



**BUREAU OF THE ASSEMBLY OF STATES PARTIES**

**Fifteenth ICC-ASP Bureau Meeting**

**18 September 2012**

**Agenda and Decisions**

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

**1. Preparations for the eleventh session**

*a) Seating arrangements*

In accordance with decision ICC-ASP/1/Decision 4, Denmark was chosen, by the drawing of lots, to occupy the first desk on the Assembly floor, to the right of the President, from which the English alphabetical seating order would begin.

*b) General debate*

Further to the decision at its twelfth meeting, on 29 May 2012, the Bureau requested the Secretariat to indicate, when sending out the agenda for the next session of the Assembly, the possibility for States to participate in the thematic general debate “Tenth anniversary of the entry into force of the Rome Statute: the challenges ahead” by making written submissions, which would be posted on the website of the Assembly. The Bureau also requested the Secretariat to invite States in a position to do so to submit written statements only.

*i) Time limits*

The Bureau recommended, on the basis of rule 50 of the Rules of Procedure of the Assembly and of previous decisions of the Assembly regarding the time limit for statements in the general debate, that the Assembly request speakers to observe a time limit of five minutes.

The Bureau requested the Secretariat, on behalf of the President, to inform States that a general debate would be held on 15 November 2012, in the morning and afternoon sessions, as well as during the lunch and dinner break in order to try to exhaust the list of speakers in one day. Depending on the number of speakers, a night session might also be required.

The Bureau requested the President to inform States of the opening of the list of speakers on 15 October 2012 (Central European Time), and of the time limit of five minutes for such statements.<sup>1</sup>

*ii) Participation of observers and non-governmental organizations*

The Bureau, on the basis of previous Assembly decisions, recommended that the Assembly allocate 45 minutes for the participation of observers in the general debate, pursuant to rule 92 of the Rules of Procedure of the Assembly.

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<sup>1</sup> Requests for inscription on the list of speakers for the general debate should be conveyed as of 15 October to [asp@icc-cpi.int](mailto:asp@icc-cpi.int).

The Bureau also recommended that 45 minutes be allocated to non-governmental organizations for the delivery of statements at the end of the general debate.

*c) Work programme for the eleventh session*

The Bureau approved the provisional programme of work, dated 18 September 2012, on the understanding that it would be subject to modification depending on the progress on different items during the session.

While acknowledging that the President and the Secretariat necessarily required flexibility in the implementation of the work programme, the Bureau recommended avoiding overlaps between negotiations on the omnibus resolution and the budget, as far as possible. To that end, it urged that all efforts be made to conclude these negotiations before the opening of the eleventh session of the Assembly.

*d) Reports of the Working Groups*

The Bureau had before it the interim report of the Study Group on Governance, dated 31 July 2012, which had been conveyed to the Bureau on 13 August, pursuant to Section H, paragraph 1 of resolution ICC-ASP/10/Res.4. The Bureau was not able to find consensus on requesting the budget facilitator to take the report into account during his consultations on 2013 budget.

The President requested the Coordinators of the Working Groups to make every effort to complete their work as soon as possible, for the submission of their respective reports to the Bureau by mid-October.

*e) Side events*

In order to facilitate proper planning by the Secretariat, the Bureau requested States, observers and non-governmental organizations wishing tentatively to hold side-events during the eleventh session to so indicate to the Secretariat by 19 October 2012, with a view to the preparation of a draft Journal.

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

The Bureau called upon the least developed countries and other developing States to submit their requests to the Secretariat before 28 September 2012 to make use of the Trust Fund established to facilitate their participation in the work of the Assembly. This Trust Fund could provide assistance for the travel to the Assembly of one delegate per State.

## **2. Tenth anniversary update**

The President informed the Bureau that, according to information received by the Secretariat of the Assembly,<sup>2</sup> approximately 42 events had taken place in connection with the tenth anniversary, and a further 13 were scheduled. She called on those organizing such events to convey information on the events to the Secretariat.

The host State informed the Bureau that it would host an event in The Hague on 14 November in the *Ridderzaal* (Knight's Hall), to which two members of each delegation would be invited. On 13 November from 18.00 to 20.00 hours, there would be a reception hosted by the Municipality of The Hague, which would also be open to two members per delegation. Notes verbales containing this invitation would be conveyed soon.

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<sup>2</sup> <http://www.10a.icc-cpi.info>

### **3. Status of nominations**

#### *a) Board of Directors for the Trust Fund for Victims*

The Bureau took note that, at the close of the nomination period on 8 August 2012, five candidates had been nominated for the five seats on the Board, and that the nomination period had thus closed. The Bureau also noted that relevant supporting documentation had been posted on the website of the Assembly and would be issued under the symbol ICC-ASP/11/14.

