

Resolution ICC-ASP/5/Res.1

Adopted at the 7th plenary meeting on 1 December 2006, by consensus

ICC-ASP/5/Res.1 Permanent Premises

The Assembly of States Parties,

Recalling its resolution ICC-ASP/4/Res.2, which emphasized that “the Court is a permanent judicial institution and as such requires functional permanent premises to enable the Court to discharge its duties effectively and to reflect the significance of the Court for the fight against impunity” and recommended, “bearing in mind the recommendation of the Committee contained in paragraph 86 of its report on the work of its fifth session (ICC-ASP/4/27), that the Bureau of the Assembly and the Committee remain seized of the matter and report to the fifth session of the Assembly of States Parties on the issue of permanent premises of the Court”¹,

Recalling that three options for permanently housing the Court have been under consideration, namely: (1) remaining in the current location (Arc Building); (2) moving to the premises of the International Criminal Tribunal for the Former Yugoslavia; and (3) building purpose-built premises on the Alexanderkazerne site,

Further recalling the original host State bid that provided premises free of charge until 2012, and the further host State bid as provided in the letter dated 25 January 2006 from the Minister for Foreign Affairs of the host State to the President of the Assembly of States Parties²,

Noting the report of the Bureau on the issue of permanent premises of the International Criminal Court³ that refers to the informal interim report on permanent premises, which tends to conclude that the third option would probably offer the greatest flexibility in terms of planning and costs,

Underscoring that the premises of the Court must respond to the needs of the different stakeholders in terms of functionality, flexibility (both in construction terms and in the application of costs), scalability, security, character and identity and that the design should reflect these requirements,

Mindful of the reports of the Committee on Budget and Finance on the work of its sixth⁴ and seventh⁵ sessions,

1. *Requests* that, without prejudice to the prerogative of the Assembly to make a final decision on where to permanently house the Court, the International Criminal Court should now focus on option 3 only, purpose-built premises on the Alexanderkazerne site, with a view to allowing the Assembly to take an informed decision at its next session;

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourth session, The Hague, 28 November to 3 December 2005* (International Criminal Court publication, ICC-ASP/4/32), part III.

² *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, resumed fourth session, New York, 26-27 January 2006* (International Criminal Court publication, ICC-ASP/4/37), annex IV.

³ ICC-ASP/5/29.

⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November to 1 December 2006* (International Criminal Court publication, ICC-ASP/5/32), part II.D.6(a).

⁵ *Ibid.*, part II.D.6(b).

2. *Requests* the Court, in order to allow a review by the Committee on Budget and Finance at its eighth session in 2007:
 - (a) To finish preparing in the shortest possible time a detailed functional brief that would include its user and security requirements reflecting scalability in terms of staffing levels;
 - (b) To prepare, in consultation with the host State, cost estimates for the project;
and
 - (c) To prepare, in consultation with the host State, a provisional timetable with key decision points, a summary of planning and permit issues, and a planning strategy for the site showing possible modular approaches to scalability;
3. *Requests* the host State, in order to allow a review by the Committee on Budget and Finance at its eighth session in 2007, to provide further information on the financial and land offers contained in the further host State bid, including the possible options and methods for managing the proposed loan, any legal issues concerning the separation of ownership of the land and the proposed buildings and other issues that would be subject to a contract between the host State and the Court;
4. *Requests* the Bureau to review the information requested in operative paragraphs 2 and 3 and to identify any gaps or other concerns to the Court and the host State so that the information is completed to the required level;
5. *Requests* the host State, in consultation with the Bureau and the Court, to propose the framework, criteria, legal parameters and modalities for an international architectural concept design competition, including any pre-selection criteria and process;
6. *Mandates* the Bureau, if it is satisfied with the information provided under operative paragraphs 2, 3 and 5 above, to invite the host State to commence provisionally an international pre-selection process for architects, in accordance with the host State offer to organize and fund such a process, without prejudice to the prerogative of the Assembly of States Parties to respond to the remaining elements of the further host State bid of 25 January 2006;
7. *Requests* the Bureau, in consultation with the Court and the host State, to prepare options for a governance structure for the project that would specify the respective roles and responsibilities of the Assembly, the Court and the host State;
8. *Requests* the Bureau to prepare options for effective participation by the Assembly of States Parties in the project governance and oversight structures;
9. *Requests* the Court to establish and staff a project management structure within the Court as per programme 5200 of the proposed programme budget for 2007⁶;
10. *Encourages* the Bureau to make use of experts from States Parties in fulfilling its mandate under this resolution.

⁶ Ibid., part II.D.5.