

Annexes

Annex I

Report of the Credentials Committee

Chairperson: H.E. Mr. Pieter de Savornin Lohman (Netherlands)

1. At its first plenary meeting, on 6 December 2010, the Assembly of States Parties to the Rome Statute of the International Criminal Court, in accordance with rule 25 of the Rules of Procedure of the Assembly of States Parties, appointed a Credentials Committee for its ninth session, consisting of the following States Parties: Costa Rica, Estonia, Ireland, Lesotho, Netherlands, Republic of Korea, Serbia, Suriname and Uganda.

2. The Credentials Committee held two meetings, on 6 and 9 December 2010.

3. At its meeting on 9 December 2010, the Committee had before it a memorandum by the Secretariat, dated 9 December 2010, concerning the credentials of representatives of States Parties to the Rome Statute of the International Criminal Court to the ninth session of the Assembly of States Parties. The Chairman of the Committee updated the information contained therein.

4. As noted in paragraph 1 of the memorandum and the statement relating thereto, formal credentials of representatives to the ninth session of the Assembly of States Parties, in the form required by rule 24 of the Rules of Procedure, had been received as at the time of the meeting of the Credentials Committee from the following 67 States Parties:

Andorra, Argentina, Australia, Austria, Barbados, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Dominica, Ecuador, Estonia, Fiji, Finland, France, Germany, Ghana, Greece, Guinea, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lesotho, Liechtenstein, Luxembourg, Mali, Malta, Mexico, Namibia, New Zealand, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Saint Lucia, Samoa, San Marino, Serbia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Trinidad and Tobago, Uganda, United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of).

5. As noted in paragraph 2 of the memorandum, information concerning the appointment of the representatives of States Parties to the ninth session of the Assembly of States Parties had been communicated to the Secretariat, as at the time of the meeting of the Credentials Committee, by means of a cable or a telefax from the Head of State or Government or the Minister for Foreign Affairs, by the following 37 States Parties:

Afghanistan, Albania, Antigua and Barbuda, Bangladesh, Belize, Benin, Bosnia and Herzegovina, Cambodia, Central African Republic, Colombia, Comoros, Democratic Republic of the Congo, Denmark, Djibouti, Gabon, Gambia, Georgia, Guyana, Honduras, Jordan, Kenya, Lithuania, Madagascar, Malawi, Mauritius, Montenegro, Nauru, Netherlands, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Tajikistan, The former Yugoslav Republic of Macedonia, United Republic of Tanzania, Uruguay and Zambia.

6. The Chairperson recommended that the Committee accept the credentials of the representatives of all States Parties mentioned in the Secretariat's memorandum, on the understanding that formal credentials for representatives of the States Parties referred to in paragraph 5 of the present report would be communicated to the Secretariat as soon as possible.

7. On the proposal of the Chairperson, the Committee adopted the following draft resolution:

“The Credentials Committee,

Having examined the credentials of the representatives to the ninth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, referred to in paragraphs 4 and 5 of the present report;

Accepts the credentials of the representatives of the States Parties concerned.”

8. The draft resolution proposed by the Chairperson was adopted without a vote.
9. The Chairperson then proposed that the Committee recommend to the Assembly of States Parties the adoption of a draft resolution (see paragraph 11 below). The proposal was adopted without a vote.
10. In the light of the foregoing, the present report is submitted to the Assembly of States Parties.

Recommendation of the Credentials Committee

11. The Credentials Committee recommends to the Assembly of States Parties to the Rome Statute of the International Criminal Court the adoption of the following draft resolution:

“Credentials of representatives to the ninth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Having considered the report of the Credentials Committee on the credentials of representatives to the ninth session of the Assembly and the recommendation contained therein,

Approves the report of the Credentials Committee.”

Annex II

Report of the Working Group on Amendments

1. By resolution ICC-ASP/8/Res.6,¹ the Assembly of States Parties established a Working Group for the purpose of considering, as from its ninth session, amendments to the Rome Statute proposed in accordance with article 121, paragraph 1, of the Statute at its eighth session,² as well as any other possible amendments to the Rome Statute and to the Rules of Procedure and Evidence, with a view to identifying amendments to be adopted in accordance with the Rome Statute and the Rules of Procedure of the Assembly of States Parties.

2. At the first meeting of its ninth session, on 6 December 2010, the Assembly appointed Mr. Paul Seger (Switzerland) as Coordinator of the Working Group.

