



**BUREAU OF THE ASSEMBLY OF STATES PARTIES**

**Seventh meeting**

**7 September 2022**

*(via Zoom)*

Agenda and decisions

*The meeting was chaired by the President of the Assembly, Ms. Silvia Fernández de Gurmendi (Argentina). Vice-Presidents Ambassador Bob Rae (Canada) and Ambassador Kateřina Sequensová (Czech Republic) also participated*

**1. Review Mechanism: update**

A State Party representative on the Review Mechanism, Ambassador Paul van den IJssel (Netherlands), also on behalf of Ambassador Michael Kanu (Sierra Leone), informed the Bureau that, since the Review Mechanism's 13 July briefing to the Bureau, they had briefed the 21 July and 6 September 2022 meetings of The Hague Working Group and the New York Working Group, respectively.

On 30 June 2022, the Review Mechanism had submitted a report to States Parties on the overall progress of its work<sup>1</sup> and on 12 August had submitted, as an annex thereto, the updated Matrix on "Progress in the assessment of the IER recommendations", based on the reports of the respective facilitators on their assessment of the IER recommendations, as well as the results of the assessments chaired by the Mechanism itself. Ambassador van den IJssel reiterated that the Matrix was a living document that would be updated to include the progress made in the coming months.

On 7 September 2022, the Review Mechanism had circulated its work programme for the second semester. In addition to meetings on the recommendations allocated to the Mechanism for the second half of 2022,<sup>2</sup> the Mechanism would hold additional roundtables, which would provide an opportunity for discussion of the implementation of some recommendations that had been positively assessed. Ambassador van den IJssel reminded States Parties and all stakeholders that the review exercise was about implementation, and was not a box-checking exercise.

The Mechanism aimed to complete consideration of the majority of recommendations by the end of the second semester, and would continue work on any remaining recommendations in 2023. The Mechanism called upon all stakeholders to work towards this goal. The review was a real and effective tool to strengthen the Court, and the pace had to be maintained.

<sup>1</sup> In accordance with resolution ICC-ASP/20/Res.3, para. 11.

<sup>2</sup> See Comprehensive action plan: <https://asp.icc-cpi.int/Review-Court/Action-Plan>

The Mechanism continued to consult with all stakeholders, in the interest of inclusiveness and transparency, and invited States Parties and all stakeholders to approach the members should they wish to raise any issues or discuss any points relating to its work.

The Bureau took note of the progress of the work of the Review Mechanism.

## **2. Lessons learnt: update**

Ambassador Ksenija Milenković (Serbia), co-facilitator of the lessons learnt process on the election of the Prosecutor, informed the Bureau that she and her co-facilitator, Ambassador Alexander Marschik (Austria), had held an informal drafting session in June in The Hague with the assistant who had been hired to support them in the analysis and processing of the materials which they had received. Those materials included the answers to the questionnaire prepared by the co-facilitators, as well as the information collected following the two in-person consultations with States Parties in New York and The Hague, as well as the consultations with civil society, and the bilateral meetings with the members of the Committee on the Election of the Prosecutor, the Panel of Experts and other stakeholders. The co-facilitators had made good progress in drafting their report which they expected to submit by the end of September.

The Bureau took note of the progress of the work of the co-facilitators.

## **3. Preparations for the twenty-first session:**

The President informed Bureau members that the Secretariat continued with the preparations for the twenty-first session of the Assembly, to be held from 5 to 10 December 2022 at the World Forum Convention Center in The Hague.

### *a) Seating arrangements*

In accordance with Assembly decision ICC-ASP/1/Decision.4, the President drew lots to determine the State Party that would occupy the first desk on the Assembly floor: Lithuania.

### *b) Programme of work*

The Secretariat presented information on the possible constraints on seating capacity in light of social distancing measures under consideration at the World Forum Convention Center. The Bureau would consider the matter further at its October 2022 meeting.

