



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

BUREAU OF THE ASSEMBLY

Fourth meeting

16 June 2020

Agenda and decisions

The meeting was chaired by the President of the Assembly, Mr. O-Gon Kwon (Republic of Korea). The Vice-Presidents of the Assembly, Ambassador Jens-Otto Horslund (Denmark) and Ambassador Michal Mlynár (Slovakia), participated.

1. United States measures taken against the ICC

The Registrar briefed the Bureau on the possible impact of the measures against the Court that had been announced by the United States Government on 11 June 2020. The Executive Order¹ set the framework for sanctions against individuals and entities at the Court and those who provide assistance to the Court.

Bureau members thanked the Assembly President for convening the emergency meeting, and commended President Kwon and the Court for their swift responses in issuing strong statements in support of the Court. They thanked the Registrar for his briefing and expressed concern regarding the announcement of measures against the Court and its personnel. The matter was one of concern to the entire Assembly as a whole.

Bureau members reiterated their strong support for the independence of the Court and for its work, and some States indicated that they had also made statements in support of the Court following the announcement of measures against the Court. It was noted that the Court was a fundamental element of a rules-based order established by the international community. It was, further, a cornerstone of international humanitarian law and human rights law, and should be supported by all States Parties, as well as by the international community as a whole, including national institutions, civil society, etc.

A joint meeting of the New York Working Group and The Hague Working Group would be held on 30 June to continue consideration of the item.

2. Other matters

a) Request of the Advisory Committee on Nominations of Judges for an extension of deadline

The Bureau had before it a letter, dated 8 June 2020, from the Chair of the Advisory Committee on Nominations of Judges (ACN), Mr. Adrian Fulford, in which he conveyed the request

¹<https://www.whitehouse.gov/presidential-actions/executive-order-blocking-property-certain-persons-associated-international-criminal-court/>

of the Committee that the Bureau consider reducing the timeline set out in resolution ICC-ASP/18/Res.4,² to nine weeks before the election. The request took into account, inter alia, the challenges which the members were facing in carrying out their mandate due to the COVID-19 measures imposed worldwide. They also wished to produce a report of the quality and the detail specified in the resolution.³

The Bureau took note of the views expressed by some members on the request of the Committee.

The Bureau agreed that the Assembly Presidency would meet with the ACN Chair and Vice-Chair and make a proposal for the consideration of the Bureau.

b) Election of the Prosecutor: nomination period

Further to the discussion regarding the nomination period for the election of the Prosecutor at the third meeting of the Bureau on 28 May, the President informed the Bureau that he had received written comments on the draft note verbale dated 9 June 2020, and that a revised draft would be distributed for adoption under a silence procedure in due course.

As regards the process which would follow after the report of the Committee on the Election of the Prosecutor (CEP) had been submitted, the President noted that under the Terms of Reference adopted by the Bureau⁴ he would lead a consultation process to identify a consensus candidate, including hearings for shortlisted candidates with States Parties and civil society. The President would be actively engaged in the process with the assistance of the two Vice-Presidents. The consultations would be undertaken with a view to agreeing on a consensus nomination well ahead of the Assembly session in December. The Presidency would closely coordinate its efforts to ensure efficiency, transparency and inclusiveness. The public hearings would provide an opportunity for candidates to present their candidacies, including their vision for the OTP and their priorities. There would also be an opportunity for States Parties and civil society to pose questions to the candidates.

A request was made for a Bureau meeting to be convened, in a timely manner, to discuss the role of the Bureau in the consultation process.

c) Meetings of the Committee on Budget and Finance

The Bureau took note that thirty-fourth session of the Committee on Budget and Finance had been held via remote link on 18-19 May and on 11-12 June 2020, and that the thirty-fifth session of the Committee was scheduled to take place from 14-25 September 2020.

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² Annex I, section A states in part: "Any extension of the nomination period shall take into account the need for the Advisory Committee on Nominations of Judges to produce its report at least 16 weeks before the elections."

³ Annex II, section D.

⁴ ICC-ASP/18/INF.2.