



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Twelfth meeting

19 November 2020

via Zoom remote link

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) also participated.

The President expressed appreciation to the Registry for the provision of interpretation, and to the Secretariat for the organization thereof.

1. Preparations for the nineteenth session of the Assembly of States Parties

a) Update on preparations for the nineteenth session

Vice-President Michal Mlynár informed the Bureau that the preparations for the resumption of the nineteenth session at United Nations Headquarters in New York are ongoing. The United Nations will be able to provide conference rooms and conference servicing. Nonetheless, the substantive serving of the session cannot be provided by the United Nations Office of the Legal Affairs and therefore other options must be explored, including dispatching some Court staff who would be able to enter the United States or hiring the local staff in New York to assist with the session along with the three Court staff members at the New York Liaison Office. Another proposal included a call for a total of 10 national tellers, who would then proceed with the counting in five teams, substituting five Secretariat tellers. Vice-President Mlynár reiterated that the resumption of the nineteenth session must mainly focus on the elections.

b) Bureau decision: Nineteenth session of the Assembly of States Parties

The Bureau adopted the Bureau decision entitled “Nineteenth session of the Assembly of States Parties”, dated 27 October 2020 (annex).

c) Decision on the procedure for adoption of decisions by the Assembly during the nineteenth session of the Assembly of States Parties to the Rome Statute owing to the corona virus disease (COVID-19) pandemic

The Bureau approved the “Draft proposal by the Bureau: Draft decision on the Procedure for adoption of decisions by the Assembly during the nineteenth session of the Assembly of States Parties to the Rome Statute owing to the coronavirus disease (COVID-19) pandemic”, dated 27 October 2020, and decided to submit it to the Assembly as the proposal of the Bureau.¹ The proposed decision would allow the adoption of decisions by the Assembly by a silence procedure

¹ ICC-ASP/19/34.

similar to that contained in the United Nations General Assembly decision 74/544 of 27 March 2020 entitled “Procedure for taking decisions of the General Assembly during the coronavirus disease (COVID-19) pandemic”.

The Bureau took note that the decision would be applied only in situations when the Assembly cannot convene in an in-person format, as foreseen by its rules of procedure. Thus, it would not be applied at the nineteenth session of the Assembly (at its first part to be held from 14 to 16 December 2020 in The Hague and at its resumed part to be held from 17 to 23 December 2020 in New York), and would be considered as a contingency in case those meetings cannot take place, in order to enable business continuity in such a situation.

d) Programme of work for the nineteenth session and the resumed nineteenth session of the Assembly

The Bureau approved the shortened draft programme of work for the nineteenth session in The Hague, dated 17 November 2020, whereby the Assembly would meet in-person in the morning and afternoon of the first day for the opening plenary and general debate plenary, briefly in the afternoon of the second day and in the afternoon of the third day to adopt the resolutions. The rest of the meetings would be held in virtual format to mitigate the risks of the COVID-19 pandemic. The programme of work for the session in The Hague was adopted on the understanding that it was provisional and subject to modification, depending on the progress on different agenda items during the session of the Assembly and developments regarding the holding of the resumed session in New York.

The Bureau took note that the work programme for the session to be held in The Hague, which had been proposed after consultation with the Court’s Medical Unit and the Safety and Security Section, would additionally limit in-person participation to one representative per State Party and one representative per subsidiary body of the Assembly for in-person meetings. Attendance of other participants for in-person meetings would also be limited.

e) Election of six members of the Committee on Budget and Finance

In view of the limited meeting time, the President indicated that he would propose, pursuant to resolution ICC-ASP/1/Res.5, a draft recommendation of the Bureau regarding the election of six members of the Committee on Budget and Finance, under a silence procedure.

f) Election of the President and the Bureau for the twentieth to twenty-second sessions

The President would propose recommendations of the Bureau regarding the election of the President and the Bureau for the twentieth to twenty-second sessions, under a silence procedure.

g) Credentials Committee

The President would propose a recommendation of the Bureau regarding the appointment of members of the Credentials Committee for the nineteenth session, under a silence procedure.

h) Nomination of national tellers

The Bureau would revert to this agenda item in the future.

i) Appointment of the Rapporteur for the nineteenth session

The Bureau would revert to this agenda item in the future.

j) Organization of side-events

The President would convey, under a silence procedure, the proposal prepared by the CICC along with the Secretariat of the Assembly, dated 18 November 2020, which would allow for virtual side events that would not overlap with the meeting times of the Assembly.

2. Status of contributions

The Bureau would revert to this agenda item at a future meeting.

3. Independent Oversight Mechanism- Annual report

The Bureau would revert to this agenda item at a future meeting.

