

**ASSEMBLY OF STATES PARTIES TO
THE ROME STATUTE OF THE
INTERNATIONAL CRIMINAL COURT**

**TENTH SESSION
NEW YORK, 12 - 21 DECEMBER 2011**

**OFFICIAL RECORDS
VOLUME I**

Note

Symbols of documents of the Assembly of States Parties to the Rome Statute of the International Criminal Court are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a document of the Assembly of States Parties to the Rome Statute of the International Criminal Court. Resolutions of the Assembly bear the letters “Res.”, while its decisions bear the letters “Decision”.

Pursuant to resolution ICC-ASP/7/Res.6, volume I of the Official Records is available in all languages of the Assembly, while volume II is available in Arabic, English, French and Spanish.

Secretariat, Assembly of States Parties
International Criminal Court
P.O. Box 19519
2500 CM The Hague
The Netherlands

asp@icc-cpi.int
www.icc-cpi.int

Tel: +31 (0)70 515 9806
Fax: +31 (0)70 515 8376

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Part I Proceedings

A. Introduction

1. In accordance with the decision of the Assembly of States Parties to the Rome Statute of the International Criminal Court (hereinafter “the Assembly”), taken at the 5th meeting of its ninth session, on 10 December 2010, and on the basis of General Assembly decision 65/501, the Bureau fixed 12 to 21 December 2011 as the dates for the tenth session.
2. In accordance with the Rules of Procedure of the Assembly,¹ the President of the Assembly invited all States Parties to the Rome Statute to participate in the session. Other States that had signed the Statute or the Final Act were also invited to participate in the session as observers.
3. In accordance with rule 92 of the Rules of Procedure of the Assembly (hereinafter “the Rules of Procedure”), invitations to participate in the session as observers were also extended to representatives of intergovernmental organizations and other entities that had received a standing invitation from the General Assembly of the United Nations pursuant to its relevant resolutions,² as well as to representatives of regional intergovernmental organizations and other international bodies invited to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, June/July 1998), accredited to the Preparatory Commission for the International Criminal Court or invited by the Assembly.
4. Furthermore, in accordance with rule 93 of the Rules of Procedure, non-governmental organizations invited to the Rome Conference, registered to the Preparatory Commission for the International Criminal Court, or in consultative status with the Economic and Social Council of the United Nations, whose activities were relevant to the activities of the Court or that had been invited by the Assembly, attended and participated in the work of the Assembly.
5. In addition, in accordance with rule 94 of the Rules of Procedure, the following States were invited to be present during the work of the Assembly: Bhutan, Democratic People's Republic of Korea, Equatorial Guinea, Kiribati, Lao People's Democratic Republic, Lebanon, Mauritania, Micronesia (Federated States of), Myanmar, Niue, Palau, Papua New Guinea, Rwanda, Somalia, Swaziland, Tonga, Turkmenistan and Tuvalu.
6. The list of delegations to the session is contained in document ICC-ASP/10/INF.1.
7. The session was opened by the President of the Assembly of States Parties, Mr. Christian Wenaweser (Liechtenstein), who had been elected for the period 2008-2011.
8. At its eleventh meeting on 26 July 2011, the Bureau decided to recommend that Ambassador Tiina Intelmann (Estonia) be elected President of the Assembly at the beginning of its tenth session. The Assembly elected Ambassador Tiina Intelmann as President by acclamation for the tenth to twelfth session.
9. The Assembly elected the Bureau at its first plenary meeting, on 12 December 2011, for a period of three years, as follows:

President:

Ms. Tiina Intelmann (Estonia)

Vice-Presidents:

Mr. Ken Kanda (Ghana)

Mr. Markus Börlin (Switzerland)

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (ICC-ASP/1/3 and Corr.1), part IIC.

² General Assembly resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204, 52/6, 53/5, 53/6, 53/216, 54/5, 54/10, 54/195, 55/160, 55/161, 56/90, 56/91, 56/92, 57/29, 57/30, 57/31, 57/32, 58/83, 58/84, 58/85, 58/86, 59/48, 59/49, 59/50, 59/51, 59/52, 59/53, 61/43, 61/259, 63/131, 63/132, 64/3, 64/121, 64/122, 64/123, 64/124 and decision 56/475.

