



Fifth ICC-ASP Bureau Meeting

17 January 2012

Agenda and Decisions

The President of the Assembly, H.E. Ms. Tiina Intelmann (Estonia), chaired the meeting.

1. Mandates of the Bureau

The President indicated that according to past practice, she had requested the Vice-Presidents to serve as Coordinators of their respective Working Groups.

In accordance with its past practice based on its 1 December 2004 decision to establish The Hague Working Group and the New York Working Group, the Bureau decided that its mandates would be carried out by its two Working Groups.

With respect to the mandate on complementarity, the President noted that it had been suggested to return to the previous practice of treating this topic in the framework of an *ad country* focal point, thus allowing the delegation/s to work on the topic in both The Hague and New York, rather than an *ad personam* facilitator.

Following past practice, the Bureau agreed to assign the items as follows:

- a) *New York Working Group*
 - i) Arrears
 - ii) Geographical representation and gender balance
 - iii) Peace and justice
 - iv) Plan of Action

- b) *The Hague Working Group*
 - i) Budget
 - ii) Complementarity, as an *ad country* focal point
 - iii) Cooperation
 - iv) Independent Oversight Mechanism
 - v) Reparations
 - vi) Legal aid
 - vii) Strategic planning
 - viii) Victims and affected communities and Trust Fund for Victims

The President and the two Vice-Presidents would welcome receiving an indication by 27 January of expressions of interest by Bureau members interested in assuming some of the facilitations.

The President requested facilitators to submit interim reports on their work with a view to finalizing the respective Bureau reports well in advance of the eleventh session of the Assembly.

Study Group on Governance

Furthermore, the Study Group on Governance will continue to function within The Hague Working Group, pursuant to the mandate of the Assembly in resolution in ICC-ASP/10/Res.5, paragraph 37. The Coordinator of The Hague Working Group was requested to identify a chairperson for 2012.

2. Notification to the Committee on Budget and Finance to access the Contingency Fund

The Bureau took note of the Court's 4 January 2012 detailed supplementary budget notification for €391,800, submitted pursuant to regulation 6.7 of the Financial Regulations and Rules, "to meet unavoidable costs in the situation in Côte d'Ivoire, namely the need to cover the costs of legal for Mr. Laurent Gbagbo...which were not foreseen at the time of the adoption of the programme budget for 2012.", as well as the letter of the Chair of the Committee on Budget and Finance, dated 13 January 2012.

The opinion was expressed that States Parties and the Bureau needed more information on the financial situation of Mr. Gbagbo and on the necessity of financing the legal aid for 12 months.

3. Other matters

a) Non-cooperation

The President informed the Bureau that, on 19 December 2011, she had met with the President of the United Nations Security Council for the month of December, H.E. Ambassador Vitaly Churkin (Russia) to discuss the 13 December 2011 communications whereby Pre-Trial Chamber I had referred the issue of non-cooperation by Chad and Malawi to the Security Council and the Assembly. She also indicated that she had conveyed letters to the Foreign Ministers of Chad and Malawi on the Pre-Trial Chamber decision and had requested a reply by 27 January 2012.

b) Oversight Committee on permanent premises

The President informed that the Chair of the Oversight Committee was holding consultations to identify the tenth member of the Committee, whom the Bureau could designate at a forthcoming meeting.

c) United Nations Security Council debate on the rule of law and justice

The President noted that the debate of the United Nations Security Council on the rule of law and justice, to be held on 19 January 2012, presented a good opportunity for States Parties to raise matters concerning the Court.

d) Eleventh session of the Assembly

The President requested members of the Bureau to reflect and consult with their constituencies on the conduct of the future session of the Assembly, especially as pertains to

the general debate and to communicate any suggestions to her. The Bureau would revert to this matter at a future meeting.

e) Pension regime applicable to two judges elected in 2007

Uganda submitted a note verbale, dated 16 January 2012, regarding the issue of the pension regime applicable to two judges who had been elected to fill two judicial vacancies during the sixth session of the Assembly in 2007. In that communication, the Bureau was requested to take urgent remedial measures.

The Secretariat was requested to circulate to the Bureau, along with the note verbale submitted by Uganda, all decisions of the Assembly of States Parties related to this issue. The President encouraged members of the Bureau to review all available documentation on this issue with a view to reverting to it at a future meeting of the Bureau.
