



## Eleventh ICC-ASP Bureau Meeting

26 July 2011

### Agenda and Decisions

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

#### **1. Search Committee for the position of Prosecutor**

The Bureau took note that the preparatory work regarding candidates for the position of Prosecutor was on-going via the Search Committee and that the Coordinator, H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein (Jordan), had briefed the New York Working Group on 20 July.

#### **2. Consultations regarding the Presidency of the Assembly for the tenth to twelfth sessions**

The focal point, Ambassador Simona Miculescu (Romania), informed the Bureau that Ambassador Tiina Intelmann (Estonia) had emerged as the sole candidate in her consultations. Ambassador Intelmann had indicated that she would be present in New York as of the beginning of November 2011 to work on the transition in the run-up to the tenth session. The terms of the new Bureau members that would be elected at the beginning of the session would follow the existing Rules of Procedure of the Assembly and thus comprise the tenth, eleventh and twelfth sessions of the Assembly.

The Bureau decided to recommend to the Assembly that Ambassador Tiina Intelmann (Estonia) be elected President of the Assembly at the beginning of its tenth session.

#### **3. Consultations to identify the Bureau for the tenth to twelfth sessions**

The focal point for the Eastern European Group indicated that the Czech Republic, Estonia, Hungary and Slovakia would be the candidates from that group.

The Bureau recalled that previously, Gabon, Ghana, Nigeria, South Africa and Uganda had been identified as the candidates from the African Group.

#### **4. Interim premises**

The President recalled that, as its tenth meeting, the Bureau had mandated the Court to continue negotiations with the landlord, ING, on the extension of the lease for the interim premises, with the assistance of a State Party element, and had also set a deadline of 30 September 2011 for the conclusion of negotiations. He also informed the Bureau that the Court had indicated on 20 July that it would be able to absorb the funds required to retain the consultant to assist with the negotiations on the lease of the interim premises. Some Bureau members expressed interest in the option of purchase the Arc building. The Bureau designated Australia, Germany and Nigeria to assist the Court, which would lead the lease

negotiations, and to examine the option of purchasing the Arc building. The President noted that the Committee on Budget and Finance would take up this topic at its seventeenth session.

The representative of the host State recalled that there was a deadline of 31 July and that there was a need to bridge the gap between that date and the tenth session of the Assembly. For this purpose, the landlord wanted an additional guarantee of five months. The Netherlands was willing to be a joint guarantor, together with the Court.

Some Bureau members indicated their openness to the suggestion of a joint guarantee by the Court and the host State, but that more time was required to consider the matter. The Bureau decided to keep the issue under a silence procedure until 29 July 2011 at 10 a.m. (Eastern Standard Time).

Regarding the option of purchasing the Arc building, the host State representative stated that it would not accept such an option, given the existing commitment for the construction of a new building. Some Bureau members expressed their openness to this option.

## **5. Preparations for the tenth session**

### *a) Elections: status of nominations*

#### *i) Judges*

The Bureau took note that, as at 25 July 2011, ten candidates had been nominated for election to six posts, and requested the Secretariat of the Assembly to circulate a note verbale to that effect, in accordance with resolution ICC-ASP/3/Res.6.

The President stated that, as at 25 July 2011, the criteria relating to the gender and List A minimum voting requirements, as well as the number of candidates in relation to the number of seats, as indicated in paragraphs 11 and 12 of the above-mentioned resolution, had been met.

As regards the criterion relating to the regional minimum voting requirement referred to in paragraph 11 (GRULAC), the President noted that if the requirement was not met at the close of the nomination period on 2 September 2011, the nomination period would be extended for two weeks, in accordance with resolution ICC-ASP/3/Res.6.

#### *ii) Committee on Budget and Finance*

The Bureau took note that, as at 25 July 2011, two candidates had been nominated to fill six positions as follows:

- Eastern European group: 1
- Western Europe and other States group: 1

### *b) Mock election*

The Bureau requested the Secretariat, in accordance with past practice, to organize a mock election for six judges at United Nations Headquarters, towards the end of the week prior to the beginning of the tenth session.

*c) Work programme*

The Bureau approved a draft provisional programme of work for the tenth session of the Assembly, and requested the Secretariat to disseminate it to States Parties.

**6. Other matters**

*a) Independent Oversight Mechanism*

The Bureau took note of the second quarterly activity report of the Independent Oversight Mechanism (IOM), dated 25 July 2011, and expressed its appreciation to Ms. Beverly Mulley, the former Temporary Head of the IOM, for her work.

The President informed the Bureau that Ms. Madeleine Schwarz had declined the job offer of employment for the post of Head of the IOM, and that the Selection Panel would therefore have to consider the way forward. He noted that there was no one in charge of the IOM for the time being.

*b) United Nations Security Council referrals*

The President recalled that investigations based on Security Council referrals to the Court were currently financed by States Parties. In the context of the Libya investigation, the Contingency Fund had been accessed in the sum of more than €4 million. He also recalled that the Rome Statute foresaw the possibility of special arrangements with the United Nations General Assembly regarding the reimbursement of such costs. A memorandum on this issue would be submitted to the Bureau members.

*c) Next Bureau meeting*

The next Bureau meeting was tentatively scheduled for 9 September 2011, but could take place earlier if necessary.

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