Rapporteur:

Ms. Alejandra Quezada (Chile)

Other members of the Bureau:

Argentina, Belgium, Brazil, Canada, Chile, Czech Republic, Gabon, Finland, Hungary, Japan, Nigeria, Portugal, the Republic of Korea, Samoa, Slovakia, South Africa, Trinidad and Tobago and Uganda.

10. At its 1st meeting, on 12 December 2011, in accordance with rule 25 of the Rules of Procedure, the following States were appointed to serve on the Credentials Committee:

Belgium, Cook Islands, Czech Republic, Finland, Gabon, Hungary, Kenya, Peru and Panama.

11. The Director of the Secretariat of the Assembly, Mr. Renan Villacis, acted as Secretary of the Assembly. The Assembly was serviced by the Secretariat.

12. At its 1st meeting, on 12 December 2011, the Assembly observed one minute of silence dedicated to prayer or meditation, in accordance with rule 43 of the Rules of Procedure of the Assembly.

13. At the same meeting, the Assembly adopted the following agenda (ICC-ASP/10/1):

1. Opening of the session by the President.
2. Silent prayer or meditation.
3. Adoption of the agenda.
4. States in arrears.
5. Credentials of representatives of States at the tenth session:
 - (a) Appointment of the Credentials Committee;
 - (b) Report of the Credentials Committee.
6. Organization of work.
7. General debate.
8. Report on the activities of the Bureau.
9. Report on the activities of the Court.
10. Report of the Board of Directors of the Trust Fund for Victims.
11. Election of the President of the Assembly of States Parties for the tenth to twelfth session.
12. Election of two Vice-Presidents and 18 members of the Bureau.
13. Election of six judges.
14. Election of the Prosecutor.
15. Election of six members of the Committee on Budget and Finance.
16. Consideration and adoption of the budget for the tenth financial year.
17. Consideration of the audit reports.
18. Appointment of the External Auditor.
19. Independent Oversight Mechanism.
20. Premises of the Court.
21. Amendments to the Rome Statute.
22. Review Conference follow-up.
23. Decision concerning the date of the next session of the Assembly of States Parties.
24. Decisions concerning the dates and venue of the next sessions of the Committee on Budget and Finance.
25. Other matters.

14. The annotated list of items included in the provisional agenda was contained in a note by the Secretariat (ICC-ASP/10/1/Add.1).

15. Also at its 1st meeting, the Assembly agreed on a programme of work and decided to meet in plenary session as well as in the working group format. The Assembly established a Working Group on the Programme Budget for 2012.

16. Mr. Klaus Korhonen (Finland) was appointed as Coordinator of the Working Group on the Programme Budget for 2012.

B. Consideration of issues on the agenda of the Assembly at its tenth session

1. States in arrears

17. At the 1st meeting, on 12 December 2011, the Assembly was informed that article 112, paragraph 8, first sentence, of the Rome Statute was applicable to five States Parties.

18. The President of the Assembly renewed the appeal to States Parties in arrears to settle their accounts with the Court as soon as possible. The President also appealed to all States Parties to pay their assessed contributions for 2012 in a timely manner.

19. Pursuant to article 112, paragraph 8 of the Rome Statute, four States Parties in arrears submitted a request to the Assembly for exemption of the loss of their voting rights: Chad, Comoros, Gabon and Liberia with the Assembly approving their requests at its second plenary meeting.

2. Credentials of representatives of States Parties at the tenth session

20. At its 10th meeting, on 21 December 2011, the Assembly adopted the report of the Credentials Committee (see annex I to this report).