#### *b) Advisory Committee on Nominations*

The Bureau took note that, further to its 9 July 2012 decision on the automatic extension of the nomination period until 31 August, the Secretariat had conveyed to States note verbale ICC-ASP/11/S/61, dated 10 August 2012, informing them of the extension of the nomination period. As at 31 August 2012, 14 candidates had been nominated for the nine available seats. The Bureau also noted that relevant supporting documentation had been posted on the website of the Assembly and would be issued under the symbol ICC-ASP/11/18.

As regards the Working Group of the Bureau, established at its 1 May 2012 meeting,<sup>3</sup> the Bureau noted that three members, the Czech Republic, Japan and South Africa, had already been appointed. On the basis of the nomination of the Western European and other States Group, the Bureau appointed Switzerland to the Working Group. The Bureau decided that the Working Group would conduct regular consultations with other members of the Bureau. The Bureau renewed its call to the Latin American and Caribbean group to identify a candidate for appointment to the Working Group. Once it was in receipt of this nomination, the Bureau would proceed to appoint the member via the silence procedure, to facilitate an early start of the work of the Working Group.

#### *c) Election of the Deputy Prosecutor*

The Bureau took note that, on 4 September 2012, the Prosecutor, Ms. Fatou Bensouda, had informed the President that the process of selection of candidates for election to the position of Deputy Prosecutor (Prosecutions) had been finalized. Three candidates had been selected from a pool of 120 applicants, namely, Mr. Paul Rutledge (Australia), Mr. James Stewart (Canada), and Ms. Raija Toiviainen (Finland). The letter nominating the three candidates, as well as a compilation of statements of qualifications, had been published by the Secretariat on 11 September 2012, as an advance version of document ICC-ASP/11/17.

The Bureau exchanged views on the way ahead. Views were expressed that all States Parties should be given the opportunity to interact with the candidates in the context of the New York Working Group.

### **4. Non-cooperation**

Regarding the regional focal points on non-cooperation, the Assembly procedures relating to non-cooperation<sup>4</sup> provide for the Bureau to appoint four regional focal points for non-cooperation, who would assist the President in her good offices. At its 29 May 2012 meeting, the Bureau had appointed Japan as focal point for non-cooperation for the Asia-Pacific Group.

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<sup>3</sup> The working group of the Bureau would comprise one member from each regional group, which would be tasked with identifying nine candidates for nomination by the Bureau and election by the Assembly, and with ensuring that the requirements set out in the Committee's terms of reference are respected. The terms of reference are set out in the report of the Bureau on the establishment of an Advisory Committee on nominations of judges of the International Criminal Court (ICC-ASP/10/36), annex.

<sup>4</sup> Resolution ICC-ASP/10/Res.5, annex.

## **5. Report by the Chair of the Oversight Committee on permanent premises**

The Bureau took note of the report of the Chair of the Oversight Committee on permanent premises, Mr. Roberto Bellelli (Italy), prepared pursuant to annex II, paragraph 15 of resolution ICC-ASP/6/Res.1, containing the most significant developments of the project since his 15 June report, in particular as regards the selection of the general contractor.

It was noted that the cost for the construction project was now €6 million less than originally envisaged. In that regard, Bureau members expressed their appreciation for the Oversight Committee's careful approach to the budget. They also hoped that there would be no further delays in the permit application, and conveyed their gratitude to the host State for its contribution to the permit fee.

## **6. Contingency Fund**

The Bureau took note of two supplementary budget notifications, dated 15 and 27 August 2012, addressed to the Chair of the Committee on Budget and Finance, in the sums of €15,200 and €605,300, respectively. The notifications were submitted by the Registrar pursuant to regulation 6.7 of the Financial Regulations and Rules, and relate to the extension of the mandate of two judges in the case of *The Prosecutor v. Katanga and Ngudjolo Chui*, as well as the unforeseen developments in existing situations.

## **7. Other matters**

### *a) Update on the President's activities*

The President informed the Bureau that she had visited the seat of the Court from 5 to 7 September 2012 and had, inter alia, participated in a symposium hosted by Women's Initiatives for Gender Justice and UN Women, titled "Strengthening Gender Justice through International Prosecutions".

On 10 and 11 September 2012, she had hosted a seminar in Tallinn, Estonia, organized together with the Ministries of Foreign Affairs of Estonia and Finland, the Estonian Institute of Human Rights and the Estonian Foreign Policy Institute, which focused on victims, reparations and other related issues.

### *b) Detained staff members*

The President indicated that the Court had yet to receive a formal communication from the Government of Libya as to the charges against the four staff members of the Court who had been detained in Libya. The Court was conducting an internal fact-finding exercise. The President drew attention to the discussion paper on privileges and immunities of Court staff, dated 14 September 2012, circulated by the facilitator on cooperation, Ambassador Anniken Krutnes (Norway).

The President had also held a meeting with States Parties to the Rome Statute represented on the Security Council, on the subject of future referrals and the issue of privileges and immunities in light of this situation. She had, inter alia, conveyed the request of the Bureau for a meeting with Security Council members.

### *c) Next Bureau meeting*

The Bureau will meet in mid-October, or earlier as required.

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