the Bureau consider deferring the deadline for the submission of its report to nine weeks before the election, i.e. 5 October 2020, instead of sixteen weeks as set out in resolution ICC-ASP3/Res.6, as amended by ICC-ASP/18/Res.5,<sup>3</sup> i.e. 17 August 2020.

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<sup>1</sup> ICC-ASP/19/INF.2, Add.1 and Add.2.

<sup>2</sup> ICC-ASP/18/INF.2.

<sup>3</sup> Annex I, A provides in part: "Any extension of the nomination period shall take into account the need for the Advisory Committee on Nominations of Judges to produce its report at least 16 weeks before the elections."

The Bureau had before it the 2 July letter from the President to the Chair, in which he indicated the Presidency's understanding of the various constraints which the Advisory Committee was facing but nevertheless urged the Committee to proceed with its interviews of the 22 candidates, virtually if necessary, as soon as feasible, thus allowing its report to be submitted shortly after mid-August. This would allow the Bureau to organize a public roundtable discussion with all candidates in early September.

The Bureau also had before it the 7 July response of the Chair, indicating the position of the Committee regarding the completion of its work by mid-August. He indicated, among other things, "that in order to prepare a report of the quality and detail expected by the Assembly with a deadline of 17 August 2020, the Committee has no choice but to prepare the report on the basis of the written material submitted in relation to the respective nominations."

While understanding the challenges that the Advisory Committee would face in conducting virtual interviews of the 22 candidates in the time available, the Bureau suggested that the Committee should nevertheless endeavour to interview the candidates, since the interviews formed an important part of the assessment process. It was noted that States Parties attached great importance to the work of the Committee, and it was further suggested that the Secretariat and the Committee should continue to explore possibilities for the interviews. It was proposed that the Committee be given additional time beyond 17 August.

The President would put a proposal to the Bureau under a silence procedure, taking into account the views expressed.

### **3. Election to fill a vacancy on the Board of Directors of the Trust Fund for Victims**

The Bureau elected a member of the Board of Directors of the Trust Fund for Victims to fill a vacancy on the Board, pursuant to resolution ICC-ASP/1/Res.6, annex, para 3<sup>4</sup> (b). Since the number of candidates corresponded to the number of vacancies (one), the Bureau decided to elect Ms. Minerva Josefina Tavárez Mirabal (Dominican Republic) by acclamation to the Board of Directors of the Trust Fund for Victims to complete the term of her predecessor, i.e. until 4 December 2021. Under the terms of resolution ICC-ASP/1/Res.6, she may be re-elected once.

### **4. Contingency Fund notifications**

The Bureau took note of the following notifications submitted by the Registrar pursuant to regulation 6.7 of the Financial Regulations and Rules of the International Criminal Court:

- 1) Letter, dated 19 June 2020, from the Registrar addressed to the Chair of the Committee on Budget and Finance, submitting a budget notification in the sum of €909.5 thousand with regard to the unforeseeable and unavoidable costs associated with the case of *The Prosecutor v. Al Hassan* in the situation in Mali; and
- 2) Letter, dated 24 June 2020, from the Registrar addressed to the Chair of the Committee on Budget and Finance, submitting a budget notification in the sum of €1,751.3 thousand with regard to the unforeseeable and unavoidable costs associated with the case of *The Prosecutor v. Yekatom and Ngaïssona* in the situation in the Central African Republic II (CAR).

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<sup>4</sup> As amended by ICC-ASP/4/Res.5 and ICC-ASP/14/Res.4.

## 5. Other Matters

### *a) IOM- Terms of Reference for the evaluation requested by the Bureau*

The Bureau took note of the Terms of Reference for the Evaluation of the topic “Interaction of Victims with the International Criminal Court”, dated 30 June 2020, submitted by the Independent Oversight Mechanism.<sup>5</sup>

### *b) Audit Committee- next meeting*

The Bureau took note that the Audit Committee would hold its twelfth session virtually on 27 to 29 July 2020.

### *c) Multilingualism*

Regarding multilingualism, as almost four months had transpired since the closing of the Court premises for in-person meetings some frustration was expressed about the non-provision of remote simultaneous interpretation for the meetings of the Bureau, reflecting a possible lack of preparedness by the Court, particularly as most of the other Hague based international organizations seemed to have addressed that need. The point was made that it was important to prioritize the provision of this service.

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<sup>5</sup> Further to the Bureau’s 28 May 2020 decision to request the Independent Oversight Mechanism to conduct an evaluation of the theme “Evaluation of the interaction of victims with the International Criminal Court”.