3. General debate

21. At the 1st plenary meeting, the United Nations Deputy Secretary-General, Ms. Asha-Rose Migiro, the United Nations High Commissioner for Human Rights, Ms. Navi Pillay, and the President of Botswana, H.E. Mr. Ian Khama, addressed the Assembly. At the 5th plenary meeting, on 15 December 2011, the Prime Minister of Côte d'Ivoire, Hon. Mr. Guillaume Soro, addressed the Assembly. At the 3rd, 4th and 5th plenary meetings, on 14 and 15 December 2011, statements were made by the representatives of Argentina, Australia [on behalf of CANZ], Austria, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burkina Faso, Central African Republic, Colombia, Costa Rica, Croatia, Czech Republic, Democratic Republic of the Congo, Denmark, Ecuador, Estonia, Finland, France, Gambia, Germany, Ghana, Guatemala, Hungary, Italy, Japan, Jordan, Kenya, Lesotho, Liechtenstein, Luxembourg, Malaysia, Maldives, Mexico, Namibia, Netherlands, Nigeria, Norway, Peru, Philippines, Poland [on behalf of the European Union], Republic of Korea, Samoa, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Trinidad and Tobago, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and United States of America. Statements were also made by Afghanistan Watch, Amnesty International, CDI Coalition, Coalition for the ICC, FIDH, Georgian Young Lawyers Association, Human Rights Research and Promotion Centre of Honduras, Human Rights Watch, Open Society Initiative, Parliamentarians for Global Action, REDRESS and Tunisian Civil Society.

4. Report on the activities of the Bureau

22. At its 1st meeting, on 12 December 2011, the Assembly took note of the oral report on the activities of the Bureau, delivered by the President, Mr. Christian Wenaweser (Liechtenstein). The President noted that, since the ninth session, the Bureau had held 20 meetings in order to assist the Assembly in carrying out its activities under the Rome Statute.

23. The Working Group in The Hague had made considerable progress on the issues within its mandate, including on the issue of cooperation. It recommended, inter alia, that the Assembly includes a specific item on cooperation on the agenda of its eleventh session.

24. The Study Group on Governance had considered the priority issues it had identified, and had made recommendations to the Assembly, including on the amendment of the Rules of Procedure and Evidence. In addition, the Study Group considered the issue of reparations and made recommendations to the Assembly on this issue.

25. The Working Group in New York had conducted its deliberations on the issues assigned to it. This had enabled the Bureau to submit for the Assembly's consideration the respective reports and recommendations on the issues within its mandate.

26. In the context of the Assembly's responsibility under article 112, paragraph 2, of the Rome Statute to consider, pursuant to article 87 of the Statute, any question relating to non-cooperation, and given the decisions of the Pre-Trial Chamber in this regard, the Bureau had considered, under the leadership of Mr. Stefan Barriga (Liechtenstein), possible procedures to address instances of non-cooperation. The Bureau had made recommendations on possible procedures to address non-cooperation.

27. The Secretariat of the Assembly of States Parties had continued to carry out its mandate in assisting the work of the Assembly and its subsidiary bodies, in accordance with resolution ICC-ASP/2/Res.3. In addition, the Secretariat had endeavoured to coordinate, as appropriate, with the different organs of the Court on the issues on the agenda of the Assembly, and on other matters which are of relevance to the work of the Assembly.

28. The Secretariat of the Assembly of States Parties had continued to provide The Hague Working Group, the Study Group on Governance, the Committee on Budget and Finance, as well as the Oversight Committee on permanent premises, with independent substantive servicing, as well as administrative and technical assistance in the discharge of their responsibilities. The Secretariat assisted in coordinating the work of the Bureau and of the New York Working Group and facilitated the travel of the President of the Assembly and the dissemination of information and communications.

29. Following the mandate of resolution RC/1 of the Review Conference entitled "Complementarity", the Secretariat had also taken measures to facilitate the exchange of information between the Court, States Parties, and other stakeholders.³ This included the designation of a focal point on complementarity, the establishment of contacts with key complementarity actors, as well as the establishment of an Extranet on complementarity. Furthermore, the Secretariat had continued to fulfill its mandate regarding the Plan of action.

30. In addition, the President shared some personal reflections, which are reflected in the full text of his address at the following website address: <http://tinyurl.com/ASP10-CW-CL>.

