



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Twelfth ICC-ASP Bureau Meeting

29 May 2012

Agenda and Decisions

The President of the Assembly, Ambassador Tiina Intelmann (Estonia), chaired the meeting.

1. Eleventh session of the Assembly of States Parties

In light of the events being organized in The Hague to mark the tenth anniversary of the entry into force of the Rome Statute during the morning of 14 November 2012, the Bureau recommended that the first plenary meeting of the eleventh session of the Assembly start in the afternoon of Wednesday 14 November. The programme of the commemorative events would be included in the Journal of the Assembly.

It was suggested that the Secretariat would indicate when sending out the agenda for the next session of the Assembly the possibility for States to participate in the general debate by making written submissions, which would be posted on the website of the Assembly and, further, would invite States in a position to do so to submit written statements only, as indicated by the President at the previous Bureau meeting.

The President welcomed the proposal of the joint facilitators of the topic peace and justice, Ms. Fernanda Millicay (Argentina), Mr. Zénon Mukongo Ngay (Democratic Republic of the Congo) and Mr. Nikolas Stürchler (Switzerland), that an eminent keynote speaker be invited to address the eleventh session of the Assembly on a particular topic.

2. Advisory Committee on Nominations

The President recalled the establishment by the Bureau of a working group of the Bureau on the Advisory Committee on Nominations at its 1 May 2012 meeting and recalled, further, the expression of interest by South Africa at the previous Bureau meeting in being a member of the working group.

The Bureau took note of the expressions of interest by the Czech Republic and Japan. The latter expressed its interest on the understanding that membership in the working group did not preclude the nomination by a State of a candidate for the Advisory Committee. This understanding was shared by the Bureau.

The Bureau appointed the Czech Republic, Japan and South Africa as members of the Bureau working group. The President requested Bureau members of the remaining regional groups to convey to her their expression of interest in being a member of the working group.

3. Non-cooperation

Regarding the regional focal points on non-cooperation, the President recalled that the Assembly procedures relating to non-cooperation provide for the Bureau to appoint four regional focal points for non-cooperation. The Bureau appointed Japan as focal point for non-cooperation for the Asia-Pacific Group. The President invited Bureau members of the African, Latin American and Caribbean, and Western Europe and other States groups to convey to her their expression of interest in taking up this function, considering that the role of regional focal point required diplomatic involvement at a high level.

As regards the status of consideration of non-cooperation, the President indicated that, despite continued engagement from some regional groups to assist, there had been no developments in the case of Chad. Furthermore, she noted that the on-going dialogue with Malawi had abated somewhat. She noted that the new President of Malawi, President Joyce Banda, had asked the African Union not to invite Omar Al-Bashir to the next African Union Summit, to be held in Malawi from 9 to 16 July 2012. The President had addressed a letter to the new leadership of Malawi, highlighting the previous dialogue on non-cooperation, expressing her willingness to engage with the Malawian authorities, including holding a seminar on the technical aspects of the Rome Statute in Lilongwe, and was awaiting a response.

There were no updates on efforts regarding the issue of non-cooperation from other Bureau members.

4. Contingency Fund

The Bureau took note of the 14 May 2012 supplementary budget notification for the amount of €361,200 to cover unavoidable expenses associated with the situation in Côte d'Ivoire, in respect of the need to establish a small field presence.

5. Recommendations concerning the election of the Registrar

The Bureau had before it the draft vacancy announcement for the post of Registrar of the Court, which had been disseminated to States Parties on 16 May 2012 for information and eventual comments. The Bureau expressed its appreciation to the Presidency of the Court for sharing the draft with States Parties in the spirit of openness and transparency and noted that the vacancy announcement would be advertised at the beginning of June. The Bureau welcomed the inclusion of managerial and financial competencies in the requirements for this post.

In response to a suggestion that a law degree should be listed as a required competence, the President noted that the vacancy announcement represented an attempt to not limit the pool of candidates.

As regards the request for eventual comments by States Parties, it was noted that, as at 28 May 2012, capitals were still considering the draft vacancy announcement. The President would submit any comments received in the coming days to the Presidency of the Court.

