



BUREAU OF THE ASSEMBLY OF STATES PARTIES

First meeting

New York

7 February 2019

Agenda and decisions

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

1. Appointment of facilitators and focal points

Based on the recommendations of the New York and The Hague Working Groups respectively, the Bureau appointed the facilitators and focal points as reflected in the annex. The President noted that consultations were still ongoing with a view to identifying facilitators or focal points for the remaining topics.

A request was made for the President to remind the newly appointed facilitators and focal points of article 42 of the Rules of Procedure and of the Bureau decision of 18 October 2017,¹ in particular the request to communicate to the Bureau any decision by States Parties within their respective processes to hold meetings in private.

2. Draft Terms of Reference for the Committee on the Election of the Prosecutor

The Bureau had before it a zero draft of the terms of reference for the Committee on the election of the Prosecutor (ToR), dated 31 January 2019. The President advised that it had been prepared in consultation with the two Vice-Presidents, following the decision of the Bureau at its meeting on 12 December 2018. The draft was based on the ToR from the 2011 election, with a significant number of amendments. The draft also reflected the feedback received from the regional groups during the seventeenth session of the Assembly of States Parties, as well as the discussions in the Bureau in December 2018.

A view was expressed that the Committee should be established following an Assembly decision at the eighteenth session of the Assembly of States Parties and that the Committee should be composed by two representatives per regional group. After further discussion the Bureau was in broad agreement on the following points:

¹ https://asp.icc-cpi.int/iccdocs/asp_docs/Bureau/ASP2017-Bureau06-decision-ENG-ObsvrStates.pdf

a) the Committee shall be composed of five members; one representative per regional group based on the recommendation of the respective regional group. In addition, the Bureau shall designate the members of the Committee with due regard to gender balance and adequate representation of the principal legal systems of the world.

b) the Committee is to be assisted by a panel of experts. The Secretariat of the Assembly will provide administrative and technical assistance to the Committee.

c) the mandate of the Committee shall be to decide a shortlist, to be considered by States Parties, in order to facilitate the nomination and election by consensus of the next prosecutor. The number of candidates on the shortlist is still to be determined.

d) the Bureau endorsed the balance between transparency and confidentiality, between the need for States Parties to oversee the work of the Committee, and the need for the Committee to work independently and protect the personal information of candidates; however it was considered that some further refinement of the provisions was necessary.

e) The Bureau agreed that the negotiation of the ToR and the consensus-building exercise would be conducted in New York.

The Bureau considered that further discussion was still required on other issues such as: the specific time line for the process; budget implications; the inclusion of an awareness-raising function of the Committee; recusal of Committee members; role, status and number of experts; additional criteria for assessing applicants; and the venue of the work of the Committee.

As to the way forward, the President requested Bureau members to submit written comments and suggestions as soon as possible and indicated that he would prepare and circulate a new draft ToR. The President noted that, depending on the outcome of consultations on the revised draft, he may convene another Bureau meeting in New York in the middle of March, or if possible, submit the ToR for approval under silence procedure.

3. Other matters

a) Status of contributions

The President provided a brief update on the status of contributions to the budget of the Court noting that as of 31 January 2019, the Court had received €30 million of the budget approved by the Assembly of €148 million for 2019 (20 per cent), including contributions to the host State Loan. He indicated that the total amount of outstanding contributions, for 2019 and for prior years, stood at €139 million and that 35 States Parties had outstanding contributions of more than one year, and 13 of those were ineligible to vote under article 112, paragraph 8 of the Rome Statute. He called on all States Parties with outstanding contributions to make every effort to pay their contributions as soon as possible.

b) Dates and venue of the eighteenth session of the Assembly

Pursuant to a request from the Assembly at its seventeenth session² the Bureau decided to hold the eighteenth session of the Assembly in The Hague from 2 to 7 December 2019, for a total of six working days.

c) Approval time for Bureau decisions via silence procedure

The Bureau also decided to extend the time for approval of Bureau decisions via silence procedure from two to four working days to allow Bureau members more time to consult with capitals and within regional groups when necessary.

² ICC-ASP/17/20, annex, para. 19 (b).

Annex

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The Bureau made the following appointments:

New York:

- **Working Group on Amendments:** Chair – H.E. Ambassador, Juan Sandoval Mendiola (Mexico)
- **Non-cooperation:** co-focal points – Colombia, Croatia, Liechtenstein, Republic of Korea and Senegal
- **Omnibus resolution:** facilitator – Mr. Vincent Rittener (Switzerland)
- **Geographical representation and gender balance in the recruitment of staff of the Court:** facilitator – Ms. Kristina Horňáčková (Czech Republic)
- **Arrears:** facilitator – Mr. Nore Alam (Bangladesh)
- **Review of the procedure for the nomination and election of judges –** facilitator H.E. Ambassador Christian Guillermet-Fernández (Costa Rica)

The Hague:

- **Complementarity:** Co-focal points – Australia and Romania
- **Cooperation:** Co-facilitators – H.E. Ambassador Philippe Lalliot (France) and H.E. Ambassador Momar Gueye (Senegal)
- **Universality:** Co-focal points – The Netherlands and Republic of Korea
- **Review of the work and the Operational Mandate of the Independent Oversight Mechanism (IOM):** facilitator – H.E. Ambassador Eduardo Rodríguez Veltzé (Bolivia)
- **Study Group on Governance (SGG):** Co-chairs – H.E. Ambassador María Teresa de Jesús Infante Caffi (Chile) and H.E. Ambassador Hiroshi Inomata (Japan)