

**Assembly of States Parties to
the Rome Statute of the
International Criminal Court**

**Resumed fourth session
New York, 26-27 January 2006**

Official Records

Note

Symbols of documents of the Assembly of States Parties to the Rome Statute of the International Criminal Court are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a document of the Assembly of States Parties to the Rome Statute of the International Criminal Court. Resolutions of the Assembly bear the letters “Res.”, while its decisions bear the letters “Decision”.

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Part I Proceedings

A. Introduction

1. In accordance with its decision at the 6th meeting of its third session, on 10 September 2004,¹ the Assembly of States Parties (the Assembly) to the Rome Statute of the International Criminal Court held the resumed fourth session at United Nations Headquarters from 26 to 27 January 2006.

2. In accordance with the rules of procedure of the Assembly of States Parties,² the Secretariat of the Assembly invited all States Parties to the Rome Statute to participate in the resumed fourth session. Other States which had signed the Statute or the Final Act were also invited to participate in the session as observers.

3. In accordance with rule 92 of the rules of procedure, also invited as observers to the resumed fourth session were representatives of intergovernmental organizations and other entities that had received a standing invitation from the General Assembly pursuant to its relevant resolutions³ as well as representatives of regional intergovernmental organizations and other international bodies invited to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, June/July 1998), accredited to the Preparatory Commission for the International Criminal Court or invited by the Assembly of States Parties.

4. Furthermore, in accordance with rule 93 of the rules of procedure, nongovernmental organizations invited to the Rome Conference, registered to the Preparatory Commission for the International Criminal Court or having consultative status with the Economic and Social Council of the United Nations whose activities were relevant to the activities of the Court or that had been invited by the Assembly of States Parties attended and participated in the work of the Assembly of States Parties.

5. In accordance with rule 94 of the rules of procedure, the following States that had been invited during the fourth session to be present during the work of the Assembly, excluding those that had become party to the Statute, continued in that capacity at the resumed fourth session: Bhutan, Cook Islands, Democratic People's Republic of Korea, Equatorial Guinea, Grenada, Kiribati, Lao People's Democratic Republic, Lebanon, Maldives, Mauritania, Micronesia (Federated States of), Myanmar, Niue, Palau, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Somalia, Suriname, Swaziland, Tonga, Turkmenistan, Tuvalu and Vanuatu.

6. The list of delegations to the resumed fourth session is contained in document ICC-ASP/4/INF.3.

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* (International Criminal Court publication, ICC-ASP/3/25), part I, para. 52.

² *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.

³ Resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204, 52/6, 53/5, 53/6, 53/216, 54/5, 54/10, 54/195, 55/160, 55/161, 56/90, 56/91, 56/92, 57/29, 57/30, 57/31, 57/32, 58/83, 58/84, 58/85, 58/86, 59/48, 59/49, 59/50, 59/51, 59/52, 59/53 and decision 56/475.

7. The resumed fourth session was presided by the President of the Assembly of States Parties, H.E. Mr. Bruno Stagno Ugarte (Costa Rica).

8. The Bureau of the fourth session continued as follows:

President:

Mr. Bruno Stagno Ugarte (Costa Rica)

Vice-Presidents:

Mr. Erwin Kubesch (Austria)

Ms. Hlengiwe Mkhize (South Africa)

Rapporteur:

Ms. Alina Orosan (Romania)

Other members of the Bureau:

Belize, Bolivia, Croatia, Cyprus, Democratic Republic of Congo, Denmark, Estonia, France, Gambia, Kenya, Netherlands, New Zealand, Niger, Peru, Republic of Korea, Romania, Samoa and Serbia and Montenegro.

9. The Credentials Committee also continued to serve at the resumed session, with the following membership: Benin, France, Honduras, Ireland, Jordan, Paraguay, Serbia and Montenegro, Slovenia and Uganda.

10. The Director of the Secretariat of the Assembly, Mr. Medard Rwelamira, acted as Secretary of the Assembly. The Assembly was serviced by the Secretariat.

11. At its 5th meeting, on 26 January 2006, the Assembly adopted the following agenda (ICC-ASP/4/19):

1. Adoption of the agenda.
2. States in arrears.
3. Credentials of representatives of States at the resumed fourth session.
4. Organization of work.
5. Election of six judges.
6. Election of six members of the Committee on Budget and Finance.
7. Other matters.

