

**Assembly of States Parties to
the Rome Statute of the
International Criminal Court**

**Resumed eighth session
New York, 22 - 25 March 2010**

Official Records

Note

Symbols of documents of the Assembly of States Parties to the Rome Statute of the International Criminal Court are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a document of the Assembly of States Parties to the Rome Statute of the International Criminal Court. Resolutions of the Assembly bear the letters “Res.”, while its decisions bear the letters “Decision”.

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Part I
Proceedings

A. Introduction

1. In accordance with the decision of the Assembly of States Parties to the Rome Statute of the International Criminal Court (hereinafter “the Assembly”), taken at the 8th meeting of its eighth session, on 26 November 2009,¹ and the decision of the Bureau of the Assembly, taken at its 18th meeting, on 15 December 2009, the Assembly held the resumed eighth session at United Nations Headquarters from 22 to 25 March 2010.

2. In accordance with the Rules of Procedure of the Assembly (hereinafter “the Rules of Procedure”),² the Secretariat of the Assembly invited all States Parties to the Rome Statute to participate in the resumed eighth session. Other States which had signed the Statute or the Final Act were also invited to participate in the session as observers.

3. In accordance with rule 92 of the Rules of Procedure, invitations to participate in the resumed session as observers were also extended to representatives of intergovernmental organizations and other entities that had received a standing invitation from the General Assembly pursuant to its relevant resolutions³ as well as representatives of regional intergovernmental organizations and other international bodies invited to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, June/July 1998), accredited to the Preparatory Commission for the International Criminal Court or invited by the Assembly of States Parties.

4. Furthermore, in accordance with rule 93 of the Rules of Procedure, non-governmental organizations invited to the Rome Conference, registered to the Preparatory Commission for the International Criminal Court or having consultative status with the Economic and Social Council of the United Nations, whose activities were relevant to the activities of the Court or that had been invited by the Assembly, attended and participated in the work of the Assembly.

5. In addition, in accordance with rule 94 of the Rules of Procedure, the following States that had been invited during the eighth session to be present during the work of the Assembly, continued in that capacity at the resumed eighth session: Bhutan, Democratic People's Republic of Korea, Equatorial Guinea, Grenada, Kiribati, Lao People's Democratic Republic, Lebanon, Maldives, Mauritania, Micronesia (Federated States of), Myanmar, Niue, Palau, Papua New Guinea, Rwanda, Somalia, Swaziland, Tonga, Turkmenistan, Tuvalu and Vanuatu.

6. The list of delegations to the resumed eighth session is contained in document ICC-ASP/8/INF.1/Add.1.

7. The resumed eighth session was opened by the President of the Assembly, Mr. Christian Wenaweser (Liechtenstein).

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighth session, The Hague, 18-26 November 2009* (International Criminal Court publication, ICC-ASP/8/20), vol. I, part I, para. 44.

² *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part II.C.

³ Resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204, 52/6, 53/5, 53/6, 53/216, 54/5, 54/10, 54/195, 55/160, 55/161, 56/90, 56/91, 56/92, 57/29, 57/30, 57/31, 57/32, 58/83, 58/84, 58/85, 58/86, 59/48, 59/49, 59/50, 59/51, 59/52, 59/53, 61/43, 61/259, 63/131, 63/132, 64/456, and decision 56/475.

8. The Bureau of the eighth session continued as follows:

President:

Mr. Christian Wenaweser (Liechtenstein)

Vice-Presidents:

Mr. Jorge Lomónaco (Mexico)

Mr. Zachary D. Muburi-Muita (Kenya)

Rapporteur:

Ms. Simona Drenik (Slovenia)

Other members of the Bureau:

Australia, Brazil, Burkina Faso, Estonia, Gabon, Georgia, Japan, Jordan, Nigeria, Norway, Romania, Samoa, South Africa, Spain, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of).

9. The Credentials Committee continued to serve at the resumed eighth session, with the following membership:

Costa Rica, Estonia, Ireland, Lesotho, Netherlands, Republic of Korea, Serbia, Suriname and Uganda.

