



Thirteenth ICC-ASP Bureau Meeting

4 October 2011

Agenda and Decisions

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

1. Search Committee for the position of Prosecutor

The President recalled that, in light of the 30 September briefing by the Coordinator of the Search Committee to the New York Working Group, no briefing was foreseen at this meeting. He also recalled that the Search Committee intended to adhere to the following timelines:

- a) Week of 10 October: interviews with the “long short list” candidates
- b) On or around 21 October: Submission of the report to the Bureau

2. Consultations to identify the Bureau for the tenth to twelfth sessions

The focal points updated the Bureau on the continued consultations within their respective regional groups:

- a) Asia and Pacific group: Japan informed that four States Parties were currently interested in three seats. Two of these states had been encouraged to consult among themselves; these consultations, however, had not yet been completed.
- b) Group of Latin American and Caribbean States: Venezuela informed that five States Parties had expressed an interest in four available seats.
- c) Western Europe and Other States group: the United Kingdom informed that seven States Parties were currently interested in five seats. A meeting with interested States had been held last week, and further such meetings would continue to be held approximately every ten days until the issue was resolved.

The President stated that he had been informed that the host State had consulted on the question of the host State receiving a standing invitation to future Bureau meetings where host State matters were discussed. The Bureau decided to subject this matter to a silence procedure which would expire on 7 October.

3. Preparations for the tenth session

- a) *States in arrears*

The Bureau took note that, in accordance with article 112, paragraph 8, of the Rome Statute, the 10 States in arrears would not be able to vote at the tenth session unless the requisite payments had been received by the Court prior to the session.

Further to the two notes sent earlier in the year, the Secretariat conveyed on 26 September 2011 the information to the States concerned. The Bureau encouraged the States Parties in question to make the payments required of them.

4. Status of nominations

a) Judges

The Bureau took note that, on 21 September 2011, Maldives had acceded to the Rome Statute bringing the total number of the Asian and Pacific States to 17. In accordance with paragraph 20(b) of resolution ICC-ASP/3/Res.6, as a result of Maldives' accession, the Asia and Pacific regional group is entitled to a minimum voting requirement of one.

The Bureau approved the draft note verbale concerning the status of nominations prepared by the Secretariat, and requested the Secretariat to disseminate it to States Parties.

b) Committee on Budget and Finance

The Bureau noted that, as there was no GRULAC nomination for the seat allocated to the regional group at the close of the nomination period on 16 September 2011, the President, on 21 September 2011, had extended the nomination period for a period of two weeks, until 30 September 2011, in accordance with paragraph 4 of resolution ICC-ASP/1/Res.5.

c) Prosecutor

The Bureau noted that, since no candidates had been formally presented at the close of the nomination period on 20 September 2011, the President had extended the nomination period for a period of two weeks, until 30 September 2011, in accordance with resolution ICC-ASP/3/Res.6.

The President again underscored that the extensions of the nomination period are a formal requirement that could and should not be skipped. At the same time, he recalled that the Search Committee is not seeking nominations from any State Party and is grateful that States have hitherto abstained from submitting formal nominations.

5. Premises

The Bureau considered the final report on the possible option to purchase the Arc building, dated 27 September 2011, submitted by the focal points, Australia, Germany and Nigeria. The President noted that the only resolutions of the Assembly on Premises pertain to the Permanent Premises.

The opinion was expressed that this matter should be dealt with urgently. Appreciation was also expressed at the quality of the report of the consultants.

The representative of the host State noted, with regards to the presentation of the consultants, that €100-120 million has been spent by the host State of the Permanent Premises. Should the Permanent Premises Project not be completed, the host State would insist on the reimbursement of this amount.

It was noted that the Interim Premises Purchase Option could represent a savings of €80 million and cost €3 million a year less to operate, while there is a gap in functionality. It was further noted that some of the figures for the Permanent Premises project appeared to be out of date, making the Permanent Premises appear more expensive than it in fact is. These questions had been raised in The Hague. The opinion was also expressed that clearer figures on interest payments were needed for an informed decision to be taken.

The question was raised whether the outlays by the government of the host State had been factored into the Permanent Premises project, or whether they were separate. The representative of the host State undertook to ascertain what was included in the €232.3 million figure given for the Permanent Premises in the consultants' report.

The Bureau decided to revert to this matter at a meeting to be held on 14 October, with a view to holding a conclusive discussion. Any questions on the documentation should, if possible, be addressed to the facilitators prior to the 14 October meeting.

As regards the lease negotiations for the Arc building, the Bureau noted that the negotiations were still ongoing and that the report by the focal points would be expected in the second half of October. The Bureau decided to extend the mandate of the facilitators, Australia, Germany and Nigeria until the end of October.

6. Independent Oversight Mechanism

As regards the recruitment of a temporary head of the IOM, the Bureau took note that the United Nations has agreed to release the candidate that would assume the post for six months, and that the release date would be communicated in the coming days.

7. Other matters

a) President's travels

The President informed that he, together with the incoming President, Ambassador Tiina Intelmann (Estonia), would be visiting The Hague from 19 to 21 October.

a) Next Bureau Meeting

The next Bureau meeting will be held on 14 October. The President recalled his intention to hold a conclusive debate on the Interim Premises Purchase Options.
