

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

### **Bureau Retreat**

**“Meeting the challenges of today for a stronger Court tomorrow”**

**Santpoort, 13 June 2019**

### **Summary**

#### **Introduction**

On 13 June 2019 the Bureau held a retreat in Santpoort, the Netherlands, with the purpose of addressing some of the current challenges facing the Court and ways in which States Parties can seek to address them with the overall aim of strengthening the Court and the Rome Statute system

Drawing from different elements of the many debates and constructive ideas advanced in recent years, the Presidency of the Assembly produced a discussion paper to facilitate an open and full discussion. The topics set out for discussion by the Bureau did not represent any particular views or positions and they were without prejudice to the views of States Parties and any conclusions and decisions. They were intended to inform the discussions held at the retreat and to enable the Bureau to reflect on the current state of affairs and consider action needed by the State Parties and the Assembly.

#### **Topic 1: Governance, Management and Leadership**

The Rapporteur, Ms. Erica Lucero (Argentina), invited Bureau members to address the topic based on the questions in the discussion paper.

##### **a) Are procedures for election of officials of the Court adequate?**

Regarding **election of judges**, there was broad support for strengthening the role of the Advisory Committee on Nominations (ACN) in order to ensure that the judges elected are the best qualified. The point was made that the ACN should be empowered to provide clear guidance for the Assembly on the suitability of candidates. It was noted that it would be useful to look at the best practice from national systems, where vigorous procedures often existed.

The point was made that the nomination process at the national level also required strengthening, and that the main responsibility for ensuring the quality of candidates lies with the nominating States. There was a suggestion to introduce a peer review requirement (e.g. from academia or criminal law-related institutions) in addition to the political decision. The point was made that efforts should be undertaken to enhance nominations to also ensure gender equality.

Some delegations raised the issue of List A and List B candidates, and different views were expressed in this regard. Some considered that List A candidates should be

emphasized given their judicial background, whereas others noted that List B candidates also bring a lot of qualities to the Court, including expertise in public international law. Since the Rome Statute provided for both List A and B candidates, caution would be necessary given the challenges of amending it.

A suggestion was made to introduce an exam for candidates so that only those who meet the required standard would be considered by the Assembly. This could also help to ensure proficiency in at least one of the working languages of the Court. This suggestion received some support, however some delegations expressed doubts about its effectiveness and potential to discourage candidates at the highest level. The point was made that exams are not necessarily the best assessment of suitability for a role of this kind, and it was suggested that the national nomination process should be improved instead. It was noted that there was a need to streamline the existing election procedures and that it would be useful to unify the different procedures used for different elected officials.

The notion of introducing public hearings to listen to candidates was also discussed. It was noted that the Coalition for the International Criminal Court organizes public hearings but that these were voluntary, and could be made a more official part of the procedure.

On how to best channel these ideas, it was noted that there was an existing facilitation in New York and that the inputs from the retreat could be sent there to have discussions in more detail aiming to take a decision ahead of the election of judges that will take place in 2020.

It was suggested that a judicial induction programme could be considered for newly elected judges, in addition to continuing education programmes to build a shared understanding and promote consistency of jurisprudence. The point was made that it would be useful to have interaction with judges of other international courts and tribunals regarding their lessons learned, particularly in relation to the merging of civil and common law principles. It was noted that these matters would be largely in the hands of the Court itself, but that the Assembly could consider sending signals on what developments it wished to see.

Support was expressed for the idea of a judicial code of conduct. The point was made that consideration should also be given to the procedures for calling judges to office. It was noted that the role of the President, including the election process and timing of appointment, warranted further consideration.

It was noted that there was a need to promote geographical and gender balance, particularly concerning heads of organs.

Regarding the **Office of the Prosecutor** (OTP), some support was expressed for having an additional Deputy Prosecutor who would be responsible for management and administration matters, whereas others were not convinced that changes to the existing senior staff structure were necessary. The suggestion was made that existing positions could be reviewed and revised for the same outcome. The point was made that this was a matter on which expert advice might be useful and appropriate.

**b) Is there a need for a stronger management and governance culture and practice Court-wide?**

A suggestion was made that the role of the Registrar should be strengthened in relation to administration and management matters across organs, in line with the one-Court principle, while others were concerned to protect the independence of other organs, in particular OTP, which comes from the Statute (Article 42). The possibility of direct election for the Registrar was raised.