The Bureau agreed on the programme of work for the twenty-first session,<sup>3</sup> on the understanding that that it would be updated in the coming weeks and was subject to modification during the session depending on the progress on different agenda items.

### *c) General debate*

The Bureau requested the President to inform States of the opening of the list of speakers on 24 October 2022 (Central European Time), and of the time limit of five minutes for such statements.

The Bureau further decided that, given the experience from recent sessions, besides in-person statements, the alternative means of holding the general debate would include:

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<sup>3</sup> <https://asp.icc-cpi.int/sites/asp/files/2022-09/ASP21.ProvWP.pdf>

- (i) Pre-recorded statements: Time permitting, the pre-recorded statements would be played during the general debate plenary and posted on the website of the Assembly; and
- (ii) Written statements. Following the practice introduced at the eleventh session of the Assembly, the President would invite States in a position to do so to submit written statements only, which would be then posted on the website of the Assembly.

- *Time limits*

The Bureau recommended, on the basis of rule 50 of the Rules of Procedure and previous decisions of the Assembly on time limits for statements in the general debate, that the Assembly request speakers to limit their interventions to five minutes.

- *Participation of observers and non-governmental organizations*

On the basis of previous Assembly decisions, the Bureau recommended that the Assembly allocate 45 minutes for the participation in the general debate of observers pursuant to rule 92 of the Rules of Procedure of the Assembly.

The Bureau also recommended that 45 minutes be allocated to non-governmental organizations for the delivery of statements at the end of the general debate.

- d) *Credentials Committee*

The President recalled that, according to rule 25 of the Rules of Procedure of the Assembly of States Parties, the Credentials Committee shall be composed of nine States Parties. She requested Bureau members to consult within their regional groups in order to identify States Parties willing to be appointed to the Committee, and to indicate the interested States, preferably before the end of October 2022. The Bureau would then make the requisite recommendation to the Assembly.

- e) *Nomination of a Rapporteur for the twenty-first session*

The President noted that it would be necessary for the Assembly to appoint an individual from one of the Bureau members to be Rapporteur for the twenty-first session and recalled that, at the twentieth session, the Assembly had appointed Mr. Jules Thierry Legbo (Cote d'Ivoire) as Rapporteur.

The President suggested that the Bureau members of the African group and the Asia-Pacific group consult internally to try and agree on one nominee for the position and to inform the Secretariat, preferably before the end of October.

- f) *Elections- Committee on Budget and Finance: status of nominations*

The President recalled the Secretariat's 24 June 2022 note verbale<sup>4</sup> by which it informed States Parties of the Bureau's 23 June 2022 decision to open the nomination period to run from 24 June to 15 September 2022, and invited them to nominate candidates for election to six seats on the Committee on Budget and Finance for a three year term beginning on 1 January of the year after their election.

The President noted that, as at 6 September 2022, the Secretariat had received four nominations for candidates to the Committee on Budget and Finance, and that those nominations were available on the webpage of the Assembly.<sup>5</sup>

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<sup>4</sup> <https://asp.icc-cpi.int/sites/asp/files/2022-06/ICC-ASP-21-SP-10-ENG.pdf>

<sup>5</sup> <https://asp.icc-cpi.int/elections/committee-on-budget-and-finance/2022/2022-CBF-Nomination>

*g) Trust Fund for the participation of least developed countries and other Developing States*

The Bureau took note that, in light of the level of contributions received, the Trust Fund could support the participation of approximately five to eight delegates from Least Developed Countries and other Developing States, and encouraged States in a position to do so to contribute to the Trust Fund, preferably by the end of October 2022.