3. The Working Group held three meetings between 7 and 9 December 2010.

4. In his opening remarks, the Coordinator suggested that, due to the limited time available at this session, the Working Group concentrate on a preliminary debate on how to deal with the amendments referred to in resolution ICC-ASP/8/Res.6 and on how to organize the deliberations of the Working Group. Delegations that wished to present their amendments were invited to do so. The Coordinator stressed, however, that the fact that a delegation refrained from presenting its amendment(s) at this session could not be interpreted as an implicit withdrawal; it simply meant that the delegation in question did not wish to discuss the amendment at the present stage. All amendments remained on the table.

5. Some delegations were of the view that before entering into a substantive consideration of amendments, the Working Group should develop rules of procedure, including as regards decision-making. In so doing, it was important to consider that several amendment proposals might be submitted in the future, both regarding the Statute and, in light of the Court's developing experience, to the Rules of Procedure and Evidence. The point was made that the Working Group should consider in detail only those amendments that had the potential of garnering a large degree of support and that indicators should be developed to that end. The view was also expressed that overburdening the jurisdiction of the Court, at this early stage, with crimes on which there was substantial disagreement was not a productive and cost-effective way to fight impunity. It was further remarked that focusing on implementing the amendments adopted at the Review Conference should take precedence over considering new amendments.

6. Other delegations, while agreeing in principle that only those amendments that had the potential of garnering a large degree of support should be considered with a view to adoption, referred to the proposals they had submitted and observed that a substantive discussion was necessary to determine the degree of support enjoyed by a specific proposed amendment. They pointed out that they had demonstrated flexibility in the run-up to the Review Conference, but could not agree to further postponing the consideration of these amendments. It was noted that some issues had in fact been outstanding since the Rome Conference and that there were other crimes than those within the Court's jurisdiction that were of concern to several regions in the world. The view was expressed that a substantive consideration of the amendments could not negatively affect the work of the Court. Given the limited time available to the Working Group, it was suggested to hold such debate through an inter-sessional process. It was pointed out that this work should be carried out within existing resources. However, there was also a view that allocating more time to the Working Group at the next session of the Assembly was a preferable way forward than holding an inter-sessional meeting.

¹ *Official Records ... Eighth session ... 2009* (ICC-ASP/8/20), vol. I.

² See footnote 3 of resolution ICC-ASP/8/Res.6, as well as the report of the Working Group on the Review Conference to the eighth session of the Assembly (*Official Records ... Eighth session ... 2009* (ICC-ASP/8/20), vol. I, annex II and appendices I-VI) and the report of the Bureau on the Review Conference to the same session of the Assembly (ICC-ASP/8/43 and Add.1).

7. In light of the above, and upon the suggestion of the Coordinator, the Working Group agreed that informal consultations be held in New York between the ninth and the tenth session of the Assembly. During such consultations, delegations would have the opportunity to present amendments already submitted and positions on the substance of proposed amendments could be expressed, as well as on the advisability of proceeding with further amendments regarding crimes within the jurisdiction of the Court at this stage of its existence. Delegations would also discuss working methods, procedures and the role of the Working Group with respect also to possible future amendments, on the basis of a paper to be prepared by the Coordinator. As suggested by the Coordinator, the goal of these consultations would be to achieve greater clarity on both the substantive views on the amendment proposals and the procedure to be followed in dealing with amendment proposals, so as to inform the deliberations of the Working Group during the tenth session of the Assembly. Accordingly, the Working Group agreed on adding language to the omnibus resolution on Strengthening the International Criminal Court and the Assembly of States Parties, which would call for the drafting of a report, to be considered at the tenth session of the Assembly, on the elaboration of procedural rules or guidelines that would assist the Working Group in dealing with possible future proposals to amend the Rome Statute or the Rules of Procedure and Evidence.