B. Consideration of issues on the agenda of the Assembly during the resumed fourth session

1. States in arrears

12. At its 5th meeting, on 26 January 2006, the Assembly was informed that article 112, paragraph 8, first sentence, of the Rome Statute was applicable to 17 States Parties. The Assembly was also informed that 17 States Parties had submitted a request for exemption under article 112,

paragraph 8, second sentence, in accordance with operative paragraph 45 of resolution ICC-ASP/4/Res.4. At the same meeting, the Assembly approved the requests for exemption from the following 17 States Parties: Argentina, Bolivia, Burkina Faso, Central African Republic, Congo, Democratic Republic of the Congo, Dominica, Georgia, Guinea, Honduras, Liberia, Malawi, Niger, Paraguay, Tajikistan, United Republic of Tanzania and Uruguay.

13. The President of the Assembly renewed the appeal to States Parties in arrears to settle their accounts with the Court as soon as possible. The President also appealed to all States Parties to pay their assessed contributions for 2006 in a timely manner.

2. Credentials of representatives of States Parties at the resumed fourth session

14. At its 7th meeting, on 27 January 2006, the Assembly adopted the report of the Credentials Committee (see annex I to this report).

3. Election of six judges

15. At the 5th meeting, on 26 January 2006, the Assembly, on the recommendation of the Bureau, decided that for the purposes of electing judges of the International Criminal Court, any meeting of the Assembly should continue until as many candidates as were required for all seats to be filled had obtained, in one or more ballots, the highest number of votes and a two-thirds majority of the States Parties present and voting. Consequently, all candidates elected as judges should be considered as having been elected at the same meeting irrespective of whether or not the ballot continued for one or more days.

16. At the same meeting, the Assembly recommended that all candidates should not be present in the conference room at all times that the Assembly was engaged in the process of voting.

17. At its 5th meeting, held on 26 January 2006, the Assembly proceeded to elect 6 judges of the International Criminal Court in accordance with the relevant provisions of the Rome Statute, as well as resolution ICC-ASP/3/Res.6.

18. The following candidates were elected judges of the International Criminal Court:

Hans-Peter Kaul (Germany) (List B, WEO, M);⁴

Erkki Kourula (Finland) (List B, WEO, M);

Akua Kuenyehia (Ghana) (List B, AFR, F);

Sang-hyun Song (Republic of Korea) (List A, ASIA, M);

Ekaterina Trendafilova (Bulgaria) (List A, EE, F);

Anita Ušacka (Latvia) (List B, EE, F).

⁴ WEO = Western European and other States.

AFR = African States.

ASIA = Asian States.

EE = Eastern European States.

LA/C = Latin American and Caribbean States.

M = male.

F = female.

19. The Assembly conducted one ballot. In this round, 100 ballots were cast, of which 4 were invalid and 96 were valid; the number of States Parties voting was 100; and the required two-thirds majority was 67. The following candidates obtained the highest number of votes and a two-thirds majority of the States Parties present and voting: Kaul, Hans-Peter (Germany) (67); Kourula, Erkki (Finland) (73); Kuenyehia, Akua (Ghana) (72); Song, Sang-hyun (Republic of Korea) (70); Trendafilova, Ekaterina (Bulgaria) (82); and Ušacka, Anita (Latvia) (77).

Commencement of terms of office of judges

20. At the 5th meeting, on 26 January 2006, the Assembly, on the recommendation of the Bureau, decided that the terms of office of judges of the International Criminal Court elected by the Assembly shall begin to run as from 11 March 2006 following the date of their election. The Assembly also decided that the term of office of a judge elected to replace a judge whose term of office has not expired shall run from the date of the election for the remainder of that term.

4. Election of six members of the Committee on Budget and Finance

21. At its 6th meeting, on 26 January 2006, the Assembly, in accordance with paragraph 11 of resolution ICC-ASP/1/Res.5, dispensed with a secret ballot and elected by consensus the following as members of the Committee on Budget and Finance:

Mr. Lambert Dah Kindji (Benin) (AFR)

Mr. David Dutton (Australia) (WEO)

Mr. Fawzi Gharaibeh (Jordan) (ASIA)

Mr. Myung-jae Hahn (Republic of Korea) (ASIA)

Ms. Elena Sopková (Slovakia) (EE)

Mr. Santiago Wins-Arnábal (Uruguay) (LA/C)

22. At the same meeting, the Assembly decided that the terms of office of the six members should begin to run as from 21 April 2006 following the date of their election.

