

**Assembly of States Parties**

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**Resumed fourth session**

New York  
26 and 27 January 2006

**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 fourth session of the Assembly of States Parties (the Assembly) to the Rome Statute of the International Criminal Court (ICC-ASP/4/19) has been prepared to assist the Assembly in its consideration of issues before it at the resumed fourth session, which will be convened in New York on Thursday, 26 January 2006, at 10 a.m. The status of the documentation reflected herein is current as of 11 January 2006.

## **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.

In accordance with rules 10 and 11 of the Rules of Procedure, the provisional agenda for the resumed fourth session (ICC-ASP/4/19) was 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/4/19)

### **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 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.

#### *Documentation*

*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 2005, part III, resolution ICC-ASP/4/Res.4.*

### **3. Credentials of representatives of States at the resumed fourth 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 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.

In accordance with rule 25 of the Rules of Procedure, at the 1st meeting of its fourth session, on 28 November 2005, the Assembly appointed the following States to serve on the Credentials Committee: Benin, France, Honduras, Ireland, Jordan, Paraguay, Serbia and Montenegro, Slovenia and Uganda.

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. Election of six judges**

The procedure for the nomination and election of judges is regulated by the relevant provisions of article 36 of the Rome Statute and by resolution ICC-ASP/3/Res.6.

*Documentation*

Note by the Secretariat on the second election of the judges of the International Criminal Court (ICC-ASP/4/33\* (English only) and Corr.1 (English only), 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.6.*

**6. Election of six members of the Committee on Budget and Finance**

By its resolution ICC-ASP/1/Res.4, the Assembly decided to establish a Committee on Budget and Finance. The Committee is composed of 12 members of different nationalities who shall be experts of recognized standing and experience in financial matters at the international level from States Parties. They shall be elected by the Assembly for a term of office of three years on the basis of equitable geographical distribution.

At the 5th meeting of its second session, on 12 September 2003, the Assembly decided by consensus to amend the last sentence of paragraph 2 of the annex to its resolution ICC-ASP/1/Res.4 on the establishment of the Committee on Budget and Finance to read: "Of the 12 members who are initially elected, 6 shall be elected for a period of two years and the remaining 6 for a period of three years." At the same meeting, the President of the Assembly drew lots to select members elected who would serve two and three years, respectively.

At the 10th meeting of its first session, on 21 April 2003, the Assembly decided that the term of office of members would begin to run on 21 April 2003. Consequently, the term of office of six members of the Committee expires on 20 April 2006.

*Documentation*

Note by the Secretariat on the election of the members of the Committee on Budget and Finance (ICC-ASP/4/30)

*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, part IV, resolutions ICC-ASP/1/Res.4 and ICC-ASP/1/Res.5.*

*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, part IV, resolutions ICC-ASP/2/Res.4 and ICC-ASP/2/Res.5.*

**7. Other matters**

*No documentation*