



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Fourth meeting

New York

5 June 2017

Agenda and decisions

The meeting was chaired by the President of the Assembly of States Parties, H. E. Mr Sidiki Kaba (Senegal).

1. Preparations for the sixteenth session of the Assembly

a) Incoming Bureau

i) Future President of the Assembly

As far as efforts to identify the future President of the Assembly in the Asia-Pacific group are concerned, Samoa, which had indicated at the Bureau meeting on 20 February that it would assume the role of coordinating those regional consultations, informed the Bureau that the Asia-Pacific group had reached a consensus on the nomination of Mr. O-Gon Kwon (Republic of Korea) for President of the Assembly.

The Republic of Korea thanked the members of the Asia-Pacific group and members of the Bureau for their support for this nomination. The Bureau was informed that Mr. Kwon was fully committed to meeting his obligations as future President of the Assembly and that the Government of the Republic of Korea and its Permanent Mission to the United Nations were both prepared to offer him the necessary support.¹

President Kaba stated that the nomination for President of the Assembly submitted by the Asia-Pacific group would be communicated to the States Parties and that the Bureau would take a decision as soon as possible regarding the recommendation to be submitted to the States Parties for scrutiny at the sixteenth session.

ii) The other 20 Bureau candidates

Concerning the 20 remaining members of the future Bureau, the African States nominated Gabon as their focal point to identify the group's candidates. Italy stated that as far as the Western European and other States group was concerned, consultations to identify a focal point had progressed and that a decision was expected from the group in the coming

¹ See the annex which contains a biographical note and the curriculum vitae of Mr. Kwon.

days.²The Latin American and Caribbean States also stated that their consultations to identify a focal point were continuing.

The Czech Republic and Japan, representing the focal points for Eastern European group and the Asia-Pacific group respectively, stated that consultations within their groups were continuing.

The President encouraged the groups to continue with their consultations to identify the future Bureau members by 31 July 2017.

b) Judicial elections

i) Status of nominations for the election of judges

The Secretariat informed the Bureau of the status of nominations received and stated that all the nominations received would be placed on the website of the Assembly of States Parties as soon as possible once the Secretariat had received them.³ The Bureau was also informed that the Informal guide and commentary to the procedure for the nomination and election of judges of the International Criminal Court was available on the website.⁴

ii) Nomination of national tellers

The President requested that regional groups conduct internal consultations with a view to identifying one national teller per group and to inform the Secretariat, if possible by the end of the nomination period for the election of judges. The Bureau will then take a decision at a future meeting regarding the recommendations to be made to the Assembly on the appointment of national tellers. Candidates identified for appointment as national tellers will also be required to participate in the mock ballot to be held on Friday 1 December 2017 at United Nations Headquarters during the lunch break.

c) Election of six members of the Committee on Budget and Finance

The Bureau also recalled that the nomination period for the election of six members of the Committee on Budget and Finance would begin on 5 June 2017 and would run until 27 August.

d) Credentials Committee

The Bureau recalled that rule 25 of the Rules of Procedure of the Assembly of States Parties provides that a Credentials Committee shall be appointed at the beginning of each session. It shall consist of representatives of nine States Parties, which shall be appointed by the Assembly on the proposal of the President.

The Bureau decided to ask the regional groups to conduct internal consultations to establish whether the members who sat on the Committee for the fifteenth session would be willing to also serve on the Committee during the sixteenth session.⁵

² Via silence procedure on 21 July the Bureau appointed Norway as focal point for the WEOG.

³ https://asp.icc-cpi.int/en_menus/asp/elections/judges/2017/Pages/Nominations.aspx

⁴ https://asp.icc-cpi.int/en_menus/asp/elections/judges/2017/Pages/default.aspx The Guide was prepared in 2016 by the facilitator of the New York Working Group on the nomination and election of judges (ICC-ASP/16/INF.2). Additional informal information about the election process is also available on the website.

⁵ Czech Republic, Kenya, Panama, Peru, Republic of Korea, Senegal, Slovakia, Sweden and the United Kingdom of Great Britain and Northern Ireland.

2. Status of arrears and contributions

The Bureau noted that according to the information provided by the Court, as at 31 May 2017 the Court had recovered 62 per cent of the 2017 contributions, 101,257,962 Euros in other words, and that arrears for the 2017 budget stood at 61,275,000 Euros. Furthermore, the number of States subject to article 112, paragraph 8 of the Rome Statute and therefore ineligible to vote in the Assembly and the Bureau was 15.

