

Assembly of States Parties

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28 November to 3 December 2005

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 fourth session of the Assembly of States Parties (the Assembly) to the Rome Statute of the International Criminal Court (ICC-ASP/4/18) has been prepared to assist the Assembly in its consideration of issues before it at its fourth session, which will be convened in The Hague on Monday, 28 November 2005, at 10 a.m. The status of the documentation reflected herein is current as of 7 November 2005.

Annotated list of items included in the provisional agenda

1. Opening of the session by the President

In accordance with article 112, paragraph 6, of the Rome Statute, the Assembly meets once a year in regular session. In accordance with rule 5 of the Rules of Procedure of the Assembly of States Parties (Rules of Procedure),¹ the Assembly, at the 6th meeting of its third session, on 10 September 2004, decided to convene its fourth session in The Hague, for six days in November 2005, and in New York for two days, with both exact dates to be determined by the Bureau of the Assembly.² At a meeting on 23 February 2005, the Bureau decided to convene the fourth session from 28 November to 3 December 2005, and the resumed fourth session, on 26 and 27 January 2006.

At the 5th meeting of its third session, on 9 September 2004, the Assembly elected Mr. Bruno Stagno Ugarte (Costa Rica) President of the Assembly for the fourth to sixth sessions.³ Rule 30 of the Rules of Procedure provides that the President shall declare the opening of each plenary meeting of the session.

2. Silent prayer or meditation

Pursuant to rule 43 of the Rules of Procedure, immediately after the opening of the first plenary meeting and immediately preceding the closing of the final plenary meeting, the President shall invite the representatives to observe one minute of silence dedicated to prayer or meditation.

3. 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.

In accordance with rules 10 and 11 of the Rules of Procedure, the provisional agenda for the fourth session (ICC-ASP/4/18) and for the resumed fourth session (ICC-ASP/4/19) were issued on 20 September 2005. 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/4/18)

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part II.C.

² *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), part III, resolution ICC-ASP/3/Res.3, operative para. 37.

³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), part I.B, para. 45. In accordance with rule 29 of the Rules of Procedure, the President is elected for a three-year term.

4. 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 its fourth session, the Committee on Budget and Finance formulated recommendations related to article 112, paragraph 8, of the Rome Statute and called on the Court to take additional measures that would encourage States to pay their contributions.⁴

Documentation

Report of the Bureau on the arrears of States Parties (ICC-ASP/4/14)

Report of the Committee on Budget and Finance on the work of its fourth session (ICC-ASP/4/2)

Report of the Committee on Budget and Finance on the work of its fifth session (ICC-ASP/4/27 and Corr. 1 (English only), Corr.2 and Add.1)

5. Election of two Vice-Presidents and 18 members of the Bureau

In accordance with article 112, paragraphs 3 (a) and (b), of the Rome Statute, the Assembly shall have a Bureau consisting of a President, two Vice-Presidents and 18 members elected by the Assembly for three-year terms. Furthermore, the Bureau shall have a representative character, taking account, in particular, equitable geographical distributions and the adequate representation of the principal legal systems of the world.

Pursuant to rule 29 of the Rules of Procedure of the Assembly, as amended by resolution ICC-ASP/3/Res.2, at the 5th meeting of its third session, the Assembly elected Mr. Bruno Stagno Ugarte President of the Assembly for the fourth to sixth sessions.

At the same meeting, the Assembly agreed on the future composition of the Bureau:

- Group of Western European and other States and Group of African States: 5 seats each;
- Group of Latin American and Caribbean States and Group of Eastern European States: 4 seats each;
- Group of Asian States: 3 seats, on the understanding that: (a) the next Chair of the Credentials Committee would be elected from a State Party that belonged to the Asian Group and was not a Bureau member; and (b) the Bureau would extend to her/him a standing invitation to participate in Bureau meetings without the right to vote.

It was understood that this compromise should not automatically extend beyond the term of office of the next Bureau (2005-2008). The possibility was raised of revisiting the question of the composition of the Bureau at the Review Conference in 2009.⁵

⁴ Report of the Committee on Budget and Finance on the work of its fourth session (ICC-ASP/4/2), para. 9.

⁵ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), part I.B, para. 43.