As to performance indicators, the importance of continuing reporting and oversight by the Assembly was emphasized and the focus on these issues in the recent draft Strategic Plan of the Registry was welcomed. The point was made that the Strategic Plans of the OTP and the Court could benefit from a greater emphasis on collecting and publishing transparent performance indicators. There was support for taking advantage of the work already done on the topic of performance indicators. It was noted that the influence of the Court's jurisprudence on domestic legal systems could be explored as a measure of performance.

**c) Is there a need for a better framework for enhancing staff engagement and satisfaction and optimising the use of the Court's human resources?**

There was support regarding the need for gender and geographical representation criteria to be enhanced in the recruitment process, which should be more transparent.

Some delegations suggested exploring the idea of having something akin to a tenure policy or other forms of time limitations on employment as a way of bringing new ideas and experience into the organization, and promoting staff mobility. The point was made that a tenure policy could encourage flexibility and avoid complacency. Such a policy could also assist with improving geographical representation at the more senior levels, where turnover was low and there was a need to ensure that positions responded to the growth of the organisation. Others noted that a tenure policy may cause problems given the need for specific expertise and the importance of building institutional culture and retaining institutional memory. A mixed system, which balanced the different interests, could be further explored as a possible solution. Support was expressed for the introduction of secondment and exchange opportunities from national systems.

Support was expressed for the idea of establishing an ombudsman although it was understood that further reflections would be required on the details. The point was made that the cumbersome internal procedure for disputes warranted consideration, as did the promotion of mediation options as a means of avoiding disputes being escalated to the Administrative Tribunal of the International Labour Organization. The point was made that consideration should be given to introducing personal liability on the part of elected officials in case of misconduct.

It was noted that the performance management framework of the Court could be strengthened, as this was a key way in which the management and engagement of staff could be improved.

A general view was expressed to avoid micromanagement of the Court while at the same time noting the need for improvement. It was noted that expert advice could be helpful in this area.

**d) Is a more robust regime for updating the Rules of Procedure and Evidence required to ensure the effective and efficient operations of the Court?**

There was support for enhancing and streamlining the regime for updating the Rules of Procedure and Evidence, including avoiding duplication as much as possible. It was suggested that the voting procedure included in the Statute could be applied on an exceptional basis when it came to amendments of the Rules of Procedure and Evidence.

Last but not least, the point was made that a possible review should take into account existing reports and documents, e.g. the discussions on Assembly working methods held three years ago, and the study undertaken by Price Waterhouse Coopers, among others.

**Topic 2: Investigations, prosecutions and the judicial process**

The Rapporteur, Ms. Marija Stajic-Radivojsa (Serbia), invited Bureau members to address the topic based on the questions in the discussion paper.

**a) Overview and Methodology**

Bureau members discussed issues concerning investigations, prosecutions and judicial processes, from both a substantive and a structural perspective. Questions regarding the possible improvement of efficiency of both the OTP and the judiciary were recognized as those that deserve further discussion. Some expressed the need to leave the Rome Statute as it is, while others indicated that potential amendments to the Statute could be envisaged if really necessary. A number of delegations stressed that the independence of the Court and OTP should be preserved, especially in the substance of their work. However, some stressed that there is a role for State Parties to play on issues such as administration and budget.

In addition, there were different views and suggestions on the methods that could be used in the process:

- Engage with the OTP and judiciary: since they know what their weaknesses are, they could suggest areas for their own contribution or possible contribution of external experts;
- States Parties could identify some areas in which external expertise might be needed and/or useful (for their extensive experience and/or in order to preserve the independence of the OTP and the judiciary). If so, clear terms of reference and a specific mandate may be required. The need to bear in mind the potential budgetary implications of such an exercise was also outlined.
- Engagement with civil society and academia could provide added value to the process.

**b) Office of the Prosecutor**

Discussions on the OTP included not only issues concerning preliminary analysis, case selection and prioritization, but also strategy, policies and structural issues within the OTP. The discussion was led by the following questions: Can preliminary examinations, case selection and prioritization be further optimized by the Office of the Prosecutor? Can investigations and the preparation of cases be further enhanced?

Some delegations were of the view that the OTP could benefit from a stronger and clearer criminal policy. The view was expressed that the OTP does not have sufficient resources for the challenges it faces. Prioritization, preparation of cases and case selection were noted to be key areas of concern. Views were expressed regarding insufficient OTP groundwork and presence. There was a notion that case selection and prioritization criteria are not clear. In general, duration of investigations was also seen as a reason for concern. There were views that more local expertise and/or presence was needed in this regard.

