



**Sixteenth ICC-ASP Bureau Meeting**

**28 October 2010**

**Agenda and Decisions**

*The President of the Assembly, H.E. Mr. Christian Wenaweser (Liechtenstein), chaired the meeting.*

**1. Briefing by the Prosecutor on the activities of his office**

The Prosecutor updated the Bureau on the activities of the Office of the Prosecutor, specifically in the situations concerning the Democratic Republic of the Congo and Kenya. On the Democratic Republic of the Congo, he noted the cases of "positive complementarity" resulting from cooperation between his office and a number of States. In that regard, he noted the arrest of senior officials of the Forces Démocratiques de Libération du Rwanda (FDLR) in Germany and the arrest, on the basis of a sealed ICC arrest warrant, of Mr. Callixte Mbarushimana in France. On the Kenya situation, he expressed his appreciation for the cooperation of the Kenyan Government and noted that before the end of the year he would submit applications to Chambers, hopefully for summons to appear, for six suspects. Some suspects had already assured his office that they would appear before the Court to answer charges, should they be brought. If the suspects refused to appear, arrest warrants would be required. The Prosecutor also underscored that he hoped the forthcoming cases would serve as a reminder to all those in the region that crimes committed to gain or retain power, including during elections, would be punished.

**2. Recommendation of The Hague Working Group on the Independent Oversight Mechanism: the commissioning of an assurance mapping study into the existing oversight mechanisms of the Court**

The President recalled the documentation before the Bureau on this topic and provided an update on a meeting he had held with the Under-Secretary-General of the United Nations Office for Internal Oversight Services, who had assured him of her office's willingness to undertake the mapping study. Assuming the Bureau so decided soon, the report would likely be available in the first trimester of 2011.

The Bureau decided to subject the draft decision of the Bureau to commission the mapping study of the existing oversight mechanisms of the Court, annexed to this document, to a silence procedure. Unless objections to the draft decision were received by 2 November, it would be considered as adopted.

### **3. Preparations for the ninth session of the Assembly of States Parties**

#### *a) Provisional programme of work for the ninth session of the Assembly of States Parties*

The Bureau took note of the provisional programme of work for the ninth session of the Assembly, dated 27 October 2010, and requested the Secretariat to disseminate it on the understanding that modifications may still be required in light of further developments on some topics, including the election of the President of the Assembly of States Parties and the Independent Oversight Mechanism.

#### *b) Appointment of a facilitator for the omnibus resolution*

The Bureau appointed Mr. Zénon Mukongo Ngay (Democratic Republic of the Congo) as facilitator for the omnibus resolution.

### **4. Composition of the current Bureau**

The delegation of South Africa informed the Bureau that its consultations to identify a successor to serve for the remainder of the term of former Vice-President Ambassador Muburi-Muita (Kenya) were continuing and had reached an advanced stage.

The Bureau decided to revert to this item at its next meeting, with a view to making a decision.

### **5. Election of the Prosecutor for the period starting 2012**

The President informed the Bureau that a revision of the draft Terms of Reference would be circulated forthwith. The Bureau decided to revert to this item at its next meeting.

### **6. Other matters**

#### *a) Extension of deadlines*

In light of the ongoing consultations in The Hague Working Group, the Bureau decided to extend the deadline for the submission of the reports on the Independent Oversight Mechanism and the Strategic Plan until 8 November.

#### *a) Future Bureau meeting*

The Bureau will meet on 10 November. The President informed the Bureau that the Chairman of the Working Group on Amendments, Ambassador Paul Seger (Switzerland), intended to brief the Bureau on his proposed approach for the Working Group.

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## Annex

### Decision of the Bureau to commission the assurance mapping study into the existing oversight mechanisms of the Court

1. The Bureau decides to commission an assurance mapping study into the current internal and external oversight mechanisms of the Court. The study shall specifically examine the oversight functions of inspection and evaluation performed by various bodies and, in particular identify to what extent, if any, these functions are performed by the existing bodies;
2. The study shall be carried out by the independent and external experts from the Internal Audit Division of the United Nations Office of Internal Oversight Services (IAD/OIOS), which shall designate persons to perform the study. The persons carrying out the study may consult, on a budget neutral basis, external experts with detailed knowledge of the Court, the list of whom shall be provided by The Hague Working Group facilitator for Independent Oversight Mechanism;
3. The costs for the study (daily allowance, travel expenses and unexpected costs) shall be paid from the 2010 budget of the Independent Oversight Mechanism;
4. The Temporary Head of the Independent Oversight Mechanism and the Secretariat shall liaise with the IAD/OIOS with respect to all practical matters concerning the study;
5. The Committee on Budget and Finance, the Audit Committee, the External Auditor, the Internal Auditor, the Independent Oversight Mechanism and all organs of the Court and bodies concerned are requested to extend their full cooperation to the persons carrying out the study;
6. After its completion, the study shall be communicated to the Bureau, through The Hague Working Group, the Court and all bodies specified in paragraph 5 of this decision. These bodies and the Court may submit their comments on the study within three weeks of its receipt. The comments shall be communicated to the Bureau through The Hague Working Group, which may decide to forward these comments to the IAD/OIOS for its further comments.

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