



Eighteenth ICC-ASP Bureau Meeting

23 November 2010

Agenda and Decisions

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

1. Preparations for the ninth session of the Assembly of States Parties

a) Report of the New York Working Group

The Bureau noted that the facilitator, Mr. Eden Charles (Trinidad and Tobago), had circulated the draft report of the New York Working Group on geographical representation and gender balance in the recruitment of staff of the Court, dated 22 November 2010, and had requested that comments thereon be conveyed to him by 24 November. He would circulate a revised draft report to States, on the basis of comments received.

The Bureau decided to subject the revised draft report to a silence procedure. Unless further comments are received by the close of business on 30 November, it will be forwarded to the Assembly for adoption.

b) Oral report of the Bureau to the Assembly

The Bureau amended paragraph 28 of the draft oral report to read as follows:

“In carrying out its mandate, the Bureau has also received effective assistance from the New York Liaison Office. The Bureau is particularly pleased that this Office also provides substantive assistance to the New York Working Group.”

The Bureau adopted the draft oral report of the Bureau to the Assembly, as amended.

c) Provisional programme of work

The President indicated that, after the opening of the session, United Nations Secretary-General Mr. Ban Ki-moon will address the Assembly, and he would then give the floor to the President of Colombia, H.E. Juan Manuel Santos, to make a statement. The President of the Court, Judge Sang-Hyun Song, the Prosecutor, Mr. Luis Moreno Ocampo, and then the Chairperson of the Board of Directors of the Trust Fund for Victims, Ms. Elisabeth Rehn, would make statements. The President would then present the report on the activities of the Bureau, with some personal reflections. The Assembly would then elect six members of the Committee on Budget and Finance, followed by the opening of the general debate.

The Bureau decided to allocate about 45 minutes for the presentation by the Court on the issue of judges' pensions at the end of the morning session on Thursday, 9 December.

d) Briefing by the Coordinator of the omnibus resolution

The Coordinator of the omnibus resolution, Mr. Zénon Mukongo Ngay (Democratic Republic of the Congo), informed the Bureau that the first round of consultations had been held on 19 November and that a further round would be held on 29 November.

The view was expressed that it was desirable to have a revised draft resolution as early as possible, in order to get timely input thereon from capitals.

2. Composition of the current Bureau

The focal point (South Africa) informed the Bureau that although the consultations to identify a successor to serve for the remainder of the term of former Vice-President Ambassador Muburi-Muita (Kenya) had been successful, the candidate's State was not a member of the Bureau. In order to respect the agreed geographical balance, it would be necessary for a current member of the African group to step down. Consultations on this issue were on-going.

The President expressed his hope that the consultations would soon be successfully concluded.

3. Election of the President of the Assembly for the tenth to twelfth sessions

The President informed the Bureau that he has conducted soundings with a number of persons, in full consideration of the fact that there has never been a President of the Assembly from either Africa or Eastern Europe. He noted that, in principle, a new President should be elected at the forthcoming session of the Assembly, otherwise it would be necessary for the Assembly to take a decision to postpone the election. The President expressed the hope that, should this situation arise, the Bureau would strive to reach informal agreement on a candidate well in advance of the tenth session of the Assembly.

4. Election of the Prosecutor for the period starting 2012

At the request of some delegations, the adoption of the revised draft terms of reference for the OTP Search Committee entitled "Bureau of the Assembly of States Parties - Search Committee for the position of the ICC Prosecutor", dated 25 October 2010, prepared by the President was postponed. The Bureau decided to revert to the consideration of the draft terms of reference at its next meeting, with a view to their adoption.

The President underscored the desirability of adopting the terms of reference in advance of the ninth session and, in this regard, urged delegations to submit their comments, if any, well in advance of the next Bureau meeting.

5. Other matters

a) United Nations General Assembly resolution on the Report of the International Criminal Court- update by the facilitator

The facilitator for the United Nations General Assembly draft resolution on the Report of the International Criminal Court (Netherlands) indicated that the resolution would be adopted at a meeting of the General Assembly later that day, likely by consensus. The Bureau engaged in a brief exchange on the nature of the consultations leading to the adoption of the resolution and Bureau members expressed their gratitude to the facilitator for once again forging consensus on the text.

b) Independent Oversight Mechanism

The Bureau took note of a letter from the Prosecutor, addressed to the Bureau, as well as of a legal memorandum on the IOM mandate, both dated 19 November 2010. The Bureau decided to disseminate them to States Parties in advance of the ninth session of the Assembly.

The Bureau further decided that, in accordance with established practice, the communications would not be issued as official documents. The Bureau noted that the official documentation on this issue was the report of the Bureau.¹

Furthermore, the same principle governing official documents of the Assembly would be applied to the documentation on the issue of judges' pensions.

c) Non-cooperation with the Court

The President recalled the letters which he had sent to the Foreign Ministers of Chad and Kenya, dated 13 and 21 September 2010, respectively, regarding the visits of President Al-Bashir (Sudan) to those States. He further recalled that, at meetings he held with the two Ministers on the margins of the general debate of the sixty-fifth session of the United Nations General Assembly, both had assured him that formal responses were forthcoming. Thus far, no formal responses had been received. A Bureau member indicated that the request for a written response was still pending with the capital and that it would be conveyed to the Bureau as soon as it was available.

The Bureau decided that the issue of the outstanding formal responses would be further considered at the ninth session, in the framework of the discussions on cooperation.

d) Forthcoming Bureau meeting

The next meeting of the Bureau would be held on 2 December.

¹ Report of the Bureau on the Independent Oversight Mechanism (ICC-ASP/9/31).