

Assembly of States Parties

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Resumed sixth session

New York
2-6 June 2008

Annotated list of items included in the provisional agenda

Note by the Secretariat

The following annotated list of the items contained in the provisional agenda for the resumed sixth session of the Assembly of States Parties (“the Assembly”) to the Rome Statute of the International Criminal Court (ICC-ASP/6/27) has been prepared to assist the Assembly in its consideration of issues before it at its resumed sixth session, which will be convened in New York on Monday, 2 June 2008, at 10 a.m. The status of the documentation reflected herein is current as of 20 May 2008.

Annotated list of items included in the provisional agenda

1. Adoption of the agenda

Rules 10 to 13 and 18 to 22 of the Rules of Procedure concerning the agenda are applicable to regular sessions of the Assembly.

In accordance with rules 10 and 11 of the Rules of Procedure, the provisional agenda for the resumed sixth session (ICC-ASP/6/27) was issued on 10 December 2007. In accordance with rule 19 of the Rules of Procedure, the agenda has to be submitted to the Assembly for approval.

Documentation

Provisional agenda (ICC-ASP/6/27)

2. States in arrears

According to article 112, paragraph 8, of the Rome Statute, "A State Party which is in arrears in the payment of its financial contributions towards the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years."

At the 4th meeting of its fourth session, on 3 December 2005, the Assembly adopted resolution ICC-ASP/4/Res.4, containing operative paragraphs 40 to 47 that deal with the issue of the arrears of States Parties.

At the 7th meeting of its fifth session, on 1 December 2006, the Assembly adopted resolution ICC-ASP/5/Res.3, which contains recommendations on the arrears of States Parties in annex III thereto.

At the 7th meeting of its sixth session, on 14 December 2007, the Assembly called upon States Parties to fully and without further delay implement the recommendations contained in resolution ICC-ASP/5/Res.3, annex III.¹

Documentation

Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007 (International Criminal Court publication, ICC-ASP/6/20), vol. I, part III, resolution ICC-ASP/6/Res.2, annex III.

Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November-1 December 2006, (International Criminal Court publication, ICC-ASP/5/32), part III, resolution ICC-ASP/5/Res.3, annex III.

Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourth session, The Hague, 28 November-3 December

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. I, part III.A, resolution ICC-ASP/6/Res.2, annex III.

2005, (International Criminal Court publication, ICC-ASP/4/32), part III, resolution ICC-ASP/4/Res.4.

3. Credentials of representatives of States at the resumed sixth session

Representation and credentials are regulated by rules 23 to 28 of the Rules of Procedure. In accordance with rule 24, the credentials of representatives of States Parties and the names of alternates and advisers shall be submitted to the Secretariat if possible not later than 24 hours after the opening of the session. The credentials shall be issued by the Head of State or Government or by the Minister for Foreign Affairs or by a person authorized by either of them.

In accordance with rule 25 of the Rules of Procedure, at the 1st meeting of its sixth session, on 30 November 2007, the Assembly appointed the following States to serve on the Credentials Committee: Benin, Costa Rica, France, Ireland, Jordan, Paraguay, Serbia, Slovenia and the United Republic of Tanzania.

The Credentials Committee shall examine the credentials of representatives of States Parties and report to the Assembly without delay.

4. Organization of work

The Assembly will consider and adopt a programme of work at the beginning of the session on the basis of a proposal by the Bureau.

5. Report of the Special Working Group on the Crime of Aggression

By its resolution ICC-ASP/1/Res.1, the Assembly decided to establish a Special Working Group on the Crime of Aggression, open on an equal footing to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, for the purpose of elaborating proposals for a provision on aggression to be submitted to the Assembly for its consideration at a review conference, with a view to arriving at an acceptable provision on the crime of aggression for inclusion in the Statute in accordance with its relevant provisions. The Assembly decided further that the Special Working Group should meet during the regular sessions of the Assembly or at any other time that the Assembly deemed appropriate and feasible.

At the 8th meeting of its resumed first session, on 7 February 2003, the Assembly decided, *inter alia*, on the basis of a proposal of the Bureau, that the Special Working Group should meet during annual sessions of the Assembly, starting from its second session in 2003. It also decided that two to three meetings of the Assembly should be allocated to the Special Working Group and that that pattern should be repeated, as necessary, each year.

At its fourth session, in 2005, the Assembly decided, *inter alia*, that the Special Working Group in the years 2006 to 2008 should be allocated at least 10 exclusive days of meetings in New York during resumed sessions and should hold inter-sessional meetings, as appropriate.²

At its fifth session in 2006, the Assembly also decided to hold a resumed session of four days for the Special Working Group on the Crime of Aggression in the first half of 2008

² *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, resolution ICC-ASP/4/Res.4, para. 37.

in New York.³ For its part, the Bureau at a meeting on 6 July 2007 decided on the specific dates and to convene the resumed sixth session at United Nations Headquarters in New York, from 2 to 6 June 2008.

At its sixth session, in 2007, the Assembly decided, inter alia, to devote at least two days of the seventh session to the work of the Special Working Group and to hold a resumed seventh session of five days, as necessary, in 2009 in New York to conclude the work of the Special Working Group, at a date to be determined by the Bureau.⁴

Documentation

Discussion paper on the crime of aggression proposed by the Chairman (revision June 2008) (ICC-ASP/6/SWGCA/2)

Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007 (International Criminal Court publication, ICC-ASP/6/20), vol. I, annexes II and III.

6. Review Conference

In accordance with article 123 of the Rome Statute, seven years after the entry into force of the Statute the Secretary-General of the United Nations shall convene a Review Conference to consider any amendments to the Statute. Such review may include, but is not limited to, the list of crimes contained in article 5. The Conference shall be open to those participating in the Assembly of States Parties and on the same conditions.

At its fifth session, the Assembly requested the Bureau to start preparation of the Review Conference, in particular on the issues of the rules of procedure applicable to the Review Conference and on practical and organizational issues, especially as regards dates and venue of the Review Conference, and to report to the sixth session of the Assembly of States Parties on the status of such preparations.⁵

At its sixth session, the Assembly decided that a Review Conference shall be held in the first semester of 2010, with a duration of five to ten working days, and that proposals for amendments to be considered at the Review Conference should be discussed at the eighth session of the Assembly in 2009, with a view to promoting consensus and a well prepared Review Conference.⁶

Furthermore, the Assembly requested the Bureau and the focal point on the review of the Rome Statute to carry out consultations, on the basis of the discussions that have taken place at the sixth session of the Assembly, also taking into account the non-exhaustive list of objective criteria contained in the annex of the report of the Working Group on the Review

³ *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 III, resolution ICC-ASP/5/Res.3, para. 38.

⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. I, part III.A, resolution ICC-ASP/6/Res.2, para. 43.

⁵ *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 III, resolution ICC-ASP/5/Res.3, para. 47.

⁶ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. I, part III.A, resolution ICC-ASP/6/Res.2, paras. 53-54.

Conference,⁷ with a view to submitting proposals as regards the venue of the Review Conference to the resumed sixth session of the Assembly in June 2008.⁸

Documentation

Report of the Working Group on the Review Conference (ICC-ASP/6/WGRC/1)

7. Other matters

No documentation

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⁷ ICC-ASP/6/WGRC/1.

⁸ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. I, part III.A, resolution ICC-ASP/6/Res.2, para. 56.