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**Assembly of States Parties**

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**Seventh session (first resumption)**

New York

19-23 January 2009

**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 first resumption of the seventh session of the Assembly of States Parties (“the Assembly”) to the Rome Statute of the International Criminal Court (ICC-ASP/7/2) has been prepared to assist the Assembly in its consideration of issues before it at its first resumption of the seventh session, which will be convened in New York on Monday, 19 January 2009, at 10 a.m. The status of the documentation reflected herein is current as of 3 December 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 first resumption of the seventh session (ICC-ASP/7/2) was issued on 13 March 2008. 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/7/2)

### **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, the Assembly adopted resolution ICC-ASP/4/Res.4, of which operative paragraphs 40 to 47 deal with the issue of the arrears of States Parties. The Assembly, *inter alia*, decided that requests for exemption under article 112, paragraph 8, of the Rome Statute, should be submitted by States Parties to the Secretariat of the Assembly at least one month before the session of the Committee on Budget and Finance ("the Committee"), so as to facilitate the Committee's review of the requests and that the Committee should advise the Assembly of States Parties before the Assembly decided on any requests for exemption under article 112, paragraph 8, of the Rome Statute.<sup>1</sup>

At its fifth session, the Assembly adopted resolution ICC-ASP/5/Res.3, which contains recommendations on the arrears of States Parties in annex III thereto. Recommendation 9 provides that the Assembly could consider applications for exemption from the loss of voting rights with regard to any resumed session of the Assembly, or meeting of the Bureau, that takes place between 1 January and the first session of the Committee in any year, without prior recommendation by the Committee.<sup>2</sup>

At its sixth session, 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.<sup>3</sup>

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<sup>1</sup> *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, paras. 40, 43 and 44.

<sup>2</sup> *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.

<sup>3</sup> *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.

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

*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, 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.

**3. Credentials of representatives of States at the first resumption of the seventh 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 5th meeting of its seventh session, on 17 November 2008, the Assembly appointed the following States to serve on the Credentials Committee: Costa Rica, Estonia, Ireland, Lesotho, Netherlands, Republic of Korea, Serbia, Suriname 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, as amended by resolution ICC-ASP/5/Res.5.

*Documentation*

Note by the Secretariat on the third election of the judges of the International Criminal Court (ICC-ASP/7/33 and Add.1)

Third election of judges of the International Criminal Court: guide to the election (ICC-ASP/7/34)

*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.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. The term of office of six members of the Committee expires on 20 April 2009.

*Documentation*

Note by the Secretariat on the election of members of the Committee on Budget and Finance (ICC-ASP/7/27)

**7. Other matters**

*No documentation*