



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Seventh meeting

The Hague

17 July 2019

10:00 – 12:30

Agenda and decisions

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

1. Follow-up to the Bureau retreat

The President recalled that the informal summary of discussions held at the Bureau retreat on 13 June 2019 had been disseminated to all States, including Observer States, the Court and civil society on 10 July and was available on the website of the Assembly.¹

The President indicated that the draft non-paper entitled “Matrix over possible areas of strengthening the Court and the Rome Statute System”, dated 15 July 2019, had been circulated to all States and the Court to ensure transparency and inclusiveness of the process. He indicated that the accompanying letter from the Presidency of the Assembly, dated 15 July 2019, set out the key principles against which the matrix should be read. He noted that, as indicated in that letter, the matrix was an attempt “to distil a number of concrete and actionable issues based predominantly on informal discussions” that were held at the Bureau retreat.

Bureau members welcomed the submission of the matrix but noted that additional time was needed to be able to make informed comments thereon. Some Bureau members indicated that due to the generic nature of the matrix certain issues raised at the retreat had not been incorporated and should be reflected in the future discussions. Some comments were made with regard to procedure and methodology, such as envisaging channels to communicate comments on the draft and to avoid duplication of work, including what the Court may be undertaking, and to maintain momentum.

Vice-President Horslund clarified that the matrix was a starting point and that it had been difficult to reflect all of the discussions held at the Bureau retreat. He noted that the matrix was a tracking tool and a living document, and proposed that any additional comments on methodology or substance be raised at future working group meetings as well as during informal consultations.

During the discussion, the Bureau agreed that the matrix document was a very good starting point for the process of strengthening the Court and the Rome Statute system, and

¹ https://asp.icc-cpi.int/iccdocs/asp_docs/Bureau/Bureau%20retreat%20summary.10Jul19.1000.pdf.

authorized the Presidency of the Assembly to continue working on the matrix during the summer period and to present it to The Hague and New York Working Groups, so that delegations could begin substantive discussions as of September 2019. This would allow for a solid framework for discussions in advance of the eighteenth session of the Assembly. Furthermore, Bureau members agreed that the process must be inclusive and transparent.

The Bureau discussed possible preliminary work that could be undertaken, in particular: to identify specific topics for which independent expertise may be necessary; to identify experts for those topics; to draw up the draft Terms of Reference for the experts; and to explore the possible means of financing the associated costs. The Bureau agreed that the President would circulate a proposal, for approval by the Bureau under silence procedure, on the initiation of preliminary work in these areas.² The Presidency of the Assembly indicated that it would engage in a dialogue with States Parties, the Court and the working groups as part of this preliminary work, including to identify priorities and timelines.

2. Committee on the Election of the Prosecutor

The President briefed the Bureau on the Committee on the Election of the Prosecutor (“Committee”). He recalled that the members of the panel of experts to assist the Committee had been appointed by the Bureau via a silence procedure ending on 27 June, and that he had issued a press release welcoming the Committee and the panel of experts on 3 July.³

The President informed the Bureau that the Committee and the panel had commenced their work. He noted that the Committee held its first meeting by video-conference on 8 July 2019, and another video-conference on 11 July which included the members of the panel of experts. He indicated that at these first meetings, the Committee members held initial discussions on their working methods and the way ahead, and had an exchange of views with the panel of experts on their first task: the preparation of the draft vacancy announcement for approval by the Bureau. He mentioned that a third video-conference was scheduled to take place on 23 July. He highlighted that the panel of experts were preparing the first draft of the vacancy announcement, which would then be considered by the Committee members and submitted to the Bureau for approval.

The Bureau agreed that travel costs for the Committee members and panel of experts would be covered by Major Programme IV for one meeting in 2020, with 100 per cent daily subsistence allowance (DSA), economy class flights and on the understanding that the Committee would take into account cost-effectiveness. Major Programme IV would submit a supplementary budget for 2020 to that effect.

The President indicated that the Committee had foreseen the possibility of publishing the vacancy announcement in important international and regional publications to ensure the information would be disseminated as widely as possible, and noted that there would be some associated costs. In this regard, the Bureau requested the Committee to make a proposal with different options which could be submitted for the approval of the Bureau together with the draft vacancy announcement.

3. Performance objectives

The Bureau had an exchange of views on the performance objectives of the Director of the Secretariat of the Assembly of States Parties and the Head of the Independent Oversight Mechanism and agreed to continue the discussion at its next meeting. Bureau members were invited to submit their comments in writing.

² See the Presidency’s proposal subsequently adopted by the Bureau on 1 August 2019 (annex).

³ See: https://asp.icc-cpi.int/en_menus/asp/press%20releases/Pages/PR1462.aspx.

4. Appointment of a focal point for premises

The Bureau agreed to appoint Ms. Marija Stajic-Radivojsa (Serbia) as the focal point for the budget sub-topic of premises. She had been nominated by The Hague Working Group on 1 July 2019.

5. Contingency Fund notification

As regards the Contingency Fund notification dated 8 April 2019, the Bureau took note that the Committee on Budget and Finance had considered this topic at its thirty-second session and had “expressed its expectation that this amount would be absorbed within the regular budget”.⁴

6. Other matters

a) Side-events at the eighteenth session of the Assembly

The Bureau requested States, observers and non-governmental organizations tentatively wishing to hold side-events during the eighteenth session to submit their requests between 16 September and 1 November 2019, with a view to the preparation of a draft advance Journal for dissemination in the week of 4 November 2019.

b) Day of International Criminal Justice

Bureau members recalled that the meeting of the Bureau coincided with the Day of International Criminal Justice, and welcomed that different commemorative events had been held and statements made around the world.⁵

c) Next meeting

The next Bureau meeting would be held on the morning of 17 September in The Hague.

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⁴ ICC-ASP/18/5 (Advance version), paragraph 58.

⁵ See: <https://www.icc-cpi.int/Pages/item.aspx?name=pr1474>.

Annex

Decisions adopted by the Bureau

a) Committee on the Election of the Prosecutor: panel of experts

The Bureau appointed the following members of the panel of experts to assist the Committee on the Election of the Prosecutor on 27 June 2019:

- Mr. Francisco Cox Vial (Chile)
- Ms. Aurélia Devos (France)
- Professor Charles Jalloh (Sierra Leone)
- Ambassador Motoo Noguchi (Japan)
- Ms. Anna Richterová (Czech Republic)

b) Decision regarding the non-paper entitled “Matrix over possible areas of strengthening the Court and the Rome Statute System”, dated 15 July 2019

The Bureau took the following decision on 1 August 2019:

As regards the non-paper entitled “Matrix over possible areas of strengthening the Court and the Rome Statute System”, dated 15 July 2019, the Bureau entrusts the Presidency of the Assembly of States Parties with commencing preliminary work in the following areas, in consultation with States Parties, the Court and other stakeholders including international organizations and civil society:

- a) identify the topics on which expert assessment could potentially be sought;
- b) identify possible independent experts on these topics, giving due regard to qualifications, gender and geographical representation, and adequate representation of the principal legal systems of the world; and
- c) explore the possible means of financing the costs of those experts.

The Presidency will submit a proposal on these matters for the consideration of the Bureau in advance of its meeting on 17 September 2019.
