



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Seventh meeting

8 July 2013

Agenda and decisions

The meeting took place in The Hague and was chaired by the President of the Assembly, Ambassador Tiina Intelmann (Estonia).

1. Evaluation and rationalization of the working methods of the subsidiary bodies of the Bureau

As regards the report entitled “Interim report to the Bureau: Evaluation and rationalization of the working methods of the subsidiary bodies of the Bureau”, dated 4 July 2013, prepared by the *ad country* focal points on the topic, Ghana, Sweden and Switzerland the Bureau welcomed and supported the practical, small-scale measures set out in paragraph 27 therein which could be immediately implemented. Furthermore, the Bureau noted that the recommendations set out in paragraphs 22 to 26 related to broader, cross-cutting issues that would require further consideration by the subsidiary bodies of the Bureau, and thus requested the focal points to continue their discussions on the issues identified therein with a view to reporting thereon in advance of the twelfth session.

The Bureau took note of the statement of Belgium that it would suspend further consideration of its proposal for the establishment of a sub-coordination of the working Group on Amendments in The Hague, taking into account the views expressed by the *ad country* co-focal points on the topic of reform. However, Belgium reserved the right to reintroduce the idea should any proposals of the Study Group on Governance to the Working Group on Amendments lead to unjustified delays and unnecessary travel of Court officials to New York.

2. Day of International Criminal Justice

The President welcomed the contribution of the Strategic Planning facilitator, Ambassador Vesela Mrđen Korać (Croatia) to the organization of the 8 July 2013 event, at which the United Nations High Commissioner for Human Rights, Her Excellency Navanethem Pillay, would be the keynote speaker. President Intelmann encouraged all stakeholders, including States, international tribunals, academic institutions, professional associations, media, and NGOs etc. to undertake activities to mark the Day of International Criminal Justice on 17 July.

Link to ICC DICJ web page:

http://www.icc-cpi.int/en_menus/asp/asp%20events/international%20criminal%20justice/Pages/international%20criminal%20justice.aspx

3. Staff Pension Committee

The Bureau appointed Mr. Zlatko Dimitroff (Bulgaria) to the Staff Pension Committee of the International Criminal Court to serve for the remainder of the term of Mr. Pavel Caban (Czech Republic), whose posting in The Hague would end in mid-July. The term would expire on 22 February 2014.

4. Contingency Fund notifications

The Bureau took note of the reports of the Court on the implementation of the Contingency Fund budget, dated 7 March, 11 June, 20 June and 2 July 2013, respectively, submitted pursuant to resolution ICC-ASP/11/Res.1.

5. Activities of the President

The President referred to her participation in a seminar on cooperation, held in Dakar for francophone African States on 25 and 26 June 2013, which had focused on witness relocation. She thanked Norway for taking the lead in organizing the seminar and noted that a similar seminar for Anglophone African States would be held in Arusha, towards the end of October.

On 27 to 28 June 2013, the President had visited Paris to hold meetings with officials of the French Foreign Ministry and with the Secretary-General of the Organisation de la Francophonie, Mr. Abdou Diouf, who would address the opening plenary of the twelfth session of the Assembly.

The President also referred to her visit to Addis Ababa in April 2013, where she had met with the President of the African Union Commission, as well as the Commissioner for Political Affairs. Furthermore, she had participated in a seminar on developing domestic capacity to investigate international crimes and also addressed the Ambassadors of States Parties accredited to the African Union at a separate meeting. President Intelmann noted that her interlocutors had expressed their willingness to hold another seminar co-organized by the African Union and the Court in Addis Ababa in the latter part of September.

As regards the Hague visit, President Intelmann had delivered opening remarks to the Iberoamerican week of international justice and human rights at The Hague University, which was an event organized for students from several Spanish speaking universities taking part in an ICC Moot Court competition. She would also engage in bilateral meetings with representatives of States and Court officials.

6. Other matters

a) ASP12 preparations

i) Special invitees to address the opening plenary

The President informed the Bureau that United Nations High Commissioner for Human Rights, Her Excellency Navi Pillay, as well as the Secretary-General of the Organisation de la Francophonie, Mr. Abdou Diouf, had accepted her invitation to address the opening plenary of the twelfth session of the Assembly.

ii) Reception on the opening of the twelfth session

The President indicated that financial contributions to cover the basic costs of the reception had been received, and encouraged additional contributions which would allow for enhancing the event.

iii) Programme of work

Belgium proposed that a pledging ceremony for the ratification of the Agreement on the Privileges and Immunities of the ICC (APIC) be included on the agenda of the twelfth session. A timeline of mid-2018 would be set for States Parties that were not party to the APIC to ratify or accede thereto.