6. Credentials of representatives of States at the fourth session

(a) Appointment of the Credentials Committee and its nine members⁶

(b) Report of the Credentials Committee

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 twenty-four 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.

Under rule 25, a Credentials Committee, consisting of representatives of nine States Parties to be appointed at the beginning of each session by the Assembly on the proposal of the President, shall examine the credentials of representatives of States Parties and report to the Assembly without delay.

7. 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.

8. Report on the activities of the Bureau

In accordance with article 112, paragraph 2(c), of the Rome Statute, the Assembly shall consider the reports and activities of the Bureau and take appropriate action in regard thereto.

9. Report on the activities of the Court

Under article 112, paragraph 2(b) of the Rome Statute, the Assembly shall provide management oversight to the Presidency, the Prosecutor and the Registrar regarding the administration of the Court. In accordance with article 112, paragraph 5, of the Rome Statute, the President of the Court, the Prosecutor and the Registrar or their representatives may participate in meetings of the Assembly. As provided in rule 34 of the Rules of Procedure, they may make oral or written statements and provide information on any question under consideration. Accordingly, the President of the Court will present a report on the activities of the Court since the prior session of the Assembly.

Documentation

Report on the activities of the Court (ICC-ASP/4/16)

10. Consideration and adoption of the budget for the fourth financial year

In accordance with article 112, paragraph 2(d), of the Rome Statute, the Assembly shall consider and decide on the budget of the Court.

⁶ See the agreement on the composition of the Bureau under provisional agenda item 5.

Regulation 3 of the Financial Regulations and Rules of the Court⁷ provides that the Registrar shall prepare the proposed programme budget for each financial period and submit it to the States Parties as well as to the Committee on Budget and Finance for consideration. The Committee on Budget and Finance shall make the relevant recommendations to the Assembly.

At its third session, the Assembly endorsed the recommendation of the Committee on Budget and Finance that the Court include in future performance reports data on financial performance and results achieved rather than outputs. This information should be submitted annually to the Assembly through the Committee either in the draft programme budget or in a separate performance report.⁸

At its third session, the Assembly also decided that the travel of members of the Committee on Budget and Finance shall be in business class if the duration of travel is over nine hours, and in economy class in all other cases. Furthermore, the Assembly requested the Court to establish the ensuing standard operating procedures.⁹

Documentation

Proposed Programme Budget for 2006 of the International Criminal Court (ICC-ASP/4/5 and Corr. 1)¹⁰

Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 16 July 2004 to 15 August 2005 (ICC-ASP/4/12 and Corr.1)¹¹

Report of the Committee on Budget and Finance on the work of its fifth session (ICC-ASP/4/27 and Corr. 1 (English only), Corr.2 and Add.1)

⁷ Ibid., part II.D.

⁸ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), part II.A.8(b), para. 50, and part II.A.1, para. 4.

⁹ Ibid., part III, resolution ICC-ASP/3/Res.5.

¹⁰ As regards programme 3600, the submission contained in the Proposed Programme Budget for 2006 was provisional, since the Board of Directors of the Trust Fund for Victims subsequently submitted its own draft budget for 2006 in its report to the Assembly.

¹¹ Annex A of the report of the Board of Directors of the Trust Fund for Victims contains the proposed budget for programme 3600. The proposed budget for the Secretariat of the Trust Fund for Victims is part of Major Programme III in light of the relevant provisions of resolution ICC-ASP/3/Res.7:

“The Assembly of States Parties ,

...

2. *Decides further* that, pending further consideration in accordance with paragraph 6 of resolution ICC-ASP/1/Res. 6, the Secretariat shall operate under the full authority of the Board of Directors in matters concerning its activities; that, for administrative purposes, the Secretariat and its staff shall be attached to the Registry of the Court and that, as part of the staff of the Registry and, as such, of the Court, the staff of the Secretariat shall enjoy the same rights, duties, privileges, immunities and benefits;

3. *Decides* that, mindful of the independence of the Board and the Secretariat, the Registrar of the Court may provide such assistance as is necessary for the proper functioning of the Board and the Secretariat;