However, there were divergent views on the length of preliminary examinations. Some participants proposed the introduction of deadlines, while others noted that each case is different and requires different approaches (since situations can also change in the field). Some delegations indicated that deadlines could also obstruct cooperation and could impede national processes and specifically the principle of complementarity. The theme of exit strategies was also mentioned. The ongoing discussion on this issue within the complementarity facilitation was noted, where academia and civil society were involved.

Concerning structural issues, views were expressed that there was a need for enhanced expertise and rotation of positions in OTP. Issues with confidentiality of documents were raised. Concerns were raised about staff motivation and engagement as well.

Several possibilities were mentioned as a way forward on the various issues raised, such as: strengthening dialogue between States Parties and the OTP with a view to increasing transparency; sharing experience with other tribunals in the field of collecting solid case evidence; possible creation of a national focal point for ICC related issues; increasing the number of deputies (for example, the creation of the post of a second Deputy Prosecutor to look into managerial aspects of the OTP); enhancing OTP capacity and flexibility to adapt to each specific case; hiring experts experienced in international criminal investigations; possibility of establishing tenure policy; exchange of staff with national authorities; workshops on staff engagement.

On the issue of timelines, some suggested that States should propose deadlines or that the OTP should decide on the “hibernation” of preliminary examinations or cases. Others proposed that the Prosecutor him/herself should have the flexibility to decide on timelines at the moment of starting a preliminary examination, and should provide justification in case the deadlines are extended. The establishment of clearer case-selection criteria was suggested, although there was some caution expressed on how to develop these criteria.

Some delegations mentioned the possibility for the OTP to suggest solutions on some of the existing challenges, while others suggested involvement of experts in this field as a desirable option.

### **c) Judiciary**

Discussions on the judiciary included issues concerning efficiency of the judicial processes as well as internal workings of the judiciary. The discussion was led by the following questions: Can the efficiency of the judicial process be further enhanced? Is there some for more streamlined management of trials? Can the internal workings of the judiciary be improved?

Several participants outlined the need for improving judicial culture, ethics, and collegiality. Moreover, some delegations observed that the judiciary are in “The Hague bubble” and even an “ICC bubble”. The permanent number of judges sitting in the Court (relative to variations in workload) was mentioned as one of the areas where improvements could be made. Some delegations indicated that more attention should be devoted to practical issues such as dealing with situations when replacement of judges is needed in a short time (illness, resignation) as well as budgetary implications connected to the extension of outgoing judges.

Lengthy proceedings were also identified by several participants as one of the main challenges. In this regard, possible timelines could be discussed as a solution. Concerns were expressed over civil and common law backgrounds/clashes, including on pre-trial issues. The large number of documents, lengthy decisions and separate submission of judges’ reasoning, had raised issues of predictability in the process, as well as translation challenges. The issue of confidentiality might also merit further discussion.

The role of victims was recognised as important, particularly the issue of balancing victim’s participation and how this might affect the length and conduct of proceedings. Issues concerning defence counsel and equality of arms were also raised, including for example issues related to tax declarations and office space at the premises.

Numerous possible ways forward were suggested, such as: streamlining interpretation of jurisprudence within judiciary and across organs (judiciary and OTP), but also with the body of work of other international courts and tribunals; training for incoming judges including if organized/linked to national jurisdictions; developing a handbook for judges; increasing the administrative/budgetary powers of the Registrar to allow more control over budget allocation for the judiciary; possibility of changing current budgetary division among Major Programmes; streamlining oversight mechanisms; setting up timelines for the proceedings with reasonable flexibility; flexible options for a judge’s engagement; developing a Court-wide Code of Conduct and/or development of a code of judicial ethics.

As a method of approaching some of the challenges, a possible mix of States Parties and experts engagement (jurisprudence and culture, legal aid, efficiency, coherent procedure, TFV) was mentioned, as well as usage of existing mechanisms. Some

participants proposed the involvement of judges in suggesting ways forward on some of the issues.

#### **d) Process and way forward**

Participants also discussed possible ways forward. A comprehensive approach was proposed, with flexibility on modalities. A suggestion was made to create a Working Group or a Rapporteur to keep the momentum and streamline the process.

Participants were open to further discussions on whether the process should be dealt with within existing or new mechanisms. Some expressed caution about creating new facilitations, while others suggested the possibility of considering reducing the number of facilitations. There was a proposal to consider whether the New York facilitation on judicial elections could already start to work on improving the judges' elections process, as a practical way forward.

