



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Fourteenth meeting

The Hague

20 September 2018

Agenda and decisions

The meeting was chaired by the President of the Assembly, H.E. O-Gon Kwon (Republic of Korea)

The President expressed his appreciation to the Registrar for making interpretation into English and French available for the meeting.

1. Preparations for the seventeenth session of the Assembly

a) Seating arrangements

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

b) Programme of work

The Bureau agreed a programme of work for the seventeenth session, dated 7 September 2018. The Bureau agreed to adopt the programme of work, on the understanding that it would be updated in the coming weeks and may also be subject to modification during the session itself to take account of developments and any needs which may arise.

Due to the recent threats directed at the International Criminal Court, its Judges and States Parties cooperating with the Court, the State of Palestine proposed that an agenda item be added to the agenda of the seventeenth session of the Assembly addressing this serious issue.

The State of Palestine also advised that it had sent a note verbale to the Secretariat indicating its intention to temporarily step down as a member of the Bureau for one year, based on a seat-sharing arrangement.²

¹ ICC-ASP/1/ Decision 4 states as follows: “The Assembly of States Parties recommends that the President of the Assembly of States Parties draw lots for the purpose of choosing the State Party to occupy the first desk on the Assembly floor from which the alphabetical seating order will begin. After a given State Party’s name is drawn, the delegation of that State Party will sit at the first desk to the right of the President and the other States Parties will follow in English alphabetical order. For the purposes of the first meeting of the Assembly, the Secretary-General of the United Nations will draw the lots.”

² *Official Records...Sixteenth session ...2017* (ICC-ASP/16/20), vol.I, part I, para. 17.

c) *General Debate*

The Bureau requested the President to inform States that the general debate would be held in the afternoon on 5 December for ministerial-level representatives. The general debate would continue during the morning on 6 December. Depending on the number of speakers, it could continue during the lunch break and an evening session might also be required. The President requested the Secretariat to inform States of the opening of the list of speakers on 24 October 2018 (Central European Time).

i) *Time limits*

The Bureau recommended, on the basis of rule 50 of the Rules of Procedure of the Assembly of States Parties and previous decisions of the Assembly, that the Assembly request speakers to observe a time limit of five minutes.

ii) *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) *Side events*

The Bureau requested States, observers and non-governmental organizations tentatively wishing to hold side-events during the seventeenth session to submit their requests between 1 October and 2 November 2018, with a view to the preparation of a draft advance Journal for dissemination in the week of 5 November 2018.

e) *Trust Fund for the participation of least developed countries and other developing States*

The President expressed appreciation to those States that had contributed to the Trust Fund for the participation of least developed countries and other developing States and called on States that were able to do so to contribute to the Fund before the end of October 2018. The President advised that, at its current level, the Fund could support the participation of approximately five delegates.

f) *Credentials Committee*

The President recalled that nine States Parties were needed to compose the Credentials Committee of the seventeenth session of the Assembly and in this connection requested that Bureau members raise this in their regional groups so as to indicate, preferably before the end of November, the States Parties that wished to serve on the Committee. The Bureau requested regional groups or interested States to directly inform the Secretariat about the respective names, which would then be submitted for consideration by the Bureau, which would make a recommendation to the Assembly.

g) *Guidelines for the preparation and conduct of the sessions of the Assembly*

The Bureau had before it the draft “Guidelines for the preparation and conduct of the sessions of the Assembly”, dated 18 September 2018, which had been prepared by the Secretariat essentially reflecting the practice in order to streamline and improve the efficiency of the organization of the annual session of the Assembly. Bureau members held an initial discussion on the draft guidelines and suggested some improvements. The President asked Bureau members to submit comments to the

Secretariat before the end of September so that a revised draft could be prepared for further consideration. The Bureau would then consider adopting the Guidelines.

h) Elections- nomination period

(i) Advisory Committee on Nominations of Judges

The President informed the Bureau that the number of nominations for the nine seats on the Advisory Committee on Nominations of Judges remained below the number of seats, and that nominations had not been received from all five regional groups. A second extension of the nomination period had been communicated to all States Parties and unless the requisite conditions were met by the end of 25 September, a third extension of the nomination period would take place.

The President noted that once the extended nomination period had closed, the Bureau would need to make arrangements for the Bureau working group which would submit a consensus recommendation to the Bureau in advance of the opening of the seventeenth session. The members of the working group and the venue of its meetings had yet to be determined. The President indicated that the Bureau would return to the issue of the working group at a subsequent meeting.

(ii) Board of Directors of the Trust Fund for Victims

As regards the nominations for the election of five members of the Board of Directors of the Trust Fund for Victims, the President noted that a fifth nomination had been received on 19 September. As a result there were sufficient nominations for the number of seats as well as a nomination from each of the five regional groups.³ The President noted that it would therefore not be necessary to extend the nomination period for a third time.

