



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Fourteenth ICC-ASP Bureau Meeting

9 July 2012

Agenda and Decisions

The President of the Assembly, Ambassador Tiina Intelmann (Estonia), chaired the meeting.

1. Tenth anniversary commemoration

a) Past commemorative activities

The President informed that a number of events had been organized all over the world in order to commemorate the tenth anniversary of the Court.¹ The Court had published a number of articles in African media, she herself had written in the *New African*, as well as in the online editions of the *Guardian* and *Le Monde* on the occasion of the 1 July anniversary.

It was also noted that on 11 June, Ministers of the Union of South American Nations (UNASUR) had issued a ministerial declaration celebrating the tenth anniversary of the Court and reiterating their countries' commitment to the Statute and its purposes. The General Assembly of the Organization of American States had, on 4 June, also adopted an annual resolution which, this year, commemorated the tenth anniversary.

a) Activities planned for the eleventh session of the Assembly

The President informed that a Steering Committee, comprising the host State, the municipality of The Hague, other States Parties and the Court has been established to plan a commemorative event to be held on 13 and 14 November 2012 before the opening of the forthcoming session of the Assembly. Although some monetary pledges had been received, others were still needed as this event was to be financed without recourse to the Court's budget. The Secretariat of the Assembly would on behalf of the Steering Committee disseminate a note verbale containing details of the planned events and a call for contributions.

The Bureau welcomed the organization of tenth anniversary events in The Hague on 13 and 14 November around the opening of the Assembly's eleventh session, welcomed the distribution of the note verbale and called for States Parties to consider making a financial contribution to the events

2. Board of Directors of the Trust Fund for Victims: status of nominations

The Bureau took note that, as at 5 July 2012, the Secretariat had received two nominations to the Board of Directors of the Trust Fund for Victims for the elections to be held during the eleventh session of the Assembly; the nomination period, which opened on 16 May, will end on 8 August. The Bureau was informed that consultations were ongoing within the African Group with the aim of the timely submission of a candidature. A member of the Asia Pacific Group also informed that it was working towards a nomination.

¹ Details available on <http://www.10a.icc-cpi.info/>.

3. Vacancy announcement for the post of Registrar

The Bureau took note that the vacancy announcement for the post of Registrar had been posted on the website of the Court on 22 June 2012 and that the nomination period will close on 27 August 2012. The Bureau also requested the Secretariat of the Assembly to disseminate the vacancy announcement to States Parties, with the aim of achieving the widest possible circulation.

Further to the discussion at its 29 May 2012 meeting, the Bureau decided to task the Hague Working Group to conduct consultations among States Parties aimed at formulating a recommendation on the election of the Registrar, as provided in article 43, paragraph 4, of the Rome Statute and rule 12, paragraph 3, of the Rules of Procedure and Evidence.

4. Advisory Committee on Nominations: status of nominations

The President recalled that the Terms of Reference of the Advisory Committee on Nominations stipulate, *inter alia*, that the Committee “should be composed of nine members, nationals of States Parties, designated by the Assembly of States Parties by consensus on recommendation made by the Bureau of the Assembly also made by consensus, reflecting the principal legal systems of the world and an equitable geographical representation, as well as a fair representation of both genders, based on the number of States Parties to the Rome Statute.”²

The Bureau took note that, as at 5 July 2012, the Secretariat had received three nominations to the Advisory Committee on Nominations. Several members of the Bureau expressed the intention of their governments to submit further candidatures. The nomination period, which opened on 16 May, will end on 8 August.

The Bureau decided to extend the nomination period automatically until 31 August in the case that no nominations have been received from any of the regional groups at the end of the nomination period on 8 August.

As regards the Bureau Working Group on the Advisory Committee on Nominations, the President recalled that nominations from the Western European and Other States Group and the Group of Latin American and Caribbean States were still pending. She encouraged these regional groups to focus on the nomination of members of the Working Group, with a view to their appointment by the Bureau, via silence procedure, over the summer recess.