*h) Side events*

The Bureau decided that side events may tentatively be organized during the Assembly session, and should not overlap with the meetings of the Assembly in order to be reflected in the official Journal. It noted that any developments on the possible pandemic-related measures, which might include holding in-person side events, would be revisited in subsequent Bureau meetings. Further details regarding organization of the side events were reflected in the “Guidelines for the preparation and conduct of sessions of the Assembly”, available on the Assembly webpage.<sup>6</sup>

The Bureau decided that States, observers and non-governmental organizations wishing to tentatively hold side events during the twenty-first session should submit their requests by 7 November 2022, with a view to the preparation of a draft Advance Journal for dissemination during that week.

**4. Election of the Registrar: update on roundtables**

The President recalled that on 20 July 2022, the Secretariat had conveyed a communication to States Parties regarding the due diligence process for the Election of the Registrar and the confidential channel to that effect, and noted that the deadline for submission of any allegations had been 1 September 2022.

As regards the roundtables, the President recalled that they were tentatively scheduled for 11 and 12 October 2022, in the latter half of the afternoon (The Hague time). She reminded delegations that the deadline for the submission of proposals for questions to be answered by the candidates for Registrar during the roundtables was the end of 16 September 2022, and invited delegations to submit questions before that date.

In relation to the preparation of the recommendations on the election of the Registrar, the President recalled, as a way forward, that according to the past practice of The Hague Working Group, consultations would be held in the second semester, after the shortlist of candidates had been made public, in order to prepare the draft recommendation for the consideration of the Assembly. She noted that there would be the additional step of public roundtables for the forthcoming election.

Vice-President Sequensová informed the Bureau that the roundtables would be of two hours’ duration and would take place in a courtroom, with the candidates participating virtually. The roundtables would be streamed online with a 30-minute delay. The web stream would tentatively be available from 11:00 to 13:00 hours (New York time) / 17:00 to 19:00 hours (The Hague time).

The Vice-President recalled her 27 July 2022 message inviting States Parties to submit proposals for questions to be put to the candidates during the roundtables and reiterated the President’s invitation to States Parties to submit such proposals as soon as possible. Thus far, only one submission had been received.

In relation to the moderation of the roundtables, Vice President Sequensová and two representatives of civil society would co-moderate.

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<sup>6</sup> [https://asp.icc-cpi.int/sites/asp/files/2022-04/Guidelines-preparation-conduct-ASP-with-appendix.ENG\\_.15Feb22.pdf](https://asp.icc-cpi.int/sites/asp/files/2022-04/Guidelines-preparation-conduct-ASP-with-appendix.ENG_.15Feb22.pdf)

Regarding the preparation of the draft recommendation on the election of the Registrar,<sup>7</sup> the Vice President recalled that it was a very important process for States Parties. She noted that there were various opinions on how to approach the exercise, which ranged from issuing a very general recommendation, as had been done in the past, to a more specific recommendation.

As regards the timeline, there had been initial discussions in the 21 July 2022 meeting of The Hague Working Group. The discussion would continue in The Hague, both informally as well as during the meetings of The Hague Working Group. Vice President Sequensová stressed the importance of the recommendation being useful to the judges, adding that States Parties would need to agree upon it, while keeping in mind that the recommendation should motivate judges to follow it.

## **5. Status of contributions**

The President informed the Bureau that, as at 31 August 2022, the Court had received 91 per cent of the assessed contributions to the approved budget for 2022. The total amount of outstanding contributions, for 2022 and for prior years, was €44.9 million (of which €13.6 million related to 2022 and €31.3 million to prior years). A total of 25 States Parties had outstanding contributions of more than one year, and 12 of those were ineligible to vote under article 112, paragraph 8, of the Rome Statute.

The President once more urged States Parties that had not yet done so to endeavour to fulfil their financial obligations to the Court.

## **6. Other matters**

### *a) Commemoration of the twentieth anniversary of the entry into force of the Rome Statute*

As regards the twentieth anniversary of the entry into force of the Rome Statute, the President thanked the Court for the 1 July event it had organized at the World Forum Convention Center, in which many delegations had participated. She also thanked the European Commission and France for the financial support that had made the event possible. An event had also been held on 11 July at United Nations Headquarters in New York. The President had participated in both of these important events, which marked a key milestone in the history of international criminal law.