5. Report on the activities of the Court

31. At its 1st meeting, on 12 December 2011, the Assembly heard statements by Judge Sang-Hyun Song, President of the Court, and by Mr. Luis Moreno-Ocampo, Prosecutor of the Court. At the same meeting, the Assembly took note of the report on the activities of the Court.⁴

6. Report of the Board of Directors for the Trust Fund for Victims

32. At its 1st meeting, on 12 December 2011, the Assembly heard a statement by Ms. Elisabeth Rehn, Chairperson of the Board of Directors of the Trust Fund for Victims. The Assembly considered and took note of the report on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 1 July 2010 to 30 June 2011.⁵

³ Press Release: Complementarity; 02.08.2011 (ICC-ASP-20110802-PR707).

⁴ ICC-ASP/10/39.

⁵ ICC-ASP/10/14.

7. Election of the President of the Assembly of States Parties for the tenth to twelfth session

33. In accordance with rule 29 of the Rules of Procedure and Evidence of the Assembly of States Parties, the Assembly, at its first plenary meeting on 12 December 2011, elected Ms. Tiina Intelmann (Estonia) by acclamation as President of the Assembly for the tenth to twelfth session.

8. Election of two Vice-Presidents and 18 members of the Bureau

34. Pursuant to rule 29 of the Rules of Procedure of the Assembly, the Assembly elected two Vice-Presidents and 18 members for the triennium 2011-2013, covering the tenth to twelfth sessions of the Assembly, as follows:

Vice-Presidents:

Mr. Ken Kanda (Ghana)

Mr. Markus Börlin (Switzerland)

Rapporteur:

Ms. Alejandra Quezada (Chile)

Other members of the Bureau:

Argentina, Belgium, Brazil, Canada, Chile, Czech Republic, Gabon, Finland, Hungary, Japan, Nigeria, Portugal, the Republic of Korea, Samoa, Slovakia, South Africa, Trinidad and Tobago and Uganda.

9. Election of six judges

35. At the 2nd meeting, on 12 December 2011, the Assembly, on the recommendation of the Bureau, decided that for the purposes of electing judges of the International Criminal Court, any meeting of the Assembly should continue until as many candidates as were required for all seats to be filled had obtained, in one or more ballots, the highest number of votes and a two-thirds majority of the States Parties present and voting. Consequently, all candidates elected as judges should be considered as having been elected at the same meeting irrespective of whether or not the ballot continued for one or more days.

36. At the same meeting, the Assembly recommended that the candidates should not be present in the conference room when the Assembly was engaged in the process of voting.

37. At its 2nd meeting, held from 12 to 16 December 2011, the Assembly proceeded to elect six judges of the International Criminal Court in accordance with the relevant provisions of the Rome Statute, as well as of resolution ICC-ASP/3/Res.6.

38. The following candidates were elected judges of the International Criminal Court:

- (a) Anthony Thomas Aquinas Carmona (GRULAC, list A, M);
- (b) Miriam Defensor-Santiago (ASIA, list B, F);
- (c) Chile Eboe-Osuji (AFR, list A, M);
- (d) Robert Fremr (EE, list A, M);
- (e) Olga Venecia Herrera Carbuccia (GRULAC, list A, F); and
- (f) Howard Morrison (WEO, list A, M).⁶

39. The Assembly conducted 15 ballots. In the first round, 117 ballots were cast, of which 13 were invalid and 104 were valid; the number of States Parties voting was 104 and the required two-thirds majority was 70. The following candidates obtained the highest number of votes and a two-thirds majority of the States Parties present and voting: Miriam Defensor-Santiago (79) and Anthony Thomas Aquinas Carmona (72).

⁶ WEO = Western European and other States;
AFR = African States;
ASIA = Asian States;
EE = Eastern European States;
GRULAC = Group of Latin American and Caribbean States;
M = male; and
F = female.

40. In the second round, 116 ballots were cast, of which nine were invalid and 107 were valid; the number of States Parties voting was 107 and the required two-thirds majority was 72. Robert Fremr (Czech Republic) obtained the highest number of votes (77) and a two-thirds majority of the States Parties present and voting.