One view was that experts should be engaged in areas where specific expertise is needed. A view was also raised to have a wide and all-encompassing review including all organs of the Court. It was suggested that the Court could take practical steps and follow up on some of the changes requested by the Bureau during the process if external expertise was not required.

The point was made that action should be taken ahead of the Assembly in 2020, in time for the transition in the Court's leadership. The Assembly in 2019 could already take some decisions on high priority issues, while a potential Review Conference could be held after 2020 for more comprehensive reform.

It was proposed for the Bureau to decide on the way forward in an inclusive and transparent way, and that a matrix/roadmap could be prepared by Presidency to be approved by the Bureau while keeping all States Parties on board.

### **Topic 3: The External Environment.**

The Rapporteur, Ms. Katharina Kofler (Austria), invited Bureau members to address the topic under three sub-topics based on the questions in the discussion paper.

#### **a) Cooperation/non-cooperation**

Bureau members highlighted the importance of cooperation and noted that without the support of States Parties, the Court could not succeed. Cooperation was a duty for all States Parties and was linked to support for the Court. It was the duty of the Assembly to remind States Parties of their duty to cooperate.

It was noted that outstanding arrest warrants remained a major issue for the Court. In this context, the difficulties related to the Al Bashir case were mentioned, as well as the position of the African Union relating to the question of immunities of Heads of State and the possibility of a request for an advisory opinion of the International Court of

Justice. A view was expressed that it is sometimes difficult for States to cooperate on arrest warrants if they are issued for very high ranking State officials, and that it might be easier for a State to cooperate if the OTP did not focus on individuals at the highest level.

As regards the **role of the United Nations Security Council**, Bureau members recalled that many communications had been sent to the Security Council regarding instances of non-cooperation, but that there had been no reaction and no consequences. A suggestion was made that the Security Council should have a more prominent role regarding non-cooperation, and that it could help to enforce cooperation.

The current state of the relationship between the Court and the Security Council was viewed as challenging, and concern was expressed that while the Council had referred cases<sup>1</sup> to the Court, none of the costs arising from the referral were borne by the United Nations.<sup>2</sup> This was viewed as an unfair system.

Further, three of the five permanent members of the Security Council are not States Parties to the Rome Statute. This was seen as a possible explanation for the hesitation regarding closer cooperation between the Council and the Court. One Bureau member suggested that the role of the Security Council should be reduced since, in its view, the relationship is not working well. The important role played by States Parties that are members of the Security Council was noted.

To ensure greater visibility of the Court in New York, Bureau Members emphasized that greater efforts should be undertaken, e.g. side-events relating to the Court during International Law Week or during the session of the United Nations General Assembly. These efforts should also include outreach to non-States Parties.

Bureau members thought that an improved relationship with the United Nations is necessary and this could be achieved through, e.g. regular meetings of the Assembly President with the United Nations Secretary-General and with the Security Council.

As to the **role of the Court in the field of cooperation**, it was said that the Court should be more proactive and engage with States Parties towards resolving obstacles to cooperation. Hence, dialogue between the Assembly and the Court, and also among States Parties on cooperation is crucial. Further, it was noted that the issues of cooperation and political support to the Court are linked.

The importance for the Court to be clear on its cooperation needs was underlined, together with the need to distinguish between cooperation on specific cases or requests and cooperation more generally. The Court should clearly communicate its greatest needs since States need to know in advance which services the Court requires most. It was suggested that the Court hold briefings on the meaning of cooperation and on its cooperation requests. The view was expressed that States need such clarity as they sometimes lack knowledge on how to proceed with the Court's requests. Further, a need was identified to get clarity on how the Court evaluates whether a State Party is complying with its obligation to cooperate.

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<sup>1</sup> Rome Statute, article 13 (b).

<sup>2</sup> Ibid., article 115 (b).



Bureau members found the exchange of knowledge with other courts and with international organizations to be important. It was suggested that the Court draw lessons from the experience of other Tribunals, such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals (IRMCT) in the area of cooperation.

As regards the **role of States Parties**, Bureau members considered that States Parties should make the Court more functional, visible and effective. The link between complementarity and cooperation was highlighted and it was said that greater efforts should be made to achieve universality.

It was suggested that the facilitators for cooperation continue their practical and pragmatic approach to involve national practitioners and share information and national best practices. They could also invite practitioners to provide external advice and professional opinions on issues relating to cooperation. Bureau members noted that many States have technical obstacles to cooperation, e.g. in the area of financial investigations, among others, and that there is a need for capacity building.

