

Assembly of States Parties

Distr.: General
18 March 2010

Original: English

Resumed eighth session

New York
22-25 March 2010

Annotated list of items included in the provisional agenda

Note by the Secretariat

The following annotated list of the items contained in the provisional agenda for the resumed eighth session of the Assembly of States Parties (“the Assembly”) to the Rome Statute of the International Criminal Court (ICC-ASP/8/48) has been prepared to assist the Assembly in its consideration of issues before it at the resumed of the eighth session, which will be convened in New York on Monday, 22 March 2010, at 10 a.m. The status of the documentation reflected herein is current as of 18 March 2010.

Annotated list of items included in the provisional agenda

1. Adoption of the agenda

Rules 10 to 13 and 18 to 22 of the Rules of Procedure concerning the agenda are applicable to regular sessions of the Assembly.

In accordance with rules 10 and 11 of the Rules of Procedure, the provisional agenda for the resumed eighth session (ICC-ASP/8/48) was issued on 18 December 2009. In accordance with rule 19 of the Rules of Procedure, the provisional agenda shall be submitted to the Assembly for approval as soon as possible after the opening of the session.

Documentation

Provisional agenda (ICC-ASP/8/48)

2. States in arrears

According to article 112, paragraph 8, of the Rome Statute, "A State Party which is in arrears in the payment of its financial contributions towards the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years."

By resolutions ICC-ASP/4/Res.4, ICC-ASP/5/Res.3 and ICC-ASP/6/Res.2, the Assembly adopted provisions and recommendations relating to the issue of arrears of States Parties and the means of addressing it.

Documentation

Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourth session, The Hague, 28 November - 3 December 2005 (International Criminal Court publication, ICC-ASP/4/32), part III, resolution ICC-ASP/4/Res.4.

Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November - 1 December 2006 (International Criminal Court publication, ICC-ASP/5/32), part III, resolution ICC-ASP/5/Res.3, annex III.

Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007 (International Criminal Court publication, ICC-ASP/6/20), vol. I, part III, resolution ICC-ASP/6/Res.2, annex III.

3. Credentials of representatives of States at the resumed eighth session

Representation and credentials are regulated by rules 23 to 28 of the Rules of Procedure. In accordance with rule 24, the credentials of representatives of States Parties and the names of alternates and advisers shall be submitted to the Secretariat if possible not later than 24 hours after the opening of the session. The credentials shall be issued by the Head of State or Government or by the Minister for Foreign Affairs or by a person authorized by either of them.

At its 1st meeting, on 18 November 2009, in accordance with rule 25 of the Rules of Procedure, the Assembly appointed the following States to serve on the Credentials Committee:

Costa Rica, Estonia, Ireland, Lesotho, Netherlands, Republic of Korea, Serbia, Suriname and Uganda.

The Credentials Committee shall examine the credentials of representatives of States Parties and report to the Assembly without delay.

4. Organization of work

The Assembly will consider and adopt a programme of work at the beginning of the session on the basis of a proposal by the Bureau.

5. Review Conference

a) Stocktaking of international criminal justice

By resolution ICC-ASP/8/Res.6, the Assembly decided to forward to the Review Conference the topics contained in annex IV thereto for its consideration in the context of stocktaking of international criminal justice, taking into account the need to include aspects regarding universality, implementation, and lessons learned, in order to enhance the work of the Court.¹

Documentation

Report of the Bureau on stocktaking: The impact of the Rome Statute system on victims and affected communities (ICC-ASP/8/49)

Report of the Bureau on stocktaking: Cooperation. Background paper and proposals for outcome (ICC-ASP/8/50)

Report of the Bureau on stocktaking: Complementarity. Taking stock of the principle of complementarity: bridging the impunity gap (ICC-ASP/8/51)

Draft resolution on complementarity (ICC-ASP/8/L.13)

Report of the Bureau on stocktaking: Peace and justice (ICC-ASP/8/52)

b) Proposals for a provision on aggression

By resolution ICC-ASP/8/Res.6, the Assembly decided to forward the proposals for amendments contained in annexes I, II and III thereto.² Annex II contains proposals for a provision on aggression, submitted by the Permanent Representative of Liechtenstein, in his capacity as former Chairman of the Special Working Group on the Crime of Aggression.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighth session, The Hague, 18-26 November 2009* (International Criminal Court publication, ICC-ASP/8/20), vol. I, part II, resolution ICC-ASP/8/Res.6, para. 5.

² *Ibid.*, para. 3.

c) Other Review Conference related matters

By resolution ICC-ASP/8/Res.6, the Assembly requested the Bureau to consider the issue of strengthening the enforcement of sentences and submitting a proposal for a decision to be considered at the Review Conference.³ At its eighteenth meeting, on 15 December 2009, the Bureau mandated its New York Working Group to consider the issue of the enforcement of sentences.

By the same resolution, the Assembly further requested the Bureau to continue preparations for the Review Conference, including with regard to its scope and financial and legal implications, as well as practical and organizational issues.⁴

By resolution ICC-ASP/8/Res.6, the Assembly requested the Secretariat of the Assembly to report to the Bureau on the status of the discussions with a view to the expeditious conclusion, through the Court, of a Memorandum of Understanding between the Government of Uganda and the Secretariat which ensures that the provisions of the Agreement on the Privileges and Immunities of the International Criminal Court are applicable, *mutatis mutandis*, to the Review Conference, and which should also contain a time plan for preparatory steps.⁵

At its eighteenth meeting, on 15 December 2009, the Bureau recognized the need to establish a Drafting Committee during the Review Conference and mandated the Secretariat to prepare, as appropriate, any consequential changes to the draft rules of procedure of the Review Conference.⁶

Documentation

Report of the Working Group on the Review Conference⁷

6. Other matters

No documentation

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³ Ibid., para. 7.

⁴ Ibid., para. 8.

⁵ Ibid., para. 10.

⁶ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. I, part III, resolution ICC-ASP/6/Res.2, annex IV.

⁷ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighth session, The Hague, 18-26 November 2009* (International Criminal Court publication, ICC-ASP/8/20), vol. I, annex II.