4. *Decides* that, pending further evaluation by the Assembly of States Parties in accordance with paragraph 6 of resolution ICC-ASP/1/Res. 6, the Secretariat shall be funded by the regular budget;”

Staff rules of the International Criminal Court (Annex to ICC/AI/2005/003) (ICC-ASP/4/3)

Report on programme performance of the International Criminal Court for the year 2004 (ICC-ASP/4/13)

Report on budget performance of the International Criminal Court as at 31 August 2005 (ICC-ASP/4/20)

Report on the standard operating procedure for the travel of members of the Committee on Budget and Finance (ICC-ASP/4/17 and Corr.1 (English only))

11. Consideration of the audit reports

(a) External Auditor

Regulation 12 of the Financial Regulations and Rules provides that the Assembly shall appoint an Auditor to conduct audits in conformity with generally accepted common auditing standards, subject to any special directions of the Assembly and in accordance with the additional terms of reference set out in the annex to the Financial Regulations and Rules. At the 11th meeting of its first session, on 22 April 2003, the Assembly was informed that the Bureau, acting under the delegated authority of the Assembly,¹² had appointed the National Audit Office of the United Kingdom of Great Britain and Northern Ireland as Auditor for the Court for a period of four years.¹³

In accordance with regulation 12.7, the Auditor shall issue a report on the audit of the financial statements and relevant schedules relating to the accounts for the financial period. In accordance with regulations 12.8 and 12.9, audit reports, before their submission to the Assembly, are subject to examination by the Registrar and the Committee on Budget and Finance. The Assembly considers and approves the financial statements and audit reports forwarded to it by the Committee on Budget and Finance.

Documentation

Financial statements for the period 1 January to 31 December 2004 (ICC-ASP/4/9)

Trust Fund for Victims: financial statements for the period 1 January to 31 December 2004 (ICC-ASP/4/10)

Report of the Committee on Budget and Finance on the work of its fifth session (ICC-ASP/4/27 and Corr. 1 (English only), Corr.2 and Add.1)

(b) Report of the Office of Internal Audit

At its second session, the Assembly endorsed the recommendation of the Committee on Budget and Finance that the internal auditor should be able to decide his or her annual work programme independently, including any issues raised by the Committee, and that the

¹² *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part I, para. 29.

¹³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session (first and second resumptions), New York, 3-7 February and 21-23 April 2003* (ICC-ASP/1/3/Add.1), part I, para. 40.

internal auditor should submit an annual report about the activities of the Office to the Assembly, through the Committee.¹⁴

Documentation

Report of the Office of Internal Audit (ICC-ASP/4/4)

Report of the Committee on Budget and Finance on the work of its fifth session (ICC-ASP/4/27 and Corr. 1 (English only), Corr.2 and Add.1)

12. Term of office of the members of the Board of Directors of the Trust Fund for Victims

At a meeting on 23 February 2005, the Bureau decided that since the terms of office of the members of the Board of Directors of the Trust Fund for Victims expire on 11 September 2006, which is two months before the fifth session of the Assembly, the Bureau would make a recommendation at the fourth session of the Assembly that elections be held in 2006 and that the Assembly be requested to extend the term of office of the present members to the date of the next session of the Assembly.

13. Report of the Board of Directors of the Trust Fund for Victims

By its resolution ICC-ASP/1/Res.6, the Assembly established a trust fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, as well as a Board of Directors of the Trust Fund for the benefit of victims.

At the 5th meeting of its second session, on 12 September 2003, the Assembly elected the five members of the Board of Directors, whose terms of office commenced on the same date. In accordance with paragraph 11 of the resolution establishing the Trust Fund, the Board should submit an annual report to the Assembly on the activities and projects of the Fund.

Documentation

Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 16 July 2004 to 15 August 2005 (ICC-ASP/4/12 and Corr.1)

14. 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.

At the 8th meeting of its 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

¹⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Second session, New York, 8-12 September 2003* (United Nations publication, Sales. No. E.03.V.13) part II.A.1, para. 1, and part II.A.6, para. 29.

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 the 6th meeting of its third session, on 10 September 2004, the Assembly decided that at least one full day of its next regular session would be reserved for the Special Working Group.¹⁵

An informal inter-sessional meeting of the Special Working Group was held in Princeton, New Jersey, United States, from 13 to 15 June 2005.

