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Report of the Bureau on the scheduling of Assembly sessions

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I. Introduction

1. The present report is submitted pursuant to the mandate given to the Bureau for the topic “Scheduling of Assembly sessions” based on paragraph 103 of resolution ICC-ASP/19/Res.6, in which the Assembly of States Parties (“Assembly”) “[r]equest[ed] the Bureau, in consultation with all States Parties, the Court and civil society, both in New York and The Hague, to submit a report, by the next session of the Assembly, assessing the benefits and challenges with regard to current schedule, including the proposal to hold the future Assembly meetings in the first six months of each calendar year, length, including the proposal to shorten the Assembly, location of the meetings of the Assembly and of the Bureau and to make recommendations to improve efficiency”.¹ In paragraph 104 of the resolution, the Assembly “[r]equest[ed] also the Bureau to address in its report under paragraph 103 the proposal to hold the Assembly sessions as a rule with a length of up to six days, preferably over one calendar week, unless judicial or prosecutorial elections are scheduled”.²

2. Following discussions that the Bureau had in 2020 and bearing in mind the “Report of the Bureau on the scheduling of Assembly sessions” (ICC-ASP/19/36)³ and the “Report of the Bureau assessing the benefits and challenges with regard to current schedule of the Assembly sessions” (ICC-ASP/18/INF.6),⁴ the Bureau considered the topic in 2021 in its first meeting held respectively on 18 February.⁵

3. Following the resignation of Mr. Fernando Andrés Marani (Argentina) on 10 October 2020, the Bureau appointed on 21 June 2021 via a silence procedure Ms. Maitê de Souza Schmitz (Brazil) as its focal point for the topic “Scheduling of Assembly sessions” to lead the consultations with all relevant stakeholders.

4. The focal point of the Bureau briefed the New York Working Group in its fourth meeting held on 14 July 2021 on the programme of work for 2021 and convened a meeting on 15 November, which was open to State Parties, Observer States, the Court and civil society. To mitigate the impact of the COVID-19 pandemic, the meeting was convened virtually via the Court’s WebEx platform.

5. The focal point notes that, during the reporting period, the New York Working Group of the Bureau conducted the assessment of the relevant recommendations of the Independent Expert Review (IER), which had been included in the final report of the “Independent Expert Review of the International Criminal Court and the Rome Statute System”, dated 30 September 2020, pursuant to resolution ICC-ASP/19/Res.7 requesting the submission of the outcome of their consideration to the Bureau by 1 November 2021.

6. The focal point further notes that no recommendations were directly allocated to the focal point for consideration under the “Comprehensive action plan for the assessment of the recommendations of the Group of Independent Experts, including requirements for possible future action”, submitted by the Review Mechanism on 30 June 2021 and adopted by the Bureau on 28 July. Taking into account the overarching nature of this topic, the focal point has continued informal consultations relating to the developments made in the review process at each stage for the purpose of planning timely and constructive engagement with the relevant stakeholders.

II. Discussions in the Bureau

7. At the first meeting held on 18 February, the Bureau decided to consider the topic of the scheduling of Assembly session in 2021. In this regard, a reference was made in the meeting to the Assembly’s requests with the aim of submitting to the twentieth session of the

¹ ICC-ASP/19/Res.6, para. 103, available at https://asp.icc-cpi.int/iccdocs/asp_docs/ASP19/ICC-ASP-19-Res6-ENG.pdf.

² ICC-ASP/19/Res.6, para. 104, available at https://asp.icc-cpi.int/iccdocs/asp_docs/ASP19/ICC-ASP-19-Res6-ENG.pdf.

³ ICC-ASP/19/36, available at https://asp.icc-cpi.int/iccdocs/asp_docs/ASP19/ICC-ASP-19-36-ENG-Scheduling-ASP-12dec20-1730.pdf.

⁴ ICC-ASP/18/INF.6, available at https://asp.icc-cpi.int/iccdocs/asp_docs/ASP18/ICC-ASP-18-INF6-ENG.pdf.

⁵ The agenda and decisions of the first meeting of the Bureau referred to in this paragraph are available at https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/Bureau01.agenda%20and%20decisions%20-%20ENG.pdf.

Assembly a report assessing the benefits and challenges of the current schedule of the Assembly in accordance with the mandate given to the Bureau for the intersessional period that the present report covers as contained in the omnibus resolution adopted at the nineteenth session (ICC-ASP/19/Res.6), while bearing in mind the previous reports of the Bureau on the same topic.⁶

III. Consultations with States Parties

8. The focal point briefed the New York Working Group in its fourth meeting held on 14 July 2021 that the nature of this topic was an overarching one, which might affect different aspects of the activities of the Assembly and the Court, and thus she would host consultations with all stakeholders in an open, inclusive and transparent manner. The focal point also stated in the meeting of the mandate-holders of the Assembly in New York held on 28 September that the ongoing review process would need to be duly considered in the process of consultations and in further planning the activities of the focal point.

9. During the meeting on November 15, the focal point proposed to hold in-depth discussions on the scheduling of Assembly sessions after the consideration of the outcomes of the ongoing review process by the Assembly at its twentieth session. It was noted that the consultations could take place in the first semester of 2022, when the calendar of meetings is not as busy as in the months preceding the Assembly.

IV. Conclusions and recommendations

10. The Bureau recommends that it continue the consideration of the topic of the scheduling of Assembly sessions in 2022, taking into account the ongoing review process, and report thereon to the twenty-first session of the Assembly.

11. The Bureau concludes its intersessional work by recommending to the Assembly the inclusion of language in the omnibus resolution (annex).

⁶ *Id.*

Annex I

Draft text for the omnibus resolution

1. Paragraph 103 of the 2020 omnibus resolution (ICC-ASP/19/Res.6) remains unchanged, reading:

“Requests the Bureau, in consultation with all States Parties, the Court and civil society, both in New York and The Hague, to submit a report, by the next session of the Assembly, assessing the benefits and challenges with regard to current schedule, including the proposal to hold the future Assembly meetings in the first six months of each calendar year, length, including the proposal to shorten the Assembly, location of the meetings of the Assembly and of the Bureau and to make recommendations to improve efficiency;”

2. Paragraph 104 of the 2020 omnibus resolution (ICC-ASP/19/Res.6) would be updated, reading:

“Requests also the Bureau to address in its report under paragraph 103 the proposal to hold the Assembly sessions as a rule with a length of up to six days, preferably over one calendar week, unless judicial or prosecutorial elections are scheduled;”

3. Paragraph 11 (i) of annex I (mandates) of the 2020 omnibus resolution (ICC-ASP/19/Res.6) remains unchanged, reading:

“(i) requests the Bureau, in consultation with all States Parties, the Court and civil society, both in New York and The Hague, to submit a report, by the next session of the Assembly, assessing the benefits and challenges with regard to current schedule, including the proposal to hold the future Assembly meetings in the first six months of each calendar year, length, including the proposal to shorten the Assembly, location of the meetings of the Assembly and of the Bureau, and to make recommendations to improve efficiency; and”
