



Twelfth ICC-ASP Bureau Meeting

8 September 2011

Agenda and Decisions

The President of the Assembly, H.E. Mr. Christian Wenaweser (Liechtenstein), chaired the meeting.

1. Search Committee for the position of Prosecutor

The Deputy Coordinator of the Search Committee, Ambassador Miloš Koterec (Slovakia), informed the Bureau that since its last meeting, the Search Committee had received 16 new suggestions and expressions of interest, bringing the total to 42. Twelve potential candidates were female, while 30 were male; 21 were nationals of the African Group, one of the Eastern European Group, three of the Group of Latin American and Caribbean States (GRULAC) and 16 of the Western European and Others Group (WEOG).¹

The Deputy Coordinator also stated that the formal deadline for official nominations for the post of the Prosecutor had expired on 2 September 2011 without any nominations, as planned. The Committee took this to be an expression of confidence in its work and in the Search Committee progress. He underscored that the subsequently disseminated note (reference ICC-ASP/10/S/59) informing States Parties that the extension of the nomination period was a necessary formality, but expressed his hope that States Parties would continue to respect the Search Committee process and refrain from formal nominations.

The Search Committee would continue to receive suggestions and expressions of interest until 9 September, and would hold its next meeting on 12 September. A subsequent briefing by the Coordinator to the New York Working Group was foreseen.

The President stated that he had been encouraged by the recent developments, including the receipt of additional suggestions and expressions of interest. He expressed his gratefulness that all States Parties have respected the informal process and had not submitted formal nominations. He emphasized that the extension of the deadline until 16 September was a formal necessity, as the process of the election of the Prosecutor was governed by the same rules and regulations as the other elected positions. He expressed his confidence that States would continue cooperating with the Search Committee and therefore refraining from submitting formal nominations.

2. Consultations to identify the Bureau for the tenth to twelfth sessions

The focal points for the Asian Group (Japan), and WEOG (United Kingdom), as well as Mexico on behalf of GRULAC, informed the Bureau that there was, as of yet, no agreement within their regional groups, and that consultations were on-going.

¹ The nationality of one potential candidate was, as yet, unknown.

The President urged the focal points to speed up their work, with a view to a definitive resolution of this matter by the next meeting of the Bureau, in particular in order to facilitate the work of the future President of the Assembly.

3. Non-cooperation

a) Assembly procedures on non-cooperation

The facilitator, Mr. Stefan Barriga (Liechtenstein) thanked the members of the Bureau for their active participation in the negotiations of the draft report of the Bureau, which had been adopted by silence procedure. He expressed the hope of reaching agreement on this issue among all States Parties prior to the tenth session of the Assembly.

It was stated that the report represented a compromise within the Bureau and the hope was expressed that all Bureau members would support this text in future negotiations.

The Bureau decided to disseminate the report to all States Parties and mandated the facilitator to conduct open informal consultations on this topic in the context of the New York Working Group, with a view to facilitating the adoption of Assembly procedures relating to non-cooperation at the tenth session of the Assembly.

b) Decision by Pre-Trial Chamber I regarding Omar Al-Bashir's recent visit to the Republic of Chad

The Bureau took note of Decision ICC-02/05-01/09-132, dated 18 August 2011, issued by Pre-Trial Chamber I, requesting observations about Omar Al-Bashir's recent visit to the Republic of Chad. The President noted that the Court was currently seized of this matter, and had not referred it to the Assembly, so there was no need for the Bureau or the President to take any action. The Bureau would revert to this topic at a later stage if needed.

4. Preparations for the tenth session

a) Mock election

The Bureau requested the Secretariat, in accordance with past practice, to make arrangements for a mock election of six judges, to be held on Friday, 9 December 2011 at 13:00 hours at United Nations Headquarters, and to notify States Parties accordingly.

b) General debate

The provisional agenda for the tenth session, which the Bureau approved at its eleventh meeting, on 26 July 2011, contains an agenda item entitled "General debate".

The Bureau decided to invite the President of Botswana, H.E. Lt. General Seretse Khama Ian Khama, who had indicated that he would attend the opening meeting of the Assembly, to address the Assembly prior to the general debate. The President stated that this decision was in accordance with the past practice of the Assembly and rule 45 of the Rules of Procedure of the Assembly.

i) Time limits

Rule 50 of the Rules of Procedure provides that the Assembly may limit the time to be allowed to each speaker and the number of times each representative may speak on any question.