Documentation

Note by the Secretariat (ICC-ASP/4/SWGCA/INF.1)

15. Draft Code of Professional Conduct for counsel

Rule 8, paragraph 1, of the Rules of Procedure and Evidence, provides that the Presidency, on the basis of a proposal made by the Registrar, shall draw up a draft Code of Professional Conduct for counsel, after having consulted the Prosecutor. As provided for in rule 8, paragraph 2, the draft Code shall then be transmitted to the Assembly for adoption.

At its third session, the Assembly took note of the proposal for a draft Code submitted by the Court¹⁶ and decided that the provisions of the draft Code would be applied provisionally until the end of the fourth session of the Assembly of States Parties. The Assembly also requested, in view of the urgency of the matter, the Bureau of the Assembly of States Parties to prepare an amended draft Code for adoption by the Assembly of States Parties at its fourth session, and invited States Parties to submit their comments on the current draft Code to the Bureau by 31 December 2004.¹⁷

Documentation

Report of the Bureau on the draft Code of Professional Conduct for counsel (ICC-ASP/4/21)

Report of the Committee on Budget and Finance on the work of its fifth session (ICC-ASP/4/27 and Corr. 1 (English only), Corr.2 and Add.1)

Proposal for a draft Code of Professional Conduct for counsel before the International Criminal Court (ICC-ASP/3/11/Rev.1)

16. Trust Fund for Victims:

(a) Draft Regulations of the Trust Fund for Victims;

(b) Criteria for the management of the Trust Fund for Victims.

¹⁵ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), part III, resolution ICC-ASP/3/Res.3, operative para. 37.

¹⁶ ICC-ASP/3/11/Rev.1.

¹⁷ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), part III, resolution ICC-ASP/3/Res.3, operative para. 11.

At its third session, the Assembly considered the draft Regulations of the Trust Fund for Victims, which had been submitted by the Board of Directors of the Trust Fund for Victims.¹⁸ At the sixth meeting of the session, the Assembly decided that Parts I and II of the draft Regulations would be applied provisionally, and recognized that Part III of the draft Regulations would be a reference point for further work.¹⁹ The Assembly requested the Bureau to consider further the draft Regulations prepared by the Board of Directors, through an appropriate mechanism and in consultation with the States Parties and the Board of Directors, and to determine criteria for the management of the Trust Fund pursuant to article 79, paragraph 3, of the Rome Statute for adoption by the Assembly of States Parties at its fourth session. In addition, the Assembly invited States Parties to submit their comments thereon.²⁰ Furthermore, the Assembly requested the Committee on Budget and Finance to review the draft Regulations and to report thereon to the Bureau.²¹ Subsequently, at its fourth session, the Committee decided to consult with the New York Working Group of the Bureau of the Assembly in order to determine how the Committee could contribute to the review, through informal inter-sessional communication among its members, so as to report to the Bureau prior to the Committee's fifth session.²² Nonetheless, since prior to the fifth session of the Committee the Bureau had not yet finalised a report to be submitted to the Assembly on the draft Regulations, the Committee decided to consult with the Bureau in order to determine how the Committee could contribute to the review, if possible through informal inter-sessional communication among its members, prior to the fourth session of the Assembly.²³

Documentation

Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 16 July 2004 to 15 August 2005 (ICC-ASP/4/12 and Corr.1)

Report of the Bureau on the draft Regulations of the Trust Fund for Victims (ICC-ASP/4/...)

Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims, 2003-2004 (ICC-ASP/3/14/Rev.1)

17. Long-term budgetary consequences of the pension scheme regulations for judges

At the 6th meeting of its third session, the Assembly adopted the conditions of service and compensation of judges, including the travel and subsistence regulations for judges and the pension scheme regulations for judges. The Assembly also requested the Committee on Budget and Finance to consider the long-term budgetary consequences of the pension scheme regulations for judges and to report thereon before the fourth session of the Assembly with a view to ensuring that appropriate budgetary provisions be made.²⁴

¹⁸ ICC-ASP/3/14/Rev.1.

¹⁹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004*, (International Criminal Court publication, ICC-ASP/3/25), part III, resolution ICC-ASP/3/Res.7, operative para. 5.

