



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Ninth meeting

18 September 2013

Agenda and Decisions

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

1. Preparations for the twelfth session of the Assembly

a) Provisional agenda and work programme

As regards a proposal that a pledging ceremony for the ratification of the Agreement on privileges and immunities of the Court (APIC) be included in the agenda of the twelfth session, the President informed that after consultations with Bureau members, it seemed preferable to take up the issue at the following Assembly in 2014.

Language to that effect would be submitted for inclusion in the omnibus resolution. The Bureau decided that it would discuss in the beginning of 2014 how exactly to proceed, keeping in mind a timetable for the facilitation of pledges leading up to the Assembly session taking place at the end of 2014.

Further consultations on a possible theme for the debate would continue among Bureau members and the Bureau would revert to the issue on 3 October, along with the consideration of the provisional agenda and work programme for the twelfth session. Concerning the topic of a debate, to be held at the upcoming session of the Assembly in accordance with rule 45 of the Rules of Procedure of the Assembly, the President reminded Bureau members of the consultations the office of the President undertook over the previous two months to gauge the possibility of focusing the debate on complementarity. There was no consensus as to whether or not the general debate should have a topic. In order to facilitate the process, the President recommended that interested Bureau members should discuss amongst themselves to reach a consensus.

b) Seating arrangements

In accordance with resolution ICC-ASP/1/Decision4, the President drew a lot from the names of all States Parties to choose the State Party that would occupy the first desk on the Assembly floor: Central African Republic.

c) Trust Fund established for the participation of the least developed countries and other developing States in the activities of the Assembly

The Bureau recalled that those States wishing to make use of the Trust Fund established to facilitate their participation in the work of the Assembly could submit their requests to the Secretariat before the 4 October 2013 deadline. The Trust Fund could provide assistance for the travel to the Assembly of one delegate per State.

d) States in arrears

The Bureau called upon the 10 States Parties in arrears to submit the (minimum) payment of their financial contributions towards the costs of the Court so as to avoid the loss of voting rights under article 112, paragraph 8, of the Rome Statute.

e) Documents for the twelfth session

The Bureau called upon the Secretariat to continue to pursue a “paper light” approach, so as to reduce the number of hardcopies of documentation and communications, making increased use of modern technology and “open space” platforms which facilitate instant access to such material for delegations. In this connection, the Bureau brought to the attention of all States that the invitation and all the documentation concerning the twelfth session of the Assembly, including information on the elections, can be found on the web site of the Court under the section of the Assembly.

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

The President drew attention to the fact that the Secretariat had received seven nominations for the election of six members of the Committee.¹ The Bureau decided to proceed as it had on similar occasions in the past and appointed a Bureau member, South Africa, to consult with the interested States to discuss how to present a consensus candidate so as to avoid having a ballot for the election of that seat.

g) Retreat for Ambassadors

The Bureau took note of the initiative to hold a retreat at the level of Ambassadors of States Parties in The Hague on 16 October in order to prepare for the upcoming Assembly session. The retreat is organized by the Vice-President of the Assembly, Ambassador Markus Boerlin (Switzerland), with the financial support of the Permanent Representation of the Netherlands to the International Criminal Court.

2. Contingency Fund

In accordance with the relevant Assembly decision, the Bureau received the Contingency Fund notifications submitted by the Court in 2013 and took note that the revised amounts of the notifications result in adjusted figures totaling €7,211,054.

3. Advisory Committee on Nominations

The Bureau requested the Secretariat to cover, within existing resources, the cost of travel and accommodation to The Hague for those members of the Advisory Committee on Nominations of judges who are unable to finance the trip to the second meeting, scheduled for 18 October in The Hague.

4. Other matters

a) Court's quarterly reports on legal aid

The Bureau took note of the Court's second and third quarterly reports on legal aid,² which the Court had conveyed in accordance with the budget resolution from the prior Assembly session.

b) Recent developments

The President recalled that the Parliament of Kenya had passed a motion to withdraw from the Rome Statute. The President pointed out that she had issued a press release regarding this matter in which she expressed her hope that Kenya would remain a State Party. Bureau members expressed their willingness to continue to engage with Kenyan representatives with regards to concerns that fall within the mandate of the Assembly. The President further drew the attention of Bureau members to the exchange of letters between the Prime Minister of Ethiopia, H.E. Mr. Hailemariam Desalegn and the Chairperson of the African Union Commission, Ms. Nkosazana Dlamini-Zuma, and President Sang-Hyun Song and Second Vice-President Cuno Tarfusser³. In these letters various aspects of the on-going ICC proceedings against the Kenyan President and his Deputy were addressed.

¹ ICC-ASP/12/25.

² CBF/21/2 and CBF/21/19.

³ President Song and Second Vice-President Tarfusser addressed letters to H.E. Mr. Desalegn and Ms. Dlamini-Zuma on 5 August and 13 September 2013, respectively, in response to letters received by the Presidency on 29 July (dated 8 July) and 10 September 2013.

The President further recalled that the Sudanese Defense Minister Abdel Rahim Mohammed Hussein, against whom an ICC arrest warrant is pending, had visited the Central African Republic to attend the inauguration of President Michel Djotodia. In this connection, the President had written a letter to the Minister for Foreign Affairs of the Central African Republic, expressing concern over Mr. Hussein's visit and reminding the country of its obligations under the Rome Statute.

Additionally, the President addressed the visit by Mr. Omar Al-Bashir to Nigeria and the decision of Pre-Trial Chamber II (ICC-02/05-01/09) on the cooperation of the Federal Republic of Nigeria. The President also informed Bureau members that Mr. Al-Bashir was considering to participate in the General Debate of the 68th session of the United Nations General Assembly in New York and that a U.S. visa had been requested to that effect. The President recalled that on 17 September, as well as on 20 September 2013, she had sent a message in this regard to all States recalling the obligation of States Parties, on whose territory the indictee might appear while in transit, to arrest and surrender Mr. Al-Bashir to the ICC.

c) Update on President's activities

The President informed Bureau members about her participation in a panel on International Criminal Law at the Bled Strategic Forum in Ljubljana, Slovenia, as well as her travels from 1 to 11 September 2013 to Uganda and the Democratic Republic of Congo to visit projects of the Trust Fund for Victims. She likewise informed members of her participation in a policy forum, to take place on 19 September, organized by the International Peace Institute in New York to discuss Kenya and the ICC.

d) Rationalization of the term of the Bureau

The President recalled that on 26 April the Bureau had expressed its readiness to approve the draft amendment to rule 29 of the Rules of Procedure of the Assembly of States Parties, as well as the draft Assembly decision regarding rule 29. The draft amendment had been introduced to all delegations at the New York Working Group meeting on 5 June 2013 and subsequently sent to all States Parties for comments. The focal point for the rationalization of the term of the Bureau, Mr. João Miguel Madureira (Portugal), informed that he had not received any comments. The Bureau therefore decided to recommend the proposed amendment to rule 29 for adoption at the twelfth session of the Assembly.

e) Working Group reports

The President reminded Bureau members that given the few weeks left before the Assembly, the reports from both the New York and the Hague Working Group on different facilitations should be finalized and submitted to the Bureau.

f) Evaluation and rationalization of the working methods of the subsidiary bodies of the Bureau

The Bureau was informed on behalf of the three *ad-country* focal points that The Hague Working Group was still considering different aspects of the report to the Bureau.