The President urged those States Parties in arrears to make every effort to pay their assessed contributions to the budget of the Court as soon as possible.

3. Activities of the President

The President informed the Bureau that on 2 March 2017 he met with the United Nations Secretary-General, Mr Antonio Guterres, and discussed matters concerning the Court in general and the relationship between Africa and the Court in particular.

On 24 March the President had a bilateral meeting with the French Foreign Affairs Minister, Mr Jean-Marc Ayrault, on the subject of promoting cooperation with the Court.

On the subject of complementarity and strengthening the relationship between Africa and the Court, on 2 May the President attended a regional consultation on the Malabo protocol, which was organised jointly with Amnesty International in Dakar.

President Kaba also mentioned that on 23 May he organised a high-level meeting on the subject of “Strengthening African national legal systems through complementarity and effective and dynamic cooperation with the International Criminal Court”⁶ in Dakar, which was attended by senior government officials from African States Parties and other high-level participants from the region and also representatives from the Court.

The President will also be attending the 33rd session of the ACP-EU Joint Parliamentary Assembly on 20 June in Malta and will speak on impunity for crimes against humanity.

On 17 July, the Day of International Criminal Justice will be celebrated in Dakar on the theme of “Challenges and Opportunities for the ICC on the eve of the 20th anniversary of the Rome Statute.”

4. Other matters

a) Developments at the United Nations Security Council and the United Nations

Italy, as the Security Council focal point for States Parties to the Rome Statute for 2017, mentioned that in order for the topic of criminal justice for international crimes to form an integral part of the Council’s work in a more systematic way, Italy would conduct consultations with the other States Parties which are Security Council members on the possibility of working to strengthen the informal working group on international criminal tribunals; this would enable the International Criminal Court to be included in the work of this informal group, and it could then become the Council’s dedicated forum for matters relating to international criminal justice.

⁶ Press release, 24 May 2017 (ICC-ASP-20170524-PR1308).

b) New York Working Group

The Vice-President of the Assembly, Ambassador Sebastiano Cardi, mentioned that discussions on the various topics of the New York Working Group had progressed and that he had agreed with Vice-President Sergio Ugalde to organize a video-conference between New York and The Hague before the summer break, to discuss the most important topics being addressed by the Bureau's two groups.

c) Amendments to the Regulations of the Court

Concerning the amendments to seven of the Regulations of the Court, which the judges of the Court adopted at their thirty-fifth plenary meeting on 6 December 2016, and which were circulated to States Parties on 14 December 2017 for them to submit comments to the Secretariat of the Assembly by 13 June 2017, the President recalled that under article 52(3) of the Rome Statute, the amendments entered into force on the date they were adopted. Furthermore, in the absence of objections by 13 June from a majority of States Parties, the amendments shall remain in force.

ANNEX

Kwon, O-Gon (Republic of Korea)

Biographical note

Mr. O-Gon Kwon worked as one of the permanent judges of the International Criminal Tribunal for the former Yugoslavia (ICTY) from November 2001 to March 2016. He served as the Vice-President of the ICTY from 2008 to 2011. During his mandate, Kwon presided over the trial of former Bosnian Serb leader, Radovan Karadžić. Previously, he sat on the trial of Slobodan Milošević, former President of the Republic of Serbia and the Federal Republic of Yugoslavia and on the trial of Popović and others, in which seven Bosnian Serbs were accused of involvement in crimes following the July 1995 fall of the Srebrenica enclave. He was also involved in a number of pre-trial proceedings, contempt trials and sentencing judgments. Further, he was a member of the Referral Bench, which determined whether certain cases pending before the Tribunal were suitable to be referred for trial in the national courts of a State, instead of being tried at the Tribunal. He also served as a member of the Independent Panel on the International Criminal Court Judicial Election of the Coalition for the International Criminal Court from 2010 to 2012.

Before his international career, Mr. Kwon served in the judiciary of the Republic of Korea for 22 years as a judge in various courts, including the Seoul District Court, Changwon District Court, Suwon District Court and Taegu High Court. He also served as the Assistant Legal Advisor to the President of the Republic of Korea (1981-1984), the Planning Director at the Office of the Court Administration of the Supreme Court of Korea (1990-1992), and the Director of Research at the Constitutional Court of Korea (1997-1999).