It was suggested that the plenary session on cooperation held during the Assembly sessions be a bigger event, with a greater number of interventions and enhanced dialogue, and fewer prepared statements. In addition, some Bureau members noted that cases of non-cooperation were not discussed at Assembly sessions, and suggested that the Assembly could do more in that regard.

According to the members of the Bureau, there is a need to conclude more cooperation agreements and for better efforts to promote the conclusion of such agreements. The view was expressed that cooperation agreements can pose a challenge. Further, better dialogue between national authorities and the OTP/the Court was considered important, not only on arrest warrants but also, e.g. on topics like acquittals. It was proposed that States Parties consider appointing national focal points in the field of cooperation. National practitioners could become more involved in discussions, and for this purpose, a seminar on cooperation for national practitioners could be held. Bureau members identified a need to send a strong signal that cooperation is important, and for renewed engagement of States Parties regarding cooperation.

In the context of the discussions on the topic of cooperation, the central role of victims was highlighted, as well as the importance of Sustainable Development Goal 16 (Promote just, peaceful and inclusive societies).

## **b) Political support and external measures**

The issue of general political support for the Court as well as the current threats against the Court were discussed. As regards **threats against the Court**, many states underlined the importance of States Parties expressing strong support for the Court and showing commitment. In this context, the statement<sup>3</sup> made by the Assembly President was welcomed as being good and balanced. While, in addition, some stated that States Parties should aim to make common statements, other stated that this is not always possible due to complex internal procedures. It was also pointed out that such a common statement is not always effective and the ASP President's statement suffices.

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<sup>3</sup> See Press release, dated 15 March 2019: [https://asp.icc-cpi.int/en\\_menus/asp/press%20releases/Pages/pr1442.aspx](https://asp.icc-cpi.int/en_menus/asp/press%20releases/Pages/pr1442.aspx)

Some Bureau members advised against the organs of the Court commenting on political issues, also in light of the one-Court principle.

The possibility of further threats or attacks against the Court was noted. Many Bureau members considered that, should such threats occur in future, the Assembly would need to show its strong commitment and support for the Court. While some stated that in such a situation, early demarches would be necessary, others noted that States Parties can discuss the issue with the state concerned in a quiet manner as a means of supporting the Court.

It was also noted that the Court would need States Parties' support, if practical difficulties arose regarding the Assembly session in 2020, which was expected to be held at United Nations Headquarters in New York. An Assembly session is not a United Nations meeting and Bureau members emphasized that the Assembly needs to keep this potential difficulty under review.

It was stated that there is a link between political support, universality and geographical balance, and concern was expressed regarding gender balance and geographical balance in the staff of the Court. Some Bureau members noted that the Court's draft Strategic Plan addressed this issue.

In relation to a prior request of a State Party for the convening of a **special session of the Assembly**, there was broad support for the view that a special session should not be held at this time. The idea of a common declaration of broad support for the Court at an upcoming session was discussed. It was further underlined that use should be made of other occasions to show support for the Court, e.g. the Day of International Criminal Justice on 17 July.

The importance of **public outreach** was highlighted in order to raise the visibility of the Court. Disappointment was expressed with disinformation about the Court that had appeared in some media. Further, concerns were expressed about the fact that outreach initiatives are undertaken by different organs of the Court, creating the risk of duplication. The need to streamline outreach activities was underlined and the suggestion was made to have one outreach unit, with one Court spokesperson. Also the view was expressed that more efforts should be made to reach out to the general public and pay attention to how the Court is perceived. It was reiterated that the Court's principals should not comment publicly on political issues.

It was stated that there was a link between outreach and universality, and that all opportunities should be seized to promote the Rome Statute. Better use should be made of meetings of regional organizations and efforts should be coordinated e.g. visits of the Assembly President could be combined with demarches by States and by the European Union and with statements by NGOs.

### c) **The Assembly of States Parties**

The need to improve the functioning of the Assembly of States Parties was highlighted and a wide range of issues was discussed, including the working methods of the Assembly and the Secretariat, the budget process and resources of the Court, and the need to maintain oversight of strategic issues.

Since Assembly sessions present the best opportunity for the Court and States Parties to enter into dialogue with each other, it was stressed that Assembly sessions should be made more substantive in order to attract more high-level participation. It was proposed that a more substantive agenda should be drawn up, including for example a high-level segment, and that additional time be allocated for high-level bilateral meetings. There was broad agreement that side-events during the Assembly sessions were very important and should be retained.