5. Other matters

(a) Trust fund for the participation of the least developed countries

23. The Assembly expressed its appreciation to Finland, Greece, Ireland, Luxembourg, Mexico, the Netherlands, Switzerland, Trinidad and Tobago and the United Kingdom of Great Britain and Northern Ireland, for their contributions to the trust fund for the participation of the least developed countries in the work of the Assembly.

24. The Assembly noted with satisfaction that 24 delegates had made use of trust fund to attend the fourth session of the Assembly, held in The Hague from 28 November to 3 December 2005, and that an additional 17 delegates had made use of the trust fund to attend the resumed fourth session in New York.

(b) Interim premises

25. At its 7th meeting, on 27 January 2006, the Assembly considered the Report on interim premises (document ICC-ASP/4/INF.2) which was presented by the Court. The delegate of the host State made a statement (see annex II of this report). The Assembly adopted resolution ICC-ASP/4/Res.12 (see part II of this report).

Part II
Resolution adopted by the Assembly of States Parties

Resolution ICC-ASP/4/Res.12

Adopted at the 7th plenary meeting, on 27 January 2006, by consensus

ICC-ASP/4/Res.12
Interim Premises

The Assembly of States Parties,

1. *Takes note* of the Report on interim premises (document ICC-ASP/4/INF.2) presented by the Court and of the statement made by the representative of the host State;
2. *Decides*, pursuant to paragraph 49 of resolution ICC-ASP/4/Res.4 and the decision taken by the Bureau at its sixth meeting on 3 December 2005, that the relevant Bureau mechanism in The Hague will discuss, in an open-ended format, all issues related to interim premises of the International Criminal Court with the immediate aim of submitting a report to the Bureau for its prompt consideration, in consultation with States Parties, and subsequent referral to the Committee on Budget and Finance;
3. *Decides* that the Committee on Budget and Finance shall, at its earliest convenience, but not later than its sixth session, advise the Assembly of States Parties as to the feasibility and appropriateness of any solutions regarding interim premises of the International Criminal Court and that in light of that advise, if necessary, any special session of the Assembly of States Parties convened by the Bureau for purposes of considering this issue shall not last more than one day. Costs related to holding the special session shall be met from the Contingency Fund.

Annex I

Report of the Credentials Committee¹

Chairperson: H.R.H. Prince Zeid Ra'ad Zeid Al-Husseini (Jordan)

1. At its 1st plenary meeting, on 28 November 2005, the Assembly of States Parties to the Rome Statute of the International Criminal Court, in accordance with rule 25 of the Rules of Procedure of the Assembly of States Parties, appointed a Credentials Committee for the fourth session and for the resumed fourth session, consisting of the following States Parties: Benin, France, Honduras, Ireland, Jordan, Paraguay, Serbia and Montenegro, Slovenia and Uganda.

2. The Credentials Committee held two meetings on 26 and 27 January 2006 respectively.

3. At its meeting on 27 January 2006, the Committee had before it a memorandum by the Secretariat dated 27 January 2006 concerning the credentials of representatives of States Parties to the Rome Statute of the International Criminal Court to the resumed fourth session of the Assembly of States Parties. The Chairman of the Committee updated the information contained therein.

4. As noted in paragraph 1 of the memorandum and the statement relating thereto, formal credentials of representatives to the resumed fourth session of the Assembly of States Parties, in the form required by rule 24 of the Rules of Procedure, had been received as at the time of the meeting of the Credentials Committee from the following 69 States Parties:

Afghanistan, Andorra, Argentina, Austria, Barbados, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Croatia, Cyprus, Denmark, Dominica, Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guinea, Hungary, Iceland, Ireland, Italy, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Mongolia, Namibia, Nauru, Netherlands, New Zealand, Niger, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Republic of Tanzania, Trinidad and Tobago, Uganda, United Kingdom of Great Britain and Northern Ireland, and Uruguay.

