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**Report to the Assembly of States Parties regarding discussions
on the permanent premises of the Court**

1. This report is submitted further to paragraph 9 of the Report of the Committee on Budget and Finance dated 31 March 2004 (ICC-ASP/3/CBF.1/L.4). It aims to provide an overview to the Assembly of States Parties (ASP) of the main developments regarding the formulation of requirements for the permanent premises of the Court. The report commences with a brief overview of the process which has been followed to date. After this, an overview of the current situation is set out. Finally, a brief outline is provided of matters which require further consideration.

2. Discussions of a more general nature on the permanent premises of the ICC – both internally within the Court and externally with the Host State – have been ongoing since the summer of 2002; first under the authority of the Advance Team and later under the authority of the Common Services Division and the Registrar of the Court. As the topics became more complex and a need for more detailed input became apparent, an Inter-Organ Committee on the Permanent Premises (IOCPP) was set up in the autumn of 2003. In this Committee representatives of the organs of the Court – Presidency/Chambers, the Office of the Prosecutor, and the Registry – coordinate a position for the Court as a whole in respect of issues which arise in connection with the permanent premises. At an appropriate time, the Head of the Secretariat of the ASP will also be fully consulted. This will ensure a unified input on the various aspects of the requirements for the permanent premises to be communicated to the Host State by the Registrar, who remains, under the authority of the President, the main interlocutor *vis à vis* the Kingdom of the Netherlands on issues relating to the premises.

3. A process was agreed upon with the Host State, according to which firstly, a concept brief would be formulated, setting out the main requirements for the planned permanent premises as the future headquarters of the Court for an extended period of time. Once the site is known, the concept brief will serve as the basis for an international competition to select an architect for the permanent premises. The exact parameters for the architectural competition are still to be agreed upon between the Court and the Host State.

4. All through the process of planning and preparing for the permanent premises, the Court will provide the ASP with regular updates on the progress that is being made. It is hoped that the concept brief will be completed by the end of this year or early in 2005. Hence, it will be possible to submit a substantive report on the main requirements of the permanent premises as reflected in the concept brief to the Committee on Budget and Finance at its summer session 2005 at the latest.

5. From the outset of the discussions the Host State has generously placed at the disposal of the Court a very able team of experts from the Dutch Governmental Housing Agency (*Rijksgedebouwendienst; RGD*). Discussions with these experts have led to the formulation of a number of general requirements which will be reflected in the concept brief. These requirements were formulated after careful consideration of the Statute and other relevant texts, and taking into due consideration the experience of other international organizations, international tribunals, and expertise at the national level. Elements of these general requirements include that the permanent premises must house the ICC headquarters optimally, with the best possible working conditions for the ICC, its staff and other users over an extended period of time (at least for the next 50 years); the permanent premises (*i.e.* both site and buildings) must allow growth and shrinkage of staffing levels/workplaces depending in particular on the workload and should make it possible that security requirements in their comprehensive sense are fully met as necessary and appropriate in the circumstances of all possible situations. Furthermore, the headquarters of the Court must be situated on one single site and not be spread out over various locations in the city. After having formulated these general requirements, further discussions commenced to complete the concept brief, which are still ongoing.

6. It is important to emphasize that at this stage of drafting general requirements no discussions are taking place as regards any specific site or type of building. Rather, an effort is made to come to a comprehensive understanding of the organizational structure as well as the practical and procedural working methods of the Court, with a view to translating those into general construction requirements. It was further agreed with the Host State that the financial aspects of the construction of the permanent premises of the Court would not be discussed at this stage for lack of a clear basis upon which any assumptions can be based. The Court is also not yet in a position to have a sufficient overview of the financing models which may be available for careful consideration when the issue of concrete modalities of financing of the permanent premises will arise. These and other financial aspects of the process will be included in later reports to the Assembly.