5. Non-cooperation

The President recalled that, at its 15 June meeting, she had informed the Bureau of the note verbale from the Ministry of Foreign Affairs of Chad, dated 23 May 2012, which could be interpreted as a response to her letters on this subject. The opinion was expressed that clarity was needed that the Bureau was engaged in a political process, and that the Bureau should clearly distinguish between political matters and taking a legal stance. It was also suggested that the Bureau could periodically meet with the States Parties represented on the UN Security Council. The President expressed her intention to meet with States Parties to the Rome Statute represented in the Security Council and could use the occasion to also address the matter of non-cooperation.

Further to the Bureau’s consideration of the issue of non-cooperation at its 15 June 2012 meeting, at which it had the 23 May 2012 response of the Ministry of Foreign Affairs of Chad to the President’s 16 January 2012 letter to the Foreign Minister and to her 2 March 2012 letter to all States Parties, the Bureau would continue its consideration of the matter.

6. Independent Oversight Mechanism

Further to the mandate of the Assembly on the accountability of the Independent Oversight Mechanism (IOM),³ the Bureau took note of the report of the Temporary Head of the IOM, Ms. Kristina Carey, dated 6 July 2012, covering the second quarter of 2012.

² Report of the Bureau on the establishment of an Advisory Committee on nominations of judges of the International Criminal Court (ICC-ASP/10/36), annex, para. 1.

³ *Official Records ... Eighth session*, (ICC-ASP/8/20), vol. I, part II, ICC-ASP/8/Res.1, annex, para. 15.

7. Other matters

a) *Libya: Release of ICC staff members*

The President briefed the Bureau regarding the release of the four ICC staff members who had been detained in Zintan, Libya, for 24 days, from 7 June to 2 July 2012. Many States Parties had also been very supportive. She had worked closely with the Court in this matter and had also briefed States about the situation at the 15 June Bureau meeting held in The Hague. . The actions of the UN Security Council had been closely coordinated with others, and followed a letter by the President of the Court to the Security Council.

On the whole, the Court and its States Parties had emerged from the crisis situation stronger than before. The Court would now set up its own internal investigation, of which the President would keep the Bureau appraised.

The Bureau took note of the 6 July 2012 letter from the President of the Court to the President of the Assembly, expressing gratitude to States for their support and assistance. The Bureau also took note of a message from the President of the Court, thanking the President of the Assembly and the members of the Bureau for their help on this matter.

b) *Staff Pension Committee*

Following the resignation of Ms. Helena Yáñez (Ecuador), who concluded her posting in The Hague at the end of June, the Bureau appointed the following representatives to the Committee, as proposed by The Hague Working Group:⁴

- Mr. Philippe Brandt (Switzerland) as second member of the Committee;
- Ms. Thanisa Naidu (South Africa) as alternate member.

The second alternate member position would be filled at a later date, once a recommendation has been submitted by The Hague Working Group.

c) *High level meeting of the UN General Assembly on the Rule of Law*

The President recalled that on 24 September, the General Assembly would hold a high level meeting on the Rule of Law. She encouraged all delegations to take part in the negotiations leading on the final outcome document.

d) *Amendments to the Regulations of the Court*

The Bureau took note that, on 3 July 2012, the Court had disseminated to all States Parties, under cover of a 2 July 2012 note verbale from the Registrar, amendments to the Regulations of the Court⁵ and an explanatory memorandum, both adopted by the 18th plenary session of the judges on 2 November 2011. Any comments thereon may be submitted directly to the Court at the address indicated in the 2 July note verbale.

e) *Next Bureau meeting*

The next meeting of the Bureau will be in September.

⁴ The first member is Mr. Pavel Caban (Czech Republic)

⁵ Article 52 of the Rome Statute provides as follows:

“1. The judges shall, in accordance with this Statute and the Rules of Procedure and Evidence, adopt, by an absolute majority, the Regulations of the Court necessary for its routine functioning.

2. The Prosecutor and the Registrar shall be consulted in the elaboration of the Regulations and any amendments thereto.

3. The Regulations and any amendments thereto shall take effect upon adoption unless otherwise decided by the judges. Immediately upon adoption, they shall be circulated to States Parties for comments. If within six months there are no objections from a majority of States Parties, they shall remain in force.”