5. As noted in paragraph 2 of the memorandum, information concerning the appointment of the representatives of States Parties to the resumed fourth session of the Assembly of States Parties had been communicated to the Secretariat, as at the time of the meeting of the Credentials Committee, by means of a cable or a telefax from the Head of State or Government or the Minister for Foreign Affairs, by the following 31 States Parties:

Albania, Antigua and Barbuda, Australia, Belize, Botswana, Cambodia, Central African Republic, Colombia, Congo, Djibouti, Costa Rica, Democratic Republic of the Congo, Gabon, Guyana, Honduras, Kenya, Liberia, Lesotho, Malawi, Mali, Malta, Marshall Islands, Mauritius, Nigeria, Paraguay, Sierra Leone, Slovenia, Tajikistan, Timor-Leste, Venezuela (Bolivarian Republic of) and Zambia.

6. The Chairperson recommended that the Committee accept the credentials of the representatives of all States Parties mentioned in the Secretariat's memorandum, on the understanding that formal credentials for representatives of the States Parties referred to in paragraph 5 of the present report would be communicated to the Secretariat as soon as possible.

¹ Previously issued as ICC-ASP/4/36.

7. On the proposal of the Chairperson, the Committee adopted the following draft resolution:
- “The Credentials Committee,*
- Having examined* the credentials of the representatives to the resumed fourth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, referred to in paragraphs 4 and 5 of the present report;
- Recalling* that at its 4th meeting, on 3 December 2005, the Assembly approved the report of the Credentials Committee on the credentials of representatives to the fourth session of the Assembly;²
- Accepts* the credentials of the representatives of the States Parties concerned.”
8. The draft resolution proposed by the Chairperson was adopted without a vote.
9. The Chairperson then proposed that the Committee recommend to the Assembly of States Parties the adoption of a draft resolution (see paragraph 11 below). The proposal was adopted without a vote.
10. In the light of the foregoing, the present report is submitted to the Assembly of States Parties.

Recommendation of the Credentials Committee

11. The Credentials Committee recommends to the Assembly of States Parties to the Rome Statute of the International Criminal Court the adoption of the following draft resolution:

“Credentials of representatives to the resumed fourth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Recalling that at its 4th meeting, on 3 December 2005, the Assembly approved the report of the Credentials Committee on the credentials of representatives to the fourth session of the Assembly;³

Having considered the report of the Credentials Committee on the credentials of representatives to the resumed fourth session of the Assembly and the recommendation contained therein;

Approves the report of the Credentials Committee.”

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* (ICC-ASP/4/32, International Criminal Court publication), annex I.

³ *Ibid.*

Annex II

Statement of the representative of the host State at the 7th meeting of the Assembly, on 27 January 2006¹

1. We listened to the briefing on interim premises by representatives of the Court and we have all received the report of the Court on the matter. We could devote time here today to discuss it in detail, but it is our view that we should instead concentrate on the way forward, thereby ensuring that the Court will be able to carry out its functions properly. It is our common responsibility to do this, and of course the host State will also take up its responsibilities here.
2. Allow me, therefore, to make only two remarks:
 - a) In the spring of 2002, the host State identified and rented the Arc building as the most suitable interim premises for the Court, which by then did not yet exist, and to temporarily house a brand new European Union organisation: Eurojust. The capacity of this office building was, according to Dutch housing standards, some 1000 offices, providing sufficient flexibility for both organisations, taking into account the then assumed adult size of the Court (around 600) and of Eurojust (some 220);
 - b) In the early days of the Court's existence, the host State's working hypothesis with regard to the permanent premises for the Court was that these could be available by 2007/2008. The project proposal presented by the Court in February 2005 mentioned a target date of 2012. Based on assumptions with regard to the number of complex investigations and the number of hearings, the Court also presented a full capacity of 1300. This number by far exceeds the capacity of the Arc building. Last year, the host State and Eurojust had intensive deliberations about providing permanent premises to Eurojust, and also allowing for -gradually- providing additional office space to the Court. Furthermore, very much to the regret of the host State, a promising permanent housing option for Eurojust failed just after the summer of 2005.
3. Having said this in hindsight, please allow me to highlight a few elements which in our view will help guide the further handling of this matter.
4. During last year's Assembly of States Parties (the Assembly), we discussed the question of the Court's interim premises. We recognized the fact that the current Arc building had no capacity to accommodate the growth in personnel as approved by States Parties, even if we could use the entire building. It was derived from that, that an alternative location was urgently needed, which could also accommodate further increases in capacity in the years to come and, if so decided, up to a maximum of 1300.
5. However, there was no provision in the budget as presented to States Parties for extra costs arising from the envisaged bi-location. The Netherlands in vain pleaded for that. We then collectively decided not to allocate extra budget associated with a second interim location.
6. The Assembly did decide to ask the host State and the Court to continue to work urgently towards a solution. So that is what we did. We are exploring viable alternative solutions. As a precautionary measure, we base ourselves on the estimated staffing levels as submitted by the Court