The Bureau recommended, on the basis of previous decisions of the Assembly regarding the time limit for statements in the general debate, to request speakers to observe a time limit of five minutes.

The Bureau requested the President to inform States that a general debate would be held on 14 December 2011, in the morning and afternoon sessions, as well as that the list of speakers would open on 7 November 2011 (Central European Time), and that the time limit for such statements would be five minutes.

ii) Participation of observers and non-governmental organizations

Rule 92 of the Rules of Procedure provides for the participation by representatives designated by entities, intergovernmental organizations and other entities that have received a standing invitation from the General Assembly of the United Nations, as observers in the sessions and work of the Assembly, without the right to vote.

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

Furthermore, rule 93 provides for the participation in the meetings of the Assembly by non-governmental 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.

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

c) Reports of the Working Groups

The President reminded the Coordinators of the Working Groups that they should make every effort to complete their work as soon as possible, for the submission of their respective reports to the Bureau.

d) Side events

In view of the current space constraints at United Nations Headquarters, the Bureau requested States, observers and non-governmental organizations wishing tentatively to hold side-events during the tenth session to so indicate to the Secretariat by 11 November 2011, with a view to the preparation of a draft Journal for consideration by the Bureau.

5. Status of nominations

a) Judges

The Bureau took note that, since the regional minimum nomination requirements for the Group of Latin American and Caribbean States (GRULAC), as set out in resolution ICC-ASP/3/Res.6, had not been met at the close of the nomination period on 2 September 2011, the President, on 5 September 2011, had extended the nomination period for two weeks, until 16 September 2011, in accordance with paragraph 11 of the above-mentioned resolution.

b) Committee on Budget and Finance

The Bureau took note that, as there was no GRULAC nomination for the seat allocated to the regional group at the close of the nomination period on 2 September 2011, the President, on 5 September 2011, had extended the nomination period for a period of two weeks, until 16 September 2011, in accordance with paragraph 4 of resolution ICC-ASP/1/Res.5.

c) Prosecutor

The Bureau took note that, since no candidates had been formally presented at the close of the nomination period on 2 September 2011, the President had extended the nomination period for two weeks, until 16 September 2011, in accordance with resolution ICC-ASP/3/Res.6. The President recalled that the extension of the nomination period was a formal necessity and that the Search Committee was thankful that no formal nominations had been submitted.

The Bureau encouraged States considering presenting candidates to bear in mind the work of the Search Committee for the position of Prosecutor, the terms of reference of which are set out in document ICC-ASP/9/INF.2.

6. Premises

The President took note that the focal points, Australia, Germany and Nigeria, had submitted an interim report on the lease negotiations for the Arc building, and on the possible option to purchase the Arc building. Neither process was concluded yet, but a final report was expected well in advance of the next meeting of the Bureau.

The representative of Australia noted that States Parties would have an opportunity to comment on the report.

The President drew the attention of the Bureau to paragraph 3 of the interim report, which stated that “in addition to the purchase price of €48 million for the Arc building, investments of between €55 – 60 million would be required in the Arc building to bring it to a viable standard for the Court.” He noted that this may not be the full extent of the costs, which would be reflected in the final report.

The representative of the host State queried whether the cancellation costs referred to in paragraphs 2 and 3 of the interim report would include the cost that the Court would have to reimburse to the host State, which would run from €100-120 million. She stated that this cost should be included in the figures, and also drew attention to the letter sent by the host State to the President in July, which stated that the host State had postponed work on the site of the permanent premises. As indicated in that letter, as long as there was no decision not to take the Interim Premises Purchase Option forward, work would not carry on. The cost of the resultant delays would have to be borne by all States Parties.

The President expressed his hope that this discussion would be brought to a close as soon as possible and that the Bureau would take up the final report of the facilitators at its next meeting, to be held on 4 October 2011.

7. Independent Oversight Mechanism

The Bureau took note that the President had, on 30 August 2011, requested the Registrar to proceed with the recruitment of Ms. Kristina Carey as the Head of the

Independent Oversight Mechanism (IOM), for a period of six months. Ms. Carey, a staff member of the United Nations, is in the process of ascertaining the modality that would allow her to assume duty at the Court. As this matter is under consideration, it is not possible to determine a tentative date of entry on duty. The Human Resources Section of the Court has indicated that the process is expected to be completed by 1 October 2011. The President underscored the importance of the IOM becoming operational as soon as possible.

8. Other matters

a) *Next Bureau meeting*

The next Bureau meeting will be held on 4 October 2011.