10. The Director of the Secretariat of the Assembly, Mr. Renán Villacís, acted as Secretary of the Assembly. The Assembly was serviced by the Secretariat.

11. At its 9th meeting, on 22 March 2010, the Assembly decided, pursuant to rule 13 of the Rules of Procedure, to include on its agenda for the resumed eighth session the agenda item entitled “Premises of the Court” and adopted the following agenda (ICC-ASP/8/48) as amended:

1. Adoption of the agenda.
2. States in arrears.
3. Credentials of representatives of States at the resumed eighth session.
4. Organization of work.
5. Review Conference:
 - a) Stocktaking of international criminal justice;
 - b) Proposals for a provision on the crime of aggression;
 - c) Other Review Conference related matters.
6. Premises of the Court.
7. Other matters.

12. The annotated list of items included in the provisional agenda was contained in a note by the Secretariat (ICC-ASP/8/48/Add.1/Rev.1).

13. Mr. Marcelo Böhlke (Brazil) and Ms. Stella Orina (Kenya) continued to chair the Working Group on the Review Conference.

B. Consideration of issues on the agenda of the Assembly at its resumed eighth session

1. States in arrears

14. At its 9th meeting, on 22 March 2010, the Assembly was informed that article 112, paragraph 8, first sentence, of the Rome Statute was applicable to ten States Parties.

15. The President of the Assembly renewed the appeal to States Parties in arrears to settle their accounts with the Court as soon as possible. The President also appealed to all States Parties to pay their assessed contributions in a timely manner.

2. Credentials of representatives of States Parties at the resumed eighth session

16. At its 10th meeting, on 25 March 2010, the Assembly adopted the report of the Credentials Committee (see annex I).

3. Premises of the Court

17. At its 10th meeting, the Assembly adopted resolution ICC-ASP/8/Res.8 on one-time payments for the permanent premises. The Assembly decided, *inter alia*, to extend the date for States Parties to inform the Registrar of their decision to select the option of a one-time payment of their assessed share to 15 October 2012 and requested the Registrar to consult with each State Party that had selected this option in order to determine the scheduling thereof.

4. Review Conference

18. In the context of the Working Group on the Review Conference, the Assembly considered the following three topics:

- a) Stocktaking of international criminal justice;
- b) Proposals for a provision on the crime of aggression; and
- c) Other Review Conference related matters.

19. At its 10th meeting, the Assembly took note of the report of the Working Group on the Review Conference, and decided to annex it to the proceedings of the resumed eighth session of the Assembly (see annex II).

20. The report, *inter alia*, reflects the outcome of the informal consultations held on the four topics of the stocktaking exercise of the Review Conference, *i.e.* cooperation, complementarity, the impact of the Rome Statute system on victims and affected communities, and peace and justice, as well as the outcome of the consultations held on the crime of aggression.

21. Also at its 10th meeting, the Assembly adopted resolution ICC-ASP/8/Res.9 on the issue of the Review Conference and agreed to forward the annexes, containing the templates for the stocktaking exercise, a draft resolution on the impact of the Rome Statute system on victims and affected communities, a draft resolution on complementarity, and the elements of crimes of the Belgian proposal reflected in resolution ICC-ASP/8/Res.6, annex III, to the Review Conference for its consideration. The Assembly also welcomed the decision by the Bureau, at its fifth meeting, on 23 March 2010, to adopt the draft resolution on strengthening the enforcement of sentences and to convey it to the Review Conference.

22. Furthermore, the Assembly urged that the Memorandum of Understanding between the Court and the Government of Uganda be concluded expeditiously.

5. Other matters

23. In light of the forthcoming Review Conference, the President of the Assembly appealed to States, international organizations, individuals, corporations and other entities in a position to do so, to contribute to the Trust Fund for the participation of the least developed countries and other developing States in the work of the Assembly, and expressed his appreciation to those that have already done so.