4. Other matters

a) Reports of the facilitations

The President would convey to the Bureau the reports of the facilitations on arrears and on Budget Management Oversight, dated 9 and 10 November 2020, respectively, for consideration under a silence procedure.

b) Election of the Prosecutor

The President provided an update on developments regarding the election of the Prosecutor, following the adoption of the “Way forward” on 13 November.

He had contacted the Chair of the Committee on the Election of the Prosecutor, Ambassador Sabine Nölke (Canada), who had confirmed that the Committee would work as quickly as possible to provide the appraisals the Bureau had requested. Once the appraisals had been received, the Bureau would appoint the five focal points and arrange the public hearings. A Bureau meeting would then be convened to consider the way forward and the timelines, including the specific modalities for bilateral consultations.

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Annex

SECRETARIAT OF THE ASSEMBLY OF STATES PARTIES

Draft Bureau decision: Nineteenth session of the Assembly of States Parties

The Bureau of the Assembly of States Parties,

Noting with concern the situation regarding the coronavirus disease (COVID-19) pandemic,

Considering the extraordinary circumstances and restrictions emanating from the COVID-19 pandemic and the need to ensure that the Assembly can assume its functions in a proper manner,

Noting that the present decision shall not create a precedent for any future sessions of the Assembly,

Recalling article 112, paragraph 3 (c) of the Rome Statute of the International Criminal Court, on the powers of the Bureau to assist the Assembly in the discharge of its responsibilities, and paragraph 6, on the Assembly meeting once a year,

Recalling its 1 October 2020 decision whereby “If the conference room and servicing in New York do not become available before 10 October 2020, the Bureau authorizes the Director of the Secretariat of the Assembly to proceed with a contract for The Hague from 14 to 16 December 2020. The session shall be held in a format as hybrid as possible to enable all States Parties and civil society to participate.”

Reiterating further that the first part of the nineteenth session of the Assembly shall be held from 14 to 16 December 2020 at the World Forum Convention Center (WFCC) in The Hague.

Takes the following decision:

- 1) The resumed nineteenth session of the Assembly shall be held at United Nations Headquarters in New York from 17 to 23 December 2020;
- 2) At the first part of the session, the Assembly shall consider and take action on all agenda items not listed in paragraph 4 of the present decision;
- 3) States Parties and facilitators of resolutions are strongly encouraged to finalize negotiations on draft resolutions in advance of the first part of the nineteenth session of the Assembly to allow for adoption at the first part of the session in The Hague;
- 4) At the resumed nineteenth session, the Assembly shall consider the following agenda items:
 - a) Election of six judges;
 - b) Election of the Prosecutor;
 - c) Election of the President and the Bureau for the twentieth to twenty-second sessions
 - d) Other matters
- 5) The first part of the session shall be held in-person, with equal remote participation to the extent possible. The total number of persons present at the WFCC shall be limited to the figure indicated by the WFCC bearing in mind the need to reduce the risk to the health of all participants. As at 29 October 2020 that figure is 404;
- 6) All plenary sessions and the elections via secret ballot without a plenary session shall be webcast;
- 7) Each State Party, Observer State, Invited State and a limited number of representatives of civil society shall be invited to participate in the general debate. Ministers, Vice-Ministers and State Secretaries may either deliver a five minute statement from their respective seat in the conference room or have their pre-recorded video played during the plenary meeting on that agenda item. Other statements may be submitted via a pre-recorded video or a written statement, which will be posted on the Assembly webpage;

- 8) Consultations on resolutions during the nineteenth session of the Assembly shall, to the extent possible, be conducted via virtual platforms and at times that facilitate participation by delegates based in New York. Resolutions shall be adopted at in-person plenary sessions in The Hague;
- 9) In case the situation with regard to the COVID-19 pandemic in The Hague deteriorates further and medical recommendations and/or measures by the host State make the meeting in this format not feasible, a fully virtual format of the session shall be explored;
- 10) The resumed session will be held in-person, with a limit on the total number of persons allowed to be present at the conference rooms where the session is held. All plenary sessions shall be webcast. The modalities of the resumed session, including the logistical issues pertaining to elections by secret ballot will be determined in cooperation with the relevant offices of the United Nations Secretariat;
- 11) *Requests* the Secretariat to:
 - a) continue to make the necessary arrangements for the first part of the session,
 - b) continue to liaise with the United Nations Secretariat with view to determining the modalities of the resumed session,
 - c) make all arrangements to ensure that the necessary social-distancing measures are observed and technical services area) provided;
- 12) *Decides* to remain seized of the matter.
