



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Third meeting

26 April 2013

Agenda and decisions

The President of the Assembly, Ambassador Tiina Intelmann (Estonia), chaired the meeting.

1. Updates by omnibus facilitator and focal point for review of the working methods

a) Omnibus resolution

The facilitator, Ms. Ana Cristina Rodriguez (Guatemala), briefed the Bureau on the discussions on the improvement of the omnibus resolution, held on 25 January and 23 April 2013 in the New York Working Group. She indicated that delegations had agreed that the omnibus resolution should be streamlined and that its revision should take place in close cooperation with The Hague-based delegations.

b) Reform of the working methods

Ms. Pernilla Nilsson (Sweden) briefed the Bureau on behalf of the three *ad-country* focal points for the review of the working methods, Ghana, Sweden and Switzerland. She underlined the timeliness of the review in light of the many facilitations established by the Assembly, and indicated that the review was being conducted in close cooperation between the focal points in New York and The Hague. The view was expressed that the work of the Assembly needed to be streamlined.

Bureau members expressed concern that the New York Working Group meetings on the omnibus resolution were open to non-States Parties and recommended that future meetings on the omnibus resolution and the reform of the working methods be closed.

2. Twelfth session of the Assembly

Nomination period for elections to fill a judicial vacancy

As regards the judicial vacancy that had arisen as a result of the 18 March 2013 resignation of Judge Antony Thomas Aquinas Carmona, following his election as President of Trinidad and Tobago, the Bureau, in accordance with paragraph 27 (a) of resolution ICC-ASP/3/Res.6, decided that the election to fill the judicial vacancy would be held on 20 November 2013, during the twelfth session, in The Hague.

The Bureau fixed the nomination period to run from 28 August to 8 October 2013 and requested the Secretariat to inform States Parties accordingly. Furthermore, the Bureau decided to include in the provisional agenda of the twelfth session the agenda item titled "Election to fill a judicial vacancy".

The Bureau took note that, in accordance with the legal provisions governing the procedure for elections to fill judicial vacancies set out in article 37 of the Rome Statute and resolution ICC-ASP/3/Res.6, in particular paragraph 27 (d) of this resolution, and in accordance with the past practice of the Assembly in this regard, the nomination of candidates would be open only to the Latin American and Caribbean group.

3. Non-cooperation

The Bureau took note that Pre-Trial Chamber II had referred the “Decision on the Non-compliance of the Republic of Chad with the Cooperation Requests Issued by the Court Regarding the arrest and surrender of Omar Hassan Ahmad Al-Bashir” to the Assembly and to the Security Council, pursuant to article 87, paragraph 7, of the Rome Statute.

The President referred to her 24 April 2013 message by which she had informed States Parties of the alleged upcoming visit to the Republic of Chad of Mr. Abdel Raheem Muhammad Hussein, Minister of National Defence of the Sudanese Government, against whom the Court had issued a warrant of arrest. She had noted the importance of preventing instances of non-cooperation for preserving the integrity of the Rome Statute and called upon States Parties to join efforts to prevent instances of non-cooperation. The Bureau took note of information on the action undertaken by a Bureau member via a bilateral demarche to the Chadian Embassy in Brussels, as well as of a demarche delivered by a regional organization in N’Djamena. The view was expressed that there was a need to address the "root causes" of the instances of non-cooperation, and promote further engagement and dialogue with the African Union in trying to solve this issue. The view was also expressed that the Bureau should discuss the matter informally in an attempt to find alternative approaches to prevent instances of non-cooperation. The Bureau decided to continue to keep this agenda item under consideration.

Furthermore, the Bureau took note of United Nations document A/67/828-S/2013/210, titled “Identical letters dated 3 April 2013 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council”, by which the Secretary-General transmitted guidelines on contacts with persons who are the subject of arrest warrants or summonses issued by the International Criminal Court.

4. Bureau for the thirteenth to fifteenth sessions

The President recalled that, in accordance with rule 29 of the Rules of Procedure of the Assembly, the Assembly was expected to elect a President for the thirteenth to fifteenth sessions of the Assembly during its twelfth session. She had conveyed to States Parties a letter, dated 11 April 2013, informing them that Vice-President of the Assembly, Ambassador Ken Kanda (Ghana), would conduct consultations to identify the future President of the Assembly. Ambassador Kanda was in the initial stages of his consultations and would keep the Bureau informed on the progress of his consultations.

The President also recalled that, at the 20 March 2013 meeting, she had highlighted the need to appoint regional focal points from among Bureau members to conduct consultations within their respective regional groups to identify the future Bureau members.

Gabon volunteered to serve as focal point for the selection of new Bureau members within the African group. The Bureau took note and decided to discuss the issue at a future meeting. The President requested that Bureau members of the remaining regional groups consult within their respective groups to this end, and to inform the Bureau of the decision at a future meeting.

5. Rationalization of the term of the Bureau

The focal point, Mr. João Miguel Madureira (Portugal), informed the President that the Bureau was ready to approve the draft amendment to rule 29 to the Rules of Procedure of the Assembly of States Parties and the draft Assembly decision regarding rule 29. The Bureau decided that members would introduce this proposal to their respective regional groups in order for States Parties to be adequately informed prior to the discussion in the New York Working Group.