²⁰ *Ibid.*, part III, resolution ICC-ASP/3/Res.7, operative para. 6.

²¹ *Ibid.*, operative para. 8.

²² Report of the Committee on Budget and Finance on the work of its fourth session (ICC-ASP/4/2), para. 21.

²³ Report of the Committee on Budget and Finance on the work of its fifth session (ICC-ASP/4/27 and Corr. 1 (English only), Corr.2 and Add.1), para. 110.

²⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), part III, resolution ICC-ASP/3/Res.3, paras. 22 and 25.

At its fourth session, the Committee noted that it required additional information regarding the options available for meeting the budgetary implications of the pension scheme regulations for judges and therefore requested the Court to prepare an appraisal of the options and to submit a report to the Committee for consideration at its fifth session.²⁵

Documentation

Report on the long-term budgetary consequences of the pension scheme regulations for judges (ICC-ASP/4/26)

Report of the Committee on Budget and Finance on the work of its fifth session (ICC-ASP/4/27 and Corr. 1 (English only), Corr.2 and Add.1)

Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004, part III, resolution ICC-ASP/3/Res.3, annex.

Proposal regarding conditions of service and compensation of judges and elected officials (ICC-ASP/3/12, annex I)

18. Conditions of service and compensation of the Prosecutor and Deputy Prosecutors

Article 49 of the Rome Statute stipulates that the judges, the Prosecutor, the Deputy Prosecutors, the Registrar and the Deputy Registrar shall receive such salaries, allowances and expenses as may be decided upon by the Assembly of States Parties.

At its third session, the Assembly took note of the proposal regarding conditions of service and compensation of the Prosecutor and Deputy Prosecutors and requested the Committee on Budget and Finance to consider that proposal, as well as any other appropriate alternative options and to report thereon before the fourth session of the Assembly.²⁶

Documentation

Report on the Conditions of Service and Compensation of the Prosecutor and the Deputy Prosecutors pursuant to paragraph 26 of resolution ICC-ASP/3/Res. 3 (ICC-ASP/4/11)

Report of the Committee on Budget and Finance on the work of its fifth session (ICC-ASP/4/27 and Corr. 1 (English only), Corr.2 and Add.1)

Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004, part III, resolution ICC-ASP/3/Res.3.

Proposal regarding conditions of service and compensation of judges and elected officials (ICC-ASP/3/12, annex II)

²⁵ Report of the Committee on Budget and Finance on the work of its fourth session (ICC-ASP/4/2), para. 24.

²⁶ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), part III, resolution ICC-ASP/3/Res.3, operative para. 26.

19. Draft guidelines on gratis personnel

Pursuant to article 44, paragraph 4, of the Rome Statute, gratis personnel shall be employed in accordance with guidelines to be established by the Assembly of States Parties.

Documentation

Report on draft guidelines for the selection and engagement of gratis personnel at the International Criminal Court (ICC-ASP/4/15)

Report of the Committee on Budget and Finance on the work of its fifth session (ICC-ASP/4/27 and Corr. 1 (English only), Corr.2 and Add.1)

20. New York Liaison Office of the International Criminal Court

At its second session, the Assembly recommended that the Court consider the desirability and feasibility of establishing, at United Nations Headquarters, a small representation common to all parts of the Court, and requested the Registrar to report to the Assembly on the question, including its budgetary implications.²⁷

At its third session, the Assembly decided that further consideration of the possibilities for direct liaison between the relevant organs of the Court and interlocutors in New York be undertaken at the fourth session of the Assembly on the basis of the study of an option paper by the Bureau.²⁸

Documentation

Option paper by the Bureau on the establishment of a New York Liaison Office (ICC-ASP/4/6)

Report of the Committee on Budget and Finance on the work of its fifth session (ICC-ASP/4/27 and Corr. 1 (English only), Corr.2 and Add.1)

Establishment of a New York Liaison Office for the International Criminal Court and the Secretariat of the Assembly of States Parties - report pursuant to paragraph 11 of resolution ICC-ASP/2/Res.7 (ICC-ASP/3/6)

21. Permanent premises

At its third session, the Assembly endorsed the recommendation of the Committee on Budget and Finance regarding consideration of the desirability of establishing purpose-built permanent premises for the Court. The Assembly also endorsed the recommendation of the Committee requesting the Court to prepare an analysis of the costs and benefits of continuing to use the current premises in order to assist the Assembly in considering the options.²⁹

²⁷ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Second session, New York, 8-12 September 2003* (United Nations publication, Sales No. E.03.V.13), part IV, resolution ICC-ASP/2/Res.7, operative para. 11.

