



Twentieth ICC-ASP Bureau Meeting

9 December 2010

Agenda and Decisions

The President of the Assembly, H.E. Mr. Christian Wenaweser (Liechtenstein), chaired the meeting.

1. Briefing by the Prosecutor

The Prosecutor briefed the Bureau on the statement he would give to the United Nations Security Council in the afternoon of 9 December on actions taken pursuant to resolution 1593 (2005), in accordance with paragraph 8 of that resolution. He further stated his intention to, in future, periodically brief the Bureau on the work undertaken by his office. The President indicated his willingness to arrange for such briefings in the future and encouraged participation at the level of Permanent Representatives.

2. Report of the Oversight Committee

The Chair of the Committee, Mr. Martin Strub (Switzerland), informed the Bureau that progress in the permanent premises project was on track, after initial delays, and within the estimated cost. The project was entering the final design phase and construction was due to start in 2012.

3. Updates by the facilitators

a) Budget

The facilitator for the budget, Ambassador Lydia Morton (Australia), informed the Bureau that two informal and two “informal” informal sessions had taken place. The report of the External Auditor, the appointment of the External Auditor, the introduction of International Public Sector Accounting Standards, the Contingency Fund, reclassification of posts, established posts and several other matters had been discussed and agreement reached thereon. The Assembly would take up the amount of the appropriations later on 9 December and would also hear a briefing on the issue of judges’ pensions.

b) Cooperation

The facilitator on cooperation, Ambassador Mary Whelan (Ireland) informed the Bureau that there had been good discussions in consultations, which saw the participation of 14 States Parties. States Parties had shared their experiences on cooperation and spoke, inter alia, of the Plan of action and the concerns of the African group. There was support for text to be included in the omnibus resolution, and for taking up further the issues raised in paragraph 19 of the Report of the Bureau on cooperation (ICC-ASP 9/24).

c) Governance

The facilitator for the governance resolution, Vice-President of the Assembly, Ambassador Jorge Lomónaco (Mexico), indicated that, under the agenda item “Review Conference follow-up”, he had introduced the resolution on the establishment of a study group on governance and that no delegation had made any comments thereon.

d) Independent Oversight Mechanism

The facilitator for the Independent Oversight Mechanism, Mr. Vladimir Cvetković (Serbia), informed the Bureau that he had held informal and “informal” informal consultations. He noted that several delegations had changed their positions from the ones they had taken in The Hague and that they had expressed concerns on the draft transmitted by The Hague Working Group. He also expressed concern about comments directed against him. He indicated that, since he would be leaving his post, a new facilitator would have to be appointed in 2011.

Vice-President Lomónaco informed the Bureau that consultations to identify a new facilitator were ongoing and expressed his hope that the forthcoming discussions on the topic would be held in a respectful manner. The President joined the appeal to conduct the consultations in a business-like manner and expressed his hope that a consensual solution would be found at the ninth session of the Assembly.

e) Omnibus resolution

The facilitator for the omnibus resolution, Mr. Zénon Mukongo Ngay (Democratic Republic of the Congo), informed the Bureau that he hoped to conclude consultations on the omnibus resolution on 9 December 2010.

f) Premises of the Court

The Chair of the Oversight Committee, Mr. Martin Strub (Switzerland), informed the Bureau that the draft resolution would be discussed later on 9 December.

g) Amendments

The President briefed the Bureau on behalf of Ambassador Paul Seger (Switzerland), Chair of the Working Group on Amendments, and outlined the agreement reached in the Working Group, which included informal discussions in the framework of the New York Working Group on the amendment proposals submitted prior to the Review Conference. He indicated that the report of the Working Group would be adopted in the course of 9 December.

4. Election of the Prosecutor for the period starting 2012

The President recalled that, at its nineteenth meeting, the Bureau had adopted the terms of reference of the Search Committee entitled “Bureau of the Assembly of States Parties-Search Committee for the position of the ICC Prosecutor”, as revised, and decided that the composition of the Search Committee should be finalized before the end of 2010, in order to enable the Committee to commence its work at the earliest opportunity.

He urged regional groups to continue their consultations with a view to submitting one candidate for each group as soon as possible, in order to have an agreement on the Search Committee before the end of the calendar year. Upon having received one candidature from each regional group, with the understanding that these candidatures were agreed to by the

group, he stated his intention to circulate the names and subject them to a silence procedure.

5. Decisions of Pre-Trial Chamber I, dated 27 August 2010, informing the United Nations Security Council and the Assembly of the States Parties to the Rome Statute about Omar Al-Bashir's recent visit to Chad and Kenya

The President recalled his letter to the former Foreign Minister of Kenya, dated 28 August 2010, and his meeting with the same, of which he had previously informed the Bureau. He stated that now that a reply had been received from Kenya, the matter could be taken up within the framework of the Bureau. He encouraged the other State to which he had written to submit a written reply as well. This approach was supported by the Bureau and the President indicated that he would convene a Bureau meeting to this end.

6. Other matters

a) Composition of the current Bureau

The President recalled the intention to fill the vacant position of Vice-President of the Assembly with a member of the same regional group as the previous incumbent. However, he had been informed by the African Group that this would not be possible. He was now actively consulting with members of other regional groups, and hoped that the Assembly would be able to elect a new Vice-President at the final plenary meeting of its ninth session, on 10 December 2010.

b) Programme of work of the Assembly of States Parties

A member of the Bureau raised concerns about the number of parallel meetings held during the present session of the Assembly, which placed a great strain upon small delegations. The President noted that this could only be avoided if more time was allocated to future Assembly sessions, given the limited time available and the large number of issues to be dealt with. He encouraged delegations to consider this problem when allotting time to future sessions of the Assembly in the omnibus resolution.