6. Quarterly briefing by the Independent Oversight Mechanism (IOM)

The Bureau took note of the report of the Temporary Head of the IOM, Ms. Kristina Carey, dated 17 April 2013, covering the first quarter of 2013, submitted pursuant to the reporting mandate of the IOM, set out in resolution ICC-ASP/8/Res.1.

The President informed the Bureau that, further to her 4 March 2013 letter to the Executive Office of the Secretary-General of the United Nations, the Executive Office had agreed to the continued assignment of Ms. Carey to Court for an additional period of one year, until 31 May 2014.

7. Other matters

a) Advisory Committee on Nominations

The President informed the Bureau that she had opened the first meeting of the Advisory Committee on Nominations, held on 19 April 2013 in The Hague, at the seat of the Court. The Committee had met in closed session, with two members participating via conference call, to consider organizational matters. The report of the Committee would be made available to the Bureau in due course. The President would contact the Committee in order to clarify questions raised by Bureau members and inform the Bureau accordingly at a future meeting.

b) Court's inquiry into sexual abuse allegations

The President referred to the 12 April 2013 informal meeting of the Bureau at which she had informed the Bureau of allegations of sexual violence committed by a former staff member of the Court against protected witnesses, and that the Court had launched its own internal investigation. She recalled that the Court had issued a press release on 12 April 2013 informing about the allegations and of the formal internal inquiry which it had launched into these allegations. Furthermore, her office had issued a press release on the same date, in which she voiced the concern of States Parties with respect to the allegations.

The Head of the New York Liaison Office, Ms. Karen Mosoti, provided an update on behalf of the Court. She informed the Bureau that the Court was deeply concerned by these grave allegations and that the matter was receiving its full and urgent attention. The results of the internal inquiry were expected to be delivered to the Registrar shortly and would be reported to the ICC judges concerned, as well as to the relevant parties. The Court would then determine further appropriate measures that may be required. The Court had also communicated the allegations to the relevant national authorities and will work closely with the relevant national authorities regarding the Court's internal inquiry and in relation to any measures they initiate.

The Bureau took note of the information provided. The view was expressed that the exchange of communication between the Court and States Parties should continue to be held

through the office of the President of the Assembly. The President would keep the Bureau informed in this regard. The Bureau decided to remain seized of the matter.

c) Contingency Fund

The Bureau took note of the supplementary budget notifications submitted by the Registrar pursuant to regulation 6.7 of the Financial Regulations and Rules, dated 9, 15 and 18 April 2013, in the sums of, respectively, €1,279,200, €14,500 and €24,554. The Bureau further noted that the response of the Committee on Budget and Finance was forthcoming.

The President indicated that all Contingency Fund notifications, as well as the Committee's responses, were available to States Parties on the ASP Extranet, and recalled that the Secretariat had conveyed a message to all States Parties in that regard on 22 April 2013.

d) Legal aid

The Bureau took note of the "Report of the Registry on the Comprehensive Review of the Legal Aid System of the Court", submitted by the Court on 28 March 2013 pursuant to resolution ICC-ASP/11/Res.1 (Section H), and noted also that the report would be considered under the facilitation on legal aid.

e) Visit to New York of The Hague Working Group Coordinator and facilitators

The President indicated that the Vice President of the Assembly and Coordinator of The Hague Working Group, Ambassador Markus Börlin (Switzerland), proposed to visit New York during the first week of June, and that he had invited the facilitators and focal points of the Working Group and the Chair of the Study Group on Governance to accompany him. The purpose of the visit was to establish a closer link with New York-based delegations and to share with them developments in the work of The Hague Working Group and Study Group.

f) Appointment of the co-facilitator for the Independent Oversight Mechanism

The Bureau took note that, following the Bureau silence procedure which ended on 12 April 2013, Ambassador Alvaro Moerzinger (Uruguay) had been appointed co-facilitator for the IOM. He will work together with Ambassador Jorge Urbina Ortega (Costa Rica), who had previously been appointed facilitator at the 5 December 2012 meeting. The President expressed the hope that an agreement on the IOM could be reached at the twelfth session of the Assembly.

g) Appointment of the co-facilitators for peace and justice

The Bureau appointed Ms. Fernanda Millicay (Argentina), Mr. Zénon Mukongo Ngay (Democratic Republic of the Congo) and Mr. Nikolas Stürchler (Switzerland) as co-facilitators for peace and justice.

h) Activities of the President

The President informed the Bureau on her activities since the 20 March 2013 meeting.

On 12 April, the President of the Court, Judge Sang-Hyun Song as well as the President of the Assembly, had addressed the Working Session on the ICC of the Political and Juridical Committee of the Organization of American States in Washington, D.C.

The President also briefed the Bureau on her meetings with officials of the African Union and African States Parties held in Addis Ababa, Ethiopia, from 15 – 18 April. In Addis Ababa, she had also participated in a seminar on complementarity and domestic capacity to investigate atrocity crimes, organized by the Institute for Security Studies. On 23 April, she had addressed the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe and participated in an event concerning Syria and the relationship between the United Nations Security Council and the International Criminal Court.

i) Next Bureau meeting

The next Bureau meeting will be held on 7 May 2013.