41. In the 12th round, 109 ballots were cast, of which none was invalid and 109 were valid; the number of States Parties voting was 109 and the required two-thirds majority was 73. Olga Venecia Herrera Carbuccia (Dominican Republic) obtained the highest number of votes (77) and a two-thirds majority of the States Parties present and voting.

42. In the 13th round, 107 ballots were cast, of which two were invalid and 105 were valid; the number of States Parties voting was 105 and the required two-thirds majority was 70. Howard Morrison (United Kingdom) obtained the highest number of votes (72) and a two-thirds majority of the States Parties present and voting.

43. In the 15th round, 114 ballots were cast, of which none was invalid and 114 were valid; the number of abstentions was 12; the number of States Parties voting was 102 and the required two-thirds majority was 68. Chile Eboe-Osuji (Nigeria) obtained 102 votes and a two-thirds majority of the States Parties present and voting.

Commencement of terms of office of judges

44. At the 2nd meeting, on 12 December 2011, the Assembly, on the recommendation of the Bureau, decided that the terms of office of judges of the International Criminal Court elected by the Assembly shall begin to run as from 11 March following the date of their election.

10. Election of the Prosecutor

45. On 1 February 2011, the Bureau decided to open the nomination period for the election of the Prosecutor of the International Criminal Court, in accordance with resolution ICC-ASP/1/Res.2, as amended by resolution ICC-ASP/3/Res.6. The nomination period was open between 13 July and 2 September 2011 and was extended, by the decision of the President of the Assembly, until 9 December 2011. The Bureau agreed that the nomination process would be supplemented by the work of the Search Committee for the position of the Prosecutor of the International Criminal Court, which was established by the Bureau during the ninth session of the Assembly. According to its terms of reference, the Search Committee was mandated to “facilitate the nomination and election, by consensus, of the next Prosecutor”.⁷ The Search Committee submitted its report to the Bureau on 25 October 2011. The Search Committee received or otherwise identified expressions of interest from or recommendations for consideration in respect of 51 individuals. From the 51 names on the candidates list, the Search Committee interviewed eight candidates and, with a view to nominate a consensus candidate through an informal consultation process, presented to the Bureau a shortlist of the following four candidates:

- (a) Ms. Fatou B. Bensouda (The Gambia);
- (b) Mr. Andrew T. Cayley (United Kingdom of Great Britain and Northern Ireland);
- (c) Mr. Mohamed Chande Othman (United Republic of Tanzania); and
- (d) Mr. Robert Petit (Canada).

46. During the informal consultation process, which ended on 30 November 2011, it became clear there was a strong desire among States Parties to see the next Prosecutor elected by consensus, if at all possible, and that the most qualified person should be elected. In addition, the consultations resulted in a general agreement that the next Prosecutor should come from Africa. The consultations led to an informal agreement among the States Parties to nominate a consensus candidate, Ms. Fatou B. Bensouda, from The Gambia, for consideration by the Assembly of States Parties. Ms. Bensouda was nominated by The Gambia and her nomination was cosponsored by the following States Parties: Albania, Andorra, Argentina, Australia, Austria, Barbados, Belgium, Belize, Benin, Bolivia

⁷ Bureau of the Assembly of States Parties: Search Committee for the position of the Prosecutor of the International Criminal Court: Terms of Reference (ICC-ASP/9/INF.2), para. 5.

(Plurinational State of),⁸ Brazil, Burkina Faso, Canada, Cape Verde, Central African Republic, Chad, Chile, Colombia, Costa Rica, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Finland, France, Gabon, Gambia, Germany, Ghana, Guinea, Greece, Ireland, Italy, Japan, Kenya, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritius, Mexico, Mongolia, Montenegro, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Peru, Portugal, Philippines, Republic of Korea, Romania, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Senegal, Seychelles, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Trinidad and Tobago, Tunisia, Uganda, United Kingdom, United Republic of Tanzania, Venezuela (Bolivarian Republic of) and Zambia.

47. Ms. Bensouda was elected, on 12 December 2011, by acclamation, as the Prosecutor of the International Criminal Court for a period of nine years starting from 16 June 2012.