It was stated repeatedly that in order to allow for Assembly meetings to focus on major political and strategic discussions, the budget negotiations should be concluded before the start of the Assembly session. States Parties could consider, for example, introducing a deadline for budget negotiations.

It was stressed that the process of budget negotiations should be improved and that discussions should be made easier and less time-consuming. In this light, some Bureau members proposed a change to a biannual budget cycle. While some other members were not against this proposal, there was some hesitation in light of other, wider issues, e.g. better linking the budget to performance, making it more transparent, etc. Some members favoured discussing the issues of oversight mechanisms and changes in the budget process together, including consideration of a biannual budget cycle.

Bureau members considered that the Assembly should continue discussions on its **working methods**. It was recalled that some proposals made in previous discussions have been implemented, but work remains to be done on the remaining issues. The Assembly should engage in a streamlining exercise, in order to expedite its procedures and make them less formal. In addition, the need for the Assembly to monitor the progress and implementation of its mandates was underlined.

Views were expressed that the Assembly needs clear cut roadmaps and that it should avoid duplication, streamline facilitations and ensure better internal coordination between New York and The Hague. It was noted that States' knowledge of topics considered by the Assembly is often fragmented, and this could be addressed via an easily accessible online Assembly platform where all the information is collated.

The proposal was made that a working group or facilitation could be established to deal with the ideas on how to strengthen the Court and improve the functioning of the Assembly of States Parties. However, given the high number of facilitations and working groups, their total number should not be increased but rather reduced. Alternatively, existing facilitations could be combined where possible.

There was broad agreement on the need to **streamline and improve the omnibus resolution** which over the years has become complex and lengthy.

While the importance of the **Assembly's oversight mechanisms** was highlighted, concerns were expressed about the high number of such oversight bodies and the resulting overlap. Bureau members recognized the need for streamlining and efficiency and suggested that the Assembly could benefit from the opinion of experts in that regard. A number of members expressed support for the ideas contained in the paper prepared by Ambassador Eduardo Rodriguez Veltzé (Bolivia) on streamlining the

oversight bodies of the Court. One Bureau member expressed concern about insufficient awareness of gaps concerning the mandate of the Independent Oversight Mechanism<sup>4</sup> which has resulted in litigation before the ILOAT.<sup>5</sup>

As regards the **Committee on Budget and Finance**, the question was raised whether it served its purpose. Some States expressed appreciation for the Committee as the Assembly's experts and underlined the importance of their expert opinions for the process of the budget negotiation.

On some **specific issues before the Assembly**, the need for the sharing of best practices on *complementarity* and on possibilities for capacity-building assistance to States was noted. A view was also expressed that it is important to see the Court from the perspective of a developing country.

In addition, it was suggested that the *facilitation on arrears* in New York could also be entrusted with the task of fundraising for the Trust Fund for Victims, since New York is a better location for fundraising.

As regards the **relationship between the New York Working Group and The Hague Working Group**, while it was noted that some problems exist, it was underlined that States Parties have the responsibility to ensure better communication and coordination internally between their delegations based in New York and in The Hague.

It was further noted that the Court does not have a large presence in New York and that it is therefore not well known there. It was suggested that the Assembly could hold a high-level segment during the session of the United Nations General Assembly that would be dedicated to the Court, including the Trust Fund for Victims, and for the overall promotion of the Rome Statute.

### **Conclusions and way forward**

At the plenary meeting the Bureau discussed the possible ways forward. It was noted that to overcome some of the challenges there may be a need for: amendments to the Rome Statute; amendments to the Rules of Procedure and Evidence; other actions by the Assembly such as declarations or resolutions; review of policies and practices of the Court in consultation with States Parties; enhanced dialogue between all stakeholders aimed at aligning expectations; and potential internal and external (expert) reviews.

As to next steps, there was broad agreement that the Presidency would prepare a draft matrix or roadmap to catalogue the main areas that need attention, the ways they could be addressed, the possible actors involved and the potential timelines.

It was noted that the matrix could be a living document that could be adapted and updated as required and when needed. It was emphasized that this should be a State-driven process and that it should be carried out in a transparent and inclusive way, involving all States Parties, the Court, and civil society.

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<sup>4</sup> At its subsequent 14 June 2019 meeting, the Bureau took note of the legal position of the Presidency of the Court on this issue, as well as of an independent legal opinion on the same issue, and concluded its consideration of the item.

<sup>5</sup> Administrative Tribunal of the International Labour Organisation.