2. Assessment of the Secretariat

The President advised that on the basis of discussions with the Coordinator of The Hague Working Group, Ambassador Jens-Otto Horslund (Denmark), he had decided to undertake further consultations with Bureau members and States Parties before presenting any proposals regarding the assessment of the Secretariat. In the meantime the Coordinator would circulate a questionnaire for completion by States Parties in The Hague Working Group.

3. Election of the next Prosecutor of the International Criminal Court

Regarding the election of the next Prosecutor of the Court, the President introduced the topic and noted that this would be the first of several discussions. He recalled that on 6 July all States Parties had received background information on the process followed for the previous election in 2011, including the establishment of a Search Committee as well as an extensive two-year evaluation of the process following its conclusion.

Bureau members had an initial discussion on the key issues, including the sequencing of steps in the process. It was noted that there was a general view following the 2011 election that additional time should be allocated for future elections.

The President proposed that Bureau members continue their discussion in the coming weeks and asked Bureau members to share any ideas with him in writing, preferably in advance of the 22 October Bureau meeting in New York. A proposal would be prepared for consideration by the States Parties not represented on the Bureau, via The Hague Working Group and the New York Working Group. The President noted that his intention, in order to gain additional time, was that the process be approved by the Assembly at its eighteenth session in 2019 and that the nomination period be opened

³ https://asp.icc-cpi.int/EN_Menu/asp/elections/trust%20fund%20for%20victims/2018/pages/nominations.aspx.

immediately afterwards. He noted that preparations could be made in advance so that the process could proceed swiftly after approval by the Assembly.

4. Status of the recruitment of the Independent Oversight Mechanism

The President informed the Bureau that Mr. Saklaine Hedaraly, the candidate selected by the Bureau as Head of the Independent Oversight Mechanism (IOM), had signed the job offer and would enter on duty on 1 November 2018. A senior investigator had also been recruited and had started work in early September.

5. Amendment to the Rules of Procedure of the Assembly of States Parties

The Bureau discussed a proposed amendment to the Rules of Procedure of the Assembly that would allow the Bureau to fill the vacancy of a Vice-President on an interim basis until the Assembly could proceed to an election thereon. Bureau members reiterated the position that Bureau documentation should be circulated well in advance of meetings in order to enable delegations to prepare effectively. The President requested Bureau members to submit comments to the Secretariat before the end of September so that a revised draft could be prepared for further consideration.

6. Amendment to the resolution for the nomination and election of judges

The Bureau had a preliminary discussion of possible amendments to the resolution which sets out the procedure for the nomination and election of judges (ICC-ASP/3/Res.6), in furtherance of the mandate contained in resolution ICC-ASP/16/Res.6, para. 6(b). The Bureau was of the view that it would be preferable to defer the discussion of possible amendments to a subsequent year.

7. Other matters

a) Contingency Fund notifications

The Bureau took note of the two contingency fund notifications, dated 9 March 2018 and 14 May 2018 respectively, submitted by the Registrar pursuant to regulation 6.7 of the Financial Regulations and Rules to meet unforeseen and unavoidable costs regarding:

- i) the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* in the situation in the Central African Republic, specifically the mandate extension of two judges; and
- ii) the situation in the Republic of Burundi.

The Bureau noted that the Committee on Budget and Finance would present its recommendations on the two notifications in the forthcoming report on the work of its thirty-first session.

b) Statement by the President of the Assembly of States Parties

The President recalled his statement, issued on 11 September 2018, reaffirming the support and cooperation of the 123 States Parties to the Rome Statute.⁴ He thanked those States and international organizations which had made important statements about the Rome Statute system in recent days. He expressed his hope that States would take advantage of all possible fora to reiterate their unrelenting support for the Rome Statute system and noted that some opportunities in that connection were forthcoming, such as the high-level session of the United Nations General Assembly, the UNGA discussion on the annual report of the International Criminal Court which would take place on 29 October, as well as the general debate during the Assembly session in December.

⁴ https://asp.icc-cpi.int/en_menus/asp/press%20releases/Pages/PR1405.aspx.

c) *Next meetings*

The President announced that the next meeting of the Bureau would be held in New York on 22 October. There were tentative plans for a Bureau meeting in The Hague on 15 November. A Bureau meeting would also be held in The Hague on Tuesday 4 December, at 1600, at the World Forum Convention Center, the day before the opening of the Assembly session.

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Annex

On 11 September 2018 the Bureau appointed, via silence procedure, H.E. Ambassador Momar Gueye (Senegal) as co-facilitator for cooperation.

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