¹ This statement was received by the Secretariat on 2 February 2006.

of a full capacity of 1300 people. The critical elements that play a role here are: one second location, appropriate security arrangements, and short travelling times between the two locations.

7. With regard to any additional office space, the standing 1998 host State bid will apply, and it will be applied with the same generous spirit as with regard to the Arc building.

8. The Netherlands is also willing to explore if, and to what extent, the host State could be forthcoming with regard to additional costs that emanate from the fact that we will have two dislocated offices.

9. The host State considers it essential that this Court perform its functions as envisaged by States Parties. Therefore, in parallel to the work conducted on interim premises, the Netherlands has taken two steps to ensure the proper functioning of the Court.

10. First of all, to accommodate the growth in personnel in the coming months, extra office space that is immediately available to the Court has been rented completely at the expense of the host State. Newly hired personnel can move in as from 1 February 2006.

11. Apart from that, to prevent any cash flow problems at any time, we have expressed our readiness to provide the Court with an advanced financing facility of some €2,5 million.

Annex III

List of documents

Plenary

ICC-ASP/4/19	Provisional agenda
ICC-ASP/4/30	Election of members of the Committee on Budget and Finance
ICC-ASP/4/33	Second election of the judges of the International Criminal Court
ICC-ASP/4/33*	Second election of the judges of the International Criminal Court
ICC-ASP/4/33*/Corr.1	Second election of the judges of the International Criminal Court Corrigendum
ICC-ASP/4/33/Add.1	Second election of the judges of the International Criminal Court (continued) Addendum
ICC-ASP/4/33/Add.1/Corr.1	Second election of the judges of the International Criminal Court (continued) Addendum Corrigendum
ICC-ASP/4/34	Election of the judges for the International Criminal Court: guide for the second election
ICC-ASP/4/35	Annotated list of items included in the provisional agenda
ICC-ASP/4/36	Report of the Credentials Committee
ICC-ASP/4/L.6	Draft report of the Assembly of States Parties to the Rome Statute of the International Criminal Court
ICC-ASP/4/L.7	Draft resolution on Interim Premises of the International Criminal Court
ICC-ASP/4/INF.2	Report on interim premises
ICC-ASP/4/INF.3	Delegations to the resumed fourth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

Selected resolutions of prior sessions of the Assembly of States Parties

ICC-ASP/1/Res.4	Establishment of the Committee on Budget and Finance
ICC-ASP/1/Res.5	Procedure for the nomination and election of members of the Committee on Budget and Finance

ICC-ASP/2/Res.4	Travel and subsistence expenses of members of the Committee on Budget and Finance
ICC-ASP/2/Res.5	Term of office of the members of the Committee on Budget and Finance
ICC-ASP/3/Res.6	Procedure for the nomination and election of judges of the International Criminal Court
ICC-ASP/4/Res.4	Strengthening the International Criminal Court and the Assembly of States Parties

Annex IV

Letter dated 25 January 2006 from the Minister of Foreign Affairs of the host State to the President of the Assembly of States Parties¹

During the fourth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court (28 November to 3 December 2005), the States Parties considered the issue of the future permanent premises of the International Criminal Court. During this session, the representative of the host State informed the States Parties about a government-level decision regarding an additional financial bid.

This letter is meant to serve as formal notification to the Assembly of States Parties of the aforementioned decision.

Bearing in mind the significance of the International Criminal Court as a universal, permanent, independent institution for trying the perpetrators of serious crimes of great concern to the international community, and given the unique character of this Court, the government of the Netherlands, host State of the International Criminal Court, has elected to grant an additional financial bid to the Court.