With regard to the formulation of recommendations, it was noted that while the recommendation adopted at the sixth session of the Assembly contained views on competencies, the Rules of Procedure and Evidence provide room also for a different approach. The Bureau would revert to this topic at a future meeting.

6. Quarterly report of the Independent Oversight Mechanism

The President recalled the mandate of the Assembly on the accountability of the Independent Oversight Mechanism (IOM) set out in resolution ICC-ASP/8/Res.1 (annex). The Bureau took note of the report of the Temporary Head of the IOM, covering the last quarter of 2011 and the first quarter of 2012, and noted that report covered the two past quarters, in light of the November 2011 assumption of duty by the Temporary Head of the IOM.

7. Other matters

a) Appointment of the legal aid facilitator

The Bureau took note that Ambassador Leon March (Slovenia) had been appointed focal point for legal aid within the budget facilitation under the Chairmanship of Ambassador Hakan Emsgard (Sweden), via a Bureau silence procedure.

b) Process for the election of the Prosecutor

The President recalled that, at its 28 February 2012 meeting, the Bureau had designated Mr. Duncan Laki Muhumuza (Uganda) to seek initial views from States Parties regarding the process for the election of the Prosecutor, as set out in paragraph 22 of resolution ICC-ASP/10/Res.5. The President further recalled that, on 29 March 2012, Mr. Laki Muhumuza had invited the comments of States by 11 May 2012.

The President informed the Bureau that Mr. Laki Muhumuza would convene a meeting to allow States Parties to express their views on the process for the election of the Prosecutor. Thereafter, the Bureau would further consider this issue, as well as the way ahead.

c) Update on the activities of the President

The President informed the Bureau that during her visit to Cairo, Egypt, from 6 to 7 May 2012, she had met with a number of parliamentarians, government representatives and actors from civil society.

During her visit to Addis Ababa, Ethiopia, from 8 to 11 May 2012, the President had met with Mr. Jean Ping, Chairperson of the Commission of the African Union, Mr. Ben Kioko, the African Union Legal Counsel, and also with African Ambassadors and other members of the diplomatic community. Furthermore, she had, inter alia, explored the possibility of organizing a follow up seminar to the one held in 2011 on the technical aspects of the Court. The view had been conveyed to her that more regular visits on her part to Addis Ababa would be appreciated.

In Rabat, Morocco, the President attended a 16 to 17 May 2012 regional seminar organized by the Parliament of Morocco, met with a number of government and parliament representatives, as well as with members of the civil society.

The Bureau expressed its appreciation and support to the President for her efforts to strengthen the relationship and the dialogue between the African Union and the Court, as well as for undertaking visits to non-States Parties.

The President informed the Bureau about her upcoming visit to Stockholm, Sweden, from 30 May to 1 June 2012, to attend a seminar on complementarity, co-organized by Denmark and South Africa, the focal points for complementarity, the Swedish Ministry for Foreign Affairs, and the International Center for Transitional Justice.

d) *Location of Bureau meetings*

As regards further discussions on the location of Bureau meetings, it was recalled that at a previous meeting the view had been expressed that the majority of Bureau meetings had to take place in New York. The President assured Bureau members that the majority of Bureau meetings were held in New York and noted that, of the 12 Bureau meetings held thus far, 10 had been held in New York and two in The Hague. The President expressed her readiness to convene a Bureau retreat to discuss this matter, at the level of capital representatives, during the eleventh session of the Assembly. This proposal was rejected by one delegation. The President also informed the Bureau of her bilateral meetings with Bureau members on this issue.

It was suggested that an indicative list of Bureau meetings for the year be drawn up, or that the date and the provisional agenda of Bureau meetings in The Hague be indicated well in advance, thus allowing non-represented delegations to make appropriate arrangements and facilitating cooperation between The Hague and New York. It was suggested by the President to examine the feasibility of virtual presence of delegations without representation in The Hague via video or phone conferences.

A request was made for a thorough work plan for the coming year indicating which issues were to be addressed by the Bureau and their indicative timing.

e) *Next Bureau meeting*

The next Bureau meeting would be tentatively scheduled for 15 June 2012 in The Hague. The President informed the Bureau that additional information on the tenth anniversary commemorative events and a briefing from the Chair of the Oversight Committee on permanent premises would be considered at that meeting.