11. Election of six members of the Committee on Budget and Finance

48. In a note dated 23 November 2011, the Secretariat submitted to the Assembly a list of seven candidates nominated by States Parties for election to the Committee on Budget and Finance.⁹ On 19 December 2011 Uganda announced the withdrawal of its candidature.

49. At its 6th meeting, on 19 December 2011, the Assembly elected the following six members of the Committee on Budget and Finance, in accordance with resolution ICC-ASP/1/Res.5¹⁰ of 12 September 2003:

- (a) Mr. Hugh Adsett (Canada)
- (b) Mr. Fawzi Gharaibeh (Jordan)
- (c) Mr. Samuel P.O. Itam (Sierra Leone)
- (d) Ms. Mónica Sánchez Izquierdo (Ecuador)
- (e) Ms. Elena Sopková (Slovakia)
- (f) Mr. Masatoshi Sugiura (Japan).

50. In accordance with paragraph 11 of resolution ICC-ASP/1/Res.5, the Assembly dispensed with a secret ballot and elected the six members of the Committee on Budget and Finance by consensus. The term of office of the six members shall begin to run on 21 April 2012.

12. Consideration and adoption of the budget for the tenth financial year

51. The Assembly, through its Working Group, considered the 2012 proposed programme budget on the basis of the draft proposal submitted by the Registrar, the reports of the Committee on Budget and Finance and the reports of the External Auditor.

52. At its 8th meeting, on 21 December 2011, the Assembly took note of the report of the Working Group on the programme budget (ICC-ASP/10/WGPB/CRP.1), wherein it, inter alia, conveyed the recommendation of the Working Group, that the Assembly endorse the recommendations of the Committee on Budget and Finance at its seventeenth session¹¹ and those recommendations made on the supplementary budget as indicated in the statement of the Chair of the Committee. In addition, the Assembly made further adjustments to reach a total appropriation of €111.0 million, with €108.8 million for the major programmes and €2.2 million as replenishment of the Contingency Fund.

53. At the same meeting, the Assembly also considered and approved, by consensus, the programme budget for 2012.

54. At the 9th meeting, the Assembly adopted, by consensus, resolution ICC-ASP/10/Res.4, concerning the programme budget in relation to the following:

- (a) Programme budget for the year 2012, including appropriations totalling €108.8 million for the major programmes and staffing tables for each of the major programmes;

⁸ Bolivia cosponsored the nomination in the course of the tenth session of the Assembly.

⁹ ICC-ASP/10/21.

¹⁰ As amended by resolution ICC-ASP/2/Res.4.

¹¹ *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part B.2.

- (b) Working Capital Fund for 2012;
- (c) Scale of assessments for the apportionment of the expenses of the International Criminal Court;
- (d) Financing of appropriations for the year 2012;
- (e) Contingency Fund;
- (f) Transfer of funds between major programmes under the 2011 approved programme budget;
- (g) Referrals by the Security Council;
- (h) A strategic approach to an improved budgetary process;
- (i) Review of personnel conditions;
- (j) Legal aid;
- (k) Interim premises of the Court.

13. Consideration of audit reports

55. At the 5th meeting, the Assembly took note with appreciation of the reports of the External Auditor on the audit of the financial statements of the Court for the period 1 January to 31 December 2010¹² and of the Trust Fund for Victims for the same period.¹³

14. Amendments to the Rome Statute

56. Pursuant to the report of the Working Group on Amendments¹⁴ the Assembly decided to hold informal consultations in New York between its tenth and eleventh sessions, during which delegations could discuss the draft procedural guidelines for the Working Group on amendments.¹⁵

57. At its 8th meeting on 21 December 2011, the Assembly adopted, by consensus, resolution ICC-ASP/10/Res.1 containing an amendment to rule 4 of the Rules of Procedure and Evidence, which transfers the decision on the assignment of judges to divisions from the plenary of judges to the Presidency.