²⁸ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), part II.A.3, para. 25, and part I.B.13(f), para. 49.

²⁹ *Ibid.*, part II.A.2, para. 24, and part II.A.8(b), paras. 101 and 102.

At its fourth session, the Committee recommended that the Court prepare a report, to be submitted to the Assembly through the Committee, containing estimates of the possible range of costs for each of the three options, including maintenance and energy costs, over a period of 25 years from 2012, setting out the net present value of each option.³⁰ The Committee also requested the Court to provide more detailed information on the composition of its staffing estimates at the fifth session of the Committee.³¹ Furthermore, the Committee recommended that the Court prepare a report on financing methods used for the new premises of other major international organizations, including comparable international judicial institutions. The Committee requested that the Court also consider creative financing options such as the possibility of inviting States Parties to consider individual donations for the construction of the premises (for instance particular courtrooms or conference rooms).³² At its fifth session, the Committee decided to forward these reports to the Assembly.

Documentation

Report on the future permanent premises of the International Criminal Court: Project Presentation (ICC-ASP/4/22)

Report to the Assembly of States Parties on the Future Permanent Premises of the International Criminal Court: Housing Options (ICC-ASP/4/1)

Report on the Future Permanent Premises of the International Criminal Court: Financial Comparison of Housing Options (ICC-ASP/4/23)

Report on the Future Permanent Premises of the International Criminal Court: Interim Report on the Composition of Estimated Staffing Levels (ICC-ASP/4/24)

Report on the Future Permanent Premises of the International Criminal Court: Financing Methods Used for the Premises of Other International Organizations (ICC-ASP/4/25)

Report of the Committee on Budget and Finance on the work of its fourth session (ICC-ASP/4/2)

Report of the Committee on Budget and Finance on the work of its fifth session (ICC-ASP/4/27 and Corr. 1 (English only), Corr.2 and Add.1)

22. Decisions concerning the dates and venue of the next session of the Assembly of States Parties

In accordance with rule 5 of the Rules of Procedure, the date of commencement and duration of each session of the Assembly shall be decided by the Assembly at its previous session.

23. Decisions concerning the dates and venue of the next session of the Committee on Budget and Finance

In accordance with paragraph 4 of the annex to resolution ICC-ASP/1/Res.4, the Committee shall meet when required and at least once per year. At its fifth session, the

³⁰ Report of the Committee on Budget and Finance on the work of its fourth session (ICC-ASP/4/2), para. 31.

³¹ Ibid., para. 34.

³² Ibid., para. 39.

Committee decided to recommend to the Assembly that its sixth session be held in The Hague from 24 to 26 April 2006. In light of the considerations referred to in paragraph 74 of the report on the work of its fifth session, the Committee was not in a position to make a recommendation regarding the dates of its seventh session.

Documentation

Report of the Committee on Budget and Finance on the work of its fifth session (ICC-ASP/4/27 and Corr. 1 (English only), Corr.2 and Add.1)

24. Other matters

Report on amendments to the Financial Regulations and Rules

At its third session, the Assembly requested the Court to submit, through the Committee on Budget and Finance, a report on changes to the Financial Regulations and Rules which might be necessitated by the establishment of the Contingency Fund.³³

Documentation

Report on changes to the Financial Regulations and Rules as a result of the establishment of the Contingency Fund pursuant to paragraph 2 of resolution ICC-ASP/3/Res. 4 (ICC-ASP/4/7)

Report of the Committee on Budget and Finance on the work of its fifth session (ICC-ASP/4/27 and Corr. 1 (English only), Corr.2 and Add.1)

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³³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004*, (International Criminal Court publication, ICC-ASP/3/25), part III, resolution ICC-ASP/3/Res.4, B., para. 5.