



## Diplomatic Briefing

The Hague, 26 April 2010

### Statement by the Director of the Secretariat of the Assembly of States Parties, Mr. Renan Villacis

Excellencies,  
Ladies and Gentlemen,

It is an honour for me to address you in order to convey some of the most recent developments concerning the Assembly.

#### Recent ratifications

- a) *Rome Statute*: The Statute will enter into force for Bangladesh on 1 June 2010, bringing the total number of States Parties to 111.
- b) *Agreement on the Privileges and Immunities of the International Criminal Court*: Georgia deposited its instrument of accession to the APIC, bringing the number of States Parties to 63.

#### Assembly related developments

##### *Board of Directors of the Trust Fund for Victims*

The new Board held its first meeting in New York from 23 to 25 March 2010, allowing its members to attend part of the resumed eighth session and to interact with the Assembly representatives.

##### *Permanent premises of the Court*

On 8 March, the Court signed the contract with schmidt hammer lassen architects for the construction project. The project is now in the phase of refining the designs. Construction is scheduled to commence in July 2012, with a view to having the Court move into the new premises in 2015.

At the end of March the Assembly extended the deadline for States Parties to inform the Registrar of their decision to select the option of a one-time payment of their assessed share of the budget for the permanent premises to 15 October 2012.<sup>1</sup>

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<sup>1</sup> [Resolution ICC-ASP/8/Res.8.](#)

### *Independent Oversight Mechanism*

Last November the Assembly established the Independent Oversight Mechanism (IOM), pursuant to article 112, paragraph 4, of the Rome Statute, with an initial mandate to provide an investigative capacity to address alleged misconduct of elected officials and staff of the Court, while the additional elements of oversight, i.e. inspection and evaluation, to be considered at the ninth session. On 12 April 2010, the Bureau appointed the temporary head of the IOM, who is seconded from the United Nations Office of Internal Oversight Services, for a period of one year.

### **Review Conference**

The Review Conference shall be held in Kampala, from 31 May to 11 June 2010, for a period of ten working days. The Journal containing the official programme of work and the numerous side-events was disseminated electronically last Friday and is also available on our website.

The Review Conference will focus on two key agenda items: Amendments to the Rome Statute and the stocktaking of international criminal justice.

#### *a) Amendments to the Rome Statute include:*

- i) The possible deletion of article 124 of the Statute;
- ii) The definition of the crime of aggression and the conditions for the exercise of jurisdiction by the Court over this crime, as well as the draft elements of the crime;
- iii) A proposal for an amendment to article 8 relating to the inclusion of the employment of certain poisonous weapons and expanding bullets.

#### *b) Stocktaking of international criminal justice consists of four subtopics:*

- i) The impact of the Rome Statute system on victims and affected communities;
- ii) Peace and justice;
- iii) Complementarity; and
- iv) Cooperation.

For each of these four subtopics, there will be a panel discussion led by a keynote speaker or moderator. An updated list of the panellists may also be found on our website.

### *Pledges*

In addition to these two main agenda items, there will be a segment to afford both States Parties and observer States the opportunity to affirm their commitment to the International Criminal Court, including through pledges. These may consist of pledges such as submitting the Statute and/or the APIC for consideration by Parliament; adopting implementing legislation; entering into enforcement of sentences agreements, etc.

### *High-level participation*

The Bureau has designated four focal points to encourage high-level participation: the Netherlands, Slovenia, Uganda and Venezuela (Bolivarian Republic).

### *General debate*

The general debate will be held on 31 May and 1 June. Although the deadline for inscription ended last Friday, States interested in being included on the list of speakers may still send an email to the Secretariat by this 28 April, indicating the preferred date and morning or afternoon segment, as well as the level of the speaker, since precedence is accorded to ministerial level representatives. The Bureau, which meets on 29 May would then be able to decide on the organization of the general debate. The Bureau has decided that general debate statements should be limited to five minutes in order to ensure that all statements are delivered by the end of 1 June, so that the Conference can start on 2 June with the stocktaking exercise.

As of this morning 39 States Parties and 2 observer States have inscribed themselves for the general debate. These include two Deputy Prime Ministers, seven Ministers of Foreign Affairs, two Ministers of Justice, five State Secretaries and 2 Attorney Generals. More detailed information will be provided in the coming days once we have additional clarifications by States which have yet to provide us names of their representatives taking part in the general debate.