15. Review Conference follow-up

58. At its 7th meeting, on 20 December 2011, the Assembly adopted resolution ICC-ASP/10/Res.2, entitled “Cooperation”, whereby it, inter alia, addressed the timely and effective cooperation and assistance from States Parties and other States under an obligation to cooperate with the Court; focused requests for cooperation and assistance from the Court; the need for ratification to be matched by national implementation of obligations; called upon States Parties and other States, where possible, to consider strengthening their cooperation with the Court by entering into agreements or arrangements with the Court; encouraged the Court to continue its work in the areas of framework agreements or arrangements or any other means such as interim release, final release, witness relocation and sentence enforcement; and welcomed the establishment of the Special Fund for Relocations. The Assembly also requested the Bureau to establish a facilitation of the Assembly of States Parties.

59. Also at its 7th meeting, the Assembly adopted resolution ICC-ASP/10/Res.3, whereby it, inter alia, requested the Court to ensure that Court-wide coherent principles relating to reparations are established in accordance with article 75, paragraph 1, of the Rome Statute; highlighted issues relating to the funding of reparations awards; and the freezing and identification of assets of the convicted person for the purpose of reparations.

¹² *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part C.1.

¹³ *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part C.2.

¹⁴ *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. I, part II.

¹⁵ ICC-ASP/10/32.

16. Premises of the Court

60. At its 1st meeting, on 12 December 2011, the Assembly took note of the oral report of the Chairperson of the Oversight Committee on permanent premises, Mr. Roberto Bellelli (Italy), and of the report on the activities of the Oversight Committee,¹⁶ which highlighted that the permanent premises construction project remains within the €190 million approved by the Assembly and that the estimated completion date for the project is September 2015. The report also indicated that the final design was completed on 1 November 2011, and that the project entered the tendering stage and selection of the general contractor, which should end on 1 September 2012 with the signature of the construction contract. Regarding the newly quantified costs related to the project but not related to the construction (the so called Box 4 costs), the report further highlighted that the Oversight Committee had decided to submit the 2gv costs (non-integrated elements) annually to the Assembly for approval, while the 3gv costs (integrated elements) would be absorbed within the overall construction budget.

61. At its 8th meeting, on 21 December 2011, the Assembly adopted, by consensus, resolution ICC-ASP/10/Res.6, whereby it, inter alia, welcomed the completion of the final design stage and formally approved the new governance structure of the project, and the renewed composition of the Oversight Committee, contained in annex II to the resolution. The Assembly also, inter alia, authorized the Oversight Committee to review the design and/or the functionality requirements, as needed, in order to ensure a good quality building while keeping the budget within the approved costs. The Assembly requested the Project Director, Design Team and the Court to take into account any future operating costs of the premises when making decisions about the design, and approved the revised cash-flow table contained in annex I to the resolution.

17. Decision concerning dates of the next session of the Assembly of States Parties

62. At its 9th meeting, on 21 December 2011, the Assembly decided to hold its eleventh session in The Hague from 14 to 22 November 2012, and decided further to hold its twelfth, thirteenth and fourteenth sessions in The Hague and New York, alternately.

18. Decisions concerning dates and venue of the next sessions of the Committee on Budget and Finance

63. At its ninth meeting, on 21 December 2011, the Assembly decided that the Committee on Budget and Finance would hold its eighteenth session from 23 to 27 April 2012 and its nineteenth session from 24 September to 3 October 2012, in The Hague.¹⁷

19. Other matters

(a) Trust Fund for the participation of the least developed countries and other developing States in the work of the Assembly

64. The Assembly expressed its appreciation to Australia, Ireland, Luxembourg and Poland for their contributions to the Trust Fund for the participation of the least developed countries and other developing States in the work of the Assembly.

65. The Assembly noted with satisfaction that 16 delegations had made use of the Trust Fund to attend the tenth session of the Assembly.

(b) Review of the pension regime applicable to two judges

66. The representative of Uganda raised the issue of the review of the pension regime applicable to two judges who had been elected at the sixth session in 2007 to fill two judicial vacancies. In that regard, she remarked that in the view of her delegation, document ICC-ASP/10/17, dated 16 March 2011, had not been sufficiently addressed by the Assembly.

¹⁶ ICC-ASP/10/22.

¹⁷ *Official Records... Tenth session...2011* (ICC-ASP/10/20), vol. II, part. B.2, para. 144.