The Bureau agreed to consider the proposal during its comprehensive discussion on the agenda for the twelfth session, once Belgium had submitted the proposal in writing.

iv) Next Bureau of the Assembly of States Parties

The President indicated that the Bureau had appointed some regional focal points for the composition of the Bureau for the triennium 2014-2017 and, in this connection, also noted that consultations were on-going in New York, led by Vice President of the Assembly Ambassador Ken Kanda (Ghana), regarding the next President of the Assembly.

b) Non-cooperation focal points

The Bureau appointed Uruguay as the regional focal point for non-cooperation for the Latin American and Caribbean group.

c) Request by Kenya for the convening an emergency special session of the Assembly

The President recalled that the Permanent Representative of Kenya to the United Nations, Ambassador Macharia Kamau, had made an oral submission to the Bureau at its 17 June 2013 meeting, requesting that a special session of the Assembly be convened that would address the situation in which the State of Kenya finds itself, with its President and Vice-President subject to summonses by the International Criminal Court and the decision of the African Union on International Jurisdiction, Justice, and the International Criminal Court.

The Bureau had subsequently met informally in New York under the chairmanship of the Vice-President of the Assembly, Ambassador Ken Kanda (Ghana). At that meeting Bureau members had expressed willingness to continue the dialogue with Kenya; at the same time, no consensus on convening a special session of the Assembly on the basis of the oral statement made by Kenya had emerged. Consultations with Kenya would continue in New York.

Bureau members stressed the importance of respecting the independence of the Court and the judiciary. As regards the procedure, the President referred to rule 8 of the Rules of Procedure of the Assembly, which provides that a special session may be convened by the Assembly, by the Bureau on its own initiative, or at the request of one third of the States Parties in accordance with paragraph 6 of article 112 of the Rome Statute.

d) Update by the Chair of the Oversight Committee on permanent premises

The Chair of the Oversight Committee on permanent premises, Mr. Roberto Bellelli (Italy), briefed the Bureau on the following key developments:

i) Review of Governance of the project

The construction project and the transition project will be unified in one Permanent Premises Project, with one overall budget and an agreed revised governance structure. The revised governance structure is without prejudice to the legal framework established and the mandates as conferred by the Rome Statute and by the Assembly of States Parties resolution ICC-ASP/6/Res.1 and subsequent resolutions.

The Oversight Committee will establish the financial target and strategy, as well as the funding mechanism for the unified project, including the transition costs, with the view to minimizing costs and their impact on the contributions of States Parties. The Project Director, who will become the leading manager of the unified project, with reporting lines to the Oversight Committee and the Registrar, will inter alia ensure that the strategies for the transition and the strategies for the construction project are implemented in full harmony with each other, so that the joint Project is delivered on time, within budget and to the quality requirements. The funding mechanism will be developed in consultation with the Court and based on the objective of minimizing the impact of transition costs on the contributions of States Parties whilst at the same time providing sufficient flexibility to the unified project to enable efficient and effective management and realisation of the strategic goals.

ii) Decision to change the design

The Chair of the Oversight Committee indicated that the decision to approve a change in the design of the permanent premises for the purpose of expanding the flexibility of the project, so as to include the possibility of holding large conference events, had been subjected to a silence procedure, which ended on 10 July 2013.

Referring to the background to this decision, he recalled that since the beginning of 2013, the Oversight Committee had considered the possibility of a change to the design of the Permanent Premises, which would include a convertible space for hosting larger conference events, including possible Assembly sessions. The Project Director had clarified that any decision in that regard had to be taken by the month of July, as otherwise it would have been potentially disruptive for the project timelines and costs.

The procedure, analysis, and objectives of the proposal had been explained in the presentations of the Chair of the Oversight Committee to the New York Working Group and to The Hague Working Group in June and July 2013, respectively, without any formal objections having been raised.

A consultation procedure was established, including for formally receiving the views of the Court (Presidency and Registry) and of States Parties (Working Groups of The Hague and New York of the Bureau), NGOs, and of the Secretariat of the Assembly of States Parties. The implications of the change in the design were considered from their political, operational and financial perspectives.

The Court clarified that holding conferences at the ICC premises would have been possible, provided that additional technical requirements were taken into account in the design. The Project Director had consulted with the relevant offices in the Registry, and upon consideration of the Court's needs, had concluded that there were no insurmountable obstacles, i.e. the requirements of main judicial functionality of the Court could all be taken into account through the design.

The financial implications of the change in design were estimated in an investment cost of €715,207. The cost of holding a session of the Assembly at the permanent premises was estimated at €294,029 against €641,742, if the Assembly session was to be held at the

World Forum Convention Centre. As a consequence, the total saving on the regular budget per single event-Assembly format would be €311,498, which would make the business case sound, as the investment would be covered by holding little more than two Assembly type events over the forty years of expected lifetime of the premises.

The political implications were considered both in terms of positive impact on the image of unity of the Rome Statue system, and based on the concerns expressed that the arrangements for an Assembly session would have to be adapted, as the ICC premises were not purpose built for holding conferences.

The Chair indicated that on 5 July 2013 the Oversight Committee had heard the views of the Court, the Project Director, and the Secretariat of the Assembly; he noted that the Secretariat had expressed its strong reservations about holding Assembly sessions at the permanent premises, insofar as the functionality of the expanded conference facilities is concerned.

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