Annex III

List of documents

ICC-ASP/9/1	Provisional agenda
ICC-ASP/9/1/Add.1	Annotated list of items included in the provisional agenda
ICC-ASP/9/2	Report to the Assembly of States Parties on the activities and projects of the Board of Directors of the Trust Fund for Victims for the period 1 July 2009 to 30 June 2010
ICC-ASP/9/3	Report of the Court on its assessment of the implementation of International Public Sector Accounting Standards
ICC-ASP/9/4	Report of the Court on analytic accountability
ICC-ASP/9/5	Report of the Committee on Budget and Finance on the work of its fourteenth session
ICC-ASP/9/6	Report on budget performance of the International Criminal Court as at 31 March 2010
ICC-ASP/9/7	Report on programme performance of the International Criminal Court for the year 2009
ICC-ASP/9/8	Report of the Court on human resources management
ICC-ASP/9/9	Updated Report of the Court on legal aid: Legal and financial aspects of funding victims' legal representation before the Court, the comparison between internal and external counsel
ICC-ASP/9/10	Proposed Programme Budget for 2011 of the International Criminal Court
ICC-ASP/9/10/Corr.1	Proposed Programme Budget for 2011 of the International Criminal Court - Corrigendum
ICC-ASP/9/10/Corr.2	Proposed Programme Budget for 2011 of the International Criminal Court - Corrigendum
ICC-ASP/9/11	Report of the Court on the Kampala Field Office: activities, challenges and review of staffing levels; and on memoranda of understanding with situation countries
ICC-ASP/9/12	Report on the review of field operations
ICC-ASP/9/13	Financial statements for the period 1 January to 31 December 2009
ICC-ASP/9/13/Corr.1	Financial statements for the period 1 January to 31 December 2009 - Corrigendum
ICC-ASP/9/14	Trust Fund for Victims. Financial statements for the period 1 January to 31 December 2009
ICC-ASP/9/15	Report of the Committee on Budget and Finance on the work of its fifteenth session
ICC-ASP/9/16	Report on the budget performance of the International Criminal Court as at 30 June 2010
ICC-ASP/9/17	Report on the job evaluation study of posts at Professional level
ICC-ASP/9/18	Report of the Court on its proposed schedule and budget for the implementation of the International Public Sector Accounting Standards
ICC-ASP/9/19	Updated Report of the Court on capital investment replacements
ICC-ASP/9/21	Report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute of the International Criminal Court
ICC-ASP/9/22	Election of members of the Committee on Budget and Finance
ICC-ASP/9/23	Report on the activities of the Court

ICC-ASP/9/24	Report of the Bureau on cooperation
ICC-ASP/9/25	Report of the Bureau on the impact of the Rome Statute system on victims and affected communities
ICC-ASP/9/26	Report of the Bureau on complementarity
ICC-ASP/9/27	Report of the Bureau on the arrears of States Parties
ICC-ASP/9/28	Report on the activities of the Oversight Committee
ICC-ASP/9/28/Add.1/Rev.1	Resolution on permanent premises
ICC-ASP/9/29	Report of the Court on the public information strategy 2011-2013
ICC-ASP/9/30	Report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court
ICC-ASP/9/31	Report of the Bureau on the Independent Oversight Mechanism
ICC-ASP/9/32	Report of the Bureau on the strategic planning process of the International Criminal Court
ICC-ASP/9/33	Report of the Court on the appointment of the External Auditor
ICC-ASP/9/34	Report of the Court on measures to increase clarity on the responsibilities of the different organs
ICC-ASP/9/INF.2	Bureau of the Assembly of States Parties. Search Committee for the position of the Prosecutor of the International Criminal Court. Terms of Reference
ICC-ASP/9/L.1	Draft report of the Assembly of States Parties to the Rome Statute of the International Criminal Court
ICC-ASP/9/L.2	Draft report of the Credentials Committee
ICC-ASP/9/L.3/Rev.2	Draft resolution. Strengthening the International Criminal Court and the Assembly of States Parties
ICC-ASP/9/L.4	Draft resolution of the Assembly of States Parties on the proposed programme budget for 2011, the Working Capital Fund for 2011, scale of assessments for the apportionment of expenses of the International Criminal Court, financing appropriations for 2011 and the Contingency Fund
ICC-ASP/9/L.5	Draft resolution on the establishment of a study group on governance
ICC-ASP/9/L.6/Rev.1	Draft resolution on the Independent Oversight Mechanism
ICC-ASP/9/L.7	Draft resolution. Amendment to the Financial Regulations and Rules
ICC-ASP/9/WGA/CRP.1	Draft Report of the Working Group on Amendments
ICC-ASP/9/WGA/1	Report of the Working Group on Amendments
ICC-ASP/9/WGPB/CRP.1	Draft Report of the Working Group on the Programme Budget for 2011 of the International Criminal Court
ICC-ASP/9/WGPB/1	Report of the Working Group on the Programme Budget for 2011 of the International Criminal Court