Currently, Mr. Kwon serves as the President of the Korea Law Institute, which is the association of all jurists, *i.e.*, judges, prosecutors, attorneys and law professors in Korea. He also works as an attorney at Kim & Chang, one of the most prominent law firms in Korea, and as the President of the International Law Institute of the firm. Further, he is also chairing

two committees established by the Supreme Court of the Republic of Korea, the Management Committee of the Judicial Policy Research Institute and the Committee for the Development of Criminal Justice. In addition, he has been serving as a member of the Board of Editors of the Journal of International Criminal Justice (Oxford) since 2007.

Mr. Kwon holds an LL.B. (1976) from Seoul National University College of Law and an LL.M. (1983) from the Graduate School of Seoul National University. He took his bar apprenticeship in the Judicial Research and Training Institute at the Supreme Court of Korea (1979). He also holds an LL.M. (1985) from Harvard Law School, U.S.A.

He received a Moran Medal, Order of Civil Merit from the President of the Republic of Korea in September 2008. He also received the Korean Legal Culture Award from the Korean Bar Association in 2013 and the Youngsan Legal Culture Award from the Youngsan Foundation in 2011. He was also nominated as the Lawyer of the Year by the Legal Press Club in 2009.

Curriculum Vitae

Education

- Harvard Law School (LL.M., 1985)
- Judicial Research and Training Institute, Supreme Court of Korea (1979)
- Graduate School, Seoul National University (LL.M., 1983)
- College of Law, Seoul National University (LL.B., 1976)

Experience

- President, Korea Law Institute (2017-Present)
- President, International Law Institute, Kim & Chang (2016-Present)
- Chair, Judicial Policy Management Committee, Judicial Policy Research Institute, Supreme Court of Korea (2014-Present)
- Chair, Committee for the Development of Criminal Justice, Supreme Court of Korea (2016-Present)
- Member, Board of Editors, Journal of International Criminal Justice, Oxford University Press (2007-Present)
- Permanent Judge, International Criminal Tribunal for the Former Yugoslavia, The Hague, the Netherlands (2001-2016)
- Vice-President, International Criminal Tribunal for the Former Yugoslavia, The Hague, the Netherlands (2008-2011)
- Member, Independent Panel for the ICC Election, Coalition for the International Criminal Court (2010-2013)
- Presiding Judge, Taegu High Court (2000-2001)
- Presiding Judge, Seoul District Court (1999-2000)
- Director of Research, Constitutional Court of Korea (1997-1999)
- Presiding Judge, Seoul East District Court (1997)
- Presiding Judge, Suwon District Court (1995-1997)
- Chair, Press Arbitration Commission, Gyeongsangnam-do Province (1994-1995)
- Presiding Judge, Changwon District Court (1993-1995)
- Research Judge, Supreme Court of Korea (1992-1993)
- Planning Director, Ministry of Court Administration, Supreme Court of Korea (1990-1992)
- Judge, Taegu High Court (1988-1990)
- Judge, Seoul Criminal District Court (1986-1988)
- Assistant Legal Adviser, Office of the Secretary to the President of Republic of Korea (1980-1984)
- Judge, Seoul Civil District Court (1979-1986)

Admissions

- Admitted to bar, Seoul, Republic of Korea, 1979

Publications

Books

- Commentary on the Civil Code (Pakyoungsa, 1993)

Articles

- Forgotten Victims, Forgotten Defendants, 227 Beyond Victor's Justice? The Tokyo War Crimes Revisited (2011)
- The Challenge of an International Criminal Trial as Seen from the Bench, Journal of International Criminal Justice (Oxford University Press), 5 (2007)
- A Comparative Study on International Criminal Trials and Korean Criminal Trials, 15 Human Rights and Justice 359 (2006, Korean Bar Association)
- Recent Trends in International Humanitarian Law: the case of the ICTY, 12 Criminal Cases Study 578 (Pakyoungsa, 2004)
- Small Claims Court in the U. S. and Korea, 15 Korean Journal of Comparative Law 95 (LL.M. paper, Harvard Law School, 1985)
- A Study on Maritime Liens (LL.M. paper, Graduate School of Seoul National University, 1983) and many others.

Awards

- Korean Legal Culture Award, Bar Association of the Republic of Korea (2013)
 - Youngsan Legal Culture Award (2011)
 - Lawyer of the Year, Legal Press Club (2009)
 - Moran Medal, Order of Civil Merit, President of the Republic of Korea (2008)
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