This additional financial bid consists of the following points:

1. The bid concerns the new, purpose-built premises at the 'Alexander Kazerne' site in The Hague.
2. The host State is offering this land free of charge, though it will remain its owner.
3. The costs related to preparing the site for construction will be borne by the host State.
4. To finance the costs of the purpose-built new premises (i.e. construction costs, fees and fixed interior costs) the host State will provide a favourable loan of the necessary amount, up to a maximum of €200 million, to be repaid over a period of 30 years at an interest rate of 2,5 per cent.
5. The host State will bear the costs associated with the selection of an architect; this selection process will be presided over by the Chief Government Architect of the Netherlands.

The Government of the Netherlands trusts that this additional financial gesture is in the interest of the Court and will foster a balanced decision about the future permanent premises of the Court.

(signed)

Bernard Bot

Minister of Foreign Affairs of the Kingdom of the Netherlands

¹ See also the *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), annex III.B (Statement of the representative of the host State at the 3rd meeting of the Assembly, on 2 December 2005).

Appendix

Information on the additional Dutch bid for the permanent premises of the International Criminal Court

1. *The additional Dutch bid regarding the permanent premises of the International Criminal Court (the Court) in relation to the 1998 Dutch bid*

- The Dutch government's additional financial bid applies solely to the costs incurred in realising the purpose-built new premises of the Court, i.e. the all-inclusive construction costs. These costs consist of the direct building costs, the fees for architects and consultants, and interior fixtures and fittings, including the cabling. They do not include the costs of consultants of the Court, furniture and movable ICT infrastructure.

- The bid will not apply if it is decided that the future permanent home of the Court should be a pre-existing, rented building.

- Under the 1998 financial bid, the Dutch government stipulated that the Court would be able to occupy the premises rent-free for the first ten years of the body's existence (i.e. until 30 June 2012). This means the rental and maintenance costs of any temporary accommodation between 1 July 2012 and the completion of the new premises will be borne by the Court – that is to say, the States Parties.

2. *The host State is offering the land free of charge, though it will remain its owner*

- The Alexander Kazerne site will be placed at the disposal of the Court at no charge for as long as the Court maintains its permanent seat at that location. Normal costs resulting from the use of the property and the buildings (e.g. not only landscaping costs, but also the relevant taxes) must be borne by the Court.

3. *The costs related to preparing the site for construction will be borne by the host State*

- Preparing the site for construction involves, if necessary, demolishing existing buildings and decontaminating the soil. These costs are often designated as construction costs; nevertheless they will be borne by the Netherlands, in accordance with the provisions of the additional financial bid.

4. *To finance the costs of the purpose-built new premises (i.e. construction costs, fees and fixed interior costs) the host State will provide a favourable loan of the necessary amount, up to a maximum of €200 million, to be repaid over a period of 30 years at an interest rate of 2,5 per cent*

- The sum of €200 million should be regarded as a ceiling and not a target amount for the total construction costs. According to Court estimates (document ICC-ASP/4/23), the all-inclusive construction costs for the Alexander Kazerne site amount to €114.3 million (NB: this figure applies only to the buildings). However, these figures have yet to be validated.

- The International Criminal Court will be the owner of the new premises as soon as they have been completed and formally transferred to the Court for use. Obviously, after repayment of the 30-year loan, in equal annual instalments, it will no longer be necessary to pay rent. The costs associated with the upkeep (maintenance and renovation) of both the buildings (along with all interior installations) and the grounds will be borne by the Court.

The operational costs (catering, cleaning, security, etc.) are also the Court's responsibility, as is already the case.

- In due course, adequate provision for these types of costs must be made in the Court's budget.

5. *The host State will bear the costs associated with the selection of an architect; the selection process will be presided over by the Chief Government Architect of the Netherlands*

- These costs are often designated as construction costs; nevertheless they will be borne by the Netherlands, in accordance with the provisions of the additional financial bid. Note that this does not apply to the fees of the architect(s) but only the costs of the selection process itself. The Netherlands intends to inform the States Parties about its approach to and organisation of this process as soon as possible. The choice of the architect and the realisation of the plans for the new site should be handled with complete transparency. A mechanism will have to be devised for keeping the States Parties informed about and, if so desired, involved in both the selection of an architect and the execution of the new plans.

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