### *Ministerial declaration*

The Bureau is prepare a high-level declaration for consideration by the Conference; informal discussions took place last Wednesday in New York and a new version reflecting the outcome of those consultations will be disseminated shortly.

Furthermore, there are two draft resolutions entitled “Impact of the Rome Statute system on victims and affected communities” and “complementarity” which have been forwarded for consideration by the Conference. The Hague Working Group is considering this afternoon a possible draft resolution on cooperation that may also be conveyed to the Conference.

Furthermore, the Bureau conveyed to the Conference a draft resolution on strengthening the enforcement of sentences.

### *Arrears*

We note that there are ten States Parties currently in arrears and that they would thus not be able to vote in the Bureau nor in the Assembly unless the requisite minimum payments are made by 28 May. The Secretariat has informed these States, both in New York and The Hague of this situation and the minimum amounts that would have to be disbursed, as well as of the procedure for requesting an exemption from the loss of voting rights. No requests for exemption from the loss of voting rights have been received by the Secretariat.

### *Plan of Action seminar*

As one of the final Assembly related events organized in the run-up to the Review Conference, this 30 April the Minister for Foreign Affairs of Slovakia shall open a high-level seminar at UNHQ with the presence of the Secretary-General of the UN and President Song, as well as several distinguished panellists.<sup>2</sup> The seminar will focus on the key challenges facing the Conference from the perspective of attaining universality and full implementation of the Statute.

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<sup>2</sup> <http://www.icc-cpi.int/Menus/Go?id=7a98babd-8ca3-4f99-a6b6-2083b9009268&lan=en-GB>

### *Credentials and registration*

On 22 January 2010, States Parties were requested to convey their credentials before 21 May 2010 to the Secretariat of the Assembly.

Furthermore, in order to expedite the issuance of the requisite badges to have access to the venue of the Conference (Munyunyo) and also to allow the Government of Uganda to plan the necessary frequency of shuttle buses between the airport, the respective hotels and the Conference venue, all participants are requested to fill in the revised registration form which is available on the website. The form must be filled out electronically and can be then sent to the Secretariat via email, preferably by 7 May. We note that over 650 NGO representatives and 30 delegates have registered so far. The sooner we receive those revised registration forms, the more expeditious the issuance of the badges shall be.

### *Visas*

Although visas may be obtained upon arrival at Entebbe, the Government of Uganda has requested that all participants try to obtain their visas from its consulates.

Further information regarding the Review Conference is available on the website of the Court<sup>3</sup>. The Secretariat website also has a link to the Government of Uganda website, which contains practical and logistical information on the Review Conference, including on hotel accommodation,<sup>4</sup> and to the side events being organized by civil society in the People's Space.<sup>5</sup>

### *Hotels*

As regards the hotel accommodation, we note that given the limited number of rooms available at Munyunyo, approximately 400, the Government of Uganda has indicated that it would make two rooms per delegation available at the Munyunyo. We understand that since the deadline for reserving rooms expired on 20 April, there is an assessment being undertaken to determine how many additional rooms may be made available. Information to that effect would be posted by the Government of Uganda on its website later this week.

## **Fourteenth session of the Committee on Budget and Finance**

The fourteenth session of the Committee on Budget and Finance, which was scheduled to be held from 19 to 24 April, has been postponed to 3 to 8 May, due to the recent travel disruptions.

## **Visit of the President of the Assembly to El Salvador**

At the invitation of the Government of El Salvador, one of the three observer States in Central America, the President of the Assembly, Amb. Christian Wenaseser, visited San Salvador from 13 to 14 April, where he delivered an address on the ICC at the Ministry of Foreign Affairs to an audience of about 200 policy-makers, parliamentarians, magistrates and senior government officials, in addition to holding bilateral meetings. The media provided extensive coverage of his visit<sup>6</sup> and welcomed his contribution to the national discussion about the possible ratification of the Rome Statute, where key queries included the issue of a possible retroactive application of the Statute.

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<sup>3</sup> <http://www.icc-cpi.int/Menus/ASP/ReviewConference/>

<sup>4</sup> <http://www.iccuganda2010.ug/>

<sup>5</sup> <http://www.iccnw.org/>

<sup>6</sup> <http://www.icc-cpi.int/Menus/Go?id=dcc06cd9-bf7e-47d2-bba1-f7b942242008&lan=en-GB>