Information on other events was available on the Assembly's webpage on the twentieth anniversary.<sup>8</sup>

### *b) Commemoration of the twenty-fifth anniversary of the adoption of the Rome Statute*

The President recalled that 2023 would mark the twenty-fifth anniversary of the adoption of the Rome Statute. At its 2 February 2022 meeting, the Bureau had noted that it had been agreed with the Presidency of the Court that the Assembly would take the lead in the planning and organization of the commemoration of the twenty-fifth anniversary in 2023, the Court having done so for the 2022 commemoration of the twentieth anniversary of the entry into force of the Rome Statute. This was without prejudice to consultations with the Court on the substance of the event.

As agreed at the 13 April 2022 meeting of the Bureau, a segment of the commemoration would be devoted to a discussion on the strategic vision for the next ten years in order to implement recommendation R363 of the Independent Experts' Report.<sup>9</sup> Further to the Bureau's 13 July meeting, where it had been suggested that the Bureau make a proposal on the implementation of R363 for the consideration of the Assembly at its twenty-first session, the President stressed that it was important to

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<sup>7</sup> Pursuant to article 43 of the Rome Statute and rule 12 of the Rules of Procedure and Evidence.

<sup>8</sup> <https://asp.icc-cpi.int/asp-events/20a-Entry-Force>

<sup>9</sup> ICC-ASP/19/16, Chapter XIX "Oversight bodies".

have concrete ideas so that recommendations could be made to the Assembly. She was in discussion with the Court thereon and would continue to seek views on what the substance of this discussion could be. She hoped to propose some concrete ideas at the next Bureau meeting.

Without prejudice to such a discussion, and taking into account the importance of promoting universality, the Bureau concurred with the President's proposal that another segment of the commemoration take the form of a treaty ratification ceremony in relation to the Rome Statute, amendments to the Statute and the Agreement on Privileges and Immunities. She had already explored this with the United Nations Secretary-General and the United Nations Office of Legal Affairs, who had confirmed they would assist in the organization of a treaty event at United Nations Headquarters.

In light of the need for the event to be announced well in advance, in order to effectively promote as many ratifications as possible, it was indicated that it would take place on or around 17 July 2023, at the United Nations in New York.

The President noted that, as in the case of the twentieth anniversary, besides the main event organized by the Assembly, others could also be encouraged to organize other events. The President invited delegations to present ideas to mark this important occasion, preferably before the end of November.

*c) Identification of a candidate for election as Assembly President for the twenty-third to twenty-fifth session*

The President informed the Bureau that, in accordance with the principle of regional rotation which had been observed by the Assembly in the election of the Presidents of the Assembly, it would be for the Western Europe and other States group (WEOG) to propose the next President of the Assembly.

The Bureau should be informed of the name of the person nominated by WEOG before or during the summer of 2023, so that it could make a recommendation to the twenty-second session of the Assembly.

Although it was still early, the President encouraged the WEOG regional group to begin internal conversations on this important matter.

*d) Advisory Committee on Nominations of Judges on the work of its eighth session*

The President informed the Bureau that the Advisory Committee on Nominations of Judges had elected Ms. Sanji Monageng (Botswana) as Chairperson and Mr. Julian Fernandez (France) as Vice-Chairperson at its eighth session, which was held on 5 and 6 September 2022. The ninth session of the Committee was tentatively scheduled to take place in The Hague, from 3 to 14 July 2023.

## **Annex**

### **Decisions of the Bureau**

#### **Appointment of mandate holders**

On 7 September 2022, the Bureau made the following appointments:

#### **Facilitator**

##### *Arrears*

Ambassador Maritza Chan Valverde (Costa Rica)

#### **Bureau focal point**

##### *Scheduling of Assembly sessions*

Mr. Vinícius Fox Drummond Cançado Trindade (Brazil)

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